

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

In Senate Chamber
Friday
April 7, 2006

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

Prayer by Senator Arthur F. Mayo, III of Sagadahoc County.

SENATOR MAYO: Good morning. Eternal Father, who knows the actions and motivations of each member of the Senate, lead us to be true to Your standards of morality. When we, as Senators, attempt to be curt and blunt, let us be kind. When we, as Senators, are moved to ridicule a fellow Senator, let us see You in him. When we, as Senators, are about to lie about another member of this Body, remind us that You are the source of reason and truth. As the days of the Senate come down to just a very few, let us show to each other the same face, regardless of party affiliation and regardless of which side of an issue we stand. We ask these things through Christ our Lord. Amen.

Reading of the Journal of Thursday, April 6, 2006.

Off Record Remarks

PAPERS FROM THE HOUSE

Non-Concurrent Matter

Bill "An Act To Protect the Privacy of Cellular Telephone Customers" (EMERGENCY)

H.P. 1436 L.D. 2038
(C "A" H-892)

In Senate, March 31, 2006, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-892)**, in concurrence.

Comes from the House, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-892) AS AMENDED BY HOUSE AMENDMENT "A" (H-956)** thereto, in **NON-CONCURRENCE**.

Senator **BARTLETT** of Cumberland moved the Senate **RECEDE** and **CONCUR**.

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

Senator **BARTLETT:** Thank you, Madame President. When this bill came before the Utilities and Energy Committee we learned of some very unfortunate transactions taking place on the internet. Unfortunately, cell phone records were being widely distributed over the internet. Anyone could log on and simply acquire records of anyone else. This never occurred to us to be a problem because we already have legal protections for our land-lines. Those records can't be sold. It's one of those cases where technology got a couple of steps ahead of us and we were very happy to move this legislation along. While we did that, though, we learned of some additional concerns, which is why the other Body has placed an amendment on this bill. Of particular concern is that it is now possible, with a lot of these modern cell phones, for someone to hack into your cell phone and place some software in there that would then allow them to track your cell phone information. It's not just about records any more, it's about, like with a computer, the ability of people to hack in and steal your information. The amendment simply adds that provision to the bill and by passing this all of our constituents will be much safer as we go forward. Thank you, Madame President.

On motion by Senator **BARTLETT** of Cumberland, the Senate **RECEDED** and **CONCURRED**.

COMMUNICATIONS

The Following Communication: S.C. 612

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

April 4, 2006

Honorable Beth Edmonds, President of the Senate
Honorable John Richardson, Speaker of the House
122nd Maine Legislature
State House
Augusta, Maine 04333

Dear President Edmonds and Speaker Richardson:

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

- L.D. 263 An Act To Support and Expand Nursing Education Opportunities at Maine's Public Universities
- L.D. 292 An Act To Establish a New Method of Determining the State Budget
- L.D. 636 An Act To Authorize a General Fund Bond Issue To Construct a Freshwater Aquaculture and Freshwater Species Biotechnology Center

- L.D. 756 An Act To Authorize a General Fund Bond Issue To Revitalize Downtown Areas, Support Cultural Tourism and Expand Maine's Creative Economy
- L.D. 799 An Act To Authorize a General Fund Bond Issue To Create a Holocaust Human Rights Center at the University of Maine at Augusta
- L.D. 876 An Act Authorizing a General Fund Bond Issue To Encourage Development of Maine's Traditional Industries
- L.D. 890 An Act To Authorize a General Fund Bond Issue for Certain State Parks
- L.D. 891 An Act To Authorize a General Fund Bond Issue To Fight Global Warming through Energy Conservation
- L.D. 926 An Act Authorizing a General Fund Bond Issue To Preserve Maine's Traditional Working Waterfront and Farming Economies by Ensuring Access to Working Waterfront and Farmland
- L.D. 999 An Act To Authorize a General Fund Bond Issue To Provide Funds for Building Renovations at Campuses of the University of Maine System, the University of Southern Maine and the Maine Community College System
- L.D. 1278 An Act Requiring Long-range Budget Planning
- L.D. 1905 An Act To Conserve Energy in Maine Homes
- L.D. 1915 An Act To Increase Supervision of Red Tide on the Maine Coast
- L.D. 1940 An Act To Provide an Energy Emergency Relief Fund To Provide Assistance for Home Heating Fuel Costs for Residents of This State, for Gasoline Costs for Service Providers and for Heating Fuel for Health Care Services Providers
- L.D. 1941 An Act To Provide Funding for the Maine Clean Election Fund

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

The Following Communication: H.C. 438

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

April 6, 2006

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

Dear Secretary O'Brien:

The House voted today to adhere to its previous action whereby it accepted the Majority Ought Not to Pass Report of the Committee on Taxation on Bill "An Act To Implement Recommendations of the Study Commission Regarding Liveable Wages Concerning the State Earned Income Tax Credit" (H.P. 1428) (L.D. 2027)

Sincerely,

S/Millicent M. MacFarland
Clerk of the House

READ and **ORDERED PLACED ON FILE.**

ORDERS

Joint Resolutions

Joint Resolution in Memoriam:

WHEREAS, the Legislature has learned with deep regret of the death of:

Patricia M. Ryan, of Kennebunk, longtime educator, who was dedicated to promoting excellence and the pursuit of lifelong learning. Educated as a nurse, Dr. Ryan began her career as a faculty member at St. Joseph Hospital School of Nursing and later taught at Quincy College. During her tenure at Quincy College, she held numerous positions, including Dean of Health and Life Sciences, Executive Dean of Plymouth Campus and Dean of Academics. In 1995, she was President of Harcum College in Bryn Mawr, Pennsylvania. In 2002, she was appointed President of York County Community College by the Board of Trustees of the Maine Community College System. She led the college through its transition from a technical college to a comprehensive community college. She worked tirelessly to ensure that a strong foundation for York County Community College was in place. Because of her efforts, future generations of Maine citizens will achieve their dream of a college education. Dr. Ryan's

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

Sincerely,

S/Sen. Margaret Rotundo
Senate Chair

S/Rep. Joseph C. Brannigan
House Chair

contributions to higher education have been many, and her spirit, intelligence, energy and humor will be deeply missed by all who knew her. We extend our condolences to her family;

SLS 1063

Sponsored by Senator ANDREWS of York.

Cosponsored by Senators: COURTNEY of York, DIAMOND of Cumberland, HOBBS of York, NASS of York, SULLIVAN of York, Representatives: COLLINS of Wells, BABBIDGE of Kennebunk, BEAUDETTE of Biddeford, BOWLES of Sanford, BROWN of South Berwick, BURNS of Berwick, CAMPBELL of Newfield, CRESSEY of Cornish, DAIGLE of Arundel, FARRINGTON of Gorham, HOGAN of Old Orchard Beach, JACOBSEN of Waterboro, LEWIN of Eliot, MAREAN of Hollis, MOULTON of York, MUSE of Fryeburg, NASS of Acton, OTT of York, PILON of Saco, SEAVEY of Kennebunkport, TUTTLE of Sanford, TWOMEY of Biddeford, VALENTINO of Saco, WHEELER of Kittery.

