

MAINE STATE LEGISLATURE

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Legislative Record
House of Representatives
One Hundred and Twenty-Sixth Legislature
State of Maine

Daily Edition

Second Regular Session

beginning January 8, 2014

beginning page H-1301

ONE HUNDRED AND TWENTY-SIXTH LEGISLATURE
SECOND REGULAR SESSION
27th Legislative Day
Monday, March 24, 2014

Representative KNIGHT of Livermore Falls assumed the Chair.

The House met according to adjournment and was called to order by the Speaker Pro Tem.

Prayer by Reverend Anne Roundy, East Monmouth United Methodist Church and United Church of Monmouth.

National Anthem by Madelyn Gardner, Edmunds Township.
Pledge of Allegiance.

Doctor of the day, Craig Hawkins, M.D., Yarmouth.

The Journal of Friday, March 21, 2014 was read and approved.

COMMUNICATIONS

The Following Communication: (H.C. 381)

**STATE OF MAINE
ONE HUNDRED AND TWENTY-SIXTH LEGISLATURE
COMMITTEE ON ENVIRONMENT AND NATURAL
RESOURCES**

March 18, 2014

Honorable Justin L. Alford
President of the Senate
Honorable Mark W. Eves
Speaker of the House
126th Legislature
State House

Augusta, Maine 04333

Dear President Alford and Speaker Eves:

Pursuant to Title 3 Maine Revised Statutes, chapter 35, we are pleased to submit the findings of the Joint Standing Committee on Environment and Natural Resources from the review and evaluation of the Saco River Corridor Commission under the State Government Evaluation Act. In its review, the Committee found that the Commission is operating within its statutory authority.

Sincerely,

S/Senator James A. Boyle

Senate Chair

S/Representative Joan W. Welsh

House Chair

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

The Following Communication: (H.C. 382)

**STATE OF MAINE
CITIZEN TRADE POLICY COMMISSION**

March 14, 2014

Honorable Justin L. Alford
President of the Senate
Honorable Mark W. Eves
Speaker of the House
State House

Augusta, Maine 04333

Dear President Alford and Speaker Eves:

Pursuant to 10 MRSA, §11, the 2014 Maine Citizen Trade Policy Commission is pleased to submit its ninth annual report. Copies of the full report have been distributed to committees or individuals as directed by law and copies have been placed on file with the Law and Legislative Reference Library. Others may

access the full report on-line through the website of the Office of Policy and Legal Analysis at www.maine.gov/legis/opla.

Sincerely,

S/Sen. Troy Jackson, Co-Chair

S/Rep. Sharon Anglin Treat, Co-Chair

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

**PETITIONS, BILLS AND RESOLVES REQUIRING
REFERENCE**

Bill "An Act To Increase Local Responsibility for General Assistance"

(H.P. 1326) (L.D. 1844)

Sponsored by Representative SIROCKI of Scarborough.
(GOVERNOR'S BILL)

Cosponsored by Senator THIBODEAU of Waldo and Representatives: DAVIS of Sangerville, TURNER of Burlington.

Committee on **HEALTH AND HUMAN SERVICES** suggested and ordered printed.

REFERRED to the Committee on **HEALTH AND HUMAN SERVICES** and ordered printed.

Sent for concurrence.

By unanimous consent, all matters having been acted upon were **ORDERED SENT FORTHWITH.**

ORDERS

On motion of Representative WERTS of Auburn, the following Joint Resolution: (H.P. 1327) (Cosponsored by Senator CLEVELAND of Androscoggin and Representatives: BEAULIEU of Auburn, BOLDUC of Auburn)

**JOINT RESOLUTION TO RECOGNIZE THE
145TH ANNIVERSARY OF THE CITY OF AUBURN**

WHEREAS, the City of Auburn, on the Androscoggin River in Androscoggin County, was incorporated as a town in 1842 and became a city 26 years later on February 22, 1869; and

WHEREAS, in 1917 the City of Auburn was the first municipality in the State to adopt a council-manager form of government and was the birthplace of the first shoe factory in Maine, an industry vital to the growth of the State, at one point during the peak of the shoemaking industry providing 75% of the world's shoes; and

WHEREAS, Vestigia Nulla Retrorsum, the motto of the city translated from the Latin as "No Steps Backward," exemplifies the resilience of its citizens and businesses, which have overcome and endured harsh challenges over the years, such as the New Auburn Fire, a conflagration that occurred in 1933, in which 249 buildings were destroyed, leaving 2,000 people homeless; and

WHEREAS, the City of Auburn also recovered from the devastating flood of 1936, which left streets submerged and homes and businesses flooded and caused the loss of 2 spans of the South Bridge, which required the building of a new bridge; and

WHEREAS, the City of Auburn was challenged in the 1950s as the shoe industry began a rapid decline, resulting in the city's changing into a vital regional service center, with investments in infrastructure, public and private partnerships and sound economic development opportunities through its multiple modes of transportation and prudent use of economic attractions to the city; and

WHEREAS, the City of Auburn was recognized in 1967 as an All-America City and it remains a proud city that has emphasized growth, family values and industry as it has adapted to the many changes through the years; and

WHEREAS, the City of Auburn has been embraced by a community of diverse residents from around the world who are committed to making their community successful; now, therefore, be it

RESOLVED: That We, the Members of the One Hundred and Twenty-sixth Legislature now assembled in the Second Regular Session, on behalf of the people we represent, take this opportunity to acknowledge the City of Auburn's residents and businesses for their commitment and growth and commend them for their active role in improving the quality of life in the city and making the City of Auburn an economically effervescent and welcoming community; and be it further

RESOLVED: That We, the Members of the One Hundred and Twenty-sixth Legislature, celebrate the 145th Anniversary of the City of Auburn and recognize its important role as a vital part of Maine's history and progress; and be it further

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the Auburn City Manager, Auburn City Council and Mayor of the City of Auburn for display and preservation for the residents of the City.

