

MAINE STATE LEGISLATURE

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Senate Legislative Record
One Hundred and Twenty-Fifth Legislature

State of Maine

Daily Edition

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STATE OF MAINE
ONE HUNDRED AND TWENTY-FIFTH LEGISLATURE
FIRST REGULAR SESSION
JOURNAL OF THE SENATE

S.P. 508

In Senate Chamber
Thursday
May 19, 2011

Senate called to order by President Kevin L. Raye of Washington County.

Ordered, the House concurring, that when the House and Senate adjourn, they do so until Monday, May 23, 2011, at 10:00 in the morning.

READ and PASSED.

Ordered sent down forthwith for concurrence.

COMMUNICATIONS

Prayer by Elizabeth M. Schneider of Penobscot County.

The Following Communication: S.C. 371

**STATE OF MAINE
125TH LEGISLATURE
OFFICE OF THE GOVERNOR**

SENATOR SCHNEIDER: Good morning. I always look forward to the prayer in the morning because I always feel that it centers me and gives me just a little time to breathe with all of the flurry that goes on under the dome. With that, I'm going to bring you three very short vignettes of prayers or saying and you can interpret them however you wish.

May 17, 2011

The first is by Mahat Magandi. "When I despair I remember that all through history the ways of truth and love have always won. There have been tyrants and murderers and for a time they can seem invincible but in the end they always fall. Think of it always."

The Honorable Kevin Raye
President of the Senate
3 State House Station
Augusta, Maine 04333

This is by Pope John Paul II. "Violence never again. War never again. Terrorism never again. In God's name may all religions bring upon the earth justice and peace, forgiveness, life, and love."

Dear President Raye,

Given that we will be honoring those who are in law enforcement today, this is for them and for all of us. Almighty, whose wisdom embraces the universe, watch over all our law enforcement officers. Protect them from harm. Grant them Your unending strength, love, wisdom, understanding, and courage in their assignments. We pray You help them keep our communities safe. Bestow upon them Your loving care because their work is dangerous. Protect these brave men and women. Unite them safely with their families when day is done. Amen.

This is to inform you that I am today nominating W. Tom Sawyer Jr. of Dedham for appointment to the Board of Trustees, Maine Maritime Academy.

Pursuant to P & SL 1975, Chapter 771 §428, this appointment is contingent on the Maine Senate confirmation after review by the Joint Standing Committee on Education and Cultural Affairs.

Sincerely,

S/Paul R. LePage
Governor

READ and ORDERED PLACED ON FILE.

Pledge of Allegiance led by Senator Nichi S. Farnham of Penobscot County.

The Following Communication: S.C. 372

**STATE OF MAINE
ONE HUNDRED AND TWENTY-FIFTH LEGISLATURE
COMMITTEE ON AGRICULTURE, CONSERVATION AND
FORESTRY**

Reading of the Journal of Wednesday, May 18, 2011.

May 17, 2011

Doctor of the day, Howard Jones, MD of Hampden.

Honorable Kevin L. Raye, President of the Senate
Honorable Robert W. Nutting, Speaker of the House
125th Legislature
State House
Augusta, Maine 04333

Off Record Remarks

Dear President Raye and Speaker Nutting:

Out of order and under suspension of the Rules, on motion by Senator **COURTNEY** of York, the following Joint Order:

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

L.D. 1568 An Act To Ensure Fair Business Competition in Agriculture

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

Sincerely,

S/Sen. Roger L. Sherman
Senate Chair

S/Rep. Peter E. Edgecomb
House Chair

READ and with accompanying papers ORDERED PLACED ON FILE.

The Following Communication: S.C. 373

**STATE OF MAINE
ONE HUNDRED AND TWENTY-FIFTH LEGISLATURE
COMMITTEE ON APPROPRIATIONS AND FINANCIAL
AFFAIRS**

May 17, 2011

Honorable Kevin L. Raye, President of the Senate
Honorable Robert W. Nutting, Speaker of the House
125th Legislature
State House
Augusta, Maine 04333

Dear President Raye and Speaker Nutting:

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

L.D. 853 RESOLUTION, Proposing an Amendment to the Constitution of Maine To Establish the Maine State Endowment Trust

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

Sincerely,

S/Sen. Richard W. Rosen
Senate Chair

S/Rep. Patrick S. A. Flood
House Chair

READ and with accompanying papers ORDERED PLACED ON FILE.

The Following Communication: S.C. 374

**STATE OF MAINE
ONE HUNDRED AND TWENTY-FIFTH LEGISLATURE
COMMITTEE ON CRIMINAL JUSTICE AND PUBLIC SAFETY**

May 17, 2011

Honorable Kevin L. Raye, President of the Senate
Honorable Robert W. Nutting, Speaker of the House
125th Legislature
State House
Augusta, Maine 04333

Dear President Raye and Speaker Nutting:

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

L.D. 1404 An Act To Enhance Public Safety Response to High-risk Events

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

Sincerely,

S/Sen. Garrett P. Mason
Senate Chair

S/Rep. Gary E. Plummer
House Chair

READ and with accompanying papers ORDERED PLACED ON FILE.

The Following Communication: S.C. 375

**STATE OF MAINE
ONE HUNDRED AND TWENTY-FIFTH LEGISLATURE
COMMITTEE ON EDUCATION AND CULTURAL AFFAIRS**

May 17, 2011

Honorable Kevin L. Raye, President of the Senate
Honorable Robert W. Nutting, Speaker of the House
125th Legislature
State House
Augusta, Maine 04333

Dear President Raye and Speaker Nutting:

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

L.D. 1430 Resolve, To Conduct a Review of the Roles and Functions of the Department of Education and of Certain Mandates (EMERGENCY)

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

Sincerely,

S/Sen. Brian D. Langley
Senate Chair

S/Rep. David E. Richardson
House Chair

READ and with accompanying papers ORDERED PLACED ON FILE.

The Following Communication: S.C. 376

**STATE OF MAINE
ONE HUNDRED AND TWENTY-FIFTH LEGISLATURE
COMMITTEE ON EDUCATION AND CULTURAL AFFAIRS**

May 18, 2011

Honorable Kevin L. Raye, President of the Senate
Honorable Robert W. Nutting, Speaker of the House
125th Legislature
State House
Augusta, Maine 04333

Dear President Raye and Speaker Nutting:

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

L.D. 959 Resolve, Directing the Department of Education To Provide Curriculum Consistency in Maine Public Schools

L.D. 1188 An Act To Achieve Maine's High School Graduation Goal (EMERGENCY)

L.D. 1269 An Act To Require That the Taking of a Statewide Assessment Test for High School Seniors Be Voluntary

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

Sincerely,

S/Sen. Brian D. Langley
Senate Chair

S/Rep. David E. Richardson
House Chair

READ and with accompanying papers ORDERED PLACED ON FILE.

The Following Communication: S.C. 377

**STATE OF MAINE
ONE HUNDRED AND TWENTY-FIFTH LEGISLATURE
COMMITTEE ON ENVIRONMENT AND NATURAL
RESOURCES**

May 17, 2011

Honorable Kevin L. Raye, President of the Senate
Honorable Robert W. Nutting, Speaker of the House
125th Legislature
State House
Augusta, Maine 04333

Dear President Raye and Speaker Nutting:

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

L.D. 733 An Act To Allow a Person Who Has Lost a Home in a Shoreland Zone To Obtain a Building Permit

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

Sincerely,

S/Sen. Thomas B. Saviello
Senate Chair

S/Rep. James M. Hamper
House Chair

READ and with accompanying papers ORDERED PLACED ON FILE.

The Following Communication: S.C. 378

**STATE OF MAINE
ONE HUNDRED AND TWENTY-FIFTH LEGISLATURE
COMMITTEE ON HEALTH AND HUMAN SERVICES**

May 17, 2011

Honorable Kevin L. Raye, President of the Senate
Honorable Robert W. Nutting, Speaker of the House
125th Legislature
State House
Augusta, Maine 04333

Dear President Raye and Speaker Nutting:

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. 1487 An Act To Assist Maine Pharmacies

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

Sincerely,

S/Sen. Earle L. McCormick
Senate Chair

S/Rep. Meredith N. Strang Burgess
House Chair

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

The Following Communication: S.C. 380

**STATE OF MAINE
ONE HUNDRED AND TWENTY-FIFTH LEGISLATURE
COMMITTEE ON INLAND FISHERIES AND WILDLIFE**

May 17, 2011

Honorable Kevin L. Raye, President of the Senate
Honorable Robert W. Nutting, Speaker of the House
125th Legislature
State House
Augusta, Maine 04333

Dear President Raye and Speaker Nutting:

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

L.D. 1020 An Act To Allow a Spring Bear Hunting Season

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

Sincerely,

S/Sen. Thomas H. Martin, Jr.
Senate Chair

S/Rep. Paul T. Davis, Sr.
House Chair

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

The Following Communication: S.C. 379

**STATE OF MAINE
ONE HUNDRED AND TWENTY-FIFTH LEGISLATURE
COMMITTEE ON INLAND FISHERIES AND WILDLIFE AND
COMMITTEE ON AGRICULTURE, CONSERVATION AND
FORESTRY**

May 17, 2011

Honorable Kevin L. Raye, President of the Senate
Honorable Robert W. Nutting, Speaker of the House
125th Legislature
State House
Augusta, Maine 04333

Dear President Raye and Speaker Nutting:

Pursuant to Joint Rule 310, we are writing to notify you that the Joint Standing Committees on Inland Fisheries and Wildlife and Agriculture, Conservation and Forestry has voted unanimously to report the following bill out "Ought Not to Pass":

L.D. 913 Resolve, To Consolidate the State's Boat Launch Programs

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

Sincerely,

S/Sen. Thomas H. Martin, Jr.
Senate Chair

S/Rep. Paul T. Davis, Sr.
House Chair

S/Sen. Roger L. Sherman
Senate Chair

S/Rep. Peter E. Edgecomb
House Chair

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

The Following Communication: S.C. 381

**STATE OF MAINE
ONE HUNDRED AND TWENTY-FIFTH LEGISLATURE
COMMITTEE ON INSURANCE AND FINANCIAL SERVICES**

May 17, 2011

Honorable Kevin L. Raye, President of the Senate
Honorable Robert W. Nutting, Speaker of the House
125th Legislature
State House
Augusta, Maine 04333

Dear President Raye and Speaker Nutting:

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

- L.D. 844 An Act To Provide Affordable Health Insurance for Municipal and School Employees through Competition
- L.D. 1452 An Act To Create the Maine Street Economic Development Bank
- L.D. 1555 An Act To Eliminate the Waiting Period before Insurance Adjusters May Offer Adjustment Services

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

Sincerely,

S/Sen. Rodney L. Whittemore
Senate Chair

S/Rep. Wesley E. Richardson
House Chair

READ and with accompanying papers ORDERED PLACED ON FILE.

