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FIRST SPECIAL SESSION
JOURNAL OF THE SENATE**

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

In Senate Chamber
Tuesday
June 14, 2005

June 13, 2005

Honorable Joy J. O'Brien
Secretary of the Senate
122nd Legislature
Augusta, Maine 04333

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

Dear Madam Secretary:

The House voted today to adhere to its previous action whereby it
Indefinitely Postponed Bill "An Act To Permit Recording
Proceedings of the Legislature" (H.P. 913)(L.D. 1315) and
accompanying papers.

Sincerely,

S/Millicent M. MacFarland
Clerk of the House

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

Prayer by Senator Lynn Bromley of Cumberland County.

SENATOR BROMLEY: Madame President, colleagues, mixed
feelings; I always have them at this time of the year. Anxious to
be done with it, to get home and also aware that this work that I
love, this work that we love, that we are given to, we will also be
leaving that behind when we break. Work that we love. Work
that we are given to. We will miss it and each other. In that spirit,
I hope you will join me in prayer. This was written especially for
us by my dear friend, Andrea Thompson McCall, who is the
interfaith chaplain at the University of Southern Maine.

My sisters and brothers of the Senate, let us pause for a
moment and be in the moment. Let us breath in the fresh air of
possibility and breath out the stale air of discouragement. Let us
be grateful for this moment, for this day, for the challenges of
leadership. Renewing our commitment to the sacred duty of
governing, believing that for every demand, every complaint,
every critical call or accusing remark, there is a grateful citizen, a
supportive constituent, and a community appreciative of our
sacrifice and service. Yet knowing there are difficulty issues to
face, serious problems to address, individuals and communities in
the state needing the intercession of the very best we have to
offer, remembering that leadership is hard, that energy flags, that
details and setbacks can be overwhelming and progress can be
slow. Having faith that the sum of what we do does bring us
nearer to the vision of justice and peace, of progress and
prosperity that we hold up for every person, each family, every
community, and all regions of our State of Maine. Calling on the
Devine spirit of all that is right and true and good to strengthen us
in this work and acknowledging that same Divine spirit in each
one we encounter in this day and in all the days ahead. May it be
so. Amen.

REPORTS OF COMMITTEES

House

Committee of Conference

The Committee of Conference on the disagreeing action of the
two branches of the Legislature, on Resolve, To Transfer
Ownership of Certain Public Reserved Lands to the Town of
Allagash

H.P. 653 L.D. 934

Had the same under consideration, and asked leave to report:

That the House **Recede** from whereby it **Accepted** the Majority
Ought Not To Pass Report of the Committee on
AGRICULTURE, CONSERVATION AND FORESTRY and
Commit the Resolve and accompanying papers to the Committee
on **AGRICULTURE, CONSERVATION AND FORESTRY.**

That the Senate **Recede** and **Concur** with the House.

On the Part of the Senate:

Senator NUTTING of Androscoggin
Senator MARTIN of Aroostook
Senator RAYE of Washington

On the Part of the House:

Representative JACKSON of Fort Kent
Representative SMITH of Van Buren
Representative CARR of Lincoln

Reading of the Journal of Monday, June 13, 2005.

Off Record Remarks

COMMUNICATIONS

The Following Communication: H.C. 292

Comes from the House with the Committee of Conference Report **READ** and **ACCEPTED** and the Resolve and accompanying papers **COMMITTED** to the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY**.

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

The Senate **RECEDED** and **CONCURRED**.

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

ENACTORS

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

Emergency Measure

An Act To Ensure Maine's Readiness To Respond to Decisions Relative to the Base Realignment and Closure Process
H.P. 1195 L.D. 1689

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

Acts

An Act To Prevent Lead Poisoning of Children and Adults
H.P. 719 L.D. 1034
(S "A" S-358 to C "A" H-642)

On motion by Senator **WESTON** of Waldo, 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 (#263)

YEAS: **Senators:** **ANDREWS, BARTLETT, BRENNAN, BROMLEY, BRYANT, CLUKEY, COURTNEY, COWGER, DAMON, DIAMOND, DOW, GAGNON, HASTINGS, HOBBS, MARTIN, MAYO, MILLS, MITCHELL, NASS, NUTTING, PERRY, PLOWMAN, RAYE, ROSEN, ROTUNDO, SAVAGE, SCHNEIDER, SNOWE-MELLO, STRIMLING, SULLIVAN, TURNER, WESTON, WOODCOCK, THE PRESIDENT - BETH G. EDMONDS**

NAYS: **Senator:** **DAVIS**

34 Senators having voted in the affirmative and 1 Senator having voted in the negative, was **PASSED TO BE ENACTED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

An Act To Amend the Laws Governing Crimes against People Who Are Homeless

H.P. 1170 L.D. 1659
(H "A" H-640 to C "A" H-595;
S "A" S-354)

Senator **ROTUNDO** of Androscoggin moved the Bill and accompanying papers be placed on the **SPECIAL APPROPRIATIONS TABLE**, pending **ENACTMENT**, in concurrence.

Subsequently, the same Senator requested and received leave of the Senate to withdraw her motion to place the Bill and accompanying papers on the **SPECIAL APPROPRIATIONS TABLE**, pending **ENACTMENT**, in concurrence.

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

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

REPORTS OF COMMITTEES

House

Ought to Pass As Amended

The Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act To Ensure Continuity of Care Related to Implementation of the Federal Medicare Drug Benefit"
H.P. 924 L.D. 1325

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-686)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-686)**.

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

READ ONCE.

Committee Amendment "A" (H-686) **READ** and **ADOPTED**, in concurrence.

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

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

On further motion by same Senator, **TABLED** until Later in Today's Session, pending the motion by same Senator to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (S-367)**.

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

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

REPORTS OF COMMITTEES

REPORTS OF COMMITTEES

Senate

Senate

Divided Report

Divided Report

The Majority of the Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act To Improve the Delivery of Maine's Mental Health Services"

The Majority of the Committee on **TAXATION** on Bill "An Act To Improve the Business Equipment Tax Reimbursement Program" S.P. 541 L.D. 1557

S.P. 57 L.D. 151

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-367)**.

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-369)**.

Signed:

Signed:

Senators:

Senators:

- MAYO of Sagadahoc
- MARTIN of Aroostook
- ROSEN of Hancock

- PERRY of Penobscot
- STRIMLING of Cumberland
- COURTNEY of York

Representatives:

Representatives:

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

- CLARK of Millinocket
- McCORMICK of West Gardiner
- WOODBURY of Yarmouth
- PINEAU of Jay
- HUTTON of Bowdoinham
- WATSON of Bath
- SEAVEY of Kennebunkport

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

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

Signed:

Signed:

Representatives:

Representatives:

- WALCOTT of Lewiston
- WEBSTER of Freeport

- BIERMAN of Sorrento
- HANLEY of Paris
- CLOUGH of Scarborough

(Representative SOCKALEXIS of the Penobscot Nation - of the House - supports the Minority **Ought To Pass as Amended by Committee Amendment "B" (S-368)** Report.)

Reports **READ**.

Reports **READ**.

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

Senator **MAYO** of Sagadahoc moved the Senate **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (S-367)** Report.

READ ONCE.

Committee Amendment "A" (S-369) **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.

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 Conform the Maine Tax Code with the Federal Health Savings Accounts Laws

H.P. 146 L.D. 195
(C "A" H-532; H "A" H-653)

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

An Act To Protect Pregnant Women from Acts of Violence
H.P. 201 L.D. 262
(H "A" H-682)

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

An Act To Amend the Economic Development Statutes
H.P. 1055 L.D. 1503
(C "A" H-683)

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

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:

ENACTORS

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

Act

An Act To Implement Certain Recommendations of the Commission To Study Maine's Community Hospitals
S.P. 620 L.D. 1673
(S "A" S-363 to C "A" S-356)

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

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 (6/9/05) Assigned matter:

Bill "An Act To Amend the Maine Wind Energy Act"
S.P. 477 L.D. 1379
(S "A" S-322; S "B" S-341
to C "B" S-284)

Tabled - June 9, 2005, by Senator **BARTLETT** of Cumberland

Pending - **FURTHER CONSIDERATION**

(In Senate, June 7, 2005, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (S-284) AS AMENDED BY SENATE AMENDMENTS "A" (S-322) AND "B" (S-341)** thereto.)

