

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

In Senate Chamber  
Thursday  
March 20, 2014

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

Prayer by Pastor Gayle Holden, Cox Memorial United Methodist Church in Hallowell.

**PASTOR HOLDEN:** May we be in the spirit of prayer. On this day, a day of weather that may lead us to say 'again' or 'this really' may we see the spring and summer that awaits us. On our own lives, at work or at home, as we ask these same questions, 'again', 'more', 'really', may we be patient in our conversations and decision making. May we look to the light around the corner. We ask that the people of Maine be thankful and aware of the good work that happens here today. May the conversations and decisions made here be a balance of generosity, discretion, and foresight. We ask for the ability to see the gifts and talents of our neighbors inside these doors as the needs of those outside are addressed. Throughout this day may we be reminded how blessed we are to live in this beautiful state of Maine, a state of natural wonder and simple living. Whether we tend the soil, fish the waters, teach, heal, lead, or build, may we work together mindful of all that we share. Amen.

Pledge of Allegiance led by Senator Rodney L. Whittemore of Somerset County.

Reading of the Journal of Wednesday, March 19, 2014.

Doctor of the day, Rebecca Chagrasulis, MD of Otisfield.

Off Record Remarks

**COMMUNICATIONS**

The Following Communication: S.C. 824

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

March 19, 2014

The Honorable Justin L. Alfond  
President of the Senate  
3 State House Station  
Augusta, Maine 04333

Dear President Alfond,

This is to inform you that I am today nominating the following to the Loring Development Authority:

Dana A. Saucier of Wallagrass, appointment  
Steven H. Levesque of Farmingdale, appointment  
Miles R. Williams of Caribou, reappointment

Pursuant to Title 5, MRSA §13080-B, these appointments and this reappointment are contingent on the Maine Senate confirmation after review by the Joint Standing Committee on Labor, Commerce, Research and Economic Development.

Sincerely,

S/Paul R. LePage  
Governor

**READ and ORDERED PLACED ON FILE.**

The Following Communication: S.C. 825

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

March 19, 2014

The Honorable Justin L. Alfond  
President of the Senate  
3 State House Station  
Augusta, Maine 04333

Dear President Alfond,

This is to inform you that I am today nominating the following to the Midcoast Regional Redevelopment Authority:

Rita M. Armstrong of Freeport, reappointment  
Carl W. Flora, Esq. of Presque Isle, appointment

Pursuant to Title 5, MRSA §13080-I, this appointment and this reappointment are contingent on the Maine Senate confirmation after review by the Joint Standing Committee on Labor, Commerce, Research and Economic Development.

Sincerely,

S/Paul R. LePage  
Governor

**READ and ORDERED PLACED ON FILE.**

Sincerely,

The Following Communication: S.C. 826

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

March 19, 2014

The Honorable Justin L. Alford  
President of the Senate  
3 State House Station  
Augusta, Maine 04333

Dear President Alford,

This is to inform you that I am today nominating John C. Marsh, Jr. of Bath for appointment to the Maine State Housing Authority.

Pursuant to Title 30-A, MRSA §4723.2, this appointment is contingent on the Maine Senate confirmation after review by the Joint Standing Committee on Labor, Commerce, Research and Economic Development.

Sincerely,

S/Paul R. LePage  
Governor

**READ and ORDERED PLACED ON FILE.**

The Following Communication: S.C. 823

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

March 12, 2014

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

Dear Mr. President and Mr. Speaker:

Pursuant to Title 3 Maine Revised Statutes, chapter 35, we are pleased to submit the findings of the Joint Standing Committee on Marine Resources from the review and evaluation of the Department of Marine Resources under the State Government Evaluation Act. In its review, the Committee found that the Department of Marine Resources is operating within its statutory authority.

S/Senator Christopher K. Johnson  
Senate Chair

S/Representative Walter A. Kumiega, III  
House Chair

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

The Following Communication: H.C. 380

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

March 19, 2014

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

Dear Secretary Grant:

The House voted today to insist on its previous action whereby it accepted the Majority Ought Not to Pass Report of the Committee on Taxation on Bill "An Act To Make Maine Mills More Competitive by Encouraging the Processing of Forest Products at Mills in the United States" (S.P. 640) (L.D. 1649).

Sincerely,

S/Millicent M. MacFarland  
Clerk of the House

**READ and ORDERED PLACED ON FILE.**

The Following Communication: H.C. 376

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

March 18, 2014

The 126th Legislature of the State of Maine  
State House  
Augusta, Maine

Dear Honorable Members of the 126th Legislature:

Under the authority vested in me by Article IV, Part Third, Section 2 of the Constitution of the State of Maine, I am hereby vetoing LD 39, "An Act To Expand the Number of Qualified Educators."

This is an attempt to roll back hard-won reforms put in place in 2011. It allows teachers to retire but keep teaching for up to ten years, five of them at 100% of their original salary. This is clearly wrong and if a significant number of teachers take advantage of this it will become a financial burden to the teachers' retirement fund. Teachers who are not ready to retire should simply continue teaching, not add to the financial burden on the pension system for their own financial gain.

While the bill is designed to aid rural schools in recruiting teachers, it is not limited in any way to rural communities. In addition, it would also "clog up" the teaching profession with teachers at or beyond retirement age, making it more difficult for younger teachers to find positions.

Keeping our retirement fund solvent is important to all state employees and educators who are the beneficiaries of these funds. Allowing people to benefit financially at the expense of these retirement funds is not fair to those hard-working teachers who choose not to start drawing their pension until they are truly ready to retire.

For these reasons, I return LD 39 unsigned and vetoed. I strongly urge the Legislature to sustain it.

Sincerely,

S/Paul R. LePage  
Governor

**READ and ORDERED PLACED ON FILE.**

The accompanying Bill:

An Act To Expand the Number of Qualified Educators  
H.P. 34 L.D. 39

Comes from the House, 133 members having voted in the affirmative and 5 members having voted in the negative, the veto of the Governor was **OVERRIDDEN** and it was the vote of the House that the Bill become law notwithstanding the objections of the Governor.

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

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The President laid before the Senate the following: "Shall this Bill become law notwithstanding the objections of the Governor?"

In accordance with Article 4, Part 3, Section 2, of the Constitution, the vote was taken by the Yeas and Nays.

A vote of yes was in favor of the Bill.

A vote of no was in favor of sustaining the veto of the Governor.

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

**ROLL CALL (#471)**

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

NAYS: Senators: BURNS, MASON, THIBODEAU, WHITTEMORE, YOUNGBLOOD

EXCUSED: Senator: THOMAS

29 Senators having voted in the affirmative and 5 Senators having voted in the negative, with 1 Senator being excused, and 29 being more than two-thirds of the members present and voting, it was the vote of the Senate that the veto of the Governor be **OVERRIDDEN** and the Bill become law notwithstanding the objections of the Governor.

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**SENATE PAPERS**

Bill "An Act To Expand Affordable Heating Investments with Maine's Public Resources" (EMERGENCY)  
S.P. 741 L.D. 1838

Presented by Senator YOUNGBLOOD of Penobscot.  
(GOVERNOR'S BILL)

On motion by Senator **VITELLI** of Sagadahoc, **REFERRED** to the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** and ordered printed.

Sent down for concurrence.

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Bill "An Act To Provide Former Employees of the Maine Military Authority the Ability To Sue for Severance Pay"  
S.P. 740 L.D. 1837

Presented by Senator JACKSON of Aroostook.  
Cosponsored by Representative THERIAULT of Madawaska and Senator: PATRICK of Oxford, Representatives: CLARK of Easton, McELWEE of Caribou, SAUCIER of Presque Isle, WILLETTE of Mapleton.  
Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.