The Following Communication: S.C. 382

**STATE OF MAINE
ONE HUNDRED AND TWENTY-FIFTH LEGISLATURE
COMMITTEE ON JUDICIARY**

May 17, 2011

Honorable Kevin L. Raye, President of the Senate
Honorable Robert W. Nutting, Speaker of the House
125th Legislature
State House
Augusta, Maine 04333

Dear President Raye and Speaker Nutting:

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

- L.D. 621 An Act To Clarify Adverse Possession
- L.D. 824 An Act To Amend Certain Provisions Regarding Evidence under the Law Concerning Post-judgment DNA Analysis
- L.D. 917 An Act To Protect Licensing Information Provided to the Department of Inland Fisheries and Wildlife and To Require a Review of Public Access to Other Personal Information
- L.D. 1070 An Act To Expedite the Eviction Process and Lower the Eviction Workload of the Courts
- L.D. 1199 An Act To Expedite the Eviction Process in Certain Types of Cases
- L.D. 1426 An Act Concerning Notification to an Employer of Misrepresented Medical Information under the Maine Human Rights Act
- L.D. 1496 An Act To Enforce Immigration Laws and Restrict Benefits to Legal Citizens

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

Sincerely,

S/Sen. David R. Hastings, III
Senate Chair

S/Rep. Joan M. Nass
House Chair

READ and with accompanying papers ORDERED PLACED ON FILE.

The Following Communication: S.C. 383

**STATE OF MAINE
ONE HUNDRED AND TWENTY-FIFTH LEGISLATURE
COMMITTEE ON LABOR, COMMERCE, RESEARCH AND
ECONOMIC DEVELOPMENT**

May 17, 2011

Honorable Kevin L. Raye, President of the Senate
Honorable Robert W. Nutting, Speaker of the House
125th Legislature
State House
Augusta, Maine 04333

Dear President Raye and Speaker Nutting:

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

- L.D. 1285 An Act To Amend the Assessment Process and Funding of the Maine Workers' Compensation Board
- L.D. 1566 An Act To Require Disclosures by 3rd-party Vendors Contracted To Perform Fund-raising (EMERGENCY)

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

Sincerely,

S/Sen. Christopher W. Rector
Senate Chair

S/Rep. Kerri L. Prescott
House Chair

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

The Following Communication: S.C. 384

**STATE OF MAINE
ONE HUNDRED AND TWENTY-FIFTH LEGISLATURE
COMMITTEE ON TRANSPORTATION**

May 17, 2011

Honorable Kevin L. Raye, President of the Senate
Honorable Robert W. Nutting, Speaker of the House
125th Legislature
State House
Augusta, Maine 04333

Dear President Raye and Speaker Nutting:

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

- L.D. 208 Resolve, To Establish a Study Commission To Examine the Maine Turnpike
- L.D. 383 An Act To Eliminate the Annual Indexing of Fuel Tax Rates (EMERGENCY)
- L.D. 845 An Act To Hold the Maine Turnpike Authority Accountable for Its Obligation under Maine Law To Transfer Annual Surplus Revenue to the Department of Transportation for Road and Bridge Projects around the State

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

Sincerely,

S/Sen. Ronald F. Collins
Senate Chair

S/Rep. Richard M. Cebra
House Chair

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

The Following Communication: S.C. 385

**STATE OF MAINE
ONE HUNDRED AND TWENTY-FIFTH LEGISLATURE
COMMITTEE ON VETERANS AND LEGAL AFFAIRS**

May 17, 2011

Honorable Kevin L. Raye, President of the Senate
Honorable Robert W. Nutting, Speaker of the House
125th Legislature
State House
Augusta, Maine 04333

Dear President Raye and Speaker Nutting:

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

- L.D. 1245 An Act To Modify the Responsibilities of the Commission on Governmental Ethics and Election Practices
- L.D. 1355 An Act To Encourage Transparency in Certain Organizations Involved in Political Campaigns

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

Sincerely,

S/Sen. Nichi S. Farnham
Senate Chair

S/Rep. Michael G. Beaulieu
House Chair

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

The Following Communication: H.C. 170

**STATE OF MAINE
CLERK'S OFFICE
2 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0002**

May 17, 2011

The Honorable Joseph G. Carleton, Jr.
Secretary of the Senate
3 State House Station
Augusta, Maine 04333

Dear Secretary Carleton:

Please be advised that pursuant to House Rule 201.1 (l)(a), the Speaker temporarily appointed Representative Chuck Kruger of Thomaston to the Joint Standing Committee on Judiciary until sine die of the First Regular Session of the 125th Legislature.

Should you have any questions regarding this matter, please do not hesitate to contact me.

Sincerely,

S/Heather J.R. Priest
Clerk of the House

READ and ORDERED PLACED ON FILE.

Senate at Ease.

Senate called to order by the President.

ORDERS

Joint Orders

Expressions of Legislative Sentiment recognizing:

The 96th Anniversary of the Armenian Genocide. On April 24, 1915, a campaign was launched by the Turkish regime of the Ottoman Empire against the Armenian people, resulting in the death of more than 1.5 million Armenians. Some of the survivors settled in the State of Maine, and their heirs have made significant contributions to the State. We join our citizens of Armenian heritage in remembering this event, and we express our deepest sympathy for the families of those who perished;
SLS 273

Sponsored by Senator BRANNIGAN of Cumberland.
Cosponsored by Representative: RUSSELL of Portland.

READ.

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

Senator **BRANNIGAN:** Thank you Mr. President. Men and women of the Senate, every year we remember and a number of people from our area come here to remember. Certainly since I've been doing this it has made a difference for me. I am much more aware, I think, of genocides and unfortunately there are many every year to remember and to be aware of. I hope you are too, those of you who have been here before. I hope you don't let these tragedies just pass by. Unfortunately the raping, pillaging, beheading, and the wiping out of villages goes on all the time. All the time. We are so fortunate, I hope we understand how fortunate we are that by chance we are not there. We are here by chance. I don't think we realize that and I don't think we understand that. Only by chance were we not in Armenia years ago, were we not in the African nations that are being so tortured. It is very helpful, even though regretful, that we remember every year this genocide and the failure of the people who did it to admit it. They still fight it all the time. Watch in your papers for things around Turkey and Armenia. It comes up several times during the year. This past year a pipeline was being built from Russia to the sea. It should have gone directly cross Armenia but no, they went up around to Turkey and across. It's just part of this hatred. I hope you will do as I do and be sensitive and I appreciate these wonderful people who live in our area. Thank you very much, Mr. President.

PASSED.

Sent down for concurrence.

THE PRESIDENT: The Chair is pleased to recognize in the rear of the Chamber Mainers of Armenian descent. Would they please rise and accept the greetings of the Maine Senate.

REPORTS OF COMMITTEES

House

Ought to Pass

The Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act To Amend the Laws Governing Prescription Monitoring Information"

H.P. 1050 L.D. 1429

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.

The Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** on Bill "An Act To Amend and Clarify Certain Portions of the Dental Practice Laws"

H.P. 574 L.D. 767

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.

Divided Report

The Majority of the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** on Bill "An Act To Require Timely Reporting of Dog Licensing"

H.P. 867 L.D. 1169

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

Signed:

Senators:

SHERMAN of Aroostook
SCHNEIDER of Penobscot
THIBODEAU of Waldo

Representatives:

EDGECOMB of Caribou
BLACK of Wilton
CRAY of Palmyra
DILL of Old Town
FOSTER of Augusta
GIFFORD of Lincoln
KENT of Woolwich
McCABE of Skowhegan
TIMBERLAKE of Turner

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (H-261)**.

Signed:

Representative:

O'BRIEN of Lincolnville

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

Reports **READ**.

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

Divided Report

The Majority of the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** on Bill "An Act Regarding the Use of Methadone by Operators of Commercial Motor Vehicles"

H.P. 710 L.D. 966

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-254)**.

Signed:

Senators:

MASON of Androscoggin
WHITTEMORE of Somerset

Representatives:

PLUMMER of Windham
BURNS of Whiting
CLARKE of Bath
LAJOIE of Lewiston
LONG of Sherman
MORISSETTE of Winslow
SANDERSON of Chelsea

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

Signed:

Senator:

GERZOFISKY of Cumberland

Representatives:

BLODGETT of Augusta
HANLEY of Gardiner
HASKELL of Portland

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-254)**.

Reports **READ**.

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

READ ONCE.

Committee Amendment "A" (H-254) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Divided Report

The Majority of the Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act Regarding the Attendance of Attorneys at Pupil Evaluation Team Meetings"

H.P. 822 L.D. 1110

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-251)**.

Signed:

Senators:

LANGLEY of Hancock
ALFOND of Cumberland

Representatives:

RICHARDSON of Carmel
LOVEJOY of Portland
MAKER of Calais
McFADDEN of Dennysville
NELSON of Falmouth
RANKIN of Hiram
WAGNER of Lewiston

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

Signed:

Senator:

MASON of Androscoggin

Representatives:

EDGECOMB of Caribou
JOHNSON of Greenville
McCLELLAN of Raymond

(Representative SOCTOMAH of the Passamaquoddy Tribe - 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-251)**.

Reports **READ**.

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

On motion by Senator **THOMAS** of Somerset, 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 Oxford, Senator Hastings.

Senator **HASTINGS:** Thank you Mr. President. Ladies and gentlemen of the Senate, I want to speak just briefly on this.

Attorneys seem to be the butt of a lot of jokes and those of us in the Chamber take them in good natured fashion. It is bi-partisan joking and we receive it from everybody. What this bill does is say that the school district can't be represented in a hearing unless the parent is. I think in this country if you wish to be represented you should be able to be represented. The bill seems to suggest that the presence of an attorney is somehow an intimidation factor or somehow will be harmful to the resolution of a dispute where the parent may not be represented. In my experience, a good attorney helps to resolve disputes. That's what we are trained to do and that's what we do. I think going down the road of saying when a person can be represented and when they cannot is the wrong way to go and does a disservice to the good work that so many attorneys in this state do in helping to resolve disputes. Thank you very much.

On motion by Senator **ALFOND** of Cumberland, **TABLED** until Later in Today's Session, pending the motion by Senator **LANGLEY** of Hancock to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED Report**, in concurrence. (Roll Call Ordered)

Divided Report

The Majority of the Committee on **INLAND FISHERIES AND WILDLIFE** on Bill "An Act To Allow Nonresidents To Hunt on the First Day of the Firearm Season on Deer"

H.P. 381 L.D. 488

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

Signed:

Senators:

MARTIN of Kennebec
PATRICK of Oxford
TRAHAN of Lincoln

Representatives:

BRIGGS of Mexico
CLARK of Millinocket
CRAFTS of Lisbon
EBERLE of South Portland
ESPLING of New Gloucester
GUERIN of Glenburn
SARTY of Denmark
WOOD of Sabattus

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (H-264)**.

Signed:

Representatives:

DAVIS of Sangerville
SHAW of Standish

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

Reports **READ**.

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

Divided Report

The Majority of the Committee on **INSURANCE AND FINANCIAL SERVICES** on Resolve, To Update the Study Regarding the Feasibility of Establishing a Single-payor Health Care System
H.P. 50 L.D. 57

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

Signed:

Senators:

WHITTEMORE of Somerset
SNOWE-MELLO of Androscoggin

Representatives:

RICHARDSON of Warren
FITZPATRICK of Houlton
McKANE of Newcastle
MORISSETTE of Winslow
PICCHIOTTI of Fairfield

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (H-47)**.

Signed:

Senator:

BRANNIGAN of Cumberland

Representatives:

BEAUDOIN of Biddeford
BECK of Waterville
GOODE of Bangor
MORRISON of South Portland
TREAT of Hallowell

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

Reports **READ**.

