

# MAINE STATE LEGISLATURE

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Senate Legislative Record  
One Hundred and Twenty-Sixth Legislature

State of Maine

Daily Edition

Second Regular Session  
beginning January 8, 2014

beginning at Page 1544

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

In Senate Chamber  
Thursday  
January 30, 2014

Senate called to order by President Justin L. Alford of  
Cumberland County.

Prayer by Pastor Jon Twitchell, Cape Elizabeth Church of the  
Nazarene.

**PASTOR TWITCHELL:** Good morning. I'd like to thank Senate  
President Alford for the invitation to be here today to share a brief  
inspirational thought and to offer a prayer of invocation. After  
reading some of the words of former U.S. Senator Mitchell on  
Tuesday, I was drawn to invite you to pause this morning and  
consider these words from the ancient book of Proverbs. "Pay  
attention and turn your ear to the sayings of the wise. Apply your  
heart to what I teach, for it is pleasing when you keep them in  
your heart and have all of them ready on your lips."

Let us pray. Gracious and almighty God, we give You thanks  
for the gift of wisdom and inspiration, especially for the women  
and men who have gone before us. We thank You for granting  
gifts of thoughtfulness and creativity to authors and philosophers,  
to artists and musicians, to thinkers and teachers. We give You  
thanks for the diversity of opinions, even in this room, for open  
conversation, and for honest dialogue. Help us to listen, to be  
patient, and to respect each person and the insights that we  
bring. We ask You to sanctify the work done in these Chambers  
today and to help us pursue the greater good for our state, our  
country, our world, and for Your people. May we continue to build  
a society of justice and equality for all people. Today, as we  
begin the work that is before us, we ask that You would give us  
ears to hear the sayings of the wise. Give us lips to speak words  
of truth. Give us eyes to see the plight of the downtrodden and  
outcast. Give us hands to serve those in need. Above all, give  
us hearts to love others even as You have loved. In Your name  
we pray. Amen.

Pledge of Allegiance led by Senator Roger J. Katz of Kennebec  
County.

Reading of the Journal of Tuesday, January 28, 2014.

Doctor of the day, Geoffroy Noonan, DO of Portland.

Off Record Remarks

Out of order and under suspension of the Rules, on motion by  
Senator **JACKSON** of Aroostook, the following Joint Order:  
S.P. 696

Ordered, the House concurring, that when the Senate and House  
adjourn, they do so until Tuesday, February 4, 2014 at 10:00 in  
the morning.

**READ and PASSED.**

Ordered sent down forthwith for concurrence.

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

**PAPERS FROM THE HOUSE**

**House Papers**

Bill "An Act To Create Greater Cost Efficiency and Improve  
Health Outcomes by Incorporating Increased Access to Dental  
Services for Adults through MaineCare's Care Management and  
Coordination Initiatives" (EMERGENCY)

H.P. 1256 L.D. 1749

Comes from the House, **REFERRED** to the Committee on  
**HEALTH AND HUMAN SERVICES** and ordered printed.

On motion by Senator **CRAVEN** of Androscoggin, **REFERRED** to  
the Committee on **HEALTH AND HUMAN SERVICES** and  
ordered printed, in concurrence.

Bill "An Act To Preserve Maine's Long-term Care Facilities"  
H.P. 1251 L.D. 1745

Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS**  
suggested and ordered printed.

Comes from the House, **REFERRED** to the Committee on  
**HEALTH AND HUMAN SERVICES.**

On motion by Senator **HILL** of York, **REFERRED** to the  
Committee on **HEALTH AND HUMAN SERVICES** and ordered  
printed, in concurrence.

Bill "An Act To Provide Property Tax Relief to Maine Residents"  
H.P. 1257 L.D. 1751

Comes from the House, **REFERRED** to the Committee on  
**TAXATION** and ordered printed.

On motion by Senator **HASKELL** of Cumberland, **REFERRED** to the Committee on **TAXATION** and ordered printed, in concurrence.

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**Pursuant to Statute  
Department of Education**

The **Department of Education**, pursuant to the Maine Revised Statutes, Title 5, section 8072 asked leave to report that the accompanying Resolve, Regarding Legislative Review of Chapter 180: Performance Evaluation and Professional Growth Systems, a Major Substantive Rule of the Department of Education (EMERGENCY)

H.P. 1254 L.D. 1747

Be **REFERRED** to the Committee on **EDUCATION AND CULTURAL AFFAIRS** and ordered printed pursuant to Joint Rule 218.

Comes from the House with the Report **READ** and **ACCEPTED** and the Resolve **REFERRED** to the Committee on **EDUCATION AND CULTURAL AFFAIRS** and ordered printed pursuant to Joint Rule 218.

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

**REFERRED** to the Committee on **EDUCATION AND CULTURAL AFFAIRS** and ordered printed pursuant to Joint Rule 218, in concurrence.

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**Pursuant to Statute  
Department of Health and Human Services**

The **Department of Health and Human Services**, pursuant to the Maine Revised Statutes, Title 5, section 8072 asked leave to report that the accompanying 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)

H.P. 1255 L.D. 1748

Be **REFERRED** to the Committee on **HEALTH AND HUMAN SERVICES** and ordered printed pursuant to Joint Rule 218.

Comes from the House with the Report **READ** and **ACCEPTED** and the Resolve **REFERRED** to the Committee on **HEALTH AND HUMAN SERVICES** and ordered printed pursuant to Joint Rule 218.

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

**REFERRED** to the Committee on **HEALTH AND HUMAN SERVICES** and ordered printed pursuant to Joint Rule 218, in concurrence.

**Pursuant to Statute  
Secretary of State**

The **Secretary of State**, pursuant to the Maine Revised Statutes, Title 30-A, section 757, subsection 1 asked leave to report that the accompanying Bill "An Act To Redistrict the Knox County Budget Committee Districts" (EMERGENCY)

H.P. 1258 L.D. 1753

Be **REFERRED** to the Committee on **STATE AND LOCAL GOVERNMENT** and ordered printed pursuant to Joint Rule 218.

Comes from the House, Report **READ** and **ACCEPTED**, and the Bill **REFERRED** to the Committee on **STATE AND LOCAL GOVERNMENT** and ordered printed pursuant to Joint Rule 218.

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

**REFERRED** to the Committee on **STATE AND LOCAL GOVERNMENT** and ordered printed pursuant to Joint Rule 218, in concurrence.

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**Joint Resolution**

Joint Resolution in Memoriam:

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

William T. Gardner, of Lincoln and Redington Beach, Florida, a prominent member of the community and founder of W.T. Gardner and Sons trucking and logging company. Mr. Gardner was born in Allagash and graduated from Mattanawcook Academy. He bought his first dump truck at the age of 17 and went on to build gravel roads. He moved most of his business to Millinocket in the 1970s, where he built his first truck garage and began hauling wood for Great Northern Paper. In 1996, W.T. Gardner and Sons built the Dolby Chip Mill in Millinocket and then the Gardner Chip Mill in Chester. When the mills were built, Mr. Gardner moved W.T. Gardner and Sons to Lincoln, where the company built truck and equipment facilities and established the main office. He also established Gardner Land Company, whose holdings remain open to the public for hunting, fishing, snowmobiling and ATV use. In 2001, W.T. Gardner and Sons bought and rebuilt Chester Forest Products, followed by the Houlton Chip Mill in 2006. Mr. Gardner was active in the community and was a member of the Shriners, served on the Lincoln School Board and was involved with many other activities in support of the greater Lincoln area. Mr. Gardner will be greatly missed and long remembered by his loving family, his many friends and the community in which he played an important role;

HLS 706

Comes from the House **READ** and **ADOPTED**.

