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

ROLL CALL (#767)

YEAS: Senators: BAILEY, BALDACCI, BEEBE-CENTER, BENNETT, BLACK, BRAKEY, BRENNER, CARNEY, CHIPMAN, CURRY, DAUGHTRY, DUSON, FARRIN, GROHOSKI, GUERIN, HARRINGTON, HICKMAN, INGWERSON, KEIM, LAWRENCE, LIBBY, LYFORD, MOORE, NANGLE, POULIOT, RAFFERTY, RENY, ROTUNDO, STEWART, TIMBERLAKE, TIPPING, VITELLI, PRESIDENT JACKSON

NAYS: Senators: None

EXCUSED: Senators: LAFOUNTAIN, PIERCE

This being an Emergency Measure and having received the affirmative vote of 33 Members of the Senate, with 0 Senators having voted in the negative, and 33 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 approval.

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

COMMUNICATIONS

The Following Communication:
S.C. 1111

STATE OF MAINE
HOUSE OF REPRESENTATIVES
SPEAKER'S OFFICE
AUGUSTA, MAINE

April 17, 2024

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

Dear Secretary Grant,

Pursuant to my authority under Title 22, MRSA, Subtitle 22, Part 4, Ch. 401, §1726.2, I am pleased to appoint Sabrina Abbott of Auburn to the *Maine Palliative Care and Quality of Life Interdisciplinary Advisory Council,* effective immediately.

Ms. Abbott will serve on this council as a representative of health insurers.

If you have any questions, please don't hesitate to contact my office.

Sincerely,

S/Rachel Talbot Ross

Speaker of the House

READ and **ORDERED PLACED ON FILE**.

Off Record Remarks

Senate at Ease.

The Senate was called to order by the President.

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

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

(In House, April 17, 2024 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-985) AS AMENDED BY HOUSE AMENDMENT "B" (H-989)**.)

(In the Senate April 17, 2024, on motion by Senator **DAUGHTRY** of Cumberland, **TABLED** pending **ADOPTION** of **COMMITTEE AMENDMENT "A" (H-985)**, in concurrence.)

Senator **GROHOSKI** of Hancock moved the Senate **ADOPT** Senate Amendment "F" (S-730) to Committee Amendment "A" (H-985).

Senate Amendment "F" (S-730) **READ**.

Senator **ROTUNDO** of Androscoggin moved to **INDEFINITELY POSTPONE** Senate Amendment "F" (S-730) and accompanying papers.

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 Hancock, Senator Grohoski.

Senator **GROHOSKI**: Thank you, Mr. President. Good evening, Senate Colleagues. It's once again a pleasure to be here with you all and in the evening as we finish our work, for the past couple years. I just want to briefly describe what this amendment does. I know that information has been shared with you all earlier, but the amendment is now online so anyone can feel welcome to peruse it. And then, I would like to share a little bit

