MAINE STATE LEGISLATURE

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Senate Legislative Record

One Hundred and Thirty-First Legislature

State of Maine

Daily Edition

Second Regular Session

Beginning January 3, 2024

Beginning with Page S-1593

RECESSED until 10 at night.

After Recess the Senate was called to order by the President.

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

REPORTS OF COMMITTEES

House

Divided Report

The Majority of the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** on Bill "An Act to Make Supplemental Appropriations and Allocations for the Expenditures of State Government, General Fund and Other Funds and to Change Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 2024 and June 30, 2025" (EMERGENCY)
H.P. 1420 L.D. 2214

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-985)**.

Signed:
Senators:
ROTUNDO of Androscoggin
DUSON of Cumberland
Representatives:
SACHS of Freeport
ANKELES of Brunswick
COLLINGS of Portland
FAY of Raymond
GATTINE of Westbrook
MATLACK of St. George

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "B" (H-986)**.

Signed:
Senator:
BENNETT of Oxford
Representatives:
BLIER of Buxton
CARLOW of Buxton
DUCHARME of Madison
MILLETT of Waterford

Comes from the House with the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-985)** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-985) AS AMENDED BY HOUSE AMENDMENT "B" (H-989)** thereto.

Reports **READ**.

Senator **ROTUNDO** of Androscoggin moved to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-985)** Report, in concurrence.

On motion by Senator **STEWART** of Aroostook, 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 Rotundo.

Senator **ROTUNDO**: Thank you, Mr. President, Men and Women of the Senate. I rise in support of the Majority Report to LD 2214, the supplemental budget. First, let me say how grateful I am to my Senate colleagues on the Appropriations and Financial Affairs Committee. Senator Duson has been a critical part of our committee. She has informed the committee's work with her decades of leadership and service to the City of Portland and to the State of Maine. She is truly a partner and all of us on AFA have benefited from her wisdom and expertise. I also have great respect for the Senator from Oxford, Senator Bennett. His knowledge and -- as well as his knowledge and experience. While we don't always agree, I'm grateful for all that he brings to our committee, and I truly enjoy working with him. A supplemental budget is just that; it's designed to address emergencies and keep our budget in balance. And like any budget, it's a statement of values. This budget underscores areas we all care about. It respects the wishes of the Agriculture, Conservation and Forestry Committee in regard to milk prices. It raises pay for ed techs and school support staff, sending a message that we value their work. It further invests in nursing facilities and veterans homes, helping staff there and the older Mainers who rely on those facilities and call them home. It maintains state kindergarten through 12 education funding at the voter mandated 55%, keeping our promise to taxpayers, families, and educators. It protects the pensions of retired Mainers who after a career of hard work deserve financial stability. It provides vital funding to victim support services, making up the gap left by congressional inaction. It preserves the Medicare savings plan, which again helps older Mainers. It puts over $20 million into new mental health initiatives. It allocates $76 million to badly needed housing initiatives. It maintains state-funded SNAP which provides food for lower income families. It restores $12.9 million in childcare spending to help working families. And it provides $13.9 million in cost-of-living adjustments for direct care providers. This is a good budget. It is a result of long hours, careful consideration, and deliberate negotiations, and it is a result of compromise. Like all good compromises, it's not the perfect budget any one person would like to see, but it is solid, responsible budget which is in balance. Before I sit down, I want to thank the members of the Appropriations Committee for their work, and everyone who reached out with support. I also want to send a huge shoutout to the extraordinary staff at OFPR and the Revisor's Office, who have worked their hearts out to get these committee reports and amendments to us tonight. I hope you know you're all heroes to me. I'm hopeful that we can now pass this budget, send it on to the Governor's desk for signing, and fund these vital programs to support all Mainers. Thank you.

