

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

Senate Legislative Record
One Hundred and Twenty-Second Legislature

State of Maine

Daily Edition

Second Regular Session
January 4, 2006 to May 24, 2006

Pages 1382 - 2139

**STATE OF MAINE
ONE HUNDRED AND TWENTY-SECOND LEGISLATURE
SECOND REGULAR SESSION
JOURNAL OF THE SENATE**

In Senate Chamber
Tuesday
February 7, 2006

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

Prayer by Pastor William Monroe, Retired, of Advent Christian
Church in Goodwins Mills.

PASTOR MONROE: Good morning. Just a bit of correction. I
am retired. I attend the church. We have a younger pastor there.
I'm happy to be with you this morning. President Edmonds and
members of the Senate, thank you for giving me this privilege.

The preamble to our State Constitution states that the people
of Maine acknowledge with grateful hearts the goodness of the
sovereign rules of the universe for the opportunity to establish our
State Constitution and implored God's aide and direction in its
accomplishment. So today I invite you to join me in giving thanks
to the same God for His blessing upon us as a people down
through the years and to implore his aide for you, as you seek to
fulfill the duties and obligations of your office here today. Before I
lead you in prayer, I'd like to remind you of some words of the
Prophet Jeremiah, who wrote as follows: 'This I recall to my mind,
therefore I have hope. The Lord's loving kindnesses never
cease, for His compassions never fail. They are new every
morning. Great is your faithfulness. The Lord is my portions,
says my soul, therefore I have hope in Him. The Lord is good to
those who wait for Him, to the person who seeks Him.' Let us
pray.

Almighty God, because You are a God whose loving
kindnesses never cease and because Your compassions never
fail, we come before You with grateful hearts for the many
blessings You have bestowed upon us. Thank You so very much
for this great State of Maine; for its awesome mountains and
rugged coastline, for the beauty of its seasons and the abundant
harvests from forests, farms, and ocean depths. Thank You, too,
for its citizens and those who serve in positions of leadership in
every town and village and here in our state capital; from the
Governor and those in both houses of the Legislature, and to all
who give of themselves for our protection; the police and
emergency services people and the brave men and women who
serve in the military.

Oh God of abundant goodness, we would be remiss if we did
not thank You for our schools, public and private, and for the
institutions of higher education all across this state. With our
thanks giving we humbly ask for Your rich blessing to be upon
every student, every teacher, every professor, and every
administrator so that the students of today will become our
leaders for tomorrow.

Now, oh God, I bring to You in prayer President Edmonds
and the members of the Senate and their staff members. Build a
physical wall and a spiritual wall of protection around them and
each member of their families to keep them safe from all ills.
Help them to do their work in humble dependence upon You,

seeking Your guidance in all of their deliberations. Give them
understanding and courage to deal with every piece of legislation
that may come before them with fairness, integrity, and unselfish
motives and to carefully consider what is in the best interest of all
our citizens, especially those who may not be able to make their
voice heard. Help them to conduct themselves with honor and as
good stewards of their office, to be good examples to all of those
who are committed to stand for justice and mutual welfare,
protection and defense of all our citizens. Remind them often, oh
God, that they must serve as those who must render up an
account of their stewardship, not just to their constituency but also
one day before You. Now may the grace of Your richest blessing
be upon them all through the deliberations of this day. Amen.

Pledge of Allegiance led by Senator Dean F. Clukey of Aroostook
County.

Reading of the Journal of Thursday, February 2, 2006.

Off Record Remarks

REPORTS OF COMMITTEES

House

Ought to Pass As Amended

The Committee on **INLAND FISHERIES AND WILDLIFE** on Bill
"An Act To Prevent the Introduction of Chronic Wasting Disease"
(EMERGENCY)

H.P. 1272 L.D. 1832

Reported that the same **Ought to Pass as Amended by
Committee Amendment "A" (H-742).**

Comes from the House with the Report **READ** and **ACCEPTED**
and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY
COMMITTEE AMENDMENT "A" (H-742).**

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

READ ONCE.

Committee Amendment "A" (H-742) **READ** and **ADOPTED**, in
concurrence.

