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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
Monday
March 24, 2014

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

Prayer by Pastor Cathy Cantin, Bridgton United Methodist Church.

PASTOR CANTIN: Thank you. It's a real honor to be invited to this wonderful place. Holy and Heavenly One, before the busyness of this session begins let us come before Your throne to collectively take a step back, breathe in a corporate breath, and gather our thoughts so we can begin the day with a fresh spirit in You. Allow us to pause at Your knee and know Your peace and Your guidance. Allow us to drink in Your grace, absorb Your strength, and be filled with Your direction for the job before each one gathered here. Allow each one present to be refreshed with the knowledge that they are the very people chosen by friends and other community members in the confidence that those who work in this grand room will be guided through the hard work of making the decisions that cause this great state of Maine to survive and to thrive. Allow all gathered the strength to approach each issue presented here today with open eyes, open ears, and open minds. Allow each to make clear, thoughtful, and compassionate decisions that keep this grand state running and with utmost concern for all its citizens. The day before everyone is long and the work is never easy. In Your holy wisdom, offer Your strength to all those in this room and lead each through this maze of rules and laws and debates and discussions before them. May each take courage that by Your holy spirit and Your word You will call each person present to come to You to learn Your wisdom in hopes that You will grant each one peace with the decisions they have discerned. Help these good Senators and all those who support them to know that they, as the chosen who have been entrusted with this important work of making decisions for the grand state of Maine, do not have to shoulder this task alone, but You, oh Holy One, will guide and mentor them. We pray that You will instill in each Your wisdom, compassion, sensitivity, and the ability to discern Your will in all that is before them today. Grant us the ability to love our neighbors as we love ourselves. Lead us, Blessed One, as we perform the task placed before each one of us this day. We pray all this in Your gracious name. Amen.

Pledge of Allegiance led by Senator Edward M. Youngblood of Penobscot County.

Reading of the Journal of Friday, March 21, 2014.

Doctor of the day, Craig Hawkins, MD of Yarmouth.

Off Record Remarks

COMMUNICATIONS

The Following Communication: S.C. 827

**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.

The Following Communication: S.C. 828

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

March 18, 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 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.**

ORDERS

Joint Resolution

On motion by Senator **KATZ** of Kennebec (Cosponsored by Representative **POULIOT** of Augusta and Senators: **FLOOD** of Kennebec, **JOHNSON** of Lincoln, **LACHOWICZ** of Kennebec, **SAVIELLO** of Franklin, Representatives: **BECK** of Waterville, **COTTA** of China, **FOWLE** of Vassalboro, **GRANT** of Gardiner, **HICKMAN** of Winthrop, **KESCHL** of Belgrade, **KNIGHT** of Livermore Falls, **KUSIAK** of Fairfield, **LONGSTAFF** of Waterville, **MARKS** of Pittston, **NADEAU** of Winslow, **NEWENDYKE** of Litchfield, **NUTTING** of Oakland, **SHORT** of Pittsfield, **TREAT** of Hallowell, **WILSON** of Augusta), the following Joint Resolution:
S.P. 745

JOINT RESOLUTION RECOGNIZING THE 25TH ANNIVERSARY OF THE KENNEBEC LAND TRUST

WHEREAS, the Kennebec Land Trust was established 25 years ago and it has worked with private landowners, towns, lake associations and other partners to conserve working forests, farmland, ecologically important lands and properties that provide public access for outdoor recreation and hunting; and

WHEREAS, during these years, the Kennebec Land Trust has worked to permanently conserve 59 properties that encompass 4,860 acres in 21 towns in central Maine; and

WHEREAS, the trust connects more people with more places in the natural world in Kennebec County than any other private organization, which benefits hunters and hikers, birders and boaters and foresters and farmers; and

WHEREAS, since 1988, volunteers from Kennebec County, as well as college interns from across the country, have helped care for and monitor these lands by building trails, offering hikes for the public, presenting educational programs for schoolchildren, offering sustainable forestry demonstrations for adults and children, holding a summer nature camp and sponsoring an annual lecture series about the natural world; and

WHEREAS, in 2012, the trust's proactive and collaborative approach to conservation was recognized by the Land Trust Alliance, a national organization, as part of its Excellence Program; and

WHEREAS, in 2009, the Kennebec Land Trust and the Maine Forest Service founded the Kennebec Woodland Partnership, a project of 13 organizations working together to advance woodland conservation, and in 2013, with the support of 5 conservation partners, the trust launched the Local Wood Initiative; and

WHEREAS, the Kennebec Land Trust is working to acquire Howard Hill, the scenic forested backdrop to the State House, which the trust intends to permanently protect with a conservation easement for the preservation of its natural, historical and recreational resources; now, therefore, be it

RESOLVED: That We, the Members of the One Hundred and Twenty-sixth Legislature now assembled in the Second Regular Session, pause in our deliberations to celebrate the 25th anniversary of the Kennebec Land Trust and we send our appreciation to the trust's members, past and present, for their commitment to steward in perpetuity the land the trust conserves; and be it further

RESOLVED: That a suitable copy of this resolution, duly authenticated by the Secretary of State, be transmitted to the Kennebec Land Trust with our best wishes for continued success.