about why I think it's important that we come together to make these changes to the budget as proposed by the majority amendment. The first thing that this bill does is it transfers $50 million from the Budget Stabilization Fund for storm damaged infrastructure as well as $10 million for business recovery and resiliency. These are items that I think you are well familiar with from another legislative vehicle that we have. The next thing that it does is it funds a really important mental health bill which was unanimous in committee, it was LD 1178. This bill is a top priority for advocates for the resiliency package that was not funded in the majority amendment that this amendment I'm presenting seeks to make changes to. This bill will expand eligibility for targeted case management for people that are receiving treatment for substance use disorder. It costs us $2.4 million, and the federal match is $7.8 million. I think it is really important that we not walk away from this opportunity to get needed funding to bring people out of crisis and into health and back into our communities. The next thing that this amendment does is that it follows through on a promise that we've made to our veterans to fund the Maine veterans home not once but ongoing into the future. The Maine veterans' homes are things -- are institutions that we created as a Legislature, and I think it is very important that we ensure that Maine veterans at the ends of their lives have a place to go where their family can visit them, where they can be in community with each other, and where they can live their remaining days in dignity. The next portion of this budget amendment looks to another crisis, which is what's happening in our schools. We have serious, serious lack of ed tech and support staff to keep the school day working, to make sure kids can get to school, that the schools are clean, that they're functioning well, and so, this amendment, this portion of the amendment, increases their pay to 133% for ed techs and 125% for support staff of the minimum wage. And it does so on an ongoing basis. And most importantly to me, the State pays 100% of these costs. That, I think, is very critical because many of us represent districts where property taxpayers really cannot afford additional expense, and yet, we know that these ed techs and support staff are critical to the everyday functioning of our schools. The last thing that this does is it follows through on a commitment that I feel that I have made - at a minimum, others, I hope, agree - to our state employees. It includes language around recruitment and retention. And I'll admit, this is not an area of policy that I'm well versed in, so I hope if you have questions, there are others who might be able to help answer them. I do think this is very important because every time I get a call from a constituent with a need related to state government, the people that are helping are the state employees. And we have some phenomenal people, some of them are in the room right now, that help connect us to the state employees that are really out there doing the work every day. And I know we've all heard horror stories about things like ferry operators working untenable hours and in very dangerous circumstances that could cause an incident here that we would not want to see, and that's just one example. We know, I don't think we need to discuss what's been going on with child safety or adult protective services. I think it's very important that we make sure that the folks that are caring for our most vulnerable are being supported in doing so. So, some people are asking, and you can go online and look at the fiscal note, what does this all cost? The answer in this biennium is $7.1 million. I think that's a very small price to pay for us to address each one of these items that I think is truly in crisis right now in our state. These are all bills that this Legislature has considered, has supported, and hopefully will actually vote to have them come to fruition. I know and I thank all of you who listened to my speech earlier this week about the moment that I think we have, and I think many of you understood what I meant. And for those who didn't, I want to clarify. The moment that we have in front of us right now in this Chamber is to work together as Senators in our own Body, in our branch of government, parties aside, ideologies aside, concerns about process aside, I think and I hope that you will look at what is being proposed here and you will say do I agree with these things, yes or no. I personally do, and I know, and we've heard from speeches earlier tonight that no budget is perfect, no process is perfect. But I do think these take -- each of these items makes a meaningful amount of progress toward issues that we hear about every day. And so, I don't think we can wait to see if they magically fix themselves. I think that we need to put the wheels in motion now and commit to each one of these items, fund it, and make sure that the Maine people know that we hear them, we hear their concerns about what's going on with substance use disorder, what is going on with caring for people in nursing homes, especially our veterans, what is happening in our schools, what is happening with state employees, and you all know where I live, I live in a district where every single town is on the coast. And my district was hit very hard by storms in January, and many of yours were, too, and also in December. And I think it is so important that we do this work together because I understand that the Chief Executive had an intention to do certain things separately, and yet, she's asking us not to do other things separately. I think we can do things together, and I don't just mean putting the numbers together, I mean voting together, working together. I continue to believe in this Body, I continue to believe that we will not succumb, I guess, is a word I would choose, to the threats that I felt that I received earlier today regarding our independence, our separation of powers from the Executive Branch, from the second floor in this building. And so, I hope that you will put that aside and just look at what is in front of you and see is this going to be better for the people of Maine if we vote for this or is it going to be better for the people of Maine if we don't vote for this. So, I hope you will support it. I thank you for the opportunity to continue as I do here every day to work very hard on behalf of my constituents to try to honor what they are asking of me to do. And that is my effort here, and I hope that you all know from working with me, that it is only that. It is my attempt at a good policy and a good solution to problems that we face in our communities. Thank you.

The President requested the Sergeant-At-Arms escort the Senator from York, Senator **LAWRENCE**, to the rostrum where he assumed the duties as President Pro Tempore.

The President took a seat on the floor.

The Senate called to order but President Pro Tempore **MARK W. LAWRENCE** of York County.

