

MAINE STATE LEGISLATURE

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Legislative Record
House of Representatives
One Hundred and Twenty-First Legislature
State of Maine

Volume II

First Regular Session

May 27, 2003 – June 14, 2003

First Special Session

August 21, 2003 – August 23, 2003

Second Regular Session

January 7, 2004 - January 30, 2004

Second Special Session

February 3, 2004 - April 7, 2004

Pages 777-1562

ONE HUNDRED AND TWENTY-FIRST LEGISLATURE
SECOND SPECIAL SESSION
3rd Legislative Day
Thursday, February 5, 2004

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

Prayer by Reverend Lily L. James, Riverview Community Parish, South Gardiner.

National Anthem by Megan Griesbach, Lisbon Falls.

Pledge of Allegiance.

Doctor of the day, A. Catriona Shepherd, M.D., Portland.

The Journal of yesterday was read and approved.

SENATE PAPERS
Non-Concurrent Matter

Bill "An Act To Amend the Uniform Federal Lien Registration Act"

(H.P. 1278) (L.D. 1756)

PASSED TO BE ENGROSSED in the House on January 30, 2004.

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY SENATE AMENDMENT "A" (S-375) in NON-CONCURRENCE.**

The House voted to **RECEDE AND CONCUR.**

COMMUNICATIONS

The Following Communication: (H.C. 311)

STATE OF MAINE

ONE HUNDRED AND TWENTY-FIRST LEGISLATURE
COMMITTEE ON INSURANCE AND FINANCIAL SERVICES

January 29, 2004

Honorable Beverly C. Daggett, President of the Senate

Honorable Patrick Colwell, Speaker of the House

121st Maine Legislature

State House

Augusta, Maine 04333

Dear President Daggett and Speaker Colwell:

Pursuant to Joint Rule 310, we are writing to notify you that the Joint Standing Committee on Insurance and Financial Services has voted unanimously to report the following bills out "Ought Not to Pass":

L.D. 667 An Act To Amend the Maine Insurance Code

L.D. 1181 An Act To Provide Fair Hearings in Health Insurance Rate Proceedings

We have also notified the sponsors and cosponsors of each bill listed of the Committee's action.

Sincerely,

S/Sen. Lloyd P. LaFountain III

Senate Chair

S/Rep. Christopher P. O'Neil

House Chair

READ and ORDERED PLACED ON FILE.

PETITIONS, BILLS AND RESOLVES REQUIRING REFERENCE

Bill "An Act To Require Surety Bonding by Payroll Processing Companies" (EMERGENCY)

(H.P. 1369) (L.D. 1843)

Sponsored by Representative DUNLAP of Old Town.

Cosponsored by Senator TREAT of Kennebec, Senator HALL of Lincoln and Representatives: BENNETT of Caribou, BREault of

Buxton, FINCH of Fairfield, GROSE of Woolwich, MOODY of Manchester, PERRY of Calais, THOMPSON of China, WOTTON of Littleton.

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.

Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** suggested and ordered printed.

REFERRED to the Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** and ordered printed.

Sent for concurrence.

Pursuant to Statute

Criminal Law Advisory Commissions

Representative BLANCHETTE for the **Criminal Law Advisory Commission** pursuant to the Maine Revised Statutes, Title 17-A, chapter 55 asks leave to report that the accompanying Bill "An Act To Amend the Maine Criminal Code and Motor Vehicle Laws as Recommended by the Criminal Law Advisory Commission"

(H.P. 1370) (L.D. 1844)

Be **REFERRED** to the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** and printed pursuant to Joint Rule 218.

Report was **READ** and **ACCEPTED** and the Bill **REFERRED** to the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** and ordered printed pursuant to Joint Rule 218.

Sent for concurrence.

By unanimous consent, all matters having been acted upon were **ORDERED SENT FORTHWITH.**

ORDERS

On motion of Representative WHEELER of Kittery, the following House Order: (H.O. 44)

ORDERED, that Representative Philip R. Bennett, Jr. of Caribou be excused Thursday, January 29th for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Robert A. Berube of Lisbon be excused Friday, January 30th for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Matthew Dunlap of Old Town be excused Tuesday, January 27th for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Rodney C. Jennings of Leeds be excused Thursday, January 29th and Friday, January 30th for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Lisa T. Marraché of Waterville be excused Wednesday, January 28th for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Robert W. Nutting of Oakland be excused Friday, January 30th for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Edward Pellon of Machias be excused Tuesday, February 3rd for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Anne C. Perry of Calais be excused Friday, January 30th and Tuesday, February 3rd for personal reasons.