**READ**.

**THE PRESIDENT:** The Chair recognizes the Senator from Arostook, Senator Jackson.

Senator **JACKSON**: Thank you Mr. President. Ladies and gentlemen of the Senate, I would just like to rise for a moment to talk a little bit about Mr. William Gardner. This is a type of story from someone that's come from a small area. This is like the local boy makes really good. Billy Gardner's someone that came from Allagash. I know that I'm not sure exactly how, but we're related to the Gardner family. My grandfather was a Gardner on his mother's side. More importantly, Billy is someone that everyone in Allagash knew very well. He left our area and moved to the Lincoln area and started a business that grew to be a really huge company with chip mills, logging jobs, and you name it, him and his two sons, Scott and Tommy, got into it. Billy was someone that was considerably, obviously, older than me. I didn't have a real close relationship with him or anything, but it's someone that I always knew. Probably the best story or way that I ever knew him was that myself and my wife and his nephew was coming back from New Hampshire in a great big blizzard. While I knew about him, I never really had had an opportunity to meet him. We were, like I said, in a real tough spot coming home from New Hampshire, on our way up the Interstate 95. Didn't know whether we were going to make it. Didn't know how much further we were going to be able to get. We pulled into Lincoln. Stopped into his house, which his nephew knew. Just kind of pulled up without any fanfare. Immediately him and his wife, Gail, offered to keep us up for the night, ordered a bunch of food, and that was the first time that I really got a chance to talk to him and know him, because of his generosity to me and my friends. That was something that I think that he's known for throughout Maine, as someone that always was willing to go above and beyond for anyone. Very generous with any wealth that he attributed through his hard work. Just a really honest, good guy that had a great sense of humor. Certainly for me and many other people, someone that you would hope to aspire to one day. I'm sure that it is a very sad day that he's not here anymore for all the good things he's done for this state and he'll be greatly missed by not only his family but probably thousands of Mainers in Maine. I just wanted to rise and give my condolences to his family and really to the people of the state of Maine for losing such a great person, someone that really loved the state.

**ADOPTED**, in concurrence.

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Off Record Remarks

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The Following Communication: S.C. 673

**STATE OF MAINE  
126<sup>TH</sup> LEGISLATURE**

January 15, 2014

Honorable Paul R. LePage  
Governor of Maine  
1 State House Station  
Augusta, ME 04333

Dear Governor LePage:

We are pleased to invite you to deliver the State of the State address at a Joint Session of the 126<sup>th</sup> Maine Legislature on Tuesday, February 4, 2014 at 7:00 p.m.

We look forward to seeing you then.

Sincerely,

S/Justin L. Alfond  
President of the Senate

S/Mark W. Eves  
Speaker of the House

**READ and ORDERED PLACED ON FILE.**

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The Following Communication: S.C. 674

**MAINE PORT AUTHORITY**

January 28, 2014

The Honorable Mark W. Eves, Speaker of the House of Representatives  
2 State House Station  
Augusta, ME 04333-0002

The Honorable Justin L. Alfond, President of the Maine Senate  
3 State House Station  
Augusta, ME 04333-0003

Dear Sirs:

Pursuant to P.L. 2011, c. 616: *An Act to Implement the Recommendations of the Office of Program Evaluation and Government Accountability and the Government Oversight Committee Regarding Quasi-independent State Entities*, the Maine Port Authority is pleased to submit the following report to the Legislature as required under section 12023.

For the period July 1, 2012 to June 30, 2013, the Maine Port Authority had no procurements exceeding \$10,000 except for those for equipment repair and maintenance, which are exempted from competitive procurement under Policy 200-1 of the port authority.

- Liebherr Nenzing, new stabilizer cylinder for crane - \$35,085
- Liebherr Nenzing, replacement pumps for crane - \$18,000
- New Hampshire Hydraulics, refurbish stabilizer cylinder - \$12,569

Contributions were made to the following organizations:

- American Wind Energy Association, Dues - \$2,200
- Cruise Line International Association, Dues - \$2,750
- Cruise Line International Association, Leadership Forum sponsorship - \$5,000
- Maine International Trade Center, Trade Day sponsorship - \$1,500
- Michael J. Pierson Associates, CruiseSixty Conference sponsorship - \$5,000
- American Association of Port Authorities, Dues - \$6,049
- Intercruises Shoreside & Port Services, CruiseCanada/New England Symposium sponsorship - \$7,500

The Authority amended its Policies and Procedures Manual as approved by the Board of Directors on January 29, 2013.

Policy 200-3 Travel, Per Diem and Expenses, to clarify limitations

Policy 200-5 Promotions and Sponsorships, to establish procedures to ensure relation to mission and accountability

Policy 700 Lobbyists, to establish policy prohibiting retention of lobbyists

The mission of the Maine Port Authority is to improve the global competitiveness of Maine businesses and to stimulate commerce by developing marine and rail facilities for the intermodal movement of people and cargo in support of economic development. The port authority plays a vital role in serving the interests of the people of Maine. We look forward to working with you to realize these objectives.

Sincerely,

S/John H. Henshaw  
Executive Director

**READ and ORDERED PLACED ON FILE.**

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The Following Communication: S.C. 675

**STATE OF MAINE  
ONE HUNDRED AND TWENTY-SIXTH LEGISLATURE  
COMMITTEE ON AGRICULTURE, CONSERVATION AND  
FORESTRY**

January 28, 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 Joint Rule 310, we are writing to notify you that the Joint Standing Committee on Agriculture, Conservation and Forestry has voted unanimously to report the following bill out "Ought Not to Pass":

L.D. 500 An Act To Permit Tribal Members To Have Access to Wood Fiber for Fuel, Shelter and Traditional Woodcraft Production

We have also notified the sponsor and cosponsors of the Committee's action.

Sincerely,

S/Sen. Eloise A. Vitelli S/Rep. James F. Dill  
Senate Chair House Chair

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

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The Following Communication: S.C. 676

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

January 27, 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 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 bill out "Ought Not to Pass":

L.D. 138 An Act To Amend the Laws Governing the Issuance of Bonds That Have Been Ratified by the Citizens of the State

We have also notified the sponsor and cosponsors of the Committee's action.

Sincerely,

S/Sen. Dawn Hill S/Rep. Margaret R. Rotundo  
Senate Chair House Chair

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

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The Following Communication: S.C. 677

**STATE OF MAINE  
ONE HUNDRED AND TWENTY-SIXTH LEGISLATURE  
COMMITTEE ON EDUCATION AND CULTURAL AFFAIRS**

January 27, 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 Joint Rule 310, we are writing to notify you that the Joint Standing Committee on Education and Cultural Affairs has voted unanimously to report the following bill out "Ought Not to Pass":

L.D. 1361 An Act To Strengthen the Teaching of Writing and Mathematics and Improve Maine High School Graduates' College and Career Readiness

We have also notified the sponsor and cosponsors of the Committee's action.