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

Senator **DUSON**: Thank you, Mr. President, Honored Colleagues of the Senate. I too rise in strong support of the Majority Report on this supplemental budget. As a freshman to this esteemed body, it has been quite the learning experience and journey to get to this point. I've been honored to work through this process with experienced colleagues like Senator Rotundo and Senator Bennett. The Majority Report before us is the product of a long, thoughtful, and deliberate process by the Appropriations Committee that began all the way back in January. Over the last three months, our committee held public hearings with every single policy committee in the Legislature, where we heard directly from Mainers and members of each committee from both the House and the Senate, and both sides of the aisle, Republican and Democrat alike. This process hasn't always been easy, but it has been worth it. The Appropriations Committee does some of the most challenging and rewarding work in the Legislature. Carefully balancing the current needs of Maine people while ensuring that we make prudent, fiscally responsible decisions that also protect our state's long-term fiscal and economic health. It's a daunting task, and one that we never take lightly. For me, personally, I've strived to do the right thing for the people in my district and the State of Maine. Throughout this process, we heard directly from Mainers across the state about the many challenges they are currently facing, how they are struggling to make ends meet. We've heard from folks struggling to keep a roof over their head because they couldn't find affordable housing or afford to pay their rent. We heard from folks who can't access mental health services that they need because of a lack of providers, especially in our rural areas. And we've heard from parents who still can't access the childcare for their kids, which is preventing them from joining our workforce and contributing to our economy. This budget report makes significant strategic investments to help deliver for them. What is before us is a solid and balanced budget, and I'm going to enumerate some of its content because it's worth reciting twice. It includes a $76 million investment to increase the amount of affordable housing available to Mainers. It includes $19.6 million in investment in mental and public health, which includes funding for mental health crisis intervention, mobile response services, crisis receiving centers, and staff recruitment and retainment incentives for medication management services. It has a $12.9 million investment in childcare, including $11.8 million for one-time grants to childcare providers to support their stability. And it crucially supports VOCA funding that goes directly to help domestic abuse and sexual assault survivors. Without this budget, our providers of support services would see a 40% cut in funds this fall. It also responsibly delivers on all the promises that we have made to Mainers in previous budgets. It meets our obligations to continue fully funding 55% of public education costs. It funds $10 million in General Assistance to our cities and towns. It fully funds the income eligibility expansion for the qualified Medicare beneficiary program, aka the Medicare savings program, which will help older Mainers who receive Medicare to better afford out-of-pocket expenses. And it ensures ongoing tax relief by removing proposed changes to the pension income tax deduction. Of course, no budget is perfect. We can't do everything that we all want. I'm sure that every Member in this Chamber has something in this budget that they aren't 100% happy with, myself included. But any good compromise has a give and take and can't contain all of our desired legislation. Mr. President, our constituents sent us here to work together to enact good policies that deliver tangible, meaningful results, to make their lives a little bit better, a little bit easier, to help them make ends meet. This Majority Report will do just that, without advocating our responsibility as a Legislature to protect the long-term fiscal health of our state. And as I conclude my freshman session, I'm honored to have been part of this process and to vote for this budget.

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

Senator **BENNETT**: Thank you, Mr. President, Fellow Members of the Senate. I have the utmost respect for the Chair of this committee, Senator Rotundo of Androscoggin, and I've enjoyed many, many moments next to my seatmate, Senator Duson of Cumberland. I feel like I'm living in a parallel universe. The comments about the virtues of this budget, while there is a lot of common ground, this budget is an abject failure, in my view, to deal with the substantive issues that face this state. This budget deals in one-time bases with some of the crises, providing lip service to these issues while not providing long-term solutions which our fiscal condition right now would allow us to do. And unfortunately, this budget falls far short of that. As usual in the Appropriations Committee, we spend long times sitting and listening to the members of the Administration, the Commissioners, come before us and chew up hours of time reading bullet points and scripts about each individual line item within the budget. We give them unlimited amounts of time. This is a budget which they have months to prepare for, and they come in on the day of the public hearing, and we in this Legislature give them an hour, two hours, whatever they want to read through every iota, every semicolon of their proposal. And what do we do for the advocates and the citizens of this state? We give them three minutes. There's something fundamentally wrong with the budget process that gives its weight to the Administration rather than to the people of Maine. This budget does not arrest the destruction of our nursing home facilities across rural Maine. As I've said earlier, we have lost, in my district alone, two nursing facilities in the last few years, and in rural Maine, this is destructive of communities and it's destructive of families and yet this Administration and this budget codifies that destruction by not dealing with the fundamental problems of nursing home finance but by giving the Commissioner of Human Services carte blanche to tease out over four years payments and so-called rate reform in order to fix this problem, when we have a clear and imminent danger of closures not only of nursing facilities, but of PNMIs, small residential facilities, which we are seeing across this state being destroyed, and yet we have loads of money - record, record amounts of surplus - and we bow to the altar of one-time funds in order not to solve immediate crises, but in order to just gloss it all over. Mental health is another area where we -- this budget represents all of these one-time funds for this resiliency package, but no ongoing help for people. We need to create a structure where the citizens of Maine have the opportunity, who need help with mental health, to know that that help is there. And yet, we only provide one-time funding providing no sense of security for building out an infrastructure that will support mental health services around the state. And then I hear on this floor right now congratulations about the fact that a 2 a.m. on a Saturday morning, the Legislature -- the

