

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD
OF THE
One Hundred And Fifteenth Legislature
OF THE
State Of Maine

VOLUME VI

SECOND REGULAR SESSION

House of Representatives
March 10, 1992 to March 31, 1992

Senate
January 8, 1992 to March 9, 1992

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

In Senate Chamber

Tuesday

January 21, 1992

Senate called to Order by the President Pro Tem,
Nancy Randall Clark of Cumberland.

Prayer by the Honorable Dale McCormick of Kennebec.

SENATOR DALE MCCORMICK: The meditation today are the words of the Reverend Martin Luther King, Jr., which I thought were appropriate on the day after the celebration of the holiday in honor of his birthday.

The ultimate measure of a woman or a man is not where he stands in moments of comfort and convenience, but where he stands at times of challenge and controversy. The true neighbor will risk her position, her prestige, and even her life for the welfare of others. In dangerous valleys and hazardous pathways, he will lift some bruised and beaten brother or sister to a higher and more noble life.

Reading of the Journal of Thursday, January 16, 1992.

PAPERS FROM THE HOUSE
Non-concurrent Matter

Bill "An Act to Reduce Administrative Costs of State Government and to Clarify Previous Legislative Reductions in State Government Administration" (Emergency)

H.P. 1539 L.D. 2172

In House, January 16, 1992, under suspension of the Rules, **READ TWICE** and **PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "A" (H-865)**, without reference to a Committee and **ORDERED PRINTED**.

In Senate, January 16, 1992, referred to the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** and **ORDERED PRINTED** in **NON-CONCURRENCE**.

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

On motion by Senator **DUTREMBLE** of York, Tabled 1 Legislative Day, pending **FURTHER CONSIDERATION**.

COMMUNICATIONS

The Following Communication: S.P. 854

115TH MAINE LEGISLATURE
January 16, 1992

Senator R. Donald Twitchell
Rep. Robert J. Tardy
Chairpersons
Joint Standing Committee on Agriculture
115th Legislature
Augusta, Maine 04333
Dear Chairs:

Please be advised that Governor John R. McKernan, Jr. has withdrawn his nomination of Charles F. Davis of Gouldsboro for reappointment to the Maine Milk Commission.

Pursuant to Title 7, MRSA Section 2952, this nomination is currently pending before the Joint Standing Committee on Agriculture.

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 **AGRICULTURE**.

Sent down for concurrence.

The Following Communication: S.P. 855
115TH MAINE LEGISLATURE

January 16, 1992

Senator R. Donald Twitchell
Rep. Robert J. Tardy
Chairpersons
Joint Standing Committee on Agriculture
115th Legislature
Augusta, Maine 04333

Dear Chairs:

Please be advised that Governor John R. McKernan, Jr. has nominated Charles F. Davis of Gouldsboro for reappointment to the Maine Milk Commission.

Pursuant to Title 7, MRSA Section 2952, this nomination will require review by the Joint Standing Committee on Agriculture 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 **AGRICULTURE**.

Sent down for concurrence.

The Following Communication:
FINANCE AUTHORITY OF MAINE
83 WESTERN AVENUE
AUGUSTA, MAINE 04332

January 13, 1992

Honorable Charles P. Pray
Maine State Senate
State House Station 3
Augusta, ME 04333

RE: Report of the Advisory Committee on Medical Education on Postgraduate Health Professions Programs

Dear President Pray:

During the First Regular Session of the 115th Legislature, and at the suggestion of the Joint Standing Committee on Appropriations and Financial Affairs, legislation was enacted directing the Finance Authority of Maine (FAME) to review the Postgraduate Health Professions Programs administered by the Authority and to make suggested recommendations for improving these programs. The Finance Authority of Maine was directed to report its findings to the Joint Standing Committee on Education by January 15, 1992. I have enclosed a copy of the final report for your review and consideration. The report and its recommendations were prepared by the Advisory Committee on Medical Education with FAME staff assistance. A list of the membership of the Medical Advisory Committee is included in the report.

Currently, there are two "financial aid" programs

administered by FAME pertaining specifically to medical education. The Medical Contract Program is designed to provide students who are Maine residents with access to seats at allopathic medical schools. The program was developed because Maine does not have an allopathic medical school, and therefore Maine residents must go out of state to attend allopathic medical schools.

State supported medical schools in other states generally provide State residents with preferred access: residents are more likely to get accepted than out-of-state students. Through the Medical Contract Program, the State of Maine pays 7 different medical schools for up to 23 seats for Maine students per year, giving them a greater likelihood of acceptance.

A portion of the payment made by FAME under the Medical Contract Program is repaid by the students, unless they return to Maine and practice in a designated underserved area, in which case the loan can be forgiven. This loan component is paid by FAME for each seat regardless of whether the student has financial need for the loan.