READ.

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

Senator **ANDREWS:** Thank you, Madame President and fellow members of the Senate. I first met Pat Ryan in 2002 when she was appointed to take over the Presidency of York Community College and I felt an immediate kinship with her. She was a fellow nurse. Over the past four years I've had many dealings and had occasion to meet many times with Pat Ryan. I was there when she was invested as President. I was there through many accreditation meetings that were done by a national organization. She worked very hard on the transition from a technical school to the community college. She was a tireless worker to bring a nursing program to York Community College. I am so pleased that she did have occasion to know before she passed on that this program had been approved. She was a tireless advocate for both nursing and the citizens of York and she'll be sorely missed. Thank you.

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

Senator **SULLIVAN:** Thank you, Madame President, men and women of the Senate. While I am not a nurse, it was, for me, Pat Ryan's warmth. When you think of college president, community college president, you think of some office where there is no interaction. The president just signs bills and has a wonderful job, much like our president here. She had real warmth. Whenever there was a reception or anything she would call us by name. She just made education something to aspire to for young people. The York County Community College has had a strange development. It is mortgaged, unlike any other of our community colleges. She was an outstanding person and the warmth that she brought to education, to aspire that indeed no child would be left behind, and no adult would be left behind. She did everything in her power to be sure that everybody got a chance to further themselves as a life-long learner. She will be sorely missed. Thank you.

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

Senator **NASS:** Thank you, Madame President, men and women of the Senate. Thank goodness we don't have to do this very often. Eulogies are difficult, especially if you haven't done many of them. Pat Ryan, I think you will hear from the York County delegation today, was important to us and the one thing that strikes me, Madame President, is that we spent a lot of time there. We were frequently invited and I think that was part of Pat Ryan's doing. She stayed in touch. She was very accessible. She would listen to what was going on up here, both rumors and truth, and would allow us a lot of latitude. She was the perfect president. I can't tell you the number of times and the number of issues we took to her. She was gracious. She was engaged. I think more importantly, you never had the sense that she was pushing at all for anything. Even though she had a lot of issues, I always left with the sense that she was calm about it and that things would happen in their own good time, but she would be constantly reminding you of the need to get something done. We will miss her. It will be difficult to replace her. I think I'll stop there. Thank you, Madame President.

ADOPTED.

Sent down for concurrence.

REPORTS OF COMMITTEES

House

Ought to Pass As Amended

The Committee on **INLAND FISHERIES AND WILDLIFE** on Bill "An Act To Implement the Recommendations of the ATV Trail Advisory Council"

H.P. 1453 L.D. 2057

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-947).**

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-947).**

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

READ ONCE.

Committee Amendment "A" (H-947) **READ.**

On motion by Senator **BRYANT** of Oxford, Senate Amendment "A" (S-564) to Committee Amendment "A" (H-947) **READ.**

On motion by Senator **WESTON** of Waldo, **TABLED** until Later in Today's Session, pending the motion by Senator **BRYANT** of Oxford to **ADOPT** Senate Amendment "A" (S-564) to Committee Amendment "A" (H-947).

Senate

Ought to Pass As Amended

Senator NUTTING for the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** on Bill "An Act To Clarify the Laws Governing Agricultural Composting Operations"
S.P. 381 L.D. 1064

Reported that the same **Ought to Pass as Amended by Committee Amendment "B" (S-563)**.

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

READ ONCE.

Committee Amendment "B" (S-563) **READ** and **ADOPTED**.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Senator MAYO for the Committee on **HEALTH AND HUMAN SERVICES** on Resolve, To Improve Retention, Quality and Benefits for Direct Care Health Workers
S.P. 735 L.D. 1934

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-568)**.

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

READ ONCE.

Committee Amendment "A" (S-568) **READ** and **ADOPTED**.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Senator MAYO for the Committee on **HEALTH AND HUMAN SERVICES** on Resolve, To Improve Quality and Access to Mental Health Care Through the Development of a Joint Strategic Plan
S.P. 760 L.D. 1973

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-569)**.

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

READ ONCE.

Committee Amendment "A" (S-569) **READ** and **ADOPTED**.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Divided Report

Ten members of the Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act To Further the Implementation of the Essential Programs and Services Funding Model"
S.P. 683 L.D. 1766

Reported in Report "A" that the same **Ought to Pass as Amended by Committee Amendment "A" (S-566)**.

Signed:

Senators:
MITCHELL of Kennebec
SCHNEIDER of Penobscot
TURNER of Cumberland

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

Two members of the same Committee on the same subject reported in Report "B" that the same **Ought to Pass as Amended by Committee Amendment "B" (S-567)**.

Signed:

Representatives:
EDGECOMB of Caribou
MERRILL of Appleton

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

Signed:

Representative:
STEDMAN of Hartland

Reports **READ**.

Senator **MITCHELL** of Kennebec moved the Senate **ACCEPT** Report "A", **UGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (S-566)**.

On further motion by same Senator, **TABLED** until Later in Today's Session, pending the motion by same Senator to **ACCEPT** Report "A", **UGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (S-566)**.

SECOND READERS

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

House As Amended

Bill "An Act To Allow Small Businesses To Participate in Liquor Sales"

H.P. 1260 L.D. 1820
(S "A" S-560 to C "A" H-821)

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

Sent down for concurrence.

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

ENACTORS

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

Emergency Resolve

Resolve, To Create the Human Trafficking Task Force
H.P. 893 L.D. 1296
(S "A" S-534 to C "A" H-864)

On motion by Senator **GAGNON** of Kennebec, placed on the **SPECIAL STUDY TABLE**, pending **PASSAGE**, in concurrence.

Acts

An Act To Clarify the Taxable Status of Processing Fees Charged in Connection with Cancelled Lodging Reservations
S.P. 666 L.D. 1749
(C "A" S-530)

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

An Act To Clarify the Qualifications for the Maine Residents Property Tax Program

S.P. 714 L.D. 1797
(C "A" S-532)

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

Senate at Ease.

Senate called to order by the President.

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

ENACTORS

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

Emergency Measure

An Act To Establish the Pine Tree Recreation Zone
H.P. 143 L.D. 192
(C "A" H-929)

This being an Emergency Measure and having received the affirmative vote of 34 Members of the Senate, with no Senators having voted in the negative, and 34 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.

Emergency Measure

An Act To Amend the Laws Relating to Motorized Scooters, Motor-driven Cycles and Mopeds
H.P. 1027 L.D. 1464
(C "B" H-730; H "A" H-747)

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

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

PAPERS FROM THE HOUSE

Non-Concurrent Matter

Resolve, Authorizing the Department of Conservation, Bureau of Parks and Lands To Convey Certain Lands
S.P. 827 L.D. 2095

In Senate, March 29, 2006, **PASSED TO BE ENGROSSED**.

Comes from the House, **PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "A" (H-967)**, in **NON-CONCURRENCE**.

Senator **NUTTING** of Androscoggin moved the Senate **RECEDE** and **CONCUR**.

