

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 Twenty-Fifth Legislature

State of Maine

Daily Edition

First Regular Session
December 1, 2010 to June 29, 2011

Pages 1 - 1494

On motion by Senator **ALFOND** of Cumberland, supported by a Division of one-fifth of the members present and voting, a Roll Call was ordered.

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#72)

YEAS: Senators: ALFOND, BARTLETT, BRANNIGAN, COLLINS, COURTNEY, CRAVEN, DIAMOND, DILL, FARNHAM, GERZOFSKY, GOODALL, HASTINGS, HILL, HOBBS, KATZ, LANGLEY, MARTIN, MASON, MCCORMICK, PATRICK, PLOWMAN, RECTOR, ROSEN, SAVIELLO, SCHNEIDER, SHERMAN, SNOWE-MELLO, SULLIVAN, THIBODEAU, THOMAS, TRAHAN, WHITTEMORE, WOODBURY, THE PRESIDENT - KEVIN L. RAYE

NAYS: Senators: None

EXCUSED: Senator: JACKSON

34 Senators having voted in the affirmative and No Senator having voted in the negative, with 1 Senator being excused, the motion by Senator **COLLINS** of York to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report, **PREVAILED**.

Sent down for concurrence.

All matters thus acted upon were ordered sent down forthwith for concurrence.

SECOND READERS

The Committee on **Bills in the Second Reading** reported the following:

Senate

Bill "An Act To Authorize the Public Utilities Commission To Exercise Jurisdiction over Private Natural Gas Pipelines To Ensure Safe Operation" (EMERGENCY)

S.P. 492 L.D. 1545

READ A SECOND TIME and **PASSED TO BE ENGROSSED**.

Sent down for concurrence.

Senate As Amended

Bill "An Act To Provide a Sales Tax Exemption to Incorporated Nonprofit Performing Arts Organizations"

S.P. 55 L.D. 205
(C "A" S-90)

Resolve, To Create an Evidence-based Study and Comprehensive Plan for HIV and AIDS Services in Maine

S.P. 213 L.D. 724
(C "A" S-98)

READ A SECOND TIME and **PASSED TO BE ENGROSSED AS AMENDED**.

Sent down for concurrence.

All matters thus acted upon were ordered sent down forthwith for concurrence.

ENACTORS

The Committee on **Engrossed Bills** reported as truly and strictly engrossed the following:

Act

An Act To Modify Rating Practices for Individual and Small Group Health Plans and To Encourage Value-based Purchasing of Health Care Services

H.P. 979 L.D. 1333
(S "H" S-96; S "I" S-99 to
C "A" H-186)

On motion by Senator **ALFOND** of Cumberland, supported by a Division of one-fifth of the members present and voting, a Roll Call was ordered.

THE PRESIDENT: The Chair recognizes the Senator from Cumberland, Senator Brannigan.

Senator **BRANNIGAN:** Thank you Mr. President. Men and women of the Senate, I have to say I am very disappointed this morning. My understanding is that we are about to pass this massive change in the delivery of our health insurance and, unfortunately, our health care. I believe from start to finish this has been a bad process. It certainly was in our committee on that fateful Friday, even though some would say it wasn't run through but it was. Our committee was stymied. It is true that we did go to defeat it because it looked like a bad change in our ways of doing things and we were unsuccessful. I hope you are all right, you are all correct I should say. I hope you are right that people's costs will go down and that things will get better. I certainly hope so. Certainly some things have been done that make it better but I believe it is dangerous to disrupt the system, especially where we have another system coming in the next two or three years. Also I don't know exactly why we and the State workers got written, as I understand it, out of the tax, or whatever you want to call it, the \$4 per person per month. How did we get exempt? I thought maybe it was because all self-insured are exempt, but I

am now assured that is not the case. Certainly people wonder how that ever happened. Why us? Why would we even say it? Some of my e-mails ask. There are certainly problems here and I thought I'd like to read a couple of things. One of the groups I feel very close to, or feel very glad we have, is the primary care people, the people in the federally qualified health centers. The health centers are so important to our rural areas and our cities. I just wanted to read a little bit of what they say. "We simply cannot afford an about face reversal on policies that have been in place for decades to provide protection to the more vulnerable. Such a move will drive rates up in the very communities that so desperately need more economic vitality and investment. Moreover abandoning the Rule 850 changes the geographic standard and will drain rural Maine of necessary health care resources while making primary and preventive care inaccessible to the hardworking people of our state." I hope that this will not be harming these centers. They are so important to our whole state, especially for those who don't have insurance or who are seeking help with very little finances. We came here hoping to do a job in preparing us for the federal program. We believe the federal program has many good things about it and we should be working and preparing for it and not going in a direction that will be disruptive, some of us believe. We came here to lower the cost of health care and that is more important than anything else, not the cost of health insurance but the cost of health care. Here, Canada, and in England the cost of health care is going to bankrupt all of us if we don't do something about it. We've been distracted, I think, from that by the cost of health insurance and the changes in health insurance. We came believing the proposed focus on bringing a state based insurance exchange was the best way for us to work on the future. We had hoped for transparency in pricing and quality measurements to increase competition. We hoped to establish fair prices for prescription drugs through effective negotiation and price disclosure. We came to make federal changes work for us. We really hope, and still do, that we can dovetail with what the large national changes will be. We hoped there would be no giveaways to insurance companies and the pharmaceutical industries. I believe some of these hopes have been dashed. As I said, I hope you are right because for the people it is so important. Thank you, Mr. President.

THE PRESIDENT: The Chair recognizes the Senator from Penobscot, Senator Schneider.