The second part of the program is the Osteopathic Loan Program. Students attending osteopathic schools of medicine, such as the University of New England College of Medicine in Biddeford, can receive loans of up to \$5,000 per year to help pay for their education. These students are also entitled to forgiveness if they practice in underserved areas in Maine.

In addition, a portion of the Contract Program repayments has been provided to support the Student Loan Repayment Program administered by the Department of Human Services. State funds are matched by federal moneys and used to help pay the education loans of doctors who practice in federally designated underserved areas in Maine.

These programs are designed to meet two main needs:

1. To provide incentives for physicians to practice primary care medicine (including pediatrics, obstetrics, internal medicine and family practice) and to locate in underserved areas. The incentives have included loans, loan forgiveness and loan subsidies. Maine currently suffers from a shortage of primary care providers, particularly in rural areas.

2. To improve the opportunities for Maine residents to obtain admission to allopathic and osteopathic medical schools with appropriate curriculums focusing on primary care. Maine is one of only two states without an allopathic medical school and ranks 50th nationally in the number of residents graduating from medical school each year.

The attached report contains recommendations to revise the programs to focus more directly on the two main goals. The recommendations are centered around three main components: access (capitation), need based loans and recruitment of primary care physicians.

The primary recommendations regarding access are to separate the loan component of the current Medical Contract Program from that portion which purchases access (capitation). Capitation would be limited to allopathic and osteopathic seats, since the Advisory Committee believes that there is no longer a need to purchase access to seats in dentistry, optometry and veterinary science. FAME would undertake a "Request for Proposals" in order to determine which medical

schools can provide access most cost-effectively while at the same time serving other needs of the program, including providing a curriculum which encourages students to practice in primary care. By purchasing seats in blocks, Maine can exert leverage on the schools to offer a curriculum with a primary care focus.

The loan portion of the restructured program would become available to students based upon need, regardless of whether they were also benefiting from the capitation part of the program. Currently, financial need is not a consideration in the Medical Contract Program. Dental, veterinary and optometry students would be eligible for a portion of the loan funds. Loans would continue to be forgiven for those who practice in designated underserved areas or specialties.

Finally, more funds would be allocated to the Student Loan Repayment Program, leveraging increased federal dollars.

The draft report prepared by the Advisory Committee was reviewed by the Maine Education Assistance Board, which is an advisory board to the Finance Authority of Maine Board. The members of the Maine Education Assistance Board support the separation of the capitation, loan and recruitment components as a substantial improvement over the current Contract Program. This separation allows FAME to allocate the program funds directly to those areas where the funds can provide the greatest benefit, and to ensure that the capitation proposals do in fact provide Maine students with both improved access to medical education and a curriculum with an appropriate primary care emphasis.

The draft report has also been reviewed by the Special Select Commission on Access to Health Care, the Maine Medical Association, the Maine Osteopathic Association, the Maine Ambulatory Care Coalition, the Department of Human Services, and other interested entities, and their comments have been incorporated in a number of areas.

On behalf of the Advisory Committee and the Finance Authority of Maine, I want to thank you for your consideration of this report. We look forward to discussing its recommendations with you at your convenience. Please let me know if we can provide any further information to assist you in your consideration of these recommendations.

Sincerely,
S/Timothy P. Agnew
Chief Executive Officer

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

SENATE PAPERS

Bill "An Act Regarding Workers' Compensation Rate Proceedings and Rate Hearings"

S.P. 857 L.D. 2181

Presented by Senator **BUSTIN** of Kennebec
Cosponsored by Representative **PINEAU** of Jay,
Representative **RAND** of Portland and Senator
MCCORMICK of Kennebec

Approved for introduction by a majority of the
Legislative Council pursuant to Joint Rule 26.

Which was referred to the Committee on **BANKING & INSURANCE** and **ORDERED PRINTED.**

Sent down for concurrence.

Bill "An Act to Facilitate Municipal Landfill Closure" (Emergency)

S.P. 860 L.D. 2184

Presented by Senator **VOSE** of Washington
 Cosponsored by Representative **TOWNSEND** of Eastport
 Approved for introduction by a majority of the
 Legislative Council pursuant to Joint Rule 26.
 Which was referred to the Committee on **ENERGY &
 NATURAL RESOURCES** and **ORDERED PRINTED**.
 Sent down for concurrence.

Bill "An Act to Amend the Laws Concerning Adoption Assistance"

S.P. 856 L.D. 2180

Presented by Senator **CAHILL** of Sagadahoc
 Cosponsored by Senator **BRANNIGAN** of Cumberland,
 Representative **ANTHONY** of South Portland and
 Representative **DUPLESSIS** of Old Town
 Submitted by the Department of Human Services
 pursuant to Joint Rule 24.
 Which was referred to the Committee on **HUMAN
 RESOURCES** and **ORDERED PRINTED**.
 Sent down for concurrence.

