

# MAINE STATE LEGISLATURE

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One Hundred and Twenty-Fifth Legislature  
State of Maine

Daily Edition

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Pages 1594 - 2357

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

In Senate Chamber  
Monday  
March 19, 2012

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

Prayer by Rev. Marilyn Glavin of Second Congregational Church in Biddeford.

**REVEREND GLAVIN:** Holy God, we ask You to be palpably present here today with those gathered to consider the business of our state. It is with a spirit of thankfulness and gratitude that we acknowledge that each one of us is next to nothing by ourselves, but that together we can discern what is fair and necessary for all who live here in Maine. Be with each person here today as they bring their own spirit and enthusiasm to the task that is set before them. May Your hand of blessing be upon them all in marvelous and wonderful ways. Amen.

Pledge of Allegiance led by Senator Thomas H. Martin, Jr. of Kennebec County.

Reading of the Journal of Thursday, March 15, 2012.

Doctor of the day, Timothy Nuce, N.D. of Winthrop.

The President requested the Sergeant-At-Arms escort the Senator from Androscoggin, Senator **MASON** 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 **GARRETT P. MASON** of Androscoggin County.

Off Record Remarks

Senate at Ease.

Senate called to order by President Pro Tem **GARRETT P. MASON** of Androscoggin County.

PAPERS FROM THE HOUSE

House Paper

Bill "An Act To Amend the Laws Pertaining to the Maine Economic Improvement Fund"

H.P. 1393 L.D. 1885

Presented by Representative TILTON of Harrington. Cosponsored by President RAYE of Washington and Representatives: BURNS of Whiting, WILLETTE of Presque Isle, WINSOR of Norway, WOOD of Sabattus.

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.

Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** suggested and ordered printed.

Comes from the House, **REFERRED** to the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT**.

**REFERRED** to the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** and ordered printed, in concurrence.

Joint Resolution

The following Joint Resolution:

H.P. 1392

**JOINT RESOLUTION MEMORIALIZING THE PRESIDENT OF THE UNITED STATES AND THE CONGRESS OF THE UNITED STATES TO IMPROVE THE PROCESS USED TO NEGOTIATE AND APPROVE INTERNATIONAL TRADE AGREEMENTS**

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

WHEREAS, the State of Maine strongly supports international trade when fair rules of trade are in place and seeks to be an active participant in the global economy in order to encourage meaningful transparency, appropriately acknowledge the vital role of state sovereignty and afford more meaningful congressional review and acceptance; and

WHEREAS, the State of Maine seeks to maximize the benefits and minimize any negative effects of international trade; and

WHEREAS, existing trade agreements have effects that extend significantly beyond the bounds of traditional trade matters, such as tariffs and quotas, and can undermine Maine's regulatory authority and constitutionally guaranteed authority to protect the public health, safety and welfare; and

WHEREAS, a succession of federal trade negotiators from both political parties over the years has failed to operate in a transparent manner and failed to meaningfully consult with states on the far-reaching impact of trade agreements on state and local laws, even when binding the State of Maine to the terms of these agreements; and

WHEREAS, existing trade agreements have not done enough to ensure a level playing field for Maine workers and businesses or to include meaningful human rights, labor and environmental standards, which hurts Maine businesses, workers and communities; and

WHEREAS, the negative effect of existing trade agreements on Maine's regulatory authority and constitutionally guaranteed authority to protect the public health, safety and welfare has occurred in part because United States trade policy has been formulated and implemented in a process that lacks transparency, fails to properly recognize the principles of state sovereignty and lacks any meaningful opportunity for congressional review and acceptance; and

WHEREAS, the United States Trade Representative is currently negotiating the terms of a proposed Trans-Pacific Partnership Agreement, which will have a significant effect upon the citizens and commerce of the State of Maine; and

WHEREAS, there is a current opportunity for improving the process by which significant foreign trade policy agreements such as the Trans-Pacific Partnership Agreement are negotiated; now, therefore, be it

RESOLVED: That We, your Memorialists, respectfully urge and request the President of the United States and the Congress of the United States to improve the process by which United States trade agreements are developed and implemented in order to encourage meaningful transparency and appropriately acknowledge the vital role of state sovereignty and afford more meaningful opportunity for congressional review and acceptance; and be it further

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the Honorable Barack H. Obama, President of the United States, to the President of the Senate of the United States, to the Speaker of the House of Representatives of the United States, to Ambassador Ron Kirk, United States Trade Representative and to each Member of the Maine Congressional Delegation.

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

**READ.**

**THE PRESIDENT PRO TEM:** The Chair recognizes the Senator from Washington, Senator Raye.

Senator **RAYE:** Thank you Mr. President. I rise briefly to commend the sponsors for this Joint Resolution. For four years I had the pleasure to serve as a Senate Republican on the Citizen Trade Policy Commission. Throughout that time we, as a commission, struggled with the federal process for negotiating

improving international trade agreements. They literally are done under a shroud of secrecy, which is very troubling and has had some very negative consequences for Maine businesses and Maine workers in years past. Sadly, administrations of both political parties over the years have failed to aggressively protect our business and worker interests in the negotiation of federal trade agreements. As a state that is very susceptible, given the fact that we are literally surrounded on three sides by Canada, we've very familiar in Maine with the impact of international trade agreements. I believe that this call, putting the Maine Legislature on record in support of transparency and respect for state sovereignty is extraordinarily important. I just wanted to rise, as a former member of the Citizen Trade Policy Commission, to congratulate the current members for bringing this forward. I think it is critically important.

