

# 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

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

In Senate Chamber  
Wednesday  
May 18, 2005

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

Prayer by Pastor Elizabeth Bailey Roberts of the North Vienna  
United Methodist Church.

**PASTOR ROBERTS:** Let us pray. Dear God, we are human and  
so we are blessed with the freedom to make choices based on  
our best discernment for what is right and good. Help us this day  
to listen carefully to the needs of those who are weak and  
powerless. Help us to choose wisely the paths we travel as we  
seek common ground. Help us to transcend heady arguments in  
order to move forward to a common goal. Give us vision so that  
we may stand together and see with new eyes the beauty of our  
state and her people. Help us in our decision making this day so  
that our people are well served and well cared for. Amen.

Doctor of the day, Dr. David Preston of China.

Reading of the Journal of Tuesday, May 17, 2005.

Off Record Remarks

**PAPERS FROM THE HOUSE**

**Non-Concurrent Matter**

HOUSE REPORT - from the Committee on **MARINE  
RESOURCES** on Bill "An Act To Authorize the Assessment and  
Collection of Harbor Fees"

H.P. 1153 L.D. 1635

Report - **REFER** to the Committee on **TAXATION**

In House, May 16, 2005, Report **READ** and **ACCEPTED** and the  
Bill and accompanying papers **REFERRED** to the Committee on  
**TAXATION**.

In Senate, May 16, 2005, Report **READ** and the Bill and  
accompanying papers **COMMITTED** to the Committee on  
**MARINE RESOURCES**, in **NON-CONCURRENCE**.

Comes from the House, that Body **INSISTED**.

On motion by Senator **DAMON** of Hancock, the Senate  
**ADHERED**.

**Joint Resolution**

The following Joint Resolution:

H.P. 1183

**JOINT RESOLUTION MEMORIALIZING THE PRESIDENT AND  
CONGRESS OF THE UNITED STATES TO ALLOW POLAND'S  
CITIZENS TO TRAVEL TO THE UNITED STATES WITHOUT  
VISAS**

WE, your Memorialists, the Members of the One Hundred  
and Twenty-second Legislature of the State of Maine now  
assembled in the First Special Session, most respectfully present  
and petition the President and Congress of the United States as  
follows:

WHEREAS, the visa waiver program was established under  
8 United States Code, Section 1187 to provide under certain  
conditions a visa waiver to citizens of certain countries; and

WHEREAS, 8 Code of Federal Regulations, Section 217.2  
(2005) delineates the specific requirements of the visa waiver  
program, including the list of countries whose citizens may take  
advantage of its provisions; and

WHEREAS, the list of countries allowed to have the visa  
requirement waived includes Andorra, Australia, Austria, Belgium,  
Brunei, Denmark, Finland, France, Germany, Iceland, Ireland,  
Italy, Japan, Liechtenstein, Luxembourg, Monaco, the  
Netherlands, New Zealand, Norway, Portugal, San Marino,  
Singapore, Slovenia, Spain, Sweden, Switzerland and the United  
Kingdom; and

WHEREAS, citizens from Poland are still required to go  
through the visa process, despite the change in circumstances of  
that nation during the last 15 years and its being a staunch ally of  
the United States; and

WHEREAS, since the breakup of the Soviet Union, Poland  
has been a free and democratic nation and is a member of the  
North Atlantic Treaty Organization, known as NATO, and is an  
indispensable ally to our own Nation, actively participating in  
Operation Iraqi Freedom and the Iraqi reconstruction with troops  
serving alongside American soldiers; and

WHEREAS, the President of the United States, George W.  
Bush, and other high-ranking officials in our government have  
described Poland as one of our best allies; and

WHEREAS, many Polish citizens wanting to visit the United  
States are relatives of American citizens and they face major  
impediments in the visa process, while Americans going to  
Poland have had the visa requirement waived for them since  
1991; and

WHEREAS, in view of the enormous strides that Poland has made in democratic reform and the new status of Poland as a major ally of the United States, as firm and staunch as our oldest allies who have had the visa requirement waived; now, therefore, be it

RESOLVED: That We, your Memorialists, respectfully urge that Poland be included in the United States Department of Homeland Security's visa waiver program as codified in 8 Code of Federal Regulations, Section 217.2; and be it further

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the Honorable George W. Bush, President of the United States, the United States Secretary of Homeland Security, the Speaker of the United States House of Representatives and the President of the United States Senate and to each Member of the Maine Congressional Delegation.

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

**READ** and **ADOPTED**, in concurrence.

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## ORDERS

### Joint Resolution

On motion by Senator **ROTUNDO** of Androscoggin (Cosponsored by Representative **CRAVEN** of Lewiston and Senators: **BRENNAN** of Cumberland, **COWGER** of Kennebec, President **EDMONDS** of Cumberland, **GAGNON** of Kennebec, **MARTIN** of Aroostook, **MAYO** of Sagadahoc, **PERRY** of Penobscot, **SCHNEIDER** of Penobscot, **STRIMLING** of Cumberland, **SULLIVAN** of York, Representatives: **ADAMS** of Portland, **BABBIDGE** of Kennebunk, **BRYANT** of Windham, **CANAVAN** of Waterville, **DRISCOLL** of Westbrook, **DUNN** of Bangor, **FARRINGTON** of Gorham, **FLOOD** of Winthrop, **GROSE** of Woolwich, **HOGAN** of Old Orchard Beach, **MAKAS** of Lewiston, **MARRACHÉ** of Waterville, **MERRILL** of Appleton, **O'BRIEN** of Lewiston, **PARADIS** of Frenchville, **PATRICK** of Rumford, **PERCY** of Phippsburg, **PILON** of Saco, **PINGREE** of North Haven, **TUTTLE** of Sanford, **WALCOTT** of Lewiston) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 214.), the following Joint Resolution:

S.P. 623

**JOINT RESOLUTION MEMORIALIZING THE PRESIDENT OF  
THE  
UNITED STATES AND THE CONGRESS OF THE UNITED  
STATES  
TO CONTINUE STIPENDS AT CURRENT LEVELS FOR  
VETERANS  
IN VETERANS' NURSING HOMES**

WE, your Memorialists, the Members of the One Hundred and Twenty-second Legislature of the State of Maine now assembled in the First Special Session, most respectfully present and petition the President of the United States and the Congress of the United States as follows:

WHEREAS, the State of Maine recognizes the great service and sacrifice that our veterans have given to, protect and honorably serve our country and that state veterans' homes are the largest deliverer of long-term care to our nation's veterans; and

WHEREAS, state veterans' homes are the most cost-effective means to provide long-term care to veterans, with lower costs than contract nursing home placements and Veterans Administration medical center nursing home care; and

WHEREAS, the number of veterans is growing substantially each year, thereby creating an increasing demand for long-term care; and

WHEREAS, the Federal Government has provided support for the state veterans' homes through a partnership between the Veterans Administration and state veterans' homes for over 100 years, and the state veterans' homes were designed to be reliant on the per diem payments from the Veterans Administration in order to operate; and

WHEREAS, the proposed budget for 2006 would drastically reduce the number of veterans eligible for per diem payments, by 51% according to the President's estimates and at least 80% by the estimates of the state veterans' homes operators; and

WHEREAS, the state veterans' homes would be forced to significantly reduce their standard of care or close down, essentially placing the entire state veterans' home system at risk; and

WHEREAS, if the state veterans' homes were to close, then those veterans who would no longer qualify for per diem payments would have nowhere to go, and those veterans who do qualify would be pushed into more costly care facilities, such as contract nursing home placements and Veterans Administration medical center nursing home care; now, therefore, be it

RESOLVED: That We, your Memorialists, respectfully urge the Congress of the United States to vote against that section of the proposed Veterans Administration's 2006 budget that drastically reduces the number of veterans eligible for stipends in state veterans' homes; and be it further

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the President of the United States, the President of the United States Senate, the Speaker of the United States House of Representatives and to each Member of the Maine Congressional Delegation.

**READ.**

**THE PRESIDENT:** The Chair recognizes the Senator from Androscoggin, Senator Rotundo.

**Senator ROTUNDO:** Thank you, Madame President, men and women of the Senate. I bring this Joint Resolution before you today so that we can let the United States Congress know how we feel about the injustice being proposed in the 2006 federal budget they are considering. The proposed budget calls for

slashing eligibility for the daily stipend paid to veterans in the nations' veteran's homes and we need to do all that we can to keep this payment in place. Under current rules, the stipend of \$59 per day is paid to most of the veterans in Maine's veteran's homes. This money goes to offset the cost of their care. The guidelines proposed in the 2006 budget will make over 80% of those veterans ineligible. First of all, this is an injustice for those veterans receiving the stipend, many of whom are WWII vets who gave up the best years of their lives to serve their country at a time of great peril. Many of them could not afford to pay for the care they receive in these homes without the stipend and caring for them in their twilight years is a debt I feel is the least we can do for them. Secondly, it puts a tremendous burden on the veterans' homes in this state. Without the stipends they face closure. They provide some of the best, most cost effective care in the state and their loss would be a real blow, putting additional burdens on both the rest of the state's nursing homes and the MaineCare system, which would end up paying for them. This federal program for veterans is not new. It was initiated shortly after the Civil War and has been in place ever since. I encourage you to join me in telling the Congress that we feel that the tradition of supporting the veterans in their declining years needs to be continued, especially when we're asking a whole new generation to risk their lives in Iraq. Please vote yes on this resolution. Thank you.

On motion by Senator **ROTUNDO** of Androscoggin, **ADOPTED**.

Sent down for concurrence.

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Off Record Remarks

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

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**REPORTS OF COMMITTEES**

**House**

**Divided Report**

The Majority of the Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act To Rename the Bangor Mental Health Institute the Dorothea Dix Center for Public Service and To Establish the Dorothea Dix Award"

H.P. 416 L.D. 561

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-349)**.

Signed:

Senators:  
MAYO of Sagadahoc  
MARTIN of Aroostook  
ROSEN of Hancock

Representatives:

PINGREE of North Haven  
WALCOTT of Lewiston  
GROSE of Woolwich  
WEBSTER of Freeport  
MILLER of Somerville  
BURNS of Berwick  
SHIELDS of Auburn  
GLYNN of South Portland

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

Signed:

Representatives:

CAMPBELL of Newfield  
LEWIN of Eliot

(Representative **SOCKALEXIS** of the Penobscot Nation - of the House - supports the Majority **Ought To Pass as Amended Report**.)

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-349)**.

Reports **READ**.

On motion by Senator **MAYO** of Sagadahoc, the Majority **OUGHT TO PASS AS AMENDED Report ACCEPTED**, in concurrence.

**READ ONCE**.

Committee Amendment "A" (H-349) **READ and ADOPTED**, in concurrence.

**ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY**.

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**Divided Report**

The Majority of the Committee on **LABOR** on Bill "An Act To Amend the Laws Concerning the Maine State Retirement System"

H.P. 299 L.D. 396

Reported that the same **Ought 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  
HUTTON of Bowdoinham  
DUPREY of Hampden  
TUTTLE of Sanford  
HAMPER of Oxford  
CLARK of Millinocket

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

Signed:

Representative:

CRESSEY of Cornish

Comes from the House with the Majority **OUGHT TO PASS** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED**.

Reports **READ**.

On motion by Senator **STRIMLING** of Cumberland, the Majority **OUGHT TO PASS** Report **ACCEPTED**, in concurrence.

**READ ONCE**.

**ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY**.

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**Divided Report**

The Majority of the Committee on **MARINE RESOURCES** on Bill "An Act To Amend Maine's Shellfish Laws To Maintain Compliance with Federal Law and Protect Maine's Shellfish Industry"

H.P. 1013 L.D. 1449

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-351)**.

Signed:

Senators:

DAMON of Hancock  
ANDREWS of York

Representatives:

FLETCHER of Winslow  
EMERY of Cutler  
KAELIN of Winterport  
CRESSEY of Cornish  
PERCY of Phippsburg  
EDER of Portland  
ADAMS of Portland

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

Signed:

Senator:

SULLIVAN of York

Representatives:

DUGAY of Cherryfield  
ASH of Belfast

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-351)**.

Reports **READ**.

Senator **DAMON** of Hancock 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.

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**Senate**

**Ought to Pass**

Senator **DIAMOND** for the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** on Bill "An Act To Amend the Sentencing Laws" (EMERGENCY)

S.P. 521 L.D. 1505

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

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

**READ ONCE**.

**ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY**.

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**Ought to Pass As Amended**

Senator **ROTUNDO** for the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** on Bill "An Act To Appropriate Funds for the School Breakfast Program"

S.P. 535 L.D. 1540

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-195)**.

