

MAINE STATE LEGISLATURE

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Senate Legislative Record
One Hundred and Thirtieth Legislature
State of Maine

Daily Edition

First Special Session
beginning April 28, 2021

beginning at Page 385

Resolve, To Establish the Commission To Create a Plan To Incorporate the Probate Courts into the Judicial Branch
H.P. 530 L.D. 719
(C "A" H-588)

Tabled - June 16, 2021 by Senator **DAUGHTRY** of Cumberland

Pending - **FINAL PASSAGE**, in concurrence

(In Senate, June 15, 2021, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-588)**, in concurrence.)

(In House, June 15, 2021, **FINALLY PASSED**.)

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:

PAPERS FROM THE HOUSE

Joint Order

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.

Comes from the House, **READ** and **PASSED**.

READ and **PASSED**, in concurrence.

Senate at Ease.

The Senate was called to order by the President.

Off Record Remarks

RECESSED until the sound of the bell.

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

Off Record Remarks

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

REPORTS OF COMMITTEES

House

Ought to Pass As Amended

The Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** on 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"

H.P. 156 L.D. 221

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-735)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-735)**.

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

Bill **READ ONCE**.

Committee Amendment "A" (H-735) **READ** and **ADOPTED**, in concurrence.

THE PRESIDENT: The Chair recognizes the Senator from Somerset, Senator Farrin.

Senator **FARRIN:** Thank you, Mr. President. Ladies and gentlemen of the Senate, just a brief comment on L.D. 221. Obviously, we voted to move this along and we still got some budget work to do and I just want to bring to the Body's attention, and my colleagues here, that during the Supplemental Budget I stood up and talked about our veterans. I still think there's some work to be done. Specifically, there were three bills, and worked with Senator Luchini on some of those, making a mental health program permanent for our veterans. We received word that the Department of Health and Human Services is able to absorb that and that program is going to be ongoing. We still have funding to do for the Maine Veteran's Home, which serves all of our veterans across the state, and specifically with the growth in the state government employee piece, there's a bill that has to do with two veterans' services offices and I think that we, as a Body, and the Veteran's Caucus and others that between now and the time that we leave on the 19th, and we come back, that those are items that we all should work together and try to address those two concerns. So, with that being said, thank you for all the hard work that members of the Appropriations Committee have done on this and I just think that that's something that - those two issues are something that we should talk about before we leave here. So, thank you very much.

Senate at Ease.

The Senate was called to order by the President.

Under suspension of the Rules, **READ A SECOND TIME.**

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

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

Senator **BREEN:** Thank you, Mr. President. Men and women of the Senate, I have almost nothing original to say about a bi-partisan budget. We all know there's great stuff in this that some of us love and there's some stuff in it that some of us don't like. I do want to say that I'm extremely grateful for Senator Davis' hard work over the last bunch of weeks. Unlike most committees in this Body, our work ramped up on May 14th, not down, and then we had two straight weeks of session days where our committee couldn't do much of anything. So, we had a huge workload. I want to thank Senator Bailey and Senator Davis. I want to thank Republican leadership for making it clear that they supported the work of the committee. There are a couple of original things. We are finally reaching 55% on the State portion of General Purpose Aid to Education. We are getting back to 5% revenue sharing which will help cities and towns across and property taxpayers all over Maine. We are funding for the first time the Land For Maine's Future program without borrowing money but in the budget and we are changing the cascade to give a much needed stream of revenue for the Department of Transportation for their roads and bridges. There's a whole lot of other good stuff, including rebuilding the Centers for Disease Control and our public health infrastructure after a pandemic that none of us saw coming and all of us want to put in the rearview mirror. There's another big provision in this that has to do with returning money to taxpayers in Maine but I'm going to yield that topic to my good friend and Senator from Piscataquis, Senator Davis. A unanimous committee vote sends a great signal, I hope, to this Body and to people all over Maine that bi-partisanship is alive and well and it lives in the Maine Legislature. Thank you, Mr. President.

