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One Hundred and Nineteenth Legislature
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First Confirmation Session
October 14, 1999

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January 5, 2000 to April 13, 2000

Pages 1548 - 2331

On motion by Senator **CAREY** of Kennebec, supported by a Division of at least one-fifth of the members present and voting, a Roll Call was ordered.

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#306)

YEAS: Senators: **CAREY, CATHCART, KILKELLY, LONGLEY, MICHAUD, MITCHELL, MURRAY, O'GARA, PARADIS, PINGREE, RAND, TREAT, THE PRESIDENT - MARK W. LAWRENCE**

NAYS: Senators: **ABROMSON, AMERO, BENNETT, BENOIT, BERUBE, CASSIDY, DAGGETT, DAVIS, DOUGLASS, FERGUSON, GOLDTHWAIT, HARRIMAN, KONTOS, LAFOUNTAIN, LIBBY, MACKINNON, MILLS, PENDLETON, RUHLIN, SMALL**

EXCUSED: Senators: **KIEFFER, NUTTING**

13 Senators having voted in the affirmative and 20 Senators having voted in the negative, with 2 Senators being excused, the motion by Senator **MICHAUD** of Penobscot to **ACCEPT** the Minority **OUGHT TO PASS AS AMENDED** Report, **FAILED**.

Senator **RUHLIN** of Penobscot moved the Senate **RECONSIDER** whereby it **FAILED** to **ACCEPT** the Minority **OUGHT TO PASS AS AMENDED** Report.

On further motion by same Senator, **TABLED** until Later in Today's Session, pending motion by same Senator to **RECONSIDER** whereby the Senate **FAILED** to **ACCEPT** the Minority **OUGHT TO PASS AS AMENDED** Report.

The Chair laid before the Senate the following Tabled and Later (3/29/00) Assigned matter:

SENATE REPORTS - from the Committee on **HEALTH AND HUMAN SERVICES** on Resolve, to Provide Adequate Reimbursement for Speech and Language Pathologists
S.P. 889 L.D. 2308

Majority - Ought to Pass as Amended by Committee Amendment "A" (S-587) (8 members)

Minority - Ought to Pass as Amended by Committee Amendment "B" (S-588) (5 members)

Tabled - March 29, 2000, by Senator **MITCHELL** of Penobscot.

Pending - motion by Senator **BENNETT** of Oxford to **COMMIT** Resolve and accompanying papers to the Committee on **HEALTH AND HUMAN SERVICES** (Division Requested)

(In Senate, March 29, 2000, the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (S-587)** Report **READ** and **ACCEPTED**. Subsequently, on motion by Senator **DAVIS** of Piscataquis **RECONSIDERED ACCEPTANCE** of the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (S-587)** Report (Roll Call Ordered).)

The Chair ordered a Division. 24 Senators having voted in the affirmative and 5 Senators having voted in the negative, the motion by Senator **BENNETT** of Oxford to **COMMIT** Resolve and accompanying papers to the Committee on **HEALTH AND HUMAN SERVICES, PREVAILED**.

Sent down for concurrence.

The Chair laid before the Senate the following Tabled and Later (3/29/00) Assigned matter:

HOUSE REPORTS - from the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** on Bill "An Act to Allocate from the Fund for a Healthy Maine" (EMERGENCY)
H.P. 1818 L.D. 2552

Majority - Ought to Pass as Amended by Committee Amendment "A" (H-941) (8 members)

Minority - Ought to Pass as Amended by Committee Amendment "B" (H-942) (5 members)

Tabled - March 29, 2000, by Senator **MICHAUD** of Penobscot.

Pending - motion by same Senator to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-941)** Report, in concurrence

(In House, March 29, 2000, the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-941)** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-941) AS AMENDED BY HOUSE AMENDMENT "A" (H-964)** thereto.)

(In Senate, March 29, 2000, Reports **READ**.)

On motion by Senator **BENNETT** of Oxford, supported by a Division of at least one-fifth of the members present and voting, a Roll Call was ordered.

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

Senator **HARRIMAN:** Thank you very much. Good afternoon Mr. President. Ladies and gentlemen of the Senate, I rise to speak this afternoon in hopes that you will join me in defeating the pending motion. And I would like to take just a moment or two, if I might, to share with you my thoughts as to why it makes sense to support my request. As you all know, the State of Maine entered into a law suit against the tobacco companies, seeking retribution, if you will, for the harm that was created on Maine

