

# 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)

**House Legislative Record**  
of the  
**One Hundred and Eighteenth Legislature**  
of the  
**State of Maine**

**Volume II**

**First Special Session**

May 16, 1997 - June 20, 1997

**Second Regular Session**

January 7, 1998 - March 18, 1998

know that I was very fortunate, again, going back to my parents, because in my school we didn't have music and I love to sing. We didn't have music and I wanted to play the French horn. We didn't have an opportunity for me to take tap dancing lessons, but my parents wanted me to do those things and I wanted to do them, so they provided them.

This type of school, as I understand it, will open their doors to anyone in Maine and give them an opportunity to come at a time that it is not going to cause a problem with their education in their own towns and cities. Actually and it seems in listening to people, we seem to be quite parochial in where we want to place things. I just came from a committee that was worried about the fact that some of the people come from a cluster of places. In this case, one place. The type of state that we are, I think we have to do the best we can. How many of you people remember when a lot of schools didn't have libraries? How did we function? We had a mobile come around in each county and that is how it started. This is a start. Certainly anybody that has put any study at all into it, a child who has an opportunity to work in the arts will be a better person and a better student. Thank you.

The SPEAKER PRO TEM: A roll call has been ordered. The pending question before the House is Indefinite Postponement of the Bill and all Accompanying Papers. All those in favor will vote yes, those opposed will vote no.

**ROLL CALL NO. 318**

YEA - Bagley, Baker CL, Berry RL, Bigl, Bolduc, Bragdon, Brooks, Bumps, Bunker, Cameron, Chizmar, Clark, Clukey, Colwell, Cowger, Dexter, Driscoll, Dunlap, Dutremble, Etnier, Fisher, Fisk, Foster, Frechette, Fuller, Gamache, Gerry, Goodwin, Gooley, Jones KW, Jones SL, Jones SA, Joy, Joyce, Kane, Kasprzak, Kerr, Kontos, Lane, LaVerdiere, Lemaire, Lemke, Lindahl, MacDougall, Mack, McElroy, McKee, Murphy, Nickerson, O'Brien, Paul, Perkins, Perry, Pieh, Pinkham RG, Pinkham WD, Plowman, Samson, Sanborn, Savage, Saxl JW, Sirois, Snowe-Mello, Spear, Stanley, Stedman, Thompson, Tobin, Townsend, Treadwell, Tripp, Tuttle, Underwood, Vedral, Volenik, Waterhouse, Winn.

NAY - Ahearne, Baker JL, Barth, Belanger DJ, Belanger IG, Berry DP, Bouffard, Brennan, Bruno, Buck, Bull, Carleton, Chartrand, Chick, Cianchette, Cross, Davidson, Desmond, Donnelly, Farnsworth, Gagne, Gieringer, Green, Honey, Jabar, Joyner, Kneeland, Labrecque, Layton, Lemont, Lovett, Madore, Mailhot, Marvin, Mayo, McAlevey, Meres, Mitchell JE, Morgan, Muse, Nass, O'Neal, O'Neil, Ott, Peavey, Pendleton, Powers, Quint, Richard, Rines, Rowe, Saxl MV, Shannon, Shiah, Skoglund, Stevens, Taylor, Tessier, True, Usher, Watson, Wheeler EM, Wheeler GJ, Winglass, Winsor, Wright.

ABSENT - Bodwell, Campbell, Gagnon, Hatch, Poulin, Povich, Vigue, Madam Speaker.

Yes, 77; No, 66; Absent, 8; Excused, 0.

77 having voted in the affirmative and 66 voted in the negative, with 8 being absent, the Bill and all accompanying papers were indefinitely postponed in non-concurrence and sent up for concurrence.

---

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

---

The Speaker resumed the Chair.

The House was called to order by the Speaker.

---

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

HOUSE DIVIDED REPORT - Majority (8) "**Ought to Pass**" Pursuant to Joint Order (H.P. 1322) on Bill "An Act Regarding Health and the Prevention of Smoking" (H.P. 1338) (L.D. 1887) - Minority (5) "**Ought to Pass**" Pursuant to Joint Order (H.P. 1322) on Bill "An Act to Decrease Smoking Among Maine Youth, Young Adults and Adults" (H.P. 1339) (L.D. 1888) - Committee on **Health and Human Services** - which was tabled by Representative KONTOS of Windham pending acceptance of the Majority "**Ought to Pass**" Pursuant to Joint Order (H.P. 1322)

Representative BRAGDON of Bangor moved that the Bill and all accompanying papers be indefinitely postponed.

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

Representative MITCHELL: Madam Speaker, Men and Women of the House. I urge you to vote against the pending motion from the Representative from Bangor. I am very proud tonight to offer this proposal. I think we are presented with a huge moment of opportunity. LD 1887 does three things. By raising the tax on tobacco 37 cents it provides basic health care insurance for children, offers senior citizens access to prescription drugs and establishes a state of the art tobacco prevention and control program. We can accomplish three goals with this one bill. One, to reduce smoking. Two, to provide health care for children and three, to help poor elderly Mainers get their medication. Why are we doing this? As we all know, unfortunately, Maine has the dubious distinction of leading the country with the highest smoking rate. As Representative Cameron said this morning, this is not an honor. Twenty-four hundred people every year, in Maine, are killed by smoking related illnesses. For Americans, that is more than AIDS, alcohol, car accidents, murder, suicide, drugs and fires combined killed by cigarettes. Smoking is also bankrupting the state.

Would you vote to spend \$77 million a year on unnecessary health care costs? The human costs and the economic costs are astronomical and they are completely unnecessary. What is worse is for our pain and suffering, the tobacco industry makes a profit. Our kids get sick and die. They make a profit. Our health care costs go through the roof. They make a profit. We are not even a tobacco state. Why would we want to make an industry rich for killing Maine citizens. As Representative Murphy eloquently stated this morning, if we don't do something now, we will have failed. The tobacco industry will have won. They will have won the right to continue to make a profit at our expense.

Goal number one of this bill is to reduce youth smoking. We can accomplish that with this bill. There is another very serious problem facing Maine today, as we all know. Thousands of children have no access to health care. We live in the richest country in the world and we don't give health care to our kids. Every other industrialized nation manages to do this. Certainly we can. If not the nation, then at least our great state. To compound this problem, it is getting worse. Fewer and fewer companies are offering health coverage to dependents and families. The number of businesses offering health coverage to families last year dropped by 6 percent. People who are working don't have coverage and at the same time, the state and federal government are cutting back. We are at a standoff. States don't want to do. Employers don't want to do it and who loses? The kids and the families. This all does come back to haunt us because the state, of course, ends up paying when these kids become disabled or acquire developmental disabilities for not having access to adequate health care or just end up in emergency rooms. We are going to pay for it.

Representative Cameron also said this morning that with all the merits of the tobacco bill we voted on this morning and I want to really applaud him for bringing that forward. I think it was an

excellent proposal, but the package in that proposal, as he said, helping a few of the richest just doesn't make a lot of sense. This bill presents the opportunity to help not a few of the richest, but the most vulnerable people in our state, the poor children. Goal two is to provide health care to kids and it is also accomplished in this bill.

Goal three is to give access to medication for the elderly citizens. Something I remember very distinctly about our committee last year was a group of elderly people came in and this 80 year old woman was eating cat food because she couldn't afford food and medication. The average cost of health insurance in this state is \$5,000 a year. These people are living below \$10,000 a year. They can't afford it.

We have here three profoundly important goals that can be accomplished. You can be proud to vote for this. It is something that will define us as a body of leaders, to reduce smoking, take care of the elderly and take care of our kids. I urge you to vote against the pending motion.

The SPEAKER: The Chair recognizes the Representative from Saco, Representative Kane.

Representative KANE: Madam Speaker, Men and Women of the House. We have heard eloquent testimony this morning about the urgency of addressing this critical issue of nicotine addiction among our children. We have a unique opportunity to accomplish, here in Maine, an achievement that our congressional delegation, especially Senator Snowe, has attempted to accomplish in Washington, but hasn't be successful because of congressional opposition. This legislation increases the tax on cigarettes by 37 cents in order to fund the three major programs that Representative Mitchell just described. She pointed out that we are paying a tragic cost for doing nothing. Thirty-eight percent of Maine's children in grade 9 to 12 smoke. Thirty-two percent of Mainers age 18 to 30 smoke. The highest in the nation, by the way. Maine has the highest rate of smoking related deaths in the country.

The people are smarter than us at times. Polls show that 74 percent of voters agree that our political leaders are not doing enough to solve the problems facing children today. Seventy-three percent of American people support raising tobacco tax to pay for health care for all children who need it. The Smoking Prevention Cessation Program would focus on the development of community coalitions including health care, education and law enforcement leaders to develop and participate in media and enforcement programs. The health care program will serve 22,000 children, 66 percent of uninsured children. The smoking benefits are prevention programs in Massachusetts and California have been enormous. The data on scientific evaluation studies of such programs have demonstrated a significant reduction in the number of children and youth who are taking up smoking. As we all know, nicotine has proven to be clearly addictive.

We know that if we can prevent children from succumbing to the habit before the age of 18, there is a great likelihood that they will never become habitual smokers. The cost savings in terms of both dollars and lives is enormous. Maine cannot afford to wait. Maine is currently spending \$4 million on low cost drugs for the elderly that cover only chronic diseases of diabetes, heart disease, blood pressure, arthritis and chronic lung disease. This proposal being considered would cover all prescriptions covered under Medicaid for the elderly. The third program is the expansion of the Medicaid to include children in Maine's working families. I will repeat what Representative Mitchell has described. That is that these are the people who are not Medicaid eligible. These are hardworking families who can't afford insurance and whose kids clog up our emergency rooms in the hospitals. We all know that emergency room treatment is

the most expensive kind of medical care. We are paying a daily cost in very expensive medical care for folks that don't have access to good primary care, preventative care before children get more seriously ill.

On June 1st we will be observing the second National Stand for Children Day. This year the focus is on healthy children. According to the Children's Defense Fund, one in seven US children, some 10 million, belong to working families without insurance. One in three children, uninsured, have reoccurring ear infections, which go untreated, as well as a majority of children with asthma. One in four children under two are not fully immunized against preventable disease. Now is the time for the Legislature to stand for children by strongly supporting this expansion of Medicaid health coverage for children in low-income working families and at the same time implement a statewide, state of the art smoking prevention and cessation program. Thank you Madam Speaker.

The SPEAKER: The Chair recognizes the Representative from Raymond, Representative Bruno.

Representative BRUNO: Madam Speaker, Men and Women of the House. It is almost going to be un-American to sit here and say that I can't support a program that is going to fund insurance for children, but as I read the bill and I take my responsibility as a legislator very seriously and in the fiscal note it says, "Authorized expenditures will eventually exceed dedicated revenue." It is estimated that cost will exceed dedicated revenue beginning in the 2000/2001 biennium. Additional General Fund appropriations will be required to fund the differences at that time. This bill will result in a net General Fund cost beginning in the 2002/2003 biennium. As a responsible legislator, I cannot put that burden on the future Legislatures that will be here. We all want to vote for children and say we are going to take care of everybody, but fiscally we cannot do it. Madam Speaker, may I pose some questions.

The SPEAKER: The Representative may pose his questions.

Representative BRUNO: Thank you. I have a series of about four questions that I would like to pose. The first one is, how many elderly would be covered under this bill? This bill covers the elderly over 65. Currently the Drugs for the Elderly Program covers people starting at age 62. I would like to know what happens to the people who are age 62 to 64, currently? Has any state received a waiver on an optional program, such as the drug program from HICKFA? Can someone tell me what 200 percent of the poverty level is? As the good Representative from Portland has said, 6 percent of employers have dropped health insurance. Two hundred percent of the poverty level, I believe, would be around \$32,000 a year for a family of four. Why wouldn't more employees drop insurance to get their employees on the state program?

The SPEAKER: The Representative from Raymond, Representative Bruno has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Portland, Representative Mitchell.

Representative MITCHELL: Madam Speaker, Men and Women of the House. As a responsible legislator, I, too have read the fiscal note. I am aware of some of the problems in it. We have an amendment, once we go on to pass this bill, that we can tack on that will address those very problems. I can't speak about it. It is not germane, but it will address all of your concerns.

How many people will be covered by the Elderly Prescription Program? There will be 20,300 elderly citizens currently without coverage that will have coverage. The 200 percent poverty question is also addressed in the amendment. Thank you.

The SPEAKER: The Chair recognizes the Representative from Raymond, Representative Bruno.

Representative BRUNO: Madam Speaker, Men and Women of the House. I also posed a question on what happens to the elderly who are age 62 to 64 who under this bill, right now, would not be covered. Do we just drop them off the role? The other thing that this body needs to know is under the Drugs for the Elderly Program we do cover chronic diseases. The average price of a prescription under the Drugs for the Elderly Program is \$24. If you move everyone over to the Medicaid program, the average price of a prescription is \$37. That is a 50 percent increase. Fiscally, think about this. By the way, HICKFA has never granted a waiver on an optional program, such as drugs. Thank you.

The SPEAKER: The Chair recognizes the Representative from Bridgton, Representative Waterhouse.

Representative WATERHOUSE: Madam Speaker, Ladies and Gentlemen of the House. Even if you believe in the public policy of taxing to modify social behavior, which I don't happen to, the question I have in my mind is, if we raise the tax to stop somebody from using a product, hoping to increase revenues or get revenues to support certain programs, if that policy is successful and people no longer buy the product, obviously the revenues no longer come in. My question would be to anyone on the committee or to anybody who supports this public policy is, what happens when the bottom falls out of the revenue pot? Where do we get the funding for these programs? Obviously any programs that have started up here have expanded, they haven't shrunk, especially a program like this. My other question is, we have heard how raising a tax on cigarettes reduces teen smoking or reduces smoking. Could somebody please explain to me or put to rest the piece of paper that came across my desk, I am sure yours too, the analysis of status survey of 1993 to 1995 from the US Center of Disease Control, which seems to refute that claim?

The SPEAKER: The Representative from Bridgton, Representative Waterhouse has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Bremen, Representative Pieh.

