

# MAINE STATE LEGISLATURE

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Senate Legislative Record  
One Hundred and Thirtieth Legislature  
State of Maine

Daily Edition

First Regular Session  
beginning December 2, 2020

beginning at Page 1

Representatives:

MARTIN of Sinclair  
BRYANT of Windham  
CEBRA of Naples  
MARTIN of Greene  
O'CONNELL of Brewer  
PARRY of Arundel  
PERKINS of Oakland  
WHITE of Waterville  
WILLIAMS of Bar Harbor

The Minority of the same Committee on the same subject reported that the same **Ought Not To Pass**.

Signed:

Representative:

WHITE of Mars Hill

Reports **READ**.

On motion by Senator **DIAMOND** of Cumberland, the Majority **OUGHT TO PASS AS AMENDED** Report **ACCEPTED**.

Bill **READ ONCE**.

Committee Amendment "A" (S-28) **READ** and **ADOPTED**.

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED**.

Sent down for concurrence.

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Senate at Ease.

The Senate was called to order by the President.

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**ORDERS OF THE DAY**

**Unfinished Business**

The following matters in the consideration of which the Senate was engaged at the time of Adjournment had preference in the Orders of the Day and continued with such preference until disposed of as provided by Senate Rule 516.

The Chair laid before the Senate the following Tabled and Later Assigned (3/10/21) matter:

Bill "An Act To Provide Funding To Support the Permanent Commission on the Status of Racial, Indigenous and Maine Tribal Populations"

H.P. 768 L.D. 1034

Tabled - March 10, 2021 by Senator **VITELLI** of Sagadahoc

Pending - **CONSIDERATION**

(In House, Report **READ** and **REJECTED** and Bill and accompanying papers **REFERRED** to the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS**.)

On motion by Senator **VITELLI** of Sagadahoc, Report **REJECTED** and Bill and accompanying papers **REFERRED** to the Committee on **STATE AND LOCAL GOVERNMENT**, in **NON-CONCURRENCE**.

Sent down for concurrence.

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All matters thus acted upon were ordered sent down forthwith for concurrence.

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Off Record Remarks

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Senate at Ease.

The Senate was called to order by the President.

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

**REPORTS OF COMMITTEES**

**House**

**Divided Report**

The Majority of the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** on Bill "An Act To Make Certain Appropriations and Allocations and Changing Certain Provisions of the Law Necessary to the Proper Operations of State Government" (EMERGENCY)

H.P. 525 L.D. 715

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-55)**.

Signed:

Senators:

BREEN of Cumberland  
BAILEY of York

Representatives:

PIERCE of Falmouth  
CARDONE of Bangor  
CLOUTIER of Lewiston  
FAY of Raymond  
HYMANSON of York  
MARTIN of Eagle Lake

The Minority of the same Committee on the same subject reported that the same **Ought Not To Pass**.

Signed:

Senator:

DAVIS of Piscataquis

Representatives:

ARATA of New Gloucester

COREY of Windham

FECTEAU of Augusta

MILLETT of Waterford

Comes from the House with 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-52) AS AMENDED BY HOUSE AMENDMENT "A" (H-55)** thereto.

Reports **READ**.

NAYS:

Senator **BREEN** of Cumberland moved the Senate **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report, in concurrence.

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

Senator **DAVIS** of Piscataquis moved the Bill and accompanying papers be **COMMITTED** to the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS**, in **NON-CONCURRENCE**.

On further motion by same Senator, 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 Piscataquis, Senator Davis.

Senator **DAVIS:** Thank you, Mr. President. Mr. President, I believe very strongly that this bill should go back to the Committee on Appropriations and Financial Affairs. I don't think this bill was properly vetted. I don't think that it went through the normal budgetary process. Joint Rule 314 lays out the procedure for budget hearings and work sessions. The Appropriations and Financial Affairs Committee did not hear the usual report back that we get from the committees. Nothing was considered from the committees, all the work that was done. We just moved on. As a matter of fact, Mr. President, we had our vote and then one committee reported in after the vote. There was no way we could talk about what they had done in their committee. I believe that's just plain wrong, Mr. President. We showed during the supplemental that we can work together, that we can come to a conclusion, that we can have a two-thirds budget. Representative government and democracy, Mr. President, is never easy. It's always messy. It's difficult. It's hard to do and sometimes I think, you know, this is the best we've got. This is the best form of government, sometimes I wonder about that, but it is. It is the best and we should follow the procedures and what is laid out for

us to do. We can have the two-thirds budget. I believe we can do it and I believe there'll be some gnashing of teeth, there'll be some wrangling, but that's the way it is, that's the way it goes. We should do that, Mr. President. As a matter of institutional preservation, it is, in my belief, the best interest for the State of Maine. Let L.D. 715 be committed back to the Committee of Appropriations and Financial Affairs. Thank you, Mr. President.

**THE PRESIDENT:** The pending question before the Senate is recommitting L.D. 715. Is the Senate ready for the question?