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

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

Bill "An Act To Improve Maine's Ability To Attract Major Private Investments"

S.P. 738 L.D. 1835

Presented by Senator CUSHING of Penobscot. (GOVERNOR'S BILL)

Cosponsored by Representative WILLETTE of Mapleton and Senators: COLLINS of York, SHERMAN of Aroostook, THOMAS of Somerset, Representative: DAVIS of Sangerville.

Bill "An Act To Establish the Commission on Promoting Manufacturing in Maine"

S.P. 739 L.D. 1836

Presented by Senator JACKSON of Aroostook. Cosponsored by Representative HERBIG of Belfast and Senators: President ALFOND of Cumberland, CRAVEN of Androscoggin, DUTREMBLE of York, GERZOFKY of Cumberland, GRATWICK of Penobscot, HASKELL of Cumberland, JOHNSON of Lincoln, LACHOWICZ of Kennebec, MILLETT of Cumberland, PATRICK of Oxford, TUTTLE of York, Representatives: BERRY of Bowdoinham, Speaker EVES of North Berwick, McCABE of Skowhegan, THERIAULT of Madawaska.

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.

On motion by Senator PATRICK of Oxford, REFERRED to the Committee on LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT and ordered printed.

Sent down for concurrence.

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

**ORDERS**

**Joint Order**

On motion by Senator BOYLE of Cumberland, the following Joint Order:

S.P. 742

ORDERED, the House concurring, that the Joint Standing Committee on Environment and Natural Resources shall report out, to the Senate, a bill to amend the laws governing metallic mineral mining.

**READ and PASSED.**

Sent down for concurrence.

Expression of Legislative Sentiment recognizing:

Miles Theeman, of Bangor, who is the recipient of the Norbert X. Dowd Award given by the Bangor Region Chamber of Commerce. Mr. Theeman is the vice president and chief sales and marketing officer for Eastern Maine Healthcare Systems. The award, named after Norbert X. Dowd, who ran the Bangor Region Chamber of Commerce for 27 years, is considered the chamber's lifetime achievement award. We extend our congratulations and best wishes to Mr. Theeman on his receiving this award;

SLS 819

Sponsored by Senator GRATWICK of Penobscot. Cosponsored by Representatives: FREY of Bangor, GOODE of Bangor, KORNFIELD of Bangor, SCHNECK of Bangor.

**READ.**

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

Senator **GRATWICK:** Thank you Mr. President. Ladies and gentlemen of the Senate, it's a great pleasure to welcome today Miles Theeman and his wife, Sharon, who are here. Miles is from that far away place, Lubec. He came to Bangor many years ago and left an indelible imprint on Bangor, both in terms of his civic life, because he's been really the center of much of what happens in Bangor, working for Eastern Maine HealthCare in many different capacities, and most recently has been very intimately involved with the Cross Insurance Center, which as I'm sure you're aware is the premier place in Maine now, baring none I'll have to say, where you come for large gatherings. It's a great pleasure to have him here.

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

Senator **CAIN:** Thank you Mr. President. Men and women of the Senate, it is my honor to rise and speak on behalf and in honor of Miles Theeman. Miles Theeman is a leader, as you've heard, in the Bangor area. He is also, for me, a very dear friend. There is a word that is a Yiddish word, Hebrew word, that is called mensch. A mensch is someone who is just the consummate individual. They are the leader. They are a good soul. They are the heart of the community. They are humble and they are kind and they are generous. Full of simultaneous humility and strength. A sense of family. Amazing friendship. Really someone who brings great pride to a community because they offer themselves unconditionally. They offer themselves to do what is best and right for the most people without asking for accolades such as this one. That is Miles Theeman. Miles is from Washington County. Miles is an incredible leader. When things are going right in the greater Bangor area you can usually find Miles Theeman on the list of people working on the projects. One of the best examples of that is certainly the Cross Center in Bangor, where Miles has been part of leading the vision and implementing the vision, while at the same time taking no credit for it. It gives me great pride to rise in honor of my friend, someone I very much admire and look to as a mentor and a role model, Miles Theeman. I really appreciate all of you celebrating him with us today. Thank you, Mr. President.

**PASSED.**

Sent down for concurrence.

**THE PRESIDENT:** The Chair is pleased to recognize in the rear of the chamber Miles Theeman and his wife, Sharon. They are here as the guests today of Senator Gratwick and Senator Cain of Penobscot County. Will they please rise and accept the warm greetings of the Maine State Senate.

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**REPORTS OF COMMITTEES**

**House**

**Ought to Pass**

The Committee on **MARINE RESOURCES** on Bill "An Act To Encourage and Protect Innovation in Fisheries, Aquaculture and Seafood Processing"

H.P. 1212 L.D. 1689

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

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

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

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

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**Ought to Pass As Amended**

The Committee on **JUDICIARY** on Bill "An Act To Improve the Operations of the Office of the Attorney General" (EMERGENCY)  
H.P. 1230 L.D. 1720

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-707).**

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-707).**

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

**READ ONCE.**

Committee Amendment "A" (H-707) **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 Create a Cold Case Homicide Unit in the Department of the Attorney General"  
H.P. 1242 L.D. 1734

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-708).**

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-708).**

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

**READ ONCE.**

Committee Amendment "A" (H-708) **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 Revise the Description of Commercial Fishing Vessels That Are Exempt from Attachment" (EMERGENCY)  
H.P. 1275 L.D. 1778

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-709).**

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-709).**

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

**READ ONCE.**

Committee Amendment "A" (H-709) **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 Amend the Laws Regarding the Maine Correctional Center"  
H.P. 1159 L.D. 1588

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-696).**

Signed:

Senators:

GERZOFISKY of Cumberland  
DUTREMBLE of York  
PLUMMER of Cumberland

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 To Pass as Amended by Committee Amendment "B" (H-697)**.

Signed:

Representative:

LONG of Sherman

Comes from the House with the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-696)** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-696)**.

Reports **READ**.

Senator **GERZOFISKY** of Cumberland moved the Senate **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-696)** Report, in concurrence.

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

Senator **GERZOFISKY:** Thank you Mr. President. This is a very simple bill that was really basically a housekeeping bill. I think the votes reflect that. I hope everybody will support that motion.

On motion by Senator **GERZOFISKY** of Cumberland, the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-696)** Report **ACCEPTED**, in concurrence.

**READ ONCE.**

Committee Amendment "A" (H-696) **READ** and **ADOPTED**, in concurrence.

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

The Majority of the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** on Bill "An Act To Implement Certain Recommendations of the Criminal Law Advisory Commission Relative to the Maine Bail Code, the Maine Juvenile Code and the Maine Criminal Code and Related Statutes"

H.P. 1266 L.D. 1764

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-698)**.

Signed:

Senators:

GERZOFISKY of Cumberland  
DUTREMBLE of York  
PLUMMER of Cumberland

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 To Pass**.

Signed:

Representative:

LONG of Sherman

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-698)**.

Reports **READ**.

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

**READ ONCE.**

Committee Amendment "A" (H-698) **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

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Divided Report

The Majority of the Committee on **ENERGY, UTILITIES AND TECHNOLOGY** on Bill "An Act To Address Rising Electric Transmission Rates"

H.P. 753 L.D. 1060

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-646)**.

Signed:

Senators:

CLEVELAND of Androscoggin  
JACKSON of Aroostook  
YOUNGBLOOD of Penobscot

Representatives:

HOBBS of Saco  
BEAVERS of South Berwick  
GIDEON of Freeport  
NEWENDYKE of Litchfield  
RUSSELL of Portland  
RYKERSON of Kittery  
TIPPING-SPITZ of Orono

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "B" (H-647)**.

Signed:

Representatives:

DUNPHY of Embden  
HARVELL of Farmington  
LIBBY of Waterboro

Comes from the House with the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-646)** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-646)**.

Reports **READ**.

Senator **CLEVELAND** of Androscoggin moved the Senate **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-646)** Report, in concurrence.

