

MAINE STATE LEGISLATURE

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

Daily Edition

First Special Session
April 1, 2008 to April 18, 2008

Pages 1760 - 2135

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

Resolve

Resolve, To Reimburse School Administrative District No. 11 for the State Share of Retirement Contributions Paid in Error
H.P. 1410 L.D. 2026
(S "A" S-677 to C "A" H-702)

FINALLY PASSED 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:

Emergency Measure

An Act To Amend the Maine Certificate of Need Act of 2002
H.P. 1659 L.D. 2301
(H "A" H-960; S "A" S-661)

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:

REPORTS OF COMMITTEES

House

Divided Report

The Majority of the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** on Bill "An Act To Prevent and Treat Cancer in Maine by Providing a Source of Funding for a Comprehensive Cancer Prevention Program"
H.P. 1484 L.D. 2098

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

Signed:

Senators:

- ROTUNDO of Androscoggin
- MARTIN of Aroostook
- TURNER of Cumberland

Representatives:

- FISCHER of Presque Isle
- CRAVEN of Lewiston
- MILLS of Farmington
- CAIN of Orono
- VALENTINO of Saco
- WEBSTER of Freeport
- MILLETT of Waterford
- FLOOD of Winthrop
- GILES of Belfast

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (H-1047)**.

Signed:

Representative:

- ROBINSON of Raymond

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

Reports **READ**.

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

On motion by Senator **BENOIT** of Sagadahoc, 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 Sagadahoc, Senator Benoit.

Senator **BENOIT:** Thank you, Madame President. I'll be brief. I realize that only one person in the committee supported this and it had hours of debate and conversation, so I won't prolong it. I just need to say on the record that this takes \$600,000 from the Fund for a Healthy Maine to provide funding for a cancer prevention program, a program that is going to offer screening and data collection with documented outcomes which we don't have. It particularly targets cancer in colon, skin, and breast. I just have to share a quick story. When I was hairdressing I had a client who was diagnosed with breast cancer. She was an older lady and she made a conscious decision not to have treatment because she was going to choose quality of life over quantity of life and just couldn't put her family through this and didn't want to prolong what she saw was inevitable. If any of you have ever witnessed anything like that, I can tell you it's not pretty. She died within a few months of being diagnosed. I stand before you as a very grateful survivor of cancer. When I was diagnosed I had access to the information that I needed personally and, thankfully, I was able to make that decision, go for treatments, and immediately started my chemotherapy and radiation and stand before you, six years later, cancer free. What the bill is going to do, and what this program offers, is an opportunity to extend the education level out into the state of Maine. If one life is saved because of this I think it's worth considering. I have asked for a roll call because I'd like to go on record supporting this. I think it's a good bill. I think it's a good use of the \$600,000 from the Fund

for a Healthy Maine. If you have it in your heart to support it, I would appreciate it. Thank you.

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

Senator **RAYE:** Thank you, Madame President, men and women of the Senate. A little less than four years ago I sat with my father day after day as his life ebbed away and he died a horrible death from lung cancer. When this bill came before the Health and Human Services Committee a few days ago I was one of those who voted, as did the majority of our committee, to have this be the number one priority for our Fund for a Healthy Maine recommendations to the Appropriations Committee. It was our number one priority of the various priorities that we considered. I rise to support my good colleague from Sagadahoc, Senator Benoit, and hope that the Senate will join with me in support of this bill.

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

Senator **TURNER:** Thank you, Madame President, ladies and gentlemen of the Senate. I doubt that there is a person in this Chamber or the other Body whose family or extended family has not been touched by cancer. The program brought forward under the auspices of the bill is an excellent program. The reason it is before you with a 12-1 Ought Not to Pass recommendation is because there is no money left in the Fund for a Healthy Maine. That's a fact. It's regrettable, but that is the fact. We have talked with the sponsor of the bill and said that some times great ideas take more than one legislative session to become law. The Appropriations Committee, working with our colleagues in the Health and Human Services Committee, will be looking and reviewing all the Fund for a Healthy Maine programs in the ensuing months and hopefully will come forward with a series of rerationalizations and reprioritizations of the demands on this very valuable source of revenue for us. While I am sympathetic to the desire to support the program, there is no funding mechanism that we can reach to. Regrettably, I will be voting against the suggestion from the good Senator from Sagadahoc, Senator Benoit, and ask you to support the motion before us.

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

Senator **BENOIT:** Thank you, Madame President. Respectfully, I say to my good colleague from Cumberland, Senator Turner, that I think that if Representative Robinson from Raymond had voted for this there must be a stipend amount somewhere tucked in there that could cover this. Thank you.

THE PRESIDENT: The pending question before the Senate is the motion by the Senator from Androscoggin, Senator Rotundo to Accept the Majority Ought Not to Pass Report. A Roll Call has been ordered. Is the Senate ready for the question?

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#468)

YEAS: Senators: BARTLETT, BOWMAN, BRANNIGAN, BROMLEY, BRYANT, DAMON, DIAMOND, MARRACHE, MARTIN, MCCORMICK, MILLS, MITCHELL, NASS, PERRY, ROSEN, ROTUNDO, STRIMLING, SULLIVAN, TURNER, THE PRESIDENT - BETH G. EDMONDS

NAYS: Senators: BENOIT, COURTNEY, DOW, GOOLEY, HASTINGS, HOBBS, NUTTING, PLOWMAN, RAYE, SAVAGE, SCHNEIDER, SHERMAN, SNOWE-MELLO, WESTON

ABSENT: Senator: SMITH

20 Senators having voted in the affirmative and 14 Senators having voted in the negative, with 1 Senator being absent, the motion by Senator **ROTUNDO** of Androscoggin to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report, in concurrence, **PREVAILED.**

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

COMMUNICATIONS

The Following Communication: S.C. 806

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

April 17, 2008

The Honorable Beth Edmonds, President of the Senate
The Honorable Glenn A. Cummings, Speaker of the House
123rd Maine Legislature
Augusta, Maine 04333

Dear President Edmonds and Speaker Cummings:

We are pleased to report that all business which was placed before the Joint Standing Committee on Appropriations and Financial Affairs during the Second Regular and First Special Sessions of the 123rd Legislature has been completed. The breakdown of bills and papers before our committee follows:

Total Number of Bills and Papers	32
Unanimous Reports	28
Ought to Pass	0
Ought to Pass as Amended	4
Ought Not to Pass	24
Divided Reports	4