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

### ROLL CALL (#72)

Sensors: BENNETT, BLACK, CYRWAY, DAVIS, DILL, FARRIN, KEIM, MOORE, POULIOT, ROSEN, STEWART, TIMBERLAKE, WOODSOME

Sensors: BAILEY, BALDACCI, BREEN, BRENNER, CARNEY, CHIPMAN, CLAXTON, CURRY, DAUGHTRY, DESCHAMBAULT, DIAMOND, HICKMAN, LAWRENCE, LIBBY, LUCHINI, MAXMIN, MIRAMANT, RAFFERTY, SANBORN, VITELLI, PRESIDENT JACKSON

Sensors: GUERIN

13 Senators having voted in the affirmative and 21 Senators having voted in the negative, with 1 Senator being excused, the motion by Senator **DAVIS** of Piscataquis to **COMMIT** the Bill and accompanying papers to the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS**, in **NON-CONCURRENCE**, **FAILED**.

**THE PRESIDENT:** The pending question before the Senate is Acceptance of L.D. 715. A roll call has been ordered. The Chair recognizes the Senator from Androscoggin, Senator Timberlake.

Senator **TIMBERLAKE:** (Due to technical difficulties, some remarks on this matter are not audible.)  
(?) There's a part of me that wonders what we're doing here today, at this point in time, voting on an incomplete budget. The discussion of this budget has been said that it would avoid another cliffhanger, implying that the vote on the Supplemental Budget was a last-minute vote. It didn't need to be. The Supplemental Budget could have been run in January, it could have been run in February, it could have been run the very beginning of March. We didn't get to set the date of when it was run, but when it was run we came to an agreement. This process that has worked for 100 years or better has come to an agreement. I believe that moving this budget forward at this point in time with a majority vote is not what's good for the people of the state of Maine. I don't believe it's good for any of us. On Wednesday, March 17<sup>th</sup>, the Chairs and Leads started laying out the schedule, including the Revenue Forecasting Committee report in a month. They reached an agreement on a timeline and a timeframe. We met that agreement. We knew where we was heading.

Over the weekend, there was a telephone call made, that they wanted to meet with our Chairs and with our Leads. We said sure. We went down and met. They were told that they were

going to report out a back to the basics budget on March 25<sup>th</sup>. This was news to everyone of us, on our side of the aisle, and when we were told that our Leads said we need to go tell our leaders what's happening. This is how good the communication is in this place because I didn't know it was happening. But before they could get to us, the press releases had already gone out. The Governor's Office had released their press release and our attempt at bi-partisanship was slowing slipping away. By halting the report with the process, our report backs, this new process ignores the work of both parties and the committee. This process has been set up and for basically 100 years this majority rule budget has only been run twice and the last time, under Governor Baldacci, it was called back because the process was so bad that it had to be called back. Now why was it called back? Because a People's Veto was put in place and forced this budget to a place. Now you, on the other side, say that you don't want to shut down government.

If you take a chance and put this budget through a majority vote, the potential for a People's Veto is out there and that potentially puts this budget in jeopardy because once that is filed it's going to be the first of June, or thereabouts, before the signatures have to be gathered and in and this process can move forward. Mr. President, I don't think that's good for the people of Maine because then you will shut down state government. We won't have to shut down state government. It will be on your shoulders, Mr. President. This process that we're moving forward here today in total partisanship is bad. It's bad.

I've been a State Legislator, this is going on to my 12<sup>th</sup> year, and at no time have I thought that this Body would ever work in the way it's working today. I look around this room and I see many friends from the other side of the aisle, close friends, people that I respect and still will respect today after the vote, by the way. But we're looking, folks, at a real problem. What's going to happen is we create partisanship for the rest of the way and this is not what the people of the state of Maine expect out of us. They expect better than this. They don't expect Washington politics. They don't expect us to bicker and fight all the time. They expect us to sit down, have a cup of tea, have a cold beer or something, and find a solution to this problem. This doesn't have to happen. At no time have any one of us ever talked about shutting down state government. There's no reason that this budget couldn't be passed by the end of May. You don't have to wait until the last day to do it. There's a process and the process in the State of Maine needs to work. We're better than this. My Dad and my grandfather told me a long time ago two wrongs don't make a right and what we're about to do is a wrong and I hope every one of you in this room really think of where we're at because I mean it, we're all friends. You have now basically by pushing this through, almost 50% of the people in the state of Maine their representative doesn't get a say in how the continuation of this budget goes. Mr. President, ladies and gentlemen of the Senate, that's not right. You all know it's not right. I believe every one of you deep down believe the right thing to do is to vote this down and send the Appropriations Committee back to the table and we all work together to create a really good bill and do what the people of the state of Maine expect us to do. This bill hasn't been deliberated, hasn't had any conversation. There's no part of the process that's supposed to happen that's happened in this bill. Forty minutes from the time it was given, the two page document was given, to our leaders, forty minutes a five hundred and some page document was passed. Forty minutes. I think we can do better than that. I think we need to