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

Senator **JACKSON**: Thank you, Mr. President, Ladies and Gentlemen of the Senate. I know the time is late and the minutes tick by is important, but I also wanted to come down. You know, we heard a lot earlier on enactment of the budget and concerns people had, and I totally understand. I felt a lot of frustration over these last two years, certainly more frustration than I think I've ever felt in my previous 18, on budgets that, you know, we were told we couldn't do anything in the biennial, we had to wait for the supplemental, the supplemental comes, we couldn't do anything in the supplemental, we had to wait for the process, we had to do all these different things, and in the end, the things that I believe that everyone in here says they cared about were not taken care of. And here we are with 35 minutes left until something either great or something very drastic would happen. And the Good Senator from Androscoggin, Senator Rotundo, the Good Senator from Cumberland, Senator Duson, my seatmate, the Good Senator from Oxford, Senator Bennett, I know tried very hard, Senator Vitelli talked about being the final day, it's my final day also. You know, I've been here 20 years, and I came here and spent a lot of time away from my family, a lot of time away from my children because I thought that I was fighting for people that needed a voice. People I cared about. And in my final day, maybe that's what makes me so stubborn, that I'm not willing to give up on something that seems so simple to all of us. Something that the Good Senator from Hancock, Senator Grohoski, laid out better than I ever will. I mean, my God, we're talking about ed techs, bus drivers, janitors, people that serve food to our children, and we can't give them a little bit more money to operate themselves, to have their selves a better life? In a time that we have a billion dollars in Rainy Day Fund, $4 billion in a cash pool, $500 million in OSR accounts across state government, we can't help these people out a little bit? And state employees have been yelling for years under different administrations about the problems that they're having, the problems that when even whenever they get contract language, they can't get it moved forward. I mean, I'm one of the biggest labor people in this state, in four separate unions. I have my state employees pin on today, and the largest labor violations in this state are in this building. And I'm going to walk away on my last day from that? We did nothing - nothing in this budget for state employees to make sure that they would ever be able to go forward and bring their concerns forward. Recruitment and retention is completely left off of this, and here, and something that costs nothing, we can give that to them only so that they can go forward and collectively bargain and have third-party people bring or have their complaints heard in a system that is two to one management to employee currently, and we can't allow them just to have a third-party bargainers. The people that do these jobs need our support tonight and, you know, I've been chasing these veterans homes things for -- nursing homes for the longest time, I've stood with Senator Bennett in press conferences and talked about the real, real problems that they're having across the state and it seems like people don't want to believe this is happening, but we've had 140 nursing homes in the last eight or ten years, and we're down to 80, and we're soon to be down to under 80, and we're not doing anything. And it just amazes me that this is where we're at. I mean, I think that our biggest opportunities in this Body is to help children and help older people, and even on the children side, we're failing. There was talk about the money that's in this budget for childcare, that's money that we appropriated in the biennial budget that they didn't do. You can't -- you can't make it look like we're giving more to childcare, all we're doing is giving the money that they didn't do in the first biennium. And that, you know, seems to really frustrate me that we can't do the things for the most vulnerable people on each end of the scale. I mean, housing, I was all in on that, I have been in on that, but we're talking about housing for our elderly. I mean, where do these people go as nursing homes continue to close? I don't know. I don't have that answer. I really don't. But I know that in economies like this where parents -- children of parents have -- both have to work. There is no system where they're able to take care of elderly parents anymore. It's just not financially doable. But at the same time, they have no opportunity to do anything more. It bothers me a lot, you know, these last couple weeks and trying to work with colleagues from both sides of the aisle, colleagues from the House, being told that I had to step away, let the process operate, knowing that I didn't think the process was going to fix the things that I cared about, like I said, teachers, ed techs, state employees, veterans homes. Those things did continue to get left out, and when it comes right down to it, you know, I mean, I've cried a lot in this Chamber, I cried a little bit earlier when we were talking. I could cry right now at how heartbroken I am that we're in this position because I feel very strongly about what Senator Grohoski has put forward - very strongly. As strong as anything that I would ever -- I mean, if I knew in the last day of my career here that I would have to walk away, I would've never run for this place because I will be constantly heartbroken to look at those people in the face tomorrow that I wasn't able to help them today. And it also bothers me an awful lot that some really good relationships that I've made in here, some people that I know I will be friends with for the rest of my life, I've strained that relationship because I cared so much about these issues and couldn't understand why we all couldn't come together on this. I mean, you know, some of this stuff, people will say it's a Republican issue or it's a Democrat issue, I don't know. I know that I'm a proud Democrat, but if by voting for these things today makes me a Republican, then I'm a proud Republican. Because these should not be issues that divide us, they should be issues that unite us. And we should stand up together and say no, we're not walking away, we're not going to have arbitrary deadlines put on us that makes us forget about these people, because I feel strongly - strongly, that there is still time to do the right thing. We can do that. Regardless of what anyone in any other chamber or any other floor of this institution tells us, we can take the time tonight to do the right thing, and the right thing is protecting, helping these people that have done everything for us in their time. I want to thank the Good Senator from Hancock for bringing this forward. It's not easy to get in line, I know that very well. But this is something that I believe that has to happen, we have the money, I can fund -- any one of us in here can fund $7.1 million without putting us out of balance and still having a sizable table. That idea that the world is going to end if we do this tonight is completely inaccurate, and I will defend that to the day I die.

