

MAINE STATE LEGISLATURE

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Senate Legislative Record
One Hundred and Twenty-Sixth Legislature

State of Maine

Daily Edition

Second Regular Session
beginning January 8, 2014

beginning at Page 1544

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

In Senate Chamber
Thursday
April 17, 2014

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

Prayer by Senator John L. Tuttle, Jr. of York County.

SENATOR TUTTLE: Thank you, Mr. President. I'd like to say this prayer in honor of Representative Bernard Ayotte of Caswell, who is recuperating presently at Maine Medical Center.

In the name of the Father, the Son, and the Holy Spirit, may we bow our heads. Lord, make me an instrument of Your peace. Where there is hatred, let me so love. Where there is injury, pardon. Where there is doubt, faith. Where there is despair, hope. Where there is darkness, light. Where there is sadness, joy. O Divine Master, grant that I may not so much seek to be consoled as to console; to be understood as to understand; to be loved as to love; for it is in giving that we receive; it is in pardoning that we are pardoned; and it is in dying that we are born again into eternal life. In the name of the Father, the Son, and the Holy Spirit.

Pledge of Allegiance led by Senator Edward J. Mazurek of Knox County.

Reading of the Journal of Wednesday, April 16, 2014.

ORDERS

Joint Resolution

On motion by Senator **GRATWICK** of Penobscot (Cosponsored by Representative **KESCHL** of Belgrade and Senators: President **ALFOND** of Cumberland, **BOYLE** of Cumberland, **CAIN** of Penobscot, **CLEVELAND** of Androscoggin, **CRAVEN** of Androscoggin, **DUTREMBLE** of York, **GERZOFISKY** of Cumberland, **HASKELL** of Cumberland, **HILL** of York, **JACKSON** of Aroostook, **JOHNSON** of Lincoln, **KATZ** of Kennebec, **LACHOWICZ** of Kennebec, **MAZUREK** of Knox, **MILLETT** of Cumberland, **PATRICK** of Oxford, **TUTTLE** of York, **VALENTINO** of York, **VITELLI** of Sagadahoc, Representatives: **BEAUDOIN** of Biddeford, **HARLOW** of Portland, **HAYES** of Buckfield, **HICKMAN** of Winthrop), the following Joint Resolution:
S.P. 756

**JOINT RESOLUTION
RECOGNIZING APRIL 22ND AS EARTH DAY**

WHEREAS, Earth Day is designed to celebrate the environment and to inspire awareness and concern for our planet; and

WHEREAS, Earth Day was first celebrated on April 22, 1970 and now each year on April 22nd people from across the Nation dedicate themselves to the protection and preservation of the Earth; and

WHEREAS, Maine has a long history of preserving the environment and natural beauty of the State through renewable energy, energy efficiency, conservation, recycling and clean air and water laws; and

WHEREAS, environmental education is the best way for Maine citizens to develop the necessary knowledge, skills and expertise to address the environmental challenges that we all face; now, therefore, be it

RESOLVED: That We, the Members of the One Hundred and Twenty-sixth Legislature now assembled in the Second Regular Session, on behalf of the people we represent, take this opportunity to recognize April 22, 2014 as Earth Day and to encourage participation in efforts to address the protection and preservation of the environment.

READ and ADOPTED.

Sent down 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 (3/11/14) matter:

SENATE REPORTS - from the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** on Bill "An Act To Improve Access to Dental Care through the Establishment of the Maine Board of Oral Health"
S.P. 453 L.D. 1310

Majority - **Ought to Pass as Amended by Committee Amendment "A" (S-418)** (8 members)

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

Tabled - March 11, 2014, by Senator **HASKELL** of Cumberland

Pending - **ACCEPTANCE OF EITHER REPORT**

(In Senate, March 11, 2014, Reports **READ**.)

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

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 Penobscot, Senator Cushing.

Senator **CUSHING:** Thank you Mr. President. Ladies and gentlemen of the Senate, I will briefly address this, but this is a restructuring of the Board of Dental Examiners. At this time, with the number of dental issues before us, I just don't think it's appropriate. We have curriculum that is going to need to be done if another matter that is before us becomes law. I think it is appropriate, Mr. President, that we wait on this action and that's why I would rise in opposition to the pending motion. Thank you.

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, first of all, I'm in favor of the Majority Ought to Pass as Amended Report. What I'd like to do is just give you a little historic background from a dentist, Paul Levasseur. Basically, L.D. 1310 came along in respect to correct a specific problem arising from a perennial issue: the Board of Dental Examiners repeatedly ignoring clear legislative intent favorable to the public and passing protectionist rules designed to restrain the professions of dentist and dental hygiene in our state. In 1978, the Legislature approved the profession of dentist and charged the Board of Dental Examiners with developing the requisite curriculum for licensure. The Board of Dental Examiners adopted a curriculum not offered by any school, thereby delaying dentist licensures for 18 years. Once the Legislature intervened in 1995, the Board of Dental Examiners delayed further rulemaking for another 3 years.

The amendment actually strikes out the bill, Mr. President, and it removes both the hygienist members and the hygienist sub-committee because they now have their own board as the result of the legislation, L.D. 1933, that was passed. It replaces the two hygienists with two denturists on the board and expands the role of the dentist sub-committee. What is the difference? Basically between the dentist and the denturist, you have two professions that are similar but different in that, I believe, the denturist has pretty much a totally different scope of practice. It expands the role of the dentist sub-committee; all rulemaking regarding denturists must be initiated through a recommendation of the sub-committee of the board. The board, itself, and not the sub-committee, is responsible for the actual rulemaking process in compliance with the APA and the sub-committee continues to review applications for licensure as well as license complaints. The board may only reject sub-committee action through a specific finding articulated in the amendment and more than a two-thirds vote. The two-thirds vote sounds like it's extremely harsh. I think it's actually fair. I think the differences between the

profession of dentist and denturist are unique enough that the authority of one profession shouldn't supersede and hold back another profession. That's what has happened in the past. As a matter of fact, the legislative intent on numerous occasions by the Dental Board has overshadowed the profession of denturist and this, in fact, will correct that aspect of it. It doesn't keep the board from having a say, although it does set the hurdles higher on their own scope of practice. For those reasons, Mr. President, I would ask full support of the Majority decision. Thank you.

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

Senator **CLEVELAND:** Thank you Mr. President. Women and men of the Senate, I rise because I oppose the bill and the amendment. In fact, I found myself on the Minority Report. I did so by carefully reading what the bill does and looking at what the outcome may be of this proposal. I don't question, and I have seen some instances, that there is a tension between the dentists and the denturist professions. The question really becomes, even though there is this tension, what is the appropriate public policy in regards to what the function of the board is? You always have to remember that licensure is for one purpose, and one purpose only, for any profession, including this profession, and that is for the protection of the public health and safety of the public. That is their only purpose. Therefore, that's why the Legislature provides authority to any licensure board to make rules in regards to the operation of their particular professions and, secondly, to discipline any members, should they violate any of the professional standards and rules in that particular board.

What this bill does, or one of the major functions of what the bill does, is creates a sub-committee of five members that is made up of three denturists, a dentist, and a public member, but then what it says is that it delegates to this sub-committee the role of making rules and for discipline. The usual function of a sub-committee is to look at a particular area and then make a recommendation to the entire board. It is, after all, the entire board that has been authorized to regulate this profession, not a sub-committee. However, by putting in this requirement that a two-thirds vote of the whole board, that would be 7 of the 9 members would be required to reject any action taken by the sub-committee, not only is a two-thirds vote necessary, there are only three areas in which they can even consider rejection. Otherwise they have no authority to consider it at all. Those three areas are that they make a specific finding that is not in the jurisdiction of the sub-committee. In other words, in this case, not in the jurisdiction of dentist. Incidentally, denturists are people who make dentures.

Secondly, it places an undue financial burden on the board or, three, it's not supported in the record. That's a very, very narrow area in which the board can even act. Even within that, they must get a two-thirds vote to reject the recommendation. If they don't reject it, it becomes the rule and their action on any disciplinary action.

It seems to me that that's not the function of the board, and if you want to create a denturist board you should do that and let them make the rules for their own profession. I'm not sure that's the best solution, but, in essence, that's what you do by creating a sub-committee under this structure. It seems to me that if you create a board with licensure, and you have members who are responsible, that delegating the authority to a sub-committee, by which the board cannot act except under extraordinary

circumstances and extremely high hurdles, is not a good public policy. After all, it is the function of the board, not a sub-committee, to protect the public health and safety. Incidentally, on the board there are two denturists, so they are represented on the board. It's not as though they don't have a vote. There are three public members and others on the board, so it's not only dominated by dentists. I would urge you to reject the Majority Ought to Pass Report.

