

MAINE STATE LEGISLATURE

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Senate Legislative Record
One Hundred and Twenty-Third Legislature
State of Maine

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

In Senate Chamber
Wednesday
January 9, 2008

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

Prayer by Senator Lynn Bromley of Cumberland County.

SENATOR BROMLEY: Thank you, Madame President and colleagues. I heard an essay on NPR this weekend by a Catholic nun, Sister Helen Prejean, a name unknown to most of us. She said something that stuck with me. She said, 'I watch what I do to see what I really believe.' In that spirit, if you would consider joining me in a moment of reflection.

As we return to our work here today and going forward, we are here amidst a swirl of talk about how difficult the job before us is, and it is. As it should be because we ought to remember that we, in here, are simply a reflection of out there. Our job is difficult because the lives of our constituents are, at best, uncertain and for many, if not most, difficult. May we remember a fellow public servant, Benazir Bhutto, who risked and lost her life in the service of her people. Might that remind us to be grateful for the enviable safety and security that surrounds our debate, deliberations and discussions. As we approach our difficult job may we remember the words of Sister Helen Prejean and watch what we do so that we might remember what we really believe. Amen.

Reading of the Journal of Tuesday, January 8, 2008.

Doctor of the day, Douglas Jorgensen, DO of Manchester.

Off Record Remarks

Out of order and under suspension of the Rules, on motion by
Senator MITCHELL of Kennebec, the following Senate Order:
S.O. 21

Ordered, that a message be sent to the House of Representatives proposing a Convention of the two branches of the Legislature be held at 6:30 this evening, in the Hall of the House for the purpose of extending to Governor John E. Baldacci, an invitation to attend and make such communication as pleases him.

READ and PASSED.

The Chair appointed the Senator from Kennebec, Senator MITCHELL to deliver the message to the House of Representatives. The Assistant Sergeant-At-Arms escorted the Senator to the House of Representatives.

Subsequently, the Senator from Kennebec, Senator MITCHELL reported that she had delivered the message with which she was charged.

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

REPORTS OF COMMITTEES

Senate

Ought to Pass As Amended

Senator BRANNIGAN for the Committee on HEALTH AND HUMAN SERVICES on Bill "An Act To Expand the Pool of Qualified Mental Health Examiners for Purposes of Involuntary Treatment" (EMERGENCY)

S.P. 780 L.D. 1986

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-396).

Report READ and ACCEPTED.

READ ONCE.

Committee Amendment "A" (S-396) READ and ADOPTED.

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

Sent down forthwith for concurrence.

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

Off Record Remarks

PAPERS FROM THE HOUSE

Joint Orders

The following Joint Order:

H.P. 1513

ORDERED, the Senate concurring, that the Working Group To Study the Effectiveness and Timeliness of Early Identification and Intervention for Children with Hearing Loss in Maine is established as follows.

1. Working Group To Study the Effectiveness and Timeliness of Early Identification and Intervention for Children with Hearing Loss in Maine established. The Working Group To Study the Effectiveness and Timeliness of Early Identification and Intervention for Children with Hearing Loss in Maine, referred to in this order as "the working group," is established.

2. Membership. The working group consists of 17 members, appointed as follows:

A. The following members appointed by the President of the Senate:

- (1) Three members of the Senate. When making the appointments, the President of the Senate shall give preference to members of each of the 2 major political parties and to members of the Joint Standing Committee on Education and Cultural Affairs and to members of the Joint Standing Committee on Health and Human Services;
- (2) One representative of the Maine Academy of Audiology;
- (3) One representative of the Department of Education, Child Development Services;
- (4) One representative of the Warren Center for Communication and Learning; and
- (5) One representative of the Maine chapter of the American Academy of Pediatrics; and

B. The following members appointed by the Speaker of the House:

- (1) Six members of the House of Representatives. When making the appointments, the Speaker of the House shall give preference to members of each of the 2 major political parties and to members of the Joint Standing Committee on Education and Cultural Affairs and to members of the Joint Standing Committee on Health and Human Services;
- (2) One representative of the Maine Speech-Language-Hearing Association;
- (3) The Director of Statewide Educational Services for the Maine Educational Center for the Deaf and Hard of Hearing or the director's designee;
- (4) The Executive Director of hear ME now! or the director's designee; and
- (5) One representative of the Maine Society of Otolaryngology.

