

# 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)

**Senate Legislative Record**  
**One Hundred and Eighteenth Legislature**  
**State of Maine**

**Volume 1**

**First Regular & Special Session**  
**December 6, 1996 to May 19, 1997**

**Pages 1 - 980**

23 Senators having voted in the affirmative and 10 Senators having voted in the negative, with 2 Senators being absent, the motion by Senator **PARADIS** of Aroostook to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (S-89)** Report, **PREVAILED**.

The Bill **READ ONCE**.

Committee Amendment "A" (S-89) **READ**.

On motion by Senator **MILLS** of Somerset Senate Amendment "A" (S-100) to Committee Amendment "A" (S-89) **READ**.

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

Senator **MILLS:** Thank you Mr. President. If I may speak briefly to this proposed amendment, which is filing number S-100 in your hymnals. Men and women of the Senate, I understand the sentiment behind the bill. The reason for the bill arose from circumstances in which it was a concern that hospital administrators, or other health care facilities, might be requiring people to wear badges of identification and in doing so prohibiting staff members from identifying themselves with the level of training, expertise or licensure that has been bestowed on them by state law or what have you, and that there was a concern and, I think, a very legitimate concern, that people who were being treated in these facilities would not be aware of the level of expertise of the person administering to them. And, I have some sympathy with the idea that the patient, how sometimes bedridden or what have you, shouldn't be compelled to ask, if the situation arises, where they have a deep seeded curiosity about the skill level of the person who is attending to them. Sometimes it helps to shape the nature of the question that you might be asking of your health care provider or what not.

My concern with the bill as originally drafted is that it requires all health care facilities to require that the people who work there, who tend on patients, wear an identification badge with certain specifications to it, displaying the name, the licensure, the staff position of the person wearing the badge. I don't know whether it's practice for every medical care institution in this state to require that of all of its health care providers now or whether it's not. But, it does seem to me that there are valid circumstances in which people who are tending on patients ought not to be required to wear a badge, or might not prefer to wear a badge of some kind. If you're working with disturbed or disabled children, or in a mental health ward, or if you're working around certain forms of machinery while tending to patients and so on, I can think of reasons why there would be certainly exceptions to any such policy. Exceptions that might best be administered by the health care institution that is ultimately responsible for the care of the patients who are admitted to it. And so, the amendment is a little narrower than the bill itself.

The proposed amendment that I lay before you simply says that, "A health care facility, that either permits or requires the wearing of an identification badge, may not prohibit on that badge the display of the employees licensure status." So that if a person is a registered nurse, or an M.D., or a therapist of some level of licensure, they would have the right, under this amendment to make it clear on the badge the nature of their

authority and their training. Seems to me that this amendment cures the difficulty that gave genesis to this bill without going further than is necessary to interfere with the administration of the many health care facilities in our state, both state and private and charitable. Thank you.

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

Senator **CAREY:** Thank you Mr. President. The amendment guts the entire bill. What it says is that, "The facility may in fact prohibit people from wearing a badge." And, if in fact, people decide that they would like to wear a badge then it's their option as to whether or not they'll put on that badge. I move indefinite postponement of the amendment. Thank you.

Senator **CAREY** of Kennebec moved the Senate **INDEFINITELY POSTPONE** Senate Amendment "A" (S-100) to Committee Amendment "A" (S-89).

The Chair ordered a Division. 17 Senators having voted in the affirmative and 13 Senators having voted in the negative, the motion by Senator **CAREY** of Kennebec to **INDEFINITELY POSTPONE** Senate Amendment "A" (S-100) to Committee Amendment "A" (S-89), **PREVAILED**.

Committee Amendment "A" (S-89) **ADOPTED**.

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

The Chair laid before the Senate the following Tabled and Later (4/10/97) Assigned matter:

**HOUSE REPORTS** - from the Committee on **STATE AND LOCAL GOVERNMENT** on **RESOLUTION**, Proposing an Amendment to the Constitution of Maine to Provide for the Direct Popular Election of Constitutional Officers. H.P. 290 L.D. 354

Majority - **Ought to Pass as Amended by Committee Amendment "A" (H-137)** (10 members)

Minority - **Ought Not to Pass** (2 members)

Tabled - April 10, 1997, by Senator **PINGREE** of Knox.

Pending - motion by same Senator to **ADHERE** (Roll Call Ordered)

(In House, April 3, 1997, the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-137)**.)

