

MAINE STATE LEGISLATURE

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Legislative Record
House of Representatives
One Hundred and Thirtieth Legislature
State of Maine

Daily Edition

First Special Session

beginning April 28, 2021

beginning at page H-200

ONE HUNDRED AND THIRTIETH LEGISLATURE
FIRST SPECIAL SESSION
13th Legislative Day
Wednesday, June 30, 2021

The House met according to adjournment and was called to order by the Speaker.

Prayer by Honorable Holly B. Stover, Boothbay.

National Anthem by Honorable Lydia C. Blume, York.

Pledge of Allegiance.

The Journal of Thursday, June 17, 2021 was read and approved.

The following items were taken up out of order by unanimous consent:

ORDERS

On motion of Representative McCREIGHT of Harpswell, the following Joint Order: (H.P. 1297)

ORDERED, the Senate concurring, that Bill, "An Act To Expand Recovery Services to Persons on Probation," H.P. 626, L.D. 858, and all its accompanying papers, be recalled from the Governor's desk to the House.

READ and PASSED.

Sent for concurrence.

By unanimous consent, all matters having been acted upon were **ORDERED SENT FORTHWITH.**

CONSENT CALENDAR

First Day

In accordance with House Rule 519, the following item appeared on the Consent Calendar for the First Day:

(H.P. 156) (L.D. 221) Bill "An Act Making Unified Appropriations and Allocations for the Expenditures of State Government, General Fund and Other Funds and Changing Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 2021, June 30, 2022 and June 30, 2023" Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-735)**

On motion of Representative KESSLER of South Portland, was **REMOVED** from the First Day Calendar.

The Committee Report was **READ** and **ACCEPTED.**

The Bill was **READ ONCE. Committee Amendment "A" (H-735)** was **READ** by the Clerk.

Representative KESSLER of South Portland **PRESENTED House Amendment "A" (H-740) to Committee Amendment "A" (H-735)**, which was **READ** by the Clerk.

The SPEAKER: The Chair recognizes the Representative from South Portland, Representative Kessler.

Representative **KESSLER**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House, I sincerely appreciate the bipartisan work that was completed on this change package budget. However, I feel that there is one item that was left out of this budget that desperately needs our attention today and that is children's mental health. This amendment is essentially rolling in LD 496, which increases rates for social workers providing mental health services to children and providing at-home services for children. It has a \$9 million per year fiscal note with a \$20 million or a \$21 million per year federal match. I think that we can all agree that this pandemic has taken a

serious toll on children's mental health and the mental health and well-being of families across the State. I can tell you right now that families who are seeking counseling for their children through MaineCare cannot get it because providers are not willing to accept the low level of reimbursement. We have many families in crisis that need our help right now and we have the resources to address this in this budget. I'm not an expert in this particular line of work but I know that there are others that can speak more eloquently to the need for this. So, I request that you please vote with me to accept this amendment and thank you, Mr. Speaker.

Representative DUNPHY of Old Town moved that **House Amendment "A" (H-740) to Committee Amendment "A" (H-735)** be **INDEFINITELY POSTPONED.**

The SPEAKER: The Chair recognizes the Representative from Waterville, Representative Madigan.

