

STATE OF MAINE
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In Senate Chamber
Tuesday
April 12, 2016

Off Record Remarks

ORDERS

Joint Orders

Senate called to order by President Michael D. Thibodeau of Waldo County.

Prayer by Reverend George Sadlo of Fairfield.

REVEREND SADLO: Shall we pray. Dear Lord God, we ask You now to grant that we are always first of all grateful to You for giving us this nation to live in. We realize, Lord God, that it is a nation that has many problems, but we realize, too, Lord God, that it has a God that is willing to guide those that make the decisions and the best way to solve many of those problems. We ask You, Lord God, to touch the hearts of the brothers and sisters here in the Senate who work together dealing with so many major problems, Lord. We ask You, too, to grant that they will have the wisdom that You give them, that they will not be partisan in an extreme way but partisan in a way of saying, Lord God, that what's best for the state of Maine is what I know they want to be able to do. We thank You again, Lord God, for the military, those that have served, those that are serving, and we ask You, too, Lord, that when problems seem the strongest in making decisions in this room we ask You to grant that they will, in their own way, pray to You, Lord God. I pray this in the name of Jesus, my supreme commander. Amen.

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

Reading of the Journal of Monday, April 11, 2016.

Doctor of the day, Richard Swett, M.D. of Dover-Foxcroft.

Off Record Remarks

Senator **DAVIS** of Piscataquis requested and received leave of the Senate that members and staff be allowed to remove their jackets for the remainder of this Legislative Day.

Expressions of Legislative Sentiment recognizing:

Karin Zimba, of Waterville, a fifth grade student at Albert S. Hall School, whose submission to the eighth annual Doodle 4 Google competition was selected by guest judges and the Google team as the winner for the State of Maine. Karin's submission was also selected as one of five national finalists. Karin is not only the second student from Albert S. Hall School to win the Maine honor in the past three years, but she is also the second in her family. Her older sister, Inga, won the Maine honor in 2014. We extend to Karin our congratulations and best wishes;

SLS 1141

Sponsored by Senator CYRWAY of Kennebec.
Cosponsored by Representatives: BECK of Waterville,
LONGSTAFF of Waterville.

READ.

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

Senator **CYRWAY:** Thank you, Mr. President. Ladies and gentlemen of the Senate, I'm happy to welcome Karin Zimba to the State House today. She is a student at the Albert Hall School in Waterville and is serving as an Honorary Page with us today. I'm proud to recognize Karin today because she is the Maine winner of the Google's Doodle 4 Google national competition. Contestants were asked to draw a doodle redesigning the Google logo using the theme What Makes Me Me. More than 100,000 students entered Google's contest across the country and Karin's was chosen as the winner of the Maine's fourth and fifth grade competition. Even more impressive is that after an on-line vote Karin was selected as one of the top five finalists in the nation. Karin's named her project Serendipity. She mixed together sea shells, driftwood, stones, button, and other objects that she collected and blended them together to spell the word Google. It is really a beautiful creation. She received a \$5,000 scholarship from Google and the Albert Hall School will receive a \$2,500 grant for the art department. I have to mention that it seems that artistic talent runs in the Zimba family because Karin's older sister, Inga, won Maine's honor in 2014. The girls are daughters of Yasameen and Travis Zimba of Waterville and winning this award comes with great distinction for Karin. As we all know, it is important to have the support of family and friends and I'm sure Karin's family has been very supportive of her. She has made our community proud. I know I join Karin's family, school, and friends in congratulating her. She obviously has a very bright future ahead of her. Thank you, Mr. President.

PASSED.

Sent down for concurrence.

THE PRESIDENT: The Chair is pleased to recognize in the Chamber with us today Karin Zimba's parents, Travis and Yasameen Zimba. Would they please rise and accept the greetings of the Senate.

Lee Jackson, of Old Town, an employee at the Old Town McDonald's, who has been recognized as a McDonald's Crew Person of the Year. Established in 2002, the award acknowledges and rewards 25 crew members from across the nation who make outstanding contributions to their restaurants and deliver the brand promise to customers each and every day. McDonald's recognizes these crew members as role models, and the honor comes with a cash prize, plaque, pin and more. We extend to Mr. Jackson our congratulations and best wishes;
SLS 1155

Sponsored by Senator DILL of Penobscot.
Cosponsored by Representative: DUNPHY of Old Town.

READ.

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

Senator **DILL:** Thank you, Mr. President. Ladies and gentlemen of the Senate, I stand to commend Lee Jackson of Old Town. His award was chosen out of over 20,000 employees of McDonald's. That, in itself, I think, is quite an accomplishment. Lee lived in Old Town since he was very young. He's now a senior at the University of Maine in Orono and he's been very active in both the local community and the county. One other thing that I would say, he actually does also serve on the school board with me. Seems like a lot of things I've been bringing in front of us here have been members of the Old Town School Board with me. The last thing I'd like to say, again, I would like to commend Mr. Jackson on not only this accomplishment but I'm the other accomplishments that he's going to make beyond this point in his career. Thank you, Mr. President.

THE PRESIDENT: The Chair recognizes the Senator from Hancock, Senator Langley.

Senator **LANGLEY:** Thank you, Mr. President. Men and women of the Senate, I'd like to rise also to congratulate Mr. Jackson. You know often times when people talk about working at McDonald's it's not always said in a good light, but you know jobs like this provide our young people an entry point into the workforce and give them a chance to excel. As many of you know, I taught culinary arts in a vocational school for nearly 30 years. I had a lot of students that worked at McDonald's and I would encourage them to do that because their training programs are really stellar and that's where kids learn to work. You know there are opportunities within that organization. I had a student who, in my classroom, at 16 was working in a McDonald's at Bucksport and now she manages it and is one of the top managers in the country. Mr. Jackson, to be recognized in this way across the country, really means he's outstanding. Congratulations to Lee Jackson. Thank you.

PASSED.

Sent down for concurrence.

THE PRESIDENT: The Chair is pleased to recognize in the Chamber with us today Lee Jackson, Michelle Denning, Sharon Steele, Michael Steele, and Harley Denning. Would they please all rise and accept the greetings of the Maine Senate.

SECOND READERS

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

House As Amended

Bill "An Act Regarding the Maine Clean Election Fund"
(EMERGENCY)

H.P. 1071 L.D. 1579
(C "A" H-661)

READ A SECOND TIME.

On motion by Senator **GRATWICK** of Penobscot, the Senate **RECONSIDERED** whereby it **ADOPTED** Committee Amendment "A" (H-661), in concurrence.

On further motion by same Senator, Senate Amendment "A" (S-510) to Committee Amendment "A" (H-661) **READ.**

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

Senator **GRATWICK:** Thank you very much, Mr. President. Ladies and gentlemen of the Senate, we're talking about the passage of funding for our Clean Election. This is something I think is of great importance to us all. I have three very brief points. The first, I'm sure everybody's aware that the voters passed this referendum last November by a significant margin. This is the way democracy works. The direct voice of the voters. Sometimes I have to say in this Chamber, I'll speak for myself, I guess what the voters want, I guess what my constituents want. The issues are really not clear but we do our best. It's our own judgement. However, in this instance, the voter's intent is absolutely clear. There is no secret whatsoever. This is what the voters want, to have Clean Elections go forward with this funding. I have to say if we make the decision just in this Chamber to obstruct this particular pattern there is the definition of an oligarch here. Oligarch, in the past, were those groups of usually older white male folks who would make a decision. They really did not take into account what other people were thinking.

Two, the Clean Elections has been around since 2000, getting money into it since 2003. They have accrued a total in their budget, an extra \$12.4 million, and this is money that has not been spent, largely because Governors have not used this when they've run their elections. They've done private financing. The State, on the other hand, not wishing to leave money in these buckets, occasionally sweeps and the State has swept out, the State has given back out of that \$12 million, they've given back

\$6.1 million. The Clean Election Fund is still owed \$6 million, owed because this is an obligation, I think, that we in this state have to fulfill.

The third point is that Clean Elections is very popular with everybody in this Senate. It's interesting, the statistics from the Maine Ethics Committee, as of last week, that in the Senate 77% of the Democrats are running with Clean Election funding and 70% of the Republicans in this Chamber, or those who wish to be in this Chamber, are running with Clean Election funding, that is, to repeat, 77% of the Democrats, 70% of the Republicans. This is something we all utilize, I think we all see the value of. I strongly urge you to follow my light. Thank you, Mr. President.

On motion by Senator **HILL** of York, 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 Brakey.

Senator **BRAKEY:** Thank you, Mr. President. If I could ask a question through the Chair.

THE PRESIDENT: The Senator may pose his question.

Senator **BRAKEY:** Thank you, Mr. President. So what we're voting on, this is an amendment to strip off the emergency preamble from the bill? This is not acceptance of the bill itself? Is that correct?

THE PRESIDENT: The Chair would advise the members that that is correct. The pending question before the Senate is the motion by the Senator from Penobscot, Senator Gratwick to Adopt Senate Amendment "A" (S-510) to Committee Amendment "A" (H-661). 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 (#650)

YEAS: Senators: ALFOND, BAKER, BRAKEY, BREEN, BURNS, COLLINS, CUSHING, CYRWAY, DAVIS, DESCHAMBAULT, DIAMOND, DILL, EDGEComb, GERZOFsky, GRATWICK, HAMPER, HASKELL, HILL, JOHNSON, KATZ, LANGLEY, LIBBY, MASON, MCCORMICK, MILLETT, MIRAMANT, PATRICK, ROSEN, SAVIELLO, VALENTINO, VOLK, WHITTEMORE, WILLETTE, WOODSOME, THE PRESIDENT - MICHAEL D. THIBODEAU

NAYS: Senators: None

35 Senators having voted in the affirmative and no Senator having voted in the negative, the motion by Senator **GRATWICK** of Penobscot to **ADOPT** Senate Amendment "A" (S-510) to Committee Amendment "A" (H-661) **PREVAILED**.

On motion by Senator **ALFOND** 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 (#651)

YEAS: Senators: ALFOND, BAKER, BREEN, COLLINS, CYRWAY, DAVIS, DESCHAMBAULT, DIAMOND, DILL, GERZOFsky, GRATWICK, HAMPER, HASKELL, HILL, JOHNSON, KATZ, LANGLEY, LIBBY, MILLETT, MIRAMANT, PATRICK, SAVIELLO, VALENTINO, VOLK, WOODSOME, THE PRESIDENT - MICHAEL D. THIBODEAU

NAYS: Senators: BRAKEY, BURNS, CUSHING, EDGEComb, MASON, MCCORMICK, ROSEN, WHITTEMORE, WILLETTE

26 Senators having voted in the affirmative and 9 Senators having voted in the negative, Committee Amendment "A" (H-661) as Amended by Senate Amendment "A" (S-510) thereto, **ADOPTED**, in **NON-CONCURRENCE**.

PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-661) AS AMENDED BY SENATE AMENDMENT "A" (S-510) thereto, in **NON-CONCURRENCE**

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 (3/22/16) matter:

SENATE REPORTS - from the Committee on **INSURANCE AND FINANCIAL SERVICES** on Bill "An Act To Encourage Health Insurance Consumers To Comparison Shop for Health Care Procedures and Treatment"

S.P. 470 L.D. 1305

Majority - **Ought to Pass as Amended by Committee Amendment "A" (S-406)** (7 members)

Minority - **Ought to Pass as Amended by Committee Amendment "B" (S-407)** (6 members)

Tabled - March 22, 2016, by Senator **WHITTEMORE** of Somerset

Pending - **ACCEPTANCE OF EITHER REPORT**

(In Senate, March 22, 2016, Reports **READ**.)

Senator **WHITTEMORE** of Somerset moved the Senate **ACCEPT** the Minority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "B" (S-407)** Report.

On motion by Senator **ALFOND** of Cumberland, 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 Gratwick.

Senator **GRATWICK:** Thank you very much, Mr. President. I wish to speak to the substance of L.D. 1305. Is this the correct time to do that?

THE PRESIDENT: The appropriate thing to be speaking to right now is Report "B", Senator. If your comments are directly related to Report "B" then it's appropriate. Any other comments would be inappropriate.

Senator **GRATWICK:** Thank you, Mr. President. My comments are directly related to Report "B". I wish to make several points about this. I have full respect for the enormous amount of work that's gone into this, that my colleague, Senator Whittemore has done with this. I have major problems with L.D. 1305. I think most of us are now aware of what this represents. It's a way to allow "shared savings" incentives to really encourage patients to shop for less expensive procedures and they'll be able to save some money if they go to a less expensive provider. Several problems with this. One, it does not promote, it does not talk about quality of care. I think we're all aware that is it very, very important to have good quality medical care and not just inexpensive medical care. Patients may focus only on price.

Number two, I think we're all aware that healthcare market doesn't obey conventional economic dictums. Our third party payer system has really vitiated that whole concept and the healthcare market is really not a competitive market in any sense and there are no economists that I'm aware of that ascribe to that.

Third and very important, this is going to hurt small and critical access hospitals. These hospitals have to provide emergency room care. They have got to be open on Tuesday night at 3:00 in the morning when someone comes in with an auto accident. These are services that certainly don't pay for themselves and how do hospitals do that? They make up this by charging more in other areas. Is it a sensible system? I'm never going to defend it but that's the system we have. The difficulty with this bill is that small hospitals are going to close. Small hospitals in, we pick them, Mt. Desert, the County, Franklin County. Hospitals that are very close to the margin are not going

to survive this because their services that are paid for well are going to disappear to other centers and not stay there.

Fourth, this disproportionately impact facilities that care for MaineCare, Medicare, and charity patients. They are not going to be able to take advantage of this and it's going to promote skimming and create a two-tier health system. Do we really wish to have that be the case? For example, in Houlton the hospital is a very good hospital. Pretty close to the edge and they have a surgeon who does arthroscopies that cost more than elsewhere, but that's something that allows Houlton Hospital to continue to survive.

No question, number five, this is going to increase administrative costs for the carriers in and out of network. It's going to undercut the current network system. I think you have to have been on the Insurance Committee for a while to understand the importance of these. I'm not going to in any way, shape, or form defend the network system that we have but it's what we have existing now and to undercut it is going to lead to chaos.

Six, this is a bill that's going to help mainly the like of who are in the room, people who have computer skills. This is not for people, older people, people without computers, without computer skills. It's certainly not for those people who lack what I call telephone persistence. Sometimes when you call up and you have a telephone inquiry it requires a whole lot of persistence to find an answer. This is not going to help those people.

In order to do this you're going to need accurate CPT codes. Those are the codes that tell, actually now there are 55,000 of them, those are the codes that allow you to tell what the bill should be for a particular procedure. I'll simply say for a very simple thing like knee arthroscopy there are now 26 CPT codes which are different prices. How is the patient, how is the insurance company, how is the doctor going to be able to tell which of these is appropriate?

In order to have this based in reality, the "Compare Maine" which is the Maine Health Data Organization, which is a very, very good state organization here that gives prices, is going to have to have many more people working in it so that we can be sure that consumers get good information.

It's going to be very difficult, number ten, to peg prices to a county average given Maine's rural population. Also this bill does not tell what happens if you go to Boston, if you go to Brigham or you go to Danner-Farber or what happens if you find a less expensive hip in Thailand? What is going to be the outcome in those situations?

Next, eleven, this may encourage greater utilization of healthcare because patients will get a financial reward only if they utilize their healthcare. There is sort of a backward logic to this. That is we're trying to have appropriate amount of healthcare for people, not to encourage them to use more. Is this going to be an unusual abuse? Perhaps, one would certainly hope so, but it certainly opens the possibility, particularly in the face of great advertising. I can very well see that there could be a number of clinics that are going to come in, they're going advertise knee arthroscopies, colonoscopies, for the cheapest in the neighborhood and it's going to really encourage people to go to these inexpensive places because they'll get some money back there.

Finally, the fiscal note on this indicates "potential future savings" but this only applies to, the only way OPEGA could do this, State employees' potential. It doesn't take, the finance of this doesn't take into account any of the larger financial implications of what it's going to be for the closure of a rural

hospital, for example, because of this bill. They had long talks with the analysts and they were specific, saying that this has a very narrow focus, the fiscal note on the State, and they really have no idea, no way to calculate the larger bill cost. In summary, in one sense or another, I view this as a very laudable and good attempt to somehow bring order and rationality to our healthcare system which certainly lacks that. It's a little bit like buying ivory. You go to a store, you go to an antique store, you see a beautiful piece of ivory carved, but buying ivory you have a beautiful object there but what are the implications of that? What has happened to the whales, the rhinoceroses, the elephants, etcetera? In other words, it's a whole trail that goes on beyond that that I think this bill does not take into account. I would urge people to follow my light. Thank you very much, Mr. President.

THE PRESIDENT: The pending question before the Senate is the motion by the Senator from Somerset, Senator Whittemore to Accept the Minority Ought to Pass as Amended by Committee Amendment "B" (S-407) 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 (#652)

YEAS: Senators: BAKER, BRAKEY, BURNS, COLLINS, CUSHING, CYRWAY, DAVIS, EDGEComb, HAMPER, KATZ, LANGLEY, MASON, MCCORMICK, ROSEN, SAVIELLO, VOLK, WHITTEMORE, WILLETTE, WOODSOME, THE PRESIDENT - MICHAEL D. THIBODEAU

NAYS: Senators: ALFOND, BREEN, DESCHAMBAULT, DIAMOND, DILL, GERZOFISKY, GRATWICK, HASKELL, HILL, JOHNSON, LIBBY, MILLETT, MIRAMANT, PATRICK, VALENTINO

20 Senators having voted in the affirmative and 15 Senators having voted in the negative, the motion by Senator **WHITTEMORE** of Somerset to **ACCEPT** the Minority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "B" (S-407)** Report **PREVAILED**.

READ ONCE.

Committee Amendment "B" (S-407) **READ** and **ADOPTED**.

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (S-407)**.

Sent down for concurrence.

Senate at Ease.

Senate called to order by the President.

Off Record Remarks

The Chair laid before the Senate the following Tabled and Later Assigned (3/28/16) matter:

SENATE REPORTS - from the Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act To Improve the Quality of Teachers"

S.P. 502 L.D. 1370

Majority - **Ought to Pass as Amended by Committee Amendment "A" (S-432)** (7 members)

Minority - **Ought Not to Pass** (6 members)

Tabled - March 28, 2016, by Senator **LANGLEY** of Hancock

Pending - motion by same Senator to **ACCEPT** the Minority **OUGHT NOT TO PASS** Report

(In Senate, March 28, 2016, Reports **READ**.)

On motion by Senator **MILLETT** of Cumberland, 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 Cumberland, Senator Millett.

Senator **MILLETT:** Thank you, Mr. President. Ladies and gentlemen of the Senate, I rise in opposition to the pending motion. The power of teachers to impact lives is profound. They have the power to inspire, to instill a lifelong love of learning, to teach how to think deeply and critically. We all remember those teachers. We all carry those teachers with us. For me, it was Mr. Wheeler who helped me discover and celebrate and explore a love and passion for mathematics. Mrs. Hurley who helped Shakespeare come alive for a very skeptical ninth grader. We know that effective teachers bring about greater learning than with lesser abilities. Studies show a great teacher can impart a year and a half worth of learning to a student in one year.