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

**READ ONCE.**

Committee Amendment "A" (S-195) **READ** and **ADOPTED**.

**ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.**

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Off Record Remarks

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Senator DIAMOND for the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** on Bill "An Act To Improve the Role of Boards of Visitors for State Correctional Facilities"  
S.P. 141 L.D. 417

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-194)**.

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

**READ ONCE.**

Committee Amendment "A" (S-194) **READ** and **ADOPTED**.

**ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.**

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**Divided Report**

The Majority of the Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act To Repeal Tax and Match"  
S.P. 236 L.D. 699

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

Signed:

Senators:

MAYO of Sagadahoc  
MARTIN of Aroostook

Representatives:

PINGREE of North Haven  
WALCOTT of Lewiston  
GROSE of Woolwich  
WEBSTER of Freeport  
MILLER of Somerville  
BURNS of Berwick

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (S-193)**.

Signed:

Senator:

ROSEN of Hancock

Representatives:

SHIELDS of Auburn  
CAMPBELL of Newfield  
LEWIN of Eliot  
GLYNN of South Portland

(Representative SOCKALEXIS of the Penobscot Nation - of the House - supports the Majority **Ought Not To Pass** Report.)

Reports **READ**.

Senator **MAYO** of Sagadahoc 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.

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**Divided Report**

The Majority of the Committee on **INLAND FISHERIES AND WILDLIFE** on Bill "An Act To Allow a Person 18 Years of Age or Younger To Take an Antlerless Deer during Hunting Season without a Permit"

S.P. 366 L.D. 1049

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

Signed:

Senator:

BRYANT of Oxford

Representatives:

WATSON of Bath  
LUNDEEN of Mars Hill  
WHEELER of Kittery  
CEBRA of Naples  
TRAHAN of Waldoboro  
RICHARDSON of Greenville  
JACKSON of Fort Kent  
RICHARDSON of Carmel  
BRYANT of Windham

The Minority of the same Committee on the same subject reported that the same **Ought To Pass**.

Signed:

Senator:

WOODCOCK of Franklin

Representative:

MOODY of Manchester

Reports **READ**.

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

Sent down for concurrence.

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

**REPORTS OF COMMITTEES**

**Senate**

**Ought to Pass As Amended**

Senator SCHNEIDER for the Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act To Authorize the Deorganization of the Town of Cooper"

S.P. 603 L.D. 1626

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-196)**.

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

**READ ONCE.**

Committee Amendment "A" (S-196) **READ** and **ADOPTED**.

**ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.**

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

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

**ENACTORS**

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

**Emergency Measure**

An Act To Permit the Establishment of Regional Water Councils  
H.P. 805 L.D. 1162  
(C "A" H-308)

This being an Emergency Measure and having received the affirmative vote of 27 Members of the Senate, with no Senators having voted in the negative, and 27 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.

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**Emergency Measure**

An Act To Extend the Kim Wallace Adaptive Equipment Loan Program

S.P. 447 L.D. 1267

This being an Emergency Measure and having received the affirmative vote of 27 Members of the Senate, with no Senators having voted in the negative, and 27 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.

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

**ENACTORS**

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

**Emergency Measure**

An Act To Regulate the Use of Alternative Bait in Marine Fisheries

S.P. 153 L.D. 527  
(C "A" S-148)

This being an Emergency Measure and having received the affirmative vote of 27 Members of the Senate, with no Senators having voted in the negative, and 27 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.

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**Emergency Measure**

An Act To Extend the Number of Days Nonprofit Organizations Are Allowed To Operate Games of Chance

S.P. 173 L.D. 547

This being an Emergency Measure and having received the affirmative vote of 26 Members of the Senate, with 1 Senator having voted in the negative, and 26 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.

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

**ENACTORS**

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



**Emergency Measure**

An Act To Enhance Driver Education and Safety  
H.P. 410 L.D. 555  
(C "A" H-289)

This being an Emergency Measure and having received the affirmative vote of 27 Members of the Senate, with no Senators having voted in the negative, and 27 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.

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**Emergency Measure**

An Act To Reauthorize the Petroleum Market Share Act  
S.P. 194 L.D. 585  
(C "A" S-128)

This being an Emergency Measure and having received the affirmative vote of 27 Members of the Senate, with no Senators having voted in the negative, and 27 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.

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

**ENACTORS**

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

**Emergency Measure**

An Act To Establish the Agricultural Water Management and Irrigation Fund  
H.P. 671 L.D. 961  
(C "A" H-284)

This being an Emergency Measure and having received the affirmative vote of 27 Members of the Senate, with no Senators having voted in the negative, and 27 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.

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**Emergency Measure**

An Act To Create the Fryeburg Water District  
H.P. 766 L.D. 1113  
(C "A" H-251)

This being an Emergency Measure and having received the affirmative vote of 27 Members of the Senate, with no Senators having voted in the negative, and 27 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.

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

**ENACTORS**

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

**Emergency Measure**

An Act Regarding Speech-language Pathology Aides  
H.P. 874 L.D. 1277  
(C "A" H-272)

This being an Emergency Measure and having received the affirmative vote of 28 Members of the Senate, with no Senators having voted in the negative, and 28 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.

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**Emergency Measure**

An Act To Allow Applicants for Limited Radiographer Licenses To Take Qualifying Views  
H.P. 880 L.D. 1283  
(C "A" H-319)

This being an Emergency Measure and having received the affirmative vote of 28 Members of the Senate, with no Senators having voted in the negative, and 28 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.

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

**ENACTORS**

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

**Emergency Measure**

An Act To Create the ATV Trail Advisory Council  
H.P. 897 L.D. 1300  
(C "A" H-287)

This being an Emergency Measure and having received the affirmative vote of 28 Members of the Senate, with no Senators having voted in the negative, and 28 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.

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

**ENACTORS**

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

**Emergency Resolve**

Resolve, Directing the Intergovernmental Advisory Group to Review Unfunded Mandates

H.P. 955 L.D. 1369  
(H "A" H-286 to C "A" H-260)

This being an Emergency Measure and having received the affirmative vote of 30 Members of the Senate, with no Senators having voted in the negative, and 30 being more than two-thirds of the entire elected Membership of the Senate, was **FINALLY PASSED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

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**Emergency Resolve**

Resolve, Regarding Legislative Review of Chapter 15: Batterer Intervention Program Certification, a Major Substantive Rule of the Department of Corrections

H.P. 968 L.D. 1391

This being an Emergency Measure and having received the affirmative vote of 30 Members of the Senate, with no Senators having voted in the negative, and 30 being more than two-thirds of the entire elected Membership of the Senate, was **FINALLY PASSED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

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

**ENACTORS**

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

**Acts**

An Act To Review Climate Change Policy Effectiveness  
H.P. 68 L.D. 72  
(C "A" H-274)

An Act Guaranteeing Freedom of Choice Regarding the Disposition of One's Own Organs

H.P. 83 L.D. 107

An Act To Improve Access to Public Lands

S.P. 49 L.D. 143  
(C "A" S-146)

An Act To Restrict Undocumented Mortgage Agreements

S.P. 65 L.D. 159  
(C "A" S-129)

An Act To Authorize the Maine State Retirement System To Provide Names and Addresses to Public Retiree Organizations

H.P. 160 L.D. 209  
(C "A" H-153)

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

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An Act To Amend the Law on Mercury-added Products

H.P. 136 L.D. 185  
(C "A" H-271)

Senator **WOODCOCK** of Franklin requested a Roll Call.

On motion by Senator **DAVIS** of Piscataquis, **TABLED** until Later in Today's Session, pending **ENACTMENT**, in concurrence. (Roll Call Requested)

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

**ENACTORS**

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

**Acts**

An Act To Clarify Reporting Responsibilities to Licensing Boards

S.P. 234 L.D. 697  
(C "A" S-130)

An Act Deleting Gender-specific and Archaic Language from Certain Laws Concerning the Office of the Attorney General

H.P. 517 L.D. 722  
(C "A" H-277)

An Act To Require Legislative Review of Rules Governing Private Schools

H.P. 521 L.D. 726  
(C "A" H-246)

An Act To Clarify the Law Relating to Motor Vehicle Repair Posters

H.P. 590 L.D. 831  
(C "A" H-249)

An Act To Prevent Camcorder Piracy

H.P. 593 L.D. 834  
(C "A" H-259)

An Act To Amend the Education Laws Regarding Equivalent Instruction and Adult Education

S.P. 295 L.D. 887  
(C "A" S-133)

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

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

**ENACTORS**

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

**Acts**

An Act To Adopt Recommendations of the Soft-shell Clam Advisory Council

S.P. 412 L.D. 1184  
(C "A" S-147)

An Act To Establish a Uniform Private Facilities Tuition Rate Establishment Procedure

H.P. 828 L.D. 1200  
(C "A" H-292)

An Act To Amend the Charter of the Farmington Village Corporation

S.P. 418 L.D. 1204  
(C "A" S-158)

An Act To Amend and Update Laws Regulating the Practice of Nursing

H.P. 843 L.D. 1225

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

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An Act To Recognize the Recipients of the Korea Defense Service Medal

H.P. 791 L.D. 1148  
(C "A" H-248)

On motion by Senator **DAMON** of Hancock, placed on the **SPECIAL HIGHWAY TABLE**, pending **ENACTMENT**, in concurrence.

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An Act To Improve the Process for Reporting Accidents Involving Recreational Vehicles

H.P. 838 L.D. 1220  
(C "A" H-288)

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

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

**ENACTORS**

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

**Acts**

An Act To Amend the Maine Consumer Credit Code

H.P. 980 L.D. 1416  
(C "A" H-310)

An Act To Amend the Law Governing Spill Prevention Control and Countermeasure Regulation of Oil Storage Facilities

H.P. 1029 L.D. 1466  
(C "A" H-316)

An Act To Amend the Laws Governing Water Quality Standards for Ragged and Seboomook Lakes

S.P. 515 L.D. 1497  
(C "A" S-154)

An Act To Update the Laws Governing Borrow Pits and Quarries

S.P. 522 L.D. 1506  
(C "A" S-155)

An Act To Transfer the Pest Control Compact from the Department of Conservation to the Department of Agriculture, Food and Rural Resources

H.P. 1098 L.D. 1560

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

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

**ENACTORS**

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

**Resolves**

Resolve, To Support Long-term Forest Management and Sound Silviculture

H.P. 111 L.D. 133  
(C "A" H-253)

Resolve, Regarding the Recycling Assistance Fee

H.P. 402 L.D. 526  
(C "A" H-314)

Resolve, Directing the Board of Dental Examiners To Establish by Rule Protocols To Allow Dental Hygienists Practicing under Public Health Supervision Status To Administer Fluoride or Other Antimicrobials

H.P. 407 L.D. 552  
(C "A" H-256)

Resolve, To Study the Insured Value Factor in School Tuition

S.P. 329 L.D. 989  
(C "A" S-126)

Resolve, To Establish the Wabanaki Trail

H.P. 775 L.D. 1122  
(C "A" H-262)

Resolve, To Increase Wetland Protection

H.P. 803 L.D. 1160  
(C "A" H-315)

Resolve, Regarding Source Water Protection

S.P. 445 L.D. 1265  
(C "A" S-157)

Resolve, Regarding the Conveyance of a Right-of-way across the Elizabeth Levinson Center in Bangor

S.P. 500 L.D. 1458  
(C "A" S-127)

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

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

**ENACTORS**

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

**Acts**

An Act To Improve Landowners' Access to Their Land

S.P. 355 L.D. 1038  
(C "A" S-145)

An Act To Expand the Items That May Be Sold by Malt Liquor and Wine Licensees

H.P. 728 L.D. 1075  
(C "A" H-313)

An Act To Allow Optional Auxiliary Lighting on Motor Vehicles

H.P. 730 L.D. 1077  
(C "A" H-290)

An Act To Set Emission Limits for Certain Architectural Coatings

H.P. 753 L.D. 1100  
(H "A" H-270 to C "B" H-169)

An Act To Amend Certain Animal Health Laws

H.P. 759 L.D. 1106  
(C "A" H-305)

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

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An Act To Exempt from the Sales Tax Electricity Used in Homes

H.P. 769 L.D. 1116  
(C "A" H-175)

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

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

**ENACTORS**

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

**Acts**

An Act To Amend the Eligibility Requirements for the Maine Biomedical Research Program

S.P. 103 L.D. 341  
(C "A" S-135)

An Act To Limit Property Tax Abatement for Reasons of Poverty or Infirmary to Applicants' Residential Property

H.P. 271 L.D. 358

An Act To Make Technical Changes to the Medical Licensure Laws

H.P. 301 L.D. 398  
(C "A" H-318)