citizens from the tobacco related diseases and illnesses that so many people that you and I know have been inflicted with. And the result of that historic settlement, million of dollars, in fact almost a hundred million dollars, is coming into our state checkbook over the next year and a half. And then beyond that we expect, depending upon how many people continue to smoke around the country, to receive \$50 million a year or so forever. That's assuming, of course, that the tobacco companies don't go bankrupt by virtue of other judgments against them. As you may know, someone out west was recently awarded \$20 million on one case. There is a judgment pending in Florida that some are estimating could be in the billions. But nonetheless, we can, over the next two years, at least, expect \$100 million to come our way. And some have characterized it as millions from heaven to be spent, at least in my view, for costs we incurred for smoking related illnesses. And in fact, Mr. President, the Appropriations Committee, under the leadership of my good friend from Penobscot, Senator Michaud, and the Senator from Penobscot, Senator Cathcart, has worked to craft a unanimous agreement on how to allocate the first \$18.7 million. And as you are well aware, most of that money was set aside to set up funding for visiting nurses to go to homes and meet with new parents and newborn children, child-care services, Headstart, Cub Care. We expanded the Medicaid Program and allocated money to the substance abuse program. And that was a unanimous agreement. Regretfully, Mr. President, that sense of collegiality in this session did not carry forward. Legislation was introduced this session that allocated the remaining money and you were either for it or you were the enemy. Not once did we sit down with leadership of our committee and discuss common ground. Not once. Instead, if you didn't support this Bill, get out of the way. And I respect that. That is how sometimes legislation is brought to the floor. And I hope that you will indulge me for just a moment or two more to ask you to consider some of the things that some of us felt were worthy of your consideration in this Bill. And I would submit, if we were all truly objective, we could find good ideas, great ideas, worthy of support in both reports that are on the floor. Let me just say at the onset, one of the concerns I have, and I think many people around the state who recognize that our Medicaid budget, which as you know is an entitlement program for citizens who qualify, has a \$200 million spending increase that we're already having to deal with. The report before you does nothing to address the spending increases in the Medicaid account. Arguably I would submit to you, due in large part, because of tobacco related medical costs. Not a penny in the report before you is going to address that spending increase of \$200 million. Rather we are going to expand the programs in the Medicaid account under this report and, ladies and gentlemen of the Senate, if the tobacco money doesn't come in as we expect it, we will create even more problems in an account that we are having a hard time addressing in the greatest economy in recent memory. It seems to me that the majority report is sprinkling a lot of sunshine to everyone who is part of the coalition that created the report. And, as I said before, there are many worthy programs here that I would like to have the opportunity to discuss them. But as one example that you will find in the majority report, there's \$496,000 allocated for Headstart, full day, year round. I think that's a pretty good idea. The problem is to do it for every deserving kid in the Headstart program doesn't cost a half a million dollars, it costs millions of dollars to fund that program for every deserving kid in our state. If you look through the majority report, you'll see some infamous words that have become well known in recent history. It's called

one-time funds. One-time funds for training, one-time funds for facilities, one-time funds for capitol building, one-time funds for collaboration, one-time funds for data collection, one-time funds for establishing substance abuse programs for women in northern Maine. All worthy ideas, but as this legislation says, it's one-time money. And you know what happens, next year they're going to come back, deservedly so, and say wait a minute you gave us the money to start up the program, where's the rest of it? And not only do we need what we had last year, but we've had pay increases and maybe some rent increases, our fuel costs have gone up. We need even more money. I was surprised, and perhaps you will be, to learn that already appropriated, not contained in this Bill, is about \$3 million for visiting nurses, \$42 million for child-care services, \$6.3 million for Headstart, \$7.4 million for Cub Care, \$18 million for Medicaid expansion, \$1.6 million for nutrition programs, \$5.1 million for smoking cessation, \$37.7 million for the Office of Substance Treatment Services. We have a lot to be proud of, ladies and gentlemen of the Senate, that we're already doing. Can we do more? Sure. Is this the place to do it? I believe so. But to sprinkle this money across such a wide program spectrum and not be able to dig into the root are causes of why these programs can't be as successful as they envision themselves to be. It is setting them up for these programs to collapse under their own weight. For example, Mr. President, if we allocated some of the money out of the tobacco settlement to our Medicaid expenses that are increasing, we would be able to meet what the Department of Human Services tells us is approximately \$57 to \$60 million of annual costs coming out of the Medicaid program to pay for tobacco related illnesses. If we were to allocate \$18 million out of this settlement into the Medicaid program, that would enable them to draw down \$42 million from the federal side of this program and cover the smoking related costs that the Department of Human Services tells us they are experiencing. And did you know, that out of the mothers and pregnant women who are on the Medicaid system, 55% of them are smokers? Do you know how much money is directed out of the majority report to address that core population and not only the mother's health, but the infants as well. Zero. Mr. President, did you know that approximately \$1.9 million of the majority report is going to be spent on studies, collaboration, evaluation, analysis? Mr. President, I was surprised, actually delighted, to learn the other day when I was driving with my son back from his basketball game and he was telling me how many calories he had burned in the hour that he was playing basketball. I said, where did you learn all this stuff? He said, well my metabolism rate is such and such and in so many hours of exercise, I would burn so many pounds. I said, where did you get all this stuff? Oh, we have a program at our school that teaches us nutrition. Really, I said, tell me more about it. Well you know the food chart that you see all the time that has recently been changed by the Food and Drug Administration, I've learned that if you read the panels, you know how many calories you're consuming and how much fat is in it and how much sodium, and so on and so forth. I found that to be pretty fascinating. And then last night on my way home, I stopped at the YMCA, where I am proud to be a member and a contributor, and I understand that they are embarking on a fund raising program. And this program will provide, in addition to the services they are already doing for child care, full-time child care for citizens in the mid-coast region. I was on the internet the other night and I discovered that the scientists have found mice with fat storing genes. We're on the break through. We're on the break through of finding therapies that will enable us to not

