

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

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

VOLUME II

FIRST REGULAR SESSION

House of Representatives
May 24, 1995 to June 30, 1995

Representative SPEAR: Mr. Speaker, Ladies and Gentlemen of the House: What you just heard from the good Representative from Wiscasset, Representative Kilkelly is all correct. This is a bill that we spent a lot of time on, which spent almost the entire session in committee working with the department and Animal Welfare Board in trying to come up with many decisions in this thick bill we had. We worked with town officials in coming up with different licensing procedures. We worked on problems with animal shelter and dog kennels. We worked with the Animal Welfare Board in determining many of these things. All I am saying is a lot of work went into this bill. I would strongly urge that we support the enactment of this bill. Thank you.

The SPEAKER: The Chair recognizes the Representative from Dover-Foxcroft, Representative Cross.

Representative CROSS: Mr. Speaker, Ladies and Gentlemen of the House: My co-chairman, Representative Kilkelly has told you just the way it is. It was a 13-0 Committee Report. As far as I am concerned, I hate to say vote against Representative Look, but I am asking you to do it today. We need this enactment as soon as possible. Thank you.

The SPEAKER: The Chair recognizes the Representative from Eagle Lake, Representative Martin.

Representative MARTIN: Mr. Speaker, Members of the House: I agree that the committee did an excellent job in upgrading the laws dealing with dogs and cats. I do have concerns with the question and the way it is worded, which deals with how someone can kill a dog. My concern lies with the three words, death is instantaneous. I am just trying to figure out what a humane officer is going to do with those three words.

Someone is going to be a witness at some point to one of these incidents and I can hear it all now as to someone being dragged into court on that basis. I certainly would not encourage anyone who owns a dog or cat to use this provision of the law. In effect, the question is going to arise on the question of what is instantaneous. I can see the legal debates that will continue around those three words. I am not sure, at this point, it is worth amending. I think some thought needs to be given between now and January to deal with that issue. Overall, this bill is a real improvement over existing law in every way, except those three words. I am not sure why those three words were chosen, but between now and January, I would hope that someone gives some thought to how to deal with that problem. It is going to develop.

I know in my area it is 60 and 100 miles, in some areas, to the humane society. I can guarantee you, I know what is going to happen. There are people who are rather fanatical on what you do with a dog or a cat. I can guarantee you that the word will spread very quickly that someone shot one and then I can see it all transpire. It is unfortunate because I know what the committee is attempting to do, but I see the point of view that some people on the other side are coming from. The potential here is a serious one, in the long run.

The SPEAKER: A roll call has been ordered. The pending question before the House is Enactment. All those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 242

YEA - Adams, Ahearn, Ault, Bailey, Benedikt, Berry, Bouffard, Brennan, Buck, Bunker, Cameron,

Campbell, Carleton, Chartrand, Chase, Chick, Chizmar, Cloutier, Cross, Daggett, Damren, Davidson, Desmond, Driscoll, Dunn, Etnier, Farnum, Fisher, Gamache, Gates, Gieringer, Gooley, Gould, Green, Guerrette, Hartnett, Heeschen, Heino, Hichborn, Johnson, Jones, S.; Joyce, Joyner, Kilkelly, Kneeland, Kontos, Labrecque, Lane, Layton, Lemont, Lindahl, Lumbra, Marvin, McElroy, Meres, Mitchell EH; Mitchell JE; Nickerson, O'Gara, O'Neal, Paul, Peavey, Perkins, Pinkham, Plowman, Poirier, Povich, Reed, G.; Reed, W.; Rice, Richardson, Robichaud, Rosebush, Samson, Savage, Shiah, Sirois, Spear, Stedman, Strout, Taylor, Thompson, Tripp, True, Tyler, Vigue, Wheeler, Whitcomb, Winglass, Winn, Winsor.

NAY - Aikman, Bigl, Birney, Clark, Clukey, Gerry, Jones, K.; Joy, LaFountain, Lemaire, Lemke, Libby JD; Libby JL; Look, Lovett, Madore, Marshall, Martin, Mayo, McAlevey, Murphy, Nass, Pendleton, Ricker, Rowe, Saxl, M.; Stone, Treat, Truman, Tufts, Tuttle, Underwood, Volenik, Waterhouse.