Sincerely,

S/Sen. Rebecca J. Millett  
Senate Chair

S/Rep. W. Bruce MacDonald  
House Chair

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

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The Following Communication: S.C. 678

**STATE OF MAINE  
ONE HUNDRED AND TWENTY-SIXTH LEGISLATURE  
COMMITTEE ON ENERGY, UTILITIES AND TECHNOLOGY**

January 27, 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 Joint Rule 310, we are writing to notify you that the Joint Standing Committee on Energy, Utilities and Technology has voted unanimously to report the following bills out "Ought Not to Pass":

L.D. 1396 An Act To Create the Lisbon Water District

L.D. 1434 An Act To Clarify the Laws Governing Noise from Wind Turbines

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

Sincerely,

S/Sen. John J. Cleveland  
Senate Chair

S/Rep. Barry J. Hobbins  
House Chair

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

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The Following Communication: S.C. 679

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

January 27, 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 Joint Rule 310, we are writing to notify you that the Joint Standing Committee on Environment and Natural Resources has voted unanimously to report the following bill out "Ought Not to Pass":

L.D. 794 An Act To Amend Setback Requirements and Standards Related to Species Migration under the Laws Regulating Development near Vernal Pools

We have also notified the sponsor and cosponsors of the Committee's action.

Sincerely,

S/Sen. James A. Boyle  
Senate Chair

S/Rep. Joan W. Welsh  
House Chair

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

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The Following Communication: S.C. 680

**STATE OF MAINE  
ONE HUNDRED AND TWENTY-SIXTH LEGISLATURE  
COMMITTEE ON LABOR, COMMERCE, RESEARCH AND  
ECONOMIC DEVELOPMENT**

January 27, 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 Joint Rule 310, we are writing to notify you that the Joint Standing Committee on Labor, Commerce, Research and Economic Development has voted unanimously to report the following bill out "Ought Not to Pass":

L.D. 788 An Act To Provide Vehicle Owners and Repair Facilities Access to Vehicle Diagnostic and Repair Information and Equipment

We have also notified the sponsor and cosponsors of the Committee's action.

Sincerely,

S/Sen. John L. Patrick  
Senate Chair

S/Rep. Erin D. Herbig  
House Chair

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

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The Following Communication: S.C. 681

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

January 27, 2014

Honorable Justin L. Alfond, President of the Senate  
Honorable Mark W. Eves, Speaker of the House  
126th Legislature  
State House  
Augusta, Maine 04333

Dear President Alfond and Speaker Eves:

Pursuant to Joint Rule 310, we are writing to notify you that the Joint Standing Committee on Marine Resources has voted unanimously to report the following bill out "Ought Not to Pass":

L.D. 832 An Act To Enable Small-scale Cooperative Management of Sea Urchin Resources

We have also notified the sponsor and cosponsors of the Committee's action.

Sincerely,

S/Sen. Christopher K. Johnson S/Rep. Walter A. Kumiega  
Senate Chair House Chair

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

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The Following Communication: S.C. 682

**STATE OF MAINE  
ONE HUNDRED AND TWENTY-SIXTH LEGISLATURE  
COMMITTEE ON TAXATION**

January 22, 2014

Honorable Justin L. Alfond, President of the Senate  
Honorable Mark W. Eves, Speaker of the House  
126th Legislature  
State House  
Augusta, Maine 04333

Dear President Alfond and Speaker Eves:

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

L.D. 816 An Act To Reduce the Property Tax Burden and Improve the Circuitbreaker Program

L.D. 916 An Act To Promote Investment in Maine's Communications Network and Natural Gas Network

L.D. 1402 An Act To Amend the Taxes Imposed on Alcohol and Lodging

L.D. 1535 An Act To Provide Maine's Businesses Tax Relief for Destroyed or Stolen Products

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

Sincerely,

S/Sen. Anne M. Haskell S/Rep. Adam A. Goode  
Senate Chair House Chair

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

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The Following Communication: S.C. 683

**STATE OF MAINE  
ONE HUNDRED AND TWENTY-SIXTH LEGISLATURE  
COMMITTEE ON VETERANS AND LEGAL AFFAIRS**

January 27, 2014

Honorable Justin L. Alfond, President of the Senate  
Honorable Mark W. Eves, Speaker of the House  
126th Legislature  
State House  
Augusta, Maine 04333

Dear President Alfond and Speaker Eves:

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

L.D. 1494 An Act To Alter the Distribution of Maine Clean Election Act Funds



We have also notified the sponsor and cosponsors of the Committee's action.

Sincerely,

S/Sen. John L. Tuttle  
Senate Chair

S/Rep. Louis J. Luchini  
House Chair

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

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The Following Communication: S.C. 684

**MAINE TURNPIKE AUTHORITY**

January 24, 2014

Honorable Justin Alford  
President of the Maine Senate  
Maine State Legislature  
3 State House Station  
Augusta, ME 04333-0003

Re: An Act to Implement the Recommendations of the Office of Program Evaluation and Government Accountability and the Government Oversight Committee Regarding Quasi-Independent State Entities

Dear Senator Alford,

Enclosed are the reports required under 5 M.R.S.A. §12023, due February 1, 2014. The reports include a list of all procurements in 2013 exceeding \$10,000 for which competitive procurement was waived and a list of contributions made in 2013 that exceed \$1,000.

In 2013, the Maine Turnpike Authority made \$60 million in payments to 700 vendors. The vast majority of these payments, approximately \$52 million, were for competitively bid products or services or were legally or legislatively required. The Authority sole-sourced approximately \$8.1 million in 2013. Most of these products or services were either proprietary in nature or were procured under long-term contracts. As these long-term contracts expire, the Authority will seek competitive bids.

Section 12023(2c) requires a description of changes to the written policies and procedures required by Section 12022. There were no changes to the policies and procedures required by this section in 2013, therefore, there is nothing to report.

Respectfully,

S/Peter Mills  
Executive Director

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

The Following Communication: S.C. 685

**NORTHERN NEW ENGLAND PASSENGER RAIL AUTHORITY**

January 27, 2014

Senator Justin Alford  
President of the Maine Senate  
3 State House Station  
Augusta, ME 04333-0003

RE: Statutory Citation P.L. 2011 c. 616: An Act to Implement the Recommendations of the Office of Program Evaluation and Government Accountability and the Government Oversight Committee Regarding Quasi-Independent State Entities

Dear Senator Alford:

Please find enclosed the Northern New England Passenger Rail Authority's annual report as required under section 12023 (2) "Ongoing Reports" of the Statutory Citation referenced above.

Required Reports:

2A. A list of all procurements exceeding \$10,000 in the preceding year (NNEPRA Fiscal Year 2013) for which competitive procurement was waived under the policies adopted pursuant to section 12022, subsection 3 - Attached.

2B. A list of all persons to which the entity made contributions greater than \$1,000 in the preceding year and the total amount contributed to each – Attached.

2C. There were no changes made to the written policies and procedures required by section 12022 or to the procedures used by the governing body to monitor compliance with those policies and procedures.

Sincerely,

S/Mr. Martin Eisenstein  
Chairman

S/Ms. Patricia Quinn  
Executive Director

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

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**SENATE PAPERS**

Bill "An Act To Amend the Mandatory Shoreland Zoning Laws To Exclude Subsurface Waste Water Disposal Systems from the Definition of 'Structure'"

S.P. 694 L.D. 1755

Presented by Senator SAVIELLO of Franklin.  
Cosponsored by Senators: BOYLE of Cumberland, JACKSON of Aroostook.  
Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.