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

Senator **NUTTING**: Thank you, Madame President. This is not the land transfer bill regarding Baxter. This is the non-controversial piece of it. There was a very small technical amendment that was put on in the other Body. I think we should recede and concur.

On motion by Senator **NUTTING** of Androscoggin, the Senate **RECEDED** and **CONCURRED**.

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

ENACTORS

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

Emergency Measure

An Act To Establish the Maine Agricultural Water Management Board and the Sustainable Agricultural Water Source Program
S.P. 693 L.D. 1776
(C "A" S-540)

This being an Emergency Measure and having received the affirmative vote of 34 Members of the Senate, with no Senators having voted in the negative, and 34 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.

Emergency Measure

An Act To Establish Guidelines and Criteria for Audits Conducted by the Department of Health and Human Services
H.P. 1368 L.D. 1951
(C "A" H-933)

This being an Emergency Measure and having received the affirmative vote of 34 Members of the Senate, with no Senators having voted in the negative, and 34 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.

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 Clarify the Uninsured Motorist Laws
H.P. 1422 L.D. 2021

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:

ENACTORS

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

Resolves

Resolve, To Ensure That Consumers Are Informed of a Debit Card Hold at the Point of Sale

H.P. 1275 L.D. 1835
(C "A" H-930)

Resolve, Authorizing the Commissioner of Administrative and Financial Services To Sell or Lease the Interests of the State in Certain Real Property Located on state Highway 191 in East Machias; U.S. Route 1 in Thomaston; U.S. Route 2 in Skowhegan; and Hospital Street in Augusta

H.P. 1304 L.D. 1864
(C "B" H-927)

Resolve, Directing the Department of Health and Human Services To Develop a Model for Community-based Therapeutic Living Settings for Adults with Mental Illness

H.P. 1390 L.D. 1983
(C "A" H-932)

FINALLY PASSED and having been signed by the President were 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

Senate

Ought to Pass Pursuant to Joint Order

Senator MITCHELL for the Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act Relating to Secondary School Construction Projects"

S.P. 844 L.D. 2104

Reported that the same **Ought to Pass**, pursuant to Joint Order, S.P. 764.

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

READ ONCE.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

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

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

REPORTS OF COMMITTEES

House

Ought to Pass

The Committee on **HEALTH AND HUMAN SERVICES** on Resolve, Regarding Legislative Review of Portions of Chapter III, Section 50: Intermediate Care Facilities for the Mentally Retarded, a Major Substantive Rule of the Department of Health and Human Services (EMERGENCY)

H.P. 1458 L.D. 2062

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

Comes from the House with the Report **READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED.**

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

READ ONCE.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

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

REPORTS OF COMMITTEES

House

Ought to Pass As Amended

The Committee on **HEALTH AND HUMAN SERVICES** on Resolve, To Ensure the Coordination and Effectiveness in the Provision of Outpatient and Medication Management Services under Maine's Noncategorical Waiver

H.P. 1208 L.D. 1701

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-964).**

Comes from the House with the Report **READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-964).**

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

READ ONCE.

Committee Amendment "A" (H-964) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

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

REPORTS OF COMMITTEES

House

Ought to Pass As Amended

The Committee on **UTILITIES AND ENERGY** on Bill "An Act To Protect Maine's Electricity Consumers"

H.P. 1338 L.D. 1897

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-959).**

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-959).**

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

READ ONCE.

Committee Amendment "A" (H-959) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

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

REPORTS OF COMMITTEES

House

Ought to Pass As Amended

The Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act To Ensure Appropriate Reimbursement of Rising Energy Costs for Long-term Care Facilities" (EMERGENCY)

H.P. 1402 L.D. 2000

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-963)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-963)**.

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

READ ONCE.

Committee Amendment "A" (H-963) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

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

REPORTS OF COMMITTEES

House

Ought to Pass As Amended

The Committee on **UTILITIES AND ENERGY** on Bill "An Act To Allow Consolidation of the Winterport Sewerage District and the Winterport Water District To Create Incentives For Consumers To Pay Water Bills"

H.P. 1418 L.D. 2018

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-958)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-958)**.

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

READ ONCE.

Committee Amendment "A" (H-958) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

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

REPORTS OF COMMITTEES

House

Ought to Pass As Amended

The Committee on **TAXATION** on Bill "An Act To Establish Municipal Cost Components for Unorganized Territory Services To Be Rendered in Fiscal Year 2006-07" (EMERGENCY)
H.P. 1437 L.D. 2039

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-952)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-952)**.

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

READ ONCE.

Committee Amendment "A" (H-952) **READ.**

On motion by Senator **MARTIN** of Aroostook, **TABLED** until Later in Today's Session, pending **ADOPTION** of Committee Amendment "A" (H-952), in concurrence.

Off Record Remarks

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

REPORTS OF COMMITTEES

House

Ought to Pass Pursuant to Statute

The Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act To Implement the Recommendations of the Joint Standing Committee on Education and Cultural Affairs Regarding Review of the State Board of Education under the State Government Evaluation Act"

H.P. 1494 L.D. 2103

Reported that the same **Ought to Pass**, pursuant to the Maine Revised Statutes, Title 3, section 955, subsection 4.

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

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

READ ONCE.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

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

ROLL CALL (#395)

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

Off Record Remarks

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

On motion by Senator **BRENNAN** of Cumberland, **RECESSED** until the sound of the bell.

After Recess

Senate called to order by the President.

ORDERS OF THE DAY

Unfinished Business

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

The Chair laid before the Senate the following Tabled and Later (3/31/06) Assigned matter:

SENATE REPORTS - from the Committee on **NATURAL RESOURCES** on Bill "An Act To Ensure the Long-term Capacity of Municipal Landfills" (EMERGENCY)
S.P. 712 L.D. 1795

Majority - **Ought to Pass as Amended by Committee Amendment "A" (S-539)** (10 members)

Minority - **Ought Not to Pass** (3 members)

Tabled - March 31, 2006, by Senator **COWGER** of Kennebec

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

(In Senate, March 31, 2006, Reports **READ**.)

On motion by Senator **DAVIS** of Piscataquis, 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.

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, WESTON, WOODCOCK, THE PRESIDENT - BETH G. EDMONDS**

NAYS: Senators: None

ABSENT: Senator: **TURNER**

34 Senators having voted in the affirmative and no Senator having voted in the negative, with 1 Senator being absent, the motion by Senator **COWGER** of Kennebec to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report, **PREVAILED**.

READ ONCE.

Committee Amendment "A" (S-539) **READ** and **ADOPTED**.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Chair laid before the Senate the following Tabled and Later (4/06/06) Assigned matter:

Bill "An Act To Increase the Minimum Wage"
H.P. 174 L.D. 235
(C "A" H-725)

Tabled - April 6, 2006, by Senator **STRIMLING** of Cumberland

Pending - **FURTHER CONSIDERATION**

(In Senate, March 27, 2006, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-725)**, in concurrence.)