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

Senator **CUSHING:** Thank you again Mr. President. Ladies and gentlemen of the Senate, I apologize for rising a second time, but I found my notes and I wanted to elaborate a little on my earlier statements. I also appreciate my good colleague, the Senator from Androscoggin, for the thoughtful way in which he has approached this, as he always does the issues before him. The bill that is before us, the amendment, would restructure the board, as was indicated. I'd just like to point out some facts to you because as we proceed with policy here I think we should be aware of the resources that are available to us and the, therefore, potential pitfalls in effectively implementing this. Currently, it's my understanding from the research I did that there are 42 denturists on record with the Board of Dental Examiners at this point; 11 live out-of-state, nine live outside of the country, 22 live in Maine. Of the 22, two are inactive, two have been disciplined at some point, and three currently serve on the board or sub-committee on denturism. Of the 15 left, six are ineligible because they have not practiced for the required 6 years, leaving a pool of nine. Of those 9, two are either related to one another or in the same practice, leaving a final pool of seven people to choose from. I ask you, Mr. President and ladies and gentlemen, if we're making good policy if we amend the board that has had the opportunity to effectively govern oral healthcare needs in this state with a more fractured version of that, that may not be able to appropriately fill the positions because of a variety of conflicting needs? I also think that at this time, with the number of issues that have come before us, it would be in the best interest for us to take a cooling off period before we make any more substantial changes to oral healthcare in the state of Maine. I thank you, Mr. President.

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

Senator **PATRICK:** Thank you very much Mr. President. Ladies and gentlemen of the Senate, colleagues and friends, I did intend to rise at least twice on this issue because it does mean an awful lot to me. As you heard me speak on many issues, two things I think you've heard me say on numerous occasions are fair and balanced and proceed with caution. I think I've said that numerous times around. Proceed with caution. Well, ladies and gentlemen of the Senate, I think since 1978 we've been proceeding with caution to make a difference in this profession of denturism. Fair and balanced, this bill is fair and balanced, from my perspective. I am a maintenance mechanic, Mr. President, in a paper mill. If I take a look at an automobile mechanic, we're both mechanics. Should I, as a construction mechanic in a paper mill, have equal say with an automobile mechanic? Although we're both mechanics they are totally different on what they do. That's what this is. A dentist and a denturist, Mr. President, there is a difference in professions. I respect dentists immensely. I

respect the Dental Board immensely. I actually went there and saw how the system worked. From the standpoint and perspective of a system that's fair and balanced, Mr. President, I don't believe we've had that, and I think the reason this bill came before us is because we're not looking at apples and oranges. We want to look at apples and apples and the scope of practice on two different professions is different. The amendment strikes out the bill, so basically we're looking at: should we really give the denturists more say over their own scope of practice? I say, yes. This amendment actually, Mr. President, is based on the suggestion from the Chair of the Board of Dental Examiners, Dr. Moyer, who I respect immensely. I didn't always agree with him a lot of times. He's testified many times at the committee. I haven't always liked it, but I understand where he's coming from. We've had a lot of dialogue. His testimony opposing the original bill on April 18th when he stated that the full board is open to ideas about how these sub-committees might serve a different or expanded role. That's what this is going to do. The amendment makes it clear, Mr. President, that the sub-committee shall not result in additional cost and shall be self-supporting. The amendment strikes the appropriate balance between denturist self-regulation and appreciation of the value provided by cooperation between the denturist and the current Dental Board. This is a unique solution, but it's important to remember that the existing board is a unique solution as well, where one group of professionals regulates its competition. A critical attempt to move the profession of denturism forward and leave prior disputes in the past and, ultimately, approve access for affordable oral healthcare for all Maine people, that's what this amendment does, Mr. President. I think this is fair and balanced. I think we've gone through the proceed with caution phase. I would ask your support. Thank you very much.

THE PRESIDENT: The pending question before the Senate is the motion by the Senator from Oxford, Senator Patrick to Accept the Majority Ought to Pass as Amended Report. 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 (#599)

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

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

18 Senators having voted in the affirmative and 17 Senators having voted in the negative, the motion by Senator **PATRICK** of Oxford to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report, **PREVAILED**.

READ ONCE.

Committee Amendment "A" (S-418) **READ** and **ADOPTED**.

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

Sent down for concurrence.

The Chair laid before the Senate the following Tabled and Later Assigned (4/16/14) matter:

Emergency Measure

An Act To Establish a Moratorium on the Approval and Operation of Virtual Public Charter Schools

S.P. 340 L.D. 995
(S "B" S-514)

Tabled - April 16, 2014, by Senator **JACKSON** of Aroostook

Pending - **ENACTMENT**, in **NON-CONCURRENCE**

(In Senate, April 9, 2014, **PASSED TO BE ENGROSSED AS AMENDED BY SENATE AMENDMENT "B" (S-514)**.)

(In House, April 15, 2014, **FAILED ENACTMENT**.)

On motion by Senator **LANGLEY** of Hancock, the Senate **SUSPENDED THE RULES**.

On further motion by same Senator, the Senate **RECONSIDERED** whereby the Bill was **PASSED TO BE ENGROSSED AS AMENDED BY SENATE AMENDMENT "B" (S-514)**.

On further motion by same Senator, the Senate **SUSPENDED THE RULES**.

Same Senator moved the Senate **RECONSIDER** whereby it **ADOPTED** Senate Amendment "B" (S-514).

On motion by Senator **JACKSON** of Aroostook, 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 (#600)

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

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

16 Senators having voted in the affirmative and 19 Senators having voted in the negative, the motion by Senator **LANGLEY** of Hancock to **RECONSIDER** whereby it **ADOPTED** Senate Amendment "B" (S-514), **FAILED**.

PASSED TO BE ENGROSSED AS AMENDED BY SENATE AMENDMENT "B" (S-514).

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 (#601)

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

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

This being an Emergency Measure and having received the affirmative vote of 21 Members of the Senate, with 14 Senators having voted in the negative, and 21 being less than two-thirds of the entire elected Membership of the Senate, **FAILED ENACTMENT**, in concurrence.

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

Senate at Ease.

Senate called to order by the President.

On motion by Senator **HILL** of York, the Senate removed from the **SPECIAL APPROPRIATIONS TABLE** the following:

Emergency Measure

An Act To Implement the Recommendations of the Judicial Compensation Commission

S.P. 263 L.D. 725
(C "A" S-383)

Tabled - February 25, 2014, by Senator HILL of York

Pending - **ENACTMENT**, in concurrence

(In Senate, February 11, 2014, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-383).**)

(In House, February 20, 2014, **PASSED TO BE ENACTED.**)

On further motion by same Senator, the Senate **SUSPENDED THE RULES.**

On further motion by same Senator, the Senate **RECONSIDERED** whereby the Bill was **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-383).**

On further motion by same Senator, the Senate **SUSPENDED THE RULES.**

On further motion by same Senator, the Senate **RECONSIDERED** whereby it **ADOPTED** Committee Amendment "A" (S-383).

On further motion by same Senator, Senate Amendment "A" (S-551) to Committee Amendment "A" (S-383) **READ** and **ADOPTED.**

Committee Amendment "A" (S-383) as Amended by Senate Amendment "A" (S-551) thereto, **ADOPTED**, in **NON-CONCURRENCE.**

PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-383) AS AMENDED BY SENATE AMENDMENT "A" (S-551) thereto, in NON-CONCURRENCE.

Sent down for concurrence.

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

On motion by Senator HILL of York, the Senate removed from the **SPECIAL APPROPRIATIONS TABLE** the following:

An Act To Establish Submission Requirements for Wind Energy through Rulemaking

S.P. 692 L.D. 1750
(C "A" S-483)

Tabled - April 16, 2014, by Senator HILL of York

Pending - **ENACTMENT**, in concurrence

(In Senate, April 7, 2014, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-483).**)

(In House, April 14, 2014, **PASSED TO BE ENACTED.**)

On further motion by same Senator, the Senate **SUSPENDED THE RULES.**

On further motion by same Senator, the Senate **RECONSIDERED** whereby the Bill was **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-483).**

On further motion by same Senator, the Senate **SUSPENDED THE RULES.**

On further motion by same Senator, the Senate **RECONSIDERED** whereby it **ADOPTED** Committee Amendment "A" (S-483).

On further motion by same Senator, Senate Amendment "A" (S-550) to Committee Amendment "A" (S-483) **READ** and **ADOPTED.**

Committee Amendment "A" (S-483) as Amended by Senate Amendment "A" (S-550) thereto, **ADOPTED**, in **NON-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 (#602)

YEAS: Senators: BOYLE, CAIN, CLEVELAND, CRAVEN, DUTREMBLE, GERZOFKY, 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, was **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-483) AS AMENDED BY SENATE AMENDMENT "A" (S-550) thereto, in NON-CONCURRENCE.**

Ordered sent down forthwith for concurrence.