hear back from what the other committees have to say. This budget, Mr. President, you said there were no changes from the last budget. That's not true. There's almost \$250 million worth of holes of one-time money that was in the last budget that aren't in this budget. We've taken money to back fill from the Federal Cares Act money to do this. This is not the same budget, Mr. President. This isn't. There's a lot of other differences in this budget. Representative Millett stated this morning, and I consider him, like a lot of you, one of the greatest statesmen here in this state, but that man has done more budgets than anybody else I know, and when Representative Millett believes that this is wrong all of us want to sit back in our seat and think about it, and think about it, because it's wrong. It's not the same budget. It's not the same thing we voted on two years ago. It's not and, by the way, the budget two years ago didn't get a unanimous review. It did get two-thirds but the majority of my caucus voted against that budget and I'm going to tell you today that I'll be voting against this budget because I think we need to go to a two-thirds budget that gets what the people of state of Maine expects and we need to move forward. I thank you and just remember two wrongs don't make a right.

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

Senator **BREEN:** Thank you, Mr. President. Men and women of the Senate, I rise today to speak in support of the Back to Basics budget. 2020 unleashed chaos, tragedy, uncertainty, and hardship into the lives of thousands of Maine people, communities, businesses, and organizations. With more Mainers getting vaccinated daily, warmer weather on the horizon, and COVID 19 restrictions loosening, lawmakers have the opportunity to ensure that 2021 isn't more of the same. Today all of us in this room have the opportunity to vote for a budget that has already earned strong bi-partisan support in both Chambers of the Maine Legislature. This is a budget that provides Maine families, school, municipalities, and small businesses with stability as we begin to put this public health crisis behind us and rebuild our lives. In 2019, my colleagues and I on the Legislature's Appropriations and Financial Affairs Committee put in six months to come up with a budget that earned unanimous support on 99% of the line items. Of 1,154 straw votes, 1,146 were unanimous. That is something we can and should be proud of. Too often the biennial budget passes in the final hours of the fiscal year, often flirting with a State shutdown in the middle of the tourist season. After a year of uncertainty, Maine people, small businesses, schools, and municipalities don't need that extra anxiety this summer. We need to put politics aside and pass a sustainable budget now.

Maine recorded its first case of COVID 19 on March 12, 2020. A week later our lives changed dramatically. Children began remote learning as teachers and parents adapted in heroic ways. Parents were stuck either working from home while also watching their kids or desperately searching for childcare so they could go to work. Small business owners were forced to overhaul their business models overnight just to keep their doors open. It's been a difficult year and many families and businesses only just barely made it through.

Now there's finally light at the tunnel, at the end of the tunnel. More than 250,000 Mainers are fully vaccinated and more than 1 in 4 Mainers has received at least one dose of the COVID 19 vaccine. The upcoming tourist season looks promising. Many businesses are increasing capacity and moving towards

normalcy. Lawmakers shouldn't do anything that jeopardizes this recovery. By passing the Back to Basics budget Maine lawmakers can fund essential services now and keep the government running while debating any new spending or policies. Let me be clear, this budget includes no new programs or new initiatives. It simply extends the current 2019 biennial budget and the two supplemental budgets that came after it into the next biennium. Those budgets passed with two-thirds support in both the House and the Senate.

The Back to Basics budget keeps our children safe and supports Maine's schools. It keeps our commitment to General Purpose Aide to Education at 51.83%, which is just what we did in the last biennium. School districts across the state are crafting their budgets now so that they can plan to fully return to in-person instruction five days a week in the fall. The Back to Basics budget provides the certainty and predictability that schools need to fully reopen.

After a tough year, Maine seniors and families shouldn't have to worry about whether they can continue to count on property tax relief. The Back to Basics budget keeps our promises to Maine people and municipalities on property tax relief. It leaves municipal revenue sharing right where it is today. This budget includes millions in property tax relief through the Property Tax Fairness Credit, the Homestead Exemption, and municipal revenue sharing, all of which has had two-thirds support over the past two years.

Finally, the Back to Basics budget supports rural hospitals and the health of Maine people. It invests in our rural hospitals, nursing homes, and health clinics so Maine people can continue to rely on them in this public health crisis. In 2019, lawmakers increased funding for services to support survivors of sexual assault and domestic violence for the first time in nearly two decades. This budget continues that vital funding at the same rate. We simply moved the funding from the Fund for a Healthy Maine into the General Fund. Same services, different revenue stream. Last March the Maine Legislature came together and rose to the moment by passing a supplemental budget that prioritized Maine workers, families, and businesses in the face of an impending crisis. This year, as Maine continues to grapple with an unprecedented public health crisis, lawmakers must do that same. We need to put politics aside and provide Maine people with leadership that this crisis demands. The Back to Basics budget is a budget that meets the unprecedented needs of this moment. Our constituents sent us here to get Maine through this crisis. This budget is about supporting every business, every teacher, every healthcare worker, every student that's been working so hard to get their lives back on track. We've had this budget document since January 8<sup>th</sup>. We've had three weeks of public hearings and we have just begun to get feedback from our colleagues on new initiatives. We have much more time and much more work to do on new policies, new spending priorities. That's not what this is about. This is about the baseline and moving it forward to give everybody some peace of mind that they so desperately need. The time to pass it is today. Thank you.