READ.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Auburn, Representative Werts.

Representative **WERTS**: Thank you, Mr. Speaker. On February 22 of this year, the City of Auburn had its 145th anniversary. In 1917, Auburn was the first municipality in the state to adopt a council/city manager form of government. It's the birth place of the first shoe factory in Maine. Its motto itself, "No Steps Backward," exemplifies the resilience of citizens, businesses that overcame such things like the New Auburn Fire in 1933 that destroyed 249 buildings, leaving 2,000 people homeless, or the flood of 1936 that submerged homes, businesses and required the building of an entire new bridge. In 1967, Auburn was recognized as an All-American City, and remains a proud city and emphasizes growth, family values and industry. I want to acknowledge the Auburn residents and businesses for their commitment and growth, and commend them for their active role in improving the quality in the city and making it an effervescent and welcoming community on, this, their 145th anniversary. I was fortunate enough to spend 33 of my years in my public safety career totally for the City of Auburn. I was honored to serve them in the fire service and I'm also honored to represent them here in this chamber. Happy Birthday to the City of Auburn on its 145th anniversary. Thank you, Mr. Speaker.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Auburn, Representative Beaulieu.

Representative **BEAULIEU**: Thank you, Speaker Pro Tem Knight. I'm a lifelong resident of Lewiston-Auburn and I've had the distinction of having lived and worked in both communities. I purchased a home in Auburn approximately 15 years ago, when the home my wife and I raised our family in was destroyed by fire. Auburn is indeed a great city for all the reasons referred to and mentioned by Representative Werts, and I certainly respect their accomplishments, but their greatest and most endearing characteristic, of course, I think, is their willingness to welcome others and to accept them into their Red Eddy family. Despite my having been a pesky, competitive and possibly troublesome Blue Devil at times, they were willing to select me as one of their three Representatives to this particular body. I greatly appreciate

that, and congratulate them on their success and their achievements over the years. Thank you, Mr. Speaker.

Subsequently, the Joint Resolution was **ADOPTED**.

Sent for concurrence.

SPECIAL SENTIMENT CALENDAR

In accordance with House Rule 519 and Joint Rule 213, the following item:

In Memory of:

Dorothy Schwartz, of Freeport, artist, professor and longtime contributor to art and culture in Maine. Ms. Schwartz was born in Brooklyn, New York and attended Smith College. She was married to Elliot Schwartz, a classical music composer. They moved to Maine when he received a teaching job at Bowdoin College. Ms. Schwartz was executive director of the Maine Humanities Council for 25 years and had an outstanding record of engagement in civic and cultural affairs in Maine and beyond. The Maine Humanities Council is a private nonprofit organization that is Maine's affiliate of the National Endowment for the Humanities. It offers grants and programs in literature and literacy, teacher enrichment, cultural heritage and contemporary issues, and Ms. Schwartz's vision led the council to distinction on a national level. As an artist, she was a master in the art of printmaking, specializing in woodcuts. She served on many boards, committees and philanthropic organizations and taught at Bowdoin College and the University of Maine. She was also a trustee at the Maine College of Art for 4 years and was vice chair of the academic and student affairs committee. Ms. Schwartz was an inspiration to many. She will be greatly missed and long remembered by her loving family, her many friends and those whose lives she touched;

(SLS 825)

On **OBJECTION** of Representative JORGENSEN of Portland, was **REMOVED** from the Special Sentiment Calendar.

READ.

On motion of the same Representative, **TABLED** pending **ADOPTION** and later today assigned.

REPORTS OF COMMITTEE

Ought to Pass Pursuant to Joint Rule

Report of the **Joint Standing Committee on Health and Human Services** on Bill "An Act To Implement the Recommendations of the Substance Abuse Services Commission with Regard to the Controlled Substances Prescription Monitoring Program" (EMERGENCY)

(S.P. 743) (L.D. 1840)

Reporting **Ought to Pass** pursuant to Joint Rule 353.

Came from the Senate with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED**.

Report was **READ** and **ACCEPTED**. The Bill **READ ONCE**.

Under suspension of the rules the Bill was given its **SECOND READING WITHOUT REFERENCE** to the Committee on **Bills in the Second Reading**.

Under further suspension of the rules the Bill was **PASSED TO BE ENGROSSED** and sent for concurrence.

The Speaker resumed the Chair.

The House was called to order by the Speaker.

Divided Reports

Majority Report of the Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-711)** on Bill "An Act To Address Preventable Deaths from Drug Overdose" (EMERGENCY) (H.P. 1209) (L.D. 1686)

Signed:

Senators:

CRAVEN of Androscoggin
LACHOWICZ of Kennebec

Representatives:

FARNSWORTH of Portland
CASSIDY of Lubec
DORNEY of Norridgewock
GATTINE of Westbrook
PETERSON of Rumford
STUCKEY of Portland

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "B" (H-712)** on same Bill.

