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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
Tuesday
March 25, 2014

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

Prayer by Pastor Larry Lakey, Winslow Baptist Church.

PASTOR LAKEY: Good morning. Thank you for the invitation and privilege to open today's session. I respectfully ask that you would join me in prayer. Dear Heavenly Father, thank You for the religious liberty that has been secured in our nation as a basic human freedom. Please bless this Senate for recognizing and exercising this liberty today. May human freedom flourish as this practice of prayer continues. Our thoughts are first with those who are suffering today. Please be with those who are grieving following tragedy. Bring comfort to those in need today. We confess that our nation has been deeply divided. Discourse in the civic arena is often angry and contentious. Trust in elected officials is low. We no longer assume the best of each other or portray each other in the best way possible. The same division is visible at times in the political discourse of our own state. Forgive us for this. Help these elected representatives to lead the way forward and out of bitter division. Let their respect for each other and collegial manner set an example for others. Please give them patience to listen. Help each member of this assembly to realize that no one person or one party has all the answers to the important questions or solutions for the difficult problems that we face. Only You, Father, see all and know all. By Your grace give them insight and understanding. Please give them honesty to speak truth to each other and to the world. Protect them from the temptation to over simplify or exaggerate or tell only part of the story. Only You, Father, dwell in perfect truth. Help them to see, to know, and to speak the truth. Please give them unity to act. Help them to find common ground today where there seems to be none before. Bless them with creative solutions. Only You, Father, can do the impossible. Help them to know which steps of action to take and how to build the necessary consensus to do good. Please give them humility to serve. Remind them of their place in Your grand scheme. Protect each from thinking too highly of herself or himself. Only You, Father, have demonstrated perfect humility in the gospel. Help their actions to benefit those whom they serve in these elected offices. May today, Gracious Father, be a day of great accomplishments. No authority exists that has not been granted by You. Throughout history not all have been good stewards of this authority. Help this assembly help each member here today to faithfully administer the stewardship for the common good and for the prosperity of every citizen in the great state of Maine. I pray this in the name of the Lord Jesus Christ. Amen. Thank you and God bless you in every way.

Pledge of Allegiance led by Senator John L. Patrick of Oxford County.

Reading of the Journal of Monday, March 24, 2014.

Doctor of the day, Patrick Keaney, MD of Yarmouth.

Off Record Remarks

Presentation of Legislative Scholarship Awards.

THE PRESIDENT: The Chair is pleased to recognize the recipient of the Cumberland County Legislative Memorial Scholarship Award, Deborah Burgess of Gorham. Deborah currently is a student at St. Joseph's College and is accompanied by her friend, Kayla Fairbrother. Would Deborah please step forward to be escorted to the well of the chamber by the Senator from Cumberland, Senator Boyle. The Chair is pleased to recognize the recipient of the Kennebec County Legislative Memorial Scholarship Award, Catherine Sawyer of Belgrade Lakes. Catherine is studying at the Kennebec Valley Community College and is accompanied by her son, Ethan Mattson. Would Catherine please step forward to be escorted to the well of the chamber by the Senator from Franklin, Senator Saviello, on behalf of the Senator from Kennebec, Senator Katz. The Chair is pleased to recognize the recipient of the Lincoln County Legislative Memorial Scholarship Award, Vincent Vannah from Waldoboro. Vincent is a student at the University of Maine at Farmington and is accompanied by his parents, Joanne and Mark. Would Vincent please step forward to be escorted to the well of the chamber by the Senator from Lincoln, Senator Johnson. The Chair is pleased to recognize the recipient of the Oxford County Legislative Memorial Scholarship Award, Alyssa Andrews of Norway. Alyssa is studying at Colby College and is accompanied by her mother, Roberta. Would Alyssa please step forward to be escorted to the well of the chamber by the Senator from Oxford, Senator Hamper.