On motion by Senator HILL of York, the Senate removed from the **SPECIAL APPROPRIATIONS TABLE** the following:

An Act To Establish the Criminal Law Revision Commission
S.P. 700 L.D. 1765
(H "A" H-741 to C "A" S-426)

Tabled - March 31, 2014, by Senator FLOOD of Kennebec

Pending - **ENACTMENT**, in concurrence

(In Senate, March 27, 2014, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-426) AS AMENDED BY HOUSE AMENDMENT "A" (H-741)** thereto, in concurrence.)

(In House, March 31, 2014, **PASSED TO BE ENACTED.**)

On further motion by same Senator, the Senate **SUSPENDED THE RULES.**

On further motion by same Senator, the Senate **RECONSIDERED** whereby the Bill was **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-426).**

On further motion by same Senator, the Senate **SUSPENDED THE RULES.**

On further motion by same Senator, the Senate **RECONSIDERED** whereby it **ADOPTED** Committee Amendment "A" (S-426).

On further motion by same Senator, the Senate **RECONSIDERED** whereby it **ADOPTED** House Amendment "A" (H-741) and **INDEFINITELY POSTPONED** same.

On further motion by same Senator, Senate Amendment "A" (S-549) to Committee Amendment "A" (S-426) **READ** and **ADOPTED.**

Committee Amendment "A" (S-426) as Amended by Senate Amendment "A" (S-549) thereto, **ADOPTED**, in **NON-CONCURRENCE.**

PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-426) AS AMENDED BY SENATE AMENDMENT "A" (S-549) thereto, in **NON-CONCURRENCE.**

Ordered sent down forthwith for concurrence.

On motion by Senator HILL of York, the Senate removed from the **SPECIAL APPROPRIATIONS TABLE** the following:

An Act To Expand MaineCare for Veterans and Low-income Residents

S.P. 631 L.D. 1640
(C "A" S-464)

Tabled - April 16, 2014, by Senator HILL of York

Pending - **ENACTMENT**, in concurrence

(In Senate, April 15, 2014, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-464).**)

(In House, April 16, 2014, **PASSED TO BE ENACTED.**)

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

On motion by Senator HILL of York, the Senate removed from the **SPECIAL APPROPRIATIONS TABLE** the following:

Emergency Resolve

Resolve, To Conduct a Market Analysis Regarding the Feasibility of Expanded Gaming in Maine

H.P. 1343 L.D. 1856

Tabled - April 16, 2014, by Senator HILL of York

Pending - **FINAL PASSAGE**, in concurrence

(In Senate, April 16, 2014, **PASSED TO BE ENGROSSED**, in concurrence.)

(In House, April 16, 2014, **FINALLY PASSED.**)

This being an Emergency Measure and having received the affirmative vote of 32 Members of the Senate, with 3 Senators having voted in the negative, and 32 being more than two-thirds of the entire elected Membership of the Senate, was **FINALLY PASSED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

On motion by Senator MAZUREK of Knox, the Senate removed from the **SPECIAL HIGHWAY TABLE** the following:

An Act To Provide a Mechanism To Allow Certain Commercial Motor Vehicle Weight Limits and Vehicle Dimension Standards To Be Exceeded in Order To Promote Economic Development while Ensuring Public Safety

H.P. 769 L.D. 1076
(S "B" S-444 to C "A" H-642)

Tabled - March 31, 2014, by Senator MAZUREK of Knox

Pending - **ENACTMENT**, in concurrence

(In Senate, March 24, 2014, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-642) AS AMENDED BY SENATE AMENDMENT "B" (S-444)** thereto.)

(In House, March 28, 2014, **PASSED TO BE ENACTED.**)

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

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

PAPERS FROM THE HOUSE

Joint Resolutions

The following Joint Resolution:

H.P. 1351

JOINT RESOLUTION RECOGNIZING APRIL 2014 AS CHILD ABUSE PREVENTION MONTH

WHEREAS, child abuse affects children and families of all racial, cultural and economic backgrounds; and

WHEREAS, child abuse is a community problem with many community solutions; and

WHEREAS, no one person, organization, agency or community can eliminate child abuse on its own, but we can work together to educate our entire population about how we can all prevent child abuse and support victims of child abuse and their communities; and

WHEREAS, Child Abuse Prevention Month provides an excellent opportunity for citizens of Maine to learn more about preventing child abuse; now, therefore, be it

RESOLVED: That We, the Members of the One Hundred and Twenty-sixth Legislature now assembled in the Second Regular Session, on behalf of the people we represent, take this opportunity to recognize April 2014 as Child Abuse Prevention Month and to express our support for and encouragement of all those affected by child abuse; and be it further

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the Maine Coalition Against Sexual Assault as a token of our respect and support.

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

READ and **ADOPTED**, in concurrence.

The following Joint Resolution:

H.P. 1352

JOINT RESOLUTION RECOGNIZING APRIL 2014 AS SEXUAL ASSAULT AWARENESS MONTH

WHEREAS, sexual violence affects women, children and men of all racial, cultural and economic backgrounds; and

WHEREAS, in addition to the immediate physical and emotional costs, sexual violence may also have associated consequences of post-traumatic stress disorder, substance abuse, depression, eating disorders, homelessness and suicide; and

WHEREAS, sexual violence can be devastating not only for the victim, but also for the family, friends and community of the victim; and

WHEREAS, Maine communities bear the substantial fiscal costs related to sexual violence, such as lost work time and increased health care costs, thereby increasing the need for prevention and awareness; and

WHEREAS, no one person, organization, agency or community can eliminate sexual violence on its own, but we can work together to educate our entire population about how we can all prevent sexual violence and support victims and their communities; and

WHEREAS, Sexual Assault Awareness Month provides an excellent opportunity for citizens of Maine to learn more about preventing sexual violence; now, therefore, be it

RESOLVED: That We, the Members of the One Hundred and Twenty-sixth Legislature now assembled in the Second Regular Session, on behalf of the people we represent, take this opportunity to recognize April 2014 as Sexual Assault Awareness Month and to express our support for and encouragement of all those affected by sexual violence; and be it further

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the Maine Coalition Against Sexual Assault as a token of our respect and support.

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

READ and **ADOPTED**, in concurrence.

The following Joint Resolution:

H.P. 1356

JOINT RESOLUTION RECOGNIZING THE WORLD ACADIAN CONGRESS

WHEREAS, the Acadians were Europeans who first settled in what is now Nova Scotia, Canada but then, beginning in 1755, were forcibly removed during what is known as the Great Upheaval and the Great Expulsion, known in French as Le Grand Derangement; and

WHEREAS, the Acadians dispersed to other areas of Canada, to France and to Louisiana and a few Acadians escaped with the help of their native friends and the descendants of these Acadians eventually made their way to what is now the St. John Valley in northern Aroostook County; and

WHEREAS, the World Acadian Congress, or Le Congres Mondial Acadien, is a festival of Acadian and Cajun culture that is held every 5 years; and

WHEREAS, the first World Acadian Congress was held in Moncton, New Brunswick, Canada in 1994, the 2nd congress was held in 1999 in Louisiana, the 3rd congress was held jointly by several Nova Scotia communities and the 4th congress was held on the Acadian peninsula; and

WHEREAS, the 5th World Acadian Congress is to be held jointly in New Brunswick and Quebec, Canada and Aroostook County, Maine; and

WHEREAS, the congress consists of musical festivals, theatrical productions displaying Acadian culture and academic conferences regarding economics, culture and genealogy; and

WHEREAS, the theme of this year's congress is "Acadia of the World, Land and Forest... A New Acadia!" and the congress is organized by representatives from the provinces of Quebec and New Brunswick and the State of Maine; and

WHEREAS, it is important to celebrate and remember the Acadians and their history and the World Acadian Congress 2014 begins on August 8th and ends on August 24th, with the main event occurring on Friday, August 15th in Madawaska, where more than 20,000 celebrants are expected to attend; now, therefore, be it

RESOLVED: That We, the Members of the One Hundred and Twenty-sixth Legislature now assembled in the Second Regular Session, on behalf of the people we represent, take this opportunity to recognize the World Acadian Congress 2014 and to extend our best wishes for a successful festival; and be it further

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the World Acadian Congress.

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

READ and **ADOPTED**, 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 Correct Errors and Inconsistencies in the Laws of Maine

H.P. 1323 L.D. 1841
(C "A" H-841)

On motion by Senator **HASKELL** of Cumberland, **TABLED** until Later in Today's Session, pending **ENACTMENT**, in concurrence.