Senator **SCHNEIDER:** Thank you Mr. President. Men and women of the Senate, first I just want to take a few minutes to clarify and explain what happened last week when we were here very late into the night. I had grave concerns about passing this legislation in the wee hours of the morning last week. All too often that kind of action, taking action in the middle of the night, is misinterpreted or misunderstood by people that somehow we are doing something shady. I wanted to make sure that we voted for this out in the daylight. I thought it was that important. Of course I was tired but so was everybody. That is not the real reason I went home last week. I went home because I thought it was in the best interest of not only my constituents but everybody's constituents, the people of Maine, to take this vote in the light of day and that is why I thought it was so important. I wanted to express my gratitude to the other side of the aisle, in particular the leadership, for waiting until today to take this vote. I also want to say something else about whether or not my vote for this is

somehow interpreted as a party vote. It is not. I recognize that there were many issues with regard to this piece of legislation. There are many, many concerns. I still have grave concerns over this legislation. It is my style to try to work with the cards I am dealt. I reached across the aisle to try to improve, or make changes to, this legislation that would make it a better bill. It's just the way I am. I believe it's in the best interest of those people that I serve to do that, to behave in that manner. I did. The votes were there. The bill was going to pass, as the amendment came from the committee, with or without me but I would rather be known as somebody who is willing to work collaboratively and to try to address the concerns of many people who were in opposition to this bill to try to make it a better bill, to make it improved for my constituents and the people of Maine. Three amendments came forward, two of which were accepted; one by the Senator from Cumberland, Senator Diamond, and one from myself. The third amendment, that was another amendment that I had, was not accepted. It was rejected by the majority and I understand that because they said it was redundant and was not necessary. I am bringing this up again because I think it's important to talk about the reasonable access issue and to be very thankful that into the record we have stated over and over again that it is not the intention of this legislation to require people to travel additional distance but to incent them, if the insurance company so chooses, to travel further for primary and specialty care. Nobody will be required and that additional costs will not be seen by those who are insured if they are utilize their primary care provider or specialty care that is closest to them. That is the intent. I appreciate those who have been on record saying that this is the intent. I am very grateful for that. Even though that amendment was not accepted I appreciate the statements from everybody about what the intent is of reasonable access. I've been told on numerous occasions by those passionate about supporting this legislation that insurance costs will go down for all citizens, not at the expense of some that will pay additional costs. That will not happen. All citizens' insurance costs will be reduced. I truly hope that this goal is reached because that is a great goal. If the goal is not reached and some pay additional costs at the expense of others, if the elderly see very high costs and others do not, or rural areas see very high costs and urban areas do not, we will have failed. We will have missed the mark. I am hopeful, by what was stated last week, that both sides of the aisle will come together and fix it so nobody ends up paying additional costs at the expense of a reduction for others. I am assured that this is going to work for everybody by some who support the legislation but I am not convinced completely because I keep hearing things from people, for example from the Chamber of Commerce and others, that they are not sure. It's true that often legislation gets passed and we're not sure what the impact will be. I understand that. This is an awfully bold piece of legislation with massive changes that, frankly, I don't have the expertise to understand how that is going to impact our citizens. I am taking a risk in supporting the bill because of the amendments that were allowed to be put on but I am also hopeful that if we don't achieve our goal and lower all insurance costs for all people in Maine then we will be back here to fix it. Once again I want to thank the leadership for holding the vote until today. It's of great importance to all of us under the dome. I think that we waited and that showed true courage to wait until today to do that. Thank you, Mr. President, I appreciate you time.

THE PRESIDENT: The Chair recognizes the Senator from Cumberland, Senator Dill.

Senator **DILL:** Thank you Mr. President. Men and women of the Senate, it's a pleasure to be here. I, in the deliberation of this bill, note that there is a provision that strikes me as blatantly unfair. That is that the legislators are not included in that group of people who would be taxed to fund this new insurance program. In addition to my concerns about Part B of the bill, which expands the bureaucracy, I also have concerns that the assessment on insurers passed through to consumers that exempts legislators is patently unfair and I have an amendment that would rectify that situation. Unfortunately, unless this is it, the amendment hasn't been finalized by the revisors office and so I am hoping, as perhaps just this once, that the Body would indulge me and table this matter briefly. I am looking for the assistance of one of my colleagues in this maiden vote of Senate procedure. Thank you.

THE PRESIDENT: Does the Chair understand that the Senator from Cumberland, Senator Dill, has offered a motion to table this item until later in today's session?

Senator **DILL:** Thank you Mr. President. I understand that tabling motions are not debatable and so I believe that one of my colleagues will be moving that.

THE PRESIDENT: The Chair recognizes the Senator from Lincoln, Senator Trahan.

Senator **TRAHAN:** Thank you Mr. President. Ladies and gentlemen of the Senate, I think I might be able to address the Senator's concerns. When this issue was brought to the attention of the Maine Senate, in the initial debate, I already had introduced an amendment to resolve this issue and to take out the exemption, not for legislators because that is really not quite accurate as to what the exemption does. The exemption is created for all State workers. Legislators are included in the dome or the structure of State workers. There is no exemption for legislators or for State workers. What I had done was submit an amendment to pull the legislative piece out, as the good Senator had suggested. That amendment is still in. What I think is a better option is one that has been agreed upon which we will be addressing in a separate vehicle. I had the same concerns you did. The agreement that I have had from leadership is to allow the introduction of another bill to address this very issue. It will be coming very quickly. That was the agreement that I had initiated. I do want you to know, Senator, that it was never the intention, I believe, of people to exempt legislators. It was because of the very controversial issues that are related to the budget and State workers and people that put this exemption in felt that to pile this on top of the possible changes to the pension system would just be too much to do to State workers. It was never intentional or devious. I believed people when they told me that. I believe your concerns, Senator, will be addressed in a separate vehicle.