On motion by Senator **BOYLE** of Cumberland, **REFERRED** to the Committee on **ENVIRONMENT AND NATURAL RESOURCES** and ordered printed.

Sent down for concurrence.

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

**ORDERS**

**Joint Resolution**

On motion by Senator **JACKSON** of Aroostook, under unanimous consent on behalf of President **ALFOND** of Cumberland the following Joint Resolution:

S.P. 695

**JOINT RESOLUTION  
RECOGNIZING JANUARY 31ST AS EITC AWARENESS DAY**

WHEREAS, in order to promote the federal earned income tax credit, which enhances family household budgets, we recognize January 31, 2014 as EITC Awareness Day; and

WHEREAS, it is estimated that every year 20 percent of Maine residents do not apply for the federal earned income tax credit, which demonstrates the importance of raising awareness of this credit and urging individuals to find out if they qualify for it; and

WHEREAS, throughout the State, IRS-certified volunteer tax preparers who are members of CASH Maine and AARP Tax-Aide, a collaboration of 10 statewide coalitions including 50 nonprofit and for-profit partners, provide free federal and state tax preparation; and

WHEREAS, in 2013, these volunteers helped Maine residents save more than \$3,200,000 in filing fees and claim \$5,480,000 in earned income tax credits, returning \$21,450,000 to Maine residents in federal income tax refunds; 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 recognize January 31, 2014 as EITC Awareness Day; and be it further

**RESOLVED:** That we send our appreciation to all the volunteers who participate in EITC Awareness Day for the benefit of Maine citizens and we urge participation in this worthy cause.

**READ.**

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

Senator **VITELLI:** Thank you Mr. President. I would like to let my esteemed colleagues know that Maine is very fortunate to have a

very active group of volunteers who every year for the past 10 years has been providing free tax preparation services around the state to individuals who may qualify for the Earned Income Tax Credit. These are known as the CASH Coalitions, which stands for Creating Assets Savings and Hope. They have a day on February 8<sup>th</sup> which is known as Super Saturday. This is an event that I think many of your constituents would be happy to know about. I would refer you to the CASH Maine website or to 2-1-1 for further information about exact locations and times of these events. Thank you.

On motion by President **ALFOND** of Cumberland, **ADOPTED.**

Sent down for concurrence.

\_\_\_\_\_  
Off Record Remarks  
\_\_\_\_\_

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

**REPORTS OF COMMITTEES**

**House**

**Divided Report**

The Majority of the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** on Bill "An Act To Improve Access to Oral Health Care"  
H.P. 870 L.D. 1230

Reported that the same **Ought to Pass as Amended by Committee Amendment "C" (H-589).**

Signed:

Senator:  
PATRICK of Oxford

Representatives:  
HERBIG of Belfast  
CAMPBELL of Newfield  
GILBERT of Jay  
HAMANN of South Portland  
MASON of Topsham  
MASTRACCIO of Sanford  
WINCHENBACH of Waldoboro

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

Signed:

Senators:  
CLEVELAND of Androscoggin  
CUSHING of Penobscot

Representatives:

DUPREY of Hampden  
LOCKMAN of Amherst  
VOLK of Scarborough

Comes from the House with the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "C" (H-589)**.

Reports **READ**.

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

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

**THE PRESIDENT:** The Chair recognizes the Senator from Oxford, Senator Patrick.

Senator **PATRICK:** Thank you Mr. President. Ladies and gentlemen of the Senate, colleagues and friends, I rise today once again in favor of L.D. 1230. We heard this bill last year. We had a lot of debate one evening and here we are again today. This is not the first time we're debating this bill, as you recall. We voted on it last year. So what has changed? Well, Mr. President, not much in the way of the legislative language, but there is still a lot of confusion about what L.D. 1230 does and does not do. I'm speaking today to provide clarity around education and scope of practice for those who still have questions. Before I get into that I do want to touch on a disturbing trend regarding dental access in the time since we debated this bill. The number of MaineCare kids who had access to a dentist has declined. Two out of three currently go without access to care to a dentist. The number of dentists in our state actually accepting new MaineCare patients is just 12%, which helps me better understand why two out of three MaineCare kids don't see a dentist. L.D. 1230 allows dental hygienists in Maine to get more education to expand their scope of practice which would let them perform routine care like filling a cavity. They would be called a Dental Hygiene Therapist. The medical field has many of these types of practitioners; physician's assistants and nurse practitioners, to mention a few. In fact, emergency medical technicians are not doctors, but provide critical care in ambulances at critical times. Think about that. People who are not doctors care for us when we're having a life threatening heart attack. I remember years ago they used to have to call into a doctor to figure out what to do. Now they are saving lives. What a difference a few years makes. It makes you wonder why there is so much controversy about letting someone get educated to fill a cavity. Many of these medical practitioners were controversial at first, but over time they have gained acceptance and now provide routine care in many rural and other underserved areas. Dental hygiene therapists will have two years of additional education beyond the two to four year hygiene degree they already have in order to be able to perform the extra procedures. This means they will have minimum of four years of education, but many will have six. On top of that, they will get 1,000 hours of direct clinical training by a dentist. If after all their

training their supervising dentist is not comfortable with the dental hygiene therapist's performing the entire scope of practice we are discussing here today, the dentist can limit it to what they feel that particular dental hygiene therapist can do. There have been a lot of questions about the training of these providers so I want to say this again. The dental hygiene therapist will have a minimum of four years of education, but as much as six years, plus 1,000 hours of direct clinical practice with a dentist. When they have finished the program they will be able to perform 53 dental procedures compared to a dentist who, after eight years of education, will be able to perform over 500 dental procedures. Another way of saying this is that dental hygiene therapists will be able to perform 10% of what a dentist is authorized to do after he or she graduates dental school. This is a job creation bill, too, because it creates an additional career pathway for hygienist in our state. An additional career pathway. Throughout my whole working career, ladies and gentlemen, that's exactly what I have done. Search for other career pathways to get to where I am today and I was able to venture to many of them and have become a well-rounded maintenance mechanic in a paper mill. Everyone in this Chamber, regardless of political affiliation, can agree that we need to do all we can to create jobs in Maine.

L.D. 1230 is not a bill to replace dentists. Dental hygiene therapists are not authorized to practice independently or open up their own practice. Let me repeat that again, my Senate colleagues. Dental hygiene therapists are not authorized to practice independently. Dentists remain the leader of the dental team and will supervise dental hygiene therapists. These providers will be required by law to spend at least half their time serving the underserved, those that have trouble getting care. On a personal note, let me just say I've been extremely disappointed in the tactics used by some of the opponents of this bill, just as probably there are some disappointed in some of the tactics the other side used. Just last Friday I attended a dental board hearing of a hygienist who was fired from her job because she used her First Amendment rights. What happened, basically, was that I was coming from my committee chair at LCRED. I was with two people, talking about casinos. I just caught someone saying, "I was fired because I testified at the hearing." I snapped around and said, "You have got to be kidding me. What's going on?" A couple of charges were brought. She was going to have to go before the dental board. I said, "When is that hearing because I want to go?" She said, "The 24<sup>th</sup>." That was last week, actually this week. I did find the time. I actually shortchanged my colleague, Senator Tuttle, by not being able to make it to committee on time. I sat through that hearing and I would like to commend Dr. Moyer and the board for allowing the process to go forward and the person who was brought before the board was allowed an open session. I learned a lot. I learned an awful lot in that session. I understand a lot about boards. To make a long story short, basically, throughout the whole hearing I heard about lesions and about the other group of people. I think that was supposed to mean MaineCare recipients. There are problems in the state. I was just appalled at this issue because nowhere in my mind could I ever possibly believe, even though we are an at-will state, that these things could happen. I'm just thankful that the board made the right decision and got rid of both charges. Through the whole process I learned there is a communication problem in everything in life, including dental practices and doctor practices. I learned about taking notes, defensive notes. Really good notes really protect you really well. Throughout the whole process I'm saying to myself, I couldn't ask any questions, the

one question I was going to ask is that they never did say, "Does anyone know why these charges were brought, how far back they were, were these really issues, was this retribution?" It happened, ladies and gentlemen, and that's probably the biggest thing that bothers me the most out of this thing because I have met an awful lot of friends in this issue that happen to be dentists.