The Chair would also like to recognize the Legislative Memorial Scholarship winners who unfortunately could not be with us here today because of their academic obligations. They are Daniel Fortier of Lewiston, representing Androscoggin County. Daniel is a student at the University of Maine at Orono. Taylor Locke of Oakfield, representing Aroostook County. Taylor is also a student at the University of Maine at Orono. Gwendolyn Beacham of Farmington, representing Franklin County. Gwendolyn is also a student at the University of Maine at Orono. Meredith Torrey of Blue Hill, representing Hancock County. Meredith is also studying at the University of Maine at Orono. Ciera Bedard of Owls Head, representing Knox County. Ciera is also studying at the University of Maine at Orono. Heather Bourque from Old Town, representing Penobscot County. Heather is also a student at the University of Maine at Orono. Mindy Downing of Brownville, representing Piscataquis County. Mindy is also studying at the University of Maine at Orono. Noell

Acord from Richmond, representing Sagadahoc County. Noell is also currently a student at the University of Maine at Orono. Angel Pacheco from Jackman, representing Somerset County. Angel is a student at Eastern Maine Community College. Katrina Lapham of Belfast, representing Waldo County. Katrina is also a student at the University of Maine at Orono. Lindsey Collora of Columbia, representing Washington County. Lindsey is a student at Hussan College. Gavin Frisbee of Kittery Point, representing York County. Gavin is a student at St. Joseph's College. Congratulations to all the scholarship winners.

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

Senator **CAIN:** Thank you Mr. President. Men and women of the Senate, just a moment on behalf of the Legislative Memorial Scholarship Auction Committee to, again, say thank you to you and congratulations to our winners. This has been a project of the Legislature, an independent project, for many decades now. We are very proud of the fact that we have been able to support Maine students going to Maine colleges and universities all across this state for two and four year degrees and students of all ages and all disciplines for so many years. Thank you. You make us very proud, as a Legislature, and we are very proud of you and support you in the work and the studies that you have ahead. We look forward to, as we have seen on occasion, some of you may be ending up in this building yourself some day. I thank you, Mr. President. Congratulations again to the winners and thanks again to the Body and all of those who support the Scholarship Auction. Thank you.

Off Record Remarks

PAPERS FROM THE HOUSE

Joint Resolution

The following Joint Resolution:

H.P. 1327

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

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

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

WHEREAS, Vestigia Nulla Retrorsum, the motto of the city translated from the Latin as "No Steps Backward," exemplifies the resilience of its citizens and businesses, which have overcome

and endured harsh challenges over the years, such as the New Auburn Fire, a conflagration that occurred in 1933, in which 249 buildings were destroyed, leaving 2,000 people homeless; and

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

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

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

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

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

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

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

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

READ and **ADOPTED**, in concurrence.

COMMUNICATIONS

The Following Communication: S.C. 829

**STATE OF MAINE
126TH LEGISLATURE
OFFICE OF THE GOVERNOR**

March 24, 2014

The Honorable Justin L. Alford
President of the Senate
3 State House Station
Augusta, Maine 04333

Dear President Alford,

This is to inform you that, pursuant to Title 3 M.R.S.A., §154, I am withdrawing my nomination of Dana A. Saucier for appointment as a member of the Loring Development Authority.

This nomination is currently pending before the Joint Standing Committee on Labor, Commerce, Research and Economic Development.

Thank you for your assistance in this matter.

Sincerely,

S/Paul R. LePage
Governor

READ and ORDERED PLACED ON FILE.

The Following Communication: S.C. 831

**STATE OF MAINE
ONE HUNDRED AND TWENTY-SIXTH LEGISLATURE
COMMITTEE ON CRIMINAL JUSTICE AND PUBLIC SAFETY**

March 24, 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 Criminal Justice and Public Safety has voted unanimously to report the following bill out "Ought Not to Pass":

L.D. 1814 An Act To Create a Secure, Therapeutic Mental Health Unit

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

Sincerely,

S/Sen. Stanley J. Gerzofsky S/Rep. Mark N. Dion
Senate Chair House Chair

READ and with accompanying papers ORDERED PLACED ON FILE.