THE PRESIDENT: The Chair recognizes the Senator from Androscoggin, Senator Craven.

Senator **CRAVEN:** Thank you Mr. President. Men and women of the Senate, I also want to offer my gratitude for extending our time to vote on this bill today. I agree that the system is broken and that we need to do something. I thank all of the people that

worked so very hard on this bill. I still stand in opposition to the bill because, in preparation on Friday, we did call the Associate State Director of AARP in Idaho. When I told him why we were calling this is what he said verbatim. "I can't understand why anyone would up Idaho's health care as a model for how things should run." They've been practicing a similar bill since 2001. He replied, and I'm still quoting him, "As we already discussed, there certainly are some similarities between Idaho and Maine. Both have a sprawling geography and are rural in population. Our population base is similar." We here in Maine have 1.3 million people and Idaho has 1.5 million people. Obviously, the demographics are different in that we are a much, much older state. Here in Maine there are 133,000 people who are uninsured. In Idaho there are 234,000 people. They've had this bill since 2001. Of those 234,000 people he said 189 of them are between the ages of 19 and 65. Those are the populations, I think, that this bill is hoping to cover with insurance and that young people will buy. I would say that young people will buy insurance when they have to or when they have children or when they are worried that they might get sick. When asked by the AARP in January 2011, we also got two different polls that were taken in Idaho. 90% of Idaho's population said, who were over 50, that they were very concerned about having adequate health care coverage. When asked about the quality of their health care today compared to five years ago 48% said that it stayed the same, 26% said that it was worse than before, and 15% said it was better than before, 11% weren't sure. Only 1% said that their health care costs, including prescription drugs and co-pays for their insurance, went down. That is 1% of all of the people that were covered by the bill. 1% said that their health care costs, including prescription drugs and co-pays, went down somewhat. 33% said that it stayed the same. 22% said that it increased a bit. 22% said it increased significantly. 9% didn't know. I think that we need to look at outcomes as well as models, even though models may look like they would work very, very well. I think that insurance coverage is so complex that we really need to see the outcomes of insurers elsewhere. Thank you, Mr. President.

Senator **BARTLETT** of Cumberland moved the Bill and accompanying papers be **TABLED** until Later in Today's Session, pending **ENACTMENT**, in concurrence.

On motion by Senator **COURTNEY** of York, supported by a Division of one-fifth of the members present and voting, a Roll Call was ordered.

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#73)

YEAS: Senators: **BARTLETT**, **BRANNIGAN**, **DILL**, **GERZOFSKY**, **GOODALL**, **HILL**, **PATRICK**

NAYS: Senators: ALFOND, COLLINS, COURTNEY, CRAVEN, DIAMOND, FARNHAM, HASTINGS, HOBBS, KATZ, LANGLEY, MARTIN, MASON, MCCORMICK, PLOWMAN, RECTOR, ROSEN, SAVIELLO, SCHNEIDER, SHERMAN, SNOWE-MELLO, SULLIVAN, THIBODEAU, THOMAS, TRAHAN, WHITTEMORE, WOODBURY, THE PRESIDENT - KEVIN L. RAYE

EXCUSED: Senator: JACKSON

7 Senators having voted in the affirmative and 27 Senators having voted in the negative, with 1 Senator being excused, the motion by Senator **BARTLETT** of Cumberland to **TABLE** until Later in Today's Session, pending **ENACTMENT**, in concurrence, **FAILED**.

THE PRESIDENT: The Chair recognizes the Senator from York, Senator Sullivan.

Senator **SULLIVAN:** Thank you Mr. President. Men and women of the Senate, I'm not sure where to begin. It sort of reminds me of the Declaration of Independence, when Ben Franklin, after having been in a closed room all night, went to the window and said, "I'm not sure if this is a rising sun or a setting sun." I'm not sure if this is the right bill or not, but I think after 15 years of working on something many of the ideas in this bill are ideas that were put forth 8 years ago, at least. Reinsurance is a good thing. It takes away the stigma of a high risk pool. It something we worked on. The funding is different. We were going to have the insurance companies pay for it back several years ago. They were making the money. Now it is going to go to the policy holder. I wish it had stayed the way we were going to fund it, but it didn't. I'm very concerned about rural people and the hospitals, but there is an amendment in here that makes it better.

One of the things Senators should be able to do is count to 18. I can count to 20. I had a choice to make. I believe in the saying that if you are not part of the solution then you are part of the problem. There are amendments on this that make the bill better. I won't stand here and guarantee anyone that this is the right bill. I cannot and I defy anybody sitting here to say it is a guarantee that it is right. Quite frankly, it is ironic to me that about 60% of this bill, that's my percentage, is probably off because I've never been great with numbers, is dependent upon the federal Affordable Health Care Bill. If that is not allowed to happen this bill is going to crumble. I know that, as I get ready to retire this June and my husband does not have health insurance right now because I've always carried him on my teacher one, it will cost me almost \$1,000 even with my discount for insurance. I want to know how somebody who is single, by themselves, and I want to know how elderly people who retired 10 years ago can continue to afford that type of insurance. We must do something. There are two options in front of us. Pass this or fail to pass it. We have done nothing. We haven't even tried to do something if we fail to pass this. I sort of feel like the skunk at the family picnic, but I am comfortable with my decision. I'm very comfortable. I've gotten used to the dirty looks, being a teacher you get dirty looks all the time so I was well prepared for that. I just hope and I think, quite frankly, I don't want to make this partisan but I will by this statement, the burden of this bill being successful is really on the other side of the aisle. If you fail it's your party in power. I know that feeling. I've been there.