**THE PRESIDENT:** The Chair recognizes the Senator from York, Senator Bailey.

Senator **BAILEY:** Thank you, Mr. President. Respected colleagues of the Senate, I rise today to speak in favor of the budget proposal before us today. The proposal before us is a continuation of the budget the Legislature passed with bi-partisan

support two years ago. It is a predictable budget for unpredictable times. Passing this no-frills proposal will give us the stability Maine needs while we see how the tail end of the COVID 19 pandemic unfolds. We've all seen how quickly things can change. Trying to predict what Maine workers, families, and businesses will need months from now just doesn't seem rational to me. This Back to Basics budget proposal maintains stable funding for the programs our constituents rely on. One of the most important among them is funding for sexual assault and domestic violence services, an issue that I care very deeply about. As mentioned by the good Senator from Cumberland, in 2019 the Legislature increased funding for sexual assault and domestic violence services for the first time in nearly two decades. It was a momentous decision and one that was long overdue. Because of COVID 19, many people in our state became more isolated. Without a job to find respite from an unsafe home or family and friends to check on them easily, many abuse victims found themselves in increasingly dangerous and volatile situations. Calls to statewide domestic violence helplines increased nearly 50% in 2020 over the previous year. Shelters across the state have reported a spike in people reaching out for help. To cut or jeopardize state funding for these truly vital services would, without question, put lives in danger. By passing this budget now we offer reassurance to the organizations that help domestic violence and sexual assault victims that our commitment to supporting them and their work remains strong. Just as we came together two years ago to support this budget, I hope we can all band together today to pass the budget before us. Thank you, Mr. President.

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

Senator **STEWART:** Thank you very much, Mr. President. I'd like to note for the record, which has been done earlier this morning, that this is day four of the 130<sup>th</sup> Legislature and if you include Swearing-In Day this is really our third day of actually working together as a Body. Now, in the first two days we got a lot done. We passed a supplemental budget and we passed dozens of bills, large policy bills I might add, with bi-partisan support. So, the fact that we're here today discussing a specter of a potential government shutdown three months from now is pretty unfounded to me. This doesn't make any sense at all and I'm not sure where it's coming from, outside of the e-mails from special interest groups who have been saying 'Don't let Republicans run the show.' From the Minority, I might add. This doesn't make any sense. The Republicans aren't in control. We have 13 members in the Senate, quite a few shy of a majority in the House, and yet, for whatever reason, that seems to be the thing that's dominating the dialog here today. This doesn't make sense to me. What also doesn't make sense to me is what I'm sure you've heard out on the campaign trail as well, this isn't what folks want. This is the opposite of that. What I hear more than anything is that they want us to work together. In Aroostook County, 60% of the folks there are represented by Republicans, as you well know, Mr. President, and yet 60% are going to be shut out from this process entirely in just a few minutes when the vote closes. I hope that isn't the case and I hope that we can change this protectory and I'd like to set the record straight on a few things. It's been a very busy week and I'm sure you've all heard a lot and some of the things that I've heard include the fact that Republicans have done this in the past, so it's only fair.

That's simply not true. Republicans have never passed a biennial budget with a simple majority. That has not happened and yet it has happened before and the two times that it did the Democrats were in control. Now, politically that might seem like a good idea to you. It doesn't to me and I think the record will reflect that. But the point is we haven't done that to you folks in the past and we would appreciate an opportunity to continue to work with you all as we move forward in crafting this budget, the single most important thing that we will do in the two years that we have together.

March 30<sup>th</sup>, today, is a day that we can decide one of two things. We can either decide that it's the day that bi-partisanship ended in this Chamber and in this Legislature, the 130<sup>th</sup>, or it's the day that we decided to come together and work with one collective voice as we craft a budget and continue to work towards a two-thirds majority, not a majority, two-thirds. I also say this, I've heard a lot of talk about what is actually in this budget. Well, first and foremost, this is the largest budget that has ever been passed in the history of the State of Maine and yet we're rushing forward with this under the guise that we need to do this because of COVID. Well, here's the thing, folks. There's really not much in this budget that actually addresses COVID in the way the Governor had originally proposed. In fact, we've taken a number of initiatives out that actually deal with COVID. So to suggest that we have to do this now, here today, because of the pandemic, that just doesn't pass the straight face test. What it does accomplish is it effectively neuters the Minority Party from being involved in any of the negotiations going forward. Now, if that's what you want to do that's your choice and we all have a choice to make here today. I would discourage you from doing that and I would ask that you respect all of the voices in this Chamber because we all represent folks in Maine that need help and that want to see us work together in a way that incorporates the voice of the minority. Thank you very much, Mr. President.