The Following Communication: S.C. 832

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

March 24, 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 bill out "Ought Not to Pass":

L.D. 1628 An Act To Require a Timely Response by a Gas Company to a Municipal Request for Service Expansion

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

Sincerely,

S/Sen. John J. Cleveland S/Rep. Barry J. Hobbins
Senate Chair House Chair

READ and with accompanying papers ORDERED PLACED ON FILE.

The Following Communication: S.C. 833

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

March 24, 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. 1650 An Act To Create a Program To Provide Training for Unemployed Workers

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.**

The Following Communication: S.C. 830

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

March 20, 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 Transportation has voted unanimously to report the following bill out "Ought Not to Pass":

L.D. 1804 Resolve, To Require the Installation of a Fence on the Penobscot Narrows Bridge (EMERGENCY)

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

Sincerely,

S/Sen. Edward J. Mazurek
Senate Chair

S/Rep. Charles K. Theriault
House Chair

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

The Following Communication: S.C. 834

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

March 21, 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 Veterans and Legal Affairs has voted unanimously to report the following bill out "Ought Not to Pass":

L.D. 1775 An Act To Assist Military Service Members with Access to the Federal Uniformed Services Employment and Reemployment Rights Act of 1994

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.**

ORDERS

Joint Order

Expression of Legislative Sentiment recognizing:

Felix Thibodeau, of Hermon, who is a recipient of a 2014 Prudential Spirit of Community Distinguished Finalist Award for exemplary volunteer service. This award, presented by Prudential Financial in partnership with the National Association of Secondary School Principals, honors young volunteers across America who have demonstrated extraordinary commitment to serving their communities. Felix, a junior at Nokomis Regional High School, raised more than \$15,000 to support homeless veterans through the Togus Veterans Administration Hospital in Augusta. We congratulate Felix on his receiving this award and thank him for his dedication to veterans and to his community and State;

SLS 839

Sponsored by Senator GRATWICK of Penobscot.
Cosponsored by Representative: REED of Carmel.

READ.

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

Senator **GRATWICK:** Thank you Mr. President. Ladies and gentlemen of the Senate, it is my pleasure to honor today Felix Thibodeau of Hermon, a junior at Nokomis High School. This

really comes from me as well as the other Senator from Penobscot, Senator Cushing. Felix Thibodeau is a junior as you all can see there and he is the recipient of the Prudential Spirit of Community Distinguished Finalist Award for exemplary volunteer service. As you see noted here, Felix has raised more than \$15,000 to support homeless veterans through the Togus VA Hospital here in Augusta. He worked with six of his other friends last summer with tables set up through the Bangor and Penobscot County area for volunteer contributions for homeless veterans. Felix really exemplifies, I think, the very best spirit of our young people. Felix wishes to go on, he's a junior now, to the Military Academy at West Point. I certainly wish him the very best. Felix is here with his family. Thank you, Mr. President.

PASSED.

Sent down for concurrence.

THE PRESIDENT: The Chair is pleased to recognize in the rear of the chamber Felix Thibodeau and his parents, Deonne Thibodeau and Ralph Maley. They are here from the town of Hermon and they are here as the guests today from the Senators from Penobscot, Senator Gratwick and Senator Cushing. Would they 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 Bill "An Act To Amend the Maine Medical Use of Marijuana Act"

H.P. 1245 L.D. 1739

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-713).**

Signed:

Senators:

- CRAVEN of Androscoggin
- HAMPER of Oxford
- LACHOWICZ of Kennebec

Representatives:

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

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "B" (H-714).**

Signed:

Representative:

DORNEY of Norridgewock

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

Comes from the House with the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-713)** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-713) AS AMENDED BY HOUSE AMENDMENT "A" (H-732)** thereto.

Reports **READ.**

On motion by Senator **CRAVEN** of Androscoggin, the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-713)** Report **ACCEPTED**, in concurrence.

READ ONCE.

Committee Amendment "A" (H-713) **READ.**

House Amendment "A" (H-732) to Committee Amendment "A" (H-713) **READ** and **ADOPTED**, in concurrence.