Last Thursday night was a humbling and yet hopeful situation. Mr. President directly to you and I'm not sure if the rules even allow me to do this, I thank you for taking the time to talk to me, to work with me and fellow colleagues. I thank the caucus for allowing me to speak and be respected as I spoke. I will vote for this. Is it a rising sun or a setting sun? I do not know, but we must move ahead. We have bigger fish to fry, so to speak. We have a budget that is going to need cooperation from both sides and this has derailed us entirely. I believe there are things that my side of the aisle will need in that budget and there are things we are going to have to let go for you. I am well aware of being not a man without a country but a woman without a party. Right now I feel left by both. Not anything through the Republicans, I'm just not a registered Republican. I'm okay with that. We need to move ahead. We need to do it. We need to get this over with. We need to do the peoples business and we need to do it right. Thank you for allowing us to do it, I was going to say the sunlight of the day but I guess not sunlight, at least in the brightness of day. Thank you, Mr. President. Thank you, men and women of the Senate.

THE PRESIDENT: The Chair recognizes the Senator from Cumberland, Senator Dill.

Senator **DILL:** Thank you Mr. President. Men and women of the Senate, I just wanted to note, just getting back briefly to an earlier discussion regarding Part B of this bill, in particular page 13, section 3957 that talks about the assessment against insurers. In line 16 through 19 it talks about the maximum assessment that can be charged for purposes of funding this new program and, as was discussed earlier, the bill exempts State employees, including legislators. Part B, it's undisputed, taxes school employees and ordinary people who work at Wal-Mart to pay for this new program. Part B exempts State employees, including us legislators, and I believe the reason for that exemption is because the fiscal note that would necessarily go along with charging State employees or charging insurers who insure State employees would be too high and the bill would, therefore, fail. To just include legislators, to just have ourselves pay for this new program that we are about to pass would cost \$7,000. I would just say to you that if we can't afford \$7,000 why do we think people who work at Wal-Mart can afford the \$7,000? Why do our citizens who work in schools and in our small Mom and Pop stores, why can they afford this amount but we can't? There was mention of perhaps a future bill that will remedy this problem and I would say to the Senator from York, Senator Courtney, *carpe diem*. We have a problem. We have the ability right now to fix it. Senator Trahan, there may be a bill but the bill will have a fiscal note.

THE PRESIDENT: The Chair would advise the Senator to direct her comments to the presiding officer.

Senator **DILL:** Thank you Mr. President. I will do that. If we can't afford \$7,000 to pay for this new program we certainly can't expect people who work at Wal-Mart to pay for it, or our school employees. To the extent that we are hoping that a future bill, that will most likely not be exempt from the Appropriations Table like this one, will solve our problems, I think that is a bad idea. I suggest we have the opportunity to fix this bill, to make it more fair, to include ourselves, and I therefore would urge you to

consider amending the bill. The amendment I drafted will be circulated shortly. Thank you.

THE PRESIDENT: The Chair recognizes the Senator from York, Senator Courtney.

Senator **COURTNEY:** Thank you Mr. President. Men and women of the Senate, I think, as the good Senator from Lincoln said a few minutes ago, there are ongoing discussions to look at another vehicle for this, where this would be a budgeted item. I think it would be appropriate to have that discussion perhaps in the budget with regards to whether it's going to be funded, if it's going to open up a state contract, per say. What I would also like to add is that there is a significant difference between this and the previous attempt at bringing health care changes to Maine. The health care assessment, with regards to the Dirigo Assessment, the total of this, for all the people working at Wal-Mart or any other place in the state that would have to pay part of that assessment on the claim, is significantly less. It's likely that half of the \$4 assessment would be needed. That is about \$17 million. The Dirigo assessment is about \$40 million on top of the hundreds of millions of dollars that have already gone through to try to make that program survive.

I would also like to add this, even though we have examples of successes and we have examples just across our border in New Hampshire of why they have lower health insurance rates for the same people, if for some reason it doesn't succeed, I can assure you that the members of this side of the aisle, and a couple of seats over there, are committed to making it work and not making it bleed the tax payers and bleed our constituents. This is about lowering the cost of health insurance. This is about creating an environment and sending a strong message to the people of Maine that if we have the opportunity to lower health insurance from \$500, \$600, or \$700 a month down to a couple hundred dollars a month for an entry level, someone starting out in their career, that's what it's about. It's about changing the environment for job creation. That's why we're here.

Last Fall I had a lady in Sanford come up to me and I'm going to use her name, Linda Dionne. Her husband had passed away. She's in her late 50's. She came up to me and said, "I can't afford this health insurance premium." It was \$450 a month with a \$5,000 deductible. I went home the other day and she said, "You know, I just got my increase from Anthem. What are you guys doing up there?" She said, "Anthem's going to increase my rates from \$450 to \$660 for that same \$5,000 deductible." Is that what we've done up here? Have we totally priced everybody out of the market? We can do better. I made a promise to Linda Dionne from Sanford. I told her that help is on the way. Thank you, Mr. President.

THE PRESIDENT: The Chair recognizes the Senator from Penobscot, Senator Schneider.

Senator **SCHNEIDER:** Thank you Mr. President. Men and women of the Senate, I just wanted to stand very briefly and say I share the concerns stated by the Senator from Cumberland, Senator Dill, regarding the exemption for State legislators. I have been assured that this would be addressed later on and so I also gave a commitment that I would not make any votes that would delay once again this vote. I wanted to just be clear because I'm voting against some procedural matter which normally I would vote in favor of, but I'm not doing that today because I gave a firm

commitment that I would not do that today to the leadership who gave the courtesy of allowing additional time and us to vote on this during the daylight hours. I just wanted to explain that so everybody would be very clear about why I'm not taking certain procedural votes that I'm voting red on instead of green. Thank you very much, Mr. President.

