

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

In Senate Chamber  
Monday  
May 20, 2013

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

Prayer by Reverend Carol Lee Huntington, Episcopal Dioceses of Maine in Bath.

**REVEREND HUNTINGTON:** I come from the city of ships, so the prayer that I'm going to say today is from Sir Francis Drake. Let us pray.

Disturb us, God, when we are too well pleased with ourselves; when our dreams have come true because we have dreamed too little; when we arrive safely because we've sailed too close to the shore. Disturb us, Lord, with the abundance of things we possess, we have lost our thirst for the waters of life, having fallen in love with life. We have ceased to dream of eternity and, in our efforts to build a new earth, we have allowed our vision of the new heaven to dim. Disturb us, Lord, to dare more boldly, to venture on wider seas where storms will show Your mastery, where losing sight of land we shall find the stars. We ask You to push back the horizons of our hopes and to push into the future in strength, courage, hope, and love. Amen.

Pledge of Allegiance led by Senator Brian D. Langley of Hancock County.

Reading of the Journal of Thursday, May 16, 2013.

Doctor of the day, Doug Collins, MD of North Yarmouth.

Off Record Remarks

**PAPERS FROM THE HOUSE**

**Non-Concurrent Matter**

HOUSE REPORTS - from the Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act To Expand Eligible Project Costs in Development Districts"  
H.P. 289 L.D. 413

Majority - **Ought to Pass** (11 members)

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

In House, April 10, 2013, the Majority **OUGHT TO PASS** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED**.

In Senate, May 15, 2013, Reports **READ**. On motion by Senator **LACHOWICZ** of Kennebec, Bill and accompanying papers **COMMITTED** to the Committee on **TAXATION**.

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

On motion by Senator **GOODALL** of Sagadahoc, **TABLED** until Later in Today's Session, pending **FURTHER CONSIDERATION**.

**COMMUNICATIONS**

The Following Communication: S.C. 356

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

May 16, 2013

The Honorable Justin L. Alford  
President of the Senate of Maine  
126th Maine State Legislature  
State House  
Augusta, Maine 04333-0003

Dear Mr. President:

In accordance with 3 M.R.S.A., Section 157, and with Joint Rule 505 of the Maine Legislature, the Joint Standing Committee on Criminal Justice and Public Safety has had under consideration the nomination of Amy R. Fowler of Palermo, for appointment to the State Board of Corrections.

After public hearing and discussion on this nomination, the Committee proceeded to vote on the motion to recommend to the Senate that this nomination be confirmed. The Committee Clerk called the roll with the following result:

YEAS	Senators	2	Gerzofsky of Cumberland, Plummer of Cumberland
	Representatives	9	Dion of Portland, Casavant of Biddeford, Kaenrath of South Portland, Lajoie of Lewiston, Long of Sherman, Marks of Pittston, Pease of Morrill, Plante of Berwick, Tyler of Windham
NAYS		0	
ABSENT		2	Sen. Dutremble of York, Rep. Wilson of Augusta

Eleven members of the Committee having voted in the affirmative and zero in the negative, it was the vote of the Committee that the nomination of Amy R. Fowler of Palermo, for appointment to the State Board of Corrections be confirmed.

Signed,

S/Stanley J. Gerzofsky  
Senate Chair

S/Mark N. Dion  
House Chair

**READ and ORDERED PLACED ON FILE.**

The President laid before the Senate the following: "Shall the recommendation of the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** be overridden?"

In accordance with 3 M.R.S.A., Chapter 6, Section 151, and with Joint Rule 506 of the 126<sup>th</sup> Legislature, the vote was taken by the Yeas and Nays.

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

**ROLL CALL (#78)**

YEAS: Senators: None

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

No Senator having voted in the affirmative and 35 Senators having voted in the negative, and none being less than two-thirds of the Membership present and voting, it was the vote of the Senate that the Committee's recommendation be **ACCEPTED** and the nomination of **Amy R. Fowler** of Palermo for appointment to the State Board of Corrections was **CONFIRMED**.

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

The Following Communication: S.C. 357

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

May 16, 2013

The Honorable Justin L. Alfond  
President of the Senate of Maine  
126th Maine State Legislature  
State House  
Augusta, Maine 04333-0003

Dear Mr. President:

In accordance with 3 M.R.S.A., Section 157, and with Joint Rule 505 of the Maine Legislature, the Joint Standing Committee on Criminal Justice and Public Safety has had under consideration the nomination of Honorable Susan E. Morissette of Winslow, for appointment to the State Board of Corrections.

After public hearing and discussion on this nomination, the Committee proceeded to vote on the motion to recommend to the Senate that this nomination be confirmed. The Committee Clerk called the roll with the following result:

YEAS	Senators	2	Gerzofsky of Cumberland, Plummer of Cumberland
	Representatives	10	Dion of Portland, Casavant of Biddeford, Kaenrath of South Portland, Lajoie of Lewiston, Long of Sherman, Marks of Pittston, Pease of Morrill, Plante of Berwick, Tyler of Windham, Wilson of Augusta

NAYS 0

ABSENT 1 Sen. Dutremble of York

Twelve members of the Committee having voted in the affirmative and zero in the negative, it was the vote of the Committee that the nomination of Honorable Susan E. Morissette of Winslow, for appointment to the State Board of Corrections be confirmed.

Signed,

S/Stanley J. Gerzofsky  
Senate Chair

S/Mark N. Dion  
House Chair

**READ and ORDERED PLACED ON FILE.**

The President laid before the Senate the following: "Shall the recommendation of the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** be overridden?"

In accordance with 3 M.R.S.A., Chapter 6, Section 151, and with Joint Rule 506 of the 126<sup>th</sup> Legislature, the vote was taken by the Yeas and Nays.

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

**ROLL CALL (#79)**

YEAS: Senators: None

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

No Senator having voted in the affirmative and 35 Senators having voted in the negative, and none being less than two-thirds of the Membership present and voting, it was the vote of the Senate that the Committee's recommendation be **ACCEPTED** and the nomination of the Honorable **Susan E. Morissette** of Winslow for appointment to the State Board of Corrections was **CONFIRMED**.

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

The Following Communication: S.C. 358

**STATE OF MAINE  
126<sup>TH</sup> LEGISLATURE  
SPEAKERS OFFICE**

May 15, 2013

Honorable Darek M. Grant  
Secretary of the Senate  
3 State House Station  
Augusta, ME 04333-0003

Dear Secretary Grant:

Pursuant to my authority under Title 1, Chapter 13, §411 of the Maine Revised Statutes, I have appointed Suzanne D. Goucher of Augusta to the Right to Know Advisory Committee.

Should you have any questions regarding this appointment, please do not hesitate to contact me.

Sincerely,

S/Mark W. Eves  
Speaker of the House

**READ and ORDERED PLACED ON FILE.**

The Following Communication: S.C. 342

**STATE OF MAINE  
ONE HUNDRED AND TWENTY-SIXTH LEGISLATURE  
COMMITTEE ON AGRICULTURE, CONSERVATION AND  
FORESTRY**

May 13, 2013

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

Dear President Alfond and Speaker Eves:

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

- L.D. 749 An Act To Prohibit the Taking or Possession of a Natural Resource That Is on the Land of Another
- L.D. 1285 An Act To Allow Law Enforcement Agencies Access to Animal Licensing Information

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

Sincerely,

S/Sen. Troy D. Jackson  
Senate Chair

S/Rep. James F. Dill  
House Chair

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

The Following Communication: S.C. 343

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

May 13, 2013

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

Dear President Alfond and Speaker Eves:

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

- L.D. 166 An Act To Criminalize Importation of So-called Bath Salts Containing Synthetic Hallucinogenic Drugs
- L.D. 1079 An Act To Provide for Alternatives for the Courts To Address Settlement of Fines in Certain Cases
- L.D. 1289 An Act To Create an Animal Abuser Registry
- L.D. 1470 An Act To Develop Juvenile Assessment Centers

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

Sincerely,

S/Sen. Stanley J. Gerzofsky  
Senate Chair

S/Rep. Mark N. Dion  
House Chair

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

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The Following Communication: S.C. 344

**STATE OF MAINE  
ONE HUNDRED AND TWENTY-SIXTH LEGISLATURE  
COMMITTEE ON HEALTH AND HUMAN SERVICES**

May 10, 2013

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

Dear President Alfond and Speaker Eves:

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

- L.D. 389 An Act To Bring Fairness to General Assistance Programs by Changing the Method of Municipal Reimbursement
- L.D. 678 An Act To Allow Random Drug Testing for Recipients of Certain Public Benefits

- L.D. 967 An Act Regarding Residency Requirements for General Assistance
- L.D. 1244 An Act To Require Child Protective Services To Screen Parents of Newborn Infants (EMERGENCY)
- L.D. 1416 An Act Regarding Responsibility of General Assistance for a Person Who Is Released from Prison

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

Sincerely,

S/Sen. Margaret M. Craven  
Senate Chair

S/Rep. Richard R. Farnsworth  
House Chair

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

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The Following Communication: S.C. 345

**STATE OF MAINE  
ONE HUNDRED AND TWENTY-SIXTH LEGISLATURE  
COMMITTEE ON HEALTH AND HUMAN SERVICES**

May 13, 2013

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

Dear President Alfond and Speaker Eves:

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

- L.D. 579 Resolve, To Clarify and Improve the Eligibility Process for Services for Persons with Intellectual Disabilities or Autism
- L.D. 847 Resolve, To Address Changes Needed for Providers of Private Nonmedical Institution Services
- L.D. 1165 An Act To Improve the Safety of Workers Who Provide Direct Mental Health and Social Services

L.D. 1245 Resolve, Directing the Department of Health and Human Services To Create a More Equitable, Transparent Resource Allocation System for Nursing Facilities Based on Residents' Needs (EMERGENCY)

L.D. 1246 An Act To Promote Greater Staffing Flexibility without Compromising Safety or Quality in Nursing Facilities (EMERGENCY)

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

Sincerely,

S/Sen. Margaret M. Craven  
Senate Chair

S/Rep. Richard R. Farnsworth  
House Chair

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

The Following Communication: S.C. 347

**STATE OF MAINE  
ONE HUNDRED AND TWENTY-SIXTH LEGISLATURE  
COMMITTEE ON INLAND FISHERIES AND WILDLIFE**

May 13, 2013

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

Dear President Alfond and Speaker Eves:

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

- L.D. 617 An Act To Protect the State's Native and Wild Brook Trout and Discourage Illegal Fish Introduction
- L.D. 799 Resolve, To Allow Use of Live Bait for Fishing in the Allagash Wilderness Waterway and Fish River Waterway
- L.D. 1248 An Act To Establish Trail Standards in Deer Wintering Areas

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

Sincerely,

S/Sen. David E. Dutremble  
Senate Chair

S/Rep. Michael A. Shaw  
House Chair

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

The Following Communication: S.C. 348

**STATE OF MAINE  
ONE HUNDRED AND TWENTY-SIXTH LEGISLATURE  
COMMITTEE ON INLAND FISHERIES AND WILDLIFE**

May 14, 2013

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

Dear President Alfond and Speaker Eves:

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

- L.D. 84 An Act To Expand Turkey Hunting
- L.D. 143 An Act To Allow a Hunter To Harvest a Wild Turkey of Either Sex during the Month of October without an Extra Charge for the Permit
- L.D. 736 An Act To Establish the Review Board of Appeals To Review the Denial of Hunting and Fishing Licenses
- L.D. 1174 Resolve, To Establish the Commission To Study the Creation of a State and Federal Fish and Wildlife Museum at the Massabesic Experimental Forest in Alfred and Lyman (EMERGENCY)
- L.D. 1474 An Act To Amend the Laws Pertaining to the Hunting of Bear

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

Sincerely,

S/Sen. David E. Dutremble  
Senate Chair

S/Rep. Michael A. Shaw  
House Chair

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

The Following Communication: S.C. 346

**STATE OF MAINE  
ONE HUNDRED AND TWENTY-SIXTH LEGISLATURE  
COMMITTEE ON INSURANCE AND FINANCIAL SERVICES**

May 9, 2013

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

Dear President Alfond and Speaker Eves:

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

- L.D. 547 An Act To Ensure the Accountability of Taxpayer Funds and State Collaboration, Planning and Oversight in the Implementation and Operation of a Health Exchange in Maine
- L.D. 681 An Act To Improve Oversight of Insurance Rates and Ensure Consistency with Federal Law (EMERGENCY)

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

Sincerely,

S/Sen. Geoffrey M. Gratwick  
Senate Chair

S/Rep. Sharon Anglin Treat  
House Chair

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

The Following Communication: S.C. 349

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

May 15, 2013

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

Dear President Alfond and Speaker Eves:

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

- L.D. 125 An Act To Preserve Lender Equity in the Foreclosure Process
- L.D. 309 Resolve, Directing the Attorney General To Implement a Child Identity Protection Program To Safeguard the Personal Information of Minors and Prevent Identity Theft
- L.D. 392 An Act To Protect Homeowners and Reduce Foreclosure Fraud
- L.D. 612 An Act To Protect Owners of Property in Foreclosure from Accumulation of Debts When Mortgagees Refuse To Complete the Foreclosure Process (EMERGENCY)
- L.D. 784 An Act To Impose Penalties for Residential Mortgage Loan Fraud and False Representation Concerning Title
- L.D. 807 An Act To Provide Protection to a Condominium Association When a Condominium Is Foreclosed On
- L.D. 913 An Act To Promote Excursion Passes by Amending the Law Governing Expiration Dates on Gift Obligations and Stored-value Cards Redeemable with Multiple Sellers (EMERGENCY)
- L.D. 1039 An Act To Promote Regulatory Fairness
- L.D. 1116 An Act To Amend the Attorney's Fees Provision in Foreclosure Actions
- L.D. 1401 An Act To Amend the Laws Governing the Issuance of and Access to Birth Certificates and Certain Medical Information
- L.D. 1475 An Act To Improve Citizen Access to Legal Representation

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

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

Sincerely,

S/Sen. Linda M. Valentino  
Senate Chair

S/Rep. Charles R. Priest  
House Chair

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

May 10, 2013

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 Taxation has voted unanimously to report the following bills out "Ought Not to Pass":

L.D. 980 An Act To Provide an Income Tax Credit for a Qualified Conservation Contribution

L.D. 1227 An Act To Promote Tourism and Economic Development

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

Sincerely,

S/Sen. Anne M. Haskell  
Senate Chair

S/Rep. Adam A. Goode  
House Chair

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

The Following Communication: S.C. 350

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

May 13, 2013

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 State and Local Government has voted unanimously to report the following bills out "Ought Not to Pass":

L.D. 1158 RESOLUTION, Proposing an Amendment to the Constitution of Maine To Increase the Length of Terms of Senators to 4 Years

L.D. 1273 An Act Pertaining to the Closing of Municipal Roads for Community Use

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

Sincerely,

S/Sen. Colleen M. Lachowicz  
Senate Chair

S/Rep. Anne P. Graham  
House Chair

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

The Following Communication: S.C. 352

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

May 14, 2013

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 Taxation has voted unanimously to report the following bills out "Ought Not to Pass":

L.D. 55 An Act To Promote Filmmaking in the State

The Following Communication: S.C. 351

- L.D. 317 An Act Regarding the Business Equipment Tax Reimbursement Program and the Business Equipment Tax Exemption Program
- L.D. 956 An Act To Improve and Simplify the Application for Benefits under the Circuitbreaker Program
- L.D. 1126 An Act Regarding Corporate Income Tax Disclosure
- L.D. 1255 Resolve, To Provide Greater Depth and Transparency to the Review of Foregone Revenue Identified in the Biennial Tax Expenditure Report
- L.D. 1477 An Act To Impose a Temporary One Percent Sales Tax for Education and Revenue Sharing
- L.D. 1488 An Act To Create a Tax Expenditures Budget Process

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

Sincerely,

S/Sen. Edward J. Mazurek  
Senate Chair

S/Rep. Charles K. Theriault  
House Chair

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

The Following Communication: S.C. 354

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

May 15, 2013

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

Dear President Alfond and Speaker Eves:

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

- L.D. 924 An Act To Prevent a Conflict of Interest of the Secretary of State
- L.D. 1272 An Act To Amend the Process of Tenant Eviction
- L.D. 1422 An Act To Establish a Nonpartisan Primary and a Presidential Primary Election System and Instant Run-off Voting for State and Federal Candidates

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

Sincerely,

S/Sen. John L. Tuttle  
Senate Chair

S/Rep. Louis J. Luchini  
House Chair

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

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

Sincerely,

S/Sen. Anne M. Haskell  
Senate Chair

S/Rep. Adam A. Goode  
House Chair

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

The Following Communication: S.C. 353

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

May 15, 2013

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

Dear President Alfond and Speaker Eves:

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

- L.D. 1168 Resolve, To Establish the Commission To Study How To Improve Maine's Transportation Infrastructure (EMERGENCY)
- L.D. 1257 An Act To Create Corridor Transit Districts



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**SENATE PAPERS**

Bill "An Act To Make Technical Changes to Maine's Marine Resources Laws and Elver Enforcement Mechanisms"  
S.P. 588 L.D. 1545

Presented by Senator JOHNSON of Lincoln. (GOVERNOR'S BILL)

On motion by Senator JOHNSON of Lincoln, REFERRED to the Committee on MARINE RESOURCES and ordered printed.