On motion by Senator **JACKSON** of Aroostook, **TABLED** until Later in Today's Session, pending the motion by Senator **CLEVELAND** of Androscoggin to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-646)** Report, in concurrence.

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**Divided Report**

The Majority of the Committee on **HEALTH AND HUMAN SERVICES** on Resolve, To Improve Access to Emergency Behavioral Health Services and Increase Public Safety  
H.P. 1165 L.D. 1594

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-683)**.

Signed:

Senators:

CRAVEN of Androscoggin  
LACHOWICZ of Kennebec

Representatives:

FARNSWORTH of Portland  
CASSIDY of Lubec  
DORNEY of Norridgewock  
GATTINE of Westbrook  
McELWEE of Caribou  
PETERSON of Rumford  
STUCKEY of Portland

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

Signed:

Representatives:

MALABY of Hancock  
SANDERSON of Chelsea  
SIROCKI of Scarborough

Comes from the House with the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-683)**.

Reports **READ**.

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

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

Senator **CRAVEN:** Thank you Mr. President. Men and women of the Senate, we have many crisis hotlines for people who suffer from mental health needs. Really the numbers are not very memorable. People often call 9-1-1 and it is not an appropriate referral for the needs that the person may have. Our first responders or law enforcement officers have to go to the scene and often people end up in the emergency room when it is not an appropriate referral for those people and what they need. This would create a centralized number with a paid professional to make the referrals as the calls come in and refer them to the appropriate area for the needs that they have. It's a pretty cut and dried solution to an issue that, I think, has been troublesome for a little while. Thank you very much, Mr. President.

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

**READ ONCE**.

Committee Amendment "A" (H-683) **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 **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** on Bill "An Act To Streamline the Work Permitting Process for Minors and To Conform Allowable Places That Minors May Work to Federal Law" (EMERGENCY)

H.P. 1222 L.D. 1698

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

Signed:

Senator:

PATRICK of Oxford

Representatives:

HERBIG of Belfast  
CAMPBELL of Newfield  
GILBERT of Jay  
HAMANN of South Portland  
MASTRACCIO of Sanford

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

Signed:

Senator:

CUSHING of Penobscot

Representatives:

DUPREY of Hampden  
LOCKMAN of Amherst  
MASON of Topsham  
WINCHENBACH of Waldoboro

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

Reports **READ**.

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

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**Divided Report**

The Majority of the Committee on **MARINE RESOURCES** on Bill "An Act To Amend Maine's Aquaculture Laws"  
H.P. 1177 L.D. 1605

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-703)**.

Signed:

Senators:

JOHNSON of Lincoln  
MAZUREK of Knox  
WOODBURY of Cumberland

Representatives:

KUMIEGA of Deer Isle  
DEVIN of Newcastle  
DOAK of Columbia Falls  
KRUGER of Thomaston  
PARRY of Arundel  
SAXTON of Harpswell  
WEAVER of York  
WINCHENBACH of Waldoboro

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

Signed:

Representative:

CHAPMAN of Brooksville

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-703)**.

Reports **READ**.

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

**READ ONCE**.

Committee Amendment "A" (H-703) **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 **STATE AND LOCAL GOVERNMENT** on Resolve, To Continue Consultation and Conditions Prerequisite to the Sale or Lease of Certain Real Property in Hallowell (EMERGENCY)

H.P. 817 L.D. 1152

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

Signed:

Senators:

LACHOWICZ of Kennebec  
COLLINS of York

Representatives:

BOLDUC of Auburn  
CHENETTE of Saco  
COTTA of China  
HAYES of Buckfield  
MacDONALD of Old Orchard Beach  
NADEAU of Winslow  
NADEAU of Fort Kent  
PEASE of Morrill

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (H-679)**.

Signed:

Representatives:

GRAHAM of North Yarmouth  
BOLAND of Sanford

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

Reports **READ**.

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

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**Divided Report**

The Majority of the Committee on **TAXATION** on Bill "An Act To Allow a Municipality To Abate Taxes Assessed on Property That Is Destroyed"

H.P. 1182 L.D. 1610

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

Signed:

Senators:

HASKELL of Cumberland  
MILLETT of Cumberland  
THOMAS of Somerset

Representatives:

GOODE of Bangor  
BROOKS of Winterport  
JACKSON of Oxford  
MAREAN of Hollis  
MOONEN of Portland  
STANLEY of Medway

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (H-643)**.

Signed:

Representatives:

BENNETT of Kennebunk  
KNIGHT of Livermore Falls  
LIBBY of Lewiston  
TIPPING-SPITZ of Orono

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

Reports **READ**.

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

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**Senate**

**Ought to Pass As Amended**

Senator PATRICK for the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** on Bill "An Act To Allocate a Portion of the Reed Act Distribution of 2002 To Use for the Administration of the Unemployment Insurance and Employment Services Programs" (EMERGENCY)  
S.P. 719 L.D. 1802

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-437)**.

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

**READ ONCE**.

Committee Amendment "A" (S-437) **READ** and **ADOPTED**.

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

Sent down for concurrence.

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**Divided Report**

The Majority of the Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act To Implement the Recommendations from the Discontinued and Abandoned Roads Stakeholder Group"  
S.P. 414 L.D. 1177

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-435)**.

Signed:

Senator:  
COLLINS of York

Representatives:  
GRAHAM of North Yarmouth  
BOLAND of Sanford  
BOLDUC of Auburn  
CHENETTE of Saco  
COTTA of China  
MacDONALD of Old Orchard Beach  
NADEAU of Fort Kent  
NADEAU of Winslow  
PEASE of Morrill

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "B" (S-436)**.

Signed:

Representative:  
HAYES of Buckfield

Reports **READ**.

On motion by Senator **LACHOWICZ** of Kennebec, **TABLED** until Later in Today's Session, pending **ACCEPTANCE OF EITHER REPORT**.

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**ENACTORS**

The Committee on **Engrossed Bills** reported as truly and strictly engrossed the following:

**Emergency Measure**

An Act To Clarify Provisions of the Maine Medical Use of Marijuana Act

H.P. 1168 L.D. 1597  
(C "A" H-665)

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

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**Emergency Measure**

An Act To Ensure Equity in Teacher Retirement Costs for Private Academies

S.P. 651 L.D. 1657  
(C "A" S-416)

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

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**Emergency Measure**

An Act To Further Ensure the Provision of Safe Medical Marijuana to Maine Patients

S.P. 641 L.D. 1674  
(C "A" S-415)

This being an Emergency Measure and having received the affirmative vote of 32 Members of the Senate, with 2 Senators having voted in the negative, and 32 being more than two-thirds of the entire elected Membership of the Senate, was **PASSED TO BE ENACTED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

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**Emergency Measure**

An Act To Protect the Integrity of Funding for Harness Racing Purses

H.P. 1203 L.D. 1680  
(C "A" H-654)

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

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**Emergency Resolve**

Resolve, To Strengthen the Protection of Children from Abuse and Neglect

H.P. 1208 L.D. 1685  
(C "A" H-667)

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

**Emergency Resolve**

Resolve, Regarding Legislative Review of Portions of Chapter 33: Agricultural Development Grant Program, a Late-filed Major Substantive Rule of the Department of Agriculture, Conservation and Forestry

H.P. 1268 L.D. 1770  
(C "A" H-661)

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

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**Emergency Resolve**

Resolve, Regarding Legislative Review of Portions of Chapter 106: Low Sulfur Fuel, a Late-filed Major Substantive Rule of the Department of Environmental Protection

H.P. 1271 L.D. 1773

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

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**Acts**

An Act To Promote New Models of Mobility and Access to Transportation

H.P. 973 L.D. 1365  
(C "A" H-664)

An Act To Improve Hospital-based Behavioral Health Treatment for Persons with Intellectual Disabilities or Autism

H.P. 1169 L.D. 1598  
(C "A" H-666)