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

Senator **BENNETT**: Thank you, Mr. President, Fellow Members of the Senate. I made a promise to myself and to the people I represent when I decided to run after a significant hiatus for election to the State Senate in 2020, that the last thing I would think about is party in making any decision here. And I have tried, I think with some success, to stay true to that. And I cannot do

anything but say that this amendment before us is, as described, is totally nonpartisan. These are -- this amendment addresses issues which we all know need to be addressed. It is, as the Senator from Hancock has said, the result of a lot of collaboration, a lot of hard committee debates, and a lot of unanimous committee reports. Not Republican, not Democrat, but us at our best, working together. Finding common ground for the people that we represent. I said last Friday evening on the other matter, which is kind of related here because the Senator's amendment folds in the disaster relief, that the Chief Executive looked me in the eye, and I know she looked other people in this Chamber in the eye and said please find middle ground. Those were her words. The work that this amendment represents is sincerely in response to that. I have to say it's our last evening here in the regular session, and I have to say a word - not to, because you can't do that - but about the Senator from Hancock, Senator Grohoski. I can't help but think that the first day of this legislative session, in December of 2022 - it seems like a long time ago - but it was the first day of this legislative session, we were confronted with a bill, LD 1. We may remember it. It was a little contentious. It was so contentious that it became LD 3. But I have to thank the Senator from Hancock, Senator Grohoski, in her first term as a State Senator for having the courage to see what was right and stand then to say why are we spending half a billion dollars of surplus to send $950 checks to people making $200,000 a year. That was half a billion dollars, largely spent on that - a lot of other good things. That took some courage confronting the prevailing winds and a lot of political pressure. But she had the courage to do that, and I have been so gratified to work with this courageous soul on so many issues of import to the people of Maine, even though we represent different parties, different parts of the state, and different wings of the political spectrum. And here she is again with an amendment to try to bring people together on common ground. You know, I spoke with members of the School Management Association about this ed tech issue. Let me be clear; the amendment before you does set a minimum pay of 133% for ed techs. The majority report sets a minimum pay of 125% for ed techs. The market is such for ed techs that most districts are paying well in excess of either of those numbers. It's just the truth. And the school management association knows that, and they were very gratified to hear of an approach that while it established a minimum, while the State does that, will guarantee that 100% of that cost will be borne by the State, not by the districts. They endorse this proposal right before us. These are the people who run our schools. This proposal before us improves the committee report vastly, and it deals with this issue -- we can wrap up, in fact, I think, if we adopt this amendment before us, we can get to a speedy conclusion to tonight's session and this year's session. Because it marries two intrinsically intertwined questions, which is what do we do about disaster relief and the $50 million, the ten -- plus the $10 million for disaster relief, and the budget. This takes care of that. If you want to go home early, you vote for this. Because it improves the measure before us a lot. And if you don't want to vote for this as amended, you don't have to, but this is an improvement, and you ought to vote for this as an improvement. If we adopt this, we can dispense with the other matter that came, sadly, out of our committee of appropriation and financial affairs, a measure that ostensibly needed a two-thirds vote and a three-way divided report, and it still hasn't been resolved. This measure is a good will faith to bring us together, and we ought to be endorsing this, we ought to embrace it, and we can -- if we do so, we can know we've attended the peoples' business, and we can go home proud. Thank you, Mr. President.

THE PRESIDENT PRO TEM: The Chair recognizes the Senator from Lincoln, Senator Reny.