(In House, April 5, 2006, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-725) AS AMENDED BY HOUSE AMENDMENT "D" (H-916)** thereto, in **NON-CONCURRENCE**.)

Senator **STRIMLING** of Cumberland moved the Senate **INSIST**.

Senator **MILLS** of Somerset moved the Senate **RECEDE** and **CONCUR**.

On motion by Senator **STRIMLING** of Cumberland, 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 (#396)

YEAS: Senators: ANDREWS, COURTNEY, COWGER, DAVIS, DOW, HASTINGS, MILLS, NASS, PLOWMAN, RAYE, ROSEN, SAVAGE, SNOWE-MELLO, TURNER, WESTON, WOODCOCK

NAYS: Senators: BARTLETT, BRENNAN, BROMLEY, BRYANT, CLUKEY, DAMON, DIAMOND, GAGNON, HOBBS, MARTIN, MAYO, MITCHELL, NUTTING, PERRY, ROTUNDO, SCHNEIDER, STRIMLING, SULLIVAN, THE PRESIDENT - BETH G. EDMONDS

16 Senators having voted in the affirmative and 19 Senators having voted in the negative, the motion by Senator **MILLS** of Somerset to **RECEDE** and **CONCUR**, **FAILED**

On motion by Senator **STRIMLING** of Cumberland, the Senate **INSISTED**.

Sent down for concurrence.

The Chair laid before the Senate the following Tabled and Later (4/06/06) Assigned matter:

HOUSE REPORTS - from the Committee on **TAXATION** on Bill "An Act To Implement Recommendations of the Study Commission Regarding Liveable Wages Concerning the Circuit Breaker Program"

H.P. 1426 L.D. 2025

Majority - **Ought Not to Pass** (7 members)

Minority - **Ought to Pass as Amended by Committee Amendment "A" (H-910)** (5 members)

Tabled - April 6, 2006, by Senator **PERRY** of Penobscot

Pending - motion by same Senator to **ACCEPT** the Minority **OUGHT TO PASS AS AMENDED** Report, in concurrence

(In House, April 5, 2006, the Minority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-910)**.)

(In Senate, April 6, 2006, Reports **READ**.)

On motion by Senator **DAVIS** of Piscataquis, 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 (#397)

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

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

19 Senators having voted in the affirmative and 16 Senators having voted in the negative, the motion by Senator **PERRY** of Penobscot to **ACCEPT** the Minority **OUGHT TO PASS AS AMENDED** Report, in concurrence, **PREVAILED**.

READ ONCE.

Committee Amendment "A" (H-910) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Chair laid before the Senate the following Tabled and Later (4/06/06) Assigned matter:

SENATE REPORTS - from the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** on Bill "An Act To Make Adjustments to the Allagash Wilderness Waterway" S.P. 811 L.D. 2077

Majority - **Ought to Pass as Amended by Committee Amendment "A" (S-559)** (12 members)

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

Tabled - April 6, 2006, by Senator **BRENNAN** of Cumberland

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

(In Senate, April 6, 2006, Reports **READ**.)

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

READ ONCE.

Committee Amendment "A" (S-559) **READ** and **ADOPTED**.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

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

REPORTS OF COMMITTEES

Senate

Divided Report

Six Members of the Committee on **TAXATION** on Bill "An Act Concerning Technical Changes to the Tax Laws"
S.P. 668 L.D. 1751

Reported in Report "A" that the same **Ought to Pass as Amended by Committee Amendment "A" (S-571)**

Signed:

Senators:

PERRY of Penobscot
STRIMLING of Cumberland

Representatives:

CLARK of Millinocket
WOODBURY of Yarmouth
HUTTON of Bowdoinham
WATSON of Bath

Six Members of the same Committee on the same subject reported in Report "B" that the same **Ought to Pass as Amended by Committee Amendment "B" (S-572)**.

Signed:

Senator:

COURTNEY of York

Representatives:

HANLEY of Paris
McCORMICK of West Gardiner
CLOUGH of Scarborough
BIERMAN of Sorrento
SEAVEY of Kennebunkport

Reports **READ**.

On motion by Senator **STRIMLING** of Cumberland Report "A", **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (S-571) READ and ACCEPTED**.

READ ONCE.

Committee Amendment "A" (S-571) **READ and ADOPTED**.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

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

REPORTS OF COMMITTEES

House

Divided Report

The Majority of the Committee on **INSURANCE AND FINANCIAL SERVICES** on Bill "An Act To Create the Insurance Fraud Division within the Bureau of Insurance"
H.P. 1394 L.D. 1990

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-924)**.

Signed:

Senators:

SULLIVAN of York
MILLS of Somerset
MAYO of Sagadahoc

Representatives:

PERRY of Calais
McKANE of Newcastle
BRAUTIGAM of Falmouth
PILON of Saco
VAUGHAN of Durham
GLYNN of South Portland
RICHARDSON of Warren
MARRACHÉ of Waterville
HARLOW of Portland

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

Signed:

Representative:

LINDELL of Frankfort

Comes from the House with the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **FAILED PASSAGE TO BE ENGROSSED AS AMENDED**.

Reports **READ**.

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

On motion by Senator **DAVIS** of Piscataquis, 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 Somerset, Senator Mills.

Senator **MILLS:** Thank you, Madame President and men and women of the Senate. I'm on the majority Ought to Pass report but I have gotten further information since voting in committee and have had a better chance to examine the consequences of this bill. I am advising the Chamber, if I may, that I would suggest

that we follow the good work of the other Body and vote against the pending motion.

The bill before us would create four new positions within the Department of Insurance and a new position within the Office of the Attorney General, which is already the State's largest law firm, by quite a bit. These would all be for purposes of examining, investigating, and prosecuting a very thin sliver of our criminal laws; the criminal laws that have to do with insurance fraud. At present, these investigations and these prosecutions are done by our District Attorneys in much the same fashion that embezzlement, theft, and other crimes are investigated routinely and prosecuted and brought to justice. I don't understand why we, at this point, need to create five new positions to prosecute a special and narrow area of crime at a cost of \$450,000 a year. The Bureau says that they can either absorb this cost or they will go ahead and blithely charge, as they are entitled to do, the insurance industry, which will be passed through to customers, for these new positions. My own view is that we ought to let the criminal justice system, as it is presently structured, take care of these crimes in the usual way and not create a special prosecutorial system for a select class of citizens. In this case that select class of citizens is a bunch of insurance companies who would like to have their own criminal justice system. I just think that they ought to line up with the rest of the victims in our society and get their justice at the County Commissioner's Offices and at the DA's Offices, where citizens are accustomed to getting it as well. Thank you.

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

Senator **SULLIVAN:** Thank you, Madame President, men and women of the Senate. Indeed, at one point, this was a 12 - 1 report and I'm hearing it is now an 11 - 2 report. I would like to correct a couple of statements and explain a little of the history on this.