Representative PIEH: Madam Speaker, Ladies and Gentlemen of the House. I believe that in terms of revenue and the fact that the smoking would stop and the revenue would go down would be more than covered by over time, the fact that we would not have to be treating, at our own taxpayer expense, the health problems that are related to smoking, which are vast and very expensive. The other thing and I have been concerned about this too being on the Health and Human Services Committee is the amount of paper that has come back and forth and one piece of paper says that raising the price stops the smoking. The next piece of paper says that raising the price won't stop the smoking. They have come from what looked like reputable resources so I have done my own research. My son who will be 28 years old tomorrow just quit smoking in December. He smoked for 14 years. He and I hoped that he doesn't suffer long-term affects from smoking. He and I hope he doesn't start smoking again. When I asked him, I said, does 37 cents make a difference? He said, "Well \$5 would make more difference, but 37 cents will sure help."

I was at a community supper this Saturday. Every year we have a community supper and auction for our firemen and firettes to raise a little money. These are working for, in our town, our fishermen and our retired people who get together. I was at a table with mostly fishermen and I was a little tired of talking about Right Whales. I said, What do you think about cigarettes and raising the tax on cigarettes? This young couple in their 20s across from me said, that is a great idea. The woman sitting next to me said, I am against smoking. Make it \$6. Her husband sitting next to her said, I think you should raise

the tax on cigarettes. The young couple and the husband then got up and left the room to go have a cigarette. When they came back, I said, what is up? The young couple said that if you raise this tax, I am going to quit smoking. As high as I am going to take it now. If you raise that tax, I am going to stop. That is enough input for me. When I said, what do we spend it on if we do get revenue? They said, Health care. Please spend it on health care. Spend it on our children. We can't afford insurance ourselves. Please help us with that. Put it in prevention. Get people to stop smoking. Get people to stop starting smoking and we will do better.

Help our elderly. My community is full of retired Republicans, I am in a very conservative district. Many of them said that the stories that we have heard at hearings is, I can't afford the drugs. My mother can afford it. She pays an extra amount a month to have her prescription drugs covered by insurance separate from Medicare. Medicare does not cover her prescription drugs. It would really help her. The last thing I would like to say is that I do have a financial advisor helping me and he is an extremely conservative Republican and he is talking about tax relief. I said, What about cigarettes? He said, Tax those suckers and put that money into health care. I encourage you to vote against the Indefinite Postponement. Thank you very much.

The SPEAKER: The Chair recognizes the Representative from Union, Representative Savage.

Representative SAVAGE: Madam Speaker, May I pose a question through the Chair?

The SPEAKER: The Representative may pose her question.

Representative SAVAGE: Madam Speaker, Men and Women of the House. I would like to know how many new positions are funded with this bill?

The SPEAKER: The Representative from Union, Representative Savage has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Portland, Representative Mitchell.

Representative MITCHELL: Madam Speaker, Men and Women of the House. I am sure you have read the fiscal note. I am sure you have read it says 150 positions. Frankly, we know that that is outrageous. Massachusetts extended their Medicaid coverage for children with no new positions. Last year there was a proposal from the state to do the exact same thing for 12 positions. Somewhere in there we can find a compromise.

The SPEAKER: The Chair recognizes the Representative from Waterboro, Representative McAlevey.

Representative MCALEVEY: Madam Speaker, Men and Women of the House. LD 1887, "An Act Regarding the Health and Prevention of Smoking" is a bill that causes me a great deal of concern. I am concerned with the prevention and enforcement piece of the bill. With the enactment of LD 1887, we will put into a law a tobacco prevention and control program, which, in essence, duplicates the Assist Program. The Assist Program is a federal program already running. It went into effect in 1991. I think it expires in 1998 or 99. Maine has received \$4.6 million for that Assist Program. The programs intent was planning and then implementation of an enforcement and smoking cessation program. I know that DHS has entered into contracts with the Maine Sheriffs to do the enforcement. Out of that \$4.6 million they entered into a contract for about \$20,000. I wonder where the rest of the money went?

This program is developed to reduce smoking by youths and adults. There has been very little scrutiny as to how and where those monies for the program were spent. If you just take a moment to examine that, I think you will be surprised. The 117th Legislature enacted legislation to reduce tobacco use by juveniles. This law created a licensing requirement for retailers selling tobacco and made it illegal for minors to purchase

tobacco products. The penalties were established for both the retailer who sells and the minor who purchases. The Maine Grocers Association did a great job informing retailers and distributing a package called, We Care Program. Once this legislation went into affect, local groups began to coordinate and move forward with sting operations against retailers to be sure they were in compliance. In the short time this law had been in effect, there was an 86 percent compliance rate. Not bad for one year. Not bad for a \$20,000 investment to the Maine Sheriffs.

In LD 1887, on Page 4, Section B, grants will be available for prevention programs as well as for community-based enforcement. I am not sure the logic behind this considering most of your major cities have law enforcement already. The rural areas are covered by the Sheriffs Department and State Police. They already had programs in affect, such as DARE, as well as the sting operations, which, by the way, the train juveniles to go in the store and make illegal purchases. It is, after all, against the law for minors to purchase tobacco and have it in their possession. It is time we work with what we already have and make it more effective. This will help curb smoking. Let's not create a new dependency. The State of Maine cannot afford to dependent upon tobacco taxes. According to the assessed goals, which are to reduce smoking with adults to 17 percent by 1998 and adolescents by 50 percent by the year 2000. If they succeed with this program, the revenue from the cigarette taxes will decline. Don't take my word for it. Look on the bill on Page 15, Line 24, 327, which indicates the same. We have a program which is up and running with federal dollars and this \$4.6 million spent. I would like to know how we spent it because we certainly are not spending a majority of it on enforcement. Maybe somebody could answer that question. Thank you ladies and gentlemen.

The SPEAKER: The Chair recognizes the Representative from Saco, Representative Kane.

Representative KANE: Madam Speaker, Ladies and Gentlemen of the House. I will do my best to respond to my colleague from Waterboro. He does refer to the Project Assist Program, which is a federal demonstration project that is near run out. This effort in no way attempts to defend whether that program was successful for not. It really doesn't attempt to do that. We asked some questions and discovered there were some \$80,000 that might be left from that demonstration project that will be running out over the course of next year. We don't want to defend either that or the DARE Program as an adequate response. We are talking about a state of the art community education program. We are talking about breaking drug habits. Nicotine is a drug. We are talking about educating children. We are talking about attempting to counter what is a multi-billion dollar tobacco industry on Madison Avenue, which is hooking our kids. DARE isn't enough for that. The relatively modest efforts we have made to date is not enough for that. If we are serious about saving our kids, we have to do something more substantial. This project calls for about \$10 million, but it calls for community-based grassroots-based education program involving school systems and law enforcement people. People that kids will listen to and people who can affect and change behavior. This is a bold step, but nothing short of a bold step is going to save our kids, ladies and gentlemen. Thank you Madam Speaker.

The SPEAKER: The Chair recognizes the Representative from Poland, Representative Snowe-Mello.

Representative SNOWE-MELLO: Madam Speaker, Ladies and Gentlemen of the House. I also rise today because I cannot support any increase in the tobacco tax. When we began down this trail of taxing tobacco products, the goal was to stop our kids from smoking and to prevent those who have not started from

even ever starting. I am convinced that doubling the tax on tobacco is not enough to stop young people from smoking. I have a copy of a survey, which I passed out yesterday conducted between 1993 to 1995 by the US Center for Disease Control that shows that increasing the tobacco tax has no affect on reducing youth smoking rates. In many states, youth smoking rates have actually increased. As a result, in 1991, here in Maine we increased the tobacco tax from 31 cents to 37 cents, a 19 percent increase and youth smoking rates increased over 15 percent by 1995. Our neighbor, Massachusetts, doubled its tobacco tax from 26 cents to 51 cents in 1993. Their youth smoking rate increased by 18 percent. In Illinois, there was an increase in the tobacco tax from 30 cents to 44 cents in 1993. Youth smoking rates then increased by 22 percent. Finally, the State of Arkansas increased its tobacco tax in 1993 from 21 cents to 31.5 cents and it produced a 19 percent increase in youth smoking rates.

The SPEAKER: The Chair recognizes the Representative from Lebanon, Representative Chick.

Representative CHICK: Madam Speaker, Ladies and Gentlemen of the House. I rise to speak about a problem that I believe we have in this session a chance to help, above all, the young citizens of Maine. The only reason we are here really would be to take care of the citizens of the State of Maine and to educate them. I will not get into the discussion about the effects. The only thing I know that is real to me are the published reports about what smoking does to the human being. If you would think about how many bills we have discussed here and how much funds we have allocated to help people, to try and save lives and improve the lots of the citizens of Maine. I believe this one item, this session, would do more for the young people of Maine than any other thing that we might do. Thank you.

The SPEAKER: The Chair recognizes the Representative from Lewiston, Representative Bouffard.

Representative BOUFFARD: Madam Speaker, Men and Women of the House. It seems we are debating this issue here and all we hear is how much taxes, revenues aren't going to be sustainable, what have you. It is always a question of money. Let me remind you though that back when I was younger, there used to be a slogan on the cigarette pack saying that smoking may be harmful to your health. They have changed it now, ladies and gentlemen, smoking causes cancer and cancer causes death. That is the issue we should be talking about, death. This statistic of 32 percent of Mainers 18 to 30, the highest in the nation, these are people who are going to die. Thirty-eight percent of kids in grades 9-12, that is also very high. Maine has the highest rate of smoke related deaths. It doesn't speak anything of money. It talks of death. Where the money comes in is that part of this money here is going to be used for advertising for programs to teach kids the dangers of smoking, that smoking kills. Smoking will have you die at a younger age than what you would like. This is what we should be voting on. I didn't support the tax measure this morning because it didn't address any of this. It gave a tax relief to somebody. That is just shifting a tax, but this program is going to be good for elderly, children and everyone that wants to quit smoking and stay alive. Defeat this pending motion and let's go on to pass this.

The SPEAKER: The Chair recognizes the Representative from Fryeburg, Representative True.

Representative TRUE: Madam Speaker, Ladies and Gentlemen of the House. I rise today to oppose any increase in cigarette tax and that may seem strange. I do this because I fear it will cause cigarettes to become more accessible for the young people in my bordering towns. I believe that would be true of many of the legislators that live in the border towns. My fear comes from the knowledge gained in my years dealing with

young people as a school teacher, as a coach and as a headmaster of a private school. It might be interesting for you to know that in 38 years of teaching three different sports, I never, never had a rule that said anything about smoking because I knew my kids. If they smoked, then they knew they had to deal with me at the next practice. Those of you that have engaged in athletics know what suicides are.

The people in my district already go across the border in New Hampshire to purchase many products because of the lack of sales tax in the Conway and North Conway area. I spoke the other day about going up in my town to find eight or nine hallows of young people waiting across the street for the carriers of cigarettes in backpacks coming from people who could legally buy them. My concern is that any further increase in the tobacco tax here in Maine will not only encourage more cross border sales, which hurt the grocers in district, as well as the young people, but also will produce a smuggling industry over the border with the contraband cigarettes being sold on the black market without any control over who buys them. This will seriously undermine the efforts that we have made in Maine to ensure that our stores are not selling tobacco to minors. I have a very strong sense and interest in these efforts, not only as a retired educator, but as a grandfather and a past and current member of the Legal and Veterans Affairs Committee, who last year passed LD 845, strengthening the laws prohibiting sales of tobacco to minors and putting some teeth into the enforcement or so we thought.

What has been the attitude of our police, who should be enforcing this when they know that these minors are standing on every street corner and if any of you think that they are not, take a little trip around your locals and your schools. We now say that you cannot smoke on the grounds, but they allow the young people to leave the grounds during the hours when they should be in school. Most of them are smoking. I fear that the gains made through that legislation, which is now beginning to show some success in reducing the incident of sales to minors will be put to rest if we increase the tobacco tax and produce an environment where our kids have illegal avenues in which to get tobacco. It becomes available without safeguards that we and our responsible grocers throughout the state have put into place.

I ask each and every one of you, those of you that now smoke, those of you that have stopped smoking, have you personally taken it upon yourself to talk to young people about what smoking will do to you? I say with not braggadocio, but only because I do that, because if you are familiar with the term, walk the walk. I have never smoked in my life, but I have 150 kids coming across my lot because I happen to live on the school campus. Each morning, when I am home, I go to a place to have coffee and I still have young people that I have had who set down at the table with me to have coffee, but they do not light a cigarette and I know they smoke. That is what we have got to do, not tax, but to react and take some responsibility on our own shoulders. Ironically, nearly everyone was speaking about the need for health care of those who cannot afford it. Are we really hoping to stop kids from smoking or are we only looking for the money or the tax to bring into our coffers to do something different? I, as some other speakers have said, we have all sorts of statistical information and as you know, there is a saying about statistics. You can make them tell whatever story that you want to make them and other people to believe.

Yes, I think we should have money for health care, but what has happened to the idea that in order to get young people to do what we want them to do, we do it through education and young people today, if you tell them no, what do they do? They try it out more often than not. I ask you to think about those things that I am not going to try to say both this way or that way. I try not to

do that. You have got to make up your own mind, but taxing will not, in my opinion, do what people who can be emulated by young people what that type of learning will do. I thank you very much.

The SPEAKER: The Chair recognizes the Representative from Hampden, Representative Plowman.

Representative PLOWMAN: Madam Speaker, Men and Women of the House. I am honored to follow the Representative from Fryeburg. Many of you who have been here a couple of sessions know that I am pretty adamant about smoking in public places and protecting our children and have argued as forcefully as I could on some of the bills that have come before us. I would like to ask the question. Why do kids smoke? For the same reason they huff. For the same reason they sneak liquor. For the same reason that they smoke pot. They do it because they are looking for highs, rushes, awesomes or whatever you want to call it. They are looking to do something that is different, whether they are bored, scared or hopeless. The underlying problem is not that kids don't know what cigarettes do to them. My nine year old took a 20 year old baby-sitter to task last year and made her feel so guilty with all the statistics he told her and everything it would do to her that she gave up smoking. Kids aren't stupid. They know.

