

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

In Senate Chamber
Monday
April 14, 2014

Pledge of Allegiance led by Senator Michael D. Thibodeau of
Waldo County.

Reading of the Journal of Friday, April 11, 2014.

Doctor of the day, Mary Casey Murphy, MD of South Portland.

Senate called to order by President Pro Tem Margaret M. Craven
of Androscoggin County.

Prayer by Reverend Larry Zimmerman, Cherryfield
Congregational Church in Holden.

Off Record Remarks

REVEREND ZIMMERMAN: Madame President, members of the Senate, and guests, I bring you greetings from the blueberry capital of the world. On this day we stand at the beginning of Holy Week for Christians and Passover for Jews. It is a week in which we recognize the hand of our Creator in the lives of people, not just the aforementioned but all people regardless of whatever name they choose to call their creator. It is with great honor that I bring you this reflection and prayer. We live in an age where we have become quite accustomed to being watched. Retailers have cameras that can watch our every move as we shop in their stores. Boston will spend many dollars to protect next Monday's running of the Boston Marathon by positioning cameras throughout the running route. Perhaps some of you have cameras watching your homes while you are away. You are being watched as well. We see many of you on the evening news. Your words and actions are displayed for all to see because what you say and do affects all of us presently and will have impact on future generations as well; but greater than this, we're always under the watchful eye of our Creator. The Psalmist proclaims, "Thou has seen, O Lord, be not silent." I have great respect for the weight of all the issues and challenges that this Chamber must deal with. May God's hand guide and strengthen you and give you wisdom to do your work. In the words of Hebrews 12:28, "Let us offer to God acceptable service, with reverence and awe." Let us be in the spirit of prayer.

God of the universe, we give You thanks for giving us another day. You have promised to be with all people wherever they are, whatever their need. We reach out in prayer for all the people of the great and wonderful state of Maine whose lives are impacted by the actions of this Body. We especially pray for those who are in sincere need: the homeless, the poor, those anxious about the future, those who are ill, and many of our veterans who have served our nation with valor and courage. Bless the members of this distinguished Chamber. Inspire them as representatives of the people of Maine to labor for justice, righteousness, and the good of all. May Your will be done here above party and personality, beyond time and circumstance. For all the riches of our human experience, O God, we give You thanks. Make us aware of our responsibilities as stewards of Your divine gifts and empower us with Your grace to faithfully and earnestly use our talents in ways that bring understanding to our communities and our state. May all we do be done for Your greater honor and glory. Amen.

PAPERS FROM THE HOUSE

Joint Resolutions

The following Joint Resolution:

H.P. 1346

**JOINT RESOLUTION RECOGNIZING
PARKINSON'S DISEASE AWARENESS MONTH**

WHEREAS, Parkinson's disease is a potentially devastating and immobilizing progressive disorder of the brain and spinal cord that causes paralysis, tremor, depression and isolation and is unpredictable in its outcome; and

WHEREAS, Parkinson's disease is estimated to occur in approximately 7,000 adults and in an unknown number of children in the State, and numerous care providers in the State shoulder the responsibility of caring for those affected; and

WHEREAS, in a typical week, a Parkinson's disease patient requires an estimated 7 care providers, making the number of people directly touched each week in the State by Parkinson's disease close to 50,000; and

WHEREAS, Parkinson's disease symptoms are neither clearly understood nor exactly quantifiable by either the medical community or the general public, which creates distress and danger in the lives of Parkinson's disease patients, especially those arriving at emergency rooms in the State's hospitals; and

WHEREAS, upon arrival at an emergency room, a Parkinson's disease patient is often treated by medical personnel who are untrained in treating this disease, which causes inaccurate health assessments and leads to the use of inappropriate medications that may exacerbate the symptoms; and

WHEREAS, there are only two movement disorder neurologists in this State who specialize in Parkinson's disease, one in Scarborough and one in Westbrook, which makes access limited for prospective patients, and beyond these two physicians, there are insufficient treatments and no trained personnel at any level in the State; and