Sent down for concurrence.

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

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**REPORTS OF COMMITTEES**

**House**

**Ought to Pass**

The Committee on JUDICIARY on Resolve, Regarding Legislative Review of Portions of Chapter 4: Rules of Practice, a Major Substantive Rule of the Department of Agriculture, Conservation and Forestry (EMERGENCY)  
H.P. 32 L.D. 37

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

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.

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**Ought to Pass As Amended**

The Committee on AGRICULTURE, CONSERVATION AND FORESTRY on Bill "An Act Concerning Fertilizer and Lime Products" (EMERGENCY)  
H.P. 707 L.D. 1009

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-170)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-170)**.

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

**READ ONCE.**

Committee Amendment "A" (H-170) **READ** and **ADOPTED**, in concurrence.

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

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The Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** on Bill "An Act To Allow a Municipality To Prohibit a Sex Offender from Residing within 750 Feet of a Recreational Facility"  
H.P. 340 L.D. 498

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-169)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-169)**.

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

**READ ONCE.**

Committee Amendment "A" (H-169) **READ** and **ADOPTED**, in concurrence.

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

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The Committee on **INLAND FISHERIES AND WILDLIFE** on Bill "An Act Allowing the Harvesting of Yellow Perch with Seines" (EMERGENCY)  
H.P. 903 L.D. 1264

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-172)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-172)**.

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

**READ ONCE.**

Committee Amendment "A" (H-172) **READ** and **ADOPTED**, in concurrence.

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

The Committee on **JUDICIARY** on Bill "An Act To Protect Title to Real and Personal Property of Public Employees"  
H.P. 167 L.D. 206

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-174)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-174)**.

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

**READ ONCE.**

Committee Amendment "A" (H-174) **READ** and **ADOPTED**, in concurrence.

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

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The Committee on **JUDICIARY** on Bill "An Act To Amend Certain Provisions of Law Affecting the Judicial Branch"  
H.P. 603 L.D. 852

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-176)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-176)**.

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

**READ ONCE.**

Committee Amendment "A" (H-176) **READ** and **ADOPTED**, in concurrence.

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

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The Committee on **JUDICIARY** on Bill "An Act To Provide Another Alternative to the Civil Order of Arrest Process"  
H.P. 636 L.D. 912

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-175)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-175)**.

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

**READ ONCE.**

Committee Amendment "A" (H-175) **READ** and **ADOPTED**, in concurrence.

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

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The Committee on **JUDICIARY** on Bill "An Act To Clarify the Appeal Process of Code Enforcement Officers and Boards of Appeal"  
H.P. 848 L.D. 1204

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-173)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-173)**.

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

**READ ONCE.**

Committee Amendment "A" (H-173) **READ** and **ADOPTED**, in concurrence.

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

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The Committee on **STATE AND LOCAL GOVERNMENT** on Resolve, To Erect a State Monument to Franco-Americans  
H.P. 377 L.D. 558

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-180)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-180)**.

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

**READ ONCE.**

Committee Amendment "A" (H-180) **READ** and **ADOPTED**, in concurrence.

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

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The Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act To Allow Municipalities To Place Liens for Failure To Pay Storm Water Assessments"  
H.P. 584 L.D. 833

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-181)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-181)**.

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

**READ ONCE.**

Committee Amendment "A" (H-181) **READ** and **ADOPTED**, in concurrence.

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

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The Committee on **TRANSPORTATION** on Bill "An Act To Prohibit the Requirement That Proof of Citizenship Be Submitted for Renewal of a Driver's License"

H.P. 980 L.D. 1372

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-179)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-179)**.

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

**READ ONCE.**

Committee Amendment "A" (H-179) **READ** and **ADOPTED**, in concurrence.

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

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**Divided Report**

The Majority of the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** on Bill "An Act To Clarify the Laws Governing the Rule-making Authority of the Maine Forest Service"

H.P. 486 L.D. 714

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-171)**.

Signed:

Senators:

JACKSON of Aroostook  
BOYLE of Cumberland  
SHERMAN of Aroostook

Representatives:

DILL of Old Town  
BLACK of Wilton  
CRAY of Palmyra  
HICKMAN of Winthrop  
KENT of Woolwich  
MAREAN of Hollis  
NOON of Sanford  
SAUCIER of Presque Isle

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

Signed:

Representatives:

JONES of Freedom  
TIMBERLAKE of Turner

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-171)**.

Reports **READ**.

On motion by Senator **JACKSON** of Aroostook, the Majority **OUGHT TO PASS AS AMENDED** Report **ACCEPTED**, in concurrence.

**READ ONCE.**

Committee Amendment "A" (H-171) **READ** and **ADOPTED**, in concurrence.

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

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**Divided Report**

The Majority of the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** on Bill "An Act To Allow Consideration of Fetal Alcohol Spectrum Disorder at Sentencing in a Criminal Case"  
H.P. 153 L.D. 192

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

Signed:

Senators:

GERZOFKY of Cumberland  
DUTREMBLE of York  
PLUMMER of Cumberland

Representatives:

DION of Portland  
KAENRATH of South Portland  
LAJOIE of Lewiston  
LONG of Sherman  
MARKS of Pittston  
PEASE of Morrill  
PLANTE of Berwick  
TYLER of Windham  
WILSON of Augusta

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

Signed:

Representative:

CASAVANT of Biddeford

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

Reports **READ**.

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

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**Divided Report**

The Majority of the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** on Bill "An Act To Require Firearms Used in the Commission of Certain Acts To Be Civilly Forfeited to the State and Destroyed"

H.P. 497 L.D. 724

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

Signed:

Senators:

GERZOFISKY of Cumberland  
DUTREMBLE of York

Representatives:

DION of Portland  
CASAVANT of Biddeford  
KAENRATH of South Portland  
LAJOIE of Lewiston  
MARKS of Pittston  
PEASE of Morrill  
PLANTE of Berwick  
TYLER of Windham  
WILSON of Augusta

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

Signed:

Senator:

PLUMMER of Cumberland

Representative:

LONG of Sherman

Comes from the House with the Majority **OUGHT TO PASS** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "A" (H-183)**.

Reports **READ**.

Senator **GERZOFISKY** of Cumberland moved the Senate **ACCEPT** the Majority **OUGHT TO PASS** Report, in concurrence.

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

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**Divided Report**

The Majority of the Committee on **JUDICIARY** on Bill "An Act To Ban the United Nations Agenda 21 in Maine"  
H.P. 181 L.D. 220

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

Signed:

Senators:

VALENTINO of York  
TUTTLE of York

Representatives:

PRIEST of Brunswick  
BEAULIEU of Auburn  
CROCKETT of Bethel  
DeCHANT of Bath  
MONAGHAN-DERRIG of Cape Elizabeth  
MOONEN of Portland  
MORIARTY of Cumberland  
VILLA of Harrison

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (H-177)**.

Signed:

Senator:

BURNS of Washington

Representatives:

GUERIN of Glenburn  
PEAVEY HASKELL of Milford

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

Reports **READ**.

Senator **VALENTINO** of York moved the Senate **ACCEPT** the Majority **OUGHT NOT TO PASS** Report, in concurrence.

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

**ROLL CALL (#80)**

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

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

24 Senators having voted in the affirmative and 11 Senators having voted in the negative, the motion by Senator **VALENTINO** of York to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report, in concurrence, **PREVAILED**.

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**Divided Report**

The Majority of the Committee on **TAXATION** on Bill "An Act To Provide Local Sales Tax Increment Disbursements"  
H.P. 276 L.D. 401

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-166)**.

Signed:

Senators:  
HASKELL of Cumberland  
MILLETT of Cumberland

Representatives:  
GOODE of Bangor  
BENNETT of Kennebunk  
JACKSON of Oxford  
KNIGHT of Livermore Falls  
MAREAN of Hollis  
MOONEN of Portland  
STANLEY of Medway  
TIPPING-SPITZ of Orono

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

Signed:

Senator:  
THOMAS of Somerset

Representatives:  
BROOKS of Winterport  
LIBBY of Lewiston

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-166)**.

Reports **READ**.

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

On motion by Senator **THOMAS** of Somerset, 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 Somerset, Senator Thomas.

Senator **THOMAS:** Thank you Mr. President. Ladies and gentlemen of the Senate, when I first got married, before we left the church, my dad took me aside. He gave me some advice. He said, "Son, don't start doing anything that you don't want to do the rest of your life." That's been awfully good advice. This is one of those cases where if we start doing this we're going to be doing it forever. It only gets worse. This takes a small portion of the sales tax that is generated in the community where it's generated and sends it to the town. Sometimes called a local option sales tax, where the community gets to add a penny or two to the sales tax. This only takes a small portion. It's only a part of the increase. Once we start we're never going to be able to stop. This is the camel's nose under the tent and we can mark it here. This will pit one community against another, trying to get retail establishments to move to their community because there will be a small tax advantage because they will be able to have these businesses in their neighborhood, or in their community, and collect the property tax from them and lure them away from another community where a car dealership might want to move because they wouldn't have to charge a local option sales tax. These communities that do collect a local option sales tax will set the spending standards. They will have money to spend that every other community in the state will have to keep up. They will have the best and brightest of everything. The rest of us will have to pay the taxes to make sure that we have it too. Where does it stop? In some states there are two or three cents in some communities. They try to lure businesses away from one community to another. Advertisements in the newspapers; "Come shop at our dealership and don't pay the local option sales tax." It pits manufacturing communities and farming communities and residential communities against retail communities. Is that what we really want to do? This is the beginning. You can mark it on your calendar that, once we start this, this is where it started. I would urge you to vote against the pending motion. Thank you.

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

Senator **HASKELL:** Thank you very much Mr. President. Colleagues of the Senate, I'd like to clarify what it is that this bill actually does. First of all, this bill does not change the sales tax. It does not add a penny. It does not add half a cent. It does not add a percentage. It does not change the sales tax. The communities, wherever they are, are going to be charging the exact same amount of sales tax. What this bill does is it says if your community raises more sales tax this year than it did last year a small portion of that increase, not of the total amount but of that increase, comes back to your community. It also requires that that amount of money that comes back to your community must be used to reduce property taxes. Those are two very good goals. Take those communities who have a lot of retail. People drive into those communities and use the services of those communities. They don't pay property tax there, they only buy stuff there. A small portion of what would be increased year over year will go back to that community in order to defray some of those municipal costs. Another item I think is important to remember is that this bill resets that base every four years. It doesn't continue to grow exponentially upon itself. It does provide some small amount of property tax relief to those retail heavy communities. It is probably one of the best ways that I've seen in a lot of years in order to return some of that sales tax to the communities where it is generated. I urge you to support the pending motion. Thank you.

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

**ROLL CALL (#81)**

**YEAS:** Senators: BOYLE, CAIN, CLEVELAND, COLLINS, DUTREMBLE, FLOOD, GERZOFISKY, GOODALL, GRATWICK, HAMPER, HASKELL, HILL, JACKSON, JOHNSON, KATZ, LACHOWICZ, LANGLEY, MAZUREK, MILLETT, PATRICK, SAVIELLO, TUTTLE, VALENTINO, THE PRESIDENT - JUSTIN L. ALFOND

**NAYS:** Senators: BURNS, CRAVEN, CUSHING, MASON, PLUMMER, SHERMAN, THIBODEAU, THOMAS, WHITTEMORE, WOODBURY, YOUNGBLOOD

24 Senators having voted in the affirmative and 11 Senators having voted in the negative, the motion by Senator **HASKELL** of Cumberland to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report, in concurrence, **PREVAILED**.

**READ ONCE.**

Committee Amendment "A" (H-166) **READ** and **ADOPTED**, in concurrence.

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

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**Divided Report**

The Majority of the Committee on **VETERANS AND LEGAL AFFAIRS** on Bill "An Act To Limit Political Contributions by Public Employee Labor Unions"

H.P. 92 L.D. 110

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

Signed:

Senators:

TUTTLE of York  
PATRICK of Oxford

Representatives:

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

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (H-168)**.

Signed:

Senator:

MASON of Androscoggin

Representatives:

BEAULIEU of Auburn  
GIFFORD of Lincoln  
JOHNSON of Eddington  
KINNEY of Limington

(Representative MITCHELL of the Penobscot Nation - of the House - supports the Majority **Ought Not To Pass** Report.)

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

Reports **READ**.

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

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**Divided Report**

The Majority of the Committee on **VETERANS AND LEGAL AFFAIRS** on Bill "An Act Regarding Games of Chance Operated by Snowmobile Clubs"

H.P. 391 L.D. 572

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-178)**.

Signed:

Senators:

TUTTLE of York  
MASON of Androscoggin

Representatives:

LUCHINI of Ellsworth  
BEAULIEU of Auburn  
FOWLE of Vassalboro  
GIFFORD of Lincoln  
JOHNSON of Eddington  
KINNEY of Limington  
LONGSTAFF of Waterville  
SAUCIER of Presque Isle  
SCHNECK of Bangor

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

Signed:

Senator:

PATRICK of Oxford

Representative:

RUSSELL of Portland

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-178)**.

Reports **READ**.

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

Senator **PATRICK** of Oxford requested a Division.

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

Senator **PATRICK:** Thank you very much Mr. President. Ladies and gentlemen of the Senate, colleagues and friends, you may wonder why I am in opposition to this bill. Basically what I am going to say is I have been in opposition to this bill in other legislatures because there are two different types of non-profits within the state. We have non-profits like the Maine Snowmobile Association, which I am a member of. You have as well your VFW, your American Legion, your AMVETS, your Eagles, your Elks, and your Calumets. Those groups are bricks and mortar organizations that utilize games of chance to raise their money to do their charitable work within our communities. The Maine Snowmobile Association, just like your small firemen's relief and things at your high school, are not bricks and mortar and they actually have the ability to raise funds through raffles and such.

Your bricks and mortar organizations, like your veteran organizations and such, are brick and mortar and they need the ability to have the funding through games of chance which are sealed tickets, bingo, or casino nights. They also, as well, have raffles, but that's not their primary goal. I think the change going from \$5 a hand to \$50 a hand is way out of whack with what they are trying to do. I, myself, as well as numerous other representatives have put bills in to help the Trail Fund, which is supposedly what this bill is supposed to help out with, although there is nothing in the bill that says the monies and funds are going to go to the Trail Fund. I've been involved with numerous organizations, non-profits, for 40 years this past February and unless the funds are dedicated for a specific thing, that's the only way the monies are going to be used for sure for those specific things. As much as I love the Snowmobile Association and the ATV Association and those organizations, they have the ability to do like a Longaberger basket raffle, which probably raises more money for school associations and such than any other thing that is available to them. I'm going to consistently vote against this. If it might have been a \$5 increase that might have been one thing, but, even though this is only going to do it twice, the probability of raising several thousands of dollars for use any way they want to, to me, is not in the spirit of the non-profit organization gaming laws. I really think that if we want to help those struggling American Legion, VFW, AMVETS, Eagles, Elks, Calumet Club, and such, we've got to make sure that the limited amount of gaming dollars that are available are going to go towards the bricks and mortar organizations and not the secondary non-profits. We do have our casinos now, which are taking a lot of the non-profit dollars away. The non-profits that I've actually mentioned, they are all struggling because those dollars are drying up and going to other areas. This is just another death knell for our American Legion, VFW, and such. I think that I would have you vote in opposition to the Majority Ought to Pass and vote Ought Not to Pass. Thank you.

