

MAINE STATE LEGISLATURE

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Senate Legislative Record
One Hundred and Twenty-Second Legislature

State of Maine

Daily Edition

First Special Session
April 4, 2005 to June 17, 2005

Pages 411 - 1350

STATE OF MAINE
ONE HUNDRED AND TWENTY-SECOND LEGISLATURE
FIRST SPECIAL SESSION
JOURNAL OF THE SENATE

In Senate Chamber
Tuesday
April 26, 2005

Senate called to order by President Beth Edmonds of
Cumberland County.

Prayer by Reverend Gordy Johnson of the Portland Faith Center
of Gorham.

REVEREND GORDY: Good morning and thank you. I want to thank Senator Phil Bartlett for inviting me here. Thanks, Phil, I appreciate that. Before I pray I want to give just one quick word. As public servants, those in positions of leadership, we all have great responsibilities, risks, and rewards associated with our positions. One of the things that we need to each have in our lives, that we might live out our professional lives, is personal growth plan. To explain, do you have a personal dietary plan? Do you have a personal exercise plan? Do you have a personal finance plan? The question of the day is, do you have a personal growth plan for your character and integrity? What books do you read? What people do you hang around and surround yourself with that are going to influence correctly in terms of morality, justice, right, and wrong? What associations are you a part of? What are your daily disciplines? It's important to have those things. If we don't, we're just setting ourselves up to be moved by things that we may not want to be moved by. A couple of quick benefits of having your personal growth plan. It develops your character; clarifies and refines your core values; makes sure that every decision you have adheres to those core values; protects yourself against impulsive actions or actions based on emotions; and it will help you maintain a high level of personal integrity, which is what we are here to do as we serve. If you don't have a personal growth plan to formulate and develop your character, let me suggest one briefly. Regardless of religion or spiritual background, there is an ancient book of wisdom called the Book of Proverbs. It has 31 chapters and most months have 31 days. Chapter one on the first day of the month; chapter two on the second day of the month; on issues such as vision, leadership, business, teamwork, morality, etcetera. Thank you. With that, let's pray.

Father, God, we come before You this morning to thank You for Your unchanging character, Your mercy, Your grace, and Your love. It is by Your design that we have been called to positions of leadership for Your people. You've written the laws of righteousness, morality, and justice into the very fabric of creation and into the heart of man. We ask that You would teach us and instruct us so that we may be people wise in heart and discipline, doing what is right and just and fair. Help us to make right decisions that will bring prosperity, protection, and continued freedom to Your people that are under our care. We ask for Your blessings upon these who are called to lead today and pray these things in Jesus' name. Amen.

Pledge of Allegiance led by Senator Karl W. Turner of
Cumberland County.

Doctor of the day, Dr. Rebecca Chagrasulis of Casco.

Reading of the Journal of Thursday, April 14, 2005.

Off Record Remarks

PAPERS FROM THE HOUSE

Non-Concurrent Matter

Bill "An Act To Amend the Revaluation Process by Municipalities"
S.P. 550 L.D. 1563

In Senate, April 13, 2005, on motion by Senator **SCHNEIDER** of
Penobscot, **REFERRED** to the Committee on **STATE AND
LOCAL GOVERNMENT** and ordered printed.

Comes from the House, **REFERRED** to the Committee on
TAXATION, in **NON-CONCURRENCE**.

On motion by Senator **SCHNEIDER** of Penobscot, the Senate
RECEDED and **CONCURRED**.

Non-Concurrent Matter

Joint Study Order - to Promote Regionalization in Cumberland
County Government

H.P. 1089

In House, April 4, 2005, **READ** and **REFERRED** to the Committee
on **STATE AND LOCAL GOVERNMENT**.

In Senate, April 7, 2005, **READ** and on motion by Senator
SCHNEIDER of Penobscot, **INDEFINITELY POSTPONED**, in
NON-CONCURRENCE.

Comes from the House, that Body **INSISTED** and **ASKED FOR A
COMMITTEE OF CONFERENCE**.

On motion by Senator **GAGNON** of Kennebec, the Senate
ADHERED.

Joint Orders

The following Joint Order:

H.P. 1113

Sincerely,

ORDERED, the Senate concurring, that the Joint Standing Committee on State and Local Government shall report out, to the House, a bill that addresses the effect of county jail expenditures on the spending caps imposed by Public Law 2005, chapter 2.

S/Beth Edmonds
President of the Senate

S/John Richardson
Speaker of the House

Comes from the House, **READ** and **PASSED**.

READ and **REFERRED** to the Committee on **EDUCATION AND CULTURAL AFFAIRS**.

READ and **PASSED**, in concurrence.

Sent down for concurrence.

The following Joint Order:

H.P. 1114

ORDERED, the Senate concurring, that the Joint Standing Committee on State and Local Government shall report out, to the House, a bill that reestablishes the Task Force to Study Equal Economic Opportunities for All Regions of the State and charges the task force with duties that include examining issues of governance, economic development and transportation.

The Following Communication: S.P. 557

**122nd MAINE STATE LEGISLATURE
AUGUSTA, MAINE 04333**

April 14, 2005

Comes from the House, **READ** and **PASSED**.

Sen. Barry Hobbins
Senate Chair, Joint Standing Committee on Judiciary
Rep. Deborah Pelletier-Simpson
House Chair, Joint Standing Committee on Judiciary
122nd Legislature
Augusta, ME 04333

READ.

On motion by Senator **GAGNON** of Kennebec, **TABLED** until Later in Today's Session, pending **PASSAGE**, in concurrence.

Dear Senator Hobbins and Representative Pelletier-Simpson:

Please be advised that Governor John E. Baldacci has nominated Jessie Gunther of Bangor for reappointment as a Judge of the Maine District Court.

COMMUNICATIONS

The Following Communication: S.P. 556

**122nd MAINE STATE LEGISLATURE
AUGUSTA, MAINE 04333**

April 15, 2005

Sen. Elizabeth H. Mitchell
Senate Chair, Joint Standing Committee on Education and Cultural Affairs
Rep. Jacqueline R. Norton
House Chair, Joint Standing Committee on Education and Cultural Affairs
122nd Legislature
Augusta, ME 04333

Pursuant to Title 4, M.R.S.A. § 157, this nomination will require review by the Joint Standing Committee on Judiciary.

Sincerely,

S/Beth Edmonds
President of the Senate

S/John Richardson
Speaker of the House

READ and **REFERRED** to the Committee on **JUDICIARY**.

Sent down for concurrence.

Dear Senator Mitchell and Representative Norton:

Please be advised that Governor John E. Baldacci has nominated Brian Thayer of Cumberland, Doris Belisle-Bonneau of Lewiston, and Merle Nelson of Falmouth for appointment as members of the Board of Trustees, Maine Community College System.

The Following Communication: S.P. 558

**122nd MAINE STATE LEGISLATURE
AUGUSTA, MAINE 04333**

April 14, 2005

Sen. Barry Hobbins
Senate Chair, Joint Standing Committee on Judiciary
Rep. Deborah Pelletier-Simpson
House Chair, Joint Standing Committee on Judiciary
122nd Legislature
Augusta, ME 04333

Pursuant to Title 20-A, M.R.S.A. § 12705(1), these nominations will require review by the Joint Standing Committee on Education and Cultural Affairs.

Dear Senator Hobbins and Representative Pelletier-Simpson:

Please be advised that Governor John E. Baldacci has nominated Thomas D. Warren of Portland for reappointment as a Justice of the Maine Superior Court.

Pursuant to Maine Constitution Article 5, Part 1, Section 8, this nomination will require review by the Joint Standing Committee on Judiciary.

Sincerely,

S/Beth Edmonds S/John Richardson
President of the Senate Speaker of the House

READ and REFERRED to the Committee on **JUDICIARY**.

Sent down for concurrence.

The Following Communication: S.P. 559

**122nd MAINE STATE LEGISLATURE
AUGUSTA, MAINE 04333**

April 14, 2005

Sen. Barry Hobbins
Senate Chair, Joint Standing Committee on Judiciary
Rep. Deborah Pelletier-Simpson
House Chair, Joint Standing Committee on Judiciary
122nd Legislature
Augusta, ME 04333

Dear Senator Hobbins and Representative Pelletier-Simpson:

Please be advised that Governor John E. Baldacci has nominated Thomas E. Humphrey of Portland for reappointment as a Justice of the Maine Superior Court.

Pursuant to Maine Constitution Article 5, Part 1, Section 8, this nomination will require review by the Joint Standing Committee on Judiciary.

Sincerely,

S/Beth Edmonds S/John Richardson
President of the Senate Speaker of the House

READ and REFERRED to the Committee on **JUDICIARY**.

Sent down for concurrence.

The Following Communication: S.P. 562

**122nd MAINE STATE LEGISLATURE
AUGUSTA, MAINE 04333**

April 19, 2005

Sen. Ethan Strimling
Senate Chair, Joint Standing Committee on Labor
Rep. William J. Smith
House Chair, Joint Standing Committee on Labor
122nd Legislature
Augusta, ME 04333

Dear Senator Strimling and Representative Smith:

Please be advised that Governor John E. Baldacci has nominated Kenneth Williams of Damariscotta for appointment and Catherine Sullivan of Portland for reappointment as members of the Board of Trustees, Maine State Retirement System.

Pursuant to Title 5, M.R.S.A., 17102(1), these nominations will require review by the Joint Standing Committee on Labor.

Sincerely,

S/Beth Edmonds S/John Richardson
President of the Senate Speaker of the House

READ and REFERRED to the Committee on **LABOR**.

Sent down for concurrence.

The Following Communication: S.P. 563

**122nd MAINE STATE LEGISLATURE
AUGUSTA, MAINE 04333**

April 19, 2005

Sen. John M. Nutting
Senate Chair, Joint Standing Committee on Agriculture,
Conservation and Forestry
Rep. John F. Piotti
House Chair, Joint Standing Committee on Agriculture,
Conservation and Forestry
122nd Legislature
Augusta, ME 04333

Dear Senator Nutting and Representative Piotti:

Please be advised that Governor John E. Baldacci has nominated Gwendolyn Hilton of Starks for appointment and Stephen Wight of Newry, Ernest Harvey of Millinocket, and Edward Laverty of Milo for reappointment as members of the Maine Land Use Regulation Commission.

Pursuant to Title 12 M.R.S.A. §683, these nominations will require review by the Joint Standing Committee on Agriculture, Conservation and Forestry.

Sincerely,

S/Beth Edmonds S/John Richardson
President of the Senate Speaker of the House

READ and REFERRED to the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY.**

Sent down for concurrence.

The Following Communication: S.P. 564

**122nd MAINE STATE LEGISLATURE
AUGUSTA, MAINE 04333**

April 22, 2005

Sen. Nancy B. Sullivan
Senate Chair, Joint Standing Committee on Insurance and
Financial Services
Rep. Anne C. Perry
House Chair, Joint Standing Committee on Insurance and
Financial Services
122nd Legislature
Augusta, ME 04333

Dear Senator Sullivan and Representative Perry:

Please be advised that Governor John E. Baldacci has nominated Christine Bruenn of Jefferson for appointment as Commissioner of the Department of Professional and Financial Regulation.

Pursuant to Title 10 M.R.S.A. §8002, this nomination will require review by the Joint Standing Committee on Insurance and Financial Services.

Sincerely,

S/Beth Edmonds S/John Richardson
President of the Senate Speaker of the House

READ and REFERRED to the Committee on **INSURANCE AND FINANCIAL SERVICES.**

Sent down for concurrence.

The Following Communication: S.P. 565

**122nd MAINE STATE LEGISLATURE
AUGUSTA, MAINE 04333**

April 20, 2005

Sen. Elizabeth H. Mitchell
Senate Chair, Joint Standing Committee on Education and
Cultural Affairs
Rep. Jacqueline R. Norton
House Chair, Joint Standing Committee on Education and
Cultural Affairs
122nd Legislature
Augusta, ME 04333

Dear Senator Mitchell and Representative Norton:

Please be advised that Governor John E. Baldacci has nominated Samuel Goldman of Brooksville for appointment and Dr. William Bergen of Presque Isle, Nancy Violette of Lisbon, and Margaret Copelin of Benton for reappointment as members of the Board of Trustees, Maine School of Science and Mathematics.

Pursuant to Title 20-A, M.R.S.A., §8204(1), these nominations will require review by the Joint Standing Committee on Education and Cultural Affairs.

Sincerely,

S/Beth Edmonds S/John Richardson
President of the Senate Speaker of the House

READ and REFERRED to the Committee on **EDUCATION AND CULTURAL AFFAIRS.**

Sent down for concurrence.

The Following Communication: S.P. 566

**122nd MAINE STATE LEGISLATURE
AUGUSTA, MAINE 04333**

April 20, 2005

Sen. Elizabeth H. Mitchell
Senate Chair, Joint Standing Committee on Education and
Cultural Affairs
Rep. Jacqueline R. Norton
House Chair, Joint Standing Committee on Education and
Cultural Affairs
122nd Legislature
Augusta, ME 04333

Dear Senator Mitchell and Representative Norton:

Please be advised that Governor John E. Baldacci has nominated William J. Horn of Lewiston and Terri Thompson of Gorham for appointment and Diane St. Lawrence of New Portland and Susan Blethen of Falmouth for reappointment as members of the School Board for the Governor Baxter School for the Deaf.

Pursuant to Title 20-A, M.R.S.A., §7406(1) these nominations will require review by the Joint Standing Committee on Education and Cultural Affairs.

Sincerely,

S/Beth Edmonds S/John Richardson
President of the Senate Speaker of the House

READ and REFERRED to the Committee on **EDUCATION AND CULTURAL AFFAIRS.**

Sent down for concurrence.