**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 Amend the Laws Governing Patronizing Prostitution of a Minor

H.P. 163 L.D. 212  
(C "A" H-321)

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

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An Act Regarding Bail Conditions

H.P. 270 L.D. 357  
(C "A" H-322)

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

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

**ENACTORS**

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

**Acts**

An Act To Amend the Dates Associated with the State's Recycling and Waste Reduction Goals and To Amend the Law Regarding Contracts for the Provision of Solid Waste Hauling Services

S.P. 130 L.D. 406  
(C "A" S-134)

An Act To Amend the Statewide Building Code

H.P. 347 L.D. 472  
(C "A" H-295)

An Act To Ensure Participation by Voters with Disabilities in the Electoral Process

H.P. 456 L.D. 623  
(C "A" H-283)

An Act To Allow Dental Hygienists To Perform Temporary Filling Procedures

H.P. 481 L.D. 661  
(C "A" H-294)

**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 Require Health Insurers To Cover the Costs of Hearing Aids

S.P. 145 L.D. 447  
(C "A" S-149)

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

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An Act To Provide Funding towards the Employment of a Demersal Finfish Ecologist by the Gulf of Maine Research Institute

H.P. 455 L.D. 622  
(C "A" H-230)

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

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

**ENACTORS**

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

**Acts**

An Act To Expand the Authority of Maine's Lobster Management Policy Councils

S.P. 303 L.D. 895  
(C "A" S-153)

An Act To Limit Faxes from Telemarketers

H.P. 667 L.D. 957

An Act To Make Technical Changes to the Maine Criminal Code

H.P. 693 L.D. 983  
(C "A" H-323)

An Act To Monitor the Distribution of Land Acquisitions

H.P. 701 L.D. 1017  
(C "A" H-252)

An Act To Strengthen Certain Student Support Services within the Maine Community College System

H.P. 715 L.D. 1030

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

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An Act To Create Entrepreneurship Internships for Maine High School and College Students

H.P. 685 L.D. 975

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

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

**REPORTS OF COMMITTEES**

**House**

**Divided Report**

The Majority of the Committee on **INLAND FISHERIES AND WILDLIFE** on Bill "An Act To Provide Hunters 70 Years of Age or Older with Antlerless Deer Permits"

H.P. 39 L.D. 43

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

Signed:

Senators:

BRYANT of Oxford  
WOODCOCK of Franklin

Representatives:

WATSON of Bath  
LUNDEEN of Mars Hill  
WHEELER of Kittery  
CEBRA of Naples  
MOODY of Manchester  
TRAHAN of Waldoboro  
RICHARDSON of Greenville  
RICHARDSON of Carmel  
BRYANT of Windham

The Minority of the same Committee on the same subject reported that the same **Ought To Pass**.

Signed:

Representative:

JACKSON of Fort Kent

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

Reports **READ**.

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

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

**REPORTS OF COMMITTEES**

**House**

**Divided Report**

The Majority of the Committee on **STATE AND LOCAL GOVERNMENT** on RESOLUTION, Proposing an Amendment to the Constitution of Maine To Reduce the Size of the Legislature  
H.P. 339 L.D. 461

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

Signed:

Senators:

SCHNEIDER of Penobscot  
ROTUNDO of Androscoggin  
ANDREWS of York

Representatives:

BARSTOW of Gorham  
MOULTON of York  
HARLOW of Portland  
BISHOP of Boothbay  
SAMPSON of Auburn  
BLANCHARD of Old Town  
MUSE of Fryeburg  
SCHATZ of Blue Hill

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (H-350)**.

Signed:

Representatives:

MCFADDEN of Dennysville  
CROSTHWAITE of Ellsworth

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

Reports **READ**.

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

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

**REPORTS OF COMMITTEES**

**House**

**Divided Report**

The Majority of the Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act To Require the Disclosure by Hospitals and Ambulatory Surgical Centers of Charges to Certain Payors"

H.P. 162 L.D. 211

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

Signed:

Senators:

MAYO of Sagadahoc  
MARTIN of Aroostook  
ROSEN of Hancock

Representatives:

PINGREE of North Haven  
GROSE of Woolwich  
MILLER of Somerville  
BURNS of Berwick  
SHIELDS of Auburn  
CAMPBELL of Newfield  
LEWIN of Eliot  
GLYNN of South Portland

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (H-382)**.

Signed:

Representatives:

WALCOTT of Lewiston  
WEBSTER of Freeport

(Representative SOCKALEXIS of the Penobscot Nation - of the House - supports the Majority **Ought Not To Pass** Report.)

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

Reports **READ**.

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

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

**REPORTS OF COMMITTEES**

**House**

**Divided Report**

The Majority of the Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act To Require That Certain Health Care Staff Be Certified in CPR and To Require That Nursing Homes Be Equipped with Automated External Defibrillators"

H.P. 338 L.D. 460

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

Signed:

Senators:

MAYO of Sagadahoc  
MARTIN of Aroostook  
ROSEN of Hancock

Representatives:

PINGREE of North Haven  
GROSE of Woolwich  
WEBSTER of Freeport  
MILLER of Somerville  
BURNS of Berwick  
SHIELDS of Auburn  
LEWIN of Eliot  
GLYNN of South Portland

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (H-380)**.

Signed:

Representatives:

WALCOTT of Lewiston  
CAMPBELL of Newfield

(Representative SOCKALEXIS of the Penobscot Nation - of the House - supports the Majority **Ought Not To Pass** Report.)

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

Reports **READ**.

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

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

Senator **DAVIS** of Piscataquis was granted unanimous consent to address the Senate off the Record.

On motion by Senator **BRENNAN** of Cumberland, **RECESSED** until 11:30 in the morning.

After Recess

Senate called to order by the President.

Off Record Remarks

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**ORDERS OF THE DAY**

The Chair laid before the Senate the following Tabled and Later Today Assigned matter:

HOUSE REPORTS - from the Committee on **MARINE RESOURCES** on Bill "An Act To Amend Maine's Shellfish Laws To Maintain Compliance with Federal Law and Protect Maine's Shellfish Industry"

H.P. 1013 L.D. 1449

Majority - **Ought to Pass as Amended by Committee Amendment "A" (H-351)** (9 members)

Minority - **Ought Not To Pass** (3 members)

Tabled - May 18, 2005, by Senator **DAMON** of Hancock

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

(In House, May 17, 2005, 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-351)**.)

(In Senate, May 18, 2005, Reports **READ**.)

On motion by Senator **DAMON** of Hancock, the Majority **OUGHT TO PASS AS AMENDED** Report **ACCEPTED**, in concurrence.

**READ ONCE.**

Committee Amendment "A" (H-351) **READ** and **ADOPTED**, in concurrence.

Under suspension of the Rules, **READ A SECOND TIME.**

On motion by Senator **DAMON** of Hancock, Senate Amendment "A" (S-190) **READ**.

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

Senator **DAMON:** Thank you, Madame President, men and women of the Senate. The amendment I am proposing keeps in line the issue with the shellfish harvesting which puts us in compliance with federal regulations, but it also allows the current licensed shellfish harvesters to be able to sell their product from their home to you or to me, even if they don't possess a retail dealer's license. If we did not have this amendment it would preclude the digger from being able to that. This has been a long-standing practice with harvesters along the coast. I don't wish it to stop. This amendment ensures that harvesters will be able to continue to sell their catch to the public, not just to licensed retail dealers. Thank you.

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

Senator **SULLIVAN:** Thank you, Madame President, men and women of the Senate. You will notice from the divided report that I'm on the other side. With this amendment I would fully support it. It was my concern that the traditional seller, the little people that come up for a peck of clams or whatever. I fully support it. Thank you.

On motion by Senator **DAMON** of Hancock, Senate Amendment "A" (S-190) **ADOPTED**.

**PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-351) AND SENATE AMENDMENT "A" (S-190), in NON-CONCURRENCE.**

Ordered sent down forthwith for concurrence.

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

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The Chair laid before the Senate the following Tabled and Later Today Assigned matter:

SENATE REPORTS - from the Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act To Repeal Tax and Match" S.P. 236 L.D. 699

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

Minority - **Ought To Pass as Amended by Committee Amendment "A" (S-193)** (5 members)

Tabled - May 18, 2005, by Senator **MAYO** of Sagadahoc

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

(In Senate, May 18, 2005, Reports **READ**.)

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

Senator **MAYO:** Thank you, Madame President, ladies and gentlemen of the Senate. The bill that you have before you, L.D. 699, if we accept the Ought to Pass as Amended report, would cost the state, in the General Fund, \$180 million in the biennium. In order words, we open a hole in the biannual budget, which has been approved, of \$180 million. \$29 million of that comes from the nursing facility tax, \$15 million from non-medical institutions, \$49 million from the hospitals, and you multiply those by two because we're talking about two fiscal years. While it may be something that this body should consider, I think that those people who are advocating this particular piece of legislation ought to tell us in very clear and concise terms where we would come up with \$180 million to fill this hole if we were to consider this legislation. Since we do not have any suggestions as to the



replacement of the \$180 million at this point, I urge that we accept the motion before us, which is Ought Not to Pass. Thank you.

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

Senator **ROSEN:** Thank you, Madame President and members of the Senate. I hope you do take a few minutes and give this bill consideration because it does give us the opportunity, by having this bill before us, to stop for a moment and catch our breath and look back over the last two years to examine how it is this state government has chosen to finance its Medicaid program. The move to tax and match has significance consequences on the stability and the strength of our program.

Just a quick review, and I know you are all familiar with this, tax and match is a mechanism to increase the draw down of federal matching money in our Medicaid program. Medicaid is available and is a partnership between states and the federal government to provide medical coverage for the disabled and for the poor. Different states receive a different level of match. Maine happens to receive a very generous match of roughly \$2 federal for every \$1 state that we put into the program. Some states has \$1 for \$1, some states has \$1.25 for \$1. Maine has been on the path to maximize the amount of money we draw down from the federal government and has used a variety of different techniques to do that. Even with those programs put in place, we still haven't had enough available money to fund the promises that have been made for people to receive services in the Medicaid program. Two years ago the state decided to go back to tax and match. Maine had been involved in tax and match in the early 1990's, and after a very painful and difficult and costly extraction from this experiment that last time around, one would have thought that we would have learned our lesson and not gone back into this type of mechanism. Unfortunately, two years ago we did. The Chief Executive proposed, and the controlling authority of the legislature accepted, what I would call a rather plain vanilla approach initially to tax and match. It was a simple tax on nursing facilities with a high percentage of Medicaid clientele drawing down a federal match. In just two short years this state has stacked one tax and match scheme on top of another, on top of another. I think we're putting our system at risk. We went from nursing facilities to the hospitals a few months later, assessing a tax on hospitals to draw down more matching money. A few short months later this state tripled the rate of the tax on hospitals. Then it moved from hospitals to private non-medical institutions. These are the small group homes and other small facilities in your district. That was a very difficult component of tax and match to put together and it was floated and retracted and floated and retracted several times because it was so hard to construct. Why was it hard to construct? Because the federal government has tried to discourage this practice and discourage states from entering into this kind of mechanism, so they put obstacles in our place. It became very difficult to construct a mechanism that could work around them, but finally this state did it. I think actually, as far as I know, we are the only state that has extended tax and match to PN and I's. A few months ago we extended tax and match to home services. Clearly this is now the funding mechanism of choice and these different schemes do, in fact, sit one on top of another, on top of another.

I think it is appropriate for us to step back and really decide whether this is the course that we want to use to fund the Medicaid program in the State of Maine. I think it's the wrong

course for three reasons. First of all, I think it puts the entire system at risk. The message that we are receiving from the feds and that are other states are receiving from our federal senior partners, the ones that pay 2/3 of this program, is that they see this as gaming the system. They have said so publicly, repeatedly. They are continuing to increase their vocal warnings that states need to begin to seriously move away from this kind of approach. I think at some point they will step in, as they have in the past, and shut it down and create a very difficult extraction for us.

The second problem with tax and match is that it is, in fact, a burden on the providers. There are many providers in this state and many of the hospitals that are not made whole through the refinancing mechanism of tax and match. In fact, they do bear those costs. Those costs are a burden. They do impact the delivery of service and they do negatively impact access.

The third reason tax and match is poor policy is because it does fall very negatively on those individuals that do pay for services with their own resources, their own savings, or private pay individuals. We hear case after case in the Health and Human Services Committee of people that are being driven into Medicaid eligibility more quickly because of the impact of paying this tax when they are self pay, private pay, or privately insured.