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

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

Senator **BRANNIGAN:** Thank you Mr. President. Men and women of the Senate, I'm sure we're all interested in talking more about insurance this morning and so I thought I would not skimp on this bill. I know that it is terrible to talk about single payer. The government could and should run our insurance. I find it curious

because I am of an age where the government does run my insurance and runs it very well. I'm very glad that they do and I know that if they could run all insurance, and not give profits to large insurance companies and huge salaries to their executives, we could do it much easier and much more cheaply. All indications are that it can be done cheaply and well. Our sort of sister state, Vermont, is looking very seriously into doing this kind of delivery of health care and health insurance. We at least, at this time where there is so much ferment around insurance delivery and health delivery, ought to be looking at this one particular way that they are looking at and that most of the other counties in the world who do better than we do in health care do. They run their systems in some way like this. We've had a study in 2002. We've tried since then but have not had the funds to update it and now we need to see how it will fit if we were to choose some form of single payer. We need to see how it would fit if it ever fits with the federal law, the ACA. We have the money now to do that. The federal government has given money to all the states that applied for it. We have, with Massachusetts, applied. We have \$1 million to work on various ways of interlocking and interworking with the federal ACA. Therefore, this would be a part of that, a small part, a part that just makes us more whole. I would hope you would not choose this way and that you would choose a more universal way. Thank you very much, Mr. President.

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

Senator **WHITTEMORE:** Thank you Mr. President. With all due respect to my colleague, the Senator from Cumberland, Senator Brannigan, I do agree with him. We have had a lot of conversation regarding insurance. I don't think we need to go over that again necessarily. This bill is about spending more money to do a study. I, personally, don't feel that at this time a study would be productive. We have a good bill that is now law. With the ACA Act coming into focus here, I think it would be money poorly spent. Thank you.

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

Senator **BARTLETT:** Thank you Mr. President. I was just reviewing this proposal and the fiscal note. It appears that this would not cost the state any money but would be a study that would be done if there is money available through a federal grant to look at this issue. It seems to me that if our goal is to provide the lowest health care cost possible we ought to explore every option. If it turns out that a single payer system could be put in place to provide health care, health insurance, at the lowest possible cost for Maine residents why in the world would we say no to that? All this study does is give us a chance to run the numbers and have an understanding as to whether it works or not. If it's too expensive we obviously wouldn't proceed down that path. If it is substantially cheaper than the other alternatives why wouldn't we want to do that?

On motion by Senator **BARTLETT** of Cumberland, 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 Aroostook, Senator Sherman.

Senator **SHERMAN:** Thank you Mr. President. Ladies and gentlemen of the Senate, I didn't speak on a prior bill that we dealt with that I finally figured out what the blueprint was. I'm really rising to talk about the Vermont piece because I took a look at that. In something called The Economist magazine, that some of you may know because it's a worldwide magazine dealing with investments among other things, they talk about Vermont. I should have run it off. It's about a page and a half. It says Vermont's in turmoil. They can't figure out what the funding is going to be. There is a whole series of issues about Vermont. To think that we are going to look to Vermont tomorrow and see what the single payer health care looks in Vermont, I think we're chasing the wind. I'm in favor of the Ought Not to Pass.

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

Senator **SULLIVAN:** Thank you Mr. President. Men and women of the Senate, I'm not a real proponent of single payer, in of itself. However, the money is there and I fully supported L.D. 1333 saying to both this side of the aisle and the other that I wasn't sure if this was the right thing. I'm not sure what the consequences will be. It may definitely hurt the rural people. It may not. If the money is there to do a study it may be possible that out of this study we get one, two, or three ideas to put into making our insurance work. I've heard people from both sides of the aisle say we're probably going to have to tweak something. Maybe there is an idea. My mother, God rest her soul, I used her the other day about a broken clock telling time twice a day and here's another one. Maybe there are pieces there. If the money is available what's wrong with a study? We might just glean one or two ideas that allow us to make a piece of that work for whatever we end up as a program. We are actually in turmoil also. We aren't sure how things are going to look. Insurance is too important to our citizens. Money is available. Why walk away from it? Let's study it and see if we can get some ideas from it. I'm going to reject this report and, hopefully, we'll be able to do the study. The money is there and let's see if we can get one, two, or three ideas from it that will help us serve our people. Thank you, Mr. President.

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

Senator **SCHNEIDER:** Thank you Mr. President. Men and women of the Senate, I don't know about all of you but when I traveled around my Senate District what people are looking for is low cost, easy access, and affordable good quality health care. The same thing I want. We don't really have that right now. I'm open to all ideas because to me it's not about one or the other; it's about finding something that achieves those goals. This clearly is not only an issue in Maine. We have a national crisis with this issue. There are a lot of people who don't have health care. They don't have insurance because they can't afford either one. That's a problem. I wanted to share a story from an interaction I had several years ago with a constituent. I was in the Veazie town office. I just happened to be sort of walking by, looking at their bulletin board. A constituent walked by and said, "Are you Senator Schneider?" I said, "Well yes I am." He said, "I want to

talk to you about something. I have a bone to pick." He just started going on about health care and what a problem it was for his daughter, how it was just too expensive and she can't afford it, and all of this. I said, "Oh, what about you? Do you have health care?" He said, "Yes, I have the best health care there is." I said, "Really?" I figured it was like Anthem, a really good policy or something like that. He said, "I go to Togus. I'm a veteran. I have the best care. I love my health care." I said, "Oh really, well that is government-run health care." There is this major disconnect. It's like this fear of government-run health care. I'm not saying that I'm wedded to government-run health care, one way or the other. I just want those goals met, the goals of affordable, accessible, and quality health care. We don't have that right now. I remember, from a hospital bed, having my doctor say I had a have an extra day in the hospital. I had to call from my hospital bed, feeling very ill, to find out if my insurance company was going to cover that night. It's totally out of control and it's not a good system that we have right now. I think we all recognize that. It's how we get there to improve the system. I don't see that this is onerous. I just think that we need to try to look under every stone and examine every possibility to improve our health care system. That's why I can't support an Ought Not to Pass report because I think it's shortsighted and I think it's our responsibility to try to look at every possible potential option for us. I will tell you something, if the government offered to me today to buy into our veteran's health care plan, even though I think we could do a lot better for our veterans right now, I would do it in a heartbeat. I hope you will go against this Ought Not to Pass motion and let this study go through. Thank you very much.

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

Senator **SNOWE-MELLO:** Thank you Mr. President. Ladies and gentlemen of the Senate, I rise in support of the Ought Not to Pass. The reason is that we have just created the Guaranteed Access Plan, L.D. 1333, and there are many areas of this plan that we still need to work on and make changes. The Insurance and Financial Services Committee is going to be hard at work developing exchanges so that we can be in compliance with the Affordable Care Act. I also believe that we have done many, many studies over the years on single payer. Each study has said that it is totally unaffordable for this state to take up single payer. We can barely afford providing benefits for employees now. Imagine how it would be if the government also paid for everyone. I don't think it's the best care and I think that is really beside the point. I think that we are on our way with a great plan, L.D. 1333. Why would we want to subtract from that? We're moving forward and it's an excellent plan. Why would we want to interject something else when we've already made a commitment to go in this direction? I believe in the free market solution, which is the American way of the United States. I guess it is around your belief structure. I don't believe in good government and I don't believe government is the proper role to take care of health care policies. I'm asking people to please join the Majority Ought Not to Pass. Thank you very much.

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

Senator **BARTLETT:** Thank you Mr. President. While listening to this debate I wonder what people are afraid of in terms of getting

more information. This isn't a bill to pass single payer health care. It's simply to take advantage of an opportunity to study whether it's a good alternative. Let's talk about the marketplace of ideas, making sure that all ideas are put on the table to stand on their own. If it is true that single payer is unaffordable and unachievable then a study will show it. Why are we afraid of that study? Is it because we might learn something new? That we might learn that single payer or some aspect of it could be helpful? In terms of the recent legislation that is supposed to take care of all of these problems, let's remember that there is a reinsurance plan which is the creation of a non-profit. If we want to leave it to the private sector then why did we just pass a health insurance plan that creates a non-profit to run a reinsurance plan? I think the answer is because any solution to the health care cost in this state and in this country will require a combination of public and private sector involvement. This study is simply one more way to look at what role the public sector could play. Thank you, Mr. President.

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

Senator **WOODBURY:** Thank you Mr. President. Men and women of the Senate, I've always supported the notion of some kind of universal system nationwide that assures some baseline level of coverage that is common across the entire population. I'm not convinced it needs to be a single payer system, but a universal system that provides a common uniform level of coverage to all Americans at some baseline level, with cost controls, but a universal system. Because of the ability of people to easily move their lives, not easily but because there is more mobility of people across states, I've never thought that a full universal system can work especially well as a single state. I think we've struggled with that particularly as a low income state that doesn't have the level of access to resources to be able to devote to such a comprehensive notion. Here we are now in a circumstance where there is a new national landscape. I know some people like the new national landscape and some people don't like the new national landscape, but the new national landscape envisions something very close to universal coverage, largely through private health insurance exchanges, but something that gets very close to what I believe is a core goal of a universal coverage system. I'm troubled by the way that this whole within Maine debate has really divided us over the past few weeks because I think we really do need to think carefully. I actually appreciated hearing the comments of the Senator from Androscoggin, Senator Snowe-Mello, about our needing to think about how we are going to implement in Maine the health insurance exchanges that are intended as part of this national model. Frankly, I voted for L.D. 1333 because it seemed like a reasonable step towards making our regulations in Maine have greater conformity with what was envisioned by this national model. I don't exactly like the framing of this proposed study as a single payer study per se but I like very much the attention that it directs to thinking about how Maine fits into the new national landscape that is out there. I'm going to oppose the motion and support the study, hoping that the study might get amended a bit more to be focused on how we adjust to the national landscape. I think we should go forward with some kind of study along these lines. Thank you very much.

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

Senator **COURTNEY:** Thank you Mr. President. Men and women of the Senate, I rise in support of the motion pending. I appreciate the comments that I've heard already this morning. I think that with moving forward with a study like this, I believe as I look at it, appears to point us in the direction of single payer as opposed to a more broad concept where you would look at integrating competition into the Affordable Health Care Act as we move forward. For that reason I will be supporting the pending motion.

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

Senator **TRAHAN:** Thank you Mr. President. Ladies and gentlemen of the Senate, I just wanted to rise briefly to give my little personal experience with this bill. I believe we have seen this bill every year that I've been in the legislature, to study single payer health care. We've done several studies related to single payer. If you'd like I could probably get you a stack on your desk this high of studies of single payer from both the State of Maine and other states. With that, I do want to caution us because many times we've heard promises of how state government was going to fix health care only to see it fail. I've seen time and time again our Medicaid system having problems. I've seen legislators stand on the floor of the other Body and tell me that Dirigo was going to cover everyone and then see those promises fall to the wayside. I just think that we have studied this at length and what we could do instead of paying for a new study or having someone else pay for a new study is to just get all the ones that have been already done and then we could have people review those and see if there are some things in those studies that we could use in our current debate. I will be supporting the current motion.