I've got an awful lot of respect for dentists and I have an awful lot of respect for hygienists. In my position you have to kind of weigh all the facts and decide whether or not you believe in the issues at hand. They both have good points on both sides. Looking at a rural state like Maine and knowing that there is the fact that there are needs that have got to be brought forward. Is the model working the way we'd like to have it work? If anyone says yes I'd have to disagree with them because there are an awful lot of holes in the services that are being provided. Ladies and gentlemen, we've got to focus on trying to do the right thing for all sides. We're taking this issue on and saying we're elevating the position of dental hygienists one rung up the ladder. The head is still going to be the dentist. It makes good sense that this is another avenue that we can find that's going to help those people. I will say this, looking at the amount of hygienists that we have, I cannot envision that every single hygienist is going to want to go to school for two more years and spend 1,000 hours. I think there will be a small percentage that wants to move on and I hope there is. I think we should have that availability and have that opportunity. As with anything in life, we should have those opportunities. I would ask you, ladies and gentlemen of the Senate, to do the right thing. It's a good business bill. It's going to help an awful lot of people with needs. Vote Ought to Pass on L.D. 1230. Thank you.

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

Senator **BURNS:** Thank you Mr. President. Men and women of the Senate, as one of the more conservative members of this Senate, I rise today in strong support of L.D. 1230. Before I get to my reasons for supporting the bill I think it's important for us to remember how we got here. In 2011 we passed L.D. 1105 which commissioned a study on oral health access in our state. The study was funded primarily by the Maine Dental Association and the American Dental Association. The result of L.D. 1105 was the most comprehensive state oral health assessment in the nation and essentially the blueprint for us, as legislators, to discuss how to tackle the access problem in our state. The result of L.D. 1105 were released in 2012 and they shed some light on the things Maine is doing right when it comes to oral healthcare access, like dental sealants and preventive measures, and opportunities for improvements, like finding ways for more folks in Maine to get dental care, especially those located in rural areas, people on MaineCare, and others who face challenges, like senior citizens, nursing home residents, and the disabled. The conclusions from the oral healthcare assessment are the premise for L.D. 1230, a bill that was debated here last session and was carried over to this session.

Here are the facts that stick with me when I think about this bill. Maine has a dentist shortage area in 15 of our 16 counties. That's important, but more telling is the shortage of dentists in our state actually accepting MaineCare patients. According to a survey conducted by the Dental Access for ME Coalition, only 12% of dentists licensed through the Board of Dental Examiners in our state are accepting MaineCare patients. Only 12%, ladies

and gentlemen. In the last two years this Body has taken to debate this bill the number of low income children not receiving dental services has increased from 55% to 62%, nearly two in three low income children. The problem is getting worse worst rather than better. In double blind tests work done by dental hygiene therapists has been shown to be as good as or better than the dentist within their scope of practice. This shouldn't be surprising. Have a much smaller focus than dentists. When it comes to dental procedures and anything that you zero in on, you get really good at it. I was told by a dentist working with a new dental program in Minneapolis that dental therapists do a small portion of the procedures that he or other dentists do on a much more frequent basis and, therefore, become more proficient performing those procedures than the other dentists do. This is not a statistic. This is something that comes directly from a practicing dentist. Finally, for every \$30 in cost dental therapists generates an additional \$70 in profit for the place of employment because they allow dentists to see more MaineCare patients in a financially sustainable way, should they choose to do so.

I recognize this is a controversial issue and, like my colleagues, I have listened carefully to those who support the bill and those who oppose it. At the end of the day, my job as a Senator for the 29<sup>th</sup> District is to ask the very basic question of every piece of legislation that comes before me. Will this help the people of my district? The answer to that comes in L.D. 1230 as an absolute yes. I'm not saying this because it is what someone's told me to say or because I received a political contribution to take this position. My support of L.D. 1230 is not because of something the proponents of this bill have done right or because of something the opponents have done wrong. I did my homework. I studied the evidence of the safety, the quality, and efficacy of this program. I saw first-hand how they are increasing access to care in other states. I've talked to the people who educate these providers and I've talked to the dentists and the community health center directors who are employing them. I've even talked to the providers themselves. Most importantly, I've listened to my constituents who are struggling with dental pain on a daily basis. My guess is that's true for just about everybody in this Chamber, given the overwhelming support for L.D. 1230. I've heard many things from those who are against L.D. 1230 except the evidence to support their claims. I've heard a lot about open chair time as a result of incoming patients not showing up for their appointments, which is precisely why we need to give this dental system another option so they can help bring care to the people where many people are in need of it the most; places like schools, Head Start facilities, assisted living centers, and so forth. L.D. 1230 does exactly that and I have seen it first-hand myself. I have committed to work across the aisle with another member of this Body to address the issue of access and no-shows because I realize that it is a problem. I want to say a little bit more about this open chair business. It doesn't always pass muster for me when the same group that says that they have open chairs has only 12% of its members willing to treat MaineCare patients. I think that is significant. It is rare for the House and the Senate to have such a bi-partisan backing of a piece of legislation. Actually it's quite refreshing. If you take a look at the organizations supporting L.D. 1230 they represent the right, the middle, and the left. When you take a look at the organizations opposing this legislation I see one, the Maine Dental Association. While I respect the work of all dentists in our great state, and I believe that they are doing their very best to provide quality care to those in need with the tools and assistance that they have, I respectfully

disagree with the attempt to ignore that their own data and the suggestions that people do not have trouble getting needed care or that it will somehow be resolved by the new dental school.

I had to visit my own dentist last month to have some work done on my teeth. My dentist said to me, "I see you are still supporting the dental therapy bill." I said, "Yes, I think it's something that we need." Her response was, "The day you pass that bill I will start looking for work outside of this state. You're just taking business away from me." Ladies and gentlemen, is that what we've come to? I certainly hope not. I was shocked by that statement. After speaking with dentists in Minnesota who started out staunchly opposed to midlevel providers, just as my dentist, but are now hiring them, I am convinced that many of the dentists who oppose this legislation will come around. No one likes to make changes, but in the end this will help the dentists do the right thing in a financially sustainable way. I believe that's what dentists in their guts and in their hearts really want to do. We need dental hygiene therapists in Maine to expand the reach of their dental team. We need dental hygiene therapists in Maine now. It is undeniably the right thing to do for the people of my district who are currently suffering as a result of a lack of access to dental care, both the young and old. Ladies and gentlemen, it is undoubtedly the right thing for us to do for the citizens of this entire state. I urge my colleagues to join me in voting for Mainers and please support L.D. 1230. Thank you, Mr. President.