THE PRESIDENT: The Chair recognizes the Senator from Piscataquis, Senator Davis.

Senator **DAVIS:** Thank you, Mr. President. Good morning, everybody. I, first off, want to thank Senator Breen for her kind words and for the leadership that she has shown in this whole process. It, as she said, we all didn't get everything we wanted to say the very least but we all got something that we did want and that is important. What is more important, in my mind, is this is the way the process is supposed to work. Everyone is supposed to be involved in one way or another and we certainly were in this issue today. I also certainly recognize Senator Bailey and thank her for being there and the votes and being my seatmate on the horseshoe. It's always pleasant to talk to you. I can't speak

today without speaking favorably of my colleague in the other Body, Representative Millett, and his expertise and wisdom that was involved in all of this. As I said, there's much to like for all of us and I believe there's a little for most of us not to like. Senator Breen spoke about the money going back to the fellows and to some it's not a lot of money, \$300, but I guarantee you folks that I can take you places in Piscataquis County where \$300 is a lot of money and to be getting it just before Christmas it will make a better Christmas for some of the people that I represent and I believe that would be true probably for everybody but especially my good friends in Northern Maine and you too, Mr. President. As I said, it is a lot to like. Some of the things that we should like are the Homestead Exemption, 3% a year until it's fully refunded to the State - to the towns, excuse me. Five percent on revenue sharing, this coming year it will be 4.5% and then it will go to 5%. Harass your local people a little bit, make them pass it down to the taxpayers. Make them listen. Have them go talk to your people. A bunch of you are going to be campaigning next year. Tell them to call the town council, say 'Hey, reduce our money. Reduce our taxes. You're getting extra money. You don't need to spend it.' It'll work if you do it. Again, Mr. President, I believe this is all done in an excellent manner and the way it's supposed to be and the way government is supposed to work and my compliments again. Thank you very much.

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

Senator **DIAMOND:** Thank you, Mr. President. Ladies and gentlemen of the Senate, I would say that who of us back in March thought that we would reach this level of partisanship, working together, coming together, doing the hard work. Who of us? I wouldn't. I've got to admit and I'm so grateful for the work that's been done by this committee. It's a delicate walk. I've been there. I walked through it and I know exactly how hard it is. Don't forget, it's not just the thirteen members of the committee that has to agree. You've got ten others in leadership that have to agree. That's a huge hurdle. It's not easy to get done but both sides have to agree it must be done and this budget, we've gone through it, you've gone through it, you see that everybody does get something but all of it is for the people of the state of Maine. Contrary to what we hear in this environment, around the country, around Maine, how divided, how partisanship is ruling the day, this committee has just proven that not to be true. So, I want to say thank you, thank you to Senator Davis for all he's done. Thank you to Senator Bailey and for the leadership and Senate Chair Senator Breen from Cumberland. You did some things that nobody thought you could do, all of you together. So, now we're on our way and I really just think we all need to understand how hard and how difficult it is to bring that crew of 23 people and then the Governor all together. So, we have something we can be proud of. Thank you very much to those who worked hard and I think we can go home now and talk about a lot of good things. Thank you, Mr. President.

THE PRESIDENT: The pending question before the Senate is Passage to be Engrossed. Is the Senate ready for the question?

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#460)

YEAS: Senators: BAILEY, BALDACCI, BENNETT, BLACK, BREEN, BRENNER, CARNEY, CHIPMAN, CLAXTON, CYRWAY, DAUGHTRY, DAVIS, DESCHAMBAULT, DIAMOND, DILL, HICKMAN, KEIM, LAWRENCE, LIBBY, LUCHINI, MAXMIN, MIRAMANT, MOORE, RAFFERTY, ROSEN, SANBORN, STEWART, TIMBERLAKE, VITELLI, WOODSOME, PRESIDENT JACKSON

NAYS: Senators: FARRIN, GUERIN, POULIOT

EXCUSED: Senator: CURRY

31 Senators having voted in the affirmative and 3 Senators having voted in the negative, with 1 Senator being excused, was **PASSED TO BE ENGROSSED AS AMENDED**, in concurrence.