Appropriations Committee did a bunch of dastardly deeds, raiding the highway fund, raiding pension income, stealing money from dairy farmers, and then because we're not doing that, suddenly, that's a good thing. Really? Is that what we've been reduced to? Making huge mistakes and then patting ourselves on the back for fixing them in the light of day? I have in my possession a letter that most every person in the State Senate received this morning from the Chief Executive of the State of Maine, which reads like a letter from Vladimir Putin to his duma rather than an executive who's charged with executing the laws of a state and respecting the independent branch of government that the Legislature represents. And here it is, laying down the law about what she will accept and what she will not, and if we do not do these things, by God, nothing will happen. What have we been reduced to in this Senate, in this Legislature where we adopt whatever the Administration wants, we kowtow to the Administration, we create our processes, we create our systems, we create -- we give them carte blanche to introduce everything they want and we give three minutes - three minutes to the people affected by those policies to make their case and then they're shut off. This is a deeply flawed budget, it's a deeply flawed process that we have on our budgeting. We need to fix this process. We need to stop -- we need to stop what we're doing. We need to assert our independence as the branch of government which represents all of the people, and as messy as it is, as difficult as it all is for us to come together as people who represent all kind of disparate constituencies all across the state, we need to find common ground. We're very close, we've found that on other issues just in the last few days. This does not represent that. This does not represent the best of what we can do as a Legislature. And, you know, I would hope that the Governor would start focusing on enforcing the laws that we pass, like the Medicare savings program which this Legislature passed and she signed into law, and then she ignored. Childcare was mentioned. There was a lot of bipartisan work on childcare. And this Chief Executive chose to ignore the law that we put on her desk and that which she signed and didn't execute. And now, we're supposed to congratulate ourselves that we're doing it all again. This is appalling to the people of Maine. I'm appalled to be a part of this process. I strongly urge you to vote against this motion because we can do better. Thank you, Mr. President.

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

Senator **VITELLI**: Thank you, Mr. President, Women and Men of the State Senate. Today is the last day of session, and it is the final statutory adjournment day of my legislative career. I have a different viewpoint on this process than my colleague from Oxford. I am proud to vote for this majority budget as one of my final acts as a State Senator. With this budget, we can ensure that the good work we have done together this year as well as in past years continues. We can close the 131st Maine Legislature proud of the transformational investments we have made for our state and, most importantly, for the people of this state. This budget is more than a commitment to individual bills or initiatives, it is a firm commitment to the people of Maine. It wisely invests in education, mental health, housing, and healthcare. That's what we promised our constituents when we were elected. We know that when people can afford these essential things - education, housing, healthcare - we move Maine forward. As a member of the Joint Select Committee on Housing, I am especially proud of the investments we made in housing. $10 million to the affordable home ownership program, $10 million for the rural affordable rental housing program, $10 million for low-income housing tax credit program, $2 million to prevent students in elementary and secondary schools from becoming homeless, and $16 million for emergency housing such as winter warming centers, legal services, and other wraparound services. $2.5 million will be dedicated to low barrier shelters such as the Hope House in Bangor. Many of these vital shelters, including Hope House, could close without this funding. And as a former Head Start teacher - that was long ago - I am proud of the important investments in education. $22 million to maintain the State's share of the total cost of funding public education from kindergarten to grade 12, $10 million for the preschool special education program supporting special education and related services for preschool children age 3-5, and $11 million for child development services daily rates, part of an early education solution the Education Committee worked hard to reach. And money to raise Maine's ed tech wages to 125% of minimum wage and other valuable support staff to 115%. In my years in this building, I've seen the value of compromise. My constituents appreciate that in the Maine Legislature, we still work toward that. The appropriations process is one of the hallmarks of compromise here. Every committee contributes. Members of this Body work hard to ensure that our priorities match our constituents' and ensure that members of the public who've weighed in along the way, from sometimes more than three minutes, are heard. We get a sense of what priorities rise to the moment. Knowing that resources are limited, and the need is great. I tip my hat to the Appropriations Committee, all of you who've spent months ensuring that our budget reflects these needs. They, the members of the committee, uniquely understand the complexity of the competing priorities and they've negotiated in good faith to make sure the budget reflects what each caucus, Republican and Democrat, needs to invest in. Today, I hope we can show our leadership by voting for this budget. I believe searching for common ground is the right way to approach solving our problems. So, please join me in supporting this common sense, thoughtful budget that reflects this approach and supports the needs of the people of Maine. Thank you.