The Following Communication: S.P. 567

**122nd MAINE STATE LEGISLATURE
AUGUSTA, MAINE 04333**

April 21, 2005

Sen. Lynn Bromley
Senate Chair, Joint Standing Committee on Business, Research
and Economic Development
Rep. Nancy E. Smith
House Chair, Joint Standing Committee on Business, Research
and Economic Development
122nd Legislature
Augusta, ME 04333

Dear Senator Bromley and Representative Smith:

This is to inform you that, pursuant to Title 3 M.R.S.A., §154,
Governor John E. Baldacci has withdrawn the nomination of Paul
E. Violette of Westbrook for appointment to the Loring
Development Authority.

This nomination is currently pending before the Joint Standing
Committee on Business, Research, and Economic Development.

Thank you for your assistance in this matter.

Sincerely,

S/Beth Edmonds S/John Richardson
President of the Senate Speaker of the House

**READ and REFERRED to the Committee on BUSINESS,
RESEARCH AND ECONOMIC DEVELOPMENT.**

Sent down for concurrence.

The Following Communication: S.P. 568

**122nd MAINE STATE LEGISLATURE
AUGUSTA, MAINE 04333**

April 21, 2005

Sen. Dennis S. Damon
Senate Chair, Joint Standing Committee on Marine Resources
Rep. Leila J. Percy
House Chair, Joint Standing Committee on Marine Resources
122nd Legislature
Augusta, ME 04333

Dear Senator Damon and Representative Percy:

This is to inform you that, pursuant to Title 3 M.R.S.A., §154,
Governor John E. Baldacci has withdrawn the nomination of Mr.
Randy Newcomb for appointment to the Marine Resources
Advisory Council. The withdrawal of this nomination is necessary
due to scheduling conflicts for the confirmation process.

This nomination is currently pending before the Joint Standing
Committee on Marine Resources.

Thank you for your assistance in this matter.

Sincerely,

S/Beth Edmonds S/John Richardson
President of the Senate Speaker of the House

**READ and REFERRED to the Committee on MARINE
RESOURCES.**

Sent down for concurrence.

The Following Communication: S.C. 174

**MAINE STATE LEGISLATURE
COMMITTEE ON EDUCATION AND CULTURAL AFFAIRS
AUGUSTA, MAINE 04333**

April 12, 2005

Honorable Beth Edmonds, President of the Senate
Honorable John Richardson, Speaker of the House
122nd Maine Legislature
State House
Augusta, Maine 04333

Dear President Edmonds and Speaker Richardson:

Pursuant to Joint Rule 310, we are writing to notify you that the
Joint Standing Committee on Education and Cultural Affairs has
voted unanimously to report the following bills out "Ought Not to
Pass":

- | | |
|-----------|--|
| L.D. 666 | An Act To Require Approval of Voters before Closing a School |
| L.D. 679 | An Act To Encourage Effective Education of Special Needs Students in Maine's Private Schools |
| L.D. 724 | An Act To Amend the Maximum Allowable Tuition for Students in the Unorganized Territory |
| L.D. 845 | An Act Regarding Private Schools' Using Public Tuition Funds |
| L.D. 866 | Resolve, To Direct the Department of Education To Review the School Facility Needs of the State and To Develop Standards for Cost-effective Financing of School Facilities |
| L.D. 931 | An Act To Ensure Equitable Treatment of Students by Private Secondary Schools with a Majority of Students Funded by the State |
| L.D. 1138 | An Act To Reduce School Construction Costs |

LEGISLATIVE RECORD - SENATE, TUESDAY, APRIL 26, 2005

- L.D. 1185 An Act To Augment and Diversify the Ranks of Maine Educators
- L.D. 1187 An Act To Create a Senior Life Educator Certificate Program
- L.D. 1193 RESOLUTION, Proposing an Amendment to the Constitution of Maine To Ensure Equal Access to Education for Children in All Parts of the State

We have also notified the sponsors and cosponsors of each bill listed of the Committee's action.

Sincerely,

S/Sen. Elizabeth H. Mitchell
Senate Chair

S/Rep. Jacqueline Norton
House Chair

READ and with accompanying papers **ORDERED PLACED ON FILE.**

The Following Communication: S.C. 175

**MAINE STATE LEGISLATURE
COMMITTEE ON BUSINESS, RESEARCH
AND ECONOMIC DEVELOPMENT
AUGUSTA, MAINE 04333**

April 12, 2005

Honorable Beth Edmonds, President of the Senate
Honorable John Richardson, Speaker of the House
122nd Maine Legislature
State House
Augusta, Maine 04333

Dear President Edmonds and Speaker Richardson:

Pursuant to Joint Rule 310, we are writing to notify you that the Joint Standing Committee on Business, Research and Economic Development has voted unanimously to report the following bills out "Ought Not to Pass":

- L.D. 684 An Act To Expand the Availability of Pine Tree Development Zone Benefits
- L.D. 737 An Act To Ensure the Success of Pine Tree Development Zones
- L.D. 964 Resolve, To Expand Maine's Inland Fishing Economy by Creating Pine Tree Development Zones

- L.D. 1078 Resolve, Directing the Department of Economic and Community Development To Develop Guidelines To Create Urban Enterprise Zones

- L.D. 1299 Resolve, To Establish the Commission to Study the Efficiency of State Business Assistance Services

We have also notified the sponsors and cosponsors of each bill listed of the Committee's action.

Sincerely,

S/Sen. Lynn Bromley
Senate Chair

S/Rep. Nancy E. Smith
House Chair

READ and with accompanying papers **ORDERED PLACED ON FILE.**

The Following Communication: S.C. 176

**MAINE STATE LEGISLATURE
COMMITTEE ON MARINE RESOURCES
AUGUSTA, MAINE 04333**

April 12, 2005

Honorable Beth Edmonds, President of the Senate
Honorable John Richardson, Speaker of the House
122nd Maine Legislature
State House
Augusta, Maine 04333

Dear President Edmonds and Speaker Richardson:

Pursuant to Joint Rule 310, we are writing to notify you that the Joint Standing Committee on Marine Resources has voted unanimously to report the following bills out "Ought Not to Pass":

- L.D. 513 An Act To Amend the Hours for Lobster Fishing
- L.D. 1209 Resolve, To Create the Task Force To Study Commercial Lobster Fishing in Offshore Waters

We have also notified the sponsors and cosponsors of each bill listed of the Committee's action.

Sincerely,

S/Sen. Dennis Damon
Senate Chair

S/Rep. Leila J. Percy
House Chair

READ and with accompanying papers **ORDERED PLACED ON FILE.**

The Following Communication: S.C. 177

**MAINE STATE LEGISLATURE
COMMITTEE ON LABOR
AUGUSTA, MAINE 04333**

April 7, 2005

Honorable Beth Edmonds, President of the Senate
Honorable John Richardson, Speaker of the House
122nd Maine Legislature
State House
Augusta, Maine 04333

Dear President Edmonds and Speaker Richardson:

Pursuant to Joint Rule 310, we are writing to notify you that the Joint Standing Committee on Labor has voted unanimously to report the following bill out "Ought Not to Pass":

L.D. 878 An Act To Allow Assignment of Workers' Compensation Payments to 3rd Parties Providing Income Protection Benefits

We have also notified the sponsor and cosponsors of the Committee's action.

Sincerely,

S/Sen. Ethan Strimling
Senate Chair

S/Rep. William J. Smith
House Chair

READ and with accompanying papers **ORDERED PLACED ON FILE**.

The Following Communication: S.C. 178

**MAINE STATE LEGISLATURE
COMMITTEE ON TAXATION
AUGUSTA, MAINE 04333**

April 12, 2005

Honorable Beth Edmonds, President of the Senate
Honorable John Richardson, Speaker of the House
122nd Maine Legislature
State House
Augusta, Maine 04333

Dear President Edmonds and Speaker Richardson:

Pursuant to Joint Rule 310, we are writing to notify you that the Joint Standing Committee on Taxation has voted unanimously to report the following bills out "Ought Not to Pass":

L.D. 81 An Act To Establish a Limited Sales-tax-free Shopping Week

L.D. 345 An Act To Base the Excise Tax on Motor Vehicles on the Purchase Price

L.D. 1132 An Act To Dedicate a Portion of Sales Tax Revenue to Municipalities and Counties

L.D. 1264 An Act To Amend Maine's Estate Tax Law

L.D. 1314 An Act To Provide Safety Net Funds

We have also notified the sponsors and cosponsors of each bill listed of the Committee's action.

Sincerely,

S/Sen. Joseph C. Perry
Senate Chair

S/Rep. Richard G. Woodbury
House Chair

READ and with accompanying papers **ORDERED PLACED ON FILE**.

The Following Communication: S.C. 179

**MAINE STATE LEGISLATURE
COMMITTEE ON CRIMINAL JUSTICE AND PUBLIC SAFETY
AUGUSTA, MAINE 04333**

April 12, 2005

Honorable Beth Edmonds, President of the Senate
Honorable John Richardson, Speaker of the House
122nd Maine Legislature
State House
Augusta, Maine 04333

Dear President Edmonds and Speaker Richardson:

Pursuant to Joint Rule 310, we are writing to notify you that the Joint Standing Committee on Criminal Justice and Public Safety has voted unanimously to report the following bill out "Ought Not to Pass":

L.D. 1121 An Act To Establish Owner Liability for Failure To Stop for a Police Officer

We have also notified the sponsors and cosponsors of each bill listed of the Committee's action.

Sincerely,

S/Sen. Bill Diamond
Senate Chair

S/Rep. Patricia A. Blanchette
House Chair

READ and with accompanying papers **ORDERED PLACED ON FILE.**

The Following Communication: S.C. 180

**MAINE STATE LEGISLATURE
COMMITTEE ON NATURAL RESOURCES
AUGUSTA, MAINE 04333**

April 12, 2005

Honorable Beth Edmonds, President of the Senate
Honorable John Richardson, Speaker of the House
122nd Maine Legislature
State House
Augusta, Maine 04333

Dear President Edmonds and Speaker Richardson:

Pursuant to Joint Rule 310, we are writing to notify you that the Joint Standing Committee on Natural Resources has voted unanimously to report the following bill out "Ought Not to Pass":

L.D. 643 An Act To Authorize the Department of Environmental Protection To Issue Emergency Permits for the Application of Herbicides and Pesticides

We have also notified the sponsors and cosponsors of each bill listed of the Committee's action.

Sincerely,

S/Sen. Scott W. Cowger
Senate Chair

S/Rep. Theodore Koffman
House Chair

READ and with accompanying papers **ORDERED PLACED ON FILE.**

The Following Communication: S.C. 181

**MAINE STATE LEGISLATURE
COMMITTEE ON LEGAL AND VETERANS' AFFAIRS
AUGUSTA, MAINE 04333**

April 12, 2005

Honorable Beth Edmonds, President of the Senate
Honorable John Richardson, Speaker of the House
122nd Maine Legislature
State House
Augusta, Maine 04333

Dear President Edmonds and Speaker Richardson:

Pursuant to Joint Rule 310, we are writing to notify you that the Joint Standing Committee on Legal and Veterans Affairs has voted unanimously to report the following bills out "Ought Not to Pass":

L.D. 265 An Act To Establish Instant Run-off Voting
L.D. 412 An Act To Clarify the Definition of "Lobbyist"
L.D. 944 An Act Regarding Independent Campaign Expenditures
L.D. 952 An Act To Regulate Political Advertising
L.D. 1171 An Act To Amend the Clean Election Law Regarding Disclaimers on Advertising

We have also notified the sponsors and cosponsors of each bill listed of the Committee's action.

Sincerely,

S/Sen. Kenneth T. Gagnon
Senate Chair

S/Rep. John L. Patrick
House Chair

READ and with accompanying papers **ORDERED PLACED ON FILE.**

The Following Communication: S.C. 182

**MAINE STATE LEGISLATURE
COMMITTEE ON TRANSPORTATION
AUGUSTA, MAINE 04333**

April 12, 2005

Honorable Beth Edmonds, President of the Senate
Honorable John Richardson, Speaker of the House
122nd Maine Legislature
State House
Augusta, Maine 04333

Dear President Edmonds and Speaker Richardson:

Pursuant to Joint Rule 310, we are writing to notify you that the Joint Standing Committee on Transportation has voted unanimously to report the following bills out "Ought Not to Pass":

LEGISLATIVE RECORD - SENATE, TUESDAY, APRIL 26, 2005

- L.D. 606 Resolve, To Require the Department of Transportation To Rebuild the Frank J. Wood Bridge between Brunswick and Topsham
- L.D. 607 An Act To Extend Passenger Rail Service to Midcoast Maine
- L.D. 1069 An Act To Exempt the Transportation of Products Essential for Agricultural Operations from Certain Restrictions Posted on Roads
- L.D. 1119 Resolve, To Examine Driver's License Fees
- L.D. 1201 Resolve, Authorizing a Review of Inspection Requirements for Vehicles with Aftermarket Modifications

We have also notified the sponsors and cosponsors of each bill listed of the Committee's action.