**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, too, rise in support of this Joint Resolution. Having had the ability to actually co-sponsor the bill that brought the Citizen Trade Policy into fruition and to vote for it and to be the founding House Chair of the Citizen Trade Policy Commission, this Resolution bring forth the knowledge and understanding that we aren't where we want to be yet as far as international trade goes. We have become a nationally recognized organization. As a matter of fact, just the other day Japan got a hold of our Senate Chair and House Chair and came to visit Maine to find out what the Citizen Trade Policy Commission is all about. In many instances, other states across the nation have emulated our Citizen Trade Policy Commission so that their states would have the ability the same as Maine does and that we might have a voice for Maine businesses to protect them against unfair labor agreements in that. Like it says, Maine is in favor of international trade. We just want to make sure that there is fair labor and environmental standards and that we are on a fair and level playing field. I'm really pleased and proud that Maine is one of the leaders as far as a state goes on international trade. Thank you.

**ADOPTED,** in concurrence.

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## COMMUNICATIONS

The Following Communication: S.C. 751

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

March 15, 2012

The Honorable Kevin L. Raye  
President of the Senate of Maine  
125th Maine Legislature  
State House  
Augusta, Maine 04333-0003

Dear Mr. President:

In accordance with 3 M.R.S.A., Section 157, and with Joint Rule 505 of the 125th Maine Legislature, the Joint Standing Committee on Judiciary has had under consideration the nomination of Gail Dana-Sacco, PhD of Scarborough, for appointment to the Maine Indian Tribal-State Commission.

After public hearing and discussion on this nomination, the Committee proceeded to vote on the motion to recommend to the Senate that this nomination be confirmed. The Committee Clerk called the roll with the following result:

YEAS	Senators	2	Hastings of Oxford, Dill of Cumberland
	Representatives	9	Nass of Acton, Fossel of Alna, Maloney of Augusta, Monaghan-Derrig of Cape Elizabeth, Moulton of York, Priest of Brunswick, Rochelo of Biddeford, Sarty of Denmark, Waterhouse of Bridgton
NAYS		0	
ABSENT		2	Rep. Beaulieu of Auburn, Sen. Woodbury of Cumberland

Eleven members of the Committee having voted in the affirmative and none in the negative, it was the vote of the Committee that the nomination of Gail Dana-Sacco, PhD of Scarborough, for appointment to the Maine Indian Tribal-State Commission be confirmed.

Signed,

S/David R. Hastings III  
Senate Chair

S/Joan M. Nass  
House Chair

**READ and ORDERED PLACED ON FILE.**

The President Pro Tem laid before the Senate the following: "Shall the recommendation of the Committee on **JUDICIARY** be overridden?"

In accordance with 3 M.R.S.A., Chapter 6, Section 151, and with Joint Rule 506 of the 125<sup>th</sup> Legislature, the vote was taken by the Yeas and Nays.

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

**ROLL CALL (#383)**

YEAS: Senators: None

NAYS: Senators: ALFOND, BARTLETT, BRANNIGAN, COLLINS, COURTNEY, CRAVEN, DIAMOND, DILL, FARNHAM, GERZOFKY, GOODALL, HASTINGS, HILL, HOBBS, JACKSON, JOHNSON, KATZ, LANGLEY, MARTIN, MCCORMICK, PATRICK, PLOWMAN, RAYE, RECTOR, ROSEN, SAVIELLO, SCHNEIDER, SHERMAN, SNOWE-MELLO, SULLIVAN, THIBODEAU, THOMAS, WHITTEMORE, WOODBURY, THE PRESIDENT PRO TEM - GARRETT P. MASON

No Senator having voted in the affirmative and 35 Senators having voted in the negative, and none being less than two-thirds of the Membership present and voting, it was the vote of the Senate that the Committee's recommendation be **ACCEPTED** and the nomination of **Gail Dana-Sacco, PhD** of Scarborough for appointment to the Maine Indian Tribal-State Commission was **CONFIRMED**.

The Secretary has so informed the Speaker of the House of Representatives.

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Off Record Remarks

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The Following Communication: S.C. 752

**STATE OF MAINE  
OFFICE OF THE GOVERNOR**

March 14, 2012

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

Dear President Raye,

This is to inform you that I am today nominating Robert W. Bower, Jr. of Cumberland for appointment to the State Civil Service Appeals Board.

Pursuant to Title 5, MRSA §7081, this appointment is contingent on the Maine Senate confirmation after review by the Joint Standing Committee on State and Local Government.

Sincerely,

S/Paul R. LePage  
Governor

**READ and ORDERED PLACED ON FILE.**

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The Following Communication: S.C. 753

**STATE OF MAINE  
OFFICE OF THE GOVERNOR**

March 14, 2012

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

Dear President Raye,

This is to inform you that I am today nominating Abigail C. Yacoben of West Bath for appointment to the State Civil Service Appeals Board.

Pursuant to Title 5, MRSA §7081, this appointment is contingent on the Maine Senate confirmation after review by the Joint Standing Committee on State and Local Government.