The underlying reason why kids smoke is not going to be addressed in this bill. You can educate them and they make the decision. You can lay out all the facts in front of them and they will make the decision. You hope they make the one that you like, but if they are bored or unhappy or frustrated or dysfunctional, looking for a good time or looking for a high, education doesn't get at it. Will this be cost prohibitive? Not to kids who wear \$100 sneakers and invest in CDs that are \$12 to \$18 a piece and buy \$50 to \$100 a piece computer games. They will pay \$2 to \$3 on a pack of cigarettes. Another 37 cents is not going to matter. A buck would not matter. While it is easy to say that I would quit if you hike the tax, the price of cigarettes go up every year and everybody says, My word, do you know we could buy a new car with what we spend on cigarettes. They sit out there and look at the 83 K Cars sitting in the yard and they light up. It is addictive. It is sad. A tax isn't going to make it go away. It is going to be a great source of revenue and you may see a decrease. I am sure you will. There will be people who decide not to smoke. Every year there are plenty of people who decide not to smoke.

I do not want to start relying on revenues that you can't rely on. We have a problem here that is caused, not just by putting the stuff on the shelves, but by making kids think that one, it is cool and we have to get after that. Two, what else are you going to do? Mom is working. Dad is working and basketball hoops are closed right now. You can't do much else so, hey, you got some cigarettes? Cool, let me try one of those. That is how this stuff starts.

To follow up on Representative True, when was the last time you challenged a minor that you saw smoking? It is not politically correct. That is somebody else's kid. Aren't you just 16. Are you supposed to be smoking? I will tell you. Things have changed because if I had been smoking on a corner and somebody called my mom, that would have made a difference to me. Not everybody gets to have a Representative True in their life. It is incumbent upon every single one of us. We are supposed to be the leaders. Ask yourselves, did you challenge the bunch of kids standing out in front of Rite Aid last week smoking? No. You walked by and said, Isn't it a shame. I can't believe how many kids in Maine smoke. Can you believe it? I wonder who is selling those to those people? Did you walk up and get in their face? They are kids and you know what the funny part is, as a parent I don't give my kids choices when it

comes to that. It is dangerous. I don't say to my daughter, don't stick your finger in the socket. You are going to find out that is dangerous or you know, I really wish you wouldn't take any of my wine tonight honey, but if you drink a half a glass of wine, you are going to be sick. I say no. You make decisions for kids, especially if you are talking 10, 11, 12 year olds. If you are talking about high schoolers. Walk up to them. That is how people used to help each other out in a neighborhood. You kept track. I remember the day I skipped school and my neighbor called my mother. I skipped school once.

If you are going to get at the problem, don't try to hide it as a way of bringing back programs that we decided weren't effective or weren't well managed or create 100 to 150 positions. Go for the education. See if it works. I am not for smoking and I don't think you can drive it out. I think it puts the state in the unusual place again of, do we promote alcohol because there is revenues? Do we promote lottery because there are revenues? Do we promote smoking because there are revenues? If you raise enough money, you might have a future Legislature sitting here saying, wait a minute. I like this idea. Let's keep spending the money that comes from cigarette taxes. There is always going to be people who smoke cigarettes. I am sorry, but there are. There are always going to be people who are addicted. We had to start a needle program for people who can't give up heroin. It is amazing to me that you think you can just wipe out smoking by taxing it. You can't even wipe out heroin use by making it illegal. Thank you.

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

Representative QUINT: Madam Speaker, Men and Women of the House. I would like to think this bill would wipe out smoking entirely, but that is not the intent of this bill whatsoever. I want to go back and talk about a component of LD 1887, which talks about insuring uninsured children. There currently are 44,000 children in the State of Maine that have no health insurance. With this modest increase of 37 cents, we will be able to ensure 21,000 of those children, which means we are only able to do half of what we really would like to do. I am going to tell you a little bit about the demographics of my district. Eighty-five percent of all the children in my district are uninsured. I have one of the largest populations of working poor in my district, percentage wise. These children have ear infections. These children have asthma and they don't have health insurance. Some would say, how do they get cared for? We also are fortunate to have two of the largest medical facilities, hospitals, in the state in Portland. They use the emergency rooms. The emergency rooms are always filled with these people who are uninsured. Who do you think pays for that? I would ask you when we are talking about the merits of prevention and whether it will be successful and whether we will entirely wipe out smoking in the State of Maine with this bill, I would also ask you to remember those uninsured children that are uninsured in the State of Maine.

The SPEAKER: The Chair recognizes the Representative from Bridgton, Representative Waterhouse.

Representative WATERHOUSE: Madam Speaker, Ladies and Gentlemen of the House. I promise not to get up again. Representative True and Representative Plowman, as far as I am concerned, are 100 percent accurate in their assessment. For the life of me, I can't see setting a policy of funding something so important, like health care, through taxing something that you are trying to stop from happening. To me, it just doesn't make any sense. If it is that important, it should be funded through prioritizing with something a little bit more stable and something we are not trying to get rid of. I enjoyed Representative Pieh's comments about different people saying

tax the heck out of cigarettes, get rid of it and all the rest of that. If you raise the price of cigarettes that I would stop smoking and so forth and so on. I saw a new thing on the TV not too long ago. It was a segment on smoking and they were questioning a young person and asking them where they got their cigarettes. They were standing outside the store and they said that a friend of mine bought them for me. They said, how much did you pay for them? They said, \$5 a pack. I guess his friend was making a little money on the side.

I will tell you and I think you are aware of it, that kids have a lot more money, disposable income, a lot of times more than the parents do, especially now a days. Raising the tax of cigarettes will not stop these kids from smoking. I firmly believe that. In my heart of hearts, I believe that this will not stop them from smoking. What I see stopping young kids from smoking is peer pressure. Education from the adults also. Setting an example, but especially peer pressure. If it becomes not cool to smoke and Tommy wants to date Sally and he steps up and lights up a cigarette and she says, Oh you smoke and walks away. I can guarantee you that Tommy will ditch those cigarettes in a big hurry. That is how I see this happening. That is where I see the cultural change. Setting examples, talking to the kids about smoking and peer pressure. You are not going to do it through taxation. I still go back to where we get a lot of different resource and information and statistics. We are flooded with statistics. Until somebody counters the statistics I have in front of me from the US Center of Disease Control, where do we stand? Do we say that this is not accurate? If it is not accurate, who says that. The Center for Disease Control or our kids.

We talk about Massachusetts where cigarette taxes increase 98 percent on January 1, 1993. By 1995, youth smoking increased 20 percent according to the Massachusetts Department of Education and Youth Survey. Did anybody call the Massachusetts Department of Education and question that survey and see if it was accurate or scientifically done and all of that? We have seen so many conflicting things. We have to go by our instincts. I say the best way to stop these kids from smoking is through education and peer pressure.

The SPEAKER: The Chair recognizes the Representative from Manchester, Representative Fuller.

Representative FULLER: Madam Speaker, Ladies and Gentlemen of the House. Newspapers throughout this state have called for a tobacco excise tax increases. We have a wonderful opportunity here to do something to reduce youth smoking. You have all heard the figures. I don't need to site them again. The highest rate of young adult smokers in the country and the fourth highest rate of youth smokers in the country. I personally think it is shameful. I have seen personally, first hand, the effects of smoking, having lost a husband as a result of smoking.

Let me talk to the issue of whether or not the increase in cigarette tax has a public health affect in actually reducing smoking. If you increase the tax and the tobacco industry reduces the price of the cigarettes, so, in fact, there is no net gain in the tax, of course it doesn't have an impact in reducing youth smoking. Let me tell you that the figures that were sited earlier by Representative Snowe-Mello where she talks about a 6 cent increase in the tax on cigarettes. That is not going to reduce the sales of cigarettes because the tobacco industry will lower the price of cigarettes. They have done it again and again. When you talk about an increase of even 20 or 25 or 11 cents, when the tobacco industry basically negates the increase in the cost of cigarettes, you are not going to have impact on reducing youth smoking.

However, we do know that with an increase of 37 cents, hoping that the 37 cent increase is, in fact, a 37 cent increase,

that we know from studies, that I submit, are reliable studies that there will be a 12 to 14 percent reduction in youth smoking. If we go even further, which, frankly, I support and I have had a number of other people support it. If we put a \$1 a pack on cigarettes, we would reduce youth smoking by 30 percent, but we are not bold enough to make that move here in our State Legislature. We just want to inch along gradually and maybe have an impact on youth smoking. I submit that even a 12 to 14 percent reduction in youth smoking is that number of kids who will not start smoking.

Relative to the shrinking revenue, I think people need to know that we have built into the fiscal note, into the projections, a provision for shrinking revenues. Thirty-seven cent tax on cigarettes is projected to actually raise about \$30.8 million. We are proposing to spend significantly less than that on the three priorities that you have already heard discussed, education, health care for kids and drugs for the elderly. We have heard a lot from people advocating for education. We have heard a lot advocating for better enforcement. There is no one single way that we are going to reduce youth smoking. We need a multi-faceted approach to reduce youth smoking, which I say has got to be a priority and this Legislature ought to be bold and do something about it.

Our taxes on tobacco are not relatively high. The amount of tax on a pack of cigarettes as a percentage of average retail sales has actually decreased steadily since 1964, the year of the first warning about tobacco from the Surgeon General. In 1964, nearly half the price of a pack of cigarettes was due to taxes. In 1996, less than one-third the price of a pack of cigarettes in Maine has been accounted for by federal and state taxes. One in three young adults in Maine who are addicted to tobacco are also having children of their own, thereby passing on the ill effects of second hand smoke to the next generation. Second hand smoke, not only kills 53,000 nonsmoking Americans every year, but is particularly harmful to children's lungs, which are not yet fully developed. It is associated with low birth rate, sudden infant death syndrome, childhood asthma, pneumonia, chronic ear infections and accounts for one in five deaths in children from pneumonia. I got to tell you when I see parents with their young children smoking, I have this great desire to do something about it. I do refrain from actually speaking to them about it. I also want to comment on the action taken by Down East Pharmacy, which pulled all of their tobacco products from their shelves back in 1993, feeling that smoking is a serious disease. There are over 400,000 tobacco related deaths in this country and 2,400 in Maine each year and our society, as a whole, continues to shrug its shoulders to the evidence with statements that tobacco is a legal product and individuals have personal choice. The tobacco industry continues to dance of the graves of their victims.

The owner of Down East Pharmacy pulled tobacco products. He has never regretted that move. I am sure his business has not been hurt by it. In fact, when we hear from other businesses, many of them comment that when they stopped smoking in their establishment and stopped dealing with tobacco it, in fact, helps their business. As a health care person, I think it is the responsible thing for us to do to implement and increase in our cigarette tax that will make a difference in youth smoking and I urge that you defeat the motion to Indefinitely Postpone.

The SPEAKER: The Chair recognizes the Representative from Hartland, Representative Stedman.

Representative STEDMAN: Madam Speaker, May I pose a question through the Chair?

The SPEAKER: The Representative may pose his question.

Representative STEDMAN: Madam Speaker, Men and Women of the House. I noticed in the budget document that we

received earlier this year that the Department of Human Services under the Bureau of Health has a responsibility of disseminating information to promote Maine's health and disease prevention objectives. It is an agency called, Healthy Maine 2000, a Health Agency for the Decade. Could anybody tell me how much money they have in their programs to help finance public education concerning cigarettes?

The SPEAKER: The Representative from Hartland, Representative Stedman has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Glenburn, Representative Winn.

Representative WINN: Madam Speaker, Men and Women of the House. It is my understanding and I don't have any field of expertise in this, but it is my understanding that that department has received \$6.9 million from the federal government to create a stop smoking program. Of that \$6.9 million that they have to create a stop smoking program, I understand they have only released \$20,000 of that to help with enforcement. The big question is, where on Earth is the other \$6.88 million dollars? If anybody could answer that question, I am very interested. Thank you.

The SPEAKER: The Representative from Glenburn, Representative Winn has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Saco, Representative Kane.

Representative KANE: Madam Speaker, Men and Women of the House. In our public hearings, we did hear from the Bureau of Health about the demonstration project that was underway. We were told that there was some \$80,000 remaining of their education program. It is important to keep in mind, however, that Representative Plowman talked about the most significant impact of education is peer pressure and peer influence. A statewide education program that just disseminates reading material and information or lecture material is not going to do the job with these kids. The kind of community-based education program that we are talking about in this project is going to address the proposal that Representative Plowman talked about. That is at the grassroots community level. Getting in and dealing with kids and using peer group influence. Has anybody seen some of the commercials that are coming out of Massachusetts now? Some of the new commercials that are designed to counter the tobacco industry commercials deal directly with influencing the mindset of kids. They are getting through to kids. They are beginning to create an influence on peer groups and peer group pressure. Representative Plowman is right. The kind of educational effort that has to be made has got to be at the grassroots level with kids using peer group influence. Thank you Madam Speaker.

The SPEAKER: The Chair recognizes the Representative from Bath, Representative Mayo.

Representative MAYO: Madam Speaker, Ladies and Gentlemen of the House. I find myself in a very awkward position this evening. As some of you may know, I am one of the cosponsors on the bill to place a dollar tax on cigarettes, not the 37 cents that we are currently discussing. I do support the concept of a tax on cigarettes. I personally feel, contrary to what we have heard from some other speakers, that the tax will have an impact on teen smoking and on adult smoking. I think some of the material that we have seen would back that statement up. However, I do rise tonight to urge you to Indefinitely Postpone LD 1887 and all its accompanying papers. I have supported in the past, those who were here in the 117th know that I supported insurance and Medicaid coverage for children. However, I did not support it at the 200 percent of poverty level and do not support it this evening at that particular level. I think the educational program portion of this particular bill, LD 1887, has

some merit. I think education, in addition to the tax increase, will have an effect. From my perspective, this bill places entirely too much emphasis on the hiring of new state employees. It is a new program and we are moving forward to hire many, many new state employees and that, ladies and gentlemen, gives me cause for concern.