ABSENT - Barth, Dexter, DiPietro, Donnelly, Dore, Fitzpatrick, Greenlaw, Hatch, Jacques, Joseph, Keane, Kerr, Luther, Morrison, Nadeau, Ott, Poulin, Pouliot, Rotondi, Saxl, J.; Simoneau, Stevens, Townsend, Watson, Yackobitz, The Speaker.

Yes, 91; No, 34; Absent, 26; Excused, 0.

91 having voted in the affirmative and 34 voted in the negative, with 26 being absent, the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

By unanimous consent, all matters having been acted upon were ordered sent forthwith.

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

Bill "An Act to Provide Greater Access to Health Care" (S.P. 343) (L.D. 948) which was tabled by Representative CARLETON of Wells pending adoption of Committee Amendment "A" (S-279).

Representative BIRNEY of Paris presented House Amendment "D" (H-622) to Committee Amendment "A" (S-279) which was read by the Clerk.

The SPEAKER: The Chair recognizes the Representative from Paris, Representative Birney.

Representative BIRNEY: Thank you Mr. Speaker. I will try not to belabor this issue. Basically the law as we have it now, there is a delegation by a licensed physician to a certified nurse anesthetist.

This amendment removes the certified nurse anesthetist from the current Committee Report that is before us. It prevents them from practicing independently and would keep them at the point where they are now, where there is delegation by a licensed physician. Anesthesia care is by no means primary care. None of the arguments to support this bill apply to anesthesia. It is my opinion, plain and simple, that CRNAs should under no circumstance be practicing without physician delegation. The practice of anesthesia is much more than putting the patient to sleep. It is an undertaking that requires the exercise of medical judgment throughout the pre-operative, operative and post-operative period.

In order to make safe and appropriate decisions the provider must be able to review all diagnostic data. Obtain a relevant medical history by reviewing the patients medical records and perform a physical

exam focusing on issues pertinent to undergoing anesthesia including diagnosing any unrecognized or inadequately treated conditions that could create risk for the surgery patient. During the operation the anesthesiologist delivers or directs the delivery of the selected anesthesia agents while continually monitoring the patients response and vital functions. Decisions must be made in a matter of seconds to respond to conditions that may arise, such as cardiac or respiratory problems. These moments in the operating room are not time for discussion to make a referral. This is the time for decisive medical decision making and action.

There must be medical direction in the operating room by an anesthesiologist or a designated surgeon. Currently nurse anesthetists are required to have a four year bachelor's degree followed by a year of critical care nursing and two years of anesthesia training. This has not always been the case of the CRNAs practicing, only about 50 percent have bachelor's degrees and less than 20 percent have a master's degree or other graduate degree. Anesthesiologists, by comparison, have four years of undergraduate education including specific science requirements, four years of medical school, including two years of science and two years of clinical instruction including diagnosis therapy covering all the major medical specialties and four years of residency training, including one year of general specialized medicine and three years of clinical anesthesiology.

Federal regulations for an accreditation for facilities under medicare and medicaid programs require that a nurse anesthetist be under supervision. In its 1992 publication of the CRNAC schedule, the Health Care Finance Administration reiterated the need for these minimum standards saying it would not be appropriate to allow anesthesia administration by a non-physician anesthetist unless supervised by either an anesthesiologist or an operating practitioner. Similarly the Joint Commission of Accreditation of Health Care Organizations upholds the medical supervision of anesthesia plans and requires that organized anesthesia services be supervised by a physician. Anesthesia services should be directed by a physician for the health and the safety of the patients. I strongly believe that nurse anesthetists should not be practicing independently. I urge this body to accept this amendment. Shouldn't this be a part of our state law.

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

Representative ROWE: Mr. Speaker, Colleagues of the House: We are going to have several amendments tonight, this is the first of many. I would ask you to stay with your vote today and defeat all of them.

This particular amendment, as the good Representative Birney said, deals with certified nurse anesthetists. First of all, I don't agree and if I am wrong somebody can correct me. This is about nurse anesthetists doing diagnosing. They administer anesthetic to patients. They can't prescribe under L.D. 948. The only individuals that can prescribe are certified nurse practitioners and certified nurse midwives. Certified registered nurse anesthetists administer more than 65 percent of all anesthetic given to patients each year. Certified registered nurse anesthetists are the sole providers of anesthetic in 85 percent of the rural hospitals in

this country. They work in almost every setting in which anesthesia is given, operating rooms, dentist's offices and ambulatory surgical settings.