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

Senator **STEWART**: Thank you, Mr. President, Ladies and Gentlemen of the Senate. You know, I have to echo, I think the remarks of the Senator from Oxford about this complete alternate universe that we're in here. Because I don't know who we're compromising with - it certainly isn't across the aisle on any part of this process. The votes out of the committee speak for themselves in that regard, as well as the amendments that you're seeing. And, you know, it's funny, when I first got elected, I was in my first term in the House, and somebody that had been here for a while, I won't share their name or anything, but they said look, governors get 90+ percent of what they want. And -- fine, yes, there's gravitas in that position. Fine. But it's a different branch of government. What the heck are we doing here? Why are we here if we're just going to be talked at and directed by a different branch of government that has different interests, constitutionally different objectives, and a different charge, and yet, we continually kowtow to the Chief Executive. And, you

know, I've seen it in both, when both Republicans are in control and Democrats are in control, and I'm just so disappointed because I didn't run for office to be a rubberstamp for any governor, and yet that's exactly what this Legislature has done. And this budget is absolutely a product of that. This is her document. I don't know what we worked on; this is what she told us to do, and we've done it. You know, and I'm so frustrated in particular at, you know, obviously everybody's heard about the Presque Isle nursing home closing, and it breaks my heart because of the families that are going to be impacted by that. And what it's going to do, the ripple effect it's going to have throughout northern Maine. That's a serious problem. This budget doesn't fix that. This budget, you know, we've had opportunities, I think, that we could've done things differently, and I'm not going to promise anybody that had we done one thing or another as it relates to nursing homes in particular that would stop Presque Isle from closing, but I can sure as heck tell you that this isn't going to help. This isn't going to do a thing. You know, I frankly feel like the Administration has put a gun to the head of different folks around this building and said take the deal, or else. And the nursing home certainly being chief among them. The unfortunate reality, I -- nobody - nobody should leave this Legislature saying that we have saved nursing homes by passing this budget. If you do, that will be a mistruth, just FYI. And when the next one closes because we have done the thing that the Administration wants done instead of what they actually need in order to stay open in this economy and this environment, reflect internally. This is the moment, this is the chance, and we're letting is slip through our fingers because the Chief Executive told us to. We don't work for the other branch of government. Really ask yourselves what you're doing here if that's going to be the approach that we're going to take as a Body, if that's going to be the approach that we're going to take as an entire branch. This process has been so broken. There have been times, Mr. President, and I've really struggled, actually, as the leader of the Senate Republican Caucus, to even send our member of the Appropriations Committee to freaking meet because of the abuse that has gone on down there that has been allowed to run rampant in this entire legislative process. It is broken, and that is the understatement of the year. To try to cobble something back together here now because of, frankly, the outcry that came from the public when this abusive and broken process played out downstairs and now, we're going to pat ourselves on the back. I -- you know, so much has been said tonight, I think the Senator from Oxford put it really well. I'm just so disappointed in what has played out this year. We had a chance, folks, to actually do something impressive here in the Legislature, to assert ourselves as the superior branch of government because we are, because we're the closest to the people, and that's why they gave us so much power in the Constitution, and instead, we gave it away once again, because that's what we do. That's what we do. Please reject this motion. There's more work to be done here that could easily be done tonight that would actually make a difference for the people that we represent who sent us to the Legislative Branch of Government.

THE PRESIDENT: The pending question before the Senate is Acceptance of 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 (#763)

YEAS: Senators: BAILEY, BALDACCI, BEEBE-CENTER, BRENNER, CARNEY, CHIPMAN, CURRY, DAUGHTRY, DUSON, GROHOSKI, HICKMAN, INGWERSON, LAWRENCE, NANGLE, RAFFERTY, RENY, ROTUNDO, TIPPING, VITELLI, PRESIDENT JACKSON

NAYS: Senators: BENNETT, BLACK, BRAKEY, FARRIN, GUERIN, HARRINGTON, KEIM, LIBBY, LYFORD, MOORE, POULIOT, STEWART, TIMBERLAKE

EXCUSED: Senators: LAFOUNTAIN, PIERCE

20 Senator having voted in the affirmative and 13 Senators having voted in the negative, with 2 Senators being excused, the motion by Senator **ROTUNDO** of Androscoggin to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-985)** Report, in concurrence, **PREVAILED**.

Bill **READ ONCE**.

Committee Amendment "A" (H-985) **READ**.

Senator **BRAKEY** of Androscoggin moved the Senate **ADOPT** Senate Amendment "A" (S-718) to Committee Amendment "A" (H-985).

THE PRESIDENT: The Senator may proceed.