READ and PASSED.

SPECIAL SENTIMENT CALENDAR

In accordance with House Rule 519 and Joint Rule 213, the following items:

Recognizing:

Gary R. Sawyer, of Winthrop, on the occasion of his retirement after 41 years of dedicated state service. Mr. Sawyer retired from the Department of Behavioral and Developmental Services as Department Information Service Manager on January 30, 2004 after 22 years of distinguished service with that department. In 1962, he started his career as a groundskeeper and by 1966, he was the Planning Assistant for the Highway Commission. He next served with the Maine Criminal Justice and Planning Assistance Agency, before moving to the department from which he retired. His loyalty, dependability and knowledge will be greatly missed. We extend our sincere congratulations and join his many friends and family in wishing him a well-deserved retirement;

(HLS 1086)

Presented by Representative MILLETT of Waterford.

Cosponsored by Representative O'BRIEN of Augusta, Representative BROWNE of Vassalboro, Representative McKEE of Wayne, Senator TREAT of Kennebec.

On **OBJECTION** of Representative MILLETT of Waterford, was **REMOVED** from the Special Sentiment Calendar.

READ.

The **SPEAKER**: The Chair recognizes the Representative from Waterford, Representative Millett.

Representative **MILLETT**: Mr. Speaker, Ladies and Gentlemen of the House. I consider it a distinct honor and pleasure for having been able to work with Gary Sawyer for four years in the Department of Behavioral and Developmental Services. As you could tell from the brief summary read by the Clerk, Gary is somewhat of a legend in state government. He has been here for 41 years in positions that started at grounds keeper level to the level of his position at the point of retirement, which is the Departmental Information Services Manager.

I have watched him perform many functions, particularly early in the formation of the regional system that supports the Department of Behavioral and Developmental Services. He actually was responsible for bringing about the Internet connectivity to all of the regional offices providing the technology that is now prevalent throughout the region and throughout the department.

He also was of great assistance to me in organizing the move from the State Office Building to the AMHI Campus three to four years ago.

In thinking about Gary, I think one could only reflect upon his outgoing personality and his interest in state government and all of those who are associated with it. He has made friends all over state government and he has brought great credit to the service in state government. I am very pleased that Gary is with us today to be recognized and as testament to the popularity he enjoys many of his staff at BDS are here, along with their supervisor Walter Lowell and colleague Elaine Babb, who I had the privilege of serving with as part of my management team. I thank you for this opportunity to recognize Gary and his exemplary service.

The **SPEAKER**: The Chair recognizes the Representative from Saco, Representative Kane.

Representative **KANE**: Mr. Speaker, Ladies and Gentlemen of the House. I am pleased and proud to consider Gary a friend. I have known Gary for over 30 years. When we were both much, much younger we worked together in the old Department of Mental Health and Corrections in the years 1970 to 1974. That is when none of us knew what computers were or what it would do

to us. Gary was there to provide the answers for us. Gary, I wish you well. It is well deserved. I think you are far too young to retire. Good luck and God speed.

Subsequently, **PASSED** and sent for concurrence.

CONSENT CALENDAR

First Day

In accordance with House Rule 519, the following items appeared on the Consent Calendar for the First Day:

(H.P. 1231) (L.D. 1656) Bill "An Act To Establish the Administrative Operating Budget for the Maine State Retirement System for the Fiscal Year Ending June 30, 2005" (EMERGENCY) Committee on **LABOR** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-665)**

(H.P. 1299) (L.D. 1777) Bill "An Act To Authorize the Commissioner of Administrative and Financial Services To Execute Easements" Committee on **STATE AND LOCAL GOVERNMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-668)**

(H.P. 1305) (L.D. 1783) Bill "An Act To Clarify Prequalification Criteria for Public Improvements" Committee on **STATE AND LOCAL GOVERNMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-666)**

(H.P. 1306) (L.D. 1784) Resolve, Authorizing the Commissioner of Administrative and Financial Services To Sell or Lease the Interests of the State in Property in Fayette, Maine Committee on **STATE AND LOCAL GOVERNMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-667)**

There being no objections, the above items were ordered to appear on the Consent Calendar tomorrow under the listing of Second Day.