(In Senate, April 8, 1997, the Minority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED** in **NON-CONCURRENCE**.)

(In House, April 9, 1997, that Body **INSISTED**.)

(In Senate, April 10, 1997, the Senate **ADHERED**. Subsequently, on motion by Senator **AMERO** of Cumberland, **RECONSIDERED**.)

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

Senator **NUTTING:** Thank you Mr. President, men and women of the Senate. I'll be brief. We debated this issue before. This issue is whether or not we're going to allow for the popular election statewide of the Attorney General. We've already turned down the option of having the Governor appoint the Attorney General. This bill calls for the Attorney General to be elected at statewide elections. The Attorney Generals we've had have done an outstanding job. I'm just not comfortable with the fact that if the Attorney General runs for office in a statewide election they're going to be forced to raise campaign funds from the very clients, maybe in fact, that they're going to have to take enforcement action upon as Attorney General later. I'm just not comfortable with that. I hope that we will accept the minority Ought Not to Pass committee report. Thank you.

---

Off Record Remarks

---

**THE PRESIDENT PRO TEM:** The Chair recognizes the Senator from Hancock, Senator Goldthwait.

Senator **GOLDTHWAIT:** Thank you Mr. President, men and women of the Senate. I would just echo the comments of the good Senator from Androscoggin, Senator Nutting and my previous comments regarding additional statewide elections and in addition they seem to me particularly inappropriate in the case of officers who serve either in a law enforcement or a law advisory capacity. Thank you.

Senator **LIBBY** of York moved the Senate **RECEDE** and **CONCUR**.

The Chair ordered a Division. 8 Senators having voted in the affirmative and 23 Senators having voted in the negative, the motion by Senator **LIBBY** of York to **RECEDE** and **CONCUR**, **FAILED**.

The Doorkeepers secured the Chamber.

The Secretary called the Roll with the following result:

**ROLL CALL**

**YEAS:** Senators: **ABROMSON, CAREY, CATHCART, CLEVELAND, DAGGETT, FERGUSON, GOLDTHWAIT, HARRIMAN, JENKINS, KILKELLY, LAFOUNTAIN, LAWRENCE, LONGLEY, MACKINNON, MICHAUD, MILLS, MURRAY, NUTTING, O'GARA, PARADIS, PENDLETON, PINGREE, RAND, RUHLIN, TREAT**

**NAYS:** Senators: **AMERO, BUTLAND, CASSIDY, KIEFFER, LIBBY, MITCHELL, SMALL, THE PRESIDENT PRO TEM - RICHARD A. BENNETT**

**ABSENT:** Senators: **BENOIT, HALL**

25 Senators having voted in the affirmative and 8 Senators having voted in the negative, with 2 Senators being absent, the motion by Senator **PINGREE** of Knox to **ADHERE**, **PREVAILED**.

The Chair laid before the Senate the following Tabled and Later (4/2/97) Assigned matter:

**HOUSE REPORTS** - from the Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act to Create a Cemetery Permanent Care and Improvement Fund" H.P. 372 L.D. 517

Majority - **Ought to Pass as Amended by Committee Amendment "A" (H-120)** (11 members)

Minority - **Ought Not to Pass** (2 members)

Tabled - April 2, 1997, by Senator **NUTTING** of Androscoggin.

Pending - motion by same Senator to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report, in concurrence

(In House, April 1, 1997, the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-120)**.)

(In Senate, April 2, 1997, Reports **READ**.)

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

Senator **NUTTING:** Thank you Mr. President, men and women of the Senate. The President, today, is keeping me on my toes here, hopping around. I hope we will go ahead and vote to accept the majority Ought to Pass committee report. This 11 to 2 committee report on L.D. 517, this L.D. is designed to protect the beauty and the serenity of our cemeteries for generations to come. Currently, there's little in Maine law to protect the long term maintenance needs of a cemetery and this bill addresses that problem by assuring that cemeteries set aside a certain percentage of the proceeds from the sale of a lot for the perpetual care of that lot.

The Maine Cemetery Association and the Maine Old Cemetery Association brought this L.D. before the State and Local Government Committee. They have a real concern that as some cemeteries sell lots they will not set aside funds for the maintenance of these lots and a concern that if cemeteries in Maine are sold, the perpetual care fund could potentially go with that cemetery, either in state or out of state. The state has enacted numerous provisions that require contracts between individuals to contain certain provisions in the name of consumer protection. The one that comes to my mind first would be the state requirement that funds be set aside from the proceeds of