(In House, June 9, 2005, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (S-284) AS AMENDED BY HOUSE AMENDMENT "A" (H-667) AND SENATE AMENDMENT "A" (S-322)** thereto, in **NON-CONCURRENCE**.)

On motion by Senator **BARTLETT** of Cumberland, the Senate **RECEDED** from whereby the Bill was **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (S-284) AS AMENDED BY SENATE AMENDMENTS "A" (S-322) AND "B" (S-341)** thereto.

On further motion by same Senator, the Senate **RECEDED** from whereby it **ADOPTED COMMITTEE AMENDMENT "B" (S-284) AS AMENDED BY SENATE AMENDMENTS "A" (S-322) AND "B" (S-341)** thereto.

On further motion by same Senator, **COMMITTEE AMENDMENT "B" (S-284) AS AMENDED BY SENATE AMENDMENTS "A" (S-322) AND "B" (S-341)** thereto, **INDEFINITELY POSTPONED**, in **NON-CONCURRENCE**.

On further motion by same Senator, Senate Amendment "A" (S-365) **READ** and **ADOPTED**.

PASSED TO BE ENGROSSED AS AMENDED BY SENATE AMENDMENT "A" (S-365), in **NON-CONCURRENCE**.

Ordered sent down forthwith for concurrence.

The Chair laid before the Senate the following Tabled and Later (6/10/05) Assigned matter:

Bill "An Act To Ensure Integrity in the Voting Process"
S.P. 446 L.D. 1266
(C "A" S-340)

Tabled - June 10, 2005, by Senator **GAGNON** of Kennebec

Pending - **FURTHER CONSIDERATION**

(In Senate, June 7, 2005, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-340).**)

(In House, June 9, 2005, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-340) AS AMENDED BY HOUSE AMENDMENT "A" (H-677)** thereto, in **NON-CONCURRENCE.**)

On motion by Senator **GAGNON** of Kennebec, the Senate **RECEDED** from whereby the Bill was **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-340).**

On further motion by same Senator, the Senate **RECEDED** from whereby it **ADOPTED COMMITTEE AMENDMENT "A" (S-340).**

House Amendment "A" (H-677) to Committee Amendment "A" (S-340) **READ** and **ADOPTED**, in concurrence.

On motion by Senator **GAGNON** of Kennebec, Senate Amendment "B" (S-352) to Committee Amendment "A" (S-340) **READ** and **ADOPTED.**

Committee Amendment "A" (S-340) as Amended by House Amendment "A" (H-677) and Senate Amendment "B" (S-352) thereto, **ADOPTED**, in **NON-CONCURRENCE.**

PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-340) AS AMENDED BY HOUSE AMENDMENT "A" (H-677) AND SENATE AMENDMENT "B" (S-352) thereto, in **NON-CONCURRENCE.**

Ordered sent down forthwith for concurrence.

The Chair laid before the Senate the following Tabled and Later (6/13/05) Assigned matter:

An Act To Establish the Maine-New Hampshire Cooperative Trails
S.P. 635 L.D. 1688

Tabled - June 13, 2005, by Senator **GAGNON** of Kennebec
Pending - **ENACTMENT**, in concurrence

(Committee on **INLAND FISHERIES AND WILDLIFE** suggested and ordered printed.)

(In Senate, June 8, 2005, under suspension of the Rules, **READ TWICE** and **PASSED TO BE ENGROSSED**, without reference to a Committee.)

(In House, June 13, 2005, **PASSED TO BE ENACTED.**)

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

Senate at Ease.

Senate called to order by the President.

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

PAPERS FROM THE HOUSE

Non-Concurrent Matter

Resolve, Regarding Legislative Review of Chapter 101: Establishment of the Capital Investment Fund, a Major Substantive Rule of the Governor's Office of Health Policy and Finance (EMERGENCY)

H.P. 36 L.D. 33
(C "A" H-636)

In Senate, June 10, 2005, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-636)**, in concurrence.

Comes from the House, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-636) AND HOUSE AMENDMENT "A" (H-685)**, in **NON-CONCURRENCE.**

On motion by Senator **MAYO** of Sagadahoc, the Senate **RECEDED** and **CONCURRED.**

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

ORDERS OF THE DAY

On motion by Senator **DAMON** of Hancock, the Senate removed from the **SPECIAL HIGHWAY TABLE** the following:

Emergency

An Act To Make Supplemental Highway Allocations for the Expenditures of State Government and To Change Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 2006 and June 30, 2007

H.P. 946 L.D. 1363
(C "A" H-663)

Tabled - June 10, 2005, by Senator **DAMON** of Hancock

Pending - **ENACTMENT**, in concurrence

(In Senate, June 8, 2005, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-663)**, in concurrence.)

(In House, June 10, 2005 **PASSED TO BE ENACTED.**)

On motion by Senator **COURTNEY** of York, 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-663).**

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-663), in concurrence.

On further motion by same Senator, Senate Amendment "A" (S-364) to Committee Amendment "A" (H-663) **READ.**

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

Senator **COURTNEY:** Thank you, Madame President, men and women of the Senate. This amendment simply repeals the indexing prospectively in the next biennium on the gas tax. The way the gas tax indexing bill was going through, I was concerned that we may not get a vote to repeal the indexing as specified in the original legislation. I would ask that you vote in favor of repealing this automatic indexing so each biennium we get a chance to vote. If it's a good idea to raise the gas tax, we come out and say it's a good idea and vote for it.

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

THE PRESIDENT: The Chair recognizes the Senator from Kennebec, Senator Gagnon.

Senator **GAGNON:** Thank you, Madame President, men and women of the Senate. I hope that we will not support the pending motion. I was on the Transportation Committee while simultaneously serving on the Taxation Committee when indexing

was created. It was actually, if I must say, a fairly brilliant approach to a very difficult problem. I've heard it called the automatic tax but I just wanted to inform everyone, particularly those people who are not familiar with the tax issues, that all taxes are automatic. All tax increases are automatic. As you know, the gas tax is on a per-gallon basis. In the past, whenever there had to be an increase to cover certain funds like the highway fund and the needs of the highway fund, there had to be a specific vote. On the other hand, a simple sales tax always goes up because inflation rises the cost of individual products and that is a percentage of the overall cost, so 5% on \$1 is so much and 5% on \$1.10 is that much more. The sales tax is sort of on automatic pilot or automatic mode or whatever you are going to call it with inflation. The gas tax is in a different situation, so that is why, when I served on the Transportation Committee, the idea came up that you put the gas tax with inflation.

The idea that the good Senator from York, Senator Courtney, has that you would do it in the reverse way creates a lot of problems. Since it is in law that the gas tax does take effect and then we have to have a bill that would repeal it for that particular time period, and the fact that it is in law and takes effect, means that the Department of Transportation can prepare budgets based on that anticipated income otherwise they could not prepare budgets on anticipated income. They would have to do it in a different way. There would then have to be a bill to raise the tax, which is the old way we used to do it rather than have it follow inflation. There are a lot of projects on the transportation table. The thought was that if there were a number of products that didn't need to be funded, we would repeal that particular section of the gas tax. I was on the Transportation Committee. I remember the arrangement that was worked out right in the Governor's Office. I think it has worked very well to this point. There was support from both sides of the aisle when we put this in place. It has been working quite well. You know it has been seen as a lightening rod from time to time and it has been referred to as the automatic tax. Keep in mind that every tax in the State of Maine does increase at some level automatically. Thank you.

Senator **DAMON** of Hancock moved to **INDEFINITELY POSTPONE** Senate Amendment "A" (S-364) to Committee Amendment "A" (H-663).

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

THE PRESIDENT: The pending question before the Senate is the motion by the Senator from Hancock, Senator Damon to Indefinitely Postpone Senate Amendment "A" (S-364) to Committee Amendment "A" (H-663). Is the Senate ready for the question?

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#264)

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

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

22 Senators having voted in the affirmative and 13 Senators having voted in the negative, the motion by Senator DAMON of Hancock to **INDEFINITELY POSTPONE** Senate Amendment "A" (S-364) to Committee Amendment "A" (H-663), **PREVAILED**.

Committee Amendment "A" (H-663) **ADOPTED**, in concurrence.

PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-663), in concurrence.