WHEREAS, in order to save lives, there is an urgent need to establish and fund a plan regarding Parkinson's disease to train and educate emergency room personnel, law enforcement personnel, firefighters, other public safety workers, emergency medical services' personnel, boat and shipping captains, directors of transportation and supervisors of state parks and recreational areas; and

WHEREAS, there is a network of 15 Parkinson's disease support groups statewide, located in Augusta, Waterville, Greater Bangor, Biddeford, the Blue Hill area, Bath, Brunswick, Cape Elizabeth, Camden, Falmouth, Greater Portland, Lewiston, Norway, Yarmouth and York, and 2 other groups, a younger onset group in Brunswick and a Parkinson's Plus group in South Portland; and

WHEREAS, the Maine Parkinson Society has a central resource at the Maine Medical Center campus in Falmouth, with satellite resources in all MaineHealth Learning Resource Center locations, including Norway, Scarborough, Falmouth, Portland and Maine Medical Center's East Tower; and

WHEREAS, April 11th is known globally as World Parkinson's Day, which is celebrated on Dr. James Parkinson's birthday, and April is Parkinson's Disease Awareness Month; now, therefore, be it

RESOLVED: That We, the Members of the One Hundred and Twenty-sixth Legislature now assembled in the Second Regular Session, on behalf of the people we represent, take this opportunity to express our support for and commitment to all efforts being made by the Parkinson's disease community to close the gaps in funding, services, training, education and care that currently exist; and be it further

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the Maine Parkinson Society and the University of New England's College of Osteopathic Medicine.

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

READ.

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

Senator **GRATWICK:** Thank you very much Madame President. Ladies and gentlemen of the Senate, I wish to speak just very briefly about three Resolutions that are before us today having to do with healthcare related issues, the first being Parkinson's, the second having to do with a hereditary congenital problem related to stomachs, and the third having to do with pancreatic cancer. The theme of all these is our recognition, as legislators, of really the randomness and the frailty of our human lives and what we can do here in the Legislature to make sure that we do our very best for our fellow human beings. There is a randomness to illness that is indeed striking. These illnesses do not affect you because of your race, creed, color, or religion, your IQ, your social or economic status. These are things that can affect us all and, indeed, the one we talk about here, Parkinson's Disease, I

have to say it has had a major impact in my family and there are others in this Chamber on who it has had an equal effect. These illnesses all do away with our preconceptions about illness. These are not illnesses that people bring on to themselves through habits. This is the very nature of life and has nothing to do with our ideology, with our purity of spirit. This is the reason we are human beings. This is a significant reason I am here in the Chamber to try and bring better care to these people. Parkinson's Disease, as I suspect you are aware, is a disease that causes you to be unable to move easily. That is people freeze up. They simply cannot move. Second, there are many other manifestations of it, but it is also associated with a kind of dementia, losing your mind slowly, and it affects all sorts of people. My initial acquaintanceship with this came in medical school. When you are first starting off in medical school you're assigned patients and I was assigned a patient, a very eminent physician whose name appears on lots of different diseases, with Parkinson's. This was a man who in the 40s, 50s, and 60s had been an eminent researcher. He was locked in himself on a backboard. He was really trapped. Here was this incredible mind in a body that didn't move anymore and going through that was one of the very sobering aspects of my initial medical career, realizing there but for the grace of God go we all. It's a very telling experience. This bill before us today, as do the other two that follow, have to do with, one, increasing awareness, because I think we have to be aware of all these illnesses. They are here. We have to be compassionate. We have to know them, recognize them when they come. Second, the research and the funding, which I think is essential if we're going to allow us to live our lives fully for as long as God will have us live without these illnesses. It's been a pleasure to speak to Parkinson's Disease, but also the other ones that will be later, the one with pancreatic cancer as well as to the diaphragmatic hernia. Thank you, Madame President.