Act

An Act To Provide Former Employees of the Maine Military Authority the Ability To Sue for Severance Pay
S.P. 740 L.D. 1837
(C "A" S-524)

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:

Emergency Measure

An Act To Restore MaineCare Coverage for Ambulatory Surgical Center Services

H.P. 265 L.D. 390
(C "B" H-840)

This being an Emergency Measure and having received the affirmative vote of 34 Members of the Senate, with no Senators having voted in the negative, and 34 being more than two-thirds of the entire elected Membership of the Senate, was **PASSED TO BE ENACTED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

Act

An Act To Establish a State Board of Dental Hygiene
H.P. 657 L.D. 933
(C "B" H-845)

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

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

COMMUNICATIONS

The Following Communication: H.C. 426

STATE OF MAINE
CLERK'S OFFICE
2 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0002

April 17, 2014

Honorable Darek M. Grant
Secretary of the Senate
126th Maine Legislature
Augusta, Maine 04333

Dear Secretary Grant:

House Paper 1191, Legislative Document 1619, "An Act To Provide for a Quorum at the Public Utilities Commission," having been returned by the Governor, together with objections to the same, pursuant to Article IV, Part Third, Section 2 of the Constitution of the State of Maine, after reconsideration, the House proceeded to vote on the question: "Shall this Bill become a law notwithstanding the objections of the Governor?"

1 voted in favor and 142 against, and accordingly it was the vote of the House that the Bill not become a law and the veto was sustained.

Sincerely,

S/Millicent M. MacFarland
Clerk of the House

READ and ORDERED PLACED ON FILE.

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

COMMUNICATIONS

The Following Communication: S.C. 928

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

April 17, 2014

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

Dear President Alford and Speaker Eves:

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

L.D. 979 An Act To Exempt the Sale of the United States Flag from the Sales Tax

L.D. 1857 An Act To Expand Services to Persons Who Are Disabled or Elderly on Wait Lists by Reducing Revenue Sharing

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

Sincerely,

S/Sen. Dawn Hill
Senate Chair

S/Rep. Margaret R. Rotundo
House Chair

READ and with accompanying papers ORDERED PLACED ON FILE.

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

Senate at Ease.

Senate called to order by the President.

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

On motion by Senator JACKSON of Aroostook, RECESSED until 3:00 in the afternoon.

After Recess

Senate called to order by the President.

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

REPORTS OF COMMITTEES

Senate

Ought to Pass As Amended

Senator HILL for the Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS on Bill "An Act To Authorize a General Fund Bond Issue To Support Maine Small Business and Job Creation"

S.P. 732 L.D. 1827

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-555).

Report READ and ACCEPTED.

READ ONCE.

Committee Amendment "A" (S-555) READ and ADOPTED.

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

Ordered sent down forthwith for concurrence.

Report READ and ACCEPTED.

READ ONCE.

Committee Amendment "A" (S-556) READ and ADOPTED.

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

Ordered sent down forthwith for concurrence.

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

REPORTS OF COMMITTEES

Senate

Ought to Pass As Amended

Senator HILL for the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** on Bill "An Act To Authorize a General Fund Bond Issue To Support the Maine Technology Institute's Action Plan Implementation"

S.P. 421 L.D. 1223

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-557).**

Report READ and ACCEPTED.

READ ONCE.

Committee Amendment "A" (S-557) READ and ADOPTED.

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

Ordered sent down forthwith for concurrence.

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

REPORTS OF COMMITTEES

Senate

Ought to Pass As Amended

Senator HILL for the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** on Bill "An Act To Authorize a General Fund Bond Issue To Provide Funds To Develop Lobster Processing Capacity in the State"

S.P. 675 L.D. 1709

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-556).**

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

REPORTS OF COMMITTEES

Senate

Ought to Pass As Amended

Senator HILL for the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** on Bill "An Act To Authorize a General Fund Bond Issue To Ensure Clean Water and Safe Communities" S.P. 539 L.D. 1455

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-558).**

Report READ and ACCEPTED.

READ ONCE.

Committee Amendment "A" (S-558) READ and ADOPTED.

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

Ordered sent down forthwith for concurrence.

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

PAPERS FROM THE HOUSE

Non-Concurrent Matter

Bill "An Act To Improve Workers' Compensation Protection for Injured Workers Whose Employers Have Wrongfully Not Secured Workers' Compensation Insurance" (EMERGENCY) S.P. 736 L.D. 1833 (C "A" S-491)

In Senate, April 16, 2014, **FAILED FINAL PASSAGE, in NON-CONCURRENCE.**

Comes from the House, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-491) AS AMENDED BY HOUSE AMENDMENT "A" (H-848)** thereto, in **NON-CONCURRENCE**.

On motion by Senator **JACKSON** of Aroostook, the Senate **RECEDED** and **CONCURRED**.

Ordered sent forthwith to the Engrossing Division.

ORDERS OF THE DAY

The Chair laid before the Senate the following Tabled and Later Assigned (4/16/14) matter:

Bill "An Act To Make Supplemental Allocations from the Highway Fund and Other Funds for the Expenditures of State Government and To Change Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 2014 and June 30, 2015" (EMERGENCY)
H.P. 1280 L.D. 1788
(C "A" H-830)

Tabled - April 16, 2014, by Senator **HASKELL** of Cumberland

Pending - **FURTHER CONSIDERATION**

(In Senate, April 15, 2014, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-830)**, in concurrence.)

(In House, April 16, 2014, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-830) AS AMENDED BY HOUSE AMENDMENT "B" (H-847)** thereto, in **NON-CONCURRENCE**.)

Senator **HASKELL** of Cumberland moved the Senate **INSIST**.

Senator **COLLINS** of York moved the Senate **RECEDE** and **CONCUR**.

On motion by Senator **JACKSON** of Aroostook, 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 rise briefly just to speak in favor of the pending motion. It will accomplish something that I think is critical, as someone whose family has been affected by health issues. I think that that the language included in this would be appropriate and I think it would be unfortunate if we were unable to accomplish this. Thank you, Mr. President.

THE PRESIDENT: The pending question before the Senate is the motion by the Senator from York, Senator Collins to Recede and 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 (#603)

YEAS: Senators: **BURNS, COLLINS, CUSHING, FLOOD, HAMPER, KATZ, LANGLEY, MASON, PLUMMER, SAVIELLO, SHERMAN, THIBODEAU, THOMAS, TUTTLE, WHITTEMORE, WOODBURY**

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

ABSENT: Senators: **MILLETT, YOUNGBLOOD**

16 Senators having voted in the affirmative and 17 Senators having voted in the negative, with 2 Senators being absent, the motion by Senator **COLLINS** of York to **RECEDE** and **CONCUR**, **FAILED**.

On motion by Senator **HASKELL** of Cumberland, the Senate **INSISTED**.

Ordered sent down forthwith for concurrence.

On motion by Senator **HILL** of York, the Senate removed from the **SPECIAL APPROPRIATIONS TABLE** the following:

An Act To Decrease Costs and Disability Due to Mental Illness in Children, Adolescents and Young Adults
H.P. 975 L.D. 1367
(C "A" H-717)

Tabled - March 27, 2014, by Senator **HILL** of York

Pending - **ENACTMENT**, in concurrence

(In Senate, March 25, 2014, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-717)**, in concurrence.)

(In House, March 27, 2014, **PASSED TO BE ENACTED**.)

On further motion by same Senator, the Senate **SUSPENDED THE RULES**.

On further motion by same Senator, the Senate **RECONSIDERED** whereby the Bill was **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-717)**, in concurrence.

On further motion by same Senator, the Senate **SUSPENDED THE RULES**.

On further motion by same Senator, the Senate **RECONSIDERED** whereby it **ADOPTED** Committee Amendment "A" (H-717), in concurrence.

On further motion by same Senator, Senate Amendment "A" (S-553) to Committee Amendment "A" (H-717) **READ** and **ADOPTED**.

Committee Amendment "A" (H-717) as Amended by Senate Amendment "A" (S-553) thereto, **ADOPTED**, in **NON-CONCURRENCE**.

PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-717) AS AMENDED BY SENATE AMENDMENT "A" (S-553) thereto, in **NON-CONCURRENCE**.

Ordered sent down forthwith for 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 Exempt from Sales and Use Tax Sales of Publications To Be Distributed without Charge and Printed Materials Included in Publications

H.P. 1232 L.D. 1722
(S "A" S-536 to C "A" H-609)

This being an Emergency Measure and having received the affirmative vote of 33 Members of the Senate, with no Senators having voted in the negative, and 33 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.

Emergency Measure

An Act To Provide Additional Authority to the State Board of Corrections

S.P. 730 L.D. 1824
(S "A" S-533 to C "A" S-511)

This being an Emergency Measure and having received the affirmative vote of 33 Members of the Senate, with no Senators having voted in the negative, and 33 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.

Senate at Ease.

Senate called to order by the President.

Emergency Measure

An Act To Implement the Recommendations of the Substance Abuse Services Commission with Regard to the Controlled Substances Prescription Monitoring Program

S.P. 743 L.D. 1840
(S "A" S-531)

This being an Emergency Measure and having received the affirmative vote of 33 Members of the Senate, with no Senators having voted in the negative, and 33 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.