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

Senator **TUTTLE:** Thank you Mr. President. Members of the Senate, it is very difficult for me to disagree with my good friend, the good Senator from Oxford, Senator Patrick. I really don't think we really disagree that greatly on this issue. The bill creates, as Senator Patrick has told you, an exception to the bet limit for a game of chance that is part of a poker run conducted by a snowmobile club. The exception permits a snowmobile club to accept wages of up to \$50 per hand. A snowmobile club is limited to two poker run events per year in which the club is permitted to accept the increased wages. The bill defines a poker run as a game of chance using playing cards. It requires a player to travel from one location to another in order to receive cards to play the game. At the public hearing we heard from the clubs from around the state that the snowmobile trail system is run almost entirely by volunteer non-profit snowmobile clubs funded by user fees. Clubs usually only recover 70% of their costs for user fees. Poker runs are fun events for clubs, but don't raise much money. Clubs are not looking to become big gambling operations, but would like a reasonable return for their efforts of running a game. There were no opponents at the public hearing. We have amended the bill. The amendment, which is the Majority Report, allows for an increase bet limit for up to two poker events per year for any licensed organization, not just

snowmobile clubs. Therefore, that would affect our American Legion and VFW. Thank you, Mr. President.

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

Senator **PATRICK:** Thank you very much Mr. President. Ladies and gentlemen of the Senate, colleagues and friends, just a couple of other points that I probably left out. One of the differences between your non-profits that have brick and mortar and your other non-profits is the ability to have oversight. We have people who actually go to check out bingo and Texas Hold-Em Tournaments. They go to non-profits to make sure that their sealed tickets are licensed. All of these are combined. Holding a poker run in the middle of the woods, I fail to see how there is oversight to make sure that it is run fairly and equitably. That is one thing. The other thing that I will say is the Inland, Fisheries and Wildlife has heard probably a half a dozen, if not a dozen, bills on trying to build up the Trail Fund. Some of the avenues to do that are to increase the registration fee \$10 so that that money would be dedicated to the Trail Fund. Here we have an avenue where someone is willing to spend \$50 to have one chance at trying to win a pot. It doesn't seem to be quite right to me. They have the extra money to spend on hopes that the money is going to go to the Trail Fund. I can't say it's not but I kind of believe that if there is no oversight and there is nothing in statute that says it has to go to the Trail Fund. Yet the snowmobilers themselves aren't willing to give \$10 to help the Trail Fund, to make sure that trails are great. This is the wrong way to go. Thank you, ladies and gentlemen.

At the request of Senator **PATRICK** of Oxford a Division was had. 23 Senators having voted in the affirmative and 12 Senators having voted in the negative, the motion by Senator **TUTTLE** of York to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report, in concurrence, **PREVAILED**.

Senator **THIBODEAU** of Waldo requested a Roll Call.

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Senate at Ease.

Senate called to order by the President.

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**THE CHAIR RULED THE REQUEST FOR A ROLL CALL WAS OUT OF ORDER.**

**READ ONCE.**

Committee Amendment "A" (H-178) **READ** and **ADOPTED**, in concurrence.

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

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**Senate**

**Ought to Pass**

Senator GERZOFKY for the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** on Bill "An Act To Revise the Laws of the Maine Criminal Justice Academy"  
S.P. 518 L.D. 1432

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

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

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

Ordered sent down forthwith for concurrence.

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Senator MAZUREK for the Committee on **TRANSPORTATION** on Bill "An Act To Improve the Statutes Governing Road Associations"  
S.P. 475 L.D. 1356

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

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

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

Ordered sent down forthwith for concurrence.

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**Ought to Pass As Amended**

Senator CLEVELAND for the Committee on **ENERGY, UTILITIES AND TECHNOLOGY** on Resolve, Directing the Public Utilities Commission To Develop a Plan To Reform Water Regulation  
S.P. 173 L.D. 441

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-94)**.

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

**READ ONCE.**

Committee Amendment "A" (S-94) **READ** and **ADOPTED**.

Senator **THIBODEAU** of Waldo **OBJECTED** to **SUSPENSION OF THE RULES** for the purpose of giving this Bill its **SECOND READING** at this time.

**ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.**

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Senator DUTREMBLE for the Committee on **INLAND FISHERIES AND WILDLIFE** on Bill "An Act To Increase State Wildlife Revenues and Grow the Hunting and Fishing Industries" S.P. 304 L.D. 879

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-92)**.

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

**READ ONCE**.

Committee Amendment "A" (S-92) **READ** and **ADOPTED**.

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

Ordered sent down forthwith for concurrence.

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Senator PATRICK for the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** on Bill "An Act To Ensure the Choice of a Pharmacy for Injured Employees under the Workers' Compensation Act of 1992" S.P. 483 L.D. 1376

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-93)**.

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

**READ ONCE**.

Committee Amendment "A" (S-93) **READ** and **ADOPTED**.

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

Ordered sent down forthwith for concurrence.

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**Divided Report**

**Pursuant to Joint Order**

The Majority of the Committee on **VETERANS AND LEGAL AFFAIRS** on Bill "An Act To Strengthen Maine's Hospitals, Increase Access to Health Care and Provide for a New Spirits Contract" (EMERGENCY) S.P. 589 L.D. 1546

Reported that the same **Ought to Pass**, pursuant to Joint Order S.P. 496.

Signed:

Senators:  
TUTTLE of York  
PATRICK of Oxford

Representatives:  
RUSSELL of Portland  
LONGSTAFF of Waterville  
SAUCIER of Presque Isle  
LUCHINI of Ellsworth  
SCHNECK of Bangor  
FOWLE of Vassalboro

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (S-96)**, pursuant to Joint Order S.P. 496.

Signed:

Senator:  
MASON of Androscoggin

Representatives:  
JOHNSON of Eddington  
BEAULIEU of Auburn  
GIFFORD of Lincoln  
KINNEY of Limington

Reports **READ**.

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

On further motion by same Senator, 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 York, Senator Tuttle.

Senator **TUTTLE:** Thank you Mr. President. Members of the Senate, this has been a long process on this issue and one that I think is appropriate that we address today. The bill before you is pursuant to Joint Order 2011, S.P. 496, authorizing the Joint Standing Committee on Veterans and Legal Affairs to report out a bill regarding the wholesale spirits contract. Part A of the bill appeals current law that allows for transfer of the State's wholesale liquor business through July 4, 2014. Part A directs the Commissioner of Administration and Financial Services to develop a request for proposals through the competitive bid process to award two contracts; one for the operation of the State's wholesale liquor business and accompanying spirits administration and warehouse and distribution and one for trade marketing. Part A of the bill also increases the discount rate of which agency liquor stores purchase spirits for the retail sale for current minimum of 9% to 12%.

Part B of the bill authorizes the Bond Bank, with written approval of the Governor, to issue liquor operation revenue bonds in the amount of up to \$188,500,000. Part B establishes two funds; the healthcare liability retirement fund and the liquor operations revenue fund. During the fiscal year 2014 - 2015 and 2015 - 2016 and 2016 - 2017 any excess revenue to set amount is transferred to the General Fund to offset the amounts included in the budgeted General Fund revenue for liquor sales and operations. For the rest of the bond repayment period access revenue over the set amount of \$7 million a year is transferred to

the Department of Health and Human Services and the Department of Environmental Protection for resolving the loan fund for drinking water systems and waste water treatment. Any excess funds retained by the Maine Municipal Bond Bank during the bond repayment period must be transferred to the Maine Budget Stabilization Fund immediately upon retirement of the bonds.

Part C expands medical coverage under the MaineCare program to adults who qualify under federal law with incomes of up to 133% of non-farm income official poverty line with a 5% federal income adjustment to family size and qualifies Maine to receive funding of 100% of the cost of coverage for members who enroll under this expansion. Adults who will be eligible are those 21 through 64 years of age beginning January 1, 2014 and adults 19 and 20 of age beginning October 1, 2019.

Part D of the bill requires the Commissioner of Health and Human Services to take all steps necessary to secure and enhance the federal match rate for services provided to MaineCare childless adult waiver populations.

Part E of the bill requires the Commissioner of Health and Human Services, the Commissioner of Corrections, and the Director of the State Board of Corrections to evaluate the impact of MaineCare expansion on programs and services that do not currently receive federal Medicaid assistance. Finally, it requires that the State Controller to transfer any remaining savings to the MaineCare Stabilization Fund. Part E requires the State Budget Officer to provide a report of the transferred amounts to the Joint Standing Committee on Appropriations and Financial Affairs no later than March 1, 2014.

I personally would like to thank our Committee on Veterans and Legal Affairs. This has been a long and tedious process. Many people thought we'd never reach a unanimous agreement. I do want to thank Senator Mason and Senator Patrick. This is probably the best committee on Veterans and Legal Affairs I've served on since 1990, the first year that good Senator was in the other Body. I'd also like to thank the Appropriations Committee, Senator Flood, Senator Hill, and Senator Cain, for crafting a report to our committee that was unanimous. Senator Flood, particularly, I would like to thank you for your fine work on this bill that leads us to the final issue from the Department of Health and Human Service. It was an 8-5 report issued before us today. I would ask that you would listen to the debate and vote your conscience on this issue. Thank you, Mr. President.

Senator **THIBODEAU** of Waldo moved to **TABLE** until Later in Today's Session, pending the motion by Senator **TUTTLE** of York to **ACCEPT** the Majority **OUGHT TO PASS** Report.

On motion by Senator **GOODALL** of Sagadahoc, 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 (#82)**

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

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

15 Senators having voted in the affirmative and 20 Senators having voted in the negative, the motion by Senator **THIBODEAU** of Waldo to **TABLE** until Later in Today's Session, pending the motion by Senator **TUTTLE** of York to **ACCEPT** the Majority **OUGHT TO PASS** Report, **FAILED**.

Senator **THIBODEAU** of Waldo moved the Bill and accompanying papers be **COMMITTED** to the Committee on **VETERANS AND LEGAL AFFAIRS**.

On motion by Senator **GOODALL** of Sagadahoc, 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 (#83)**

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

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

15 Senators having voted in the affirmative and 20 Senators having voted in the negative, the motion by Senator **THIBODEAU** of Waldo to **COMMIT** the Bill and accompanying papers to the Committee on **VETERANS AND LEGAL AFFAIRS**, **FAILED**.

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

Senator **MASON:** Thank you Mr. President. Men and women of the Senate, in August of 2012 a plan was devised. The Chief Executive, the Senator from Kennebec, my seatmate Senator Flood, members of the 125<sup>th</sup> Legislature, and other members of the Appropriations Committee at the time put forward a plan and started working on a way to pay the half a billion dollars of welfare debt that we had been accumulating since 2009. The plan was to sell the wholesale liquor business, a huge asset for the State, use the revenues to secure a Revenue Bond to pay the hospitals and take advantage of federal matching funds that were ever decreasing, and still are ever decreasing, bond out the clean water projects, which would then, in turn, improve our bond rating and put us in a favorable position to release transportation and

infrastructure project bonds. That's over \$700 million that could be.

**THE PRESIDENT:** The Chair recognizes the Senator from Sagadahoc, Senator Goodall.

Senator **GOODALL:** Thank you Mr. President. Point of Order, Mr. President. Please remind the Body that we are focused on the underlying bill, not other matters not relevant or germane to this issue.

**THE PRESIDENT:** The Chair would remind members that question before the Senate is the Acceptance of L.D. 1546 and its contents. There is nothing in the bill that refers to the past General Obligation Bonds that have been passed by the voters of Maine and held by the Governor, causing economic development to stall. The member may proceed.

Senator **MASON:** Thank you Mr. President. I thank the President and the Majority Leader for that correction. I'll try to stay on track. After the election, the Majority Party introduced their own plan. Although it wasn't the same, the general principles and the goals were the same; pay back the hospitals and get the best value for the State in selling the liquor contract. There was no mention of any welfare expansions. During the public hearing we had these bills worked together. I was excited to see in the Senator from Sagadahoc, Senator Goodall's statements that he said that he agreed with the Governor and we must pay back our hospitals and pay our bills. I thought we were headed on the right track, but I was very wrong. We had hours of public hearings from potential bidders, from the Maine Municipal Bond Bank, from the Maine Medical Association, legislators past and present, grocers, contractors, and many others. They all were there to mostly support L.D. 239, but some were there to support L.D. 644 as well. All were in support of paying the hospitals and getting top dollar for the State's liquor business. Once again, there was never any mention of welfare expansion.

Over the past four months, we took our time. The Veterans and Legal Affairs Committee worked together. As Senator Goodall suggested in his comments in the public hearing, we took our time. This only comes around once every ten years, so we had to get it right. The Veterans and Legal Affairs Committee did just that, we got it right. On suggestion from the Senator from York, Senator Tuttle, we decided to get politics out of the bill. We decided that we would report out a committee bill, which is before you today, that used the two bills that we were working on, put them together, and take politics out of the mess. We got agreement from the sponsors, from the Executive, and the committee agreed that that was the best thing to do. We agreed on two principles moving forward. Once again, paying the hospitals and getting top dollar for the State's liquor contract. Welfare was never on any of these working sheets. On Wednesday, we thought we had an agreement in principle. As a matter of fact, we had a unanimous straw poll vote. We all agreed. The RFP was going to work for the liquor contract and the bonding portion that the Appropriations Committee was sending back to us. We also heard that there was a unanimous report back from the Appropriations Committee on that matter. We thought we had a deal.

It wasn't until Thursday morning that we found out that there was backroom Washington-style policy politics on full display in the Maine State House. The Health and Human Services

Committee voted to send us a letter in VLA telling us what to do. L.D. 1066 is a massive welfare expansion that will cost Maine untold millions of dollars not only in the next year but over the life of the program. It runs parallel to the Affordable Care Act, or Obamacare. Within a few hours, the Majority Party had rammed through a giant welfare expansion while simultaneously dropping a nuke on the VLA Committee's work in process. Not only is this letter completely inappropriate, it's offensive and disrespectful. It's liken to the VLA Committee sending a letter to Tax telling them to raise the cigarette tax because sometimes veterans die of cancer. It sounds ridiculous, Mr. President, and that's because it is. L.D. 1066 was heard in HHS where it should be heard. Committees of jurisdiction matter. The reason we have 16 committees dealing with a range of subjects is because that's where the expertise lies. That's where the committee analysts are to answer the questions.

I would suggest that the inclusion of the language of L.D. 1066 is incredibly inappropriate. We had no public hearings, no work sessions, or an understanding of the matter. We just got the language handed to us, hot off the presses, and told to pass it. This was never part of the agreement on moving forward. I would invite anyone to look at any of the VLA folders and see if there was any mention of a massive welfare expansion, because there wasn't. The Representative from Auburn, from the other Body, Representative Beaulieu, asked for more time to study and that wasn't granted either. We had spent four months on the first two parts of the bill, but we spent about two hours on the last part of the bill.

Because we didn't have a public hearing on L.D. 1066, I had to do a little bit of digging myself. What is this bill? Well, it's a massive welfare expansion to 70,000 people. One of the members on my committee said that this wasn't going to cost us a penny. I find that laughable because in the very letter that the Health and Human Services Committee sent to us there is a fiscal note. One part of it says \$2 million and the other part of it says \$4.5 million. That's in the first year alone. We're also hiring 83 new people. I find it hard to believe that when an organization hires 83 new people that there is not going to be any cost at all to hiring these people. Surely there are clerical costs, administrative costs, tax costs, and all that stuff? Nope, not going to cost us a penny. Millions in new spending. We already can't afford the people that we have on benefits now. We have Chapter 21 and 29 people who have cognitive disabilities and can't even feed themselves, yet they are on a waiting list for services. In this bill, we think it's a great idea to add non-categoricals, otherwise known as the childless adults. We talk about childless adults in this Chamber and we expect everybody to know what that is. Let me break that down for everybody at home. A childless adult is me. For some reason I deserve services because I'm childless and I'm an adult more than somebody who has a cognitive disability who might not even be able to feed themselves. I don't think that that's a good idea.