THE PRESIDENT: The Chair recognizes the Senator from Cumberland, Senator Bartlett.

Senator **BARTLETT:** Thank you Mr. President. While I appreciate having the opportunity to have this debate in the morning as opposed to in the middle of the night, nothing really has changed in terms of the posture of this bill from exactly where we were Thursday night, to me that is frustrating. On Thursday night we got into a dilemma because this bill should be headed to the Appropriations Table. That's what we do when we pass legislation that has a fiscal impact. Our Joint Rules provide for it and they do that because it's important to make sure that you have the committee with expertise on fiscal policy and understands the full implications of the budget looking at pieces of legislation that have a cost, making sure they are prioritizing things properly, and make sure that the estimates of cost are accurate. It is not uncommon that the Appropriations Committee runs the table and finds out the original projections were off or that by making some small changes you can have a dramatic impact in the cost of a piece of legislation. We have a committee that is set up specifically to address the complications raised by this bill. We still don't know how much this assessment is going to be. It could be \$2, it could be \$4, or it could be up to the maximum of \$6. If it is at \$6 it looks very competitive with Dirigo at about \$36 million. A \$6 assessment will produce \$36 million in cost for Maine insurance holders.

We also had the debate last week about the funding mechanism and the concern by having a board, 5 of the 11 members appointed by insurers, determining what the assessment should be and whether the rates should go up. This is potentially a constitutional problem as well as a fiscal one. It seems to me that by putting this on the Appropriations Table we could explore that issue and resolve it. No one has gotten the AG's opinion to figure out whether it is unconstitutional delegation of power. It's unprecedented.

Last week I supported an amendment to this bill, as did most of us in this Chamber, because we thought it was going to make things better in terms of the geographical disparities that we encompassed in the bill. Well, things have changed over the weekend. I have gotten a little more information on that amendment and I now regret supporting it. It turns out that by allowing the geographic rating of 1.5 -1 to be stacked on top of the age rating and also allowing the individual insurer to close his book of business to add family status, which is again an unlimited amount, an insurer can now raise rates higher than they could under the original bill prior to the amendment. It is true for the small group market as well, where you can include both family membership and industry and occupation with unlimited bands. This is the problem with making legislation on the fly. We are rushing this through here so fast that we don't have time to check our numbers and check the implications. This should go to Appropriations to figure out what is going on. Are we really going to be raising rates for rural Maine? Similarly, with respect to the 850 issue, although I do think the amendment makes it somewhat better here, it doesn't solve the problem. We debated a lot last

week about how the State health plan also offers an incentive program. It turns out, as you look a little deeper though, that it is quite a bit different. There is a significant difference in the tiering in the State health plan and the proposal in L.D. 1333. Participants in the State health plan benefit both financially and in terms of the quality of care they receive. Under this proposal insurers can offer incentives based purely on cost, not on quality. That is a significant issue if insurers are simply going to drive people to the lowest cost instead of also incorporating the quality measures.

In response to the concerns of the Senator from York with respect to his constituent over the weekend, I, too, run into constituents frequently who are upset at Anthem. They are angry every time they see their rates increase. I know one thing, those people who are upset with the policy increases don't want me to come up here and pass a bill that is supported by the insurance industry alone. Anthem was pushing this bill. They are the ones who are dramatically increasing their rates. Who do you think is going to benefit from this? Do you think they were doing it because they thought they were making too much money? No. This bill will help them make more money. What's it going to do for your constituents and mine? We don't know because we haven't had an opportunity to fully explore it. I do know that one projection I've seen; if your constituent happened to be over 55 down in York County under this proposal their base rate would climb from \$482 to \$512. I don't think a \$30 increase in their premium is the gift they were looking for when they complained to us about their rates. The bottom line is that this bill is not ready for enactment. We've already heard that there is going to be one subsequent bill coming up. My guess is that if we stay here long enough there will be two or three or four more corrective fixes trying to get at some of these issue because the reality is that we've rushed this thing through so fast that we haven't had a chance to double check, to count our numbers, and make sure that we are protecting people. This bill is not ready for enactment and we should not be sending it today. We should be putting this on the Appropriations Table and making sure that the people of Maine will benefit because if we rush this out one guarantee is that there will be unintended consequences and we will be back here trying to fix it. That's not what the Maine people want or what they deserve. They want us to get it right the first time. Thank you, Mr. President.

THE PRESIDENT: The Chair recognizes the Senator from Androscoggin, Senator Snowe-Mello.

Senator **SNOWE-MELLO:** Thank you Mr. President. Members of the Senate, I know that I have spoken extensively on this bill but I can't let this momentous occasion pass without noting just how very important L.D. 1333 is for Maine and for all of us. This truly is another day we can all look back on with pride and a sense of accomplishment. It is the day when we move further down the road to prosperity by making health insurance more affordable and available for everybody; a day when we did something for the 133,000 Mainers who did not have coverage but do now; a day we did something to lower costs for those over 48, that includes me; and a day when we did something to help businesses compete and create jobs.

I also wish to speak directly to those who have been frightened by the uncertainty that walks hand in hand with meaningful change. I will briefly address three myths that were perpetrated by those who fear change and who harbor mistrust.

One, you will not lose your ability to choose where to receive care. Two, you will be stigmatized because you have a chronic illness. Three, you will not lose your coverage or be denied insurance if you have serious medical issues. It has been stated several times previously that no matter where you live you can choose to receive care wherever you want. In fact, reforms in this bill will provide you with far greater choice, choice that can save you and your family money, money that can be used for basic necessities or to enhance your quality of life.