Emergency Measure

An Act To Validate Certain Proceedings Authorizing the Issuance of Bonds and Notes of the Town of Old Orchard Beach

S.P. 753 L.D. 1855

This being an Emergency Measure and having received the affirmative vote of 30 Members of the Senate, with 3 Senators having voted in the negative, and 30 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.

Emergency Resolve

Resolve, To Establish the Commission To Strengthen the Adequacy and Equity of Certain Cost Components of the School Funding Formula

H.P. 1335 L.D. 1850
(S "B" S-504; S "C" S-530)

This being an Emergency Measure and having received the affirmative vote of 33 Members of the Senate, with no Senators having voted in the negative, and 33 being more than two-thirds of the entire elected Membership of the Senate, was **FINALLY PASSED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

Acts

An Act Regarding the Issuance of a Permit To Carry a Concealed Handgun

H.P. 183 L.D. 222
(H "A" H-739; S "B" S-547
to C "A" H-730)

An Act To Require Forest Rangers To Be Trained in Order To Allow Them To Carry Firearms

H.P. 206 L.D. 297
(S "B" S-546 to C "A" H-608)

An Act To Create a Tax Credit for Primary Care Professionals Practicing in Underserved Areas

S.P. 172 L.D. 440
(C "B" S-548)

An Act To Establish the Maine Length of Service Award Program

H.P. 819 L.D. 1154
(S "A" S-545 to C "B" H-644)

An Act To Review the Laws Governing Retirement Benefits for Certain State Employees

S.P. 412 L.D. 1175
(S "A" S-544 to C "A" S-413)

An Act To Amend the Veterans' Services Laws

H.P. 1184 L.D. 1612
(S "A" S-543 to C "A" H-694)

An Act To Encourage Charitable Contributions to Nonprofit Organizations

S.P. 659 L.D. 1664
(S "A" S-542 to C "A" S-492)

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

S.P. 657 L.D. 1673
(S "A" S-541 to C "A" S-428)

An Act To Improve Degree and Career Attainment for Former Foster Children

H.P. 1206 L.D. 1683
(S "A" S-539)

An Act To Provide Funding for the Veterans Treatment Courts

H.P. 1221 L.D. 1697
(S "A" S-538 to C "A" H-649)

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

H.P. 1242 L.D. 1734
(S "A" S-535 to C "A" H-708)

An Act To Facilitate Informed Planning for Higher Education and Careers

H.P. 1253 L.D. 1746
(S "A" S-537 to C "A" H-743)

An Act To Increase Employment Opportunities for Veterans

S.P. 735 L.D. 1832
(S "A" S-532 to C "A" S-477)

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

An Act To Appropriate Funds for the Maine Criminal Justice Academy, Code Enforcement Officer Training, Increased Enforcement of Tax Collection, Water Quality Control, Clinical Staff at the Maine State Prison and HIV Prevention Education

H.P. 1202 L.D. 1679
(S "A" S-540 to C "A" H-617)

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 (#604)

YEAS: Senators: BOYLE, BURNS, CAIN, CLEVELAND, COLLINS, CRAVEN, CUSHING, DUTREMBLE, FLOOD, GERZOFISKY, GRATWICK, HAMPER, HASKELL, HILL, JACKSON, JOHNSON, KATZ, LACHOWICZ, LANGLEY, MASON, MAZUREK, PATRICK, PLUMMER, SAVIELLO, SHERMAN, THIBODEAU, THOMAS, TUTTLE, VALENTINO, VITELLI, WHITTEMORE, WOODBURY, THE PRESIDENT - JUSTIN L. ALFOND

NAYS: Senators: None

ABSENT: Senators: MILLETT, YOUNGBLOOD

33 Senators having voted in the affirmative and No Senator having voted in the negative, with 2 Senators being absent, was **PASSED TO BE ENACTED** and having been signed by the President was presented by the Secretary to the Governor for his approval.

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

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

COMMUNICATIONS

The Following Communication: S.C. 929

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

April 17, 2014

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

(In House, April 17, 2014, **PASSED TO BE ENACTED.**)

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

Dear President Alford and Speaker Eves:

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

- L.D. 942 An Act To Authorize a General Fund Bond Issue To Invest in Deficient State Highways, Bridges and Aviation, Marine, Rail and Transit Facilities
- L.D. 1180 An Act To Authorize a General Fund Bond Issue for the Maine Community Reinvestment and Job Creation Fund
- L.D. 1767 An Act To Authorize a General Fund Bond Issue for the Purchase of the Bar Harbor Ferry Terminal

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

Sincerely,

S/Sen. Dawn Hill
Senate Chair

S/Rep. Margaret R. Rotundo
House Chair

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

Senate at Ease.

Senate called to order by the President.

ORDERS OF THE DAY

On motion by Senator HILL of York, the Senate removed from the **SPECIAL APPROPRIATIONS TABLE** the following:

An Act To Provide Former Employees of the Maine Military Authority the Ability To Sue for Severance Pay
S.P. 740 L.D. 1837
(C "A" S-524)

Tabled - April 17, 2014, by Senator HILL of York

Pending - **ENACTMENT**, in concurrence

(In Senate, April 16, 2014, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-524).**)

Senator **SAVIELLO** of Franklin requested and received leave of the Senate that members and staff be allowed to remove their jackets for the remainder of this Session.

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 Implement the Recommendations of the Judicial Compensation Commission

S.P. 263 L.D. 725
(S "A" S-551 to C "A" S-383)

This being an Emergency Measure and having received the affirmative vote of 33 Members of the Senate, with no Senators having voted in the negative, and 33 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.

Emergency Resolve

Resolve, Establishing the Commission To Study the Effects of Coastal and Ocean Acidification and Its Existing and Potential Effects on Species That Are Commercially Harvested and Grown along the Maine Coast

H.P. 1174 L.D. 1602
(S "A" S-529 to C "A" H-725)

This being an Emergency Measure and having received the affirmative vote of 33 Members of the Senate, with no Senators having voted in the negative, and 33 being more than two-thirds of the entire elected Membership of the Senate, was **FINALLY PASSED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

Acts

An Act To Establish Submission Requirements for Wind Energy through Rulemaking

S.P. 692 L.D. 1750
(S "A" S-550 to C "A" S-483)

An Act To Establish the Criminal Law Revision Commission
S.P. 700 L.D. 1765
(S "A" S-549 to C "A" S-426)

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

An Act To Improve Access to Dental Care through Empowering the Denturist Subcommittee of the Board of Dental Examiners
S.P. 453 L.D. 1310
(C "A" S-418)

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 (#605)

YEAS: Senators: BOYLE, BURNS, CAIN, CLEVELAND, COLLINS, CRAVEN, CUSHING, DUTREMBLE, FLOOD, GERZOFKY, GRATWICK, HAMPER, HASKELL, HILL, JACKSON, JOHNSON, KATZ, LACHOWICZ, LANGLEY, MASON, MAZUREK, PATRICK, PLUMMER, SAVIELLO, SHERMAN, THIBODEAU, THOMAS, TUTTLE, VALENTINO, VITELLI, WHITTEMORE, WOODBURY, THE PRESIDENT - JUSTIN L. ALFOND

NAYS: Senators: None

ABSENT: Senators: MILLETT, YOUNGBLOOD

33 Senators having voted in the affirmative and No Senator having voted in the negative, with 2 Senators being absent, was **PASSED TO BE ENACTED** and having been signed by the President was presented by the Secretary to the Governor for his approval.

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

Senate at Ease.

Senate called to order by the President.

Senator **JACKSON** of Aroostook moved the Senate extend beyond 9:00 p.m., pursuant to Senate Rule 514.

The Chair ordered a Division. 27 Senators having voted in the affirmative and 3 Senators having voted in the negative, the motion by Senator **JACKSON** of Aroostook to **EXTEND** beyond 9:00 p.m., **PREVAILED**.

Senator **KATZ** of Kennebec inquired if the Senate was still in possession of S.P. 453 L.D. 1310.

The Chair answered in the negative.

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

REPORTS OF COMMITTEES

House

Ought to Pass

The Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** on Bill "An Act To Authorize a General Fund Bond Issue To Create an Animal and Plant Disease and Insect Control Facility Administered by the University of Maine Cooperative Extension Service"

H.P. 1355 L.D. 1861

Reported that the same **Ought to Pass**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED**.

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

Under suspension of the Rules, **READ TWICE** and **PASSED TO BE ENGROSSED**, in concurrence.

All matters thus acted upon were ordered sent down forthwith for 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 **APPROPRIATIONS AND FINANCIAL AFFAIRS** on Bill "An Act To Authorize a General Fund Bond Issue To Support the Growth of and To Build Infrastructure for the Marine and Biotechnology Sectors of the State's Economy"

H.P. 1260 L.D. 1756

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-850)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-850)**.