Sincerely,

S/Sen. Dennis Damon
Senate Chair

S/Rep. Boyd P. Marley
House Chair

READ and with accompanying papers **ORDERED PLACED ON FILE.**

The Following Communication: S.C. 183

**MAINE STATE LEGISLATURE
COMMITTEE ON LABOR
AUGUSTA, MAINE 04333**

April 12, 2005

Honorable Beth Edmonds, President of the Senate
Honorable John Richardson, Speaker of the House
122nd Maine Legislature
State House
Augusta, Maine 04333

Dear President Edmonds and Speaker Richardson:

Pursuant to Joint Rule 310, we are writing to notify you that the Joint Standing Committee on Labor has voted unanimously to report the following bills out "Ought Not to Pass":

- L.D. 1005 Resolve, To Establish an Apprenticeship Program for Shipbuilders
- L.D. 1054 Resolve, Directing the Maine State Retirement System To Amend Its Rules To Clarify That Officers of the State Police Who Reach Retirement Age May Continue Working and Receiving Retirement Benefits

- L.D. 1197 An Act To Allow a One-time Change in Benefit Payment Option Selection under the Maine State Retirement System
- L.D. 1223 Resolve, Directing the Maine State Retirement System To Support the Federal Public Servant Retirement Protection Act

We have also notified the sponsors and cosponsors of each bill listed of the Committee's action.

Sincerely,

S/Sen. Ethan Strimling
Senate Chair

S/Rep. William J. Smith
House Chair

READ and with accompanying papers **ORDERED PLACED ON FILE.**

The Following Communication: S.C. 184

**MAINE STATE LEGISLATURE
COMMITTEE ON INSURANCE AND FINANCIAL SERVICES
AUGUSTA, MAINE 04333**

April 14, 2005

Honorable Beth Edmonds, President of the Senate
Honorable John Richardson, Speaker of the House
122nd Maine Legislature
State House
Augusta, Maine 04333

Dear President Edmonds and Speaker Richardson:

Pursuant to Joint Rule 310, we are writing to notify you that the Joint Standing Committee on Insurance and Financial Services has voted unanimously to report the following bills out "Ought Not to Pass":

- L.D. 1192 An Act To Extend Insurance Notification and Protection to Small Businesses and Farms
- L.D. 1242 An Act To Provide Enhanced Information to Consumers of Health Care

We have also notified the sponsors and cosponsors of each bill listed of the Committee's action.

Sincerely,

S/Sen. Nancy B. Sullivan
Senate Chair

S/Rep. Anne C. Perry
House Chair

READ and with accompanying papers **ORDERED PLACED ON FILE**.

The Following Communication: S.C. 185

**MAINE STATE LEGISLATURE
COMMITTEE ON NATURAL RESOURCES
AUGUSTA, MAINE 04333**

April 21, 2005

Honorable Beth Edmonds, President of the Senate
Honorable John Richardson, Speaker of the House
122nd Maine Legislature
State House
Augusta, Maine 04333

Dear President Edmonds and Speaker Richardson:

Pursuant to Joint Rule 310, we are writing to notify you that the Joint Standing Committee on Natural Resources has voted unanimously to report the following bills out "Ought Not to Pass":

- L.D. 315 An Act To Prohibit the Privatization of Drinking Water Supply Sources
- L.D. 1182 An Act To Encourage Small Water-bottling Companies

We have also notified the sponsors and cosponsors of each bill listed of the Committee's action.

Sincerely,

S/Sen. Scott W. Cowger
Senate Chair

S/Rep. Theodore Koffman
House Chair

READ and with accompanying papers **ORDERED PLACED ON FILE**.

The Following Communication: S.C. 186

**MAINE STATE LEGISLATURE
COMMITTEE ON STATE AND LOCAL GOVERNMENT
AUGUSTA, MAINE 04333**

April 14, 2005

Honorable Beth Edmonds, President of the Senate
Honorable John Richardson, Speaker of the House
122nd Maine Legislature
State House
Augusta, Maine 04333

Dear President Edmonds and Speaker Richardson:

Pursuant to Joint Rule 310, we are writing to notify you that the Joint Standing Committee on State and Local Government has voted unanimously to report the following bills out "Ought Not to Pass":

- L.D. 671 An Act To Provide a Method of Self-governance to Unorganized Areas
- L.D. 1366 An Act To Give Preference to Companies That Provide Livable Wages and Health Insurance to Their Employees
- L.D. 1367 An Act To Penalize Companies That Fail To Comply with State Laws

We have also notified the sponsors and cosponsors of each bill listed of the Committee's action.

Sincerely,

S/Sen. Elizabeth M. Schneider
Senate Chair

S/Rep. Christopher R. Barstow
House Chair

READ and with accompanying papers **ORDERED PLACED ON FILE**.

The Following Communication: S.C. 187

**MAINE STATE LEGISLATURE
COMMITTEE ON STATE AND LOCAL GOVERNMENT
AUGUSTA, MAINE 04333**

April 19, 2005

Honorable Beth Edmonds, President of the Senate
Honorable John Richardson, Speaker of the House
122nd Maine Legislature
State House
Augusta, Maine 04333

Dear President Edmonds and Speaker Richardson:

Pursuant to Joint Rule 310, we are writing to notify you that the Joint Standing Committee on State and Local Government has voted unanimously to report the following bills out "Ought Not to Pass":

- L.D. 773 An Act To Allow Municipalities To Collect Debts through the Placement of Liens on Property
- L.D. 1040 An Act To Prevent the Short-term Rental of Unlicensed Properties

We have also notified the sponsors and cosponsors of each bill listed of the Committee's action.

Sincerely,

S/Sen. Elizabeth M. Schneider
Senate Chair

S/Rep. Christopher R. Barstow
House Chair

READ and with accompanying papers **ORDERED PLACED ON FILE.**

Off Record Remarks

SENATE PAPERS

Bill "An Act To Extend the Ban on Assault Weapons"
S.P. 561 L.D. 1579

Sponsored by Senator STRIMLING of Cumberland.
Cosponsored by Representative BLANCHETTE of Bangor and Senator: BRENNAN of Cumberland, Representatives: CHURCHILL of Washburn, DAVIS of Augusta, GERZOFKY of Brunswick, GROSE of Woolwich, LERMAN of Augusta, PARADIS of Frenchville.

On motion by Senator **DIAMOND** of Cumberland, **REFERRED** to the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** and ordered printed.

Sent down for concurrence.

Off Record Remarks

Bill "An Act To Modify the Calculation and Implementation Date of Savings Offset Payments under the Dirigo Health Act"
S.P. 555 L.D. 1577

Sponsored by Senator SULLIVAN of York.

On motion by Senator **SULLIVAN** of York, **REFERRED** to the Committee on **INSURANCE AND FINANCIAL SERVICES** and ordered printed.

Sent down for concurrence.

Bill "An Act To Ensure Certain Protections to Communities Hosting Waste-to-energy Facilities"
S.P. 560 L.D. 1578

Sponsored by Senator HOBBS of York.
Cosponsored by Representative TWOMEY of Biddeford and Senator: SULLIVAN of York, Representatives: BEAUDETTE of

Biddeford, HOGAN of Old Orchard Beach, PILON of Saco, VALENTINO of Saco.

On motion by Senator **COWGER** of Kennebec, **REFERRED** to the Committee on **NATURAL RESOURCES** and ordered printed.

Sent down for concurrence.

Bill "An Act To Amend the Motor Vehicle Laws Relating to the Assignment of Security Interests" (EMERGENCY)
S.P. 554 L.D. 1576

Sponsored by Senator SAVAGE of Knox.

On motion by Senator **DAMON** of Hancock, **REFERRED** to the Committee on **TRANSPORTATION** and ordered printed.

Sent down for concurrence.

All matters thus acted upon were ordered sent down forthwith for concurrence.

ORDERS

Joint Order

Valarie M. Parlin, of Gardiner, on the occasion of her retirement after 25 years of dedicated service to the State of Maine. As Senior Secretary for the Office of Policy and Legal Analysis of the Maine State Legislature she has been a talented and valuable employee, known for her professionalism, good humor and the quality of her work. She has made notable contributions to the Office of Policy and Legal Analysis and to the State of Maine through her dedication and a high level of excellence in her work. We send her our best wishes for a happy retirement;
SLS 275

Sponsored by Senator COWGER of Kennebec.
Cosponsored by Representative: HANLEY of Gardiner.

READ.

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

Senator **COWGER:** Thank you, Madame President and colleagues in the Senate. It gives me a great deal of pleasure to recognize somebody who I think we all know, one of those friendly faces when we go down to the Office of Policy and Legal Analysis, Val Parlin. Val's worked for the state for 25 years, but 20 of those years have been right here in OPLA. We're losing a great deal of institutional knowledge in these days of term limits. Val has been a continuous presence in that office for a long time and it is going to be a great lose to us here in this institution. A couple of things about Val that she probably doesn't know that we know about her, she greatly enjoys dancing and she also brings a

continuous supply of farm fresh eggs to the entire staff down in OPLA. Val is doing one other thing that is going to be a great loss to the State of Maine, she does what many people do when they retire, she's moving away. She's going to warm sunny Florida. I think we should all wish her well in her retirement and thank her for her many years of service to this institution. Thank you, Val.

PASSED.

Sent down for concurrence.

THE PRESIDENT: The Chair is pleased to recognize in the rear of the chamber Valerie Parlin of Gardiner. Would she please rise and receive the greetings of the Maine Senate.

Joint Resolution

On motion by Senator **BRENNAN** of Cumberland, under unanimous consent on behalf of President **EDMONDS** of Cumberland (Cosponsored by Speaker **RICHARDSON** of Brunswick and Senators: **ANDREWS** of York, **BRENNAN** of Cumberland, **CLUKEY** of Aroostook, **COWGER** of Kennebec, **DAVIS** of Piscataquis, **DIAMOND** of Cumberland, **MARTIN** of Aroostook, **MAYO** of Sagadahoc, **MILLS** of Somerset, **SULLIVAN** of York, Representatives: **BLANCHETTE** of Bangor, **BOWLES** of Sanford, **CUMMINGS** of Portland, **DUPLESSIE** of Westbrook, **GERZOFISKY** of Brunswick, **McKENNEY** of Cumberland, **MERRILL** of Appleton, **PARADIS** of Frenchville, **PATRICK** of Rumford, **PERRY** of Calais, **PINGREE** of North Haven, **RECTOR** of Thomaston, **SYKES** of Harrison, **TARDY** of Newport, **TRAHAN** of Waldoboro), the following Joint Resolution:

S.P. 569

JOINT RESOLUTION RECOGNIZING APRIL 26TH AS MAINE'S "TEACH CHILDREN TO SAVE DAY" AND THE MEMBERS OF THE MAINE BANKERS ASSOCIATION AND THE MAINE ASSOCIATION OF COMMUNITY BANKS

WHEREAS, the members of the Maine Bankers Association and the Maine Association of Community Banks have been serving the needs of the people of Maine for more than 110 years; and

WHEREAS, the associations' members and their employees continue to demonstrate their commitment to children and the communities they serve by donating thousands of volunteer hours and millions of dollars in community contributions in 2004-2005; and

WHEREAS, the commitment to volunteerism and assisting Maine's youth is represented by the 2005 Maine Bankers Association America's Promise Volunteers:

Sheri Bartlett, Camden National Bank
Angela Belmonte, Acadia Trust Company
Meris Bickford, Merrill Bank
Barbara Brown, Acadia Trust Company
Alina Burke, Northeast Bank, F.S.B.
Carrie Burridge, Camden National Bank
JoEllen Clark, Acadia Trust Company

Dean Clark, First Citizens Bank
Lisa Darling, Acadia Trust Company
Nancy Drisko, KeyBank, N.A.
Dan Flaherty, Camden National Bank
Becky Gibson, Camden National Bank
Alli Goulet, Camden National Bank
Cheryl Hagmann, Maine Bank & Trust
Connie Heald, Katahdin Trust Company
Lorraine Ivers, Camden National Bank
Ruth Jarrett, Camden National Bank
Jennifer Kurr, Camden National Bank
Peter Mars, MBNA
Mary McEnroe, The First
Robert McKay, United Kingfield Bank
Jeanette Piselli, Camden National Bank
Sara Ruef-Lindquist, Union Trust Company
Sharon Sesling, Acadia Trust Company
Julie Wilcox, Acadia Trust Company; and

WHEREAS, the members of the Maine Bankers Association and the Maine Association of Community Banks are also giving back to their communities through a commitment to provide financial literacy programs to Maine's youth and young adults; and

WHEREAS, April 26, 2005 has been proclaimed by Governor John Baldacci as Maine's "Teach Children to Save Day"; and

WHEREAS, members of the Maine Bankers Association will teach children about saving in over 100 schools on April 26th, and this financial literacy program coordinated with the American Bankers Association's Education Foundation is helping to provide financial education that is essential to forming a lifetime of positive habits devoted to saving, wise use of credit and fiscal responsibility; and

WHEREAS, Maine's banking industry continues to be an important supporter of the Maine Bar Association's IOLTA program, which provides legal services for Maine's disadvantaged citizens; now, therefore, be it

RESOLVED: That We, the Members of the One Hundred and Twenty-second Legislature now assembled in the First Special Session, take this occasion to recognize the Maine Bankers Association and the Maine Association of Community Banks for their continued commitment and contributions to their communities and in supporting Maine's long tradition of service to others and to recognize this industry's commitment to providing needed financial literacy programs and support for the IOLTA legal services program; and be it further

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the Maine Bankers Association and the Maine Association of Community Banks and to each of the 2005 America's Promise Volunteers.

READ and ADOPTED.

Ordered sent down forthwith for concurrence.

REPORTS OF COMMITTEES

House

Change of Committee

The Committee on **TAXATION** on Bill "An Act To Stabilize and Strengthen the MaineCare Program" (EMERGENCY)
H.P. 1012 L.D. 1448

Reported that the same be **REFERRED** to the Committee on **TAXATION** and **HEALTH AND HUMAN SERVICES**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill and accompanying papers **REFERRED** to the Committee on **TAXATION** and **HEALTH AND HUMAN SERVICES**.

Report **READ** and **ACCEPTED**, in concurrence.

