

# MAINE STATE LEGISLATURE

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**LEGISLATIVE RECORD**

OF THE

***One Hundred and Ninth  
Legislature***

OF THE

STATE OF MAINE

**Volume II**

**First Regular Session**

May 7, 1979 to June 15, 1979

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August 3, 1979

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that costs only \$2 more per month than the original Blue Cross-Blue Shield Plan, and this provides approximately 95 percent of the charge for emergency care, surgical, fracture procedures, x-rays in rural health centers and doctor's offices, 100 per cent coverage in diagnostic services, such as EKG, and 100 percent coverage for laboratory and pathology services. So the coverage is there if a person wants it. If he doesn't, then he does not have to have it.

Subscribers are buying "E" coverage more all the time, with only about 19,000 subscribers in 1977 and 64,000 in 1979. Conversely, there were about 51,000 subscribers on the very lowest coverage "C" plan in 1977 and today only about 17,000, so you can see, they are changing places. The people are moving on to a high coverage plan on their own without having either people or Blue Cross programs mandated by law.

All State of Maine employees went to "E" coverage the first of May, so if the subscriber has this plan, most of his expenses at the health center or in the doctor's office will be paid.

Some people will argue that Blue Cross, Blue Shield does not pay the costs for health clinics and doctors' offices, as they do in hospitals. That is true, but they are the only insurance company who reimburses costs for hospitals.

Hospital procedures and general services are pretty much standard, so a formula could be worked out readily for reimbursement. Doctors' offices, certified and uncertified health centers, would vary so much that the method of nearly 95 to 100 percent Blue Shield coverage for services seems to be more practical for the consumer at the present time.

Ladies and gentlemen, I urge you not to mandate another service. If the time comes that this system needs to be changed, I am sure it will be changed. I hope you will vote against this bill.

The SPEAKER: The Chair recognizes the gentlewoman from Hampden, Mrs. Prescott.

Mrs. PRESCOTT: Mr. Speaker, Ladies and Gentlemen of the House: I would like to explain what this bill does from another point of view, and I hope that you won't vote against the bill because Mrs. MacBride has raised a few good points but there are answers to the points that she has raised.

This bill will extend access to health care, particularly primary health care in the rural areas, and that is what we are all concerned about, the underserved areas in our State of Maine, those areas that do not happen to be fortunate enough to have their patients live near or have the accessibility to a hospital.

It would allow Blue Cross to contract for the services with those ambulatory care centers, and it doesn't require them to do that, it only permits them—it is permissive legislation.

Currently, Blue Cross does have subscriptions for hospitals to get out-patient coverage, but this would permit them to go to the rural health clinics, which is what we are trying to do in the bill.

Now, the gentlelady has said that it would allow competition for the hospitals, and I would agree with her. Yes, it would permit competition for the hospitals, but that is good, that is good competition, because that will be an incentive for the hospitals to keep their costs down; it is a cost-containment measure.

If you happen to live in an area where you have a clinic, and you are not close to a hospital, you cannot go and get reimbursement at the clinic, you would have to go to the hospital for the reimbursement. The free-standing clinics are not allowed to contract with Blue Cross-Blue Shield. They are treated like hospitals, but the federal government does allow them to be receiving Medicare and Medicaid reimbursements, and we think they should be allowed to receive the Blue Cross reimbursement as well.

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Mrs. MacBride said that she would not object to the rural health clinics that are certified being reimbursed, and I hope that if she does feel that way that she would support an amendment that would allow this bill to just reimburse the certified local health clinics.

She has also mentioned the fact that they are already being paid for under a Blue Shield plan for doctors. Well, not really, because particularly for lab tests, many things are not covered under the Blue Shield plan, and that is our concern for those out patients who would be going to a rural clinic.

The issue that she has raised that hospitals will lose out-patients if we do allow them to go to a rural clinic and have the reimbursement there. That is balony as far as I am concerned and don't really care about that issue and I don't think anyone else does either.

As far as quality is concerned, I think you can have quality in a rural health clinic. I don't think there is any question about it, because these clinics are willing to submit to standards of quality. No one has questioned that.

So, I hope if she really does support the bill for certified rural clinics, that she will allow the amendment to be added if that is her only objection.

I would like to quote you some of the figures that are being charged at clinics as opposed to being charged at hospitals and let you see why we think reimbursement is necessary at a rural clinic.