Mr. President, we're doubling down on failed policies. We're already tried Medicaid expansion. We did it back in 2003. Here we are, with a half a billion dollars of welfare debt owed to Maine's hospitals. It doesn't work. We're trusting the government, the federal government who can't even find a way to open Acadia National Park or give tours of the White House. We're saying that we can trust them with federal matching rates. Well, I'm not sure if they have a good track record on things like that because we've seen our matching rates go down over the past decade for the expansion we've already passed.

Ladies and gentlemen of the Senate and Mr. President, I would suggest that this bill is completely inappropriate and I would hope that everybody would vote against this motion so we could move on to the Minority Report.

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

On motion by Senator **GOODALL** of Sagadahoc, 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 (#84)**

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

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

15 Senators having voted in the affirmative and 20 Senators having voted in the negative, the motion by Senator **MASON** of Androscoggin to **ADJOURN, FAILED**.

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

Senator **CRAVEN:** Thank you Mr. President. Men and women of the Senate, I stand in support of L.D. 1546. I'm so grateful and excited today that the day has finally arrived when we can discuss and move forward with the opportunity to provide 70,000 people with healthcare coverage, but also lower the cost of private payers as well by not having to shift the costs for charity care to private payers. Seventy thousand people are more than the entire city of Lewiston, Auburn, and Minot put together. Just imagine everybody in Lewiston, Auburn, and Minot, every single person, being able to have healthcare. That's really enormous. In my lifetime it seems like what people worry about most was the cost of how to pay for their healthcare coverage. When I was a young person and raising my family we were both blue collar workers. As it happened, we had excellent healthcare coverage, which I feel allowed us to join the middle class. We didn't have to worry that if our kids got sick or if we got sick we might lose our house. Today we could provide the same confidence to an additional 70,000 Mainers. Too many Mainers today are one illness or accident away from financial ruin. It doesn't have to be that way. We know that simply cutting people off healthcare won't save money. Since Governor LePage got into office his administration has cut healthcare for thousands of Mainers.

**THE PRESIDENT:** The Chair recognizes the Senator from Penobscot, Senator Cushing. To what does the member rise?

Senator **CUSHING:** Thank you Mr. President. I believe in this Chamber we are not to refer to the Executive by name.

**THE PRESIDENT:** The Chair would remind all members that you should not refer to the second, the Chief Executive, or the Governor by name. The member may proceed.

Senator **CRAVEN:** Thank you Mr. President. I apologize. In 2014, 44,000 Mainers will be denied healthcare, including veterans and the elderly and people with disabilities, unless we pass this bill. Nearly 70% of Maine people support accepting federal healthcare dollars to increase access to healthcare, according to the non-partisan Maine People's Resource Center.

I want to read brief excerpts from a couple of letters from Mainers who testified in our committee on L.D. 1066. The first one goes like this; "Thank you for hearing my story, a story that I think that also speaks for many others facing the loss of healthcare benefits under the category of non-categorical recipients. What kind of a name is non-categorical? My category is divorced, middle aged female with no children, a devoted daughter and caregiver to her widowed father, and furthering her education while accruing more debt while facing a bleak future with high hopes. Being non-categorical does not mean I'm a non-person. My story is like thousands of us. I first needed MaineCare when I could not physically do my job any longer and began to seek another vocation. I have high cholesterol and a year ago last month I had a small stroke. The bills from the incident were huge and I was quite grateful for the support of MaineCare. I'm now working hard to prevent another stroke and stress is a big part of the issue. On top of that, my father has just suffered a major stroke himself and I am with him every day. Maybe you can imagine the thoughts running through my head. When I have a stroke like that who will take care of my father? How will I finish school? What of all my dreams to help others? I will become helpless. I am an asset. I want to give back to my community. What makes a difference is the worth that I am to the tax payers, to Mainers. It makes dollars and cents, as well as moral sense, to pass this bill and have me continue working." I'll read short excerpts from Samantha. Samantha says, "I live with my partner and two children. I'm here today to encourage you to pass L.D. 1066, which would allow families like mine to maintain their access to healthcare coverage through the MaineCare program. MaineCare is essential to us. My partner works fulltime as a custodian. He held his job for the last 13 years. He's a hard worker and, thanks to MaineCare, he's been able to continue working even though he's had some pretty serious health problems. He has problems with blood clots in his legs. He has needed vascular surgery on his legs three times in the last three years. There is no way we could have afforded these surgeries without MaineCare. Without those surgeries our doctors say that my partner could lose his ability to walk and might eventually have to have his leg amputated. This is truly terrifying to both of us. He now takes a blood thinner every day and has to have his blood checked for at the Coumadin clinic every other month. When we lost our MaineCare temporarily because of a mix up at the department, we were unable to come up with the \$160 the Coumadin clinic wanted to charge us up front, so we had to go to the hospital to get the blood checked. That costs even more. We haven't yet received the bill from the hospital, but I'm sure that it will be much more than the clinic. However, these are the kinds of decisions that families like us have to make about healthcare every day. We are a working family. The simple answer is that

we couldn't do without MaineCare. Without access to healthcare, instead of being a hard working tax paying citizen, my partner would become disabled. He's still young. He's only 45. He has a lot of years left to work and he has to maintain his health."

I've been in favor of the Affordable Care Act since it passed originally. It is something that in my lifetime, and I've had quite a long lifetime so far, that moves America forward as a developed country. We should be ashamed that we are letting people die and people suffer without access to a physician and requiring hospitals to carry the cost. This bill not only would pay for the back cost charges that we have owed the hospitals, but will prevent something similar from happening again by making sure that people can have proper care at the proper time. Thank you, Mr. President.

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

Senator **GRATWICK:** Thank you Mr. President. Ladies and gentlemen here in the Senate, I'd like to make two brief remarks. One is in support of the aspect of repaying the hospital bill. I think this is owed. The hospitals in my areas of Bangor are very much in favor of this. St. Joseph's Hospital and Eastern Maine Medical Center think that this money is owed to them. The Maine Hospital Association thinks it's owed. I'm in full agreement, as I think we probably all are, that we owe money back to the hospitals here in Maine. I hope this goes forward. The second thing that I have to say is that I'm also very much in favor of accepting federal funds to help insurance here in Maine for those who don't have it. As I'm sure that most of you realize, I'm a rheumatologist. I've done this for the last 35 or 38 years. I think that insurance works. There is no question that people coming to see me, or coming to see any practitioner, with insurance do much better than if they don't have insurance. The record on MaineCare here in Maine is that it basically costs about \$6,000 per year per person if you are covered by MaineCare. That's an average, as opposed to private insurance, which is near \$8,500 to \$9,000 per year. MaineCare does work. I would say, just in terms of schematics and definition, that medical insurance is not welfare. We could have this debate some other time, but I think that medical insurance should be considered medical insurance that keeps people healthy.

To this point, two brief stories. One is when I first started out I saw a patient from near Dover-Foxcroft. A Christmas tree farmer. Not a lot of money. Had rheumatoid arthritis. Rheumatoid arthritis, when not treated, can be a bad disease. He had a bad disease. He was able to get on MaineCare. He got medicine. He was on MaineCare, I think, for three years. Did remarkably well. Got off of MaineCare and went back to work. I still get Christmas cards from this gentleman on a yearly basis. He's gone back to work. He's getting older, so he doesn't have Christmas trees any more, but medical care certainly worked for him. On the other hand, the other side of this, is that without medical insurance one does not always do well. I've seen another person from Downeast, a lobsterman. I can never remember whether he comes from Prospect Harbor or wherever. This is your prototypic Downeast lobsterman. He has hands that are like leather. They are like a machinist's vise. This guy is tough. I don't think he's ever worn gloves in his life. He's out there lobstering and he does his thing. He's got Lupus. You do not want to get Lupus if you have the option. Not a good condition to have. He does not have insurance. He's not been

able to do well without his medication. He's problematic. I don't see him as much as I should. He can't afford his medication. This guy, with hands of Hercules, now does not have hands of Hercules. He can barely function and he's applied for disability. I think there are many instances in my medical practice where medicine works. It helps people. It helps people continue to be productive.

One other aspect is that I got this note from my sister-in-law, who is an accountant in Portland. My brother runs a small business. This has to do with another part of whole aspect of expanding medical care for people here in Maine. My brother's business, they do not hire a lot of wealthy people. Her note is that should Maine decide not to expand Medicaid coverage, employers throughout the state of Maine could be shouldering more than their share of the "shared responsibility" that is now required under the ACA, Patient Protection Affordable Care Act. Employers who offer coverage but cannot afford to offer an affordable and compliant insurance product to their employees will have to shoulder an extra \$3,000 non-deductible penalty for each employee who gets a subsidy from the government. That is that this will be very very hard on small business people. If these same employees had been able to be covered by the, hopefully, pending expansion, using federal funds, the employer would, therefore, not have to put out this extra \$3,000. This is very much, in her view, a pro-business and pro-small business bill. Thus, in conclusion, I'm happy to talk about the details and I think I can talk about the details and numbers as well as anybody here, having been exposed to this for a very long time, but I talk about people. I think this is a bill about people. This is a bill about our fellow citizens here. My constituents sent me here to be a legislator with this issue and these healthcare issues in mind. From my perspective, as a rheumatologist and as a physician, voting against this bill is a vote to cripple Maine, both literally and figuratively. 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'd like to comment on two aspects of this bill. First of all the process and secondly the question of the Medicaid expansion piece. First of all, Mr. President, let's start with the obvious. We owe our hospitals \$480 million. They will use the money to hire people and make capital improvements; injecting millions into Maine's economy. We need to pay them. Last week we thought we were finally there; paying that debt that we owe. Both the Appropriations Committee and the Veterans and Legal Affairs Committee had spent months and had reached a unanimous and bi-partisan agreement on how to use the liquor contract to pay the hospitals. Despite all the partisan politics that swirl around here, those committees had done just what we asked them to do, and what the people asked them to do; to work together in a bi-partisan way to solve problems. They did it. I suspect that if you asked the members of the Appropriations Committee, or the members of the Veterans and Legal Affairs Committee, Thursday at noon how they felt about themselves they probably were feeling pretty darn proud, and rightfully so. That's how the Legislature is supposed to work. Then, on the verge of success, a roadblock gets thrown in our way, our collective way, by some demanding to the committee that, no, they can't do the liquor contract and they can't pay the hospitals unless they also agree to expand Medicaid. Linking two bills together that have nothing

to do with one another is just what people complain about when they see it happening in Washington. Unfortunately, that kind of politics has migrated north. Again, not paying our bills is just plain wrong and we ought to pay the hospitals now. Let's make no mistake about it. By linking these two things together, those payments will be apparently delayed or maybe even put in jeopardy overall.

In respect to the Medicaid expansion, Mr. President, there are those of us who feel that it is premature to make that decision. We can and must wait before making that decision. From my perspective, Mr. President, we simply don't know how much of our bill for expansion the federal government would pay. How many people are they going cover at 100%? Does anyone really know the answer to that question? Have we received any communications which tell us that? I've got a letter from Secretary Sebelius to Governor LePage dated April 30. She says things like, "I remain committed to working with you to consider all available options for insuring the sustainability of your Medicaid program." She also goes on to say, "We will also continue to carefully consider any new proposals you submit." She also says that, "Before making the final decision we will need an analysis of the benefits available through those demonstrations to help us confirm which increased match rate will be available for individuals." Finally, she talks about preliminary opinions, but nothing definitive.

It seems to me, Mr. President, we simply shouldn't be interested at this point in time in writing blank checks without knowing what the cost of this program is going to be to Maine this year, next year, or five years from now. In our stewardship of the scarce fiscal resources we have, we just shouldn't be writing a bad check. In addition, Governor LePage is in the middle of negotiations with the federal government to try to get us a better deal. Maybe he will be successful and maybe he won't be successful. If he is, that could save the State tens of millions of dollars each year into perpetuity. Why wouldn't we want that process to continue? If we just plow ahead and pass Medicaid expansion now we would pull the rug out from under those negotiations. Let's make no mistake about it, they would end. We would lose all negotiating leverage. It doesn't take a genius to figure that out. It's like if you're going to buy a new car and you are going back and forth with the dealer and the last price he gives you is \$20,000 and you say okay and you sign the purchase order for \$20,000. Then you go back and say, "By the way, I'd like to try to reopen this. How about \$17,500?" That's what we're doing if we pass this today. The bottom line is that trying to link these two bill now we are putting tens of millions of dollars at risk. The timing is just wrong. We need to pay the hospitals now. We don't need to make a decision on Medicaid on incomplete facts. Let's pay the hospitals. Let's give the Governor the breathing room he needs to negotiate the best possible deal with the federal government on Medicaid expansion. Then when those negotiations are at an end, maybe it will be after break this summer, maybe we will, God forbid, have to come back for a day for a special session in the fall. Then and only then let's have that vigorous debate on whether we should expand Medicaid. There may be good and compelling reasons on both sides, but it's a separate issue and we are not in any way ready to have that debate. Thank you, Mr. President. I would urge my colleagues to vote no on the Majority Report. Thank you.

**THE PRESIDENT:** The Chair recognizes the Senator from Sagadahoc, Senator Goodall.

Senator **GOODALL:** Thank you Mr. President. I would request a point of order, that you please advise the Body not to refer to the Chief Executive by name.

**THE PRESIDENT:** The Chair would advise the members to please refrain from using the Chief Executive name in this Chamber. The Chair recognizes the Senator from Oxford, Senator Patrick.

Senator **PATRICK:** Thank you Mr. President. Ladies and gentlemen of the Senate, colleagues and friends, I rise today in support of this bill in its entirety. This bill comes before us eight or nine years after we signed over the contract for the original liquor contract. I was a Representative in the other Body and vehemently opposed the sale of the liquor contract back then. I think for 20 years whoever was the Chief Executive of the state took the business that we had, the liquor business, and run it into the ground and didn't run it like a business and, therefore, never really got the value to the citizens of the state of Maine. It brought us to a point in time when we were in financial straits and ended up selling it to a private entity for \$125 million. With that, I would like to say thank you to Maine Beverage and Pine State for doing a great job with what they had. I think they were very astute businessmen. They might have got the better of the State of Maine because we didn't really know what the value was. Now we do. Through the sale of the liquor contract, the original one, we did away with a department called the Liquor Enforcement Bureau. Ever since then we have had, what I will say myself personally, a semi-inept ability to enforce our liquor laws and that the licensees have never gotten what they wanted out of this whole mess. We've only had, I think, four liquor enforcement agents within Public Safety. I supported the straw poll for section A for the liquor contract, I was one of the 13, knowing that we didn't get the best deal for the State of Maine. In my heart of hearts I believe we didn't get the best deal for the State of Maine, but I think we got the best deal possible that the 13 members of the committee could come up with based on what was brought forward in the original bill. I can pinch my nose and vote for that.

I wasn't exactly the happiest camper in the world with section B, paying the hospitals back, because I brought up a lot of things as to what the variables are and how much we owe them and how much CEOs get out of the payback, and the whole nine yards. I agree that we have to pay them back.

Part C of the bill. If welfare is providing healthcare to those working men and women living on the margins, barely scraping by, living on poverty wages, I will take that vote each and every day, Mr. President. The greatest nation in the world, the greatest industrial nation in the world, and we are the only industrialized nation in the world, or one of the few industrialized nations in the world, that do not provide healthcare for the citizens. People's lives are on the line. In Oxford County, over my lifetime 54 factories have shut down. Those men and women now work for Hannaford's or Wal-Mart part time, not making enough money to provide health insurance for their families. One sickness away from going bankrupt. One illness away from dying. If they don't, they have to go the hospital and use charity care, which, in fact, is doubly costly.