Signed:

Senator:

HAMPER of Oxford

Representatives:

MALABY of Hancock
McELWEE of Caribou
SANDERSON of Chelsea
SIROCKI of Scarborough

Representative BEAR of the Houlton Band of Maliseet Indians - of the House - supports the Majority **Ought to Pass as Amended by Committee Amendment "A" (H-711)** Report.

READ.

On motion of Representative FARNSWORTH of Portland, **TABLED** pending **ACCEPTANCE** of either Report and later today assigned.

Majority Report of the Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-713)** on Bill "An Act To Amend the Maine Medical Use of Marijuana Act" (H.P. 1245) (L.D. 1739)

Signed:

Senators:

CRAVEN of Androscoggin
HAMPER of Oxford
LACHOWICZ of Kennebec

Representatives:

FARNSWORTH of Portland
CASSIDY of Lubec
GATTINE of Westbrook
MALABY of Hancock
McELWEE of Caribou
PETERSON of Rumford
SANDERSON of Chelsea
SIROCKI of Scarborough
STUCKEY of Portland

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "B" (H-714)** on same Bill.

Signed:

Representative:

DORNEY of Norridgewock

Representative BEAR of the Houlton Band of Maliseet Indians - of the House - supports the Majority **Ought to Pass as Amended by Committee Amendment "A" (H-713)** Report.

READ.

Representative FARNSWORTH of Portland moved that the House **ACCEPT** the Majority **Ought to Pass as Amended** Report.

On motion of Representative McCABE of Skowhegan, **TABLED** pending the motion of Representative FARNSWORTH of Portland to **ACCEPT** the Majority **Ought to Pass as Amended** Report and later today assigned.

Majority Report of the Committee on **INSURANCE AND FINANCIAL SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-717)** on Bill "An Act To Require Health Insurance Carriers and the MaineCare Program To Cover the Cost of Transition Services To Bridge the Gap between High School and Independence" (H.P. 975) (L.D. 1367)

Signed:

Senator:

GRATWICK of Penobscot

Representatives:

TREAT of Hallowell
BEAUDOIN of Biddeford
BECK of Waterville
COOPER of Yarmouth
MORRISON of South Portland
PRINGLE of Windham

Minority Report of the same Committee reporting **Ought Not to Pass** on same Bill.

Signed:

Senators:

WHITTEMORE of Somerset
WOODBURY of Cumberland

Representatives:

FITZPATRICK of Houlton
McCLELLAN of Raymond
WALLACE of Dexter

READ.

Representative TREAT of Hallowell moved that the House **ACCEPT** the Majority **Ought to Pass as Amended** Report.

Representative FREDETTE of Newport **REQUESTED** a roll call on the motion to **ACCEPT** the Majority **Ought to Pass as Amended** Report.

More than one-fifth of the members present expressed a desire for a roll call which was ordered.

The **SPEAKER**: The Chair recognizes the Representative from North Yarmouth, Representative Graham.

Representative **GRAHAM**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. This bill is my bill. This bill addresses a very important issue that we face almost

every day. This bill was brought actually in the last session, after we experienced the tragedies that occurred in Newtown. It made me think about how vulnerable our young adults are to mental illness. This bill addresses the issues that children face, adolescents moving into adulthood. It comes at a time when individuals are at the highest risk for first onset schizophrenia and bipolar disease. It comes at a time when we should not be cutting kids off. We should be paying attention and helping them on their path towards adulthood. Often, individuals fall off a cliff when they graduate from high school and there are no supports, again, at the most vulnerable time for them, particularly if they have mental illness. This bill would allow a bridge, a bridge to adulthood, and it would do that by providing a cost-effective, assertive community treatment plan that is well proven and cost effective. I have three sons, 24, 22 and 15, and I pray that not any of them will ever experience bipolar disease or schizophrenia, but they could, and many of you in this chamber have been touched by brothers, sisters, sons, daughters, even parents, who have struggled with mental illness. This bill will make a huge difference for the people who are affected by mental illness and it will help us all. I thank you, Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Windham, Representative Pringle.

Representative PRINGLE: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. I rise in support of LD 1367. I would like to read you the revised title of this bill which came out of the Committee Amendment "A." It's "An Act To Decrease Costs and Disability Due to Mental Illness in Children, Adolescents and Young Adults." I believe everyone in this chamber is working to reduce the cost of state government. As Willie Sutton said, when asked why he robbed banks, "That's where the money is." Many are aware that, within MaineCare, 5 percent of the members account for more than 50 percent of the costs. A large portion of these high cost members are young people with severe mental illness. The good news is that there are now proven programs to identify young people at risk for developing serious mental illness, and once you identify them, there are effective treatments that can prevent progression of disease, prevent hospitalization and prevent disability. The bad news is that current insurance, both private and public, do not pay for this specific intervention of assertive community treatment and behavioral interventions.