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

THE PRESIDENT: The pending question before the Senate is Enactment. 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 (#265)

YEAS: Senators: ANDREWS, BARTLETT, BRENNAN, BROMLEY, BRYANT, CLUKEY, COURTNEY, COWGER, DAMON, DAVIS, DIAMOND, DOW, GAGNON, HASTINGS, HOBBS, MARTIN, MAYO, MILLS, MITCHELL, NASS, NUTTING, PERRY, PLOWMAN, RAYE, ROSEN, ROTUNDO, SAVAGE, SCHNEIDER, SNOWE-MELLO, STRIMLING, SULLIVAN, TURNER, WESTON, WOODCOCK, THE PRESIDENT - BETH G. EDMONDS

NAYS: Senators: None

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

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

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

On motion by Senator **BRENNAN** of Cumberland, **RECESSED** until 8:00 in the evening.

After Recess

Senate called to order by the President.

ORDERS OF THE DAY

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

SENATE REPORTS - from the Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act To Improve the Delivery of Maine's Mental Health Services"

S.P. 57 L.D. 151

Majority - **Ought to Pass as Amended by Committee Amendment "A" (S-367)** (11 members)

Minority - **Ought To Pass as Amended by Committee Amendment "B" (S-368)** (2 members)

Tabled - June 14, 2005, by Senator **MAYO** of Sagadahoc

Pending - motion by same Senator to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (S-367)**

(In Senate, June 14, 2005, Reports **READ**.)

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

Senator **MAYO:** Thank you, Madame President, ladies and gentlemen of the Senate. The bill you have before you, L.D. 151, comes to you this evening with a strong bi-partisan report, a majority report. I think it is safe to say, and I would suspect that the good Senator from Hancock, Senator Rosen, would agree with me, that the Health and Human Services Committee spent more time on this particular issue that you have before you tonight than on any other issue. In addition to the work, I believe we had either four or five work sessions on the bill, there was a work group which met, at times, daily over a period of more than a month. Unfortunately, there will be a technical amendment coming at some point down the road before this bill ends up on the Executive's desk for his signature and that seems to be the way with major pieces of legislation that come before either body at this late date. This particular piece of legislation amends current voluntary commitment laws to establish a type of release from involuntary mental health commitment for persons who are committed to either Riverview Psychiatric Center or Bangor Mental Health Institute.

You will hear in the debate tonight that, with the passage of the majority report, we are taking away people's rights. The large majority of the committee would say that we are extending rights to the people that will be involved in this. I would urge this body's acceptance of the majority report.

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

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

Senator **NUTTING:** Thank you, Madame President, ladies and gentlemen of the Senate. I want to thank the committee for their many hours of work on this bill and am very pleased to get a 11-3 bi-partisan Ought to Pass report. I also participated, at the suggestion of the Department of Health and Human Services, in a seven week work group that included 20 people meeting from three to five hours a week. In total this bill has had about 500 personal hours of work. It's been through over 40 redrafts. It is based on statutes currently in 42 other states. It focuses on a very narrow group of consumers who have severe and persistent mental illness and who are unable to make an informed decision. This bill is really about insight, or the lack thereof. Whether or not someone is passing a college course or attempting to force their way through airport security to get on a plane without a ticket with guns drawn, inwardly they see no difference whether or not they are on a treatment plan or off. They don't have the insight that they have a mental illness. I had an e-mail last week from a family member supporting this bill who didn't think she could support it until her family member almost froze to death last winter in a snow bank while off their treatment plan. That family member is in a mental health hospital now and has no idea why they are there. They have no insight. This bill, in the redrafted majority report, calls for a pilot program, run from BMHI and Riverview, for a court hearing at the time of discharge for a narrow group of people to have them have a progressive treatment court order. This is based on a very narrow criteria found in the majority report that, in effect, was taken from language existing in five other states and melded together by the work group. Many compromises were made in the course of this work group. Most states that have this statute have it begin at the age of 18. We compromised and said 21. Most states say threat to others or self. We said and, not or. Most states allow this to be a six month court order with an application for an additional six months. We said no, just six months. The Department of Health and Human Services, which initially opposed this bill, now supports it, will be making annual reports to the Health and Human Services Committee on the results of this pilot project. One of the other criteria, and I think a very important criteria for somebody to come under this progressive treatment plan, is a history of doing very well on a treatment plan and very poorly off a treatment plan. The other thing we are doing in this majority report is that these court orders would link this person with an ACT team, an Assertive Community Treatment team, which would interact with this consumer on a daily basis to say, 'How are you doing? Let's go for breakfast. Do you think you can do that part-time job? Let's help you do it.' All ACT teams in Maine must have a peer counselor, somebody with a mental illness that is part of that ACT team. That is also going to be part of this statute. I think everybody has the handout, you can look at Massachusetts, New

Hampshire, Ohio, and I could have got you pages and pages on this. They have seen huge drops in the percentage of psychiatric hospitalization. In New Hampshire the months of medication compliance went way up after they enacted this statute. We've built a big coalition of support for this majority report from dozens and dozens of parents who are members of support groups to the Maine Nurse Practitioners Association, the Maine Medical Association, Maine Association of Psychiatrists, the Maine Sheriff's Association, Maine Chiefs of Police, many homeless shelters, members of the Bangor Homeless Shelter were part of this group, and ACT team directors. The Department of Health and Human Services is also charged this fall with developing workshops on this particular statute and how this new tool in the toolbox should be integrated with everything else that is currently in law.

You may hear later on this evening that this is coercion. I'm not going to debate that, but the point I want to make to this body this evening is that this state, with our severe and persistent mentally ill, has crossed the coercion bridge a long, long time ago. Most of this narrow group of people this majority report targets are currently under state guardianship, they are involuntarily committed to hospitals over and over and over again, and have had medication hearings for medication against their will over and over and over again; 20, 30, or 40 times a piece. In the interviews with consumers in New York State that have been under this type of plan, 81% of them said their quality of life was better after a six month court order than it was before. Yes, they reluctantly took their treatment and followed a treatment plan rather than being readmitted to a hospital, but in the meantime they weren't in jail, they kept their apartments, they had some successes in their lives. The due process of this bill has been modeled after our committed due process where the consumer is represented by an attorney with an independent review and a chance for an appeal. If someone stops their treatment plan, the ACT psychiatrist makes out a group paper application and that is also reviewed by a court, so we built in due process that, ironically, just in the last 36 hours has been reviewed by Judge Rotham and Judge Perry and met with their approval.

In conclusion, this bill is narrowly crafted based on proven results from many other states, 16 states have enacted this type of statute in the last four years alone. It's targeting a very small group of consumers that have no insight that they have a mental illness. I urge you to support this very carefully crafted majority report. Thank you.

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

Senator **BRENNAN:** Thank you, Madame President, men and women of the Senate. I rise tonight to strongly urge you to vote against the pending motion. Let me explain. First, if you have before you on your desk a copy of the State House Register, if you turn to page 12 what you will find is a description of who can vote in the state, who cannot vote in the state, and the qualifications that are necessary to vote in the state. What you will find on page 12 in the state Constitution is that if you are under guardianship for mental illness you are not allowed to vote. You are not allowed to vote. As I understand it, there is only one other state in the country that says that if you are under guardianship for mental illness you can't vote. Twice this issue was sent to the voters in the State of Maine and they were asked to repeal this very stigmatizing piece that is in our Constitution.

Twice the people of this state, by clear majorities, chose not to do that. Instead, it took a federal court judge to rule this as unconstitutional and in violation of equal protection in order to have persons that are in this situation allowed to vote. A federal court judge. We still have it in our Constitution because the only way we can remove something from the Constitution is to have it amended by the people of the state or by having a federal court judge rule it as unconstitutional. During that debate, when I traveled around the state talking to people about this, what they said was that people in this situation can't make decisions for themselves. 'They are under guardianship for mental illness. We can't let them vote. How do they make an informed decision about voting, they have a mental illness?' These are some of the stereotypes, some of the prejudices that we still have around mental illness. So here we have with us today a bill that for the first time in the state's history, and this why I think the Health and Human Services Committee struggled with this and I'm glad that they spent the time working on this, we're going to say that we will enact an involuntary community commitment law. Involuntary, meaning that if you do not comply with your treatment plan, and the treatment plan could include medication or a variety of other activities to engage in, you could be returned to the institution. Just for a second, just for a minute, I'd like to ask everybody in this chamber that has ever gone to their physician and gotten a prescription for some type of illness that you might have, some type of chronic disease, or it could be a cold or whatever. You have a reaction to the medication. It makes you feel funny. Makes you feel different. You discontinue that medication as a result of that. Sometimes the doctor says you never consult your physician about that. Sometimes you may go back to your doctor and your doctor ends up saying to try something else. We have made huge strides in this country in terms of medications that are available to people that may have mental illness. Huge strides. It is still an art, as much as it is a science, and there are significant side effects to the medications that people take for schizophrenia, for bi-polar disorder, or for chronic depression. Significant side effects. What happens is that sometimes people choose to discontinue those medications. What we are now going to say is that if you make that choice and stop taking that medication you now run the risk of being involuntarily recommitted back to a state institution because we are going to decide that you are not able to make an informed decision. I think that is a very major step for this state. I think it is good that we are going to debate that because it does have, as the good Senator from Androscoggin, Senator Nutting, and the good Senator from Sagadahoc, Senator Mayo, said significant issues around civil liberties and significant issues around how much we understand mental illness.