An Act Regarding Appointments of Certain Positions in the Department of Corrections

H.P. 1188 L.D. 1616  
(C "A" H-677)

An Act To Allow the City of Saco To Stabilize the Coastline and Coastal Sand Dune System Adjacent to the Saco River

S.P. 635 L.D. 1644  
(C "A" S-405)

An Act To Amend the Motor Vehicle Laws

S.P. 636 L.D. 1645  
(C "A" S-411)

An Act Regarding Fishways

H.P. 1219 L.D. 1695  
(C "A" H-673)

An Act To Make Allocations from Maine Turnpike Authority Funds for the Maine Turnpike Authority for the Calendar Year Ending December 31, 2015

S.P. 674 L.D. 1708  
(C "A" S-410)

An Act To Amend the Mandatory Shoreland Zoning Laws To Exclude Subsurface Waste Water Disposal Systems, Geothermal Heat Exchange Wells and Wells or Water Wells from the Definition of "Structure"

S.P. 694 L.D. 1755  
(C "A" S-417)

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

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An Act To Provide Fiscal Predictability to the MaineCare Program and Health Security to Maine People

S.P. 552 L.D. 1487  
(C "B" S-419)

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

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**Resolves**

Resolve, To Assist Veterans by Authorizing the Bureau of General Services To Sell Certain Property To Be Used for Transitional Housing for Veterans

H.P. 1178 L.D. 1606  
(C "A" H-678)

Resolve, To Support Homeless Youth Shelters

S.P. 682 L.D. 1717  
(C "A" S-414)

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

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Resolve, Directing the Director of the Bureau of Parks and Lands To Convey the Chesuncook Community Church Building in Chesuncook Township to the Greenville Union Evangelical Church

H.P. 1240 L.D. 1732  
(C "A" H-660)

On motion by Senator **HILL** of York, placed on the **SPECIAL APPROPRIATIONS TABLE**, pending **FINAL PASSAGE**, in concurrence.

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Off Record Remarks

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Senate at Ease.

Senate called to order by the President.

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**ORDERS OF THE DAY**

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

Bill "An Act To Provide Former Employees of the Maine Military Authority the Ability To Sue for Severance Pay"  
S.P. 740 L.D. 1837

Tabled - March 20, 2014, by Senator **HASKELL** of Cumberland

Pending - **REFERENCE**

(Committee on **JUDICIARY** suggested and ordered printed.)

On motion by Senator **VALENTINO** of York, **REFERRED** to the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT**.

Sent down for concurrence.

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

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The Chair laid before the Senate the following Tabled and Later Assigned (3/4/14) matter:

JOINT ORDER - Expression of Legislative Sentiment  
Recognizing Officer Darin Gilbert of Farmington  
HLS 740

Tabled - March 4, 2014, by Senator **KATZ** of Kennebec

Pending - **PASSAGE**, in concurrence

(In House, February 27, 2014, **READ** and **PASSED**.)

(In Senate, March 4, 2014, **READ**.)

At the request of Senator **SAVIELLO** of Franklin, Joint Order **READ**.

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

Senator **SAVIELLO:** Thank you Mr. President. Ladies and gentlemen of the Senate, I have the opportunity to recognize another unsung hero, someone who protects us every day, quietly driving around, working with these particular officers, working protecting the citizens of Farmington. Darin has almost 20 years of experience, 14 in the town of Farmington. Let me read part of the letter of recognition to him, because I think it summarizes many of the statements you've heard. It's from Jack Peck, his Chief of Police. "Your overall dedication, professionalism, and commitment to our department helps the Farmington Police Department meet its mission statement, which is to create a feeling of safety for the town of Farmington." The good news for all of you is that Darin does know what a red plate means. If you are driving through Farmington have no worry. The second thing, before he leaves today, he does have to arrest his police chief because Jack Peck tried to steal my notepad. As I close this I do want to say one thing on the serious side, Darin's father, Bruce, was a fellow police officer. I know today he's smiling down at his son for his dedication and effort and making this recognition possible. Darin, thank you for your service. 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, it's always a pleasure and a privilege for me to be able to recognize a fellow police officer. I just want to publically say I appreciate all the work and service he's given to the community, down in Farmington, and congratulate him on this great achievement. Thank you, Mr. President.

**PASSED**, in concurrence.

**THE PRESIDENT:** The Chair is pleased to recognize in the rear of the chamber Darin Gilbert; Donna Gilbert, his mother; Bridgette Gilbert, his wife; Shane Cote, the Deputy Chief; and Jack Peck, Chief of Police. They are all here from the town of Farmington and they are here as the guests today of the Senator from Franklin, Senator Saviello. Will they all please rise and accept the warm greetings of the Maine State Senate.

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The Chair laid before the Senate the following Tabled and Later Assigned (3/12/14) matter:

HOUSE REPORTS - from the Committee on **ENERGY, UTILITIES AND TECHNOLOGY** on Bill "An Act To Improve Maine's Economy and Energy Security with Solar and Wind Energy"

H.P. 886 L.D. 1252

Report "**A**" - **Ought to Pass as Amended by Committee Amendment "A" (H-650)** (9 members)

Report "**B**" - **Ought to Pass as Amended by Committee Amendment "B" (H-651)** (3 members)

Report "**C**" - **Ought Not to Pass** (1 member)

Tabled - March 12, 2014, by Senator **CLEVELAND** of Androscoggin

Pending - motion by same Senator to **ACCEPT** Report "A", **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-650)**, in concurrence

(In House, March 11, 2014, Report "A", **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-650)** READ and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-650)**.)

(In Senate, March 12, 2014, 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 Cleveland.

Senator **CLEVELAND:** Thank you Mr. President. Women and men of the Senate, I wanted to speak a little bit about what this bill does and how it benefits both the electric system and the people of Maine. This is really a rather simple, straight forward bill. Maine had a solar rebate program through 2013, using both rate payer funds and some stimulus fund money. However, inadvertently, the program was discontinued when language in Efficiency Maine was redrafted. It unintentionally left out the rebate program. This program would provide approximately \$1 million a year in funding. The funding would go to the Efficiency Maine trust, who, for many years, had operated a very efficient and well run rebate program for solar panels. The average rebate for a panel would be about \$2,000 and it would be only for residents of Maine who would be eligible. It would be both PV panels that produce electricity and panels that produce hot water. It also would be a relatively short-lived program. We put a termination date of December 31, 2016 on the program. We've done that because it coincides with the termination of the federal credit program for solar panels as well. We've linked the two together, but we felt it was important to continue this program through the 2016 year. The cost is very minimal. It would be approximately 5¢, or 60¢ a year, for an average residential customer to support the program. The benefits to all rate payers and to the economy of Maine would be terrific. It would help create and maintain many good paying steady jobs in the state of Maine. It would support a growing industry in solar renewable energy in the state of Maine using Maine workers. The program is available to anyone who's able and willing to put solar panels on their homes or their businesses in any community in Maine equally. It would further leverage some \$25 million in private investment within the economy. This would create a 10 to 1 return on investment for what we put into it. A tremendous return on the investment. In addition to that, the sales of that equipment would generate more than a half a million dollars in sales tax revenues for the state of Maine. For those of us who are interested in improving our revenues and providing funds for the many things that are important and critical in this state, it would actually raise more than a half a million dollars a year. It would also help us diversify our energy production, which is very important, by having a system by which homeowners and small businesses could generate their own electricity. It creates a

decentralized form of electricity production instead of having electricity production only be in the hands of large commercial electricity producers. Every homeowner can be part of generating electricity, meeting their own particular needs, and dispersing that throughout Maine in every single community. One of the results of that is that it actually helps reduce the cost for the transmission of electricity because instead of having to transmit electricity over long areas, along many miles, you can produce it in a more local area and we know that that helps reduce the cost of the transmission and distribution system. They did it specifically in the Boothbay area. Instead of an \$18 million upgrade in transmission, it was only \$6 million by using alternative energy means. We all know that using the sun to create electricity creates no pollution. It's not a carbon fuel, so it helps make the environment that we live in, that our young children live in, and our grandchildren, a cleaner place to live and a healthier place to live. It also, coincidentally, reduces the peak demand load because at the time it's producing most electricity, when the sun is out, is often the same time when there is peak demand for electricity. It reduces that peak demand, which is also the most expensive electricity that we have to pay for. In summary, this bill is a win-win for everybody; for the people of Maine, it's good for electricity generation and distribution, it's good for the economy, it's good for jobs, it's good for additional state revenues, it's good for the environment, and it's good for the rate payers because it's a minimal cost and reduces the overall demand for additional expensive institutional generated electricity and it has a tremendous return on the investment. For every dollar we invest the economy of Maine gets \$10 back. I think for all of these reasons we should all support this very modest and limited program for benefiting all of those folks in Maine, including the rate payers and the citizens and the environment. Thank you, Mr. President.