Representative **MADIGAN**: Thank you, Mr. Speaker and I would like to let my colleagues in this chamber know I have nothing but the utmost respect for the work that members of the Appropriations Committee did. I sit on the Health and Human Services Committee and what this amendment does was a bill we had in the HHS committee and it received unanimous support. And I mean no disrespect to anyone in this chamber but I want to explain it to people because most of you haven't worked in this field and I have. I'm a licensed clinical social worker and I have provided mental health services for children and worked as a home and family community services clinician in the State. So, I want to explain to you kind of what this bill does. These services are provided to children for whom counseling once or twice a week in an office that are clinic-based is not enough to keep them in their homes. These services are for children that often wind up in our emergency rooms and interim patient psychiatric units and sometimes they're even placed out of State. We have heard numerous people here, colleagues here and perhaps you've heard from parents in your district who identify that this is a problem. It's a problem because the rates haven't been raised in many years and what that means is the services has shrunk. The area in which they serve has shrunk. And as someone who used to run a mental health services program, I can tell you exactly why that is; because the rate does not allow agencies to pay for their outpatient providers to travel that far, particularly in rural areas, to the next client. So, what happens is that the services shrink until they're just basically surrounding where the agency is located, which is great if you happen to live in a town that's along the I-95 corridor, but if you live in a rural area, chances are your child is going to be on a waitlist for six months, a year and some families decide why even put their child on a waitlist because they're never going to be able to access those services. So, when we talk about the lack of these services, these are the children that often wind up in our emergency rooms for days/weeks on end with no place for them to go. They wind up in inpatient psychiatric units or waiting for a bed at a residential care unit or being placed out of State. That actually costs a lot more money than what this bill does and it's actually less effective.

The body of this amendment that was a bill in HHS committee received a unanimous report. These children deserve to get the services they need, families deserve to have their children access these services. These rates haven't been raised in a number of years. I cannot vote to indefinitely postpone this because I have worked in this field and treated these children. And these families are not the ones that often show up here because they can't afford to or they live very far. All these are MaineCare families. I think it's really important that at this time, in this budget, we make this a priority. I often take

calls from families who aren't in my district whose children have wound up in the emergency room and they don't know what to do. A number of children's case managers call me, not in my district, because they don't know what to do, the kids they serve can't get the services they need. And at this time, I think we need to make it a priority. Because we've talked about it for a long time, right? As long as I've been here, we've talked about it. As long as I've worked in the field, people have said we really need to change this so that these services are available. I can remember 25 years ago there was another movement to bring the kids home from out-of-State placements and sometimes it flummoxes me that once again we're in the same spot we were 25-30 years ago.

I have great respect for the work the department is doing but I want to be really honest because I've worked in this field long enough to know that we used to have some of the services that the department is reinvesting in. Fifteen years ago, it was really easy for me working as a clinician in Kennebec County to find an intensive outpatient program for a child with either mental health or substance use disorder issues. Those don't exist anymore and that was because the rates dropped. The same thing is happening in slow motion for the services this amendment addresses and if we don't address it, if we wait for the rate study, they may well not be available at all. Because remember there was a rate study five years ago that actually turned out the information wasn't correct and then we didn't do anything about those rates. So, once again, we said 30 years ago we were here, five years ago we were here, so I guess I'm being a historian today to remind you how long this has been going on. The families in your districts can't wait and, frankly, it's costing us more money to address it the way we're doing now. So, I will not be voting to indefinitely postpone this amendment because I think this is the time now to help those families and children.

Representative **KESSLER** of South Portland **REQUESTED** a roll call on the motion to **INDEFINITELY POSTPONE House Amendment "A" (H-740) to Committee Amendment "A" (H-735)**.

More than one-fifth of the members present expressed a desire for a roll call which was ordered.

The **SPEAKER**: The Chair recognizes the Representative from Old Orchard Beach, Representative Gramlich.

Representative **GRAMLICH**: Thank you, Mr. Speaker, my Esteemed Colleagues in the House. I rise in support of this amendment. Like my friend and colleague from Waterville, I, too, am a social worker, as many of you know. The difference between the Representative from Waterville and myself is I am not a clinician. I'm a licensed master social worker who's been working in the public policy arena in the State of Maine for nearly 40 years. I've been working off and on in this building before I became a Member for nearly 20 years, advocating on behalf of children in need of behavioral health care services. Like the Good Representative from Waterville, I will take a very, very minor trip down memory lane in terms of some of the historical perspective relative to this issue. As an advocate, I proposed initiatives and supported initiatives that would provide prevention-based services for children in need of mental health services and every two years, when the budget was initiated and passed, children in need of behavioral health care services did not get the funding they need. I respect and appreciate the good hard work that our Appropriations Committee made on this budget with a bipartisan support out of committee. There are a lot of really great things in this budget which I support. As a social worker, I support funding for eldercare, for people with developmental disabilities, to increase rates for private

nonmedical institutions and the whole list that we all agreed upon in the Appropriations Committee that is included in this budget.