Also, in this particular bill I am concerned that there is nothing currently for tax relief for the citizens of the State of Maine. We are placing a tax on an item and we are doing nothing in the area of tax relief. We have heard mentioned, but we can't speak a great deal about it, but there may be an amendment offered. I am sorry, but we are voting tonight and discussing LD 1887. We are not discussing what may come in the future. I would strongly urge those of you who are in the chamber or can hear my voice to Indefinitely Postpone this bill and all its accompanying papers. I do make that statement easily. Thank you.

The SPEAKER: The Chair recognizes the Representative from Bethel, Representative Barth.

Representative BARTH: Madam Speaker, Ladies and Gentlemen of the House. At least those of you who are still here, I am assuming you are here because either you haven't made up your mind and you are listening to all of the debate or you already made up your mind and are waiting to speak. I will let that one go. If price reduces smoking and we have had contradictory information to that effect, but that was one of the things that was sold out in the halls to this legislator. If price does that, then let's raise the price, but not 37 cents. Let's go as some people have said, to \$5 or \$6 or whatever. If that is the defining issue of stopping smoking, then it is not education. The real fear I have is that this community-based education program for anti-smoking which has been mentioned over and over and over again with this bill will end up you know where, in our schools. It will be one more thing added to a day that hasn't increased in length. A school year that hasn't increase in length. What was one of the driving forces behind learning results? It was that people were dissatisfied with our children not being able to read and write. Well, if that is the case, we add more programs, there is less time to teach reading and writing. That is one of my fears I have about the education part of this.

Also, living where I do in Bethel, 20 miles from the New Hampshire border, I can see that some \$5 or \$6 increase in the price of cigarettes, we are going to have check point charley out in Gilead. We can hire some people to check everybody. We will have cigarette sniffing dogs. We have already got a tremendous border crossing now because they have cheaper booze. They have no sales tax. People from my area and areas around me go there all the time. The state loses a great deal of revenue through that. This would only exacerbate that. In one of the sheets the good Representative from Portland, Representative Mitchell, passed around, under facts on the second page, it says, cross border sales are insignificant when weighted against the health benefits of the higher tax. Well, if you are a store and a lot of your income depends on cigarette sales and you are located in Maine, on the border, cross border sales are not insignificant. You lose and you lose big time.

One of the other questions was raised or part of the program was children. The good Representative also from Portland, Representative Quint, mentioned that there are approximately 44,000 children who have no health insurance and that with a 37 cent increase on the sales tax, we would cover approximately, not quite, half of those, 21,000. How are they going to be selected? Are we going to flip a coin? Are we going to cover every other one that comes in the door? Are we going to draw a lottery? That was part of the problem with the old health care program. It was never funded adequately. People were chosen

at the end, near its demise, by lottery. I don't think that is really addressing the issue. With that and as far as I am concerned, we can raise the tax, but it presents other issues. I don't think it will attain what those who are proposing it say it will attain and therefore, I will be voting for Indefinite Postponement.

The SPEAKER: The Chair recognizes the Representative from Scarborough, Representative Lovett.

Representative LOVETT: Madam Speaker, Ladies and Gentlemen of the House. This legislation began as an important step to helping Maine's young people avoid the temptations of smoking and tobacco. It is built on federal demonstration grant, which has developed useful community-based programs aimed at changing the adolescent culture, which makes smoking cool for many kids. There is a unanimous committee support, a bipartisan committee support for such a smoking cessation program. We have turned this bill into a political football. I am afraid that we are kicking our Maine children. The bill as proposed by the majority would make smoking prevention a very minor part of LD 1887. Instead, they would add over 100 new positions to state government and spend over \$44 million by expanding state medical programs to children and the elderly.

Let's review the starting point again. Maine has a problem. Too many of our teenagers are smoking. The health professionals advised us that if we can help these kids stop smoking or never start smoking, then we can solve this problem and related problems in the future. The Maine Legislature has taken action to deal with the problem of youth smoking. Over the past four years, we have enacted laws to prohibit the sale of tobacco to minors. To prohibit the purchase of and the use of tobacco by minors. To increase the penalties for sale and use to pay for greater enforcement and other measures and most of the toughest of these steps only became effective in October of last year.

The Bureau of Health at the DHS has managed a federal demonstration program called Assist. They have managed this for the last four years. It is now spending, at a rate of three-fourths of a million dollars. The results have been mixed, but DHS officials and community groups are learning what works and what doesn't. I think it is worth continuing with more accountability required for how the money is spent. Advocates of the Assist Program came to the committee with a variety of ideas for smoking cessation programs costing up to \$20 million. There proposals included community grants for local coalition, support for educators and local law enforcement officials, TV and radio advertising, counseling and medication. We all agreed that some combinations of these are necessary. No one can tell us with confidence that all of these, even if funded at the suggestion of 15 times the present level of Assist spending, will be successful. We disagree on the premise underlying in LD 1887 doubling of the tax for all smokers, regardless of age, will accomplish the deterrents that its proponents claim.

The revenues necessary to pay for the smoking prevention program in LD 1887 are less than 25 percent of the funds raised by the related tax intended to pay for it. In short, those committee members who support LD 1887 simply looked for a way to spend the extra revenues. In so doing, they have come up with a scheme, which dedicates the funds for new expanded medical programs, but as with so many dedicated funds, the money raised will be insufficient to cover the costs by the next biennium. This bill is a house with a good foundation, but it is a house made of straw that won't survive even two Maine winters. I urge its defeat. I encourage you to vote to Indefinitely Postpone this bill. Madam Speaker, I request a roll call.

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

More than one-fifth of the members present expressed a desire for a roll call which was ordered.

The SPEAKER: The Chair recognizes the Representative from Gardiner, Representative Colwell.

Representative COLWELL: Madam Speaker, Men and Women of the House. I find myself agreeing with the good Representative from Fryeburg, Representative True and many of the other good Representatives on the other side of the room in reference to the need for education. I would just like to say that we are missing the point. LD 1887 does provide education on smoking and quitting smoking is the major aim and thrust of this legislation. That is the whole point of it. That is what we are dealing with here. It would fund it to the tune of another \$10 million. Maybe we can get some slick TV ads that kids will watch. Maybe my 20 year old son who plays football for Middlebury College would not have started smoking. I think the point is that the tobacco companies have got us just where they want us. We are on the run once again. The smoke screen is that this won't do anything. I say it will do something. It will provide facts. It will provide slick advertising to our kids and maybe we can win them over in this argument and get them to stop before they start. That is the whole point. May I pose a question Madam Chair.

The SPEAKER: The Representative may pose his question.

Representative COLWELL: Thank you. I, too, have been a little bit confused by the discrepancy in some of the data, but I am not so naïve to know that you can't manipulate statistics. My question is this to any of the Representatives whose names may be on these handouts or to anyone. Is it the position of those who say raising the tax only increases smoking among teenagers that if we really want to decrease the smoking in teenagers, we should make cigarettes even cheaper?

The SPEAKER: The Representative from Gardiner, Representative Colwell has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Rockland, Representative Chartrand.

Representative CHARTRAND: Madam Speaker, Men and Women of the House. I wasn't about to answer the question Madam Speaker. I hope you will not vote to Indefinitely Postpone this bill because I really think it is one of the most significant things we could do this session for health care and our costs in Maine. It is not to me so important whether or not it will reduce smoking with young people or whether this money should go to this purpose or that purpose. The most important aspect of this bill to me is that we have to begin assessing those who smoke and those who buy cigarettes more of the true cost of what that action in costing all of us in society. The price of a pack of cigarettes now, in no way approaches, I think, what the impact of that smoking does for those people who smoke and their health care costs. For those who are affected by passive smoking, employers who lose productivity by smokers who are out ill throughout society we are crippled today by the affects of smoking on all of us in some way or another. The health care costs are just unimaginable, I think. It would be very hard to quantify what the cost of one pack of cigarettes should be if we could work those costs out. I am sure it is way above what they are now. We have to begin to work together somehow to affect that. I think many of those who have spoken against this bill tonight do support some way to reduce smoking. Even a higher tax, but for the last hour or so we have been quibbling over, in my mind, relatively minor points about this, whether or not it will truly reduce the smoking or whether the programs we start now can continue in the future.

In a way we are being torn apart and as some said this morning, the people who are benefiting are the tobacco companies and their lobbyists. We could leave this chamber this

week having passed no legislation to impact smoking and really failed, I think, it is something that we have within reach. Our state won't lose any jobs if we effect smoking. We are lucky enough not to be in a state that produces cigarettes. We have that luxury to vote for something like this and not be directly affecting jobs in Maine, except in a positive way as I said by reducing job days out on productivity, by reducing health care costs. We have two parties, in a way, divided on what bill they support about smoking. I think we really have to take care of some of those divisions later in this session or in another session. All of the issues of revenue and where it goes will be changed no matter which bill passes.

I took a trip. I was fortunate enough in the April vacation to visit one of the former Soviet Republics and I won't tell too long a story, but it helped form my thinking on this bill because I was amazed to see, everywhere I looked, billboards for American cigarettes. Showing people riding fancy motorcycles and smoking Marlboro. It is very appealing to people who live there to move toward this image because smoking was much more prevalent than I see in our country today. So many people smoked and on every street corner there were grandmothers selling cigarettes in cartons on the black market. It was more like currency there. Literally everywhere were old women selling cigarettes to pay for their living. I thought about the difficulties that country is having economically moving to a free market. I mean they are almost hopeless. Adding to that they have the costs that they are not even beginning to look at for the amount of people who smoke there and the cost that is going to impact them. I come back and think there is not much we can do about that here. We can't stop that. Cigarette companies probably would survive on their non-American sales even if we banned smoking in this country.

What we can do is at least assess the people in Maine a little bit of what they are truly costing all of us when they buy a pack of cigarettes. We really have to move to that. I urge you to not vote for the Indefinite Postponement of this bill, but to pass something tonight that will begin to slow down or at least charge the true cost to those who smoke.

The SPEAKER: The Chair recognizes the Representative from Berwick, Representative Wright.

Representative WRIGHT: Madam Speaker, Men and Women of the House. This is an issue that strikes close to home with me. Not because I smoke, not because my family smokes, but because I am one of the border towns of that other state. I know that there has been many people talking about cross border sales, smuggling and such. I know it will affect some stores in my district. However, when people ask me, will you support a 37 cent tax hike? I say, no. I say let's go a \$1 or let's go \$2. We have to remember that what we are talking about here is a dirty, rotten, nasty, disgusting habit that kills you. This is not having a couple of puffs. This is not having a little drink. This is something that will kill you. There are hundreds, if not thousands, in my district that smoke now, if you believe the statistics. Many of them are children. Many of them will die horrible deaths, losing lungs, emphysema and heart failure. I cannot believe that anybody in this chamber truly wants to support anything like that. We have heard many statistics and statements and even conflicting statements. First we hear that we are going to raise the rates to pay for these programs and then smoking will decrease and how are we going to pay for it. The very next statement is by raising the rates, smoking will not decrease.

If you truly believe that higher taxes will increase smoking, then I am sure my good friend from Caribou, Representative Sirois, would encourage me to quadruple the taxes on potatoes, then children will eat more of them and then Aroostook County

will be sending money to the rest of the state. When smoking does decline, how will we pay for this? I say let's raise the taxes again. As the price goes up, smoking does decline. Every year we hear about the percentage of people smoking declines, except for in one group and that is our children. I have two children. I am sure that eventually they will try cigarettes. I am hoping that their good sense will prevent them from picking up this nasty habit. Why is it children are being targeted? It is because they are the most gullible. They are being targeted by multi-billion dollar ad campaigns, sports events, rock concerts and free gear. If we wanted to really and truly protect our children, I say we increase this. We go for it. We help prevent smoking. We help fund the programs that help the most needy children and our elderly. Let's not worry about what the future holds. If those programs are truly deserving, we will find a way to fund them. I urge you to vote against the Indefinite Postponement and help all the citizens of Maine.

The SPEAKER: The Chair recognizes the Representative from Harpswell, Representative Etnier.

Representative ETNIER: Madam Speaker, Ladies and Gentlemen of the House. The people of this state are crying out for leadership on this issue that is facing us tonight. I am truly honored to be a member of the same body as the distinguished Representative from Berwick, Representative Wright, who lives on the border community and faces the issues that you folks on the border community face in regards to this and has the courage to stand before you and take the position he has taken because his bottom line, as it should be for all of us, is the health and well being of the citizens of this entire state and most certainly the health and well being of our youngest and most vulnerable population who are appalling, in the worst situation in this entire country, in reference to smoking. They look to this building to see leadership and ladies and gentlemen if we don't act in a decisive manner to overturn this embarrassing motion before us and move on to pass this bill, they are going to see nothing more than a vacuum up here relative to our stance on one of the most serious health issues before our state at this time. We cannot continue to cow cow to an industry, an industry that as the former Surgeon General reminded us the other day in a note that was sent around, has lied to us repeatedly. My way of thinking regarding these health affects of smoking cannot continue to cow cow to their inane arguments and to their sea of lobbyists who have worked the halls of this Legislature for the past months. We must seize this tremendous opportunity to address this most serious and appalling health issue facing our state do all we can to turn the tide of ill health suffering.

Ladies and gentlemen, I have seen the ill health and suffering with members of my family and close and dear friends and also the death it has brought to us by our friends in the tobacco industry. We can always find reasons not to vote for any bill that is before us. Some of my own bills, which undoubtedly were the best bills you would see here in any given session. I could find reasons to vote against them by the end of the day. In the end, we have to consider if the good out weights the alleged downside to the bills that are before us on a day to day basis. That is one of the cases before us today. I urge you to oppose this Indefinite Postponement motion. Thank you.

The SPEAKER: The Chair recognizes the Representative from Augusta, Representative O'Brien.