First of all, it is two positions that the Bureau would add. It is a request from Will Lund's department, which is consumer protection. This bill is about consumer protection and I would suggest to each of you that when you go home for your weekend, hopefully soon, check on your PNC and your property premiums and take a look at your car insurance. You will see that a certain amount of that premium goes to fighting fraud. Maine has now been hit. We have sat for so long and said we were well protected because we live in such a nice little community. Well, we're really close to a lot of places. The drugs and all have come up. We have rings of people who actually will step in front of a car, say they are hit, collect the insurance, and move on to another one and collect the insurance. It's a ring. These are scam rings.

This was a carry-over bill while the Department of Consumer Regulations took a look at it and came up with it. The reason why the Bureau says they can absorb it, and indeed they never mentioned raising more premium rates, because this bureau is self-funded. It does not go to the General Fund at all. The insurance agents asked for this. They fund this. They are not the greedy insurance companies today. Tomorrow I might say something different. On this bill they are here asking and willing to pay for this with the very money they are paying out. They are paying those fees.

It's two positions. It is a growing problem. I know if I go to my District Attorney, Mark Lawrence, he will tell us that there is a

huge back-log and many cases are either plea bargained or whatever. Insurance companies are asking for help and that help effects your premiums and it effects the premiums of your constituents. That is what this bill is about. That is why this bill originally was a 12 - 1. Only one Representative was in the opposition. This is about protecting your constituents by a group of people who pay to self-fund their own regulations. That is what this bill is about. Thank you.

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

Senator **COWGER:** Thank you, Madame President and colleagues in the Senate. During my time on the Appropriations Committee during the last session I was observing that the other special revenue funds of the Bureau of Insurance typically had substantial balances in them. I was wondering if anybody could tell me, if I may ask the question, what the balances are in those funds currently?

THE PRESIDENT: The Senator from Kennebec, Senator Cowger poses a question through the Chair to anyone who may wish to answer. The Chair recognizes the Senator from Sagadahoc, Senator Mayo.

Senator **MAYO:** Thank you, Madame President, ladies and gentlemen of the Senate. Very briefly, since I have been in the legislature I have been involved with one of these issues and as a result I presented a bill before the legislature dealing pretty much with what we have in front of us. At that point, the insurance industry was not particularly sympathetic to it and the bill did not go very far. I was traveling back to my hometown on a four-lane highway and the car in front of me stopped, with no taillights, and I rear-ended that particular car. Interestingly enough, the sheriff of the county happened to be behind me because we had both been at the same meeting up the road. It ended up costing my insurance company a little in excess of \$80,000 by the time that case was settled. Subsequently, we found that this was the seventh time that this particular individual had been rear-ended in less than ten years. Unfortunately, the county attorney had so many other matters ahead of him that he chose not to move forward with it. As far as I know this same situation may be going on with the same individual.

I think this is a good piece of legislation. I was happy to sign on the majority report and I hope it goes forward today as consumer protection. Thank you.

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

Senator **MILLS:** Thank you, Madame President and men and women of the Senate. There are good arguments on both sides of this bill and I don't want to suggest that there isn't an alternative position. After all, I adopted it about two weeks ago. I do want to correct the record. The bill does authorize and call for a Public Service Manager II position, an Auditor III position, one Field Investigator position, and one Clerk Typist III in addition to a full-time Assistant Attorney General; five positions to be added to service this very particular kind of crime. I don't understand why it's being called a consumer protection bill. It is a bill that is designed to prosecute wayward consumers or fraudulent consumers. I'm all in favor of getting that done, but to suggest

that the DAs don't have the resources to prosecute these crimes is absurd. If they are having problems then they must be having such problems across the board with property crimes, crimes of violence, crime of embezzlement, and all sorts of things. Why aren't all of the victims of crime here today asking for better funding and more positions in the DA's offices? Why is it that we have an industry that comes in and says, 'We want to get out of your system. We don't want to be in the same system as all of the other scruffy victims. We've got our own victim's court, our own victim's prosecution system. We want insurance companies treated specially when there is fraud against them, but if you've got a homeowner break-in or an embezzlement of a small business, well they can go wait in line along with the rest of the public and take justice as it comes up.' There is something that bothers me about the special privilege that seems to be created for a special class of corporate citizens in this bill. That is what's bothered me about it and why I've changed my mind about it. For that reason I will vote against the pending motion. Thank you.

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

Senator **SULLIVAN:** Thank you, Madame President, men and women of the Senate. I just wanted to say a couple of quick things. I would, again, remind you that there are consumers who pay the premiums, day in and day out, while there are people going around taking advantage of that and suing insurance companies, going to court, and letting the lawyers make lots of money. They must be calling Joe Bornstein. The insurance agents want to be able to find the people that are stealing from them. Quite frankly, just like with shoplifting in retail business or any things else, the good people, the honest people, pay for it. That's what we are doing. It's a consumer bill because it came from the Department of Consumer Protection. It's not a criminal protection bill, unless it fails. It's a consumer protection bill. You and I, because we drove here today, are paying part of that to let people who are on the road have insurance frauds because our District Attorneys are overworked. You've listened to the Chief Justice tell you that. You've heard about the backlogs. Quite frankly, they are prioritized just like you probably do your budget. The worse crimes are prosecuted first and they go down the system. There is nothing new about this. This is smoke and mirrors. I'm asking you to support what has come forth as a consumer protection bill. Just like we would prosecute shoplifters for retail stores, this is people taking advantage of the insurance companies that you and I support with our premiums and we pay dearly. Look at your premiums. Take a look. Read the back side and you'll find out that it talks about the money they pay towards fraud.

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

Senator **PLOWMAN:** Thank you, Madame President. May I pose a question through the Chair?

THE PRESIDENT: The Senator may pose her question.

Senator **PLOWMAN:** Thank you, Madame President. For anyone who could answer, does this cover only liability, property insurance, and automobile or will this include Workers' Comp and medical insurance as well?

THE PRESIDENT: The Senator from Penobscot, Senator Plowman poses a question through the Chair to anyone who may wish to answer. The Chair recognizes the Senator from York, Senator Sullivan.

Senator **SULLIVAN:** Thank you, Madame President. I want to take a stab at this one. I believe Workers' Comp goes through their own system. I may be wrong on that. Also it would cover property. It would cover anywhere there is fraud going on. That's why they have the special units.

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

Senator **PLOWMAN:** Thank you, Madame President. In reading the fiscal note, I'm trying to figure out how much of the cost would actually be covered by the Bureau of Insurance. I see that the Attorney General's position is. Are the support staff positions also covered in this fiscal note or would that be coming from the General Fund?

THE PRESIDENT: The Senator from Penobscot, Senator Plowman poses a question through the Chair to anyone who may wish to answer. The Chair recognizes the Senator from York, Senator Sullivan.

Senator **SULLIVAN:** Thank you, Madame President, men and women of the Senate. When I first arrived in the other Body and people started talking about appropriations I had no idea what they were talking about. What do you mean, appropriations? What is this all-night stuff that you're talking about? Then in my second term I was on the Banking and Insurance Committee. We got these big things called budget bills and budget books that you went through. We don't even report to the Appropriations Committee unless they want the money or the interest that is given to them. They charge enough and the bureau keeps enough money on hand to cover one year in case insurance companies were to go belly-up or whatever. It's the way they do it. I believe it might have been the good Senator from York, Senator Nass, who was a Representative at that time, who asked if perhaps they could take over the budget. Then they wouldn't have to worry about that. This was when we were giving you \$6 million or whatever it was.