They don't work alone. There is a surgeon with them. They are part of a team. They administer the anesthesia and then the surgeon performs the surgery and that is the way it works. Again, we are going to many of these. I know you knew what you voted for today. I think we all did. I would ask you to hold your position. Thank you very much.

The SPEAKER: The Chair recognizes the Representative from Paris, Representative Birney.

Representative BIRNEY: Mr. Speaker, Ladies and Gentlemen of the House: What Representative Rowe said is exactly what I want to see in the law.

The Chair ordered a division on adoption of House Amendment "D" (H-622) to Committee Amendment "A" (S-279).

Representative BIRNEY of Paris requested a roll call on adoption of House Amendment "D" (H-622) to Committee Amendment "A" (S-279).

The SPEAKER: A roll call has been requested. For the Chair to order a roll call it must have the expressed desire of more than one-fifth of members present and voting. All those in favor will vote yes; those opposed will vote no.

A vote of the House was taken and more than one-fifth of the members present and voting having expressed a desire for a roll call, a roll call was ordered.

The pending question before the House is adoption of House Amendment "D" (H-622) to Committee Amendment "A" (S-279). All those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 243

YEA - Aikman, Ault, Bailey, Bigl, Birney, Campbell, Carleton, Chick, Clukey, Cross, Damren, Donnelly, Dunn, Gamache, Gooley, Gould, Guerrette, Jones, S.; Joy, Joyce, Joyner, LaFountain, Lane, Layton, Libby JL; Lindahl, Look, Lovett, Lumbra, Marvin, McElroy, Mitchell EH; Mitchell JE; Nass, Nickerson, Paul, Plowman, Pouliot, Povich, Reed, G.; Reed, W.; Robichaud, Savage, Saxl, J.; Saxl, M.; Simoneau, Stedman, Stone, Taylor, Tufts, Underwood, Waterhouse, Winglass, Winn, Winsor.

NAY - Adams, Ahearne, Benedikt, Berry, Bouffard, Brennan, Bunker, Cameron, Chartrand, Chase, Chizmar, Clark, Cloutier, Daggett, Davidson, Desmond, DiPietro, Dore, Driscoll, Etnier, Farnum, Fisher, Fitzpatrick, Gates, Gieringer, Green, Hartnett, Heeschen, Hichborn, Johnson, Jones, K.; Joseph, Kerr, Kilkelly, Kneeland, Kontos, Labrecque, Lemaire, Lemont, Libby JD; Madore, Marshall, Martin, Mayo, McAlevey, Meres, Murphy, Nadeau, O'Gara, O'Neal, Ott, Peavey, Pendleton, Perkins, Pinkham, Rice, Richardson, Ricker, Rosebush, Rowe, Samson, Shiah, Sirois, Spear, Strout, Thompson, Townsend, Treat, Tripp, True, Truman, Tuttle, Tyler, Vigue, Volenik, Watson, Wheeler, Whitcomb, The Speaker.

ABSENT - Barth, Buck, Dexter, Gerry, Greenlaw, Hatch, Heino, Jacques, Keane, Lemke, Luther, Morrison, Poirier, Poulin, Rotondi, Stevens, Yackobitz.

Yes, 55; No, 79; Absent, 17; Excused, 0.

55 having voted in the affirmative and 79 voted in the negative, with 17 being absent, House Amendment "D" (H-622) to Committee Amendment "A" (S-279) was not adopted.

Representative LUMBRA of Bangor presented House Amendment "B" (H-619) to Committee Amendment "A" (S-279) which was read by the Clerk.

The SPEAKER: The Chair recognizes the Representative from Bangor, Representative Lumbra.

Representative LUMBRA: Mr. Speaker, Men and Women of the House: This amendment comes from this morning's testimony. We heard a lot about that this will apply to master's degree RNs and I believe in this strongly. We have many levels of nurse practitioners, two year associate degrees, plus a nine month certificate as a nurse practitioner. Three year diploma, plus a nine month certification as a nurse practitioner. All this amendment does is what we voted on this morning, supposedly, this says that a nurse practitioner who we are going to give the right to practice medicine independently from a physician will have to have a master's level education. Also, it will require that they have 36 months of some sort of clinical training with the supervision of a physician.