Through L.D. 1370 we have a way to approach recruiting high quality candidates, strengthening competencies, and providing compensation that recognizes and supports education professionals. These steps include increasing required in-classroom experience for teacher prep students, raising the minimum grade point average to 3.0 for teacher prep classes, providing provisional teachers with baseline observations and feedback during their probationary periods, and establishing the minimum salary at \$40,000. In a 2016 national survey of college freshmen the number of students who say they will major in education has reached its lowest point in 45 years. Just 4.2%,

4.2, intend to major in education. That is a typical first step to becoming a teacher. Today Arizona, Wisconsin, Pennsylvania, Nevada, and New Mexico and numerous other states are struggling to find qualified teachers and are experiencing massive teacher shortages. Many are relying on long-term substitutes and non-certified employees to fill the gap. Is that what we want for Maine? In Maine nearly one-third of our teachers are 55 years or older so that in the next five to seven years thousands of Maine educators are going to retire. Today we already have teacher shortages in industrial arts, mathematics, science, special education, world languages, and more. This will get worse if we persist in ignoring the problem and do nothing. Maine's average starting teacher salary ranks 42nd in the country and dead last in New England and the entire Northeast. Without action Maine is poised to be the next New Mexico, Wisconsin, and Arizona. This doesn't have to be a foregone conclusion. We can join our colleagues in South Dakota who increased their teacher's salary and Alabama which supported their teachers with a raise and Utah which invested in an additional \$42 million in their teacher salaries and Idaho where legislators invested increasing teacher salaries with a \$125 million appropriation.

In addition to addressing the gross undervaluation of Maine teachers, this bill strengthens student-teacher experience and academic achievement requirements for provisional teacher certificates. The bill increases the number of hours of practicum and clarifies that in-classroom experience begins in a meaningful timeframe to allow students optimal space to reflect on their suitability for the classroom. It also increases the GPA requirement for teacher prep courses. It strengthens the support systems required to provide assistance for teachers that are in their first year and improves incentives to teachers who assume the role of mentor and take on the extra significant workload required. Lee Iacocca said, "In a completely rational society the best of us would be teachers and the rest of us would have to settle for something else." How is that possible when teacher salaries, starting teacher salaries, are so uncompetitive? Maine's low starting salary discourages students from entering teacher preparation programs. Our low starting salary often forces our teachers to take second and sometimes third jobs just to make ends meet when we would rather they focus their energies on inspiring and educating our children. Low starting salaries impact the lifetime earnings for teachers, which in turn negatively impacts our state economy. Low starting salaries will surely exacerbate the looming teacher shortage. The time to show how we value our teachers and respect their contributions to our communities and our state is now. Maine's 2016 Teacher of the Year, Talya Edlund, shared with me the following quote, "Don't tell me what you value. Show me your budget and I will tell you what you value." Please join me in opposing the pending motion so we can move the other report and show our teachers we value them as the life changing professionals they are. Thank you, Mr. President.

THE PRESIDENT: The Chair would remind members that, as we debate these things, we are debating the motion on the Floor. I would caution people to try to stay focused on the pending motion. The pending motion right now is an Ought Not to Pass. The Chair recognizes the Senator from Hancock, Senator Langley.

Senator **LANGLEY:** Thank you, Mr. President. Men and women of the Senate, I rise today in support of the Minority Ought Not to

Pass and I, too, had a Mr. Wheeler who was much instrumental in my career, it was Chef Wheeler actually was my culinary arts instructor who recently passed away last year. With my good colleague, I share that with her.

Mr. President, men and women of the Senate, I'm proud of the work that the Education Committee has performed this session. We have a 93% record of unanimous reports in this section. We worked diligently on every single bill to try to get a unanimous vote. However, this bill, L.D. 1370, is fraught with enough concerns that caused me to vote Ought Not to Pass. First, this bill introduces a new section in law that requires institutions of higher education in Maine a 3.0 average for all of its students completing teacher education programs and receiving a recommendation from that institution, but it doesn't go into enough depth to say what happens if that 3.0 is not met. Are students dismissed from the program? Does the program lose approval from the State Board of Education? There are just too many questions and too many unknowns. The bill leaves rulemaking to answer these questions to the State Board of Education. I don't believe the State Board wants to get involved in dictating penalties to our institutions of higher education and I believe this is better left to the institutions and their boards of trustees. This bill also requires that our institutions of higher education report grade point averages to the Department of Education. The Department of Education has no need of collecting this information nor the capacity to compile this information. The bill further states that the Dean or Director of an approved teacher prep program may request that the Commissioner waive the grade point average requirement, and I really can't figure out waive from what outcome.

The bill additionally allows the institution of higher ed to apply for two one year extensions and then in 2019 no more extensions will be allowed. Again, no consequences listed here, but leaves it all to rulemaking. Our State Board of Education already has within its jurisdiction approval of teacher prep programs that our institutions of higher education and I would leave that to our State Board. Legislation like this creates more problems than it solves. It creates burdensome collection of data, reporting mechanisms that are unclear with questionable outcomes, and I just can't imagine dictating to the University of Maine at Farmington, known throughout the Northeast for producing teachers of the highest quality, how to go about their work.

In an unrelated section of the bill, language interferes with local school district's performance evaluation and professional growth systems. This legislation requires a minimal of four classroom observations in the teacher's probationary period of three years. Local districts use plans developed at the local level. Now under this legislation they would have to meet these statutes regardless of what was developed locally. What happens if only three observations were made? Does it create a section for grievances? That's unknown. There is additional language, especially with additional language that requires formative feedback and continuous improvement conversations throughout the school year. This vague language could lead to confusion of what is continuous improvement conversation and ultimately grievances. Local districts are authorized and required by statute to develop performance evaluation and professional growth systems. These are heavily involved with teacher input. Language such as this should be in a separate bill in a section of law dealing with professional evaluation and professional growth systems. We should not dictate from this piece of legislation components of locally devised systems. We fought long and hard

in our committee to have local teachers involved in local evaluations and it should stay that way.

New language is created in another section of the bill that shifts the cost of local teacher support systems from the local level to the state level, which I believe would come off the top of GPA, and there is no oversight proposed on that. Furthermore, it requires teachers to be paid per diem and I served on this committee for well over 20 years and we received a small stipend for the work. This expense, I believe, is best supported at the local level.

Lastly, this bill increases the minimum salary of teachers to \$40,000 per year. Full disclosure, Mr. President, I'm a dues paying member of the MEA and during my nearly three decades of teaching I served on two contract negotiating teams and was the co-chair of the last one I served on. My job on the committee was to run the numbers for proposed salary scales. While I believe \$40,000 starting salary is very deserving for my profession, the ripple effect through the salary scale is in the millions. The fiscal note has this at \$12 million in the first year and \$11 million in the second year. Additional payroll costs are predicted to top \$400,000. Mr. President, my role on the negotiating team was also to compute the health insurance costs because, as you know, wages and benefits complete the salary package in negotiations. Currently the family health insurance plan is close to \$26,000, with most districts sharing this cost 80-20. We can't have this discussion without factoring what the increase would add to our most rural school budgets. That's exactly what we did at the local level, compute salary and benefits and the effects that it would have on our local budget and whether or not our community could absorb the cost.

Mr. President, I'd like to tell you how the story ends. My negotiating team was successful in negotiating a 4% raise. That meant every teacher would receive a 4% raise based on his or her position in the scale. Our negotiating team further decided to take the total amount of increase and divide it equally among the teaching staff. What that meant was every teacher got a \$1,600 raise. For a new teacher, who would have received a \$1,200 raise, they got an extra \$400. For me, who would have received a \$2,000 raise, I got \$400 less. My team, all with over 20 years of experience, felt that our new teachers, just starting out, needed a bigger raise than those of us at the top of the scale. Mr. President, women and men of the Senate, I tell you this story to prove a point, that I've taken money out of my own pocket to increase the salaries of teachers at the low end of the scale. My vote in opposition is not a vote against raising teacher's salaries, but rather that it's best that it happens at the local level.

In conclusion, Mr. President, we just couldn't support this legislation. Thank you, men and women of the Senate.

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

Senator **HASKELL:** Thank you very much, Mr. President. Men and women of the Senate, maybe some of you know, maybe some of you don't, I do a cable TV show. The guest for my cable TV show this week was Peter Mills from the Maine Turnpike Authority. Unless you think I'm speaking on the wrong bill, there was a very interesting comment that I think goes directly to the motion in front of us, which is Ought Not to Pass. At the end of my TV show, after we'd talked about how many more miles of road we need and what the rates are going to be and what the history of the turnpike was, I usually give my guests an

opportunity to say anything they want to the audience who's listening. If it's the wardens they say, "Wear your life jackets." They make that point. Good point. If it's the Art Commission they say, "Oh well, we've got a program coming up on the 15th and everyone should attend." When I asked Director Peter Mills to just say whatever he wanted to say he said something that I believe is really impactful on the motion in front of us. He said, "If we really want to help our state of Maine the best thing we could do is raise teacher's salaries \$70,000, \$80,000, \$90,000." I'm going, "What does this have to do with the turnpike?" He said, "The best thing we can do for our state is raise teacher's salaries \$70,000, \$80,000, \$90,000. We have excellent teachers. We need to encourage and support those excellent teachers", and he said, "Some things are more important than roads." Thank you.

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

Senator **MILLETT:** Thank you, Mr. President. I will be brief. I rise again in opposition to the motion before us. I do rise specifically to make sure the record reflects that, with the exception of the financial issue, the concerns that were raised by the good Senator from Hancock were not presented in committee and I certainly would have welcomed that discussion at that time. I do want to, at this point in time, respond to some of those concerns that were raised. First, I would like to assure everybody that over the summer and fall I worked very closely with Dean Yardley from the University of Maine in regards to the content of this bill and teacher preparation programs so that, in fact, these changes could be made in a fashion that is productive and accepted by administrators, teachers, and students. In addition, the State Board of Education reviewed the amended bill and discussed with me the fact that they were very excited about the changes that were made in the teacher preparation programs and were looking forward for the state moving forward, in addition to the increase in the teacher salaries. I would like to just say that yes, there are some aspects in this bill that direct our schools to consider certain aspects of their supportive teachers, but we do have a number of bills that have gone through this Chamber that also are very specific in what we expect of our schools and our teachers and our administrators. I would like to say that includes the PPNG plans and the proficiency based learning. Finally, the statute does currently include per diems to be paid to our teachers. That is not new. It's just a reminder, a gentle nudge, to our districts that they really should be paying our mentor teachers a per diem. Finally, Mr. President, I am constantly advocating for the State to move to its 55% of the total cost of education in the state of Maine, which would infuse hundreds, at least \$100 million, to our school districts, which would certainly more than plenty support valuing our teachers at the minimum salary that the bill before would do. Thank you, Mr. President.

THE PRESIDENT: The pending question before the Senate is the motion by the Senator from Hancock, Senator Langley to Accept the Minority Ought Not to Pass 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 (#653)

YEAS: Senators: BAKER, BRAKEY, BURNS, COLLINS, CUSHING, CYRWAY, DAVIS, EDGEComb, HAMPER, KATZ, LANGLEY, MASON, MCCORMICK, ROSEN, VOLK, WHITTEMORE, WILLETTE, WOODSOME, THE PRESIDENT - MICHAEL D. THIBODEAU

NAYS: Senators: ALFOND, BREEN, DESCHAMBAULT, DIAMOND, DILL, GERZOFISKY, GRATWICK, HASKELL, HILL, JOHNSON, LIBBY, MILLETT, MIRAMANT, PATRICK, SAVIELLO, VALENTINO

19 Senators having voted in the affirmative and 16 Senators having voted in the negative, the motion by Senator **LANGLEY** of Hancock to **ACCEPT** the Minority **OUGHT NOT TO PASS** Report **PREVAILED**.

Sent down for concurrence.

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

The Chair laid before the Senate the following Tabled and Later Assigned (4/1/16) matter:

HOUSE REPORTS - from the Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act To Clarify Medicaid Managed Care Ombudsman Services"

H.P. 1021 L.D. 1498

Majority - **Ought to Pass as Amended by Committee Amendment "A" (H-620)** (10 members)

Minority - **Ought Not to Pass** (3 members)

Tabled - April 1, 2016, by Senator **BRAKEY** of Androscoggin
Pending - **ACCEPTANCE OF EITHER REPORT**

(In House, March 31, 2016, the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-620)** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-620)**.)

(In Senate, April 1, 2016, Reports **READ**.)

Senator **BRAKEY** of Androscoggin moved the Senate **ACCEPT** the Minority **OUGHT NOT TO PASS** Report, in **NON-CONCURRENCE**.

On motion by Senator **ALFOND** of Cumberland, 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 Brakey.

Senator **BRAKEY:** Thank you, Mr. President. I rise today in support of the Ought Not to Pass Report on L.D. 1498. While the intent of this bill may be noble, the legislation itself is deeply flawed. In the past the State has contracted with a third party organization to provide the services outlined in this bill. This third party organization would privately raise funds and use those privately raised funds to draw down federal matching funds. That sounds like a good deal, right? No State General Fund dollars were used in this arrangement. There was one problem, however, that funding mechanism was illegal under federal law, as confirmed by both the Attorney General in 2005 and recently reconfirmed by the current Attorney General, putting Maine taxpayers on the hook for millions in potential claw-back penalties from the federal government. Except in very specific and rare circumstances, for which this program is not one, private fundraising cannot be used to draw down federal Medicaid dollars. Beyond the fact that the funding mechanism was illegal, the Department of Health and Human Services chose to terminate this contract for several additional reasons. First, there is currently no crisis in an individual's ability to enroll in MaineCare. Currently 95% of all children who qualify for MaineCare are enrolled in MaineCare, giving us one of the highest rates in the nation. Furthermore, DHHS has expanded personnel with hundreds of eligibility specialists to help people apply, enroll, and navigate the Medicaid system. DHHS reports that they can handle, in house, everything this third party organization was contracted to do. This bill, as currently drafted, seems to acknowledge the concerns about the illegal funding mechanism but seeks to address the problem in a manner that, frankly, makes little sense to me. It requires the department to contract with a third party organization to provide these services as long as it is funded without state taxpayer funds or federal matching funds. The argument goes that this third party organization would raise all their funds privately or from federal grants. Well, third party non-profits can already raise funds privately and apply for federal grants, so what exactly is this bill doing? If we are not authorizing state funds or federal matching funds why do we need a bill at all? Why in the world do we need a bill to authorize a private, third party organization to do something they can already do? The truth is we don't need this bill. If a third party organization wants to apply for federal grants they can do so. If they want to raise private funds they can do so. They can do all this to help people enroll in and navigate MaineCare. They can already do it. In fact the department reports that there are several private organizations doing this and DHHS responds to and works with these private organizations in their mission. We do not need legislation to statutorily require the Department of Health and Human Services to contract with a private organization in order to provide services DHHS is already providing, especially when that contractual relationship authorizes the organization to do nothing they are not already able to do in the free market. Mr. President, I'll leave it at that and I encourage the Body to support the Ought Not to Pass motion.

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

Senator **VOLK**: Thank you, Mr. President. Ladies and gentlemen of the Senate, I invite you into the home of your parent, your neighbor, your friend, or constituent. They've called you for help because they cannot, for the life of them, figure out the letter that arrived in the mail. I don't think this is unusual for some of us who have been in the Legislature for a while, to receive these types of calls from people. They're perplexed, bewildered, dazed, confused, and they're worried about their coverage. They have questions and they want answers. They're fearful of fines, worried about coverage gaps. Some of them don't use e-mail and they aren't web-savvy. They don't know where to turn. They're hopeful that you can help. Before you is a letter from Social Security telling them they're eligible to have their Part B Medicare premium paid for by Medicaid but before you is another letter from DHHS telling them that they are ineligible to have their Part B benefit paid by Medicaid. Who is right? Who do you believe? You pick up the phone to call DHHS but due to heavy call volume you are directed to go on-line or call back tomorrow. Whoever you're helping doesn't have a computer. You scratch your head and muddle through the lengthy letters that say one thing on page 1 but something completely different on page 4, or so it seems. You have your cognitive faculties and yet you can't figure this stuff out. This is our bureaucracy at work. You quickly realize why the senior citizen before you, suffering with health issues, memory loss, possibly depression, transportation challenges, you name it, could not possibly tackle this on their own. You wonder who should you believe. CMS or DHHS. You yearn for a neutral third party advocate that is an expert in helping you navigate this maze of conflict and confusion. This is what Medicaid Ombudsman does.

The federal government requires that these services be provided by somebody. The role of the ombudsman is to act as an impartial advocate for Maine consumers. While some may argue that this isn't needed, the department can do this, I disagree. The department determines who is eligible. Having them also decide when and whether mistakes were made is counterintuitive. It is like having a fox guarding the hen house. There should always be checks and balances. It is the same reason why we have a separation between Executive, Legislative, and Judicial Branches of government. Each one performs their own duties, but each also serves as a check on the other. An ombudsman is a check on the department when it comes to MaineCare determinations. It is a crucial role and one that has been provided for 15 years. The contract role ended June 29th. The department not only thinks that this role isn't needed, they believe they can do it themselves. Our most vulnerable Maine citizens, those who are disabled, elderly, low income children and families, pregnant women, and those with serious medical needs, need a neutral third party advocate to call upon for help.

This proposed legislation would allow the department to choose the Medicaid Ombudsman. The ombudsman would have knowledge of all available resources with a relationship to Social Security, CMS, and DHHS. The right ombudsman will have a great working relationship with the department, and we would hope that that would be the case. The Medicaid Ombudsman will be responsible to privately raise funds and work with the department to determine eligible federal matches and/or appropriate grants to best serve Maine's most vulnerable population. This will cost Maine taxpayers nothing and it may result in significant savings because the department does not have to provide this service. It saves staff time. When you get those phone calls from a parent, family, neighbor, friend,

grandparent, or constituent asking for your help you have a resource to direct them to, the Medicaid Ombudsman. Please oppose the pending motion and follow my light. Thank you, Mr. President.

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

Senator **HASKELL**: Thank you very much, Mr. President. Men and women of the Senate, I think one of the things that needs to be said is that, as the good Senator indicated, the department intends and believes that it has the capacity to pick up this ombudsman service. However, when questioned and asked during the committee hearing what it was that they would be able to help people with it became clear, and it was their statement, that they would help them with their Medicaid applications. Period. They didn't do anything that had to do with the private sector or any intersecting insurance or any wrap-around insurance or anything like that. If they had a question like that, similar to the question that Senator Volk mentioned, where would they go? Where have they got to go? Often times there are cases in which family members qualify for different kinds of coverage. The parents might be in the marketplace. The children might be eligible for MaineCare or CHIP, and this might change from year to year depending upon fluctuating incomes. You know that if you try to figure out where your income was and you had any constituents who were trying to figure out whether or not they were eligible for what. They could have fluctuating incomes when parents are self-employed or seasonally employed as well. They could have a lot more money during the season they're hauling lobsters and maybe not as much when they're not hauling. A person might be eligible for Medicaid one year and then as a dual eligible for Medicare and the savings program the next year. Not all eligibility specialists would not be able to notice those nuances in a person's situation and help them navigate that coverage that they need, nor should they. It's not their role. It's the role of an ombudsman who is able to understand and access each one of those separate varieties of coverage. Families might also have split situations where the parents are divorced and claim a child on alternating years. One year the father and the child may be eligible for Medicaid and the next year, when the mother claims the child, the child could be eligible for CHIP. Advising consumers about their options is a role for an ombudsman and that involves education about the programs, about all the programs, but eligibility specialists at MaineCare are not equipped, nor are they prepared, to deal with those situations, nor should they be. The department, MaineCare, that's it. Their job is to make eligibility determinations when they receive applications. An ombudsman, however, can explain to the family what will happen in the alternating years and what they need to do each one of those years if there are difficulties along the way or they can advocate on behalf of that consumer to insure that the coverage isn't being interrupted because of nuances in their particular situations. Much to the point, it also places them in the position of not only providing the eligibility but getting to look at any questions that might be raised or any appeals that might be made, are then made, in the same house. It doesn't make sense. What makes sense is to have an ombudsman who understands the intricacies and is able to guide people in the correct decision. Thank you.