Senator **RENY**: I feel like I need to make it known, ladies and gentlemen, my district, much like many of your districts, was devastated by the storms that we have survived this past year. It is extremely important to me that the storm relief goes out. It is currently 11:40 p.m. on the last day of session, and I know we all have a lot of priorities, but this is a very, very big deal. We need to come together and make sure that this funding goes out, everyone. And I am going to stop talking right now because we do not have enough time as it is, I don't feel like.

THE PRESIDENT PRO TEM: The Chair recognizes the Senator from Cumberland, Senator Chipman.

Senator **CHIPMAN**: Thank you, Mr. President, Men and Women of the Senate. I rise in strong support of this amendment. I couldn't agree better with my colleague from Oxford, Senator Bennett, that this is truly bipartisan work. I'd like to remind us that this, I believe, includes all of the items that were in the amendment to LD 2225 that we voted on Friday night with a majority vote, bipartisan, that we voted on last night, bipartisan vote, I believe it had 21 votes or so in support of it. We've been told or we've heard that if we pass this, it's going to blow a huge hole in the budget for next year's biennium, but I've asked the question of Chris Nolan of OFPR whether the current amended budget out of AFA will create a hole in the next biennium, and he did say that it would. So, we're already going to have a hole in the next biennium. This would cost at most $7 million, I believe there's $11 million on the table, so we have money from the table to fund it, we have money surplus in a Rainy Day Fund to fund it, and the bulk of this five million or seven million goes to our veterans homes. The folks that defend our country, that defend us -- defend our freedom that are living out the rest of their lives and we can't find $5 million to fund them ongoing is pretty sad. I mean, there's unfilled positions, there's reserve accounts, there's money all over the place, but we can't find the $5 million to fund it. So, I hope that you can join me in a bipartisan vote in opposing this amendment, this motion in front of us to indefinitely postpone this so that we can adopt this amendment that's bipartisan to the budget. Thank you.

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

Senator **ROTUNDO**: Thank you, Mr. President, Men and Women of the Senate. I just would like to remind everyone that in the majority budget, there is a demonstrated commitment to issues of mental health, nursing homes, our veterans' homes, our educators, and if you want to get a better sense of the ongoing costs of the amendment before us, please look at the outyears. Thank you.

THE PRESIDENT PRO TEM: 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 (#768)

YEAS: Senators: BAILEY, BEEBE-CENTER, BLACK, BRENNER, CARNEY, CURRY, DAUGHTRY, DUSON, FARRIN, INGWERSON, KEIM, RENY, ROTUNDO, TIMBERLAKE, VITELLI, PRESIDENT PRO TEM LAWRENCE

NAYS: Senators: BALDACCI, BENNETT, BRAKEY, CHIPMAN, GROHOSKI, GUERIN, HARRINGTON, HICKMAN, JACKSON, LIBBY, LYFORD, MOORE, NANGLE, POULIOT, RAFFERTY, STEWART, TIPPING

EXCUSED: Senators: LAFOUNTAIN, PIERCE

16 Senator having voted in the affirmative and 17 Senators having voted in the negative, with 2 Senators being excused, the motion by Senator **ROTUNDO** of Androscoggin to **INDEFINITELY POSTPONE** Senate Amendment "F" (S-730) **FAILED**.

Senate Amendment "F" (S-730) **READ** and **ADOPTED**.

Senator **JACKSON** of Aroostook moved the Senate **ADOPT** Senate Amendment "D" (S-728) to Committee Amendment "A" (H-985)

Senate Amendment "D" (S-728) **READ**.

THE PRESIDENT PRO TEM: The Senator may proceed.

Senator **JACKSON**: Thank you, Ladies and Gentlemen of the Senate. This is an amendment that I was asked to put in earlier this week to once again provide funding for family planning that was left out of the budget. This is the opportunity for Members of this Body that want to make sure that real funding goes forward. The money that comes out of this or into this amendment actually comes out of the Fund for Healthy Maine for -- we had a significant amount of money in there that was kind of being held for the flavors ban, which we obviously can't do at this moment. This is an amendment that I think for many of us is very, very good for, you know, women's health, for reproductive services, and the things that I think are important across the state and are going to be in real, real trouble. And so, that's why I offered the amendment, I'd like to ask for a Roll Call on the amendment, and hope that Members of the Body will support this so we can get it down to the House and get it enacted because this is, honestly, the only opportunity left to do what is very significant for these organizations.