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

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

Divided Report

The Majority of the Committee on **INSURANCE AND FINANCIAL SERVICES** on Bill "An Act To Require Health Insurance Carriers and the MaineCare Program To Cover the Cost of Transition Services To Bridge the Gap between High School and Independence"

H.P. 975 L.D. 1367

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-717).**

Signed:

Senator:

GRATWICK of Penobscot

Representatives:

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

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

Signed:

Senators:

WHITTEMORE of Somerset
WOODBURY of Cumberland

Representatives:

FITZPATRICK of Houlton
McCLELLAN of Raymond
WALLACE of Dexter

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 "A" (H-717)**.

Reports **READ**.

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

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#481)

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

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

EXCUSED: Senator: TUTTLE

21 Senators having voted in the affirmative and 13 Senators having voted in the negative, with 1 Senator being excused, the motion by Senator **GRATWICK** of Penobscot to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report, in concurrence.

READ ONCE.

Committee Amendment "A" (H-717) **READ** and **ADOPTED**, in concurrence.

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

Divided Report

The Majority of the Committee on **INSURANCE AND FINANCIAL SERVICES** on Bill "An Act To Strengthen Access Requirements and Review Standards for Health Insurance Plans" H.P. 1199 L.D. 1676

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-718)**.

Signed:

Senator:

GRATWICK of Penobscot

Representatives:

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

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "B" (H-719)**.

Signed:

Senators:

WHITTEMORE of Somerset
WOODBURY of Cumberland

Representatives:

FITZPATRICK of Houlton
McCLELLAN of Raymond
WALLACE of Dexter

Comes from the House with the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-718)** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-718)**.

Reports **READ**.

Senator **GRATWICK** of Penobscot moved the Senate **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-718)** Report, in concurrence.

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 Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#482)

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

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

EXCUSED: Senator: **TUTTLE**

19 Senators having voted in the affirmative and 15 Senators having voted in the negative, with 1 Senator being excused, the motion by Senator **GRATWICK** of Penobscot to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-718)** Report, in concurrence, **PREVAILED**.

READ ONCE.

Committee Amendment "A" (H-718) **READ** and **ADOPTED**, in concurrence.

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

Divided Report

The Majority of the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** on Bill "An Act Concerning Pricing Disclosure Requirements and Oversight of Pharmacy Benefits Managers"

H.P. 1196 L.D. 1624

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

Signed:

Senators:

PATRICK of Oxford
CLEVELAND of Androscoggin
CUSHING of Penobscot

Representatives:

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

The Minority of the same Committee on the same subject reported that the same **Ought To Pass**.

Signed:

Representative:

GILBERT of Jay

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

Reports **READ**.

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

Senate

Ought to Pass As Amended

Senator **PATRICK** for the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** on Bill "An Act To Amend Forester Licensing Requirements"
S.P. 687 L.D. 1735

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-448)**.

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

READ ONCE.

Committee Amendment "A" (S-448) **READ** and **ADOPTED**.

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

Sent down for concurrence.

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 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 (3/21/14) matter:

JOINT RESOLUTION - memorializing Robert Wallack of Mount Vernon

HLS 784

Tabled - March 21, 2014, by Senator **KATZ** of Kennebec

Pending - **ADOPTION**, in concurrence

(In House, March 20, 2014, **READ** and **ADOPTED**.)