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

Senator **KATZ:** Thank you, Mr. President. Men and women of the Senate, I think for the reasons that the good Senator from Cumberland just said why wouldn't we want to give our constituents some help navigating through this incredibly complex world of healthcare that she just so eloquently outlined, particularly when it's at no cost whatsoever to the taxpayers of the state of Maine? I just rise to talk just briefly, Mr. President, about the funding because the issue of funding isn't really relevant because the only specification in this amendment is that the ombudsman program shall not be funded using State dollars. This means that the department and the contracted ombudsman will be free to seek approval to have the previous funding mechanism continue if it's deemed to be legal or have the flexibility to fund the program in other ways, such as through federal grants. Ultimately, Mr. President, from my perspective, there is no way to lose in this situation. As long as non-State funding is available to use the people of Maine will have an ombudsman program to assist the Medicaid population. I urge my colleagues to join in rejecting the pending motion. Thank you, Mr. President.

Off Record Remarks

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

Senator **BRAKEY:** Thank you, Mr. President. If I may ask a question through the Chair.

THE PRESIDENT: The Senator may pose his question.

Senator **BRAKEY:** Thank you, Mr. President. If the bill itself prohibits State funds from being used for this contract, if we have determined, according to two opinions of two separate Attorney Generals over the last decade, that federal matching funds for this is illegal and inappropriate, we're hearing that this organization could privately fundraise money and ask for federal grants. I guess my question is, to anyone who might be able to answer, what funding mechanism are we approving that this organization could not already do as a private third party organization without a government contract? What funding are we approving? How does this, in fact, improve the situation of a private non-profit organization from being able to provide these services already in the marketplace? Thank you.

THE PRESIDENT: The Senator from Androscoggin, Senator Brakey poses a question through the Chair to anyone who may wish to answer. The Chair recognizes the Senator from Cumberland, Senator Haskell.

Senator **HASKELL:** Thank you very much, Mr. President. Ladies and gentlemen of the Senate, I really don't want to get into dueling attorneys around the legality or illegality. There's quite a long history there. What's critically important here is the fact that the federal government requires us to have an ombudsman and

so the question becomes do we want an ombudsman who truly can answer the questions or do we simply want to turn this over to the department, where they will adequately and appropriately, I'm sure, answer questions about Medicaid but will not be able to manage and hold onto those. It is our responsibility to make sure that we have an ombudsman in place and authorized by us in order to do this service. Thank you.

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

Senator **BRAKEY:** Thank you, Mr. President. I apologize for rising again. I just need to correct the record. My understanding is, while there are federal requirements for certain ombudsman programs, including a long-term care ombudsman and a child welfare ombudsman, there is, to my knowledge, no requirement, no federal obligation, for us to have this type of ombudsman program. I just want to correct the record on that.

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

Senator **GRATWICK:** Thank you very much, Mr. President. Ladies and gentlemen, I just wish to speak to this from my personal point of view, having seen patients for many years on MaineCare and becoming incredibly frustrated by the bureaucracy that surrounds this. Our system is simply not working. The system, the ombudsman, has existed in the past, has actually worked quite well using pass-through funds. It has not gone and taken other State funds from that. The reason this is so important is you see patients who are different categorized. Whether they're a child, whether they're adopted, whether they're foster kids, whether they've changed their parent, whether they're disabled, whether they have other special needs, and they continually change. From the point of view of the practitioner, we need some place that people can turn for information. There is nothing, absolutely nothing, that's more frustrating for a practitioner to find someone who needs a very specific treatment but they can't get it because they can't figure out how insurance will pay for that. This bill will help to ameliorate that and I strongly urge people to vote against the current Ought Not to Pass. Thank you, Mr. President.

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

Senator **VOLK:** Thank you, Mr. President. It's my understanding that the services performed under this contract are required. They were required and are still required by federal and state law.

THE PRESIDENT: The pending question before the Senate is the motion by the Senator from Androscoggin, Senator Brakey to Accept the Minority Ought Not to Pass Report, in Non-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 (#654)

(In Senate, April 8, 2016, Reports **READ.**)

YEAS: Senators: BRAKEY, BURNS, EDGECOMB, MCCORMICK, THE PRESIDENT - MICHAEL D. THIBODEAU

NAYS: Senators: ALFOND, BAKER, BREEN, COLLINS, CUSHING, CYRWAY, DAVIS, DESCHAMBAULT, DIAMOND, DILL, GERZOFISKY, GRATWICK, HAMPER, HASKELL, HILL, JOHNSON, KATZ, LANGLEY, LIBBY, MASON, MILLETT, MIRAMANT, PATRICK, ROSEN, SAVIELLO, VALENTINO, VOLK, WHITTEMORE, WILLETTE, WOODSOME

Senate at Ease.

Senate called to order by the President.

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

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

Senator **BREEN:** Thank you, Mr. President. I'd like to speak on the Minority Report motion. Ladies and gentlemen of the Senate, this report is one that will undo the work of the American Dental Association. The Dental Association has put together a set of national guidelines so that when and if the State of Maine develops a dental therapy program our program will sync up with the professionals in the field and the American Dental Association and dentists throughout the country will not have to deal with legislatures in every state trying to regulate their profession. I urge you to vote against the Minority Report. Thank you, Mr. President.

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

Senator **KATZ:** Thank you, Mr. President. Men and women of the Senate, I rise in opposition to the current motion. I was thinking this morning, Mr. President, about the comedian Jeff Foxworthy. You know you are a Redneck if. How does that apply to this bill? I think you know you have a problem getting dental care if you live in rural Maine. You have a problem getting dental care if you're a poor kid because 60% of kids on MaineCare can't get in to see a dentist, or if you live in a nursing home or if you live in assisted living or you are in a veteran's home. This bill is about access to dental care for simple, non-complicated, procedures. In a state where in 15 of the 16 of our counties there are over 5,000 people per dentist. The current law, Mr. President, already allows dental practitioners to do simple procedures such as simple extractions of say baby teeth or teeth of adults that are already loose, radiographs, simple minor fillings, and they're doing it and they're doing it, or they will be doing it as they have done in other states, safely and competently. I had questions, frankly, Mr. President, about the current law before we passed it in terms of whether people could get the services safely and competently, but I talked to a dentist, who happened to be the Dean of the Dental School at the University of Minnesota, where this has been law for some years now and I was really struck by what he told me. He said not only did he think that hygienists, that our dental practitioners rather, could do these things safely but he would send his own family members to have them done by a mid-level dental practitioner rather than a dentist for a couple of reasons. First of all, these people are trained in exactly the same way that the dentists are for these procedures but secondly whereas dentists are trained to do hundreds and hundreds and

5 Senators having voted in the affirmative and 30 Senators having voted in the negative, the motion by Senator **BRAKEY** of Androscoggin to **ACCEPT** the Minority **OUGHT NOT TO PASS** Report, in **NON-CONCURRENCE**, **FAILED**.

The Majority **OUGHT TO PASS AS AMENDED** Report **ACCEPTED**, in concurrence.

READ ONCE.

Committee Amendment "A" (H-620) **READ** and **ADOPTED**, in concurrence.

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

The Chair laid before the Senate the following Tabled and Later Assigned (4/8/16) matter:

HOUSE REPORTS - from the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** on Bill "An Act To Conform Maine Law to the Requirements of the American Dental Association Commission on Dental Accreditation"

H.P. 1037 L.D. 1514

Majority - **Ought to Pass as Amended by Committee Amendment "A" (H-593)** (10 members)

Minority - **Ought to Pass as Amended by Committee Amendment "B" (H-594)** (2 members)

Tabled - April 8, 2016, by Senator **VOLK** of Cumberland

Pending - motion by same Senator to **ACCEPT** the Minority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "B" (H-594)** Report, in **NON-CONCURRENCE**

(In House, April 7, 2016, the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-593)** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-593) AS AMENDED BY HOUSE AMENDMENT "A" (H-654)** thereto.)

hundreds of things the mid-level practitioner only can do a fairly narrow band of services and so they do it over and over and over and they get really good at it. Again, he thinks that the mid-level dental practitioners in Minnesota do these things better than dentists and that's why he'd send his own family. As I said, Mr. President, that's already the current law and these hygienists excuse me, these mid-level practitioners must be employed by a dentist and supervised by a dentist.

The issue before us in this report is whether that supervision must be direct or not or whether it can be indirect. Whether it needs to be direct, that is the dentist must actually be in the same building as the mid-level dental practitioner who's providing the services. I suggest, Mr. President, on a balance, direct supervision is not necessary and that's why I rise in opposition to the present motion. Direct supervision is not required in Minnesota, where these people have been doing this for years, and, as far as I've been able to determine, there's never been a single disciplinary complaint filed against a practitioner for doing these things. There's not been a single malpractice case brought against a mid-level dental practitioner. There's not been a single malpractice case brought against a dentist for employing someone to do these things. I think this bill, again, Mr. President, is all about access and if kids in our schools are going to get access, if people in nursing homes and assisted living and veteran's homes are going to get access, their only going to get access if the supervision need not be direct because dentists, some are, but not enough dentists are going into these facilities now. I think we all know that from speaking to our constituents.

I'd just like to address one other thing, Mr. President, if I could. Some issues swirling around in this building that somehow this is an Aspen Dental effort to bring corporate dentistry to Maine. I'm concerned about that as well, but as far as I can tell that is absolutely not the case. Aspen Dental has not hired a single lobbyist on this issue. The Pew Foundation, which is pushing this forward, has not accepted a nickel from Aspen Dentistry or any other corporate dentistry company that I'm aware of. Aspen Dental, when you think about it, and all those other corporate companies they're interested in Portland, Lewiston, and Augusta, the I-95 corridor. You are never going to see Aspen Dental in Oxbow Plantation or Danforth or in North Baldwin. This bill gives us a clear chance, Mr. President, I think, to reflect on why we are here. We have an opportunity today to improve access to dental care, particularly in rural areas, particularly for the most vulnerable among us, particularly kids, and we can do that without spending a single penny of State dollars. I hope we don't dodge this opportunity. We all have a dog in this fight and I hope we will seize this opportunity and begin that journey by rejecting the pending motion. Thank you, Mr. President.

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

Senator **VOLK:** Thank you, Mr. President. Ladies and gentlemen of the Senate, if I sound a little weary it may be because, quite honestly, I am very tired of this subject, as I'm sure many of you are. This is something that we have debated in this Body and in the Body down the hall and in this building in general for many years. In fact, I asked for a little research and I'm going to take us all down, a walk down, memory lane here. We are going to begin in the 123rd Legislature. This is a listing of all of the scope of practice bills that have been introduced to this Legislature beginning with the 123rd Legislature, which was 2007

and 2008. Okay? L.D. 1472, An Act to Provide for the Regulation of Denturists by the Board of Complementary Healthcare Providers, was not Enacted. L.D. 1129, a Resolve Directing the Commissioner of Professional and Financial Regulations to Conduct a Sunrise Review of Oral Healthcare Issues, that was Enacted. L.D. 637, An Act to Limit Mercury Exposure, that was not Enacted. L.D. 553, An Act to Allow for Corporate Ownership of Dental Practices, no. L.D. 550, An Act to Allow the Independent Practice of Dental Hygiene, no. L.D. 419, Resolve to Increase Access to Dental Care in Rural Areas to Encourage .

THE PRESIDENT: Senator Volk, would you please defer. Would leadership approach the rostrum?

Senate at Ease.

Senate called to order by the President.

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

Senator **VOLK:** Thank you, Mr. President. Okay. My apologies to the ladies and gentlemen of the Senate and to the Chair. In my quick count, I discovered 15 different bills introduced since 2007 that deal with either independent practice dental hygienists or mid-level practitioners or dental therapists. This is a subject that has been debated repeatedly and clearly with a lot of different people of varying opinions and I just want to emphasize that many of those bills actually were successful in increasing the scope of dental hygienists. Our most recent legislation dealing with this subject actually sort of what a compromise between the Governor's Office, the Chief Executive's Office, and this Body which left indirect supervision for dental therapists who were performing extractions and drilling. Just a word about the scope of what dentists are allowed to do versus what dental therapists would be allowed to do and why direct supervision is important. Both of those procedures are irreversible. Both of those procedures can result in complications in which it is imperative to have a trained dentist close by in order to be able to intervene. Direct supervision ensures public safety. To remove that requirement on a provider is unproven and reckless.

Many proponents point to Alaska as a case study for indirect supervision. Maine is not Alaska. We have a dental workforce able to supervise and we will soon, by the way, be graduating 62 new dentists, of which 24 are homegrown Mainers. There is no expectation that those 24 Mainers are suddenly going to, who are from Maine, have attended dental school in Maine, that they are suddenly going to decide to leave the state. In fact, when we funded the Dental School at the University of New England, it was specifically because we were hoping to solve the problem of access in rural and underserved areas. Part of the practice of these dental students, more than 60 of them, is to go out into these rural areas and perform these same services that we're discussing here under the supervision of the staff at the Dental School and local area dentists that have agreed to have oversight over these people.

It's important to remember, we hear a lot about Minnesota as well, that their two dental therapy education programs, the only two dental therapy programs in the whole country, are master's level programs and they both require a bachelor's degree in dental hygiene.

Direct supervision, from a team approach, is ultimately in the patient's best interest. Patients will only benefit from more education, training and experience of dentists directly supervising. Having a dentist will reduce potential negative outcomes and medical or dental emergencies. I also believe that having direct supervision allows the patient more treatment options and greater ability to take control of their own dental health. I advocate that this is a more measured approach. Let's educate and implement the mid-level providers first. Careful observation and evaluation should happen. Why make changes to what hasn't even been tested or implemented yet? Thank you.

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

Senator **DESCHAMBAULT:** Thank you, Mr. President. First and foremost, I want to extend and thank all my fellow Senators for the warm welcome I received when I came in here twice. I expected a third time. You know I haven't been here long. I've been particularly interested, however, in this bill. My district, as you know, includes the University of New England. As a matter of fact, before it was the University of New England it was St. Francis College and in 1967 I was the first class to go into an all boy's college. That tells you a little bit about me anyways.

The Dental School at UNE is the first of its kind in Northern New England. Since it opened a few years ago, it's well on its way introducing top quality oral health professionals for our state. I believe that access to dental services in our state is critical and that Maine people deserve the best trained, most highly qualified, dentists and hygienists available. UNE is leading and is growing the pipeline of dentists. This year about 70% of the graduating class from UNE are Maine natives. That's a pretty good indicator that they'll stay here in Maine. From my conversations with the school, I know that many of those students are dedicated to serving populations in rural areas of the state where access to dental services has lagged. We all received a few moments ago a *Bangor Daily News* article that is three years old, but I want to quote the Dean at that time said, in creating the Dental School that is only three years old. The Dean said, "We can create a dental program in Maine and recruit from rural areas, especially Maine, New Hampshire, and Vermont, train them locally, get them into clinics in their fourth year, and we can increase the chance for them to practice here." Well, that was a pretty good prophecy because today UNE is in its third year of Dental School. Next month students will be going out to Maine, New Hampshire, and Vermont areas where there is a great need for access to dental care. As a matter of fact, one of the professors said they have students earmarked for the Eagle Lake area, Farmington, and Washington County.

I'm opposing the Majority Report because I think it goes too far and too fast. It would allow dental hygienists who do not have the level of training currently, or diagnostic authority of a dentist, to operate essentially as independent practitioners. However, we do have another option. By defeating the Majority Report we can take up the Minority recommendation from the Labor Committee, which strengthens Maine's dental health system at a responsible pace. Mr. President, I respect the important role that dental

hygienists play in our state's oral healthcare system. Maine needs as many dedicated health professionals as we can get if we're going to provide adequate oral healthcare to our citizens and I support the state's efforts to grow all levels of dental health practitioners but each step we take, as a Legislature, must be focused first and foremost on maintaining the highest quality. We cannot risk going out on a limb when we're talking about healthcare for our citizens. Thank you, Mr. President.

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

Senator **MILLETT:** Thank you, Mr. President. Ladies and gentlemen of the Senate, I rise energetically and with optimism in opposition to the pending motion of acceptance of the Minority Report. If Maine is serious about improving its educational performance, improving the educational attainment of our children, and strengthening Maine's economic future we must consider all factors that impact student's abilities to attend school and focus on classroom tasks. Under recognized and underappreciated aspects of children's readiness to learn is their physical health, including their oral health. By allowing dentists to hire dental health therapists to provide preventative and routine restorative dental care we will increase Maine's capacity to reach these children, keep them healthy, and keep them in the classroom. One type of program that would be of great use is the hub and spoke model where a dentist is located at the hub and they are able to connect with dental therapists under his or her supervision who are working with patients at the spoke location, often by using telehealth technology to look at patient records. Children dental services in Minnesota are a great example. They send dental therapists into schools to provide care and have been remarkably successful in doing so. It makes common sense and supports Maine's families and its children and I strongly urge my colleagues to oppose the pending motion. Thank you, Mr. President.

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

Senator **BURNS:** Thank you, Mr. President. Ladies and gentlemen of the Senate, I am very encouraged when I listen to some of the debate here, especially the good Senator from Cumberland, Senator Volk. She mentioned all these bills that we've taken up in the past. I noticed also that all these bills pertained to access, which is really what this is all about today. I, too, am going to take a little trip down memory lane. I won't go quite as far. Two years ago Maine took a huge step forward in addressing our healthcare needs and providing dentists with the ability to hire mid-level providers called dental therapists. At that time the Commissioner of Dental Accreditation, CODA, did not have national standards for educating these providers. Last summer CODA, the gold standard for dental education, overwhelmingly supported educational standards for dental therapy. L.D. 1514 would align Maine with those federal standards, we need to keep that in mind, ladies and gentlemen, allowing hygienists to return to school to advance their career, but more importantly to gain the skills necessary to serve Maine's underserved and unserved population. I want to be clear, L.D. 1514 is not a debate about policy, but rather this bill ensures Maine provides dentists with the best opportunity to serve these populations. Let's keep some of the statistics in mind as we think

about this bill. I'll very quickly run over some of the points. Dental care is the most common unmet health treatment need in children in our state. Fifteen or sixteen Maine counties have federally designated shortage areas. Thirty-one percent of Maine adults did not see a dentist in 2012. Sixty-one percent of our children on MaineCare did not receive any dental care in 2014. Forty percent of dentists plan to retire, reduce their hours, within the next five years, according to this 2012 survey. I serve on a FQHC board in Washington County and we just received a notice, or a request if you will, from one of our local dentists in private practice who is retiring and is going to leave his dentist practice. He asked us to consider taking over his practice. We're not in a position, as far as I know, to do that. I don't know if anybody will come and fill that practice. That will be another incredible void in my community I serve.