Bill "An Act to Clarify Adult Protective and Guardianship Responsibilities"

S.P. 859 L.D. 2183

Presented by Senator **HOLLOWAY** of Lincoln
 Cosponsored by Senator **GAUVREAU** of Androscoggin,
 Representative **PENDEXTER** of Scarborough and
 Senator **GILL** of Cumberland
 Submitted by the Department of Human Services
 pursuant to Joint Rule 24.
 Which was referred to the Committee on **JUDICIARY**
 and **ORDERED PRINTED**.
 Sent down for concurrence.

Resolve, to Revise the Charter of the Van Buren Hospital District (Emergency)

S.P. 858 L.D. 2182

Presented by Senator **THERIAULT** of Aroostook
 Cosponsored by Representative **MARTIN** of Van Buren
 Approved for introduction by a majority of the
 Legislative Council pursuant to Joint Rule 26.
 Committee on **LEGAL AFFAIRS** suggested and **ORDERED
 PRINTED**.

On motion by Senator **DUTREMBLE** of York, Tabled 1
 Legislative Day, pending **REFERENCE**.

COMMITTEE REPORTS

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 **BALDACCI** for the Committee on
BUSINESS LEGISLATION Bill "An Act to Amend the Maine
 Traveler Information Services Laws"

S.P. 369 L.D. 994

Reported by Senator **RICH** for the Committee on
BUSINESS LEGISLATION Bill "An Act to Benefit
 Consumers by Clarifying Directory Advertising for
 Osteopathic and Allopathic Physicians"

S.P. 799 L.D. 1998

Ought to Pass As Amended

Senator **RICH** for the Committee on **BUSINESS
 LEGISLATION** on Bill "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

Reported that the same **Ought to Pass as Amended**
 by Committee Amendment "A" (S-524).

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

The Bill **READ ONCE**.

Committee Amendment "A" (S-524) **READ** and **ADOPTED**.

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

Senator **GAUVREAU** of Androscoggin was granted
 unanimous consent to address the Senate on the Record.

Senator **GAUVREAU**: Thank you Madam President.
 Ladies and Gentlemen of the Senate. I rise this
 afternoon, in commemoration of the day honoring the
 late Reverend Martin Luther King, Jr, which was
 observed in State and Federal Governments yesterday.
 It has been twenty three years since Dr. King was
 murdered in Memphis, Tennessee. His dream for a
 color blind society, a society which would in fact
 advance human potential and development, without
 consideration to ones gender, sex, race, or
 nationality. His dream is still alive. It is
 important that we spend a few moments, this
 afternoon, to recognize and acknowledge the
 principles, the values for which Dr. King spoke so
 eloquently and so emotionally and moved an entire
 nation and in fact an entire generation.

There is, it seems to me, a symbiotic
 relationship between periods of economic adversity
 and affronts to the social fabric. Simply put, when
 we have periods in depression or recession, people do
 not always behave to one another in a fashion which
 we would recommend. I think we have seen, because of
 the pressures in our region of the country the past
 few years, elevated incidences of violence and
 elevated incidences of intolerance to each other.
 We've seen that in many fashions. We've seen an
 increase in domestic violence. We have seen an
 increase in fact, of intolerance and a disturbing
 trend towards racial intolerance as well. No
 community in our state is immune from the ugly
 incidences and consequences of racial discrimination.

It is important that we pause today and take a
 few moments to consider the principles for which Dr.
 King spoke so eloquently. This thought came to me
 last fall, twenty three years after Dr. King's death
 and some twenty eight years after this country
 adopted seminal legislation on civil rights. Many
 Americans still perceived in the nomination of a
 Supreme Court Justice an underlying agenda, in terms
 which spoke of racial themes. It really brought home
 the point how slow social change really is in our
 society. I suspect if we are really to rid our
 society of the traces and elements of racism, we will
 have to double our efforts, not only to oppose
 discrimination, but when we see the basis of
 development rancor predicated on racial lines. We as
 public officials have an obligation to speak out and
 declare to all, it is our firm and guiding principle,
 in our state and in our society, that all persons
 regardless of sex, race, origin, or gender have the

absolute right to take part fully in our society. Implicit in the concept of ordered liberty is the right that every person in our society have an absolute right to partake fairly to seek the ultimate of his or her human development. Thank you Madam President.

THE PRESIDENT PRO TEM: The Chair thanks the Senator from Androscoggin for his most appropriate remarks.

On motion by Senator **GAUVREAU** of Androscoggin,
ADJOURNED until Thursday, January 23, 1992, at 4:00
in the afternoon.