

MAINE STATE LEGISLATURE

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Legislative Record
House of Representatives
One Hundred and Twenty-First Legislature
State of Maine

Volume II

First Regular Session

May 27, 2003 – June 14, 2003

First Special Session

August 21, 2003 – August 23, 2003

Second Regular Session

January 7, 2004 - January 30, 2004

Second Special Session

February 3, 2004 - April 7, 2004

Pages 777-1562

(S.P. 446) (L.D. 1358)
(H. "A" H-97)

The following items were taken up out of order by unanimous consent:

CONSENT CALENDAR

First Day

In accordance with House Rule 519, the following item appeared on the Consent Calendar for the First Day:

(H.P. 1187) (L.D. 1611) Bill "An Act To Provide Affordable Health Insurance to Small Businesses and Individuals and To Control Health Care Costs" Joint Select Committee on **HEALTH CARE REFORM** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-565)**

Under suspension of the rules, Second Day Consent Calendar notification was given.

There being no objection, the House Paper was **PASSED TO BE ENGROSSED as Amended** and sent for concurrence.

ENACTORS

Mandate

An Act To Implement Recommendations of the MCJUSTIS Policy Board Concerning the Drafting of Crimes and Civil Violations Pursuant to Resolve 1997, Chapter 105, as Amended (H.P. 1149) (L.D. 1567)

(C. "A" H-557)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. In accordance with the provisions of Section 21 of Article IX of the Constitution, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 122 voted in favor of the same and 0 against, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate. **ORDERED SENT FORTHWITH.**

Acts

An Act to Increase Funding for the Maine Dental Education Loan Program

(H.P. 152) (L.D. 193)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed, **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

Resolves

Resolve, Directing the Community Preservation Advisory Committee To Study Issues Pertaining to Barriers to Affordable Housing in the State

(H.P. 364) (L.D. 472)

(H. "A" H-273 and S. "A" S-265 to C. "A" H-145)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed, **FINALLY PASSED**, signed by the Speaker and sent to the Senate.

By unanimous consent, all matters having been acted upon were **ORDERED SENT FORTHWITH.**

SENATE PAPERS

Non-Concurrent Matter

Resolve, To Reestablish the Commission To Study the Needs and Opportunities Associated with the Production of Salmonid Sport Fish in Maine (EMERGENCY)

FINALLY PASSED in the House on April 15, 2003.

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "A" (H-97) AS AMENDED BY SENATE AMENDMENT "B" (S-271)** thereto in **NON-CONCURRENCE.**

On motion of Representative DUNLAP of Old Town, the House voted to **RECEDE AND CONCUR. ORDERED SENT FORTHWITH.**

REPORTS OF COMMITTEE

Divided Report

Eleven Members of the Joint Select Committee on **HEALTH CARE REFORM** report in Report "A" **Ought to Pass as Amended by Committee Amendment "A" (H-568)** on RESOLUTION, Proposing an Amendment to the Constitution of Maine to Preserve the Fund for a Healthy Maine

(H.P. 1188) (L.D. 1612)

Signed:

Senators:

BRENNAN of Cumberland

MAYO of Sagadahoc

LaFOUNTAIN of York

Representatives:

O'NEIL of Saco

KANE of Saco

CANAVAN of Waterville

MAILHOT of Lewiston

DUDLEY of Portland

EARLE of Damariscotta

MILLETT of Waterford

PERRY of Calais

Two Members of the same Committee report in Report "B" **Ought to Pass as Amended by Committee Amendment "B" (H-569)** on same RESOLUTION.

Signed:

Senator:

TURNER of Cumberland

Representative:

YOUNG of Limestone

Two Members of the same Committee report in Report "C" **Ought Not to Pass** on same RESOLUTION.

Signed:

Representatives:

GLYNN of South Portland

SHIELDS of Auburn

READ.

Representative O'NEIL of Saco moved that the House **ACCEPT** Report "A" **Ought to Pass as Amended.**

Representative BRUNO of Raymond **REQUESTED** a roll call on the motion to **ACCEPT** Report "A" **Ought to Pass as Amended.**

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 Saco, Representative O'Neil.

Representative **O'NEIL**: Mr. Speaker, Ladies and Gentlemen of the House. The bill before us is the constitutional amendment that would lock up the Fund for a Healthy Maine. The Committee on Health Care Reform, which spent considerable time over the last month engaged in another matter took care of this one in the past week in a fashion that I think was pretty easy to do. We all know the circumstances under which we acquired the Fund for a

Healthy Maine. We know the considerable efforts that have been put forth by this Legislature and by previous Legislatures to protect and to use that fund for the purposes for which it was created.

When the decision came for me as to how to vote, I just said that if we really mean it when we say we want to use this for one particular purpose, let's lock it up. Let's give the people of Maine a chance to ratify that legislative decision. That is the report in Report "A." I hope that folks will support it. Thank you.

The SPEAKER: The Chair recognizes the Representative from Auburn, Representative Shields.

Representative **SHIELDS**: Mr. Speaker, Ladies and Gentlemen of the House. I hope you will vote not to support this. These funds are not there for in perpetuity. I do not believe they rise to the level of acquiring a constitutional amendment. I hope this will not be supported.

Representative **RICHARDSON** of Brunswick assumed the Chair.

