

MAINE STATE LEGISLATURE

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One Hundred and Twenty-Second Legislature
State of Maine

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Second Special Session

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ONE HUNDRED AND TWENTY-SECOND LEGISLATURE
SECOND REGULAR SESSION
3rd Legislative Day
Tuesday, January 10, 2006

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

Prayer by Reverend Jay Hodge, Wales Presbyterian Church.
National Anthem by Jennifer MacDonald, Saco.
Pledge of Allegiance.
Doctor of the day, Guy Raymond, M.D., Wallagrass.

At this point, the Speaker recognized the Representative from Fort Kent, Representative Jackson, the Representative from Ellsworth, Representative Crosthwaite and the Representative from Hartland, Representative Stedman, and they were added to the quorum call of the Second Regular Session of the 122nd Legislature.

The Journal of Thursday, January 5, 2006 was read and approved.

At this point, the Speaker recognized the Representative from Cumberland, Representative McKenney, and he was added to the quorum call of the Second Regular Session of the 122nd Legislature.

COMMUNICATIONS

The Following Communication: (H.C. 338)

**STATE OF MAINE
OFFICE OF THE GOVERNOR
1 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0001**

January 6, 2006

To the Honorable Members of the 122nd Maine Legislature:

At the close of the last Legislative session, following passage by the Legislature, I was presented with L.D. 1690, "An Act to Authorize, Subject to State Referendum, a Tribal Commercial Track and Slot Machines in Washington County." The bill required a statewide election to be held "on the Tuesday following the first Monday of November following passage of this Act." Adjournment of the first special session prohibited my taking action on the bill, but the Constitution allows me to take that action now. Thus, even though the Act's proposed November election date has come and gone, I am returning this bill without my signature or approval and urge that you sustain my veto.

I have never believed that slot machine gambling is a positive contribution to Maine's economy or quality of life. I have made my decisions on slot machine gambling based upon that belief. Accordingly, I am respectfully vetoing H.P. 1197, L.D. 1690.

Sincerely,
S/John E. Baldacci
Governor

READ and ORDERED PLACED ON FILE.

The accompanying Bill "An Act To Authorize, Subject to State Referendum, a Tribal Commercial Track and Slot Machines in Washington County"

(H.P. 1197) (L.D. 1690)

On motion of Representative CUMMINGS of Portland, **TABLED** pending **RECONSIDERATION** and later today assigned.

The Following Communication: (S.P. 747)
**122ND MAINE LEGISLATURE
AUGUSTA, MAINE 04333**

January 3, 2006

Sen. Scott W. Cowger
Senate Chair, Joint Standing Committee on Natural Resources
Rep. Theodore S. Koffman
House Chair, Joint Standing Committee on Natural Resources
122nd Legislature
Augusta, ME 04333

Dear Senator Cowger and Representative Koffman:

Please be advised that Governor John E. Baldacci has nominated David Littell of Portland for appointment as the Commissioner of the Maine Department of Environmental Protection.

Pursuant to Title 38 M.R.S.A. Ch. 2 § 341-A, this nomination will require review by the Joint Standing Committee on Natural Resources.

Sincerely,
S/Beth Edmonds
President of the Senate
S/John Richardson
Speaker of the House

Came from the Senate, **READ** and **REFERRED** to the Committee on **NATURAL RESOURCES**.

READ and **REFERRED** to the Committee on **NATURAL RESOURCES** in concurrence.

Under suspension of the rules, members were allowed to remove their jackets.

PETITIONS, BILLS AND RESOLVES REQUIRING REFERENCE

The following Bills were received, and upon the recommendation of the Committee on Reference of Bills were **REFERRED** to the following Committees, ordered printed and sent for concurrence:

APPROPRIATIONS AND FINANCIAL AFFAIRS

Bill "An Act To Recapitalize the Maine Downtown Center"

(H.P. 1370) (L.D. 1956)

Sponsored by Speaker RICHARDSON of Brunswick.

Cosponsored by Representatives: GROSE of Woolwich, PERCY of Phippsburg, WATSON of Bath.

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 203.

Bill "An Act To Authorize a General Fund Bond Issue To Create a Block Grant Program To Promote Economic and Cultural Development"

(H.P. 1372) (L.D. 1960)

Sponsored by Representative CUMMINGS of Portland.

Cosponsored by Senator MARTIN of Aroostook and Representatives: ASH of Belfast, BLISS of South Portland, BRAUTIGAM of Falmouth, BRYANT of Windham, CLARK of Millinocket, DUCHESNE of Hudson, DUNN of Bangor, DUPLESSIE of Westbrook, EBERLE of South Portland, FAIRCLOTH of Bangor, FISCHER of Presque Isle, GROSE of Woolwich, HUTTON of Bowdoinham, JACKSON of Fort Kent, LERMAN of Augusta, LUNDEEN of Mars Hill, MARRACHÉ of

Waterville, MAZUREK of Rockland, MILLER of Somerville, MILLS of Farmington, PARADIS of Frenchville, PIOTTI of Unity, SCHATZ of Blue Hill, THOMPSON of China, WEBSTER of Freeport, Senator: BRYANT of Oxford.
Approved for introduction by a majority of the Legislative Council Pursuant to Joint Rule 203.

BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT

Bill "An Act To Provide Emergency Regional Economic Development Assistance for Brunswick Naval Air Station"
(H.P. 1369) (L.D. 1955)

Sponsored by Speaker RICHARDSON of Brunswick.
Cosponsored by Representatives: GERZOFSKY of Brunswick, GROSE of Woolwich, PERCY of Phippsburg, WATSON of Bath, Senator: MAYO of Sagadahoc.
Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 203.

Bill "An Act To Establish a Development Authority for Brunswick Naval Air Station" (EMERGENCY)
(H.P. 1371) (L.D. 1957)

Sponsored by Speaker RICHARDSON of Brunswick.
Cosponsored by Representatives: CROSBY of Topsham, GERZOFSKY of Brunswick, GROSE of Woolwich, PERCY of Phippsburg, WATSON of Bath, WEBSTER of Freeport, Senator: MAYO of Sagadahoc.
Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 203.

HEALTH AND HUMAN SERVICES

Bill "An Act To Establish Guidelines and Criteria for Audits Conducted by the Department of Health and Human Services"
(H.P. 1368) (L.D. 1951)

Sponsored by Representative TARDY of Newport.
Cosponsored by Representatives: LERMAN of Augusta, LEWIN of Eliot, McCORMICK of West Gardiner, SHIELDS of Auburn, Senators: ROSEN of Hancock, STRIMLING of Cumberland.
Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 203.

TRANSPORTATION

Bill "An Act To Prevent Dangerous Commercial Drivers on Maine's Highways"
(H.P. 1367) (L.D. 1950)

Sponsored by Representative ASH of Belfast.
Cosponsored by Representatives: FAIRCLOTH of Bangor, MARLEY of Portland, TUTTLE of Sanford, Senator DAMON of Hancock and Representatives: ADAMS of Portland, GROSE of Woolwich, MAZUREK of Rockland, PINGREE of North Haven, THOMPSON of China.
Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 203.

Pursuant to Public Law

Department of Marine Resources

Representative PERCY for the Department of Marine Resources pursuant to Public Law 2005, chapter 434, section 14 asks leave to report that the accompanying Bill "An Act To Create a Tiered Wholesale Seafood Dealer's License" (EMERGENCY)
(H.P. 1373) (L.D. 1961)

Be REFERRED to the Committee on MARINE RESOURCES and printed pursuant to Joint Rule 218.

Report was READ and ACCEPTED and the Bill REFERRED to the Committee on MARINE RESOURCES and ordered printed pursuant to Joint Rule 218.

Sent for concurrence.

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

SPECIAL SENTIMENT CALENDAR

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

Recognizing:

the week of January 29 to February 3, 2006 as the "2006 International Biathlon Union's Biathlon Youth/Junior World Championship Week" in the State of Maine. The Nordic Heritage Ski Club, of Presque Isle, is hosting the 2006 International Biathlon Union's Biathlon Youth/Junior World Championship and athletes from 30 countries are competing in this event. We join the citizens of Presque Isle in welcoming them to the State of Maine and Aroostook County, and we extend our best wishes to all involved in the 2006 International Biathlon Union's Biathlon Youth/Junior World Championship Week;

(HLS 1576)

Presented by Representative FISCHER of Presque Isle.
Cosponsored by Representative CHURCHILL of Washburn, Senator CLUKEY of Aroostook.

On OBJECTION of Representative FISCHER of Presque Isle, was REMOVED from the Special Sentiment Calendar.

READ.

The SPEAKER: The Chair recognizes the Representative from Presque Isle, Representative Fischer.

Representative FISCHER: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I want to just rise briefly to let you know what an important event this is for the northern part of this state. As the Clerk said in the sentiment, over 30 countries will be coming to the State of Maine and we will be in a position to invite them here again, so I wanted to invite all of you to come to Aroostook County and later today you will be receiving a personal invitation from the City of Presque Isle to come up for the event January 29th through February 3. There will be parades and there will be many cultural events from the countries of origins of the athletes. I also want to invite you all to come down to the Hall of Flags today in the Cabinet Room I believe the Chief Executive is having a press conference and he is going to proclaim that week, just as we have, to be a very special time for the State of Maine. So, if you haven't received an invitation yet to the press conference it is today at 11:15 down in the Hall of Flags. Thank you Mr. Speaker.

Subsequently, the sentiment was PASSED and sent for concurrence. ORDERED SENT FORTHWITH.

CONSENT CALENDAR

First Day

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

(S.P. 405) (L.D. 1177) Bill "An Act To Limit the Early Release of Persons Convicted of Certain Crimes" Committee on JUDICIARY reporting Ought to Pass as Amended by Committee Amendment "A" (S-428)

(H.P. 1149) (L.D. 1631) Resolve, Requiring the State To Reimburse Providers for Costs Incurred Due to MaineCare Reimbursement Delays Committee on HEALTH AND HUMAN

SERVICES reporting Ought to Pass as Amended by Committee Amendment "A" (H-731)

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

**CONSENT CALENDAR
Second Day**

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

(H.P. 1027) (L.D. 1464) Bill "An Act To Amend the Laws Relating to Motorized Scooters, Motor-driven Cycles and Mopeds" (EMERGENCY) (C. "B" H-730)

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

**BILLS IN THE SECOND READING
House as Amended**

Resolve, To Fund a Study Regarding Health Care for Maine's Firefighters

(H.P. 15) (L.D. 10)
(C. "A" H-723)

Reported by the Committee on **Bills in the Second Reading**, read the second time, the House Paper was **PASSED TO BE ENGROSSED AS AMENDED** and sent for concurrence. **ORDERED SENT FORTHWITH.**

Bill "An Act To Establish a Maternal and Infant Death Review Panel"

(H.P. 984) (L.D. 1420)
(C. "A" H-728)

Was reported by the Committee on **Bills in the Second Reading** and **READ** the second time.

On motion of Representative LINDELL of Frankfort, was **SET ASIDE.**

The same Representative **REQUESTED** a roll call on **PASSAGE TO BE ENGROSSED as Amended.**

More than one-fifth of the members present expressed a desire for a roll call which was ordered.

The **SPEAKER:** The Chair recognizes the Representative from Frankfort, Representative Lindell.

Representative **LINDELL:** Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I rise in objection to this bill, not because I am opposed to having the Department of Health and Human Services study infant mortality. What I object to, Mr. Speaker is that the bill permits DHHS to contact families of recently deceased infants to request additional information and to offer services. I find this to be a unwarranted intrusion in a time of grief Mr. Speaker. How insensitive and crass it is for the DHHS to try to interrogate grieving parents when they could easily collect data that they need for their study from coroner's offices and from healthcare facilities and practitioners. Mr. Speaker, this is the sort of unwarranted intrusion into people's personal lives, particularly at a time of pain and grief that we should not be endorsing in this house. Thank you Mr. Speaker.

The **SPEAKER:** The Chair recognizes the Representative from Eliot, Representative Lewin.

Representative **LEWIN:** Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I rise to object to

this bill as well. Frankly, I must tell you all that I was horrified when I saw this bill come before my committee. It was originally presented as a child abuse prevention bill and that suddenly changed to an investigation of the deaths of some 50 children a year in this state. I remember asking Dr. Mills why we felt compelled to do this since we have local police, we have state police, we have county sheriffs, we have a medical examiners office, we have district attorneys all over this state and we have an attorney general. If there is reason to suspect abuse or neglect or anything of that nature there are more than enough agencies to take care of that. In point of fact the state police investigate every unintended death, as does the medical examiner. I see absolutely no reasonable reason that parents, at the worst time in their lives, should have a stranger come knock on their door or telephone them asking for permission to discuss the loss of their infant. I think that it is an absolutely appalling invasion of privacy and I think that the state of Maine has got a whole lot more business to tend to then this, particularly since there are some 50 a year. That is the estimate that Doctor Mills gave us.

When I asked what we have learned I was told that we haven't learned much of anything from it because there are so few. It was also suggested to me that perhaps grieving parents don't know where to go to find out what really happened to their child. Well, ladies and gentlemen of the house there are more than enough agencies to investigate these things. There is a National SIDS Foundation that does astounding work and has contributed in a major way to fewer deaths of infant children. So, I was also quite surprised to hear that we could do this, set up this little panel out of existing funds. I hear that all the time in DHHS, "Oh we have existing funds. We don't need any money to do this." Well, if we have all of those existing funds and we don't need any money to do it then I would like to understand why we cut programs. Why don't we put that money where it ought to be and do the job that we are here to do, and that is to protect the innocent, and in this case I believe grieving families are innocent parties and one phone call is too much. One visit at the door is entirely too much and I will certainly be personally embarrassed if we pass this into law. Thank you.

The **SPEAKER:** The Chair recognizes the Representative from Newfield, Representative Campbell.

Representative **CAMPBELL:** Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I supported this bill because for four years I have been sitting beside Representative Shields who is a retired MD and I hear politicians turn around and say that they think it is too extending and prying into people's lives, but they don't seem to think that it's ok when they turn around and tell a woman whether she can have a morning after pill or whether she can have an abortion. Those things are all right, so I am saying that we should support this bill because Dr. Shields was an MD and it should be MDs and not politicians that are making these decisions. Thank you.

The **SPEAKER:** The Chair recognizes the Representative from Frenchville, Representative Paradis.

Representative **PARADIS:** Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I too rise in support of this bill. The bottom line for this is saving lives. It does provide enough sensitivity to the grieving families. We see in different tragedies that most grieving families are willing to offer their help to prevent such tragedies in the future. It has been endorsed by the organizations in this state, including the Maine Hospital Association, the Maine Medical Association, the Maine Chapter of the American College of Obstetricians and Gynecologists and the March of Dimes. I think this is a good bill and I would encourage you to vote yes on this one. Thank you.

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

Representative **SHIELDS**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I am respectful of the views of my learned colleagues who disagree with me, but this bill is a good bill. The previous statutory system dealt mainly with child abuse and child neglect. This bill deals with children who die within one year of age and women who give birth and who might die within the next six weeks. That is what it specifically deals with. There is no interview that can be given without the permission of the parties involved and the department uses a specially trained grief interviewer. All the parents or whoever it is can simply say, "No. I don't want to do that." There is no access to records without the permission of involved parties.

The information that is obtained, if permission to do so is granted, is confidential. The parties remain immune from civil or criminal liability and I think that this is very important because a practitioner needs to testify that they need to know that because they need to know the absolute truth and I am told that in the past this has helped identify problems that have led to some fixes. Now we have a number of different disciplines in Maine who are performing obstetrics and they have varying degrees of experience and expertise and this may help to identify someone who needs help in preventative measures. There is no fiscal note on the bill, which is refreshing and I would ask you to vote for and endorse this bill without qualifications.

The SPEAKER: The Chair recognizes the Representative from North Haven, Representative Pingree.

Representative **PINGREE**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I certainly appreciate the comments of my colleague, the good Representative from Auburn. This is a very difficult issue. The death of a child and certainly the death of a mother giving birth is an incredibly painful and difficult situation for any family.

This bill is not intended to intrude into people's lives. It is intended to give medical professionals the information that they need to prevent future instances of child or maternal deaths. This bill, of which I am actually the sponsor, was brought to us by the Bureau of Health. It was actually brought to the Bureau of Health by an obstetrician and it is strongly supported by the March of Dimes, they lobbied very hard to get this bill passed and they have actually lobbied very hard to get this type of panel passed in states and counties all over the country. There are more than 200 panels like this in counties and states across the country who are doing excellent work in providing doctors with the kind of information that they need to prevent future medical problems.

A number of changes actually happened throughout the process of this bill. There were concerns about privacy and whether or not parents were going to be properly contacted and we worked very hard with the Maine Hospital Association, the Maine Medical Association, and the March of Dimes. The Bureau of Health really negotiated a far better bill than first came to our committee. They made sure that the way that this would happen if there was some kind of instance after a couple of months a parent would be contacted. It would be after the death certificate was put out by the coroner's office. It would be more than a month, perhaps a few months and up to a year after a death has happened. A family would be contacted and they would be asked whether or not they would give permission for a review of the medical records and for an interview and at that point they would absolutely have the ability to say I have no interest in participating in this process. I don't want to be part of it and I don't want to talk about it and that would be case closed

and they would not participate. If they are interested then they would give access to medical records by one reviewer who would not put specific family identifying information and would review the medical circumstance and if the family was willing they would have an interview about the family side of the story and find out what happened.

We actually heard testimony from a number of parents whose children had died at birth or soon after birth who said that this is the kind of process that they want to participate in. They want to make sure that what happened to their family doesn't happen to other families. We had a mother come whose child had recently died and that said, "I want to participate in a process like this. I think this is important for the State of Maine."