Linking the two bills, or three bills, or three parts together, to me, this happens every session, every year, every Legislature. We will always get up, whether you are in the Majority or the Minority, and say it was rammed through and we didn't have

public hearings for this or for that. I am proud of the work that HHS did on Part C. I am proud of the work Appropriations did. Part of Part B has some language in it and some funding in it to finally provide for two auditors and five liquor agents. That's a start, to me, because we're going to get a little bit closer, hopefully, to getting some back because there are stores in Maine that buy liquor out-of-state and bring it in and we don't know where the revenue is going. If we have boots on the ground we will get that out of this deal. Through the whole bill, the whole concept, we are addressing the cost of healthcare for the people and hospitals. I really believe this is a moral and economically right thing to do. The time for delaying and denying healthcare to thousands of Maine working people has passed. The time for action is now. Paying back the hospitals and reducing charity care is a win-win for everybody. I didn't hear a flock of hospitals coming and saying don't combine it, because they are going to benefit greatly. Millions upon hundreds of millions of dollars. The plan will make the final payment to the hospitals, totally \$485 million, and get that monkey off our back. A strong economy and a strong middle class means making sure people the healthcare they need when they need it at an affordable cost. Some use the welfare word like it's dirty. Working poor people, it's a dirty word. Any man who works, or woman that works, in the state of Maine, and who has a lot less than I have, my hat goes off to them because, I'll tell you, I work in a paper mill and I have had health insurance my whole life. I have been truly blessed for what I have had and I did work for it, but I had a lot of luck along the way. So many Mainers work low paying jobs. My wife and I always say, "I don't know how that family does it." This family has two or three kids. They work in this menial job. How do they do that? We don't look at them as welfare cheats, as a welfare state. This is Maine. We take care of our people.

I'll tell you, ladies and gentlemen, like the good Senator Tuttle, I am proud of the work we did. We did break away on this one issue, but for the whole year, other than on maybe this one issue or a couple of issues, everybody worked well together. When all is said and done there will probably be more said than done. I thank you, ladies and gentlemen, for the opportunity to speak.

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

Senator **WOODBURY:** Thank you Mr. President. Senate colleagues, I urge your support for the motion. I support restructuring the liquor contract to be a better deal for Mainers. I support paying off the hospital debt expeditiously. I support accepting federal funds for a Medicaid program that covers the uninsured in Maine up to 133% of the poverty line. I'd like to speak to that third piece, which is, I think, where there is the primary disagreement in this Body. There are really two fundamental reasons that I think this is important. First, this population, we're talking about people with incomes below 133% of the poverty level and providing a health insurance product for lower income people in Maine. This is not a population that is going to go into the private market and be able to buy private health insurance. This is a group that will be the charity care that would be received in hospitals and from other service providers that, in turn, gets shifted into the prices of private health insurance products. There is another reason that I think this is so important. One of the great problems with the Medicaid program as it works right now is what I call an eligibility cliff. If you are below the

income eligibility line, you get full coverage under the Medicaid program. If you are a dollar above that line, you fall off a cliff and have no coverage at all. On January 1, for the first time ever in Maine, that eligibility cliff can go away if we pass this bill. It goes away because that will be the beginning of federal subsidies to buy health insurance in the private market if your income is between 133% of the poverty line up to 400% of the poverty line. For the first time in Maine people in any economic circumstance will be able to find a health insurance product that they can afford. Having this work depends fundamentally on having this base line product, this base line health insurance program, this Medicaid program, that provides the base line coverage for people up 133% of the poverty line. That's what's going to make the whole thing work. That's why it is so important that we pass this now. Thank you.

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

Senator **HAMPER:** Thank you Mr. President. Ladies and gentlemen of the Senate, fool me once, shame on you. Are we not struggling to pay for the services we're now currently trying to provide? Are we not facing another substantial budget adjustment of over \$33 million or we'll fund out of money and be unable to pay our bills come June 12<sup>th</sup>? Looking at the budget projections for fiscal year 2014-2015, DHHS is facing a deficit of \$139 million and \$156 million in 2015. The differences are what is budgeted and what the department is expecting to spend. We are already looking at an overrun deficit as far as the eye can see. Are we presently not covering people who we should be providing servicing too? I'm referring to Section 21 and Section 29 folks. These are people with intellectual disabilities, autistic disorders, and we are withholding home and community based services from them. These people are truly in need. We have 108 of these people with severe and persistent disabilities languishing on a wait list who are in serious need of services but aren't receiving them now. Why? Because we don't have the resources to pay for them. One hundred and sixty-seven people in need of adult protective services. Two hundred and sixty-two are at risk for abuse of benefits services. Three hundred and seventy-two are living in unsafe or unhealthy circumstances as we discuss expanding Medicaid. I've yet to hear where we are prioritizing and making a firm commitment to the neediest of our citizens already in the system. The department is asking for \$103 million more for the next year alone to cover current levels; still not removing anyone from the wait list.

Reimbursement, we've not heard from the federal government at what level they are actually going to reimburse us. We've heard they will likely reimburse at 100% for three years, but likely is not an assurance. It is not a firm commitment. We're facing a decrease in federal Medicaid assistance percentage. That is the FMAP. As in previous years, FMAP for Medicaid has been reduced. FMAP has been reduced from 62.57% in federal fiscal year 2013 to 61.55% in 2014, a rate reduction of 1.02%. It doesn't sound like much, but that decrease causes us an additional \$17.9 million in fiscal 2014 and another \$23.8 million in 2015 to fund Medicaid programs; Medicaid programs we already have. That's Maine's share increasing. I've heard many members of this Body state that it will save Maine millions of dollars in the next 10 years. I've heard from citizens that they are getting the impression that Maine will pay \$690 million less than they are paying now. Is it going to cost more money? It is going

to cost a lot more money. We'll be required to fund an additional \$7 million for the next two years for administration costs alone. If we're not reimbursed at 100%, we are also asked to pony up at least another \$22 million of tax dollars to pay for this. Starting in year four we'll be coming to the Maine tax payers and asking them to fund over \$100 million more per biennium than we are paying now. Our constituents in the state deserve to know the cost before we hand them the bill. We should know the cost before we make this commitment and we don't. Medicaid expansion requires that we be thoughtful in the process. We must plan ahead to insure we can meet the needs of the people we serve and have a clear set of priorities, putting our neediest first. We do not have all the information we need to make the wisest choice for Maine and ramming through the Medicaid expansion, tied to the liquor contract negotiations, is not appropriate. The liquor contract is an issue that is time limited. We are running up against a hard deadline to make necessary negotiations to pay down our hospital debt so we can release the bonds with a better negotiated interest rate to save our citizens of this state money. If we don't pay this by October 1<sup>st</sup> our obligations to the hospitals go up approximately another \$5 million for the federal matching rate will be reduced. Conversely, again, expansion is something we should be taking our time with. We should wait to have all the information so we can make the best choice for the people we represent. Rushing this through puts not only the people served under Medicaid programs at risk but also every vital service that state government performs. DHHS is already cannibalizing the rest of state government. Education, revenue sharing, and our infrastructure, they are all taking a hit because we can't afford our current level of services. Why in heaven's name would you want to rush this through without careful thought and consideration for the future? Slow down. Take each bill one at a time. Have a healthy debate about the merits, strengths, and weaknesses of each bill, individually. Make sure we know what expansion is going to cost before we vote on it. We're saying, "Don't play Washington politics with the people of Maine." We should be better than that. We are better than that. Our constituents deserve better than that. Rest assured, this expansion will consume every last dollar available and that liquor contract, with all the promises of funding other projects, will be just that, promises. Yesterday, when I stopped at our transfer station, the attendant spoke with me. He said, "What's wrong with those people up there? Don't they understand that we need to pay the hospitals?" There was no linkage in his question to me. Even Bert gets it. Pay the hospitals and don't muddy up the water with Medicaid expansion. Fool me twice, shame on me. Thank you, Mr. President.

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

Senator **LACHOWICZ:** Thank you Mr. President. Men and women of the Senate, my friends, anyone who knows me that this day, this issue, is why I'm here. This vote is why I'm in this Chamber today. There are many things we've done in this Legislature, but none are as important to me, personally, as the freedom to get necessary medical and mental healthcare. I knocked on thousands of doors and talked about this very issue with people all through Central Maine to get here. Now that I'm here I barely see the people that I love because I still do that. We've reached a point in the political process that debating on the merits doesn't work. We've lost good bi-partisan legislation to

veto because we weren't quick enough to pay back the hospitals for the Governor. We have the National Heritage Foundation Center providing us with the data that is saying that we should pass MaineCare expansion while the Maine Heritage Policy Center actively tries to kill it. We did what needed to be done, which was to create a bill that actually had a shot of getting signed by the Governor to create a chance for 70,000 Maine people and pay back our hospitals. When we have reached the point that conservatives don't trust a premiere conservative think tank to provide them with facts they can trust we are past the point where we can debate this legislation on the merits. I want to talk about the merits because those seem to have gotten lost in the drama. I know MaineCare expansion has merit, but what does merit mean to people here, because make no mistake, this bill is about people. Your neighbors or mine, our friends. People we all know. They are the people you see at the convenience store that maybe you got your coffee from today. Some of them are in this building today. People who I cannot point out to this Body because to do so would be a violation of the rules. They are here and they are why we are here. They are here to tell us their stories and if we ignore their stories we do so at our peril. They have come on bended knee to plead with this Legislature to give them the care that will help them live.

I know some of those stories, but do they have merit to this Body? I want to tell you about some of these stories. I met a man named Doug. He worked all his life. He had a pretty good job. I met him last winter. When his mother became seriously ill he did what any good son would do and he quit his job and he moved in with her to care for her. He did what actually lots of times what conservatives want us to do, which is to care for our ill family members. While caring for her he suffered an injury that left him permanently disabled. His medications cost so much and he was left to decide whether he would buy the medicine that helps him live or buy heating oil that prevents him from freezing to death. Actually I was in his home in January and it was pretty cold. Because he had a job before he became disabled, his disability check is too much for him to qualify for MaineCare, but he spends 75% of it to pay for his insurance. Doug would be able to access MaineCare if it is expanded and would no longer have to make this deadly choice. Does Doug have merit to this Legislature? He sent me a card in January because he thought his story should be told. I also met a woman in Clinton whose son suffers from schizophrenia. She reached out to me because she knows what I do for a living as a social worker. Her son is extremely ill, but he wants to work. Most of the time he can't do that. Sometimes he is actually living under a bridge. He doesn't want to apply for disability because he wants to work. He does sometimes. The medications that treat his illness only make things worse. They haven't found a medication that actually works for him yet. Is it his fault that he has this disease? He could qualify for MaineCare from this expansion. Does his life have merit? I know a woman named Margaret who suffers from rheumatoid arthritis and a variety of other autoimmune conditions. It is her access to MaineCare that allows her to attend school and obtain employment, which will allow her to continue to work despite her illness. The services she needs from the program were cut in the last Legislature. Without them she will be in permanent debilitating pain, pain that will deny her employment. It's a sentence as good as death to someone like her. It would also not allow her to support her family. Does Margaret have merit to this Legislature? I know a woman named Cathy. Actually I worked with her for a number of years. She had a liver



transplant a few years ago because of a rare genetic condition, not because of substance abuse. She worked her entire life until she needed to get that transplant. In fact, before she needed the transplant, her body blew up with, I guess, with the complications associated with complicated liver failure. Even after that she tried to work and she did until she was too sick and went on disability. Her MaineCare was cut. She would qualify under this MaineCare expansion. She worked her whole life and she's being penalized because she makes too much money because she had the audacity to work. Her antirejection medication is too expensive for her to pay her out-of-pocket. Without it she will die. She has someone else's liver actually. Does Cathy have merit to this Legislature? Most recently I met a man named Don. Actually I didn't meet him. He called me. We hadn't worked together for a number of years. I hadn't seen him since last summer. In that time he had been diagnosed with an aggressive form of cancer. The radiation had scarred his throat where he had it done. His MaineCare was cut off. He, too, had worked his whole life. He needs surgery and the medication to survive. He called because the MaineCare had been cut off. He makes too much money, but he definitely makes under the 133% of the poverty level. He can only afford one medication. Of course, he still needs surgery because he needs surgery to expand his esophagus so he can actually get the feeding tube out of him and he can actually eat a meal. What about my own family? My sister, Lana, at the age of 35, is sick. She moved in with me because she was sick. She got MaineCare while she was working. At that time we discovered that she had a very rare physical illness, a very rare birth defect actually, where she only had one kidney and was missing part of her reproductive system. She needed surgery. Then she became septic. She needed MaineCare just to survive. Does my sister have merit? She worked while going through this. There are many people out there like her who work. Like my dad. My father, a few years ago, had suffered an extremely terrible heart attack and was airlifted from MaineGeneral Medical Center in Waterville down to Maine Med. I am so grateful for the care he received at MaineGeneral Medical Center and at Maine Med in Portland. I know we need to pay back our hospitals, but MaineCare was one of the things that helped him survive. He hadn't yet qualified for Medicare. These are the people we are talking about. They are our friends. They are our neighbors. They work. When I hear the explanation about abled bodied adults I think, "You are not really getting it, are you?" Many of these people are young. Many of these people are people who struggle with emerging health conditions, including serious and persistent mental illness, who do not want to go on disability. They want to work. To deny them this, I think, is morally wrong.

The entire reason I started this journey into the Maine Senate in the first place is because of two stories. One of those I cannot tell, but the other I can. I was content with my life. I had a pretty good one. I was a social worker. I had a decent job. Then I learned of three kids in one of my local schools whose moms had died because they didn't have health insurance. I saw the people down here arguing about stuff that I thought didn't matter. Those children mattered to me because preventative care isn't something you can just go to the ER for. These women didn't have health insurance. They had the audacity to work, to get off benefits, and to try to support their family. One of them had Stage 4 breast cancer when she went to get care. There are children sitting in my district who don't have their mothers anymore because we think abled body adults don't need healthcare.

I'm tired. I'm so very tired. I'm tired of arguing about who has merit. I'm tired of assigning value to people while casting others aside. I'm tired of hearing people preach the bible but ignore the gospel of Mathew. Most of all I am sick and tired of watching good people die. You don't know how many times I've said that in the past year. Sometimes I laugh about it because it seems sort of ridiculous that I keep saying it. I'm tired of watching people die. Do you know what else I'm tired of? I'm tired of words like freedom and liberty being corrupted and distorted as if I am somehow less free because my neighbor and friend, Sam, who works at a local restaurant will get healthcare with this bill. On the contrary my friends, we are all more free if we don't live in fear of getting sick and being financially ruined. People jockey for positions here all the time. They try to get the best sound bites on the news or petty ways to embarrass the other side. It's a weird and disturbing game that is played here. It is that game, not politics and not parties, not even our endless arguing, that makes people so sickened by politics that they tune it out. That's because these people aren't interested in that game. They don't care if we play video games or practice target shooting to break the tension. They care about whether or not we will help them. They want us to stop treating this duty which they so generously gave us with some blatant disrespect and actually do something to help them. Not our political parties or leaders. People have put their trust and faith in us to do what is right for them. We have a moral obligation to the people in our districts to do just that. Giving people health insurance, while saving us money, does that. I lost my faith a long time ago, but I found it again while talking to people in my district and through my time here, through the stories of people I have been blessed to meet. I'm not a perfect person. I get angry. I usually forget to register my car. I have faith again and I have to place that faith in this Legislature and in my Governor now because now is the time for all of us to choose whether we will give low income working people and people with disabilities who earn a little too much the healthcare they deserve. We choose now whether we will care for our brothers and sisters. It's as simple as that. We can choose now whether we continue to let good people die or whether we will help them live. I place my faith in all of you to make that right choice.