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

READ ONCE.

Committee Amendment "A" (H-850) **READ** and **ADOPTED**, in concurrence.

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

Ordered sent forthwith to the Engrossing Division.

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:

Resolve

Resolve, Directing the Workers' Compensation Board To Further Study Improving Protections for Injured Workers Whose Employers Have Wrongfully Not Secured Workers' Compensation Insurance

S.P. 736 L.D. 1833
(H "A" H-848 to C "A" S-491)

FINALLY PASSED 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:

REPORTS OF COMMITTEES

House

Divided Report

The Majority of the Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act To Increase Health Security by Expanding Federally Funded Health Care for Maine People"
H.P. 1149 L.D. 1578

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-704)**.

Signed:

Senators:

CRAVEN of Androscoggin
LACHOWICZ of Kennebec

Representatives:

FARNSWORTH of Portland
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:

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

Comes from the House with the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-704) AS AMENDED BY HOUSE AMENDMENT "A" (H-849)** thereto.

Reports **READ**.

Senator **CRAVEN** of Androscoggin 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 PRESIDENT: The Chair recognizes the Senator from Androscoggin, Senator Craven.

Senator **CRAVEN:** Thank you Mr. President. Men and women of the Senate, I'm not going to talk very long about this. This is just a little different bill for MaineCare expansion than we've seen before. I just wanted to explain what this bill does. This proposal is dramatically different from the prior efforts to expand healthcare for Maine people. The amendment to the bill, L.D. 1578, would require federal funds to purchase private health insurance through the Federal Exchange Marketplace. It's modeled after the New Hampshire bi-partisan Health Protection Program by the New Hampshire Senate members and passed by the full Legislature. New Hampshire has recently successfully passed a version of the Medicaid expansion that puts the vast majority of people on the private health insurance exchange. Arkansas has also been able to do this. Both states successfully negotiated an agreement while having a divided government and if New

Hampshire can do it with a divided government I think that we really should do the same and could.

Until the amended bill, the state would have to apply for a waiver by December 1st to use the federal funds for a private option for tens of thousands of low income adults. During the waiver application period the state would accept federal funds to provide bridge coverage until the private option is approved. The federal government has approved a waiver for Arkansas' private options and expects to do the same for New Hampshire. If the waiver is approved by July 1, 2015, coverage ends 90 days thereafter in order to provide notice to recipients. Last month New Hampshire became the 27th state, including the District of Columbia, to accept expansion. Maine is now the only state in New England that has not accepted federal funds. We're always comparing Maine to New Hampshire and I think that we should compete with them and pass the expansion for Maine. Thank you, Mr. President.

Senate at Ease.

Senate called to order by the President.

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

Senator **HAMPER:** Thank you Mr. President. I appreciate the couple of extra moments to gather my thoughts. Mr. President and ladies and gentlemen of the Senate, I feel like this is déjà vu all over again, taking us back to June 21, 2001, where we debated on Medicaid expansion before and all good decisions are made late at night on the last night. Here we go again. The amendment before us is based on an Arkansas model of which New Hampshire based their model from. New Hampshire has no experience yet for us to compare numbers, but Arkansas does. In the first three months of 2014 Arkansas is seeing significant cost overruns, much greater than they expected. The way this program works is that the federal government allows for a block of money per person - per month and the state picks up the rest. That's where Arkansas is running into trouble already, three months into it. We would have the same type of model here where the federal government would set a per month - per member cost. You overrun that, the member draws too much, the State of Maine taxpayers pick up the balance.

Just on process alone, Mr. President, I could rise and speak against this and I am speaking against it. We have not had time to run this amendment through a proper procedure. No time for the department, which has to administer this new law, to contribute to the process. No public hearing on this. There has been no debate. It's interesting how, on some bills that run through this Chamber, there are agreed upon changes, things that were agreed upon, and then, oh my goodness, they are too complicated and, therefore, we can't do them. Yet we have this amendment before us, which is a major policy for the State of Maine, last night, in the last hours. Not to mention the costs involved, and I don't need to go through the whole litany of the costs involved because this bill calls for the State of Maine to pick up the costs in that first year, which is the same administrative costs as mentioned before. It's all the same costs again.

Earlier today we talked, my fellow Senator from Oxford talked, about apples to apples and apples to oranges. Let's start comparing some of those apples. Right now New Hampshire covers 132,000 people on Medicaid. That's 11% of the population. Maine covers 318,000 people, 24.5% of the state's population, big difference as to the covered population. Secondly, New Hampshire covers parents up to 35% of the federal poverty level. Maine covers parents up to 100% of the federal poverty level. Third, New Hampshire, after the expansion, will cover approximately 181,000 people, or 15% of the population. Maine, 423,000 people, or 32.5% of the population. Lastly, New Hampshire, after the expansion, will cover childless adults and parents up to 138% of the poverty level. We would do the exact same thing. The costs are enormous, as I said before in previous debates. This bill before us will have immense ongoing costs. Quite honestly, I can't imagine how anybody in this Body or the other Body would vote for a program that has had absolutely no time to be vetted, let alone fully vetted. It is a serious policy decision we're making here tonight. Let's not do this. Thank you, Mr. President.

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 (#606)

YEAS: Senators: BOYLE, CAIN, CLEVELAND, CRAVEN, DUTREMBLE, GERZOFISKY, GRATWICK, HASKELL, HILL, JACKSON, JOHNSON, LACHOWICZ, MAZUREK, 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

ABSENT: Senators: MILLETT, YOUNGBLOOD

19 Senators having voted in the affirmative and 14 Senators having voted in the negative, with 2 Senators being absent, 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-704) **READ**.

House Amendment "A" (H-849) to Committee Amendment "A" (H-704) **READ** and **ADOPTED**, in concurrence.

Committee Amendment "A" (H-704) as Amended by House Amendment "A" (H-849) thereto, **ADOPTED**, in concurrence.

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

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

Senate at Ease.

Senate called to order by the President.

RECESSED until the sound of the bell.

After Recess

Senate called to order by the President.

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 Make Supplemental Allocations from the Highway Fund and Other Funds for the Expenditures of State Government and To Change Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 2014 and June 30, 2015

H.P. 1280 L.D. 1788
(C "A" H-830)

This being an Emergency Measure and having received the affirmative vote of 32 Members of the Senate, with no Senators having voted in the negative, and 32 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.

ORDERS OF THE DAY

The Chair laid before the Senate the following Tabled and Later Assigned (4/16/14) matter:

Emergency Measure

An Act To Protect Maine Lakes

H.P. 1250 L.D. 1744
(H "A" H-797 to C "A" H-781)

Tabled - April 16, 2014, by Senator **JACKSON** of Aroostook

Pending - **ENACTMENT**, in concurrence

(In Senate, April 7, 2014, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-781) AS AMENDED BY HOUSE AMENDMENT "A" (H-797)** thereto, in concurrence.)

(In House, April 8, 2014, **PASSED TO BE ENACTED**.)

On motion by Senator **CAIN** of Penobscot, the Senate **SUSPENDED THE RULES**.

On further motion by same Senator, the Senate **RECONSIDERED** whereby the Bill was **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-781) AS AMENDED BY HOUSE AMENDMENT "A" (H-797)** thereto, in concurrence.

On further motion by same Senator, the Senate **SUSPENDED THE RULES**.

On further motion by same Senator, the Senate **RECONSIDERED** whereby it **ADOPTED** Committee Amendment "A" (H-781) as Amended by House Amendment "A" (H-797), in concurrence.

On further motion by same Senator, the Senate **SUSPENDED THE RULES**.

On further motion by same Senator, the Senate **RECONSIDERED** whereby it **ADOPTED** House Amendment "A" (H-797) to Committee Amendment "A" (H-781), in concurrence, and **INDEFINITELY POSTPONED** same.

On further motion by same Senator, under unanimous consent on behalf of Senator **HILL** of York, Senate Amendment "A" (S-534) to Committee Amendment "A" (H-781) **READ** and **ADOPTED**.

On further motion by same Senator, under unanimous consent on behalf of Senator **BOYLE** of Cumberland, Senate Amendment "B" (S-552) to Committee Amendment "A" (H-781) **READ** and **ADOPTED**.

Committee Amendment "A" (H-393) as Amended by Senate Amendments "A" (S-534) and "B" (S-552) thereto, **ADOPTED**, in **NON-CONCURRENCE**.

PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-393) AS AMENDED BY SENATE AMENDMENTS "A" (S-534) AND "B" (S-552) thereto, in **NON-CONCURRENCE**.

Ordered sent down forthwith for concurrence.

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

PAPERS FROM THE HOUSE

House Paper

Bill "An Act To Enhance the Availability of Special Restricted Licenses in Cases of Medical Need" (EMERGENCY)
H.P. 1357 L.D. 1862

Committee on **TRANSPORTATION** suggested and ordered printed.