Senator **BRAKEY**: Thank you, Mr. President. You know, I briefly considered attaching this amendment to the errors and omissions bill because I think this was one of the great errors and omissions of the Maine Legislature. But when the House Chairman told me that a fiscal note would be noticed on the errors and omissions bill, I figured this was the better place. The language before us in this amendment is the exact language that was the bipartisan majority report of the Taxation Committee last year, which seeks to eliminate the double taxation of gold and silver in the State of Maine that the Wall Street casino is not subject to. Only five states have this tax - only five states. And in the year since the Legislature last blocked this proposal, denying Maine people access to constitutional money and leaving them prey to the scourge of inflation as the Federal Reserve prints trillions of dollars out of thin air, the price of gold relative to the dollar has increased by 20%. We have blocked the Maine people from access to this. And Mr. President, just the other day, you spoke, I think very well, about doing what we can for those in the state who are living paycheck to paycheck. I took that to heart, and that motivated me to think well, boy, I need to file this amendment. You know, people are living paycheck to paycheck oftentimes because they cannot save in this era of inflation. What's the point of putting your dollars into a savings account when your dollars are losing value day after day after day and the State of Maine stands in your way from being able to save in precious metals, constitutional money that withstands the inflation that results from the debasement of our currency. I encourage

the Body to pass this motion before us. I've been encouraged strongly by Members of this Body to keep this remarks brief, and so I am doing that, and if we do not pass this today, as I certainly hope that we do, I do appreciate those on both sides of the aisle who have told me that they will carry on this fight to eliminate the sales tax on gold and silver in the State of Maine when I am gone in the years ahead. Thank you, Mr. President.

Senate Amendment "A" (S-718) **READ**.

Senator **ROTUNDO** of Androscoggin moved to **INDEFINITELY POSTPONE** Senate Amendment "A" (S-718) and accompanying papers.

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

Senator **ROTUNDO**: Thank you, Mr. President. I move indefinite postponement of this amendment and all its accompanying papers. Our budget is currently in balance, and I will be moving indefinite postponement on this amendment and other amendments that will come forward to the budget this evening. It's not necessarily because I don't agree with the contents of the amendment, but that our budget is in balance and the amendments can jeopardize that balance. Thank you.

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

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

Senator **BENNETT**: Thank you, Mr. President. I'm looking at the fiscal note for this amendment. It's well within the monies that are left on the table by the Majority Report. It does -- no way does it jeopardize the funding; in no way does it throw this proposed budget out of balance. So, if that is the reason that you are concerned about this, it is a falsehood. Thank you, Mr. President.

THE PRESIDENT: The pending question before the Senate is Indefinite Postponement. 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 (#764)

YEAS: Senators: BAILEY, BALDACCI, BEEBE-CENTER, BRENNER, CARNEY, CHIPMAN, CURRY, DAUGHTRY, DUSON, HICKMAN, INGWERSON, LAWRENCE, NANGLE, RAFFERTY, RENY, ROTUNDO, TIPPING, VITELLI

NAYS: Senators: BENNETT, BLACK, BRAKEY, FARRIN, GROHOSKI, GUERIN, HARRINGTON, KEIM, LIBBY, LYFORD, MOORE, POULIOT, STEWART, TIMBERLAKE, PRESIDENT JACKSON

EXCUSED: Senators: LAFOUNTAIN, PIERCE

18 Senator having voted in the affirmative and 15 Senators having voted in the negative, with 2 Senators being excused the motion by Senator **ROTUNDO** of Androscoggin to **INDEFINITELY POSTPONE** Senate Amendment "A" (S-718), **PREVAILED**.

Senate at Ease.

The Senate was called to order by the President.

On motion by Senator **DAUGHTRY** of Cumberland, **TABLED** until Later in Today's Session, pending **ADOPTION** of Committee Amendment "A" (H-985).

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

On motion by Senator **ROTUNDO** of ANDROSCOGGIN, the Senate removed from the Special Appropriations Table the following:

An Act To Implement The Recommendations Of The Maine Workforce, Research, Development And Student Achievement Institute
H.P. 182 L.D. 284
(C "A" H-783)

Placed on Special Appropriations Table - March 13, 2024, by Senator **ROTUNDO** of Androscoggin

Pending - **ENACTMENT**

(In Senate, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-783)**, in concurrence.)

(In House, ENACTED).

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

Senator **BENNETT**: Thank you, Mr. President. I'm having a little difficulty with my electronic device on my desk. I'm trying to understand how to access the supplements on green through that system. Could you advise, please?

Which was **PASSED TO BE ENACTED** and having been signed by the President, was presented by the Secretary to the Governor for approval.

On motion by Senator **ROTUNDO** of ANDROSCOGGIN, the Senate removed from the Special Appropriations Table the following: