

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

One Hundred And Fifteenth Legislature

OF THE

State Of Maine

VOLUME VII

SECOND REGULAR SESSION

Senate

March 10, 1992 to March 31, 1992

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HOUSE AND SENATE LEGISLATIVE SENTIMENTS

December 5, 1990 to December 1, 1992

THE PRESIDENT: The Chair recognizes the Senator from Kennebec, Senator McCormick.

Senator MCCORMICK: Thank you Mr. President. Ladies and Gentlemen of the Senate. The reason why you see this Ought Not To Pass Report before you, is not because the majority members of the Banking & Insurance Committee did not want to help small business with their health insurance problem. That is not the case at all. The reason why there is an Ought Not To Pass Report before you, is because this Bill does nothing. There is nothing in this Bill that insurance companies cannot do now on the free market. They can offer Managed Care, they can offer wellness care, they can do higher co pays to keep down the premiums, and they can do higher deductibles to keep down the premiums.

Now we come to the issue of mandates. Currently, for the small business groups that are covered by this Bill, already the Substance Abuse mandate and the Mental Health mandate is not required. The only mandate that this Bill signals out is Chiropractic. If this Bill were to pass, Chiropractic mandate would be voided for this group of people. I would like to point out on statistic that I think, since the good Senator from Knox, Senator Brawn brought it up, is worthy of your consideration. I think that the good Senator from Knox, Senator Brawn mentioned that some estimates show that \$600 is added to an average policy because of mandates. That is not at all what the Committee heard from the Bureau of Insurance. The statistic we were given is that mandates account for 7% or less of insurance premium costs. That is no where near several hundred dollars. I urge you to vote yes on the Ought Not To Pass motion. There is no need to clutter up the books with a Law that allows insurance companies to do something they can already do. Thank you.

THE PRESIDENT: The Chair recognizes the Senator from Knox, Senator Brawn.

Senator BRAUN: Thank you Mr. President. Ladies and Gentlemen of the Senate. I respect the opinions of the good Senator from Kennebec, Senator McCormick on her three reasons you should vote yes. I would like to, for the record, tell you my understanding. I don't believe for a minute we will be cluttering up the books. I would like to read the Statement of Fact. I don't believe a Bill would be put in of this important nature to clutter up the books. The Statement of Fact says, "this Bill permits insurers and non-profit health plans like Blue Cross/Blue Shield to develop a less costly managed care health plan, specifically for the small employer market." That is the reason this Bill is here. That is the reason we spent time on this. It is ok if she doesn't agree but I think it's important that you know why it is here.

The second issue of Chiropractic is true. I have other people in my own party voting against this. That is fine, I respect that. I think it is essential to point out to you that employers should at least have the choice if they want to give Chiropractic or not. You can choose where you work. To me I look at that as a matter of choice. I know all of us advocate choice in all matters. It is not a mandate in this Bill. As for the mandates costing \$600, I was mainly reading into the record from the Maine Chamber of Commerce and I am not sure where they got that statistic. The Bureau of Insurance was probably different. I wanted you to know that is what I was reading from. Thank you.

On motion by Senator **KANY** of Kennebec, 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 Kennebec, Senator Kany.

Senator KANY: Thank you Mr. President. Ladies and Gentlemen of the Senate. I urge you to vote in opposition to this Bill, L.D. 701, the Community Rating Bill. It calls for the Bureau of Insurance to develop the small employers health plans. We have that on the Appropriations Table and we have voted in favor of that in this Chamber. What we have before us is a beautiful title. I wish there were some substance of words within the Bill. The Bill as outlined by the Senator from Kennebec, Senator McCormick offers three things supposedly to save money for the small employers of the State. Those employers who have 25 or fewer employees. The first thing it offers is managed health care but the Law already allows small employers plans to have managed health care. In fact, they are encouraged. Second, a wonderful way to save money, co payment deductibles. The Law already allows co payment deductibles. Third, it seeks to eliminate three mandates from the small employers market.

Two of those mandates, on mental health and substance abuse, the Law currently already exempts small employers with 20 or fewer employees. It would only apply to a little window to those employers who have between 21 and 25 employees. Then the big mandate that would be eliminated would be Chiropractic care for the great savings, according to the Bureau of Insurance, of 1%. Even that is challenged by many, including me. We have learned a lot about Chiropractic care in our Committee in the last year or two. What I have learned has impressed me. Often it can be much cheaper care. There is no hospitalization and you don't have the complications of infections that could follow surgery. You don't have complications following medications. Yet, disallowing Chiropractic mandate would save 1%. I question that. What do you have left, nothing. For that very reason I strongly urge you to vote in opposition to this beautifully titled Bill. Thank you.

On motion by Senator **WEBSTER** of Franklin, Bill and Accompanying Papers, **INDEFINITELY POSTPONED**.

The Chair laid before the Senate the Tabled and Later Today Assigned matter:

Bill "An Act Concerning Tribal Courts"
H.P. 1494 L.D. 2106
(C "A" H-1065)

Tabled - March 12, 1992, by Senator **CLARK** of Cumberland.

Pending - **PASSAGE TO BE ENGROSSED AS AMENDED**, in concurrence

(In Senate, March 12, 1992, **READ A SECOND TIME**.)

(In House, March 10, 1992, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-1065)**.)

On motion by Senator **GAUVREAU** of Androscoggin, the Senate **RECONSIDERED** its action whereby it **ADOPTED** Committee Amendment "A" (H-1065).

On further motion by same Senator, Senate Amendment "A" (S-622) to Committee Amendment "A" (H-1065) **READ**.

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

Senator GAUVREAU: Thank you Mr. President. Ladies and Gentlemen of the Senate. This is truly a technical amendment. It simply clarifies on this Bill, which would affect the jurisdiction of the Tribal Courts, that the Tribal Court only has jurisdiction over offenses which are committed by members of the tribe over which it has jurisdiction. Thank you.

On further motion by same Senator, Senate Amendment "A" (S-622) to Committee Amendment "A" (H-1065) **ADOPTED**.

Committee Amendment "A" (H-1065) As Amended by Senate Amendment "A" (S-622) thereto, **ADOPTED** in **NON-CONCURRENCE**.

Which was **PASSED TO BE ENGROSSED, As Amended** in **NON-CONCURRENCE**.

Sent down for concurrence.

The Chair laid before the Senate the Tabled and Later Today Assigned matter:

Bill "An Act to Clarify the Definition of Certain Vehicles for Insurance Purposes"

H.P. 1644 L.D. 2307

Tabled - March 12, 1992, by Senator CLARK of Cumberland.

Pending - **ADOPTION** of House Amendment "A" (H-1088) to Committee Amendment "A" (H-1070), in concurrence

(In Senate, March 12, 1992, House Amendment "A" (H-1088) to Committee Amendment "A" (H-1070) **READ**.)

(In House, March 11, 1992, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-1070) AS AMENDED BY HOUSE AMENDMENT "A" (H-1088)** thereto.)

House Amendment "A" (H-1088) to Committee Amendment "A" (H-1070) **ADOPTED**, in concurrence.

On motion by Senator KANY of Kennebec, Senate Amendment "A" (S-623) to Committee Amendment "A" (H-1070) **READ**.

THE PRESIDENT: The Chair recognizes the Senator from Kennebec, Senator Kany.

Senator KANY: Thank you Mr. President. Ladies and Gentlemen of the Senate. This amendment is before you because the Senate President wanted to save the Legislature some money. That is why it is being urged for adoption now. Representative Eleanor Murphy came to the Legislative Council yesterday seeking permission for a Bill which would make it clear that the automobile insurance that is required is liability insurance instead of some cheaper alternative type. The Council agreed with that recommendation. The President of the Senate asked to have this Bill tabled and then perhaps amend it because the title was sufficient to include this amendment. It is my understanding that the Majority Leaders, through Senator Clark of Cumberland, did speak with Representative Murphy so she is alerted to this. Basically we wanted to make it clearer that we are talking about automobile liability insurance in that requirement. I urge its adoption. Thank you.

On further motion by same Senator, Senate Amendment "A" (S-623) to Committee Amendment "A" (H-1070) **ADOPTED**.

Committee Amendment "A" (H-1070) As Amended by Senate Amendment "A" (S-623) and House Amendment "A" (H-1088) thereto, **ADOPTED** in **NON-CONCURRENCE**.

Which was under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED, As Amended** in **NON-CONCURRENCE**.

Sent down for concurrence.

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

ENACTORS

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

Bond Issue

An Act to Finance Rapid Employment Opportunities for the People of Maine

S.P. 946 L.D. 2410

(S "C" S-612)

This being a Bond Authorization Act and having received the affirmative vote of 20 Members of the Senate, with 12 Senators having voted in the negative, and 20 being less than two-thirds of the Membership present and voting **FAILED OF ENACTMENT** in **NON-CONCURRENCE**.

Under suspension of the Rules, ordered sent down forthwith for concurrence.

On motion by Senator DUTREMBLE of York, **RECESSED** until the sound of the bell.

After Recess

Senate called to order by the President.

ORDERS OF THE DAY

On motion by Senator CLARK of Cumberland, the Senate removed from the Unassigned Table the following:

Bill "An Act Regarding Industrial Electrical Rates" (Emergency)

S.P. 936 L.D. 2395

Tabled - March 5, 1992, by Senator CLARK of Cumberland.

Pending - **PASSAGE TO BE ENGROSSED**, without reference to a Committee

(Committee on **UTILITIES** suggested and **ORDERED PRINTED**.)

(In Senate, March 3, 1992, **READ A SECOND TIME**.)

On motion by Senator CLEVELAND of Androscoggin, Senate Amendment "B" (S-621) **READ**.

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

Senator CLEVELAND: Thank you Mr. President. Ladies and Gentlemen of the Senate. I rise to offer this amendment which would normally come as a Committee Amendment. Given the different procedure it is a Senate Amendment. This particular L.D. had a public meeting as opposed to a public hearing. The Committee discussed it and it unanimously concurred with the amendment I have just offered to you. At the public meeting there was no one who spoke in opposition to this LD as amended. Both the Public Utilities Commission and the Public Advocate spoke in favor of this LD as amended. Central Maine Power spoke neither for nor against. I would recommend the adoption of this amendment. Thank you.

On further motion by same Senator, Senate Amendment "B" (S-621) **ADOPTED**.

Which was **PASSED TO BE ENGROSSED, As Amended**, without reference to a Committee.

Sent down for concurrence.