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

Senator **YOUNGBLOOD:** Thank you Mr. President. Ladies and gentlemen of the Senate, virtually all of those things that the good Senator from Androscoggin just relayed are true. We should have diversity in our grid system. Solar power is good power. It's clean. It's expensive. The last rebate program that we had the average price for putting in a solar system, for people who put a request for a rebate, was in the vicinity of \$23,000. It isn't a system that everyone can put on their roof. There were letters that came in. One particular one said, "I want to thank you for the rebate program. It allowed me to put a solar system on my second home." The other day, driving home, I don't know what radio station I was listening to, just something to make some noise in the vehicle I guess, it helped to keep me awake. All of a sudden they were talking about the cost of power. They related it in cents. Our standard offer today is in the 7.5¢ to 8¢ a kilowatt area. Every different kind of power ranges all over the place. The very, very low. The nuclear. Gas a little bit more. Solar power, they said and it caught my attention, across the nation was at 40¢ a kilowatt. That's very expensive power that ultimately goes on the grid. Five cents a month, that doesn't sound like a lot. Sixty cents a year doesn't sound like it's a lot, it's less than a bottle of water. There are an awful, awful lot of people out there that pennies do matter. We're looking at a bill right now as to how we put together a program to keep people current on their rate bills, how we take care of that arrearage that's built up

over this very, very expensive winter, as it does for most everyone. The commissioner of the PUC, the chairman, said to us at the meeting where we've been discussing this that the biggest thing about his job that he dislikes the most is kicking people out of homes and, ultimately, that's his responsibility when they haven't paid their bill. He's the one that says, "Shut the power off." Those are very, very, very difficult decisions. To the elderly, to the poor, 5¢ a month, pennies do matter. I would urge you to reject Report "A" and if we could go on to Report "B" there is another way of providing a rebate program, not on the backs of rate payers. If we believe this is a good thing for the state, and it definitely will increase the amount of solar power out there, there is another way to give them something that they need. It is in Report "B". I would urge you to vote against this motion. Thank you.

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

Senator **VITELLI:** Thank you Mr. President. Men and women of the Senate, I rise to speak in favor of L.D. 1252. The cost of energy, specifically electricity, and our over-dependence on fossil fuels to supply our energy needs, has been the subject of conversations in and out of the State House over many years. Advancing solar energy by reinstating the solar rebate program is one clear way that we can do something about these concerns. The Maine Economic Growth Council's recently released report, which I hope you all received and have read carefully, rightfully notes that the high energy costs effects Maine's cost of living and the cost of doing business. The same report states that while Maine's retail and industrial electricity prices have declined since 2007, "Further efficiency and diversification is needed if we are to reach the benchmark set by the council, which is to match the U.S. average for these costs." Solar energy is a clean, made in Maine source of alternative energy available to every town or township in the state. In fact, the cost of solar PV panels has decreased by 60% in the last three years. It needs to be part of our strategy to diversify energy sources and increase our overall efficiency. Solar rebates offer people of even modest means an opportunity to lower their energy costs while helping to lower greenhouse gas emissions that will benefit all of us. The proposed rebate program is funded, as you heard, by a 5¢ a month, or 60¢ a year, surcharge on rate payers, to be managed by the Efficiency Maine Trust. Efficiency Maine ran a successful rebate program for many years and they can do it again, helping home owners and small businesses make the investment in solar. I'd like to offer one example from among my constituents. There is a small diversified farm looking to significantly reduce their operating expenses by installing 36 photo voltaic units, PV units, that will produce roughly 10,613 kilowatt hours of electricity annually and two hot water collectors that will provide over 12 million BTUs of energy heating their hot water. Combined, this system will off-set almost 12,000 pounds of CO2 emissions and it will provide all of their home and their business energy needs. These are hardworking Maine people who are contributing to our growing farm economy. They chose solar because, in the long run, it will reduce their cost of doing business and make their farm operation more sustainable. They are contracting with a Maine company to do the installation, further contributing to our economy. The solar rebate program would help them reach their savings goals faster and would be recognition that their investment benefits all of us. Ultimately there is more we need to

do to catch up to the rest of New England and the nation in expanding our solar energy and have it be a significant part of our renewable energy portfolio. We are the only state in New England at the moment without a policy or strategy to advance solar energy. This measure, L.D. 1252, helps keep us in the game, it helps keep our solar industry alive, and the related jobs they bring in Maine. I urge your support. Thank you.

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

Senator **BOYLE:** Thank you Mr. President. Men and women of the Senate, I rise in support of L.D. 1252. I have a concern but my views of the bill and the support of it, I think, outweigh my concern. My concern is shared with the Senator from Penobscot that if we press that button we're spending rate payer's money. I don't do that lightly. Even though it's only roughly a \$1.20 or \$1.50, I agree it's a lot of money to some people. I don't do that lightly. The reason I'm supporting are, one, I think the program gives us a lot of protections as people were thinking about spending that money. It does leverage, as I understand looking at the information, 10 to 1. That means that the person that's going to put in the system is going spend ten times as much as they get. That's a good thing. They need to have skin in the game. We've talked about that before. I agree with that principle. There are electrical reasons for doing it. The relief of congestion on the distribution system is a valid reason for distributing solar energy and electric energy across the distribution network in the region. That's an important component of what this does. It isn't just the 5¢. It's relieving distribution congestion and, at the same time, reducing peak demand. That's an important investment component of this bill. Once those panels are on your roof, essentially, you've made a decision on your return in investment over a certain period, however many years it takes. You've decided that that seven year or ten year return on investment, that payback period, is what you want to do with those dollars you're spending as opposed to spending them taking the chance that your fuel costs for electricity won't go up in that same return on investment payback period. Based on past experiences, it is likely that they will go up if oil prices, in particular, go up and we continue to use oil as an electric generation source. I think one of the best protections, in terms of investment risk on this bill, is that it's coincides with the federal program and it stops when the federal program does. That's one thing that really kicks it into the winning column for me. We're limiting it to the same time period so that the people who are on the fence about deciding whether to do it are going to be incentivized not just by the federal program but by the state program and the use of the Efficiency Maine Trust program, which I think is an excellent program and I'm happy to support it. Thank you.

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

Senator **YOUNGBLOOD:** Thank you Mr. President for allowing me to speak again. There was one point that I wanted to make that I'm sorry I overlooked. You heard the Efficiency Maine Trust mentioned just a few minutes ago. There is nothing in the rules that we presently have for the Efficiency Maine Trust, that we look at to do all of our energy efficient activities, that would not allow them to presently provide a rebate on solar power just as they do for heat pumps and all the many other things that are out there.

The reason they do not allow it is not by our rules but by a vote of their overseeing board. The return on solar power is just not there. It's too long. It is not a cost effective method of providing heat today. Yes, the prices have gone down. Yes, they'll go down and they are more efficient. The cost energy savings that are there right now are not available, and the Efficiency Maine Trust says, "No, we cannot afford to put the dollars that we have into this effort." The ability is there for them to do it. Thank you.