Now I believe in parity, so I look at what the requirements of a physician. Physicians have four year bachelor degree, four year medical school and three year residency before they can independently practice. Eleven years minimum. What we are asking here, with this amendment, is simply that the nurse practitioner will have a master's degree and 36 months of practice with physician supervision. The nurse practitioner now will be grandfathered. So this amendment will not effect nurse practitioners now, they will be grandfathered, so I believe in holding peoples feet to the fire. That's what we heard we were getting this morning with L.D. 948, so I ask you to support this amendment. Thank you.

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

Representative ROWE: Thank you Mr. Speaker, Men and Women of the House: This second Amendment would extend the 24 month requirement to 36. As you know when this bill came out of committee there was no requirement, because we felt that the training was adequate and the educational background to allow an advance registered nurse to practice within their scope of practice.

The amendment which I now support is 24 months, that's 24 months of intensive clinical work under the supervision of a licensed physician. I would submit that that is substantial. The master's issue what you heard this morning was that all certifying bodies require master's degree to be certified. There's one exception, that's well women care because that's a very narrow specialty and presently there is no master's degree required, however, there is advanced education. Again, I think if you take a careful look at the L.D. or the Committee Amendment "A" to the L.D. I think it has adequate credentialing in it, adequate educational requirements and I think 24 months is adequate time to allow these professionals to move and to do the work which they are trained for. Again, this isn't medicine, this is a practice of advanced nursing. It's what they're trained for. You know people who are doing it today. I strongly urge you to defeat the pending motion. Thank you.

The SPEAKER: The Chair recognizes the Representative from Brunswick, Representative Davidson.

Representative DAVIDSON: Thank you, Mr. Speaker, Men and Women of the House: I would like to pose a question, if I could through the Chair.

The SPEAKER: The Representative may pose his question.

Representative DAVIDSON: Just looking at these numbers I might pose this to the good Representative from Bangor, if I can. Is there a reason why there's a specific date for the 36 months as opposed to the 24. Is there specific data that shows that beyond this extra training, there's specific things the nurses will learn or specific things that will be good for the practice that we're reached this number, and even reached 24.

The SPEAKER: The Representative from Brunswick, Representative Davidson has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Bangor, Representative Lumbra.

Representative LUMBRA: Thank you Mr. Speaker. Yes, the 36 months comes from several things. One is, I believe, the 24 months that we are talking about is in a different amendment that has not been submitted to this House yet. The 36 months, I believe in the 36 months, because I looked up what do we require from our physicians. We require from our physicians, four years of under-graduate, four years of medical school, and three years, 36 months, of residency, or clinical. So that's where I'm getting that from, the three years. I think if it's good for our physicians, to have that kind of training that the very least we can do is expect it from our nurse practitioners. What we're simply asking is for master's degree with three years of practice with the supervision of a physician, they get paid quite well for this residency, if we want to call it that. It's just three years of practice with supervision. After that then they can go out, hang their own shingle out and practice medicine. I think it's a protective measure for people seeking medical treatment from the nurse practitioner, that they have had that additional training.

The SPEAKER: The Chair recognizes the Representative from Rumford, Representative CAMERON.

Representative CAMERON: Thank you, Mr. Speaker, Men and Women of the House. In the interest of the hour, I would just like to respond to a couple of things. It's apparent to me that the 36 months is somebody's opinion and I want to emphasize again that we are not asking them to be allowed to practice medicine. We are asking them to be allowed to practice the full extent of their education. End of story. They are not doctors, they're not practicing medicine, they are nurses with more education, very simply, thank you.

Representative ROSEBUSH of Millinocket requested a roll call on adoption of House Amendment "B" (H-619) to Committee Amendment "A" (S-279).

The SPEAKER: A roll call has been requested. For the Chair to order a roll call it must have the expressed desire of more than one-fifth of members present and voting. All those in favor will vote yes; those opposed will vote no.

A vote of the House was taken and more than one-fifth of the members present and voting having expressed a desire for a roll call, a roll call was ordered.

The SPEAKER: The Chair recognizes the Representative from South Berwick, Representative FARNUM.

Representative FARNUM: Mr. Speaker and members of the House: In South Berwick, I have three nurses who are now going to school to get their master's degrees

and they favor this program. I don't think they favor all these extra months that you're adding to it. They are working hard and they are paying for it out of their own money.

The SPEAKER: The Chair recognizes the Representative from Bangor, Representative LUMBRA.

Representative LUMBRA: Thank you, Mr. Speaker and Ladies and Gentlemen of the House: I just cannot let it go that we are not allowing nurse practitioners to practice medicine when you independently diagnose and you independently treat with medication your diagnosis, that is practicing medicine. So I would urge you to please support this amendment. Thank you.

The SPEAKER: A roll call has been ordered. The pending question before the House is adoption of House Amendment "B" to Committee Amendment "A". All those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 244

YEA - Aikman, Ault, Bailey, Birney, Carleton, Chartrand, Chick, Clukey, Cross, Damren, Donnelly, Driscoll, Dunn, Gerry, Gooley, Guerrette, Hichborn, Jones, S.; Joy, Joyce, Joyner, LaFountain, Lane, Layton, Libby JD; Libby JL; Look, Lumbra, Marshall, Marvin, McElroy, Meres, Mitchell JE; Nass, Nickerson, Plowman, Pouliot, Povich, Reed, G.; Reed, W.; Robichaud, Rosebush, Savage, Saxl, J.; Saxl, M.; Simoneau, Stedman, Taylor, Tufts, Underwood, Waterhouse, Winglass, Winn, Winsor.

NAY - Adams, Ahearne, Benedikt, Berry, Bouffard, Brennan, Bunker, Cameron, Campbell, Chase, Chizmar, Clark, Cloutier, Daggett, Davidson, Desmond, DiPietro, Dore, Etnier, Farnum, Fisher, Fitzpatrick, Gamache, Gates, Gieringer, Gould, Green, Hartnett, Heeschen, Johnson, Jones, K.; Joseph, Kerr, Kilkelly, Kneeland, Kontos, Labrecque, Lemaire, Lemont, Lindahl, Lovett, Madore, Martin, Mayo, McAlevey, Mitchell EH; Murphy, Nadeau, O'Gara, O'Neal, Ott, Paul, Peavey, Pendleton, Perkins, Pinkham, Rice, Richardson, Ricker, Rowe, Samson, Shiah, Sirois, Spear, Stone, Strout, Thompson, Townsend, Treat, Tripp, True, Truman, Tuttle, Tyler, Vigue, Volenik, Watson, Wheeler, Whitcomb, The Speaker.

ABSENT - Barth, Bigl, Buck, Dexter, Greenlaw, Hatch, Heino, Jacques, Keane, Lemke, Luther, Morrison, Poirier, Poulin, Rotondi, Stevens, Yackobitz.

Yes, 54; No, 80; Absent, 17; Excused, 0.

54 having voted in the affirmative and 80 voted in the negative, with 17 being absent, House Amendment "B" (H-619) to Committee Amendment "A" (S-279) was not adopted.

Representative SAXL of Bangor presented House Amendment "A" (H-618) to Committee Amendment "A" (S-279) which was read by the Clerk.

The SPEAKER: The Chair recognizes the Representative from Bangor, Representative Saxl.

Representative SAXL: Mr. Speaker, Ladies and Gentlemen of the House: This is really a simple little amendment. It just provides for a patient's right to know. That is a patient's right to know that a nurse practitioner is going to be taking care of them. I think this is a worth while thing to do. We are letting people know what the level of training is of the person caring for them. I do this and ask for your support. Thank you.

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

Representative ROWE: Mr. Speaker, Men and Women of the House: I have looked at this amendment and I do have some concerns about it. It does seem reasonable on its face, but I think it is overly broad and I think it is burdensome. Presently in this state, certified psychiatric clinical nurses, nurse specialists, who have practiced for over 20 years without physician oversight, as you may or may not know. Practically all of these people have master's degrees and some of them have doctorate's degrees. They provide primary care and psychotherapy. To pass this amendment would be to do something that hasn't been done, as I said, for 20 years.

The other issue is certified nurse midwives are required by national standards to have physician consultation. As you may recall in the bill, in Committee Amendment "A", it does say that advanced nursing include consultation with and referral to medical and other health care providers when appropriate for the clients health care needs.

Finally, I brought up earlier nurse anesthetists who practice in rural hospitals where there is not an anesthesiologist, maybe some days there are and some days there aren't. With this bill it would seem quite cumbersome, some days you may give notice to a patient and some days you wouldn't. It would depend if a physician or an anesthesiologist was present. I guess the word oversight may mean many things to many people. There is going to be some hybrid relationships in this state with respect to the relationship between advanced practice nurses and physicians. Some probably many will continue to practice under the delegation of duties in the current statutes. Certainly there are those in between that will have ongoing relationships with physicians. All of them will refer and consult from time to time.

I think this amendment is basically too strict. It is not going to meet reality because we are going to have a lot of different models, if you will, of the ways that advanced nurses practice. For all these reasons, I would ask you to oppose the pending motion. Thank you.

The SPEAKER: The Chair recognizes the Representative from Bangor, Representative Saxl.

Representative SAXL: Mr. Speaker, Ladies and Gentlemen of the House: I really take objection to that. It seems to me that a person has the right to know about who is going to treat them and what their level of expertise is. You have the right to informed consent. You have the right to how you are treated and for what. It seems to me that you have the right to know the credentials of those people who are treating you. If you go into a doctor's office, you will see his diplomas on the wall. If you are being treated by a nurse, it seems to me that you ought to know whether you are being treated by a nurse practitioner and what the level of educational background is.

It seems only right to me that you should be able to make an informed decision about who is going to treat you and what their background is. I think to call this overburdensome to inform a patient about what the level of experience and education is, is really ridiculous. I would appreciate your support for this and think that it is really hypocritical to suggest that this is overly burdensome.

The SPEAKER: The Chair recognizes the Representative from Glenburn, Representative Winn.

Representative WINN: Mr. Speaker, Ladies and Gentlemen of the House: My former committee was Business Legislation and I devoted about two years of my life to try and have this bill passed. The reason why I have been voting against it today is because of the lack of training that goes on in the State of Maine. I want to make that clear that other states that allow this sort of this to happen in Canada and whatnot have trained their nurses in advanced practice to much higher levels than our institutions are doing. I am very much for the concept, I just have a real problem because of the lack of training. Specifically my comments regarding this amendment. I want to address the concerns that were raised. My response is that what we need to be looking out for is the best interest of the consumers. One of the reasons why I have been so concerned about this issue is because my oldest daughter, when she was eight went to a nurse in advanced practice who said she had a virus. It turned out that a few hours later Loni had congestive heart failure and acute kidney failure. It was a couple of days before Christmas and the night before I was supposed to earn my master's in business administration. I don't want to see any other families go through what my family went through. It was years of terror for my daughter recuperating from that. Three reasons why I support Representative Saxl's amendment is three little details that most people aren't aware of. One is the nurses in advanced practice don't have the right to admit people to the hospital. They haven't got that squared away yet. If you are under the sole care of a nurse in advanced practice and she is not linked up with a doctor, there could be a time delay in getting admitted into the hospital. I am sure they will straighten that out quickly, but in the meantime that problem does exist. The second issue is about coverage. Most of these nurses are used to working from 8 to 5. They are not used to working a 3 o'clock in the morning. You need to be aware of that as a patient that you may call somebody up and they don't have anybody that is covering for you during the week of the 4th of July when they are on vacation. The third and final issue has to do with coverage with referral. To me that is the most important. When I was working on the bill, I asked one of the nurses in advanced practice, who would you refer your patient to if you suspected a problem and you were in over your head. She said, "I would just open up the yellow pages and look and find a neurologist or whatever to refer my patient to. I happen to know, as you do, that there is a big difference in each community as to which the good providers are and which the bad ones are. I think you would want to make sure if the referral was made it was made because you knew that was the best neurologist or whatever to meet your needs. From a patients point of view, I think it is only fair and reasonable to make that disclaimer known so that if you go to nurse in advanced practice you might notice the difference and say, (a) "If I need you 4th of July weekend, are you going to be there for me and if not, who will be?" (b) "If there is an emergency, can I get into the hospital immediately? (c) Are you going to have good ideas about who to refer me to if I have needs that you can't meet? Thank you very much. I just wanted to explain my voting pattern. I am very supportive of the bill. It is just that the devil is in the detail. Again, I don't want any

family to go through what my family went through a few years ago. Thank you.

Representative PENDLETON of Scarborough requested a roll call on adoption of House Amendment "A" (H-618) to Committee Amendment "A" (S-279).

The SPEAKER: A roll call has been requested. For the Chair to order a roll call it must have the expressed desire of more than one-fifth of members present and voting. All those in favor will vote yes; those opposed will vote no.

A vote of the House was taken and more than one-fifth of the members present and voting having expressed a desire for a roll call, a roll call was ordered.

ROLL CALL NO. 245

YEA - Adams, Aikman, Ault, Bailey, Birney, Carleton, Chartrand, Chick, Clark, Cloutier, Clukey, Cross, Damren, Davidson, Driscoll, Dunn, Gerry, Gould, Guerrette, Hartnett, Hichborn, Jones, S.; Joy, Joyner, LaFountain, Lane, Layton, Libby JD; Libby JL; Lovett, Lumbra, Marshall, Marvin, Meres, Mitchell EH; Mitchell JE; Nass, Ott, Plowman, Povich, Reed, G.; Reed, W.; Richardson, Robichaud, Rosebush, Savage, Saxl, J.; Saxl, M.; Stedman, Stone, Strout, Underwood, Waterhouse, Winglass, Winn, Winsor.

NAY - Ahearne, Benedikt, Berry, Bouffard, Brennan, Bunker, Cameron, Campbell, Chase, Chizmar, Daggett, Desmond, Donnelly, Dore, Etnier, Farnum, Fisher, Fitzpatrick, Gamache, Gates, Gieringer, Gooley, Green, Johnson, Jones, K.; Joseph, Joyce, Kerr, Kilkelly, Kneeland, Kontos, Labrecque, Lemaire, Lemont, Lindahl, Look, Madore, Martin, Mayo, McAlevy, Murphy, Nadeau, Nickerson, O'Gara, O'Neal, Paul, Peavey, Pendleton, Perkins, Pinkham, Rice, Ricker, Rowe, Samson, Shiah, Simoneau, Sirois, Spear, Taylor, Thompson, Townsend, Treat, Tripp, True, Truman, Tufts, Tuttle, Tyler, Volenik, Watson, Wheeler, Whitcomb, The Speaker.

ABSENT - Barth, Bigl, Buck, Dexter, DiPietro, Greenlaw, Hatch, Heeschen, Heino, Jacques, Keane, Lemke, Luther, McElroy, Morrison, Poirier, Poulin, Pouliot, Rotondi, Stevens, Vigue, Yackobitz.

Yes, 56; No, 73; Absent, 22; Excused, 0.

56 having voted in the affirmative and 73 voted in the negative, with 22 being absent, House Amendment "A" (H-618) to Committee Amendment "A" (S-279) was not adopted.

Subsequently, Committee Amendment "A" (S-279) was adopted.

Under suspension of the rules, the Bill was given its second reading without reference to the Committee on Bills in the Second Reading.

On motion of Representative ROWE of Portland, the House reconsidered its action whereby Committee Amendment "A" (S-279) was adopted.

Senate Amendment "A" (S-304) to Committee Amendment "A" (S-279) was read by the Clerk and adopted.

Committee Amendment "A" (S-279) as amended by Senate Amendment "A" (S-304) thereto was adopted.

Representative WATERHOUSE of Oxford moved that the Bill and all accompanying papers be indefinitely postponed.

Representative ROWE of Portland requested a roll call on the motion to indefinitely postpone the Bill and all accompanying papers.

The SPEAKER: A roll call has been requested. For the Chair to order a roll call it must have the expressed desire of more than one-fifth of members

present and voting. All those in favor will vote yes; those opposed will vote no.

A vote of the House was taken and more than one-fifth of the members present and voting having expressed a desire for a roll call, a roll call was ordered.

ROLL CALL NO. 246

YEA - Aikman, Ault, Bailey, Birney, Carleton, Chick, Clukey, Cross, Damren, Donnelly, Driscoll, Dunn, Gamache, Guerrette, Jones, S.; Joy, Joyce, Joyner, Lane, Libby JL; Lindahl, Look, Lumbr, Meres, Nickerson, Plowman, Reed, G.; Reed, W.; Robichaud, Savage, Saxl, J.; Simoneau, Stedman, Tufts, Underwood, Waterhouse, Winglass, Winn, Winsor.