I think we have to stop at this point and hope that we consider changing direction and abandoning this approach to financing our Medicaid system. It is successful in that it has drawn down tremendous amounts of federal money, but it is a short-term fix, it's not sustainable, and it puts the system at risk. In regards to the question of the alternative, I think we need to go back and look each and every one of these individual proposals that were presented to the legislature over the last two years. It is my recollection that some of the alternatives were offered in the form of minority budgets. Some of the alternatives were offered in the form of floor amendments. They were all vetted through the office of Fiscal and Program Review. At each and every point that this administration and this legislature and the previous legislature moved forward with an additional expansion and development of tax and match, an alternative was offered. Ladies and gentlemen, I hope that you do give this serious consideration and that you reject the majority Ought Not to Pass and go on to adopt the minority report.

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 York, Senator Andrews.

Senator **ANDREWS:** Thank you, Madame President, men and women of the Senate. Tax and match, what is misnomer. Currently, right now, 30 of the 39 hospitals pay in more in tax than they receive back. I have in front of me a list of these hospitals. Of all these hospitals, three of these hospitals pay in more than \$1 million that they do not get back. One of these hospitals is York Hospital, that informed me the other day that is going to lose \$1.1 million this year and it will climb next year. Right now Maine hospitals pay about \$65.5 million in taxes. Next year they are going to be assessed to pay \$116 million. What is this going to do to these 30 hospitals out of the 39?

The recent enactment of these taxes on hospitals to support the MaineCare program is not only poor public policy but is really

counter to our goal to provide healthcare affordability and investing in quality. Federal statutes prohibit the states from holding the provider harmless under these tax fees, so how can you have tax and match? The current hospital tax has created a great hardship for many hospitals. The combination of the debt that is owed to all the hospitals in Maine by the Maine State Government, because of under funded Medicaid programs, and this tax has created very serious cash flow problems for hospitals. Ladies and gentlemen, for the first time the hospitals are getting and using lines of credit to meet their payroll. Hospitals cannot continue to sustain this. Maine's tax on hospitals is nothing more than a tax on sick people. We can't afford to stand by as this practice continues. I would ask you to vote against the majority report and go on to support the minority. Thank you.

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

Senator **NASS:** Thank you, Madame President, men and women of the Senate. The subject has been covered quite well by the Senator from Hancock, Senator Rosen, and the Senator from York, Senator Andrews. I just have two other perspectives I'd like to offer.

I was here when we had to get rid of the sick tax. So was the good Senator from Sagadahoc, Senator Mayo. As I recall, that was a \$173 million fix at a time when we had more money coming in. It's been defined this morning by the Senator from Sagadahoc, Senator Mayo, as \$181 million problem at a time when we don't have the money. My question to this body is, what are we going to do when somebody pulls the plug on this scheme? That's what it is. In the last session I was downstairs serving on the Taxation Committee. If you are frightened of the word scheme, you should have been there. We had to create this service provider tax down there. We were running around looking for parts of what we called the sales tax so we could get them over here to this other column called the service provider tax. There is no other word for it than scheme, Madame President. This thing is a bag of worms and it's going to come home to roost on us sooner rather than later. The question I have to ask you is, what are we going to do then? Where is the money going to come from to fill in these holes? Where? That was then, now is now.

Now we have Part 2 on the budget coming up. What's in the Part 2? More of the same thing. We are going to extend this to service providers that deal with mental retardation. I saw a couple of their folks here yesterday and asked them, 'Why did you agree to this scheme?' Where is the money going to come from when somebody pulls the plug on this? Is it likely that the plug is going to be pulled? I think so. Where is the money going to come from? Their answer is, 'All we care about is taking care of our clients today.' Apparently they aren't able to think about tomorrow. That is their answer. They are willing to go along with this scheme because they feel like they can't get through today and they aren't worried about tomorrow. This is awful. Is anybody here thinking about the future? What is going to happen if they pull the plug? I say to you, as we have always, there is a way to solve this. The Senator from Sagadahoc, Senator Mayo, asked a question. Here is the answer, and it won't be a strange one. The answer is, 5% across the board. \$180 million. Are we ready to go there? Are we not going to plan for the future? Thank you, Madame President.

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

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

**THE PRESIDENT:** The Senator may pose her question.

Senator **PLOWMAN:** Thank you, Madame President. I don't understand all of tax and match, but I do understand that we are taxing private individuals and private pay. Is there some provision here that when we apply to get the money back that we reimburse these private pay patients? Are they taxed unconstitutionally?

**THE PRESIDENT:** The Senator from Penobscot, Senator Plowman poses a question through the Chair to anyone who may wish to answer. The Chair recognizes the Senator from Sagadahoc, Senator Mayo.

Senator **MAYO:** Thank you, Madame President and ladies and gentlemen of the Senate. I believe what the good Senator from Penobscot, Senator Plowman, is raising here is an issue that was before this body back in March when we were talking about that particular issue of taxing particular individuals. That did not come out of committee. The committee did not buy that concept. They did discuss it. It was a part of the Part 1 budget at one point, but it was not what finally came through and was voted upon by this body and the other body.

**THE PRESIDENT:** The Chair recognizes the Senator from Aroostook, Senator Martin.

Senator **MARTIN:** Thank you, Madame President and members of this body. Sometimes I wonder whether anyone has ever bothered to learn history or remember history. This problem did not originate yesterday or with this administration or the previous administration. I'm going to bring you back to 1970 when there was a deal made between the Governors of this country and President Reagan. The deal was that we were going to negotiate. We took over the Medicaid program in conjunction with the federal government and we transferred the ABD, the aged, blind and disabled program, to the federal government. That became what we now know as SSI. The deal was that the states would then take over the Medicaid portion of the recipients of SSI and that would then be funded, jointly, with a percentage varying between the states and the federal government, depending on the wealth of the individuals. That's where it started and I was part of that. I must admit that I thought it was a great deal for the states at that time. History, of course, has now demonstrated that it probably wasn't quite as good a deal. Now we are, in part, stuck where we are.

Can the federal government pull the plug? Obviously yes, since we just learned Friday that the federal government pretty much can do what they want to and pull the plug on anything. None of us in Aroostook County thought that after we struck a deal after the closing of Loring. The deal was that we were going to get two installations. One was DEFAS. The other was the program through the Job Corps system. That was going to be the anchor of how Aroostook County was going to pull out of the problem. We all saw what happened on Friday. Can they pull the plug? Of course they can. This administration has demonstrated that they can pull anything at any time.

Let's talk reality here. I love that the good Senator from York, Senator Nass, wanted to use the 5%, this \$181 million, on this one and wants to use it on that one. How many times do you want to use it? Use it once maybe, but you can't use it twice. My math doesn't allow that. Clearly this tax and match is an issue and a demonstration of our ability to try to get federal funds. That's not a secret. Democrats and Republicans across this country have participated in doing just that. No question about that. Is it something that we are eventually going to have to deal with in the future? Absolutely. Is it something that we have to do today? The answer is no for two reasons. We don't have the money to replace it and we don't have a system to put it in place. Let me just say, and let's not forget, the number one amount of money that comes from this program goes to nursing homes. The second one is drugs. Hospitals, of course, are right there with them. The biggest user of this money is not the poor, the individual getting a weekly or monthly check or food stamps. It is going to institutions in this state. Granted, they are producing jobs.

Let me suggest something to you which all of us in this room ought to start thinking about. I serve as a trustee of a hospital and have for many years. If we, in this state, are so concerned about the money that hospitals are losing, you also ought to look at the money they are getting from the state. If you believe you want to save money, let me suggest and suggest to the hospitals as well, take every non-profit hospital and make them a for-profit hospital and let them survive. If you think they can succeed, I've got news for you. Unless the state continues to shore up hospitals in this state and keep them whole, maybe two can survive if they were private. All the other hospitals would be closed. Look at other states. We happen to have one of the best systems of delivering healthcare to our citizens of any state in the country. We do it for rich people. We do it for poor people. We are not Texas, where 30% of the people never get treated because private hospitals refuse to take them. We are not New York City where, when you show up at a hospital, the first thing they want is your insurance card. If you don't have it, they tell you to go to the city hospital. Look at the rest of the country. It's easy to criticize what we're doing in this state because of the tax and match, but far more important than that is what we are doing for our citizens. To me, that is the bottom line. Would I love to have another system than tax and match? Absolutely. Is it true that we have gotten as much federal money out of the federal government that we possibly can through the Medicaid program? Have we reached the limit? I suspect fairly close. We need to look at the other side of that coin. We need to have the hospitals look at it as well and quit criticizing us because we are, in effect, trying to provide coverage to Maine's citizens. That should be our bottom line, not whether or not the plug is going to get pulled, because, yes, it could.

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

Senator **PLOWMAN:** Thank you, Madame President, men and women of the Senate. In 1970 the President was Richard Nixon. I like to get my history right, too.

Tax and match was used in the early 1990's and we did the honorable thing and got rid of it as soon as we possibly could because it was wrong to tax sick people and old people. Now I understand we're going to tax the people who take care of the mentally retarded. How is that going to be when, in a couple of

years as we continue, they send the money and we don't honor our part, as we've already shown with the hospitals, and we don't send them back their match? They are going to be in difficult straights again. Today, they'll be taken care of. You are setting them up to fail when we don't honor our commitments. The problem is that they think we are going to honor our commitment. We haven't.

The hospitals are getting a lot of money. They are getting 70¢ on the dollar for every person that we make them take care of. They wait a long time for that money, too. It's not like they are rolling in the dough as they do our mission because we have put our mission on them. They don't mind. That's what they are supposed to do. They can't turn people away at the door. We don't want them to. We do send them money. We don't send them anything like they need. Then they believed us when we said that we would send the money back. I don't know how long you want to hold your head up. If you can hold your head up and continue with this, I'm sure you will. I'm sure you will find a way. You are putting a hardship on them. They are now borrowing money for payroll. Nobody borrows money for payroll. No business management person would say, 'Pay your workers with your line of credit.' It's not good business management. We've forced them into bad positions. Do we need tax and match? We sure do. We have budgeted it right to the hilt. Is it right? Absolutely not. We're going to be caught playing games. When it cuts off, and it will very suddenly, those people we have already put on the back burner won't even be on the stove. Then you are going to wonder why we are losing services. I don't understand how you can get on this hamster wheel and not realize you're on the hamster wheel. Sometime we're going to have to get off. I don't know. I heard today is not the right day. If we were doing the right thing with the money, like we promised, we wouldn't have so much opposition to tax and match. We'd all think it's a great idea. We're leveraging. Everybody wants to leverage. When you leverage and hurt people, if you were on the stock market, you'd be in trouble. We're not on the stock market, luckily we're the government. It's time to quit hurting people with our leveraging and get back to what we said we'd do.

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

Senator **TURNER:** Thank you, Madame President, ladies and gentlemen of the Senate. I always enjoy the history lessons provided to us by the good Senator from Aroostook, Senator Martin. I am concerned, however, about the thread of the ends are justified by the means. In this case, as with many things that we have been doing as of late in Maine's government, we are setting ourselves up for significant failure. The new head of CMS, the Center for Medicaid and Medicare Services, sent a shot across the bow of the good ship State of Maine, indicating they were cognoscente of the tax and match schemes that we had concocted and they will be coming for a visit. I don't know if they will be here next week, next month, or next year. They are coming and when they do come those things that have been put in place for the simple purpose of maximizing drawn down will be rescinded and the money is going to be owed. To paraphrase that great American, Ross Perot, the giant sucking sound you hear is not jobs going to Mexico, it'll be money leaving this state to repay schemes that we should not have put in place in the first place in order to try to maximize services that are not sustainable. Thank you, Madame President.