READ

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

Senator **KATZ:** Thank you very much Mr. President. Men and women of the Senate, 25 years ago the Kennebec Land Trust formed here in the Capitol area and the record of accomplishments of that organization has been nothing less than extraordinary and all of us, and future generations, will be the beneficiaries of that, Mr. President. The Trust has now permanently conserved 59 properties, encompassing almost 5,000 acres in 21 separate towns in Central Maine. If you are a hunter or a hiker or a birder or a boater, a forester, a farmer, or just like getting away from the hubbub of civilization, you benefit from this organization's work. In addition to the land that they conserve, Mr. President, they have built trails, they offer hikes for the public, they have some excellent educational programs for school kids, and they hold a summer nature camp. They've been recognized for their work, Mr. President, by national organizations

as well and have also worked with other similar organizations in the area. Of particular interest, it comes just at the right time to celebrate their 25th birthday, if all of you would look out the windows behind the President and the staff you will see a place called Howard Hill. Howard Hill is largely undeveloped. If you ride from coming west from Belfast, you'll see the Capitol sitting in what looks like it's in the middle of a forest. Now, thanks to the work of the Kennebec Land Trust, that will always be so. They are just about to acquire this entire hundreds of acres behind the State Capitol Building, which will remain forever forested and forever wild. In 200 years someone may say, "I wonder how Augusta was smart enough to keep that area around the Capitol preserved for everyone?" It's due to the work of the Kennebec Land Trust, and very recently at that. There are members of the Kennebec Land Trust here today, Mr. President. I'm sure in your own communities you have similar organizations, by the way. I would suggest that no land trust in Maine is a better model of fulfilling their charters than this one. We're very proud of them. Thank you, Mr. President.

On motion by Senator **KATZ** of Kennebec, **ADOPTED**.

Sent down for concurrence.

THE PRESIDENT: The Chair is pleased to recognize in the rear in the chamber Brian Kent, President of the Kennebec Land Trust; Norm Rodrigue; Matt Silverman; Gina Lamarche; Bob Kimber; Sarah Fuller; and Sue Bell. They are all here from the Kennebec Land Trust, representing towns in Kennebec County. They are here as the guests of Senator Katz, Senator Flood, and Senator Lachowicz; all from Kennebec County. Will the folks here representing the Kennebec Land Trust all please rise and accept the warm greetings of the Maine State Senate.

REPORTS OF COMMITTEES

House

Divided Report

The Majority of the Committee on **HEALTH AND HUMAN SERVICES** on Resolve, To Establish the Blue Ribbon Commission on Independent Living and Disability (EMERGENCY)

H.P. 1261 L.D. 1757

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-705)**.

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

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

Signed:

Senator:

HAMPER of Oxford

Representatives:

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 Report**.)

Comes from the House with the Majority **OUGHT TO PASS AS AMENDED Report READ and ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-705)**.

Reports **READ**.

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

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

Senator **HAMPER:** Thank you Mr. President. Ladies and gentlemen of the Senate, I rise in opposition to the Majority Report. This is not having to do with anything against persons with disabilities. My own younger brother, a physical disability from birth and later on in his life losing the use of his legs, and I became very familiar with issues surrounding disabilities. In fact, I made four separate trips out to Washington State to deal with accessibility issues in his home and make life simpler for him to live. The Alpha One, in 1985, chaired a commission on disabilities issues for the state of Maine. Alpha One continues to be spokespersons for disability issues in the state of Maine. I rise today to say I'm against this due to the fact that we have summer employment for legislators involved in this bill. I say let Alpha One continue to represent and do the job and they can very easily do this with private funds without having any state money involved. Thank you, Mr. President.

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

Senator **CRAVEN:** Thank you Mr. President. Men and women of the Senate, I rise in support of the passage of this Resolve. It has been 30 years, since 1985, that we've looked at the operations of this program that helps people live independently in the community. There's been some great work done with this organization, having low interest loans for people who need to accommodate their houses or their automobiles or other accommodations that they need. This Resolve would bring

together people that live in this situation every day and that know how to fix bits and pieces that are missing and that we need to include for the adequate workings of the program. I would urge your support of this measure. Thank you.

The Chair noted the absence of the Senator from Kennebec, Senator **FLOOD** and further excused the same Senator from today's Roll Call votes.

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

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

Senator **LACHOWICZ:** Thank you Mr. President. Men and women of the Senate, I have to confess that, in spite of working for many years in healthcare, I was not aware of the previous Blue Ribbon Commission on Disability that Representative Peterson talked about. One of the things that I think that makes this a truly exciting bill for me is that he was able to share with the committee just how much that previous commission did to put in place in Maine some very innovative things that helped address circumstances for people with disabilities. That hasn't been updated since the mid-1980s. He made a very good case that there are many people that would love to continue to be involved to bring us to the next level. The previous commission actually was present before the Americans With Disabilities Act, so I think it's time we update it. There are many things folks are doing that they would love to share with people around the state and find ways to expand, to help people with disabilities. I think that this was a great idea for very little cost that could bring a lot of good to folks with disabilities. Thank you very much.

The Chair noted the presence of the Senator from Kennebec, Senator **FLOOD**.

THE PRESIDENT: The pending question before the Senate is the motion by the Senator from Androscoggin, Senator Craven 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 (#477)

YEAS: Senators: BOYLE, CAIN, CLEVELAND, CRAVEN, DUTREMBLE, GERZOFSKY, GRATWICK, HASKELL, HILL, JACKSON, JOHNSON, LACHOWICZ, MAZUREK, MILLETT, PATRICK, TUTTLE, VALENTINO, VITELLI, WOODBURY, THE PRESIDENT - JUSTIN L. ALFOND

NAYS: Senators: BURNS, COLLINS, CUSHING, FLOOD, HAMPER, KATZ, LANGLEY, MASON, PLUMMER, SAVIELLO, SHERMAN, THIBODEAU, THOMAS, WHITTEMORE, YOUNGBLOOD

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

READ ONCE.