On motion by Senator **PERRY** of Penobscot, **REFERRED** to the Committee on **TAXATION** and **HEALTH AND HUMAN SERVICES**, in concurrence.

Divided Report

The Majority of the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** on Bill "An Act To Amend the Maine Juvenile Code"
H.P. 181 L.D. 242

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-114)**.

Signed:

Senators:
DIAMOND of Cumberland
NUTTING of Androscoggin
CLUKEY of Aroostook

Representatives:
BLANCHETTE of Bangor
HANLEY of Gardiner
CHURCHILL of Washburn
SYKES of Harrison
GROSE of Woolwich
DAVIS of Augusta

The Minority of the same Committee on the same subject reported that the same **Ought Not To Pass**.

Signed:

Representatives:
PLUMMER of Windham
GERZOFISKY of Brunswick
PARADIS of Frenchville

Comes from the House with 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-114) AS AMENDED BY HOUSE AMENDMENT "A" (H-125)** thereto.

Reports **READ**.

Senator **DIAMOND** of Cumberland moved the Senate **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report, in concurrence.

On further motion by same Senator, **TABLED** until Later in Today's Session, pending the motion by same Senator to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report, in concurrence.

Divided Report

The Majority of the Committee on **LABOR** on Bill "An Act To Make the Minimum Wage a Livable Wage"
H.P. 516 L.D. 721

Reported that the same **Ought Not to Pass**.

Signed:

Senators:
STRIMLING of Cumberland
BARTLETT of Cumberland
SNOWE-MELLO of Androscoggin

Representatives:
SMITH of Van Buren
DRISCOLL of Westbrook
JACKSON of Fort Kent
HALL of Holden
DUPREY of Hampden
CRESSEY of Cornish
TUTTLE of Sanford
HAMPER of Oxford
CLARK of Millinocket

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (H-130)**.

Signed:

Representative:
HUTTON of Bowdoinham

Comes from the House with the Majority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED**.

Reports **READ**.

Senator **STRIMLING** of Cumberland moved the Senate **ACCEPT** the Majority **OUGHT NOT TO PASS** Report, in concurrence.

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

Senator **STRIMLING:** Thank you, Madame President. Just briefly, on the record, to let folks know there are other minimum wage bills that we have in the Labor Committee which we expect to hold over so that we can have this dialogue next year. For those of you who are supportive of an increase in the minimum wage, there will be other opportunities for you to vote for such.

On motion by Senator **STRIMLING** of Cumberland, the Majority **OUGHT NOT TO PASS** Report **ACCEPTED**, in concurrence.

Divided Report

Eleven members of the Committee on **LABOR** on Bill "An Act To Increase Retired Teachers' Insurance Benefits"
H.P. 209 L.D. 284

Reported in Report "A" that the same **Ought to Pass as Amended by Committee Amendment "A" (H-123)**.

Signed:

Senators:

STRIMLING of Cumberland
BARTLETT of Cumberland
SNOWE-MELLO of Androscoggin

Representatives:

SMITH of Van Buren
DRISCOLL of Westbrook
JACKSON of Fort Kent
HUTTON of Bowdoinham
DUPREY of Hampden
TUTTLE of Sanford
HAMPER of Oxford
CLARK of Millinocket

One member of the same Committee on the same subject reported in Report "B" that the same **Ought to Pass as Amended by Committee Amendment "B" (H-124)**.

Signed:

Representative:

CRESSEY of Cornish

One member of the same Committee on the same subject reported in Report "C" that the same **Ought Not to Pass**.

Signed:

Representative:

HALL of Holden

Comes from the House with Reports **READ** and the Bill and accompanying papers **COMMITTED** to the Committee on **LABOR**.

Reports **READ**.

Senator **STRIMLING** of Cumberland moved the Senate **ACCEPT** Report "A", **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-123)**, in **NON-CONCURRENCE**.

Subsequently, same Senator requested and received leave of the Senate to withdraw his motion to **ACCEPT** Report "A", **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-123)**, in **NON-CONCURRENCE**.

On further motion by same Senator, Bill and accompanying papers **COMMITTED** to the Committee on **LABOR**, in concurrence.

Senate

Change of Committee

Senator MAYO for the Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act To Support the Disclosure of Information to Relatives Who Are Likely To Provide Care to Children"

S.P. 73 L.D. 220

Reported that the same be **REFERRED** to the Committee on **JUDICIARY**.

Report **READ** and **ACCEPTED**.

REFERRED to the Committee on **JUDICIARY**.

Sent down for concurrence.

Ought to Pass

Senator ROTUNDO for the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** on Bill "An Act To Provide Funding for the Downeast Institute for Applied Marine Research and Education"

S.P. 81 L.D. 228

Reported that the same **Ought to Pass**.

Report **READ** and **ACCEPTED**.

READ ONCE.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Ought to Pass As Amended

Senator BRYANT for the Committee on **INLAND FISHERIES AND WILDLIFE** on Bill "An Act To Prohibit Shooting Wild Turkey Decoys"

S.P. 317 L.D. 942

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-93)**.

Report **READ** and **ACCEPTED**.

READ ONCE.

Committee Amendment "A" (S-93) **READ** and **ADOPTED**.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Senator SULLIVAN for the Committee on **INSURANCE AND FINANCIAL SERVICES** on Bill "An Act To Amend Group Insurance Funding Requirements"

S.P. 108 L.D. 346

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-83)**.

Report **READ** and **ACCEPTED**.

READ ONCE.

Committee Amendment "A" (S-83) **READ** and **ADOPTED**.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Senator SULLIVAN for the Committee on **INSURANCE AND FINANCIAL SERVICES** on Bill "An Act To Amend the Laws Regarding Submission of Health Insurance Claims"

S.P. 140 L.D. 416

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-85)**.

Report **READ** and **ACCEPTED**.

READ ONCE.

Committee Amendment "A" (S-85) **READ** and **ADOPTED**.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Senator DAMON for the Committee on **MARINE RESOURCES** on Bill "An Act To Continue the Ban on Dragging in the Taunton River Area" (EMERGENCY)

S.P. 185 L.D. 576

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-94)**.

Report **READ** and **ACCEPTED**.

READ ONCE.

Committee Amendment "A" (S-94) **READ**.

On motion by Senator **DAMON** of Hancock, **TABLED** until Later in Today's Session, pending **ADOPTION** of Committee Amendment "A" (S-94).

Senator DAMON for the Committee on **MARINE RESOURCES** on Bill "An Act To Reauthorize Funding for the Lobster Promotion Council"

S.P. 260 L.D. 793

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-86)**.

Report **READ** and **ACCEPTED**.

READ ONCE.

Committee Amendment "A" (S-86) **READ** and **ADOPTED**.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Senator COWGER for the Committee on **NATURAL RESOURCES** on Bill "An Act To Allow Counties To Recover the Cost of Cleaning Up Hazardous Spills"

S.P. 91 L.D. 271

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-87)**.

Report **READ** and **ACCEPTED**.

READ ONCE.

Committee Amendment "A" (S-87) **READ** and **ADOPTED**.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Senator SCHNEIDER for the Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act To Establish Moxie as Maine's Official Beverage"

S.P. 27 L.D. 85

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-89).**

Report **READ** and **ACCEPTED**.

READ ONCE.

Committee Amendment "A" (S-89) **READ** and **ADOPTED**.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Senator SCHNEIDER for the Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act To Require That Municipal and County Spending Be Tracked and Analyzed by the State Planning Office"

S.P. 308 L.D. 900

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-91).**

Report **READ** and **ACCEPTED**.

READ ONCE.

Committee Amendment "A" (S-91) **READ** and **ADOPTED**.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Senator PERRY for the Committee on **TAXATION** on Bill "An Act To Clarify for Tax Purposes That Manure Removal and Storage Are Operations Directly Involved in the Raising and Care of Livestock"

S.P. 161 L.D. 535

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-88).**

Report **READ** and **ACCEPTED**.

READ ONCE.

Committee Amendment "A" (S-88) **READ** and **ADOPTED**.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Senator DAMON for the Committee on **TRANSPORTATION** on Bill "An Act To Exempt Insurers of Commercial Vehicle Fleets from the Requirement of Notification to the Secretary of State When Insurance Is Cancelled"

S.P. 154 L.D. 528

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-95).**

Report **READ** and **ACCEPTED**.

READ ONCE.

Committee Amendment "A" (S-95) **READ** and **ADOPTED**.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Divided Report

The Majority of the Committee on **INSURANCE AND FINANCIAL SERVICES** on Bill "An Act To Prohibit an Insurer from Cancelling an Insurance Policy due to Ownership of Certain Breeds of Dog"
S.P. 169 L.D. 543

Reported that the same **Ought Not to Pass.**

Signed:

Senators:

SULLIVAN of York
MAYO of Sagadahoc
MILLS of Somerset

Representatives:

PERRY of Calais
McKANE of Newcastle
BRAUTIGAM of Falmouth
PILON of Saco
VAUGHAN of Durham
GLYNN of South Portland
RICHARDSON of Warren
MARRACHÉ of Waterville

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (S-84).**

Signed:

Representatives:

LINDELL of Frankfort
HARLOW of Portland

Reports **READ**.

On motion by Senator **SULLIVAN** of York, the Majority **OUGHT NOT TO PASS** Report **ACCEPTED**.

Sent down for concurrence.

Divided Report

The Majority of the Committee on **LABOR** on Bill "An Act To Ensure Equity in Appeals of Workers' Compensation Cases" S.P. 287 L.D. 879

Reported that the same **Ought Not to Pass**.

Signed:

Senators:

STRIMLING of Cumberland
BARTLETT of Cumberland

Representatives:

SMITH of Van Buren
DRISCOLL of Westbrook
JACKSON of Fort Kent
HUTTON of Bowdoinham
TUTTLE of Sanford
CLARK of Millinocket

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (S-92)**.

Signed:

Senator:

SNOWE-MELLO of Androscoggin

Representatives:

HALL of Holden
DUPREY of Hampden
CRESSEY of Cornish
HAMPER of Oxford

Reports **READ**.

Senator **STRIMLING** of Cumberland moved the Senate **ACCEPT** the Majority **OUGHT NOT TO PASS** Report.

On further motion by same Senator, **TABLED** until Later in Today's Session, pending the motion by same Senator to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report.

Divided Report

The Majority of the Committee on **NATURAL RESOURCES** on Bill "An Act To Establish and Implement the Maine STEP-UP Program"

S.P. 374 L.D. 1057

Reported that the same **Ought to Pass**.

Signed:

Senators:

COWGER of Kennebec
SNOWE-MELLO of Androscoggin

Representatives:

KOFFMAN of Bar Harbor
THOMPSON of China
ANNIS of Dover-Foxcroft
EBERLE of South Portland
DAIGLE of Arundel
DUCHESNE of Hudson
ROSEN of Bucksport

The Minority of the same Committee on the same subject reported that the same **Ought Not To Pass**.

Signed:

Senator:

MARTIN of Aroostook

Representatives:

SAVIELLO of Wilton
TWOMEY of Biddeford

Reports **READ**.

On motion by Senator **COWGER** of Kennebec, the Majority **OUGHT TO PASS** Report **ACCEPTED**.

READ ONCE.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Divided Report

The Majority of the Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act To Amend the Requirements for Publishing Municipal Legal Notices"

S.P. 233 L.D. 696

Reported that the same **Ought Not to Pass**.

Signed:

Senators:

SCHNEIDER of Penobscot
ROTUNDO of Androscoggin
ANDREWS of York

Representatives:

BLANCHARD of Old Town
SAMPSON of Auburn
HARLOW of Portland
McFADDEN of Dennysville
MOULTON of York
BISHOP of Boothbay
CROSTHWAITE of Ellsworth

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (S-90)**.

Signed:

Representatives:

BARSTOW of Gorham
MUSE of Fryeburg
SCHATZ of Blue Hill

Reports **READ**.

Senator **SCHNEIDER** of Penobscot moved the Senate **ACCEPT** the Majority **OUGHT NOT TO PASS** Report.

THE PRESIDENT: The Chair recognizes the Senator from York, Senator Nass.

Senator **NASS:** Thank you, Madame President, ladies and gentlemen of the Senate. This proposal is a perennial. I think it's been in front of every session that I've had the pleasure to be at. It continues to be a problem. The problem is notification. Especially in the small towns, how do you properly notify the citizens of things as simple as a planning board meeting, a board of appeals meeting, or whatever? If you've never seen a town in trouble over this, count your lucky stars. In my case, in the small town of Parsonsfield, the issue was one of sludge spreading, which is always an interesting battle with the local communities. In this case, the municipality chose to advertise, as they were required to legally, in the Portland Press Herald, for which they paid a substantial amount of money. All of us, I think, have seen the legal notices. Some of the smallest print possible. It accomplishes, apparently, the legal requirement by providing notice, providing record, and archiving, which interestingly enough is part of the issue here. It doesn't necessarily accomplish the purpose of providing notice to the citizens of the community. In fact, it did not in this case. Nobody knew about it. The permit was granted, the sludge went on, and folks felt like they didn't have a chance to say what they wanted to say about this. We had several selectmen in that era lose their jobs over this. It really was a difficult situation and all because notice was not given. The method that they had in Parsonsfield, and still have, is the shopper's news. The results of all this is that now municipalities put notices in the shopper's news where people really read it and notice these meetings. They spend a lot of money and put these notices in the Portland Press Herald. I would contend, and have been the sponsor of this proposal several times, that effective notice is properly delivered through the shopper's news. If you are interested, and if you feel like you have the requirement to let the folks at home know what's going on, you ought to allow this to happen.