Comes from the House, under suspension of the Rules, **READ TWICE** and **PASSED TO BE ENGROSSED**, without reference to a Committee.

On motion by Senator **MAZUREK** of Knox, **REFERRED** to the Committee on **TRANSPORTATION**, in **NON-CONCURRENCE**.

Ordered sent down forthwith for 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 **APPROPRIATIONS AND FINANCIAL AFFAIRS** on Bill "An Act To Authorize a General Fund Bond Issue and To Assist in the Creation of Jobs through Regional Economic Development"
H.P. 734 L.D. 1043

Reported that the same **Ought to Pass as Amended by Committee Amendment "A"** (H-851).

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A"** (H-851).

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

READ ONCE.

Committee Amendment "A" (H-851) **READ** and **ADOPTED**, in concurrence.

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

Ordered sent forthwith to the Engrossing Division.

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 Resolve

Resolve, To Improve Early Diagnosis, Treatment and Outcomes for Youth and Young Adults with, or at Risk for, Serious Mental Health Conditions

H.P. 975 L.D. 1367
(S "A" S-553 to C "A" H-717)

This being an Emergency Measure and having received the affirmative vote of 32 Members of the Senate, with no Senators having voted in the negative, and 32 being more than two-thirds of the entire elected Membership of the Senate, was **FINALLY PASSED** 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:

Act

An Act To Increase Health Security by Expanding Federally Funded Health Care for Maine People

H.P. 1149 L.D. 1578
(H "A" H-849 to C "A" H-704)

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:

Bond Issue

An Act To Authorize a General Fund Bond Issue To Support Human Health Research in Maine

S.P. 421 L.D. 1223
(C "A" S-557)

On motion by Senator **JACKSON** of Aroostook, 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 (#607)

YEAS: Senators: BOYLE, BURNS, CAIN, CLEVELAND, COLLINS, CRAVEN, CUSHING, DUTREMBLE, FLOOD, GERZOFKY, GRATWICK, HASKELL, HILL, JACKSON, JOHNSON, KATZ, LACHOWICZ, LANGLEY, MAZUREK, PATRICK, SHERMAN, TUTTLE, VALENTINO, VITELLI, WOODBURY, THE PRESIDENT - JUSTIN L. ALFOND

NAYS: Senators: HAMPER, MASON, PLUMMER, THIBODEAU, THOMAS, WHITTEMORE

ABSENT: Senators: MILLETT, SAVIELLO, YOUNGBLOOD

This being a Bond Authorization Act, in accordance with the provisions of Section 14 of Article IX of the Constitution, having received the affirmative vote of 26 Members of the Senate, with 6 Senators having voted in the negative, and 26 being more than two-thirds of the Members present and voting, 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:

Bond Issue

An Act To Authorize a General Fund Bond Issue To Ensure Clean Water and Safe Communities

S.P. 539 L.D. 1455
(C "A" S-558)

On motion by Senator **JACKSON** of Aroostook, 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 (#608)

YEAS: Senators: BOYLE, BURNS, CAIN, CLEVELAND, COLLINS, CRAVEN, CUSHING, DUTREMBLE, FLOOD, GERZOFKY, GRATWICK, HAMPER, HASKELL, HILL, JACKSON, JOHNSON, KATZ, LACHOWICZ, LANGLEY, MAZUREK, PATRICK, PLUMMER, SHERMAN, THIBODEAU, TUTTLE, VALENTINO, VITELLI, WHITTEMORE, WOODBURY, THE PRESIDENT - JUSTIN L. ALFOND

NAYS: Senators: MASON, THOMAS

ABSENT: Senators: MILLETT, SAVIELLO, YOUNGBLOOD

This being a Bond Authorization Act, in accordance with the provisions of Section 14 of Article IX of the Constitution, having received the affirmative vote of 30 Members of the Senate, with 2 Senators having voted in the negative, and 30 being more than two-thirds of the Members present and voting, 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:

Bond Issue

An Act To Authorize a General Fund Bond Issue To Support the Growth of and To Build Infrastructure for the Marine Sector of the State's Economy

S.P. 675 L.D. 1709
(C "A" S-556)

On motion by Senator **JACKSON** of Aroostook, 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 (#609)

YEAS: Senators: BOYLE, BURNS, CAIN, CLEVELAND, COLLINS, CRAVEN, CUSHING, DUTREMBLE, FLOOD, GERZOFKY, GRATWICK, HASKELL, HILL, JACKSON, JOHNSON, KATZ, LACHOWICZ, LANGLEY, MAZUREK, PATRICK, PLUMMER, SHERMAN, TUTTLE, VALENTINO, VITELLI, WHITTEMORE, WOODBURY, THE PRESIDENT - JUSTIN L. ALFOND

NAYS: Senators: HAMPER, MASON, THIBODEAU, THOMAS

ABSENT: Senators: MILLETT, SAVIELLO, YOUNGBLOOD

This being a Bond Authorization Act, in accordance with the provisions of Section 14 of Article IX of the Constitution, having received the affirmative vote of 28 Members of the Senate, with 4 Senators having voted in the negative, and 28 being more than two-thirds of the Members present and voting, 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:

Bond Issue

An Act To Authorize a General Fund Bond Issue To Support Maine Small Business and Job Creation

S.P. 732 L.D. 1827
(C "A" S-555)

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 (#610)

YEAS: Senators: BOYLE, BURNS, CAIN, CLEVELAND, COLLINS, CRAVEN, CUSHING, DUTREMBLE, FLOOD, GERZOFKY, GRATWICK, HAMPER, HASKELL, HILL, JACKSON, JOHNSON, KATZ, LACHOWICZ, LANGLEY, MAZUREK, PATRICK, PLUMMER, SHERMAN, TUTTLE, VALENTINO, VITELLI, WHITTEMORE, WOODBURY, THE PRESIDENT - JUSTIN L. ALFOND

NAYS: Senators: MASON, THIBODEAU, THOMAS

ABSENT: Senators: MILLETT, SAVIELLO, YOUNGBLOOD

This being a Bond Authorization Act, in accordance with the provisions of Section 14 of Article IX of the Constitution, having received the affirmative vote of 29 Members of the Senate, with 3 Senators having voted in the negative, and 29 being more than two-thirds of the Members present and voting, 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:

Bond Issue

An Act To Authorize a General Fund Bond Issue To Support Biomedical Research in Maine

H.P. 1260 L.D. 1756
(C "A" H-850)

On motion by Senator **JACKSON** of Aroostook, 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 (#611)

YEAS: Senators: BOYLE, BURNS, CAIN, CLEVELAND, CRAVEN, CUSHING, DUTREMBLE, FLOOD, GERZOFKY, GRATWICK, HASKELL, HILL, JACKSON, JOHNSON, KATZ, LACHOWICZ, LANGLEY, MAZUREK, PATRICK, PLUMMER, SHERMAN, TUTTLE, VALENTINO, VITELLI, WOODBURY, THE PRESIDENT - JUSTIN L. ALFOND

NAYS: Senators: COLLINS, HAMPER, MASON, THIBODEAU, THOMAS, WHITTEMORE

ABSENT: Senators: MILLETT, SAVIELLO, YOUNGBLOOD

This being a Bond Authorization Act, in accordance with the provisions of Section 14 of Article IX of the Constitution, having received the affirmative vote of 26 Members of the Senate, with 6 Senators having voted in the negative, and 26 being more than two-thirds of the Members present and voting, was **PASSED TO BE ENACTED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

Emergency Measure

Ordered sent down forthwith.

An Act To Correct Errors and Inconsistencies in the Laws of
Maine

H.P. 1323 L.D. 1841
(C "A" H-841)

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:

Bond Issue

An Act To Authorize a General Fund Bond Issue To Create an
Animal and Plant Disease and Insect Control Facility
Administered by the University of Maine Cooperative Extension
Service

H.P. 1355 L.D. 1861

On motion by Senator **THIBODEAU** of Waldo, 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 (#612)

YEAS: Senators: BOYLE, BURNS, CAIN, CLEVELAND,
CRAVEN, CUSHING, DUTREMBLE, FLOOD,
GERZOFKY, GRATWICK, HASKELL, HILL,
JACKSON, JOHNSON, KATZ, LACHOWICZ,
LANGLEY, MAZUREK, PATRICK, PLUMMER,
SHERMAN, TUTTLE, VALENTINO, VITELLI,
WHITTEMORE, WOODBURY, THE PRESIDENT -
JUSTIN L. ALFOND

NAYS: Senators: COLLINS, HAMPER, MASON,
THIBODEAU, THOMAS

ABSENT: Senators: MILLETT, SAVIELLO, YOUNGBLOOD

This being a Bond Authorization Act, in accordance with the
provisions of Section 14 of Article IX of the Constitution, having
received the affirmative vote of 27 Members of the Senate, with 5
Senators having voted in the negative, and 27 being more than
two-thirds of the Members present and voting, 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.