I want to thank our friends across the aisle for their input, questions, and suggestions regarding access to health care in rural areas. Their actions allowed us to assure those in rural areas who have questions, concerns, and have been misinformed. Secondly, you will not be stigmatized if you have a chronic illness. That point was wonderfully explained by my good friend and colleague, the Senator from York, Senator Sullivan. On a personal note, I am so pleased to stand with her today. Bipartisanship and true leadership requires people willing to make the difficult decisions and move others to join them. Finally, you will not lose your coverage or be denied insurance if you have a serious medical issue. I have a chronic illness and I will share that with you. It requires frequent medical care and access to my family doctor and my internist and my dentist as needed. Crohn's disease, for me, means weekly shots, shots that cost \$1,000 a piece. I have complications with my eyes, my insides, and other parts of my body. I have had five reconstructive surgeries. My treatment includes daily prednisone tablets, which have extremely serious side effects and I know many of you understand that. Another one is osteoporosis and, the reason why I'm very skinny, weight loss. Enough about me. My point is that without access to health insurance my husband and I would lose everything. I want others to have access to health insurance and the peace of mind that comes with it. This, I truly believe within my heart, will do it.

When I first ran for the House my slogan was listen, heed, help, and lead. In the 125th Legislature we listened to those who cried out for relief. We heeded their calls for change. We helped by crafting commonsense solutions. We lead Maine in a new direction. Thank you, Mr. President.

THE PRESIDENT: The Chair recognizes the Senator from Oxford, Senator Patrick.

Senator **PATRICK:** Thank you Mr. President. Ladies and gentlemen of the Senate, colleagues and friends, numerous times over the last few days I've heard the phrase "the intent" or "the intensions." One thing I can say is that the road to hell is paved with good intensions. I'm tired of people hanging their hats on intents or intentions. Going home this weekend I felt a little bit better saying, "Well, maybe we tweaked this, maybe it's a little bit better." On the way home I happened to bump into a businessman from Kennebec. I think one of the Senator from Kennebec, Senator Katz's constituents. I told the story of the Democrat who had been a Democrat for 40 years and turns Republican in my district because he thought we had failed. It's unbelievable because this business owner stopped and talked to me. I was actually kind of late getting home. He talked with me for 45 minutes about what the "blank" is going on in Augusta. I've got to be careful because I don't exactly say what he told me because he was extremely angry and irate and I do tend to go a little bit further than I should. I will try to do the best I can. He brought up everything under the sun about what is going on here and he found out about the aspect of Anthem championing this

issue. He said, "Oh my God, here we go again. Not just the bank, not just Wall Street, not just everything, now the insurance companies are going to get their payback." He said, "I cannot, for the life of me, believe you guys are willing to go from A back over to Z." He said he had hoped I wouldn't support this.

I, like my colleague from Aroostook, Senator Jackson, who is not here today, had some problems with 850. We had wondered why we couldn't get the tightened language of 850 in. I do understand because it was elaborated on, although I'm really not 100% sure stating the intent is the right way. I had called a lady from Lovell this weekend. She had couple of issues that she wanted to talk to me on. She said, "John, you seem to be a little more conservative than your predecessor." I said, "I think I am in a lot of respects." She asked me where I stood on the two issues that she had and then she spoke to me and said, "I noticed that you voted against Mr. Brown for Commissioner and you voted against Mr. Condon and both of them basically resigned with less than honor," as I would say. She said, "How did you derive at the reasoning?"

THE PRESIDENT: The Senator will suspend. The Chair recognizes the Senator from Penobscot, Senator Plowman, and asks for what purpose the Senator rises?

Senator **PLOWMAN:** Thank you Mr. President. First of all, would you please direct the Senator to stay on debate of the bill as well as ask him to refrain from making comments about the Commissioners who have just recently resigned. I don't believe that has anything to do with the bill before us. Thank you, Mr. President.

THE PRESIDENT: The Chair would ask the Senator to confine his comments to the contents of the bill before us. Thank you.

Senator **PATRICK:** Thank you Mr. President. If she would have given me a chance to talk I would have elaborated on that. This lady said to me, "I'm so proud of you for making the decisions you made because if you're not going to support that health care bill, Senator Patrick, I have full faith that you will make the right decision." Based on the knowledge that I have garnered here in listening to the Senator from Cumberland, I am 100% sure that not supporting this bill is the right thing for the citizens of the state of Maine and I have no qualms about it. There is a lot that has got to be done. No actuarial studies. It's got to go down to Appropriations. There's an awful lot that we want to try. I did tell the citizens of the state of Maine that I would support change if I really believed in it because this whole legislative session, the last election cycle, was about change and it was about jobs. Evidently we haven't got any jobs yet. The change that we are supposed to do is supposed to be beneficial to the people of the state of Maine and I hope it is. I really do. I hope it's going to be something good and I can say, "Folks, I made a mistake." At this state in my legislative career I've only made a couple that I can say that I wished I wouldn't have made. One was the expedited wind bill and I hope this is not going to be the second one. With that, Mr. President, I thank you very much and thank you for allowing me to expound upon where I was headed. Thank you.

THE PRESIDENT: The Chair recognizes the Senator from Cumberland, Senator Diamond.

Senator **DIAMOND:** Thank you Mr. President. Ladies and gentlemen of the Senate, I think there is one thing that is probably clear about all of this, this bill has certainly left some unpleasant residual in its wake. Some people have been bruised. Some even bloodied. I think that's been brought on by the sincerest of concerns on both sides. People have stood, they have debated, they have talked, they have met, and I've yet to see anyone who didn't appear to be of the most sincere, genuine motivation. That's what happened with the amendment that I presented. It was the result of a lot of people working together, leadership on both sides and others. I think as a result of that we have a better bill. Now will this do as we hope? I don't know. I do know this, a lot of people were asking us to do something. People need and want a change from what we have today. I have over 400 small businesses in the town of Windham alone, all with employees, many without health insurance because of affordability. The current system is just not working. We do need to make some changes. I think we have to think back and look back to see where we're standing at the current moment. If this bill doesn't do what we all hope it will, and again there are no guarantees, then we have to follow through. I will certainly pledge to do all of that from my point. I think others will as well, even those who oppose this bill I believe want to do what's best for the people of Maine. We have to move forward and now is the time. Thank you, Mr. President.