The House was called to order by the Speaker Pro Tem.

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

Representative **COLWELL**: Mr. Speaker, Men and Women of the House. It feels nice to be over in this corner once again. It is a familiar and comfortable spot. I have not come down from the rostrum to speak on any issues this year, not because I didn't think they were important. Certainly every issue we bring before this fine institution is important. This particular issue, I think, is particularly important. I ask you today to support the pending motion and to support and protect the Fund for a Healthy Maine.

Today has been a historic day and will continue to be. We just sent forth to the other body a bold health care reform measure, one that will benefit all Mainers. In this bill, we have a chance, again, to make history. This Legislature's creation of the Fund for a Healthy Maine, I believe, is one of our most significant accomplishments. Let's remember what this money in the Fund for a Healthy Maine is and let's remember what it is not. This money is not taxpayer's dollars. This money results from a lawsuit settlement paid by the tobacco manufacturers to help the state deal with the high costs of the treatment of smoking related illnesses paid by the states. Today, as we fight to lower health care costs in the legislation that we just sent to the other body, as we try to stop young people from smoking and as we try to provide greater access to health care services, I believe, that this fund, the Fund for a Healthy Maine, is one of our greatest tools.

Maine has been a proud leader nationally in using this money mostly for health related purposes. You know as well as I do that it has been tough this year. It was tough last session. Budget times have been tough. When they have been tough here, the pressure to use this very precious money, this precious fund, to permanently improve the health of their citizens. They have used this money to fix one-time budget holes. They have used it to repair roads, build bridges and in North Carolina they have even used it to subsidize tobacco farms. We, in this great state, have mostly resisted those temptations, but who knows what lies ahead. This tobacco settlement money has been seen as low hanging fruits by legislators and Legislatures across this country and even here in Maine. As committed as we have been to protecting this Fund for a Healthy Maine, we have taken over \$70 million of this fund to bring our budgets into balance. I think it is time to stop going to that well before it goes dry. I think it is time to going to that well before we lose this unique opportunity before

this body today to permanently protect this fund and our citizen's health. That is why we need this constitutional amendment. I don't think I have ever voted for a constitutional amendment. The voters of our state have 17 times in this state's proud history.

This amendment is specific to health care, but it is flexible enough to ensure that tobacco money can be used for a wide, wide range of health purposes and ones that will change over time. We don't live in a static country. Our country does change and our needs change.

There are two other vital considerations that I want to point out to this fine body. Number one, these funds in the Fund for a Healthy Maine are key to lowering health care costs. The cornerstone of any health care reform, and specifically of Dirigo health, is to bring down costs. Cost containment measures are fine. We need to do them, but the best way to bring down costs are to make people healthier. That is what these funds do. These are the key health prevention dollars that we have in this state. They are the funds that help us leverage millions of federal dollars towards that same goal. Cost containment measures are important, but every dollar in prevention saves us \$7 down the road in future health care costs. This proposal makes economic sense. This proposal is key to lowering the cost of health care and to lowering the cost of insurance premiums in our state.

The second point, every organization that has been working on health care reform, those who from the beginning have supported Dirigo health and those who initially opposed it, every organization, no matter which end of the debate they were on Dirigo health has been united in their support for the protection of this fund from the very beginning, the hospitals, the docks, the chambers of commerce, all of them. The advocates for consumers agreed from the get go that this is the right thing to do. All those other interests agreed this was the right thing to do. More importantly, the people of the State of Maine want and expect us to do this. In poll after poll after poll, not that I am a creature of politics, but I have read numerous polls upwards of 80 percent of Maine people support this fund being used for only health related purposes. Eighty percent of the people of the State of Maine support protecting this fund. We can do it here today with this constitutional amendment.

Today, let's vote to send this out and let's give the citizens of our state the opportunity to make it a guarantee. Let the voters decide because after all that is what we are voting on here today, to let the voters of our state decide once and for all to permanently protect this fund.

Ladies and gentlemen of the House, this is a historic opportunity. It is an opportunity to protect the health of the people of Maine. Let's take it. Let's grasp it. I urge you to support the pending motion to adopt Committee Report "A." Thank you Mr. Speaker.

The SPEAKER PRO TEM: A roll call has been ordered. The pending question before the House is acceptance of Report "A" Ought to Pass as Amended. All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 233

YEA - Adams, Bennett, Blanchette, Bliss, Breault, Brown R, Browne W, Bull, Bunker, Canavan, Churchill E, Churchill J, Cowger, Craven, Cummings, Dudley, Duplessie, Duprey G, Earle, Eder, Faircloth, Finch, Fletcher, Gagne-Friel, Gerzofsky, Grose, Hatch, Hotham, Hutton, Jackson, Jodrey, Kaelin, Kane, Ketterer, Koffman, Landry, Laverriere-Boucher, Lemoine, Lerman, Lessard, Mailhot, Makas, Marley, Marraché, McGowan, McKee, McLaughlin, McNeil, Millett, Mills J, Moody, Moore, Murphy, Norbert, Norton, O'Brien L, O'Neil, Paradis, Patrick, Pellon, Percy, Perry A, Pineau, Pingree, Piotti, Rector, Richardson J, Rines, Rogers, Sampson, Saviello, Simpson,