Who is in opposition to this? Well, there is a financial interest here. That turns out to be the Press Association. They constantly come in and oppose this bill. It's because, I suggest, of their financial interest in this. We have not been successful at making a proposal that apparently satisfies the needs, at least in the small towns. As such, I would urge you vote against the current motion of Ought Not to Pass. Thank you, Madame President.

On motion by Senator **DAVIS** of Piscataquis, supported by a Division of one-fifth of the members present and voting, a Roll Call was ordered.

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

Senator **SCHNEIDER:** Thank you, Madame President. We did hear this bill in the State and Local Government Committee. There was a good airing of this particular piece of legislation. My concern has no interest in any newspapers or their benefiting. My interest is with making sure that there is archiving in the future, that the shopper's guide is not an appropriate method of notification because if we want to look back and they disappear, that is not going to be able to be accessible to us. There is a reason why this has been turned down every year. I do want to report, Madame President, that because of the discussions within the committee, some very positive changes have moved forward. The discussion of the cost involved to communities that have a low amount of readership, the newspapers have been very responsive to the request to deal with the high cost to these communities for their advertising. There has been a significant decrease, 30% to 50% discounted rates for many of the daily newspapers that have a below 30% rate of delivery and 25% to others. If people are interested in this, I'd be delighted to share this information with them after the session. I do encourage you to support the Ought Not to Pass report because there are other issues at state in regards to this piece of legislation. Thank you very much, Madame President.

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

Senator **GAGNON:** Thank you, Madame President. May I pose a question through the Chair?

THE PRESIDENT: The Senator may pose his question.

Senator **GAGNON:** Madame President, I understand that the reasons for wanting to use one of the regular papers that does archiving for the official records, but if there is a need for municipalities to have a broader advertising for particular issues, is there anything that prevents a municipality from running an ad in one of these other weekly newspapers?

THE PRESIDENT: The Senator from Kennebec, Senator Gagnon poses a question through the Chair to anyone who may wish to answer. The Chair recognizes the Senator from York, Senator Nass.

Senator **NASS:** Thank you, Madame President, ladies and gentlemen of the Senate. In an attempt to answer that, I feel like a veteran on this issue. We've brought this in so many times. The answer to the question is no. There is nothing to prevent this. The question is one of total cost and effective notification. Madame President, as to the archiving issue, I think in this proposal, which has always been supported by the Maine Municipal Association, the archiving thing was dealt with. The municipalities offered to be the archive, as they do with many records. There would, in my opinion, be an effective record maintained. We depend on municipalities to archive a lot of other things. This would not be unusual. Thank you.

THE PRESIDENT: The Chair recognizes the Senator from Oxford, Senator Hastings.

Senator **HASTINGS**: Thank you, Madame President, ladies and gentlemen of the Senate. I wish to concur with the good Senator from York, Senator Nass. In rural Maine, as is recognized by the Senator from Penobscot, Senator Schneider, the readership of general circulation newspapers tends to be very low. I know in my area of western Maine we are on the fringes of the Press Herald. We are on the fringes of the Lewiston Sun. Neither really serves our area well. The paper read of record in my area is actually a New Hampshire paper. The shopper's guide is that paper of record in the Sacopee Valley area. It seems to me that we should be looking at ways to allow towns to do what they need to do to give notice, but to do it at the lowest possible cost. Why require them to buy that ad in the Press Herald that we know no one's going to read with the understanding that they will then go out and buy another ad in the shopper's guide that everybody will read? It seems to me that the simple thing to do is just to recognize that the local selectmen of these towns know how best to give out notice, that these shopping magazine guides that they go to are of general circulation and are well read and rely on that and allow the towns to save the money. Thank you.

THE PRESIDENT: The pending question before the Senate is the motion by the Senator from Penobscot, Senator Schneider to Accept the Majority Ought Not to Pass 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 (#67)

YEAS: Senators: ANDREWS, BARTLETT, BRENNAN, BROMLEY, BRYANT, COWGER, DIAMOND, GAGNON, HOBBS, MARTIN, MAYO, MILLS, MITCHELL, PERRY, ROSEN, ROTUNDO, SCHNEIDER, STRIMLING, SULLIVAN, THE PRESIDENT - BETH G. EDMONDS

NAYS: Senators: CLUKEY, COURTNEY, DAMON, DAVIS, DOW, HASTINGS, NASS, NUTTING, PLOWMAN, RAYE, SAVAGE, SNOWE-MELLO, TURNER, WESTON, WOODCOCK

20 Senators having voted in the affirmative and 15 Senators having voted in the negative, the motion by Senator **SCHNEIDER** of Penobscot to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report, **PREVAILED**.

Sent down for concurrence.

SECOND READERS

The Committee on **Bills in the Second Reading** reported the following:

House As Amended

Bill "An Act To Clarify the Law Regarding Transfer Tax Liability for Deeds between Domestic Partners"

H.P. 22 L.D. 19
(C "A" H-116)

Bill "An Act To Criminalize Harming a Dog Used for Law Enforcement Purposes"

H.P. 49 L.D. 53
(C "A" H-119)

Bill "An Act To Expand Supervised Community Confinement Options for a Person with a Terminal Illness"

H.P. 261 L.D. 348
(C "A" H-120)

Bill "An Act To Reestablish the Penobscot County Budget Committee"

H.P. 274 L.D. 361
(C "A" H-126)

Bill "An Act Concerning Payment of Health Insurance Premiums for Surviving Spouses of Maine State Retirement System Members"

H.P. 362 L.D. 487
(C "A" H-122)

Bill "An Act To Make Illegal Possession of Certain Narcotic Drugs a Class C Crime"

H.P. 577 L.D. 812
(C "A" H-121)

READ A SECOND TIME and **PASSED TO BE ENGROSSED AS AMENDED**, in concurrence.

Senate As Amended

Bill "An Act To Allow Electronic Calling Devices for Hunting"

S.P. 88 L.D. 268
(C "A" S-80)

READ A SECOND TIME.

On motion by Senator **MARTIN** of Aroostook, **TABLED** until Later in Today's Session, pending **PASSAGE TO BE ENGROSSED AS AMENDED**.

All matters thus acted upon were ordered sent down forthwith for concurrence.

ENACTORS

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

Emergency Measure

An Act To Clarify the Authority of Podiatrists To Use Assistants
S.P. 248 L.D. 750
(H "A" H-115)

This being an Emergency Measure and having received the affirmative vote of 35 Members of the Senate, with no Senators having voted in the negative, and 35 being more than two-thirds of the entire elected Membership of the Senate, was **PASSED TO BE ENACTED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

Emergency Resolve

Resolve, Establishing the Commission To Study Eliminating the Normal Retirement Age for Corrections Officers and Mental Health Workers

S.P. 246 L.D. 748
(C "A" S-68)

On motion by Senator **GAGNON** of Kennebec, placed on the **SPECIAL STUDY TABLE**, pending **FINAL PASSAGE**, in concurrence.

Acts

An Act to Prohibit Payment Card Skimming
S.P. 23 L.D. 83
(C "A" S-67)

An Act To Update Certain Provisions Pertaining to County Government

H.P. 179 L.D. 240

An Act To Increase the Limit on the Right To Rejoin the Maine State Retirement System

H.P. 391 L.D. 515
(C "A" H-106)

PASSED TO BE ENACTED and having been signed by the President were presented by the Secretary to the Governor for his approval.

An Act To Provide Tax Relief for People with Functional Limitations

H.P. 94 L.D. 118
(C "A" H-108)

On motion by Senator **ROTUNDO** of Androscoggin, placed on the **SPECIAL APPROPRIATIONS TABLE**, pending **ENACTMENT**, in concurrence.

An Act To Exempt the United States Flag and the Flag of the State of Maine from State Taxation

H.P. 266 L.D. 353
(C "A" H-77; S "A" S-74)

On motion by Senator **ROTUNDO** of Androscoggin, placed on the **SPECIAL APPROPRIATIONS TABLE**, pending **ENACTMENT**, in concurrence.

An Act To Alter Trade-in Allowances Regarding Motor Homes

H.P. 426 L.D. 593
(C "A" H-75)

On motion by Senator **ROTUNDO** of Androscoggin, placed on the **SPECIAL APPROPRIATIONS TABLE**, pending **ENACTMENT**, in concurrence.

Resolves

Resolve, Regarding Legislative Review of Chapter 15: Rules Relating to Severance Pay, a Major Substantive Rule of the Department of Labor, Bureau of Labor Standards

H.P. 12 L.D. 7
(C "A" H-107)

Resolve, Authorizing the State Tax Assessor To Convey the Interest of the State in Certain Real Estate in the Unorganized Territory

S.P. 148 L.D. 450
(C "A" S-69)

FINALLY PASSED and having been signed by the President were presented by the Secretary to the Governor for his approval.

ORDERS OF THE DAY

Unfinished Business

The following matter in the consideration of which the Senate was engaged at the time of Adjournment had preference in the Orders of the Day and continued with such preference until disposed of as provided by Senate Rule 516.

The Chair laid before the Senate the following Tabled and Later (4/14/05) Assigned matter:

SENATE REPORTS - from the Committee on **LABOR** on Bill "An Act To Amend the Maine Workers' Compensation Act of 1992 To Facilitate Timely Independent Medical Examinations and Benefit Payments"

S.P. 289 L.D. 881

Majority - **Ought Not to Pass** (8 members)

Minority - **Ought to Pass as Amended by Committee Amendment "A" (S-81)** (5 members)

Tabled - April 14, 2005, by Senator **STRIMLING** of Cumberland

Pending - motion by same Senator to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report

(In Senate, April 14, 2005, Reports **READ**.)

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

Senator **PLOWMAN:** Thank you, Madame President, men and women of the Senate. I rise and ask you to oppose this motion. The committee amendment is very important. It says that a doctor who is examining an employee may not perform the independent medical exam on that employee, but the way it reads right now is that he may not perform any independent medical exams on any employee if he has performed an exam for the company in the past year. In our town, if you have someone who's willing to examine patients for you at your request, they can't examine anybody for another year. That means my employees have to travel to Portland, at increased cost, for the overall cost of the workers' comp claim. It says that doctors don't know what they are doing when they are examining different patients. It doesn't make sense to me, that you are going to rule out a doctor because he actually examined someone from the same company within the past year. We are a state of small companies, hundreds and thousands of small companies. I don't know how many doctors you think are out there that can do these IME, but there aren't that many. When you start saying that a doctor can't see more than one patient from each company in the space of a year you are really limited access to the medical care for an injured worker. Keep in mind that the injured worker is often the person that asks for the IME. When they ask for an independent medical exam they are at a point where they kind of want to move on. It's not a juncture in the litigation where usually the employer is moving things along, it's time for the employee to say, 'I've been injured and I want someone to say that this is where I am and I need to be compensated.' Don't put these injured workers on the road for 6 hours or 4 hours, depending on where you are traveling from. Maine's a big state. Don't make them have to travel to find a doctor because the one doctor that can do it in the area saw somebody from ABC Window Company last week and he can't see another employee for the next 52 weeks. I ask you to reject this report and move to expand medical care for these people. Thank you.

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

Senator **BARTLETT:** Thank you, Madame President. I would take issue with a couple of the comments that I've heard. These examinations, either the independent medical examinations or the other exams that are performed on behalf of an employer, aren't about medical care. These are about evidence in a workers' comp hearing. These are people who are evaluating cases, and evaluating patients, and whose report will then be introduced into evidence at a workers' comp hearing. The big concern that we have is that if a particular doctor is continually performing examinations on the payroll of an employer, for them to use these reports as evidence at a workers' comp hearing, there is an obvious potential for bias. The examiner who wants to increase

their business, get more referrals from employers, is going to continue to favor those employers. There have been particular incidences where there are particular doctors who are on the list of independent medical examiners, people who are assigned by the board to do an unbiased review of the case. The problem is that as soon as these names get drawn, the settlement value changes dramatically because there are doctors who are known to favor the employer time and time again. It dramatically effects the settlement of the case. It changes the whole direction of the case and moves it out of the realm of competing legitimate unbiased evidence. This comes down to an evidentiary matter, not an issue of medical care. It is also important to recognize that the workers' comp board has taken numerous steps to try to expand the list of independent medical examiners. I think there is not as large a problem as maybe has been suggested in terms of the numbers on the list. It is also important to recognize that the workers' comp board voted in favor of opposing this bill. They voted to oppose overturning the line decision.

THE PRESIDENT: The Chair recognizes the Senator from Sagadahoc, Senator Mayo.

Senator **MAYO:** Thank you, Madame President, ladies and gentlemen of the Senate. I rise to ask you to defeat the motion in front of you. The reason that this issue has arisen this year is as the result of a law court case called the 'Lydon Decision'. As a result of that decision, qualified doctors, who have done an employee requested medical exam under 207, are not qualified to be IME doctors. Previously, the language of this statute was interpreted to say that a doctor who had done an exam on the, not on an, employee could not do the IME exam on the same employee. Many qualified doctors are now ineligible to perform IMEs if they had performed a 207 exam on any employee in the past 12 months. The number of physicians available to do these exams is not great, even though we have heard that it is a problem that is diminishing. As the good Senator from Penobscot, Senator Plowman, stated, injured workers, particularly from northern Maine, are driving 5 and 6 hours at a time to get an appointment with the only orthopedic IME doctor who is in York or in Portland and shares his time between those two particular counties.

Another thing that I think this body ought to bear in mind is that the workers' comp board controls the choice of who is an IME doctor and assigns the doctor when an IME is requested. Thus, if there is bias and if there is a problem, the workers' comp board can handle it. That is, basically, what the bill, as amended, is stating. If there is a problem, let the board, which is supposedly comprised of two representatives of the employees and two representatives of the employers plus the director, handle the situation if and when it becomes a problem. Let's revert back to what we operated under since 1993. Thank you.