THE PRESIDENT: The pending question before the Senate is the motion by the Senator from Somerset, Senator Whitemore 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 (#88)

YEAS: Senators: COLLINS, COURTNEY, FARNHAM, HASTINGS, KATZ, MARTIN, MASON, MCCORMICK, PLOWMAN, RECTOR, ROSEN, SAVIELLO, SHERMAN, SNOWE-MELLO, THIBODEAU, THOMAS, TRAHAN, WHITEMORE, THE PRESIDENT - KEVIN L. RAYE

NAYS: Senators: ALFOND, BARTLETT, BRANNIGAN, CRAVEN, DIAMOND, DILL, GERZOFISKY, GOODALL, HILL, HOBBS, JACKSON, LANGLEY, PATRICK, SCHNEIDER, SULLIVAN, WOODBURY

19 Senators having voted in the affirmative and 16 Senators having voted in the negative, the motion by Senator **WHITTEMORE** of Somerset to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report, in concurrence, **PREVAILED**.

Divided Report

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

H.P. 318 L.D. 392

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

Signed:

Senators:

THOMAS of Somerset
COLLINS of York

Representatives:

COTTA of China
BOLDUC of Auburn
CELLI of Brewer
HARVELL of Farmington
TURNER of Burlington

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

Signed:

Senator:

SULLIVAN of York

Representatives:

BOLAND of Sanford
CASAVANT of Biddeford
GRAHAM of North Yarmouth
KAENRATH of South Portland
MOULTON of York

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

Reports **READ**.

Senator **THOMAS** of Somerset moved the Senate **ACCEPT** the Majority **OUGHT TO PASS** Report, in concurrence.

On motion by Senator **ALFOND** of Cumberland, **TABLED** until Later in Today's Session, pending the motion by Senator **THOMAS** of Somerset to **ACCEPT** the Majority **OUGHT TO PASS** Report, in concurrence.

Divided Report

The Majority of the Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act To Clarify the Operation of the Maine Commission for Community Service"

H.P. 508 L.D. 681

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

Signed:

Senators:

THOMAS of Somerset
COLLINS of York
SULLIVAN of York

Representatives:

COTTA of China
BOLAND of Sanford
BOLDUC of Auburn
CASAVANT of Biddeford
CELLI of Brewer
GRAHAM of North Yarmouth
HARVELL of Farmington
KAENRATH of South Portland
TURNER of Burlington

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (H-265)**.

Signed:

Representative:

MOULTON of York

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

Reports **READ**.

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

Divided Report

The Majority of the Committee on **TAXATION** on Bill "An Act To Improve the Maine Seed Capital Tax Credit"

H.P. 14 L.D. 22

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

Signed:

Senator:

TRAHAN of Lincoln

Representatives:

KNIGHT of Livermore Falls
BENNETT of Kennebunk
BICKFORD of Auburn
BURNS of Alfred
HARMON of Palermo
WATERHOUSE of Bridgton

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (H-217)**.

Signed:

Senator:

HASTINGS of Oxford

Representatives:

BERRY of Bowdoinham
BRYANT of Windham
FLEMINGS of Bar Harbor
PILON of Saco

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-217)**.

Reports **READ**.

On motion by Senator **HASTINGS** of Oxford, the Minority **OUGHT TO PASS AS AMENDED** Report **ACCEPTED**, in concurrence.

READ ONCE.

Committee Amendment "A" (H-217) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Divided Report

The Majority of the Committee on **TAXATION** on Bill "An Act To Base the Excise Tax on Vehicles on a Percentage of the Manufacturer's Suggested Retail Price"

H.P. 67 L.D. 79

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

Signed:

Senators:

TRAHAN of Lincoln
HASTINGS of Oxford
WOODBURY of Cumberland

Representatives:

BERRY of Bowdoinham
BICKFORD of Auburn
BRYANT of Windham
FLEMINGS of Bar Harbor
PILON of Saco
WATERHOUSE of Bridgton

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (H-111)**.

Signed:

Representatives:

KNIGHT of Livermore Falls
BENNETT of Kennebunk
BURNS of Alfred
HARMON of Palermo

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

Reports **READ**.

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

Senate

Ought to Pass

Senator **McCORMICK** for the Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act To Require the Department of Health and Human Services To License Families To Provide Care for Children in Foster Care"

S.P. 411 L.D. 1334

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

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

READ ONCE.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Senator **WHITTEMORE** for the Committee on **INSURANCE AND FINANCIAL SERVICES** on Bill "An Act To Amend the Laws Governing Security Deposits of Workers' Compensation Self-insurers"

S.P. 404 L.D. 1301

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

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

READ ONCE.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Ought to Pass As Amended

Senator McCORMICK for the Committee on **HEALTH AND HUMAN SERVICES** on Resolve, To Foster Energy Efficiency Improvements and Other Needed Renovations at Residential Care Facilities Funded by MaineCare (EMERGENCY)
S.P. 219 L.D. 790

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-127)**.

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

READ ONCE.

Committee Amendment "A" (S-127) **READ** and **ADOPTED**.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Senator McCORMICK for the Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act To Promote the Establishment of an Adult Day Health Care Program for Veterans in Lewiston"

S.P. 277 L.D. 873

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-128)**.

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

READ ONCE.

Committee Amendment "A" (S-128) **READ** and **ADOPTED**.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Senator RECTOR for the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** on Bill "An Act To Improve Access to Veterinary Medicine and Improve Veterinary Care" (EMERGENCY)

S.P. 431 L.D. 1391

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

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

READ ONCE.

Committee Amendment "A" (S-123) **READ** and **ADOPTED**.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Senator TRAHAN for the Committee on **TAXATION** on Bill "An Act Relating to Sales Tax on Certain Rental Vehicles"
S.P. 191 L.D. 611

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-126)**.

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

READ ONCE.

Committee Amendment "A" (S-126) **READ** and **ADOPTED**.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Senator TRAHAN for the Committee on **TAXATION** on Bill "An Act To Modify the Process Regarding the Return of Unfit Tobacco Products"

S.P. 198 L.D. 617

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-125)**.

Report **READ**.

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

On motion by Senator **SCHNEIDER** of Penobscot, **TABLED** until Later in Today's Session, pending **ACCEPTANCE OF THE REPORT**. (Roll Call Ordered)

Senator COLLINS for the Committee on **TRANSPORTATION** on Bill "An Act To Reduce Motor Vehicle Inspection Costs"
S.P. 141 L.D. 437

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-121)**.

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

READ ONCE.

Committee Amendment "A" (S-121) **READ** and **ADOPTED**.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Divided Report

The Majority of the Committee on **ENVIRONMENT AND NATURAL RESOURCES** on Bill "An Act To Extend the Use of Underground Storage Tanks"

S.P. 210 L.D. 721

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-119)**.

Signed:

Senators:

SAVIELLO of Franklin
GOODALL of Sagadahoc
SHERMAN of Aroostook

Representatives:

HAMPER of Oxford
AYOTTE of Caswell
DUCHESNE of Hudson
INNES of Yarmouth
KNAPP of Gorham
LONG of Sherman
NASS of Acton
PARKER of Veazie
WELSH of Rockport

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

Signed:

Representative:

HARLOW of Portland

Reports **READ**.

Senator **SAVIELLO** of Franklin moved the Senate **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** 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 TO PASS AS AMENDED** Report.

Divided Report

The Majority of the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** on Bill "An Act Regarding Penalties for Opting Out of Paperless Billing"

S.P. 82 L.D. 273

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-118)**.

Signed:

Senators:

RECTOR of Knox
JACKSON of Aroostook
MARTIN of Kennebec

Representatives:

PRESCOTT of Topsham
DRISCOLL of Westbrook
GILBERT of Jay
HERBIG of Belfast
HUNT of Buxton
NEWENDYKE of Litchfield
TUTTLE of Sanford
VOLK of Scarborough
WINTLE of Garland

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

Signed:

Representative:

DOW of Waldoboro

Reports **READ**.

Senator **RECTOR** of Knox moved the Senate **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** 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 TO PASS AS AMENDED** Report.

Divided Report

The Majority of the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** on Bill "An Act To Allow the Repayment of Improperly Awarded Workers' Compensation Benefits"

S.P. 389 L.D. 1268

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

Signed:

Senator:

JACKSON of Aroostook

Representatives:

DRISCOLL of Westbrook
GILBERT of Jay
HERBIG of Belfast
HUNT of Buxton
TUTTLE of Sanford
WINTLE of Garland

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (S-124)**.

Signed:

Senators:

RECTOR of Knox
MARTIN of Kennebec

Representatives:

PRESCOTT of Topsham
DOW of Waldoboro
NEWENDYKE of Litchfield
VOLK of Scarborough

Reports **READ**.

Senator **RECTOR** of Knox moved the Senate **ACCEPT** the Minority **OUGHT TO PASS AS AMENDED** Report.

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

Senator **RECTOR:** Thank you Mr. President. Men and women of the Senate, this is a bill that addresses what is an inconsistency in our Workers' Comp law and actually will provide simple fairness. Fairness for employers and insurers and I think fairness for employees as well, when it comes right down to it. Current law says that when a Workers' Comp claim is filed within 10 days payments begin and then there is a mediation period actually right at the start and then a hearing can be held and there is a finding of fact and conclusions of law opportunity and a final appeal, potentially, to the law court. These various steps have prescribed times that are allowed in between each step. In some cases a series of many months can ensue. If, however, at the end of the process it is determined that a worker was not, in fact, entitled to the payments that have been made current law doesn't allow for the recovery of those payments. I'm going to read to you briefly here, if I may; procedurally what happens in a typical case that is appealed is that the decision is rendered by a hearing officer. A party has a right to challenge the hearing officer's decision, and that means either the employer or the employee, and they do so through a motion of Findings of Fact and Conclusions of Law. The hearing officer is given an opportunity to reconsider his or her decision and issue a second decision after the filing of the motion. If either party is still dissatisfied with the board decision they have a right to a discretionary appeal to the State Supreme Court. If the court accepts the case on appeal and reverses the hearing officer's decision the statute, in its present form, allows an employer and a carrier a right to recapture payments after the second decision made by the board, not after the first. In some instances findings are issued quickly, that is within weeks of the filing of the motion. In other instances months might pass. The fact is that an employer and carrier can recapture some payments, but not the entire amount paid. This is an amount paid, but the employee is not entitled to is consistent with the statutory scheme and, frankly, inconsistent with any sense of fairness that we might have. If a case is remanded back by the State Supreme Court the board has full jurisdiction to determine the amount of an overpayment. In short, the case is sent back to the hearing officer who will then determine whether the employer and carrier are repaid based on the ability of the employee to make the repayment. There is a consideration as to whether or not the employee has the ability to pay. That consideration is given if a determination is made that the employee was

erroneously paid any sum through the Workers' Comp program. This clarifies the law, makes it clear, and allows for the recapture of payments that were erroneously made. I urge my colleagues to vote with me in accepting the Minority Ought to Pass as Amended Report. Thank you.

On motion by Senator **SULLIVAN** of York, **TABLED** until Later in Today's Session, pending the motion by Senator **RECTOR** of Knox to **ACCEPT** the Minority **OUGHT TO PASS AS AMENDED** Report.

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

Senate at Ease.

Senate called to order by the President.

Off Record Remarks

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

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

RECESSED until 3:30 in the afternoon.

After Recess

Senate called to order by the President.

Senate at Ease.

Senate called to order by the President.

The President requested the Sergeant-At-Arms escort the Senator from York, Senator **COURTNEY** to the rostrum where he assumed the duties as President Pro Tem.