Sincerely,

S/Paul R. LePage  
Governor

**READ and ORDERED PLACED ON FILE.**

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The Following Communication: S.C. 754

**STATE OF MAINE  
OFFICE OF THE GOVERNOR**

March 14, 2012

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

Dear President Raye,

This is to inform you that I am today nominating Susan Roy of Waterville for appointment to the Maine Commission on Indigent Legal Services.

Pursuant to Title 4, MRSA §1803, this appointment is contingent on the Maine Senate confirmation after review by the Joint Standing Committee on Judiciary.

Sincerely,

S/Paul R. LePage  
Governor

**READ and ORDERED PLACED ON FILE.**

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The Following Communication: S.C. 755

**STATE OF MAINE  
OFFICE OF THE GOVERNOR**

March 14, 2012

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

Dear President Raye,

This is to inform you that I am today nominating Durward L. Humphrey of Benedicta for appointment to the Maine Land Use Regulation Commission.

Pursuant to Title 12, MRSA §683, this appointment is contingent on the Maine Senate confirmation after review by the Joint Standing Committee on Agriculture, Conservation and Forestry.

Sincerely,

S/Paul R. LePage  
Governor

**READ and ORDERED PLACED ON FILE.**

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The Following Communication: S.C. 756

**STATE OF MAINE  
OFFICE OF THE GOVERNOR**

March 14, 2012

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

Dear President Raye,

This is to inform you that I am today nominating James R. May of Mapleton for appointment to the Maine Land Use Regulation Commission.

Pursuant to Title 12, MRSA §683, this appointment is contingent on the Maine Senate confirmation after review by the Joint Standing Committee on Agriculture, Conservation and Forestry.

Sincerely,

S/Paul R. LePage  
Governor

**READ and ORDERED PLACED ON FILE.**

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The Following Communication: S.C. 757

STATE OF MAINE  
OFFICE OF THE GOVERNOR

STATE OF MAINE  
OFFICE OF THE GOVERNOR

March 14, 2012

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

Dear President Raye,

This is to inform you that I am today nominating William J. Vail of Saco for appointment to the Land for Maine's Future Board.

Pursuant to Title 5, MRSA §6204, this appointment is contingent on the Maine Senate confirmation after review by the Joint Standing Committee on Agriculture, Conservation and Forestry.

Sincerely,

S/Paul R. LePage  
Governor

**READ and ORDERED PLACED ON FILE.**

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The Following Communication: S.C. 758

STATE OF MAINE  
OFFICE OF THE GOVERNOR

March 14, 2012

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

Dear President Raye,

This is to inform you that I am today nominating James W. Gorman, Jr. of Freeport for appointment to the Land for Maine's Future Board.

Pursuant to Title 5, MRSA §6204, this appointment is contingent on the Maine Senate confirmation after review by the Joint Standing Committee on Agriculture, Conservation and Forestry.

Sincerely,

S/Paul R. LePage  
Governor

**READ and ORDERED PLACED ON FILE.**

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The Following Communication: S.C. 759

March 14, 2012

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

Dear President Raye,

This is to inform you that I am today nominating Donald G. Mearan of Hollis for reappointment to the Land for Maine's Future Board.

Pursuant to Title 5, MRSA §6204, this reappointment is contingent on the Maine Senate confirmation after review by the Joint Standing Committee on Agriculture, Conservation and Forestry.

Sincerely,

S/Paul R. LePage  
Governor

**READ and ORDERED PLACED ON FILE.**

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The Following Communication: S.C. 760

STATE OF MAINE  
OFFICE OF THE GOVERNOR

March 15, 2012

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

Dear President Raye,

This is to inform you that I am today nominating Richard Ezzy of Caribou for reappointment to the Loring Development Authority.

Pursuant to Title 5, MRSA §13080-B, this reappointment is contingent on the Maine Senate confirmation after review by the Joint Standing Committee on Labor, Commerce, Research and Economic Development.

Sincerely,

S/Paul R. LePage  
Governor

**READ and ORDERED PLACED ON FILE.**

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The Following Communication: S.C. 761

**STATE OF MAINE  
OFFICE OF THE GOVERNOR**

March 15, 2012

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

Dear President Raye,

This is to inform you that I am today nominating Thomas Clowes of Stockholm for reappointment to the Loring Development Authority.

Pursuant to Title 5, MRSA §13080-B, this reappointment is contingent on the Maine Senate confirmation after review by the Joint Standing Committee on Labor, Commerce, Research and Economic Development.

Sincerely,

S/Paul R. LePage  
Governor

**READ and ORDERED PLACED ON FILE.**

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The Following Communication: S.C. 762

**STATE OF MAINE  
OFFICE OF THE GOVERNOR**

March 15, 2012

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

Dear President Raye,

This is to inform you that I am today nominating Miles Williams of Caribou for appointment to the Loring Development Authority.

Pursuant to Title 5, MRSA §13080-B, this appointment is contingent on the Maine Senate confirmation after review by the Joint Standing Committee on Labor, Commerce, Research and Economic Development.

Sincerely,

S/Paul R. LePage  
Governor

**READ and ORDERED PLACED ON FILE.**

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The Following Communication: S.C. 763

**STATE OF MAINE  
OFFICE OF THE GOVERNOR**

March 15, 2012

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

Dear President Raye,

This is to inform you that I am today nominating Roland Heckethorn of Auburn for appointment to the Maine Rural Development Authority.