Our committee struggled with a number of mandate bills this year. It's very hard to insist. You'd like to think that all insurance companies would work with their medical directors to be aware of current research and say, "Wow, look at this. We now have treatments that will work. We ought to pay for this treatment because it will save us money down the road." We have an outstanding child psychiatrist here in the state, Dr. Doug Robbins, who is a constituent of Representative Graham's, who has been a mover behind this because he has been a researcher in this area and has seen the outcomes. He and his fellow researchers around the country have said, "You know what? We don't need to do any more research. We just need to get this implemented because it saves lives; it prevents young people from going down the path to serious mental illness." There's a lot of data that shows the cost effectiveness, the cost of this assertive community treatment which is well standardized and measured through Dartmouth University and can be held as a standard by an insurance company as it looks to whether to pay for these treatments. The reduction in psychiatric hospitalizations is significant, so the cost of the treatment by the community team can be between \$2,500 and \$4,000, whereas the cost of a psychiatric hospitalization is \$20,000. If we look at these high-cost utilizers, the average cost of care for a member of

MaineCare is around \$4,400, but for these high-cost utilizers, it can be as much as \$77,000 to \$80,000 a year. So I strongly encourage us to vote to pass this mandate, which would require both MaineCare and private insurers to pay for this intervention that recognizes the warning signs and intervenes to prevent progression, because I believe it is essential to our getting out of the hole that we're in with both wait times in psychiatric admissions and the incredible expense that we pay as a state for service to patients whom we could prevent from needing this level of care. Thank you.

The SPEAKER: A roll call has been ordered. The pending question before the House is Acceptance of the Majority Ought to Pass as Amended Report. All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 557

YEA - Beaudoin, Beavers, Beck, Berry, Bolduc, Briggs, Brooks, Campbell J, Carey, Casavant, Cassidy, Chapman, Cheriette, Chipman, Cooper, Daughtry, DeChant, Devin, Dickerson, Dill, Dion, Dorney, Evangelos, Farnsworth, Fowle, Frey, Gattine, Gideon, Gilbert, Graham, Grant, Hamann, Harlow, Hayes, Herbig, Hobbins, Hubbell, Jones, Jorgensen, Kaenrath, Kent Kornfield, Kruger, Kumioga, Kusiak, Lajoie, Libby N, Longstaff, Luchini, MacDonald W, Marks, Mason, Mastraccio, McCabe, McGowan, McLean, Monaghan-Derrig, Moonen, Moriarty, Morrison, Nadeau C, Noon, Peoples, Peterson, Plante, Pouliot, Priest, Pringle, Rankin, Rochelo, Rotundo, Russell, Rykerson, Sanborn, Saucier, Saxton, Schneck, Shaw, Short, Stanley, Stuckey, Theriault, Tipping-Spitz, Treat, Verow, Villa, Welsh, Werts, Winchenbach, Mr. Speaker.

NAY - Ayotte, Beaulieu, Bennett, Black, Chase, Clark, Cotta, Crafts, Cray, Davis, Doak, Dunphy, Espling, Fitzpatrick, Fredette, Gifford, Gillway, Guerin, Harvell, Johnson P, Keschl, Kinney, Knight, Lockman, Long, MacDonald S, Maker, Marean, McClellan, McElwee, Nadeau A, Newendyke, Nutting, Parry, Peavey Haskell, Reed, Sanderson, Sirocki, Timberlake, Turner, Tyler, Volk, Wallace, Weaver, Willette, Wilson, Winsor, Wood.

ABSENT - Boland, Campbell R, Crockett, Duprey, Goode, Hickman, Jackson, Johnson D, Libby A, Malaby, Nelson, Pease, Powers.

Yes, 90; No, 48; Absent, 13; Excused, 0.

90 having voted in the affirmative and 48 voted in the negative, with 13 being absent, and accordingly the Majority Ought to Pass as Amended Report was ACCEPTED.

The Bill was READ ONCE. Committee Amendment "A" (H-717) was READ by the Clerk and ADOPTED.

Under suspension of the rules the Bill was given its SECOND READING WITHOUT REFERENCE to the Committee on Bills in the Second Reading.

Under further suspension of the rules the Bill was PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (H-717) and sent for concurrence.

Under suspension of the rules, members were allowed to remove their jackets.

The Chair laid before the House the following item which was TABLED earlier in today's session:

HOUSE DIVIDED REPORT - Majority (12) Ought to Pass as Amended by Committee Amendment "A" (H-713) - Minority (1) Ought to Pass as Amended by Committee Amendment "B" (H-714) - Committee on HEALTH AND HUMAN SERVICES on Bill "An Act To Amend the Maine Medical Use of Marijuana Act" (H.P. 1245) (L.D. 1739)

Which was **TABLED** by Representative McCABE of Skowhegan pending the motion of Representative FARNSWORTH of Portland to **ACCEPT** the Majority **Ought to Pass as Amended** Report.

Subsequently, the Majority **Ought to Pass as Amended** Report was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (H-713)** was **READ** by the Clerk.

Representative SANDERSON of Chelsea **PRESENTED** **House Amendment "A" (H-732)** to **Committee Amendment "A" (H-713)**, which was **READ** by the Clerk.

The **SPEAKER**: The Chair recognizes the Representative from Chelsea, Representative Sanderson.

Representative **SANDERSON**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. This amendment corrects a conflict between criminal law and the medical marijuana law, right now, because there is a conflict on what the bill was trying to do under the direction of the Department of Licensing and Regulatory Services, as well as the sponsor of this. We have put an amendment in, in order to help take that conflict away, and I hope you will support this amendment. Thank you.

The **SPEAKER**: The Chair recognizes the Representative from Portland, Representative Dion.