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

Senator **ROTUNDO** of Androscoggin moved to **INDEFINITELY POSTPONE** Senate Amendment "D" (S-728) and accompanying papers.

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

Senator **ROTUNDO**: Thank you, Mr. President. I would indefinitely postpone this motion and all its accompanying papers. I would also mention that today this same amendment was voted off the table in Appropriations.

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

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

Senator **JACKSON**: Thank you, Mr. President, Ladies and Gentlemen of the Senate. I just wanted to rise and explain the reason why this amendment has come forward as opposed to the normal process of moving bills off the table. One, we've been put on a deadline that nothing should be able to move off the table, but more importantly, once the budget was closed a couple weeks ago, this was an issue that I think many of the people had in front of them, amendments in front of them, the budget was reopened after significant concerns, and once again, there was opportunity for this issue to go forward, and it didn't, and the budget closed one more time. After that, people came in and asked to speak with me about it, talk about how important it was, how devastating it would be for services across the State of Maine. I agreed to put an amendment in for the budget and, unfortunately, when I talked about it this morning, all of a sudden there was a rush to get to Appropriations to draft a new amendment, a brand-new amendment that came forward today. Now, in a typical running of the table, that would make sense, but that is not what we're typically in right now. I think we all have amendments -- or excuse me, we all have bills on the table that could've been amended, could've -- we could've had a chance to operate, and I don't think it's fair that for Members that may be on Appropriations that they get to pick and choose, and that's why this is really our only opportunity to go forward on an amendment that was legally drafted, it was put in in the required amount of time, like all other amendments to the budget, as opposed to people that have more of a privilege to put amendments forward and move them off the table. That's not -- that's not a fair process, and as the Senate President, I can't allow something like that to happen when other people are going to look me squarely in the face and say well, what about my piece of legislation? So, that's why I can guarantee all of you that if you care about this issue, this is the only way that it's going to get done. And so, I think that we ought to vote on it, we ought to vote to include it, just like the previous one, to send it down to the House and get this very important issue activated, too.

THE PRESIDENT PRO TEM: 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 (#769)

YEAS: Senators: BAILEY, BALDACCI, BEEBE-CENTER, BENNETT, BLACK, BRAKEY, BRENNER, CARNEY, CURRY, DAUGHTRY, DUSON, FARRIN, GROHOSKI, GUERIN, HARRINGTON, INGWERSON, KEIM, LIBBY, LYFORD, MOORE, NANGLE, POULIOT, RAFFERTY, RENY, ROTUNDO, STEWART, TIMBERLAKE, TIPPING, VITELLI, PRESIDENT PRO TEM LAWRENCE

NAYS: Senators: CHIPMAN, HICKMAN, JACKSON

EXCUSED: Senators: LAFOUNTAIN, PIERCE

30 Senator having voted in the affirmative and 3 Senators having voted in the negative, with 2 Senators being excused, the motion by Senator **ROTUNDO** of Androscoggin to **INDEFINITELY POSTPONE** Senate Amendment "D" (S-728) and accompanying papers, **PREVAILED**.

House Amendment "B" (H-989) to Committee Amendment "A" (H-985) **READ** and **ADOPTED**, in concurrence.

Committee Amendment "A" (H-985) as Amended by House Amendment "B" (H-989) and Senate Amendment "F" (S-730) thereto, **ADOPTED**.

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 Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#770)

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

NAYS: Senators: BAILEY, BENNETT, BLACK, BRAKEY, BRENNER, CARNEY, FARRIN, GUERIN, HARRINGTON, INGWERSON, KEIM, LIBBY, LYFORD, MOORE, POULIOT, STEWART, TIMBERLAKE, PRESIDENT PRO TEM LAWRENCE

EXCUSED: Senators: LAFOUNTAIN, PIERCE

15 Senator having voted in the affirmative and 18 Senators having voted in the negative, with 2 Senators being excused, **PASSAGE TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-985) AS AMENDED BY HOUSE AMENDMENT "B" (H-989) AND SENATE AMENDMENT "F" (S-730)**, **FAILED**.