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

Senator **CUSHING:** Thank you Mr. President. Ladies and gentlemen of the Senate, I rise today in regards to this bill. I think I have to echo my good friend from Oxford County in indicating there's not a lot more that can be said about this bill, but, as many of you know, that's never stopped me from rising to speak. The issue before us is important though. It gets down to another component of healthcare for the citizens of our state. Tragically, this has become like the Super Bowl as to whether one team or the other wins. It really should be about the policy that we institute in the state of Maine regarding good oral healthcare, particularly for those folks who are the recipients of it and particularly for those folks who are most needy in developing good oral healthcare. Many of us, I think it's probably safe to say all of us, at some point in our lives have gone to a dentist. It's not always been the most enjoyable experience because sometimes we've developed habits that have not lead to good oral healthcare in our own situations. The policy before us is one of importance because it says: what direction are we looking to go? Do we need to better serve the needs of a segment of our population? I agree with that. I agree that we need to be looking at new and important changes in policy in many areas of healthcare. Oral healthcare has evolved as other fields have, to become significant first levels of identification of more serious problems. Dentists will tell you, and their hygienists, they are constantly being trained to identify how issues related to oral health may eventually lead to more profound issues for our body, systemically.

We've made some very positive choices here in this Body and we've made those choices, I think, in a reasonable way. One of those was the decision that we needed to offer Maine students an opportunity to become dentists and return to our state and take over for many of those dentists who are now in the later years of their career and are ready to bring somebody else in. Because they invested of themselves in those practices, they

want to see that level of care continue in their communities and to their patient base. To that end, we, in this Body, approved a dental school, a bond for a dental school, that would allow Maine students. I'm proud to say that right now you have over 60 individuals participating in the first class at that dental school at UNME. What that means is that in a few years you will be refreshing the pool of dental care providers, of dentists, in this community. I'm also pleased to say that it's balanced. There are, as I understand it, individuals from all 16 counties of the state of Maine attending that dental school. There are 32 women and 32 men. What we're saying to that future generation is: we need you to look at Maine, your home state, the place where you're getting your education, as a place you can come back and give to your communities. I think that many of them, and those attitudes, will benefit from the discussions we've had here today. I'm all in favor of professions continuing to grow because there are changes that take place and more education is good. The mouth is a very sensitive area and we need to be aware that we don't treat it like we treat the repair of a vehicle or some other inanimate object. We're dealing with a person's body and the limited number of areas of practice that hygienists are being allowed to handle may not fully address things. If anyone has dealt with a child who has a healthcare problem, there is nothing more you want than to get that solved quickly. By limiting the level at which independent hygienists would be allowed to practice, I think, we don't do the full justice to the needs of some of that community that we're asking them to serve.

I thank you all for your attention. As we've said, we've debated this here and in the hallways. I think some of us may have been slightly fatigued in the discussion. What it comes down to is whether we are prepared to make a policy decision now, before we graduate the first class from our dental school, before we allow Maine dentists and hygienists to continue to grow the relationship they have in providing good oral healthcare. My answer to that, respectfully, would be that this is no vehicle to do it with. Thank you, Mr. President.

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

Senator **KATZ:** Thank you Mr. President. Men and women of the Senate, this is a difficult issue. It was only after long and hard study that I finally decided to vote yes in the days leading up to our vote on this bill last June. Since then my belief that I cast the right vote has only been strengthened. To be clear, I applaud people in the dental community, particularly the ones I know who are selfless people who do a lot of pro bono work. One of them is in the Chamber today. A man who has been a friend of our family for 50 years and who has devoted himself to public health in the last years of his career. Even with his extraordinary efforts and the extraordinary efforts of others, too many people are still left unserved. It is clear, at least to me, that the dental marketplace is broken. Before I made up my mind last year, Mr. President, I spoke at some length with the Dean of the Dental School in Minnesota. He is a dentist and an active member of his state association. In addition to being a dentist, he educates dental therapists there. The Dean made it clear to me that this is not an experiment we're talking about. Maine would not be reinventing the wheel. This is not Dirigo. This policy has already been a success in Alaska, where it has served the tribal communities for years with success, and more recently in Minnesota. In fact, I learned that dental therapy has been in practice in other places in

the world for over 90 years. Dean Assael told me to look at it this way. When open heart surgery began years ago a competent surgeon might be able to do one of those surgeries a day. Then as we got more into the team approach, a physician's assistant and others could do a great deal of the prep work. This allowed the surgeon, who is very skilled at the very complex and technical task, to do three or four of those surgeries per day. Why? Very simple. The surgeon needn't have to spend time on the routine things that others could do. That meant more service for more people because lower trained people could properly do what they had to do to maximize his or her time. I also asked the Dean about the way things have actually worked out in Minnesota. Here's what he told me. First of all, these mid-level practitioners were trained on say 50 discrete skills and trained on those skills alongside the dentist in that school. As the dentist was learning those 50 skills the mid-level practitioners were learning the same 50 skills. Since they concentrate only on those 50 skills, he told me that, frankly, for himself and his own family, he'd rather have those services performed by a mid-level practitioner than a dentist, who has had to master 600 things. The more narrow the scope of services someone is trained on the more they do it and the better they get at it. That was his point and I thought that was an interesting perspective.

Back last June I made the analogy, and I want to again, to the practice of law. I went to law school for three years, after four years of college, but the fact is a lot of what I do in my practice I really don't need that training for. Interviewing witnesses, preparing for depositions, title searches, and indexing records. All those things can be done by someone with less training than I have and, frankly, they do it better than I do. It's the same from the Dean's perspective with these mid-level dental practitioners. Again, because they are narrowly focused on routine tasks, they do things better and dentists are hiring them. The business model seems to be working.

I know all of us are concerned about the safety issue. Concerns have been raised in the past about whether the practice will be safe and whether patients will be getting a second class quality of care in terms of safety. I asked the Dean about that. He said since this program has been instituted a couple of years ago, to his knowledge, and he's the Dean of the dental school, there has not been one single complaint filed against one of this mid-level practitioners alleging that they have been unsafe in any of their practices. The reaction of the dental community in Minnesota, he reported, has been slow in coming, as you might expect. Now these people who have graduated from these programs are getting jobs with dentists who are now becoming more accepting of this program and are hiring these people because they realize they can help them in their practice. In fact, I just came across an article this month about another private practice that is hiring a therapist in rural Minnesota. I'd also ask: if there are no safety concerns why should we, here in this Body, prevent a private dentist, if he or she wishes, from hiring one of these practitioners if they can help the dentist treat more low income folks at their practice? This bill doesn't force anyone to hire a dental hygiene therapist. It gives these dentists another tool in the toolbox if they choose to use it, and only if they choose to use it. That tool could really be helpful in rural practices and at community health centers.

I would suggest, Mr. President, that the dental marketplace is broken. I think it's broken for several reasons. When two-thirds of low income kids with insurance through MaineCare don't have a dentist, the marketplace is broken. When half of all kids don't

have a dentist, the marketplace is broken. When a third of our third graders suffer dental pain from untreated dental disease, the marketplace is broken. When 75 separate areas in Maine have been designated as dental shortage areas, the marketplace is broken. The status quo isn't working. A dental hygiene therapist will work for a dentist, make dental practices and clinics more money, take care directly to schools and nursing homes so that no-shows are a thing of the past, and bring more technical complex cases to their supervising dentist to further increase their revenue. In a few years, Mr. President, I believe we will think about dental therapists the way we think about dental hygienists. Just like Minnesota, the dentists who oppose this today will be supporters tomorrow. As my colleagues have suggested, this is the right thing for our state. Thank you, Mr. President.