CONSENT CALENDAR

Second Day

In accordance with House Rule 519, the following items appeared on the Consent Calendar for the Second Day:

(S.P. 621) (L.D. 1689) Bill "An Act To Provide Reciprocal Authority to New Hampshire Marine Patrol Officers To Investigate Potential Terrorist Activities in Maine Waters" (EMERGENCY) (C. "A" S-364)

(H.P. 1283) (L.D. 1761) Bill "An Act To Amend the Laws Relating to Nonprofit Corporations"

No objections having been noted at the end of the Second Legislative Day, the Senate Paper was **PASSED TO BE ENGROSSED AS AMENDED** in concurrence and the House Paper was **PASSED TO BE ENGROSSED** and sent for concurrence.

By unanimous consent, all matters having been acted upon were **ORDERED SENT FORTHWITH**.

BILLS IN THE SECOND READING

Senate as Amended

Resolve, To Commission a Portrait of the Honorable George J. Mitchell To Hang in the State House

(S.P. 658) (L.D. 1725)

(C. "A" S-365)

Reported by the Committee on **Bills in the Second Reading**, read the second time, the Senate Paper was **PASSED TO BE**

ENGROSSED AS AMENDED in concurrence. **ORDERED SENT FORTHWITH.**

The following items were taken up out of order by unanimous consent:

UNFINISHED BUSINESS

The following matters, in the consideration of which the House was engaged at the time of adjournment yesterday, had preference in the Orders of the Day and continued with such preference until disposed of as provided by House Rule 502.

HOUSE DIVIDED REPORT - Majority (8) **Ought to Pass as Amended by Committee Amendment "B" (H-632)** - Minority (4) **Ought Not to Pass** - Committee on **LABOR** on Bill "An Act To Provide Collective Bargaining Rights to Certain Forest Products Workers"

(H.P. 972) (L.D. 1318)

TABLED - January 21, 2004 (Till Later Today) by Representative SMITH of Van Buren.

PENDING - Motion of same Representative to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report.

On motion of Representative SMITH of Van Buren, the Bill and all accompanying papers were **COMMITTED** to the Committee on **LABOR** and sent for concurrence.

By unanimous consent, all matters having been acted upon were **ORDERED SENT FORTHWITH.**

Joint Order Directing the Joint Standing Committee on Natural Resources To Report Out Legislation Regarding Clearing Vegetation

(S.P. 684)

- In Senate, **READ** and **PASSED.**

TABLED - February 4, 2004 (Till Later Today) by Representative RICHARDSON of Brunswick.

PENDING - **PASSAGE.**

Representative KOFFMAN of Bar Harbor **PRESENTED House Amendment "A" (H-664)** which was **READ** by the Clerk and **ADOPTED.**

The Joint Order was **PASSED as Amended by House Amendment "A" (H-664)** in **NON-CONCURRENCE** and sent for concurrence. **ORDERED SENT FORTHWITH.**

The following items were taken up out of order by unanimous consent:

REPORTS OF COMMITTEE

Divided Report

Majority Report of the Committee on **LABOR** reporting **Ought to Pass** on Resolve, Directing the Department of Labor and the Department of Behavioral and Developmental Services, Office of Substance Abuse To Study the Prevalence of Drug and Substance Abuse

(H.P. 1314) (L.D. 1792)

Signed:

Senators:

EDMONDS of Cumberland
STANLEY of Penobscot
BLAIS of Kennebec

Representatives:

SMITH of Van Buren
HEIDRICH of Oxford
NUTTING of Oakland

TREADWELL of Carmel
HUTTON of Bowdoinham
PATRICK of Rumford
JACKSON of Fort Kent
WATSON of Bath

Minority Report of the same Committee reporting **Ought Not to Pass** on same Resolve.

Signed:

Representative:

CRESSEY of Baldwin

READ.

On motion of Representative SMITH of Van Buren, the Majority **Ought to Pass** Report was **ACCEPTED.**

The Resolve was **READ ONCE** and assigned for **SECOND READING** Tuesday, February 10, 2004.