But the one piece that is not in this budget is to increase reimbursement rates for providers and for individuals providing home and community treatment support for children. These are children with behavioral health care needs. These are children who, if given the proper supports, can stay in their homes. And we know that is far, far more affordable for the State of Maine to keep these children in their homes. If we're able to increase reimbursement rates for providers to provide these community-integrative wraparound services for kids, it may very well prevent children from needing residential treatment. It may prevent children from being hospitalized. It may prevent children from being involved in the criminal justice system. This is a critically important prevention-based initiative. There are currently over 600 children waiting for these services. How much longer do these kids and families have to wait to get the services that they need to keep them in their homes and to grow to be successful and healthy adults? These kids are our future and if we are able to prioritize funding for these children, the likelihood of us needing additional funds for adults is going to decrease. That's an investment and that's a good return on our investment, in my opinion.

The other component of this amendment includes increasing reimbursement rates for providers for both adults and children in need of outpatient therapy. Now, this is not intensive outpatient therapy, this is regular outpatient therapy that any one of us may need at any given time as we struggle with issues that impact our lives. And we know that these issues have been exasperated by COVID. We don't have the providers in the State of Maine because we're not providing adequate reimbursement so that they can function in their businesses to provide these services. Twenty years without an increase in rates and there's been plenty of studies, I've seen them over and over again as an advocate working in this building. The time for studies is over. We know what the issues are. We need to prioritize this as a funding initiative that will prevent bigger-picture issues from happening in the future. I really hope that we can begin a dialogue and continue a dialogue that prioritizes this issue. I feel that it is critically important, Mr. Speaker. These kids are counting on us. Presently, we have over 70 children that are receiving residential treatment outside of the State of Maine. There are kids as far away as Utah and Arkansas, whose families can't be with them, can't be part of their treatment plan and who may very well have been able to stay in the State of Maine if we had been able to provide the proper rates so that they could get the community integrative wraparound services to stay in their homes. I feel very, very strongly about this, Mr. Speaker and I really hope that we will be able to pass this amendment and I thank the Body for your indulgence.

The **SPEAKER**: The Chair recognizes the Representative from Auburn, Representative Bickford.

Representative **BICKFORD**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. LD 496 is a very good bill. It needs to be funded. It's unbelievably pathetic that children come last. And, remember, the State is currently out of compliance with federal law. Knowing that, it's important that we send this to the Appropriations Committee, let them do their work when they run the table. It's not something that can be in the budget. These people on Appropriations, my friends, worked day and night to put this together to get a unanimous Committee Report. A unanimous Committee Report is important. That tells us that both sides agree with the funding in this supplemental budget. Mr. Speaker, please support

indefinite postponement and let this go to the Appropriations Table where it needs to be vetted thoroughly and funded. Thank you.

The SPEAKER: The Chair recognizes the Representative from Berwick, Representative O'Connor.

Representative **O'CONNOR**: Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I agree one hundred percent with the Good Representative from Old Orchard Beach. Year in and year out, we have passed a bill similar to this, very close, sometimes exactly and every year it gets sent to the Appropriations Table and every year it dies on the Appropriations Table because it's too much money. Well, frankly, when it's our children, it is not too much money. When it is our children's mental health, it is not too much money. Thank you, Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from South Portland, Representative Morales.