Pursuant to Title 5, MRSA §13120-A, this appointment is contingent on the Maine Senate confirmation after review by the Joint Standing Committee on Labor, Commerce, Research and Economic Development.

Sincerely,

S/Paul R. LePage  
Governor

**READ and ORDERED PLACED ON FILE.**

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The Following Communication: S.C. 764

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

March 14, 2012

The Honorable Kevin L. Raye  
President of the Senate  
The Honorable Robert W. Nutting  
Speaker of the House  
125th Maine Legislature  
State House  
Augusta, Maine 04333-0003

Dear Mr. President and Mr. Speaker:

In accordance with 24-A M.R.S.A., §6952, the Joint Standing Committee on Health and Human Services has reviewed the appointments by the Governor of Robert Kennedy of Ellsworth, Scott M. Davis MD of Bangor, Marcia A. Kyle of Rockport, Glenn E. Mower of Bangor, and Kevin S. Flanigan MD of Pittsfield to the Maine Quality Forum Advisory Council.

After discussion on these appointments, the Committee proceeded to vote on the motion to approve with the following result:



YEAS Senators 3 McCormick of Kennebec,  
Craven of Androscoggin,  
Farnham of Penobscot

Representatives 8 Strang Burgess of  
Cumberland, Malaby of  
Hancock, O'Connor of  
Berwick, Peterson of  
Rumford, Sanborn of  
Gorham, Sanderson of  
Chelsea, Sirocki of  
Scarborough, Stuckey of  
Portland

NAYS 0

ABSENT 2 Rep. Eves of North Berwick,  
Rep. Fossel of Alna

Eleven members of the Committee having voted in the affirmative and none in the negative, it was the vote of the Committee that the appointments of Robert Kennedy of Ellsworth, Scott M. Davis MD of Bangor, Marcia A. Kyle of Rockport, Glenn E. Mower of Bangor, and Kevin S. Flanigan MD of Pittsfield to the Maine Quality Forum Advisory Council. be approved.

Signed,

S/Earle L. McCormick  
Senate Chair

S/Meredith N. Strang Burgess  
House Chair

**READ and ORDERED PLACED ON FILE.**

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The Following Communication: S.C. 775

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

March 14, 2012

The Honorable Kevin L. Raye  
President of the Senate  
The Honorable Robert W. Nutting  
Speaker of the House of Representatives  
125<sup>th</sup> Maine Legislature  
State House  
Augusta, ME 04333

Re: State Government Evaluation Act Review

Dear Mr. President and Mr. Speaker:

Pursuant to Title 3, Maine Revised Statutes, chapter 35, we are pleased to submit the findings of the Joint Standing Committee on Health and Human Services from the review and evaluation of the Developmental Disabilities Council under the State Government

Evaluation Act. In its review the committee found that the Developmental Disabilities Council is operating within its statutory authority and is meeting its statutory mandate.

Sincerely,

S/Senator Earle L. McCormick  
Senate Chair

S/Representative Meredith N. Strang Burgess  
House Chair

**READ and ORDERED PLACED ON FILE.**

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The Following Communication: S.C. 765

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

March 13, 2012

The Honorable Kevin L. Raye  
President of the Senate  
The Honorable Robert W. Nutting  
Speaker of the House of Representatives  
125<sup>th</sup> Maine Legislature  
State House  
Augusta, ME04333

Dear Mr. President and Mr. Speaker:

Pursuant to Title 3 Maine Revised Statutes, chapter 35, we are pleased to submit the findings of the Joint Standing Committee on Education and Cultural Affairs from the review and evaluation of the Maine Educational Loan Authority under the State Government Evaluation Act. In its review, the Committee found that the Maine Educational Loan Authority is operating within its statutory authority.

Sincerely,

S/Senator Brian D. Langley  
Senate Chair

S/Representative David E. Richardson  
House Chair

**READ and ORDERED PLACED ON FILE.**

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The Following Communication: S.C. 766

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

March 12, 2012

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

L.D. 98      Resolve, Directing the Commissioner of  
Education To Adopt a Policy Regarding  
Management of Head Injuries in Youth Sports  
(EMERGENCY)

Dear President Raye and Speaker Nutting:

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

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

Sincerely,

S/Sen. Brian D. Langley  
Senate Chair

L.D. 1678    An Act To Amend the Laws Governing Stalking  
and Domestic Violence

S/Rep. David E. Richardson  
House Chair

L.D. 1704    An Act To Amend the Maine Bail Code To  
Protect Victims of Domestic Violence

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

L.D. 1827    An Act To Amend the Laws Governing  
Prosecution of Individuals Possessing a  
Controlled Substance under Certain  
Circumstances

The Following Communication:      S.C. 768

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

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

March 13, 2012

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

Sincerely,

S/Sen. Garrett P. Mason  
Senate Chair

S/Rep. Gary E. Plummer  
House Chair

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

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 bills out "Ought Not to  
Pass":

The Following Communication:      S.C. 767

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

L.D. 1811    Resolve, Directing the Department of Health  
and Human Services To Review  
Reimbursement for Prescription Drugs under  
the MaineCare Program

March 13, 2012

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

L.D. 1829    An Act To Require Photographic Identification  
for Prescriptions for Certain Controlled  
Substances

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":

We have also notified the sponsors and cosponsors of each bill  
listed 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. 769

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

March 13, 2012

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 bill out "Ought Not to Pass":

L.D. 651 An Act To Improve Tribal-State Relations

We have also notified the sponsor and cosponsors 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**.