I understand that many of you have heard from your local dentists. I am sure that you've been told, each of you have been told, just how awful they believe this policy is. I ask, why is it bad for them or for me? The dental therapist works for a dentist. That's something else that I'm trying to keep in mind as I go through this. They work for a dentist, providing the opportunity to reach further into Maine's communities. They argue it is unsafe and the therapists do not have enough training, but in double blind tests work done by therapists has been shown to be as good, if not better, than a dentist within a specific limited scope of practice.

The Minority Report, which is before you today and I urge you to reject, maneuvers around what the bill intended to do by inserting direct supervision. This is the dentist's most passionate point, however I'm confused about their argument. In the recommendations CODA made it clear that the dentist could provide more care under the general supervision model, which is what I would like to see, more care for Mainers. That is the goal, isn't it, that we all have, more care for Mainers? The Majority Report of this bill sticks with CODAs recommendations and allows the supervising dentist to determine the level of supervision. Let me clarify that further, if I could. The argument that I am hearing is that this bill would remove general supervision. That is incorrect. The Majority Report, when we get to the Majority Report, I would like to address this. A dentist decides to hire a dental therapist, which he or she does not have to do. They can choose the level of supervision that works for them. They can decide what procedures they feel comfortable with allowing this therapist to perform and they determine how to utilize a therapist within their particular business model. This is written out in an agreement upon a collaborative working arrangement. I think this is a pretty straightforward reading of the bill.

I ask each of you to defeat the Minority Report and support L.D. 1514 because it was supported by an 11-2 recommendation out of the committee. Prior to the vote I am sure you will hear more about this subject, but if you listen I want you to consider this, this bill is not about you and me. We are fortunate to have dental insurance, each of us, and the opportunity to have quality care. This is about the children in our districts. As I said, and I would like to repeat, 61% of MaineCare children did not receive any dental care in 2015. That's a statistic that I live with in Washington County and many of you do in your rural areas. If I was to use this Chamber as an example, 21 of you would not have received any dental care in 2014. We are not taking away from our dental field. We are providing the dentists with the tools to reach our community. This is all about access. Thank you, Mr. President, ladies and gentlemen.

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, being this far down the line most everything I had to say was said, so I won't regurgitate what's already been said, but what I'll say is it all about access. I stand here in opposition to the Minority Report because the Minority Report wants these professionals, advance mid-level practitioners, to only work in an office or a clinic where there's a dentist. Actually over 50 countries, including Canada, Australia, and the United Kingdom, use mid-level providers. A decade of successful experience in Alaska and nine years in Minnesota has added to the evidence and those 111 studies that have been done in the last 96 years. In both states dentists are allowed the flexibility to send dental therapists to different locations and supervise them remotely using standing orders. That flexibility has resulted in more people getting care, all with no safety issues. I sat through the hearing, Mr. President, and I asked a dentist of 16 years, had her own practice. I said, "Ma'am, what we're asking under this bill is to have a dental hygienist who's already got three years college, who's already been doing their trade for years, to go to school for two more years and to work under a dentist for 2,000 hours," and if you want to know what that is, it's basically another year of work, "to give them the opportunity, if down the road," we'll take Rumford, 12 miles is Andover, "if that dentist has the ability and knowledge and understanding of that person that they should be able to work outside." Well, I asked the dentist, "Now you have in your office, you have yourself, you have one or two hygienists, you have dental assistants," who, by the way, are not licensed and maybe even not educated, working under the dentist that are in your mouth, preparing all the different tools and stuff for him to work on, I said, "Do you feel comfortable that this person who went and now has five years of education, who has worked under you for two years, do you feel comfortable enough to let them go work off site, within the specific codes that they have been highly trained," not minimally trained but highly trained, "to do those simple 30 codes?" The dentist said, "Oh no, I couldn't do that." I asked them again, I said, "You mean the person's got five years education, worked under you for 2,000 hours, you don't feel comfortable enough to allow that professional, under your guise, under your decision, under your license, to do those issues that they're trained to do." They said, "No." To me, ladies and gentlemen, this is an access issue. It's also an issue of one side wants to hold someone back. In the free market system, I really think what we want to do is promote more access and what we've got to do is vote this bill down so we can get some access instead of restricting one professional within the profession of another to make sure that they're able to do their craft and their trade the same amount, if not more, and lower the cost of dental care statewide. Thank you, Mr. President.

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

Senator **BRAKEY:** Thank you, Mr. President. I rise in opposition to the motion. I'll try to be very brief. First I guess I'd just like to ask a rhetorical question, which is, wouldn't it be nice if everyone had a Cadillac? I'm sure it would be nice, we'd all love to have a Cadillac, but if we passed a law saying that anyone who wants to

drive a car has to drive a Cadillac because those are the highest quality cars and we want to make sure people are only having access to the highest quality possible cars. Well, I can guess what would happen. What would probably happen is a lot of people would be walking. That's what happens when we interfere with the free market, we put these restrictions in place. We all want the highest level of quality and care for everyone, but when we put these restrictions on the free market we limit access. That's exactly what, I think, we're seeing here in the state of Maine. I'll also say one other thing; I'm not a dental professional. I've never gone to dental school. I don't know up or down as far as that goes. I, personally, can't say one way or the other what people's individual choices should be on whether they go to fully accredited dentist or a mid-level dental practitioner, dental hygienist. I don't know, but I do know that apparently if the people of Maine are smart enough to elect people to come here and make that decision for them, on who they should see, then they're probably smart enough to make that decision for themselves who they would like to see in a free market, whether it is a fully accredited dentist or a mid-level practitioner. If people are willing to purchase these services, if insurance companies are willing to sell malpractice insurance and take on the liability for that, if people are willing to make those choices, people who have far more skin in the game than we do, than I just don't see any reason to stand in the way. I'll be voting against the motion before us and thank you very much, Mr. President, for your time.

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

Senator **VOLK:** Thank you, Mr. President. Ladies and gentlemen of the Senate, I apologize for rising a second or third time, however you want to look at it. I agree that this is an issue of access. I don't think anybody is arguing that we don't have an access issue in the state of Maine. A couple of the points that I would like to make before, hopefully, we vote on this and we can all go about the rest of the business on our day, but of the bills that I was counting up since 2007 that have dealt with this issue fifteen of them dealt with the MaineCare benefit for dental care. That is where we actually have the access issues. MaineCare either doesn't cover dental services at all or it doesn't even pay for the dental office's costs at delivering those services. That is where the real issue lies. Unfortunately, the folks who are having the most trouble accessing dental services are the ones who are the poorest. They don't have dental insurance. As my colleague from Washington County talked about, you know, many of us in this room are fortunate and we do have dental insurance. They either don't have coverage or they can't afford it or they assume that they can't afford it. That is the bigger issue here. Children services are covered under MaineCare, but a lot of those children's parents are not used to taking care of their own mouths and so the kid's mouths don't get taken care of, or maybe they do have trouble getting in to be seen by a dentist because the dentist is only able to accept a limited amount. We do have a lot of dentists in the state of Maine that deliver a lot of free care, by the way, and I was able to connect somebody that I know that couldn't afford to take their child to the dentist and, guess what, they received free care from a local dentist just because they asked. This is not an unusual scenario. The real issue of care, the real obstacle we're talking about here, is money. L.D. 1514 does not address that issue at all.

The other point that I would like to make is that we are hearing a lot about Minnesota. Again, Minnesota, those dental therapists that are allowed to perform these procedures under general supervision actually receive a master's degree first. We're talking apples and oranges here, folks. We're not talking, we're not comparing, apples to apples. Thank you.

Off Record Remarks

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

Senator **BREEN:** Thank you, Mr. President. Thank you for the opportunity to rise again in opposition to this motion. We've heard a lot about this issue being one of access. I would offer, as well, that this is one of control and in my opinion control over dental practice should be exercised by the professionals, the experts, that is the dentist. That why, in the face of many different dental therapy bills developing in many different legislatures, the American Dental Association took the proactive step to put together a set of national guidelines for training and certification so that when they hire a dental therapist, whether that person has been trained in Maine, New Hampshire, Vermont, wherever that might be, they know that there's a certain set of standards that that individual has met. Secondly, if a dentist does not want to hire a dental therapist a dentist does not hire a dental therapist. Thirdly, dental therapists can only practice under the license of a licensed dentist. Where that dental therapist is located in proximity to the dentist, that question is answered entirely by the dentist and by the agreement that the dentist makes with the dental therapist and puts in writing. This report, the Minority Report, undermines the professional organization's attempt to standardize this training and certificate by putting very specific Maine-only language on the table that will only have to be observed in Maine. I don't think that's good for the profession. I don't think it's good for our consumers. I think, ultimately, this issue should be controlled by the Dental Association, not by this Legislature or any other. Thank you, Mr. President.

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

Senator **BURNS:** Thank you, Mr. President. Ladies and gentlemen of the Senate, I just rise briefly for a second time, with your indulgence. A couple of things that were mentioned that I want to speak to. I drive primarily a Chevrolet. I like Chevrolets. I think they're a pretty good car. I don't need a Cadillac, but on that point, I think we need not be concerned about that. There've been over 1,100 studies that show that dental therapists provide high quality, high level care. In fact, it's already been mentioned that the American Dental Association, their literature says that a variety of studies indicate that appropriately trained mid-level providers are capable of providing high quality services, including irreversible procedures and restorative care and dental extractions, which has been the topic that has been brought up here several times. One more thing, ladies and gentlemen, I've been to Minnesota. I've been to these facilities. I've met these people that we've been talking about here. I've been in the

schools where these services have been provided. There is a difference, by the way, between their practitioners. What was just referenced here as requiring a master's degree is an advanced level dental therapist. These are well accepted practices in that state and should be here, ladies and gentlemen. Thank you very much, Mr. President.

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

Senator **CUSHING:** Thank you, Mr. President. Ladies and gentlemen of the Senate, in regards to this issue, Mr. President, I rise in support of the pending motion. I realize that great discussion has gone on numerous times on this, but I'd like to focus on one area; the scope of practice. It's been referred to in the past, Mr. President, that this is very similar to the nurse practitioner, but a nurse practitioner is not a surgeon. Likewise, a dental therapist is not fully prepared to be involved in the complex process of removing teeth or diagnosing oral health problems such as abscesses and other potentially serious conditions that are now being more prevalently identified through good oral healthcare. A dentist goes to school for an extended period of time for the purpose of being prepared for those other-than-normal circumstances that present themselves. While I feel that there is commendable work that has been done to advance the position of therapist and their effort to help in improving oral healthcare in our state, this is not like auto mechanics. While a dentist may be able to fit some people with a grill in their mouth, we're talking about an irreversible procedure that once it's done cannot be corrected. I think it's important that we focus on the need of the patients and we move slowly, which is why I would support the current motion and ask you to follow my light. Thank you.

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

Senator **KATZ:** Thank you, Mr. President. Men and women of the Senate, just briefly. I, too, would like to commend our newest colleague and welcome her to the debate of the Senate. I thought, Mr. President, that the good Senator from Biddeford really summed up the issue perhaps the best. We are really here measuring access to expanded care versus risk. I think that's exactly where this lies. Here's where I think that leads us. In terms of access, we know that if we don't pass this that there will be no increased access in the rural areas, in nursing homes, in schools, in veteran's homes. There will be no increased access. What do we know about the risk? We don't know enough to be certain, but here's what we do know, that there have been, apparently, over 1,000 studies showing that these mid-level practitioners are perfectly capable of providing these services safely and we also know that now in a nine year history in the state of Minnesota not a single disciplinary complaint was brought against a practitioner for incompetence, not a single malpractice case brought against a practitioner for malpractice, not a single disciplinary procedure brought against a dentist for allowing someone to do something they weren't capable of doing, and not a single malpractice case brought against the dentist. I hope we can view that as not no risk but minimal risk and weigh that against the tremendous, tremendous increase in access we'll enjoy if we allow this bill to go forward and vote against the pending motion. Thank you, Mr. President.

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

Senator **ALFOND:** Thank you, Mr. President. Ladies and gentlemen of the Senate, I couldn't help myself after the good Senator from Kennebec was talking about access because these wonderful students that are going to be coming out of UNE this year have this unbelievable opportunity and it's an opportunity to go into rural Maine. Let me just read off some of the places that these students will be. Let's see here, Rumford, Eagle Lake, Harrington, Houlton, Millinocket, this is a partial list, Skowhegan, Lubec, Porter, Belfast, Ellsworth. This is just a partial list. I think we're all here talking about access. That's a pretty good list for these students to get great experience helping rural Maine. Thank you, Mr. President.

THE PRESIDENT: The pending question before the Senate is the motion by the Senator from Cumberland, Senator Volk to Accept the Minority Ought to Pass as Amended by Committee Amendment "B" (H-594) Report, in Non-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 (#655)

YEAS: Senators: ALFOND, COLLINS, CUSHING, DESCHAMBAULT, EDGEComb, GERZOFsky, HILL, LANGLEY, LIBBY, MCCORMICK, ROSEN, VOLK, WHITTEMORE, WILLETTE, THE PRESIDENT - MICHAEL D. THIBODEAU

NAYS: Senators: BAKER, BRAKEY, BREEN, BURNS, CYRWAY, DAVIS, DIAMOND, DILL, GRATWICK, HAMPER, HASKELL, JOHNSON, KATZ, MASON, MILLETT, MIRAMANT, PATRICK, SAVIELLO, VALENTINO, WOODSOME

15 Senators having voted in the affirmative and 20 Senators having voted in the negative, the motion by Senator **VOLK** of Cumberland to **ACCEPT** the Minority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "B" (H-594)** Report, in **NON-CONCURRENCE, FAILED**.

On motion by Senator **MASON** of Androscoggin, **TABLED** until Later in Today's Session, pending **ACCEPTANCE** of the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-593)** Report, in concurrence.

The Chair laid before the Senate the following Tabled and Later Assigned (4/8/16) matter:

Resolve, To Increase MaineCare Services for Certain Recipients To Allow Them To Remain at Home (EMERGENCY)
H.P. 314 L.D. 475
(C "A" H-608)

Tabled - April 8, 2016, by Senator **MASON** of Androscoggin

Pending - **FURTHER CONSIDERATION**

(In Senate, March 30, 2016, the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-608)** Report **READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-608)**, in concurrence.)

(In House, April 7, 2016, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-608) AS AMENDED BY HOUSE AMENDMENT "B" (H-653)** thereto, in **NON-CONCURRENCE**.)

Senator **BRAKEY** of Androscoggin moved the Senate **INSIST**.

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 (#656)

YEAS: Senators: **BAKER, BRAKEY, BURNS, COLLINS, CUSHING, CYRWAY, DAVIS, EDGEComb, HAMPER, KATZ, LANGLEY, MASON, MCCORMICK, ROSEN, SAVIELLO, WHITTEMORE, WILLETTE, THE PRESIDENT - MICHAEL D. THIBODEAU**

NAYS: Senators: **ALFOND, BREEN, DESCHAMBAULT, DIAMOND, DILL, GERZOF SKY, GRATWICK, HASKELL, HILL, JOHNSON, LIBBY, MILLETT, MIRAMANT, PATRICK, VALENTINO, VOLK, WOODSOME**

18 Senators having voted in the affirmative and 17 Senators having voted in the negative, the motion by Senator **BRAKEY** of Androscoggin to **INSIST PREVAILED**.

Sent down for concurrence.

The Chair laid before the Senate the following Tabled and Later Assigned (4/11/16) matter:

An Act To Amend the Laws Governing Education Standards in Maine (EMERGENCY)

H.P. 1015 L.D. 1492

Tabled - April 11, 2016, by Senator **LANGLEY** of Hancock

Pending - **CONSIDERATION**

(In House, April 11, 2016, **VETO OVERRIDDEN** and the Bill **PASSED TO BE ENACTED**, notwithstanding the objections of the Governor.)

(In Senate, April 11, 2016, Veto Communication (H.C. 517) **READ** and **ORDERED PLACED ON FILE**.)

THE PRESIDENT: The Chair recognizes the Senator from Hancock, Senator LANGLEY.

Senator **LANGLEY:** Thank you, Mr. President. By your looks I would like to ask if it's time to speak on the pending motion, the veto override, or am I just a little bit too early?

THE PRESIDENT: The Senator may proceed.

Senator **LANGLEY:** Thank you, Mr. President. Men and women of the Senate, this L.D. 1492, I'd just like to talk to you a little bit about it before you cast your vote. This was a unanimous report out of committee. The bill started out in our committee as an act to repeal the common core State standards. We had probably somewhere around six hours' worth of testimony that day on both sides of this issue. There was a tremendous amount of support from folks on repealing the common core and there was a tremendous amount of opposition from that from teachers who had been working five years on developing the standards. Men and women of the Senate, this is what I try to do as the Chair of the committee. I try to look at and listen to the threads of truth that are in both sides of the argument and while it was true that quite a number of folks have been working for a number of years, four or five years, in developing Maine's common standards, and they did not want to give up on that work or lose that effort, and yet there were a number of people who said that there were some issues within those standards that needed to be resolved. What this bill does is it runs right down the middle. If you are someone who supports the common core as it's written than you would Sustain this veto. That would leave things exactly as they are. If you believe that there are some standards out there that need to be addressed than you would Override the veto. Here's why. Currently each section in the learning results is up for review on a time schedule and that review is done through the Department of Education process. They select some stakeholders and they run this almost all internally with a few folks and then prescribe the changes.

What this bill would do is open it up to folks in the state of Maine to have an input. It would offer parents, teachers, schools, and community members an opportunity to have a much greater say in what our kids are taught in school and allows people who work with our kids every day to have honest and frank discussions about K-12 education in Maine. We had folks, we had teachers, who are on both sides of this, but when they left the committee they felt like there was an opportunity afforded them in the future by which they could comment on these standards, each section at a time. The way this will be done is, if this bill were to pass, is they would open up a portal on a website and so folks could sit in the classroom, they could sit at home around the kitchen table, community members could get together as they opened up each section and they could take each standard as it came and they could make comments on it. I did some research

and this has been used in at least one other state and I read the comments that came back from people, especially teachers, who sat and commented and things like, "This standard really belongs in the fourth grade rather than the third grade." Frontline people had an opportunity to comment on it. If you're on both sides of this issue, if you like the standards where they are than you would get to comment, but if you felt some that should be changed you would have some input as well. This just gives us a really good process.

The original bill looked to toss all of these out, just take the standards and toss them out and start over again. Having lived nearly 30 years in a classroom and having done that about four or five times in my career, by the end of it you say, "Don't ever ask me again to do this work." This is a lot more respectful. It takes them up one at a time. People can make thoughtful, careful consideration and then things can be changed. One of the big frustrations I've had about the learning results in Maine is that they seem to be pretty well cemented in. How many of you might wish to see Home Ec come back, or shop, or some might feel that the Constitution ought to be taught a little more than they do. How on earth do you ever get that opinion heard or known as to what you'd like to see our kids in Maine take in school? This would provide opportunity for that as each content area opened up and then the department's major substance rules would record all of those comments and then we, in the Legislature, would get to see them again under major substantive rules. Mr. President, men and women of the Senate, this is not my bill. It came in and my first thoughts were it ought not to pass right away, but as we worked it over the session I think we're in a really good place. I would appreciate your vote to Override and thank you for your time and attention and separating you between an awesome lunch. Thank you.