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

Senate

Ought to Pass

Senator BROMLEY for the Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** on Bill "An Act Regarding Licensure Requirements for Nurses"

S.P. 669 L.D. 1752

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

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

READ ONCE.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Off Record Remarks

Senator BROMLEY for the Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** on Bill "An Act To Address Emergency Licensure Procedures"

S.P. 673 L.D. 1756

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

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

READ ONCE.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Senator BROMLEY for the Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** on Bill "An Act To Amend the Debt Collection Law"

S.P. 721 L.D. 1804

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

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

READ ONCE.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Senator DAMON for the Committee on **TRANSPORTATION** on Bill "An Act To Amend the Laws Governing Ferry Service Travel for Individuals with Catastrophic Illness" (EMERGENCY)

S.P. 655 L.D. 1738

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

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

READ ONCE.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Divided Report

The Majority of the Committee on **EDUCATION AND CULTURAL AFFAIRS** on Resolve, Directing the Department of Education To Establish a Secondary Vocational Education Facility in Washington County

S.P. 459 L.D. 1332

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

Signed:

Senators:

MITCHELL of Kennebec
SCHNEIDER of Penobscot
TURNER of Cumberland

Representatives:

NORTON of Bangor
DAVIS of Falmouth
FINCH of Fairfield
GOLDMAN of Cape Elizabeth
STEDMAN of Hartland
MAKAS of Lewiston
LANSLEY of Sabattus
CAIN of Orono

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (S-443)**.

Signed:

Representatives:

EDGECOMB of Caribou
MERRILL of Appleton

Reports **READ**.

Senator MITCHELL of Kennebec 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.

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

SECOND READERS

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

House As Amended

Bill "An Act To Restore the Funding to the Fund for the Efficient Delivery of Local and Regional Services" (EMERGENCY)
H.P. 1219 L.D. 1712
(C "A" H-741)

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

Senate As Amended

Bill "An Act To Extend Tuition Waivers to Persons Who Have Resided in Subsidized Adoptive Care or Who Have Subsidized Guardians"
S.P. 672 L.D. 1755
(C "A" S-442)

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

Sent down for concurrence.

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

ENACTORS

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

Acts

An Act To Amend the Operator's License and Nondriver Identification Card Requirements
H.P. 376 L.D. 501
(C "A" H-736)

An Act To Address Benefits for Employees and Officers of Credit Unions
H.P. 1231 L.D. 1723

An Act To Update the Charter of the Lewiston and Auburn Railroad Company
H.P. 1289 L.D. 1849

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 Establish a Maternal and Infant Death Review Panel
H.P. 984 L.D. 1420
(H "A" H-739 to C "A" H-728)

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

Senator **PLOWMAN:** Thank you, Madame President, men and women of the Senate. I apologize for not giving advance notice that I was going to object to this item, but here it is. This bill is going to cause an incredible amount of pain and anguish for parents who have lost an infant. This bill allows the Department of Health and Human Services to decide, at what they consider an appropriate time, to contact the parents after the death of a child. Keep in mind that the death of a child will already have medical reports, probably ME reports, and interviews. The parents will have to go through that at the time of the death. Sometime in the future someone with great intentions, who wants to get a little more information, is going to pick at a scab and they are going to ask very difficult questions. The person is allowed to say no, but the phone call or the letter comes anyway, as a request. What I'd like to do is ask you if you would please weigh this in the context of how much information would you possibly learn, as opposed to how much anguish you are going to raise. I don't think that when you put it on the scales it balances out. This is a very low number of people. I don't think the information that you are going to glean at that point is worth opening that wound again. Can you imagine the parent who hears from the Department of Human Services that they would like to investigate the death of their child? I'm going to stop for a moment please, if I could.

I would ask you to please consider what you're doing to approximately 30 to 50 families a year. There is medical information. There are files. There are doctors to interview and there are the poor parents that you are going to do this to. I don't see where the scales tip in favor of information. I see that it tips almost to torture. I'm going to be voting no. I would ask you to please put yourselves in the place of those parents. Thank you.

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

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

Senator **MAYO:** Thank you, Madame President, ladies and gentlemen of the Senate. I must admit as I start my remarks this morning that I am somewhat surprised that this issue has raised itself today because in the past it has not been debated in this particular body. A couple of things are going on. One, there has been an amendment to the bill, which was placed on the bill by the other body. For your information, it is H-739. That amendment prohibits contact with the parents or authorized representative of a deceased person for four months after the death and requires that the Maternal and Infant Death Review Panel offer a copy of its annual report to parents and authorized representatives that consent to participating in the review. I would underline the word 'consent'. Yes, it is hoped that most, if not all, parents will agree to talking with someone from DHHS because valuable information can be found which may keep other

infants from dying unnecessarily. Yes, some may consider this an intrusion upon those parents, but I think, in the cool light of day, that most people would realize that if what took place with regards to their child is going to help their next door neighbor avoid the same thing that most parents will go along with this. Also, I would remind this body that for the last, I would say, upwards of 20 years, I can go back into my folder to double check the length of time, this type of situation has been going on with regards to SIDS deaths. Rightly so, here again, as the result of what Maine and some of the other states have been doing we now know a great deal more than we have ever known with regards to SIDS deaths. In my other life, as some of you know, I dealt with death for over 30 years. I can tell you this, in that 30 year period I dealt with a number, too many, SIDS deaths. I never once had the parents ever say that they felt that they were being intruded upon by DHHS and the Office of the State Medical Examiner in asking questions and investigating that particular death. I would urge this body to support the Health and Human Services Committee and allow us to go forward and approve this bill that could save the life of a grandchild of mine or a grandchild of yours. Thank you.