ADOPTED, in concurrence.

The following Joint Resolution:

H.P. 1347

**JOINT RESOLUTION TO RECOGNIZE
APRIL AS NATIONAL CONGENITAL
DIAPHRAGMATIC HERNIA
AWARENESS MONTH AND
APRIL 19TH AS CDH AWARENESS DAY**

WHEREAS, congenital diaphragmatic hernia occurs when the diaphragm fails to fully form, allowing abdominal organs to migrate into the chest cavity and prevent lung growth, causing underdeveloped lungs and poor pulmonary function; and

WHEREAS, the federal Centers for Disease Control and Prevention defines congenital diaphragmatic hernia as a birth defect, the cause of which is unknown, and congenital diaphragmatic hernia occurs in one of every 2,500 births, affects approximately 1,600 babies each year in the United States and has affected more than 600,000 babies throughout the world since 2000; and

WHEREAS, congenital diaphragmatic hernia patients often endure long-term complications, including pulmonary hypertension, pulmonary hypoplasia, asthma, gastrointestinal reflex, feeding disorders and developmental delays; and

WHEREAS, congenital diaphragmatic hernia survivors sometimes endure long-term mechanical ventilation dependency, skeletal malformations, supplemental oxygen dependency, enteral and parenteral nutrition and hypoxic brain injury; and

WHEREAS, congenital diaphragmatic hernia patients have a survival rate ranging from 62 percent to 90 percent; and

WHEREAS, babies born with congenital diaphragmatic hernia endure extended hospital stays in intensive care with multiple surgeries and congenital diaphragmatic hernia is as common a birth defect as spina bifida and cystic fibrosis; and

WHEREAS, congenital diaphragmatic hernia is treated through mechanical ventilation, heart and lung bypass machines and surgical repair; and

WHEREAS, patients often outgrow congenital diaphragmatic hernia surgical repair, leading to reherniation and requiring additional surgery; and

WHEREAS, the occurrence of congenital diaphragmatic hernia does not discriminate based on race, gender or socioeconomic status and is diagnosed in utero in only 75 percent of cases; and

WHEREAS, the average hospital bill for a congenital diaphragmatic hernia patient is \$500,000 and the total annual cost of medical care for children with congenital diaphragmatic hernia in the United States is more than \$800,000,000; and

WHEREAS, the month of April has been designated as National Congenital Diaphragmatic Hernia Awareness Month and April 19th is designated as CDH Awareness Day; now, therefore, be it

RESOLVED: That We, the Members of the One Hundred and Twenty-sixth Legislature now assembled in the Second Regular Session, on behalf of the people we represent, take this opportunity to recognize April as National Congenital Diaphragmatic Hernia Awareness Month and April 19th as CDH Awareness Day; and be it further

RESOLVED: That we encourage efforts to raise awareness and increase public knowledge about congenital diaphragmatic hernia and we encourage research on congenital diaphragmatic hernia in order to discover its causes and develop treatments and find a cure for this devastating birth defect.

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

READ and **ADOPTED**, in concurrence.

COMMUNICATIONS

The Following Communication: S.C. 912

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

April 1, 2014

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

Dear President Alford and Speaker Eves:

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

L.D. 1638 An Act To Improve Educational Outcomes for Students in Poverty in Maine's Public Schools (EMERGENCY)