The President laid before the Senate the following: "Shall this Bill become law notwithstanding the objections of the Governor? In accordance with Article IV, Part Third, Section 2, of the Constitution, the vote will be taken by the Yeas and Nays. A vote of yes will be in favor of the Bill. A vote of no will be in favor of sustaining the veto of the Governor."

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#657)

YEAS: Senators: ALFOND, BAKER, BREEN, BURNS, DESCHAMBAULT, DIAMOND, DILL, EDGEComb, GERZOFsky, GRATWICK, HASKELL, HILL, JOHNSON, KATZ, LANGLEY, LIBBY, MILLETT, MIRAMANT, PATRICK, ROSEN, SAVIELLO, VALENTINO, THE PRESIDENT - MICHAEL D. THIBODEAU

NAYS: Senators: BRAKEY, COLLINS, CUSHING, CYRWAY, DAVIS, HAMPER, MASON, MCCORMICK, VOLK, WHITTEMORE, WILLETTE, WOODSOME

23 Senators having voted in the affirmative and 12 Senators having voted in the negative, and 23 being less than two-thirds of the members present and voting, it was the vote of the Senate that the veto of the Governor be **SUSTAINED**.

The Secretary has so informed the Speaker of the House of Representatives.

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

COMMUNICATIONS

The Following Communication: H.C. 523

**STATE OF MAINE
OFFICE OF THE GOVERNOR
1 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0001**

April 11, 2016

The 127th Legislature of the State of Maine
State House
Augusta, Maine

Dear Honorable Members of the 127th Legislature:

Under the authority vested in me by Article IV, Part Third, Section 2 of the Constitution of the State of Maine, I am hereby vetoing LD 1601, "An Act to Implement the Recommendations of the Task Force to Ensure Integrity in the Use of Service Animals."

I appreciate the issue that this bill seeks to address. The misuse of our service animal laws in public accommodations and in housing situations is a real problem. The problem is often compounded by overreach by the Maine Human Rights Commission, which then penalizes Maine's businesses and landlords for problems ultimately created by those who deem their pets "service animals." This situation also affects those who truly rely on service animals, as more and more Mainers question the legitimate use of these animals because of observed abuses of the law.

Unfortunately, this bill does not address the problem head on and would actually accomplish very little. In an attempt to bring some clarity to the law, this legislation bifurcates this issue somewhat by defining both "assistance animals" and "service animals" and re-writes the statute regarding misrepresentation of a service animal or assistance animal. While this is an attempt to improve the current state of the law, it does not go far enough. Rather, we need to resolve this matter completely by creating a state-wide registration and certification system for these animals. We must provide our business owners and landlords clarity and certainty, lest they face further threats from the Maine Human Rights Commission, while protecting the needs of the people who daily rely on their service animals to live independently.

Because this bill does not fully address this matter, I return LD 1601 unsigned and vetoed. I strongly urge the Legislature to sustain it.

Sincerely,

S/Paul R. LePage
Governor

READ and ORDERED PLACED ON FILE.

The accompanying Bill:

An Act To Implement the Recommendations of the Task Force To
Ensure Integrity in the Use of Service Animals
H.P. 1092 L.D. 1601

Comes from the House, 145 members having voted in the
affirmative and none in the negative, the veto of the Governor
was Overridden and it was the vote of the House that the Bill
become law notwithstanding the objections of the Governor.

The President laid before the Senate the following: "Shall this Bill
become law notwithstanding the objections of the Governor? In
accordance with Article IV, Part Third, Section 2, of the
Constitution, the vote will be taken by the Yeas and Nays. A vote
of yes will be in favor of the Bill. A vote of no will be in favor of
sustaining the veto of the Governor."

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#658)

YEAS: Senators: ALFOND, BAKER, BRAKEY, BREEN,
BURNS, COLLINS, CUSHING, CYRWAY,
DAVIS, DESCHAMBAULT, DIAMOND,
DILL, GERZOFSKY, GRATWICK,
HAMPER, HASKELL, HILL, JOHNSON,
KATZ, LANGLEY, LIBBY, MASON,
MILLETT, MIRAMANT, PATRICK,
ROSEN, SAVIELLO, VALENTINO, VOLK,
WHITTEMORE, THE PRESIDENT -
MICHAEL D. THIBODEAU

NAYS: Senators: EDGECOMB, MCCORMICK, WILLETTE,
WOODSOME

31 Senators having voted in the affirmative and 4 Senators
having voted in the negative, and 31 being more than two-thirds
of the members present and voting, it was the vote of the Senate
that the veto of the Governor be **OVERRIDDEN** and the Bill
become law notwithstanding the objections of the Governor.

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

REPORTS OF COMMITTEES

House

Ought to Pass Pursuant to Statute

The Committee on **HEALTH AND HUMAN SERVICES** on
Resolve, Related To Legislative Review of a Change to the
MaineCare Benefits Manual, Chapters II and III, Section 17
(EMERGENCY)

H.P. 1163 L.D. 1698

Reported that the same **Ought to Pass**, pursuant to the Maine
Revised Statutes, Title 5, section 11115.

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

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

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

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

PAPERS FROM THE HOUSE

Non-Concurrent Matter

SENATE REPORTS - from the Committee on **VETERANS AND
LEGAL AFFAIRS** on Bill "An Act Regarding the Sale of Alcohol
by a Manufacturer with an On-premises Retail License"
S.P. 563 L.D. 1462
(C "A" S-355)

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

Minority - **Ought to Pass as Amended by Committee
Amendment "A" (S-355)** (6 members)

In House, April 7, 2016, **PASSED TO BE ENACTED**.

In Senate, April 11, 2016, **FAILED ENACTMENT**, in **NON-
CONCURRENCE**.

Comes from the House, that Body **INSISTED**.

Senator **MASON** of Androscoggin moved the Senate **INSIST**.

Senator **ALFOND** of Cumberland moved the Senate **RECEDE
and CONCUR**.

On motion by Senator **MASON** of Androscoggin, 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 (#659)

YEAS: Senators: ALFOND, BRAKEY, BREEN, COLLINS, DESCHAMBAULT, DILL, GERZOFISKY, GRATWICK, HASKELL, HILL, JOHNSON, LIBBY, MILLETT, MIRAMANT, ROSEN, SAVIELLO, VALENTINO

NAYS: Senators: BAKER, BURNS, CUSHING, CYRWAY, DAVIS, DIAMOND, EDGEComb, HAMPER, KATZ, LANGLEY, MASON, MCCORMICK, PATRICK, VOLK, WHITTEMORE, WILLETTE, WOODSOME, THE PRESIDENT - MICHAEL D. THIBODEAU

17 Senators having voted in the affirmative and 18 Senators having voted in the negative, the motion by Senator **ALFOND** of Cumberland to **RECEDE** and **CONCUR FAILED**.

On motion by Senator **MASON** of Androscoggin, the Senate **INSISTED**.

All matters thus acted upon, with the exception of those matters being held, were 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 Resolve

Resolve, To Provide Funding for the County Jail Operations Fund
S.P. 652 L.D. 1614
(S "B" S-508 to C "A" S-400)

This being an Emergency Measure and having received the affirmative vote of 34 Members of the Senate, with 1 Senator having voted in the negative, and 34 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.

Acts

An Act To Amend the Law Regarding Temporary Powers of Attorney over Minors and To Require Organizations To Screen Agents before Providing Care

H.P. 734 L.D. 1065
(C "A" H-657)

An Act To Amend and Clarify the Laws Governing the Brunswick Naval Air Station Job Increment Financing Fund
S.P. 698 L.D. 1692

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 the Evaluation of Elementary and Secondary Schools

H.P. 853 L.D. 1253
(C "B" H-658)

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

An Act To Implement Certain Recommendations of the Maine Proficiency Education Council

S.P. 660 L.D. 1627
(C "A" S-504)

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

An Act To Implement the Recommendations of the Commission To Study the Public Reserved Lands Management Fund

H.P. 1106 L.D. 1629
(C "A" H-648)

On motion by Senator **MASON** of Androscoggin, placed on the **SPECIAL STUDY TABLE**, pending **ENACTMENT**, in concurrence.

Resolve

Resolve, Establishing the Commission To Study the Economic, Environmental and Energy Benefits of the Maine Biomass Industry

H.P. 1158 L.D. 1693
(C "A" H-662)

On motion by Senator **CUSHING** of Penobscot, placed on the **SPECIAL STUDY TABLE**, pending **FINAL PASSAGE**, in concurrence.

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

COMMUNICATIONS

The Following Communication: H.C. 524

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

April 12, 2016

The Honorable Heather J.R. Priest
Secretary of the Senate
127th Maine Legislature
Augusta, Maine 04333

Dear Secretary Priest:

The House voted today to insist on its former action whereby it accepted the Majority Ought Not to Pass Report of the Committee on Judiciary on Bill "An Act To Limit Liability for Certain Successor Corporations under Specific Circumstances" (H.P. 814) (L.D. 1181).

Sincerely,

S/Robert B. Hunt
Clerk of the House

READ and ORDERED PLACED ON FILE.

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

PAPERS FROM THE HOUSE

Non-Concurrent Matter

HOUSE REPORTS - from the Committee on **VETERANS AND LEGAL AFFAIRS** on Bill "An Act To Increase Fairness in Campaign Financing"

H.P. 623 L.D. 904

Majority - **Ought to Pass as Amended by Committee Amendment "A" (H-568)** (12 members)

Minority - **Ought Not to Pass** (1 member)

In House, April 7, 2016, 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-568)**.

In Senate, April 11, 2016, on motion by Senator **CYRWAY** of Kennebec, the Minority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED**, in **NON-CONCURRENCE**.

Comes from the House, that Body **INSISTED**.

On motion by Senator **CYRWAY** of Kennebec, the Senate **INSISTED**.

Off Record Remarks

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

Senate at Ease.

Senate called to order by the President.

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

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:

REPORTS OF COMMITTEES

House

Divided Report

The Majority of the Committee on **HEALTH AND HUMAN SERVICES** on Resolve, To Establish a Moratorium on Rate Changes Related to Rule Chapter 101: MaineCare Benefits Manual, Sections 13, 17, 28 and 65

H.P. 1162 L.D. 1696

Reported that the same **Ought to Pass**, pursuant to Joint Order 2016, H.P. 1156.

Signed:

Senator:
HASKELL of Cumberland

Representatives:

GATTINE of Westbrook
BURSTEIN of Lincolnville
HAMANN of South Portland
HYMANSON of York
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:

Senators:

BRAKEY of Androscoggin
McCORMICK of Kennebec

Representatives:

HEAD of Bethel
MALABY of Hancock
SANDERSON of Chelsea
VACHON of Scarborough

Comes from the House with the Majority **OUGHT TO PASS** Report **READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED**.

Reports **READ**.

On motion by Senator **BRAKEY** of Androscoggin, the Majority **OUGHT TO PASS** Report **ACCEPTED**, in concurrence.

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

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

REPORTS OF COMMITTEES

House

Ought to Pass As Amended

The Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** on Bill "An Act To Establish a Fund for the Operations and Outreach Activities of the University of Maine Cooperative Extension Animal and Plant Disease and Insect Control Laboratory"

H.P. 759 L.D. 1099

Reported that the same **Ought to Pass as Amended by Committee Amendment "B" (H-659)**.

Comes from the House with the Bill and Accompanying papers **COMMITTED** to the Committee on **APPROPRIATIONS and FINANCIAL AFFAIRS**.

On motion by Senator **DILL** of Penobscot, Bill and accompanying papers **COMMITTED** to the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS**, in concurrence.

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

PAPERS FROM THE HOUSE

Non-Concurrent Matter

An Act To Resolve Inconsistencies in the Drug Laws
S.P. 609 L.D. 1554
(C "A" S-417)

In Senate, March 29, 2016, on motion by Senator **ROSEN** of Hancock, the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (S-417)** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-417)**.

In House, March 31, 2016, the Minority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "B" (S-418)** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (S-418)**, in **NON-CONCURRENCE**.

In Senate, April 11, 2016, on motion by Senator **ROSEN** of Hancock, the Senate **INSISTED**.

Comes from the House, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (S-418) AS AMENDED BY HOUSE AMENDMENT "A" (H-664)** thereto, in **NON-CONCURRENCE**.

Senator **ROSEN** of Hancock moved the Senate **RECEDE** and **CONCUR**.

On motion by Senator **ALFOND** 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 (#660)

YEAS: Senators: ALFOND, BAKER, BRAKEY, BREEN, BURNS, COLLINS, CUSHING, CYRWAY, DAVIS, DESCHAMBAULT, DIAMOND, DILL, EDGECOMB, GERZOFISKY, GRATWICK, HAMPER, HASKELL, HILL, JOHNSON, KATZ, LANGLEY, LIBBY, MASON, MCCORMICK, MILLETT, MIRAMANT, PATRICK, ROSEN, SAVIELLO, VALENTINO, VOLK, WHITTEMORE, WILLETTE, WOODSOME, THE PRESIDENT - MICHAEL D. THIBODEAU

NAYS: Senators: None

35 Senators having voted in the affirmative and no Senator having voted in the negative, the motion by Senator **ROSEN** of Hancock to **RECEDE** and **CONCUR PREVAILED**.

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

ORDERS

Senate Resolution

On motion by Senator **BREEN** of Cumberland, the following Senate Resolution:

S.R. 2

**SENATE RESOLUTION
DESIGNATING APRIL 12, 2016 AS PAY EQUITY DAY**

WHEREAS, it has been 53 years since the passage of the Equal Pay Act of 1963, and even with the passage of Title VII of the Civil Rights Act of 1964 just one year later, women and people of color continue to suffer the consequences of inequitable pay differentials; and

WHEREAS, according to statistics released in 2015 by the United States Census Bureau, year-round, full-time working women in 2014 earned only 79% of the earnings of year-round, full-time working men, indicating little change or progress in pay equity; and

WHEREAS, mothers in Maine make only 80 cents for every dollar that fathers make, and 1/3 of low-income households are headed by women; and

WHEREAS, among families headed by single mothers in Maine, 39% are living in poverty; and

WHEREAS, in recent years Maine women working at full-time jobs earned an average of only \$36,137, compared to men working at full-time jobs, who earned an average of \$45,784; and

WHEREAS, the wage gap cannot be explained by personal choices regarding industry of work; the wage gap is present within occupations and exists regardless of education level; and

WHEREAS, because of this wage gap, by the time an American woman reaches 59 years of age, she will have lost, on average, \$531,502 in wages, which will affect her Social Security benefits and pensions; and

WHEREAS, fair pay equity policies can be implemented simply and without undue costs or hardship in both the public and private sectors; and

WHEREAS, fair pay strengthens the security of families today, eases future retirement costs and enhances the American economy; and

WHEREAS, because women earn less on average than men, a woman would have to have worked all of 2015 and up to April 12, 2016, Pay Equity Day, to earn what a man would earn in 2015 alone; now, therefore, be it

RESOLVED: That We, the Members of the Senate of the One Hundred and Twenty-seventh Legislature, now assembled in the Second Regular Session, on behalf of the people we represent, take this opportunity to recognize the full value of women's skills and significant contributions to the labor force and encourage businesses to conduct an internal pay evaluation to ensure women are paid fairly and we designate April 12, 2016 as Pay Equity Day.

READ.

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

Senator **BREEN**: Thank you, Mr. President. I wish to speak to my motion.

THE PRESIDENT: The Senator may proceed.

Senator **BREEN**: Thank you, Mr. President. Ladies and gentlemen of the Senate, I rise to speak briefly about Pay Equity Day. I just want to point out that if this gap were eliminated in the state of Maine that a working Maine woman could buy 73 additional weeks of food for her family. She could make seven more monthly payments on her mortgage and utilities and pay more than 12 additional months of rent. Just think for a minute how that would ripple through Maine's economy and benefit everyone. Lastly, I want to point out the difference in the wage gap over the lifespan. American women and their families lose on average over half a million dollars, which impacts Social Security benefits as well as our pensions. Again, I ask you to think for a minute about aging baby boomers in the state of Maine and if this additional income were available to retired Maine women how that would ripple through our economy and benefit everyone. Thank you, Mr. President.

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

Senator **HASKELL**: Thank you very much, Mr. President. Ladies and gentlemen of the Senate, I would, since I can't hold up any props here, ask you if you're looking at the Measures of Growth, the black book that was delivered to our desks today, on page 25 I think you'd see a very interesting graph. This indicator compares the median annual income for women and men working full time full year in Maine against those in the nation. What this data shows that women's earnings for every dollar earned by men peaked at 83¢, that's 83¢ for the women to \$1 for the men, in 2012 and dropped to 81¢ in 2013 and 79¢ in 2014. This is headed in the wrong direction. If you ask: why is this important? I think it's important to Maine women when you take a look at that graph and it clearly shows there's a little red mark up here at the top. These are warnings. These are things we need to be aware of and take into consideration. I'm very glad that I work in an environment where I make the same amount as the Senator from Androscoggin, Senator Brakey, who also sits on my

committee, or Senator Valentino and Senator Hamper or Senator Langley and Senator Millett, make the same amount of money. Congrats to us here at the state level, but we need to improve this line that's headed down. Thank you very much, Mr. President.

On motion by Senator **BREEN** of Cumberland, **ADOPTED**.

Sent down for concurrence.

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

COMMUNICATIONS

The Following Communication: H.C. 525

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

April 12, 2016

The Honorable Heather J.R. Priest
Secretary of the Senate
127th Maine Legislature
Augusta, Maine 04333

Dear Secretary Priest:

The House voted on April 11, 2016 to insist on its former action whereby it accepted the Majority Ought Not to Pass Report of the Committee on Education and Cultural Affairs on Bill "An Act To Improve Teaching Assignments in Maine's Public Schools" (S.P. 604) (L.D. 1544).

Sincerely,

S/Robert B. Hunt
Clerk of the House

READ and ORDERED PLACED ON FILE.

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

PAPERS FROM THE HOUSE

Non-Concurrent Matter

SENATE REPORTS - from the Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act To Improve the Quality of Teachers"

S.P. 502 L.D. 1370

Majority - **Ought to Pass as Amended by Committee Amendment "A" (S-432)** (7 members)

Minority - **Ought Not to Pass** (6 members)

In Senate, April 12, 2016, on motion by Senator **LANGLEY** of Hancock, the Minority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED**.

Comes from the House, the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-432)**, in **NON-CONCURRENCE**.

Senator **LANGLEY** of Hancock moved the Senate **INSIST**.

Senator **MILLETT** of Cumberland moved the Senate **RECEDE** and **CONCUR**.