Representative **MORALES**: Thank you, Mr. Speaker. I agree with a lot of the comments that have been said so far. I believe particularly that we haven't valued our children, particularly the poorest children who end up in our systems. These are the children who without these services, they fall through the cracks. They get suspended from school, they're out in the streets, they enter into the criminal justice system. We cannot wait, though, any longer, Mr. Speaker, because even six months in the life of a small child is an astronomical number in what can happen to them if we do not provide these services. And I just want to make a comment about the providers who are doing this work, this community-based wraparound; they are saints. They are not compensated for the work that they are doing, Mr. Speaker and the result of that is that there's incredible turnover within these services. And that's an injustice to the children and an injustice to the parents. So, I strongly believe that we really need to fund behavioral health services now. I believe it should be in our budget because that's our expression of our value, but I'm pleased to hear the comments from all Members of this Body that this is a priority for us. Thank you, Mr. Speaker.

The SPEAKER: A roll call has been ordered. The pending question before the House is Indefinite Postponement of House Amendment "A" (H-740) to Committee Amendment "A" (H-735). All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 386

YEA - Alley, Andrews, Arata, Austin, Bickford, Blier, Bradstreet, Brennan, Caiazzo, Cardone, Carlow, Carmichael, Cloutier, Collamore, Connor, Corey, Costain, Craven, Dillingham, Dolloff, Downes, Drinkwater, Dunphy, Faulkingham, Fay, Fecteau, Foster, Gifford, Greenwood, Griffin, Haggan, Hall, Hanley, Hasenfuls, Head, Hepler, Hutchins, Hymanson, Javner, Kinney, Landry, Lemelin, Libby, Lyford, Lyman, Martin J, Martin R, Mason, Matlack, McCreia, Melaragno, Meyer, Millett, Moriarty, Morris, Nadeau, Newman, Ordway, Parry, Perkins, Pickett, Pierce, Poirier, Prescott, Quint, Rielly, Roberts, Roche, Rudnicki, Sheehan, Skolfield, Stanley, Stetkis, Talbot Ross, Tepler, Terry, Theriault, Thorne, Tucker, Tuell, Underwood, Wadsworth, White, Wood, Mr. Speaker.

NAY - Arford, Babbidge, Bailey, Bell, Bernard, Berry, Blume, Brooks, Bryant, Cebra, Collings, Copeland, Crafts, Crockett, Cuddy, Dodge, Doudera, Evangelos, Geiger, Gere, Gramlich, Grignon, Grohoski, Harnett, Johansen, Kessler, Lookner, Madigan, Martin, Mathieson, McCreight, McDonald, Millett, Morales, O'Connell, O'Connor, O'Neil, Osher, Pebworth, Perry A, Perry J, Pluecker, Reckitt, Riseman, Roeder, Sachs, Salisbury, Sampson, Stearns, Stover, Supica, Sylvester, Warren C, Warren S, White, Williams, Zager, Zeigler.

ABSENT - Doore, Ducharme, Evans, Harrington, Kryzak, Paulhus, Sharpe, Tuttle.

Yes, 85; No, 58; Absent, 8; Excused, 0.

85 having voted in the affirmative and 58 voted in the negative, with 8 being absent, and accordingly **House Amendment "A" (H-740) to Committee Amendment "A" (H-735) was INDEFINITELY POSTPONED.**

Representative DILLINGHAM of Oxford **REQUESTED** a roll call on the motion to **ADOPT Committee Amendment "A" (H-735).**

More than one-fifth of the members present expressed a desire for a roll call which was ordered.

The SPEAKER: The Chair recognizes the Representative from Fairfield, Representative Rudnicki.

Representative **RUDNICKI**: Thank you, Mr. Speaker. I want to start by thanking the Appropriations Committee for their hard work on this budget. I truly wanted to be able to support it. I would like to recap a few things. In January, we passed a bipartisan supplemental budget for Maine, giving people on unemployment a \$10,200 tax credit, but not people who continued to work and sacrifice for the people in Maine, including doctors, nurses, many factory workers, store clerks, business owners, direct care workers, nursing home workers, many laborers, linemen, police officers and firefighters. I spent countless hours last year meeting with business owners in my district about the sacrifices they had to make to continue to survive. I'm glad that the committee found a way to give some money back to the Maine people, but do you honestly think that \$300 in December for those making under \$75,000 who filed a tax return is fair? Is it fair that those who make over \$75,000 who worked and paid taxes to not receive any tax break or refund? It's the principle of the thing. If someone worked for one, two, three months in 2020 and then collected unemployment for nine, 10, 11 months and received the extra \$300 a week from the federal government and received a tax credit are eligible under this plan, is that fair to those who sacrificed for the State, their families and worked the whole time?