3. Working group chairs. The first-named Senator is the Senate chair of the working group and the first-named member of the House is the House chair of the working group.

4. Appointments. Those persons appointed in 2007 by the President of the Senate and the Speaker of the House to serve as members of the Working Group To Study the Effectiveness and Timeliness of Early Identification and Intervention for Children with Hearing Loss in Maine as established by Resolve 2007, chapter 133, including the Senator and the member of the House appointed to serve as the chairs of that study, are appointed to serve as members of the working group established in this order.

5. Duties. The working group shall examine issues of access to timely and accurate diagnosis of hearing loss by 3 months of age and review and assess the processes by which families are informed of their options for communication and for finding providers in the State. In examining these issues, the working group shall specifically examine:

A. The definition of a "highly qualified provider" in various professions serving this population;

B. The operation and effectiveness of existing programs and resources for families who have children who have been identified as having hearing loss;

C. Opportunities for coordination to maximize the effects of available resources;

D. The need for state or private programs to supplement state programs or to enable existing programs to serve a greater portion of those eligible;

E. Techniques to use resources in new ways or new combinations that have the potential for easing the burden on current providers and enhancing the training of current and new providers to enable equal access to highly qualified providers to all children statewide;

F. The effects of limited resources for diagnostic testing and poor reimbursement rates; and

G. Programs and techniques that are employed in other states or countries.

6. Staff assistance. The Legislative Council shall provide necessary staffing services to the working group.

7. Meetings and report. The working group is authorized to meet up to 4 times during the Second Regular Session of the 123rd Legislature and shall submit its report, including suggested legislation, to the Second Regular Session of the 123rd Legislature no later than March 3, 2008.

8. Compensation. The legislative members of the working group are entitled to reimbursement for travel and other necessary expenses related to their attendance at authorized meetings of the working group that are held on days in which the Legislature is not in session. Public members not otherwise compensated by their employers or other entities that they represent are entitled to receive reimbursement of necessary expenses and, upon a demonstration of financial hardship, a per diem equal to the legislative per diem for their attendance at any authorized meetings of the working group.

9. Outside funding. The working group is funded by outside funding received and accepted by the Legislative Council in 2007 for the original purposes of funding the Working Group To Study the Effectiveness and Timeliness of Early Identification and Intervention for Children with Hearing Loss in Maine as established by Resolve 2007, chapter 133.

Comes from the House, READ and PASSED.

READ.

On motion by Senator MARTIN of Aroostook, placed on the SPECIAL STUDY TABLE, pending PASSAGE, in concurrence.

The following Joint Order:

H.P. 1511

ORDERED, the Senate concurring, that the Joint Standing Committee on Criminal Justice and Public Safety, referred to in this order as "the committee," study the creation of a catastrophic illness fund to help firefighters, police officers, emergency medical technicians, paramedics and their families as follows.

1. **Duties.** The committee shall study and make recommendations on how best to establish a fund to assist firefighters, police officers, emergency medical technicians, paramedics and their spouses and children in the event of a catastrophic illness or death.

2. **Meetings.** The committee may meet as needed for the purpose of conducting this study.

3. **Staff assistance.** The Legislative Council shall provide necessary staffing services to the committee for this study.

4. **Funding.** The committee may be funded from available funding sources as approved by the Legislative Council.

5. **Legislation.** The committee may submit a bill during the First Regular Session of the 124th Legislature by the first Wednesday in November 2008 relating to the subject matter of the committee's study pursuant to this joint order.

Comes from the House, READ and REFERRED to the Committee on CRIMINAL JUSTICE AND PUBLIC SAFETY.

READ.

On motion by Senator MARTIN of Aroostook, placed on the SPECIAL STUDY TABLE, pending PASSAGE, in NON-CONCURRENCE.

The following Joint Order:

H.P. 1512

ORDERED, the Senate concurring, that the Committee To Review Issues Concerning the Protection of Emergency Medical Services Personnel is established as follows.