Senator **DAUGHTRY** of Cumberland moved the Bill and accompanying papers be **TABLED** until Later in Today's Session.

THE PRESIDENT PRO TEM: The Member may state his point of order.

Senator **BENNETT**: Would you please inform the Senate as to the current posture of the measure before us?

THE PRESIDENT PRO TEM: The measure is having failed to be engrossed.

Senator **BENNETT**: What is the next action that could be tabled, Mr. President?

THE PRESIDENT PRO TEM: The Chair would reply that as a former Senate President, he may know the next step, but I will inquire to get him the exact answer. Because the bill failed of passage to be engrossed, the Chair will rule that the tabling motion is out of order.

The Chair ruled the motion to **TABLE** out of order.

Senate at Ease.

The Senate was called to order by the President Pro Tem **MARK W. LAWRENCE** of York County.

Senator **BAILEY** of York moved to **RECONSIDER** whereby **PASSAGE TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-985) AS AMENDED BY HOUSE AMENDMENT "B" (H-989) AND SENATE AMENDMENT "F" (S-730)**, Failed.

Senator **DAUGHTRY** of Cumberland moved the Senate **TABLE** until Later in Today's Session, pending **RECONSIDERATION** whereby **PASSAGE TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-985) AS AMENDED BY HOUSE AMENDMENT "B" (H-989) AND SENATE AMENDMENT "F" (S-730)**, Failed.

The following proceedings were conducted after 12:01a.m., Thursday, April 18, 2024.

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#771)

YEAS: Senators: BAILEY, BEEBE-CENTER, BRENNER, CARNEY, CURRY, DAUGHTRY, DUSON, INGWERSON, NANGLE, RENY, ROTUNDO, TIPPING, VITELLI, PRESIDENT PRO TEM LAWRENCE

NAYS: Senators: BALDACCI, BENNETT, BLACK, BRAKEY, CHIPMAN, FARRIN, GROHOSKI, GUERIN, HARRINGTON, HICKMAN, JACKSON, KEIM, LIBBY, LYFORD, MOORE, POULIOT, RAFFERTY, STEWART, TIMBERLAKE

EXCUSED: Senators: LAFOUNTAIN, PIERCE

14 Senator having voted in the affirmative and 19 Senators having voted in the negative, with 2 Senators being excused, the motion by Senator **DAUGHTRY** of Cumberland to **TABLE** until Later in Today's Session, **FAILED**.

The Senate **RECONSIDERED** whereby **PASSAGE TO BE ENGROSSED FAILED**.

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#772)

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

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 **BAILEY** of York to **RECONSIDER FAILED PASSAGE TO BE ENGROSSED** as Amended by Committee Amendment "A" (H-985) as Amended By House Amendment "B" (H-989) and Senate Amendment "F" (S-730), **PREVAILED**.

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

Senator **JACKSON**: Thank you, Mr. President, Ladies and Gentlemen of the Senate. Certainly playing a high-stakes game of chicken here, and people can say that I asked for it. But I, you know, definitely wanted to get up and impress on people that where you may not -- when we heard about the original budget, there was things in there that people liked, things in there people didn't like. Well, remember that now, because we are at the precipice of something that I don't know that we can get back. Again, I asked, along with many of the colleagues, to step up and fight for state workers, for ed techs, for veterans that have been long trying to understand if they would have a home, if they wouldn't have a home, people that desperately needed our help, along with everybody else that we talked about in the original budget discussion. I also want to make sure that people understand that this is the opportunity for the storm bill. I mean, we've played the game of we needed a two-thirds on the storm bill until last night where it became clear that that wasn't the point, we didn't need two-thirds, we just needed to enact. We have a chance here to enact the storm bill, to put all that money out into districts like Senator Reny's in Lincoln. I can understand that there's people that are upset and people that don't believe this is the normal process, but I have not seen the process be normal throughout the two years. And still, in all, we do have a budget that I believe strongly was good, I voted for it, we made it better, in my opinion, with the Grohoski amendment, and I'm hoping that even though people may be upset, they'll come to their senses and put this budget forward for the House to enact so that we can get a budget that is good for the people of the State of Maine and get out of here at an appropriate time. So, please vote for this budget that has all of -- all of our priorities in it.