Representative O'BRIEN: Madam Speaker, Men and Women of the House. First of all, I need to say that I have seen a lot of rhetoric on the desk. I have heard it in the chamber in the last several hours about the tobacco industry and tobacco lobbyists. I have to say that as far as I know, I have not spoken to one tobacco lobbyist in the last several weeks. I could stand corrected, but I really don't believe that I have. As a matter a

fact, I have turned away tobacco money. It was sent to me and I turned it back with thanks. Secondly, I know I am opening myself up, but I don't know what I am going to do on this vote. I had decided that I would support an increase in a tax to go toward smoking education and cessation and prevention for our youth. I agree that it is a horrible problem with our youth. I had agreed to that. When I just saw the 150 positions, I have a problem with it. I understand that it is going to be debated in the Appropriations Room. I understand that there may be amendments to deal with it, but, to me, this is opening up a whole new program that is not what the intent of the bill was supposed to be originally. I guess it is not a rhetorical question, but I will sit down if anyone cares to answer those questions for me. I am still grappling with this issue. Thank you.

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

Representative BRENNAN: Madam Speaker, Men and Women of the House. I hope that you vote against the pending motion. I want to give you two reasons why. First, in 1993, I worked for a year at the Maine Youth Center in the Substance Abuse Treatment Program. Obviously in that program what we tried to do was educate and alert the youth that were there to the dangers of alcohol and drugs and smoking. I had one circumstance of a youth that I had been working with for three or four months on a variety of different substance abuse issues that he had. He was progressing so well that he got a weekend pass. He had been there six months. A weekend pass was a big deal at the Maine Youth Center because after being at the Youth Center for six months being able to go home for a weekend was something they looked forward to. He got out that Friday and he came back that Monday. I saw him about lunch time and he was sitting at the table, but he wasn't eating anything. I went over to him and I said, How are you feeling? He said, I am feeling pretty well. Is said, How was your weekend leave? He said, It wasn't too bad. I said, You are looking as if you are having a little bit of a problem here and you are not eating your food. He took me over to the side because he didn't want the other people to hear. He said, Mike within two hours that I got out of here I went and I bought 10 packs of cigarettes and I smoked all of them within six hours. I tried to recover a little bit and I said, That must have been a pretty painful experience. He said, I have been here six months and I really thought that I had these issues under control. We had done a lot of education and a lot of treatment, but the first thing I did when I got out of here is I had to go get the cigarettes and once I started one, I couldn't stop.

I think that speaks to the power of the addiction of nicotine and that even at times when people think they have it under control, it is still there. That particular instance points out to me the need for doing early intervention and early education. For this particular youth, his addiction was way down the road. He was a 10 pack smoker a day. For other people and through this legislation and through this bill, we had the opportunity to prevent people from smoking and not to smoke the first cigarette.

The second reason why I support this bill is that I worked for the United Way of Greater Portland for seven years. There was not a week that went by that I did not have a mother or a father call me and say, where do I get health care for my child? We just lost our jobs. We lost our health insurance. We don't qualify for Medicaid. We don't qualify for any health care. What do we do? Our child is sick. They need mental health counseling. They need substance abuse counseling or they have a physical ailment that we need to attend to. What do I do? The only thing I could tell them is to go to the emergency room, which is a very costly form of care or I would tell them to try to go find a provider that would be willing to accept them as a free patient. That simply is not right in this state that we ask our children that the

best we can do for our children is to go to an emergency room or to go to a provider that would be willing to give them free care.

I believe this bill is a good solid first step, if not a giant step towards preventing smoking for our young people in the state and providing health care for the most vulnerable citizens of our state. That is our children. Thank you.

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

Representative WINN: Madam Speaker, Ladies and Gentlemen of the House. I ask you to vote for the pending motion to Indefinitely Postpone this bill and all its accompanying papers. I do that with deep regret as I am one of the sponsors of the bill that was to create health insurance for children. Two Representatives a few minutes ago, the Representative from Harpswell, Representative Etnier and the Representative from Berwick, Representative Wright, stood here and basically insinuated that a sign of leadership was for us to not care about what the future holds. I beg to differ on this issue. I think a sign of leadership is for us to care about what the future holds. I think part of the dilemma that we are in tonight has to do with term limits actually because there is no historical knowledge in this body and because there is so few people that remember the past, I am very concerned that we are doomed to repeat the failure and that the history will continue. Again, I beg to differ. It is important to think about what the future holds. In order to do that, you need to understand what happened in the past.

The primary reason why I put in the legislation this year, all I asked for was one penny on a cigarette tax to cover all children age 18 and under. My first term here we had a health care program for people and it ended up dying because of a battle of a mere \$300,000. I will say it again. We did before, when I first came here, had a health care program and it died in this body for a lack of a mere \$300,000. Today this bill before you has a price tag of \$60 million. The health care program a few years ago died over only \$300,000. My second term we had another initiative to create health insurance for children. That died by one measly little vote in the Senate. I was pretty devastated. Yes, I put in legislation saying please create a health care program to cover children age 18 and under. Yes, all I need is a penny. I don't need a dollar. I only need a penny.

I think it is very important to come at it from a frugal, moderate point of view so that anything that we create will be held and continue in the long run. It will have sustainability. The next group of legislators that comes and takes our seats and they will does not stand here and say \$60 million let me, let me. I am going to take that money and spend it on something else and there goes our health care program and we have nothing all over again, which brings me back to the beginning of our story. If you don't understand the past, you are going to be doomed to repeat it and you will have failure. We do need to show leadership, but that means understanding what the future does hold. I think if we went with the frugal method where it will only cost one penny and if you had a system that was not expanding Medicaid, but created a nonprofit organization which had copays and sliding scales where the parents contributed based on their income. You would have a very moderate frugal sound funding formula that could provide health care insurance for children for generations to come and be something that we were truly proud of. I would just like you to bear that in mind. This is a \$60 million decision here and I think the document, as it is currently written, is seriously flawed. I, too, am extremely concerned about the whole aspect of young children starting to smoke.

I understand there is a real concern with young females in particular. As you know by now, I do have two daughters. One is Natalie, the 12 year old who loves to come here and I am concerned that she might start smoking. For those of you who

aren't clear as to how young teenagers start smoking, let me tell you. It has nothing to do with how much the cigarettes are going to cost. Again, whether or not a young girl decides to smoke has nothing to do with how much the cigarettes cost. What the girl does is she either takes her baby-sitting money or her allowance or steals money off her parents dresser and then she goes to the store and she buys them. If you insist on creating a black market, she will buy them from somebody else. Anyway, the girl goes to the store and buys the cigarettes, then she goes to the school and stands in front of the school building or in the bathroom and smokes them. Creating a new tax is not going to stop Natalie from starting to smoke. What it is going to do is take \$60 million out of this economy. In my opinion, it is not going to be wisely spent.

When I was in Australia, I saw the cigarettes for one package are \$6.80. That doesn't stop anybody from smoking. I think we have seen a lot that shows us that these supposed feel good measures to get people to change their sinful habits do not work. Many people are starting to realize that the DARE Program really doesn't work. Some of us have seen the commercials that they are talking about running to get you to stop smoking. I watched them with some teenagers. It was a big joke. It was a camel standing in front of a microphone telling you not to smoke. It was not effective. Again, none of these things are going to keep Natalie from stealing another 37 cents off her father's dresser and going to buy cigarettes.

If your serious about trying to help children stop smoking, what you need to do is enforce the existing laws. You need to have, first of all, stings on the stores on a regular basis so that the stores learn very quickly and thoroughly that no, you do not sell cigarettes to anybody that is not old enough. It is against the law. The second thing you need to do is work with the schools and the school bus drives to enforce what is going on before and after school. For instance, I wish what they would do is call in the bus drivers and the superintendents and say if you see Natalie smoking before or after she gets off the school bus, write her up on the form and throw her off the bus for a certain amount of time and don't let her back on the bus until both the mother and the father have signed off on it. That would keep Natalie from smoking or at least make it very difficult. Again, I don't think this is worth spending \$62 million on. I think it is seriously flawed. I think that if we were serious about getting children to not start smoking that there is more effective things that we can do without creating a black market that won't cost anything. If you are serious about creating a health care insurance for children, there is a smarter way to do it so that this will last into the next century and be something that we can be proud of. Thank you very much.

The SPEAKER: The Chair recognizes the Representative from Saco, Representative O'Neil.

Representative O'NEIL: Madam Speaker, Men and Women of the House. I think that the Representative from Glenburn is right on. We shouldn't be putting ourselves in a position to repeat the failures of the past. I think this program that is put forth in LD 1887 sets up for future success, but I sense among us a worry or a fear that this program will be successful. Ladies and gentlemen, the mark of this programs success will be the fact that it diminishes or the revenues that it generates diminishes. We won't need a study. We won't need to guess as to how effective this is. We will know. If the monies dry up, it is doing its job. There is not a whole lot of guesswork here. It reminds me of a quick story about when I used to work in a farm store. I had a man that used to come in every year and buy a 40 pound box of rat pellets. Every year he bought the same kind of rat pellets and one year we ran out of the kind he had and I asked if he would take brand X. He said he didn't want those

because they are twice as expensive. I said that that was all we had. You can put up with the rats or you can take the rat pellets. He paid twice as much. I saw him a month later. How did those rat pellets work out? He said, horrible, I am all out of them. They are gone. What is wrong with them then? I am going to have to buy more. By the way, all my rats are gone. That is an alleges, I think, to this bill. We should be taking the bold look as several of us have already mentioned. Our state's motto is evidence on that endangered flag up there isn't, let's wait to see what New Hampshire does. It is not, I can't. It is not, I will follow. We all know what it is. It is time to do it.

The SPEAKER: The Chair recognizes the Representative from Kennebunk, Representative Murphy.

Representative MURPHY: Madam Speaker, Men and Women of the House. I feel just as disenfranchised this evening as I did this morning. I had indicated this morning that the bills in both committees, Health and Taxation, went into work session, I had indicated that we could have a first class teen prevention advertising program for 8 to 9 cents and for a penny, we could have a good support program for teenagers who decide to fight the addiction and need that support. I still can't find out what happened from the members of those two committees, but we found ourselves today, it is either this or nothing. It was that way this morning. It was that way this evening. We are all tired and for a moment I almost thought I was at home and I was relaxing and I was watching cable TV. I was watching AMC. It looked like an old James Dean movie. We are not talking about James Dean the sausage king. I think there are men and women within this chamber that remember James Dean the actor. We are out on a highway and we can hear the hot rods, the engines going. Coming from one direction is a hot rod which resembles the Taxation Committee and their bill. Coming from the other direction we have the Health Committee and their hot rod. They are playing an old fashioned game from the 50s called chicken. Instead of in the 1950s type movie where teenagers are jumping up and down on the side of the highway cheering their hero or heroin on, we have the cigarette companies jumping up and down and cheering them on because they know what is going to happen.

Over the last few months as I have gone to bean suppers and I have talked with friends, constituents who smoke and I asked them about 8 or 9 cents on the cigarette tax. If it is dedicated to fighting for teenagers and 90 to 95 percent of those smokers indicated that I am willing to pay it. I wish maybe someone could have helped me. It is too late for me, but maybe we can stop some fellow teenagers from smoking. My real concern on what has happened is I think there is a tremendous base of support in this House and the other chamber for a program targeted toward fighting for teenagers. Those teenagers that decide to back off from that addiction, I think there is support to give them the kind of help, whether it is the patch or the counseling. There will be people who will take exception to my mixed comments. I think people in those two committees saw an opportunity and went beyond that basic core. I think we saw the Chief Executive who saw an opportunity to provide income tax relief, which wasn't included in the budget.

I think in this bill we see that people looked at that bill and saw an opportunity to enact a brand new state health care program. Somewhere we lost the focus on those young teenagers. We are in a fight for their lives with the tobacco companies. I am afraid that what is going to happen here today, the engines are revving, the cars are headed toward each other and we know who the winner is going to be. If this pattern continues, the Maine Legislature won't even have left the locker room in that fight for our kids. I can't predict what is going to happen on this vote. I think it may very well end up like the vote

this morning. I would hope that in the remaining days, two, three or four days, however long we stay here in Augusta, that there is some statesmanship on those two committees, Taxation and Health. When the dust clears and they haul the debris off the highway that they will regroup and one of those two bills will be recommitted back to committee and they will come back with a focused bill that focuses on teenagers and fighting for them. Thank you.

The SPEAKER: The Chair recognizes the Representative from South Portland, Representative Muse.

Representative MUSE: Madam Speaker, Men and Women of the House. I really had no intention of speaking to this. I had no intention of speaking to anything until next January. I am delighted to have listened to this debate and not hear one member of this body say that cigarette smoking is not poison. I haven't heard one member of this body say that cigarette smoking isn't harmful. I haven't heard one member of this body say that cigarette smoking isn't bad for your health. We all know that it is. It is a given and it is accepted. In a perfect world, we would have the courage to take that one step forward and just say, that is it. Cigarettes are outlawed and we just won't have them at all. I guess we are not going to do that. Like several Representatives have said, this is a first step. That is all that it is. It is a first step forward. Ladies and gentlemen, we can't go anywhere unless we take that first step.

I was concerned when I heard Representative Plowman talking about cigarette smoking and put it in the same ball park with huffing and drinking. It is a whole different game we are talking about. I work in a community where people are paying \$5 for a cigarette, for one. A jail community where cigarettes are smuggled in and there is a black market. It is \$5 per cigarette. Talk about addictive. I have talked to heroin addicts that tell me that cigarette smoking is far more addictive. There is medical research that will back that up. Nicotine is far more addictive. We all know that. We don't need to debate that. Nobody has even stood up and discussed it because we know it.

Some of the people that I have heard arguing against this bill have said that it is already illegal, so why don't we enforce that? Why don't we go that route? That is a real good suggestion. Why don't we? Ladies and gentlemen, we can. If this bill passes and later on an amendment that we can't talk about right now, as I understand, there will be ways to address that. There will be ways to address enforcement. We need to take this first step. I have been a big fan of stealing quotes from people. My good friend Representative Wright early on in this session and I were comparing quotes and different remarks and I need to steal this one from him because I think it is just so applicable.

"A politician thinks of the next election. A statesman thinks of the next generation." That is what this bill does. That is what we need to do. Thank you Madam Speaker.

The SPEAKER: The Chair recognizes the Representative from Farmington, Representative Gooley.