ORDERS OF THE DAY

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

Tabled - April 17, 2014, by Senator **HASKELL** of Cumberland

Pending - **ENACTMENT**, in concurrence

(In Senate, April 16, 2014, **PASSED TO BE ENGROSSED AS
AMENDED BY COMMITTEE AMENDMENT "A" (H-841)**, in
concurrence.)

(In House, April 17, 2014, **PASSED TO BE ENACTED.**)

This being an Emergency Measure and having received the
affirmative vote of 32 Members of the Senate, with no Senators
having voted in the negative, and 32 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.

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

Senate at Ease.

Senate called to order by the President.

RECESSED until the sound of the bell.

After Recess

Senate called to order by the President.

The following proceedings were conducted after 12:01a.m.,
Friday, April 18, 2014.

ORDERS OF THE DAY

On motion by Senator **HILL** of York, the Senate removed from the
SPECIAL APPROPRIATIONS TABLE the following:

Emergency Measure

An Act To Implement the Recommendations of the Commission To Study Long-term Care Facilities

S.P. 704 L.D. 1776
(S "A" S-521 to C "A" S-497)

Tabled - April 16, 2014, by Senator HILL of York

Pending - **ENACTMENT**, in concurrence

(In Senate, April 14, 2014, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-497) AS AMENDED BY SENATE AMENDMENT "A" (S-521)** thereto.)

(In House, April 16, 2014, **PASSED TO BE ENACTED**.)

On further motion by same Senator, the Senate **SUSPENDED THE RULES**.

On further motion by same Senator, the Senate **RECONSIDERED** whereby the Bill was **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-497) AS AMENDED BY SENATE AMENDMENT "A" (S-521)** thereto.

On further motion by same Senator, the Senate **SUSPENDED THE RULES**.

On further motion by same Senator, the Senate **RECONSIDERED** whereby it **ADOPTED** Committee Amendment "A" (S-497).

On further motion by same Senator, the Senate **SUSPENDED THE RULES**.

On further motion by same Senator, the Senate **RECONSIDERED** whereby it **ADOPTED** Senate Amendment "A" and **INDEFINITELY POSTPONED** same.

On further motion by same Senator, Senate Amendment "B" (S-559) to Committee Amendment "A" (S-497) **READ** and **ADOPTED**.

Committee Amendment "A" (S-497) as Amended by Senate Amendment "B" (S-559) thereto, **ADOPTED**, in **NON-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 (#613)

YEAS: Senators: BOYLE, BURNS, CAIN, CLEVELAND, COLLINS, CRAVEN, CUSHING, DUTREMBLE, FLOOD, GERZOFISKY, GRATWICK, HAMPER, HASKELL, HILL, JACKSON, JOHNSON, KATZ, LACHOWICZ, LANGLEY, MASON, PATRICK, PLUMMER, SHERMAN, THIBODEAU, THOMAS, TUTTLE, VALENTINO, VITELLI, WHITTEMORE, WOODBURY, THE PRESIDENT - JUSTIN L. ALFOND

NAYS: Senators: None

ABSENT: Senators: MAZUREK, MILLETT, SAVIELLO, YOUNGBLOOD

31 Senators having voted in the affirmative and No Senator having voted in the negative, with 4 Senators being absent, was **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-497) AS AMENDED BY SENATE AMENDMENT "B" (S-559)** thereto, in **NON-CONCURRENCE**.

Ordered sent down forthwith for 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 To Improve the Regional Economic Development Revolving Loan Program

H.P. 734 L.D. 1043
(C "A" H-851)

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:

Act

An Act To Protect Maine Lakes

H.P. 1250 L.D. 1744
(S "A" S-534; S "B" S-552
to C "A" H-781)

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.

Senate at Ease.

Senate called to order by the President.

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 **APPROPRIATIONS AND FINANCIAL AFFAIRS** on Bill "An Act To Improve Education about and Awareness of Maine's Health Laws and Resources"

H.P. 1229 L.D. 1719

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-844)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-844)**.

Report **READ**.

On motion by Senator **HASKELL** of Cumberland, 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 (#614)

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

NAYS: Senators: **BURNS, COLLINS, CUSHING, HAMPER, KATZ, LANGLEY, MASON, PLUMMER, SHERMAN, THIBODEAU, THOMAS, WHITEMORE**

ABSENT: Senators: **MAZUREK, MILLETT, SAVIELLO, YOUNGBLOOD**

19 Senators having voted in the affirmative and 12 Senators having voted in the negative, with 4 Senators being absent, the **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-844)** Report **ACCEPTED**, in concurrence.

READ ONCE.

Committee Amendment "A" (H-844) **READ** and **ADOPTED**, in concurrence.

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

Ordered sent forthwith to the Engrossing Division.

RECESSED until the sound of the bell.

After Recess

Senate called to order by the President.

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

ORDERS

Joint Order

On motion by Senator **JACKSON** of Aroostook, the following Joint Order:

S.P. 757

Ordered, the House concurring, that when the Senate and House adjourn, they do so until Thursday, May 1, 2014 at 10:00 in the morning.

READ.

Senate at Ease.

Senate called to order by the President.

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 (#615)

YEAS: Senators: BOYLE, CAIN, CLEVELAND, COLLINS, CRAVEN, DUTREMBLE, FLOOD, GERZOFKY, GRATWICK, HAMPER, HASKELL, HILL, JACKSON, JOHNSON, KATZ, LACHOWICZ, LANGLEY, PATRICK, SHERMAN, THIBODEAU, THOMAS, TUTTLE, VALENTINO, VITELLI, WOODBURY, THE PRESIDENT - JUSTIN L. ALFOND

NAYS: Senators: BURNS, CUSHING, MASON, PLUMMER, WHITTEMORE

ABSENT: Senators: MAZUREK, MILLETT, SAVIELLO, YOUNGBLOOD

26 Senators having voted in the affirmative and 5 Senators having voted in the negative, with 4 Senators being absent, the Joint Order was **PASSED**.

Ordered sent down forthwith for 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 Implement the Recommendations of the Commission To Study Long-term Care Facilities

S.P. 704 L.D. 1776
(S "B" S-559 to C "A" S-497)

This being an Emergency Measure and having received the affirmative vote of 31 Members of the Senate, with no Senators having voted in the negative, and 31 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:

Act

An Act To Improve Education about and Awareness of Maine's Health Laws and Resources and To Increase the Reimbursement Rate for Adult Day Services

H.P. 1229 L.D. 1719
(C "A" H-844)

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 Flood.

Senator **FLOOD:** Thank you very much Mr. President. Ladies and gentlemen of the Senate, I want to talk a little bit in favor about this bill. It takes funds, one-time funds, from a tobacco settlement to the Fund for a Healthy Maine and uses those for a variety of activities that, I think, are very favorable for our people. It is significantly changed from earlier versions of this bill. I wanted to say that for purposes of clarification. It utilizes funds on a one-time basis for community health coalitions, to improve tobacco and substance abuse policies, has quite a bit of activity within the bill to deal with tobacco prevention and control. It allocates money for the community school grants that most of us have in our areas. It also provides funds for oral health, to provide 250 uninsured Maine adults with oral health treatment and to collect better information to help them with their care. It provides for an oral health account to fund a pilot program to help our FQHCs to prevent oral disease and tobacco misuse. I just wanted to clarify that it's a one-time fund that came to us as the result of the tobacco settlement. That money's deposited into the Fund for a Healthy Maine. It's been requested to be used for reasonable activities, in my view. I just wanted to say a word on its behalf. Thank you, Mr. President.

THE PRESIDENT: The pending question before the Senate is Enactment. 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 (#616)

YEAS: Senators: BOYLE, CAIN, CLEVELAND, COLLINS, CRAVEN, DUTREMBLE, FLOOD, GERZOFKY, GRATWICK, HASKELL, HILL, JACKSON, JOHNSON, KATZ, LACHOWICZ, LANGLEY, PATRICK, PLUMMER, SHERMAN, TUTTLE, VALENTINO, VITELLI, WHITTEMORE, WOODBURY, THE PRESIDENT - JUSTIN L. ALFOND

NAYS: Senators: BURNS, CUSHING, HAMPER, MASON, THIBODEAU, THOMAS

ABSENT: Senators: MAZUREK, MILLETT, SAVIELLO, YOUNGBLOOD

25 Senators having voted in the affirmative and 6 Senators having voted in the negative, with 4 Senators being absent, 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.

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

On motion by Senator **JACKSON** of Aroostook, **ADJOURNED**, pursuant to the Joint Order, to Thursday, May 1, 2014, at 10:00 in the morning.