THE PRESIDENT PRO TEM: I've gotten some notes at the rostrum questioning -- asking what happens if this fails to be engrossed. If this fails to be engrossed, it goes down to the House in non-concurrence having failed to be engrossed in the Senate.

THE PRESIDENT PRO TEM: The Chair recognizes the Senator from Kennebec, Senator Pouliot.

Senator **POULIOT**: Thank you, Mr. President. And just to be clear to the Body, if this bill were to fail to be engrossed and go down to the Other Body in non-concurrence, the Other Body could recede and concur, correct, and this amendment would be placed on and kept on and come back to us for a vote. Is that correct, Mr. President?

THE PRESIDENT PRO TEM: Correct. The bill would come back with whatever motion the House passed.

Senator **POULIOT**: So, to be clear, Mr. President, nobody should be worried about something not being able to get done in the event that that should occur.

THE PRESIDENT PRO TEM: It's not my position to tell people what to be worried about and what not to be worried about. It's sufficient to say that the bill is not dead if we fail to engross it. It goes down to the House, the House can either insist, recede and concur, whatever they want, and send it back to the Senate for a vote.

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

Senator **BENNETT**: Mr. President, I just want to be clear that -- of your guidance to the Senate. If this motion fails, passage to be engrossed, and this -- and the Other Body moves to recede and concur, they will also fail of engrossment, the bill will be dead.

THE PRESIDENT PRO TEM: Correct, and that's why I did not advise him about that. I said it can come back with whichever motion they make, but you're correct, if they recede and concur, the bill is dead.

Senator **BENNETT**: That was one of the motions, Mr. President, that you mentioned as being an availability for keeping this bill alive, and I just wanted to be clear, engrossment of a measure, if it fails at engrossment, it is dead if both parties -- if both Chambers agree to that. So, this is, in fact, an important vote before us, and there are a lot of issues with this budget, there's lots of reasons to vote against it, there's some reasons to vote for it. I think it is vastly improved by Senator Grohoski's amendment. I know it doesn't meet the standards of some of us, but it is a -- it is an improvement over what, unhappily, I have to say, the Committee on Appropriations and Financial Affairs on which I serve yielded in its Majority Report, to which the Senator's motion was made as an improvement. I just want to be clear about where we are. We don't usually fail an engrossment after a measure is made -- made it this far through the process. And at this late hour, there's perilous ground ahead. Thank you, Mr. President.

At the request of Senator **BENNETT** of Oxford a Division was had. 17 Senators having voted in the affirmative and 16 Senators having voted in the negative, **PASSED TO BE ENGROSSED BY COMMITTEE AMENDMENT "A" (H-985) AS AMENDED BY HOUSE AMENDMENT "B" (H-989) AS AMENDED BY SENATE AMENDMENT "F" (S-730)**, thereto, in **NON-CONCURRENCE**.

All matters thus acted upon, with the exception of those matters being held, were ordered sent down forthwith for concurrence.

Senate at Ease.

The Senate was called to order by the President Pro Tem **MARK W**. **LAWRENCE** of York County.

RECESSED until 12:30 in the morning.

After Recess the Senate was called to order by the President Pro Tem **MARK W**. **LAWRENCE** of York County.

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

The Sergeant-At-Arms escorted the Senator from York, Senator **LAWRENCE**, to his seat on the Floor.

The Senate was called to order by the President.

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 Prohibit Certain Training Repayment Agreements By Employers
S.P. 299 L.D. 741
(C "A" S-200)

Placed on Special Appropriations Table - June 13, 2023, by Senator **ROTUNDO** of Androscoggin

Pending - **ENACTMENT**

(In Senate, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-200)**.)

(In House, ENACTED).

The same Senator moved the Senate **SUSPEND THE RULES** for the purpose of **RECONSIDERING** whereby the Bill be **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-200)**.

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 Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#773)

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

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

EXCUSED: Senators: DUSON, LAFOUNTAIN, PIERCE

20 Senator having voted in the affirmative and 12 Senators having voted in the negative, with 3 Senators being excused, the