Let's put that all aside because people in previous comments have talked about how it's okay if we put those aside. We might use coercion because the outcome is worth setting aside those civil liberties. I would cite a report from the Rand Corporation, 'How Effective Is Involuntary Out-Patient Treatment?' Empirical evidence on the effectiveness of involuntary out-patient treatment is slim. If you go through the literature, if you read the research that has been done, it is very inconclusive as to whether or not this approach is any more effective than voluntary services in the community and intensive case management and rigorous medication management. We already have hundreds of people in the state, thousands of people in the state, that get a variety of different services, intensive services, that do very well without having the involuntary part of that treatment attached to it. In fact there is a program in Portland called 'Portland Hope' that has

been extraordinarily successful in engaging people, many of the ones that the Senator from Androscoggin, Senator Nutting, talked about, and engaging them in a treatment process. It has been highly successful without being coercive and without having the involuntary nature hanging over the treatment.

What I would argue very clearly with you, and I hope convincingly, is that we don't need to do this and the research from other states, and from what we know in this state, does not predict any better outcome than we already have.

The other issue that I want to bring forward here in this discussion, because it has been part of the debate that has been surrounding this particular bill and this particular issue, is one of violence. Some people believe that persons with mental illness are more violent or prone to violence or a danger to the community than other people. As a result of that, particularly if they don't take their medications, we should go this extraordinary step of involuntary community commitment. Again, the research does not support that. The research does not support the fact that persons with mental illness are more violent than the general population. I think we need to keep in mind that somehow we are afraid or that we think that persons with mental illness need this extraordinary measure because they are violent, but the research does not support that. Another factor of this that makes this even more troubling, and there have been different amendments and different versions of this so this may have changed, is in one version it is quite possible that somebody could be caught in this system of community commitment and then commitment to a facility in an endless cycle that you can almost never break out of. It's a little bit Orwellian and a little bit 'Brave New World' that somebody will now enter the mental health system and be in a situation of never being able to get out of the mental health system. In 1997 I served on a taskforce that spent almost a year looking at Maine's involuntary commitment statutes, looking at convalescent care, and looking at the whole issue of out-patient commitment. That taskforce concluded, unanimously, that the current laws that we have in place are adequate and are respectful of persons with mental illness. In fact, we do have a law that was passed in 1993 that allows for advanced directives. We also have currently on the books a law convalescent care which allows for people in very limited circumstances to leave Riverview or AMHI to enter into the community and then return if necessary if there are particular problems.

I think the last point I would like to make is that this bill, right now, has a fiscal note of close to \$5 million. We have a mental health system that has been under a consent decree for 13 years, going on 14 years. One of the issues is the availability of services for people. We haven't been able to convince the court that we've had the right mix of services for people with mental illness in order to satisfy the concerns of the judge and remove the consent decree. This \$5 million fiscal note will be taking resources from a system that is already struggling to meet the conditions of a consent decree and direct those in a way that the research shows we will have no better outcome than we currently have. As a final point, we are looking at a significant financial investment into a process, into a program, that there seems to be very little data, very little information, that tells us we are going to get any return on that investment or the outcomes that we are looking for, and at the same time, continue to struggle to meet the needs or to meet the conditions of the consent decree. I hope that people will look very closely at this issue. I hope that you will understand that if we move in this direction it is a major step for the State of Maine,

and unfortunately, I think it is a step in the wrong direction and I encourage you to join with me in opposing this motion.

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

Senator **MARTIN:** Thank you, Madame President and members of this body. The good Senator from Cumberland, Senator Brennan, urged you, in the strongest of terms, to vote against this bill. I'll urge you, with the strongest of terms, to vote for this bill. Let me tell you why. First let me begin with the issue of civil liberties. I've thought about this a lot because I'm a believer in civil liberties as well. You know, when I have seen an individual, because that individual was not on medication, being placed in handcuffs to be restrained and to be taken to jail for no other reason than because the person had not taken the medication. Are not violations of civil liberties? We ought to think about that carefully because when that person is taking the medication there are absolutely no problems at all. That is what my concern is. If you have never dealt with an individual who calls you because they are off the medication and then see the difference when they are on, you know the difference. Sometimes you can urge them to take the medication over the phone and they will do so because they are talking to someone. Individuals need that contact. Thirty years ago we had institutions in this state that solved that problem for us, if you want to call it solving. We warehoused them. When the deinstitutionalization took place the community structures we not set up all over to solve that problem and they came to all the counties. Some cities were better capable to handle them than others and some communities better. In small towns, that ability was not there at all and to this day still is not.

Some people will talk about research. Research is when someone sits in a nice office, sends out forms for people to fill out, and they do research. I want to talk about facts. Many of you in this room know what those facts are because you have had it happen. If you've been in the police business, or in other kinds of businesses, you know what that is all about. These individuals will and can have the potential to be more violent, no different from someone who is on drugs or alcohol. There are two sides. Some become very mellow, and that's the kind I like to deal with, and there are those that are impossible to deal with. It seems to me that we have an opportunity here to try it, to see what other states have done with it, to have a team to work with this, and see what we can do because we know what we are doing in Maine right now is not working.

People talk about the cost. There will be an amendment to solve that problem in most part because most of the cost that is being put on is mostly by the courts. In my opinion, that is one of the things that got left out of the bill, which we will deal with at some point before this bill is finally enacted. Basically this was at the suggestion of the courts because they basically said that if this case has to come in every 30 days it is obviously going to drive the court cost up. That is not the goal here. The goal is to save money and it can be done. The money will be saved not only in the courts but also in hospitalization, in police work, and all of the other factors. The way we do our system, we do the costs but we can't show savings because you can't book it in the budget, as much as I would like to and have even tried from time to time.

One of the toughest letters I had to read came from one of the Sisters in Waterville. I don't know if you remember the history

of that, where an incident took place and two of the Sisters were subsequently succumbed by what took place in their own home. It seems to me that we now have an opportunity to deal with that. The overriding concern that we ought to be looking at; is what we are doing now working? The answer to that is no. Is there a possibility that this will work? To me the answer is yes and I'm willing to take that chance because we know that we have a serious problem.

Finally, on one last word. I personally absolutely believe that by doing what we are doing we will restore civil liberties to these individuals who lose it when they lose medication.

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

Senator **DOW:** Thank you, Madame President, ladies and gentlemen of the Senate. I intend to support the Senator from Androscoggin, Senator Nutting's bill. I do this for various reasons. It's not because I'm an expert in mental health. I'm not, but I look back at my own experiences with other people and I look to my Christian understandings of we need to do to help people in society. I had a friend that was incapacitated. This isn't even one of the small groups of people being addressed in this bill. I had a person, a friend, that was on a maximum dose of Oxycodone, that could not see from her own eyes that she was addicted to it and thought that everything was right. We're not talking about that group of people; we're talking about a much smaller group of people. This is a group of people that St. Luke would have referred to as a group of 'that which is lost'. A group that has no choice to be anything other than what they are. Because they have no choice, they need to reach out to society to help them but they cannot reach out. I did have a friend, a manic-depressive, who called me from a jail in Lincoln, or in that area, and needed to be picked up. They had stolen a truck all because she got off her medicine that was prescribed and got off a program, a program and a medicine that she should never have been off. I consider this a program to be reaching out to help, not to incarcerate, those people that need this type of help. I'm not so much worried about my own safety as I am their safety and their chance to be helped and put back into society as productive people. I think that their right to vote is the last thing that these people have on their minds. They are so sick that they don't even know that they are ill. Those are the type of people that we have an obligation to help by using all at our disposal.

There will be a fiscal note to this. I've noticed that part of the funds also come from the federal government. I will be in support of this bill and I think it is my duty as a Christian to speak out in favor of this small group of people that is lost, this small group that has no choice to be anything other than what they are. Thank you.