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

Senator **JOHNSON:** Thank you Mr. President. Ladies and gentlemen of the Senate, I rise to add just a few points to this. I said a few weeks ago that the EEI, the magazine, the institute of the electric utilities themselves, said that solar power is competitive with peak power. I think that we've heard a brief mention of some of the reasons why that's true. What this bill is not asking is that we pay people. This involves net billing. It's not paying people for the peak rate they should be getting for their power. If they have excessive at the end of the year, it's paying the wholesale rate. It's the average. It's not paying them the wholesale peak rates for that power that they should be. Actually, it's a pretty darn good value. First of all, when you install this on your roof you're making a significant investment and what we want to encourage is that people install more capacity than they need for their own uses. A small investment in a rebate program is just the sort of thing to encourage someone to put all the panels they have space for on that roof instead of just what they know they're going to a payback on. What this is going to do is encourage the kind of distributed generation that we need in this state that does offset peak power and that will find savings as the Boothbay project did in not having to spend as much money that rate payers are also funding on expansions to the distribution system to support growing demand. This is an edge against those costs for rate payers and less than the cost of a cup of coffee per year per rate payer. I think that's a reasonable investment for us to make for that stability in our distribution system on that offset against the future rise in prices of power, peak power particularly. We're seeing the instabilities in that market today. We're seeing that the price of power just went up in New England. The price of sunshine doesn't change. The price of that solar photo voltaic system, once you've installed it, doesn't change either. This is a wise, wise investment for rate payers. Thank you.

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

Senator **CLEVELAND:** Thank you Mr. President. Women and men of the Senate, I wanted to clarify a couple of points. The good Senator from Penobscot, Senator Youngblood, is correct that we do care about and pay attention to those who may be less fortunate and who have to struggle a little bit more to pay their basic necessities and electricity. We think about that all the time in the Energy, Utilities and Technology Committee. You've heard me speak about it here on the floor as well. We're not unmindful of that. In fact, there are several programs in place to assist those in need, both through the Efficiency Maine programs that they could access to lower both heat and electricity costs and through the utilities' own Lifeline program where they provide rebates and forgiveness of debt for those who are the lowest

income and are struggling the most to pay their electric bill and the LIHEAP program and a bill, which I hope that the good Senator from Penobscot will support, a bill that I introduced that would provide another means of helping folks. I think what's important here is to not lose the sight of proportion of what we're talking about here. Let's not focus on the pennies, which is what we're doing. Five cents a month, 60¢ a year, those are pennies. We know that the real drivers of electricity costs are not that. It's the \$200 million a year that's an additional tax because we don't have enough capacity in natural gas to fuel the electric generators in New England and in Maine. It's \$200 million a year that gets added to every electric bill in this state. The good news is that with the help of the good Senator Youngblood we passed an omnibus energy bill last year that's going to address that and going to drive those rates down significantly, 10%, 30%, or 40%, as soon as the lines are built. They are on their way. That's where the money is. The drivers are the new reliability transmission system of \$1.5 billion that we built because we had to upgrade the transmission system. Those monies are going into the rate payer system, not by the pennies but by the billions. Yes, we should be sensitive, but let's look where the drivers are and let's address the real cause. It's not the pennies that are causing the problem, it's those larger costs. We're addressing them. It's going to be done. It's going to lower costs. We're going to be talking about that in the years ahead and we'll all be proud that we did it. With this bill, to try to say that it shouldn't go forward because it may be a few pennies is looking in the wrong direction to the problem. That should be no reason for anyone to not move ahead because this Chamber and this Legislature is sensitive to that need, is acting on that need, and is addressing the real problems that are causing the increase, not this.

**THE PRESIDENT:** The pending question before the Senate is the motion by the Senator from Androscoggin, Senator Cleveland to Accept Report "A", Ought to Pass as Amended by Committee Amendment "A" (H-650), in concurrence. A Roll Call has been ordered. Is the Senate ready for the question?

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

**ROLL CALL (#472)**

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

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

**EXCUSED:** Senator: THOMAS

22 Senators having voted in the affirmative and 12 Senators having voted in the negative, with 1 Senator being excused, the motion by Senator **CLEVELAND** of Androscoggin to **ACCEPT** Report "A", **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-650)**, in concurrence, **PREVAILED**.

**READ ONCE.**

Committee Amendment "A" (H-650) **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 Chair laid before the Senate the following Tabled and Later Assigned (3/19/14) matter:

SENATE REPORTS - from the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** on Bill "An Act To Amend the Workers' Compensation Laws as They Pertain to Employee Representation"

S.P. 632 L.D. 1641

Majority - **Ought to Pass as Amended by Committee Amendment "A" (S-433)** (7 members)

Minority - **Ought Not to Pass** (4 members)

Tabled - March 19, 2014, by Senator **PATRICK** of Oxford

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

(In Senate, March 19, 2014, 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 Oxford, Senator Patrick.

Senator **PATRICK:** Thank you Mr. President. Ladies and gentlemen of the Senate, colleagues and friends, I brought this bill forward on behalf of a lot of workers in one plant and found out this bill actually covers everyone in the state of Maine for something that I believe is a basic right that every injured worker should have. I brought this bill forward as a result of a good employer in the state of Maine, in Oxford County, who I think happened to become a bad actor. As a result of after coming out of a bankruptcy, they decided to take a turn in how they handled their workers from the medical department and what they were going to do with them. This was something that they had allowed for 20 years, and which I thought was normal. If somebody requested someone to go when a guy or girl was going to the medical department to see the doctor that they could have somebody there. In the mill that I'm talking about they actually are unionized, so a lot of times you would ask for your shop steward. If you were one of those that worked in my mill that don't like the shop steward you could ask for your co-worker. The

idea was to make sure you were treated fairly. What happens, I will basically say, is at the start when you see a doctor at...let me digress. First of all, ladies and gentlemen, let me just explain what happens when you get injured. When you get injured the first thing that happens, whether union, non-union, large company or not, the employers have the right to send you to a physician to get checked over, which is a 206 exam. After that happens then you have your treating physician, or physicians if your injury takes more than one doctor. After that the company has the opportunity, or actually the employee has the opportunity to ask for a 207 exam, which is an independent medical exam. Under Workers' Comp law right now you can request that you have a physician of your choice attend that meeting. That is a 207 exam. Beyond that there is what we call the ultimate doctor who has the final decision over all doctors, which is a 312 exam. What this area covers is not a 206 exam. This is after your initial 10 day injury and you've already gone to see the doctor of the company's choice to assess as to whether or not you've got a severe injury and how much it's going to take to get you back up and going. It is in between that and the 207. Ideally what I would have liked to have in this bill would have been to have all doctors categorized as a 207 doctor, but what would that have done to the system? That would have cost hundreds of thousands of millions of dollars in comp costs in the state of Maine because I don't think you should have to have someone present at every exam. What this bill covers, actually, is probably 3% of all exams that were put out by the company because a person has a choice. They can ask for someone to come down with them or not ask for someone to come down with them. Basically, we went through the whole process and we had people from the medical association get involved. The bill is changed because the amendment changes the bill, but the original text was talking about, "Oh my goodness, you don't want to have someone to come and disrupt a doctor's exam at a mill." Nobody wants to disrupt any exam. What this is actually doing is asking someone to come down and take notes. What's the problem? Why would you want to have to have someone come and take notes? When a doctor takes notes at an exam at any mill as a primary care physician he writes down notes as to what he found. If a doctor should say to you, "Hey, Joe, how are you feeling today?" The person says, "I'm doing lousy, doctor" and the doctor writes in his crib notes, "Well, I'm doing great." That becomes an official document that can and will be used against you if you go to a comp hearing. That I know for a fact. Besides the doctors, within big organizations, small companies probably don't have them, they also have, I think they call them, Workers' Comp coordinators. In this particular plant they have a Workers' Comp coordinator whose job is to help you assess light duty work along with the doctor and modified work and different things related to the process. What happens is, through the process when you go to a full hearing, that person, in turn, has a 10 to 20 page report against the employee in a negative light, so her job is to help the employee on one hand but on the other hand tear them to shreds when they go to a hearing. Throughout the whole process we talked about, "Oh my God, will someone disrupt the meeting, this or that." We talked about would a physician, who took a Hippocratic Oath, do something that probably he normally wouldn't do by changing the wording or the interpretation of what somebody said. Director Sighinolfi said that he has a wife and a son that is a doctor and I do know an awful lot of doctors. I think the vast, vast majority of them are very honorable, very professional, and do everything according to

Hoyle, but there are, once in a while, bad players in every aspect of life.