Representative **DION**: Good morning, Mr. Speaker. I rise in support of this amendment. I welcome and appreciate the work by the Representative from Chelsea. She has worked in the last few days with members of the administration, myself, to try to resolve this significant conflict. A few words can derail the best intentions, and I'm satisfied now that we've put forward the best possible statutory solution available to us at this time and I welcome her amendment.

Subsequently, **House Amendment "A" (H-732)** to **Committee Amendment "A" (H-713)** was **ADOPTED**.

Committee Amendment "A" (H-713) as Amended by House Amendment "A" (H-732) thereto was **ADOPTED**.

Under suspension of the rules the Bill was given its **SECOND READING WITHOUT REFERENCE** to the Committee on **Bills in the Second Reading**.

Under further suspension of the rules the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (H-713) as Amended by House Amendment "A" (H-732)** thereto and sent for concurrence.

Majority Report of the Committee on **INSURANCE AND FINANCIAL SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-718)** on Bill "An Act To Strengthen Access Requirements and Review Standards for Health Insurance Plans"

(H.P. 1199) (L.D. 1676)

Signed:

Senator:

GRATWICK of Penobscot

Representatives:

TREAT of Hallowell

BEAUDOIN of Biddeford

BECK of Waterville

COOPER of Yarmouth

MORRISON of South Portland

PRINGLE of Windham

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "B" (H-719)** on same Bill.

Signed:

Senators:

WHITTEMORE of Somerset

WOODBURY of Cumberland

Representatives:

FITZPATRICK of Houlton

McCLELLAN of Raymond

WALLACE of Dexter

READ.

Representative TREAT of Hallowell moved that the House **ACCEPT** the Majority **Ought to Pass as Amended** Report.

The **SPEAKER**: The Chair recognizes the Representative from Hallowell, Representative Treat.

Representative **TREAT**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. Just to explain what this bill is about and what it does, this legislation addresses the situation of the narrow networks where we've had a number of policies offered by one insurance company on the exchange that have excluded quite a large number of our leading hospitals in the State of Maine. Two different bills came to the Insurance and Financial Services Committee, and the report before you is the Majority Ought to Pass Report, which does two major things. One is that it does what we call kind of a black box warning to consumers to let them know that they are considering to purchase a plan that does, in fact, exclude various providers, and that, in fact, they might not even be able to go to those providers and get even partial coverage for their bills. I noticed in our Sunday newspaper, the *Kennebec Journal*, there were some almost full-page ads by this particular insurer touting their insurance plan. What this first part of the Majority Report would do, would require those marketing materials to actually have information on them informing consumers that the plan being offered did, in fact, exclude a number of providers. The second piece of the bill, and this is what's different from the Majority Ought to Pass and the Minority Ought to Pass, the second piece of the bill would address concerns of those providers that have been excluded, namely a number of large hospitals in the State of Maine, and what it would do is if those hospitals were excluded from an insurance plan and the hospitals went to the insurers and said, "We want to know why and does it have to do with anything that we've done wrong, in terms of our cost effectiveness, in terms of our performance," the insurer would be required to provide a written explanation to that hospital stating whether or not that was the case. We hope that you will accept this Majority Report. I think that it does address both the consumer point of view as well as the hospital point of view in the narrow network situation. Thank you.

Representative FREDETTE of Newport **REQUESTED** a roll call on the motion to **ACCEPT** the Majority **Ought to Pass as Amended** Report.

More than one-fifth of the members present expressed a desire for a roll call which was ordered.

The **SPEAKER**: The Chair recognizes the Representative from York, Representative McGOWAN.

Representative **McGOWAN**: Thank you, Mr. Speaker. Mr. Speaker, Women and Men of the House. I sponsored this bill because the York Hospital Health Care System was excluded from this health insurance product. They were given no reason for this exclusion. They were told it was not due to cost or quality. I'm sure many of you are aware that we are the only

developed country in the world that allows for-profit health insurance companies. Twenty cents of every dollar spent on health insurance goes to these companies. Hospitals are extremely vulnerable to the profit driven practices of health insurance companies. So there is a need for some simple ground rules. One, to make sure that the consumer is fully informed of their benefits, and two, is that hospitals have the basis for their exclusion. When you vote on this bill, understand your health care provider could be excluded next and you might not be aware of this until you end up in a crisis in a health care provider's facility. I ask for your support. We must keep an appropriate balance between the profit motives of health insurance companies, the viability of our hospitals and the interest of our health care consumers. Thank you, Mr. Speaker.

The SPEAKER: A roll call has been ordered. The pending question before the House is Acceptance of the Majority Ought to Pass as Amended Report. All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 558

YEA - Beaudoin, Beavers, Beck, Berry, Bolduc, Briggs, Brooks, Campbell J, Carey, Casavant, Cassidy, Chapman, Chase, Chenette, Chipman, Cooper, Daughtry, DeChant, Devin, Dickerson, Dill, Dion, Dorney, Espling, Evangelos, Farnsworth, Fowle, Frey, Gattine, Gideon, Gilbert, Goode, Graham, Grant, Hamann, Harlow, Hayes, Herbig, Hobbins, Hubbell, Jones, Jorgensen, Kaenrath, Kent, Kornfield, Kruger, Kumiega, Kusiak, Lajoie, Libby N, Longstaff, Luchini, MacDonald W, Marks, Mason, Mastraccio, McCabe, McGowan, McLean, Monaghan-Derrig, Moonen, Moriarty, Morrison, Noon, Peoples, Peterson, Plante, Priest, Pringle, Rankin, Rochelo, Rotundo, Russell, Rykerson, Sanborn, Saucier, Saxton, Schneck, Shaw, Short, Stanley, Stuckey, Theriault, Tipping-Spitz, Treat, Verow, Villa, Weaver, Welsh, Werts, Winchenbach, Mr. Speaker.

NAY - Ayotte, Beaulieu, Bennett, Black, Campbell R, Clark, Cotta, Crafts, Cray, Davis, Doak, Dunphy, Fitzpatrick, Fredette, Gifford, Gillway, Guerin, Harvell, Johnson P, Keschl, Kinney, Knight, Lockman, Long, MacDonald S, Maker, Malaby, Marean, McClellan, McElwee, Nadeau A, Newendyke, Nutting, Parry, Peavey Haskell, Pouliot, Reed, Sanderson, Sirocki, Timberlake, Turner, Tyler, Volk, Wallace, Willette, Wilson, Winsor, Wood.

ABSENT - Boland, Crockett, Duprey, Hickman, Jackson, Johnson D, Libby A, Nadeau C, Nelson, Pease, Powers.

Yes, 92; No, 48; Absent, 11; Excused, 0.

92 having voted in the affirmative and 48 voted in the negative, with 11 being absent, and accordingly the Majority Ought to Pass as Amended Report was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (H-718)** was **READ** by the Clerk and **ADOPTED**.

Under suspension of the rules the Bill was given its **SECOND READING WITHOUT REFERENCE** to the Committee on **Bills in the Second Reading**.

Under further suspension of the rules the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (H-718)** and sent for concurrence.

CONSENT CALENDAR

First Day

In accordance with House Rule 519, the following items appeared on the Consent Calendar for the First Day:

(H.P. 1167) (L.D. 1596) Resolve, Directing the Department of Health and Human Services To Amend MaineCare Rules as They Pertain to the Delivery of Covered Services via Telecommunications Technology (EMERGENCY) Committee on

HEALTH AND HUMAN SERVICES reporting Ought to Pass as Amended by Committee Amendment "A" (H-723)

(H.P. 1174) (L.D. 1602) Resolve, Establishing the Commission To Study the Effects of Ocean Acidification and Its Potential Effects on Commercial Shellfish Harvested and Grown along the Maine Coast (EMERGENCY) Committee on **MARINE RESOURCES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-725)**

(H.P. 1255) (L.D. 1748) Resolve, Regarding Legislative Review of Portions of Chapter 101: MaineCare Benefits Manual, Chapter III, Section 97, Private Non-Medical Institution Services, a Major Substantive Rule of the Department of Health and Human Services (EMERGENCY) Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-724)**

Under suspension of the rules, Second Day Consent Calendar notification was given.

There being no objection, the House Papers were **PASSED TO BE ENGROSSED as Amended** and sent for concurrence.

By unanimous consent, all matters having been acted upon were **ORDERED SENT FORTHWITH**.

ENACTORS

Emergency Measure

An Act To Protect Areas in Which Shellfish Conservation Gear Has Been Placed for Predator Control and Habitat Enhancement Purposes and Establish a Municipal Predator Control Pilot Program

(S.P. 536) (L.D. 1452)

(C. "A" S-434)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 135 voted in favor of the same and 0 against, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

Emergency Measure

An Act To Improve the Operations of the Office of the Attorney General

(H.P. 1230) (L.D. 1720)

(C. "A" H-707)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 116 voted in favor of the same and 12 against, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

Emergency Measure

An Act To Revise the Description of Commercial Fishing Vessels That Are Exempt from Attachment

(H.P. 1275) (L.D. 1778)

(C. "A" H-709)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 130 voted in favor of the same and 0 against, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

(S.P. 657) (L.D. 1673)
(C. "A" S-428)

Emergency Measure

Resolve, To Review and Make Recommendations on Challenges, Gaps and Inefficiencies in Maine's Emergency Crisis Hotline and "Warm Line" Services

(H.P. 1165) (L.D. 1594)
(C. "A" H-683)

Was reported by the Committee on **Engrossed Bills** as truly and strictly engrossed.

Representative McCABE of Skowhegan **REQUESTED** a roll call on **FINAL PASSAGE**.

More than one-fifth of the members present expressed a desire for a roll call which was ordered.

On further motion of the same Representative, **TABLED** pending **FINAL PASSAGE** and later today assigned. (Roll Call Ordered)

Acts

An Act To Amend Insurance Coverage for Diagnosis of Autism Spectrum Disorders

(S.P. 127) (L.D. 347)
(C. "A" S-412)

An Act To Amend the Laws Regarding the Maine Correctional Center and To Establish the Bolduc Correctional Facility in Statute

(H.P. 1159) (L.D. 1588)
(C. "A" H-696)

An Act To Amend Maine's Aquaculture Laws

(H.P. 1177) (L.D. 1605)
(C. "A" H-703)

An Act To Encourage and Protect Innovation in Fisheries, Aquaculture and Seafood Processing

(H.P. 1212) (L.D. 1689)

An Act To Create a Cold Case Homicide Unit in the Department of the Attorney General

(H.P. 1242) (L.D. 1734)
(C. "A" H-708)

An Act To Implement Certain Recommendations of the Criminal Law Advisory Commission Relative to the Maine Bail Code, the Maine Juvenile Code and the Maine Criminal Code and Related Statutes

(H.P. 1266) (L.D. 1764)
(C. "A" H-698)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed, **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

An Act To Improve Maine's Economy and Energy Security with Solar Energy

(H.P. 886) (L.D. 1252)
(C. "A" H-650)

Was reported by the Committee on **Engrossed Bills** as truly and strictly engrossed.

On motion of Representative BERRY of Bowdoinham, was **SET ASIDE**.

On further motion of the same Representative, **TABLED** pending **PASSAGE TO BE ENACTED** and later today assigned.

An Act To Further Delegate Permit-granting Authority to the Bureau of Forestry

Was reported by the Committee on **Engrossed Bills** as truly and strictly engrossed.

On motion of Representative JONES of Freedom, was **SET ASIDE**.

On further motion of the same Representative, **TABLED** pending **PASSAGE TO BE ENACTED** and specially assigned for March 25, 2014.

The following items were taken up out of order by unanimous consent:

UNFINISHED BUSINESS

The following matters, in the consideration of which the House was engaged at the time of adjournment Friday, March 21, 2014, had preference in the Orders of the Day and continued with such preference until disposed of as provided by House Rule 502.

SENATE DIVIDED REPORT - Majority (8) **Ought Not to Pass** - Minority (5) **Ought to Pass as Amended by Committee Amendment "A" (S-403)** - Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** on Bill "An Act To Extend the Date for a Business in a Tier 2 Location To Qualify for Pine Tree Development Zone Benefits"

(S.P. 624) (L.D. 1633)

- In Senate, Majority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED**.

TABLED - March 5, 2014 (Till Later Today) by Representative HERBIG of Belfast.

PENDING - Motion of same Representative to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report.

Representative FREDETTE of Newport **REQUESTED** a roll call on the motion to **ACCEPT** the Majority **Ought Not to Pass** Report.

More than one-fifth of the members present expressed a desire for a roll call which was ordered.

The **SPEAKER**: A roll call has been ordered. The pending question before the House is Acceptance of the Majority **Ought Not to Pass** Report. All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 559

YEA - Beaudoin, Beavers, Beck, Berry, Bolduc, Briggs, Brooks, Campbell J, Carey, Casavant, Cassidy, Chapman, Chenette, Chipman, Cooper, Daughtry, Devin, Dickerson, Dill, Dion, Dorney, Evangelos, Farnsworth, Fowle, Frey, Gattine, Gideon, Gilbert, Goode, Graham, Grant, Hamann, Harlow, Hayes, Herbig, Hubbell, Jones, Jorgensen, Kaenrath, Kent, Kornfield, Kruger, Kumiega, Kusiak, Lajoie, Libby N, Longstaff, Luchini, MacDonald W, Marks, Mason, Mastraccio, McCabe, McGowan, McLean, Monaghan-Derrig, Moonen, Moriarty, Morrison, Nadeau C, Nelson, Noon, Peoples, Peterson, Pringle, Rankin, Rochelo, Rotundo, Russell, Rykerson, Sanborn, Saucier, Saxton, Schneck, Short, Stuckey, Theriault, Tipping-Spitz, Treat, Verow, Villa, Welsh, Werts.

NAY - Ayotte, Beaulieu, Bennett, Black, Campbell R, Chase, Clark, Cotta, Crafts, Cray, Davis, DeChant, Doak, Dunphy, Espling, Fitzpatrick, Fredette, Gifford, Gillway, Guerin, Harvell, Hobbins, Johnson P, Keschl, Kinney, Knight, Lockman, Long, MacDonald S, Maker, Malaby, Marean, McClellan, McElwee, Nadeau A, Newendyke, Nutting, Parry, Peavey Haskell, Plante, Pouliot, Priest, Reed, Sanderson, Sirocki, Stanley, Timberlake, Turner, Tyler, Volk, Wallace, Weaver, Willette, Wilson, Winchenbach, Winsor, Wood, Mr. Speaker.

ABSENT - Boland, Crockett, Duprey, Hickman, Jackson, Johnson D, Libby A, Pease, Powers, Shaw.

Yes, 83; No, 58; Absent, 10; Excused, 0.

83 having voted in the affirmative and 58 voted in the negative, with 10 being absent, and accordingly the Majority **Ought Not to Pass** Report was **ACCEPTED** in concurrence.

By unanimous consent, all matters having been acted upon were **ORDERED SENT FORTHWITH**.

Expression of Legislative Sentiment Recognizing the coaches and students of Greely High School

(HLS 760)

TABLED - March 19, 2014 (Till Later Today) by Representative GRAHAM of North Yarmouth.

PENDING - PASSAGE.

The **SPEAKER**: The Chair recognizes the Representative from North Yarmouth, Representative Graham.