If people feel that their privacy is being invaded they have the ability to say no, I don't want to take this any further. But what we found is that parents are interested. Of course whatever happened to their family member, their wife or their child, they don't want to have it happen to other people. Because Maine has such impressive infant mortality standards statistical data is not helpful. As the good Representative from Elliot noted, we have less than fifty percent infant mortalities per year. Because the number is so low, this kind of panel is necessary to actually find out the specifics of what happened and to prevent it in other situations.

The entire Maine medical community is behind this bill. The March of Dimes is actually the entity that will pay for the professional who conducts the interviews and who oversees this process. They are providing a grant to the Bureau of Health. So as long as this grant funding comes from the March of Dimes this process will continue, so it uses no state funds and it is an important thing for health professionals in Maine and I encourage you to strongly support this bill. Thank you Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Boothbay, Representative Bishop.

Representative **BISHOP**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. When a child dies statistics have shown that the death of that child often leads to marital discord and in many cases a breakup. Is it really the place of the state, during this dangerous time, to contribute to the confusion, the angst and the instability of that foundation of our society, the family? Furthermore, Mr. Speaker, for the benefit of those like myself who are sometimes forgetful, I request that the Clerk read the committee report.

Representative **BISHOP** of Boothbay **REQUESTED** that the Clerk **READ** the Committee Report.

The Clerk **READ** the Committee Report in its entirety.

The SPEAKER: The Chair recognizes the Representative from Woolwich, Representative Grose.

Representative **GROSE**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I rise in opposition of this bill and it is not often that I like to do this, but I really feel that after talking to my constituents in my five districts that I have to do what they request that I do and the majority of them were against this bill. They felt that it was very intrusive. I had one constituent who lost a baby and she was at work and she said that if someone from DHHS or the state came to them to discuss this she would feel very insulted. I also feel that the department of DHHS has enough on their plate that they can't even really handle what they have now, let alone add something else to it. Thank you.

The SPEAKER: The Chair recognizes the Representative from Somerville, Representative Miller.

Representative **MILLER**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I do work in public health and I am married to a physician who is a country doc. He

delivers babies and he is also a medical examiner and he has had the painful situation of going to a neighbor two roads away from us and living in a good old farm house, a family who lost a baby as a SIDS death, and he had to pronounce that death and he looked in the eyes of that anguished couple and they said to him, "Why? Why does this happen? Can you tell us?" This is a tool to help figure out why this happens, and yes there are people who will not want this contact and there are many people who do, and it is the choice of the parents. Let me read you one quote that we got from someone in our committee, an anguished parent who experienced this. She said, "I behoove you to pass this bill, leave the choice to parents. I hope that by sharing my own sad experiences with other families that they will not have to experience what I experienced." Thank you Mr. Speaker.

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

Representative WEBSTER: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I rise today in support of this piece of legislation, having had within my family and within my extended, but very close family, several infant deaths. I have spoken with my family and my very close friend, who is now a grief counselor. Death is a very difficult thing for us to talk about. It is a very healing thing when done appropriately. I commend my colleagues who are concerned about the potential pain and intrusion, but I also know that the process of healing and the process of grief, from personal experience is, when handled properly, an important piece and those members that I have spoken with – family members and others that I have spoken with – have, to a person, said that they would like to be able to do something and make some sense of that experience and of that death by being able to contribute to another family not experiencing the same thing.

I have faith that an experienced grief counselor can communicate with a family in a way that gives them options and allows them the choice. Let me tell you, having just recently been involved with an experience where people were remembering and honoring those who have died and their families it was a very moving experience. It is a very healing experience when done properly and I have faith that the state can do this properly and we can assure that the mechanisms that have been put in place will be something that I think we can be proud of. In regards to the concerns that some of my colleagues have raised I believe that the pieces that have been put together by the committee in terms of structures and safeguards will stand us proud when we vote yes. So, please follow my light. Thank you.

The SPEAKER: The Chair recognizes the Representative from Oxford, Representative Hamper.

Representative HAMPER: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. This morning, with the prayer by Reverend Hodge he mentioned different perspectives. I would like to offer you my perspective. Twenty six years ago this month my first son was born. We spent the next ten weeks running from Tufts University Hospital, to Central Maine Medical Center and eventually to the final stop, Boston Children's.