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

Senator **DIAMOND:** Thank you, Madame President, men and women of the Senate. Sadly, the Criminal Justice and Public Safety Committee had to deal with this issue kind of unexpectedly. We were dealing with an issue of possible pre-releases from the Department of Mental Health and Riverview. We heard some unbelievably tragic stories about people who were off their medication. These are people who were formerly diagnosed as being a risk to themselves and to others. They

were off their medication. I'm sure the good Senator from Aroostook, Senator Clukey, remembers this testimony. We had people come before our committee and talk about persons who were off their medications. One person was off their medication, through their own decision, and stabbed their uncle thirty or forty times, whatever it was. We had other such stories that were repeated to us. It was hard to sit there and listen to all that, especially when we knew, and other experts had told us, that if they had stayed on their medications that would not have happened. That useless loss of life would not have happened. We had some conversations with the Department of Health and Human Services and we talked about that, as a committee. Listening to all the debate tonight, and I certainly respect everybody who has spoken, I don't think this is about statistics and I don't think it's about consent decrees and I don't think it's about theories; I think it's about the victims. The victims in these cases can be the patients themselves and they certainly can be the innocent public. I think we have to remember that because we are talking about those who were formerly diagnosed as being a risk to themselves and to others. By merely keeping them on their medication that saves their lives and other innocent victim's lives, how can we not join 42 other states and pass this law. Thank you.

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

Senator **BRENNAN:** Thank you, Madame President, men and women of the Senate. I didn't want to leave the impression that the research that I was citing was some meaningless survey or that it was some academic exercise. I am a Licensed Clinical Social Worker, licensed by the State of Maine. I have been since 1998. I worked for a year at the Maine Youth Center in their substance abuse treatment program. I've worked five years in an out-patient family therapy program where I've worked extensively with people with substance abuse or mental health issues. Schizophrenia, depression, bi-polar disorder; I've diagnosed, worked with, and treated. It's not an abstraction to me. It's not a meaningless academic exercise to me when we talk about these issues. This is something I've lived with on a regular basis with people that I have worked with. If for one minute people believe the coercion is somehow better for people, I would sadly say that you are mistaken. If somehow compromising people's personal choice and liberties is a better direction because somehow we are helping people and saving them from themselves, that we have a duty to do that, I would say you are sadly mistaken. As I've mentioned before, we've enormous strides with medication. Medication has enormous side effects. It is also incorrect to say that simply because somebody has gone off their medication that they have engaged in one type of activity or another type of activity. There are a lot of different factors that go into play when somebody does something, whether it is a good thing or a bad thing, a violent thing or a non-violent thing. We cannot be as simplistic as to say it is simply because they went off their medication.

Lastly, again I would ask people to look at this closely. Make sure we want to take that step in this direction because, again, I think it's a step in the wrong direction, based on my personal experience and professional experience in this field. Thank you.

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

Senator **ANDREWS:** Thank you, Madame President, men and women of the Senate. I don't know if I'm going to be able to do this, but I am going to try. I'm going to support this bill because on October 4th mental illness cost me my son's life. Approximately 20 years ago, while at work, I received a phone call that one of my children had attempted to take his life. He did not succeed that time but when I went to the hospital I was told that he would do it again if he didn't get proper treatment. For 20 years we have jockeyed back and forth between treatments for depression, which then led to the abuse of alcohol. We knew in the month before he died that things were very bad. We were working desperately to get him up here. We tried to offer him free care, we would provide the medicine, we would do anything. Finally, he had agreed to come up on a Tuesday morning. Monday night, the night before, he took his life. He was not on medication. He had been off it, off and on, all along. When you talk about the fiscal note and cost, please think about the loss of a husband, please think about the loss of a father to three children, and please think about the loss of a son. Thank you.

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

Senator **PLOWMAN:** Thank you, Madame President. As I've listened here I've been searching on-line and found the article that has been referenced to about what works and what doesn't. There are conflicting reports on the studies that were done in California and New York. One thing that kept coming out was that they couldn't use the empirical data because every one wasn't asking the same questions and they couldn't compare the answers because they didn't have the information. The thoughts I've seen in here is that we've gone to community-based health care and we see that it hasn't worked. One reason is because there is no follow-up. I think you would find that there are more than one or two Senators in this room who have more than a work relationship with mental illness. We are the people that take the patients to the hospital and help get them involuntarily committed and return the next morning to find out that they are no longer there because they've been released. Some of them are released with the medication that has been prescribed, sometimes a whole month's worth of four or five different prescriptions. I had one poor woman tell me about her son. She involuntarily committed him twice within a week. He took his pills, and with the help of the city, checked into a boarding home and took all of them. No, he was not violent. Violence was not what his problem was. Severe depression was. We had the unfortunate incident in Hamden a few years ago where a man begged to be involuntarily committed. He went to three different places. He was given enough antipsychotic medication to go home and wait for an appointment. Unfortunately, antipsychotic medication does not work like a Tylenol does. He savagely stabbed his five year old that night. She still bares the scars of that involuntary commitment that didn't happen.

I think I'm going to reluctantly support this because family members are at a total loss as to how to help the members of their family that they see drifting, getting lost, and dying. I truly believe that we have a responsibility to reach out and help people at a time in their lives when they are not necessarily looking for it but they sure do need it. It's unfortunate, it really is. I believe, while mental health is truly a physical disease and should be treated like every other disease, that not every disease has the

capacity to make you not appreciate your life, not appreciate what you have. So it's not just a matter of violence, it's not a matter of law breaking, it's a matter of the absolute loneliness or desperation or sense of lost that causes someone to take their life or to have no concern for their lives. It is a hard decision to make. I keep reading this and I hear one thing that sounds good and I hear another thing that sounds good, but I keep coming back to the fact that once they are gone, they are gone. When you look back and you wonder what you could have done, sometimes the only thing you could have done was try to make them hang on a little bit longer until they were better. Thank you.

THE PRESIDENT: The Chair recognizes the Senator from Kennebec, Senator Gagnon.

Senator **GAGNON:** Thank you, Madame President, men and women of the Senate. I plan to be brief. I received a number of phone calls about this bill. Some were from some very good friends of mine who suffer from mental illness and who were fearful of this bill and fearful of being forced to take certain medications. I also received correspondence from the nuns from the Blessed Sacrament. I'm not going to get into the details or remind everyone of what happened some years ago. I think most of you recall that incident in Waterville and that terrible tragedy. Rather than talk about the tragedy and what occurred that night, I'd like to talk about the nuns and what occurred following the tragedy. In the weeks following the tragedy, while they were mourning the loss of two of their Sisters and one suffered in the hospital with severe injuries, they came together at the funeral ceremonies and it was incredible to watch these predominantly elderly women, small and frail women. The primary thing that you got from them was forgiveness. They were truly people of their faith. While something was so close to home, in their home, had occurred, these incredible women were able to forgive and understand that the gentleman, the man who had perpetrated these attacks, was very ill. He had come from a very good family. They wanted to make sure that the parents of this gentleman was properly supported in the community and that the community did not hold it against the family and did not hold it against the attacker. They had attended these meetings, had corresponded with me, and encouraged me to vote for this law because that gentleman is back in Waterville now after spending quite a bit of time here in Augusta. While some good friends of mine of fearful of this law, I really have to respect these women. These incredibly brave women. We talked about heroes. If they all marched in here tonight you would probably be able to fit them all on one couch. They are the meekest and most peaceful people I know. For that reason, I am going to be voting for this bill. Thank you.

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

Senator **ROSEN:** Thank you, Madame President, men and women of the Senate. I just simply want to draw your attention again to the committee report on supplement number two. If you would take a moment and look at the individuals that have come together behind the majority report you will see men and women that represent a broad spectrum of professional, political, and geographic backgrounds. They worked this bill thoroughly and worked this bill hard. They members of the Health and Human Services Committee took the work on L.D. 151 to heart. I think

the determination of the members of the committee, by and large, most of it was driven in a response to the clients that came before the committee that suffer from severe and persistent mental illness and their families. They were looking for a way to make this bill and have this bill develop into productive and effective legislation. From early March, when we had the first hearing when the Department of Health and Human Services testified in opposition, until the final completion when the department was in support and when many of the people that made up the work group supported the final product and were able to come together because there was near universal determination to be able to bring before you, for your consideration, a piece of work that had the efforts of those of us on the committee who were determined to provide you with legislation that is safe, that is focused, and that is designed to address the problem that you have heard so much about tonight. I want you to feel comfort in the fact that the members of this committee that are listed on this report have considered this bill seriously and worked hard to provide you a quality piece of work. I hope you support it.