The President took a seat on the floor.

The Senate called to order by President Pro Tem **JONATHAN T.E. COURTNEY** of York County.

SECOND READERS

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

House

Bill "An Act To Ensure Emergency Communications for Persons with Disabilities"

H.P. 196 L.D. 243

Bill "An Act To Allow a Person To Designate Information Submitted for a Hunting or Fishing License as Confidential"

H.P. 464 L.D. 634

Bill "An Act To Amend the Laws Governing the Handling of Medical Examiner Cases"

H.P. 990 L.D. 1349

Bill "An Act To Ensure That the State Is in Compliance with Certain Federal Motor Carrier Safety Regulations"

H.P. 1115 L.D. 1512

Resolve, To Name the Main Street Bridge in Newport after Sergeant Donald Sidney Skidgel

H.P. 1136 L.D. 1549

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

House As Amended

Bill "An Act To Enhance Enforcement of Civil Orders of Arrest"

H.P. 306 L.D. 380
(C "A" H-241)

Resolve, To Facilitate Participation in Individualized Education Program Team Meetings and Special Education Dispute Resolution Procedures

H.P. 517 L.D. 688
(C "A" H-189)

Bill "An Act To Further Restrict the Availability of Methamphetamine and Amphetamine Pills"

H.P. 580 L.D. 773
(C "A" H-252)

Bill "An Act To Exempt Orthotics from Sales Tax"

H.P. 631 L.D. 834
(C "A" H-242)

Bill "An Act To Protect Children's Health and Promote Safe Schools and Child Care Centers by Limiting the Use of Pesticides"

H.P. 634 L.D. 837
(C "A" H-213)

Bill "An Act To Provide Administrative Support to the Citizen Trade Policy Commission"

H.P. 716 L.D. 972
(C "A" H-249)

Bill "An Act To Require 3 Years of Experience in a School Administrative Unit before a Teacher May Receive a Continuing Contract Offer"

H.P. 720 L.D. 976
(C "A" H-243)

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

Bill "An Act To Discourage Illegal Dumping in the State"

H.P. 94 L.D. 112
(S "B" S-113 to C "A" H-97)

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

Sent down for concurrence.

Senate

Bill "An Act To Speed Recovery of Amounts Due the State"

S.P. 336 L.D. 1103

Bill "An Act To Amend the Laws Governing the Address Confidentiality Program"

S.P. 407 L.D. 1310

READ A SECOND TIME and PASSED TO BE ENGROSSED.

Sent down for concurrence.

Senate As Amended

Bill "An Act To Eliminate the Sunset Date of the Maine Historic Preservation Tax Credit"

S.P. 235 L.D. 742
(S "A" S-116 to C "A" S-89)

Bill "An Act To Require That Notaries Public Keep Records of Notarial Acts"

S.P. 409 L.D. 1312
(C "A" S-117)

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.

ORDERS OF THE DAY

Unfinished Business

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

The Chair laid before the Senate the following Tabled and Later (5/11/11) Assigned matter:

Bill "An Act Concerning Certain Privileges Transferred to GNE, LLC by Great Northern Paper, Inc."

H.P. 1149 L.D. 1564

Tabled - May 11, 2011, by Senator **THIBODEAU** of Waldo

Pending - **REFERENCE**

(In House, May 11, 2011, **REFERRED** to the Committee on **ENERGY, UTILITIES AND TECHNOLOGY** and ordered printed.)

On motion by Senator **THIBODEAU** of Waldo, Bill and accompanying papers **INDEFINITELY POSTPONED**, in **NON-CONCURRENCE**.

Sent down for concurrence.

The Chair laid before the Senate the following Tabled and Later (5/18/11) Assigned matter:

HOUSE REPORT - from the Committee on CRIMINAL JUSTICE AND PUBLIC SAFETY on Bill "An Act To Eliminate Certain Restrictions on the Installation of Chimneys and Equipment"

H.P. 106 L.D. 124

Report - Ought to Pass as Amended by Committee Amendment "A" (H-253)

Tabled - May 18, 2011, by Senator **ALFOND** of Cumberland

Pending - **ACCEPTANCE OF REPORT**, in concurrence

(In House, May 17, 2011, Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED**.)

(In Senate, May 18, 2011, Report **READ**.)

Report **ACCEPTED**, in concurrence.

READ ONCE.

Committee Amendment "A" (H-253) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Chair laid before the Senate the following Tabled and Later (5/18/11) Assigned matter:

An Act Regarding Retention and Graduation Rates for Maine's Colleges and Universities

S.P. 156 L.D. 564
(C "A" S-74)

Tabled - May 18, 2011, by Senator **ALFOND** of Cumberland

Pending - **ENACTMENT**, in concurrence

(In Senate, May 11, 2011, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-74)**.)

(In House, May 18, 2011, **PASSED TO BE ENACTED**.)

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

Senate at Ease.

Senate called to order by President Pro Tem **JONATHAN T.E. COURTNEY** of York County.

On motion by Senator **ALFOND** of Cumberland, **TABLED** until Later in Today's Session, pending **ENACTMENT**, in concurrence.

The Chair laid before the Senate the following Tabled and Later (5/18/11) Assigned matter:

An Act To Provide Sales Tax Exemption or Refund on Parts and Supplies Purchased To Operate Windjammers

H.P. 52 L.D. 59
(C "A" H-72)

Tabled - May 18, 2011, by Senator **ROSEN** of Hancock

Pending - **ENACTMENT**, in concurrence

(In Senate, April 13, 2011, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-72)**, in concurrence.)

(In House, May 17, 2011, **PASSED TO BE ENACTED**.)

On motion by Senator **ROSEN** of Hancock, the Senate **SUSPENDED THE RULES**.

On further motion by same Senator, the Senate **RECONSIDERED** whereby the Bill was **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-72)**, in concurrence.

On further motion by same Senator, the Senate **SUSPENDED THE RULES**.

On further motion by same Senator, the Senate **RECONSIDERED** whereby it **ADOPTED** Committee Amendment "A" (H-72), in concurrence.

On further motion by same Senator, Senate Amendment "A" (S-122) to Committee Amendment "A" (H-72) **READ**.

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

Senator **ROSEN:** Thank you Mr. President. Ladies and gentlemen of the Senate, this is a technical adjustment that is catching up to this bill. It adds an allocation section of \$7,000 in FY '12 that was inadvertently omitted earlier.

On motion by Senator **ROSEN** of Hancock, Senate Amendment "A" (S-122) to Committee Amendment "A" (H-72) **ADOPTED**.

Committee Amendment "A" (H-72) as Amended by Senate Amendment "A" (S-122) thereto, **ADOPTED**, in **NON-CONCURRENCE**.

PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-72) AS AMENDED BY SENATE AMENDMENT "A" (S-122) thereto, in **NON-CONCURRENCE**.

Ordered sent down forthwith for concurrence.

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

SENATE REPORT - from the Committee on **TAXATION** on Bill "An Act To Modify the Process Regarding the Return of Unfit Tobacco Products"

S.P. 198 L.D. 617

Report - **Ought to Pass as Amended by Committee Amendment "A" (S-125)**

Tabled - May 19, 2011, by Senator **SCHNEIDER** of Penobscot

Pending - **ACCEPTANCE OF REPORT** (Roll Call Ordered)

(In Senate, May 19, 2011, Report **READ**.)

Senate at Ease.

Senate called to order by President Pro Tem **JONATHAN T.E. COURTNEY** of York County.

Senator **ALFOND** of Cumberland requested and received leave of the Senate to withdraw his request for a Roll Call.

Report **ACCEPTED**.

READ ONCE.

Committee Amendment "A" (S-125) **READ** and **ADOPTED**.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

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

SENATE REPORTS - from the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** on Bill "An Act Regarding Penalties for Opting Out of Paperless Billing"
S.P. 82 L.D. 273

Majority - **Ought to Pass as Amended by Committee Amendment "A" (S-118)** (12 members)

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

Tabled - May 19, 2011, by Senator **RECTOR** of Knox

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

(In Senate, May 19, 2011, Reports **READ**.)

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

READ ONCE.

Committee Amendment "A" (S-118) **READ**.

On motion by Senator **SULLIVAN** of York, Senate Amendment "A" (S-132) to Committee Amendment "A" (S-118) **READ**.

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

Senator **SULLIVAN:** Thank you Mr. President. Men and women of the Senate, this is truly a technical amendment to an amendment that this committee worked very hard on. Everybody thought we had it straight but at the very end we needed to add some words to the Committee Amendment and we added "an affiliate of a depository institution." It had to do with banks and their different rules according to the federal government. That's all it does. It's a fine bill. Thank you very much.

On motion by Senator **SULLIVAN** of York, Senate Amendment "A" (S-132) to Committee Amendment "A" (S-118) **ADOPTED**.

Committee Amendment "A" (S-118) as Amended by Senate Amendment "A" (S-132) thereto, **ADOPTED**.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

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

HOUSE REPORTS - from the Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act Regarding the Attendance of Attorneys at Pupil Evaluation Team Meetings"
H.P. 822 L.D. 1110

Majority - **Ought to Pass as Amended by Committee Amendment "A" (H-251)** (9 members)

Minority - **Ought Not To Pass** (4 members)

Tabled - May 19, 2011, by Senator **ALFOND** of Cumberland

Pending - motion by Senator **LANGLEY** of Hancock to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report, in concurrence (Roll Call Ordered)

(In House, May 18, 2011, 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-251)**.)

(In Senate, May 19, 2011, Reports **READ**.)

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

Senator **GOODALL** of Sagadahoc was granted unanimous consent to address the Senate off the Record.

Senate at Ease.

Senate called to order by President Pro Tem **JONATHAN T.E. COURTNEY** of York County.

THE PRESIDENT PRO TEM: The Chair recognizes the Senator from Cumberland, Senator Alfond.

Senator **ALFOND:** Thank you Mr. President. Ladies and gentlemen of the Senate, let me try to explain this bill. The good Senator from Oxford argued earlier to follow his light, which I believe is the Ought Not to Pass. I'm going to convince all of you

why you should follow my light and the good Chair from Hancock. An individual education plan, an IEP team meeting, is where families in the district come together and they, together, decide what services that child should receive. This is a collaborative meeting where they are trying to do what's best for the child. What this bill is saying, and what the Majority Ought to Pass as Amended is doing, is that lawyers being at IEP meetings are unnecessary. They are not needed but if a district wants to have a lawyer at an IEP meeting then the parent needs to be notified and then the parent could have a lawyer there too. Why would a district want to have a lawyer there? It could be a complicated case. They might have questions that need to be resolved. That's fine. What this bill does is allows the parent to be notified and for them to have a lawyer too. It also says that a district cannot have a lawyer there if a parent doesn't have a lawyer there. Why is that a smart move? Again, this is following due process in mediation. In mediation, when you do have mediation, the exact same process follows. If a parent has a lawyer then a school district can have a lawyer. We are just following the same process that occurs in mediation because, again, in mediation, just like an IEP meeting, it's not supposed to be controversial. It's not supposed to be adversarial. It's supposed to be the team working together, both in the IEP meeting and in mediation. I hope you follow my light and I hope that we can pass this bill that I think will really level the playing field for parents. Thank you.