On further motion by same Senator, supported by a Division of one-fifth of the members present and voting, a Roll Call was ordered.

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

Senator **STRIMLING:** Thank you, Madame President. Just very quickly. I would encourage my colleagues to vote for the motion in front of them. As short and sweet as I can explain this, all we

are trying to do is make sure that our examiners are independent. The court has ruled that you don't want examiners who have been 'the company doctor' examining folks in a workers' comp claim. That is all we are trying to do. Let's keep the law the way it is. The court has ruled very clearly. What this is trying to do would take that independence away. I would also mention that the workers' comp board did vote against this bill.

THE PRESIDENT: The Chair recognizes the Senator from Androscoggin, Senator Snowe-Mello.

Senator **SNOWE-MELLO:** Thank you, Madame President. I also ask that this body defeat the pending motion that's on the floor. It's funny, I have just the opposite opinion that my colleague from across the floor, the Senator from Cumberland, Senator Strimling. I think that this bill will keep our independent medical examiners alive and well.

Let me give you some points that haven't been mentioned yet that I think gives very good reasons why this bill should be passed as amended. Today the board has just 8 doctors willing to perform exams in relevant specialties; orthopedics, neurology, osteopathics, and pain management. In the years since Lydon, the board has been unable to fill the depleted 312 ranks because doctors are unwilling to review all 207 cases, even ones completely unrelated to the ones they might be deciding. Lydon now contributes to record backlogs at the board. It currently takes a year and a half to get a case decided when a 312 exam is requested. Is that fair to our injured workers? I don't think it is. Employees and their lawyers can and do request 312 exams just as often as insurers, just be assured to that. Disputed claims will be resolved more quickly if there is sufficient number of examiners available. This is a benefit to employees. The reality is that a doctor might perform 50 second opinions or 207 exams in a year and be as honest as the day is long, or a doctor might perform 2 and be horribly bias or compromised. This bill does not require the board to use these doctors. It just lets the board decide which, if either, is bias. The Maine Medical Association offered testimony in support of this bill as doctors realize they are not automatically bias just because they did a single second opinion exam. I ask you to please vote for this bill and not against it. Thank you very much.

THE PRESIDENT: The Chair recognizes the Senator from Oxford, Senator Hastings.

Senator **HASTINGS:** Thank you, Madame President, ladies and gentlemen of the Senate. I'd like to pose a question through the Chair if I can.

THE PRESIDENT: The Senator may pose his question.

Senator **HASTINGS:** As I read this bill, if the pending motion is passed and the law is left as it is, am I correct that a physician would only be able to do one independent medical examination in a 52 week period?

THE PRESIDENT: The Senator from Oxford, Senator Hastings poses a question through the Chair to anyone who may wish to answer. The Chair recognizes the Senator from Cumberland, Senator Bartlett.

Senator **BARTLETT:** Thank you, Madame President. Yes, the Lydon opinion said that if you had performed a medical examination on behalf of an employer in the past year, so anyone who wants to get their name back on the list to perform medical exams need to wait one year from the date of the last exam.

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

Senator **PLOWMAN:** Thank you, Madame President. One medical examination a year per company. Wasn't there some number intervening between one and all? Isn't this name drawn by lottery, first of all? It's drawn by lottery, it's not like I get to request who my employee is going to see. It comes up by lottery. The doctor's name comes up by chance. To me that just takes the planning, or the shopping, out of this. We're not talking about shopping. If we're not talking about shopping, then we're talking about access for injured workers. We have thousands of injured workers. You know that and I know that. You are going to allow a doctor to do one independent medical exam a year? That makes people wait an awfully long time. It also keeps them on the rolls for an awfully long time when they might be moving off. That's a comp savings. They don't move off because they are kicked off, they can move off because they actually settle. They have reached maximum medical improvement. Someone figures out how much their injury is worth, they multiply it with the incredible equation that I don't even pretend to understand, and then there is typically a settlement offer made after an IME. This is wrong, to make people wait this long. This is wrong, to take it from all to next to nothing. I think if there was a problem with someone being drawn too often, which is by chance and not by design, then we could have put some kind of number in here in the middle. That didn't happen. Because that didn't happen, I don't want to choose between next to nothing and limiting. You didn't give me much of a choice. I guess I'll choose all rather than next to nothing. I hope that you will be looking at it the same way because we don't have that many doctors in Maine. We don't have that many specialize in the injuries that need this kind of exam. We certainly do have a lot of people who need to have either one or both of these exams. I'm not a mathematician, but I'm a realist. Reality says that this is not going to work for injured employees at all. It will work, I suppose, for the out-of-state doctors when we have to send people out-of-state. If you are seeking a way to drive up my workers' comp costs again, just keep going. I appreciate what you do for me. Thank you.

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

Senator **BARTLETT:** Thank you, Madame President. I just wanted to clarify a point. The current law doesn't limit someone to perform one independent medical a year. If you are designated as an independent medical examiner, we call them 312 examiners, you can perform as many as you like. This simply means that if you have performed, or have been performing, medical examinations on behalf of employers, before you can get back onto the 312 list, the independent list, you would have to wait a year before working off that list. Once you are on the list you can do as many in a year as you'd want. I'd also like to briefly follow up on the lottery point. The problem is that it becomes a bit of a lottery. If you happen to draw a doctor who has done lots of employer exams, always comes out in favor of

the employer or does so a huge percentage of the time, you've won the lottery if you are the employer. If you happen to draw that independent medical examiner, you have won the lottery. An independent medical examiner is supposed to provide an unbiased report. To have anyone feel like they've won the lottery when they have drawn a particular doctor, to me, goes against the very fabric of what the 312 exams are all about.

THE PRESIDENT: The Chair recognizes the Senator from Somerset, Senator Mills.

Senator **MILLS:** Madame President and men and women of the Senate, it's a shame that we don't have an in-between solution. I have served on the Labor Committee for 6 years and I guess it was all together too common that we went to the floor with divided reports and often times didn't find it possible to seek an in-between solution to what is an acknowledged problem. As I see it, a physician could, if he specialized in only doing examinations at the request of the board, do physical examinations all day long. I don't think that those are as common, however, as the other kind of exam, which is done at the request, more typically, of the insurance carriers than of the employee. As I read the statute as it is presently worded, any one exam at the request of a party will disqualify that doctor from being considered by the board for an independent exam for a year. I think that is severe. It's extreme.

On the other hand, this issue takes me back to the days just before I started practicing. It was not uncommon. There was a lawyer who traveled around the state on behalf of insurance companies and had a doctor in the front seat of the Cadillac with him. They examined employees in the hallway of the municipal building where the hearings were held. The doctor was known to have only 4 or 5 selected opinion: there is nothing wrong with him; never was anything wrong with him; if there was anything wrong with him, it wasn't work related; and what ever was wrong with him is all over now. Frequently, that was the only medical evidence tendered. Workers' comp made its progress during the 1960's and 1970's, and as we all know, it when overboard in the late 1970's. The high water mark was 1977. We had the most liberal workers' comp law in the United States. Then it began being reformed, or changed and altered, under one administration after the other. Finally, we came to the law of 1992 and there have been these changes since.

I'm going to vote against the bill only because I would hope somebody would come up with another solution. There is still 3 months left in this session. Somebody surely could craft something that would do away with those physicians. Even in recent years, I must hasten to say, there have been physicians who worked almost exclusively for insurance companies and did not practice medicine. They are paid between \$1,000 and \$1,500 per exam. Their exam reports were thorough, meticulous, and they had a certain, not obvious, slant to them. They were very well prepared, almost encyclopedic reports, that were, in many instances, devastating to the employee's case. Sometimes not unfairly, I must hasten to say, but sometimes unfairly. We don't want physicians setting up shop and being specialists in representing either side, frankly. There must be some way to weed out and limit the physicians and their eligibility for this work without going to the extreme position that the statute is presently worded as. I'm at a loss as to what to do. I intend to vote Ought Not to Pass, but I wish somebody would present us with a different view.

THE PRESIDENT: The Chair recognizes the Senator from York, Senator Courtney.

Senator **COURTNEY:** Thank you, Madame President, men and women of the Senate. I guess I'm trying to figure this out a little bit. One of the things that I think may be missing from our discussion this morning is exactly what the problem is. I guess I'll ask a question through the Chair, with your permission.

THE PRESIDENT: The Senator may pose his question.

Senator **COURTNEY:** Thank you. What exactly is the reason for this legislation? Is it because we have doctors that are providing exams that are bias? Is that what the problem is?

THE PRESIDENT: The Senator from York, Senator Courtney poses a question through the Chair to anyone who may wish to answer. The Chair recognizes the Senator from Cumberland, Senator Strimling.

Senator **STRIMLING:** Thank you, Madame President. I would agree. What is the question? What is the problem? The way that it stands right now is that we have an independent medical examiner. Any doctor has to be independent. There is not a problem, so why change it?

THE PRESIDENT: The Chair recognizes the Senator from Androscoggin, Senator Snowe-Mello.

Senator **SNOWE-MELLO:** Thank you, Madame President. I think there is a problem. We don't have enough medical examiners to be able to properly treat these cases. I disagree with the wonderful Senator from Somerset, Senator Mills. How can you properly make a correct diagnosis on some of these cases? I think specialists are required in some of these areas to make the proper diagnosis. I also have to add that without the change employees will continue to wait 6 months to see the one orthopedic willing to see back cases. One example, they will continue to wait 3 months to see one of the two neurologists willing to see carpal tunnel cases. An employee with a pulmonary claim in Caribou will continue to be sent to the board's one pulmonologist in Kennebunk. Employees with cases that should be decided by an occupational doctor or neuro-surgeon will be out of luck because the board has not been able to recruit anyone from those specialties. I really believe that this change is necessary and I hope that you will support it and vote against the pending motion. Thank you.

THE PRESIDENT: The pending question before the Senate is the motion by the Senator from Cumberland, Senator Strimling to Accept the Majority Ought Not to Pass 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 (#68)

YEAS: Senators: BARTLETT, BRENNAN, BROMLEY,
BRYANT, COWGER, DAMON, DIAMOND,
GAGNON, HOBBS, MARTIN, MILLS, MITCHELL,
NUTTING, PERRY, PLOWMAN, ROTUNDO,
SCHNEIDER, STRIMLING, SULLIVAN, THE
PRESIDENT - BETH G. EDMONDS

NAYS: Senators: ANDREWS, CLUKEY, COURTNEY,
DAVIS, DOW, HASTINGS, MAYO, NASS, RAYE,
ROSEN, SAVAGE, SNOWE-MELLO, TURNER,
WESTON, WOODCOCK

20 Senators having voted in the affirmative and 15 Senators having voted in the negative, the motion by Senator **STRIMLING** of Cumberland to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report, **PREVAILED**.

Sent down for concurrence.

Off Record Remarks

The Chair laid before the Senate the following Tabled Unassigned matter:

JOINT ORDER - Expression of Legislative Sentiment
Recognizing the 90th Anniversary of the Armenian Genocide
- SLS 194

Tabled - March 22, 2005, by Senator **BRENNAN** of Cumberland

Pending - motion by same Senator to **PASS**

(In Senate, March 22, 2005, on motion by Senator Brennan of Cumberland, **READ**.)

READ.

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

Senator **BRENNAN:** Thank you, Madame President, men and women of the Senate. I hope you will join me today in remembering the 1.5 million people that perished 90 years ago during the Armenian Genocide. I'm pleased to say that we have members of the Maine Armenian community that are here with us today. I hope that you will join me in expressing our sympathy to them for the loss that they felt of relatives and family members. Finally, let us thank them for the contributions that they have made to the State of Maine. Thank you.

PASSED.

Sent down for concurrence.

THE PRESIDENT: The Chair would like to recognize in the rear of the chamber members of the Armenian community in Maine. Would they please rise and accept the greetings of the Maine Senate.

Senate at Ease.

Senate called to order by the President.

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

SENATE PAPERS

Bill "An Act Limiting Clean Election Candidates' Campaign Soliciting"

S.P. 570 L.D. 1596

Sponsored by Senator GAGNON of Kennebec.
Cosponsored by Representative: PATRICK of Rumford.

Bill "An Act To Compensate the Gambling Control Board" (EMERGENCY)

S.P. 571 L.D. 1597

Sponsored by Senator GAGNON of Kennebec.
Cosponsored by Representative PATRICK of Rumford.
Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.

Bill "An Act To Prevent Campaigning at Polling Places"
S.P. 572 L.D. 1598

Sponsored by Senator GAGNON of Kennebec.
Cosponsored by Representative HOTHAM of Dixfield.
Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.

Bill "An Act Regarding the Commission on Governmental Ethics and Election Practices" (EMERGENCY)

S.P. 573 L.D. 1599

Sponsored by Senator GAGNON of Kennebec.
Cosponsored by Representative PATRICK of Rumford.
Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.

Resolve, To Establish a Commission To Evaluate Criteria for Siting Agency Liquor Stores

S.P. 574 L.D. 1600

Sponsored by Senator GAGNON of Kennebec.
Cosponsored by Representative PATRICK of Rumford.
Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.

On motion by Senator **GAGNON** of Kennebec, **REFERRED** to the Committee on **LEGAL AND VETERANS AFFAIRS** and ordered printed.

Sent down for concurrence.