accumulate body fat, obesity. And then I picked up my local newspaper, and I see that over the last 10 years, approximately 10.6 million people have joined health clubs, and are getting in shape. And my youngest daughter reminds me that she had signed a contract when she was in the 4th grade to never smoke cigarettes or any tobacco products because of the health affects. I mention this, Mr. President, because in the majority report we are going to spend money on programs that I think are already underway to teach people nutrition, exercise, and not to smoke. And not a penny is going to the groundbreaking research that is going on that would enable us to assure that the next generation of citizens live healthier, more fruitful, more productive lives. And the ironic thing, Mr. President, above all, is that in order for these programs to be funded at an ever increasing level in the future, we need people to smoke. We need people to continue to consume the products that we have said should not be consumed. So, as I said at the beginning, I believe there are many worthy programs within the majority report. I'd like to think that there are many programs in the minority report and, but for the inopportunity to discuss them in more detail. We now have the divided report where just 6 months ago the tobacco related spending was a unanimous report. But, that's the way it goes, sometimes here. I do hope that we can reach that point soon where we can sit down and pick the best programs out of each of these reports and do something that is going to assure that the people who are suffering from tobacco related illnesses have some relief. That we can invest in the programs that are going to help assure our children a brighter future. And we can invest in the research that will assure that we can get at the root causes of these chronic diseases. I thank you very much, Mr. President.

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

Senator MICHAUD: Thank you Mr. President. Men and women of the Senate, I hope that you do support the majority report. I just want to touch on a couple issues in this Body in relating to some of the comments made by the good Senator. I too was concerned last year and this year, that whatever we do with this tobacco settlement money, that the programs will stay within the existing resources. When we passed the Bill last year, we made sure the language in there said that the programs will stay within existing resources and that the Commissioner does have the authority, unlike in the general fund on the Medicaid side, he can go in and start cutting those programs down so that they will stay within their existing resources. And that was a real big concern of mine and I feel comfortable with the current language. It was also stated, talked about, the \$1.9 million as far as evaluating the programs. I think that is very important because if you're going to spend this type of money, we should know whether or not the programs that are set up are well worth that money. As a matter of fact, that's one of the recommendations covered by the CDC, they recommend that we do have a good evaluation program. I think that definitely helps the Health and Human Services Committee when they deal with this issue next year when we start getting into performance based budgeting. Then they could also look at the evaluation of these programs. As far as the \$18 million for Medicaid; there are certain things that I like in the minority report and, as I mentioned earlier to some members of my caucus, I have no problem with using some of the money in the tobacco settlement to pay back or help fund the shortfall in Medicaid. However, when you evaluate both reports, I felt that I was more in line with the majority report that we have before us

today, although there are good in both Bills. It's unfortunate that we were unable to come out with a unanimous report. The Appropriations Committee had worked both sides, and as a matter of fact, we asked the administration and the interest groups on both sides to work out the cessation piece. And actually they did work out, as far as the programming and the number of positions. The difference was one recommendation was \$9 million, another recommendation was \$11 million. As far as the programming that you see in the majority report, that was an agreement worked out by both sides. So I feel pretty comfortable with that cessation agreement that was worked out by both sides. But it is unfortunate that we were unable to get an unanimous report out of the Appropriations Committee. If we had more time, we probably could have. Unfortunately, for those of you who have been around, the lack of the time means we have to hurry up and make decisions. Sometimes we could do a unanimous report, but just the time frame. So I hope that you will support the majority Ought to Pass report so that we can move forward and get this Bill enacted and sent down to the Governor. Thank you, Mr. President.

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

Senator PINGREE: Thank you Mr. President. Men and women of the Senate, I too would like to speak briefly in support of the majority report. I think what always strikes me when we start talking about the tobacco settlement is something that has occurred to me over the 8 years that I have served in the legislature. We often look at programs that are talked about or expanding programs to meet those concerns of the people in need in our state. Whether it's increasing the amount of child care available or making sure more seniors have access to prescription drugs, or health care for those people who go to work everyday, yet don't have a provider at their job or can't afford it. We talk about these things all the time. And what everyone always says is that would be so nice, but we don't have the money. Year after year, when we didn't have enough money in the budget, when we did have enough money in the budget, it doesn't matter, we always say, we don't have enough money. And the one thing that I really felt would happen when I heard about the tobacco settlement, when we voted last year to put some issues in statute to say how we were going to spend that money, what I really thought would happen is we would finally say you know all those things we've talking about, okay, we are going to meet our commitment. We are going to do what we said we were going to do and we will fund it with the tobacco money. Well, today we have in front of us that opportunity. We talked a little bit, I've heard some comments about the programs that are before us. And it is true, these things don't meet all the needs. We are not going to cover every kid who wants to go to Headstart. We are not meeting the demands for all the seniors who need prescription drugs. We are not going to make sure that everybody gets health insurance that needs it. But the fact is, we can see the problems coming at us and the solution is not to run in the other direction. It's to take what we have available to us and allot it to the problems that we know exist. We're not talking about some hypothetical things. You see the list in front of you and I have mentioned a few things. We're talking about increased access to dentists. We're talking about taking care of children of adults of people with real needs. Of smoking cessation programs to make sure that we don't have so many young people who smoke in the future and we don't have so

many people who start. We have a lot of very good things covered in this program and this particular proposal before us. And I hope that you will support it. As to the one issue of covering Medicaid, I personally strongly opposed to doing that. That is one thing we could have seen coming for a long time. Many of us who have served on those committees, who have heard the debate on floor, have known for a long time that that budget was only going to grow and that has been our responsibility to budget for it in the general fund. And I do not think that should come out of this money that has been allocated for some very particular uses, for some very particular needs that we've needed to meet for a long time. I think it's our responsibility to meet those funding shortfalls that were our responsibility through the general fund and I do not want to see us doing this. I hope you will support the majority Ought to Pass report.