THE PRESIDENT: The Chair recognizes the Senator from Sagadahoc, Senator Goodall.

Senator **GOODALL:** Thank you Mr. President. Men and women of the Senate, I rise today listening to many great comments on the floor, some I agree with and some I disagree with. I agree with the underlying intent of everyone in this Chamber, we must lower the cost of health insurance in this state. It is significantly impacting our economy and investment in job creation. With that being said, I, along with many in this Chamber, do not feel comfortable going forward on hope about what this bill will do. As I said a few nights ago, I, along with many of us, are very close to supporting this bill if we can change or amend a few components of this bill to make sure that we protect rural Maine, we make sure we protect those over 48 or 55, and, in addition to that, that we appropriately address the issue of taxation in this bill so that it is fair and equitable, that we do it today and not in the future, that we don't rely on hope that it will occur. In addition to that, why are we allowing this delegation of authority? That's an issue that should be changed. The notion that 133,000 people, and I've heard that number a lot, will receive health insurance, I hope that comes true. This is not a universal plan. People will still have to go out and purchase their health insurance. We've heard facts about how some will increase and some will decrease. We can each juggle those facts to say whether or not we believe it 100%, but we don't have a definite report in front of us from the Superintendent of Insurance, like we so often do when we move forward on these bills. Last week, as we were debating this issue in the beginning of a new cycle, we heard about how insurance companies are barreling towards a third year of record profits. That gives me pause. It should give all of us pause but we need to move forward. I feel we could almost probably move forward unanimously if we addressed some of the issues that I have talked about, as well as others. Then we truly could have bipartisan support. We truly could take a significant step forward.

As a result of those concerns, I will be voting in opposition to this bill. Thank you, Mr. President.

Senator **DILL** of Cumberland moved the Senate **SUSPEND THE RULES** for the purpose of **RECONSIDERING** whereby the Bill was **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-186) AS AMENDED BY SENATE AMENDMENTS "H" (S-96) AND "I" (S-99)** thereto.

On motion by Senator **COURTNEY** of York, supported by a Division of one-fifth of the members present and voting, a Roll Call was ordered.

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#74)

YEAS: Senators: **BARTLETT, BRANNIGAN, CRAVEN, DILL, GERZOFSKY, GOODALL, HILL, PATRICK**

NAYS: Senators: **ALFOND, COLLINS, COURTNEY, DIAMOND, FARNHAM, HASTINGS, HOBBS, KATZ, LANGLEY, MARTIN, MASON, MCCORMICK, PLOWMAN, RECTOR, ROSEN, SAVIELLO, SCHNEIDER, SHERMAN, SNOWE-MELLO, SULLIVAN, THIBODEAU, THOMAS, TRAHAN, WHITTEMORE, WOODBURY, THE PRESIDENT - KEVIN L. RAYE**

EXCUSED: Senator: **JACKSON**

8 Senators having voted in the affirmative and 26 Senators having voted in the negative, with 1 Senator being excused, the motion by Senator **DILL** of Cumberland to **SUSPEND THE RULES** and **RECONSIDER** whereby the Bill was **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-186) AS AMENDED BY SENATE AMENDMENTS "H" (S-96) AND "I" (S-99)** thereto, **FAILED**.

THE PRESIDENT: The Chair recognizes the Senator from York, Senator Courtney.

Senator **COURTNEY:** Thank you Mr. President. Men and women of the Senate, thank you for the little break from the debate. I'd like to correct the record for a few things. A little earlier we heard from my good friend from Cumberland that the process of exempting a bill from the table is unprecedented. Well, this bill actually has a very small fiscal impact. It's not unprecedented. If you look back to the last session of the legislature, when my good friend sat in my chair, I think we exempted L.D. 1758, An Act to Implement the Recommendations of the Task Force on Sustainability of the Dairy Industry in Maine. We exempted, or they exempted, An Act to Implement Tax Relief and Tax Reform, L.D. 1495. We also exempted L.D. 1088, An Act to Modernize the Tax Laws to Provide Over \$75 Million in Tax Relief."

THE PRESIDENT: The Senator will defer. The Chair recognizes the Senator from Cumberland, Senator Alfond, and asks for what purpose the Senator rises.

Senator **ALFOND:** Thank you Mr. President. Point of order, the relevance of this in respect to the pending motion of L.D. 1333?

THE PRESIDENT: I believe that the Senator from Cumberland raised this as a debate point a few moments ago and I believe that the Senator from York is responding to it. I believe the Senator to be in order.

Senator **COURTNEY:** Thank you Mr. President. In addition, I would ask that you would ask that the staff not speak to the Senators during the debate.

THE PRESIDENT: Staff is reminded that if you wish to communicate with a Senator during session you must communicate by having a chamber staff person pass a note.

Senator **COURTNEY:** Thank you Mr. President. I would continue, additionally exempted was L.D. 118, An Act to Facilitate the Provision of Educational Loans for Maine Students and Families." I've got a few more here but I don't need to read them all. I just wanted to put that in on the record. Mr. President, we heard also that there is some anger at Anthem. For the record I'd like to just state that Anthem testified neither for nor against. Quite frankly, I think they are quite concerned about this. If you want to hurt Anthem, if you think that Anthem is the enemy here, this bill doesn't help Anthem. This bill injects competition that Anthem doesn't have. I would submit that the competition will drive rates down, thus it will help the consumers and not Anthem. We also just made contact with the Attorney General's Office and in his opinion this bill is constitutional and he would have absolutely no problem defending it. Mr. President, I appreciate the bi-partisan support that we've received on this. We want to continue to keep a very high level of debate. We know that this is one small step for the people of Maine to reduce their health insurance and there are good intentions on both sides. No one here is questioning that. Mr. President, the good intentions of the past have lead us to some of the highest health insurance rates in the country. Today it's time that we go down a slightly different path. Thank you, Mr. President.