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

SENATE PAPERS

Bill "An Act To Prevent the Manufacturing of Methamphetamine in Maine"

S.P. 575 L.D. 1601

Sponsored by President EDMONDS of Cumberland.
Cosponsored by Speaker RICHARDSON of Brunswick and Senators: BARTLETT of Cumberland, BRENNAN of Cumberland, BROMLEY of Cumberland, DAMON of Hancock, DAVIS of Piscataquis, DIAMOND of Cumberland, DOW of Lincoln, GAGNON of Kennebec, HOBBS of York, MARTIN of Aroostook, MAYO of Sagadahoc, MILLS of Somerset, MITCHELL of Kennebec, NUTTING of Androscoggin, ROSEN of Hancock, STRIMLING of Cumberland, SULLIVAN of York, WESTON of Waldo, WOODCOCK of Franklin, Representatives: ADAMS of Portland, ANNIS of Dover-Foxcroft, AUSTIN of Gray, BARSTOW of Gorham, BEAUDETTE of Biddeford, BLISS of South Portland, BRAUTIGAM of Falmouth, BRYANT of Windham, BRYANT-DESCHENES of Turner, BURNS of Berwick, CAIN of Orono, CAMPBELL of Newfield, CANAVAN of Waterville, CARR of Lincoln, CEBRA of Naples, CLARK of Millinocket, CLOUGH of Scarborough, COLLINS of Wells, CRAVEN of Lewiston, CRESSEY of Cornish, CROSTHWAITE of Ellsworth, CUMMINGS of Portland, CURTIS of Madison, DAIGLE of Arundel, DAVIS of Falmouth, DUCHESNE of Hudson, DUDLEY of Portland, DUNN of Bangor, DUPLESSIE of Westbrook, EBERLE of South Portland, EDGECOMB of Caribou, FAIRCLOTH of Bangor, FISCHER of Presque Isle, FISHER of Brewer, FLETCHER of Winslow, GERZOFOSKY of Brunswick, GLYNN of South Portland, GOLDMAN of Cape Elizabeth, GROSE of Woolwich, HAMPER of Oxford, HANLEY of Gardiner, HARLOW of Portland, JACKSON of Fort Kent, JENNINGS of Leeds, JODREY of Bethel, KAELIN of Winterport, KOFFMAN of Bar Harbor, LANSLEY of Sabattus, LERMAN of Augusta, MAREAN of Hollis, MARRACHÉ of Waterville, MAZUREK of Rockland, McCORMICK of West Gardiner, McFADDEN of Dennysville, McLEOD of Lee, MERRILL of Appleton, MILLER of Somerville, MOORE of the Passamaquoddy Tribe, MOORE of Standish, MOULTON of York, NORTON of Bangor, NUTTING of Oakland, O'BRIEN of Lewiston, PARADIS of Frenchville, PATRICK of Rumford, PELLETIER-SIMPSON of Auburn, PERCY of Phippsburg, PERRY of Calais, PINEAU of Jay, PINGREE of North Haven, RECTOR of Thomaston, RICHARDSON of Greenville, RICHARDSON of Skowhegan, RINES of Wiscasset, ROSEN of Bucksport, SAMPSON of Auburn, SAVIELLO of Wilton, SCHATZ of Blue Hill, SHERMAN of Hodgdon, SMITH of Monmouth, SMITH of Van Buren, SOCKALEXIS of the Penobscot Nation, STEDMAN of Hartland, SYKES of Harrison, TUTTLE of Sanford, WOMEY of Biddeford, WALCOTT of Lewiston, WEBSTER of Freeport.

Submitted by the Department of the Attorney General pursuant to Joint Rule 204.

Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** suggested and ordered printed.

On motion by Senator **BROMLEY** of Cumberland, **REFERRED** to the Committee on **HEALTH AND HUMAN SERVICES**.

Sent down for concurrence.

All matters thus acted upon, with exception of those matters being held, were ordered sent down forthwith for concurrence.

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

ORDERS

Joint Order

On motion by Senator **MAYO** of Sagadahoc, the following Joint Order:

S.P. 576

ORDERED, the House concurring, that the Joint Standing Committee on Health and Human Services shall report out, to the Senate, a bill to move forward the start date of the Unused Pharmaceutical Disposal Program and to allow the receipt of non-General Fund public funding for the program.

READ and PASSED.

Sent down for concurrence.

All matters thus acted upon, with exception of those matters being held, were ordered sent down forthwith for concurrence.

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

COMMUNICATIONS

The Following Communication: S.C. 188

**MAINE STATE LEGISLATURE
COMMITTEE ON TAXATION
AUGUSTA, MAINE 04333**

April 14, 2005

LEGISLATIVE RECORD - SENATE, TUESDAY, APRIL 26, 2005

Honorable Beth Edmonds, President of the Senate
Honorable John Richardson, Speaker of the House
122nd Maine Legislature
State House
Augusta, Maine 04333

Dear President Edmonds and Speaker Richardson:

Pursuant to Joint Rule 310, we are writing to notify you that the Joint Standing Committee on Taxation has voted unanimously to report the following bills out "Ought Not to Pass":

- L.D. 189 RESOLUTION, Proposing an Amendment to the Constitution of Maine To Provide Property Tax Relief to Owners of Property Used for Commercial Fishing and Homestead Land
- L.D. 297 RESOLUTION, Proposing an Amendment to the Constitution of Maine To Allow the Legislature To Authorize Municipalities To Adopt a Property Tax Assistance Program That Reflects a Claimant's Ability To Pay
- L.D. 298 RESOLUTION, Proposing an Amendment to the Constitution of Maine To Authorize the Legislature To Allow Municipalities To Exempt from Property Tax a Portion of the Value of Homesteads
- L.D. 475 An Act To Change the Allocation of the Real Estate Transfer Tax
- L.D. 731 An Act To Simplify the Maine Residents Property Tax Program
- L.D. 740 An Act To Amend Maine's Nonresident Income Tax Provisions
- L.D. 751 An Act Concerning Counties' Share of the Real Estate Transfer Tax
- L.D. 1060 RESOLUTION, Proposing an Amendment to the Constitution of Maine To Value Land Based on Its Current Use
- L.D. 1066 An Act To Repeal the Homestead Property Tax Exemption and Redirect Property Tax Relief Funds to the Maine Residents Property Tax Program
- L.D. 1107 An Act To Encourage Local Affordable Housing, Open Space and Shore Access through a High Valuation Transfer Tax
- L.D. 1134 An Act Providing Senior Citizens with an Optional Deferred Payment Plan for the Payment of Property Taxes
- L.D. 1199 RESOLUTION, Proposing an Amendment to the Constitution of Maine To Limit Property Valuation Increases for Persons 65 Years of Age or Older or Disabled Persons

L.D. 1301 An Act To Support Affordable Housing

We have also notified the sponsors and cosponsors of each bill listed of the Committee's action.

Sincerely,

S/Sen. Joseph C. Perry
Senate Chair

S/Rep. Richard G. Woodbury
House Chair

READ and ORDERED PLACED ON FILE.

The Following Communication: S.C. 189

**MAINE STATE LEGISLATURE
COMMITTEE ON HEALTH & HUMAN SERVICES
AUGUSTA, MAINE 04333**

April 7, 2005

Honorable Beth Edmonds, President of the Senate
Honorable John Richardson, Speaker of the House
122nd Maine Legislature
State House
Augusta, Maine 04333

Dear President Edmonds and Speaker Richardson:

Pursuant to Joint Rule 310, we are writing to notify you that the Joint Standing Committee on Health and Human Services has voted unanimously to report the following bills out "Ought Not to Pass":

- L.D. 160 An Act To Ban Smoking in Bingo Halls, Off-track Betting Facilities and Enclosed Areas of Clubs Licensed for the Sale of Food or Alcohol
- L.D. 707 An Act To Improve Care for Adults with Mental Retardation
- L.D. 768 An Act Regarding General Assistance under Special Circumstances
- L.D. 801 Resolve, Directing the Department of Health and Human Services to Develop Strategies to Reduce Tobacco Use and Improve Public Health

We have also notified the sponsors and cosponsors of each bill listed of the Committee's action.

Sincerely,

S/Sen. Arthur F. Mayo, III
Senate Chair

S/Rep. Hannah Pingree
House Chair

READ and ORDERED PLACED ON FILE.

The Following Communication: S.C. 190

**MAINE STATE LEGISLATURE
COMMITTEE ON MARINE RESOURCES
AUGUSTA, MAINE 04333**

April 19, 2005

Honorable Beth Edmonds, President of the Senate
Honorable John Richardson, Speaker of the House
122nd Maine Legislature
State House
Augusta, Maine 04333

Dear President Edmonds and Speaker Richardson:

Pursuant to Joint Rule 310, we are writing to notify you that the Joint Standing Committee on Marine Resources has voted unanimously to report the following bill out "Ought Not to Pass":

L.D. 1213 An Act To Exempt Fisheries with Fewer than 20 Employees from the Department of Marine Resources Statistics-gathering Requirements

We have also notified the sponsor and cosponsors of the Committee's action.

Sincerely,

S/Sen. Dennis S. Damon S/Rep. Leila J. Percy
Senate Chair House Chair

READ and ORDERED PLACED ON FILE.

The Following Communication: S.C. 191

**MAINE STATE LEGISLATURE
COMMITTEE ON CRIMINAL JUSTICE & PUBLIC SAFETY
AUGUSTA, MAINE 04333**

April 19, 2005

Honorable Beth Edmonds, President of the Senate
Honorable John Richardson, Speaker of the House
122nd Maine Legislature
State House
Augusta, Maine 04333

Dear President Edmonds and Speaker Richardson:

Pursuant to Joint Rule 310, we are writing to notify you that the Joint Standing Committee on Criminal Justice and Public Safety has voted unanimously to report the following bills out "Ought Not to Pass":

L.D. 384 An Act To Allow a Person To Appeal to the State Police a Denial of a Concealed Weapons Permit

L.D. 1254 An Act Concerning Concealed Firearms Permits

L.D. 1323 An Act To Create the Crime of Producing Graffiti

We have also notified the sponsors and cosponsors of each bill listed of the Committee's action.

Sincerely,

S/Sen. Bill Diamond S/Rep. Patricia A. Blanchette
Senate Chair House Chair

READ and ORDERED PLACED ON FILE.

The Following Communication: S.C. 192

**MAINE STATE LEGISLATURE
COMMITTEE ON EDUCATION AND CULTURAL AFFAIRS
AUGUSTA, MAINE 04333**

April 21, 2005

Honorable Beth Edmonds, President of the Senate
Honorable John Richardson, Speaker of the House
122nd Maine Legislature
State House
Augusta, Maine 04333

Dear President Edmonds and Speaker Richardson:

Pursuant to Joint Rule 310, we are writing to notify you that the Joint Standing Committee on Education and Cultural Affairs has voted unanimously to report the following bills out "Ought Not to Pass":

L.D. 187 An Act To Delay Certain Educational Assessment Requirements

L.D. 426 Resolve, To Place a Moratorium on School Administrative Units' Local Assessment Systems

L.D. 665 Resolve, Directing the Department of Education To Clarify Graduation Requirements for Special Education Students

L.D. 675 An Act To Require That Students Meet Learning Results Requirements before Entering Grade 9

L.D. 783 An Act To Require That the Pupil Evaluation Team Set Graduation Standards for Special Education Students

L.D. 784 Resolve, Directing the Department of Education To Conduct a Fiscal Analysis of State Requirements That School Administrative Units Implement Local Assessment Systems

- L.D. 1088 Resolve, Directing the Department of Education To Review Specific Testing Requirements for Student Advancement
- L.D. 1137 An Act To Ensure Implementation of All Content Areas of the System of Learning Results
- L.D. 1221 Resolve, To Replace the Current Assessment Exams with a More Appropriate Test
- L.D. 1295 An Act To Establish the Maine Enterprise Commerce Center of Augusta
- L.D. 1386 An Act Concerning Town Academies and the System of Learning Results

We have also notified the sponsors and cosponsors of each bill listed of the Committee's action.

Sincerely,

S/Sen. Elizabeth H. Mitchell S/Rep. Jacqueline Norton
Senate Chair House Chair

READ and ORDERED PLACED ON FILE.

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

COMMUNICATIONS

The Following Communication: S.P. 578

**122nd MAINE STATE LEGISLATURE
AUGUSTA, MAINE 04333**

April 25, 2005

Sen. Scott W. Cowger
Senate Chair, Joint Standing Committee on Natural Resources
Rep. Theodore S. Koffman
House Chair, Joint Standing Committee on Natural Resources
122nd Legislature
Augusta, ME 04333

Dear Senator Cowger and Representative Koffman:

Please be advised that Governor John E. Baldacci has nominated Elizabeth Ehrenfeld of Falmouth and Denis Culley of Mercer for appointment as members of the Board of Environmental Protection.

Pursuant to Title 38 M.R.S.A. §341-C, these nominations will require review by the Joint Standing Committee on Natural Resources.

Sincerely,

S/Beth Edmonds
President of the Senate

S/John Richardson
Speaker of the House

READ and REFERRED to the Committee on **NATURAL RESOURCES.**

Sent down for concurrence.

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

COMMUNICATIONS

The Following Communication: S.P. 579

**122nd MAINE STATE LEGISLATURE
AUGUSTA, MAINE 04333**

April 25, 2005

Sen. Elizabeth H. Mitchell
Senate Chair, Joint Standing Committee on Education and Cultural Affairs
Rep. Jacqueline R. Norton
House Chair, Joint Standing Committee on Education and Cultural Affairs
122nd Legislature
Augusta, ME 04333

Dear Senator Mitchell and Representative Norton:

Please be advised that Governor John E. Baldacci has nominated Shepard Lee of Cape Elizabeth and Andrea Watkins of Windsor for appointment and Cynthia Phinney of New Sharon for reappointment as members of the Board of Trustees, Maine Community College System.

Pursuant to Title 20-A, M.R.S.A., §12705(1) these nominations will require review by the Joint Standing Committee on Education and Cultural Affairs.