THE PRESIDENT: The pending question before the Senate is the motion by the Senator from Sagadahoc, Senator Mayo to Accept the Majority Ought to Pass as Amended by Committee Amendment "A" (S-367) 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 (#266)

YEAS: Senators: **ANDREWS, BARTLETT, BROMLEY, BRYANT, CLUKEY, COURTNEY, COWGER, DAMON, DAVIS, DIAMOND, DOW, GAGNON, HASTINGS, HOBBS, MARTIN, MAYO, MILLS, MITCHELL, NASS, NUTTING, PERRY, PLOWMAN, RAYE, ROSEN, SAVAGE, SCHNEIDER, SNOWE-MELLO, STRIMLING, SULLIVAN, TURNER, WESTON, WOODCOCK**

NAYS: Senators: **BRENNAN, ROTUNDO, THE PRESIDENT - BETH G. EDMONDS**

32 Senators having voted in the affirmative and 3 Senators having voted in the negative, the motion by Senator **MAYO** of Sagadahoc to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (S-367), PREVAILED.**

READ ONCE.

Committee Amendment "A" (S-367) **READ** and **ADOPTED.**

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

On motion by Senator **MARTIN** of Aroostook, **TABLED** until Later in Today's Session, pending **PASSAGE TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-367).**

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

PAPERS FROM THE HOUSE

Non-Concurrent Matter

Bill "An Act To Modify the Calculation and Implementation Date of Savings Offset Payments under the Dirigo Health Act"
S.P. 555 L.D. 1577
(C "A" S-359)

In Senate, June 10, 2005, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-359).**

Comes from the House, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-359) AS AMENDED BY HOUSE AMENDMENT "B" (H-687)** thereto, in **NON-CONCURRENCE.**

On motion by Senator **SULLIVAN** of York, the Senate **RECEDED** and **CONCURRED.**

On motion by Senator **PLOWMAN** of Penobscot, the Senate **RECONSIDERED** whereby it **RECEDED** and **CONCURRED.**

On further motion by same Senator, the Senate **RECEDED** from whereby the Bill was **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-359).**

On further motion by same Senator, the Senate **RECEDED** from whereby it **ADOPTED COMMITTEE AMENDMENT "A" (S-359).**

House Amendment "B" (H-687) to Committee Amendment "A" (S-359) **READ** and **ADOPTED**, in concurrence.

On motion by Senator **PLOWMAN** of Penobscot, Senate Amendment "A" (S-370) to Committee Amendment "A" (S-359) **READ.**

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

Senator **PLOWMAN:** Thank you, Madame President, men and women of the Senate. I'm offering an amendment as we consider L.D. 1577, a bill to modify the calculation and implementation date of savings offset payments under the Dirigo Health Act. As we discussed in quite length the other day, we were discussing how we would arrive at a figure for savings. The more I checked into what we actually owe the hospitals, I thought that while we're calculating bad debt that we ought to be taking into account the payments that we have not made that due from the State of Maine and have been owed to the hospitals since 2003. They actually come to about \$190 million. I would say that we are actually in the bad debt category with our state hospitals. What I am offering is an amendment to say that when the adjudicatory process starts to decide when and how we will determine savings offsets and how our hospitals have benefited from insured patients under Dirigo we consider that we owe them \$190 million and have for some years and that should be considered as part of their bad debt until we actually pay them.

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

On motion by Senator **SULLIVAN** of York, Senate Amendment "A" (S-370) to Committee Amendment "A" (S-359) **INDEFINITELY POSTPONED.**

On motion by Senator **MARTIN** of Aroostook, the Senate **CONCURRED.**

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

House Paper

Bill "An Act To Authorize, Subject to State Referendum, a Tribal Commercial Track and Slot Machines in Washington County"
H.P. 1197 L.D. 1690

Committee on **LEGAL AND VETERANS AFFAIRS** suggested and ordered printed.

Comes from the House, under suspension of the Rules, **READ TWICE** and **PASSED TO BE ENGROSSED**, without reference to a Committee.

Under suspension of the Rules, **READ TWICE**, without reference to a Committee.

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

Senator **RAYE:** Thank you, Madame President. May I ask where we are in the Parliamentary process at the moment?

THE PRESIDENT: The pending question is passage to be engrossed.

Senator **RAYE:** Thank you, Madame President, men and women of the Senate. I rise in support of the pending motion. Just days ago we debated this topic at length before our vote to enact L.D. 1573 and the people of Washington County are enormously grateful to all those in this body who helped ensure its historic passage. Now, with L.D. 1573 having been vetoed by the Chief Executive, we have before us a bill that is identical in every respect but one, it would give the citizens of Maine the right to determine whether or not Maine's Native Americans and the people of Washington County will have the right to share fully in the promise and the potential of the state's racino law. As I noted during our previous debate, this issue is the culmination of an historic partnership between Maine's First People, our Native Americans, and the people of Washington County. Ironically,

Madame President, I heard the suggestion yesterday that this issue had somehow not been properly vetted. Arguably, no other single issue this session has been more thoroughly vetted and debated in this building than the issue of a racino in Washington County through the well attended public hearing, numerous committee work sessions, and extended floor debate in both bodies. Today we simply ask that you allow the debate to move beyond this building and out to the people of Maine. In the interest of time I will not repeat in catalog here today the many challenges facing the people of Washington County that I mentioned in our previous debate. The facts are well known. At this point, on behalf of the people I represent, I ask only that you let the people of Maine decide. Let the people of Maine decide if we in Washington County should have the opportunity to take advantage of our unique geographic location. Let the people of Maine decide if a racino is appropriate for a county that boasts the nation's eighth busiest border crossing with Canada with 2.5 to 2.9 million people crossing annually and that, for the vast majority of the 1.8 million residents in the maritime providences, is the gateway to New England. Let the people of Maine decide if a racino is as appropriate for Washington County as it is for Bangor. Speaking of Bangor, I'd like to point out that the Senator from Penobscot, Senator Perry, stands with us as do each of the Senators from Penobscot on both sides of the aisle. I appreciate their leadership in promoting this basic fairness. We ask that this body let the people of Maine decide if they will help put an end to the frustration of struggling local business owners who watch helplessly as tourists pour through our communities. Let the people of Maine decide if we can put an end to decades of economic distress and fruitless efforts to attract businesses to our county, even as our economy and our population have declined. Let the people of Maine decide if Washington County will have a chance to create jobs in the tourism and agriculture sectors to help rein in the chronic high unemployment and poverty that plagues us. Let the people of Maine decide if our state's horsemen deserve additional racing days so they are not forced to leave this state to cobble together enough race days to stay in business. Let the people of Maine decide if there is validity to the argument that a racino on the Canadian border, more than four hours northeast of Portland, will somehow disadvantage southern Maine more so than the massive Foxwoods Resort Casino an hour closer. Let the people of Maine decide if additional racino funds should support our fairs, the General Fund, economic development, and increased educational opportunities in long impoverished Washington County. Let the people of Maine decide if our Native American neighbors, who populated our state long before any of our ancestors arrived in this place and who have come together across traditional tribal lines to form a partnership for the Washington County racino, will be afforded equality of opportunity. Madame President, unlike the professional lobbyists who have prowled these halls, working overtime to derail this grassroots effort, our Native Americans and we in Washington County are willing to place our trust in our fellow Mainers to make an informed, wise, and fair decision. The people of Maine can discern between the prospect of citing a mega casino in southern Maine and a relatively modest casino in Washington County.

We all know that one of the staunchest foes of the Washington County racino is the Portland Press Herald. They have shined the spotlight on their opposition through numerous editorials and articles, yet four separate on-line questions of the day conducted by the Press Herald themselves have recently

shown overwhelming public support for a Washington County racino. First, on May 24, nearly 500 readers participating in the Press Herald poll expressed support for the Washington County racino by a margin of more than 2 to 1. On Friday, June 3, 327 readers responded to the question 'Can a racino succeed financially in Washington County?' Their reply, by a margin of 57.8 - 35.1, was yes. The following day, Saturday, June 4, 387 readers responded to the question 'Should the Governor veto the Washington County racino bill?' By a margin of 65.4 - 29.2 the participants in that poll said no. Finally, on this past Friday, June 10, after the Governor's veto and the bill before us had been introduced, 588 readers of the Press Herald responded to the question 'Would you vote for a racino to be run by the tribes in Washington County?' The results were 63.3% said yes while only 34.7% said no. Unscientific, yes, but these results are certainly consistent and I would note that they have come from the readers of the southern Maine newspaper that is leading the editorial charge against this effort.