Representative GOOLEY: Madam Speaker, Men and Women of the House. I will not be one of those squirming in my seat when I vote for Indefinite Postponement. I have the same attitude that we all share. Smoking is not good for humans. I even voted for banning smoking in restaurants. I want to vote for a tax increase on tobacco products. I was a cosponsor of Representative Murphy's bill, which would increase the cost per pack by 25 cents, but I will not vote for a bill that does not aim most of the funds for a prevention program. I am voting for Indefinite Postponement, but I would be happy to vote on something later on in the week that would aim most of the funds at prevention programs.

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

Representative QUINT: Madam Speaker, Men and Women of the House. I have to say that I believe this bill is focused. I also need to talk about the process of how the committee got here. This committee bill is a compilation of eight other bills that were submitted to our committee. When we heard those bills at the Elks Club, we had over 100 people there suggesting to us what we should do with regards to prevention, health care for children and a variety of other issues. All of those suggestions provided several vehicles for us to put something forward for this Legislature to move forward. Unlike how it was alluded to that we just saw an opportunity to spend 37 cents and this is what we came up with. That is not entirely true. We had several options, one penny, two pennies, 25 cents, a dollar and 37 cents. We spent hours talking about how we could address the public's concern of all of those people who were at the Elk's Club, at the public hearing, asking us to do something about prevention for our youth, uninsured children and all of the other issues that are related to tobacco.

That hearing went on for six hours. It was overwhelming that the public support for doing something and moving forward. It is unfortunate that when the committee got to its work session, the minority group on the committee decided that they did not support an increase and removed themselves from the development of this package, entirely. We took it upon ourselves to put this together. I believe it is focused. I believe it does deal with prevention as well as dealing with insuring those who are uninsured and the elderly.

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

Representative CROSS: Madam Speaker, Ladies and Gentlemen of the House. I really, like many others, was not going to speak on this particular subject. Out of all the speakers that so far have stood up, I haven't seen anybody say they smoke. I don't smoke, but I chew cigars. I am having a heck of a time to break the habit. What are the kids doing when they are smoking and how are they going to stop smoking? It is a tough deal. By just raising the price, I question highly that that will do the job.

The other thing that bothers me is what Representative O'Neil said. He said if the program started going down or the problems went down, we would know that the program was a success. In the meantime, you have instituted a whole new health program. You have X number of new people hired and all of a sudden what happens to the General Fund? How are we going to pay the bill? We can't pay what we have now. The GPA is shot. The roads and bridges are shot. Human Services is shot. Do we keep open AMHI and BMHI? It is a serious problem. I personally, if the money wasn't going to fund new programs and was going to be in a fund to set aside to help the old programs, I would be very interested in supporting it. I cannot support the program that is going to add 153 new state jobs when we were elected to cut the cost of government. I will be voting for Indefinite Postponement of the bill and papers and I hope that you will do the same. Thank you very much.

The SPEAKER: The Chair recognizes the Representative from Brewer, Representative Fisher.

Representative FISHER: Madam Speaker, Men and Women of the House. Representative Cross said that nobody has gotten up and said they smoked. I am a smoker. I quit once for about a year. Two days on the road with two young kids and a wife changed that real fast. It started again. I don't have any particular intentions of stopping. Over the last few days people have tiptoed around wondering how I feel about this bill. Would a smoker support an increase in the tax? I do, especially if it is put towards educating kids. By the way, I don't think 37 cents is going to stop one kid from smoking cigarettes, especially if it is

helping kids by education and it goes to programs for the elderly and for the poor. Thank you.

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

Representative MITCHELL: Madam Speaker, Men and Women of the House. I have actually been listening to this entire debate. I have taken note of all of your questions. I don't know if they were rhetorical. I don't know if you wanted answers, but I am going to try to answer them. Representative True posed a question that taxes won't reduce smoking. Well, obviously there is debate on that, but I have abstracts here from the American Journal of Public Health and the general accounting office that will demonstrate just how much they will reduce smoking. Since we are not going to rely solely on attacks, we have created a state of the art prevention and cessation program. I believe that we can reduce smoking with this proposal. One of the other most common questions is about all these positions. Believe me, I didn't like the fiscal note either. I think it is outrageous. I think it is false. We just got back about 10 minutes ago new estimates from DHS that says we will now need 24 positions. That may not be the final count, but there is obviously room for movement. A lot of questions about what happens when the revenues drop. We built that into the fiscal note. We have room for movement, but more than that, we will set priorities like we do with all other programs. Representative Plowman asked why do kids smoke? Kids smoke because they are addicted. This is the most addictive drug that we know of. They may start for a variety of reasons, but they keep smoking because they are addicted. To respond to my good friend, Representative Mayo, who is not here right now, this is not a new program. Medicaid started in 1965. That is before I was born. This is not a new program. Medicaid happens to be the most efficient, least expensive way to cover children. They have 5 percent administrative costs. Compare that to any HMO, any hospital and any health plan, they have about 20 to 30 percent administrative costs. The rhetoric about new programs is garbage. We are not talking about programs. We are talking about children. Finally, I have my own question. Are Maine kids worth 37 cents?

The SPEAKER: The Chair recognizes the Representative from Fryeburg, Representative True.

Representative TRUE: Madam Speaker, Ladies and Gentlemen of the House. I had hoped that I could get in after my good friend from Gardiner spoke because being that I think I was a good teacher when my people left the classroom, I tried to have them remember what I said. I would like to repeat myself. It is true. I am certainly in favor of anything that can help young people. It is true that I think this costs us too much. I did say that there was a way that it could, perhaps, be helped. No one has spoken about that yet. You are still talking about 24 positions. You are talking about an exorbitant amount of money. You already have an educational system in every single one of your towns. In the curriculum because of state mandates and so forth, you must teach health. Some teach it in history as a social issue and some teach it in other ways. Until each and every one of you go into your schools and find out how much time is spent on this, which we say is the greatest killer of young people, then what in the world do you want to have new people spending a lot of money when it can be done right there with attentive young people. While I am up, I want to take exception to my good friend from Berwick, who says that I don't have any intestinal fortitude because I won't vote for this. I live on the border. I have lived on the border longer than he has been alive.

The SPEAKER: The Chair recognizes the Representative from Winslow, Representative Vigue.

Representative VIGUE: Madam Speaker, Ladies and Gentlemen of the House. My position, as always, is that I am totally opposed to taxes. I have been and the reason being is that taxes have a very negative effect on job creation and economic activity. Ladies and gentlemen, in this particular situation, my position will be changing. The reason, not because I am opposed to taxes, but because the harm done by cigarettes and smoking far outweighs the damages done to the economy by taxes. Therefore, I shall be supporting LD 1887, but I would tell you that I urge you to really think about changing the amount and the area where we are spending money to make sure that we do not create a program that we cannot fund beyond two or three years. I think this should be self-funding and it should have a sunset of some sort that protects us from having additional costs added onto the population of the General Fund, say in the year 2002. Like Representative Bruno said, I would not like to have a program that goes beyond the money that we are going to generate. Ladies and gentlemen, I urge you to oppose the pending motion and that we go on to pass this piece of legislation.

The SPEAKER: The Chair recognizes the Representative from Bar Harbor, Representative Jones.

Representative JONES: Madam Speaker, Men and Women of the House. I have been curiously quiet this session. I thought I would have to speak a great deal on deregulation, but Madam Speaker cured me of that. I want to say something. If we could tax crack or heroin or cocaine, we could achieve all of these things. The reason we can't do it is because we can't grab onto it. There is no way to grab that tax. The reason we are against this and the reason we hear opposition to this isn't where the money is going. It is because there is a tobacco lobby. A lobby that is incredibly strong in this country. They grab onto us. They grab onto us hard. I have so many good things in here tonight about what we should do. Maybe this bill isn't perfect. The bill this morning maybe wasn't perfect. Representative Murphy maybe had it correct. We shouldn't have two trains running into each other. We should have some consensus. I would like to see that consensus. I don't see it in three days. This is the alternative we have. Let's do something right now, today, for the kids. Thank you.

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

Representative CAMERON: Madam Speaker, Ladies and Gentlemen of the House. This has gone on for a couple of hours now. I have been kind of baffled, quite frankly, as I listened to this. Where all the smoking came from since 10:30 this morning. It didn't seem to be an issue this morning. Thirty-three people voted for a bill this morning on this issue. Now all of a sudden everybody is concerned about smoking. I am a little baffled. I hear that this program, if we put it in place, will decrease smoking. I would like to believe that. I don't believe that the 37 cent tax will sway anybody from smoking. I think the 37 cents or 47 cents or \$1.07 have nothing to do with whether or not a young child starts smoking. What has to do with whether or not they smoke is taking away what the cigarette companies are able to create as a lifestyle. If you smoke, you have friends and everybody will be happy and you will be the Marlboro man and Camels will smoke. Education takes that away. That is why the piece of the 37 cents is important to me to go to education.

When I hear about how this program would encompass children and families at 200 percent of the poverty level, it is a fine goal. It is a noble goal. The median income in Maine is \$20,000. Two hundred percent of the poverty level is somewhere in the vicinity of \$30,000 or \$32,000. A lot of the people in that income range have employer paid health care. I believe, absolutely, that if we do this that a lot of those programs

will go away. We will create more people without health insurance if we go ahead and do this. The fiscal note, I heard Representative Mitchell say the fiscal note is exaggerated, my fear is that it is very conservative. My other fear is the one that I suggested this morning in the 10 minutes of debate on the other tax bill was that we would be exactly where we are right now at loggerheads over the issue of how the money will be spent rather than putting these two bills on the floor today. We didn't go find a way for a compromise. We are exactly where I was afraid we were going to be at 10:30 this morning. Maybe the numbers are there to pass this bill. I don't believe this bill will leave this building with us when we leave on Friday or Saturday or whenever it is. We have an obligation for the health of the future of the children of this state to find a way to pass a cigarette tax to help dissuade them from smoking.

I haven't been here for the whole debate, but I do know one of the things that we looked at in the bill that I had said that we would look at a 16 percent decline in the smoking rate in Maine and still end up with the amount of money that we have heard here tonight, somewhere in the range of \$60 million. I am not sure that is accurate. Obviously, we can only estimate. If that happens and then we add more people to the rolls, we can't finance this program in the future. It is irresponsible. While it may feel good and in the unlikely event that it will go home with us, it won't. I am absolutely convinced of that. Regardless of what happens in this room, this bill will not go home with us when we leave. Who will have won? We heard that the tobacco lobby has been out there working hard. Frankly, ladies and gentlemen, they are sitting back and laughing. They haven't had to do anything. We are doing their work for them in this room tonight. We, as the elected Representatives of the State of Maine, are not adult enough to sit down and find a way to make this thing work and we can get votes enough and we can get it passed in the other body and with the Chief Executive. They are laughing. They are getting paid and not have to lift a finger. They are the winners, as I said this morning, the cigarette companies are going to be the winners and our children are going to be the losers.

I will admit that I don't understand enough about parliamentary procedure to find a way to stop this train, as Representative Murphy said, those two cars that are headed toward each other and find a way to get a committee of conference or whatever it takes. I don't understand, but what we are doing, ladies and gentlemen, doesn't make sense. Our children are going to lose. I don't want to create another program. I want to stop our kids from taking up smoking. I want to help reduce the pain and anguish in the families whose parents end up with lung cancer and die prematurely. Your children, my children and their friends, that is what I want to prevent. I am not interested in working for the tobacco companies and that is what we are doing here tonight. I would like to be able to offer a solution, but we are at a point, almost, of no return here. As I said, I don't understand it. If anybody else has a way to do it, I would sorely love to have you say something on the floor of how we can do it because we can't afford to let our children down.

There are those that won't vote for a cigarette tax, whether it is 37 cents or 7 cents or what it is. They will not vote for it. That is a given. We understand that. There are those of us who believe that this is probably the most important thing we can do here this year because our children are involved. We can't afford to lose this opportunity and go home and say to our constituents that we weren't adult enough to help your children. I believe that is what we are doing here tonight. I wish I knew how to stop this train. If somebody else knows, please tell me. Thank you very much.

The SPEAKER: The Chair recognizes the Representative from Crystal, Representative Joy.

Representative JOY: Madam Speaker, Ladies and Gentlemen of the House. I know that the hour is late, but for a while here I am thinking that I am not in the State House in Augusta, but perhaps that maybe I am in Washington DC where a bill that has a perfectly good intent and is something that as the good Representative from Rumford says, everybody could support. Suddenly is used to be a vehicle for someone else's pet project. I think that this is exactly why we are where we are. This is why we can't reach common ground. This is why someone is going to wind up paying for our inability to take action. Each of the issues that are combined in this one package are worth while issues, but they should not be gained under fraudulent means. The board up here says health prevention smoking. That, ladies and gentlemen, should be the only issue that is tied to this bill. We should not have two or three other issues. We should not be supporting anyone else's agenda in handling these bills. We had a situation today where an amendment was denied because it was not germane. I think that the two issues that are tagged onto this are not germane to the prevention of teenage smoking.

I keep hearing too that this is a program about saving lives, saving children's lives, keeping them away from the addiction of using tobacco. I have heard about institutional memory. I have only been here five years and I don't think that is long enough to have institutional memory. I do remember that this body has voted for something that is always fatal to children's lives in the last five years on a number of occasions. Here we are talking about saving children's lives by preventing smoking by giving them educational programs and yet this body, time and time again, has supported something which is always fatal, abortion. I find that there is a mark of incredibility between a group that is now trying to prevent teenage illnesses and health problems when they can support abortion. I will be voting to Indefinitely Postpone this bill and all its papers.