On the day that my son was born – Michael was his name – he had raw spots on his back. He had skin missing. "What in the world is this?" I said. We spent weeks with diagnosis after diagnosis and finally found out that it was a disease called Epidermal Lysis Bullosa, the Talus strain and it was lethal. Ten weeks we spent watching our son's skin peel from his body. Any amount of trauma caused the skin to peel. Ok? I timed him coming into this world, as a father your timing the labor pains; I timed him going out of the world. Sitting there in the hospital

room I held my 10-week-old son, as a 24-year-old parent and watching the clock, timing his breath and waiting for him to die in my arms.

In October of 1980 my wife and I had literally rolled the dice and decided to have another child. The term partial birth is nothing new to anybody here; we knew that our chances were one in four. In the delivery room the baby's head was out, the first arm out, the doctor rolls him so his mouth is down to drain the fluid from his mouth, elbow goes by, I see there is no skin on the elbow. We knew, before he was fully delivered that death was coming. Eight weeks later it did. There was no need for diagnosis, we all knew. Talk about a somber delivery room in a maternity ward. Did I need somebody from DHHS knocking on my door a couple of months down the road? No. Many doctors attended it and everybody knows. We got what we needed, the assistance of friends, our pastor and relatives. Family is what we needed. We did not need the Department of Health and Human Services telling us where we could get grief counseling and asking all the questions. No thank you please. As you can see today, 26 years later, this is still an emotional issue. It never stops. Do we need DHHS in that? No thank you please. Thank you Mr. Speaker.

The SPEAKER: A roll call has been ordered. The pending question before the House is Passage to be Engrossed as Amended by Committee Amendment "A" (H-728). All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 353

YEA - Adams, Barstow, Blanchard, Bliss, Bowles, Brannigan, Brautigam, Bryant, Burns, Cain, Campbell, Canavan, Clark, Craven, Cummings, Davis K, Duchesne, Dudley, Dugay, Dunn, Duplessie, Eberle, Faircloth, Farrington, Fischer, Fisher, Gerzofsky, Goldman, Harlow, Hutton, Jackson, Kaelin, Koffman, Lerman, Makas, Marraché, Merrill, Miller, Mills, Norton, O'Brien, Paradis, Patrick, Percy, Perry, Pilon, Pingree, Piotti, Richardson E, Rosen, Saviello, Schatz, Shields, Simpson, Smith N, Stedman, Thompson, Tuttle, Valentino, Walcott, Watson, Webster, Wheeler, Woodbury, Mr. Speaker.

NAY - Annis, Ash, Austin, Beaudette, Berube, Bierman, Bishop, Bowen, Brown R, Browne W, Carr, Cebra, Churchill, Clough, Collins, Cressey, Crosby, Crosthwaite, Curley, Curtis, Daigle, Davis G, Driscoll, Duprey, Eder, Edgecomb, Finch, Fitts, Fletcher, Flood, Glynn, Greeley, Grose, Hall, Hamper, Hanley B, Hanley S, Hogan, Hotham, Jacobsen, Jennings, Jodrey, Joy, Lansley, Lewin, Lindell, Lundeen, Marean, Mazurek, McCormick, McFadden, McKane, McKenney, McLeod, Millett, Moody, Moore G, Moulton, Muse, Nass, Nutting, Ott, Pinkham, Plummer, Rector, Richardson D, Richardson M, Richardson W, Rines, Robinson, Sampson, Seavey, Smith W, Sykes, Tardy, Trahan, Twomey, Vaughan.

ABSENT - Babbidge, Blanchette, Bryant-Deschenes, Emery, Marley, Pineau, Sherman, Thomas.

Yes, 65; No, 78; Absent, 8; Excused, 0.

65 having voted in the affirmative and 78 voted in the negative, with 8 being absent, and accordingly the Bill **FAILED PASSAGE TO BE ENGROSSED as Amended** by Committee Amendment "A" (H-728). Sent for concurrence.

UNFINISHED BUSINESS

The following matters, in the consideration of which the House was engaged at the time of adjournment Thursday, January 5, 2006, had preference in the Orders of the Day and continued with such preference until disposed of as provided by House Rule 502.

Bill "An Act To Establish a High-risk Health Insurance Pool"
(H.P. 1365) (L.D. 1945)

(Committee on **HEALTH AND HUMAN SERVICES** suggested)
TABLED - January 5, 2006 (Till Later Today) by Representative PINGREE of North Haven.
PENDING - REFERENCE.

Representative PINGREE of North Haven moved that the Bill be REFERRED to the Committee on **INSURANCE AND FINANCIAL SERVICES**.

The SPEAKER: The Chair recognizes the Representative from South Portland, Representative Glynn.