Committee Amendment "A" (H-705) **READ** and **ADOPTED**, in concurrence.

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

Senate

Divided Report

The Majority of the Committee on **JUDICIARY** on Bill "An Act Regarding Bad Faith Assertions of Patent Infringement"
S.P. 654 L.D. 1660

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-442)**.

Signed:

Senators:
VALENTINO of York
TUTTLE of York
BURNS of Washington

Representatives:
BEAULIEU of Auburn
CROCKETT of Bethel
DeCHANT of Bath
GUERIN of Glenburn
MORIARTY of Cumberland
PEAVEY HASKELL of Milford

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "B" (S-443)**.

Signed:

Representatives:

PRIEST of Brunswick
MONAGHAN-DERRIG of Cape Elizabeth
MOONEN of Portland
VILLA of Harrison

Reports **READ**.

On motion by Senator **VALENTINO** of York, the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (S-442)** Report **ACCEPTED**.

READ ONCE.

Committee Amendment "A" (S-442) **READ** and **ADOPTED**.

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

Sent down for concurrence.

Divided Report

The Majority of the Committee on **VETERANS AND LEGAL AFFAIRS** on Bill "An Act To Clarify What Constitutes a Contribution to a Candidate" (EMERGENCY)

S.P. 622 L.D. 1631

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-446)**.

Signed:

Senator:

TUTTLE of York

Representatives:

LUCHINI of Ellsworth
FOWLE of Vassalboro
LONGSTAFF of Waterville
SAUCIER of Presque Isle
SCHNECK of Bangor

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

Signed:

Senator:

MASON of Androscoggin

Representatives:

BEAULIEU of Auburn
GIFFORD of Lincoln
KINNEY of Limington
TURNER of Burlington

Reports **READ**.

Senator **TUTTLE** of York moved the Senate **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report.

On further motion by same Senator, **TABLED** until Later in Today's Session, pending the motion by same Senator to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report.

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

Senate at Ease.

Senate called to order by the President.

ORDERS OF THE DAY

Unfinished Business

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

The Chair laid before the Senate the following Tabled and Later Assigned (3/5/14) matter:

HOUSE REPORT - from the Committee on **TRANSPORTATION** on Bill "An Act To Allow for the Equalization of Truck Weights between Maine and Canada for Limited Use at the Border Crossings"

H.P. 769 L.D. 1076

Report - **Ought to Pass as Amended by Committee Amendment "A" (H-642)**

Tabled - March 5, 2014, by Senator **JACKSON** of Aroostook

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

(In House, March 4, 2014, Report **READ** and **ACCEPTED** and Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-642)**.)

(In Senate, March 5, 2014, Report **READ**.)

Report **ACCEPTED**, in concurrence.

READ ONCE.

Committee Amendment "A" (H-642) **READ**.

On motion by Senator **JACKSON** of Aroostook, Senate Amendment "B" (S-444) to Committee Amendment "A" (H-642) **READ**.

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

Senator **JACKSON:** Thank you Mr. President. Ladies and gentlemen of the Senate, this amendment clarifies that what is commonly referred to as B Trains would not be in this legislation, I would call fast tracking. Obviously if anyone wanted to come to the legislature and advocate at the Transportation Committee for the use of B Trains they would still have that option. I think this is something that is much more of a higher level that we shouldn't have in this initial legislation. That's why I present the amendment and hope that you will support it.

On motion by Senator **JACKSON** of Aroostook, Senate Amendment "B" (S-444) to Committee Amendment "A" (H-642) **ADOPTED.**

Committee Amendment "A" (H-642) as Amended by Senate Amendment "B" (S-444) thereto, **ADOPTED, in NON-CONCURRENCE.**

Under suspension of the Rules, **READ A SECOND TIME and PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-642) AS AMENDED BY SENATE AMENDMENT "B" (S-444)** thereto, in **NON-CONCURRENCE.**

Sent down for concurrence.

The Chair laid before the Senate the following Tabled and Later Assigned (3/12/14) matter:

SENATE REPORTS - from the Committee on LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT on Bill "An Act To Retain Call Centers in Maine"
S.P. 676 L.D. 1710

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

Minority - **Ought to Pass as Amended by Committee Amendment "A" (S-420)** (6 members)

Tabled - March 12, 2014, by Senator **PATRICK** of Oxford

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

(In Senate, March 12, 2014, Reports **READ.**)

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

Senator **CUSHING:** Thank you Mr. President. Ladies and gentlemen of the Senate, I ask you to follow my light in regards to the report on the pending measure. While this may sound, as many of us would like, as an opportunity to protect Maine jobs it really is a message that we do not want to send to those

businesses that may be looking to locate in Maine, particularly in areas where we have historically had successful call centers that, through no fault of the employees of that company but through corporate reorganization, have left. I think that more and more people who have experienced the difficulties with companies using foreign call centers and not understanding the dynamics of that are keeping their jobs here in Maine, but in a tough economy I would encourage us to think carefully about a bill that sends the wrong message to any company, that we want to hold them hostage to certain standards that may just not always be practical. Thank you, Mr. President.