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

Senator **TIMBERLAKE:** Yes, Mr. President. I keep getting text messages that the video is not going out to the public for the public to see in here and that concerns me because they're not allowed in the building and if we can't get it out to them. I don't know that. I've received three text messages in the last five minutes.

**THE PRESIDENT:** We'll check on that. So, the reports that we have is that everything is working. IT says it's working. The people back in the State House can see it. Every indication is that it's working on our end so if there is something that somebody can't see then it's quite possibly in their system. The pending question before the Senate is Acceptance of the Majority Ought to Pass as Amended Report. The Chair recognizes the Senator from Cumberland, Senator Diamond.

Senator **DIAMOND:** Mr. President, ladies and gentlemen of the Senate, I stand before you this afternoon not necessarily in the most comfortable position I've been in many times as I've spoken. But I stand here as a matter of principle for me. I don't believe that any political party, either way in this Senate, has all the right answers or the best answers. I think we need diversity in our discussions and I think that diversity brings out the best product and I don't think we should be giving up on each other three

months away from the deadline. The deadline does not scare me. I have a lot of faith in the people in this room, and the question I have to myself is why would we give up now? I'd ask you to look around the room. Look at the skilled, talented, dedicated people we have here and nobody, and I know everybody here, some better than others, but nobody wants to do anything but what's best for your constituents and what's best for the state of Maine. I think that is the key for me. If I did not know you all, as again some better than others, if I did not believe in you all and that your purposes and intent are exactly the best they can be, then I wouldn't be standing up. I'd say, 'You know what? We should take the safe way out.' There are ten of us that are not coming back, at least, and we all came away better. We know how you all can come together. We've seen it. We've done it. We've proven it. The first time Senators, on both sides of the aisle, are amazing. I've seen a lot of first time Senators, myself being one, that didn't have half the ability that this class does. That gives me a great deal of confidence that we could come to an agreement. If you've got that little gnawing feeling in your gut that this may not be quite right trust it because it may not be. Mr. President, members of the Senate, I would ask us let's push the pause button, give ourselves a chance, give this talented group, dedicated group a chance. Just because we can does not mean we should and I think we can show that we believe in each other, that we all want to do what is best for the state of Maine. Thank you, ladies and gentlemen.

**THE PRESIDENT:** The Chair recognizes the Senator from Knox, Senator Miramant.

Senator **MIRAMANT:** Thank you, Mr. President. Men and women of the Senate, just briefly rise to one of my colleagues, one of our colleagues, pointed out that this budget reflects what we've seen in the past and then pointed out that that revenue sharing and aide to education would continue. I felt guilty and bad every time I've voted for a budget that didn't meet our obligation to the schools and to the municipalities by shorting what we are supposed to be paying them and it offends me again to do that if I do that and I just don't know how we can have that system in place and then ignore it even against referendums that have come up. I don't understand that but maybe it will be made clear. We're forced into that situation every time so that it's become business as usual. I have progressive ideas that I want to see happen that haven't happened under this Administration, this majority, the previous one, and in the minority.

I'm getting tired of making excuses for that with the people around the state, not just in my district but I may have more than some, but who are looking for things that bring people up out of poverty and not just with the most basic program and I'm glad we're going to continue funding some but some are falling short, that help to defend those were we keep pumping money into law enforcement even as we identify that that system does not work, that we have more overdose deaths with an ever increasing budget for fighting drugs, when we fund failures like that instead of moving towards those that would help our people.

I agree with my colleague who said knowing the intentions of every person in this room, even if some of you are new and I don't know you as well as I would in a normal year, I know how much you care about the people of this state, even when I don't understand what you're trying to do with a bill or policy. So, these things are making me very sad about what we're doing here and I wish we could do better and I wish we could do better for the

future so we don't ignore certain things that are really important. I don't feel, whatever way I go, I don't feel like I'm cutting off part of our elected leaders any more than when we're in committee and there's a majority and a minority in that committee. I love that we have every voice in my committee, all my committees. I love hearing them. It changes the way we move forward with bills. It's such a pleasure because I could absolutely not believe that there is going to be a way to change the way I thought about something and my fellow party members did, or maybe some Independents, and suddenly some new piece comes out. So it's never an exclusion of people in that process, even though a majority may win the vote. It may not be perfect, but it's still there and your voice is still heard. So, I don't want anyone here to leave feeling like they're not going to be included moving forward, no matter how this vote goes, and that's enough. Thank you very much.