**THE PRESIDENT:** The Chair recognizes the Senator from Lincoln, Senator Dow.

Senator **DOW:** Thank you, Madame President, men and women of the Senate. I'm concerned, as we've talked today, because we've broadened this topic out quite a bit. I'm concerned more about an overall picture of the health of the medical system in this state. I am concerned mostly, again, from a business point of view. We seem to keep adding a few nails to the coffin of our medical system, a medical system that we touted as having the third or fourth best quality care in the United States. We somehow keep managing to pull the rug out from that stable institution. I just wanted to clarify the 70¢ out of a dollar that we give back to the hospitals. It isn't 30¢ out of the profits; it's 30¢ out of the cost. We send back 70¢ out of the cost. It costs them \$1 to perform the services and we only give them back 70¢. We shortchange them every single time that we increase the programs and keep sending them more people. That system, in itself, needs to be changed. Somehow we've got to change the slow reimbursement when we do under fund them and get it to them. That needs to be changed. The tax and match is just another nail in 30 of the 39 hospitals that are going to come short on money. How do we compensate for that? I'm not a hospital, I just run a furniture store. I'd have to increase my prices. That's exactly what has happened. Prices keep going up that we charge the people that pay. They are either the ones that pay out of their pocket or they are the ones that have the medical insurance that pay. Then medical insurance goes up to compensate. It's kind of a vicious circle. Now we have one other problem, supposedly too much money has been sent in estimated overpayments in the last few months and now we need to get millions back from those institutions. We can't even tell them what they owe us the money on. To me it's just another example of a Medicaid problem that is wildly out of control and needs to have a good look at. I just feel this tax and match scheme is just another nail in the coffin that is going eventually effect quality care in these hospitals. I believe it is something we ought to eliminate and put it back into the public arena for public discussion. I feel that the public will respond to programs that are well needed in the medical profession. If the desire is there to provide this money, then we ought to do it the right way and not through an Enron-bookkeeping type system, which is not viewed by the federal government in good terms. I just wish we'd end it. We can do things differently. We can provide the money in a different way if it is so needed. I'm going to vote to end this tax and match, as we did in 1994. Thank you.

**THE PRESIDENT:** The Chair recognizes the Senator from Aroostook, Senator Martin.

Senator **MARTIN:** Thank you, Madame President and members of the Senate. First of all, let me just say that in the zeal of my debate I referred to the President in 1970 as Reagan. I was wanting to refer to President Reagan in a different light and that was as the individual responsible for causing a problem which we still have today, that is telling people we can have it all without paying for it. Obviously, I'm fully aware that President Nixon was in 1970 because I was involved in working for Senator Muskie as he ran for Vice-President with Senator Humphrey at the time. Oh how things would have been different if they both had won.

Let me raise the other issue. Let's talk about what the good Senator from Lincoln, Senator Dow, talked about. First of all, the

computer problem. It was purchased in a previous administration at the cost of \$25 million with 90% of the money coming from the federal government because they told us we had to have a system like that. Oh how I wish we had never turned the switch on in January but just spent the federal money and never used it

Point two I want to make that should not be forgotten is that the previous legislature and previous Governor had all this money due to hospitals which was not paid in the previous administration. You may know that hospitals sued us. You may know that in the Part 2 budget that the Chief Executive submitted there is an agreement that has been reached by the two parties. We will reimburse hospitals for 50% of the bill that was owed them in the previous years. It is not a problem that arose today. That is the point I want to make. It's not going to be solved, I'm afraid, over night. I fully understand, in the long run, that all of us are going to have to be players to that. We are now, today, at a point where we can't quite do that.

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

Senator **SNOWE-MELLO:** Thank you, Madame President and ladies and gentlemen of the Senate. I'd like to talk about hospitals and how valuable they are to Maine. With more than 25,000 full and part time employees, hospitals are vital, absolutely vital, to Maine's economy. Hospitals are most often the largest employee in their communities. Hospitals are one of the largest employment sectors in the state. An estimated 13,000 new jobs will be created in healthcare in Maine from 1998 to 2008. Maine hospitals provide quality healthcare 24 hours a day, seven days a week, to all patients, regardless of their ability to pay. Hospitals are on the front lines with a mission to fulfill, to improve the health and welfare of the people in our communities. Hospitals exist first and foremost to care for patients in times of need. Hospitals provide life saving emergency and trauma care, offer many specialized technologies and services and perform miracles every single day. In addition to their core services, hospitals provide substantial support to ensure the availability of primary care services, continuing care services, hospice and home and health services, community wellness programs, rehabilitation, and it goes on and on. Maine hospitals also serve as a public health infrastructure. This is a role and cost typically borne by local and state governments in other parts of the country. These services not only serve to provide care in the most appropriate setting at the right time, but also to improve healthcare affordability by making individuals healthier and reducing costly hospitalizations. In many parts of Maine critical access to pediatricians, obstetricians, and family physicians would not exist if not for the financial support of the community hospital. The challenges of the MaineCare program are great. We know that. Especially challenging is the need balance demands for increasing coverage within the program and the challenges of adequately covering the cost associated with these beneficiaries. Coverage without access to primary care and physician specialists is not fulfilling the promise of assuring access to quality healthcare services. Placing taxes on hospitals in order to support this program is not only poor public policy, but is counter to the state's very goals of improving healthcare affordability and enhancing access and investing in quality. The state takes \$15 million and uses that to pay hospitals and increase Medicaid reimbursements to leverage the federal match. Ultimately, \$45 million in state and federal Medicaid payments is paid to hospitals in increased Medicaid

reimbursements. \$2 million of the \$49 million in tax revenue was set aside for the critical access hospital conversion. The state uses that remaining \$32 million from the tax to fill holes in the Medicaid program. I think it is important that you understand. Many of us don't serve on the Health and Human Services Committee or the Taxation Committee, so we don't understand this. Under the current arrangement, 30 of the 36 acute care hospitals pay in more tax than they receive back in increased Medicaid reimbursements. This clearly jeopardizes their ability to not only provide care but to stay in business. Federal statute prohibits the state from holding providers harmless under these provider tax schemes. The state cannot make any attempt to glut the Medicaid payment with the amount of tax paid by the hospital. Moreover, the federal government is likely to revisit this entire policy. I ask you, please, don't continue in this line of funding and taxing our hospitals. Our rural hospitals are in danger of closing. Is that what we want for our folks back home? I think not. Thank you.

**THE PRESIDENT:** The Chair recognizes the Senator from Androscoggin, Senator Rotundo.

**Senator ROTUNDO:** Thank you, Madame President, men and women of the Senate. I do remind people that in the Part 1 budget we did have increased payments to hospitals as well as additional funds for the acute care hospitals. I'm sorry that there were members of this body who feel so strongly about this and chose not to support these increases when the budget came before them earlier in the session. In the Part 2 budget we do have some modifications of these payments and they had to be modified because of cutbacks from the federal government that we are experiencing. I, personally, feel that if we're going to ask questions about our government's obligations with regards to healthcare, these questions should first be directed, or directed as well, to Washington. They need to be asked why are they aren't meeting their promises. I would remind people that they have obligations to the hospitals that they have not been meeting.

What we are trying to do in Maine is to take care of our most vulnerable. That is what tax and match is about, to make sure we can make sure that those who most need assistance will continue to get it. Unlike those in Washington, we are choosing not to turn a cold shoulder to them. Thank you.

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

**Senator MAYO:** Thank you, Madame President, ladies and gentlemen of the Senate. I have found the testimony on this particular piece of legislation very interesting, very enlightening. It has left me with a couple of impressions, one of which I feel I have to respond to. If you had not known anything about tax and match, you would think that the State of Maine was the only state in this union that was doing it. That is incorrect. It is being done nation-wide. If the federal government, in it's eminent wisdom, decides to pull the plug, it is going to wreck havoc not only in Maine but in all states in this union.

The second point I would like to make known is that the Health and Human Services Committee, I believe it was last week but it could have been the week before and the good Senator from Hancock, Senator Rosen's memory may be better than mine because he's a little younger, established a Blue Ribbon Commission to study MaineCare. They are to look at not just

what we're doing today, but where we see this whole situation with regards to MaineCare, tax and match, and all other things that are involved in it. They are to look at it and come back with recommendations in two parts; recommendations in January 2006 and recommendations in November 2007. There will be some changes coming out of that group, which is a representative group of citizens and legislators of the State of Maine. It will not be a fun Blue Ribbon Commission because there is a lot of work to be done, which must be done. The Health and Human Services Committee realizes that there are problems and that those problems need to be looked at. I think they will be and they will be done as they should be and not through opening a \$180 million hole in the biennial budget. Thank you.

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

**Senator BRENNAN:** Thank you, Madame President, men and women of the Senate. We're heard a lot of hyperbole. We've heard a lot of rhetoric. We've also heard another simplistic solution. I like simple solutions. In fact, I came to the legislature hopeful of finding simple solutions to very difficult problems. Instead I've heard simplistic solutions. 5% across-the-board cuts. That will take care of our problems with hospitals. 5% across-the-board, let's just go ahead and do that. Every problem now that is facing a hospital is due to tax and match. We'll scapegoat tax and match to make it the root of every problem facing every hospital in the State of Maine. It's not true. Simply not true. The good Senator from Lincoln, Senator Dow, said Medicaid spending is wildly out of control. Not in the State of Maine. For the last ten years Maine has been at the national average on spending on Medicaid. National average. Hardly wildly out of control. As the good Senator from Sagadahoc, Senator Mayo, just pointed out, 35 other states across the country have had budget problems as a result of Medicaid. Somehow, if you listen to the other side of the aisle, Maine has a problem that is unique to Maine that only we, in Maine, could create. This problem with tax and match and the hospitals, 35 other states have had similar problems with Medicaid and with hospitals and with tax and match. That's a fact. Instead we want to sit here and debate tax and match. Why don't we debate the fact that 45 million people in this country have no healthcare insurance at all? Why don't we debate the fact that 130,000 people in this state don't have healthcare insurance? Instead we're intent on simplistic solutions of 5% across-the-board cuts that are going to address the problems for hospitals.

I will admit that it is difficult to understand the financing of hospitals. It takes a little bit of time to sit down and work through how hospitals stay open and how they work. If somebody spends that time and does that, they will realize that tax and match is not the scapegoat. Tax and match is not the problem facing hospitals. There are a number of different financial issues that involve both the private sector and the public sector effecting hospitals. Another little interesting fact is that Medicaid administration is several percentage points below the private sector insurance administration. I would submit, as I've heard a number of times from the Senator from Lincoln, Senator Dow, the importance of being administratively prudent. I would think a more simple solution to our problem might be to look at the administrative costs and maybe try to replicate some of those efficiencies they have in Medicaid to the private sector. I also find it very interesting that there is a report that the Senator from

Sagadahoc, Senator Mayo, referred to. The Hospital Commission Report. That report came out with a number of different recommendations. The chair of that commission, Bill Hagggett, early on made some recommendations that would have resulted in the closing of hospitals and the laying off of almost 3,500 workers in hospitals. Everybody unanimously stood up and said they were bad recommendations. They said we have to protect all of these hospitals that we have in the state. What the commission did find is that there are a number of ways that hospitals can save money, be more efficient, and be more administratively prudent by working together, by regionalizing, and by cooperating. I'd like to have that debate at the same time that we want to scapegoat tax and match as being the ultimate problem here.

Again, just one other small piece, when the Dirigo Health program was announced in May 2003, one of the components that was proposed was a global budget for health spending in the State of Maine. Who do you think was one group that stood up the first and argued the strongest and was the most vocal in opposition to a global budget? The hospitals. Here, today, I'm listening to arguments about the fact that we need to rein in costs. We need to rein in spending. We need to be more administratively prudent because tax and match has caused all these terrible problems in the State of Maine. There was one proposal that was put on the table that would have moved us in that direction. My colleagues that have this problem with tax and match were not very supportive of a global budget. I'm not saying that I supported a global budget or that a global budget is necessarily where we need to go in the State of Maine at this point, but we can't simultaneously say that we need to have more administrative efficiency, we need to rein in this spending that is wildly out of control, and then reject one of the fundamental solutions that we could move towards. The good Senator from Penobscot, Senator Plowman, earlier in her comments said we need to do the right thing. There is not a person in this chamber, there is not a Senator elected here today, that does not want to do the right thing. I don't believe repealing tax and match at this particular point is the right thing. Working with our hospitals and ensuring healthcare and access to healthcare to all our citizens in the State of Maine is the right thing. I urge you today to support the pending motion.

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

Senator **TURNER:** Thank you, Madame President. I wasn't going to speak again on this subject but walking into the chamber and hearing my good friend the Senator from Cumberland, Senator Brennan, just moved me to stand at least for one more time.

I think we need to come back to what's really going on here and that is that we are using a funding mechanism whose sole purpose is to maximize drawn down of monies and it is against Medicaid law. We all understand that. With respect to the 35 states that have Medicaid problems beginning in 2002 and 2003, I would suggest to you that 34 of them went about restricting their Medicaid. Only Maine sought to expand their Medicaid coverage. What we have, at our core, is an inability to say we have a limited number of means and needs that we can match up. We cannot keep driving our problems out in front of us and keep building funding mechanisms that are not sustainable, of which one is tax and match.

With that I will sit down and only ask for a unanimous consent for a third time if the Senator from Cumberland, Senator Brennan, rises yet again.

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

Senator **BRENNAN:** Thank you, Madame President, men and women of the Senate. I'm sure that the good Senator from Cumberland, Senator Turner, and myself should carry this debate out into the hall and not bore you with this. I think there are two very important points to make. In response to the 35 states that are having problems, it might even be 40 now that are having Medicaid problems. In response from the federal government has been what? It's been a \$10 billion reduction in Medicaid in the budget. Even though the overwhelming majority of the states in the country are struggling with Medicaid, our response from the federal government is, 'Let's cut another \$10 billion.'