On motion by Senator **MASON** of Androscoggin, 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 (#661)

YEAS: Senators: ALFOND, BREEN, DESCHAMBAULT, DIAMOND, DILL, GERZOFKY, GRATWICK, HASKELL, HILL, JOHNSON, LIBBY, MILLETT, MIRAMANT, PATRICK, SAVIELLO, VALENTINO

NAYS: Senators: BAKER, BRAKEY, BURNS, COLLINS, CUSHING, CYRWAY, DAVIS, EDGECOMB, HAMPER, KATZ, LANGLEY, MASON, MCCORMICK, ROSEN, VOLK, WHITTEMORE, WILLETTE, WOODSOME, THE PRESIDENT - MICHAEL D. THIBODEAU

16 Senators having voted in the affirmative and 19 Senators having voted in the negative, the motion by Senator **MILLETT** of Cumberland to **RECEDE** and **CONCUR FAILED**.

On motion by Senator **LANGLEY** of Hancock, the Senate **INSISTED**.

Sent down 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 Resolve

Resolve, Related To Legislative Review of a Change to the MaineCare Benefits Manual, Chapters II and III, Section 17
H.P. 1163 L.D. 1698

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

Senator **BRAKEY:** Thank you, Mr. President. I just want to say very briefly on this item. This was a really great bi-partisan compromise coming out of the Health and Human Services Committee. There were a lot of concerns we heard about some of the proposed eligibility changes to Section 17 services and I think a lot of great work was done with the whole committee on board.

On motion by Senator **BRAKEY** of Androscoggin, 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 (#662)

YEAS: Senators: ALFOND, BAKER, BRAKEY, BREEN, BURNS, COLLINS, CUSHING, CYRWAY, DAVIS, DESCHAMBAULT, DIAMOND, DILL, EDGECOMB, GERZOFSKY, GRATWICK, HAMPER, HASKELL, HILL, JOHNSON, KATZ, LANGLEY, LIBBY, MASON, MCCORMICK, MILLETT, MIRAMANT, PATRICK, ROSEN, SAVIELLO, VALENTINO, VOLK, WHITTEMORE, WILLETTE, WOODSOME, THE PRESIDENT - MICHAEL D. THIBODEAU

NAYS: Senators: None

This being an Emergency Measure and having received the affirmative vote of 35 Members of the Senate, with no Senator having voted in the negative, and 35 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.

Acts

An Act To Improve Student Retention in Maine's Postsecondary Institutions
S.P. 84 L.D. 215
(C "A" S-21; S "A" S-489)

An Act To Provide Tax Fairness and To Lower Medical Expenses for Patients under the Maine Medical Use of Marijuana Act
S.P. 312 L.D. 867
(S "B" S-505 to C "A" S-178)

An Act To Clarify Medicaid Ombudsman Services
H.P. 1021 L.D. 1498
(C "A" H-620)

An Act Regarding the Maine Clean Election Fund
H.P. 1071 L.D. 1579
(S "A" S-510 to C "A" H-661)

An Act To Establish a Presidential Primary System in Maine
S.P. 685 L.D. 1673
(C "A" S-511)

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

Ordered sent down forthwith.

An Act To Address Employee Recruitment and Retention Issues at State Mental Health Institutions
S.P. 670 L.D. 1645
(C "A" S-507)

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

An Act To Simplify and Expand the Educational Opportunity Tax Credit
S.P. 678 L.D. 1657
(C "A" S-438; S "A" S-509)

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

Resolves

Resolve, To Provide the Engineering Study and Planning Needed for a Statewide, Centrally Located Emergency Services Training Facility and Several Regional Training Facilities
H.P. 436 L.D. 655
(S "A" S-502 to C "A" H-528)

Resolve, To Require the Department of Health and Human Services To Conduct a Study of Ambulance Services
H.P. 1006 L.D. 1465
(S "A" S-496 to C "A" H-547)

FINALLY PASSED and, having been signed by the President, were presented by the Secretary to the Governor for his approval.

Ordered sent down forthwith.

**STATE OF MAINE
127TH LEGISLATURE
OFFICE OF THE GOVERNOR**

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

April 12, 2016

COMMUNICATIONS

The Following Communication: S.C. 978

The 127th Legislature of the State of Maine
State House
Augusta, ME

**DEPARTMENT OF HEALTH AND HUMAN SERVICES
COMMISSIONER'S OFFICE
221 STATE STREET
11 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0011**

Dear Honorable Members of the 127th Legislature:

April 6, 2016

Heather J. R. Priest,
Secretary of the Senate
Maine State Legislature
#3 State House Station
State House, Room 432
Augusta, Maine 04333-0003

Under the authority vested in me by Article IV, Part Third, Section 2 of the Constitution of the State of Maine, I am hereby vetoing LD 1475, "An Act To Facilitate the Use of State Education Subsidies."

Rather than address shortcomings of the Legislative budget cycle or problems with the State's consolidation laws, this bill lays out a recipe by which local school administration units would be encouraged to spend any unanticipated funding received from the State rather than to offset the local share and provide property tax relief. Despite all of the talk in Augusta about the need to reduce property taxes, this bill introduces a new barrier to lowering the property tax burden and encourages new spending.

Dear Ms. Priest:

Voting on a school budget is one cornerstone of local control that provides transparency and accountability at the local level. By placing a mechanism in law that would silence local debate in the event additional resources become available, this bill erodes the rights of property tax payers, who currently have a say in how funds are used and whether they would prefer that any additional dollars from the State reduce the local share of the cost of education. This Administration will not support such an affront.

Please consider this formal notification that, pursuant to 22 M.R.S. § 3173-G, Public Law 2015, Chapter 356, *An Act to Strengthen the Economic Stability of Qualified Maine Citizens by Expanding Coverage of Reproductive Health Care and Family Services of Reproductive Health Care and Family Services*, the Department of Health and Human Services (DHHS) has received written approval of the required state plan amendments from the Centers for Medicare and Medicaid Services (CMS).

The core problem this bill seeks to address seems to be the mismatch in timing between when the biennial budget is finalized and when local budgets for school administrative units are approved. It is within the Legislature's purview to make changes to the biennial budget process.

In order to implement this legislation, DHHS must now promulgate rules in accordance with the Administrative Procedures Act (5 M.R.S. §8052).

Options include switching to a calendar-based fiscal year, requiring that the budget be passed earlier in the Session, moving the entire budget process to the Second Regular Session of an elected Legislature, or any combination of the above. The Administration is willing to discuss any serious proposal to change the State's budgeting process. Sadly, this bill would fundamentally alter local control for school budgets to compensate for the shortcomings of the Legislative process.

Sincerely,

S/Mary C. Mayhew
Commissioner

If the Legislature is interested in reexamining the way we run our State government in service of the communities, the Administration stands ready to assist. That is not what this bill does; therefore I cannot support it and I return it to you unsigned and vetoed. I urge you to sustain it.

MCM/klv
Enclosure

READ and ORDERED PLACED ON FILE.

Sincerely,

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

S/Paul R. LePage
Governor

COMMUNICATIONS

The Following Communication: S.C. 981

READ and ORDERED PLACED ON FILE.

The accompanying Bill:

An Act To Facilitate the Use of State Education Subsidies
(EMERGENCY)

S.P. 573 L.D. 1475

The Secretary has so informed the Speaker of the House of Representatives.

THE PRESIDENT: The Chair recognizes the Senator from Hancock, Senator Langley.

Senator **LANGLEY:** Thank you, Mr. President. Men and women of the Senate, before you have a Chief Executive's veto of L.D. 1475, An Act to Facilitate the Use of State Education Subsidies. This was a unanimous report out of the Education Committee. What this bill looked to do was allow our municipalities and our school districts, our towns, to be able to put on a warrant for voter approval a question that says that if, indeed, there are additional funds that come out of the acts of the Legislature that this is how we would spend those funds, either to carry forward, reduce property taxes, or to pay for some items that may have been cut due to budget cuts. This is, I think, a responsible way for our communities to act. They would put it in front of the voters, unlike what I think it says here. They would make those decisions at the local level. If they, indeed, did not want to vote to support that, if additional funds came in they would automatically go into balance forward. For those communities that have some need, this would allow them to be able to put it in front of the voters on a warrant and then allow them to use those funds if they come in after town meetings and the budget process is done. I would urge you to vote to Override. Thank you.

The President laid before the Senate the following: "Shall this Bill become law notwithstanding the objections of the Governor? In accordance with Article IV, Part Third, Section 2, of the Constitution, the vote will be taken by the Yeas and Nays. A vote of yes will be in favor of the Bill. A vote of no will be in favor of sustaining the veto of the Governor."

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#663)

YEAS: Senators: ALFOND, BAKER, BREEN, COLLINS, CUSHING, DESCHAMBAULT, DIAMOND, DILL, GERZOFISKY, GRATWICK, HAMPER, HASKELL, HILL, JOHNSON, KATZ, LANGLEY, LIBBY, MASON, MILLETT, MIRAMANT, PATRICK, ROSEN, SAVIELLO, VALENTINO, VOLK, WHITTEMORE, THE PRESIDENT - MICHAEL D. THIBODEAU

NAYS: Senators: BRAKEY, BURNS, CYRWAY, DAVIS, EDGECOMB, MCCORMICK, WILLETTE, WOODSOME

27 Senators having voted in the affirmative and 8 Senators having voted in the negative, and 27 being more than two-thirds of the members present and voting, it was the vote of the Senate that the veto of the Governor be **OVERRIDDEN** and the Bill become law notwithstanding the objections of the Governor.

The Following Communication: S.C. 982

**STATE OF MAINE
127TH LEGISLATURE
OFFICE OF THE GOVERNOR**

April 12, 2016

The 127th Legislature of the State of Maine
State House
Augusta, ME

Dear Honorable Members of the 127th Legislature:

Under the authority vested in me by Article IV, Part Third, Section 2 of the Constitution of the State of Maine, I am hereby vetoing LD 1565, "An Act to Attract and Retain Medical Examiners by Increasing the Fees for Services Provided by Medical Examiners."

I do not oppose the objectives of this bill – increasing the reimbursements the State makes to non-salaried medical examiners for an inspection and view of a body. The flat fee of \$85 per incident is not sufficient. I do, however, oppose trying to pay for this through increased fees. Maine people pay sufficient taxes and should not be expected to pay additional fees for services the State should be providing via the tax revenues it generates.

Sections 2 and 3 of this bill both propose increasing fees charged by the Medical Examiner's Office. Section 3 of this bill, which proposes increasing the fee one's family must pay in order to receive a certificate to cremate a loved one's remains, seems particularly inappropriate and was rejected in the Committee's minority report on this bill. Instead of increasing fees, the modest funding to increase medical examiner reimbursements should be identified within the State's General Fund budget as a way to move away from these fees.

For these reasons, I return LD 1565 unsigned and vetoed. I strongly urge the Legislature to sustain it.

Sincerely,

S/Paul R. LePage
Governor

READ and ORDERED PLACED ON FILE.

The accompanying Bill:

An Act To Attract and Retain Medical Examiners by Increasing the Fees for Services Provided by Medical Examiners
S.P. 617 L.D. 1565

The President laid before the Senate the following: "Shall this Bill become law notwithstanding the objections of the Governor? In accordance with Article IV, Part Third, Section 2, of the Constitution, the vote will be taken by the Yeas and Nays. A vote of yes will be in favor of the Bill. A vote of no will be in favor of sustaining the veto of the Governor."

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#664)

YEAS: Senators: ALFOND, BAKER, BREEN, BURNS, COLLINS, CUSHING, CYRWAY, DAVIS, DESCHAMBAULT, DIAMOND, DILL, EDGEComb, GERZOF SKY, GRATWICK, HAMPER, HASKELL, HILL, JOHNSON, KATZ, LANGLEY, LIBBY, MASON, MILLETT, MIRAMANT, PATRICK, ROSEN, SAVIELLO, VALENTINO, VOLK, WHITTEMORE, THE PRESIDENT - MICHAEL D. THIBODEAU

NAYS: Senators: BRAKEY, MCCORMICK, WILLETTE, WOODSOME

31 Senators having voted in the affirmative and 4 Senators having voted in the negative, and 31 being more than two-thirds of the members present and voting, it was the vote of the Senate that the veto of the Governor be **OVERRIDDEN** and the Bill become law notwithstanding the objections of the Governor.

The Secretary has so informed the Speaker of the House of Representatives.

ORDERS OF THE DAY

The Chair laid before the Senate the following Tabled and Later Assigned (4/8/16) matter:

SENATE REPORTS - from the Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act To Improve the Health of Maine Citizens and the Economy of Maine by Providing Affordable Market-based Coverage Options to Low-income Uninsured Citizens"

S.P. 226 L.D. 633

Majority - **Ought to Pass as Amended by Committee Amendment "A" (S-487)** (7 members)

Minority - **Ought Not to Pass** (6 members)

Tabled - April 8, 2016, by Senator **CUSHING** of Penobscot

Pending - **ACCEPTANCE OF EITHER REPORT**

(In Senate, April 8, 2016, Reports **READ**.)

Senator **BRAKEY** of Androscoggin moved the Senate **ACCEPT** the Minority **OUGHT NOT TO PASS** Report.

On motion by Senator **SAVIELLO** of Franklin, 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 Brakey.

Senator **BRAKEY:** Thank you, Mr. President. I urge this Body to adopt the Ought Not to Pass motion before us on L.D. 633, Medicaid expansion. Let me begin by saying I hope we have not forgotten, while I am both the youngest member of the Chamber and also one of the least in seniority, I certainly have not forgotten the days when Maine couldn't pay its bills. Half a billion dollars in unpaid debts to the hospitals. I remember going through one of our hospitals and seeing a sign. I took a picture of it at the time and flipping through my old photos I found it again. Some folks, you should have a picture of that on your desk if you want to take a look at it yourself. On the sign was a picture of a young boy wearing one of those paper birthday hats with a cupcake in front of him with a bit number 4 candle on it. The sign read, "As this boy celebrates his fourth birthday the hospital where he was born is still waiting for MaineCare to pay for his delivery. The State of Maine owes hospitals \$450 million for care provided to MaineCare patients, going back to 2009. When the State doesn't pay its bills hospitals can't pay theirs. It's time to settle up." That was just barely three years ago. Hospitals were on the brink of closing and many working in our hospitals risked losing their jobs because Maine couldn't pay its bills. We did manage to find the half a billion dollars needed to pay our hospital debt through the State's liquor contract. We did settle our accounts, but how did we get into that fiscal hole in the first place? The short answer, we expanded Medicaid twice, in 2001 and again in 2003, leading to annual shortfalls of \$50 million to more than \$100 million. As a result, the State stopped paying its bills, racking up hundreds of millions of dollars in debt owed to Maine's hospitals. Additionally, prior Administrations slashed rates to healthcare providers and neglected core priorities such as appropriate reimbursement for nursing facilities, home care, and service for those with significant disabilities.

We have only just, in the last few years, begun digging ourselves out of that hole, but now many would like to see us embark on that familiar path again. For the sixth time in the last three years today we have before us yet another piece of legislation to expand Medicaid, which risks putting our state in an untenable financial position yet another time. The Department of Health and Human Services estimates that this legislation would cost the General Fund a half billion dollars over the next five years. While we are told this plan to expand Medicaid is different, this plan is a "private option". This plan would use Medicaid expansion funds to buy people private insurance rather than directly pay for care. You would be right, that does make this plan different. It makes this plan to expand MaineCare even more expensive. According to the Department of Health and Human Services, traditional Medicaid expansion would cost Maine taxpayers \$315 million over the next five years. This private option proposal will cost \$520 million. Why the difference? Simple. Commercial health insurance plans are more expensive than typical Medicaid coverage. Who pays the difference? We, the taxpayers.

As the department reports, aside from the benefit delivery mechanism, indirect insurance, rather than direct Medicaid payment, this private option expansion is no different than the traditional expansion plan that Maine has already rejected five times. Under this proposal several things would happen. First, Maine taxpayers will still pay hundreds of millions of dollars to add childless able bodied adults to the medical welfare rolls. Second, additional taxpayer funding would be required to purchase health insurance policies for parents of dependent children making between 100% and 138% of the federal poverty level, ignoring the fact that these individuals are already eligible for highly subsidized policies on the federal exchange. It simply makes no sense to shift this cost burden to Maine taxpayers when people can already buy federally subsidized plans. Third, promises from the Obama administration of autonomy to implement innovative program reforms would not materialize. The federal government has outright rejected innovative accountability based expansion proposals, for example, work requirements and asset testing, but only after convincing private option states to move forward with expansion. Finally, Maine's Department of Health and Human Services would be left administering an even more complex Medicaid program.

Other states have, in fact, tried this private option Medicaid expansion. Let's examine how it has worked for them. Both Arkansas and Indiana are useful case studies for us as they have both expanded under the private option with similar results. High costs and false promises from the federal government about autonomy. In 2014 Arkansas expanded its Medicaid program as the original "private option state". This supposedly free market approach was supposed to save the state millions and provide autonomy for innovative program reforms. Instead the cost of Arkansas' Medicaid program increased by \$1 billion, more than 20% of the total program cost with an expected cost of more than \$650 million over the next five years. At the same time, while seeking to implement accountability based reform, such as asset testing and work requirements, the Obama administration refuses to permit such innovations. For example, instead of a work requirement, the federal government will allow "work encouragement". In Indiana they have had a similar experience whereas the cost of Medicaid to Indiana taxpayers in 2014, pre-expansion, was \$1.6 billion. In 2017 costs are projected to be \$2.1 billion. That's a 30% cost increase with a price tag of \$500 million annually. Similarly, accountability reforms from Indiana have been rejected by the federal government.

Looking at Medicaid expansion more broadly across the country, we can see in state after state that the cost of reality far exceed estimations due primarily to understated enrollment projections and overly optimistic savings projections. Just to run through a few. In Vermont the state projects a \$30 million shortfall for the current fiscal year and a \$50 million gap in fiscal year 2017 due to Medicaid expansion. In Delaware the state is facing a \$28 million Medicaid budget shortfall. In Massachusetts the state saw an increase in spending of \$1.1 billion. In Kentucky the Medicaid program faces a \$125 million shortfall with a projected deficit of \$611 million over the next two years due to an aging population, not unlike our demographic challenges here in Maine. In New Mexico the state had to close its funding gap of \$78 million by reducing reimbursement rates to physicians and hospitals. In California, after enrolling 120% more individuals in its Medicaid program as a result of expansion, California's General Fund spending on Medicaid will increase from \$15 billion

in 2012 to an expected \$25 billion in 2019. That's according to proponents of the Medicaid expansion in California.

If Maine saw the same General Fund increase over that time period costs would rise to \$1.26 billion by 2019. That's \$400 million more than the Department of Health and Human Services projects for that year. Looking at the examples of all these other states adopting Medicaid expansion, while simultaneously promising to remain committed to fiscal discipline, we should ask: did it work for those states? I find my answer in a quote by Tobias Ducay, "Well, did it work for them? No. It never does. I mean, these people somehow delude themselves into thinking it might, but...but, it might work for us." As much as we hope that we might be the exception, that it might work for us, we are deluding ourselves if we cannot learn from the painfully clear mistakes of those states who have gone before us. Let us clear our eyes and see the truth for what it is, a half a billion dollar price tag over the next five years when we can't even pay to care for those most in need.

Over the course of this legislative session we have been fearfully debating in these halls how to fund services for important priorities. Funds for senior services, funds for our schools, services for those with intellectual disabilities and autism have been underfunded to the tune of \$100 million. Forget all of that if we expand Medicaid. We just won't have the money left over.