**THE PRESIDENT:** The Chair recognizes the Senator from York, Senator Deschambault.

Senator **DESCHAMBAULT:** Thank you, Mr. President. Colleagues, I rise today to speak in favor of the Back to Basics budget. I'm not going to talk about the budget. I don't know where you were 30 years ago, but in 1991 I was a State employee for the first, and longest, shut down. This is a budget that will give Maine people and businesses stability as we get this virus under control. After a year like no other, the last thing Maine people and businesses need is a government shut down, or just the threat of one, as our state is beginning to open up. Too often the idea of a state government shut down is farfetched. It could be a disaster. It's overblown. But as a State worker who lived through the State's longest shut down, I would vehemently disagree. The damage is real, so are the people whose lives are deeply impacted. In 1991 I was a single Mom working as a case worker in the Maine Department of Corrections, an institution. I was considered non-essential. How can you be non-essential when you put people in prisons or mental institutions and say that those employees are non-essential? I was trying to make ends meet while raising my 6-year-old son. Wasn't always easy but I was passionate about my work, believed in my team, and loved my son. I did not think in 1991 that I would be in a position today in the Maine Senate to vote to avert a State shut down. For many it was deeply painful. People are angry and trying to understand how our leaders had gotten us to this point. For families living paycheck to paycheck, it was especially tough. Not only did we go without our normal pay but we were also shut out of unemployment compensation. People don't understand that. You were laid off. You should have unemployment. Oh no, the State had a better idea. There were furlough days, discretionary days. Furlough days were unpaid. Discretionary days said if we were laid off for three weeks we could get unemployment but they said, 'No, you've got discretionary days. We want you to come in to work two or three days a week.' We got paid for that but it also did not allow us to claim any unemployment. We were also told that when you retired 'don't worry, we'll make it better'. I retired five years ago. I haven't seen it. More importantly, it was felt that our lives and our work didn't matter to the people who represented us. As State employees, we dedicate our career to serving people living and working in the state.

Again, this summer marks 30 years since the 1991 state government shut down. After the year Maine people and businesses have had, I can only imagine how devastating a state shutdown would be when it seems we're on the brink of recovery.

For those of you who don't recall, a simple thing like July 1<sup>st</sup> shut down, State parks shut down, State parks not cleaned. This is vacationland, that's just one incident, but you remember those vivid pictures.

We owe it to the Maine people, especially State employees, to pass a budget that gives our state security and stability during these difficult times. The Back to Basics budget is the right move at the right moment.

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

Senator **BENNETT:** Thank you, Mr. President. Fellow members of the Senate, I was reminded by the previous speaker's comments. She asked where was I in 1991. Well, I was in the first term in the Maine House and I witnessed and participated unhappily in that horrible experience, and it was horrible for everybody involved and it was, quite simply, a failure of leadership. In 1997, my first term in the Senate, I served on the Appropriations Committee. It was the first time that this particular move was done to pass a Majority budget. That was a failure of leadership.

Here we are, as the Senator from Aroostook points out, on the fourth day of our legislative session working together, already deciding that we will fail. We've decided, apparently, that our processes don't work. We have decided that our own rules should be obviated because, I believe, if you look up Joint Rule 314.6 our action on this budget will violate that. We've decided that we cannot collaborate on the most important bill that comes before us in this entire Legislature. But really the only thing that is failing here, once again, is leadership. I hope that you understand that I am one Senator who will work with anyone and all of you, collaboratively, to realize our common goal of making Maine better for all the people who sent us here. This move will disempower nearly every person in this room. It says to my 40,000 constituents that their Senator's voice is muzzled. But it doesn't just affect the minority. This move doesn't treat those in the majority much better. It takes you for granted. I am deeply saddened, like the Senator from Knox.

You know, as quirky and frustrating and as dysfunctional as the Maine Legislature can be, for some reason I love this institution. I really do, and I love serving here. I love being back. I love the relationships I have established with many of you. As the Senator from Cumberland, Senator Diamond, said, this is an amazing group of people here in this room. Really great. Comes from all walks of life, different backgrounds, different experiences, different life journeys, and it's amazing to have this group here. I've been telling my family how much I've enjoyed working with each of you and how this is a special group of people. That's why I'm particularly saddened to see this maneuver because I don't think it says it's about failure. This is about failure, not about success. I had the opportunity 20 years ago to work in a situation where nobody thought anything was going to work. We had a divided Senate, 17 Republicans, 17 Democrats, 1 Independent, and everybody expected failure, and we decided, however, Senator Michaud, who was the leader of the Democratic caucus, and myself, leader of the Republican caucus, we decided to take a different approach and we made it work. We had magnificent collaboration. We didn't agree on a lot of stuff but we had chairs meetings to set the agenda for the day in the morning before session where everybody was there. Everybody knew what was going on. It was full information. We could represent our



constituents, even produce our own budget. It was an amazing success of leadership, but it was the leadership of everybody in the Senate, not any one of us. I'd like to return to those days. When we expect the best of ourselves then we can demand a fully functioning, lovely, collaborative, messy process that will get us to a point where the people of Maine are served the best. I just implore all of you. Let's not go down this path. Let's demand better of ourselves. Let's go to the better angels of our nature and let's put this budget back to the committee where it should be. So, I would encourage you, please, vote no in accepting this Majority report. Thank you.