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

Senator **CLEVELAND:** Thank you Mr. President. Women and men of the Senate, as you will note on the committee report, my position was Ought Not to Pass on this bill as well. I'd like to take a moment to explain how I came to that decision. Not that, of course, we all, I don't think there's a single member of this Senate, don't want to retain or grow jobs in Maine. I do think we have to look at the particulars of each bill on how we try to accomplish that. There are about three areas here that raise concern for me. The first are constitutional issues. I'm having a report distributed to you, which you will be receiving in a few minutes, and I'll go through that. It's interesting, I remember that on December 5, 2012 I stood here with all of you in the Chamber and took an oath of office, all except Senator Vitelli who joined us a little later. In that oath we said that we would defend and protect the Constitution of the United States. That's what we swore to do. I took that seriously, that that was part of our job, so that when I review bills and the Office of Policy and Legal Analysis staff gives us reports I take them seriously. In this case, Mr. Fouts, who is the analyst for the LCRED committee, provided a report, and he's also an attorney by the way, that this bill had several constitutional issues. I'll go through them quickly, just reading the titles of the problems. The first is the Federal Foreign Affairs Powers clauses. You can find these in Article 1, section 8, Article 1, section 9, Article 1, section 10, Article 2, section 2, and Article 3, section 3. Secondly, it violates the supremacy clause of the United States Constitution, Article 6, clause 2. That is that federal law shall be supreme law of the land of the United States, including in regards to making laws about commerce. That leads to the commerce clause of the United States Constitution, Article 1, section 8, clause 3, which says that the Congress shall have power to regulate commerce with foreign nations and among several states and with the Indian Tribes. It also includes a dominant section of the commerce clause that says that the federal government supersedes in all areas of commerce in regards to interstate and international law. In the interstate clause it states that states generally may not pass laws that interfere with the free commerce between states. In the foreign commerce clause it says that we cannot regulate commerce. The bill attempts to regulate employers exporting call centers out of the country. That's why it violates that particular section. Finally, it violates the contract clause of the Maine Constitution, Article 1, section 7, the Legislature shall pass no bill of attainder, ex post facto law, or law impairing the obligation of contract and no attainder shall work corruption of blood nor forfeiture of estate. There are several aspects here where it likely violates our own Constitution and the Constitution of the United States in the implementation of this bill. I am troubled by that. I think we

should take those things seriously and both the analyst, who is an attorney, and Jon Clark, who is the attorney for OPLA, have reviewed it at my request as well and both concur that all of these areas I've just outlined to you are serious legal constitutional issues with this bill.

The second reason that I am concerned about the bill is that I think, unfortunately, it's not going to accomplish what it tends to want to accomplish in its purpose. I was fortunate to be here in an earlier time when it was the feeling among many that the DeCoster Egg Farm wasn't treating their employees well. We passed a law that allowed that particular described organization of a certain size to be unionized, which was previously exempt because it was classified as agricultural. The result of that law produced nothing. The organization just simply restructured themselves in a way that it avoided the descriptions in the law of the kind of organization that it described. I suggest to you that in this particular law, though it would be inconvenient and perhaps somewhat costly, by restructuring their own corporations, or acting in a different way than it's described in this law, the corporations would be able to circumvent its intent anyways. Therefore, it will not have any intended purpose that it states that it does.

Thirdly, and I think ironically, the reason that concerns me is that I think that passing this kind of law will actually result in fewer jobs in call centers because corporations will take a look at the punitive sections in this law and say, "I don't need to locate my business, or grow my business, in this state given that I will be subjected to these kinds of punitive actions potentially." For those reasons, Mr. President and men and women of the Senate, I won't be supporting this bill.

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 in support of the bill. I don't doubt anything that the good Senator said was accurate. He's usually very thorough. One of things about constitutional questions, one always has to look at if there good answers on the other side of a constitutional question. One has to always wonder what this Body has done in the past. This Body in the past has passed laws that potentially could be a constitutional conflict. One thing that I know that we, in Maine and in America, have done for the last 25 years is watch our jobs go across the seas to off-shore businesses. I've had thousands of complaints over the last 10 years of people who pick up the phone, that want to have help with their telephone, their computer, and everything, and they can't understand who it is. It used to be that you couldn't understand them because they were from down South and they had that little Southern accent. Now there are so many different languages that one couldn't have an idea on who they're talking to. Thousands of Mainers are employed in call centers operated by companies such as FairPoint, T-Mobile, Bank of America, Barclaycard, Carbonite, Sykes, and others. In recent years many companies have closed down or downsized call centers, putting scores of Maine employees out of work and harming families and communities. Just recently the Chief Executive, I think it was last year, had a great big announcement that Barclaycard was coming in and there was going to be 200 jobs. That's a good thing. I'm glad. The bad thing was the business down below it, Sykes, closed their doors and sent 100 jobs overseas to the Philippines. What

is that, a net result of about 100 plus jobs. What happened to those Sykes employees, ladies and gentlemen, one of which happened to be one of the guys that gave me a \$5 contribution to my Clean Election and was telling me that, I think, seven people probably have gotten jobs with Barclaycard. He was one of the fortunate ones that got a \$9 job down in the Lewiston/Auburn area with no healthcare, no benefits, or anything, just \$9 an hour to try to live his life on. One of the things I do is I just think to myself; where have all the jobs gone? I know in the federal government there's a bill that allows our companies to move overseas. When are we ever going to say enough is enough? So often we just take a look at things and say, "Aw, that's okay, we'll get through the constitutional road block up, that usually kills bills. I don't think it's going to help. That kills bills. I think it's going to do more damage than not. More business is going to move out. That does things." In the meantime people are unemployed. People are losing their jobs. If they are unemployed we call them derelicts because they can't find a job. We call them all kinds of names. What do we actually do here in this Body? Well, you can't do that, you can't do this, that's the wrong thing. A lot of times bills aren't going to get by the Governor and there's a lot of times bills may pass but you can't override the Chief Executive. There are times when you can vote for something that can say enough is enough. We may not have the ability like the federal government to pass a bill to keep jobs and protect jobs here in America, but I'm happy and proud that I will be supporting these jobs because I want to be on a bill, whether it is or isn't constitutional, that says I want to do something to try to keep jobs here in Maine. Thank you, Mr. President.