I only do this to refresh the memory of the good Senator from Cumberland, Senator Turner. Last year in the budget we made the most significant modifications to the Medicaid program that has happened in the last 25 years in this state. We put in prior authorization, medical utilization, and we capped and restricted services. We cut millions of dollars out of the Medicaid program and restricted services. It was the biggest single change that we have made to Medicaid in the last 25 years.

Again, while people might say we're wildly out of control with excessive spending, the fact belies those statements. Thank you.

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

Senator **ROSEN:** Thank you, Madame President and members of the Senate. Just very quickly. The historic response from the federal government in recent history around some of our funding problems has been additional funds that poured into this state as the result of the work of many in the Senate lead by our very own Senator Collins when they passed a \$20 billion temporary, 18 month enhancement of the federal Medicaid match rate that came into all the states, including Maine receiving \$106 million more money to help us get through some tough times. We are all concerned about the forward-looking proposal that is on the table, which the good Senator from Cumberland, Senator Brennan, referred to. That proposal, by the way, also talks about capping tax and match from 6% to possibly 3%. They are already looking at reducing the tax rate. I think we've received a favorable response on a historic basis. The reforms that he mentioned have been well crafted and necessary but clearly we need more. I think the question of the bill, the bill is raising one simple point for us to consider for just a minute. We got back into the business of tax and match only two years ago. During the last two years we have rapidly and aggressively and creatively expanded its applications. That, apparently, is the policy of this state. That will be the funding mechanism for the growth in our Medicaid program. That's what the state has chosen over the last two year. The question is here to stop for a moment, take a look at that, examine it, and decide whether that is the course we want to continue as a state. It puts the system at risk and ultimately it will limit access.

**THE PRESIDENT:** The Senator from Cumberland, Senator Turner, requests unanimous consent of the Senate to address the

Senate a third time on this matter. Hearing no objection, the Senator may proceed.

Senator **TURNER**: Thank you, Madame President. I think Medicaid is truly a wonderful program and you go back to the days of the Johnson administration when it was created, I think, by the thoughtful work of Senator Kennedy from Massachusetts. At that time it was intended to be a program for the poor and the disabled. Since that time, this state, as it progressed, has sought to make it a middle class entitlement. While we have increased the number of people eligible for Medicaid and have allowed them to come on to Medicaid, we have seen a corresponding erosion of private insurance coverage because, with the work we have done on Medicaid expansion, we have driven our private insurance costs to one of the highest in the country.

I would suggest to you that if you are interested in a national insurance program, there is a form for that. It's best on the national level, not on the state level. We are in a unique situation today, in Maine, where you can be simultaneously qualified for a Maine Medicaid card and responsible for the highest incremental tax payment of 8.5% of the money you earn. We are unique among states in that distinction.

Let's come back to the issue at hand. Tax and match is an illegitimate use of our legislative authority. The day is coming, and as I said two times ago, it's either next week, next month, or next year, but it is coming. The longer we wait, the more money we are going to owe. The more onerous that reduction is going to be on the people that all of you, including the members on this side of the aisle, are about. Thank you very much, Madame President.

**THE PRESIDENT**: The pending question before the Senate is the motion by the Senator from Sagadahoc, Senator Mayo 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 (#133)**

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

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

**ABSENT:** Senators: BROMLEY, COWGER

17 Senators having voted in the affirmative and 16 Senators having voted in the negative, with 2 Senators being absent, the motion by Senator **MAYO** of Sagadahoc 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**

Bill "An Act To Require That Licensed Pastoral Counselors Be Recognized as Licensed Professionals for Purposes of Insurance Reimbursement"

H.P. 30 L.D. 27

Bill "An Act To Require That Mental Health Workers with Family Therapist Licenses Be Recognized as Licensed Professionals for Purposes of Insurance Reimbursement"

H.P. 31 L.D. 28

Bill "An Act To Assist Municipal Implementation and Enforcement of Storm Water Management Programs"

H.P. 441 L.D. 608

Bill "An Act To Amend the Law Regarding State Milk Payments"

H.P. 723 L.D. 1070

Resolve, Regarding Legislative Review of Chapter 100: Enforcement Procedures, a Major Substantive Rule of the Maine Health Data Organization (EMERGENCY)

H.P. 966 L.D. 1389

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

H.P. 1119 L.D. 1583

Resolve, Regarding Legislative Review of Portions of Chapter 306: Uniform Information Disclosure and Informational Filing Requirements, a Major Substantive Rule of the Public Utilities Commission (EMERGENCY)

H.P. 1137 L.D. 1610

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

**House As Amended**

Bill "An Act To Amend the Certificate of Need Process"

H.P. 19 L.D. 16  
(C "A" H-344)

Resolve, To Require the Department of Health and Human Services To Adopt Rules Regarding Accrual of Cost Savings (EMERGENCY)

H.P. 56 L.D. 60  
(C "A" H-357)

LEGISLATIVE RECORD - SENATE, WEDNESDAY, MAY 18, 2005

Bill "An Act To Amend the Laws Governing the Funding of State Special Elections"

H.P. 66 L.D. 70  
(C "A" H-354)

Bill "An Act To Establish the Unused Prescription Drug Program"

H.P. 105 L.D. 129  
(C "A" H-347)

Bill "An Act To Promote the Uniform Implementation of the Statewide Standards for Timber Harvesting and Related Activities in Shoreland Areas"

H.P. 139 L.D. 188  
(C "A" H-371)

Bill "An Act To Change the Child Care Facility Licensing Laws"

H.P. 272 L.D. 359  
(C "A" H-346)

Resolve, To Require the Department of Health and Human Services To Amend Rules Regarding Licensing of Intermediate Care Facilities for Mental Retardation Nursing (EMERGENCY)

H.P. 284 L.D. 382  
(C "A" H-342)

Bill "An Act To Reduce Costs Caused by New Procedure Changes for Health Care Providers"

H.P. 355 L.D. 480  
(C "A" H-341)

Bill "An Act To Regulate the Display of Tobacco Products"

H.P. 408 L.D. 553  
(C "A" H-343)

Bill "An Act Regarding New Motor Vehicle Emission Standards Rulemaking"

H.P. 448 L.D. 615  
(C "A" H-337)

Bill "An Act Regarding Possession of Prescription Drugs"

H.P. 463 L.D. 630  
(C "A" H-358)

Resolve, Regarding Nonnative Invasive Marine Species

H.P. 487 L.D. 667  
(C "A" H-360)

Bill "An Act To Amend Laws Pertaining to Commercial Fishing and Baitfish"

H.P. 518 L.D. 723  
(C "A" H-352)

Bill "An Act To Require the Disclosure of Certain Financial Information from Hospitals and Their Affiliates"

H.P. 520 L.D. 725  
(C "A" H-339)

Resolve, To Examine Smoking Prevention and Cessation Programs for Maine's Youth

H.P. 546 L.D. 769  
(C "A" H-345)

Resolve, To Raise a Monument for Women Veterans of Maine

H.P. 588 L.D. 829  
(C "A" H-353)

Bill "An Act To Amend the Workers' Compensation Medical Fee Schedule To Include Hospital Charges"

H.P. 635 L.D. 916  
(C "A" H-338)

Resolve, Directing the Air Toxics Advisory Committee To Review the Status of Toxic Emissions from Waste-to-energy Facilities in the State and Recommend Actions Aimed at Reducing and Monitoring These Emissions

H.P. 972 L.D. 1408  
(C "A" H-374)

Bill "An Act To Conform the Remedies under the Maine Family Medical Leave Requirements with Those Available under Federal Law"

H.P. 977 L.D. 1413  
(C "A" H-348)

Resolve, Promoting the Consumption of Maine Farm Products at the State House Complex

H.P. 1017 L.D. 1452  
(C "A" H-340)

Resolve, Regarding Legislative Review of Portions of Chapter 127: New Motor Vehicle Emission Standards, a Major Substantive Rule of the Bureau of Air Quality (EMERGENCY)

H.P. 1028 L.D. 1465  
(C "A" H-361)

Bill "An Act To Update the Membership of Certain Professional Licensing Boards"

H.P. 1034 L.D. 1471  
(C "A" H-356)

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

Bill "An Act Relating to the Northern New England Passenger Rail Authority"

H.P. 380 L.D. 505  
(C "A" H-362)

**READ A SECOND TIME.**

On motion by Senator **DAMON** of Hancock, the Senate **RECONSIDERED** whereby it **ADOPTED** Committee Amendment "A" (H-362).

On further motion by same Senator, Senate Amendment "A" (S-192) to Committee Amendment "A" (H-362) **READ**.

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



Senator **DAMON**: Thank you, Madame President, men and women of the Senate. This is really a technical amendment to this particular bill. In the committee amendment it says that the gubernatorial appointees to this oversight committee for the northern New England passenger rail service will be confirmed by the committee having jurisdiction over transportation. That is not what my amendment seeks to do. My amendment seeks to have the confirmation come to the full legislature in this body. It is more of a technical amendment. I would ask that you support my amendment.

On motion by Senator **DAMON** of Hancock, Senate Amendment "A" (S-192) to Committee Amendment "A" (H-362) **ADOPTED**.

Committee Amendment "A" (H-362) as Amended by Senate Amendment "A" (S-192) thereto, **ADOPTED**, in **NON-CONCURRENCE**.

**PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-362) AS AMENDED BY SENATE AMENDMENT "A" (S-192) thereto, in NON-CONCURRENCE.**

Ordered sent down forthwith for concurrence.

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Bill "An Act To Authorize the Public Advocate To Represent Consumers in Federal Regulation of Railroads"

H.P. 169 L.D. 230  
(S "A" S-188 to C "A" H-182)

**READ A SECOND TIME and PASSED TO BE ENGROSSED AS AMENDED, in NON-CONCURRENCE.**

Sent down for concurrence.

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**Senate As Amended**

Bill "An Act To Provide an Exemption from Discrimination Laws to Fitness Centers"

S.P. 92 L.D. 272  
(C "A" S-137)

Bill "An Act Regarding Identity Theft Deterrence"

S.P. 190 L.D. 581  
(C "A" S-187)

Bill "An Act To Require That Hazardous Waste Be Removed from Junked Vehicles"

S.P. 229 L.D. 692  
(C "A" S-186)

Bill "An Act To Require the Workers' Compensation Board To Use the 5th Edition 'Guides to the Evaluation of Permanent Impairment' in Assessing Workers' Compensation Injuries Involving the Spinal Column"

S.P. 456 L.D. 1329  
(C "A" S-189)

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

Sent down for concurrence.

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

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**ENACTORS**

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

**Emergency**

An Act To Sustain Maine Schools and Libraries

S.P. 439 L.D. 1259  
(C "A" S-116)

Comes From the House, **FAILED ENACTMENT**.

On motion by Senator **BARTLETT** of Cumberland, **TABLED** until Later in Today's Session, pending **ENACTMENT**, in **NON-CONCURRENCE**.

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

**ENACTORS**

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

**Acts**

An Act To Require Additional Disclosure Regarding Private Mortgage Insurance

H.P. 883 L.D. 1286  
(C "A" H-309)

An Act To Prohibit Unfair Charges in Mobile Home Parks

H.P. 938 L.D. 1355  
(C "A" H-285)

An Act To Improve Cooperative Energy Purchasing for Schools, Towns and Nonprofits

S.P. 473 L.D. 1375

**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 Amend the Crimes of Unlawful Sexual Contact and Unlawful Sexual Touching

H.P. 867 L.D. 1249  
(C "A" H-325)

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

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An Act To Prohibit and Provide Penalties for the Issuance, Manufacture and Use of False Academic Degrees or Certificates

H.P. 915 L.D. 1317  
(C "A" H-273)

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

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An Act To Increase Funding for Meals on Wheels Program

H.P. 931 L.D. 1348  
(C "A" H-279)

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

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

#### REPORTS OF COMMITTEES

##### Senate

##### Divided Report

The Majority of the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** on Bill "An Act To Provide Access to Maine's Resources to Veterans of the Iraq War" (EMERGENCY)

S.P. 204 L.D. 649

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-197)**.

Signed:

Senators:

NUTTING of Androscoggin  
BRYANT of Oxford  
RAYE of Washington

Representatives:

PIOTTI of Unity  
CARR of Lincoln  
JODREY of Bethel  
JENNINGS of Leeds

MAREAN of Hollis  
FLOOD of Winthrop  
SHERMAN of Hodgdon  
PINEAU of Jay  
LUNDEEN of Mars Hill

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

Signed:

Representative:

TWOMEY of Biddeford

Reports **READ**.