Sincerely,

S/Beth Edmonds
President of the Senate

S/John Richardson
Speaker of the House

READ and REFERRED to the Committee on **EDUCATION AND CULTURAL AFFAIRS.**

Sent down for concurrence.

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

COMMUNICATIONS

The Following Communication: S.P. 580

**122nd MAINE STATE LEGISLATURE
AUGUSTA, MAINE 04333**

April 22, 2005
Sen. Elizabeth H. Mitchell
Senate Chair, Joint Standing Committee on Education and
Cultural Affairs
Rep. Jacqueline R. Norton
House Chair, Joint Standing Committee on Education and
Cultural Affairs
122nd Legislature
Augusta, ME 04333

Dear Senator Mitchell and Representative Norton:

Please be advised that, pursuant to Title 3 M.R.S.A. §154,
Governor John E. Baldacci has withdrawn the nomination of Ms.
Merle Nelson for appointment as a member of the Board of
Trustees, Maine Community College System. The withdrawal of
this nomination is necessary due to scheduling conflicts for the
confirmation process.

This nomination is currently pending before the Joint Standing
Committee on Education and Cultural Affairs.

Sincerely,

S/Beth Edmonds S/John Richardson
President of the Senate Speaker of the House

READ and REFERRED to the Committee on **EDUCATION AND
CULTURAL AFFAIRS**.

Sent down for concurrence.

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

COMMUNICATIONS

The Following Communication: S.P. 581

**122nd MAINE STATE LEGISLATURE
AUGUSTA, MAINE 04333**

April 25, 2005

Sen. Elizabeth H. Mitchell
Senate Chair, Joint Standing Committee on Education and
Cultural Affairs
Rep. Jacqueline R. Norton
House Chair, Joint Standing Committee on Education and
Cultural Affairs
122nd Legislature
Augusta, ME 04333

Dear Senator Mitchell and Representative Norton:

Please be advised that Governor John E. Baldacci has nominated
Merle Nelson of Falmouth for appointment as a member of the
Board of Trustees, Maine Community College System.

Pursuant to Title 20-A, M.R.S.A., §12705(1), this nomination will
require review by the Joint Standing Committee on Education and
Cultural Affairs.

Sincerely,

S/Beth Edmonds S/John Richardson
President of the Senate Speaker of the House

READ and REFERRED to the Committee on **EDUCATION AND
CULTURAL AFFAIRS**.

Sent down for concurrence.

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

REPORTS OF COMMITTEES

House

Ought to Pass As Amended

The Committee on **TRANSPORTATION** on Bill "An Act To
Exempt Certain Tires from the Speed Rating Requirements"
H.P. 303 L.D. 418

Reported that the same **Ought to Pass as Amended by
Committee Amendment "A" (H-117)**.

Comes from the House with the Report **READ and ACCEPTED**
and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY
COMMITTEE AMENDMENT "A" (H-117)**.

Report **READ and ACCEPTED**, in concurrence.

READ ONCE.

Committee Amendment "A" (H-117) **READ and ADOPTED**, in
concurrence.

Under suspension of the Rules, **READ A SECOND TIME** and
PASSED TO BE ENGROSSED AS AMENDED, in concurrence.

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

PAPERS FROM THE HOUSE

House Papers

Bill "An Act To Enhance Maine's Medical Errors Reporting System"

H.P. 1116 L.D. 1580

Comes from the House, **REFERRED** to the Committee on **HEALTH AND HUMAN SERVICES** and ordered printed.

On motion by Senator **MAYO** of Sagadahoc, **REFERRED** to the Committee on **HEALTH AND HUMAN SERVICES** and ordered printed, in concurrence.

Bill "An Act To Improve Child Support Services"

H.P. 1125 L.D. 1589

Committee on **HEALTH AND HUMAN SERVICES** suggested and ordered printed.

Comes from the House, **REFERRED** to the Committee on **JUDICIARY**.

On motion by Senator **MAYO** of Sagadahoc, **TABLED** until Later in Today's Session, pending **REFERENCE**.

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

PAPERS FROM THE HOUSE

House Paper

Bill "An Act To Protect Maine Citizens from Medical Negligence"
H.P. 1118 L.D. 1582

Comes from the House, **REFERRED** to the Committee on **JUDICIARY** and ordered printed.

On motion by Senator **HOBBS** of York, **REFERRED** to the Committee on **JUDICIARY** and ordered printed, in concurrence.

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

PAPERS FROM THE HOUSE

House Paper

Bill "An Act To Amend Certain Laws Administered by the Department of Environmental Protection"
H.P. 1124 L.D. 1588

Comes from the House, **REFERRED** to the Committee on **NATURAL RESOURCES** and ordered printed.

On motion by Senator **COWGER** of Kennebec, **REFERRED** to the Committee on **NATURAL RESOURCES** and ordered printed, in concurrence.

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

PAPERS FROM THE HOUSE

House Papers

Resolve, Directing the State Tax Assessor To Adjust the State Valuation for the Town of Wiscasset (EMERGENCY)

H.P. 1120 L.D. 1584

Bill "An Act To Provide a Temporary Sales Tax Exemption for Prescription Drugs for Animals" (EMERGENCY)

H.P. 1121 L.D. 1585

Bill "An Act To Modernize Maine's Tax Code"

H.P. 1123 L.D. 1587

Bill "An Act To Provide an Income Tax Exemption to Recent College Graduates Who Work in Maine To Help Them Pay College Loans"

H.P. 1130 L.D. 1594

Come from the House, **REFERRED** to the Committee on **TAXATION** and ordered printed.

On motion by Senator **STRIMLING** of Cumberland, **REFERRED** to the Committee on **TAXATION** and ordered printed, in concurrence.

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

PAPERS FROM THE HOUSE

House Paper

Bill "An Act To Rebalance Maine's Tax Code"

H.P. 1131 L.D. 1595

Comes from the House, **REFERRED** to the Committee on **TAXATION** and ordered printed.

On motion by Senator **STRIMLING** of Cumberland, **REFERRED** to the Committee on **TAXATION** and ordered printed, in concurrence.

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

PAPERS FROM THE HOUSE

House Paper

Resolve, Directing the Department of Transportation To Strengthen Guardrails on Old County Road in Rockland and Thomaston

H.P. 1119 L.D. 1583

Comes from the House, **REFERRED** to the Committee on **TRANSPORTATION** and ordered printed.

On motion by Senator **DAMON** of Hancock, **REFERRED** to the Committee on **TRANSPORTATION** and ordered printed, in concurrence.

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

PAPERS FROM THE HOUSE

House Paper

Bill "An Act To Encourage the Use of Solar Energy"
H.P. 1122 L.D. 1586

Comes from the House, **REFERRED** to the Committee on **UTILITIES AND ENERGY** and ordered printed.

On motion by Senator **BARTLETT** of Cumberland, **REFERRED** to the Committee on **UTILITIES AND ENERGY** and ordered printed, in concurrence.

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

PAPERS FROM THE HOUSE

House Paper

Pursuant to Statute

Department of Professional and Financial Regulation, Bureau of Insurance

The **Department of Professional and Financial Regulation, Bureau of Insurance**, pursuant to the Maine Revised Statutes, Title 5, section 8072 asked leave to report that the accompanying Resolve, Regarding Legislative Review of Portions of Chapter 750: Standardized Health Plans, a Major Substantive Rule of the Department of Professional and Financial Regulation, Bureau of Insurance (EMERGENCY)

H.P. 1129 L.D. 1593

Be **REFERRED** to the Committee on **INSURANCE AND FINANCIAL SERVICES** and ordered printed pursuant to Joint Rule 218.

Comes from the House with the Report **READ** and **ACCEPTED** and the Resolve **REFERRED** to the Committee on **INSURANCE AND FINANCIAL SERVICES** and ordered printed pursuant to Joint Rule 218.

Report **READ** and **ACCEPTED**, in concurrence.

On motion by Senator **SULLIVAN** of York, **REFERRED** to the Committee on **INSURANCE AND FINANCIAL SERVICES** and ordered printed pursuant to Joint Rule 218, in concurrence.

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

PAPERS FROM THE HOUSE

House Paper

**Pursuant to Statute
Public Utilities Commission**

The **Public Utilities Commission**, pursuant to the Maine Revised Statutes, Title 5, section 8072 asked leave to report that the accompanying Resolve, Regarding Legislative Review of Chapter 920: Maine Model Building Energy Code, a Major Substantive Rule of the Public Utilities Commission (EMERGENCY)

H.P. 1127 L.D. 1591

Be **REFERRED** to the Committee on **UTILITIES AND ENERGY** and ordered printed pursuant to Joint Rule 218.

Comes from the House with the Report **READ** and **ACCEPTED** and the Resolve **REFERRED** to the Committee on **UTILITIES AND ENERGY** and ordered printed pursuant to Joint Rule 218.

Report **READ** and **ACCEPTED**, in concurrence.

On motion by Senator **BARTLETT** of Cumberland, **REFERRED** to the Committee on **UTILITIES AND ENERGY** and ordered printed pursuant to Joint Rule 218, in concurrence.

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

PAPERS FROM THE HOUSE

Joint Resolution

The following Joint Resolution:

H.P. 1132

**JOINT RESOLUTION RECOGNIZING
ADULT EDUCATION IN MAINE**

WHEREAS, since 1871, Maine's public schools have supported the development of an adult education system that has grown and adapted to meet the needs of Maine's population at 126 locations throughout the State, serving more than 118,000 Maine adults annually; and

WHEREAS, current program areas in adult education reflect the variety of ways Maine's programs serve the needs of the State's population, such as:

1. Collaboration with the Maine Compact for Higher Education and postsecondary institutions, including the Maine Community College System and the University of Maine System, to provide career guidance and brush-up and college preparation classes for aspiring students;
2. Providing direct service to more than 3,500 Maine workers dislocated from 100 companies during the past 3 years;
3. Conferring high school and GED diplomas, with 800 high school diplomas and 2,100 GED diplomas awarded in Maine last year;
4. Playing a key role in Maine's economic development with programs designed to increase workplace readiness and basic skills, including academic review and career guidance, as well as courses offered in collaboration with the Department of Labor and the Maine Centers for Women, Work and Community, and on-site training at businesses focusing on such skills as math, computer literacy, reading and writing;
5. Literacy classes and tutoring, as well as English for speakers of other languages, often in collaboration with Literacy Volunteers of Maine;
6. Family literacy, which includes adult education, early literacy, parenting instruction and intergenerational activities; and
7. A vibrant array of community programs reflecting the needs and interests of Maine people; and

WHEREAS, funding for adult education in Maine is a partnership that includes state subsidies, local taxpayer support, grants, contracts and fees paid by those enrolled in nonacademic courses; now, therefore, be it

RESOLVED: That, We, the Members of the One Hundred and Twenty-second Legislature now assembled in the First Special Session, pause to acknowledge and applaud Maine's adult education programs, which uniquely reflect the needs of the communities they serve and provide a vital system of service to the population of the State as new challenges are faced in economic, community and family life; and be it further

RESOLVED: That suitable copies of this Joint Resolution, duly authenticated by the Secretary of State, be transmitted to the Department of Education.

Comes from the House, **READ** and **ADOPTED**.

READ and **ADOPTED**, in concurrence.

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

REPORTS OF COMMITTEES

House

Refer Pursuant to Joint Order

The Committee on **NATURAL RESOURCES** on Bill "An Act Regarding Disposal of Dredged Materials"
H.P. 1128 L.D. 1592

Reported that the same be **REFERRED** to the Committee on **NATURAL RESOURCES**, pursuant to Joint Order, H.P. 721.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **REFERRED** to the Committee on **NATURAL RESOURCES**.

Report **READ** and **ACCEPTED**, in concurrence.

On motion by Senator **COWGER** of Kennebec, Bill and accompanying papers **REFERRED** to the Committee on **NATURAL RESOURCES**, in concurrence.

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

ORDERS

Joint Order

On motion by Senator **NUTTING** of Androscoggin, the following Joint Order:
S.P. 577

ORDERED, the House concurring, that the Joint Standing Committee on Agriculture, Conservation and Forestry shall report out, to the Senate, a bill regarding the regulation of poultry processing.

READ and **PASSED**.

Sent down for concurrence.

All matters thus acted upon, with exception of those matters being held, were ordered sent down forthwith for concurrence.

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

REPORTS OF COMMITTEES

House

Ought to Pass

LEGISLATIVE RECORD - SENATE, TUESDAY, APRIL 26, 2005

The Committee on **TRANSPORTATION** on Resolve, To Rename Chick Road in Lebanon and Sanford after the Late State Representative Howard Chick

H.P. 41 L.D. 45

On motion by Senator **BRENNAN** of Cumberland, **ADJOURNED**, to Thursday, April 28, 2005, at 10:00 in the morning.

Reported that the same **Ought to Pass**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED**.

Report **READ** and **ACCEPTED**, in concurrence.

READ ONCE.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

All matters thus acted upon, with exception of those matters being held, were ordered sent down forthwith for concurrence.

Senator **ROTUNDO** of Androscoggin was granted unanimous consent to address the Senate off the Record.

Senator **DAMON** of Hancock was granted unanimous consent to address the Senate off the Record.

Senator **BRENNAN** of Cumberland was granted unanimous consent to address the Senate off the Record.

Senator **TURNER** of Cumberland was granted unanimous consent to address the Senate off the Record.

Senator **SNOWE-MELLO** of Androscoggin was granted unanimous consent to address the Senate off the Record.

Senator **SULLIVAN** of York was granted unanimous consent to address the Senate off the Record.

Senator **MARTIN** of Aroostook was granted unanimous consent to address the Senate off the Record.

Off Record Remarks