Representative GLYNN: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I rise on this issue of reference of this bill for several reasons and I would urge members of the House to support the good Chair of the Health and Human Services Committee, Representative Pingree on this motion to not refer it to Health and Human Services and to instead refer this bill to the Insurance and Financial Services Committee.

The reason why there is some confusion on this issue is because of the recently enacted Dirigo legislation that the House had considered. With that legislation one of the issue surrounding Dirigo was in fact a major expansion of the Medicaid Program. As the members of the House are aware, Maine's track record on people signing up for Medicaid is on an upright spike. Back in 1987 about 10%, 9.9% of the state, was enrolled in the Medicaid Program as their insurance product and in 2004, according to the census figures it went to 18% and in 2004 21.4 % and the plans are to bring it from one in five Mainers on the Medicaid program to one in four Mainers on the Medicaid program as insurance. This issue concerning risk pools is an insurance issue. It is not tied in with the Medicaid Program. The Medicaid Program is the jurisdiction of the Health and Human Services Committee. It is not the purview of the committee on Insurance and Financial Services.

There is a handout that has been handed to all of the folks here in the House of Representatives from the lead Democrat Max Baucus, who is the ranking member of the Committee on Finance at the federal level. The funds that were made available for this program to have a risk pool in the State of Maine enjoy tremendous bipartisan support at the national level. It is kind of an enigma here at the state level that we don't have bipartisan support for risk pools, and in it, at the federal level, when arguing for these funds, these funds were considered by the Committee on Finance. The funds that have been made available and have received bipartisan support by our delegation here in Maine, Senator Collins, Senator Snowe, Congressman Allen and Congressman Michaud who all voted to give Maine funds to be able to start a risk pool, as well as the lead Democrat in Washington on the Committee on Finance, Senator Baucus. They all argued that Maine should have this opportunity to establish a high-risk pool so that we would have the ability to lower our health insurance premiums.

I can't begin to tell you why I think the Insurance and Financial Services Committee is the best committee to hear this. I don't know if I can stress it enough. We have received overwhelming evidence that, in fact, risk pools have tremendously lowered the rates of health insurance.

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

Representative DUDLEY: Mr. Speaker, point of order.

The SPEAKER: The Representative may proceed

Representative DUDLEY: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I am just wondering, it appears the debate has gotten a little off track for the pending motion, that motion being Reference.

On POINT OF ORDER, Representative DUDLEY of Portland asked the Chair if the remarks of Representative GLYNN of South Portland were germane to the pending question.

The SPEAKER: The motion is a motion to reference to Insurance and Financial Services, the Representative has the right to state his reasons as to why, but I would caution the Representative that we will have plenty of time to debate the issue of the bill itself. It is really a question of referencing and the appropriate committee that it is to go to. As I understand it you are in agreement the Representative from North Haven, Representative Pingree.

The Chair reminded Representative GLYNN of South Portland to stay as close as possible to the pending question.

The SPEAKER: The Chair recognizes the Representative from South Portland, Representative Glynn.

Representative GLYNN: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. Yes I am. Thank you Mr. Speaker and thank you to the good Representative from Portland. Again, why the Insurance and Financial Services Committee is, in fact, the best committee to hear this bill is the overwhelming evidence that have received that risk pools will lower the rates by half.

Many of your constituents have probably called you with the same things that I have been called with. We actually saw them receive from Anthem increases of 15% and 18% and even the Dirigo product itself is going up 15% this year because Maine doesn't have a risk pool. While these issue of dealing with Dirigo, risk pools and expansions in Medicaid have been handled by the Joint Select Committee on Healthcare Reform that had Appropriations Committee Members, Health and Human Services and Insurance Committee members on it, I think that all should agree that the committee that is best positioned to make a good recommendation to the House of Representatives and the Maine Senate would, in fact, be the Insurance and Financial Services Committee and for all these reasons I oppose the previous position and posture of referring this bill to the Committee on Health and Human Services and Support this motion to send this forward to the Insurance and Financial Services Committee. Mr. Speaker and members of the House thank you.

Subsequently, the Bill was REFERRED to the Committee on **INSURANCE AND FINANCIAL SERVICES**, ordered printed and sent for concurrence.

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

HOUSE DIVIDED REPORT - Majority (6) **Ought Not to Pass** - Minority (2) **Ought to Pass as Amended by Committee Amendment "A" (H-726)** - Committee on **TRANSPORTATION** on Bill "An Act Concerning Dismantling of Railroad Track"

(H.P. 386) (L.D. 510)

TABLED - January 5, 2006 (Till Later Today) by Representative SAMPSON of Auburn.