On motion by Senator **NUTTING** of Androscoggin, the Majority **OUGHT TO PASS AS AMENDED** Report **ACCEPTED**.

**READ ONCE**.

Committee Amendment "A" (S-197) **READ** and **ADOPTED**.

**ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY**.

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

#### REPORTS OF COMMITTEES

##### House

##### Divided Report

The Majority of the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** on Bill "An Act To Impose Mandatory Minimum Sentences for Certain Sexual Offenses"

H.P. 249 L.D. 326

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

Signed:

Senators:

DIAMOND of Cumberland  
CLUKEY of Aroostook

Representatives:

BLANCHETTE of Bangor  
PLUMMER of Windham  
HANLEY of Gardiner  
CHURCHILL of Washburn  
GERZOFKY of Brunswick  
SYKES of Harrison  
GROSE of Woolwich  
PARADIS of Frenchville

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (H-384)**.

Signed:

Senator:

NUTTING of Androscoggin

Representative:

DAVIS of Augusta

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

Reports **READ**.

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

On motion by Senator **WOODCOCK** of Franklin, 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 Androscoggin, Senator Nutting.

Senator **NUTTING:** Thank you, Madame President. I rise to speak very very briefly, considering the hour, on this issue. This issue and these types of acts have devastated several families in my Senate district, some of which I've just become aware of and some of which I worked with when I was in this chamber in previous sessions. The particular amendment that I'm supporting says that there will be a 10 year sentence for the first offense and 20 years for the second offense or subsequent offenses. The reason I went out on the minority report, which is something I don't do very much, is because the testimony I heard that impacted me was that people who commit these types of acts, even after intense counseling, really never get to a point in their lives where they can be safely around young children. That's of great concern to me. Again, that is why I supported this particular report. Thank you.

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

Senator **PLOWMAN:** Thank you, Madame President. I rise to join my colleague from the other side of the aisle in asking you to oppose this report. I, too, respect committee reports but there is something that needs to be done. These people are dangerous. They are predatory. They are costly emotion-wise. They are costly resource-wise. The sexual predator who lives down the street from me, 1 ½ miles away, has 40 victims. He has a special probation officer. You can only imagine how much money we spend on the 40 victims and their families, trying to repair the damage that one man has caused. It's now time to talk about not just punishment but recidivism. We need these people off the streets. When you walk into a kindergarten class, look at the first ten little girls. Put them aside in your mind. Then pick any three. Three of those little girls will be sexually assaulted before they turn 18. That's a huge risk. We're not sentencing stiff enough. Other states are. Florida just passed mandatory 25 years and

ankle bracelet for the rest of the offender's life. That's because of the horrible tragedy that happened there this spring. We haven't had that happen yet to that extent. Our young girls are being victimized and our young boys as well. I think it's time to send a message that we will protect our children. You will go away for a long time. You won't do it again without a huge penalty. It's an investment in our children. The safest one I can think of because you put him away, or her because my sexual offender who lives down the road participated with his wife in their criminal acts. This is sad. Know what is really sad? I live in rural Maine. I live on a quiet road with 30 homes. My daughters are not allowed to play in the front yard without an adult. They can play in the fenced in back yard with the dog. If the dog's not in the back yard, the children aren't in the back yard. We live in a prison that I pay high taxes for. The man who offended 40 victims jogs and drives up and down my road at will. If we had sentenced him like this, my kids could play in the front yard and the next 3 out of 10 girls in the kindergarten at the school in town might be a little safer.

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

Senator **DIAMOND:** Thank you, Madame President, men and women of the Senate. Everything that has been said today about the seriousness of this issue is accurate. The committee agrees. We don't think for a moment that we don't share the concern about the safety of our kids and these perpetrators and they should be punished. If you look at the list of those folks who support the Ought Not to Pass, you will not see people there who necessarily feel like we ought to give these perpetrators a break. One of the major reasons that the committee voted Ought Not to Pass is because we killed several sex offender bills this session because our intent is to meet this summer and fall and put it all together and come up with a recommendations that we think this Senate and this full legislature may appreciate, not to mention support. Rather than spend \$350,000, which this bill would bring with it, it seems to us to make sense to look at everything. We have a whole litany of concerns and problems with sexual offenders, perpetrators, and all that sort of thing. Right now a Class A gross sexual offense averages 7 years and 1 month. This would pop it up to 10 and that maybe good. Maybe we need to do more than that. The committee felt very strongly that they really needed to take a look at all these issues, rather than try to pick one off at a time. That is the reason you saw the report as it now states. Thank you, Madame President.

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

Senator **STRIMLING:** Thank you, Madame President. I also rise in support of the Ought Not to Pass and I would remind my colleagues here, those of you who were in the last session, actually there was a study that was done and the commission came out with an extensive report about what we needed to do. We did put into effect new laws, new lengths of probation, and new notification across the board because this commission looked at it and put together a comprehensive report that was put in place, voted on by most of us, at least ¾ in both bodies. I would ask that we give those laws time before we go back and piece by piece start amending them again. I think that the Senator from Cumberland, Senator Diamond's group coming

together to try to take a look at those rules and see if any additional changes to be made is a much better approach than trying to do this piece-meal.

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

Senator **MILLS:** Thank you, Madame President. I was just running up to the corner, as I so often do, to find the criminal statutes that would be affected by this minimum mandatory term of 10 years for the first offense and 20 years for the second. I would remind the members of the chamber that we have an elaborate set of statutes that deal with sexual offenses against adults and sexual offenses against minors. They range from Class E, which is a misdemeanor, all the way up to Class A. Of course it depends on the circumstances, as is so often true of life. For example, one of the misdemeanor offenses is a situation where there is a teacher in a school who becomes involved with a member of the senior class. Not a smart thing to do, certainly, but it happens. Do you want to send that teacher off for 10 years, minimum mandatory? Someone who is very likely going to lose his job and probably not do it again? I don't know. We've made some judgments, some value judgments, in the framing of these laws over the years. Sometimes you have situations where there is a 21 year old having relations with someone who is 15 or 16. They are people who may be violating the criminal laws of the State of Maine, but we have made a policy judgment that those offenses are Class D or Class E offenses, not subject to a mandatory minimum incarceration term of 10 years. All I am saying is that there are all shades of conduct that are governed by these complex statutes. The Criminal Justice Committee, over the years, has devoted enormous amounts of time to making sure that the punishment fits the crime in each instance. To just come in and have a sweeping mandatory minimum sanction of 10 years in a situation like this runs roughshod over all of that careful work that our predecessors have done over the decades that have preceded this legislature. The other thing is that there is a commonly held misconception that judges, for some reason, aren't sensitive to these sentencing issues and that they are letting these folks off lightly when they get a chance to eyeball them in the court room. I can assure you that this is absolutely not the case. They take a look at each person's record. They look at the offense. They look at the victims and the impact on the victims. When the situation warrants it, folks that are inveterate violators or perpetual violators of these statutes get salted away for a good long time, a lot longer than 10 years, frankly. I don't see the need for this statute. It would undo a lot of careful work that the Criminal Justice Committee has done over many years in shaping these statutes. I would urge that we adopt the majority Ought Not to Pass report. Thank you.

**THE PRESIDENT:** The pending question before the Senate is the motion by the Senator from Cumberland, Senator Diamond 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 (#134)**

**YEAS:** Senators: BARTLETT, BRENNAN, BRYANT, CLUKEY, DAMON, DIAMOND, GAGNON, HASTINGS, HOBBS, MARTIN, MAYO, MILLS, MITCHELL, PERRY, RAYE, ROSEN, ROTUNDO, SAVAGE, SCHNEIDER, STRIMLING, SULLIVAN, TURNER, WESTON, THE PRESIDENT - BETH G. EDMONDS

**NAYS:** Senators: ANDREWS, COURTNEY, DAVIS, DOW, NASS, NUTTING, PLOWMAN, SNOWE-MELLO, WOODCOCK

**ABSENT:** Senators: BROMLEY, COWGER

24 Senators having voted in the affirmative and 9 Senators having voted in the negative, with 2 Senators being absent, the motion by Senator **DIAMOND** of Cumberland to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report, in concurrence, **PREVAILED**.

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

**REPORTS OF COMMITTEES**  
**House**

**Divided Report**

The Majority of the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** on Bill "An Act To Decrease the Burden on Jails and Improve Treatment for People Living with Mental Illness by Fostering Jail Diversion"

H.P. 646 L.D. 927

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

Signed:

Senators:  
DIAMOND of Cumberland  
CLUKEY of Aroostook

Representatives:  
BLANCHETTE of Bangor  
PLUMMER of Windham  
HANLEY of Gardiner  
GREELEY of Levant  
CHURCHILL of Washburn  
GERZOFISKY of Brunswick  
SYKES of Harrison  
GROSE of Woolwich  
DAVIS of Augusta  
PARADIS of Frenchville

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (H-386)**.

Signed:

Senator:

NUTTING of Androscoggin

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

Reports **READ**.

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

**THE PRESIDENT:** The Chair recognizes the Senator from Androscoggin, Senator Nutting.

Senator **NUTTING:** Thank you, Madame President. I think I've voted opposite my good chair from Cumberland twice this whole session and at least we're going to do them back-to-back.

I could not support the Ought Not to Pass motion on this particular issue. I understand the amendment I'm supporting, H-386, does totally gut the bill that was presented. It gives it a new title, 'An Act Regarding the Administration of Medication by Sheriffs to Prisoners'. The reason I feel strongly about this is because four years ago this legislature passed the statute that assured that the formularies used for people suffering with severe and persistent mental illness and the formularies in our state prisons must match that in our state psychiatric hospitals. They were having a problem with somebody on one type of medication being switched and then a medication change. Someone ended up reacting to that and their stay in the state prison was extended because of bad behavior. This amendment simply says that we're going to have the same formulary in our county jails that we do currently in our state prisons. In talking to the three or four county sheriffs that I have in the course of working on this particular amendment, they have all stated that there is case after case where someone is transferred to the county jail, their medication is changed, and bad behavior erupts. In the process of trying to save \$25 or \$30 on a medication change, someone ends up spending another month in the county jail. We're spending more money than we're trying to save. I feel strongly about this and that is why I kind of went out by myself. It's the only time I have this session. I feel that we should have the same formulary in our county jails as we do in our state prisons. Thank you.

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

Senator **DIAMOND:** Thank you, Madame President, men and women of the Senate. It is a worthy cause that the good Senator from Androscoggin, Senator Nutting, has spoken about and the position he has taken. The problem is that this bill has a significant mandate to it. The mandate, in fact, is so significant that it says significant on the fiscal note. The real problem here is that it is requiring every county jail to have the same kind of medications that they have at the state institutions. That's why it is a significant mandate. No one is arguing that this is not a problem we should look at. In fact, I learned today that the State and Local Government Committee is studying the whole aspect of the seriousness of this and how this may be rectified in a different way. This is not the way to go because we can't afford it and we

have to remember that county government is funded by property taxes, almost 100% if not 100%. It is well intended, but practical good reasoning would say that we do not do it this way and we simply kill this bill. I would appreciate your support on this.

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

Senator **SCHNEIDER:** Thank you, Madame President. I am rising in support of the Ought Not to Pass report with the acknowledgement that there is a serious problem with regard to our jail system in its entirety. The State and Local Government Committee is addressing this problem. There is also funding in the Part 1 budget for a study to look at jails and the problems on both the county level and state level. It's my suggestion that the Criminal Justice and Public Safety Committee write a letter to us describing the situation that they are concerned with, from both Senators. We need to address this problem. The funding problems, the mental health problems, and the drug treatment problems are all very significant and costly. Though I don't believe this is the way to address it, I do believe we need to support the study and efforts that are taken place within my committee and also at the state level with the funding that has been made available to address this overall problem. I hope that we will continue this, but I hope that the Ought Not to Pass report will be supported by my good colleagues.

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

Senator **PLOWMAN:** Thank you, Madame President. I again rise to join my colleague on the other side of the aisle. When it comes to mental health issues and the people that we detain, we know that they are not always getting the treatment that they should be getting. Often times they shouldn't even be in jail. They should be receiving treatment. When you change medications the outcome can be not only unfortunate, it can be tragic. There is no need for us to turn this bill down. The fiscal note continues on to say the cost of certain county jails for new formulary standards maybe mitigated by the assistance provided by the Department of Health and Human Services and the Department of Corrections. Any additional costs to the department can be absorbed utilizing existing budgeted resources. With that out of the way, I'd like to say that this is probably something we should be doing for the mentally ill that end up in our system. To add to the stay in the jail because of a medication change is wrong. The medication can also result in the patient, when being discharged from the jail, being admitted to one of the psychiatric hospitals in order to get them back on the correct medication. That is very costly compared with maintaining the status quo. We do an incredible amount of things for healthcare in our jails. The most important thing we can do is to make sure this continuity so that person doesn't regress while they are in our custody. It's a cost savings and it's the humane thing to do. I think it's better to address it now than to wait. I apologize for being up here all day, but when you talk about children and mental health, you will hear from me.