**THE PRESIDENT:** The Chair recognizes the Senator from York, Senator Lawrence.

Senator **LAWRENCE:** Thank you, Mr. President. Men and women of the Senate, I just want to make one thing perfectly clear. Voting for this budget doesn't prevent us from working through to that quirky, messy, dysfunctional process after we vote for the budget. We're still able to do that and I've done it many times with the good Senator from Oxford. We can still reach a two-thirds to do alterations to the budget, to do reductions, additions. That can easily be done. What this guarantees is that our quirky, messy process does not cause the people of Maine pain, does not shut down the tourism industry in a summer when they need to be functioning at full force. We've seen it happen before and it happens in the Legislature not because the people of Maine ever once said 'we want the budget to be passed by a two-thirds vote.'

Let's look at, historically, how we got here. Budgets were always passed, and in fact they're passed in virtually every Legislature in the country, by a majority vote. Maine's budget cycle used to go from October to October, in coordination with the federal budget. A hundred years ago, as it was pointed out, Maine passed a Constitutional Amendment that says laws of the State of Maine don't go into effect until 90 days after the Legislature adjourned. Sometime later Maine changed its budget process to July 1<sup>st</sup> and a small minority in the Legislature figured out 'hey, if we all hold together we can force them now to have to have a two-thirds vote on a budget to get what we want or we can shut down state government.' It's been done twice and I've seen it done and it is awful and it hurts the people of Maine.

Let me make it clear, this is not a majority budget we're passing. This is not the entire budget. We can still go on and continue to work on the budget. What this is is effectively a continuing resolution. It says the State is going to continue to function while the good Senator from Oxford and I work out our quirky, messy, dysfunctional differences, that those differences will not harm the people of Maine, that we will continue to function. What this bill will do is allow us to get schools open five days a week and to guarantee that they're going to be opened. What this bill will do is to allow seniors to get the prescription drugs they need, allow nursing homes funding to know what's going on, allow Mainers to know they're going to property tax relief. If you vote against this budget you're voting against guaranteeing the people of Maine that schools will be opened five days a week, seniors to get their drugs, nursing homes to be funded, and property tax relief to go to Maine people. We're guaranteeing that we're taking action prospectively to deal with the pandemic, to guarantee Maine will continue to function while we work out our differences. That's what this budget is about. Thank you.

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

Senator **SANBORN:** Thank you, Mr. President. While I don't remember the 1991 shut down very well because I was still in high school, I do remember the shut down that we experienced in the 128<sup>th</sup>. I was a first year member of the House and part of the reason I remember it so well is because of the beauty of Facebook, so every year on that weekend I see a picture of myself wearing this very dress, which I'm wearing today, and my son hugging me on the porch of his grandparent's house in Raymond. I had taken, I don't know, a three hour, three and a half hour, drive to get there. I spent five hours with my family on that holiday weekend and then I drove back to Augusta to continue the game of brinksmanship that we were calling the normal budget process. This year, after the year that my family has had and after the year that Mainers all over this state have had, small businesses all over this state, municipal officials all over this state who have had to lay off their workers because they couldn't make their own municipal budgets work. After that year to imagine that I might find myself in that same position, being able to visit with my family for just a few hours over a holiday weekend, because we value somehow the idea that brinksmanship, that shutting down the State of Maine, is part of the normal leverage that the minority party deserves. It isn't fair to the people of Maine and it isn't fair to Maine families, municipalities, or school districts. So what a vote in favor of this budget today means, and I do hope, I wish, that this could pass as a two-thirds vote today, to say 'you know what guys? We're not playing that particular game this year.' That is all. The brinksmanship, the threat of shut down, is all a yes vote today takes off the table. We still are going to have some incentive to work together because if we want to spend other money and want it to go into effect immediately so that we can get relief or new programs or even lower some of the spending in the budget, any of those things we want to do, if we want them to go into effect immediately our Constitution says they have to pass by two-thirds. Any emergency bill we want to pass has to pass by two-thirds, so there's still plenty of incentive for us to continue to work for things to pass by two-thirds. But what this takes off the table is the threat of a shut down and in this unique year, this year unlike any year in the last century, with the level of uncertainty, frankly, the level of exhaustion that Mainers have experienced, this is the year we should say 'no, we're not playing brinksmanship, we're not threatening to shut down vital services of Maine's government to play this political game.' Instead, we're going to pass this continuing services budget and then we're going to continue to talk, to work, to hear about other spending, other changes, other programs, and other bills that we need to pass as a Legislature but without this threat of a shut down and, Mr. President, I was really dismayed today to hear one of our leaders talk about the threat of a People's Veto because what I haven't heard is it is substantive disagreement with anything in this current services budget, this is a budget that garnered two-thirds support two years ago, we haven't added a whole bunch of initiatives, pet projects, additional spending, tax increases. We haven't added any of that. All we've said is let's agree to keep the baseline and then keep working so that we're sure that we don't have a shut down this year as we get ourselves out of this pandemic. Mr. President, I urge folks to vote ought to pass on this budget.

