

# MAINE STATE LEGISLATURE

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

**Daily Edition**

**First Regular Session**  
beginning December 2, 2020

pages 1 -

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 items appeared on the Consent Calendar for the First Day:

(S.P. 38) (L.D. 30) Resolve, Authorizing the Director of the Bureau of Parks and Lands To Convey a Parcel of Land in Augusta to the Maine Veterans' Homes Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-24)**

(S.P. 44) (L.D. 36) Bill "An Act To Amend the Definition of 'Timber Harvesting'" Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-25)**

(S.P. 93) (L.D. 204) Bill "An Act To Amend the Law Regarding the Interest Rate for State Loans under the Potato Marketing Improvement Fund" (EMERGENCY) Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-23)**

(H.P. 33) (L.D. 67) Bill "An Act To Assist in the Restoration of Atlantic Salmon" Committee on **ENVIRONMENT AND NATURAL RESOURCES** reporting **Ought to Pass**

(H.P. 35) (L.D. 69) Bill "An Act To Reduce Duplicative Permitting Review for Projects under the Site Location of Development Laws" Committee on **ENVIRONMENT AND NATURAL RESOURCES** reporting **Ought to Pass**

(H.P. 239) (L.D. 335) Bill "An Act To Clarify Requirements for Criminal History Record Checks Pursuant to the Federal Family First Prevention Services Act" (EMERGENCY) Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass**

(H.P. 300) (L.D. 416) Bill "An Act Regarding the Production and Sale of Birch Syrup and Birch Syrup Products" (EMERGENCY) Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** reporting **Ought to Pass**

(H.P. 346) (L.D. 472) Resolve, Regarding Legislative Review of Chapter 104: Certain Payments Not Immediate, a Major Substantive Rule of the Treasurer of State (EMERGENCY) Committee on **STATE AND LOCAL GOVERNMENT** reporting **Ought to Pass**

(H.P. 420) (L.D. 577) Resolve, Regarding Legislative Review of Chapter 6: Crisis Prevention and Intervention Services, a Major Substantive Rule of the Department of Health and Human Services, Office of Aging and Disability Services (EMERGENCY) Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass**

(H.P. 451) (L.D. 615) Bill "An Act To Remove the Advanced Cardiac Life Support Certification Requirement for Dental Therapists" (EMERGENCY) Committee on **HEALTH COVERAGE, INSURANCE AND FINANCIAL SERVICES** reporting **Ought to Pass**

(H.P. 51) (L.D. 85) Bill "An Act Concerning MaineCare Coverage for Donor Breast Milk" Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-45)**

(H.P. 59) (L.D. 93) Bill "An Act To Improve Maine's Quality Rating System for Child Care Services" Committee on

**HEALTH AND HUMAN SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-51)**

(H.P. 72) (L.D. 106) Bill "An Act To Amend Maine's Aquaculture Leasing and Licensing Statutes" Committee on **MARINE RESOURCES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-47)**

(H.P. 108) (L.D. 152) Bill "An Act To Address Training Requirements for Harbor Masters" Committee on **MARINE RESOURCES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-49)**

(H.P. 142) (L.D. 207) Resolve, Regarding Legislative Review of Portions of Chapter 1: Fee Schedule, a Major Substantive Rule of the Department of Agriculture, Conservation and Forestry, Maine Land Use Planning Commission (EMERGENCY) Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-44)**

(H.P. 226) (L.D. 322) Bill "An Act To Provide Occupants of Motor Vehicles with Gold Star Family Registration Plates Free Entry to State Parks and Historic Sites" Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-42)**

(H.P. 330) (L.D. 454) Bill "An Act To Ensure Equity in the Shellfish Depuration Compensation Process for Municipalities by Increasing the Rate of Reimbursement Paid to Municipalities" Committee on **MARINE RESOURCES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-43)**

(H.P. 421) (L.D. 578) Resolve, Regarding Legislative Review of Portions of Chapter 113: Regulations Governing the Licensing and Functioning of Assisted Housing Programs: Infection Prevention and Control, a Major Substantive Rule of the Department of Health and Human Services, Division of Licensing and Certification (EMERGENCY) Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-53)**

Under suspension of the rules, Second Day Consent Calendar notification was given.

There being no objection, the Senate Papers were **PASSED TO BE ENGROSSED as Amended** in concurrence and the House Papers were **PASSED TO BE ENGROSSED or PASSED TO BE ENGROSSED as Amended** and sent for concurrence.

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

### ENACTORS Acts

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, 2022 and June 30, 2023

(H.P. 525) (L.D. 715)  
(H. "A" H-55 to C. "A" H-52)

Was reported by the Committee on **Engrossed Bills** as truly and strictly engrossed.

On motion of Representative DILLINGHAM of Oxford, was **SET ASIDE**.

Representative DILLINGHAM of Oxford **REQUESTED** a roll call on **PASSAGE TO BE ENACTED**.

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 Oxford, Representative Dillingham.

Representative **DILLINGHAM**: Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Just three weeks ago, I addressed this Body on the occasion of our coming together to pass a supplemental budget, the second near-unanimous supplemental budget of my tenure as a Republican leader. In total since becoming leader, we are three for three in passing bipartisan budgets, even if by a slim margin; a streak that apparently will end today.