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

Senator **DUTREMBLE:** Thank you Mr. President. Ladies and gentlemen of the Senate, I stand before you today. The last time this bill came around I supported the dentists and I questioned the ability to expand dental therapy. Through research and through educating myself, one issue I have is that I'm disappointed with the dental community. The dentists and the dental hygienists knew this was coming. They should have been working together for the last year to come up with some type of resolution that would benefit all, but they didn't. We have the same bill in front of us that, basically, has gone unchanged. My take on this bill now is that I look at myself back in 1989. I did paramedicine, became a paramedic, an advanced EMT. At that time doctors and nurses said, "You'll never do this. You're not going to be able to go in the field. You're not going to be able to practice aseptic techniques out there. You're going to have no oversight. No one's going to be there to watch you. No one's going to be in charge. How are we going to do this?" They used my class in 1989, we were the guinea pigs. We sat alongside doctors and nurses and we took ACLS hand in hand with them. My instructor guaranteed them that not only would we pass, we would outscore them. As a result, the lowest grade in my class was a 95 and we did outscore the doctors and nurses. That increased a huge amount of respect between paramedics in the field and doctors and nurses in the hospital. Now, do I think I'm a physician? Absolutely not. If you want to know why you're having abdominal pain, if you want me to stitch you up, I'm not your guy. If you're having a heart attack and you stop breathing in front of me, me and my colleagues on the rescue are a good bet. You want us there. You know what? We do it better than doctors sometimes. It's the fact that we're experts in our field. This is what we do. I believe this therapist bill will do the same. I don't think it's going to hurt anybody. I think it's going to expand and I think they're going to be experts in what they do at the limited scope that they are requested. Thank you.

**THE PRESIDENT:** The pending question before the Senate is the motion by the Senator from Oxford, Senator Patrick to Accept the Majority Ought to Pass as Amended Report, in concurrence. 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 (#389)**

YEAS: Senators: BOYLE, BURNS, CRAVEN, DUTREMBLE, GRATWICK, HASKELL, HILL, JOHNSON, KATZ, LACHOWICZ, MASON, MAZUREK, MILLETT, PATRICK, PLUMMER, SHERMAN, VITELLI, WHITTEMORE, WOODBURY

NAYS: Senators: CAIN, CLEVELAND, COLLINS, CUSHING, FLOOD, GERZOFSKY, HAMPER, JACKSON, LANGLEY, SAVIELLO, THIBODEAU, THOMAS, TUTTLE, VALENTINO, YOUNGBLOOD, THE PRESIDENT – JUSTIN L. ALFOND

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

On motion by Senator **PATRICK** of Oxford, **TABLED** until Later in Today's Session, pending **FIRST READING**.

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**PAPERS FROM THE HOUSE**

**Joint Order**

An Expression of Legislative Sentiment recognizing:

The members of the Bonny Eagle High School Football Team, of Standish, who won the 2013 Class A State Championship: Antonio Bruni, Stephen Hannigan, Joe Bissonnette, Dillon Reynolds, Dylan Ricci, Zach Dubiel, Zack Brannon, Daniel Smith, Christian Dunbar, Eben Cram, Justin Bryant, Ben Malloy, Robie Martin, Jon Woods, Dalton Sanborn, Adam Landry, Keegan Meyer, Zach Walker, Matt Smith, Nikk Pierce, Luke Winslow, Brian Rollins, Brandon Johnson, Mike Arsenault, Parker Gammon, Davis Hughes, Nick Fortin, Zach Reynolds, Alec Tardy, Adam Goodwin, Lukkas Pierce, Mason White, Kirby Morrell, Sami Afiri, Wiley Hollen, Isaiah Reynolds, Joe MacDonald, Kyle Cushman and Russell Barlow; manager Becca Howell; head coach Kevin Cooper; assistant coaches Ben Ledue, Nat Germond, Behn Brooks and Matt Rollins; and freshman coaches Terry Bowen, Donald Hildreth, Brooks Bowen and Jordan Adams. We extend our congratulations and best wishes to the members of the team on this achievement;

HLS 711

Comes from the House, **READ** and **PASSED**.

**READ.**

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

Senator **PLUMMER:** Thank you Mr. President. Men and women of the Senate, I am very pleased to be able to rise and to acknowledge the Maine State Class A Championship Football Team. This is a group of young men and women from Bonny Eagle High School who set a goal for themselves last fall. I think

it's a goal many of them set long before last fall because they've played together for many years. I am sure that several of them have worked for this for at least the last 10 years. They worked hard. They played hard. They worked together. They played together. They listened to Coach Cooper and the rest of the coaching staff. Their dedication paid off. In a very exciting game, and a very exciting finish, they brought the gold ball to Bonny Eagle High School. This is not their first gold ball. I believe this may be the fifth championship that Bonny Eagle has won. I would like to acknowledge Coach Cooper as being Maine Sunday Telegram's Football Coach of the Year. There are also three players that stand out. They were named to the All State Football Team; the running back Jon Woods, defensive back Zach Dubiel, and tackle Isaiah Reynolds. This achievement is significant for me, not only because I represent two of the four towns in School Administrative District #6, which makes up the Bonny Eagle District, but I also taught in that district for over a dozen years. As I was talking to the team this morning I'm thinking probably some of their grandparents were my 4<sup>th</sup> grade students just a few years ago. We who have ties to Maine School Administrative District #6 are extremely proud of the Bonny Eagle Scots and we're very pleased to have them with us today. Thank you, Mr. President.

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

Senator **BOYLE:** Thank you Mr. President. Ladies and gentlemen of the Senate, I rise to add my congratulations to the Bonny Eagle Football program, to Coach Cooper and all the other coaches, and the participants, the players. My connection is, even though I'm from Gorham and where many may consider us a rival town next door, my partner used to be the sideline photographer for the team and both her children are graduates from Bonny Eagle High School. We have kind of a rivalry within the house as well, but when a team wins, they've done their best, we rise to the occasion and congratulate them. Well done.

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

Senator **VALENTINO:** Thank you Mr. President. As the Senator from Buxton, I thought that I would browse the internet last night. One of the marvelous things about the internet is that you can almost type in anything you want to and get a video. I was actually able to watch the last few seconds of the Bonny Eagle game last night to actually catch the spirit and the enthusiasm of the players. It was a very exciting clip. It was the final football game to determine the new 2013 Class A State Championship. With only two minutes left in the game, Bonny Eagle High School was losing 28-24. They got the ball on the 18 yard line and then they proceeded to move the ball a whopping, and I looked that up whopping, 76 yards down the field. With 6 yards to go and only 22 seconds left on the clock, they ran one of their favorite plays. Head Coach Kevin Cooper calls it the "Quarterback Rap". The Bonny Eagle players opened up a hole for the quarterback and he ran right through it, or I suspect they pushed him right through it, to score the winning goal with less than 22 seconds left. It was a very exciting video and I want to congratulate the entire team and all the coaches for their hard work and their well-deserved victory. Congratulations.