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

Representative ROWE: Madam Speaker, Men and Women of the House. I know it is late. There were a couple of things said that I feel compelled to address. I understand the sincerity of the speakers and I understand the analogy about the two cars heading toward one another. I think I differ with respect to that being the process at present. The idea of a pet project that somebody's agenda is involved here. I will tell you what my agenda is. My agenda is improving the lives of Maine people to include Maine children. I see doing that with this bill that is before us in a major way. I understand the concerns that the good Representative from Rumford, Representative Cameron and he is a good Representative. I consider him a friend. I also understand the concerns of the Representative from Kennebunk, Representative Murphy. That James Dean analogy. I thought about that when you used that Representative Murphy and you were suggesting that teenagers are going to lose with this proposal. I believe that the teenager is going to win with this proposal. They will win because of the smoking cessation programs. They will win because of the expanded Medicaid coverage to those children of the working poor. By the way, where I come from there are lots of kids that fall into this category. I know that on a personal basis. One of my family members treats these children on a daily basis. They have no pediatrician. They have no health insurance. The parent does not qualify for Medicaid and the parents employer does not have health insurance. Pre-teens win with this bill because of the preventative health care.

When I hear this analogy about the two cars coming together and I hear that the bystanders are cheering and laughing and that those bystanders may be the tobacco lobbyists, I think not. I think that those bystanders that are cheering are the children of the state and they are cheering us to pass this bill. I feel strongly about this. I ask you to consider this. I know many of you in this chamber have made your minds up. You think this may be our last chance. I would just suggest. This is the bill before you. It deals with the issue of smoking. It deals with the tobacco tax. It deals with some other programs, specifically children's health that in many ways is directly linked to smoking, either through the child or the family of the child. I ask for your support of the bill. I also ask for your vote against the pending motion. Thank you very much.

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

Representative BRAGDON: Madam Speaker, Ladies and Gentlemen of the House. I know it is late as well. I will try to be brief. I just want to recap why I believe LD 1887 is a very bad bill and why I think you should vote against it. First of all, LD 1887 increases Medicaid to children at or below 200 percent of poverty level. Right in the bill itself and you have had it read to you, it states that there is just barely enough revenue to fund that for the current biennium and that there will be a deficit that will have to be funded out of the General Fund in the very next biennium. I think it is very irresponsible of us as legislators to make a promise to the children of Maine that we are going to provide Medicaid coverage to you and to have to break that promise and knowingly break that promise in two years.

Secondly, I have a problem with the low-cost drug program for the elderly. As has been stated by Representative Bruno, the language in this LD specifically changes this program and removes the eligibility for this program to elderly people age 62 to 64. I think it is highly inappropriate that this Legislature tells our elderly, age 62 to 64, that we no longer are interested in making sure that they can receive their prescription medication at a subsidized rate.

Lastly, I think this bill is bad because it expands government. From the President on down we have all heard and the American people are crying out to reduce the size of government. Bill Clinton himself said in the State of the Union address that the era of big government is over. To my count, this bill creates 155 new state positions. I think that is irresponsible. We have heard lots of things about the tobacco industry and how they make millions and billions of dollars off the addictive behavior of those who buy cigarettes. I would suggest to you, ladies and gentlemen, that by funding programs that I believe are very worth while, an expansion of Medicaid and the drug program for our elderly. Funding those programs solely by a tax increase that we, as a Legislature, are acting exactly like the enemy. We are saying that these are priorities to us, but we think they should be paid for solely by smoking Mainers. The response to the question put forward by Representative Mitchell of Portland, I do think Maine's children are worth 37 cents, but I think they are worth 37 cents that each of us should pay. I would strongly urge you to support the motion to Indefinitely Postpone.

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

Representative SAXL: Madam Speaker, Men and Women of the House. I believe tonight is a defining moment in the 118th Legislature. Before you today is a piece of legislation, which will do more for Maine children than any other piece of legislation before this body. There have been many points brought up in this debate and many of them concerning the funding of this program. While House Amendment 723 is not before us at this time, I ask my colleagues from both sides of the aisle to consider

it and consider the responsibility and the concerns taken in in this amendment in dealing with the funding issues. This amendment addresses the outlying years in regards to funding this program.

What I want to say to you tonight is that I was thinking about this morning's vote and I noticed that 33 members across the aisle supported the measure before us today. I got to thinking about LD 1753, which probably doesn't sound familiar to everybody in this body today, but that was a bill called Healthy Children. It was brought before this last Legislature. I found it encouraging as I was preparing for this vote that 17 of those 33 members who voted to increase cigarette taxes this morning, voted to support healthy children for the State of Maine. That is over half of those members. I also found it encouraging that 131 members of this body and the other body voted in support of healthy children just one year ago today. That was the healthy children program, which directly reflects the amendment which will be before you later on today.

As I began to prepare for this debate, I went through an old file. In that file I had some information sent out by the Chief Executive. In announcing his Communities for Children Program, the Chief Executive said, it is more of a guiding philosophy or a principle that says to Maine people that from this day forward the various departments of Maine government are going to work together with local communities to make children, toddlers, preschoolers, adolescents, teenagers and all the problems they face growing up in today's world an important area of concern. The Chief Executive went on to talk about his Communities for Children Program in a pamphlet he called *Our Maine Concern is Children* in that he explicitly talks of the state government commitment to children. He has three guiding principles in that. Number two, provide data to access how children are doing in each community. We know how children are doing in the State of Maine. We know that Maine is at the bottom of the heap when it comes to smoking throughout the entire nation. We know that one in three of these children will die due to a smoking related illness. We also know that over 36,000 children in the State of Maine go without health insurance every single year. The Chief Executive asked us to consider something else. He says work with community members to identify children's problems and to provide resources outlining proven and effective ways to solve them.

Over 38 states throughout this children have Healthy Children Programs. Those states and many other states have smoking cessation programs. These programs directly address the needs of Maine's children who are smoking and who are without health care. It is important for you to know that the Maine Health Reform Commission, which is not a Republican commission and it was not a Democratic Commission, it was a commission of three great leaders in health care in the State of Maine representing industry, public policy and the private sector. They came out and said that children who have access to regular preventive health care are less likely to be ill and require less expensive medical care at a later date. Parents of healthy children use less sick days at work. It sounds like it is good for the economy. They go on and they say that for every dollar we spend on preventive health care saves us four times that amount in expensive health care cost at a later date.

Healthy children and tobacco cessation will go a long way toward helping the children of the State of Maine and meeting our commitment to those children. If 131 members of the 117th Legislature, if Senator Orin Hatch from Utah, if 33 members from this morning's vote, if each one of you in this body joins those people to do what is right tonight, we will begin to address the needs of the uninsured children of the State of Maine will begin to meet our obligation to the teens in the State of Maine and we

will begin to do the right thing. Ladies and gentlemen of the House, I urge you to defeat the pending motion and to join me in adopting this committee report and adopting the later committee amendment. Thank you.

The SPEAKER: The Chair recognizes the Representative from Bremen, Representative Pieh.

Representative PIEH: Madam Speaker, Ladies and Gentlemen of the House. I just want to recap for you. We had eight bills before us in Health and Human Services and Taxation that wanted to raise the tax on cigarettes. We had umpteen work session. We have had this evenings and this afternoons debate. Some people wanted more tax. Some people wanted less tax. Some people wanted more prevention. Some people wanted less prevention. Some people wanted more education. Some people wanted less education. Some people wanted tax relief. We can't give any tax relief. We want more health care. We want less health care. We want to take care of the working poor. We can't take care of the working poor. We should fund BIW. We shouldn't fund BIW. We should take care of the mentally retarded waiting list. No, we shouldn't take care of the mentally retarded waiting list. We should do children at 200 percent. We should do children at 185 percent. Whatever we do the Executive is going to veto it. Whatever we do the Executive won't veto it. It will produce more revenue. It will produced less revenue. It will take more jobs. It will take fewer jobs. We sat down eventually as we kept working at it and tried to come up with things that would work for everyone. In terms of tax relief, if there is more revenue let's remember that in the terms of our current budget, 75 percent of that goes into tax relief. The common thread that we could find was prevention, health care for children and taking care of prescription drugs for the elderly. There are people here with history. There are people here with fresh blood and people with very strong opinions. We have spent hours and hours and hours trying to come up with an amount of a tax to charge that would make sense to people, that would encourage youth to stop smoking, not to start and adults to stop and it would take what revenue came from that and use it in an equitable manner that would increase doing better things for Maine people. What you have heard this afternoon and this evening is a microcosms of what we have been dealing with since we had the public hearing where hundreds of people spoke. I encourage you to not support the Indefinite Postponement. This is a good bill that really represents a lot of working together by all of us. Thank you very much.

The SPEAKER: The Chair recognizes the Representative from Northport, Representative Lindahl.

Representative LINDAHL: Madam Speaker, Men and Women of the House. We have been debating this for over two and a half hours. About two hours ago there was one person that said she didn't know how she was going to vote. She has left the room so I think she has made up her mind. Why don't we vote?

The SPEAKER: A roll call has been ordered. The pending question before the House is Indefinitely Postpone the Bill and all Accompanying Papers. All those in favor will vote yes, those opposed will vote no.

#### ROLL CALL NO. 319

YEA - Barth, Belanger DJ, Belanger IG, Berry DP, Bigl, Bodwell, Bragdon, Bruno, Buck, Bumps, Cameron, Carleton, Chizmar, Cianchette, Clukey, Cross, Donnelly, Fisk, Foster, Gerry, Gieringer, Goodwin, Gooley, Honey, Jones SA, Joy, Joyce, Joyner, Kasprzak, Kneeland, Labrecque, Lane, Layton, Lemont, Lindahl, Lovett, MacDougall, Mack, Madore, Marvin, Mayo, McAlevy, Meres, Murphy, Nass, Nickerson, Ott, Pendleton, Perkins, Perry, Pinkham RG, Pinkham WD,

Plowman, Savage, Snowe-Mello, Spear, Stedman, Taylor, Tobin, Treadwell, True, Vedral, Waterhouse, Wheeler EM, Wheeler GJ, Winglass, Winn, Winsor.

NAY - Ahearne, Bagley, Baker CL, Baker JL, Berry RL, Bolduc, Bouffard, Brennan, Brooks, Bull, Bunker, Chartrand, Chick, Clark, Colwell, Cowger, Davidson, Desmond, Driscoll, Dunlap, Dutremble, Etnier, Farnsworth, Fisher, Frechette, Fuller, Gagne, Gagnon, Gamache, Green, Jabar, Jones KW, Jones SL, Kane, Kerr, Kontos, LaVerdiere, Lemaire, Lemke, Mailhot, McKee, Mitchell JE, Morgan, Muse, O'Brien, O'Neal, O'Neil, Paul, Peavey, Pieh, Powers, Quint, Richard, Rines, Rowe, Samson, Sanborn, Saxl JW, Saxl MV, Shannon, Shiah, Sirois, Skoglund, Stanley, Stevens, Tessier, Thompson, Townsend, Tripp, Tuttle, Usher, Vigue, Volenik, Watson, Wright, Madam Speaker.

ABSENT - Campbell, Dexter, Hatch, McElroy, Poulin, Povich, Underwood.

Yes, 68; No, 76; Absent, 7; Excused, 0.

68 having voted in the affirmative and 76 voted in the negative, with 7 being absent, the motion to indefinitely postpone the Bill and all accompanying papers did not prevail.

Subsequently, the Majority "**Ought to Pass**" Report was accepted.

The Bill was read once.

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

Representative MITCHELL of Portland presented House Amendment "C" (H-723) which was read by the Clerk.

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

Representative BRAGDON: Madam Speaker, May I pose a question through the Chair?

The SPEAKER: The Representative may pose his question.

Representative BRAGDON: Madam Speaker, Men and Women of the House. To the good Representative from Portland, could she please explain the amendment and why it is necessary.

The SPEAKER: The Representative from Bangor, Representative Bragdon has posed a question through the Chair to the Representative from Portland, Representative Mitchell. The Chair recognizes that Representative.

Representative MITCHELL: Madam Speaker, Men and Women of the House. I would be happy to. This amendment addresses some of the concerns that were brought up in debate. This amendment lowers the eligibility level to 185 percent of poverty, down from 200 percent. Children and families with incomes at 185 percent of poverty or below will be eligible for health care.

Representative BRAGDON of Bangor requested a roll call on the motion to adopt House Amendment "C" (H-723).

More than one-fifth of the members present expressed a desire for a roll call which was ordered.

The SPEAKER: The Chair recognizes the Representative from Bethel, Representative Barth.

Representative BARTH: Madam Speaker, Men and Women of the House. I hope that before everybody votes that they take a good look at (H-723) and look at the fiscal note attached to it.

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

Representative MITCHELL: Madam Speaker, Men and Women of the House. I would just like to point out that this reduces the fiscal note of the original bill because it reduces the eligibility level.

The SPEAKER: The Chair recognizes the Representative from Presque Isle, Representative Donnelly.

Representative DONNELLY: Madam Speaker, Men and Women of the House. I just want to make a comment on some things that we talked about in the budget before we do what it looks like this body is going to do. The number of other items in the budget that were talked about that people espoused on the floor that we wanted to do more for than we did last time and were planning to do more for in the future, they will now have a future competition, General Purpose Aid for Education, the University of Maine System, the Technical College System and school construction, homeless shelters, battered women's shelters, day programs for Maine's most vulnerable population, refurbishing this old house, job training for welfare recipients who will be graduating in the near future, more game wardens and finally property tax relief for Maine residents. As we go forward with things that we are not sure how much it will cost in the future and we increase the cost of doing business in this state, what we are putting at risk is all these other items that we all care about. As we are about to vote, I wanted to let my colleagues know why I supported the bill this morning and I am not supporting the bill this evening.

The SPEAKER: The Chair recognizes the Representative from Union, Representative Savage.

Representative SAVAGE: Madam Speaker, Men and Women of the House. I just quickly ran through this amendment and I still see 132 new positions.

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

Representative WINN: Madam Speaker, Ladies and Gentlemen of the House. I hope that you vote against adopting this amendment. Besides creating 125 new positions, it is also spending millions of dollars to add thousands of people to Medicare. It is my understanding that we are trying to get away from increasing the welfare rolls and not adding to it. For that and many other reasons, I oppose this amendment. Thank you.

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

Representative BRAGDON: Madam Speaker, May I pose a question through the Chair?

The SPEAKER: The Representative may pose his question.