**THE PRESIDENT:** The Chair recognizes the Senator from Somerset, Senator Thomas.

Senator **THOMAS:** Thank you Mr. President. Ladies and gentlemen of the Senate, this debate is going to drag on for a while I'd say and I'd like to make three very quick points, if I can. First of all, we owe the hospitals \$480 million and, because we haven't paid our bills, those hospitals are laying people off. To hold the hospitals and the jobs that they provide hostage to pass any other piece of legislation, in my mind, is wrong. If we postpone paying the hospitals, and the way we're going about this that may end up being the result of all this, the bill will be more for Maine people. It will be higher because the federal reimbursement rate goes down. There are people who I'd like to provide healthcare to, but we have asked the working people, the tax payers of Maine, to pay all they can afford to pay. We don't have the money to pay the bill to provide healthcare for anyone. We are already paying than we can afford, as witnessed by the \$500 million bill that we can't pay. We're told that we can provide healthcare for 70,000 people and for three years it will be free because the federal government will pay for it all. Then, after

that, the federal government will pay for 90% of it. I'm reminded of the comic strip Peanuts and Charlie Brown wants to kick that football. Almost every fall there will be a strip or a couple of strips about Charlie Brown kicking the football. Lucy is going to hold it for him. Charlie Brown will get up almost to the football and she will pull it away. She does it every time. He should know it in the beginning. How many times, ladies and gentlemen, has the federal government promised to pay something, has the federal government said they'll do something, and then they renege? Then they change the rules. Then they reduce the payments. Let's not be like Charlie Brown. Thank you.

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Off Record Remarks

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

Senator **JACKSON:** Thank you Mr. President. Ladies and gentlemen of the Senate, I rise to support the pending motion. I'm going to keep hoping that one day when I get a chance to kick that football that it is going to be there and I'm going to get a good solid hit. I hope that's today. The idea that we have to pay our hospitals back is certainly a big issue that I want to make sure that we do. I can't help but think about all the people, especially after last session, that called and told me about losing their healthcare. They weren't able to get healthcare. Many of them I knew personally that had been hard workers their whole life and something happened to them that was unfortunate and they weren't able to work like they used to, or maybe, because of all the years of working extremely hard at running trucks 18 hours a day and not taking care of their health, something happened to them that they weren't able to do that anymore. All those calls from those people that I knew who were very hard working individuals that didn't have health insurance and couldn't afford to pay their bills. The frustration that I felt by telling them that there was nothing that I could do about it. In the summer of 1998 I was working for a gentleman, Steve Raymond was his name, running equipment in the logging industry. Before I went to work for him I asked him about having health insurance. I went to work for a month or two and he came to me one day with a plan, short-term health insurance. Paid 50% of the cost for six months. I figured it was better than nothing. I said, "Ya, I'll take that." Sometime during that summer I started having pains in my chest. Every day, whenever I'd work, I had to chew Tums or whatever I could get my hands on. I made an appointment with my mother's family doctor. He sent me up to go to Presque Isle to have a scope to check what was going on inside my stomach. The results came back. The specialist told me that I had reflux disease. I just had to take prescription antacid and that would cure it. The first time that I found out the issues with health insurance was this short-term health insurance that was supposed to pay 50% of my cost. They sent me a bill back in 1998, I believe the bill was around \$400. I have to pay 50%, which was \$400. Not long after I got that bill I got another bill from the insurance company saying it was a pre-existing condition and they were not going to cover it. The provider sent me a bill saying that I owed \$1,300. I said, "How can that be? If 50% was \$400 than shouldn't I have only have to pay \$800?" They said, "No, that's if you're an insurance

company. We have rates for that. Since you are a private individual this is what you have to pay." It was significantly more money. That was the first time that I had seen what a strange concept sometimes people's healthcare can be.

Later on that summer, actually that fall, and I know some of you have heard this story more than you want to but I can't help it. It's an important issue and I want to talk about it again. When we decided to go to the border for labor issues, a lot of people thought that the biggest issue about that was the pay. While it was pay, more than anything it was about the lack of health insurance that you could get in the logging industry because our counterparts from across the border didn't ask for health insurance. One of the guys that went with us to the border, and I've spoken about this gentleman too, was Ryan Kelly. Ryan Kelly was eight years younger than me. Someone that I worked for was his father in a saw mill. Ryan was only 10 years old when I was working there. He'd come there after school and work with me. He was a very good guy. Years later he'd stop when we were outside. He'd stop and talk to you. If you needed a hand with something he'd stop and give you a hand. He was taller than me. Thin. Very active. Someone you just never would have suspected. When we were at the border, Ryan was only 21 years old. We were there for eight days. It was like 16 hour days. Quite honestly, we'd just stand there. We didn't have a whole lot to do other than keep the road blocked. We'd talk about things that were important. I remember Ryan talking about having a young daughter. It was important to him that he had healthcare for him and her. I thought, "At 21 years old, this kid really understands what it's about in my mind." About three years after that I had the great honor of being elected for the first time in the Maine House of Representatives where I got health insurance, other than that short-term disability, for the first time in a long time. Since then I've had it. In that first year, right about this time of year, I remember getting a call. It was from my mother telling me about Ryan. Apparently Ryan had gone to the emergency room a number of times that year and complained about chest pains. He didn't have insurance and he went to the emergency room. The emergency room told him that he had reflux disease, much like they had told me. All he had to do was take antacid. He complained about it a couple of times. This one morning he went to work at 3 o'clock in the morning, running equipment like I did and like we had done together. At 6 o'clock in the morning he apparently felt bad. He asked his co-workers to drive him out of the woods. When they got out to where his car was, I don't know what actually happened, he wasn't actually given a ride. He actually got into his own car and drove himself to Ft. Kent, to the hospital. Before he got to the hospital, and I know the place well, just across the Ft. Kent line there was a school bus following behind him. Ryan's car went off the road, rolled over, and he was dead inside. They did an autopsy and it wasn't the crash. He died of a massive heart attack on the way to the hospital. I often think what that ride must have been like for him, by himself. I don't know definitely, but with what his income might have been, Ryan definitely would have been someone we could be talking about here today, covering under the MaineCare expansion.

A year later there was another gentleman from my town of St. Francis. He worked at the convenience store where I used to stop a lot. We were talking about Dirigo Health Care. He asked me about it one day when I was in there. I told that it was an opportunity, possibly, to get health insurance for people for a cheaper amount. We talked quite a little bit about it. He told me that he'd been experiencing chest pains. When he went to the

emergency room they diagnosed him with reflux disease. They said he ought to take antacids. He told me about chewing antacids fist after fistful and it never really seemed to go away. Just before election to my second term, the news broke that he had stayed up to watch the Red Sox play. His wife went to bed. When she came down in the morning he was dead on the couch. A massive heart attack. Wasn't reflux disease. He had a bad heart. I think he was less than 30 years old. I know for a fact that Bob would have been another one that we'd be talking about today that would be eligible for MaineCare expansion. He worked hard, but didn't make a lot of money. He had no real ability to have any other type of insurance that I know of.

The year after that election, my first term down here, in the 122<sup>nd</sup>, I remember it well. I know Senator Whittemore and Senator Gratwick both heard me tell this story and I'm sorry that you have to hear it again. It was Super Bowl Sunday of Super Bowl 40 with Pittsburgh Steelers playing the Seattle Seahawks. Pittsburgh is my team, so I knew it well and was looking forward to it. My father asked me to come down and help him shovel his roof. Like the good son I am, I never failed to do what my father tells me. Somewhere during that time I felt a twinge in chest. Never really thought much of it. Thought I'd pulled something. It was cold. It was wet. Maybe I'd got a quick acting cold. I wasn't sure. I went home and changed my clothes and watched the Super Bowl that night wondering what the thing was in my chest. I drove to Augusta the next morning. Served on the Committee on Labor. Spent three days in there. I remember the testimony of some bills that were really, I guess, depressing. Every time I'd get up out of my chair I'd get weak and dizzy. Maybe after three years of having health insurance because I had the luck of becoming an elected official, maybe I was stigmatized to the fact that I didn't want to go over the hospital for something that might have been just a cold or a pulled muscle in my chest. After the third day, after a lot of people telling me I looked really pale and I didn't look well, that maybe I should go to the hospital, and getting up every time and getting dizzy, this thing that I couldn't shake, I drove myself over to the hospital here in Augusta. I went in and told the intake worker that I wasn't feeling well. They took my pulse and took my blood pressure and she left the room. Pretty quickly a bunch of people came back in and wanted me to go into the ER and lay down on a table. Within 25 minutes the doctor told me, "We have a real problem here. We need to fit you with a temporary pacemaker because your heart is beating at 27 beats per minute." I laid there thinking all kinds of things. They put the pacemaker on me and put me in an ambulance and sent me to Portland. I remember thinking about Ryan. That long ride with no one, not even your family, with you. Luckily for me, I made the trip to Portland and they put a pacemaker inside me. For the first year that worked pretty well. After a while I started to feel bad again. My ejection fraction started dropping to the point where I had to go to Boston and have a different type of pacemaker put in with a deliberator because they felt I could go into arrhythmia and that would kill me. I went to Boston. Drove myself to Boston. My mother and wife flew down. I had another type of device put in me. All because I was elected to the Legislature and had health insurance. That actually worked quite well. My health improved significantly. My ejection fraction got to the point where they said that I wouldn't really know that I had any problem with my heart other than the fact that I needed a pacemaker to make it beat right. I went like that for four and a half years until the end of last session. I felt really good. I was splitting wood with my father-in-law, sawing wood. Probably felt the best I had in a long time.

One day during dinner, sitting at my house, I heard a beeping going off. I looked at my watch. It wasn't my watch. I looked at the stove and I looked at everything in my house and couldn't figure out what was beeping. It away and I thought, "Well, I guess maybe you are losing it, Troy." I didn't think too much of it until the next day, after splitting wood, at dinner the phone rang and it was my cardiologist. They said, "You probably didn't notice it, but yesterday your 90 day early warning device went off." I said, "Early warning device? What are you talking about?" They said, "Well, when your battery gets to the point that you only have 90 days left there is a beeping that goes off to let you know that and we received this down in Scarborough. We're calling you today to tell you that you have to have another surgery done because, quite literally, you are running out of time." I was shocked. I didn't see that coming at all. I felt the best I had and here I had to go do it again. For the next couple of weeks, every time 11:58 rolled around or getting close to it, I quite honestly was worried that somebody would be around me and start hearing beeping going off that was coming from inside my chest. It was a small thing, but a little bit of an embarrassment that you're not quite 100% the way you should be. I don't know what it was, but something about that made me not want to be around people at 11:58. I didn't want anyone else to hear that. I thought about it for a while. I thought about how selfish I was being. I actually had an early warning device that was going to tell me when something serious might happen and I could end up dying and leaving my family when all these other people that I knew didn't have that opportunity, didn't have anything that told them that there was a problem coming up. I somewhat got over the idea that there was just something as insignificant as a beeping coming out of my chest. I had the surgery again and here I stand before you today feeling quite great. I can't forget about all those people that have issues like that that don't have health insurance and don't have someone looking out for them or don't have early warning devices. Some people that go to the hospital because they don't have health insurance, they maybe aren't looked at quite as strongly as someone that does. Someone that is told that they just have reflux disease, to go home and take antacid. It's been said, shame on me. Well shame on me once, but those people didn't have shame on me twice.

When it comes down to it, it's three people, one of them being myself. You can look up Ryan Kelly. Go to BDN webpage, put his name and put Allagash in if you don't believe me, it will come up just like I explained it to you. We all had similar health problems. We all were diagnosed initially as having reflux disease. There is no real reason why something like that happens to anyone. It's just a fluke. Something that is wrong with your genetic makeup. There is no way to tell many times. It's just winners and losers. Maybe it's just fate. No one really knows why and that's something I just struggle with all the time. I do know that out of the three of us I was the one that had health insurance. I know that that's probably the reason why I stand here before you and not the other two. I don't believe that I'm on a different level or that I deserve health insurance over anyone else. It's just the simple fact that I was lucky enough to get elected and that's why I have it. If it wasn't for that I probably would have had the same injustice happen to me that those two guys did. When you look in the faces of the families of those people, in Ryan's case if I ever looked in the face of his daughter, they could see the pain and suffering that I have for their loss and the complete frustration of not being able to do anything to help. Just the hatred that something like that could happen to people

that had no warning. It was just a lightning strike for them. It just doesn't make sense. It really is something that I struggle with. It hurts. I don't want to have to feel that way. I don't want those people to have to feel that way. The other thing that bothers me about it is that I know that they know how much it bothers me and how much I wish I could do something to help them. The other thing that bothers me somewhat, or it bothers me a lot, way behind the pain and sorrow that they might see in my eyes, is that there is something there that I don't want them to see. Something that I don't know if it is conscience or what, but I try to hide it because it's just something that makes me sick to my stomach that I can't help but feel that way. You know what it is? It's embarrassment. It's embarrassment that I have health insurance and they didn't. It's embarrassment that I am glad that I'm alive when they didn't have that opportunity. It's selfishness. I can't help it. I don't want to feel that way, but I think that is basic human nature to want to survive. I've got to tell you that in this building, in this Senate and in the House and in this Administration, we're all here with government sponsored healthcare. We all should be embarrassed that there are people out there on the fringe that don't have health insurance. It's unconscionable that people would sit here and not have to put themselves in those people's shoes and talk about the merits of giving people health insurance.

Ladies and gentlemen of the Senate, I think that we need to throw a line to these people, not pull the ladder up behind them. I hope that you will just think about putting yourself in those people's shoes. I hope that you will accept the Majority Ought to Pass Report.

**THE PRESIDENT:** The Chair recognizes the Senator from Lincoln, Senator Johnson.

Senator **JOHNSON:** Thank you Mr. President. Ladies and gentlemen of the Senate, completing the repayment of hospitals needs to happen. I'm confident that will be widely supported here today. However, today I stand primary to be a voice for people who have far too little voice in Augusta; a constituent by the name of Bob Burns and others like him. Bob runs an auto service shop. A one man operation that has scraped by in this recession, barely staying in business. In Bob's words, "I'm really lucky I haven't lost my home." Bob can't afford health insurance so when Bob had serious health issues in the last few years it was not easy to get treatment. He ended up finally getting treatment as charity care when that was approved. When he needed follow-up visits to a doctor sometimes those visits didn't happen because he couldn't afford the \$100 in costs for an office visit. Bob's one of the hard working small business people that, under this bill, under the current motion, will have healthcare, will be able to see his doctor when he needs to, will get primary care to stay healthier, and will no longer be one illness away from financial ruin. Shame on anyone who says Bob being able to see his doctor isn't worth accepting federal dollars. According to Bob, and I agree with him, this is a deal we can't afford to pass up. Shame on those who don't believe he should have health coverage with primary care instead of unreimbursed care at the hospital. Our debate here today shouldn't be about partisan ideology. It shouldn't be about adhering to the Administration's position. This is the Legislature, where it should be entirely about doing the right thing for people we represent. They are who we should be thinking about today because Bob is not alone. There are thousands more people like him in my district and nearly 70,000 in Maine. I ask you to vote

with me in support of the Majority Ought to Pass Report on L.D. 1546 for all of the Bobs out there and for the hospitals working to reduce cost drivers. We've got your back. 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 would argue today that the sheer amount of testimony that we've heard here today in favor of Medicaid expansion as part of the passing of a new liquor contract is, in itself, a cry for this issue to be debated as a separate issue. There is very little denial today and much testimony about the need to pay back our hospitals and to use the liquor contract to do that, but there has been great debate today about the purpose of doing it attached together. After listening to a very very good debate on this issue, I've come to the conclusion that it should have a separate time for us to do that. I am a co-sponsor on a bill to expand Medicaid coverage and I'd like to have the chance to really weigh out both sides of that and really look at the numbers because I'm not opposed to it. What I am opposed to is the way that it's being done here today and that it doesn't give me a fair chance to vote on that the way I would like to. Thank you.

Senator **THIBODEAU** of Waldo rose to a **POINT OF ORDER** as to whether the Bill was **PROPERLY BEFORE THE BODY**.

**THE CHAIR MADE THE FOLLOWING RULING:**

"Having anticipated this question, the Chair has worked with the Secretary of the Senate to research past actions and components of the bill before us today. L.D. 1546 has been reported out of the Joint Standing Committee on Veterans and Legal Affairs pursuant to Joint Order S.P. 496, Senate Paper 496, following months of work by the committee. Public hearings and work sessions were properly held on all three components of the bill. If the question is to whether the expansion of healthcare coverage is properly before the Body, the same question could have been raised for the very bill originated this conversation, L.D. 238, the Governor's bill, which dealt with the State's wholesale liquor contract and paying the hospitals. As we all know, it's not uncommon for this Legislature, and every Legislature before us, to see, at times, legislation that addresses complex issues. This is one of them. In looking at the full, complete picture of L.D. 1546, the parts are related. Expanding healthcare coverage will reduce future debt to our hospitals, which we are paying with the money from the State's renegotiated liquor contract. It is this Chair's decision that this bill is properly before this Body."