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

Senator **AMERO:** Thank you Mr. President. Ladies and gentlemen of the Senate, I rise today to ask you to consider carefully the proposal that is before you. The prior speaker, the good Senator from Knox, Senator Pingree, takes exception with allocating \$18 million out the tobacco settlement money for Medicaid. I just wanted to point out to my fellow Senators that the Maine Medicaid program does spend \$50 to \$60 million a year on smoking related costs. By allocating the \$18 million of the tobacco settlement, we can also qualify for an additional \$42 million from the federal Medicaid cost sharing agreement. So, I think it is very appropriate to use money from the tobacco settlement to help fund Medicaid costs that are directly related to smoking and health issues caused by smoking. Another very important subject that we've been talking about in the legislature and in our committees this session, is how to help more people have access to affordable prescription drugs. I think the program that you would find in minority report on this tobacco settlement fund goes further to help folks immediately who need some assistance with the costs of their prescription drugs. It extends coverage for all folks who qualify, to all generic drugs and expands the thirteen prescription drugs that are now covered by our low-income elderly program. It also provides for catastrophic relief for people whose expenditure for drugs is \$1,000 per year. I think this is something that we ought to really take a hard look at, because we have people right now in need, in dyer need of prescription drug coverage. And in addition, we do need to look at investing more money in biomedical research. And that's something that I hope when we get down to the end, negotiations on how we are going to use this tobacco settlement money, that those three areas: Medicaid reimbursement costs, more money for prescription drug coverage, and more investment in biomedical research are part of our final tobacco settlement plan. Thank you, Mr. President.

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

Senator **GOLDTHWAIT:** Thank you Mr. President. Ladies and gentlemen of the Senate, I just want to make a few comments with regard to my upcoming vote in opposition to the majority report. I have been struggling for a couple of weeks trying to make sure that I understand the proposals on the table and I think I am making some progress, but it hasn't been easy. One

of the issues for me is that because of our good fortune in having this money available from the tobacco settlement, we're dumping money from two different sources into the same problem, in some cases into the same program, and it's a bit difficult to follow what the bottom line is on funding for these various programs. And if one takes money that's already committed, plus money that is proposed in this Bill, I'm having a hard time sorting out some of the justification for the amounts involved in the majority report before you. Another issue that I have with this report is that some of the programs seem to me to have little to do with the reason why the settlement was made. Which is, tobacco usage in our state, the negative impact, tobacco use prevention, etc. And I've taken it as a matter of pride that Maine has been a state, universally I think, that has felt that we should be committing this money to those types of issues. And I am pleased that issues that are clearly not related, road repair, etc., have never appeared on the table and yet the list that I have in front of me in the majority report does have some programs that are only, I think, tangentiality linked and therefore, in my opinion, should not necessarily be the first priority for the use of this money. My third issue regarding just how to think about using the tobacco money is it's been difficult to find access to the construction of the proposal, any of the proposals that are either in front of us today or elsewhere floating about. And by that I mean, not that anything has been done in secret certainly, but that significant portions of the Bill have been prepared in settings that are not readily accessible or, as far as I know, had not enough public notice that in some cases I was aware that they were happening. And yet now that those pieces are constructed, they seem to be offered as an up or down thing rather than a opportunity to make revisions. So in that context, I would add that it would be essential for me that any program listed for spending under a tobacco money proposal should have significant program detail, accountability, and cost benefit. And I think certainly some of the proposals in this program have that and have done a very thorough job of it. But I believe that others fall a bit short and I would be more comfortable with this proposal if a bit more of that detail was either available or visible in documents related to it. One thing I don't see in the proposal before us is money to cover the Medicaid cost of tobacco related diseases. It was my understanding that that was the basis for the settlement and that this proposal doesn't provide covering the cost of health care directly for tobacco related disease. I do see in this money for behavioral changes regarding issues that have to do with tobacco and health. And I think that is a very good thing. I don't see in it the resources to address the causes of these types of illnesses that are outside of our control, in other words, genetic type causes, which, if addressed, could have a significant long-term impact on health care costs in general. And finally, one conversation I had with a service provider in my area regarding use of the tobacco money really had an impact on me. We were talking about child care and she described to me how the waiting list in my area has been very long to get child care vouchers. There were over 80 people on it at one time. And the legislature, over the last two years, had put additional money into child care programs so that the entire waiting list had been cleaned up, which was a wonderful thing because I got lots of calls from people saying they couldn't afford child-care. But in the one year from the time that waiting list was cleaned up, until today, we suddenly have a waiting list of over 70 names again. That says to me that there is some dynamic here that I'm not sure I understand. But having put a significant infusion into the problem, cleaned up all the people who stated that they were in

need of assistance with child care and only a year later find that we have another waiting list of equal magnitude says that we're missing a piece of the puzzle, because the revenue stream isn't endless, even from the tobacco money. I'm not sure if that's how quickly we develop a need for services in these areas that adding even this much more money is what it's going to take to solve the problem. So I respectfully urge your opposition to this report, appreciating the vast amount of work that went into all of the proposals currently out there and hope that there could be some perfections before we finally pass something. Thank you.