Just to prove a point that, I believe, in some instances doctors do the wrong thing I'm going to read part of a letter from a medical exam. It's all redacted out. I'm not going to use any names. I'd like to give you an example of what happens in the real world. This is written by a doctor who used to work at the mill. He says, "I would like you to note the medical report slips from," and I'm not going to name the company, "when I was working as a medical director if you checked them regarding such and such employee when I saw him for foot pain I checked off 'subject to check' because of harassment and stress I received from management." This is a doctor talking now. "They threatened to terminate my employment if I checked off 'occupational causation'. Management told me that it was their decision to decide if an injury or illness was work related and not a licensed medical physician's decision, who is board certified in occupational medicine."

Ladies and gentlemen, if you don't think there's a problem, I have a problem. Ladies and gentlemen, I've dealt with injuries throughout my whole life, through my co-workers. I've had a few myself. What I'm looking to do within this bill is not force anyone, not force any company, to spend a dime. I really believe that if you have bad actors or if you have an injured worker that person is already under stress and duress because of the injury. If somebody has his first work related injury, whether union or non-union, big plant or not, he's already in turmoil. If he's asked to go down and talk to the mill physician, the mill Workers' Comp coordinator, or the mill manager in regards to his injury, he's going to be nervous. I've actually seen a guy that was like 6' 5" and weighed 270 pounds go down, the doctor started asking him questions, and he froze up about what happened, his injury, how he's doing, where he's been on his treatment, and stuff. Some people freeze up. You take a young lady who's going in there. In any medical exam, most doctors' offices, as a matter of fact, most physicians want you to bring someone in there say if it's a non-occupational injury. If you're an injured worker there should be a different standard I guess.

The amendment says, "Continued questioning by an investigator, employer, employer's representative of the employee after the employee requests that a representative of the employee's choice be present during the questioning and that request is denied this paragraph applies without limitation to questioning regarding employee's ability to work and job modifications." That's fair. You would think that would be normal practice. If someone is going to see a doctor and he doesn't know that he has the right to bring someone in, or he can't remember what he's going to say or what he's done in his process, he should have the ability if he chooses. In this light, in this company, probably out of 500 cases you might have had ten people ask, "Hey, I'm unsure myself on what happens in these things. I'm nervous." When you're dealing with light duty, can there be any problems when you go see someone to talk about light duty? If you're on a job as a paper maker, you get injured and you can't do that job, if the light duty job that's offered to you is somewhere else in the mill and totally different to what you're used to, you don't know the good, the bad, and the difference in that job and having someone there that has knowledge of that light duty job is important. One example was that they had a guy who had four shoulder surgeries for both rotator cuffs and the company wanted him to go to work on a like a D-6 bulldozer, a huge piece of equipment. The only way to get up on that piece of

equipment is to raise your hand way above your head and pull your whole body weight up, which is totally against the restrictions of that person. That person that had that happen to him had a representative there and they asked that representative, "Do you know about this job?" and he said, "Absolutely, in my estimation I would say that's probably not within his restrictions and pulling the heavy levers to move that bulldozer back and forth is actually contrary to that." They actually resolved that issue. They found him something else. Sometimes it may be just sitting there watching the smoke go out the stack. It all depends on what they want to do.

You're going to have notes here from the Maine Chamber of Commerce and such and such other groups. "The bill supporters will say otherwise, L.D. 1641 represents a significant change in Maine's Workers' Compensation." They always say that if they want to kill a bill. If a person is under duress, a person asks for somebody to sit there and help them through the process, I think by saying to them, "No, you can't have someone," there is a problem with the system. I don't care if it's a doctor or an HR manager or a Workers' Comp coordinator. If someone doesn't know the rules of the game, the company's main goal is to mitigate the damages to that injured person, who's already having problems, well there is a problem. Their big issues are, the big points, "Rather than permitting normal communications between employers and employees to occur the bill would encourage contentiousness and hostility." Give me a break, ladies and gentlemen. "By requesting that a representative selected by the employee be present during each communication." Not each communication. If the person requests it. Ninety-nine percent of the time the person doesn't request it. As a matter of fact, ladies and gentlemen, in my own instance what I do is I prepare a three page type-written document given to the doctor on what I have done since my last examination. Cortezone injections, physical therapy, other doctors I've seen, I bring doctor's slips with me. I make sure I protect myself because I know a little bit more and I've been injured several times and have gone through this process. I'll tell you one thing right now, I am nervous when I talk to them people because I know, just by the letter I read from that doctor, who is under duress himself by the company, who was going to be fired if he doesn't make the right decisions, there's a problem. This isn't every doctor. This isn't every mill. There are places throughout the state of Maine that do this, but every injured employee should have a right, should he choose. If I'm going to go see the company doctor, this isn't a 206 or this isn't a 207, in this bill nobody's going to be paid a dime. If they are willing enough to let you bring your wife in, I suppose my wife at 110 pounds is going to be very disruptive. For someone to sit there taking notes, and if the doctor says something, and he says it's going to be a 'he said, she said'. Ladies and gentlemen of the Senate, it's already a 'he said, she said' because, with the exception of that he has it in writing already and the employee doesn't. It's just what he says and you have nothing in writing, so you're wrong.

"The bill unfairly categorizes communications between employers and employees without employee representatives as under duress." Well, if you don't have that opportunity and you are already under stress, I would say, in my estimation, that's a fair categorization of duress. It's like giving Miranda type warnings not to everyone, just those that, when you're being questioned, asked for representation. Not a shop steward. We don't want to scare anyone with the word union. I know there are those who hate unions. Any representative they want. I have no

problem bringing any of my co-workers in there. "Potentially disrupts the process for second opinion medical examinations in a Workers' Comp case." That is totally crap. We still have the right to have a 207 exam and you do have the right to have a medical doctor there at that exam, paid for by the employer. It would be great if we had this gray area of doctors where you have a company that is big enough, strong enough, powerful enough, and has enough money to have their own doctor to get them to say what they want to say, but he can't have anyone there. During a 207 exam you can have. That doesn't make any sense.

Ladies and gentlemen, this is a fairness issue. A strictly fairness issue. Every injured employee should he choose to ask some representative to come in in a situation where he doesn't know, or he may perceive that there may be some negativity down the road that may affect his case, he should have that opportunity to be there. It's not everyone. It's not mandated. It's just saying if that person requests it. In my estimation, my knowledge and background, this happens infrequently, although it should happen more than not just to make sure because I think in the future I'll be embellishing on what's happening now in the Workers' Comp, but that will be for another time. I would ask you to really take this into consideration. There is not just a problem in one mill. Hopefully there'll be others that will stand up and at least know that they've had issues themselves or their family members have had issues themselves. This is a bonafide issue that this will take care of. Thank you, Mr. President.