**THE PRESIDENT:** The pending question before the Senate is the motion by the Senator from Cumberland, Senator Diamond to Accept the Majority Ought Not to Pass Report.

The Chair ordered a Division.

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

**ROLL CALL (#135)**

YEAS: Senators: BARTLETT, BRENNAN, BRYANT, CLUKEY, COURTNEY, DAMON, DAVIS, DIAMOND, GAGNON, HASTINGS, MARTIN, MAYO, MILLS, MITCHELL, NASS, PERRY, ROSEN, SAVAGE, SCHNEIDER, SULLIVAN, TURNER, WESTON, WOODCOCK, THE PRESIDENT - BETH G. EDMONDS

NAYS: Senators: ANDREWS, DOW, NUTTING, PLOWMAN, RAYE, ROTUNDO, SNOWE-MELLO, STRIMLING

ABSENT: Senators: BROMLEY, COWGER, HOBBS

24 Senators having voted in the affirmative and 8 Senators having voted in the negative, with 3 Senators being absent, the motion by Senator **DIAMOND** of Cumberland to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report, in concurrence, **PREVAILED**.

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

**REPORTS OF COMMITTEES**

**House**

**Divided Report**

The Majority of the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** on Bill "An Act Regarding the Bureau of State Police, Licensing Division"

H.P. 807 L.D. 1164

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

Signed:

Senators:  
DIAMOND of Cumberland  
CLUKEY of Aroostook  
NUTTING of Androscoggin

Representatives:  
PLUMMER of Windham  
HANLEY of Gardiner  
CHURCHILL of Washburn  
SYKES of Harrison

GROSE of Woolwich  
DAVIS of Augusta  
PARADIS of Frenchville

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (H-387)**.

Signed:

Representatives:  
BLANCHETTE of Bangor  
GERZOFKY of Brunswick

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

Reports **READ**.

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

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

**REPORTS OF COMMITTEES**

**House**

**Divided Report**

The Majority of the Committee on **TRANSPORTATION** on Bill "An Act To Prohibit the Issuance of a Driver's License to an Undocumented Illegal Alien"

H.P. 540 L.D. 763

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

Signed:

Senators:  
DAMON of Hancock  
DIAMOND of Cumberland

Representatives:  
HOGAN of Old Orchard Beach  
FISHER of Brewer  
SAMPSON of Auburn  
MARLEY of Portland  
PARADIS of Frenchville

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (H-368)**.

Signed:

Senator:  
SAVAGE of Knox

Representatives:

McKENNEY of Cumberland  
THOMAS of Ripley  
COLLINS of Wells  
BROWNE of Vassalboro  
MAZUREK of Rockland

Comes from the House with the Minority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-368)**.

Reports **READ**.

Senator **DAMON** of Hancock moved the Senate **ACCEPT** the Majority **OUGHT NOT TO PASS** Report, in **NON-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 NOT TO PASS** Report, in **NON-CONCURRENCE**.

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

**REPORTS OF COMMITTEES**

**House**

**Divided Report**

The Majority of the Committee on **INLAND FISHERIES AND WILDLIFE** on Bill "An Act To Remove the Ethics Course Requirement for First Hunting and Fishing Violations and Require the Department of Inland Fisheries and Wildlife To Hold the Courses in a Location Within 100 Miles of All Citizens of the State"

H.P. 388 L.D. 512

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

Signed:

Senators:

BRYANT of Oxford  
WOODCOCK of Franklin

Representatives:

WATSON of Bath  
LUNDEEN of Mars Hill  
WHEELER of Kittery  
CEBRA of Naples  
MOODY of Manchester  
TRAHAN of Waldoboro  
RICHARDSON of Greenville  
RICHARDSON of Carmel  
BRYANT of Windham

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (H-388)**.

Signed:

Representative:

JACKSON of Fort Kent

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

Reports **READ**.

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

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

**REPORTS OF COMMITTEES**

**House**

**Ought to Pass**

The Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** on Bill "An Act To Amend the Maine Criminal Code Regarding Deferred Disposition and Administrative Release"

H.P. 939 L.D. 1356

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

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

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

**READ ONCE**.

**ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY**.

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The Committee on **INSURANCE AND FINANCIAL SERVICES** on 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

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.**

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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 **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act To Make Safer Schools" H.P. 709 L.D. 1024

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-393)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-393)**.

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

**READ ONCE.**

Committee Amendment "A" (H-393) **READ** and **ADOPTED**, in concurrence.

**ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.**

---

The Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act To Improve Communication, Cooperation and Efficiencies in State Government" H.P. 97 L.D. 121

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-389)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-389)**.

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

**READ ONCE.**

Committee Amendment "A" (H-389) **READ** and **ADOPTED**, in concurrence.

**ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.**

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 **EDUCATION AND CULTURAL AFFAIRS** on Resolve, Regarding Teacher Certification Requirements H.P. 1008 L.D. 1444

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-394)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-394)**.

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

**READ ONCE.**

Committee Amendment "A" (H-394) **READ** and **ADOPTED**, in concurrence.

**ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.**

---

The Committee on **TAXATION** on Bill "An Act To Make Minor Substantive Changes to the Tax Laws" H.P. 1024 L.D. 1462

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-392)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-392)**.

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

**READ ONCE.**

Committee Amendment "A" (H-392) **READ** and **ADOPTED**, in concurrence.

**ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.**

---

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 **APPROPRIATIONS AND FINANCIAL AFFAIRS** on Bill "An Act Regarding the Budget Process for the Legislative Youth Advisory Council"

H.P. 1056 L.D. 1511

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-390)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-390)**.

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

**READ ONCE.**

Committee Amendment "A" (H-390) **READ** and **ADOPTED**, in concurrence.

**ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.**

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The Committee on **TAXATION** on Bill "An Act Concerning Technical Changes to the Tax Laws"

H.P. 1087 L.D. 1546

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-391)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-391)**.

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

**READ ONCE.**

Committee Amendment "A" (H-391) **READ** and **ADOPTED**, in concurrence.

**ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.**

---

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 **INSURANCE AND FINANCIAL SERVICES** on Bill "An Act To Create an Insurance Fraud Unit within the Bureau of Insurance"

H.P. 1099 L.D. 1561

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-395)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-395)**.

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

**READ ONCE.**

Committee Amendment "A" (H-395) **READ** and **ADOPTED**, in concurrence.

**ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.**

---

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

**ENACTORS**

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

**Emergency Measure**

An Act To Make Changes to the Laws Governing the Maine Potato Board

H.P. 378 L.D. 503  
(C "A" H-330)

This being an Emergency Measure and having received the affirmative vote of 33 Members of the Senate, with no Senators having voted in the negative, and 33 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.

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**Emergency Measure**

An Act To Make an Exception to the Law Regarding Licensing of Fair Vendors Selling Tobacco Products

H.P. 660 L.D. 941  
(C "A" H-326)

This being an Emergency Measure and having received the affirmative vote of 33 Members of the Senate, with no Senators having voted in the negative, and 33 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.

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

**ENACTORS**

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

**Emergency Measure**

An Act To Modify the Transition Provision for Renewal of Social Worker Licenses

S.P. 350 L.D. 1010  
(C "A" S-161)

This being an Emergency Measure and having received the affirmative vote of 33 Members of the Senate, with no Senators having voted in the negative, and 33 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 Measure**

An Act To Make Technical Amendments to the Maine Uniform Trust Code

S.P. 538 L.D. 1551

This being an Emergency Measure and having received the affirmative vote of 33 Members of the Senate, with no Senators having voted in the negative, and 33 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.

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

**ENACTORS**

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

**Acts**

An Act To Amend the Laws Governing Commercial Vehicle Length Limits

S.P. 12 L.D. 13  
(C "A" S-166)

An Act To Ensure Financial Solvency in Maine's Air and Wastewater Licensing Programs

H.P. 218 L.D. 293  
(C "A" H-243)

An Act To Establish a Program for the Purchase of Prescription Drugs from out of the Country for the Elderly and Disabled

H.P. 369 L.D. 494  
(C "A" H-327)

An Act To Amend the Laws Relating to Changeable Signs  
H.P. 373 L.D. 498  
(C "A" H-291)

**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 Mandate Payment of Licensed Sign Language Interpreters for Driver Education Students

S.P. 144 L.D. 446  
(C "A" S-168)

On motion by Senator **DAMON** of Hancock, placed on the **SPECIAL HIGHWAY TABLE**, pending **ENACTMENT**, in concurrence.

An Act To Provide Relief from the Cost of Rescue Services to Certain Communities

H.P. 412 L.D. 557  
(C "A" H-317)

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

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

**ENACTORS**

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

**Acts**

An Act To Provide for Independent Testing of Unpasteurized Milk Products

S.P. 209 L.D. 654  
(C "A" S-142)

An Act To Modernize the Innkeeping Statutes

S.P. 313 L.D. 905  
(C "A" S-160)

An Act To Allow Municipalities To Acquire Title to Abandoned Cemeteries

H.P. 714 L.D. 1029  
(C "A" H-265)

**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 Fund Youth Mentoring Programs  
H.P. 689 L.D. 979  
(C "A" H-332)

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

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An Act To Stimulate Economic Development in Maine's Aviation Industry

H.P. 727 L.D. 1074  
(C "B" H-299)

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

---

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

**ENACTORS**

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

**Acts**

An Act To Recognize and Protect the Native Eastern Brook Trout as Maine's Heritage Fish

S.P. 395 L.D. 1131  
(C "A" S-143)

An Act To Promote Responsible Advertising by Public Utilities  
H.P. 826 L.D. 1198  
(C "A" H-296)

An Act To Clarify the Municipal Responsibility To Provide Assessing Information to Property Owners

H.P. 862 L.D. 1244  
(C "A" H-302)

An Act To Register Nonbank Loan Officers  
H.P. 900 L.D. 1303  
(C "A" H-311)

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

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An Act To Amend the Law on Junkyards, Automobile Graveyards and Automobile Recycling Businesses

S.P. 448 L.D. 1268  
(C "A" S-156; S "A" S-163)

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

---

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

**ENACTORS**

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

**Acts**

An Act To Exempt Agricultural Guard Dogs and Herding Dogs from the Barking Dog Ordinances

H.P. 907 L.D. 1309  
(C "A" H-331)

An Act To Allow Firefighters and Emergency Service Personnel To Direct Traffic

S.P. 464 L.D. 1337  
(C "A" S-167)

An Act To Amend the Law Regarding Certification of Educational Personnel

H.P. 1010 L.D. 1446

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

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An Act To Create a Graduate School of Biomedical Sciences at the University of Maine

S.P. 530 L.D. 1528  
(C "A" S-165)

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

---

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

**ENACTORS**

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

**Resolve**

Resolve, To Study Initiatives To Increase Access to Dental Services for Children in the MaineCare Program

H.P. 10 L.D. 5  
(C "A" H-328)

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

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

**COMMUNICATIONS**

The Following Communication: S.C. 314

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

May 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 bill out "Ought Not to Pass":

L.D. 1623 An Act To Require the Inspection of All  
Commercial Trailers at Time of Sale

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

Sincerely,

S/Sen. Dennis S. Damon  
Senate Chair

S/Rep. Boyd P. Marley  
House Chair

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

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

**COMMUNICATIONS**

The Following Communication: S.C. 315

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

May 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 Health and Human Services has voted unanimously to report the following bills out "Ought Not to Pass":

L.D. 1507 An Act To Control the Spread of  
Methamphetamines

L.D. 1554 Resolve, To Establish the Commission To  
Study the Delivery of Services to Maine  
Citizens with Brain Injuries

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

---

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

**COMMUNICATIONS**

The Following Communication: S.C. 316

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

May 16, 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 bill out "Ought Not to Pass":

L.D. 584     An Act To Encourage Long-term Care  
                 Insurance and Expand Eligibility for MaineCare

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

Sincerely,

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

S/Rep. Hannah Pingree  
House Chair

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

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On motion by Senator **BRENNAN** of Cumberland, **ADJOURNED**,  
to Thursday, May 19, 2005, at 10:00 in the morning.