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

Senator **JACKSON:** Thank you Mr. President. Ladies and gentlemen of the Senate, I want to rise in support of the bill also. Earlier in debate we heard about the message. I think this is actually the right message for the people in the state of Maine. I also heard about a tough economy. I think it's even more important to do it in a tough economy. We have limited tax dollars to do things to help people in this state and I think that we should be using our tax dollars to make sure that companies that want to use Maine workers, that want to play fair and play by the rules, are using our tax dollars wisely. I want to give tax dollars, incentives, to people that are actually going to create jobs in this state and actually stay in the state of Maine. I don't want to give somebody a tax benefit that lives here for a year or two and then takes off and takes the money and runs. That's what this bill is designed to prevent. The other thing that we heard was that we have to be sure of the Constitution. I agree with that 100%. I took that oath also. In this past year we've taken up issues about GMO, CanRX, and the cell phone bill that all have issues about constitutionality, but no one is really clear if it is unconstitutional or not. We've passed those bills in the past because we know that they are probably right for the state and that we're going to have an argument about if it actually is unconstitutional or not. Being afraid to say that this bill is constitutional or not and not passing it, I think, is something that I'm certainly not interested to do. If it's good for the state, and if it has constitutional problems, we'll find out. You're never going to find out if you sit on your hands and do nothing about it. Lastly with DeCoster, that was a completely different situation. That was a company that had many, many

violations that the Legislature decided to stand up and do something about it. Again, because DeCoster decided to get around it means that we should never do anything to try to rectify what we know is wrong? I just am amazed that anyone would say that we should take our tax dollars and then not have any strings on to them as far as actually providing jobs in the state. We have such limited resources. Why would we want to give anyone any incentives if they're going to turn around and take off? This is a bill that is for Maine workers. We represent Maine people. I guess I just can't understand why anyone would not want to support Maine people and make that a requirement if they take our tax dollars. If you want to come here and stay here for a while and leave, that's fine. You just aren't going to have our tax money. There's no disincentive to this or anything like that. You can actually come as much as you want, leave whenever you want. Just don't think that you're going to have our tax incentive dollars to do it with. I think this makes a lot of sense. I think it's something that your constituents would actually support because it is their tax money and I can't see why anyone would not want to support this legislation.

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#478)

YEAS: Senators: CAIN, CRAVEN, GERZOFSKY, GRATWICK, HASKELL, JACKSON, JOHNSON, LACHOWICZ, MAZUREK, PATRICK, TUTTLE, VITELLI, THE PRESIDENT - JUSTIN L. ALFOND

NAYS: Senators: BOYLE, BURNS, CLEVELAND, COLLINS, CUSHING, DUTREMBLE, FLOOD, HAMPER, HILL, KATZ, LANGLEY, MASON, MILLETT, PLUMMER, SAVIELLO, SHERMAN, THIBODEAU, THOMAS, VALENTINO, WHITTEMORE, WOODBURY, YOUNGBLOOD

13 Senators having voted in the affirmative and 22 Senators having voted in the negative, the motion by Senator **PATRICK** of Oxford to **ACCEPT** the Minority **OUGHT TO PASS AS AMENDED** Report, **FAILED**.

On motion by Senator **PATRICK** of Oxford, the Majority **OUGHT NOT TO PASS** Report **ACCEPTED**.

Sent down for concurrence.

The Chair laid before the Senate the following Tabled and Later Assigned (3/20/14) matter:

HOUSE REPORTS - from the Committee on **ENERGY, UTILITIES AND TECHNOLOGY** on Bill "An Act To Address Rising Electric Transmission Rates"

H.P. 753 L.D. 1060

Majority - **Ought to Pass as Amended by Committee Amendment "A" (H-646)** (10 members)

Minority - **Ought to Pass as Amended by Committee Amendment "B" (H-647)** (3 members)

Tabled - March 20, 2014, by Senator **JACKSON** of Aroostook

Pending - motion by Senator **CLEVELAND** of Androscoggin to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-646)** Report, in concurrence

(In House, March 19, 2014, the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-646)** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-646)**.)

(In Senate, March 20, 2014, Reports **READ**.)