Despite this record of working together, the decision has been made that we must move forward immediately with a budget based on fears and referencing the action of past legislative bodies. Over the course of one week, we were provided with a one-page summary of what would become the proposal before us. Informed that we could support it or not but it is what would be passed. This past Thursday, the finalized budget proposal was provided to the Appropriations Committee and voted on without a public hearing. Now, four days later, here we are poised to pass it on majority lines.

Two weeks ago, the Appropriations Committee set their schedule with a goal of moving a budget out of the committee following the expected revenue forecasts at the end of May. There was no mention by the chairs of Appropriations at the meeting just two weeks ago that we needed to move with great haste to provide predictability. One only needs to look to the schedule set by the majority to see today's claims of urgency are nowhere to be seen. Just two weeks ago, there was silence from the Chief Executive as the Appropriations Committee set their agenda for the coming two months. But here we are, discussing action on an incomplete budget under the guise that it's what our constituents demand.

Where was the need for predictability when our businesses were being forced to close their doors, some forever, due to ever-changing regulations not based on statistical data? What about the predictability for our parents, students, and teachers on everything from school days to afterschool activities? Where was the predictability for our citizens going months without unemployment and desperate to know how they would feed their families and pay their bills? Where is the predictability for the citizens of Maine when we return and put forth additional spending in upcoming supplementals?

As my colleague from Waterford pointed out, comments have been made that Republicans supported this budget last session. What makes this budget different from the last is that it was complete. The last biennial accounted for the policy committee views in accordance with our rules and this does not. It accounted for all state revenues and was a bipartisan negotiation. This is not and was not. A lot has changed since 2019 and saying that what was done two years ago is appropriate for today's COVID world is self-evidently false. And here we are, everyone knowing what is about to happen, knowing that with this vote the people in 400 towns and cities represented by the minority are silenced, that session will be over and the future of working relationships are in question, and yet it's going to happen anyway.

I fear it isn't for predictability that the majority is willing to pay such a high cost, but rather I feel it allows for the opportunity to operate in the forthcoming emergency session without regard for the views of the minority and all subsequent supplemental budgets and other important matters before the

House, there will be no cause to include the minority. The Chief Executive said to me that this budget is a starting point, but the starting point should never be the ending of debate. I am concerned that a precedent is now being set in how a majority budget can be used to avoid deliberating and negotiating with the minority, especially when the statements earlier today from a member of Appropriations calling for a return to the days of offering numerous budgets.

With this forced vote on an incomplete but majority budget, we are ending bipartisanship in this chamber. The few members in my caucus that served in the 129th Legislature that voted for the last biennial budget will be voting against enactment of the proposal before us today. With this vote, we are ending the voice of the minority in negotiations. I had hoped we would be able to allow the Appropriations Committee to return to negotiations but unfortunately that did not happen. I had hoped we would step back from the edge of partisan turmoil and come together in the coming weeks to do the hard and aggravating work of negotiating a complete biennial budget. That is what I believe was the responsible thing to do, the right thing to do. We are putting an end to the hope that Mainers have for us and that we should hold for ourselves that through all the difficulties and stresses of budget negotiations and debate, we are able to serve our communities and govern together. The members of the caucus I represent will not vote for what we believe to be a bullied budget. Thank you.

The SPEAKER: The Chair recognizes the Representative from Windham, Representative Corey.

Representative **COREY**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House, when 2020 became 2021, I had hoped that this legislative year would bring about a renewed desire for bipartisanship and moderation. At a time when Appropriations should have been meeting openly and transparently, some met quietly, crafting a budget, bypassing the voices of a cross-section of Mainers, going forward without minority members.

While I would like to believe this is the byproduct of the isolation we now conduct the peoples' business in; sadly, I know it's the winner-take-all moment that has poisoned contemporary politics.

During my legislative service, I've chosen to look at policy and vote based on merit. I have avoided making decisions based on process concerns, but when a process is designed to silence, end collaboration, and avoid consensus, I have to speak up. With that said, this is an incomplete budget document. Budgets should be collaborative bills and this belief has caused me to support every budget since assuming office. I'm in my fourth term. Even when members of my own party pushed it to the very end, shutting down government a few years ago, I did not participate. You can check the record. I believe in cooperation between the parties, which is why I refuse to endorse a majority budget in any way through my votes. The reason for advancing a majority budget is pure science fiction, where some members of the Legislature must possess a time machine and can say with almost absolute certainty that the minority party will create last-minute instability when it matters most to Mainers. Of course, this imaginative claim has been and will continue to be said to avoid accountability for the support of LD 715 today. It's a futuristic fantasy, but nothing will stop those who espouse it from trying.

Really, the minority party, and by extension the institution, are harmed in two ways. One, the minority party is being smeared with conjecture, a made-up, ugly narrative. Two, a majority budget and a series of subsequent supplementals is a

means to bypass the voices of a cross-section of Maine people. These are Mainers that both Republicans and unenrolled Members represent.