1. **Committee To Review Issues Concerning the Protection of Emergency Medical Services Personnel established.** The Committee To Review Issues Concerning the Protection of Emergency Medical Services Personnel, referred to in this order as "the committee," is established.

2. **Membership.** The committee consists of the following 13 members, appointed as follows:

A. Two members of the Senate, who must be members of the Joint Standing Committee on Criminal Justice and Public Safety, appointed by the President of the Senate;

B. Five members of the House of Representatives, who must be members of the Joint Standing Committee on Criminal Justice and Public Safety, appointed by the Speaker of the House;

C. One member of the public representing the Maine Emergency Medical Services' Board, appointed by the President of the Senate;

D. One member of the public representing the Maine Fire Chiefs Association, appointed by the President of the Senate;

E. One member of the public representing the Maine Chiefs of Police Association, appointed by the President of the Senate;

F. One member of the public representing the Maine Ambulance Association, appointed by the Speaker of the House;

G. One member of the public representing the Department of Public Safety, appointed by the Speaker of the House; and

H. One member of the public representing the Maine Hospital Association, appointed by the Speaker of the House.

3. **Committee chairs.** The first-named Senator is the Senate chair of the committee and the first-named member of the House is the House chair of the committee.

4. **Appointments; convening of committee.** All appointments must be made no later than 30 days following passage of this order. The appointing authorities shall notify the Executive Director of the Legislative Council once all appointments have been made. When the appointment of all members has been completed, the chairs of the committee shall call and convene the first meeting of the committee.

5. **Duties.** The committee shall:

A. Review the efficiency and workability of the "blue paper" process;

B. Examine the practice whereby a patient voluntarily agrees to be transported to a psychological facility but then disagrees to be transported;

C. Consider ways to protect emergency medical services personnel;

D. Establish protocols to activate police intervention and arrest if emergency medical services personnel are attacked during transport; and

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E. Develop recommendations to address identified issues and needs related to the subject matter of this study.

6. **Staff assistance.** The Legislative Council shall provide necessary staffing services to the committee.

7. **Report.** No later than the first Wednesday in November 2008, the committee shall submit a report that includes its findings and recommendations, including suggested legislation, to the Joint Standing Committee on Criminal Justice and Public Safety. Pursuant to Joint Rule 353, the committee is not authorized to introduce legislation. Upon receipt of the report required by this section, the Joint Standing Committee on Criminal Justice and Public Safety may, pursuant to Joint Rule 353, introduce a bill during the session to which the report is submitted to implement its recommendations on matters relating to the study.

Comes from the House, READ and REFERRED to the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY**.

READ.

On motion by Senator MARTIN of Aroostook, placed on the **SPECIAL STUDY TABLE**, pending **PASSAGE**, in **NON-CONCURRENCE**.

COMMUNICATIONS

The Following Communication: S.P. 816

**STATE OF MAINE
123RD MAINE LEGISLATURE**

January 8, 2008

Sen. Barry Hobbins
Senate Chair, Joint Standing Committee on Judiciary
Rep. Deborah Simpson
House Chair, Joint Standing Committee on Judiciary
123rd Legislature
Augusta, ME 04333

Dear Senator Hobbins and Representative Simpson:

Please be advised that Governor John E. Baldacci has nominated Associate Justice Robert Clifford of Lewiston for reappointment to the Maine Supreme Judicial Court.

Pursuant to Article 5, Part 1, §8 of the Constitution of Maine, this nomination will require review by the Joint Standing Committee on Judiciary and confirmation by the Senate.

Sincerely,

S/Beth Edmonds
President of the Senate

S/Glenn Cummings
Speaker of the House

READ and REFERRED to the Committee on JUDICIARY.

Sent down for concurrence.

The Following Communication: S.P. 817

**STATE OF MAINE
123RD MAINE LEGISLATURE**

January 8, 2008

Sen. Barry Hobbins
Senate Chair, Joint Standing Committee on Judiciary
Rep. Deborah Simpson
House Chair, Joint Standing Committee on Judiciary
123rd Legislature
Augusta, ME 04333

Dear Senator Hobbins and Representative Simpson:

Please be advised that Governor John E. Baldacci has nominated Justice Paul Fritzsche of Kennebunk for reappointment to the Maine Superior Court.

