

# MAINE STATE LEGISLATURE

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Senate Legislative Record  
One Hundred and Twenty-Sixth Legislature  
State of Maine

Daily Edition

First Regular Session  
beginning December 5, 2012

beginning at Page 1

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

**ROLL CALL (#173)**

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

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

28 Senators having voted in the affirmative and 7 Senators having voted in the negative, was **PASSED TO BE ENGROSSED AS AMENDED**, in concurrence.

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

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

SENATE REPORTS - from the Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act To Maintain the Integrity of the Fund for a Healthy Maine"

S.P. 426 L.D. 1232

Majority - **Ought to Pass as Amended by Committee Amendment "A" (S-204)** (8 members)

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

Tabled - June 6, 2013, by Senator **CRAVEN** of Androscoggin

Pending - motion by same Senator to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report

(In Senate, June 6, 2013, Reports **READ**.)

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

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

Senator **CRAVEN:** Thank you Mr. President. Men and women of the Senate, I filed this bill because I think that when Maine first

was awarded our tobacco settlement money we were very wise in making the decision to build a public health system, invest in tobacco cessation, early childhood services, and drugs for the elderly, just to name a few. The fund was never meant to subsidize the General Fund Budget. It's the only revenue that we have to invest in prevention. It has 70% support from the general public, from the people of Maine. Throwing money into the black hole on the back of needs. When people are sick or when people are already addicted, trying to correct the harm after the damage is done is something that government always does. This fund is the only fund that has the flexibility to address prevention. I know that this is not going to happen in this session because of where we are in the budget and in the process. By 2015, our fund will again be replenished. I would hope that we would go back to having the resolve and the initiative to invest in wellness and to keep our tobacco money for prevention and to help people who have been harmed by the tobacco companies. I would ask for your support in passing this Resolve. Thank you, Mr. President.

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

Senator **HAMPER:** Thank you Mr. President. Ladies and gentlemen of the Senate, I very much appreciate the Senator from Androscoggin giving me the lead in, referring to the budget as a black hole. Given the debate of earlier in the day, how did we create that black hole? Thank you, Mr. President.

**THE PRESIDENT:** The pending question before the Senate is the motion by the Senator from Androscoggin, Senator Craven to Accept the Majority Ought to Pass as Amended Report. 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 (#174)**

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 **CRAVEN** of Androscoggin to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report, **PREVAILED**.

**READ ONCE.**

Committee Amendment "A" (S-204) **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.

The Secretary opened the vote.

**ROLL CALL (#175)**

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

SENATE REPORT - from the Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act To Provide a Safe Working Environment for Home Care Workers"

S.P. 166 L.D. 434

Report - **Ought to Pass as Amended by Committee Amendment "A" (S-198)**

Tabled - June 6, 2013, by Senator **GOODALL** of Sagadahoc

Pending - **ACCEPTANCE OF REPORT** (Roll Call Ordered)

(In Senate, June 6, 2013, Report **READ**.)

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

Senator  **CRAVEN:** Thank you Mr. President. Men and women of the Senate, this is a unanimous bill out of my committee. I just wanted to explain what this bill does. It has been turned into a Resolve, actually. There are many many home health workers in this state that work alone, that work in rural areas, and that walk into situations where they have no idea where they are going. I had some actually that contacted me because they had been hurt on the job. They had been assaulted. One woman was sexually assaulted by a person who was on the sex abuse registry. We thought, we imagined, that this would have been known and that there should have been a background check or safety check done in that house. We brought the bill forward and it has turned into a Resolve asking the Department of Health and Human Services to convene a group of stakeholders, a group of providers, healthcare providers actually, in the community to come up with better policies and procedures that would address safety issues for workers going into private homes. The Maine State Labor Agency is also very anxious and volunteered to head up the group and to have some policies come out of the group that would be universal in the state of Maine for healthcare providers. Some of the risks that people take are that workers go into homes with loaded weapons. They go into homes where other folks who may not be the recipient of the care have relatives who are unfriendly or dangerous. They may have animals that are not curtailed and that would bite people, and have had several reports of animals biting healthcare workers that come into their homes when they were not locked in another room. This is an excellent bill. It's without a fiscal note. The healthcare providers volunteered and were very very helpful in coming forward to volunteer their help and their expertise. Thank you very much, Mr. President.

**THE PRESIDENT:** The pending question before the Senate is Acceptance of the Ought to Pass as Amended Report. A Roll Call has been ordered. Is the Senate ready for the question?

The Doorkeepers secured the Chamber.

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  **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (S-198)** Report **ACCEPTED**.

**READ ONCE.**

Committee Amendment "A" (S-198) **READ** and **ADOPTED**.

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

Ordered sent down forthwith for concurrence.

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

**REPORTS OF COMMITTEES**

**House**

**Divided Report**

The Majority of the Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act To Promote the Financial Literacy of High School Students"

H.P. 594 L.D. 843

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-348)**.

Signed:

Senators:  
MILLETT of Cumberland  
JOHNSON of Lincoln  
LANGLEY of Hancock