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The Following Communication: S.C. 770

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

March 13, 2012

The Honorable Kevin L. Raye  
President of the Senate  
The Honorable Robert W. Nutting  
Speaker of the House of Representatives  
125th Maine Legislature  
State House  
Augusta, ME04333

Dear Mr. President and Mr. Speaker:

Pursuant to Title 3 Maine Revised Statutes, chapter 35, we are pleased to submit the findings of the Joint Standing Committee on Education and Cultural Affairs from the review and evaluation of the Maine Health and Higher Educational Facilities Authority under the State Government Evaluation Act. In its review, the Committee found that the Maine Health and Higher Educational Facilities Authority is operating within its statutory authority.

Sincerely,

S/Senator Brian D. Langley  
Senate Chair

S/Representative David E. Richardson  
House Chair

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

---

The Following Communication: S.C. 771

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

March 14, 2012

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

Dear Mr. President and Mr. Speaker:

Pursuant to Title 3 Maine Revised Statutes, chapter 35, we are pleased to submit the findings of the Joint Standing Committee on State and Local Government from the review and evaluation of the Department of Administrative and Financial Services under the State Government Evaluation Act. In its review, the Committee found that the Department of Administrative and Financial Services is operating within its statutory authority.

Sincerely,

S/Senator Douglas A. Thomas  
Senate Chair

S/Representative H. David Cotta  
House Chair

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

---

The Following Communication: S.C. 772

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

March 12, 2012

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

Dear Mr. President and Mr. Speaker:

Pursuant to Title 3 Maine Revised Statutes, chapter 35, we are pleased to submit the findings of the Joint Standing Committee on Agriculture, Conservation and Forestry from the review and evaluation of the Wild Blueberry Commission of Maine and the Wild Blueberry Advisory Committee under the State Government Evaluation Act. In its review, the Committee found that the Commission is operating within its statutory authority.

Sincerely,

S/Senator Roger L. Sherman  
Senate Chair

S/Representative Peter E. Edgecomb  
House Chair

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

---

The Following Communication: S.C. 773

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

March 12, 2012

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

Dear Mr. President and Mr. Speaker:

Pursuant to Title 3 Maine Revised Statutes, chapter 35, we are pleased to submit the findings of the Joint Standing Committee on Agriculture, Conservation and Forestry from the review and evaluation of the Board of Pesticides Control under the State

Government Evaluation Act. In its review, the Committee found that the Board is operating within its statutory authority.

Sincerely,

S/Senator Roger L. Sherman  
Senate Chair

S/Representative Peter E. Edgecomb  
House Chair

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

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The Following Communication: S.C. 774

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

March 12, 2012

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

Dear Mr. President and Mr. Speaker:

Pursuant to Title 3 Maine Revised Statutes, chapter 35, we are pleased to submit the findings of the Joint Standing Committee on Agriculture, Conservation and Forestry from the review and evaluation of the Department of Conservation under the State Government Evaluation Act. In its review, the Committee found that the Department is operating within its statutory authority.

Sincerely,

S/Senator Roger L. Sherman  
Senate Chair

S/Representative Peter E. Edgecomb  
House Chair

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

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**SENATE PAPERS**

Bill "An Act To Restructure the Department of Health and Human Services"

S.P. 664 L.D. 1887

Presented by Senator McCORMICK of Kennebec.  
(GOVERNOR'S BILL)

Bill "An Act To Strengthen the State's Ability To Investigate and Prosecute Misuse of Public Benefits"

S.P. 665 L.D. 1888

Presented by Senator McCORMICK of Kennebec.  
(GOVERNOR'S BILL)

On motion by Senator **McCORMICK** of Kennebec, **REFERRED** to the Committee on **HEALTH AND HUMAN SERVICES** and ordered printed.

Sent down for concurrence.

Bill "An Act To Streamline the Process for Minors To Obtain a Work Permit"

S.P. 668 L.D. 1890

Presented by Senator RECTOR of Knox. (GOVERNOR'S BILL)  
Cosponsored by Representative VOLK of Scarborough and Representatives: BENNETT of Kennebunk, DOW of Waldoboro, MALABY of Hancock.

Resolve, To Amend the Pilot Project for Independent Practice Dental Hygienists To Process Radiographs in Underserved Areas of the State (EMERGENCY)

S.P. 669 L.D. 1891

Presented by Senator McCORMICK of Kennebec.  
(GOVERNOR'S BILL)  
Cosponsored by Representative SIROCKI of Scarborough and Representatives: O'CONNOR of Berwick, PETERSON of Rumford, SANDERSON of Chelsea.

On motion by Senator **RECTOR** of Knox, **REFERRED** to the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** and ordered printed.

Sent down for concurrence.

Bill "An Act To Amend the Liquor Laws of the State"

S.P. 667 L.D. 1889

Presented by Senator FARNHAM of Penobscot. (GOVERNOR'S BILL)

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

Sent down for concurrence.