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

Senator **TUTTLE:** Thank you Mr. President. Members of the Senate, coming from Sanford High School, I went to the game where Bonny Eagle beat Sanford. They did a wonderful job. I've watched Coach Cooper over the years. I've been involved with athletics. As many of you know, I consider him one of the best coaches in the history of Maine college football, along with John Wolfgram and I think Rod Wotton of Marshwood. When I played football my nickname was "The Bowling Ball". As you can see, I haven't changed much over the years. I want to congratulate the boys. You did a wonderful job. I saw the game. I wish you well, but I want you to remember to use your athletic ability to get yourself an education. I did that and I'll never regret it. Thank you, Mr. President.

**PASSED**, in concurrence.

**THE PRESIDENT:** The Chair is pleased to recognize in the balcony Head Coach Kevin Cooper, Assistant Coaches, and members of the Bonny Eagle High School football team who won the 2013 Class A State Football Championship. They are the guests today of Senator Plummer of Cumberland, Senator Valentino of York, and Senator Boyle of Cumberland. Will they please rise and accept the greetings of the Maine State Senate.

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Senate at Ease.

Senate called to order by the President.

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**ORDERS OF THE DAY**

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

Bill "An Act To Improve Access to Oral Health Care"  
H.P. 870 L.D. 1230

Tabled - January 30, 2014, by Senator **JACKSON** of Aroostook

Pending - **FIRST READING**

(In House, January 28, 2014, the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "C" (H-589).**)

(In Senate, January 30, 2014, Reports **READ**. On motion by Senator **PATRICK** of Oxford, the Majority **OUGHT TO PASS AS AMENDED** Report, **ACCEPTED**, in concurrence.)

The Chair **RULED** the motion by Senator **JACKSON** of Aroostook to Table Pending First Reading **OUT OF ORDER**.

**READ ONCE.**

Committee Amendment "C" (H-589) **READ**.

Senator **JACKSON** of Aroostook moved to **TABLE** until Later in Today's Session, pending **ADOPTION** of Committee Amendment "C" (H-589), in concurrence.

On motion by Senator **PATRICK** of Oxford, 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 (#390)**

**YEAS:** Senators: BOYLE, CAIN, CLEVELAND, COLLINS, CRAVEN, CUSHING, DUTREMBLE, FLOOD, GERZOFSKY, GRATWICK, HAMPER, HASKELL, HILL, JACKSON, JOHNSON, LACHOWICZ, MAZUREK, MILLETT, PLUMMER, SAVIELLO, SHERMAN, THIBODEAU, THOMAS, TUTTLE, VALENTINO, YOUNGBLOOD, THE PRESIDENT – JUSTIN L. ALFOND

**NAYS:** Senators: BURNS, KATZ, LANGLEY, MASON, PATRICK, VITELLI, WHITTEMORE, WOODBURY

27 Senators having voted in the affirmative and 8 Senators having voted in the negative, the motion by Senator **JACKSON** of Aroostook to **TABLE** until Later in Today's Session, pending **ADOPTION** of Committee Amendment "C" (H-589), in concurrence, **PREVAILED**.

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**Senate**

**Change of Committee**

Senator MILLETT for the Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act To Redesign Maine's School Funding Model"

S.P. 149 L.D. 369

Reported that the same be **REFERRED** to the Committee on **TAXATION**.

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

**REFERRED** to the Committee on **TAXATION**.

Sent down for concurrence.

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

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**SECOND READERS**

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

**House**

Resolve, Extending the Date by Which the Probate and Trust Law Advisory Commission Must Report on Its Work on Maine's Probate Code and the Uniform Probate Code  
H.P. 1247 L.D. 1741

Resolve, Extending the Date by Which the Probate and Trust Law Advisory Commission Must Report on Its Review of the Issue of Inheritance of Digital Assets  
H.P. 1248 L.D. 1742

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

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Resolve, Extending the Date by Which the Family Law Advisory Commission Must Report on Its Study of the Uniform Parentage Act and Other Similar Laws and Proposals  
H.P. 1243 L.D. 1737

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

Sent down for concurrence.

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**ORDERS OF THE DAY**

**Unfinished Business**

The following matter 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 Assigned (1/16/14) matter:

JOINT ORDER - Expression of Legislative Sentiment  
Recognizing Sergeant Chad Abbott, of the Wilton Police Department  
SLS 721

Tabled - January 16, 2014, by Senator **KATZ** of Kennebec

Pending - **PASSAGE**

(In Senate, January 16, 2014, on motion by Senator **SAVIELLO** of Franklin, **READ**.)

At the request of Senator **SAVIELLO** of Franklin, Joint Order **READ**.

**THE PRESIDENT:** The Chair recognizes the Senator from Franklin, Senator Saviello.

Senator **SAVIELLO:** Thank you Mr. President. Ladies and gentlemen of the Senate, every day we wake up to a safe country, state, county, and town. Why? Because we have our military on the national level and we have our police force and firefighters locally. They go to work every day with the mission to serve and protect, help us, and possibly save our lives. They train constantly to complete this mission. Chad Abbott is one of those individuals who provides a service and protection for us. He was called on that early morning to use these skills to save a life. The state of Maine and the people of Wilton and the child that Chad saved, we thank you. Today, colleagues and friends, we have a real hero among us, Chad Abbott. Thank you very much, Mr. President.

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

Senator **BURNS:** Thank you Mr. President. Ladies and gentlemen of the Senate, I just wanted to echo what was just said by the Senator from Franklin. It's such an honor to have an opportunity to honor a brother police officer. He belongs to a profession where men and women go out every day and protect us and save lives. Anytime we have an opportunity to bring that into the mainstream spotlight I think it's a great thing and want to thank the Senator from Franklin for bringing it forth and thank Sergeant Abbott for his great work.

**PASSED.**

Sent down for concurrence.

**THE PRESIDENT:** The Chair is pleased to recognize in the rear of the chamber Sergeant Chad Abbott of the Wilton Police Department. He's accompanied today by Heidi Wilcox, Chief of Police in Wilton. They are both the guests of the Senator from Franklin, Senator Saviello. Will they please stand and accept the warm greetings of the Maine State Senate.

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The Chair laid before the Senate the following Tabled and Later Assigned (1/23/14) matter:

Resolve, Directing the Department of Defense, Veterans and Emergency Management To Develop a Portable Voucher System To Subsidize Rental Housing for Veterans in the State  
H.P. 1249 L.D. 1743

Tabled - January 23, 2014, by Senator **PATRICK** of Oxford

Pending - **REFERENCE**

(In House, January 21, 2014, **REFERRED** to the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** and ordered printed.)

On motion by Senator **PATRICK** of Oxford, **REFERRED** to the Committee on **LABOR, COMMERCE, RESEARCH AND**

**ECONOMIC DEVELOPMENT** and ordered printed, in concurrence.

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Off Record Remarks

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Senator **CRAVEN** of Androscoggin was granted unanimous consent to address the Senate off the Record.

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Senator **TUTTLE** of York was granted unanimous consent to address the Senate off the Record.

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Senator **BURNS** of Washington was granted unanimous consent to address the Senate off the Record.

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

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

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Senator **COLLINS** of York was granted unanimous consent to address the Senate off the Record.

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Senator **KATZ** of Kennebec was granted unanimous consent to address the Senate off the Record.

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Senator **JACKSON** of Aroostook was granted unanimous consent to address the Senate off the Record.

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On motion by Senator **JACKSON** of Aroostook, **ADJOURNED**, pursuant to the Joint Order, to Tuesday, February 4, 2014, at 10:00 in the morning.