Ladies and gentlemen of the Senate, I urge you to stand with Maine's Indian tribes and the partnership they have forged with each other and with the people of Washington County to reverse the decades old economic stagnation that has plagued them both. In the final analysis, no matter how any of us may stand on the issue of gaming, certainly we can all agree that the people of Maine should be the final arbiters. The greatest expression of respect each of us can grant to our constituents, no matter where we live, is to entrust them with this decision. Let's put an end to the speculation over what we think the people want. Let's put an end to conjecture over what people meant when they voted in favor of the racino across this state. Let's determine, once and for all, how the people of Maine feel about a Washington County racino. We, whose future is so directly at stake with this proposal in Downeast Maine, are willing to place our trust in the people of this state. Surely if you represent a different part of the state you should be willing to place the same degree of trust in your own constituents. I hope we can agree on that and I ask for your support of the pending motion. Thank you.

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

Senator **MILLS:** Thank you, Madame President. Rule 17 of the Joint Rules specifies that any bill or resolution that has been introduced and finally rejected in a regular or special session may not be introduced in a subsequent regular or special session of the same legislature except by vote of two-thirds of both chambers. The bill that lays before us, as the good Senator from Washington, Senator Raye, has stated in his supporting speech, is word-for-word identical to a measure that was rejected in the House of Representatives just a few days ago with the exception that a Part B has been added to provide for a referendum process by which the substance of the bill might be enacted. I suggest that because the substance of the proposed law is exactly the same as that which we have previously dealt with, that the bill is not properly before this body and this chamber. Thank you, Madame President.

Senator **MILLS** of Somerset rose to a **POINT OF ORDER** as to whether the Bill was **PROPERLY BEFORE THE BODY**.

THE CHAIR MADE THE FOLLOWING RULING:

"The Chair will rule, having anticipated this question, from Mason's, section 726, number 5. When a bill has been rejected at any stage in the house in which it originated, it may not be reintroduced in the same house; however, a new bill, presenting the same question or the same question in a modified form, or a bill presenting substantially the same question, may be introduced."

The Chair **RULED THE BILL PROPERLY BEFORE THE BODY.**

On motion by Senator **STRIMLING** of Cumberland, Senate Amendment "A" (S-366) **READ.**

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

Senator **STRIMLING:** Thank you, Madame President and colleagues. I could not agree more with my colleague from Washington County. Let's let the people decide. Let's no longer try to figure out what they meant. Let's no longer read into it. Let's have a vote. What this amendment does is it says that if the people vote yes, then yes, we can put a racino in Washington County. If they vote no, there are no slots in Maine. Let's stop the process. Let's have our up or down vote, finally, to say if we are going to have slots or not have slots. Yes, if they want it, it goes in Washington County. If they say no, then we have no slots in Maine. It seems to me that is a fair trade off. Are we going to have to have a vote every time any county wants to have a racino? Is the legislature going to have to put it out for a statewide referendum every time somebody wants to have a racino? Let's stop that process now and have one more up or down vote. If they say yes, they can have it. Washington County. It's in. If they say no, let's remove slots. I say to those people in Washington County who want to have a racino that this will help your cause because the people in Bangor will do everything possible to make sure that it passes. The racino in Bangor will do everything to make sure that slots are not repealed. This helps your cause. As a matter of fact, if you don't do it this way, if you just have an up or down vote statewide on Washington County, I think that those folks who have another racino are not going to be as interested in helping you set up their competition. Why would the group that is organizing a racino in Bangor say, 'Hey, we want to help them in Washington County set up something that is going to compete with our business.' They are not going to do it. If we have a statewide referendum on whether or not slots are going to be allowed at all, then they will help. I encourage my colleagues to support this amendment. Thank you.

Senator **GAGNON** of Kennebec rose to a **POINT OF ORDER** as to whether Senate Amendment "A" (S-366) was Germane.

THE CHAIR MADE THE FOLLOWING RULING:

"The Chair ruled Senate Amendment "A" (S-366) is not properly before the Body. Merely changing the title of a bill under the color of an amendment, in fact, extends the scope of the bill and introduces a completely new subject to the bill, the way this does is not germane."

The Chair **RULED SENATE AMENDMENT "A" (S-366) NOT GERMANE.**

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

Senator **STRIMLING:** Thank you, Madame President. Since the amendment was not allowed to be voted on, I now encourage my colleagues to please vote against this referendum. How many times are we going to have to go through this? This was bad economic development last week. It is bad economic development this week. It will be bad economic development next week. We rejected this. It was vetoed and the veto was not overridden. We didn't even have a chance to reject and I believe we would have down here. This is bad policy for the State of Maine. We don't have to reiterate all the issues that came up before. We know the devastating impact of what this is going to do to Washington County and to the rest of the state. We voted on this. We have rejected this. Reject it again. We don't need more people in poverty in Washington County. We don't need more drug abuse in Washington County. We don't need more bankruptcy in Washington County. What we need is real economic development, investments in our roads, investments in our schools, and investments in research and development. That builds the future of this state. This sucks money from people who can least afford to have it taken from them. Thank you, Madame President.

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

Senator **MILLS:** Thank you, Madame President and men and women of the Senate. Just two points, briefly. I've not seen amidst any of the literature that has circulated across our desks, either on this occasion or in prior evenings when we've debated this subject, anything that even comes close to being a business plan to explain why this enterprise has any viability or any likelihood of success or any likelihood of improving life for anyone in Washington County. I remember quite well when, under the King administration, there was a major inducement offered by the Department of Economic and Community Development of a \$1 million prize to be awarded to any group of communities that would put together a sensible business plan for opening and developing a business park. I recall the amount of time and the effort that went into developing First Park, which is a real jewel of economic development in Central Maine, located in Oakland. It involved the participation of some 24 communities who got together and pledged their own tax support to the enterprise and there was a joint contribution of money from federal, state, and many local sources. Before we embarked on that enterprise, there was a thorough business study and a business plan and a presentation made to selectmen in town meetings throughout the region before we finally put money down and began what was and remains, frankly, a still risky and difficult enterprise. It has come to fruition in just recent times with the landing of the T-Mobile business development with the T-Mobile location and the production of some 700 meaningful jobs paying \$20,000 to \$40,000 a piece. We're very grateful for the help that the state rendered and very grateful for the vision of Governor King and his economic development people.

I suggest to you that this was true economic development. It stemmed from a plan, stemmed from a strategy, and most importantly of all, it had a business plan behind it that had experts who reviewed the viability of the plan. Even at that, there was substantial risk of public money, public energy, and local

commitment. I see none of that laying behind this dream of a racetrack for Washington County. It isn't even designated specifically for Washington County but for some sort of tribal location that isn't well specified in the bill. We are operating on a wing and a prayer. We are being lobbied by the very best. I think that the Indian tribal representatives are wonderful people. They do an amazingly effective job of convincing us of their own dreams and talking to us about their aspirations and about their own frustrations with Washington County. They are very convincing. They are very good lobbyists as well as legislators. I respect them deeply. My concern is that, if this thing should pass and if they should convince the public that their dreams are somehow viable, this is perhaps the last we will see of them in this project and we will begin, once again, to see the nature of the people who come forward to support the project once there is public gratification for it. These will be the people that we've been accustomed to seeing associated with gambling enterprises in this state in times past. I don't need to remind you who they are or where they come from or what their backgrounds are or where their money comes from. I'm deeply concerned about this fly by night notion, about the lack of preparation or planning for it, and about the very idea that somehow just this notion of being able to stop a certain string of traffic from Canada will somehow come to fruition. There is only one thing that is certain about this, 1,500 slot machines will take all of the money that there is in Washington County and not even hic-cup as they process those coins through the slots. Whether they will actually take any Canadian money or not is entirely speculative and I think we are doing a great disservice to the people of Maine to perpetuate this speculation and this lack of planning. Thank you.