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

Senator **CATHCART:** Thank you Mr. President. Mr. President, men and women of the Senate, I rise to urge you to support the majority report on the tobacco settlement Bill. The Appropriations Committee has spent many hours working on this, hearing from the public, hearing from the departments. Before we did so, the past year many, many people from this state have gotten together and worked on how we can do the most good with this windfall from the tobacco settlement that we have receive. Indeed, as the good Senator from Cumberland, Senator Harriman said, last year the Appropriations Committee passed a unanimous Bill stating the reasons that we would expend the tobacco money when the money came to us. I believe that this majority report follows that legislation very closely. This is an opportunity to do something great for the people of the State of Maine to improve the health of our citizens, to make this a healthier state, and to finally reduce some of our extremely high health care costs if we do these programs that are in this legislation. It's not only beneficial to little children and babies and their parents and senior citizens, it's very beneficial to business. It has tax incentives for businesses providing child care. It has health insurance for parents of Cub Care children, for full-time working parents whose companies cannot afford to provide them health insurance and, therefore, these families have no insurance. So this is a real benefit to our businesses that we would provide through expending Medicaid to people up to 150% of the poverty level. There's a huge coalition of groups that support this from the Roman Catholic Diocese to the Maine Medical Association to the Maine AFL/CIO, Maine Council of Churches. And you all have the lavender sheets on your desk and can see how broad the support is. This is our opportunity to do something about substance abuse in the state. I think we all heard the Chief Justice when he gave his speech talking about substance abuse being the biggest problems that our courts have to face and the most expensive thing. I believe he said about 85% of people in our prisons are substance abusers. And this is legislation that came from a unanimous report from a commission that spent a long time studying substance abuse and what the needs were. And we're trying to follow their recommendations. It provides for substance abuse treatment for juveniles and some money for the drug courts, which have been very successful in Cumberland County and will make them a little more available. The access to Cub Care, Cub Care has worked and has been excellent. I remember a waitress, when I was having dinner last year at the Comfort Inn, saying I want to thank you legislators for that Cub Care problem. My kids never had insurance before and now, on what I earn, I'm able to insure them, but I sure wish you had a program where I could get health insurance too. Well, now, if we pass this legislation, we will be able to offer her a chance at health insurance. This program would include the

babies under one year of age and pregnant women. If there is anyway to help produce healthier women and healthier babies, and ones that perhaps will either give up smoking or not start smoking, it's to give them good prenatal care. There's just no way you can say that there's anything bad about caring for pregnant women and giving them health care. More access to prescription drugs for our senior citizens. The home visit program for parents, I served on that task force and we've heard evidence from other states and from the healthy families program, which is in pilot projects in this State of Maine, of the success of those programs. They help parents learn how to be better parents. One thing I've learned from my experience chairing two task forces, the one on violent students and the one this past year on alternative education programs, is that we need to give children a better start and we need to teach parents how to be better parents and this program will do that. There is expanded money for child care. Yes, we do have a waiting list and we'll always have a waiting less unless we expand the capacity and get more child care facilities and give businesses incentive to help people pay for their child care or provide it. More money for Headstart. Medicaid coverage for parents. As I've said, about 10,000 working families would have health insurance who now have no insurance. This is relief for the burden on hospitals for uncompensated care. The Hospital Associations supports this. And there is a large amount of money for smoking prevention and cessation. Yes, some people felt, and I went along with that, that some of the provisions were not specific enough. I would like to know exactly how the money is going to be spent. But I do know that people have been working on this plan for a year, together, in this state, and that it will help to get tobacco prevention and cessation programs in our schools and communities statewide and it will encourage schools and communities to work together so that they are both involved in these programs. And I think it's going to be great. We will have plenty of opportunity next year. This Bill, once it is passed, is not something that will continue through my lifetime or as long as the people of Maine are here in the state. This is something that will have to be worked the same as the general fund budget, every year. And we will have an opportunity to evaluate it and decide what's working well, what isn't, and make changes in it. And indeed, it's very important that we have some money in this Bill for evaluation because a lot of these smoking prevention and cessation will be new programs and I certainly, as a member of the Appropriations Committee, want to hear next year, what did you do with that money we gave you from to tobacco settlement? I want to know that it's benefiting the communities in my district and the communities in western Maine and far north and southern Maine and that the schools are getting some of that money to prevent teenagers from starting to smoke. So I think it's an excellent Bill. It is going to make Maine a much healthier state and I can hardly wait for us to get started on it and see what the results. Thank you, Mr. President.