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

Senator **CUSHING:** Thank you Mr. President. Ladies and gentlemen of the Senate, I rise today in regards to L.D. 1641 as presented as an amended report. I certainly can't speak as directly or as long as my colleague did on this issue, but I'll certainly try to identify a few points that may have gotten lost in the shuffle here. We handle many bills, as some of you know, before the Labor, Commerce, Research and Economic Development Committee and I welcome to the opportunity to work with my colleague because I find him to be a fair and balanced chairman. Perhaps in the rush he has forgotten that the original bill was replaced by the amended version that we're looking at. The summary of that bill states, L.D. 1641 this amendment, which was the Majority Report of the Joint Standing Committee on Labor, Commerce, Research and Economic Development, replaces the bill with the provision that expands the list of statements that are inadmissible in proceedings under the Maine Workers' Compensation Act of 1992 to include statements obtained after continued questioning of an employee by an investigator, employer, or employee's representative after the employee's request to have a representative of the employee's choice present has been denied. The process that we came to understand in the hearings about this is there was an incidence where an employee representative was in the room with the employee and was actually interfering with the process of examining the person who was experiencing a severe and distressing occurrence. There was a decision made at the mill to eliminate some of those representations. I, personally, believe if somebody wants to have a person present, whether it's a family member or another, there shouldn't be a problem, but this vehicle is not the way that we will effectively accomplish it. This may actually jeopardize the opportunity for members or employees who are injured to appropriately be able to provide testimony in

their hearing process. I think as you look at the sheet that was provided to us, that my friend from Oxford read from, there are some important issues to reflect on here. We do have Hipaa laws in this country to protect the information. We also have the relationship between a doctor and his or her patient. If somebody voluntarily wants to bring an individual in that's certainly acceptable, but there are also difficulties related to the examination process. We're really talking here about a limited segment of exams that take place within the confines of the company or the business medical facility. I would encourage you to think on this issue and recognize that, although this may have been an instance that was unfortunate, it was truly an opportunity that does not present itself as frequently as may be represented by the testimony we received in committee. I thank you for giving it the proper consideration and I ask that you support my opposition to this motion. Thank you, Mr. President.

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

Senator **DUTREMBLE:** Thank you Mr. President. Ladies and gentlemen of the Senate, I stand before you on this bill in support. The reason I stand in support is because I'll explain a couple of instances I've had where I work at the fire station. Just two weeks ago I had an employee come to me and say, "Man, that was an interesting visit to the doctor." We use a company called WorkWell. Make no doubt about it, they are the employer's doctor, not the employee. He went to WorkWell and the report came back. When he left the office he read his report and the report stated that, "The patient states he feels fine and there is no aggravation of injury," and it went on and on and on. He read the report and he went back to the secretary and said, "This is not what I told the doctor." She said, "He's in with another patient. You'll have to wait." He said, "Okay, I'll wait." He waited around and met with the doctor. The doctor says, "Well, how did you want me to document it?" I have a problem with that. How about documenting it the way he said it? That he was still in pain, he wanted to have an MRI, and he wanted to have further testing. That's not what went on. It was totally false on what the claim was. Since then he's had his MRI and he's getting surgery. This bill, to me, is needed. I'll go back into the year 2000, somewhere around there. I wasn't going to speak on this so I don't have all the dates exact. Somewhere around the year 2000 we had the same company, WorkWell, who is supposed to be getting us back to work, look at one of our firefighters and they put him out of work saying he was unfit for duty. We tried and tried to get the standard under which he was unfit for duty. It was because he failed on a certain test. In the unfit for duty policy through OSHA regulations and the federal standards there are many tests that can be done to determine if you are unfit for duty, not just this one test. They gave him all the other tests after we filed a grievance and we went through the whole procedure. Come to find out this person was very fit for duty and he was put back on the job. Yet we had this physician trying to tell him that he could no longer be a firefighter. This particular doctor eventually left WorkWell. I'll fast forward to 2005, my wife gets injured where she works. She's on Workers' Comp. She goes through the whole hearings. Her employer decides, "We're going to send you to an independent medical examiner." They give her the name of this independent medical examiner in Scarborough. I said, "Boy, that name sounds familiar. Why does that doctor ring a bell?" I do the research. I find out this is the same doctor that tried to put my

brother out of work at the fire station. I told my wife, "I'm going with you. I don't trust him." I went to her appointment. The whole appointment took 45 minutes. The actual time that he had hands-on with my wife doing a survey was 45 seconds to a minute and fifteen. I don't have the exact numbers on me, but it was somewhere within that. It was very limited of the 45 minutes we were in there. How I know this is because when we went in I took a recording of the whole appointment with my voice recorder because I didn't trust him. When the appointment got done the results came out. It said she could bend, she could squat, she could crawl, and all the things that her doctor, her specialist, and all the other doctors she had seen said she can't do. I'm going, "How did he come up with this?" The case goes on. We're in front of the hearing officer at the Workers' Comp Board. They bring up this whole case. I had to testify on the stand about this doctor and the lack of a physical assessment he actually did on my wife. They asked me how I knew it and I said, "Because I actually recorded the conversation." They actually listened to the recording and they came up with the amount of time that he actually physically had her hands because you could tell by voice recognition of where he was. We explained where he was. Long story short, my wife would have lost her case if it would have been based on this doctor's summary of what he found for events. In turn, my wife, to this day, is on disability, is still having issues from her injury, but yet this doctor, who is supposed to be an independent medical examiner who we went through because Workers' Comp assigned us, said there was nothing wrong with her and she could do all these functions that to this date she cannot do. I think this bill is very needed and is very important. Thank you.

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

Senator **GRATWICK:** Thank you Mr. President. Ladies and gentlemen of the Senate, I hadn't expected to speak in detail on this, but it seems important. Just as a very brief, unsolicited, advice for everybody, in my medical opinion, everybody should take someone with them when they go to see the doctor. I think that's always very good, four ears are better than two. That is, indeed, a no brainer in my world. The more people in there the better. Very, very important. I have difficulty with this bill the way it's written. I think it's very confusing. I agree absolutely with the premise. You have to have worker protection. There is no question that there are rogue doctors out there who do a lousy job. We've heard about a number of them out there. They should be banished. There are other ways to deal with them. On the other hand, I think this bill is exceedingly confusing the way it's written. I've talked some with Senator Jackson. I do not understand it, still. The language here is not appropriate. I would be very much in support of this bill, but it's going to have to be reworked. It's going to have to have better vocabulary in order to get my support in this situation. I have to say, with respect to my good friend, Senator Cushing, as well from Penobscot, this bright yellow sheet also contains a significant number of inaccuracies. My opinion is we're piling inaccuracy upon inaccuracy. Somehow we need to take this process back to the beginning. Thank you.

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

**ROLL CALL (#473)**

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

**NAYS:** Senators: BURNS, COLLINS, CUSHING, DUTREMBLE, FLOOD, GRATWICK, HAMPER, HILL, KATZ, LANGLEY, MASON, PATRICK, PLUMMER, SAVIELLO, SHERMAN, THIBODEAU, WHITTEMORE, WOODBURY, YOUNGBLOOD

**EXCUSED:** Senator: THOMAS

15 Senators having voted in the affirmative and 19 Senators having voted in the negative, with 1 Senator being excused, the motion by Senator **PATRICK** of Oxford to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report, **FAILED**.

Senator **PATRICK** of Oxford moved the Senate **RECONSIDER** whereby it **FAILED** to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report.

On further motion by same Senator, **TABLED** until Later in Today's Session, pending the motion by same Senator to **RECONSIDER** whereby the Senate **FAILED** to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report.

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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 Increase the Deduction for Pension Income"  
H.P. 1321 L.D. 1839

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

On motion by Senator **HASKELL** of Cumberland, **REFERRED** to the Committee on **TAXATION** and ordered printed, in concurrence.

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

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

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On motion by Senator **JACKSON** of Aroostook, **ADJOURNED** to Friday, March 21, 2014, at 10:00 in the morning.