Many of my colleagues sacrificed time and money and the indignity of wearing masks or shields to represent their constituents in the normal fashion by coming to Augusta to work even though it was on Zoom. Zoom affected the ability of all legislators to interact and negotiate positively in a bipartisan fashion both on bills and the budget. It's also affected how we as a Legislature interact with the Maine people. In March, the Maine people were told by this leadership through the media that they were afraid that my side of the aisle would not negotiate to pass a bipartisan budget so it was going to be a majority budget with 400 towns not being represented. That budget increased over \$400 million over the last biennium. Now you want me to support a change package that will increase the biennium another \$170 million? Mr. Speaker, in March, we adjourned sine die and I protested every day on Zoom because the definition of sine die in legislative terms is without day, our work is done. However, we were required to continue hearing bill after bill. Our work was not done and we lied to the Maine people. So, to recap --

The SPEAKER: The Member will defer. The Chair would remind the Member to not impugn the character of other Members in the chamber.

The Chair reminded the Member that it was inappropriate to question the motives of other Members of the House.

The SPEAKER: The Member may proceed.

Representative **RUDNICKI**: So, to recap, since I was elected to office three years ago, the biennium has increased by almost a billion dollars. Mr. Speaker, Maine is already the third-highest tax State in the nation. We are also one of the oldest states. At the rate we are going, we are going to be number one in both categories and become a socialist State because no one wants to live and pay taxes here. I am a fifth generation Mainer. I love the State and have never lived anywhere else, even though I've traveled the country extensively. However, at the rate we are going, we are driving true Mainers out. This budget is unsustainable. We should be looking for ways to reduce the budget and give the Maine people a tax cut, such as reducing the sales tax down to 5%, not increase the fees and fines. Let's not forget, we voted to fine people for releasing balloons and how about the Department of Labor adding a fee to businesses to help with the administrative costs on unemployment even though we assured the businesses there would be no increases to their unemployment costs. These are just a couple of the increases. Mr. Speaker, I urge you to vote down this change package and stick with the already passed biennium. Thank you.

The SPEAKER: A roll call has been ordered. The pending question before the House is Adoption of Committee Amendment "A" (H-735). All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 387

YEA - Alley, Arata, Arford, Austin, Babbidge, Bailey, Bell, Bernard, Berry, Bickford, Blier, Blume, Bradstreet, Brennan, Brooks, Bryant, Caiazza, Cardone, Carlow, Carmichael, Cloutier, Collamore, Collings, Connor, Copeland, Corey, Costain, Crafts, Craven, Crockett, Cuddy, Dillingham, Dodge, Dolloff, Doudera, Downes, Dunphy, Evangelos, Evans, Fay, Geiger, Gere, Gifford, Gramlich, Griffin, Haggan, Hall, Harnett, Hasenfus, Head, Hepler, Hutchins, Hymanson, Kessler, Kinney, Landry, Lemelin, Lookner, Lyman, Madigan, Martin J, Martin R, Martin T, Mathieson, Matlack, McCrea, McCreight, McDonald, Melaragno, Meyer, Millett H, Millett R, Morales, Moriarty, Morris, Nadeau, Newman, O'Connell, O'Neil, Ordway, Osher, Parry, Pebworth, Perkins, Perry A, Perry J, Pickett, Pierce, Pluecker, Poirier, Reckitt, Rielly, Roberts, Roche, Roeder, Sarcha, Salisbury, Sheehan, Stanley, Stearns, Stover, Supica, Sylvester, Talbot Ross, Tepler, Terry, Theriault, Thorne, Tucker, Tuell, Underwood, Warren, White B, White D, Williams, Wood, Zager, Zeigler, Mr. Speaker.