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

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

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

Senator **SAVIELLO:** Thank you Mr. President. Ladies and gentlemen of the Senate, I first met Bob in 2002 when he was the editor of the Franklin Journal. I asked him in 2004 if he would endorse me in that campaign. His comment to me was, "I like both you and Roger Lambert the same amount, so I can't endorse either one of you." I couldn't understand why he didn't like me better, but that was Bob. Later he gave me a special thumbs up in one of his editorials for, as I'm known down here, bucking the system and didn't vote the way I was supposed to, according to some people. He really thanked me for doing the right thing. Now Bob is a newspaper writer and his wife, Vicki, hated headlines that ended in question marks. They would often talk about those. Well, apparently, Bob, being the true newspaper man that he was, when he proposed to Vicki he gave her a headline and it asked, "Will you marry me" and asked her what he thought of that headline. In 2004, or soon after that, Bob retired. I said, "Why?" He said, "It's just time. I'm done. I'm moving to Mt. Vernon. I'm just going to enjoy the rest of my life." Okay, so in 2008 I'm campaigning and one of the places I'm told to stop in Mt. Vernon is a local restaurant called the Post Office Café. I'd heard a lot about it. I'd heard that it was a great place to eat. I should tell

you, you should go there. Behold, when I walk in the door, who was there but Bob Wallack. I looked at him and I said, "What are you doing here?" "Well, I like cooking, it's fun." Soon after that he bought the restaurant. He opened it to local musicians and artists to showcase their work. He opened it for political discussion and sometimes I considered it my political office in Mt. Vernon. When Bob was trying to convince his wife, Vicki, to buy the Café he said half the people he covered in the newspaper business were angry at him at some sort of point he'd made. He wanted to do something to make everybody happy. He pushed food, comping more bowls of soup when they were empty. It was not just the food he doled out but the conversation that made people special. One fellow left his note of remembrance at the celebration of Bob's life. "Bob was a man that I knew only from my visits to the Café. Mt. Vernon, to me, was the Café. I did not know him well, but my visits were not as often as I would have liked, but he remembered me. For a boy of 12, this was very important, just to be remembered by an adult." Bob's talents didn't stop there because I went to a fundraiser for the Mt. Vernon Fire Department and this band was playing. I walked Bob. I said, "What are you doing here again? It was really great for you to come and support this thing." He said, "No, I'm the drummer." It appears that this band came down to his café one day in a fit because they'd lost their drummer. He said, "Well, I play drums." So he did. Bob was a mentor to many. He loved working with young people, more recently at the Café, and served as a mentor on many subjects. This is an important one. When a young man asked Bob if he had a shot of getting a beautiful co-worker to go out with him Bob's reply was, "You can't make the sale if you don't make the call." Bob was optimistic, politically incorrect. That's why he and I got along. He did not have a Facebook account. He understood why he didn't. He was the happiest when the Café was full of babies and beautiful women. A true man. He also treated everybody's grandmother as his own. One woman wrote, "I miss Bob so much. He called me Nana. He was so kind." One of the ones that made me smile at his remembrance is that at Christmas time this year, just before his diagnosis, he was hanging up Christmas wreaths with one of his helpers and he said, in his Bob way, "Just think of this, a Jew hanging up Christmas wreaths." Two weeks before he got his cancer diagnosis he told his wife they were the luckiest people he knew. In honor of his role as a mentor in the journalism world, the New England Newspaper and Press Association last month established the Bob Wallack Community Journalism Award to encourage young people to go into the newspaper business. I know that when Bob came stumbling and bumbling to the Pearly Gates he looked up at Saint Peter and said, "Life, what a ride." Right now I wouldn't be surprised if he is the editor of the Heavenly News, cook for God's kitchen, or playing the drums for the Angel's Heart Band, but he'd be doing something like that. In closing, I want you to think about some of the things that I was told. In honor of his role as a mentor in the kitchen, there are so many young people, including his daughters, who understood the secret of good chicken soup and everything tastes better with butter and bacon. He will be missed. Thank you, Mr. President.

ADOPTED, in concurrence.

THE PRESIDENT: The Chair is pleased to recognize in the rear of the chamber the Café colleagues and friend of Bob and his wife, Vicki Wallack. Others included here today are Bob Ingalls, Sarah Chiasson, Ryan Howes, and Luke Olson. Will they all

please rise and accept the warm greetings of the Maine State Senate.