Representative BRAGDON: Madam Speaker, Men and Women of the House. We have heard different figures tonight on how many Maine children do not have health care. I have heard 41,000 and 36,000. By reducing eligibility from 200 percent down to 185 percent, how many Maine children will not be covered by this amendment?

The SPEAKER: The Representative from Bangor, Representative Bragdon has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Naples, Representative Thompson.

Representative THOMPSON: Madam Speaker, Men and Women of the House. A lot more than will be covered if you vote against this bill. I will tell you something. I have sat through this debate and I haven't heard one comment on this debate that has anything to do with this amendment. This amendment is saying we are trying to reduce it to 185 percent. If you want to leave it at 200 percent, then vote against the amendment.

The SPEAKER: The Chair recognizes the Representative from Manchester, Representative Fuller.

Representative FULLER: Madam Speaker, Ladies and Gentlemen of the House. In response to the question about the estimated number of children, it would be expected to enroll with the poverty level of 185 percent of poverty, the figure for a full year is 16,834 expected to enroll. I would also point out that there was a change in the fiscal note relative to the staff. The department as well as the Office of Fiscal Review is 24 staff on the state side.

The SPEAKER: The Chair recognizes the Representative from Raymond, Representative Bruno.

Representative BRUNO: Madam Speaker, May I pose a question through the Chair?

The SPEAKER: The Representative may pose his question.

Representative BRUNO: Madam Speaker, Men and Women of the House. In the earlier debate, I asked a question on what happens to the elderly from age 62 to 64. Is it repaired in this amendment? I read the amendment and I do not see it corrected.

The SPEAKER: The Representative from Raymond, Representative Bruno has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Naples, Representative Thompson.

Representative THOMPSON: Thank you. This amendment does not have anything to do with the elderly care.

The SPEAKER: A roll call has been ordered. The pending question before the House is the motion to Adopt House Amendment "C" (H-723). All those in favor will vote yes, those opposed will vote no.

#### ROLL CALL NO. 320

YEA - Ahearne, Bagley, Baker CL, Baker JL, Belanger IG, Berry DP, Berry RL, Bolduc, Bouffard, Brennan, Brooks, Bull, Bumps, Bunker, Chartrand, Chick, Chizmar, Clark, Colwell, Cowger, Davidson, Desmond, Driscoll, Dunlap, Dutremble, Etnier, Farnsworth, Fisher, Frechette, Fuller, Gagne, Gagnon, Gamache, Green, Honey, Jabar, Jones KW, Jones SL, Joyner, Kane, Kerr, Kontos, LaVerdiere, Lemaire, Lemke, Madore, Mailhot, McKee, Mitchell JE, Morgan, Muse, O'Brien, O'Neal, O'Neil, Paul, Peavey, Perkins, Perry, Pieh, Pinkham RG, Plowman, Powers, Quint, Richard, Rines, Rowe, Samson, Sanborn, Saxl MV, Shannon, Shiah, Sirois, Skoglund, Spear, Stanley, Stevens, Tessier, Thompson, Townsend, Tripp, Usher, Vigue, Volenik, Watson, Wheeler GJ, Winglass, Wright, Madam Speaker.

NAY - Barth, Belanger DJ, Bigl, Bodwell, Bragdon, Bruno, Buck, Cameron, Carleton, Cianchette, Clukey, Cross, Donnelly, Fisk, Foster, Gerry, Gieringer, Goodwin, Gooley, Jones SA, Joy, Joyce, Kasprzak, Kneeland, Labrecque, Lane, Layton, Lemont, Lindahl, Lovett, MacDougall, Mack, Marvin, Mayo, McAlevey, Meres, Murphy, Nass, Nickerson, Ott, Pendleton, Pinkham WD, Poulin, Savage, Snowe-Mello, Stedman, Taylor, Tobin, Treadwell, True, Tuttle, Vedral, Waterhouse, Wheeler EM, Winn, Winsor.

ABSENT - Campbell, Dexter, Hatch, McElroy, Povich, Saxl JW, Underwood.

Yes, 88; No, 56; Absent, 7; Excused, 0.

88 having voted in the affirmative and 56 voted in the negative, with 7 being absent, House Amendment "C" (H-723) was adopted.

Representative WINN of Glenburn presented House Amendment "B" (H-712), which was read by the Clerk.

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

Representative WINN: Madam Speaker, Ladies and Gentlemen of the House. I am here tonight to present to you an amendment for this bill, which basically goes back to the original bill that I sponsored. It provides health insurance for all children in the State of Maine 19 and under. Everybody can have health insurance. All the children 19 and under for three pennies on the cigarette tax. I don't need 37 cents. All I need is 3 cents. For \$3 million we can create something we can be proud of and something that will be here for the next century and something that will do our constituents a great deal of good. For \$3 million, not \$62 million.

Basically what it does is it creates a nonprofit organization. It is built on a model from Florida called the Florida Healthy Kids Corporation. You create a nonprofit organization so you are not expanding welfare. You are not creating 125 new jobs. You get away from the monopoly of Blue Cross and Blue Shield and this nonprofit organization makes the arrangements and creates a benefit package for children. Basically, the state contributes a little bit. The state kicks in about \$3 million and the parents kick in a little bit. The parents pay copays and the parents pay a sliding scale based on income for the premium and the provider kicks in a little bit too. For \$3 million of state money, you end up leveraging \$13 million, which is enough money to cover all the children in the State of Maine for 3 cents, instead of 37 cents. It is something that I think we could pass and that would be here in the future as something that we could accomplish this session and be proud of.

I would like you to bear in mind and consider it that there is a smarter way to do this. Some of you received the flyer I sent out and the issue is instead of spending \$13 million, spend \$3 million and get the job done and have it be something we can be proud of. I would appreciate it. I would like to create the yeas and nays. I would appreciate it if you would consider supporting this amendment. Thank you.

The same Representative requested a roll call on the motion to adopt House Amendment "B" (H-712).

Representative ETNIER of Harpswell moved that House Amendment "B" (H-712) be indefinitely postponed.

Representative LOVETT of Scarborough requested a roll call on the motion to indefinitely postpone House Amendment "B" (H-712).

More than one-fifth of the members present expressed a desire for a roll call which was ordered.

The SPEAKER: The Chair recognizes the Representative from Hampden, Representative Plowman.

Representative PLOWMAN: Madam Speaker, Men and Women of the House. I would like to thank the Representative for bringing in a plan that does what we want it to do and no more and leave every other issue to stand by itself on its merit. I urge you to vote against the Indefinite Postponement of this House Amendment and to consider it on its merit. Thank you.

The SPEAKER: The Chair recognizes the Representative from Lewiston, Representative Bouffard.

Representative BOUFFARD: Madam Speaker, May I pose a question through the Chair?

The SPEAKER: The Representative may pose his question.

Representative BOUFFARD: Madam Speaker, Men and Women of the House. I think if I read this correctly that this amendment replaces the bill we just voted on.

The SPEAKER: The Chair would answer in the affirmative.

Representative BOUFFARD: Madam Speaker, Men and Women of the House. In that case could the good Representative from Glenburn tell me where it is in here that there are funds allocated to stop children from starting to smoke.

The SPEAKER: The Representative from Lewiston, Representative Bouffard has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Glenburn, Representative Winn.

Representative WINN: Madam Speaker, Men and Women of the House. I think if you had been here for my speech on the original bill you would understand that we can get children to stop smoking without having to spend \$62 million. Many people are afraid that spending \$62 million isn't really going to do anything to get teenagers to stop smoking. In fact, that money would just go up in smoke. We think that instead of pretending that isn't a tax on the working poor that we will say yes, we do want to provide health insurance for the children and that is what

we are going to do. Pure and simple. We will enforce the existing laws and make sure that children are not allowed to buy illegal drugs. Thank you.

The SPEAKER: The Chair recognizes the Representative from Lewiston, Representative Shannon.

Representative SHANNON: Madam Speaker, May I pose a question through the Chair?

The SPEAKER: The Representative may pose his question.

Representative SHANNON: Madam Speaker, Men and Women of the House. In recommending this amendment to replace the bill which was just passed, I note that costs are not fixed. I would ask that if there is any explanation or estimate for the lines beginning on page 7, line 25 through line 33, other than maybe \$10 or \$11 million a year. I am not satisfied that that estimate has any basis in reality.

The SPEAKER: The Representative from Lewiston, Representative Shannon has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Glenburn, Representative Winn.

Representative WINN: Madam Speaker, Men and Women of the House. I am a bit concerned about the question. I believe it is something to do with can \$3 million cover all the children in the State of Maine?

The SPEAKER: The Chair recognizes the Representative from Lewiston, Representative Shannon.

Representative SHANNON: Madam Speaker, Men and Women of the House. I apologize for being unclear. Let me read it to you. "The cost of establishing the Maine Healthy Kids Corporation cannot be estimated at this time and will depend upon the cost and timing of the benefit package provided the availability by the funding sources and administrative costs," etc. etc. The next line goes on to say if the corporation is able to provide benefits at a cost comparable to Medicaid, \$10 to \$11 million a year will be acquired. I would like to have an explanation of how those figures were arrived at and if that is the case, what is going to provide that funding and what is going to fix that funding?

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

Representative WINN: Madam Speaker, Men and Women of the House. I am still a bit unclear as to what the question is. Basically, Medicaid is an extremely expensive program. For instance, in Florida Medicaid costs \$80 or \$90 a month to cover one child. They have been able to do this program and it costs \$50 a month to provide the same health care package for the children. They are almost identical. The point is that if the committee assumed that it was going to cost \$13 or \$10 million to cover X amount of children for Medicaid to do an alternative route that saves us 30 percent, such as the Florida Healthy Kids Program, will automatically be at least a third cheaper than Medicaid. Another point is that I really don't need three pennies. I could do it with one penny so I know we have plenty of money to make this happen. The other point is that this is not an entitlement. It is set up so that if the money is available, the children will be able to receive the package. With Medicaid you have to set aside almost enough money as if 100 percent of the people apply. The statistics are solid. The three cents will give plenty of money. Medicaid ends up being at least one-third more expensive than a regular health care package. Florida is costing \$80 or \$90 to cover one child with Medicaid. They went this route and the maximum cost was \$50 for a wonderful package. Three cents is more than enough to leverage the money. If for some reason we had an incredible influx of people applying for it, it is not an entitlement so we haven't put the state at any risk. The most we are liable for is the three cents on the cigarette tax regardless of what happens to the amount of

packages that are sold and regardless of the amount of people that apply for the program. The numbers are there. It is very, very solid. Again, that three cents is more than enough to do it.

The SPEAKER: A roll call has been ordered. The pending question before the House is Indefinite Postponement of House Amendment "B" (H-712). All those in favor will vote yes, those opposed will vote no.

**ROLL CALL NO. 321**

YEA - Ahearne, Bagley, Baker CL, Baker JL, Berry DP, Berry RL, Bolduc, Bouffard, Brennan, Bruno, Bull, Bunker, Cameron, Chartrand, Chick, Cianchette, Clark, Clukey, Colwell, Cowger, Davidson, Desmond, Driscoll, Dunlap, Etnier, Farnsworth, Fisher, Fisk, Frechette, Fuller, Gagne, Gagnon, Gamache, Gerry, Green, Jabar, Jones KW, Jones SL, Joyce, Kane, Kerr, Kontos, LaVerdiere, Lemaire, Lemke, Mailhot, Marvin, McKee, Mitchell JE, Morgan, Murphy, Muse, O'Neal, O'Neil, Ott, Paul, Peavey, Pieh, Poulin, Powers, Quint, Richard, Rines, Rowe, Samson, Sanborn, Saxl MV, Shannon, Shiah, Sirois, Skoglund, Stanley, Stevens, Taylor, Tessier, Thompson, Townsend, Tripp, Tuttle, Usher, Vigue, Volenik, Watson, Wheeler GJ, Wright, Madam Speaker.

NAY - Barth, Belanger DJ, Belanger IG, Bigl, Bodwell, Bragdon, Brooks, Buck, Bumps, Carleton, Chizmar, Cross, Foster, Gieringer, Goodwin, Gooley, Honey, Jones SA, Joy, Joyner, Kneeland, Labrecque, Lane, Layton, Lemont, Lindahl, Lovett, MacDougall, Mack, Madore, Mayo, McAlevey, Meres, Nass, Nickerson, O'Brien, Pendleton, Perkins, Perry, Pinkham RG, Pinkham WD, Plowman, Savage, Snowe-Mello, Spear, Stedman, Tobin, Treadwell, True, Vedral, Waterhouse, Winglass, Winn, Winsor.

ABSENT - Campbell, Dexter, Donnelly, Dutremble, Hatch, Kasprzak, McElroy, Povich, Saxl JW, Underwood, Wheeler EM.

Yes, 86; No, 54; Absent, 11; Excused, 0.

86 having voted in the affirmative and 54 voted in the negative, with 11 being absent, House Amendment "B" (H-712) was indefinitely postponed.

The Bill was passed to be engrossed as amended by House Amendment "C" (H-723) and sent up for concurrence. Ordered sent forthwith.

**Non-Concurrent Matter**

An Act to Exempt Contract Dance Instructors from the Unemployment Tax (H.P. 24) (L.D. 49) (H. "A" H-525) which was passed to be enacted in the House on May 23, 1997.

Came from the Senate with the Bill and accompanying papers indefinitely postponed in non-concurrence.

Representative MCKEE of Wayne moved that the House Recede and Concur.

The same Representative withdrew her motion.

Representative RINES of Wiscasset moved that the House Insist and ask for a Committee of Conference.

Representative CLARK of Millinocket moved that the House Recede and Concur.

The same Representative requested a roll call on his motion to Recede and Concur.

More than one-fifth of the members present expressed a desire for a roll call which was ordered.

The SPEAKER: The Chair recognizes the Representative from Scarborough, Representative Pendleton.

Representative PENDLETON: Madam Speaker, Ladies and Gentlemen of the House. This is not a very difficult bill. We passed it in committee on a 13 to 0 vote on all parts of it. If we Recede and Concur, that means we are agreeing to an Indefinite Postponement. This bill happens to carry with it a section that the Governor has asked us to bring forward dealing with the