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

Senator **HASTINGS:** Thank you Mr. President. Ladies and gentlemen of the Senate, I won't belabor this. I made my points this morning. I want to point out that this is an unprecedented attempt, in my mind, to say that a person cannot be represented by counsel. I think it's an attack based on the assumption that attorneys will make things more complicated, will create controversy, and will not help to resolve it. What I heard from the Senator from Cumberland, Senator Alfond, was PET meetings don't need attorneys but the bill goes right on to say that if the parent wants to have an attorney then both sides can. That's recognition that a PET meeting, at times, can be step one in a long process and hopefully things get resolve very quickly and it never goes beyond that. The PET meeting is the first step in a procedure that in some cases ends up in a due cause hearing across the way here. They can be complicated. I don't see where an attorney's presence somehow poisons the well or whatever. I do think ultimately it's up to both the parent and the school to make that decision and not to have to rely on the other agreeing with it. Thank you.

THE PRESIDENT PRO TEM: The Chair recognizes the Senator from Kennebec, Senator Katz.

Senator **KATZ:** Thank you Mr. President. Men and women of the Senate, the good Senator from Cumberland predicted that he would convince everyone to follow his light. I just hate to disappoint him. He hasn't convinced me. I think, as the Senator from Oxford just indicated, it goes to the question of what the role of the attorney is. Our stationary doesn't say Attorneys at Law, it says Counselors at Law. The role of an attorney in these situations, as I have attended PET meetings, is to counsel the client. Half the time when I'm in mediation or another session I'm counseling my client that they had better back off their position

because the law is not on their side. In this particular case, where a lawyer for a school district might be there with the Principal and the Special Education Director or the teacher have their feet dug in against the parents, the job of the district's attorney might well be to say to the school side that they understand where they are coming from, but they really need to change their position because they have a legal obligation there. It really comes down to whether you think, in this particular environment, that attorneys are there to be problem solvers or to be adversaries. I think in most cases they are there to be problem solvers. As the good Senator from Oxford pointed out, it's a slippery slope when you start saying that either people or businesses or organizations are barred from having good legal advice as a part of any process. Thank you, Mr. President.

THE PRESIDENT PRO TEM: The Chair recognizes the Senator from Androscoggin, Senator Craven.

Senator **CRAVEN:** Thank you Mr. President. As somebody who has worked with families who have children with disabilities, I think that this is something that can't be avoided and shouldn't be avoided because if the school IEP group decides to have legal counsel on their side then the parents would often feel very intimidated. I think that they deserve to have legal counsel as well. I am going to vote in favor of this measure. Thank you, Mr. President.

THE PRESIDENT PRO TEM: The Chair recognizes the Senator from Cumberland, Senator Alford.

Senator **ALFOND:** Thank you Mr. President. Ladies and gentlemen of the Senate, let me try to convince once again. Currently in the statutes right now a school district cannot have a lawyer at a due process meeting unless the family does. That is currently in law. That is currently statute. Why? Because, again, mediation is not supposed to be adversarial. It's supposed to be a team collaborative approach to finding out what is best for the child. I would agree with both of the good Senators, around most cases counsel would be a good thing. The flip side is that lawyers, at times, are doing more than counseling. What we heard in the Education Committee is that parents go into these meetings, these IEP meetings or PET meetings, it's the same thing, and all of a sudden it's them and their child and they are trying to advocate what's best for their child and then you have a Principal, a Superintendent, a lawyer, maybe a guidance counselor, or professionals. This group, this huge team, against the parent and child. What we are trying to do on this is first follow what's already in current statute with what happens with mediation and then, secondly, just realize that the parents and their child are coming into these meetings, typically, on an uneven playing field. I think it's a pretty simple principle and I hope that people follow my light. Thank you.

THE PRESIDENT PRO TEM: The Chair recognizes the Senator from Oxford, Senator Patrick.

Senator **PATRICK:** Thank you Mr. President. Ladies and gentlemen of the Senate, colleagues and friends, I would be remiss if I didn't have an opportunity to get up and do an analogy of whether a lawyer is needed. It reminds me of the saying of the witches. You have good witches and bad witches. I'm

wondering, in this situation, which witch would prevail. Thank you, Mr. President.

THE PRESIDENT PRO TEM: The Chair recognizes the Senator from Sagadahoc, Senator Goodall.

Senator **GOODALL:** Thank you Mr. President. Men and women of the Senate, first to respond to the good Senator from Oxford, I think all of us are thinking about the bad witches right now. However, overwhelmingly, I would agree with the good Senator from Kennebec that attorneys are there to serve and to counsel, and to work towards resolution and to avoid pitfalls often on all sides by giving sound advice. This is a slippery slope. I think, as a fundamental rule, we want to be able to preserve the ability to have counsel in all situations. Unfortunately, at times people take advantage of one another and get aggressive and often those situations are exploited in all of our minds and in the media. Overwhelmingly attorneys are there to represent and try to seek resolution in these matters. I would urge you to oppose the pending motion.

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

Senator **BARTLETT:** Thank you Mr. President. I hesitated to wade into these waters but I originally thought when I looked at this, the same thing, about why the lawyers were in the room. Then I had an opportunity to look a little bit deeper and found out that the purpose of this is that in a typical IEP situation parents are going to the school and working with the administration to find out what the proper plan ought to be for the student. It's designed to be non-adversarial. Current regulations already require that in mediations the school department can't have a lawyer unless the parent does. The purpose is, at this early stage, to keep it a non-adversarial proceeding. If a parent is unhappy and wishes to pursue other avenues and retain a lawyer then at that point it makes sense to engage in that adversarial process. When they go in for an IEP it is not designed to be an adversarial process. It is simply an attempt to scope out what the needs of the student are. The concern here, I think, is turning it into an unnecessarily adversarial proceeding when the whole purpose is simply for folks to sit down and have a discussion about what the options are. That's the purpose, I think, for this very limited purpose. It's reasonable to say to keep it non-adversarial unless it rises to that level down the road. Thank you.

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

Senator **SULLIVAN:** Thank you Mr. President. Men and women of the Senate, a PET or IEP or ILA or all the alphabet soups that we have, the beginning one is where the teacher actually goes. In a middle school there is more than one teacher. You might have the guidance counselor. We, together, come up with a plan. I will tell you, as a teacher, if I were the parent and the school system were to bring in a lawyer at that very first time I would feel very much intimidated. This is a generalization and I fear to do those at times, in many cases the parents who are sitting there trying to do the very best for their child are parents that had problems in the school. Do you think it's any fun for them to sit there with the Principal, with either the Director of Special Ed or Special Services or the assistant, and four or five teachers along

with a lawyer to simply talk about what their child needs for a program and to try to explain to the parents that when they tested their child for whatever they were testing for, learning disability, that they are talking about learning? These are professionals at learning. If this goes further then lawyers should be there. The other thing I ask you is what if a school system decides to have a lawyer at all of these? Most of the parents can't afford lawyers. Is that fair at the very first meeting when you go in to sit down and talk about your child? You know what, when talking about a child with a learning disability, in a very nice way, we have to look at parents and say, "Your child isn't quite right." You can say that any way you want but if you are the parent and you are sitting there, and your child cannot learn, you personalize that into, "My child's not right." Now you throw a lawyer on top of it and it's the first time to sit down and talk. I think that I'm going to support this. I'm going to support it because it's the first time, and we're talking about the initial IEP that goes on constantly. I'm okay with this. Special Ed and children. Parents that hear that there is something that doesn't connect quite like everybody else, that needs a special plan, listens to all of that and they need to absorb that. There is plenty of time to appeal the process afterwards. There is plenty of time to hire lawyers, if needed. I've been to those high impact ones too, where you have to actually sign all kinds of things and threaten to be sued as the teacher. It's just a joy. Not. I have to tell you that I'm okay with this. I think that if a school system is going to have a lawyer there the parents ought to. They ought to pick it up the cost the first time also so that all children would be able to have that lawyer. I'm going to support the bill as it is. I think it makes an attempt to make it better. Is it perfect? No, but I don't of many things we do right the first time anyways. Thank you.

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

Senator **SCHNEIDER:** Thank you Mr. President. Men and women of the Senate, in this case I'd just like us to think about what it's like when we either get a letter from an attorney or if we were to walk into any meeting and one side had an attorney and we did not. Think about how you would feel at that moment. That's how parents with children who may have some trouble in school feels. There is no question. You cannot take that intimidation factor away in our culture. I hope you understand. Maybe if you are an attorney you don't feel that because you have that expertise. I can assure you that I or most parents would automatically feel intimidated. Lawyering up, what does that mean in our culture? Get an attorney. Be prepared to defend yourself. Automatically it makes you feel that you have to be on the defense. That's what this bill is about. That shouldn't be the way it is when you are advocating for children who have issues in school. That initial meeting should not have that sense of angst to it. I would hope that you would support the pending motion. Thank you.

The Chair noted the absence of the Senator from Kennebec, Senator **MARTIN** and further excused the same Senator from today's Roll Call votes.

THE PRESIDENT PRO TEM: The Chair recognizes the Senator from Sagadahoc, Senator Goodall.

Senator **GOODALL:** Thank you Mr. President. Men and women of the Senate, I rise just to agree with the good Senator from Penobscot, Senator Schneider, on some of her remarks. Unfortunately the presence of attorneys does raise the tension of many meetings. I don't disagree. I think that is unfortunate. That being said, I am opposing this motion based on the fundamental principle that we should not quickly, and I know this hasn't been a quick procedure, remove the ability of someone to have counsel if they so choose. That being said, if I may, Mr. President, I request to pose a question through the Chair.

THE PRESIDENT PRO TEM: The Senator may pose his question.

Senator **GOODALL:** Thank you Mr. President. To anyone who wishes to answer, how often do attorneys appear and be present at the first meeting in this situation as it has been described on the floor today?

THE PRESIDENT PRO TEM: The Senator from Sagadahoc, Senator Goodall poses a question through the Chair to anyone who may wish to answer. The Chair recognizes the Senator from Cumberland, Senator Alford.

Senator **ALFOND:** Thank you Mr. President. Ladies and gentlemen of the Senate, I wish I could answer that for you, but because the Department of Education does not keep that data which we repeatedly requested I cannot answer that question. From the testimony that we received from different groups that appeared in front of us, it happens quite a bit. That is why we are in this position of trying to pass this bill today.

THE PRESIDENT PRO TEM: The Chair recognizes the Senator from Cumberland, Senator Dill.

Senator **DILL:** Thank you Mr. President. Men and women of the Senate, I also would like to ask a question through the Chair, if I may.

THE PRESIDENT PRO TEM: The Senator may pose her question.

Senator **DILL:** Thank you Mr. President. As some of you know, I am a lawyer. I'll ask the question this way. Isn't it true that the expenses associated with having lawyers at these proceedings appear in the school budget that ultimately is approved by the voters when they do their budget validations?

THE PRESIDENT PRO TEM: The Senator from Cumberland, Senator Dill poses a question through the Chair to anyone who may wish to answer. The Chair recognizes the Senator from York, Senator Sullivan.