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

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

ORDERS

Joint Resolution

On motion by Senator **VITELLI** of Sagadahoc, under unanimous consent on behalf of President **JACKSON** of Aroostook (Cosponsored by Speaker FECTEAU of Biddeford), the following Joint Resolution:

S.P. 586

**JOINT RESOLUTION
EXPRESSING THE HOPE FOR A SWIFT CONCLUSION
TO NEGOTIATIONS WITH THE MAINE SERVICE
EMPLOYEES ASSOCIATION**

WHEREAS, the State, in conjunction with the Maine Service Employees Association, engaged The Segal Group, Inc. to conduct a comprehensive market assessment of the State's executive branch jobs; and
WHEREAS, the study covered market data reflective of 10 public sector employers as well as New England private sector market data, including base pay ranges and compensation practices; and
WHEREAS, the study found that the State's base pay is consistently below the market average at the pay range minimum, midpoint and maximum, with the gap ranging from 13 percent to 17 percent of the overall market average; and
WHEREAS, the Maine Service Employees Association, Local 1989 of the Service Employees International Union, represents more than 12,000 Maine workers; and
WHEREAS, the contract renewal process for these workers is currently underway, and there is an opportunity for the pay gap to be addressed; now, therefore, be it

RESOLVED: That We, the Members of the One Hundred and Thirtieth Legislature now assembled in the First Special Session, on behalf of the people we represent, take this opportunity to express our hope for a swift conclusion to the negotiations with Local 1989 of the Service Employees International Union and our hope that progress is made on closing the pay gap highlighted in the recent study.

The Joint Resolution was **READ**.

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

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

Senator **POULIOT:** Thank you, Mr. President. You know, there was a number of Resolution requests that were put before the Legislative Council and we were told at that time - from members of our own caucus, Senator Bennett had one, and we were told at that time there wasn't time in putting these forward and I don't understand why the Legislature is asserting itself in private, you know, bargaining agreements that are going on, Mr. President. It just seems inappropriate and for that reason I will not be supporting this motion. Thank you.

THE PRESIDENT: The Chair would advise that I don't believe there was any time that any member was told that they couldn't put a Resolution in. There was an Order that you couldn't have unlimited co-sponsors. The Chair recognizes the Senator from Kennebec, Senator Hickman.

Senator **HICKMAN:** Thank you, Mr. President. Mr. President, women and men of the Senate, I rise in strong support of the hope and the aspirations that are expressed in this Joint Resolution. So, I have to disagree with my colleague, the good Senator from Kennebec as well, that the Legislature is not in this moment inserting itself into a process. We are using what we can do here, which is anything we want pretty much, to express an aspiration. Maine state employees are often overworked and underpaid. Yet, throughout this pandemic they showed up in the most difficult circumstances to keep our government running and ensure Maine families and seniors can access the resources they need. As an employer, the way our state treats public employees ought to set the standard in labor relations yet the reality has been we continue to fall short. An independent study found that Maine state employees earn 12% to 17% less than their private sector counterparts for the exact same work. I find this disgraceful. If this is how we treat our civil servants how can we expect to attract smart, passionate, and hardworking Mainers to these roles or expect the extraordinary professionals currently working in our state government to remain where they are? I have the great pleasure of representing a large number of State employees, always have. They have dedicated their lives to the people of the state. We honored one earlier, Dr. Robert G. Marvinney. Many of these State employees are actually my personal friends and so I know they're unparalleled commitment to this state, even when they complain about their work conditions, which they do on a regular basis to me. I would be remiss if I did not speak out on their behalf, Mr. President. You surprised me when you asked me to be the Chair of the Labor