SENATE PAPERS

The following Joint Order: (S.P. 688)

ORDERED, the House concurring, that when the House and Senate adjourn, they do so until Tuesday, February 10, 2004, at 10:00 in the morning.

Came from the Senate, **READ** and **PASSED.**

READ and **PASSED** in concurrence.

REPORTS OF COMMITTEE

Divided Report

Majority Report of the Committee on **UTILITIES AND ENERGY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-669)** on Bill "An Act To Streamline the Time-share Rate Collection Process for Sanitary Districts"

(H.P. 1235) (L.D. 1659)

Signed:

Senators:

HALL of Lincoln
BROMLEY of Cumberland
YOUNGBLOOD of Penobscot

Representatives:

RINES of Wiscasset
FLETCHER of Winslow
LUNDEEN of Mars Hill
MOODY of Manchester
ADAMS of Portland
BERRY of Belmont

BLISS of South Portland

CRESSEY of Baldwin

RICHARDSON of Skowhegan

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

Signed:

Representative:

GOODWIN of Pembroke

READ.

On motion of Representative MOODY of Manchester, the Majority **Ought to Pass as Amended** Report was **ACCEPTED.**

The Bill was **READ ONCE.** **Committee Amendment "A" (H-669)** was **READ** by the Clerk and **ADOPTED.** The Bill was assigned for **SECOND READING** Tuesday, February 10, 2004.

Divided Report

Majority Report of the Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought Not to Pass** on Bill "An Act to Adjust MaineCare Reimbursement Rates"

(H.P. 67) (L.D. 59)

Signed:

Senators:

WESTON of Waldo
MARTIN of Aroostook
BRENNAN of Cumberland

Representatives:

EARLE of Damariscotta
CRAVEN of Lewiston
KANE of Saco
CURLEY of Scarborough
CAMPBELL of Newfield
LEWIN of Eliot
WALCOTT of Lewiston

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-671)** on same Bill.

Signed:

Representative:

SHIELDS of Auburn

READ.

Representative KANE of Saco moved that the House **ACCEPT** the Majority **Ought Not to Pass** Report.

The SPEAKER: The Chair recognizes the Representative from Saco, Representative Kane.

Representative **KANE**: Mr. Speaker, Men and Women of the House. This is a bill that would provide an across the board 20 percent increase in provider reimbursement rates for Maine Care. While there is a great deal of sympathy and support in principle for the increase of the reimbursement rates for providers under Maine Care, the fiscal note on this bill would be nearly \$55 million to the general fund, something that we obviously cannot afford right now or in the foreseeable future. Thank you Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Auburn, Representative Shields.

Representative **SHIELDS**: Mr. Speaker, Ladies and Gentlemen of the House. I am the only one opposing the current motion. I do it because I want to bring you a message. I realize that in these current days of fiscal problems that there is no chance that this bill is going to be funded or passed. However, this is an opportunity to tell you about the support given by the medical care providers and their acceptance of low fees, which has allowed Maine to go ahead with programs. In other words, the Maine providers have subsidized the health care programs for many years by accepting low reimbursements when their overhead costs were much higher. For instance, a brief office visit currently under Medicaid or Maine Care pays the doctor \$13.17. This bill raises that up to \$15.81. That is a 20 percent increase. Your overhead costs in seeing a patient is probably somewhere between \$20 and \$30 per patient. You can see why a number of people have to limit the number of Maine Care people they can see. The provider's patience is running short, particularly this year because you have cut them again. Some day those who want the taxpayers of Maine to provide health care for everyone will need to realize what the true cost of that is and realize what a level of reasonable reimbursements to providers really is. Thank you.

The Chair ordered a division on the motion to **ACCEPT** the Majority **Ought Not to Pass** Report.

A vote of the House was taken. 64 voted in favor of the same and 55 against, and accordingly the Majority **Ought Not to Pass** Report was **ACCEPTED** and sent for concurrence. **ORDERED SENT FORTHWITH.**

On motion of Representative JOY of Crystal, the House adjourned at 10:53 a.m., until 10:00 a.m., Tuesday, February 10, 2004 pursuant to the Joint Order (S.P. 688) and in honor and lasting tribute to Ronald Donald Pelletier, of New Limerick.