Finally, we are told that the federal government will pay 90%, but how long will that last. The current national debt is \$19.2 trillion. That's \$160,827 in debt per taxpayer. When you count unfunded liabilities the federal government is \$101.7 trillion in the red. That's \$850,643 per taxpayer. I don't know if anyone in this Chamber has an extra \$850,000 to hand over to the federal government, and if you did I would encourage you not to hand it over to them because they don't have the best record on spending this money prudently. Not only would MaineCare be incredibly expensive in the short-term, signs point to it being disastrous in the long run. Should we bet our future on the financial solvency of a federal government that only knows how to run up the credit cards? When the federal government hits the inevitable brick wall at the end of this unsustainable road who'll be left holding the bag on Medicaid expansion? Mr. President, I ask this Chamber not to send the State of Maine down this road of financial disaster. Let us learn from the mistakes of other states. After digging out of our financial hole let's not run back into the arms of unpaid hospital debts and lack of services for our senior and our intellectually disabled. Thank you very much for the time, Mr. President, and I urge the Body to support the Ought Not to Pass motion.

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

Senator DILL: Thank you, Mr. President. Ladies and gentlemen of the Senate, I just have a few points that I'd like to make and first I'd like to say that this is going to give us access care for tens of thousands. This restoration and expansion helps over 70,000 people in the state of Maine who are not currently covered. This would include influx of billions of federal dollars in funds. Expansion will bring in federal money that is currently not spent in Maine, approximately \$400 million a year for over \$2 billion in the next five years. This is a match rate of almost 9 to 1, better than regular 2 to 1 match and much better than federal funding for our highways. Addiction, we've had so many discussions and debates in this Chamber this year on the concerns about drug

addiction and the cost in the state of Maine. Without Medicaid funding the treatment infrastructure in Maine is simply inadequate to do the job of caring for these folks. Help for our hospitals. Hospitals were cut millions in Medicaid to fund expansion. Maine's hospitals have an aggregate margin of only about 1%, or a little less, with half of the hospitals being in the red. Rural hospitals are in a third consecutive year, that's their third consecutive year, of aggregate negative margins. They need help with the more than \$125 million in charity care provided every year. The timing is right. The federal match, the FMAP, an existing Medicaid program is moving in Maine's favor, freeing up even more money to help with the cost of expansion. Finally, ultimately I'm not advocating grabbing federal money just because it's there. This is not a bridge to nowhere. Healthcare services, particularly comprehensive services, that include preventative care, pharmaceuticals, and counseling, as well as care by hospitals and doctors, are services we all use and we want for all of our families. We have an opportunity to provide coverage, where I started, to over 70,000 of the neediest Mainers in a financially responsible way. We should do it. Thank you.

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

Senator **SAVIELLO:** Thank you, Mr. President. I'd like to pose a question through the Chair.

THE PRESIDENT: The Senator may pose his question.

Senator **SAVIELLO:** Thank you, Mr. President. Since we've heard of all the failures, can someone tell me how many states have pulled out of this expansion?

THE PRESIDENT: The Senator from Franklin, Senator Saviello poses a question through the Chair to anyone who may wish to answer. The Chair recognizes the Senator from Cumberland, Senator Haskell.

Senator **HASKELL:** Thank you very much, Mr. President. Ladies and gentlemen of the Senate, I'd like to speak a little bit about the motion that's in front of us, Ought Not to Pass. If we vote for the Ought Not to Pass here are the things we're going to be missing. We're going to miss this opportunity for most who qualify for work in low wage jobs where coverage is not offered or is too expensive, that's the group we're talking about. These are people who work in maintenance, agriculture, retail sales, food service. Others work as home health care workers or personal care attendants. Nearly 3,000 veterans would qualify, as would about 1,000 spouses of veterans. Thousands of uninsured Mainers who don't qualify for subsidies in the market place and others who have income just above the poverty level who can't afford both the cost of premiums and cost sharing would qualify for coverage under this plan. That's who we're talking about. If we accept this Ought Not to Pass report what we pass up is a plan that is different than any other state, any other policy, that has previously been put in front of us. The good Senator from Franklin County has done his research. It uses both Medicaid and private health insurance at the market place to provide coverage. People who qualify for coverage are expected to help pay something towards the premiums and the co-pays or they may lose coverage. That's different. People who are unemployed will be referred to the Department of Labor for help in

finding a job and this coverage sunsets in 2019 or if the federal government goes back on its word to cover most of this cost. That's like belts and suspenders. We've got two plans here; one if the feds back off and the second in the sunset.

What we will miss out on if we vote for this motion is help with our drug crisis. Like many other states, we could use federal funds to provide badly needed treatment services to help reduce addiction and decrease drug related crime. It also helps to reduce chronic disease like heart and lung. It makes sure people get their screenings, their cancer screenings, to prevent colorectal and breast cancer, screenings that help detect cancer when it's more curable and less expensive rather than waiting until you're in the ER in pain. These are actual figures. In Maine it is estimated that at least 3,000 good paying jobs would be created if we accept these federal funds and that over \$2 billion would be added to Maine's economy in the next five years. I truly believe expanding this coverage helps meet the healthcare needs of low income people in Maine. Fewer people will suffer from addiction and mental health disorders and fewer will die from cancer or chronic disease.

I'm going to add something very personal that came to me just recently from an internist in Westbrook, Maine. Yes, Westbrook is part of my district. It says, "Dear Senator Haskell. I'm a general internist in Westbrook, Maine. I'm a member of the American College of Physicians and I'm writing to ask for your support for the current legislation proposed to expand MaineCare. I'm of the belief that good healthcare should not be just a privilege of the wealthy. In fact, we all believe the same. Hospitals can't turn patients away, after all, so to me it makes no sense to turn away federal funding to help us expand quality preventative healthcare to our most vulnerable citizens. I live the daily frustration of trying to provide healthcare to those people in need lacking insurance. Patients' lives are at stake." It's signed by an internist in Westbrook, Maine.

I urge you to reject the Ought Not to Pass Report.

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

Senator **VOLK:** Thank you, Mr. President. Ladies and gentlemen of the Senate, I rise in support of the pending motion. Maine is already doing a lot of what is covered in this legislation. Is it perfect? No, but within the confines of the Affordable Care Act Maine is on far more stable ground than other states that have expanded Medicaid. The reason? Maine has experience. We all should learn from this experience. As the Senator from Androscoggin mentioned, Maine is an original expansion state when it expanded Medicaid eligibility in 2002. At the time it was projected that 11,000 new enrollees would benefit from the expansion. Within two years enrollments reached 25,000, far exceeding projections by 127%. This sent our state budget into a financial tailspin, unable to reimburse our hospitals for the unexpected volume of claims. How quickly we forget those newspaper headlines of continued budgetary shortfalls in DHHS. How quickly we forget the headlines of hospitals and healthcare practices laying off healthcare workers and closing down because they weren't being reimbursed. We seem to forget the economic instability caused by this original expansion.

Where is Maine today? According to the National Association of State Budget Officers report Medicaid expenditures, as a percent of total expenditures for fiscal year 2015, Maine is at 32.8% compared to the U.S. average of 27.4%.

Maine is tied for fourth in the total country. None of our New England state neighbors come close to Maine. This, before we even consider this legislation. It could be easy to argue that because Maine has experience we are better poised to more adequately project new enrollments. I'd caution, not so fast. In this rush to expand Medicaid the claims had not had a chance to catch up. I've listened to the debate. Free federal money. Job creation, which normally I would be all in favor for. Healthcare savings. It all sounds good. However it is one thing to not be able to forecast the number of people who enroll and it is yet another to forecast claims of these new enrollees. To adequately wrap your arms around the cost of claims you need time. We need data. There has not been enough time for the data to catch up.

Within our state, right here today, we have a very good indicator that we all should be paying attention to. This bill proposes a private option, so let's take a look at the state of our private option carriers available to Maine residents today. Shopping in the individual exchange, Maine offers three carriers; Community Health Options, Harvard Pilgrim, and Anthem. Community Health Options is the only PPO. The other two carriers are HMOs. Consumers looking for the largest network of providers prefer a PPO. Community Health Options has a greater than 80% share of the individual insurance market. Today in Maine a person who works just 30.25 hours a week at \$7.50 an hour is earning \$11,770 a year. That is 100% federal poverty. Because Maine didn't expand Medicaid, the federal market place makes private health insurance available at 100% federal poverty level. At this 100% federal poverty level a 57 year old female living in Cumberland County is able to purchase a health insurance plan for \$14.10 a month premium. Yes, \$14.10 a month. This premium represents 1.4% of her annual income. This plan has a deductible of \$250 a year with a maximum out of pocket of \$500. This is 4.2% of her annual income, already falling below the requirements that Section 2, Parts E and F require. Part F asks the department to pay directly to the healthcare providers and health insurance carriers amounts that exceed a premium 2% of income and out of pocket 5%. Stay with me. The plans available today are better than the requirements asked in this bill. Also worth noting, people up to 200% of federal poverty level also qualify for either free or discounted charity care in hospitals, so the hospitals become second payer and the consumer doesn't end up paying any deductible or co-insurance. Our fellow New England states, all of whom have expanded Medicaid, Vermont at 26.5%, Rhode Island at 28.9%, New Hampshire 29.9%, of total expenditures are all lower than Maine already. All of these states have had enrollments soar beyond expectations, causing budget shortfalls in the multiple millions.

In this debate too often we focus on the underserved. We forget who pays for this. We forget what this costs them. In this case I'm talking about the income earners who earn over 400% of federal poverty level. These are the people who are paying full price for their insurance. They are the ones who actually need health insurance because we forget. Insurance is for people who have assets to lose. They are the ones who need to protect their assets because, you know what, they are also the job creators. When job creators go down, we all lose. The ACA de incentivizes people from earning over 400% of federal poverty level. The ACA has created a cliff. Let me explain with a live Maine quote. A married couple aged 57 who earns \$62,000 a year, a pretty decent living, is at 400% of federal poverty level. That is the cut off for receiving a premium tax credit. At 400% of federal poverty

level they will pay just under \$600 a month for a \$2,500 deductible. That premium, by the way, is 10% of their annual income. If they earn \$1 over federal poverty level they will pay over \$1,100 a month in insurance premiums, which is 22% of their annual income. There's the cliff. Here's what they do. They work less to qualify for a premium tax credit or they go without and pay the price, a penalty of \$1,500, and open up the risk to financial devastation if, God forbid, they get cancer or have an accident, become bankrupt and join the Medicaid ranks. Is this what we want to tell our high income earners to do, or our middle class? Who would ever think that when you retire at age 65, and go on Medicare, our senior citizens would also encounter a cliff. It has happened. At age 64 someone who earns \$20,700 a year, today this person can purchase health insurance through the exchange and pay 9¢ a month. They have a \$6,500 maximum out of pocket plan that includes the cost of their prescription medications. Here's what happens when that same person turns 65 and enrolls in Medicare. Their premium goes from 9¢ a month to \$105 a month. If they enroll in the Medicare Advantage plan their maximum out of pocket for their health will be \$670. They have a separate maximum out of pocket for their meds at almost \$4,900. We have robbed Peter to pay Paul. To fund the ACA \$716 billion was taken out of Medicare to pay for the ACA.

It is time to slow this freight train that is running down the track towards financial disaster and economic collapse. It is irresponsible to move towards a private option in Maine when the key player in the private insurance market in Maine is already on unstable ground and when we face a changing Administration that may not honor the promises of the current White House. Past experience is staring us straight in the face. What are we thinking? Please support the pending motion.

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

Senator **DIAMOND:** Thank you, Mr. President. Ladies and gentlemen of the Senate, this issue has been around for years. I think it's one of those issues where many people have drawn a conclusion or close to it and this issue really illustrates the profound differences between philosophies and ideologies, but I think we have to be careful, we have to be sure that we respect both sides. There are no bad guys here. Just briefly, Mr. President, I would like to just gently pass through those sincere differences that people have pretty much come to and ask for your consideration for one point, one point that affects all of us. You know the difference between jail and prison, sometimes we don't make those distinctions, but a jail is a place where 90% of the people haven't been convicted and a prison 100% have been convicted. We need to know there's that kind of a difference, but one thing they have in common and that is they have become mental health institutions. If you talk with any sheriff in this state he or she will tell you that, unlike what it should be, their jails have become mental health institutions. They know that nearly 100% of the cost of jails is paid by county property taxes. Prisons as well, as I say, have become just that, mental health institutions. This is a serious, serious problem and it's a serious burden on all of us, but we have a responsibility to treat people with mental illness and unfortunately that's where they end up, jails and prisons. L.D. 633, the motion Ought Not to Pass, will not allow L.D. 633 to do what we really want it to do and that is to provide federal funds for that assistance. Instead of property taxpayers paying for that cost in the jail, and instead of all taxpayers paying

the cost through the General Fund which collects our taxes, we can do like other states have already done, Ohio, Kentucky, Illinois, Washington, and on and on and on. Maine can be relieved of this burden. It's a serious burden. If you've run a prison, if you've worked in a prison through law enforcement, you've run a jail, please think about this. You know more about this than the rest of us. This is a chance for us to deal with this issue, deal with the drug issue, deal with mental health issues, and I would ask you to consider that and vote against the Ought Not to Pass. Thank you, Mr. President.

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

Senator **SAVIELLO:** Thank you, Mr. President. Ladies and gentlemen of the Senate, before I go to my prepared remarks I'd like address a few of the things that were said a minute ago. First thing in my question to the Floor is how many have pulled out of the 31 states that have gone into Medicaid, to the expansion program? The answer is zero. The second thing we heard, a litany of costs. Let me give you a litany of savings. Maryland \$8.2 million savings. West Virginia \$3.8. Washington State \$6.8. Arkansas \$15.2. Washington State \$11.5 and \$35 million. Kentucky \$1.7. By the way, Kentucky, let me point out that Kentucky, that the Governor of Kentucky, ran against Medicaid expansion, ran against it. Only after being elected on December 31st, recognizing the savings that he had incurred in his state, decided he best save that program and working with that. I've had the honor and privilege to talk to that individual who's actually made some suggestions in the proposal you have in front of you. Let me also address Arkansas. The good Senator is absolutely right. Right now the new Governor is a little frustrated because he's going back to CMS asking for more changes in the program that he already has established. We've already incorporated those into our savings. Let me continue. Arkansas \$17.1 million savings. California \$250 million savings. Colorado \$136.7. Maryland \$50 million.

Let me continue. I know we've had some conversation that we've already expanded before. Perhaps that's to our advantage. I was here in 2002, as were some of us that sit in this Body, and I remember the turmoil we were in about health insurance. I remember we created this program called Dirigo Health. I voted for it once, but not after that. The payment system we had to the hospitals was flawed. We didn't realize that we had differential in payment. We tried to act on a problem but it didn't work. The reason this one works is because we have that past experience. In fact, what I find really interesting is we both apparently agree right now, between DHHS and the fiscal note, that we're talking about 78,000 people. We seem to have some agreement on that number, at least in our fiscal note as well as theirs. By the way, speaking of the fiscal note, ours is put together by our own office, which is a non-partisan office. I won't go into the details, how it was inflated, but I'll give you one example. In 2017 there will probably be only a half a year financed. In the DHHS report they treated it as if it were financed the whole year.

Let me go on to a couple of other things. There is some concern that, in fact, a new President will change the plan. Well, I can't imagine those 31 states with Senators from each one of those states that have expanded being told, "I'm sorry, we're cutting you off." I have difficulty with that. I don't think it will happen. Let me also talk, because I think the good Senator from Scarborough brings up the fact that those people that are in the

100% to 138% can, in fact, buy insurance. Exactly. In fact that was the criticism that the good Senator from Augusta and I received years ago, that they can buy that policy. That's why we created the opportunity to buy private insurance, buy that insurance option now, and put that in there. I can't deal with the 400%. That's not within my bailiwick of changes. That's something that has to be done in Washington. I totally agree with the concerns around that, however let's not forget that because of the Supreme Court decision those below 100% have to pay the full boat.

Able bodied workers, I don't know what that is. I don't know what an able bodied worker is. You don't know what's wrong with me when you look at me. You don't know if I have a mental health problem. I'm able bodied, I appear that way, but you don't know what's going on inside me. That definition and description is very frustrating to me, personally. Let me also add to you that, yes, you are right. In fact my opening to my speech talks about insanity and I've been accused of that because this will be five times, or the sixth time, we've put it here. Let me say the majority of this Legislature passed it most of the time. It was vetoed.

Let me now go to my own personal preparation for this because, as many of you know, I've worked on this for quite a while, trying to understand this. Today I'm asking you to defeat this motion and I want to try to keep it that way because that is, in fact, the motion that's in front of us, and allow the healthcare expansion bill to go forward. Why, you ask. Some call my mission insanity because this, in fact, is the same thing over again, repeating over and over again, past mistakes. I'm asking you to veto this motion, or stop this motion, because it stops, in my mind, the insanity. There are five issues that will be stopped in its tracks if you support this motion. You will say no to our dollars coming back to the state to help the less fortunate and working poor. You will be saying no to the businesses first axiom, and I slightly modify it, which is making money on our own money. You will be saying no to the millions of dollars to help the drug addicted get treatment. You will be saying no to mental health care. You will be saying no to preventative medicine. Let me explain the nos. Addiction, voting this motion will reaffirm the real insanity which was just discussed for not taking the funds. You will be reinforcing the jails as our hospitals. You will be reaffirming the use of our law enforcement personnel as our doctors and nurses in the treatment of heroin addiction. You will now allow the Hope Programs, the heroin opiate prevention and education programs, you will allow them to flounder in my towns of Wilton, Farmington, and Jay and the town of Scarborough. Right now they depend on the charity of other states. Let me read what came off the post site for the Scarborough Police Department. "We want to keep helping people who suffer from substance use disorder, but we also want to be honest with people," said the Scarborough police chief, "We want them to understand the reality and severity of this situation. Absent of access to treatment programs, it is likely that there will be times when we have no help to offer." According to this chief, two-thirds of the program participants lack the health coverage or the financial resources that would allow them to obtain treatment on their own. He continues to say, "Hope is providing lifesaving treatment in the midst of Maine's heroin opiate crisis. Many of these people are desperate. They are at their wits end and believe without help they are destined to die. Unfortunately, we currently have limited access to free treatment." Let me continue. Voting on this motion will provide one simple choice for those who have been arrested for crimes to support their addiction. That

choice will be to repeat, repeat, and repeat. That is the real insanity. The Police Chief in Portland said in a recent forum, "I'm standing here as the Chief of the largest municipality in the state of Maine telling you that we cannot arrest our way out of this problem. It's not going to happen. As a warrior in the war on drugs, I am an agent of the Maine Drug Enforcement. I ran the Cumberland County Task Force for drug enforcement. I am telling you we cannot arrest our way out of this problem." Joel Merry, many of you have met him, the Sagadahoc County Sheriff said, "We know that treatment saves lives and health coverage is important in accessing treatment. We see coverage as a vital community-wide benefit that can prevent crime, violence, and suffering, saving our criminal justice system resources, time, and money." Voting to support the pending motion will ignore the indorsement for the amended L.D. 633 of the Maine Police Chiefs and the Maine Sheriff's Association.