If you were to go to Augusta General Hospital and have a complete blood count, it would cost you \$18.55, and the hospital would be reimbursed. But if you were to go to an area health center for a complete blood count, you could get that done for \$6, and they can't be reimbursed. If you were to go to Carrie Memorial Hospital for a pregnancy test, it would cost you \$12.85; at the Aroostook Valley Health Center, that same pregnancy test would cost you \$5, but that would not be reimbursed. So we think there is a very strong need to reimburse these

clinics to help them to give an incentive to hospitals to hold their costs down.

The SPEAKER: The pending question is on passage to be engrossed. All those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

53 having voted in the affirmative and 33 having voted in the negative, the Bill was passed to be engrossed,

Sent up for concurrence.

Bill "An Act to Create a Ground Water Protection Commission to Review the Laws Dealing with Ground Water" (S. P. 397) (L. D. 1215)

Was reported by the Committee on Bills in the Second Reading, read the second time, the Senate Paper was passed to be engrossed in concurrence and the House Paper was passed to be engrossed and sent up for concurrence.

#### Amended Bills

Bill "An Act to Eliminate the Termination Provisions of the 'Food Products' Sales Tax Exemption" (S. P. 462) (L. D. 1428) (S. "A" S-167 to C. "A" S-152)

Bill "An Act to Amend the Maine Automobile Insurance Cancellation Control Act" (S. P. 463) (L. D. 1429) (C. "A" S-154)

Bill "An Act to Amend the Prohibition of Issuing Fisheries and Wildlife Licenses to Persons Convicted of Certain Offenses" (H. P. 641) (L. D. 795) (C. "A" H-399)

Bill "An Act to Reduce the Minimum Public Utility Monthly Electrical Charge to \$2 and to Prohibit the Use by Electrical Utilities of an Estimated Meter Reading as a Basis for a Customer Bill" (H. P. 1193) (L. D. 1444) (C. "A" H-383)

Bill "An Act Defining a Retailer's Sale of Equipment Used in Its Business as a Casual Sale under the Sales and Use Tax Statutes" (H. P. 1066) (L. D. 1320) (C. "A" H-398)

Bill "An Act to Include Services Performed by Chiropractors under Health Insurance Policies and Health Care Contracts which Pay Benefits for those Procedures if Performed by a Physician" (S. P. 131) (L. D. 308) (C. "A" S-164)

Were reported by the Committee on Bills in the Second Reading, read the second time, the Senate Papers were passed to be engrossed as amended in concurrence and the House Papers were passed to be engrossed as amended and sent up for concurrence.

The following paper appearing on Supplement No. 1 was taken up out of order by unanimous consent:

#### Passed to be Enacted Emergency Measure

An Act to Extend the Deadline for Legislative Determination of Municipal Cost Components" (H. P. 1403) (L. D. 1616)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure and a two-thirds vote of all the members elected to the House necessary, a total was taken. 119 voted in favor of same and one against, and accordingly the bill was passed to be enacted, signed by the Speaker and sent to the Senate.

By unanimous consent, ordered sent forthwith.

#### Passed to be Engrossed

Bill "An Act to Amend the Laws Relating to Games of Chance" (H. P. 672) (L. D. 833) (C. "A" H-377)

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

The SPEAKER: The Chair recognizes the gentleman from Van Buren, Mr. Violette.

Mr. VIOLETTE: Mr. Speaker, I would request a division.

The SPEAKER: The pending question is on passage to be engrossed as amended. All those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

Whereupon, Mr. Joyce of Portland requested a roll call vote.

The SPEAKER: For the Chair to order a roll call, it must have the expressed desire of one-fifth of the members present and voting. All those desiring a roll call vote will vote yes; those opposed will vote no.

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

The SPEAKER: The Chair recognizes the gentleman from Lewiston, Mr. Simon.

Mr. SIMON: Mr. Speaker, I request permission to pair my vote with the gentleman from Lewiston, Mr. Jalbert, if he were here, he would be voting no and I would be voting yes.

The SPEAKER: The Chair recognizes the gentleman from Brewer, Mr. Norris.

Mr. NORRIS: Mr. Speaker, I beg leave of the House to pair my vote with the gentleman from Auburn, Mr. Hughes. If he were present and voting, he would be voting yea and I would be voting nay.

The SPEAKER: The pending question is on passage to be engrossed as amended. All those in favor will vote yes; those opposed will vote no.