Senator **SULLIVAN:** Thank you Mr. President. Men and women of the Senate, fools rush in where angels fear to tread. First of all I will tell you that budgets do not delineate that the lawyer's fee will be for XYZ. You don't know what that is going to be to begin with when you are doing a budget. I would also remind you that, for the parent, if you were to be notified, and it were my child

going in for an initial hearing, I would be very concerned why they were having a lawyer there for the initial one. It does happen more often than it used to, I might say. I would ask how many parents can run out and get a lawyer? I do not have a lawyer. For some of you, I know that would surprise you. I try to not have to need a lawyer. There are parents that really can't afford it. If a school system shows up with a lawyer it is often to keep an expensive case from perhaps going out of district placement or whatever. The school system makes the conscious decision that it is a better decision to have a lawyer and pay the lawyer than it is to possibly send that child out of district, or in some cases out of state. You are talking about hundreds of thousands of dollars if you don't have that system. As far as paying for a lawyer, lawyers should not be at the first IEP necessarily. If they are going to be there for the school you've got to figure this is going to be a high profile for some reason. It's often to avoid out of state placements.

THE PRESIDENT PRO TEM: The Chair recognizes the Senator from Kennebec, Senator Katz.

Senator **KATZ:** Thank you Mr. President. Men and women of the Senate, first of all, if I was a parent and I was sitting across the table from a number of people, including the Senator from York, Senator Sullivan, I don't think there would be any additional intimidation factor by anybody else present. This is a very complicated area of the law. The responsibilities of school districts towards their children. God forbid we should have someone in the room that actually knows what the law is. The job of a good lawyer is to keep his client out of trouble. These cases can get expensive if they are litigated. They can get very contentious if they are litigated. The role of a good attorney working for the school district is to try to keep that from happening and to be a problem solver not a litigation creator. I'm sure that the other attorneys in this room have similar stories. The common perception of attorneys is one thing. How many times have you heard, those of you who practice, someone come out of mediation or a hearing and having someone say, "You know what, you really were fair and you really helped solve this case, you didn't throw gasoline on the fire."? For those reasons, I think the process is helped and not heated by the presence of an attorney. Thank you.

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

Senator **SCHNEIDER:** Thank you Mr. President. Men and women of the Senate, all too often when you sit on the Education and Cultural Affairs Committee you recognize that there is a problem here. You recognize the sky rocketing autism rates. This is becoming more and more of an issue and more and more about money. Yes, it is true that certain services have to be provided, but there are a lot of districts out there that may be trying to minimize the impact to those districts. I will tell you right now any of us, if you walked in and you say a very prestigious group of people sitting at the table and you were all alone and perhaps not so knowledgeable about your rights, it puts you at an extreme disadvantage. This is about our constituents and I would say that this is a very important measure to help people who generally feel at a disadvantage when there is a lawyer sitting across the table from them. I admire you, Senator Katz from Kennebec. There are reasons that attorneys are present and I

think in a large part they are an intimidation factor. That is very unfortunate, but that is sometimes the case. I would encourage people to recognize that and understand that this is the major reason that brings us to this point. It is unfortunate that people feel intimidated but that does happen in our society. I encourage you to support the Majority Ought to Pass as Amended Report. Thank you.

THE PRESIDENT PRO TEM: The pending question before the Senate is the motion by the Senator from Hancock, Senator Langley to Accept the Majority Ought to Pass as Amended Report. A Roll Call has been ordered. Is the Senate ready for the question?

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#89)

YEAS: Senators: ALFOND, BARTLETT, BRANNIGAN, CRAVEN, GERZOFKY, HILL, JACKSON, LANGLEY, PATRICK, RAYE, SCHNEIDER, SULLIVAN, THE PRESIDENT PRO TEM - JONATHAN T.E. COURTNEY

NAYS: Senators: COLLINS, DIAMOND, DILL, FARNHAM, GOODALL, HASTINGS, HOBBS, KATZ, MASON, MCCORMICK, PLOWMAN, RECTOR, ROSEN, SAVIELLO, SHERMAN, SNOWE-MELLO, THIBODEAU, THOMAS, TRAHAN, WHITTEMORE, WOODBURY

EXCUSED: Senator: MARTIN

13 Senators having voted in the affirmative and 21 Senators having voted in the negative, with 1 Senator being excused, the motion by Senator **LANGLEY** of Hancock to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report, in concurrence, **FAILED**.

The Minority **OUGHT NOT TO PASS** Report **ACCEPTED**, in **NON-CONCURRENCE**.

Sent down for concurrence.

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

SECOND READERS

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

House As Amended

Bill "An Act To Establish a Coyote Bounty Permit"
H.P. 807 L.D. 1072
(C "A" H-248)

READ A SECOND TIME.

On motion by Senator **TRAHAN** of Lincoln, 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 (#90)

YEAS: Senators: BRANNIGAN, MASON, MCCORMICK, PATRICK, RAYE, SAVIELLO, SHERMAN, THIBODEAU, THOMAS, WHITTEMORE

NAYS: Senators: ALFOND, BARTLETT, COLLINS, CRAVEN, DIAMOND, DILL, FARNHAM, GERZOFSKY, GOODALL, HASTINGS, HILL, HOBBS, KATZ, LANGLEY, PLOWMAN, RECTOR, ROSEN, SCHNEIDER, SNOWE-MELLO, SULLIVAN, TRAHAN, WOODBURY, THE PRESIDENT PRO TEM - JONATHAN T.E. COURTNEY

ABSENT: Senator: JACKSON

EXCUSED: Senator: MARTIN

10 Senators having voted in the affirmative and 23 Senators having voted in the negative, with 1 Senator being absent and 1 Senator being excused, **PASSAGE TO BE ENGROSSED AS AMENDED, FAILED.**

Senator **RAYE** of Washington rose to a **POINT OF ORDER** regarding a Senator in the Chamber who did not vote and questioning if Senators in the Chamber must vote.

The Chair **RULED** that unless excused each Senator must vote.

THE PRESIDENT PRO TEM: The Chair recognizes the Senator from Aroostook, Senator Jackson.

Senator **JACKSON:** Thank you Mr. President. Ladies and gentlemen of the Senate, I really feel bad right now. I was under the assumption that I had pushed my button. If I had not made the error I would have voted Yea. I don't know if that does anything now.

THE PRESIDENT PRO TEM: It will be noted on the record.

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 Regarding Stops of All-terrain Vehicles and Snowmobiles by Law Enforcement Officers" H.P. 900 L.D. 1209

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

Signed:

Senators:
MARTIN of Kennebec
PATRICK of Oxford
TRAHAN of Lincoln

Representatives:
BRIGGS of Mexico
CLARK of Millinocket
EBERLE of South Portland
ESPLING of New Gloucester
SARTY of Denmark
SHAW of Standish

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (H-247).**

Signed:

Representatives:
DAVIS of Sangerville
CRAFTS of Lisbon
GUERIN of Glenburn
WOOD of Sabattus

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

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

(See action later today.)

Divided Report

The Majority of the Committee on **TAXATION** on Bill "An Act To Exempt Internet Sales from the Sales and Use Tax" H.P. 705 L.D. 961

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-218).**

Signed:

Senators:
TRAHAN of Lincoln
HASTINGS of Oxford

Representatives:

KNIGHT of Livermore Falls
BENNETT of Kennebunk
BICKFORD of Auburn
BURNS of Alfred
HARMON of Palermo
WATERHOUSE of Bridgton

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

Signed:

Senator:

WOODBURY of Cumberland

Representatives:

BERRY of Bowdoinham
BRYANT of Windham
FLEMINGS of Bar Harbor
PILON of Saco

Comes from the House with Reports **READ** and the Bill and accompanying papers **INDEFINITELY POSTPONED**.

Reports **READ**.

Senator **TRAHAN** of Lincoln moved to **INDEFINITELY POSTPONE** the Bill and accompanying papers, in concurrence.

On motion by Senator **SCHNEIDER** 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 (#91)

YEAS: Senators: ALFOND, BARTLETT, BRANNIGAN, COLLINS, CRAVEN, DIAMOND, DILL, FARNHAM, GERZOFKY, GOODALL, HASTINGS, HILL, HOBBS, JACKSON, KATZ, LANGLEY, MASON, MCCORMICK, PATRICK, PLOWMAN, RAYE, RECTOR, ROSEN, SAVIELLO, SHERMAN, SNOWE-MELLO, SULLIVAN, THIBODEAU, THOMAS, TRAHAN, WHITTEMORE, WOODBURY, THE PRESIDENT PRO TEM - JONATHAN T.E. COURTNEY

NAYS: Senator: SCHNEIDER

EXCUSED: Senator: MARTIN

33 Senators having voted in the affirmative and 1 Senator having voted in the negative, with 1 Senator being excused, the motion by Senator **TRAHAN** of Lincoln to **INDEFINITELY POSTPONE** the Bill and accompanying papers, in concurrence, **PREVAILED**.

On motion by Senator **HOBBS** of York, the Senate **RECONSIDERED** whereby it **ACCEPTED** the **OUGHT NOT TO PASS** Report on the following:

Bill "An Act Regarding Stops of All-terrain Vehicles and Snowmobiles by Law Enforcement Officers"
H.P. 900 L.D. 1209

(In House, May 18, 2011, the Majority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED**.)

(In Senate, May 19, 2011, Reports **READ**. On motion by Senator **TRAHAN** of Lincoln, the Majority **OUGHT NOT TO PASS** Report **ACCEPTED**, in concurrence.)

On motion by Senator **TRAHAN** of Lincoln, 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

Senate

Ought to Pass As Amended

Senator McCORMICK for the Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act To Increase the Availability of Lead Testing for Children"

S.P. 89 L.D. 300

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-129)**.

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

READ ONCE.

Committee Amendment "A" (S-129) **READ** and **ADOPTED**.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

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

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

PAPERS FROM THE HOUSE

Joint Order

The following Joint Order:

H.P. 1162

ORDERED, the Senate concurring, that the Joint Standing Committee on Insurance and Financial Services shall report out, to the House, a bill establishing an advisory committee to plan for a health benefit exchange pursuant to the federal Patient Protection and Affordable Care Act.

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

READ and **PASSED**, 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 **INSURANCE AND FINANCIAL SERVICES** on Bill "An Act To Require Full Disclosure by Insurance Carriers Using Credit Ratings"
H.P. 294 L.D. 368

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

Signed:

Senators:

- WHITTEMORE of Somerset
- BRANNIGAN of Cumberland
- SNOWE-MELLO of Androscoggin

Representatives:

- RICHARDSON of Warren
- FITZPATRICK of Houlton
- GOODE of Bangor
- McKANE of Newcastle
- MORRISON of South Portland
- PICCHIOTTI of Fairfield
- TREAT of Hallowell

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

Signed:

Representative:

- BEAUDOIN of Biddeford

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

Reports **READ**.

On motion by Senator **WHITTEMORE** of Somerset, 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

Ought to Pass

The Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** on Bill "An Act To Establish an Integrated Statewide System To Manage and Enforce Electronic Warrants"
H.P. 961 L.D. 1315

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.

The Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** on Bill "An Act To Repeal the Law Regarding DNA Collection"
H.P. 964 L.D. 1318

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.

Ought to Pass As Amended

The Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** on Bill "An Act To Prohibit the Sale of Russian Olive and Other Invasive Terrestrial Plants"
H.P. 159 L.D. 182

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-259)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-259)**.

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

READ ONCE.

Committee Amendment "A" (H-259) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** on Bill "An Act To Amend Animal Welfare Laws" H.P. 482 L.D. 652

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-260)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-260)**.

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

READ ONCE.