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

COMMUNICATIONS

The Following Communication: H.P. 1328

**STATE OF MAINE
OFFICE OF THE
SECRETARY OF STATE
AUGUSTA, MAINE 04333-0148**

March 18, 2014

Honorable Millicent M. MacFarland
Clerk of the House
2 State House Station
Augusta, Maine 04333

Dear Clerk MacFarland:

Enclosed please find my official certification to the 126th Legislature of the citizen initiative petition entitled "An Act To Prohibit the Use of Dogs, Bait or Traps When Hunting Bears except under Certain Circumstances."

Sincerely,

S/Matthew Dunlap
Secretary of State

**STATE OF MAINE
SECRETARY OF STATE**

I, Matthew Dunlap, Secretary of State, hereby certify that written petitions bearing valid signatures of 63,626 electors of this State were addressed to the Legislature of the State of Maine and were filed in the office of the Secretary of State on February 3, 2014, requesting that the Legislature consider an act entitled, "An Act To Prohibit the Use of Dogs, Bait or Traps When Hunting Bears except under Certain Circumstances."

I further certify that the number of signatures submitted is in excess of ten percent of the total votes cast in the last gubernatorial election preceding the filing of such petitions, as required by Article IV, Part Third, Section 18 of the Constitution of Maine, that number being 57,277.

I further certify this initiative petition to be valid and attach herewith the text of the legislation circulated on the petition's behalf.

In testimony whereof, I have caused the Great Seal of the State of Maine to be hereunto affixed. Given under my hand at

Augusta on the eighteenth day of March in the year two thousand and fourteen.

S/Matthew Dunlap
Secretary of State

Comes from the House, **READ** and **ORDERED PLACED ON FILE**.

READ and **ORDERED PLACED ON FILE**, in concurrence.

The Accompanying Bill:

"An Act To Prohibit the Use of Dogs, Bait or Traps When Hunting Bears Except under Certain Circumstances"
I.B. 1 L.D. 1845

Committee on **INLAND FISHERIES AND WILDLIFE** suggested and ordered printed.

Comes from the House with the Bill and accompanying papers **INDEFINITELY POSTPONED**.

On motion by Senator **DUTREMBLE** of York, Bill and accompanying papers **INDEFINITELY POSTPONED**, in concurrence.

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

Senator **HASKELL** of Cumberland 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.

RECESSED until 11:30 in the morning.

After Recess

Senate called to order by the President.

Off Record Remarks

ORDERS OF THE DAY

The Chair laid before the Senate the following Tabled and Later Assigned (3/11/14) matter:

Bill "An Act To Improve Access to Oral Health Care"
H.P. 870 L.D. 1230
(C "C" H-589)

Tabled - March 11, 2014, by Senator **JACKSON** of Aroostook

Pending - **FURTHER CONSIDERATION**

(In Senate, February 6, 2014, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "C" (H-589)**, in concurrence.)

(In House, March 6, 2014, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "C" (H-589) AS AMENDED BY HOUSE AMENDMENT "B" (H-658)** thereto, in **NON-CONCURRENCE**.)

On motion by Senator **LACHOWICZ** of Kennebec, the Senate **RECEDED** from whereby the Bill was **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "C" (H-589)**, in concurrence.

On further motion by same Senator, the Senate **RECEDED** from whereby it **ADOPTED COMMITTEE AMENDMENT "C" (H-589)**, in concurrence.

House Amendment "B" (H-658) to Committee Amendment "C" (H-589) **READ**.

Senator **LACHOWICZ** of Kennebec moved to **INDEFINITELY POSTPONE** House Amendment "B" (H-658) to Committee Amendment "C" (H-589).

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, here we go again. L.D. 1230, An Act To Improve Access to Oral Health Care. I would ask you to vote against the Indefinite Postponement. The Indefinite Postponement of this amendment, ladies and gentlemen, is contrary to what the idea of the bill was supposed to be. The bill, in its final form that was in the House for quite a while, that was passed by this Body, was amended by the House through the great work of Representative Sirocki and working with the Governor's Office. They got the bill into a posture, supposedly, where the Chief Executive was going to sign the bill. The bill, once it left here, is watered down a lot more than when it left here, but it was watered down in a manner that the hygienists, as I would characterize, having a small win. If we vote against Indefinite Postponement we can move on to finally passing some form of the bill that was through the sponsor and the idea behind the bill, that we would be actually agreeing with the House and all the good work that other Body did to get this bill in a position that I think is worthwhile. I would ask you to follow my light and vote against Indefinite Postponement of House "B". Thank you, Mr. President.