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

## REPORTS OF COMMITTEES

### House

#### Divided Report

The Majority of the Committee on **ENVIRONMENT AND NATURAL RESOURCES** on Bill "An Act Concerning Solid Waste Facility Citizen Advisory Committees"

H.P. 522 L.D. 693

Reported that the same **Ought to Pass as Amended by Committee Amendment "B" (H-772)**.

Signed:

Senators:

SAVIELLO of Franklin  
GOODALL of Sagadahoc  
SHERMAN of Aroostook

Representatives:

HAMPER of Oxford  
AYOTTE of Caswell  
DUCHESNE of Hudson  
HARLOW of Portland  
INNES of Yarmouth  
KNAPP of Gorham  
NASS of Acton  
WELSH of Rockport

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "C" (H-773)**.

Signed:

Representative:

LONG of Sherman

Comes from the House with the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "B" (H-772)** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (H-772) AS AMENDED BY HOUSE AMENDMENT "A" (H-786)** thereto.

Reports **READ**.

On motion by Senator **SAVIELLO** of Franklin, the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "B" (H-772)** Report **ACCEPTED**, in concurrence.

**READ ONCE.**

Committee Amendment "B" (H-772) **READ**.

House Amendment "A" (H-786) to Committee Amendment "B" (H-772) **READ** and **ADOPTED**, in concurrence.

Committee Amendment "B" (H-772) as Amended by House Amendment "A" (H-786) thereto, **ADOPTED**, in concurrence.

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

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

**READ ONCE**.

Committee Amendment "A" (H-783) **READ** and **ADOPTED**, in concurrence.

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

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**Divided Report**

The Majority of the Committee on **HEALTH AND HUMAN SERVICES** on Resolve, Directing the Department of Health and Human Services To Review Rules Governing Reimbursement to MaineCare Recipients for Transportation to Freestanding Methadone Clinics

H.P. 1246 L.D. 1694

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-783)**.

Signed:

Senators:

McCORMICK of Kennebec  
FARNHAM of Penobscot

Representatives:

STRANG BURGESS of Cumberland  
FOSSEL of Alna  
MALABY of Hancock  
O'CONNOR of Berwick  
PETERSON of Rumford  
SANDERSON of Chelsea  
SIROCKI of Scarborough

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

Signed:

Senator:

CRAVEN of Androscoggin

Representatives:

EVES of North Berwick  
SANBORN of Gorham  
STUCKEY of Portland

Comes from the House with the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-783)**.

Reports **READ**.

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**Senate**

**Change of Committee**

Senator FARNHAM for the Committee on **VETERANS AND LEGAL AFFAIRS** on Bill "An Act To Assist Maine's Returning Veterans"

S.P. 645 L.D. 1850

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

Report **READ** and **REJECTED**.

**REFERRED** to the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT**.

Sent down for concurrence.

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**Ought to Pass Pursuant to Joint Rule**

Senator McCORMICK for the Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act To Revise the Laws Regarding the Fund for a Healthy Maine"

S.P. 661 L.D. 1884

Reported that the same **Ought to Pass**, pursuant to Joint Rule 353.

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

Under suspension of the Rules, **READ TWICE** and **PASSED TO BE ENGROSSED**.

Ordered sent down forthwith for concurrence.

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**Ought to Pass As Amended**

Senator MASON for the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** on Bill "An Act To Establish a Separate State Council for Juveniles under the Interstate Compact for Juveniles"

S.P. 604 L.D. 1756

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-446).**

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

**READ ONCE.**

Committee Amendment "A" (S-446) **READ** and **ADOPTED**.

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

Ordered sent down forthwith for concurrence.

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

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**SECOND READERS**

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

**House As Amended**

Bill "An Act To Make Supplemental Appropriations and Allocations for the Expenditures of State Government and To Change Certain Provisions of the Law Necessary to the Proper Operations of State Government To Address Revenue Shortfalls Projected for the Fiscal Year Ending June 30, 2012" (EMERGENCY)

H.P. 1384 L.D. 1870  
(H "A" H-778)

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

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**ENACTORS**

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

**Emergency Measure**

An Act To Protect Public Safety in the Operation of Casinos  
S.P. 632 L.D. 1828  
(C "A" S-431)

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

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**Emergency Measure**

An Act To Direct the Commissioner of Education To Adopt a Model Policy Regarding Management of Head Injuries in School Activities and Athletics

S.P. 654 L.D. 1873

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

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**Emergency**

An Act To Amend and Clarify the Public Charter School Law  
S.P. 607 L.D. 1762  
(C "A" S-422)

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

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

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**Emergency Resolve**

Resolve, Regarding Legislative Review of Portions of Chapter 101: Maine Unified Special Education Regulation Birth to Age Twenty, a Major Substantive Rule of the Department of Education  
H.P. 1273 L.D. 1724  
(C "A" H-749)

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

Ordered sent down forthwith.

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**Acts**

An Act To Amend the Law Relating to Concealed Firearms Locked in Vehicles  
H.P. 1212 L.D. 1603  
(C "A" H-739)

An Act To Update the Powers and Duties of the Bureau of Maine Veterans' Services  
S.P. 584 L.D. 1719  
(C "A" S-430)

An Act To Make Minor Adjustments to Laws Administered by the Department of Environmental Protection  
H.P. 1283 L.D. 1738  
(C "A" H-752)

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

Ordered sent down forthwith.