On the other question, the Attorney General and office staff, that part will also be paid by the Bureau. Many of the positions are part-time positions or job sharing or whatever. The Bureau will pay for everything. It does cover all insurance types, going back to the good Senator from Penobscot, Senator Plowman's question. It is all insurance, not just one small thing like motor vehicles. It covers all. It allows for investigating company fraud also, which we are not able to do now.

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

Senator **PLOWMAN:** Thank you, Madame President. Having heard the information, I appreciate the answers. There is a provision in this bill that does concern me and it's the request for immunity in order to share information from company to company and bureau to bureau. When a company asks for immunity I think we ought to be very careful about how we provide that kind of

immunity. You are going to be sharing information about me, my constituents, and as we call them in this bill, consumers. You remove all liability for what is shared and take away all responsibility for the impact that this information has. As we know right now insurance companies are using a lot of information to determine what we pay, including credit scores and other personal information. What worries me is that when you are given blanket immunity in order to share this kind of information no one is held responsible for the outcome. While we are talking about protecting consumers from fraud, I think it's almost insidious that we will not allow them any kind of protection to know what is being exchanged regarding their personal information and there is no ability for them to be notified of what will be exchanged and there is no ability for them to be able to refute the information that is exchanged. The consumer protection will be extended to prosecute but there will be no protection expended or extended to defend yourself against allegations made about you from one insurance company to another, and perhaps presented to the Attorney General's Office and forwarded on to a Grand Jury. These are all very unintended consequences, I'm sure, but the protections are not there. If you worry about what goes on your credit report, at least you can check it. I'm inclined not to vote for this bill because of the immunities offered. This is not what my consumers want to have floating around. I do understand that we can already prosecute these crimes and there maybe a lack of resources at that area. We have to get at that problem before I'm willing to put my vote on the board and tell my consumers that they have lost all their protections and everything will pass under the radar back and forth. I'm sorry that I will not be able to support this report. Thank you.

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

Senator **BARTLETT:** Thank you, Madame President, men and women of the Senate. I just wanted to clarify that if information is collected and forwarded to a prosecutor for prosecution anyone charged with that crime is going to have an opportunity to get discovery. That means that they are going to be able to get the evidence against them so they will know that information has been shared, and in all likeliness, know where it has come from. There is a process in place through the legal system once it's forwarded onto a prosecutor. There will be an opportunity to challenge any transfer of that information at that time.

THE PRESIDENT: The Senator from Penobscot, Senator Plowman, requests unanimous consent of the Senate to address the Senate a third time on this matter. Hearing no objection, the Senator may proceed.

Senator **PLOWMAN:** Thank you, Madame President. May I ask a question through the Chair?

THE PRESIDENT: The Senator may pose her question.

Senator **PLOWMAN:** Thank you, Madame President. I understand that a consumer will be notified if their information is forwarded for prosecution. If the information is only exchanged between insurance company and insurance company and effects a person's right to be insured or effects their rates, what kind of protections are offered to the consumer, not knowing that this

information is being exchanged? That is certainly as high a penalty as being sent forward for prosecution, but it certainly could have an impact on whether you are able to insure your home, your automobile, or your business. If someone could answer, what protections are there for an agency-to-agency sharing of information I would appreciate it. Thank you.

THE PRESIDENT: The Senator from Penobscot, Senator Plowman poses a question through the Chair to anyone who may wish to answer. The Chair recognizes the Senator from York, Senator Sullivan.

Senator **SULLIVAN:** Thank you, Madame President, men and women of the Senate. For the record, as a good teacher I always say this will be the last question that I will answer on this because we have spent time and we need to get on. Kids love to take you on tangents. This will be my last question answered, but I will try to do it.

First of all, the biggest reason why we have company-to-company is that, and I use the case of car insurance, is because they go to different companies. It might be Company ABC. If ABC kept getting the same ring of people in these accidents they would catch on real quickly. ABC doesn't know what is happening with XYZ, so they would share that information so they would know. There has to be reason to believe that there is fraud going on. Companies are not just going to take all their policies and begin. There are also laws that tell them what kinds of information you can share. This is simply to allow better company-to-company sharing of information on what they suspect is fraud or a scam ring. We have very definite laws, privacy laws, as to what kind of personal information you can share. We're talking about fraud information. We're talking about suspect that something illegal is going on. I want a disclaimer that whatever question is asked, I may or may not know the answer, but I'm not standing up to answer it anyways. Thank you.

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#398)

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

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

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

READ ONCE.

Committee Amendment "A" (H-924) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

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

ENACTORS

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

Acts

An Act To Replace the Common Enemy Rule with Regard to Changing the Flow of Surface Water

S.P. 271 L.D. 816
(C "A" S-542)

An Act To Amend the Motor Vehicle Laws

H.P. 1306 L.D. 1866
(C "A" H-849)

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

An Act To Amend the Maine Health Data Organization and Maine Health Data Processing Center Laws

S.P. 677 L.D. 1760
(C "A" S-515)

On motion by Senator **DAVIS** of Piscataquis, 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 (#399)

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

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

19 Senators having voted in the affirmative and 16 Senators 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.

ORDERS OF THE DAY

On motion by Senator **ROTUNDO** of Androscoggin, the Senate removed from the **SPECIAL APPROPRIATIONS TABLE** the following:

An Act To Expand the Maine Economic Improvement Fund
H.P. 38 L.D. 42
(C "A" H-281)

Tabled - May 24, 2005, by Senator **ROTUNDO** of Androscoggin

Pending - **ENACTMENT**, in concurrence

(In Senate, May 19, 2006, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-281)**, in concurrence.)

(In House, May 23, 2006, **PASSED TO BE ENACTED**.)

On further motion by same Senator, Bill and accompanying papers **INDEFINITELY POSTPONED**, in **NON-CONCURRENCE**.

Ordered sent down forthwith for concurrence.

On motion by Senator **ROTUNDO** of Androscoggin, the Senate removed from the **SPECIAL APPROPRIATIONS TABLE** the following:

An Act To Increase Eligibility for the Property Tax Exemption for Veterans'

H.P. 70 L.D. 74
(C "A" H-529)

Tabled - June 2, 2005, by Senator **ROTUNDO** of Androscoggin

Pending - **ENACTMENT**, in concurrence

(In Senate, May 31, 2005, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-529)**, in concurrence.)

(In House, June 2, 2005, **PASSED TO BE ENACTED**.)

On further motion by same Senator, Bill and accompanying papers **INDEFINITELY POSTPONED**, in **NON-CONCURRENCE**.

Ordered sent down forthwith for concurrence.