Representative **GRAHAM**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. This is the first time I've been able to rise and speak on a Sentiment for our really great athletic teams from Greely High School. Greely High School is Cumberland and North Yarmouth, and the good Representative from Cumberland, Representative Moriarty, was smart enough to put this Sentiment in. It was his idea. In the past, this actually hasn't happened. Our administration in SAD 51 never really wanted us to toot any of our horns to say that our teams had won state championships, and they do it time and time again, and, in fact, this is the fifth year in the row that the Greely swim team has won the state championship, the ski team also winning again in multiple years, and last but not least, the soccer team. So you're listening to a proud mamma bear. Those kids that I mentioned previously, my 15-year-old was the only freshman on the Greely soccer team and it was such a joy to be able to see his team that really didn't have all kinds of superstars. It was all about teamwork. It was all about taking care of one another. It was all about having each other's back. So I speak about this. The unfortunate thing is we don't have all three of these teams in the gallery because that would empty out a quarter of the population of Greely High School. So, with that, I want to thank the members of this body for allowing this Sentiment to be heard and letting me be a proud mamma bear. Thank you.

Subsequently, the Sentiment was **PASSED** and sent for concurrence.

An Act Relating to Nursing Facility and Inpatient Hospice Patients and Medical Marijuana Use

(S.P. 706) (L.D. 1779)

(C. "A" S-430)

TABLED - March 21, 2014 (Till Later Today) by Representative BERRY of Bowdoinham.

PENDING - PASSAGE TO BE ENACTED.

Subsequently, the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

The Chair laid before the House the following item which was **TABLED** earlier in today's session:

Expression of Legislative Sentiment in memory of Dorothy Schwartz, of Freeport.

(SLS 825)

Which was **TABLED** by Representative JORGENSEN of Portland pending **ADOPTION**.

The **SPEAKER**: The Chair recognizes the Representative from Portland, Representative Jorgensen.

Representative **JORGENSEN**: Thank you, Mr. Speaker. Mr. Speaker, Members of the House. I had the honor of working with Deedee Schwartz in one role or another for over 20 years, almost all of my career, eventually succeeding her as Executive Director of the Maine Humanities Council. I've never had a greater mentor, or learned more from anyone. As noted by my former colleague, the historian, Charles Calhoun, "Deedee turned a small, modestly funded non-profit into a major cultural force that brought 'the power and pleasure of ideas' to every county and almost every town in Maine. Deedee championed the belief that the health of the humanities in America could not be trusted to government or to academia alone."

She believed that everyone, regardless of background or formal education, can and should benefit from the humanities, whether it's incarcerated kids at the Maine Youth Center reading *The Odyssey*, or library patrons working their way through *Moby Dick* or teachers learning how to do primary research, or child care providers learning that a children's book can offer something much more profound than a simple text. Under Deedee and to this day, the Council takes on big ideas, but makes them accessible and welcoming. Deedee had two main principles: never be elitist, but never dumb things down. People all across Maine and in the public humanities community nationwide will miss her wisdom, her passion, and her humor. Thank you very much, Mr. Speaker.

The **SPEAKER**: The Chair recognizes the Representative from Falmouth, Representative Nelson.

Representative **NELSON**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I rise also in honor of Deedee Schwartz. Deedee was a good friend and a fellow Smithy. She was a unique and special person in her own quiet way. She really moved mountains and enriched all of our lives through her commitment to the humanities, her commitment to books, to reading and to what the humanities could tell us about ourselves, about our societies, about our history and about our future. She worked with children, she worked with nonprofits, she worked with private companies, she worked with anybody that she could, and she was very persuasive at involving other people in working with her to promote the humanities, which she felt so strongly about. My husband served with her on the Board of the Maine College of Art and after she retired, she devoted a lot of her time to her own art and she was an accomplished artist. She was a real treasure for the State of Maine. I know how much of a support she was to her husband, Elliott Schwartz, through the years that he was a professor of music and a composer at Bowdoin College, and I know how important she was to the raising of her wonderful children. So, in honor and with respect from all of us, we honor her and thank her for sharing her life with us in Maine. Thank you, Mr. Speaker.

Subsequently, the Sentiment was **ADOPTED** in concurrence.

The following item was taken up out of order by unanimous consent:

REPORTS OF COMMITTEE
Divided Report

Majority Report of the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** reporting **Ought Not to Pass** on Bill "An Act Concerning Pricing Disclosure Requirements and Oversight of Pharmacy Benefits Managers" (H.P. 1196) (L.D. 1624)

Signed:

Senators:

PATRICK of Oxford
CLEVELAND of Androscoggin
CUSHING of Penobscot

Representatives:

HERBIG of Belfast
CAMPBELL of Newfield
DUPREY of Hampden
HAMANN of South Portland
LOCKMAN of Amherst
MASON of Topsham
MASTRACCIO of Sanford
VOLK of Scarborough
WINCHENBACH of Waldoboro

Minority Report of the same Committee reporting **Ought to Pass** on same Bill.

Signed:

Representative:

GILBERT of Jay

READ.

Representative BERRY of Bowdoinham moved that the Bill be **TABLED** until later in today's session pending **ACCEPTANCE** of either Report.

Subsequently, Representative BERRY of Bowdoinham **WITHDREW** his motion to **TABLE** until later in today's session pending **ACCEPTANCE** of either Report.

Subsequently, on further motion of the same Representative, the Majority **Ought Not to Pass** Report was **ACCEPTED** and sent for concurrence.

By unanimous consent, all matters having been acted upon were **ORDERED SENT FORTHWITH**.

On motion of Representative JORGENSEN of Portland, the House adjourned at 10:58 a.m., until 9:00 a.m., Tuesday, March 25, 2014 in honor and lasting tribute to the Honorable Vivian St. Onge, of Greene and Dorothy Schwartz, of Freeport.