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An Act To Provide Funding To Operate the Dolby Landfill in the Town of East Millinocket

H.P. 1235 L.D. 1683  
(C "A" H-750)

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

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**Resolve**

Resolve, Directing the Secretary of State To Study Voter Participation and Registration and the Conduct of Elections in the State

H.P. 176 L.D. 199  
(C "B" H-733)

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

Ordered sent down forthwith.

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Off Record Remarks

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Senate at Ease.

Senate called to order by President Pro Tem **GARRETT P. MASON** of Androscoggin County.

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**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 (3/12/12) Assigned matter:

HOUSE REPORTS - from the Committee on **INSURANCE AND FINANCIAL SERVICES** on Bill "An Act Regarding Insurance Adjusters and Reporting Requirements for Insurance Companies" H.P. 1305 L.D. 1773

Majority - **Ought to Pass as Amended by Committee Amendment "A" (H-735)** (8 members)

Minority - **Ought Not to Pass** (5 members)

Tabled - March 12, 2012, by Senator **COURTNEY** of York

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

(In House, March 8, 2012, 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-735).**)

(In Senate, March 12, 2012, Reports **READ.**)

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

Senator **BRANNIGAN:** Thank you Mr. President. Men and women of the Senate, this is about cell phones and other types of insurance that you can buy when you buy your tablet or your cell phone. Those of you who have your computer right there handy, you might want to Google cell phone insurance. That might help me in my decision to ask you to defeat this bill. The people who are behind this kind of insurance came here last year, not the last Legislature. They came here last year, highly represented, and they came to our committee and they wanted the salespeople that you see and go to when you buy a cell phone, and remember, these little cell phones are not all the things now. You have the tablets and all the things they sell in these stores, to sell insurance. They asked us if we could have these salesmen and women, the salespeople, sell insurance without the regular license to sell insurance. We, unfortunately, didn't look at it as carefully as we might have. Otherwise, we would have to found what you're about to find in your search. It came and we passed it. We unanimously, I think, just gave it a go. They are back this year. This is the same group. This makes me angry. They could have done it last year or they could have come back next year. They came back in the same Legislative session. "We would like these people not to be adjusters." These are adjusters that handle your problem when you come in. They would not be under the Bureau of Insurance. They will be under a person who is under the Bureau of Insurance, somebody who has an adjuster's license. Twenty-five of them to each person. That is what we are being asked to do now, to absolve these people of needing to be licensed, prepared properly, or whatever. The reason you are Googling these folks is because they have a terrible record, from what we can see. The one who has the worst record has been bought up by another one who doesn't have a great record. You buy a little cell phone. Recently I checked around. They want \$6, \$7, or \$8 a month. I understand what you will get is, their big selling point, that they will get it to you right away. You need it so much that they'll get it to you. You drop it in the toilet today, they'll get you out of the toilet tomorrow, but you have to pay \$50 more and it'll be reconditioned. It will be a used one that's been made perfect, of course. I just think that we ought to give these people a little more time to get their act together, that makes it look as if they



are doing their job, that the Better Business Bureau's aren't after them all the time, and then maybe, all of you that come back next year, look at this and say, "Ya, maybe or no, they ought to have more oversight." I ask you to vote against this Ought to Pass motion and thank you very much.

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

Senator **WHITTEMORE:** Thank you Mr. President. Ladies and gentlemen of the Senate, this bill supports business and will allow processing of device claims more efficiently and help reduce costs. Clerical activities do not make decisions in regards to device claims. This will allow people who are in a clerical position to perhaps do some key punching to get the claim ready for those licensed individuals that are going to make the claim process. That's all this bill does. I suggest that you support this bill. It supports business and will make it a lot more efficient in processing cell phone claims. Thank you.

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

Senator **BRANNIGAN:** Thank you Mr. President. With this, as I've said, one person will oversee these groups of 25. We believe that that is quite possible that that person will be located out of the country. There is no reason that won't happen, given what is going on here. I think this will be a loss of jobs for people in the United States, even though it's more efficient to send it across the pond or to some other place. Not in the United States. That seems to be, to us, a possibility. Again, I ask you to vote Ought Not to Pass. Thank you, Mr. President.

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

Senator **DILL:** Thank you Mr. President. May I ask a question through the Chair?

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

Senator **DILL:** Thank you Mr. President. My question is: the proponents of this bill, the businesses, are they the actual phone companies themselves or are they a separate insurance company?

**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 Cumberland, Senator Brannigan.

Senator **BRANNIGAN:** Thank you Mr. President. I believe they are specialized groups of people that are making money by having you pay \$6, \$7, or a lot more on your phone every month. I believe that is their job. That's their business. Thank you, Mr. President.

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

Senator **SNOWE-MELLO:** Thank you Mr. President. I'd like to address some of these questions that have been brought up. First of all, Asurion is a company which is a leader in the technology protection. It acts as a program administrator for both underwriting and claims. Asurion has 80 million subscribers worldwide, with offices in the United States, England, Canada, and Southeast Asia. When individuals have difficulties with electronic devices they have purchased, they file a claim with Asurion. Claims are adjusted in real time and a replacement device is sent directly to the customer, who receives it often within 24 hours of the claim. Asurion replaces or sends out approximately 25,000 phones per day. If a request is made before 9 p.m. Central Time, the individual will have a phone the next day. Most claims are adjusted within two to three minutes. By large, the only reason claims are not paid is fraud, intentional destruction, or not being insured at the time of the loss. This legislation is narrowly tailored to address the adjusting side of the electronic insurance device legislation which was passed last year. This bill provides that the individuals who are employees of the license adjusting firm collect claim information from claimants and enter the information into an automatic claims adjudication system without needing to be licensed as an adjuster. However, such employees are required to be under the supervision of a licensed individual. This legislation will work to the benefit of consumers by allowing new electronic devices to get into their hands as quickly as possible. It reduces adjusting costs, which in turn avoids additional costs which otherwise would be reflected in the premium. I urge you to pass this legislation. Thank you.