On motion by Senator **ROTUNDO** of Androscoggin, the Senate removed from the **SPECIAL APPROPRIATIONS TABLE** the following:

An Act To Increase the Adult Education State Subsidy by a Specific Percentage

S.P. 38 L.D. 96
(C "A" S-63)

Tabled - April 13, 2005, by Senator **ROTUNDO** of Androscoggin

Pending - **ENACTMENT**, in concurrence

(In Senate, April 5, 2005, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-63).**)

(In House, April 12, 2005, **PASSED TO BE ENACTED.**)

On further motion by same Senator, Bill and accompanying papers **INDEFINITELY POSTPONED**, in **NON-CONCURRENCE**.

Ordered sent down forthwith for concurrence.

On motion by Senator **ROTUNDO** of Androscoggin, the Senate removed from the **SPECIAL APPROPRIATIONS TABLE** the following:

An Act To Improve the Delivery of Maine's Mental Health Services

S.P. 57 L.D. 151
(H "A" H-716; S "B" S-373
to C "A" S-367)

Tabled - June 17, 2005, by Senator **ROTUNDO** of Androscoggin

Pending - **ENACTMENT**, in concurrence

(In Senate, June 17, 2005, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-367) AS AMENDED BY SENATE AMENDMENT "B" (S-373) AND HOUSE AMENDMENT "A" (H-716)** thereto.)

(In House, June 17, 2005, **PASSED TO BE ENACTED.**)

On further motion by same Senator, Bill and accompanying papers **INDEFINITELY POSTPONED**, in **NON-CONCURRENCE**.

Ordered sent down forthwith for concurrence.

On motion by Senator **ROTUNDO** of Androscoggin, the Senate removed from the **SPECIAL APPROPRIATIONS TABLE** the following:

An Act To Amend the Law Regarding Resale Certificates

H.P. 120 L.D. 169
(S "B" S-122 to C "A" H-78)

Tabled - May 20, 2005, by Senator **ROTUNDO** of Androscoggin

Pending - **ENACTMENT**, in concurrence

(In Senate, May 16, 2005, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-78) AS AMENDED BY SENATE AMENDMENT "B" (S-122)** thereto.)

(In House, May 19, 2005, **PASSED TO BE ENACTED.**)

On further motion by same Senator, Bill and accompanying papers **INDEFINITELY POSTPONED**, in **NON-CONCURRENCE**.

Ordered sent down forthwith for concurrence.

On motion by Senator **ROTUNDO** of Androscoggin, the Senate removed from the **SPECIAL APPROPRIATIONS TABLE** the following:

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)

Tabled - June 14, 2005, by Senator **ROTUNDO** of Androscoggin

Pending - **ENACTMENT**, in concurrence

(In Senate, June 10, 2005, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-532) AND HOUSE AMENDMENT "A" (H-653)**, in concurrence.)

(In House, June 14, 2005, **PASSED TO BE ENACTED.**)

On further motion by same Senator, Bill and accompanying papers **INDEFINITELY POSTPONED**, in **NON-CONCURRENCE**.

Ordered sent down forthwith for concurrence.

On motion by Senator **ROTUNDO** of Androscoggin, the Senate removed from the **SPECIAL APPROPRIATIONS TABLE** the following:

An Act To Extend the Tax Credit for Clean Fuel Infrastructure Development

H.P. 232 L.D. 308
(C "A" H-189)

Tabled - May 11, 2005, by Senator **ROTUNDO** of Androscoggin

Pending - **ENACTMENT**, in concurrence

(In Senate, May 9, 2005, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-189)**, in concurrence.)

Ordered sent down forthwith for concurrence.

(In House, May 11, 2005, **PASSED TO BE ENACTED.**)

On further motion by same Senator, Bill and accompanying papers **INDEFINITELY POSTPONED**, in **NON-CONCURRENCE**.

On motion by Senator **ROTUNDO** of Androscoggin, the Senate removed from the **SPECIAL APPROPRIATIONS TABLE** the following:

Ordered sent down forthwith for concurrence.

An Act To Clarify for Tax Purposes That Manure Removal and Storage Are Operations Directly Involved in the Raising and Care of Livestock

S.P. 161 L.D. 535
(C "A" S-88)

On motion by Senator **ROTUNDO** of Androscoggin, the Senate removed from the **SPECIAL APPROPRIATIONS TABLE** the following:

Tabled - May 11, 2005, by Senator **ROTUNDO** of Androscoggin

An Act To Clarify the Definition of 'Domiciled' for Maine Income Tax Purposes

H.P. 248 L.D. 325
(H "A" H-658 to C "A" H-588)

Pending - **ENACTMENT**, in concurrence

(In Senate, May 9, 2005, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-88).**)

Tabled - June 9, 2005, by Senator **MARTIN** of Aroostook

(In House, May 11, 2005, **PASSED TO BE ENACTED.**)

Pending - **ENACTMENT**, in concurrence

On further motion by same Senator, Bill and accompanying papers **INDEFINITELY POSTPONED**, in **NON-CONCURRENCE**.

(In Senate, June 7, 2005, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-588) AS AMENDED BY HOUSE AMENDMENT "A" (H-658)** thereto, in concurrence.)

Ordered sent down forthwith for concurrence.

(In House, June 9, 2005, **PASSED TO BE ENACTED.**)

On motion by Senator **ROTUNDO** of Androscoggin, the Senate removed from the **SPECIAL APPROPRIATIONS TABLE** the following:

On further motion by same Senator, Bill and accompanying papers **INDEFINITELY POSTPONED**, in **NON-CONCURRENCE**.

An Act To Restore Support for HIV and AIDS Treatment and Prevention

H.P. 421 L.D. 588

Ordered sent down forthwith for concurrence.

Tabled - May 17, 2005, by Senator **ROTUNDO** of Androscoggin

Pending - **ENACTMENT**, in concurrence

On motion by Senator **ROTUNDO** of Androscoggin, the Senate removed from the **SPECIAL APPROPRIATIONS TABLE** the following:

(In Senate, May 10, 2005, **PASSED TO BE ENGROSSED**, in concurrence.)

Resolve

Resolve, To Establish an Education Pilot Program for Registered Nurses

S.P. 129 L.D. 405
(C "A" S-100)

(In House, May 16, 2005, **PASSED TO BE ENACTED.**)

On further motion by same Senator, Bill and accompanying papers **INDEFINITELY POSTPONED**, in **NON-CONCURRENCE**.

Tabled - May 11, 2005, by Senator **ROTUNDO** of Androscoggin

Ordered sent down forthwith for concurrence.

Pending - **FINAL PASSAGE**, in concurrence

(In Senate, May 3, 2005, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-100).**)

On motion by Senator **ROTUNDO** of Androscoggin, the Senate removed from the **SPECIAL APPROPRIATIONS TABLE** the following:

(In House, May 11, 2005, **FINALLY PASSED.**)

On further motion by same Senator, Resolve and accompanying papers **INDEFINITELY POSTPONED**, in **NON-CONCURRENCE**.