Pursuant to Article 5, Part 1, §8 of the Constitution of Maine, this nomination will require review by the Joint Standing Committee on Judiciary and confirmation by the Senate.

Sincerely,

S/Beth Edmonds
President of the Senate

S/Glenn Cummings
Speaker of the House

READ and REFERRED to the Committee on JUDICIARY.

Sent down for concurrence.

The Following Communication: S.C. 596

**STATE OF MAINE
OFFICE OF THE GOVERNOR
1 STATE HOUSE STATION
AUGUSTA, ME 04333-0001**

December 20, 2007

The Honorable Beth Edmonds
President of the Senate
Augusta, ME 04333

The Honorable Glenn Cummings
Speaker of the House
Augusta, ME 04333

Dear President Edmonds and Speaker Cummings:

I am pleased to accept your invitation to deliver the State of the State Address at a Joint Session of the 123rd Maine Legislature on Wednesday, January 9, 2008, at 7:00 PM.

I look forward to seeing you then!

Sincerely,

S/John E. Baldacci
Governor

READ and ORDERED PLACED ON FILE.

REPORTS OF COMMITTEES

Senate

Ought to Pass

Senator HOBBS for the Committee on JUDICIARY on Resolve, To Extend to January 20, 2008 the Reporting Deadline for the Tribal-State Work Group (EMERGENCY)

S.P. 764 L.D. 1970

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 STRIMLING for the Committee on LABOR on Bill "An Act To Improve Employment Opportunities for Persons with Disabilities in Maine"

S.P. 349 L.D. 1032

Reported that the same Ought to Pass as Amended by Committee Amendment "B" (S-395).

Report READ and ACCEPTED.

READ ONCE.

Committee Amendment "B" (S-395) READ and ADOPTED.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

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

SECOND READERS

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

House As Amended

Bill "An Act To Promote Forest Management Planning and Certification"

H.P. 558 L.D. 737
(C "B" H-634)

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

Senate As Amended

Bill "An Act Relating to Retirement and Death Benefits for Certain Law Enforcement Officers"

S.P. 577 L.D. 1672
(C "B" S-394)

READ A SECOND TIME.

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

At this point a message was received from the House of Representatives, borne by Representative PINGREE of North Haven informing the Senate that the House concurred with the proposition for a Convention of the two branches of the Legislature to be held in the Hall of the House at 6:30 in the evening for the purpose of extending to the Honorable John E. Baldacci, Governor of the State of Maine, an invitation to attend the Convention and make such communications as pleases him.

Off Record Remarks

Senate at Ease.

Senate called to order by the President.

ORDERS OF THE DAY

On motion by Senator MARTIN of Aroostook, the Senate removed from the SPECIAL STUDY TABLE the following:

LEGISLATIVE RECORD - SENATE, WEDNESDAY, JANUARY 9, 2008

JOINT ORDER - Establishing the Working Group To Study the Effectiveness and Timeliness of Early Identification and Intervention for Children with Hearing Loss in Maine
H.P. 1513

Tabled - January 9, 2008, by Senator **MARTIN** of Aroostook

Pending - **PASSAGE**, in concurrence

(In House, January 8, 2008, **READ** and **PASSED**.)

(In Senate, January 9, 2008, **READ**.)

On motion by Senator **MARTIN** of Aroostook, **PASSED**, in concurrence.

The President requested the Assistant Sergeant-At-Arms escort the Senator from Aroostook, Senator **MARTIN** 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 **JOHN L. MARTIN** of Aroostook County.

RECESSED until 6:20 in the evening.

After Recess

Senate called to order by President Pro Tem **JOHN L. MARTIN** of Aroostook County.

At this point, the Senate retired to the Hall of the House, where a Joint Convention was formed.

After Convention

In Senate Chamber

Senate called to order by President Pro Tem **JOHN L. MARTIN** of Aroostook County.

On motion by Senator **MARRACHÉ** of Kennebec, **ADJOURNED** to Thursday, January 10, 2008 at 10:00 in the morning.