THE PRESIDENT: The Chair recognizes the Senator from Cumberland, Senator Harriman

Senator **HARRIMAN:** Thank you Mr. President. Ladies and gentlemen of the Senate, I want to complement and congratulate my colleagues who I served with on the Appropriations Committee. They have most ably presented the rational that you should base your decision to support the majority report. I enjoy working with them and I respect them immensely. I just want to touch on a few of the things that have been said in that regard,

because I think it's important that we clearly understand the implications of the vote we are about to take. It is true that my good friend from Penobscot, Senator Michaud, said that the money allocated to these accounts, whether they're characterized as one time money or not, the overarching language in this report does indeed, as he suggested, say that the programs will be ratcheted back, if you will, if the need is greater than the money or the money is not coming at the rate that we expected. I want you to ask yourself what it would be like if, in the greatest economy in recent time, we cannot balance the Medicaid account, in part because of programs that we have voted for, expansion of other programs including the drugs for the elderly and the Cub Care and other powers that we have give the Commissioner. My question to you is this, if we can't control the growth of that account in the greatest economy ever, if our economy starts to slow down and more people need these programs that are already in place, how difficult is it going to be to ratchet back these programs? We have already talked about today, in fact we recommitted a Bill back to Human Services where they are going to take a second look at the reimbursement levels of speech pathologies, and as we all know who served here a few terms, invariably in every session there is some provider in the Medicaid system who presents legislation exclaiming that their services are not reimbursed at a fair level, seeking our support to increase their reimbursement rates. It would seem to me that we should take a hard look at what we are already paying providers before we expand programs. I also want to mention, Mr. President, that part of the majority report will expand Medicaid coverage into several programs that would allow people to be eligible at 200% of the federal poverty level. In dollars and cents, as an example, a family of three making \$28,300 would qualify for this program. They might also qualify for Maine's maximum income tax rate of 8.5%. The prescription drug program in the majority report says that we are going to have a Medical Advisory Committee determine how to spend the money on prescription drugs and they must spend, they must spend \$2.5 million every quarter. So I would ask you, before you vote today to consider what is the makeup of this Medical Advisory Board? What are their qualifications to determine what is the best way to mandatorily spend \$2.5 million a quarter. I urge you to look at the minority report. I would hope that you would conclude that there is a well thought out plan to assure that there is immediate relief now for people who are in need of prescription drug cost relief. The proposal before us says that we'll expand coverage for working parents. And I presume, at least statistically, what I've seen in the past is that predominantly women, as has been mentioned here today, that this would enable pregnant women to get access to health care. But did you do that in the majority report? There is no authorization for providers to provide direct medical care for mothers and pregnant women who smoke. There isn't what they call a source code for doctors to have a focused medical treatment session to deal with someone's addiction to tobacco, particularly if they're pregnant. Lastly, Mr. President, I just want to say, and I meant this in the warmest of terms, if there has been some ongoing meeting for the last year over these issues, I don't know why I wasn't invited. I have the honor of sitting on the Appropriations Committee. It's clear that this is where issues of this nature are determined. And I have never once have been invited to attend a meeting to discuss this. If they have been held for the last year, I don't know why I wasn't invited. Thank you, Mr. President.

THE PRESIDENT: The Chair recognizes the Senator from Arostook, Senator Paradis.

Senator **PARADIS:** Thank you Mr. President. Men and women of the Senate, I thank you for the accolades that we have received, our committee, for the work we have been doing on this. I am so glad that nobody has questioned that we have put the time, and the energy into this issue for the last several years as soon as we knew that this was coming. So I can't and I won't. You've heard enough. I won't go line by line telling you how this thing was constructed, because it has been constructed. It's been finally courted piece by piece by piece. As a result of expert testimony, our research of our every day life. You can pull out pieces, you can let some of the cord fall down, I use to cord wood. But ever since I have been here, when I first arrived 14 years ago saying what it wrong with this picture? What is wrong with this picture? Whether I was sitting on Education, or on Appropriations, or paying bills, paying bills. We would go over items line by line. Well we're going go give 5 bucks here, 10 bucks there. We were spending too much money. The reason we're spending money is because we were getting bills from hospitals, from doctors. Things were broken. Corrections, institutionalized children. And the bills are coming, coming, coming. So what are we to do about it? I was on Human Services and ironically the Appropriations Committee, I'm thinking, we're trying to put such good policies in place that we're going to be saving money. Well as you know, the economy, in terms of the only great economy in state right now, that's really booming is our medical care because those numbers are skyrocketing. We're feeling it here. How does the average citizen take care of things? Being one of 10, the middle child of 10, our parents made sure that we got the best of education. All 10 of us went to college. That meant tighten their belts. Dad got the extra job and did it so then we could be supporting ourselves forever after that. But the biggest thing I remember as a kid, and I was the sickly one in the bunch, you can never tell it now. But, I was and I remember having to go to Eastern Maine Medical Center, it was called something else then, and they fixed it. But I remember because we were uninsured, those little envelopes with those little windows on them came for 3 years; paying for that 1 little hospitalization. But we survived healthy. So we got our education, we got our health, then we grew all the vegetables and all the farm animals and we had healthy food. That's all we needed. The rest is history. We're managing. I have 1 niece left in this state that is a minor child. So I am not connected to this in anyway possible. But we need to take care of our kids. There is not a day that goes by here when we don't have lines of children walking in and we say aren't they beautiful? Aren't they healthy? Look how great they are. But we all know, sitting here in our seats, the ones that are not healthy are the ones that are very expensive. This is going to take care of these bills so sooner or later the cost will go down. So I don't want to hear about how expensive it is. You better believe it's expensive because we haven't been able to do this before. We're finally doing it and we will all reap the results. There is nothing that we can do in 10 years or 15 years or 20 years, but to support this and get on with our lives and allow many of our children to literally save their lives. We are losing a lot of children because they are not getting what they need at home, at school, or in the community. We have a system that works. Our families work, for the majority, our churches work, our towns work, our schools work. We're the state and this is a little bit of support that people need to make it better. We are a poor State. We're not poor people. But when