#### ROLL CALL

YEA — Bachrach, Beaulieu, Berube, Blodgett, Bowden, Brown, A.; Bunker, Carroll, Carter, D.; Cloutier, Cox, Curtis, Davies, Davis, Dellert, Dexter, Doukas, Drinkwater, Dudley, Fillmore, Fowlie, Gavett, Gowen, Gray, Hanson, Huber, Hunter, Hutchings, Jackson, Joyce, Kane, Kany, Laffin, Lancaster, Leighton, Leonard, Lewis, Locke, Lougee, Lowe, Lund, Martin, A.; Masterman, Master-ton, Matthews, McKean, McMahon, McPherson, McSweeney, Mitchell, Morton, Nelson, A.; Payne, Peterson, Post, Prescott, Reeves, P.; Rollins, Sherburne, Silsby, Sprowl, Stetson, Stover, Strout, Tarbell, Torrey, Violette, Wentworth, Wyman, The Speaker

NAY — Aloupis, Austin, Baker, Barry, Benoit, Berry, Birt, Bordeaux, Boudreau, Brannigan, Brenerman, Brodeur, Brown, D.; Brown, K.C.; Call, Carrier, Carter, F.; Chonko, Conary, Cunningham, Damren, Diamond, Dutremble, D.; Dutremble, L.; Elias, Fenlason, Garsoe, Gillis, Gould, Gwadosky, Hall, Hickey, Higgins, Howe, Immonen, Jacques, E.; Jacques, P.; Kiesman, LaPlante, Lizotte, MacBride, MacEachern, Marshall, Maxwell, McHenry, Nadeau, Nelson, M.; Nelson, N.; Paradis, Paul, Pearson, Reeves, J.; Rolde, Small, Smith, Soulas, Studley, Theriault, Tierney, Tozier, Tuttle, Twitchell, Vincent, Vose, Whittemore, Wood

ABSENT — Brown, K.L.; Churchill, Connolly, Dow, Hobbins, Kelleher, Mahany, Michael, Peltier, Roope, Sewall

PAIRED — Hughes-Jalbert; Norris-Simon Yes, 70; No, 66; Absent, 11; Paired, 4.

The SPEAKER: Seventy having voted in the affirmative and sixty-six in the negative, with eleven being absent and four paired, the Bill is passed to be engrossed.

The Chair recognizes the gentleman from Corinth, Mr. Strout.

Mr. STROUT: Mr. Speaker, having voted on the prevailing side, I move we reconsider and hope you all vote against me.

The SPEAKER: The Chair recognizes the gentleman from Bangor, Mr. Soulas.

Mr. SOULAS: Mr. Speaker I move that this be tabled for one legislative day.

The SPEAKER: The Chair will order a vote. The pending question is on the motion of the gentleman from Bangor, Mr. Soulas, that this be tabled pending the motion of Mr. Strout of Corinth to reconsider and tomorrow assigned. All those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

59 having voted in the affirmative and 76 having voted in the negative, the motion did not

prevail.

The SPEAKER: The pending question now before the House is on the motion of the gentleman from Corinth, Mr. Strout, that the House reconsider its action whereby the Bill was passed to be engrossed. All those in favor of reconsideration will say yes; those opposed will say no.

A Viva Voce Vote being taken, the motion did not prevail.

Sent up for concurrence.

#### (Off Record Remarks)

Bill "An Act Relating to Resident State Police Troopers" (H. P. 841) (L. D. 1069) (C. "A" H-320)

Was reported by the Committee on Bills in the Second Reading, read the second time, passed to be engrossed as amended and sent up for concurrence.

#### Passed to be Enacted Emergency Measure

An Act Relating to Permits for Contract Carriers (H. P. 577) (L. D. 725) (H. "A" H-357 to C. "A" H-347)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed.

The SPEAKER: The Chair recognizes the gentleman from South Portland, Mr. Howe.

Mr. HOWE: Mr. Speaker, I would just like an explanation of the bill.

The SPEAKER: The Chair recognizes the gentleman from Orono, Mr. Davies.