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

Senator **ROSEN:** Thank you, Madame President and colleagues in the Senate. I would encourage you to support the bill and I agree with the comments from the Senator from Sagadahoc, Senator Mayo, the Chair of the Health and Human Services Committee. The Committee did carefully review and consider the bill that was brought before us. The Committee amended the bill that came up to the full body earlier in the session. As the Chair mentioned, the bill has been amended further with the amendment in the other body that requires that parents will not be contacted earlier than four months after the death of a child and that it is in a written form. Just to go to a broader context, just to remind folks of the good news, Maine's infant mortality rate is very low. It is low as a result of public education and decades of good work. Because it is as low as it is in terms of the number being as small as it is, statistically it is very difficult to glean further helpful information to continue the work to decrease the number of infant mortality even lower. That's really the purpose of the review panel. It is voluntary, first of all, on the part of the parents. The initial contact is in written form and they certainly can reject any further contact from that point on and not involve themselves in the review. It is up to the parents. I think it is a worthwhile initiative. I think we can learn from it. I do believe that the amended version of the bill has several safeguards built in and I would encourage you to support the measure that is before us. Thank you.

On motion by Senator **BRENNAN** of Cumberland, **TABLED** until Later in Today's Session, pending **ENACTMENT**, in concurrence. (Roll Call Ordered)

Off Record Remarks

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

Senate at Ease.

Senate called to order by the President.

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

PAPERS FROM THE HOUSE

House Papers

Bill "An Act To Preserve Patient Records"
H.P. 1396 L.D. 1994

Resolve, Directing the Department of Health and Human Services To Amend Its Rules To Ensure Efficiencies in the Billing and Delivery of Outpatient Clinical Services
H.P. 1397 L.D. 1995

Bill "An Act To Ensure Appropriate Reimbursement of Rising Energy Costs for Long-term Care Facilities" (EMERGENCY)
H.P. 1402 L.D. 2000

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

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

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

PAPERS FROM THE HOUSE

House Paper

Bill "An Act To Prevent Unauthorized Practice of Immigration and Nationality Law"
H.P. 1398 L.D. 1996

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

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

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

PAPERS FROM THE HOUSE

House Papers

Bill "An Act To Grandfather Owners of Property with Respect To Highway Cuts"

H.P. 1400 L.D. 1998

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

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

Bill "An Act To Amend the Laws Dealing with a Work-restricted License"

H.P. 1399 L.D. 1997

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

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

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

PAPERS FROM THE HOUSE

**Pursuant to Statute
Criminal Law Advisory Commission**

The **Criminal Law Advisory Commission**, pursuant to the Maine Revised Statutes, Title 17-A, section 1354, subsection 2 asked leave to report that the accompanying Bill "An Act To Implement Recommendations of the Criminal Law Advisory Commission"

H.P. 1403 L.D. 2001

Be **REFERRED** to the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** and ordered printed pursuant to Joint Rule 218.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **REFERRED** to the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** and ordered printed pursuant to Joint Rule 218.

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

On motion by Senator **DIAMOND** of Cumberland, **REFERRED** to the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** and ordered printed pursuant to Joint Rule 218, in concurrence.

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

PAPERS FROM THE HOUSE

**Pursuant to Statute
Department of Administrative and Financial Services**

The **Department of Administrative and Financial Services**, pursuant to the Maine Revised Statutes, Title 5, section 8072 asked leave to report that the accompanying Resolve, Regarding Legislative Review of Portions of Chapter 130: Implementing the State Purchasing Code of Conduct, a Major Substantive Rule of the Department of Administrative and Financial Services (EMERGENCY)

H.P. 1401 L.D. 1999

Be **REFERRED** to the Committee on **STATE AND LOCAL GOVERNMENT** and ordered printed pursuant to Joint Rule 218.

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

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

On motion by Senator **SCHNEIDER** of Penobscot, **REFERRED** to the Committee on **STATE AND LOCAL GOVERNMENT** and ordered printed pursuant to Joint Rule 218, in concurrence.

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

Senator **COWGER** of Kennebec was granted unanimous consent to address the Senate off the Record.

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

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

Senator **GAGNON** of Kennebec was granted unanimous consent to address the Senate off the Record.

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

LEGISLATIVE RECORD - SENATE, TUESDAY, FEBRUARY 7, 2006

On motion by Senator **BRENNAN** of Cumberland, **ADJOURNED**,
to Wednesday, February 8, 2006, at 10:00 in the morning.