you look at our paychecks, we're poor people, and some things are so beyond the ability to afford it, that that is why the system has broken down. It's not because people are not working as hard as they use to take good care of their families. I urge your support of this, and let's go onto our other issues. Thank you.

THE PRESIDENT: The Chair recognizes the Senator from Knox Senator Pingree.

Senator PINGREE: Thank you Mr. President. I just wanted to make a couple comments on some of the things that have been spoken during the debate. First, I wanted to discuss just briefly the majority report on prescription drugs. And I want you to know that I feel very committed to this issue of making sure that prescription drugs are affordable for our senior citizens. I would not consider supporting or debating any report today that I did not feel gave the strongest support possible to that. And if you are at all interested, I'll be providing you with even more opportunities as the session goes on to support this issue. But I believe the \$10 million in the majority report is allocated in the best possible way. You heard reference to the Medicaid Advisory Committee that includes pharmacists, representatives of hospitals, the medical profession, health centers. It is just an advisory capacity to help us look at the best way to allocate the funds so that we ensure that as many people as possible receive this money. I did not support the other language because I did not believe, one, it was well thought out, and I did not believe it would necessarily cover the most people. Generic drugs are not the things that most seniors have a problem purchasing. So it was not where I thought the state should best invest its money. The language in the majority report allows the department, which knows this issue very well, has had a DEL program since 1975, has expanded it many times at our insistence and with our allocation of funds. The department will find the best way to make sure that that's allocated and it will be overseen by both Health and Human Services Committee and the Medicaid Advisory Committee, which has worked with this issue for a long time. One other thing I wanted to comment about, from the good Senator from Cumberland, Senator Harriman, was this issue about needing a source code to make sure that pregnant women were counseled by their doctors to stop smoking. Well, I have to say, in my opinion, that is the height of bureaucratic craziness to say if you don't have a source code, your doctor will not counsel you to stop smoking. I do not think that there is a doctor around, particularly one who has taken the Hippocratic Oath, who does not know that a pregnant woman should not be smoking. And I'm not worried that practitioners in our state do not know to do that. And I also think, although I'm not going to comment on the other report, that doctors need to be paid extra to do what is their responsibility. I don't think that has to happen. I just want to say one more time, these are not programs. And although I find myself at fault for using that word sometimes, we are not talking about programs. We are talking about vital health care coverage for citizens of our state. We're talking about working parents who have to go to the emergency room because they don't have health insurance. We're talking about people who don't have oral health care. We're talking about people who need bone marrow transplants. We're talking about seniors who don't get their prescription drugs or have to make difficult decisions as to whether they should buy their oil or their food. We're talking about people in need. And I have to say too, I am shocked in the best economy Maine has seen in a long time, we're even debating this. Why is it that the

numbers of people covered by Medicaid have gone from 100,000 to 160,000 in the last decade? I don't think that is something that should make us turn and run the other way. I think that's something that should make us say we have a very good economy here. We have a responsibility to our fellow citizens; to a position that many of us may be at now or may be at sometime. We offer them assistance. That is what the majority report does. One last thing, and I know it's a stretch, but this always bothers me when we talk about using this fund for Medicaid funding. Understand, we could use all of this money to cover Medicaid, probably to cover the Medicaid shortfall and then it would be gone. The \$18 million could grow to cover all of this in no time. It could be now because our Medicaid budget is very large. But if we transfer money from here, into the general fund to pay for Medicaid, and then we take general fund money to buy more roads and bridges because we're talking about doing that instead of just using the highway fund, why don't we just say we took the tobacco money, we patched some potholes, we built some new roads and we didn't meet our responsibility to the people in the State of Maine who are in need. Thank you very much.

THE PRESIDENT: The Chair recognizes the Senator from Waldo, Senator Longley.