PENDING - Motion of same Representative to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report.

Subsequently, the Majority **Ought Not to Pass** Report was **ACCEPTED** and sent for concurrence.

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

SENATE PAPERS

Bill "An Act To Prevent the Use of Performance-enhancing Substances by Maine Student Athletes"

(S.P. 749) (L.D. 1952)

Bill "An Act Regarding the Sharing of Costs in Certain School Districts" (EMERGENCY)

(S.P. 750) (L.D. 1953)

Bill "An Act To Invest in the Future of Maine Citizens"

(S.P. 751) (L.D. 1954)

Bill "An Act To Create a Children's Education Advocate"

(S.P. 752) (L.D. 1958)

Came from the Senate, **REFERRED** to the Committee on **EDUCATION AND CULTURAL AFFAIRS** and ordered printed.

REFERRED to the Committee on **EDUCATION AND CULTURAL AFFAIRS** in concurrence.

Resolve, To Ensure Proper Accounting for Funds at the Department of Health and Human Services

(S.P. 748) (L.D. 1949)

Bill "An Act To Guarantee Access to Medically Necessary Medications during the Implementation of the Medicare Part D Prescription Drug Program" (EMERGENCY)

(S.P. 753) (L.D. 1959)

Came from the Senate, **REFERRED** to the Committee on **HEALTH AND HUMAN SERVICES** and ordered printed.

REFERRED to the Committee on **HEALTH AND HUMAN SERVICES** in concurrence.

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

The House recessed until 12:30 p.m.

(After Recess)

The House was called to order by the Speaker.

The Chair laid before the House the following item which was **TABLED** earlier in today's session:

Bill "An Act To Authorize, Subject to State Referendum, a Tribal Commercial Track and Slot Machines in Washington County"

(H.P. 1197) (L.D. 1690)

Which was **TABLED** by Representative **CUMMINGS** of Portland pending **RECONSIDERATION**.

After reconsideration, the House proceeded to vote on the question.

The **SPEAKER**: The pending question before the House is 'Shall this Bill become a law notwithstanding the objections of the Governor?' A roll call was taken.. All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 354

YEA - Annis, Austin, Berube, Bierman, Bishop, Bowles, Brown R, Browne W, Campbell, Churchill, Clark, Crosby, Curtis, Davis K, Driscoll, Dugay, Duprey, Edgcomb, Fischer, Fisher, Fitts, Fletcher, Flood, Grose, Hall, Hanley B, Hotham, Jackson, Jacobsen, Jennings, Jodrey, Kaelin, Lindell, Marean, Marley, Mazurek, McCormick, McFadden, McLeod, Merrill, Millett, Moore G, Muse, Nass, Nutting, Paradis, Perry, Pinkham, Plummer, Richardson E, Richardson M, Richardson W, Robinson, Rosen, Saviello, Schatz, Shields, Simpson, Smith W, Sykes, Tardy, Tuttle, Vaughan.

NAY - Adams, Ash, Barstow, Beaudette, Blanchard, Bliss, Bowen, Brannigan, Brautigam, Bryant, Burns, Cain, Canavan, Carr, Cebra, Clough, Collins, Craven, Cressey, Crosthwaite, Cummings, Curley, Daigle, Davis G, Duchesne, Dudley, Dunn, Duplessie, Eberle, Eder, Faircloth, Farrington, Finch, Gerzofsky, Glynn, Goldman, Greeley, Hamper, Hanley S, Harlow, Hogan, Hutton, Joy, Koffman, Lansley, Lewin, Makas, Marraché, McKane, McKenney, Miller, Mills, Moulton, Norton, O'Brien, Ott, Patrick, Percy, Pilon, Pingree, Rector, Richardson D, Rines, Sampson, Seavey, Smith N, Stedman, Thomas, Thompson, Trahan, Valentino, Walcott, Watson, Webster, Wheeler, Woodbury, Mr. Speaker.

ABSENT - Babbidge, Blanchette, Bryant-Deschenes, Emery, Lerman, Lundeen, Moody, Pineau, Piotti, Sherman, Twomey.

Yes, 63; No, 77; Absent, 11; Excused, 0.

63 having voted in the affirmative and 77 voted in the negative, with 11 being absent, and accordingly the Veto was sustained.

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

On motion of Representative **BISHOP** of Boothbay, the House adjourned at 1:15 p.m., until 10:00 a.m., Thursday, January 12, 2006 in honor and lasting tribute to the Honorable Stan Tupper of Boothbay Harbor.