Mr. DAVIES: Mr. Speaker and Members of the House: This bill, in its stripped down version, deals with some problems that contract carriers had having their rights clarified. A number of the small contract carriers in the State of Maine are under a process right now of having their rights determined by the Public Utilities Commission under a law that was passed back in 1932 or 1933. The time period that is being utilized by the commission for reviewing what rights they have acquired under the grandfather provisions is somewhat outdated, and this bill would move the time period up to a more recent date so that we have accurate facts and figures and we are dealing with what these companies are actually doing at the present time and not what they were doing back in 1933.

The SPEAKER: This being an emergency measure, it requires a two-thirds vote of all the members elected to the House. All those in favor of this bill being passed to be enacted as an emergency measure will vote yes; those opposed will vote no.

A vote of the House was taken.

109 having voted in the affirmative and 2 having voted in the negative, the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

#### Passed to be Enacted

An Act to Revise the Qualifications for Electricians (S. P. 390) (L. D. 1201)

An Act to Transfer the Board of Registration for Professional Foresters from the Department of Conservation to the Department of Business Regulation (S. P. 399) (L. D. 1204)

Were reported by the Committee on Engrossed Bills as truly and strictly engrossed, passed to be enacted, signed by the Speaker and sent to the Senate.

An Act to Transfer the State Board of Certification for Geologists and Soil Scientists to the Department of Business Regulation (S. P. 398) (L. D. 1216)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed.

The SPEAKER: The Chair recognizes the gentleman from Limerick, Mr. Carroll.

Mr. CARROLL: Mr. Speaker, Ladies and Gentlemen of the House: Could I ask the chairman of the committee that acted on this to ex-

plain it, please?

The SPEAKER: The gentleman from Limerick, Mr. Carroll, has posed a question through the Chair to the gentleman from South Portland, Mr. Howe, who may respond if he so desires.

The Chair recognizes the gentleman.

Mr. HOWE: Mr. Speaker and Members of the House: What applies to this bill also applies to the one on the calendar just before it, 9-3. What it does is transfer the functions of the licensing boards for foresters in one case for geologists and soil scientists in the other from the Department of Conservation to the Department of Business Regulation, under the theory that the Department of Business Regulation is that branch of government concerned with the licensing of the persons who go into the occupation. The chief thing it is trying to accomplish is to bring, eventually, all occupations and professions licensed by the State under the Central Licensing Division in order to make the licensing procedure as inexpensive and as efficient as possible. What it does not do is transfer any of the authority over conservation matters or forestry matters or geologist's matters or the substance of those departments under the Department of Business Regulation. In other words, we are trying to separate the function of licensing and qualifying persons for professions from the substance of the work they do. I hope that answers Representative Carroll's question.

The SPEAKER: The Chair recognizes the gentleman from Limerick, Mr. Carroll.

Mr. CARROLL: Mr. Speaker, Ladies and Gentlemen of the House: Is the Licensing Bureau going to set up the standards and qualifications or is that going to be done by the Board of Geologists?

The SPEAKER: The gentleman from Limerick, Mr. Carroll, has posed an additional question to the gentleman from South Portland, Mr. Howe, who may answer if he so desires.

The Chair recognizes that gentleman.

Mr. HOWE: Mr. Speaker, Ladies and Gentlemen of the House: The Central Licensing Division will not set any qualifications and standards. They will do the processing of licenses. The boards will continue to do the same function they have in the past.

Thereupon, the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

An Act to Amend the Charter of the Portland Water District. (S. P. 404) (L. D. 1255)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed, passed to be enacted, signed by the Speaker and sent to the Senate.

#### Enactor

##### Tabled and Assigned

An Act to Permit Municipalities to Issue Bonds Under the Municipal Securities Approval Act for Water Supply System Projects (S. P. 421) (L. D. 1315) (C. "A" S-146)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed.

On motion of Mr. Davies of Orono, tabled pending passage to be enacted and tomorrow assigned.

An Act Concerning Licensing Manufactured Housing Dealers, Itinerant Vendors, Lightning Rod Salesmen and Apprentices and Helper Electricians (S. P. 446) (L. D. 1366)

An Act Relating to Juvenile Clients of the Protective Care Division of the Department of Human Services (H. P. 157) (L. D. 185)

An Act Concerning Nomination Procedure for Nonparty Candidates (H. P. 519) (L. D. 662)

An Act to Strengthen the Requirement to Remove Lobstering Equipment when a Lobster License is Suspended (H. P. 511) (L. D. 627) (S. "A" S-150 to C. "A" H-330)

An Act to Require that Certain Notices of