Mental health, in a recent publication entitled *Benefits of Medicaid Expansion for Behavioral Health* in its summary it says across the country, state and local, are increasingly focusing on improving health outcomes for people living with mental health illness or substance disorders. This brief analyses national data and Maine data on behavioral health reviews and publishes this information on how the Medicaid expansion under the Affordable Care Act advances the goal of improving treatment for the people with behavioral health needs and its key findings are as follows: one, many of those who can benefit from Medicaid expansion have behavioral health needs. Two, the states that have not yet expanded Medicaid expansion will provide considerable benefits for those individuals with mental health needs in their communities. Three, access to appropriate treatment results in better outcomes. Four, states that choose to expand Medicaid may achieve significant improvement in their behavioral health programs without incurring new costs. What does it mean for Maine? This report estimates that about 26% of our full population has some mental health disorder and 30% of the uninsured have the same kinds of disorders. That's 225,000 Mainers and 35,000 uninsured individuals. If you put that forward, how many of them are seeking treatment? Well, 24% of the full population with only 13% of the insured. This report estimates that 4,000 of our fellow Mainers can get mental health care if expansion is complete. When I met with the police chiefs in Portland, and drove down in a snowstorm to lay out my plan for them, which they voted almost unanimously, one dissenting vote, they reminded me that public mental health issues are things that they face every day, including the addiction issues we have in the state of Maine. Governor John Kasich, Republican Ohio, said it best. "It's the money we send from our state of Ohio to Washington that I was able to bring back to help the mentally ill get on their feet."

Preventative care, it will all be lost if you support this pending motion. Providing hard working low income Maine residents access to adequate and affordable healthcare is one of the most effective ways to prevent and detect, and I use cancer in this example, early. Treat cancer effectively and bolster the quality of life of patients undergoing cancer treatments. Increasing access to coverage from L.D. 633 will provide more Mainers with regular access to primary care and preventative services such as tobacco cessation, nutritional counseling, PAP smears, mammograms, and colorectal cancer screening, improving the likelihood that cancer will be prevented or detected early in a more curable and less expensive stage. Looking a little bit further, uninsured individuals are more likely to have their cancer detected at late

stages when cancer treatments are more costly and less effective. If these are the uninsured, we are paying for them in the hospitals. Uninsured women diagnosed with breast cancer are three times more likely to have late stage diagnosis than women enrolled in private health insurance. For cancer patients, there is evidence that individuals who enroll in Medicaid prior to their diagnosis have a better survival rate than those who enroll after the diagnosis. Americans are up to three times more likely to receive preventative care for potential fatal chronic diseases if they have health insurance. After to increasing access to Medicaid, Kentucky saw significant improvement of the use of preventative care. In the state's fiscal year 2014 compared to 2013, breast cancer screenings increased by 111%. Cervical cancer screenings by 88%. Colon cancer screenings by 108%. Physical exams increased by 187%. Preventative medicine. In Maine 64.6% of all women age 40 to 64 have had a mammogram in the past year. That is compared with 34% of uninsured women. Accepting the federal dollars, already set aside, and covering hard working low income residents will improve the health of Mainers, benefit our state economy, and reduce cancer incidents. All of us have a story about a family member, a friend, or acquaintance who had a chronic deadly health condition discovered before it became a real problem. I'm an example. When I was 42, just yesterday, I didn't feel well and went to my doctor. He wasn't sure whether something was wrong or not. He said, "You know, I'm just going to check you out. I want to do a colonoscopy." I had insurance, no brainer. At 42 what could be wrong. I want to tell you, I was so fortunate because they found three large polyps in my large intestine, two of them had cancer on the tip of them. Had I not gone to the doctor at the time I did, and he told me for a 42 year old man to show up to have a colonoscopy is extremely unusual, extremely unusual. In most cases they wait. Somebody without insurance will wait and wait and wait and then the diagnosis for me would have been a blockage, a resection, and probably chemotherapy. We all know, and we recently met with a young man who, believe it or not, had breast cancer. He noticed a bump on his chest. He thought it was a mosquito bite. When he went, he had insurance and he thought he'd get it checked. Sure enough, he had breast cancer. While he was doing his treatments there were three other women there who were diagnosed late. I don't think their outcome was as positive as his. What about the working poor who have no insurance? What about the gas station owner who's trying to run that service station as best he can and doesn't buy health insurance for himself? He might buy it for his family. He's diagnosed now with colorectal cancer or some other cancer. What happens to his station? You can answer that question.

Even Chris Christie recognizes that emergency room care will continue to be expensive, potentially over used. I won't doubt that probably in the beginning, if we implement this program, it will increase because people will say, "I have insurance, I can do something." That gives us the chance to grab onto them and get them into a healthcare program. Chris Christie said, "I expanded Medicaid because it was the right thing for New Jersey. In expanding Medicaid we actually made money in New Jersey, lowered our costs in the emergency rooms across the state." Voting to support this motion will lose this preventative care program.

Financial, our neighbors, New Hampshire, they actually accepted this program a couple of years ago and just recently reauthorized it to continue. Senator Jeb Bradley, New Hampshire State Majority Leader, Republican, he said, "Without Medicaid

expansion health outcomes will be poor and we will still pay for the cost of uninsured. A stealth tax is still attached, not only harms the working families, it is also a tax on New Hampshire's employers and jobs." Governor Rich Schneider, Republican from Michigan, "This makes sense for the physical and fiscal health of Michigan. Expansion will create more access to primary care providers, reduce the burden on hospitals, small businesses, and save precious dollars."

At the end of the day the state costs pale compared to the federal funds that we will receive. Based on the fiscal note, we have \$13 million cost in the first year, first half of 2017 will be matched with \$222 million of federal funds. Yes, it will go up in the following years because we do have a reduction from the 100% to eventually 90%, meaning that we will receive \$30 million and \$45 million, according to our fiscal note, not ours OFPR. That will bring in \$469 million. The federal funding match is high and will continue at the rate of a 9 to 1 after 2020. Now let me put that into perspective, this is a better return than other investments the State's made. Transportation bonds 1.5 to 1. Waste water treatment federal match is about 4.5 to 1. Port improvement is 2 to 1. If we look at the drug epidemic costs, based on, I think, a publication that you now have on your desk, is drug control efforts \$114 million. State corrections \$44 million. County corrections \$23 million. Drug arrests \$21. Other drug arrests \$11. Legal costs for drug offenses \$9 million. Legal costs for other drug arrests. This amounts to about \$200 million. One report that I saw says that we potentially, by expanding and helping these individuals that have drug problems, can reduce our costs by 30%, that's \$16 million in a year.

This morning, or this afternoon, when my good President pointed out to me and asked me, "What does this really cost per individual?" I did the math. Just so you know, the policy, if I use DHHS' number, is about \$6,875. That means for these individuals we'd be paying about \$57 a month. If they pay their premium, which they have to pay because if they don't they're no longer part of the program, it's costing to get the coverage for that individual \$35 a month. To me that's worth it. I have had the privilege and opportunity to work with the Franklin Memorial Hospital Chairman of the Board, Clint Boothby. Some of you know Clint. Clint's been involved in some law court cases recently. He wrote this letter, and it will be published tomorrow in the Lewiston Sun. "I am currently the Chair of the Franklin County Community Health Network and Franklin Memorial Hospital. I'm writing to you today not in my official capacity but as a Mainer with deep seated concern for the future healthcare in rural Maine, especially our rural hospitals. Franklin is one of those hospitals usually impacted by Obama Care and specifically by the changes to the reimbursement to rural hospitals. Combining that impact with a reduction in the number of young adults covered by MaineCare, the impact on our hospitals and many others is devastating. As a Republican," he goes on to say, "and fiscally conservative individual, it's fairly fair to say I generally side with the Governor and oppose MaineCare expansion, looking ahead to the potential cost. However," he says, "recently I spent some time with Senator Saviello in an effort to understand this bill now pending before the Legislature. After reviewing his numbers and reading a number of analysis and articles from other states that have moved in a similar direction, I am persuaded this bill is different and would clearly be beneficial to the health of Maine people and downstream to the healthcare systems that care for them. We are paying money out of state that is going to support the national system and Medicaid

expansion in other states. The money's not coming back here and that is hurting the hospitals in our back yard." Remember, I'm reading from Clint Boothby's letter. "Preventative care for young people and young families makes an enormous difference in the long term cost of care. Medicaid expansion has a clear and immediate impact on accessibility for young people. As a fiscal conservative," he says, "I applaud Governor LePage's unprecedented efforts to check the welfare of the state, to create personal responsibility and give people back their dignity. The path from dependency is independence. It can't end at a cliff. It's a gradual path. The cost of health insurance is staggering and many small employers simply cannot provide better. We have folks working, even at minimum wage, and getting some help, including healthcare, through MaineCare, than not working at all. A healthy populous in a work force is critical to our success. This bill is a step in that direction. I encourage you," he says, "to look beyond the political barriers that have been created around this issue. Look hard at the numbers and the people in your district and I respectfully request your support for the bill." Governor John Kasich, as I close this out, said it best. "When you die and you get into the meeting with Saint Peter he's probably not going to ask you much about what you did about keeping government small. He's going to ask you what you did for the poor. You'd better have a good answer." I ask you to vote no on this pending motion so we can treat the addicted, provide mental health counseling, and get preventative medical attention accessibility to all. Thank you very much, Mr. President.

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

Senator **HASKELL:** Thank you very much, Mr. President. Ladies and gentlemen of the Senate, I'd like to read you a brief list of the organization that will be disappointed if we vote for this Ought Not to Pass. These are the institutions who are supporting this: the Police Chief's Association, the Sheriff's Association, the Maine Primary Care Association, the Maine Medical Association, the Maine Hospital Association, hundreds of other healthcare and social service organizations that you would expect, but these hospitals in particular, along with the community health centers across the state, support accepting these federal funds in an effort to keep their doors open, especially in the rural areas of the state. Please reject this motion. Thank you.

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

Senator **VOLK:** Thank you, Mr. President. I wish to pose a question through the Chair.

THE PRESIDENT: The Senator may pose her question.

Senator **VOLK:** Thank you, Mr. President. How much money does the State of Maine send to the federal government versus how much money we receive back from the federal government?

THE PRESIDENT: The Senator from Cumberland, Senator Volk poses a question through the Chair to anyone who may wish to answer. The Chair recognizes the Senator from Cumberland, Senator Haskell.

Senator **HASKELL**: Thank you very much, Mr. President. Ladies and gentlemen of the Senate, I think that numbers are probably all over the place. However, when I look at the fiscal note that was prepared by our OFPR, they indicate, and I'll quote, "The review supports a reasonable expectation of greater than \$20 million in savings annually with the full implementation of this expansion." Thank you.

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

Senator **SAVIELLO**: Thank you, Mr. President. Let me remind everybody that we also pay a tax on our health insurance, a tax on medical devices, and the most important cost that's taking place here is in our hospitals in the reduction of Medicare. Which was well pointed out by my colleague, the expectation, the differentiation, in this price reduction was going to be made up by expansion.

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

Senator **BRAKEY**: Thank you, Mr. President. I just did a quick Google search to find an answer to that question. I don't have an exact number but according to Key Policy Data.com we are the seventh highest receiver of funds from the federal government, receiving \$1.39 for every dollar we paid to Uncle Sam. You're welcome.

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

Senator **SAVIELLO**: Thank you, Mr. President. I appreciate the good information by my good friend. Let me say this to you, if we could put a dollar on a dime, every dollar, that we sent out of state related to Medicaid expansion and looked at those dollars coming back in in that 1.3, we wouldn't find very many of them. Thank you very much, Mr. President.

THE PRESIDENT: The pending question before the Senate is the motion by the Senator from Androscoggin, Senator Brakey to Accept the Minority Ought Not to Pass 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 (#665)

YEAS: Senators: BAKER, BRAKEY, BURNS, COLLINS, CUSHING, CYRWAY, DAVIS, EDGECOMB, HAMPER, LANGLEY, MASON, MCCORMICK, ROSEN, VOLK, WHITTEMORE, WILLETTE, THE PRESIDENT - MICHAEL D. THIBODEAU

NAYS: Senators: ALFOND, BREEN, DESCHAMBAULT, DIAMOND, DILL, GERZOFKY, GRATWICK, HASKELL, HILL, JOHNSON, KATZ, LIBBY, MILLETT, MIRAMANT, PATRICK, SAVIELLO, VALENTINO, WOODSOME

17 Senators having voted in the affirmative and 18 Senators having voted in the negative, the motion by Senator **BRAKEY** of Androscoggin to **ACCEPT** the Minority **OUGHT NOT TO PASS** Report **FAILED**.

The Majority **OUGHT TO PASS AS AMENDED** Report **ACCEPTED**.

READ ONCE.

Committee Amendment "A" (S-487) **READ** and **ADOPTED**.

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

Sent down for concurrence.

Senate at Ease.

Senate called to order by the President.

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

Emergency Measure

An Act To Amend Maine's Motor Vehicle Laws
S.P. 581 L.D. 1483
(H "A" H-537 to C "A" S-367)

Placed on the Special Appropriations Table - March 15, 2016, by Senator **HAMPER** of Oxford

Pending - **ENACTMENT**, in concurrence

(In Senate, March 9, 2016, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-367) AS AMENDED BY HOUSE AMENDMENT "A" (H-537)** thereto.)

(In House, March 10, 2016, **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-367) AS AMENDED BY HOUSE AMENDMENT "A" (H-537)** 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-367) as Amended by House Amendment "A" (H-537), 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-537) to Committee Amendment "A" (S-367), in concurrence.

On further motion by same Senator, House Amendment "A" (H-537) to Committee Amendment "A" (S-367) **INDEFINITELY POSTPONED.**

On further motion by same Senator, Senate Amendment "A" (S-512) to Committee Amendment "A" (S-367) **READ and ADOPTED.**

Committee Amendment "A" (S-367) as Amended by Senate Amendment "A" (S-512) thereto, **ADOPTED**, in **NON-CONCURRENCE.**

PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-367) AS AMENDED BY SENATE AMENDMENT "A" (S-512) thereto, in NON-CONCURRENCE.

Ordered sent down forthwith for concurrence.

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

An Act To Reduce Morbidity And Mortality Related To Injected Drugs

H.P. 1057 L.D. 1552
(C "A" H-559)

Placed on the Special Appropriations Table - March 22, 2016, by Senator **HAMPER** of Oxford

Pending - **ENACTMENT**, in concurrence

(In Senate, March 16, 2016, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-559)**, in concurrence.)

(In House, March 17, 2016, **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-559)**, in concurrence.

On further motion by same Senator, Senate Amendment "A" (S-513) **READ and ADOPTED.**

PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-559) AND SENATE AMENDMENT "A" (S-513), in NON-CONCURRENCE.

Sent down for concurrence.

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

An Act To Improve The Workers' Compensation System
S.P. 608 L.D. 1553
(C "A" S-399)

Placed on the Special Appropriations Table- March 24, 2016, by Senator **HAMPER** of Oxford

Pending - **ENACTMENT**, in concurrence

(In Senate, March 17, 2016, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-399).**)

(In House, March 23, 2016, **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.

Ordered sent down forthwith.

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

An Act To Implement The Recommendations Of The Criminal Law Advisory Commission Relative To The Maine Criminal Code And Related Statutes

H.P. 1094 L.D. 1603
(C "A" H-566)

Placed on the Special Appropriations Table - March 24, 2016, by Senator **HAMPER** of Oxford

Pending - **ENACTMENT**, in concurrence

(In Senate, March 22, 2016, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-566)**, in concurrence.)

(In House, March 23, 2016, **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.

Ordered sent down forthwith.

ROLL CALL (#666)

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

An Act To Attract Investment To Loring Commerce Centre
H.P. 1141 L.D. 1670
(C "A" H-634)

Placed on the Special Appropriations Table - April 8, 2016, by Senator **HAMPER** of Oxford

Pending - **ENACTMENT**, in concurrence

(In Senate, April 6, 2016, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-634)**, in concurrence.)

(In House, April 7, 2016, **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.

Ordered sent down forthwith.

YEAS: Senators: ALFOND, BAKER, BREEN, BURNS, COLLINS, CUSHING, CYRWAY, DAVIS, DESCHAMBAULT, DIAMOND, DILL, EDGECOMB, GRATWICK, HAMPER, HILL, KATZ, LANGLEY, LIBBY, MASON, MCCORMICK, MILLETT, MIRAMANT, PATRICK, ROSEN, VOLK, WHITTEMORE, WILLETTE, WOODSOME, THE PRESIDENT - MICHAEL D. THIBODEAU

NAYS: Senators: BRAKEY, GERZOFSKY, HASKELL, JOHNSON, VALENTINO

EXCUSED: Senator: SAVIELLO

29 Senators having voted in the affirmative and 5 Senators having voted in the negative, with 1 Senator being excused, 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.

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

An Act To Increase Penalties For The Use Of Violence Against Firefighters
S.P. 692 L.D. 1683
(C "A" S-472)

Placed on the Special Appropriations Table - April 8, 2016, by Senator **HAMPER** of Oxford

Pending - **ENACTMENT**, in concurrence

(In Senate, April 6, 2016, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-472).**)

(In House, April 7, 2016, **PASSED TO BE ENACTED.**)

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

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

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 Reduce the Liability of Maine Taxpayers by Aligning Maine's Welfare Programs with Federal Law"

H.P. 1107 L.D. 1631

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-651).**

Signed:

Senator:
HASKELL of Cumberland

Representatives:
GATTINE of Westbrook
BURSTEIN of Lincolnville
HAMANN of South Portland
HYMANSON of York
PETERSON of Rumford
STUCKEY of Portland

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "B" (H-652).**

Signed:

Senators:

BRAKEY of Androscoggin
McCORMICK of Kennebec

Representatives:

HEAD of Bethel
MALABY of Hancock
SANDERSON of Chelsea
VACHON of Scarborough

Comes from the House with the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-651)** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-651)**.

Reports **READ**.

On motion by Senator **BRAKEY** of Androscoggin, the Minority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "B" (H-652)** Report **ACCEPTED**, in **NON-CONCURRENCE**.

READ ONCE.

Committee Amendment "B" (H-652) **READ** and **ADOPTED**.

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (H-652)**, in **NON-CONCURRENCE**.

Sent down for concurrence.

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 Reform Welfare by Establishing Bridges to Sustainable Employment"

H.P. 868 L.D. 1268

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-650)**.

Signed:

Senator:

HASKELL of Cumberland

Representatives:

GATTINE of Westbrook
BURSTEIN of Lincolnville
HAMANN of South Portland
HYMANSON of York
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:

Senators:

BRAKEY of Androscoggin
McCORMICK of Kennebec

Representatives:

HEAD of Bethel
MALABY of Hancock
SANDERSON of Chelsea
VACHON 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-650)**.

Reports **READ**.

On motion by Senator **BRAKEY** of Androscoggin, the Minority **OUGHT NOT TO PASS** Report **ACCEPTED**, in **NON-CONCURRENCE**.

Sent down for concurrence.

Off Record Remarks

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

On motion by Senator **HAMPER** of Oxford, **ADJOURNED** until Wednesday, April 13, 2016, at 10:00 in the morning, in memory of and lasting tribute to Naomi Hamper of Sun City West, Arizona.