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

Senator **BURNS:** Thank you Mr. President. Men and women of the Senate, I, too, would echo what Senator Patrick just said and ask you to vote against this Indefinite Postponement. This bill, as was just said, has gone through many iterations in the last two years in order to get to the posture that it's in right now. To do this, to accept this Indefinite Postponement that's being proposed right now, would in essence ruin the bill, put it back to a place where many of you didn't agree with it in the posture that it originally was in. As I said, it has made many changes. The training has been changed. The requirements, the oversight. All the criteria that people wanted to see in this bill in order to make it something that was safe and practical and working and valuable to the rural parts of this state, especially, are in place now and ready to be acted upon. To support this motion that is on the floor right now would take that all away and waste a lot of good opportunity and a lot of good work that's gone into this to bring this forward. This is something that's going to help rural Maine. Please don't set it aside now. 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 now in support of the current motion before us. I do so, Mr. President, as a member of the committee who had oversight of this bill when it originally came to us last session. There was probably more testimony on this issue than even the marijuana issue. I think, Mr. President, that we heard the passion of people on both sides. I think that the individuals in the state of Maine who are involved in this, both on the dental side and the hygienist side, truly care about the oral healthcare needs in the state. The proponents of the bill worked diligently with the second floor to find something that would be a solution that would pass. I respect that. However, in this case, they can have their cake and eat it too. I believe there would be an amendment offered by the Senator from Kennebec that would address not only the language in the House Amendment but would also correct some technical changes that were left out in the House Amendment that had been agreed to in discussions with the second floor. Also, when it comes to the issue of oversight, Mr. President, I will reserve most of my comments in the event that we are successful in moving forward a Senate Amendment. In regards to my posture on this, I ask you to think about whether, at the end of the day when the dust settles, do we, as elected officials, particularly in the upper Body, have the responsibility to assure that the standards and the protocols that we pass in policy, into legislation, are appropriately balanced for the care and the safety of the citizens of Maine. I believe that the good Senator from Kennebec listened and may present measures that will assure that accreditation and oversight by the Legislature will be maintained during this transitional process. With that, I ask that you support this in the good spirit of moving the policy forward. Thank you, Mr. President.

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 Oxford, Senator Patrick.

Senator **PATRICK**: Thank you Mr. President. Ladies and gentlemen of the Senate, colleagues in the Senate, I would like to just try to put this another way. A vote for Indefinite Postponement is a vote, basically, for the dentist to drive the bus. A vote for Indefinite Postponement is more a vote of the hygienist, who we passed the bill to drive the bus. Thank you.

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

Senator **CUSHING**: Thank you Mr. President. Ladies and gentlemen of the Senate, I have great respect for my good colleague from Oxford. He is a fair and balanced chair. In this case, I think there's been a misunderstanding. The language that may be proposed, and I realize we should not talk about issues not before the Body, but the language we're talking about Indefinitely Postponing could present itself in incorporation in a future amendment. Thank you, Mr. President.

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

Senator **LACHOWICZ**: Thank you Mr. President. I wasn't going to get up and speak because I'm not supposed to speak about a motion that's not before the Body yet, but I did want to thank the good Senator from Penobscot for pointing out that I may, in fact, have something to do after this. I just think that we should be mindful and understand that people have worked very hard to bring this forward and to work in a bi-partisan manner and with people with lots of competing interests. I thank this Body and the President for the opportunity to speak. Thank you very much.