THE PRESIDENT: The Chair recognizes the Senator from Cumberland, Senator Bartlett.

Senator **BARTLETT:** Thank you Mr. President. The issue that I have is not that we exempted this from the table, it's that we are exempting it from the table and moving it so quickly when there are so many problems with the bill and we still don't have the fiscal analysis. This is a case where we don't even know the exact cost. We have projections of the cost based on very little information because we have not allowed the Superintendent of Insurance to provide it to us. I'm also concerned about the expectations that we have raised with this. Listening to this debate you would think that 133,000 people, who are uninsured, are going to get health insurance with this, that they are somehow going to be guaranteed coverage. There is nothing in this bill that assures they are going to be covered and if any of those 133,000 are over the age of 45 they are going to pay significantly more under this bill. This is not going to provide coverage. I think if the test, if the measure of success is the number of people who are still uninsured in 2012 and 2014, I think that is a tough gamble because I think, with this legislation and the increase in the rates,

you will see fewer people with insurance at the end of the day. That scares me. I also wanted to speak briefly to the amendment that we did not allow to be offered because we opposed the motion for reconsideration. Hopefully it is on your desk. It addresses the issue about the monthly assessment.

THE PRESIDENT: The Senator is cautioned to confine his remarks to the matter before us.

Senator **BARTLETT:** Thank you Mr. President. It addresses the assessment that is contained.

THE PRESIDENT: The Senator is cautioned to confine his remarks to the matter before us.

Senator **BARTLETT:** Thank you Mr. President. I understand that, Mr. President. I am simply referring to the provision of the bill that deals with the \$4 monthly assessment. The \$4 monthly assessment applies to every policy except that of State employees. We have repeatedly declined opportunities to rectify that situation. I, for one, am happy to cast my lot with the people of Maine and if I have to go home to my constituents and look them in the eye and say that they have to pay \$4 a month in assessment I should be paying \$4 a month in assessment as well. I can't imagine the outrage they are going to get when they get their bill and when they come to me and complain about it. They will say, "Don't you see that in your bill?" and I will say, "No, I don't. We have been exempted." It's a significant problem. For \$4 a month we ought to be in the game if we think this is important. If we think the reinsurance pool is going to help the people of Maine we should get in the game and support it. Thank you, Mr. President.

THE PRESIDENT: The Chair recognizes the Senator from Penobscot, Senator Plowman.

Senator **PLOWMAN:** Thank you Mr. President. I want to be very careful how I propose this, but I will assure the Senator from Cumberland that there will be co-sponsor opportunities in his future. When you are taking your bill around this year to show people what you pay for health insurance please inform the people of your district that you pay nothing for your health insurance. Through their largess, we all, who take advantage of it, pay nothing except our share of taxes. When we remedy this situation we need to do it appropriately because we don't want to burden other State employees. The other exemption is the federal employees, where we have no place going. We will be assessed on any small insurance and large insurance as well. The idea is to build the fund in order to take care of the people who are hurt the most. We will not be participating in that fund either. We will not participate by paying in and we will not participate by drawing out. Should you want to pay there will be an opportunity going forward. There is no need to back up a major piece of legislation. Thank you, Mr. President.

THE PRESIDENT: The pending question before the Senate is Enactment. A Roll Call has been ordered. Is the Senate ready for the question?

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#75)

YEAS: Senators: COLLINS, COURTNEY, DIAMOND, FARNHAM, HASTINGS, KATZ, LANGLEY, MARTIN, MASON, MCCORMICK, PLOWMAN, RECTOR, ROSEN, SAVIELLO, SCHNEIDER, SHERMAN, SNOWE-MELLO, SULLIVAN, THIBODEAU, THOMAS, TRAHAN, WHITEMORE, WOODBURY, THE PRESIDENT - KEVIN L. RAYE

NAYS: Senators: ALFOND, BARTLETT, BRANNIGAN, CRAVEN, DILL, GERZOFKY, GOODALL, HILL, HOBBS, PATRICK

EXCUSED: Senator: JACKSON

24 Senators having voted in the affirmative and 10 Senators having voted in the negative, with 1 Senator being excused, was **PASSED TO BE ENACTED** and having been signed by the President was presented by the Secretary to the Governor for his approval.

Senate at Ease.

Senate called to order by the President.

Senator **ALFOND** of Cumberland was granted unanimous consent to address the Senate off the Record.

Senator **COURTNEY** of York was granted unanimous consent to address the Senate off the Record.

Senator **PLOWMAN** of Penobscot was granted unanimous consent to address the Senate off the Record.

Out of order and under suspension of the Rules, the Senate considered the following:

PAPERS FROM THE HOUSE

House Paper

Bill "An Act To Allow Retired Dentists To Obtain a License To Practice in Nonprofit Clinics"

H.P. 1155 L.D. 1573

Presented by Representative CORNELL du HOUX of Brunswick. Cosponsored by Senator RECTOR of Knox and Senators: JACKSON of Aroostook, MARTIN of Kennebec, Representatives: GILBERT of Jay, HERBIG of Belfast, HUNT of Buxton, NEWENDYKE of Litchfield, PRESCOTT of Topsham, TUTTLE of Sanford.