Committee Amendment "A" (H-260) **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

The Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act To Adopt the Interstate Prescription Monitoring Program Compact" H.P. 1056 L.D. 1435

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.

Ought to Pass As Amended

The Committee on **HEALTH AND HUMAN SERVICES** on Resolve, Requiring the Department of Health and Human Services To Conduct a Review of Medicaid 'Any Willing Provider' Requirements H.P. 693 L.D. 933

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-284)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-284)**.

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

READ ONCE.

Committee Amendment "A" (H-284) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act To Authorize the Board of Licensure of Podiatric Medicine and the State Board of Veterinary Medicine To Establish a Podiatrist Health Program and a Veterinarian Health Program" H.P. 759 L.D. 1023

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-285)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-285)**.

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

READ ONCE.

Committee Amendment "A" (H-285) **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

The Committee on **JUDICIARY** on Bill "An Act To Update the Bankruptcy Laws To Incorporate Federal Changes Relating to Exemptions" (EMERGENCY)

H.P. 1041 L.D. 1415

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.

Ought to Pass As Amended

The Committee on **JUDICIARY** on Bill "An Act To Provide for Equal Rights of Appeal for the State and Defendants Concerning Post-judgment DNA Analysis"

H.P. 299 L.D. 373

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-269)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-269)**.

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

READ ONCE.

Committee Amendment "A" (H-269) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** on Bill "An Act To Limit Increases in the Unemployment Contribution Rate"

H.P. 792 L.D. 1057

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-286)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-286)**.

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

READ ONCE.

Committee Amendment "A" (H-286) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** on Bill "An Act To Remove the Requirement That Employers Offer Substance Abuse Services to Employees Who Fail Drug Tests"

H.P. 932 L.D. 1241

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-287)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-287)**.

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

READ ONCE.

Committee Amendment "A" (H-287) **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 **MARINE RESOURCES** on Resolve, Directing the Commissioner of Marine Resources To Contract for an Independent Analysis of the Limited Entry Lobster License System

H.P. 1124 L.D. 1532

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-278)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-278)**.

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

READ ONCE.

Committee Amendment "A" (H-278) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **TAXATION** on Bill "An Act To Establish Municipal Cost Components for Unorganized Territory Services To Be Rendered in Fiscal Year 2011-12" (EMERGENCY)
H.P. 1074 L.D. 1459

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-266).**

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-266).**

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

READ ONCE.

Committee Amendment "A" (H-266) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **TRANSPORTATION** on Bill "An Act To Reduce Certain Highway Fund Obligations"
H.P. 364 L.D. 471

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-280).**

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-280).**

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

READ ONCE.

Committee Amendment "A" (H-280) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **VETERANS AND LEGAL AFFAIRS** on Bill "An Act To Improve Awareness of Smoking Policies in Maine Rental Housing and Condominiums"
H.P. 802 L.D. 1067

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-276).**

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-276).**

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

READ ONCE.

Committee Amendment "A" (H-276) **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 Refund the Sales Tax Paid on Fuel Used in Commercial Fishing Vessels

H.P. 162 L.D. 185
(H "A" H-87 to C "A" H-53)

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

Emergency Measure

An Act to Allow the Operation of Crematoriums at Oak Grove Cemetery and the Kelly Family Cemetery

H.P. 230 L.D. 286
(C "A" H-142; S "A" S-86)

On motion by Senator **PLOWMAN** of Penobscot, the Senate **SUSPENDED THE RULES.**

On further motion by same Senator, the Senate **RECONSIDERED** whereby the Bill was **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-142) AND SENATE AMENDMENT "A" (S-86).**

On further motion by same Senator, under unanimous consent on behalf of President **RAYE** of Washington County, Senate Amendment "A" (S-131) **READ** and **ADOPTED.**

On further motion by same Senator, the Senate **SUSPENDED THE RULES.**

On further motion by same Senator, the Senate **RECONSIDERED** whereby it **ADOPTED** Senate Amendment "A" (S-86) and **INDEFINITELY POSTPONED** same.

PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-142) AND SENATE AMENDMENT "A" (S-131), in NON-CONCURRENCE.

Sent down for concurrence.

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

REPORTS OF COMMITTEES

Senate

Ought to Pass

Senator McCORMICK for the Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act To Update and Improve Maine's Laws Pertaining to the Rights of Persons with Intellectual Disabilities"

S.P. 495 L.D. 1548

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

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

READ ONCE.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

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

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 **ENVIRONMENT AND NATURAL RESOURCES** on Bill "An Act To Review State Water Quality Standards"

S.P. 148 L.D. 515

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-130)**.

Signed:

Senators:

SAVIELLO of Franklin
GOODALL of Sagadahoc
SHERMAN of Aroostook

Representatives:

HAMPER of Oxford
AYOTTE of Caswell
DUCHESNE of Hudson
INNES of Yarmouth
KNAPP of Gorham
LONG of Sherman
NASS of Acton
PARKER of Veazie
WELSH of Rockport

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

Signed:

Representative:

HARLOW of Portland

Reports **READ**.

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

READ ONCE.

Committee Amendment "A" (S-130) **READ** and **ADOPTED**.

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:

Acts

An Act To Promote the Financial Literacy of High School Students
H.P. 161 L.D. 184
(C "A" H-206)

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

An Act To Exempt from the Sales Tax Meals Provided at Retirement Facilities

H.P. 13 L.D. 21
(C "A" H-166; S "A" S-80)

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

Senate at Ease.

Senate called to order by President Pro Tem **JONATHAN T.E. COURTNEY** of York County.

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 **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act To Assist School Administrative Units in Providing Health Insurance to Their Employees"
H.P. 322 L.D. 404

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-262)**.

Signed:

Senators:

LANGLEY of Hancock
ALFOND of Cumberland
MASON of Androscoggin

Representatives:

RICHARDSON of Carmel
EDGEComb of Caribou
JOHNSON of Greenville
LOVEJOY of Portland
MAKER of Calais
McCLELLAN of Raymond
McFADDEN of Dennysville
RANKIN of Hiram
WAGNER of Lewiston

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "B" (H-263)**.

Signed:

Representative:

NELSON of Falmouth

(Representative **SOCTOMAH** of the Passamaquoddy Tribe - of the House - supports the Majority **Ought To Pass as Amended by Committee Amendment "A" (H-262)** Report.)

Comes from the House with the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-262)** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-262)**.

Reports **READ**.

On motion by Senator **LANGLEY** of Hancock, the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-262)** Report **ACCEPTED**, in concurrence.

READ ONCE.

Committee Amendment "A" (H-262) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Divided Report

The Majority of the Committee on **ENVIRONMENT AND NATURAL RESOURCES** on Bill "An Act To Modify the Requirement To Replace Trees Cut Down in Violation of Local Laws"
H.P. 820 L.D. 1108

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-275)**.

Signed:

Senators:

SAVIELLO of Franklin
GOODALL of Sagadahoc
SHERMAN of Aroostook

Representatives:

HAMPER of Oxford
AYOTTE of Caswell
DUCHESNE of Hudson
INNES of Yarmouth
KNAPP of Gorham
LONG of Sherman
NASS of Acton
PARKER of Veazie
WELSH of Rockport

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

Signed:

Representative:

HARLOW of Portland

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-275)**.

Reports **READ**.

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

READ ONCE.

Committee Amendment "A" (H-275) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Divided Report

The Majority of the Committee on **INLAND FISHERIES AND WILDLIFE** on Bill "An Act To Change the Coyote Night Hunting Law"

H.P. 687 L.D. 927

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

Signed:

Senators:

MARTIN of Kennebec
PATRICK of Oxford
TRAHAN of Lincoln

Representatives:

BRIGGS of Mexico
EBERLE of South Portland
ESPLING of New Gloucester
SARTY of Denmark
SHAW of Standish
WOOD of Sabattus

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (H-246)**.

Signed:

Representatives:

DAVIS of Sangerville
CLARK of Millinocket
CRAFTS of Lisbon
GUERIN of Glenburn

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-246) AS AMENDED BY HOUSE AMENDMENT "A" (H-290)** thereto.

Reports **READ**.

On motion by Senator **TRAHAN** of Lincoln, **TABLED** until Later in Today's Session, pending **ACCEPTANCE OF EITHER REPORT**.

Divided Report

The Majority of the Committee on **TAXATION** on Bill "An Act To Repeal the Alternative Minimum Tax"

H.P. 633 L.D. 836

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-154)**.

Signed:

Senators:

TRAHAN of Lincoln
HASTINGS of Oxford
WOODBURY of Cumberland

Representatives:

KNIGHT of Livermore Falls
BENNETT of Kennebunk
BICKFORD of Auburn
BURNS of Alfred
HARMON of Palermo
WATERHOUSE of Bridgton

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

Signed:

Representatives:

BERRY of Bowdoinham
BRYANT of Windham
FLEMINGS of Bar Harbor
PILON of Saco

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-154)**.

Reports **READ**.

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

READ ONCE.

Committee Amendment "A" (H-154) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Divided Report

Nine members of the Committee on **TAXATION** on Bill "An Act To Eliminate the Restriction on Net Operating Loss Carry-forwards" H.P. 123 L.D. 140

Reported in Report "A" that the same **Ought to Pass as Amended by Committee Amendment "A" (H-255).**

Signed:

Senators:

TRAHAN of Lincoln
HASTINGS of Oxford
WOODBURY of Cumberland

Representatives:

KNIGHT of Livermore Falls
BENNETT of Kennebunk
BICKFORD of Auburn
BURNS of Alfred
HARMON of Palermo
WATERHOUSE of Bridgton

Three members of the same Committee on the same subject reported in Report "B" that the same **Ought to Pass.**

Signed:

Representatives:

BERRY of Bowdoinham
FLEMINGS of Bar Harbor
PILON of Saco

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

Signed:

Representative:

BRYANT of Windham

Comes from the House with Report "A", **OUGHT TO PASS AS AMENDED READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-255).**

Reports **READ.**

On motion by Senator **TRAHAN** of Lincoln, Report "A", **OUGHT TO PASS AS AMENDED ACCEPTED**, in concurrence.

READ ONCE.

Committee Amendment "A" (H-255) **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

Senate

Divided Report

The Majority of the Committee on **TAXATION** on Bill "An Act To Amend the Nonresident Income Tax Filing Requirements" S.P. 446 L.D. 1440

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-134).**

Signed:

Senators:

TRAHAN of Lincoln
HASTINGS of Oxford
WOODBURY of Cumberland

Representatives:

KNIGHT of Livermore Falls
BENNETT of Kennebunk
BERRY of Bowdoinham
BICKFORD of Auburn
BURNS of Alfred
FLEMINGS of Bar Harbor
HARMON of Palermo
PILON of Saco
WATERHOUSE of Bridgton

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

Signed:

Representative:

BRYANT of Windham

Reports **READ.**

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

READ ONCE.

Committee Amendment "A" (S-134) **READ** and **ADOPTED.**

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

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

Senator **GOODALL** of Sagadahoc was granted unanimous consent to address the Senate off the Record.

Off Record Remarks

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

Senator **TRAHAN** of Lincoln was granted unanimous consent to address the Senate off the Record.

On motion by Senator **COLLINS** of York, **ADJOURNED**, pursuant to the Joint Order, to Monday, May 23, 2011, at 10:00 in the morning.