NAY - Andrews, Cebra, Drinkwater, Faulkingham, Fecteau, Foster, Greenwood, Grignon, Hanley, Harrington, Javner, Johansen, Libby, Lyford, Mason, O'Connor, Prescott, Quint, Riseman, Rudnicki, Sampson, Skolfield, Stetkis, Wadsworth, Warren.

ABSENT - Doore, Ducharme, Grohoski, Kryzak, Paulhus, Sharpe, Tuttle.

Yes, 119; No, 25; Absent, 7; Excused, 0.

119 having voted in the affirmative and 25 voted in the negative, with 7 being absent, and accordingly **Committee Amendment "A" (H-735) was ADOPTED.**

Under suspension of the rules the Bill was given its **SECOND READING WITHOUT REFERENCE** to the Committee on **Bills in the Second Reading.**

Under further suspension of the rules the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (H-735)** and sent for concurrence.

By unanimous consent, all matters having been acted upon were **ORDERED SENT FORTHWITH.**

UNFINISHED BUSINESS

The following matter, in the consideration of which the House was engaged at the time of adjournment Thursday, June 17, 2021, had preference in the Orders of the Day and continued with such preference until disposed of as provided by House Rule 502.

An Act To Create the Pine Tree Power Company, a Nonprofit Utility, To Deliver Lower Rates, Reliability and Local Control for Maine Energy Independence

(H.P. 1269) (L.D. 1708)

(C. "A" H-640)

- In House, **PASSED TO BE ENACTED** on June 17, 2021.

- In Senate, **FAILED OF PASSAGE TO BE ENACTED in NON-CONCURRENCE.**

TABLED - June 18, 2021 (Till Later Today) by Representative DUNPHY of Old Town.

PENDING - **FURTHER CONSIDERATION.**

On motion of Representative BERRY of Bowdoinham the House voted to **RECEDE.**

Representative BERRY of Bowdoinham presented **House Amendment "B" (H-738) to Committee Amendment "A" (H-640)**, which was **READ** by the Clerk.

The SPEAKER: The Chair recognizes the Representative from Bowdoinham, Representative Berry.

Representative **BERRY**: Thank you, Mr. Speaker. Mr. Speaker and Men and Women of the House, the amendment before you would require that the Pine Tree Power Company as created in the bill pay property taxes in full on all current and future property. Thank you very much. I hope you can support the adoption of this amendment.

Representative DILLINGHAM of Oxford **REQUESTED** a roll call on the motion to **ADOPT House Amendment "B" (H-738) to Committee Amendment "A" (H-640).**

More than one-fifth of the members present expressed a desire for a roll call which was ordered.

The SPEAKER: The Chair recognizes the Representative from Hiram, Representative Wadsworth.

Representative **WADSWORTH**: Thank you, Mr. Speaker, Ladies and Gentlemen of the House. About 10 days ago, we had Members pleading in this chamber at 1:15 a.m. to not adjourn because of an amendment. Well, here it is and this is what we're waiting for? This amendment changes the status of the Pine Tree Power Company from a nonprofit corporation to some vaguery. They only benefit to the Pine Tree Power Company was that it was going to be nonprofit. Now we're increasing costs on the ratepayer from the original bill that was passed through this chamber and ditching the nonprofit status. This amendment now raises more questions, Mr. Speaker. If the company is quasi-governmental and quasi-for-profit, who's going to buy the \$14 billion in bonds needed to buy the infrastructure? There was no other entity to compare this to out in the bonding markets. This is absolutely too risky for my constituents.

The SPEAKER: The Chair recognizes the Representative from Dexter, Representative Foster.

Representative **FOSTER**: Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I stand opposed to this motion. I've tried to speak to this chamber with facts that I felt would help as you make your decisions, but faced with this amendment, I think the facts do speak for themselves but we also have to look