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

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

Senator **CLEVELAND:** Thank you Mr. President. Women and men of the Senate, very quickly, let me remind all of you what this bill does. It's really a very modest bill. It has three sections to it. It raises the size of the solar unit that a business or residence can have up to 1 megawatt. It secondly simply provides for a mechanism for those people who have solar systems and who aren't able to take all of the credits that they are allowed, that the balance of the energy they've already produced and has already gone into the system and has already been used by customers, that they are simply able to retrieve that money through a wholesale market provision that will be developed and operated by the Public Utilities Commission. It simply allows those who produce the product, provide a service, to get paid for what they produce. It doesn't cost anybody anything because they will simply only get paid what the wholesale price is in the market. It's not going to be subsidized. Nobody else is going to provide any additional money for it. They will simply just get the wholesale price in the market. Frankly, in many cases, it will probably be less than the actual value because often times the energy is produced during peak demands when the price of electricity is substantially above the wholesale price. Thirdly, it does something that really everyone in the committee agreed with. This is the section that is in the other report. That is that the Public Utilities Commission be directed to work with the electric utilities, the transmission and distribution company, to identify where they are, or may be in the foreseeable future, with constraints on the distribution and transmission systems. The reason that's important is that we found out in the Boothbay Harbor area pilot program that there are alternative ways to reduce the constraints on those transmission lines and

distribution lines that are substantially less expensive than building or upgrading a line. For example, in Boothbay Harbor it would have been an \$18 million project to upgrade those transmission lines really to only take care of a problem that occurs on hot days in the summer when there are a lot of people in that region and a higher demand. By using alternative kinds of energy, demand/response, and conservation, they were able to do that for \$6 million. We think that we should know more about that. We should plan ahead. We should be proactive so that we can reduce the cost to rate payers and find solutions that are much more cost effective and better for the electrical system. Very modest. I think it's a very positive bill, a win-win for everybody. I hope that you will support it.

THE PRESIDENT: The pending question before the Senate is the motion by the Senator from Androscoggin, Senator Cleveland to Accept the Majority Ought to Pass as Amended by Committee Amendment "A" (H-646) 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 (#479)

YEAS: Senators: BOYLE, CAIN, CLEVELAND, CRAVEN, DUTREMBLE, FLOOD, GERZOFSKY, GRATWICK, HASKELL, HILL, JACKSON, JOHNSON, LACHOWICZ, LANGLEY, MAZUREK, MILLETT, PATRICK, SHERMAN, TUTTLE, VALENTINO, VITELLI, WOODBURY, YOUNGBLOOD, THE PRESIDENT - JUSTIN L. ALFOND

NAYS: Senators: BURNS, COLLINS, CUSHING, HAMPER, KATZ, MASON, PLUMMER, SAVIELLO, THIBODEAU, THOMAS, WHITTEMORE

24 Senators having voted in the affirmative and 11 Senators having voted in the negative, the motion by Senator **CLEVELAND** of Androscoggin to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-646)** Report, in concurrence, **PREVAILED**.

READ ONCE.

Committee Amendment "A" (H-646) **READ** and **ADOPTED**, in concurrence.

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

The Chair laid before the Senate the following Tabled and Later Assigned (3/21/14) matter:

SENATE REPORTS - from the Committee on **HEALTH AND HUMAN SERVICES** on Resolve, To Terminate a MaineCare Transportation Contract

S.P. 658 L.D. 1663

Majority - **Ought to Pass as Amended by Committee Amendment "A" (S-441)** (8 members)

Minority - **Ought Not to Pass** (5 members)

Tabled - March 21, 2014, by Senator **CRAVEN** of Androscoggin

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

(In Senate, March 21, 2014, Reports **READ**.)

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

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

Senator **CRAVEN:** Thank you Mr. President. Men and women of the Senate, the MaineCare ride system is a mess. It's a mess that we would like to clean up. The new contractors took a system that was working well and replaced it with one that's a disaster. I don't even know if it's fixable because all three contractors don't seem to be able to provide the service that they're being paid for. We've had hundreds and hundreds of complaints from people with medical issues who's rides were late, drove them to the wrong locations, didn't return them home, or, most frequently, just didn't show up at all. For example, we have pages and pages of complaints from providers, from families, from individuals, and some of them very, very dangerous situations that children and people with developmental disabilities got into. This has not only been an inconvenience, but has put people's health at risk. People missed necessary chemotherapy appointments and critical tests and procedures. They were dropped off in the wrong places and left there on their own until providers had to take them home. As with all new things, there are some expected barriers and problems. Indeed, with the passage of time, things have improved somewhat, but the level of complaints are still stuck at an unacceptably high level. These examples I read for you are all within last week's problems. I'm not going to read them, I actually have had them distributed to the Body. At this point we felt that there is no point in canceling the contract outright, but did not want to repeat the disaster over again this year. The bill now prohibits renewing the current contracts and to ensure that the new contract is done far better. It canceled the existing RFPs for next year's contract. It specifies that the new RFPs must contain a point system with specific criteria evaluating a bidder's economic impact on the Maine economy and employment, reconnecting with the existing regional transportation's resources and infrastructure and penalizing those with the previous contracts from MaineCare non-emergency transportation services that have a record of poor performance. We have been asking the department and asking all three providers to come before us for months in our committee. There hasn't been any improvement. I do acknowledge that the department has canceled the contracts for CTS and will be offering an RFP to be submitted for the regions that they have covered. Penquis and LogistiCare have just as many difficulties and problems with their service. There are a lot of people that have actually dropped out of the system and are getting rides in some other ways. Because this is a decapitated rate, providers

are still getting paid for the service that they do not provide. I think that some of the egregious stories that we've heard would motivate anybody to make sure that we get a better system in place and this is an opportunity for the department to RFP and find a provider that is able to provide the service. I know that we've been pointing fingers at the Department of Health and Human Services and I stopped doing that because the way that I see it is that the current providers signed the contract, they took the money, and now they are not providing the service and we need to have new contracts. Thank you, Mr. President.