The Chair **RULED THE BILL WAS PROPERLY BEFORE THE BODY**.

**THE PRESIDENT:** The Chair recognizes the Senator from Waldo, Senator Thibodeau.

Senator **THIBODEAU:** Thank you Mr. President. If I may, I just wanted to make a few points here this afternoon. Obviously Senate Republicans are somewhat disappointed as to the nature of the way this bill has gotten to this point. Obviously the Legal and Veterans Affairs Committee did not debate Medicaid expansion. They didn't put the same time and energy into that as

they did other aspects of this bill, which is very unfortunate. I think that most of us realize that there was a fair amount of politics that was involved in that decision. I think that is unfortunate. This morning, or last week, we were told on Friday afternoon that we had until 9 am to submit our amendments. Senate Republicans appreciate the fact that we were given until noon to submit any amendments on this very large bill. It was still an extremely short period of time. We're extremely disappointed that this morning we began debate on this bill before that timeline had even elapsed. That's a little concerning, maybe it's more than a little concerning, as we work towards finishing the work of the 126<sup>th</sup> Maine Legislature. We've got some incredibly important issues to debate in this Chamber, some incredibly important issues that we have to resolve together. I can remember the Senate President, when he was the Assistant Minority Leader sitting right here to my right, on multiple occasions standing to his feet and talking about things that we ramrodded through by the Majority. That's not a term I'm going to use today. I'll let each one of you decide whether or not that's been happening. I certainly am concerned. We need to work together on all the important issues that face this state.

Over an hour ago, during the debate, we were told that Maine hospitals don't oppose the linking of the bills. I would suggest to you that an editorial in the Portland Press Herald dated May 12<sup>th</sup> by Steven Michaud, who is the President of the Maine Hospital Association, said the following, "Medicaid expansion is a centerpiece to the Federal Affordable Care Act. While hospitals support Medicaid expansion, we vehemently disagree that an expansion should be tied in any way to whether or not the outstanding bills get paid. Hospitals don't control whether Medicaid gets expanded. They shouldn't be punished if the expansion fails." Let me say Senate Republicans want to pay Maine hospitals. The pending report is a distraction from accomplishing this task. I join my colleagues in expressing disappointment in how this bill was amended late in the committee process and links two very different proposals together in Washington style politics. I think that is unfortunate. There are a lot of different facts and figures and numbers surrounding Part C of this bill. Medicaid expansion, it has been said that this is free money from Washington D.C. and that it won't cost Maine a dime. I can assure you that if we accept Medicaid expansion today it will cost Maine money. In fact, in fiscal years 2018 and 2019 it will cost Maine over \$100 million in new spending. We need to wait, Mr. President, we need to wait. We need to allow our Chief Executive and his Administration time that is necessary to negotiate the best deal for the State of Maine.

What does this mean, the best deal for Maine? Well, let's consider our childless adult population. It has been recorded that the leaders of this Legislature have received a letter from the U.S. Department of Health and Human Services saying the childless adult populations would "likely" qualify for 100% coverage from the federal government. Meanwhile, no such letter has been sent to the Administration, so we do not yet have a guarantee that Maine will, indeed, qualify for 100% coverage of this population. I am told that in fact the Department of Health and Human Services asked CMS if they could stop their analysis needed to make sure that Maine would qualify for this coverage. CMS said, "No, keep working." That tells me simply that this is not a guaranteed 100%. We need to prove to CMS that we will, in fact, qualify. Let's set that aside.

How about low income parents? Currently other states have not been as generous as Maine covering low income parents.

These states will receive 100% coverage from the federal government for expanding from their current rate, some below 50%. Is that the best deal for the State of Maine? All the way to 133%. Meanwhile Maine is not going to receive that same benefit. Maine will receive no such benefit. Increasing federal coverage to this population should be negotiated by our state with the U.S. Department of Health and Human Services. That's what our Administration is trying to do today.

Mr. President, we have waiting lists for some of the most vulnerable populations in this state; our elderly and our developmentally disabled. These people who need our assistance today cannot get help because we cannot afford to help them. Just yesterday we heard that we do have enough money to cover MaineCare for the rest of this fiscal year. We cannot expand to include more abled bodied citizens when we cannot pay for those services for folks that need them the most. Mr. President, we have expanded our safety net so far that people are slipping through the cracks. When you are looking to expand a third floor to a building you check the foundation first. The foundation of our MaineCare program is broken. It is foolish to think that adding another layer to it will make it hold up any better.

There is no question what fate waits this bill. There has been zero debate about one thing that really concerns me. There has been zero debate today about our ability to pay for this. Remember, 100% federal money for three years, \$100 million if the federal government delivers on a promise that they've made to fund at 90%. Given the financial situation that we find ourselves in as a state, who in this Chamber thinks that the end of three years, unless our economy dramatically improves, how will we possibly fund this. It's not fair to give somebody something today just to turn to them tomorrow and say, "Well, we've changed our mind." This Body hasn't shown any potential over the past two or three decades to start any program and then make that really tough decision, when the resources aren't there, to end it. I think that the debate in this Chamber is lacking when it comes to whether or not we can afford this program. We're expecting the federal government, as Senator Mason said earlier, that can't afford to open Acadia National Park and can't afford to give children tours of the White House, to deliver on hundreds of millions of dollars, all the while reducing reimbursement rates for a vast number of other programs that we all have supported over the past decades. Asking Maine to give a bigger and bigger percentage of its budget to carry these programs, to keep them for Maine people, I think is very unfortunate that we would go down that road. Mr. President, I would urge you and all my colleagues to reject this motion and let's pay Maine's hospitals. Thank you.

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

Senator **CLEVELAND:** Thank you Mr. President. I'll be supporting this bill here today because we should be paying our debt to the hospitals and we should pay it just as quickly as we can. It's owed to them and the consequences of not paying it are fairly dramatic. I am also in favor of paying our future medical bills as well because it's fiscally responsible, it's medically responsible, and it's morally responsible. There is no doubt, and the facts support, there are tens of thousands of people in this state who do not have medical insurance. Therefore, if they are ill or if their children are ill, they can't get access to medical care

unless they do it on a charity basis. That all comes back to each of us, and through the premiums that we pay in medical insurance, to cover the uninsured. Unfortunately, because they don't get the preventative care that they should get, they are often treated when their illnesses are far advanced, far more expensive, and the outcomes are very adverse to them. We know this is true. I want to speak today not about facts and figures. We've spoken greatly about that. I'd like to put a face to the consequences of what we do. For those of you who were here in the 125<sup>th</sup> and who voted to reduce the eligibility requirements, the income levels, to access MaineCare, there were outcomes to that decision. Thousands and thousands of people, who had access to MaineCare, no longer do. They are suffering the consequences as a result of your vote.

One of those people lives in my district, as do hundreds and hundreds of others. I'd like to tell you a little bit about her. Her name is Amy Driscoll. She's 28 years old. She has cystic fibrosis. Cystic fibrosis is an inherited disease that destroys your lungs. You are not able to breathe. It also makes it very difficult for you to digest your food and get the nourishment your body needs. As a consequence, you are chronically underweight. Amy is much like all of us. I've known her for a long time. She was a good student in school. Went to college. Wanted to advance herself like the rest. She worked while she was going to college to try to support herself and pay for her tuition. She had to stop because it became physically unable for her to do that. Like all of us, she wanted to meet someone that she loved and have a family and to raise those children. Fortunately for her, she met a wonderful man named Peter Driscoll who, despite her serious medical conditions, loved her so dearly that he married her. Despite her medical condition, she wanted to give life to another person and became pregnant and now has a beautiful son, Liam, who is 4 years old. He is a wonderful loving child, but he has autism, which requires a great deal of support from the parents to be there. They worked hard. She continued to work until she no longer could. Her husband continues to work full time to support the family. They want to be self-sufficient, and are to a large extent, to take care of themselves. They are not the image of some welfare freeloader who is trying to get something for nothing. The fact is they can't access health insurance because of her condition. Her medications alone \$15,000 a month, not counting her medical care or hospitalizations and her treatments. There is no way that she can afford, or her family can afford, this and there is no insurance company that wishes to take obligation on. She's currently in the condition where she's down to 15% lung capacity and she's on oxygen 24 hours a day simply so she can take a breathe and try to survive. She's on a list for a lung transplant and hoping that before it's too late she'll be called. She received a notice in April that because of the changes made here, which were similar to this Medicaid expansion, the State of Maine has terminated her from her healthcare insurance because she is no longer income eligible. As the good Senator Woodbury has indicated, she fell off the cliff. For her that's a death sentence. There are consequences to what we do. People feel it. They live it.

Now you might ask why do I know so much about Amy. Well, besides being my constituent, I held her in my arms when she was a child because she's my niece. A lovely young woman. She asks nothing more than to have the same chance as anybody else to live, to raise a family, and to be productive. To do that, she needs medical care. I wouldn't be here speaking if it was solely about my niece. I'm not that self-centered. There are

hundreds of thousands of Amy's in the state of Maine, I've met many of them going door to door, who have disabilities, chronic illnesses, who are disabled, who can't work full time, who can't access health insurance, and who often work in low income and minimum wage jobs. All they want to do is be able to support themselves and go see a doctor when they are sick to try to stay healthy. Those are the kinds of people really that we are talking about. Like many here, I'm disappointed that this has become a partisan issue. I didn't come here to be a partisan. I have no interest in it whatsoever. Actually, it revolts me on most cases. I came here to work with my colleagues, to identify the real problems this state has, and this is one of them. The people in this state, too many of them, tens of thousands of them, have no option to access healthcare. Is it right that we should pick those winners and losers? That some should die because they happen to be poor and that some should live because they are fortunate enough to have health insurance. I think this is one of the most important decisions out of probably three or four that we are going to make this session. There are none that are more important than those other. I think that it's a decision that we have an obligation to find a way to make the right choice, the morally correct choice, the fiscally responsible choice, and to do something for those constituents who are back home begging us to try to find a way so they can just take another breath, just live, and just have another opportunity for life like the rest of us do. That decision rests right here. Each one of us, the 35 of us, will make that decision. For the 1.3 million people in this state, the outcome depends on us, the 35 that are here. We have in our power to address this problem. There has to be a way that we can find common ground and that we can meet the needs of the thousands of Amy's across this state. I think that they deserve an opportunity for life. They deserve an opportunity to have access to medical care when they desperately need it. They deserve an opportunity to try to live a full, productive, working life where they contribute to this community, to raise their children, to love one another, and to be good citizens here in this state. Whether or not that happens will depend on how you cast your vote. I want you to think about that. I want you to think about those individuals. See them in your mind's eye. We're not talking about numbers. We're not talking about statistics. We're talking about a way to provide medical care for those poorest in our society, those who are critically ill. I hope that once you do that you will find a way to support both paying the debt for the hospitals and paying for access to medical care. I hope you will join me in supporting this bill and supporting an effort to accomplish both those goals this session before we go home. 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 rise for a second time to speak briefly, Mr. President. First of all, to those who have spoken in support of the Majority Report, you have spoken with eloquence, with passion, and with compassion. You have appealed to the best in each and every one of us. I think whether we vote for the Majority Report or not, each of us has compassion for our brothers and sisters, literally and figuratively. It's what makes living in this state so special. You see it manifested every week in each of our districts at church suppers, benefit auctions, and raffles for where a family has lost their home, where someone is in trouble because of sickness, or a family is in trouble because of the death of the

breadwinner. The question today, Mr. President, from my perspective, is not who has more compassion than someone else, but how much we should be looking to our tax payers to show that compassion.

I have five questions, Mr. President, which I will pose through the Chair to anyone who might answer because I haven't heard the answers to these questions today. Number one: how many childless adults will the federal government cover at 100%? Not maybe, not probably, not likely, but will. Number two: how much will these expansions cost this Legislature and the next one and the next one and the next one? Not maybe, not probably, not likely, but will. Number three: if we permit the Chief Executive to continue to negotiate with the federal government, what kinds of concessions will he be able to achieve or won't be able to achieve? Not maybe, not probably, not likely, but will. Number four: how many tens of millions of dollars could we save if we allow that process to run its course? Number five, and maybe this is the most important from my perspective, Mr. President: should we have the answers to those first four questions before we decide on Medicaid expansion?

I want to say again, personally speaking for myself, I have an open mind about expansion. What I don't have an open mind about is writing out a check without knowing the amount because, from my perspective, that's what we are being asked to do today. Date the check, fill out the payer of the check, the payer is the tax payer, and the only thing we're leaving blank is the amount. We wouldn't do that in our personal lives, with our own money. Why would we do it with tax payer money? Make no mistake about it; we can't look at this in a vacuum. If this ends up costing us more than we think it might cost us, something is going to suffer. We are either going to be taking more money out of education, we're going to be taking more money out of some other aspect of human services, we're going to be taking more money away from fixing our infrastructure, or we're going to be raising taxes. I've run out of alternatives. We ought to have that debate, but before we have that debate we ought to know. There is time to get answers. Hopefully it's during the course of this next 30 days. If not, again, we have to come back. This has ramifications for decades. We ought to be willing to come back. I honestly don't know how I will vote, but I need to know the information for myself first. I hope you would need to have that information as well. Thank you, Mr. President.

**THE PRESIDENT:** The Senator from Kennebec, Senator Katz has posed four questions through the Chair to anyone who may wish to answer. The Chair recognizes the Senator from Kennebec, Senator Flood.

Senator **FLOOD:** Thank you Mr. President. Ladies and gentlemen of the Senate, I appreciated the debate today. I think it was absolutely stunning. I appreciate all my colleagues. The only things I wanted to add maybe that were somewhat different were from the perspective of a practical person who worries about our process and our actions. I just want to offer some comments. My concern is that if our actions today, and in the subsequent days and weeks, result in a failure to pay hospitals, a failure to develop a strong State liquor contract, and a failure to expand Medicaid, I think that's a terrible terrible thing. They are all worthy for discussion. They are all worthy to happen. What a disappointment that would be to me and what a disappointment I think it would be to the Legislature and the people. I think this is a time for intelligent and complete review and intelligent and

complete action. My concern is that we need to think through the blocks as this bill proceeds. My sense is it's the timing and linkage of two separate and worthy objectives that caused the greatest degree of disappointment and disagreement here that will potentially cripple the efforts of the three very worthy objectives. I think a little bit of time can save those things. I think, as the saying goes, time is one of the few things in life that we've got all that there is. To let these bills truly succeed, the components of these bills, we probably do need to delink them somehow. I guess my plea is to somehow, as these things flourish over the next couple of days and as this bill goes through the process, my counterparts in leadership would do whatever they can to keep the core bill alive, even if only on life support, until the latest possibly opportunity in this session because I'm a strong believer that we'll eventually get this right. It's crystal clear that the path we're on will lead us only to a failed conclusion in all respects. Knowing that, I don't think we want to stay on that path. We will have the option, at many times throughout this process, as the bill moves through both Chambers and goes to the Appropriations Table and moves through the process, to change something if the Body is willing to change it. I'm hoping that at some point along the way we can take a time-out and look at the components of the bill in different ways so that we can actually do good work in both Medicaid expansion, the hospital payments, and so forth and have a real chance of passage. I'm very concerned that if we start down a path, and get too rigorous in our approach, that we'll fail in all cases. I feel, for the entire Chamber, that we need to be very cautious if we go forward. Thank you very much, Mr. President.