NAY - Adams, Ahearne, Benedikt, Berry, Bouffard, Brennan, Bunker, Cameron, Campbell, Chartrand, Chase, Chizmar, Clark, Cloutier, Daggett, Davidson, Desmond, Dore, Etnier, Farnum, Fisher, Fitzpatrick, Gates, Gerry, Gieringer, Gooley, Gould, Green, Hartnett, Hichborn, Johnson, Jones, K.; Joseph, Kilkelly, Kneeland, Kontos, Labrecque, LaFountain, Layton, Lemaire, Lemont, Libby JD; Lovett, Madore, Marshall, Martin, Marvin, Mayo, McAlevey, Mitchell EH; Mitchell JE; Murphy, Nadeau, Nass, O'Gara, O'Neal, Ott, Paul, Peavey, Pendleton, Perkins, Pinkham, Povich, Rice, Richardson, Ricker, Rosebush, Rowe, Samson, Saxl, M.; Shiah, Sirois, Spear, Stone, Strout, Taylor, Thompson, Townsend, Treat, Tripp, True, Truman, Tuttle, Tyler, Volenik, Watson, Wheeler, Whitcomb, The Speaker.

ABSENT - Barth, Bigl, Buck, Dexter, DiPietro, Greenlaw, Hatch, Heeschen, Heino, Jacques, Keane, Kerr, Lemke, Luther, McElroy, Morrison, Poirier, Poulin, Pouliot, Rotondi, Stevens, Vigue, Yackobitz.

Yes, 39; No, 89; Absent, 23; Excused, 0.

39 having voted in the affirmative and 89 voted in the negative, with 23 being absent, the motion to indefinitely postpone the Bill and all accompanying papers was not accepted.

Subsequently, the Bill was passed to be engrossed as amended by Committee Amendment "A" (S-279) as amended by Senate Amendment "A" (S-304) thereto in concurrence.

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

SENATE PAPERS

The following Communication: (H.C. 231)

Maine State Senate
State House Station 3
Augusta, Maine 04333

June 26, 1995

The Honorable Joseph W. Mayo
Clerk of the House
State House Station 2
Augusta, Maine 04333
Dear Clerk Mayo:

Please be advised that the Senate today Adhered to its former action whereby it Accepted the Majority Ought Not to Pass Report from the Committee on Utilities and Energy on Bill "An Act Regarding Cable Television" (H.P. 831) (L.D. 1162).

Sincerely,
S/May M. Ross
Secretary of the Senate

Was read and ordered placed on file.

REPORTS OF COMMITTEES

Divided Report

Majority Report of the Committee on Judiciary reporting "Ought to Pass" as amended by Committee Amendment "A" (H-616) on Bill "An Act to Establish a Statute of Limitations for Claims against the Dalkon Shield Claimants Trust" (H.P. 983) (L.D. 1391)

Signed:

Senator:

Representatives:

MILLS of Somerset

TREAT of Gardiner

JONES of Bar Harbor

LAFOUNTAIN of Biddeford

WATSON of Farmingdale

MADORE of Augusta

LEMKE of Westbrook

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

Signed:

Senators:

Representatives:

PENDEXTER of Cumberland

FAIRCLOTH of Penobscot

PLOWMAN of Hampden

HARTNETT of Freeport

NASS of Acton

RICHARDSON of Portland

Was read.

Representative TREAT of Gardiner moved that the House accept the Majority "Ought to Pass" as amended Report.

On further motion of the same Representative, tabled pending her motion to accept the Majority "Ought to Pass" as amended Report and specially assigned for Tuesday, June 27, 1995.

BILL HELD

Resolve, Establishing the Task Force on Alcoholic Beverage Sales (EMERGENCY) (H.P. 1075) (L.D. 1514) (Governor's Bill) (C. "A" H-477)

- In House passed to be engrossed as amended by Committee Amendment "A" (H-477) as amended by House Amendment "A" (H-614).

HELD at the Request of Representative TRUE of Fryeburg On motion of Representative TRUE of Fryeburg the House reconsidered its action whereby L.D. 1514 was passed to be engrossed as amended.

On motion of Representative MITCHELL of Vassalboro, tabled pending passage to be engrossed as amended and specially assigned for Tuesday, June 27, 1995.

On motion of Representative WHITCOMB of Waldo the House adjourned at 10:25 p.m., until 9:00 a.m., Tuesday, June 27, 1995.