Once we each complete our service to the people of Maine, most of us will be forgotten. All that will remain are tiny photos of ourselves in the back of the Legislature where we served on the wall in the back of the House Chamber. More than anything, we're here to be good stewards of the institution, to provide a legacy of bipartisanship which is necessary to meet the needs of Maine's people. Mainers have been through enough hardship already. We have time still to push the reset button and show our constituents over the next few months we can work together, restore civility, craft a budget, and put them first. I'm calling on my colleagues to reconsider their actions and return to the table. Thank you, Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from East Machias, Representative Tuell.

Representative **TUELL**: Thank you, Mr. Speaker. I rise today to echo the comments of my good friend from Windham. As, like my good friend from Windham, in my fourth term, I have never opposed a final budget when push came to shove. That's seven years and many of us in this chamber can remember some very tumultuous times, when that was not an easy decision. We can remember days in late June when the prospect of a government shutdown was looming and there were those of us on my own side of the aisle who were emphatically and decisively opposed to it, much to the consternation of others.

I do not regret that decision then. I do have to regret this one today. Because this is an avoidable situation. We could take a few steps back, cool down, chill out, go back to the drawing board and come up with a true bipartisan budget. And I say that as one who has, again, supported every bipartisan budget in my time here. We could do that. It's still not too late, although it is getting later and less and less likely, we could do that, and we should do it. Because we are trying to preserve this institution. The institution is not the civic center that we're standing in or a chamber across the river or down the road, it's the legacy of 200 years of legislators.

Now, folks that are more well-spoken than I have given you a history lesson, Mr. Speaker, and given a history lesson both today and throughout the course of this, and we seem to have some divergent views by some very intelligent gentlemen. And the irony of history, being a history major, is that no two people see history quite the same way. But one thing I think we all need to pride ourselves in is the history of this institution and the precedent that we will be setting by doing what we're doing today. It's not the way we do business. It is not the way Maine does business. I know the Chief Executive responded saying this is Maine and not Washington. Well, this is a time when we can be Maine and we can get back together and can get things done. So, I regrettably will be voting today in opposition to this majority budget. Thank you, Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Pittston, Representative Hanley.

Representative **HANLEY**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House, in my time running for office, my slogan always was that I would come and run the State House like your house. And my wife and I, we have a modest home and we live there and we make decisions together. We have a budget we look over every week, every month, every year, we make plans. And neither

one of us lords over the other one and determines what happens in that home. To do so would be almost a form of abuse, to bully the other partner into accepting a budget by only half the home having a say in that.

So, having said that, I think that it's important to remember, and these words have been spoken before, that a house divided against itself cannot stand. So, I'm asking you here today to rethink what I've said and not divide this house and follow my vote and reject the upcoming motion. Thank you, Mr. Speaker.

The SPEAKER: A roll call has been ordered. The pending question before the House is Passage to be Enacted. All those in favor will vote yes, those opposed will vote no.

#### ROLL CALL NO. 24

YEA - Arford, Babbidge, Bell, Berry, Blume, Brennan, Brooks, Bryant, Caiazzo, Cardone, Cloutier, Collings, Copeland, Crafts, Craven, Crockett, Cuddy, Dodge, Doore, Doudera, Dunphy, Evans, Fay, FecteauR, Geiger, Gere, Gramlich, Grohoski, Harnett, Hasenhus, Hepler, Hymanson, Kessler, Landry, Lookner, Madigan, MartinJ, MartinR, Mathieson, Matlack, McCrea, McCreight, McDonald, Melaragno, Meyer, Morales, Moriarty, O'Connell, O'Neil, Osher, Paulhus, Peabworth, PerryA, PerryJ, Pierce, Reckitt, Rielly, Roberts, Roeder, Sachs, Salisbury, Sharpe, Sheehan, Stover, Supica, Sylvester, Talbot Ross, Tepler, Terry, Tucker, Tuttle, WarrenC, WhiteB, Williams, Wood, Zager, Zeigler.

NAY - Andrews, Arata, Austin, Bernard, Blier, Bradstreet, Carlow, Carmichael, Cebra, Collamore, Connor, Corey, Dillingham, Dolloff, Downes, Drinkwater, Ducharme, Evangelos, Faulkingham, FecteauJ, Foster, Gifford, Greenwood, Griffin, Grignon, Haggan, Hall, Hanley, Harrington, Head, Hutchins, Javner, Johansen, Kinney, Kryzak, Lemelin, Libby, Lyford, Lyman, MartinT, MasonR, MillettH, Morris, Nadeau, Newman, O'Connor, Ordway, Parry, Perkins, Pickett, Pluecker, Poirier, Quint, Roche, Rudnicki, Sampson, Skolfield, Stanley, Stearns, Stetkis, Theriault, Thorne, Tuell, Underwood, Wadsworth, WarrenS, WhiteD.

ABSENT - Alley, Bailey, Bickford, Costain, MillettR, Prescott, Riseman.

Yes, 77; No, 67; Absent, 7; Excused, 0.

77 having voted in the affirmative and 67 voted in the negative, with 7 being absent, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

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

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