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

Senator **CAIN:** Thank you Mr. President. Men and women of the Senate, I rise in support of this motion and of the three parts that have been discussed in this bill. I am not going to tell a story because the stories we have heard today are reason enough to pass this bill right now, today. This bill should pass today not only because it helps those people that you've heard about and many, many, many more like them, but because it also makes good sense for Maine. This bill is good for Maine's people, good for Maine's businesses, and especially good for Maine's hospitals. This bill is a great deal for Maine's budget and Maine's health. If we don't seize the moment it could pass us by. The renovated liquor contract is good business for Maine. The contract, as structured in this legislation, will bring better options for Maine consumers, better prices, and better enforcement. As a state, we have learned a lot in the last ten years and the bipartisan agreement in this bill puts us in a stronger position going forward. The financing in this bill is structured in a way that, unlike a lot of the work we get to do in this building, is about truly a long term vision. It pays the hospital debt that is owed right now and must be paid. It also provides an ongoing funding source to capture federal dollars and support sewer and drinking water projects. It also will provide funding for roads and bridges. When the hospital debt is paid, this bill will return more than \$130 million to the Budget Stabilization Fund. That is good news for Maine.

Accepting federal dollars to expand healthcare in Maine makes great sense for Maine people. If we do not accept these dollars they will go to other states, as will the expanded access to healthcare that Maine people so desperately need. The federal government will cover 100% of the cost for three years and after

that it will be 90%. The State of Maine can and will be able to afford those costs. By then our hospital debt will be paid. We will be able to use the money Maine has already accepted, more than \$35 million that this Administration has already accepted, to renovate the way do business in Maine and the way we provide these services. This is not going to be the same MaineCare program that we see today. It is going to be a program that focuses on health outcomes, that focuses on accountability with providers and for patients, and that focuses on outcomes as the measure of success, not the number of tests that are provided and given. The federal government will cover those costs. If it doesn't work for Maine, we can opt out at any time and that is a fact. We cannot count people like widgets. We do know that it will be nearly 70,000 people in Maine who will have expanded access to healthcare. I talked to a business owner this weekend who said to me, "Emily, please expand Medicaid. I hate Medicaid, but please expand it because I employ a lot of people part-time who would be covered under this. Right now it's hard because right now we end up holding charities, we end up holding fundraisers. Fundraisers are not a healthcare plan." Today we can take a step in the right direction for Maine's businesses, for Maine's budget, and for, most of all, Maine's people. Mr. President, that's why I'm rising to support the Majority Ought to Pass as Amended Report today, because it is the right thing to do, period. Thank you, Mr. President.

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

Senator **PATRICK:** Thank you Mr. President. Ladies and gentlemen of the Senate, colleagues and friends, I'm going to try to answer question number 5; should we have an answer to the four questions before we proceed. I would say hopefully but not necessarily because decisions in this Body over the years have proved that it's pointless half the time when we have a major bill before us that may have major consequences to the state of Maine. Just the last session a bipartisan effort of this legislative Body and this Legislature decided to take it upon itself to pass the biggest tax cut in Maine history not having a clue on how it was going to be paid for.

**THE PRESIDENT:** The Chair would remind the Senator to stay on point to L.D. 1546 and the contents in the bill.

Senator **PATRICK:** Thank you very much Mr. President. I was getting to the point that the reasons why I was trying to answer question number 5 is because there are ramifications to our decisions. One of the reasons I think we should pass this is because if we don't pass this people are going to die; people who some have said are welfare people. I will say again, a person who is working for low wages should never be considered welfare, but as someone in need of our help. There are 32 nations in the world that have universal healthcare. Almost 33 because there is a question mark as to whether or not America is going to have universal healthcare. We're starting, even though there is going to be 30 or 40 million people left behind. The ramifications are; can we afford to let people die? Can we? There are decisions we can make, here and now, in this Legislature that's going to make it better for working men and women. I believe we can. Do we have all the answers? No, we don't, but I will once again say I will take that vote each and every day of my life. 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 had decided not to speak on this because I thought that most everything had been said. Then, after we're starting to go around again, I thought I'd speak just very briefly. I want to bring us back full circle to the process. I think we do well to listen to the good, solid advice of my peer on this side of the aisle, the good Senator from Kennebec, Senator Flood, who is a very very well respected voice around the Appropriations Committee and helps bring consensus more often than not. As I listened to the debate today, and I listened to most all of it either in or out of the Chamber, it was very clear to me what the intent has been all along. The intent all along has been for the Majority to wait until the last moment to interject something that had not been completely vetted. Whether it's a good idea or a bad idea, we don't know yet. I haven't heard all the merits. That is going to, I'm afraid, subvert the process that has been followed for many many weeks here in order to come to a unanimous decision on an extremely important bill, that I hear about constantly from my constituents, about paying the hospital. I know that discussion and debate has been going on because my good seatmate who chairs that committee has been absent from my committee. I know that they were doing due diligence over there to work out the issue. Now, here we are, past the eleventh hour and we're interjecting something else that, in my opinion, is going to run this off the rails. Not very long ago every one of us was out in the community talking to our constituents. I defy you to go to any place in this state where you have not heard, "Don't be guilty of Washington politics." Go down there, talk about the issues, vote the way your constituents and your conscience tell you to, and don't get caught up in the process of Washingtonian politics. That's what we're doing today. Pure and simple. There is no question in my mind. It doesn't matter which side is guilty of it. It still subverts the process just as much.

The other thing that I heard last fall, and every one of your heard the same thing from your constituents, was, "Don't be pressured by a party to do what you have to do rather than what you know is right." I heard that over and over again. I heard every single one of my peers who was running for office claim that same status, "I am going to go down and I am going to work bipartisan, because we don't want to be doing what everybody nationally is distaining." I'm afraid, ladies and gentlemen, I'm seeing that here today. I would just ask you to work on these two pieces, very important pieces of the legislation. I haven't made up my mind on both of them either. I'm hearing about both of these just as you are, but I'm hearing about them separately. Not a single person, until I just went out into the office and found a large ream of faxes that had been sent, has contacted me about both of these issues. Many people have contacted me about them separately. I'm willing to have the debate about both of them, but I think what we're doing right now, I know what we're doing right now, is going to make it so that both issues are tainted. Have our way, the Majority rules, but does that get it to where we want to be? Is that going to pay the hospitals? Is that going to add more people to Medicaid? I don't think so. Thank you very much, Mr. President.



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Off Record Remarks

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**THE PRESIDENT:** The Chair recognizes the Senator from Sagadahoc, Senator Goodall.

Senator **GOODALL:** Thank you Mr. President. Men and women of the Senate, it is simple. We are putting people first. Expanding Medicaid is a smart thing to do for our fiscal and public health. "All my judgments are based on what is best for my state," said Governor Chris Christie, the Governor of New Jersey. It is time for us to set aside the "me versus you," the "us versus them," and work on the issues. As the good Senator from Oxford said, it's probably the biggest issue of this Legislature. Every day all of you and myself, I have the utmost confidence that you wake up and you ask yourselves what are you going to do today. What are you going to get accomplished? When you are wearing the hat of a legislator I know that you are thinking about what you can do that is the best for the state of Maine. Today we can get a better deal for the State of Maine through renegotiating the State contract for our wholesale liquor business and bring back millions of dollars to the State. Today we can insure stabilized funding for drinking water and waste water, highways and bridges, and the Budget Stabilization Fund. Today we can help 70,000 Mainers get health insurance so they will have a relationship with their primary care physician not an emergency room. Today we can accept a deal of 100% to pay for all of those for three years and 90% phasing in thereafter. It sounds like a good deal to me. When I'm not wearing this hat I'm helping small businesses, I'm helping individuals, renegotiate when I'm an attorney. I'd be recommending to my client that they ought to take it and run. A non-partisan entity said that Maine would save \$690 million. Not a bad deal. This question has lingered, been repeated over and over again; the federal government won't pay. Ladies and gentlemen of the Senate, since 1965 the federal government has had a 100% compliance rating on Medicaid. This fixes a long term problem for the state of Maine. It is another way that we can help pay for all the things that we care about. K-12 education, we're terribly behind. Each year we're saddled with hospital debt for bad debt and charity care. Finally we can put that to rest. Finally we have a plan going forward that addresses the issue and actually gets people in to see a doctor. It drives down costs.

There is that lobsterman that the good Senator from Penobscot talked about with his hands of iron and that goes out every day. Those of you who go out on the ocean occasionally know what that lobster boat sounds like going through the dawn. He just wants to go to work. He wants to get the care that he needs so that every morning, at 3 or 4 am, he can drive down to the dock, load his traps, and fire up that diesel engine. We've all heard it. That's what he wants to do every day. We've heard personal stories of Senators, their patients, and their nieces. It's been one of the greatest debates that I've been a part of in this Body. Why are we going to have a presumed outcome? If you can wake up, as I said earlier, and vote for all those things, why wouldn't you do it? Ladies and gentlemen of the Senate, some of the issues that I've heard about have potential opportunities to negotiate for. This isn't Mr. Smith goes to Washington, folks. Some of these things are attainable that you are asking. The deal is very well laid out. Republican Governors and Democratic

Governors are accepting this deal because it's about what is best for their state. It's about what is best for our state. It's about putting a face on how this will impact people. It's about actually seeing people get the care that they need. It's about paying our bills. It's about doing it all in one full swoop. That's efficient. That's good government. That's what we were sent here to do. Mr. President, I would encourage you and everyone in this Body to support the pending motion so we can go back to our constituents, the people of the state of Maine, and tell them that we fought for them, that we helped expand healthcare, and that we helped get access to a primary care physician or a family doctor, so that we could make our economy stronger. That's what this will be about, Mr. President. Thank you very much.

**THE PRESIDENT:** The pending question before the Senate is the motion by the Senator from York, Senator Tuttle, to Accept the Majority Ought 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 (#85)**

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

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

20 Senators having voted in the affirmative and 15 Senators having voted in the negative, the motion by Senator **TUTTLE** of York to **ACCEPT** the Majority **OUGHT TO PASS** Report, **PREVAILED**.

**READ ONCE.**

**ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.**

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**Divided Report**

The Majority of the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** on Bill "An Act To Amend the Motor Vehicle Ignition Interlock Device Requirements in the Laws Regarding Operating Under the Influence"

S.P. 36 L.D. 85

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

Signed:

TIPPING-SPITZ of Orono

Senators:

GERZOFSKY of Cumberland  
DUTREMBLE of York  
PLUMMER of Cumberland

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (S-95).**

Signed:

Representative:

BENNETT of Kennebunk

Reports **READ.**

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

Ordered sent down forthwith for concurrence.

Representatives:

DION of Portland  
CASAVANT of Biddeford  
KAENRATH of South Portland  
LAJOIE of Lewiston  
MARKS of Pittston  
PLANTE of Berwick  
TYLER of Windham  
WILSON of Augusta

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

Signed:

**Divided Report**

Representatives:

LONG of Sherman  
PEASE of Morrill

Eleven members of the Committee on **ENVIRONMENT AND NATURAL RESOURCES** on Bill "An Act To Amend the Site Location of Development Laws"

S.P. 244 L.D. 695

Reports **READ.**

Reported in Report **"A"** that the same **Ought to Pass as Amended by Committee Amendment "A" (S-91).**

On motion by Senator **GERZOFSKY** of Cumberland, the Majority **OUGHT TO PASS** Report **ACCEPTED.**

Signed:

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

Senators:

BOYLE of Cumberland  
GRATWICK of Penobscot  
SAVIELLO of Franklin

Ordered sent down forthwith for concurrence.

**Divided Report**

The Majority of the Committee on **TAXATION** on Bill "An Act To Provide an Internship Employment Tax Credit"  
S.P. 381 L.D. 1099

Representatives:

WELSH of Rockport  
AYOTTE of Caswell  
CAMPBELL of Orrington  
CHIPMAN of Portland  
COOPER of Yarmouth  
GRANT of Gardiner  
McGOWAN of York  
REED of Carmel

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

One member of the same Committee on the same subject reported in Report **"B"** that the same **Ought to Pass.**

Signed:

Signed:

Senators:

HASKELL of Cumberland  
MILLETT of Cumberland  
THOMAS of Somerset

Representative:

LONG of Sherman

Representatives:

GOODE of Bangor  
BROOKS of Winterport  
JACKSON of Oxford  
KNIGHT of Livermore Falls  
LIBBY of Lewiston  
MAREAN of Hollis  
MOONEN of Portland  
STANLEY of Medway

One member of the same Committee on the same subject reported in Report **"C"** that the same **Ought Not to Pass.**

Signed:

Representative:

HARLOW of Portland

Reports **READ**.

On motion by Senator **BOYLE** of Cumberland, Report "**A**", **OUGHT TO PASS AS AMENDED, ACCEPTED**.

**READ ONCE**.

Committee Amendment "A" (S-91) **READ** and **ADOPTED**.

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

Ordered sent down forthwith for concurrence.

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

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Senate at Ease.

Senate called to order by the President.

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

**PAPERS FROM THE HOUSE**

**House Papers**

Bill "An Act To Expand the Authority of Lobster Management Policy Councils To Address Entry into Lobster Management Zones and To Create a Temporary Medical Allowance" (EMERGENCY)

H.P. 1113 L.D. 1544

Comes from the House, **REFERRED** to the Committee on **MARINE RESOURCES** and ordered printed.

On motion by Senator **JOHNSON** of Lincoln, **REFERRED** to the Committee on **MARINE RESOURCES** and ordered printed, in concurrence.

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Bill "An Act To Support Municipal Volunteers"  
H.P. 1114 L.D. 1547

Comes from the House, **REFERRED** to the Committee on **STATE AND LOCAL GOVERNMENT** and ordered printed.

On motion by Senator **LACHOWICZ** of Kennebec, **REFERRED** to the Committee on **STATE AND LOCAL GOVERNMENT** and ordered printed, in concurrence.

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**Pursuant to Statute  
Department of Education**

The **Department of Education**, pursuant to the Maine Revised Statutes, Title 5, section 8072 asked leave to report that the accompanying Resolve, Regarding Legislative Review of Chapter 180: Performance Evaluation and Professional Growth Systems, a Late-filed Major Substantive Rule of the Department of Education (EMERGENCY)

H.P. 1109 L.D. 1542

Be **REFERRED** to the Committee on **EDUCATION AND CULTURAL AFFAIRS** and ordered printed pursuant to Joint Rule 218.

Comes from the House with the Report **READ** and **ACCEPTED** and the Resolve **REFERRED** to the Committee on **EDUCATION AND CULTURAL AFFAIRS** and ordered printed pursuant to Joint Rule 218.

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

On motion by Senator **MILLETT** of Cumberland, **REFERRED** to the Committee on **EDUCATION AND CULTURAL AFFAIRS** and ordered printed pursuant to Joint Rule 218, in concurrence.

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**Pursuant to Statute  
Commission on Governmental Ethics and Election Practices**

The **Commission on Governmental Ethics and Election Practices**, pursuant to the Maine Revised Statutes, Title 5, section 8072 asked leave to report that the accompanying Resolve, Regarding Legislative Review of Portions of Chapter 3: Maine Clean Election Act and Related Provisions, a Late-filed Major Substantive Rule of the Commission on Governmental Ethics and Election Practices (EMERGENCY)

H.P. 1110 L.D. 1543

Be **REFERRED** to the Committee on **VETERANS AND LEGAL AFFAIRS** and ordered printed pursuant to Joint Rule 218.

Comes from the House with the Report **READ** and **ACCEPTED** and the Resolve **REFERRED** to the Committee on **VETERANS AND LEGAL AFFAIRS** and ordered printed pursuant to Joint Rule 218.

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

On motion by Senator **TUTTLE** of York, **REFERRED** to the Committee on **VETERANS AND LEGAL AFFAIRS** and ordered printed pursuant to Joint Rule 218, in concurrence.

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

**PAPERS FROM THE HOUSE**

**House Paper**

Bill "An Act To Ensure That Legislators Share the Sacrifice with Civil Servants in the Event of a State Government Shutdown"  
H.P. 1108 L.D. 1541

Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS**  
suggested and ordered printed.

Comes from the House, **REFERRED** to the Committee on **STATE AND LOCAL GOVERNMENT**.

On motion by Senator **JACKSON** of Aroostook, **REFERRED** to the Committee on **STATE AND LOCAL GOVERNMENT** and ordered printed, in concurrence.

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Senator **GOODALL** of Sagadahoc was granted unanimous consent to address the Senate off the Record.

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

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Off Record Remarks

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

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On motion by Senator **GOODALL** of Sagadahoc, **ADJOURNED** to Tuesday, May 21, 2013, at 10:00 in the morning.