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

Senator **STRIMLING:** Thank you, Madame President. One final point. To my colleagues who supported the civil rights bill earlier this year, there is a very good chance that if this passes tonight this bill will be put on the November referendum. If it is put in the November general election and the people who are trying to collect signatures to repeal the civil rights bill get their signatures that will also be on. This will hurt the cause of protecting civil rights.

THE PRESIDENT: The Chair recognizes the Senator from Kennebec, Senator Gagnon.

Senator **GAGNON:** Thank you, Madame President. I believe that it is inappropriate to discuss what may happen and what future action may occur.

THE PRESIDENT: The Senator is correct. Would the Senator from Cumberland, Senator Strimling, like to proceed talking about what is before us presently? The Chair recognizes the Senator from Cumberland, Senator Strimling.

Senator **STRIMLING:** Thank you, Madame President. Is there some way I can get some clarification? I guess I don't understand what I was doing wrong.

THE PRESIDENT: I think that the Senator from Kennebec, Senator Gagnon, is referring to the fact that you are referring an action that could take place and not the action that is presently

before us. The civil rights question is not currently before us. The question before us is the acceptance of this bill.

Senator **STRIMLING:** Thank you, Madame President. I won't say much more because I think the people understand the point that I am making. If this goes out, if this passes, it will be on the ballot in November. There is nothing in this bill to have it go at any other time than in November. I ask you to keep that in mind as you are thinking about this and the implications of what that could have for the State of Maine in terms of other legislation that we have passed. Thank you, Madame President.

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

Senator **RAYE:** Thank you, Madame President. I rise to respond to my good friend, the Senator from Somerset, Senator Mills. Once again, I am taken aback by his comments and the connotation for what that represents in terms of how he views our Native Americans and the residents of Washington County. The suggestion that Maine's Native People are nothing but dupes, I think, is insulting. The suggestion that the people of Washington County lack the intellectual capacity and self-control to resist gambling away every last cent they have is beyond the pale. I would also respond to my friend from Somerset, Senator Mills, that it most certainly is designated for Washington County. If you read the bill and read a map you will see that. As for the business plan, there is no public money in this plan. I guess I'm a little bit curious as to why the good Senator would be so deeply concerned about that issue that he would stand in the way of this opportunity because the economic development that the good Senator praised in his remarks as having been so successful under Governor King and others has not succeeded in lifting either the tribes or the people of Washington County. Once again I would remind you that all of these issues I am certain will be thoroughly vetted in the campaign to come between now and the November election by the people of Maine who do have the intellectual capacity, as do the people of Washington County, to size up the situation and to make a fair determination. That is all we ask with this vote, that we trust the people of Maine. We, in Washington County, are willing to put that trust in our fellow Mainers and I hope that everybody in this body would have the same level of respect for the citizens of Maine. Thank you.

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

Senator **SCHNEIDER:** Thank you, Madame President. It's no secret to most that I am not a person who particularly likes any form of gambling. However, I did vote for the racino in Bangor and I did so because it would, I believe, help the horseracing industry, help to build potentially a new civic center, and help the general economy of the area. I feel it's irresponsible to vote for one and not for another in this case, in a situation where the state is faced with losing many more thousands of jobs. Is it a wing and a prayer? Maybe so. I think the people of the State of Maine should have the option of voting for this on their own. We are not voting yes or no, up or down, on this particular issue at this time. We are allowing the people of the State of Maine to vote for this if they so choose or to turn it down. I think they are the ones who should be entitled to make this decision. We were given that option for the Bangor racino and I think we should allow this for

the Washington County racino. I hope my colleagues will allow the people of the State of Maine the opportunity to vote this up or down. Thank you very much.

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

THE PRESIDENT: The pending question before the Senate is Engrossment. 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 (#267)

YEAS: Senators: **BRYANT, COURTNEY, DAMON, DAVIS, DOW, GAGNON, HASTINGS, MARTIN, MAYO, MITCHELL, NUTTING, PERRY, PLOWMAN, RAYE, ROSEN, SAVAGE, SCHNEIDER, SNOWE-MELLO, TURNER, WESTON, WOODCOCK, THE PRESIDENT - BETH G. EDMONDS**

NAYS: Senators: **ANDREWS, BARTLETT, BRENNAN, BROMLEY, CLUKEY, COWGER, DIAMOND, HOBBS, MILLS, NASS, ROTUNDO, STRIMLING, SULLIVAN**

22 Senators having voted in the affirmative and 13 Senators having voted in the negative, **PASSED TO BE ENGROSSED**, without reference to a Committee, in concurrence.

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

House

Ought to Pass As Amended

The Committee on **JUDICIARY** on Bill "An Act To Include Regional Transportation Systems under the Maine Tort Claims Act"

H.P. 629 L.D. 910

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-691).**

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-691).**

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

READ ONCE.

Committee Amendment "A" (H-691) **READ** and **ADOPTED**, in concurrence.

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

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

COMMUNICATIONS

The Following Communication: H.C. 293

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

June 14, 2005

Honorable Joy J. O'Brien
Secretary of the Senate
122nd Legislature
Augusta, Maine 04333

Dear Madam Secretary:

The House voted today to adhere to its previous action whereby Bill "An Act To Amend Certain Fish and Wildlife Laws" (S.P. 344)(L.D. 1004) was Passed to be Engrossed as Amended by Committee Amendment "A" (S-317), House Amendment "A" (H-668) as Amended by Senate Amendment "A" (S-361) thereto and Senate Amendment "A" (S-330) as Amended by House Amendment "A" (H-684) thereto.

Sincerely,

S/Millicent M. MacFarland
Clerk of the House

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

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

REPORTS OF COMMITTEES

Senate

Ought to Pass As Amended

Senator MAYO for the Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act To Improve the Child Welfare Ombudsman Function"

S.P. 72 L.D. 219

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-371)**.

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

READ ONCE.

Committee Amendment "A" (S-371) **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.

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 **JUDICIARY** on Bill "An Act To Amend the Maine Tort Claims Act"

H.P. 655 L.D. 936

Reported that the same **Ought to Pass as Amended by Committee Amendment "B" (H-694)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (H-694)**.

Report **READ**.

On motion by Senator **HOBBINS** of York, **TABLED** until Later in Today's Session, pending **ACCEPTANCE OF REPORT**, in concurrence.

The Committee on **JUDICIARY** on Bill "An Act To Correct Errors and Inconsistencies in the Laws of Maine" (EMERGENCY)
H.P. 1145 L.D. 1622

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-692)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-692)**.

Report **READ**.

On motion by Senator **HOBBINS** of York, **TABLED** until Later in Today's Session, pending **ACCEPTANCE OF REPORT**, in concurrence.

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

PAPERS FROM THE HOUSE

Non-Concurrent Matter

Bill "An Act To Limit the Liability of Ambulance Services in Maine"
H.P. 287 L.D. 385
(C "A" H-543)

In Senate, May 31, 2005, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-543)**, in concurrence.

Comes from the House, **PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "A" (H-693)**, in **NON-CONCURRENCE**.

On motion by Senator **HOBBINS** of York, **TABLED** until Later in Today's Session, pending **FURTHER CONSIDERATION**.

Senate at Ease.

Senate called to order by the President.

ORDERS OF THE DAY

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

HOUSE REPORT - from the Committee on **JUDICIARY** on Bill "An Act To Correct Errors and Inconsistencies in the Laws of Maine" (EMERGENCY)

H.P. 1145 L.D. 1622

Report - **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-692)**

Tabled - June 14, 2005, by Senator **HOBBINS** of York

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

(In House, June 14, 2005, Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-692)**.)

(In Senate, June 14, 2005, Report **READ**.)

Report **ACCEPTED**, in concurrence.

READ ONCE.

Committee Amendment "A" (H-692) **READ** and **ADOPTED**, in concurrence.

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

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

Bill "An Act To Limit the Liability of Ambulance Services in Maine"
H.P. 287 L.D. 385
(C "A" H-543)

Tabled - June 14, 2005, by Senator **HOBBS** of York

Pending - **FURTHER CONSIDERATION**

(In Senate, May 31, 2005, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-543)**, in concurrence.)

(In House, June 14, 2005, **PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "A" (H-693)**, in **NON-CONCURRENCE**.)

On motion by Senator **HOBBS** of York, the Senate **RECEDED** and **CONCURRED**.

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

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

Senator **BRYANT** of Oxford was granted unanimous consent to address the Senate off the Record.

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

On motion by Senator **BRENNAN** of Cumberland, **ADJOURNED**, to Wednesday, June 15, 2005, at 4:30 in the afternoon.