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

Senator **HAMPER:** Thank you Mr. President. Ladies and gentlemen of the Senate, a little background information. There are eight transportation zones. Those are determined by the Department of Transportation. There are three contractors providing the rides. You've got eight zones, three contractors. Two of the contractors have only one zone each and the other contractor has six of the eight zones. The contractor that was providing the rides for the six zones, that contract is not being renewed. We are in the process of an RFP process in finding a new contractor for those other six districts. The other two contractors, it is interesting to hear my counterpart in this issue, one of them consistently, in the process of the committee hearing, was always held up as the poster child of how this is supposed to be run. Now we want to throw them under the transportation bus. They are currently, both Penquis and LogistiCare, meeting their matrix and they are doing as they are expected to do and they are expecting to have their contract renewed. This would be a waste. Here once again, I stand up and talk about waste. Waste of departmental resources, the manpower that will be taken to do a new RFP process for the entire state, and it's also a waste of the Attorney General Office resources because the Attorney General is heavily involved in this, and also a question of the timeframe as to whether or not this could actually take place in the timeframe allotted. Two bills earlier we talked about business stability and whether or not businesses would want to locate in this state. This bill does just that, creates instability with those who would even consider offering a contract with this state to provide non-emergency medical transportation. Is this the way we want to do business in Maine? Thank you, Mr. President.

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

Senator **LACHOWICZ:** Thank you Mr. President. Men and women of the Senate, I've talked about this issue a lot over the past few months. It makes me sad, I guess that's the best way to describe it, because this should not be a partisan issue. Everyone here is elected to serve the people of Maine. The people of Maine, including ourselves and including MaineCare members, have not been served well here. MaineCare members have missed rides. There are some who don't even bother to use the system anymore because of the lack of functioning. The tax payers are paying for this. Just last week we learned we spent over more than \$100 million of the tax dollars to pay a broker who hasn't actually done what they are supposed to do. This is what makes me sad because I think this should not be a partisan issue. We should be talking about the management of this department and how to make it function and how to make the contracts

function, how to do what it's supposed to do, which is to serve human beings, people who live in the state. I don't think I'm the only one in this Body that has their voice mail box full with complaints. I know I'm not the only member of this Body that can share mountains of stories of the people who have missed critical medical or psychiatric appointments or people who have lost a medical or psychiatric provider because of the missed appointments caused by their rides not showing up. All of us here, our MaineCare members and tax payers, our constituents, deserve much better than what we've been paying for. People deserve much better healthcare than what they've been getting because the system has not been functioning. We deserve better than this. No broker nor the Department of Health and Human Services can even tell us how many people have dropped out of using this system. When I go home, well I only live a half-an-hour up the road so it's not a big deal for me to go home every night, and I talk to my constituents, as we all talk to ours, how do you explain that that's okay, that we should just keep going with the same system when it hasn't worked? I have sat in the Health and Human Services Committee month after month and waited for answers to these questions and haven't really received anything adequate, not when you have your voice mailbox full of stories of, "Oh, I didn't get to my dialysis appoint" or "My autistic son was dropped off on some corner in Augusta for a dentist that was the first time he was going there and he doesn't know how to get home." That's inadequate. That is a problem with the way this system is being managed. I, myself, cannot go home and explain to my constituents why I would vote to keep a system like this in place, that is wasting their money, and is not doing what it's supposed to do for people who have very real medical and psychiatric needs. I encourage everyone here to vote with the Majority Ought to Pass Report. Thank you very much.

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

Senator **CRAVEN:** Thank you Mr. President. I just wanted to give you some numbers about our poster child for services. In November 2013 they missed 450 rides and they had a 3.4% abandoned call. December 2013 the same poster child missed 461 rides and missed 2.9% of their calls. In January 2014 they missed 584 rides and they dropped 4.8% of their calls. They only had two complaints out of all those calls. I've changed my mind. I am going to tell two stories. One story is that a woman from Auburn who has a developmental delay works at Beans. She gets a ride down to Beans every night to do cleaning on the second shift. One day two weeks ago the taxi went to Beans to pick her up and bring her home, but the taxi cab was pulled over by the police in Topsham. The taxi driver was arrested and taken away for not having a driver's license. This woman, who is developmentally mature at about 5 years old, sat in the empty taxi cab and waited. Finally, eventually, the taxi company sent a driver to come and pick her up and take her home. By then it was after 1 o'clock and her group home providers were beside themselves because they didn't know how to find her or where she was. If you think that's good service, I don't think that it is. Another incident happened in Southern Maine where a 4 year old child was being transported without a baby seat or without a booster while an adult was being transported to a substance abuse treatment facility. I think that the administrators of those organizations didn't even know that this was happening. I do not believe that that is a way and that that is good use of tax payer

dollars. Certainly if this happened in the private sector, I will tell you that they wouldn't last very long. I think that this is outrageous, that we would be paying this kind of money, millions upon millions of dollars, to a service that isn't working. Thank you, Mr. President.