An Act To Require Fair and Timely MaineCare Payments to Hospitals

S.P. 214 L.D. 678
(C "A" S-181)

Tabled - May 20, 2005, by Senator **MARTIN** of Aroostook

Pending - **ENACTMENT**, in concurrence

(In Senate, May 17, 2005, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-181).**)

(In House, May 20, 2005, **PASSED TO BE ENACTED.**)

On further motion by same Senator, Bill and accompanying papers **INDEFINITELY POSTPONED**, in **NON-CONCURRENCE**.

Ordered sent down forthwith for concurrence.

On motion by Senator **ROTUNDO** of Androscoggin, the Senate removed from the **SPECIAL APPROPRIATIONS TABLE** the following:

An Act To Create an Income Tax Checkoff To Support Veterans' Cemeteries

H.P. 511 L.D. 716
(C "A" H-176)

Tabled - May 10, 2005, by Senator **ROTUNDO** of Androscoggin

Pending - **ENACTMENT**, in concurrence

(In Senate, May 5, 2005, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-176)**, in concurrence.)

(In House, May 9, 2005, **PASSED TO BE ENACTED.**)

On further motion by same Senator, Bill and accompanying papers **INDEFINITELY POSTPONED**, in **NON-CONCURRENCE**.

Ordered sent down forthwith for concurrence.

On motion by Senator **ROTUNDO** of Androscoggin, the Senate removed from the **SPECIAL APPROPRIATIONS TABLE** the following:

An Act To Support the New Century Community Program

H.P. 543 L.D. 766
(C "A" H-227)

Tabled - May 17, 2005, by Senator **ROTUNDO** of Androscoggin

Pending - **ENACTMENT**, in concurrence

(In Senate, May 10, 2005, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-227)**, in concurrence.)

(In House, May 16, 2005, **PASSED TO BE ENACTED.**)

On further motion by same Senator, Bill and accompanying papers **INDEFINITELY POSTPONED**, in **NON-CONCURRENCE**.

Ordered sent down forthwith for concurrence.

On motion by Senator **ROTUNDO** of Androscoggin, the Senate removed from the **SPECIAL APPROPRIATIONS TABLE** the following:

An Act To Stimulate Economic Development in Maine's Aviation Industry

H.P. 727 L.D. 1074
(C "B" H-299)

Tabled - May 18, 2005, by Senator **ROTUNDO** of Androscoggin

Pending - **ENACTMENT**, in concurrence

(In Senate, May 16, 2005, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (H-299)**, in concurrence.)

(In House, May 18, 2005, **PASSED TO BE ENACTED.**)

On further motion by same Senator, Bill and accompanying papers **INDEFINITELY POSTPONED**, in **NON-CONCURRENCE**.

Ordered sent down forthwith for concurrence.

On motion by Senator **ROTUNDO** of Androscoggin, the Senate removed from the **SPECIAL APPROPRIATIONS TABLE** the following:

An Act To Create a Grandparent-to-grandchild Exemption in the Real Estate Transfer Tax

H.P. 743 L.D. 1090
(C "A" H-171)

Tabled - May 10, 2005, by Senator **ROTUNDO** of Androscoggin

Pending - **ENACTMENT**, in concurrence

(In Senate, May 5, 2005, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-171)**, in concurrence.)

(In House, May 9, 2005, **PASSED TO BE ENACTED.**)

On further motion by same Senator, Bill and accompanying papers **INDEFINITELY POSTPONED**, in **NON-CONCURRENCE**.

Ordered sent down forthwith for concurrence.

On motion by Senator **ROTUNDO** of Androscoggin, the Senate removed from the **SPECIAL APPROPRIATIONS TABLE** the following:

An Act To Increase Access to Justice in Maine's Court System
H.P. 1065 L.D. 1518
(C "A" H-620)

Tabled - June 7, 2005, by Senator **ROTUNDO** of Androscoggin

Pending - **ENACTMENT**, in concurrence

(In Senate, June 2, 2005, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-620)**, in concurrence.)

(In House, June 6, 2005, **PASSED TO BE ENACTED.**)

On further motion by same Senator, Bill and accompanying papers **INDEFINITELY POSTPONED**, in **NON-CONCURRENCE**.

Ordered sent down forthwith for concurrence.

On motion by Senator **ROTUNDO** of Androscoggin, the Senate removed from the **SPECIAL APPROPRIATIONS TABLE** the following:

An Act To Award Income Tax Credits for Boiler or Furnace Systems That Reduce or Eliminate Certain Pollutants
H.P. 1159 L.D. 1647
(C "A" H-628)

Tabled - June 7, 2005, by Senator **ROTUNDO** of Androscoggin

Pending - **ENACTMENT**, in concurrence

(In Senate, June 3, 2005, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-628)**, in concurrence.)

(In House, June 7, 2005, **PASSED TO BE ENACTED.**)

On further motion by same Senator, Bill and accompanying papers **INDEFINITELY POSTPONED**, in **NON-CONCURRENCE**.

Ordered sent down forthwith for concurrence.

On motion by Senator **ROTUNDO** of Androscoggin, the Senate removed from the **SPECIAL APPROPRIATIONS TABLE** the following:

Emergency

An Act To Protect Military Families
H.P. 1207 L.D. 1700
(C "A" H-775)

Tabled - March 21, 2006, by Senator **ROTUNDO** of Androscoggin

Pending - **ENACTMENT**, in concurrence

(In Senate, March 14, 2006, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-775)**, in concurrence.)

(In House, March 16, 2006, **PASSED TO BE ENACTED.**)

On further motion by same Senator, Bill and accompanying papers **INDEFINITELY POSTPONED**, in **NON-CONCURRENCE**.

Ordered sent down forthwith for concurrence.

On motion by Senator **ROTUNDO** of Androscoggin, the Senate removed from the **SPECIAL APPROPRIATIONS TABLE** the following:

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

Tabled - February 14, 2006, by Senator **ROTUNDO** of Androscoggin

Pending - **ENACTMENT**, in concurrence

(In Senate, February 7, 2006, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-741)**, in concurrence.)

(In House, February 9, 2006, **PASSED TO BE ENACTED.**)

On further motion by same Senator, Bill and accompanying papers **INDEFINITELY POSTPONED**, in **NON-CONCURRENCE**.

Ordered sent down forthwith for concurrence.

On motion by Senator **ROTUNDO** of Androscoggin, the Senate removed from the **SPECIAL APPROPRIATIONS TABLE** the following:

An Act To Create a Children's Education Advocate
S.P. 752 L.D. 1958
(C "A" S-475)

Tabled - March 21, 2006, by Senator **ROTUNDO** of Androscoggin

Pending - **ENACTMENT**, in concurrence

(In Senate, March 9, 2006, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-475)**.)

(In House, March 16, 2006, **PASSED TO BE ENACTED.**)

On further motion by same Senator, Bill and accompanying papers **INDEFINITELY POSTPONED**, in **NON-CONCURRENCE**.

Ordered sent down forthwith for concurrence.

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

On motion by Senator **BRENNAN** of Cumberland, **ADJOURNED**, to Monday, April 10, 2006, at 10:00 in the morning, in memory of and lasting tribute to Ruth Portnoy Martay of Portland and Patricia M. Ryan of Kennebunk.