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

Sincerely,

S/Sen. Rebecca J. Millett
Senate Chair

S/Rep. W. Bruce MacDonald
House Chair

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

ORDERS

Joint Resolution

On motion by Senator **SAVIELLO** of Franklin (Cosponsored by Representative **KUSIAK** of Fairfield and Senators: President **ALFOND** of Cumberland, **BOYLE** of Cumberland, **BURNS** of Washington, **CAIN** of Penobscot, **CLEVELAND** of Androscoggin, **COLLINS** of York, **CRAVEN** of Androscoggin, **CUSHING** of Penobscot, **DUTREMBLE** of York, **FLOOD** of Kennebec, **GERZOFISKY** of Cumberland, **GRATWICK** of Penobscot, **HAMPER** of Oxford, **HASKELL** of Cumberland, **HILL** of York, **JACKSON** of Aroostook, **JOHNSON** of Lincoln, **KATZ** of Kennebec, **LACHOWICZ** of Kennebec, **LANGLEY** of Hancock, **MASON** of Androscoggin, **MAZUREK** of Knox, **MILLETT** of Cumberland, **PATRICK** of Oxford, **PLUMMER** of Cumberland, **SHERMAN** of Aroostook, **THIBODEAU** of Waldo, **THOMAS** of Somerset, **TUTTLE** of York, **VALENTINO** of York, **VITELLI** of Sagadahoc, **WHITTEMORE** of Somerset, **WOODBURY** of Cumberland, **YOUNGBLOOD** of Penobscot, Representatives: **AYOTTE** of Caswell, **BEAR** of the Houlton Band of Maliseet Indians, **BEAUDOIN** of Biddeford, **BEAULIEU** of Auburn, **BEAVERS** of South Berwick, **BECK** of Waterville, **BENNETT** of Kennebunk, **BERRY** of Bowdoinham, **BLACK** of Wilton, **BOLAND** of Sanford, **BOLDUC** of Auburn, **BRIGGS** of Mexico, **BROOKS** of

Winterport, CAMPBELL of Newfield, CAMPBELL of Orrington, CAREY of Lewiston, CASAVANT of Biddeford, CASSIDY of Lubec, CHAPMAN of Brooksville, CHASE of Wells, CHENETTE of Saco, CHIPMAN of Portland, CLARK of Easton, COOPER of Yarmouth, COTTA of China, CRAFTS of Lisbon, CRAY of Palmyra, CROCKETT of Bethel, DAUGHTRY of Brunswick, DAVIS of Sangerville, DeCHANT of Bath, DEVIN of Newcastle, DICKERSON of Rockland, DILL of Old Town, DION of Portland, DOAK of Columbia Falls, DORNEY of Norridgewock, DUNPHY of Embden, DUPREY of Hampden, ESPLING of New Gloucester, EVANGELOS of Friendship, Speaker EVES of North Berwick, FARNSWORTH of Portland, FITZPATRICK of Houlton, FOWLE of Vassalboro, FREDETTE of Newport, FREY of Bangor, GATTINE of Westbrook, GIDEON of Freeport, GIFFORD of Lincoln, GILBERT of Jay, GILLWAY of Searsport, GOODE of Bangor, GRAHAM of North Yarmouth, GRANT of Gardiner, GUERIN of Glenburn, HAMANN of South Portland, HARLOW of Portland, HARVELL of Farmington, HAYES of Buckfield, HERBIG of Belfast, HICKMAN of Winthrop, HOBBS of Saco, HUBBELL of Bar Harbor, JACKSON of Oxford, JOHNSON of Eddington, JOHNSON of Greenville, JONES of Freedom, JORGENSEN of Portland, KAENRATH of South Portland, KENT of Woolwich, KESCHL of Belgrade, KINNEY of Limington, KNIGHT of Livermore Falls, KORNFELD of Bangor, KRUGER of Thomaston, KUMIEGA of Deer Isle, LAJOIE of Lewiston, LIBBY of Waterboro, LIBBY of Lewiston, LOCKMAN of Amherst, LONG of Sherman, LONGSTAFF of Waterville, LUCHINI of Ellsworth, MacDONALD of Old Orchard Beach, MacDONALD of Boothbay, MAKER of Calais, MALABY of Hancock, MAREAN of Hollis, MARKS of Pittston, MASON of Topsham, MASTRACCIO of Sanford, McCABE of Skowhegan, McCLELLAN of Raymond, McELWEE of Caribou, McGOWAN of York, McLEAN of Gorham, MITCHELL of the Penobscot Nation, MONAGHAN-DERRIG of Cape Elizabeth, MOONEN of Portland, MORIARTY of Cumberland, MORRISON of South Portland, NADEAU of Fort Kent, NADEAU of Winslow, NELSON of Falmouth, NEWENDYKE of Litchfield, NOON of Sanford, NUTTING of Oakland, PARRY of Arundel, PEASE of Morrill, PEAVER HASKELL of Milford, PEOPLES of Westbrook, PETERSON of Rumford, PLANTE of Berwick, POULIOT of Augusta, POWERS of Naples, PRIEST of Brunswick, PRINGLE of Windham, RANKIN of Hiram, REED of Carmel, ROCHELO of Biddeford, ROTUNDO of Lewiston, RUSSELL of Portland, RYKERSON of Kittery, SANBORN of Gorham, SANDERSON of Chelsea, SAUCIER of Presque Isle, SAXTON of Harpswell, SCHNECK of Bangor, SHAW of Standish, SHORT of Pittsfield, SIROCKI of Scarborough, SOCTOMAH of the Passamaquoddy Tribe, STANLEY of Medway, STUCKEY of Portland, THERIAULT of Madawaska, TIMBERLAKE of Turner, TIPPING-SPITZ of Orono, TREAT of Hallowell, TURNER of Burlington, TYLER of Windham, VEROW of Brewer, VILLA of Harrison, VOLK of Scarborough, WALLACE of Dexter, WEAVER of York, WELSH of Rockport, WERTS of Auburn, WILLETTE of Mapleton, WILSON of Augusta, WINCHENBACH of Waldoboro, WINSOR of Norway, WOOD of Sabattus), the following Joint Resolution:

S.P. 755

**JOINT RESOLUTION
RECOGNIZING NOVEMBER 2014 AS PANCREATIC CANCER
AWARENESS MONTH**

WHEREAS, researchers estimate that about 45,200 people in the United States will be diagnosed with pancreatic cancer and about 38,460 will die from the disease this year; and

WHEREAS, pancreatic cancer is one of the few cancers for which the survival rates have had little improvement in nearly 40 years, and 60% of patients with pancreatic cancer have metastatic disease at the time of diagnosis and an average life expectancy of just 6 to 12 months; and

WHEREAS, pancreatic cancer is the 4th leading cause of cancer-related deaths in the United States, and there is no early detection test to diagnose the disease in its early stages when surgical removal of the tumor is still possible; and

WHEREAS, pancreatic cancer occurs when abnormal cell growth begins in the pancreas, with family history, smoking, age and diabetes being some major risk factors; and

WHEREAS, pancreatic cancer may cause vague symptoms that could indicate many different conditions, including abdominal or back pain, weight loss, jaundice, loss of appetite and nausea; and

WHEREAS, surgical removal is the best possible treatment option in less than 20% of patients diagnosed and chemotherapy or radiation is typically offered to patients whose tumors cannot be removed surgically; and

WHEREAS, the National Cancer Institute spent an estimated \$105.4 million on pancreatic cancer research in 2012, which represents only 1.8% of their approximate \$5.8 billion cancer research budget for that year, which shows that more research funds are necessary to fight pancreatic cancer; now, therefore, be it

RESOLVED: That We, the Members of the One Hundred and Twenty-sixth Legislature now assembled in the Second Regular Session, on behalf of the people we represent, recognize that November 2014 is Pancreatic Cancer Awareness Month in order to make our citizens more aware of this prevalent disease; and be it further

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the Governor of Maine, the Honorable Paul LePage, and to the Department of Health and Human Services.

READ and ADOPTED.

Sent down for concurrence.

Off Record Remarks

Senate at Ease.

Senate called to order by President Pro Tem
MARGARET M. CRAVEN of Androscoggin County.