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

Senator **JACKSON:** Thank you Mr. President. Ladies and gentlemen of the Senate, this is a program that, up until this year, I had never heard a complaint about. All the constituents that I had that used it were very happy with the services. There was no one that was missing any rides. When this started up in July almost immediately people started complaining to me about having issues with this. You try and be fair and let the program work, get off the ground, and sit back and not criticize too much at the beginning. This just continued to snowball. There were more and more people all the time that couldn't get rides. It's really unfair the way that this all came down. The people in the rural areas that don't have taxis, don't have buses, they depend on these programs to get to appointments, to get to critical appointments, and to also get rides for their jobs. For a program that had worked so well before, to have people that were actually sitting alongside the road waiting for them to be picked up, calling all the time, being on the phone consistently to try to get somebody to actually show up, it just became a complete farce. The thing that I keep going back to is that you ask the administration what they're going to do about this and it never seems to be that they ever want to step up and talk about this as a problem. Until they said that they weren't going to renew the program, you didn't hear anything from them. Now, just last week, to give \$1.2 million added on top of it for something that everyone at this point is, I think, in agreement is a poor program, poorly run, I don't know why we want to continue down this road. I've never seen anything where everyone knows that it is something that has worked awful, but we're going to reward them with another big balloon payment. I just don't understand where the administration, where the department, is on this. I think this is something that has been a complete, like I said, farce that should be eliminated immediately. There are people that are willing to come in and fix it. We just continue to say, "Well, it's okay. It will get fixed." Well, we're eight months in and it hasn't been fixed. They've shown no reasoning, no wanting actually, to fix this program. I think that for all the people that are our constituents that are out there that have had to sit by the phone, miss appointments, and worry about their healthcare, I think this is something that we ought to just step up do today because, I mean, eight months is eight months, people. I don't know why we would want to sit around and let this happen for another four, other than to see actually how much worse they can get. I think this is something that's needed and if you really are interested in making sure that your constituents are served well today I think you ought have a yes vote on this bill.

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 because, as an electrician, if I sub-contracted with some people and I was missing deadlines and I was missing requirements that I told them

would happen, those people would not stick around in my company. They would be gone as fast as they could be because there are certain requirements that need to be kept. This bill is exactly about that. These contractors have not provided. I've heard it said that someone's not going to blame DHHS. I'm not that nice. I'm going to blame them 100% because they're in charge. They're the people that oversee this operation. It appears that they don't choose to do anything. They've terminated one ride contract, but we have the other one that is still causing issues, many issues, as you've just heard from one of my colleagues. Let's recap DHHS. Computer issues, millions of dollars. A million dollar bid contract with a \$5 million estimated error. Childcare issues. DHHS.

THE PRESIDENT: The Senator will defer. I would remind everyone in the Senate to keep their comments as much as they can and focused on L.D. 1663. The Senator may continue.

Senator **DUTREMBLE:** Thank you Mr. President. I have many issues, along with the ride contract, of how they have failed. The system is broken and we need to fix it for our constituents. It's not a partisan issue. It's very simple. They're not living up to their contract, so why not take a clean slate and start over. Thank you very much.

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#480)

YEAS: Senators: BOYLE, CAIN, CLEVELAND, COLLINS, CRAVEN, DUTREMBLE, GERZOFOSKY, GRATWICK, HASKELL, HILL, JACKSON, JOHNSON, LACHOWICZ, MAZUREK, MILLETT, PATRICK, TUTTLE, VALENTINO, VITELLI, WOODBURY, THE PRESIDENT - JUSTIN L. ALFOND

NAYS: Senators: BURNS, CUSHING, FLOOD, HAMPER, KATZ, LANGLEY, MASON, PLUMMER, SAVIELLO, SHERMAN, THIBODEAU, THOMAS, WHITTEMORE, YOUNGBLOOD

21 Senators having voted in the affirmative and 14 Senators having voted in the negative, the motion by Senator **CRAVEN** of Androscoggin to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report, **PREVAILED**.

READ ONCE.

Committee Amendment "A" (S-441) **READ** and **ADOPTED**.

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

Sent down for concurrence.

Senate at Ease.

Senate called to order by the President.

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

PAPERS FROM THE HOUSE

House Paper

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

H.P. 1326 L.D. 1844

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.

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

REPORTS OF COMMITTEES

House

Ought to Pass As Amended

The Committee on **HEALTH AND HUMAN SERVICES** on Resolve, 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)

H.P. 1167 L.D. 1596

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-723)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-723)**.

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

READ ONCE.

Committee Amendment "A" (H-723) **READ** and **ADOPTED**, in concurrence.

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

The Committee on **HEALTH AND HUMAN SERVICES** on 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

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-724)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-724)**.

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

READ ONCE.

Committee Amendment "A" (H-724) **READ** and **ADOPTED**, in concurrence.

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

The Committee on **MARINE RESOURCES** on 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)
H.P. 1174 L.D. 1602

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-725)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-725)**.

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

READ ONCE.

Committee Amendment "A" (H-725) **READ** and **ADOPTED**, in concurrence.

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

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

ENACTORS

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

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)

This being an Emergency Measure and having received the affirmative vote of 35 Members of the Senate, with no Senators having voted in the negative, and 35 being more than two-thirds of the entire elected Membership of the Senate, was **PASSED TO BE ENACTED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

Ordered sent down forthwith.

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)

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

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)

This being an Emergency Measure and having received the affirmative vote of 35 Members of the Senate, with no Senators having voted in the negative, and 35 being more than two-thirds of the entire elected Membership of the Senate, was **PASSED TO BE ENACTED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

Ordered sent down forthwith.

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

ENACTORS

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

Acts

An Act To 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 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)

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

Ordered sent down forthwith.

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

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

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

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)

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

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

ENACTORS

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

Act

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

S.P. 706 L.D. 1779
(C "A" S-430)

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

Ordered sent down forthwith.

Senator **CAIN** of Penobscot was granted unanimous consent to
address the Senate off the Record.

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

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

On motion by Senator **JACKSON** of Aroostook, **ADJOURNED** to
Tuesday, March 25, 2014, at 10:00 in the morning.