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

Senator **BARTLETT:** Thank you Mr. President. I'd like to thank the Senator from Cumberland for suggesting that I do a little research online during the speeches. The first thing that does pop up if you Google cell phone insurance is lots of advice from consumer groups telling you not to buy it. Consumer Reports advises against buying cell phone insurance. Most consumer groups in states around the country advise against it. You have a warrantee when you buy your cell phone, so if anything goes wrong with it that should be covered by that warrantee. By and large, these policies are selling you something to provide nothing. They sign you up for this coverage. It sounds really great. If you ever try to use it, you find out that your problem isn't covered. This is a huge waste of money. It misleads consumers when it is being offered. I would strongly encourage you to oppose this bill and stand up for the consumers of the state of Maine. Thank you, Mr. President.

**THE PRESIDENT:** The Chair recognizes the Senator from Franklin, Senator Saviello.

Senator **SAVIELLO:** Thank you Mr. President. I guess I'm a little confused. First of all, I have to tell you I resemble this remark. Sadly, when I had my truck accident, my phone drowned. Within probably less than 24 hours it was replaced. As I sit here and read the bill, we're not debating whether you should buy this insurance. All we're debating is whether there is a clerical efficiency put in place. I appreciate all the comments. I, too, did go online and did read it. It suggested that, perhaps, I wasted my money when I bought that insurance, but the fact I had the phone within 24 hours tells me it was a good investment. I'm one of

those guys that will probably lose this phone that I have in my pocket in the next year of so. Thank you, Mr. President.

**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 would just say to my good friend, Senator Saviello of Franklin, I'd be careful because, if you used it once, I think you can only use one time in a year. Don't lose it for a while because that happened to me.

At the request of Senator **SNOWE-MELLO** of Androscoggin, Reports **READ.**

**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, what concerns me about this bill is that it is, by virtue of its arriving here on our desk for consideration, deemed an Emergency. Here we have a company that, according to the research, has made \$3.8 billion in revenue, over \$98 million in profit, using its resources and influence to basically manipulate the legislative process and get ahead of the needs of ordinary Maine people. If you think it's incredibly important, that it is an emergency, that we deregulate these massive companies so that they can make more money, then go ahead and vote for the bill. I'm going to be voting opposed because I feel that it's not an emergency. What's critical is that we do everything we can to protect Maine consumers at a time when every penny makes a difference. Thank you.

**THE PRESIDENT PRO TEM:** The pending question before the Senate is the motion by the Senator from Somerset, Senator Whittemore 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 (#384)**

**YEAS:** Senators: COLLINS, COURTNEY, FARNHAM, HASTINGS, KATZ, LANGLEY, MARTIN, PLOWMAN, RAYE, RECTOR, ROSEN, SAVIELLO, SHERMAN, SNOWE-MELLO, THIBODEAU, THOMAS, WHITTEMORE, WOODBURY, THE PRESIDENT PRO TEM - GARRETT P. MASON

**NAYS:** Senators: ALFOND, BARTLETT, BRANNIGAN, CRAVEN, DIAMOND, DILL, GERZOFSKY, GOODALL, HILL, HOBBS, JACKSON, JOHNSON, MCCORMICK, PATRICK, SCHNEIDER, SULLIVAN

20 Senators having voted in the affirmative and 15 Senators having voted in the negative, the motion by Senator **WHITTEMORE** of Somerset to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report, in concurrence, **PREVAILED.**

**READ ONCE.**

Committee Amendment "A" (H-735) **READ** and **ADOPTED**, in concurrence.

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

The Chair laid before the Senate the following Tabled and Later (3/15/12) Assigned matter:

Bill "An Act To Provide Tax Relief for Maine's Citizens by Reducing Income Taxes"

S.P. 252 L.D. 849

Tabled - March 15, 2012, by Senator **COURTNEY** of York

Pending - **ADOPTION OF COMMITTEE AMENDMENT "C" (S-427) AS AMENDED BY SENATE AMENDMENT "C" (S-443)**

(In Senate, March 15, 2012, on motion by Senator **COURTNEY** of York, the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED**. On motion by Senator **COURTNEY** of York, **SENATE AMENDMENT "C" (S-443)** to **COMMITTEE AMENDMENT "C" (S-427)** **READ** and **ADOPTED**.)

Committee Amendment "C" (S-427) as Amended by Senate Amendment "C" (S-443) thereto, **ADOPTED**.

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "C" (S-427) AS AMENDED BY SENATE AMENDMENT "C" (S-443)** thereto.

Ordered sent down forthwith for concurrence.

Off Record Remarks

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

On motion by Senator **COURTNEY** of York, **ADJOURNED** to Tuesday, March 20, 2012, at 10:00 in the morning.