The President Pro Tem requested the Sergeant-At-Arms escort the Senator from Aroostook, Senator **JACKSON** to the rostrum where he assumed the duties as President Pro Tem.

The Sergeant-At-Arms escorted the Senator from Androscoggin, Senator **CRAVEN** to her seat on the floor.

The Senate called to order by President Pro Tem **TROY D. JACKSON** of Aroostook County.

Off Record Remarks

ORDERS OF THE DAY

Unfinished Business

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

The Chair laid before the Senate the following Tabled and Later Assigned (4/7/14) matter:

SENATE REPORT - from the Committee on **HEALTH AND HUMAN SERVICES**, pursuant to Joint Rule 353, on Bill "An Act To Implement the Recommendations of the Commission To Study Long-term Care Facilities" (EMERGENCY)
S.P. 704 L.D. 1776

Report - **Ought to Pass as Amended by Committee Amendment "A" (S-497)**

Tabled - April 7, 2014, by Senator **CRAVEN** of Androscoggin

Pending - **ACCEPTANCE OF REPORT**

(In Senate, April 7, 2014, Report **READ**.)

Report **ACCEPTED**.

READ ONCE.

Committee Amendment "A" (S-497) **READ**.

On motion by Senator **CRAVEN** of Androscoggin, Senate Amendment "A" (S-521) to Committee Amendment "A" (S-497) **READ**.

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

Senator **CRAVEN:** Thank you Mr. President. I just wanted to speak very briefly. This bill we worked in a bi-partisan way, that was brought forward by several people in the last session and we worked on it all summer. I want to thank my good friend Senator

Burns for having almost all of the input on this bill. It just happens to be under my name because I was the Chair of the committee and it was presented in that way. This amendment on the bill is reducing the cost from \$10 million to \$8 million. The dollars that are going to be recycled for this bill, we are asking the department to ramp up the cost of care recoupment of the overpayments to the facilities that were overpaid and use it for this purpose. These dollars are already in the system and, again, I thank everybody for their support of nursing homes that are in massive crises in the state of Maine at the moment and I thank everybody for all the work that they put into this. Thank you, Mr. President.

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

Senator **BURNS:** Thank you Mr. President. Ladies and gentlemen of the Senate, I just wanted to add my voice to this very important bill. I really appreciate the work that has been done by this committee, long-term care committee, under the leadership of the good Senator from Androscoggin, Senator Craven. Now that she's a celebrity that'll give a little bit more impetus to this bill. As you all know, I believe at this point one of the reasons this bill came about is because of the closing of nursing homes in Washington County. One closed, another one is on the verge of closing, and there's a third one that's of concern, at least they're concerned about having to close its doors also. This, as I have told everybody, may be coming to a community near you if we don't do something to fund, properly fund, these nursing homes, especially those nursing homes that have a high MaineCare census. That's what this bill is directed to do. There is a lot of controversy and discussion about where the funding should come from. Hopefully we can come to a consensus through this amendment or at some point here as how to fund this, but I think everybody is on board in this Chamber, the House Chamber, and the second floor. This needs to be done. Our nursing homes need to be supported. Our elderly need to be taken care of. This is a step in the right direction and this will take care of that gap that exists in 2015. I thank everybody for their support on this. Thank you, good Senator Craven, for her leadership in this and we look forward to this taking place. Thank you, Mr. President.

On motion by Senator **CRAVEN** of Androscoggin, Senate Amendment "A" (S-521) to Committee Amendment "A" (S-497) **ADOPTED**.

Committee Amendment "A" (S-497) as Amended by Senate Amendment "A" (S-521) thereto, **ADOPTED**.

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-497) AS AMENDED BY SENATE AMENDMENT "A" (S-521)** thereto.

Sent down for concurrence.

Off Record Remarks

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

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

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

Off Record Remarks

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

On motion by Senator **HASKELL** of Cumberland, **ADJOURNED** to Tuesday, April 15, 2014, at 10:00 in the morning.