Senator LONGLEY: Thank you Mr. President. I've tried to stay in my seat and stay quiet and I guess I can't. I would just like to echo the remarks of the good Senator from Penobscot about what an exciting vote this is. And having worked on a lot of the provisions in here, it's everything that I believe in, in terms of the use of my position. It's helping the kids get health care, it's helping the pregnant moms, it's helping 1,000 more slots for kids in child care, it's out of various committees, it's scholarships for child care workers to go and take courses in child development so that they can better do their job. There's issues coming out of many committees. There's tax credits coming out of the Taxation Committee. There's incentives coming out of the Business and Economic Development Committee. The Appropriations Committees has dealt with this. The Health and Human Service Committee dealt with it. There's been umpteen, more than umpteen, many, many opportunities for much input and a lot of our two years of work is represented in this document and I for one am really excited. I think it's a combination of a lot of different interest and it's seldom, in my time here, my six years, that we have had an opportunity to help people at the dawn of their life, people at the dusk of their life, and a few people in the middle, with health care options. I just got a letter today: "Dear Senator Longley: Disaster may seem like an alarmist word to use, but for those of us struggling to choose between the barely better than nothing choices of health insurance, it's the best way to describe our feelings of complete helplessness." There's a lot of people out there who want us to do whatever we can, they have been asking us for years to help them with their health care issues and finally we have this golden opportunity and I think it's a very exciting moment. I, for one, am looking forward to pressing that green button and remembering this moment for a long time. I encourage others to join me in the fun. Thank you.

THE PRESIDENT: The pending question before the Senate is the motion by the Senator from Penobscot, Senator Michaud to accept the majority Ought to Pass as Amended report. A Roll Call has been ordered. Is the Senate ready for the question?

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#307)

YEAS: Senators: BERUBE, CAREY, CATHCART, DAGGETT, DOUGLASS, KILKELLY, KONTOS, LAFOUNTAIN, LONGLEY, MICHAUD, MURRAY, O'GARA, PARADIS, PENDLETON, PINGREE, RAND, RUHLIN, TREAT, THE PRESIDENT - MARK W. LAWRENCE

NAYS: Senators: ABROMSON, AMERO, BENNETT, BENOIT, CASSIDY, DAVIS, FERGUSON, GOLDTHWAIT, HARRIMAN, LIBBY, MACKINNON, MILLS, MITCHELL, SMALL

EXCUSED: Senators: KIEFFER, NUTTING

19 Senators having voted in the affirmative and 14 Senators having voted in the negative, with 2 Senators being excused, the motion by Senator MICHAUD of Penobscot to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-941)** Report, in concurrence, **PREVAILED**.

READ ONCE.

Committee Amendment "A" (H-941) **READ**.

House Amendment "A" (H-964) to Committee Amendment "A" (H-941) **READ** and **ADOPTED**, in concurrence.

Committee Amendment "A" (H-941) as Amended by House Amendment "A" (H-964) thereto, **ADOPTED**, in concurrence.

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-941) AS AMENDED BY HOUSE AMENDMENT "A" (H-964)** thereto, in concurrence.

Under suspension of the Rules, all matters thus acted upon were ordered sent down forthwith for concurrence.

The Chair laid before the Senate the following Tabled and Later (3/27/00) Assigned matter:

HOUSE REPORTS - from the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** on Bill "An Act to Appropriate Funds to the Forum Francophone"

H.P. 1750 L.D. 2456

Majority - **Ought to Pass as Amended by Committee Amendment "A" (H-907)** (12 members)

Minority - **Ought Not to Pass** (1 member)

Tabled - March 27, 2000, by Senator MICHAUD of Penobscot.

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

(In House, March 23, 2000, the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-907)**.)

(In Senate, March 27, 2000, Reports **READ**.)

Senator **BENNETT** of Oxford requested a Division.

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

Senator **HARRIMAN:** Thank you very much Mr. President. Good evening, ladies and gentlemen of the Senate, I just wanted to share with you, for just a moment, the rationale behind the report that was divided in our committee. The funds for the Forum Francophone is a program that was in existence and funded by this legislature several years ago. At the time, it was to be a joint venture with the private sector to raise an equal amount of funds. If I recall correctly, eventually it was going to become self-sustaining. But I could stand corrected on that. I want to say that the initiative for the Forum Francophone is a worthy goal. The Bill came before us requesting \$150,000. The sponsor then was asked to share with us the number who participated in the program, the amount of dues that were expected, and, as we began to look in more detail, it became obvious that the support for the program, perhaps, wasn't as robust as you and I would like. We paused to let the sponsor gather some additional information and come back to us. When that occurred, the proposal changed significantly. The proposal then said that they would need \$75,000 for this program and for another \$75,000 and they would be able to put another person in the office, in this case in Lewiston, on behalf of the Maine International Trade Center. It seemed to me, at that point, that the original intent of the legislation had changed significantly. In fact, arguably this Bill should have, at that point, been referred to our colleagues on the Committee on Business and Economic Development. So it is now before you in the fashion as you see it. I would also remark that there is \$80,000 in the supplemental budget from the Governor's Office that the Appropriation Committee is entertaining at this point. \$80,000 for the office of Maine International Trade Center in addition to what is before you now. Thank you, Mr. President.

At the request of Senator **BENNETT** of Oxford a Division was had. 23 Senators having voted in the affirmative and 8 Senators having voted in the negative, the motion by Senator MICHAUD of Penobscot to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report, in concurrence, **PREVAILED**.

READ ONCE.

Committee Amendment "A" (H-907) **READ** and **ADOPTED**, in concurrence.

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-907)**, in concurrence.