THE PRESIDENT: The pending question before the Senate is the motion by the Senator from Kennebec, Senator Lachowicz to Indefinitely Postpone House Amendment "B" (H-658) to Committee Amendment "C" (H-589). 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 (#483)

YEAS: Senators: CAIN, CLEVELAND, COLLINS, CUSHING, FLOOD, GERZOFOSKY, GRATWICK, HAMPER, HILL, LACHOWICZ, LANGLEY, SAVIELLO, THIBODEAU, THOMAS, VITELLI, THE PRESIDENT - JUSTIN L. ALFOND

NAYS: Senators: BOYLE, BURNS, CRAVEN, DUTREMBLE, HASKELL, JACKSON, JOHNSON, KATZ, MASON, MAZUREK, MILLETT, PATRICK, PLUMMER, SHERMAN, VALENTINO, WHITTEMORE, WOODBURY, YOUNGBLOOD

EXCUSED: Senator: TUTTLE

16 Senators having voted in the affirmative and 18 Senators having voted in the negative, with 1 Senator being excused, the motion by Senator **LACHOWICZ** of Kennebec to **INDEFINITELY POSTPONE** House Amendment "B" (H-658) to Committee Amendment "C" (H-589), **FAILED**.

Senator **PATRICK** of Oxford moved the Senate **CONCUR**.

On motion by Senator **CUSHING** of Penobscot, 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 that you defeat the pending motion. There is language that would have been presented in the event that another motion was appropriate, but since we do not have that we are not in concurrence with what was agreed to with the second floor. Thank you.

THE PRESIDENT: The pending question before the Senate is the motion by the Senator from Oxford, Senator Patrick to Concur. 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 (#484)

YEAS: Senators: BOYLE, BURNS, CAIN, COLLINS, CRAVEN, CUSHING, DUTREMBLE, GERZOFOSKY, GRATWICK, HASKELL, HILL, JACKSON, JOHNSON, KATZ, LACHOWICZ, LANGLEY, MASON, MAZUREK, MILLETT, PATRICK, PLUMMER, SAVIELLO, SHERMAN, VALENTINO, VITELLI, WHITTEMORE, WOODBURY, YOUNGBLOOD, THE PRESIDENT - JUSTIN L. ALFOND

NAYS: Senators: CLEVELAND, FLOOD, HAMPER, THIBODEAU, THOMAS

EXCUSED: Senator: TUTTLE

29 Senators having voted in the affirmative and 5 Senators having voted in the negative, with 1 Senator being excused, the motion by Senator **PATRICK** of Oxford to **CONCUR**, **PREVAILED**.

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 **CRIMINAL JUSTICE AND PUBLIC SAFETY** on Bill "An Act To Increase the Period of Time for the Calculation of a Prior Conviction for Operating under the Influence"

H.P. 1237 L.D. 1729

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-729)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-729)**.

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

READ ONCE.

Committee Amendment "A" (H-729) **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 **JUDICIARY** on Bill "An Act To Expedite the Foreclosure Process"

H.P. 992 L.D. 1389

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-734)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-734)**.

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

READ ONCE.

Committee Amendment "A" (H-734) **READ** and **ADOPTED**, in concurrence.

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

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

Senator **FLOOD** of Kennebec was granted unanimous consent to address the Senate on the Record.

Senator **FLOOD**: Thank you very much Mr. President. I wanted to say, Mr. President, last week when we finished our bill on Friday that dealt with budgetary matters there wasn't much time to say kind words to the person who led us through that. I wanted to take a moment to say to the Body that the reason that that bill

was able to come forward in a very unanimous way was the good leadership of the Senator from York, Senator Hill, and I wanted to let everyone know that that is a truth that they need to know and that I look forward to working with her on the next bill and look forward to trying to deal with another unanimous report to bring back to the Body. Thank you very much.

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.

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

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

All matters thus acted upon, with exception of those matters being held, were ordered sent down forthwith for concurrence.

On motion by Senator **JACKSON** of Aroostook, **ADJOURNED** until Wednesday, March 26, 2014, at 10:00 in the morning, in memory of and lasting tribute to Robert Wallack of Mount Vernon.