**THE PRESIDENT:** The Chair recognizes the Senator from York, Senator Rafferty.

Senator **RAFFERTY:** Thank you, Mr. President. Ladies and gentlemen of the Senate, I'd like to start off first by saying that I'm one of the newbies, the rookies, obviously, but I will say that, like many of you, I've been working many more than just the four days that have been referenced here a couple of times today but, like you, it's been in committee and it's been with people I didn't know and with issues that I had differing opinions on and each day there were times we argued, fought, or whatever you want to call it, but we may or may not have reached agreements but nothing prevented us from coming back ten minutes later on a new bill, or potentially the next day. I often worked in two committees at the time, but I'm going to go back into my comfort zone, which speaks to the education piece and literally I believe that it's no secret that Maine kids have really struggled throughout the COVID 19 pandemic. Overnight Maine students went from learning in the classroom to learning virtually. Many went from preparing for their next game to learning that the entire season had been canceled. Worst, hanging out with their friends in person became a health risk. Nothing about the situation has been ideal but the threat to public health and safety was just too high. Now we're in the position to give our kids their lives back. This starts with ensuring that schools can reopen in a way which is safe for every student and teacher who walks through the school doors. That's why passing the Back to Basics budget today is so important. Maine schools need to know what they're receiving for funding now so that they can safely open schools to teachers and students. The Back to Basics budget will help schools plan to transition back to in-person learning this fall. It provides \$45 million in additional funding for Maine schools and, although Maine is doing better than other states, students have fallen behind during this pandemic. We know that teachers are doing everything they can to keep students connected and on track. At the same time, Maine students are struggling with mental health after a year like no other. By passing this budget today, we can give Maine students and teachers, schools and parents, a chance for some normalcy down the road. I'm voting for the Back to Basics budget because, as a parent, grandparent, retired teacher, and coach, I know it's the right thing to do for our kids. I hope you all join me. I also have learned along the way that words in any bill are important and I see none in this one that prevents us from working together down the road. Thank you very much.

**THE PRESIDENT:** The Chair recognizes the Senator from Penobscot, Senator Baldacci.

Senator **BALDACCI:** Thank you, Mr. President. Men and women of the Senate, I rise today to speak in favor of the budget proposal before us. In the middle of a pandemic, in the middle of a recession, what the people of this state want, regardless of party, is stability, forward movement, and forward growth. I see this budget as a victory for the vast majority of Mainers and a defeat for any kind of extremist politics to be tolerated. Even before the pandemic, one of the biggest issues facing my constituents, when they were still just my neighbors, has been property taxes. I know this is true for almost every other member of this esteemed Body. For years revenue sharing was cut, as was aide to education and more and more, in the name of fiscal responsibility. But the reality is that, with the State's supports cut,

local property taxes had to grow in order to maintain basic police, fire, public works, public health, roads. As a city councilor for Bangor for 12 years, I had the honor of serving twice as the Mayor, I served six years under the previous Administration and every year was a challenge to maintain basic services for police, fire, teachers, roads, public health. This is the daily conversation. This is our daily work. I wasn't here in the Legislature. I was at the city council trying to make sure the City of Bangor had adequate public services. This victory is a victory for town councils, city councils, school boards, school administrators, students. This victory is a victory, this budget passing will be a victory for the vast majority of the people of this state.

I was happy to see lawmakers vote two years ago to increase revenue sharing, giving much needed, long overdue, relief for taxpayers. The proposal before us continues that relief. Now, more than ever, Maine families need that relief and Maine families need stability, they need a forward movement, forward growth. They don't need, as Senator Sanborn said, more games played. Thank you.

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

Senator **DAUGHTRY:** Thank you, Mr. President. Ladies and gentlemen of the Senate, I rise in support of the motion in front of us. I have to say we've heard a lot of comments today and we've heard a lot of mentions of the State shut down or a potential for State shut down. We've heard mentions of the past and other budgets from times long, long ago and, while I have to say that my age may be shorter than the total legislative service of some of my fellow colleagues, joking aside, this is not about the past. We're not here to rehash what happened yesterday. What we're doing today is a vote about the future. We can't compare what we're going through right now to any other time in history. I mean, think about the fact that I'm talking to all of you in the Augusta Civic Center and I have a mask on. We're in the middle of a pandemic. The moments that we're discussing now are things that I will be telling my grandchildren about and they'll be asking questions: what was it like? What was going on? We can't compare what's before us to what came before. It just simply doesn't work. But I have to say the conversation about this budget in front of us is not the end of the discussion. It's just the beginning. What we're doing today is taking a vote to build a strong foundation that builds on the work that we did last session. It builds a Back to Basics foundation, is the way I see it, and from there we can just build right back up.

For me, what I'm personally very excited about with this vote today, is it helps align our State action with our local and municipal budgets. For the last eight years that I've been an elected official, I've worked with my communities as they have struggled to be able to align their school budgets, guessing and wondering and hoping that what they're discussing is going to align with what we all vote on, which always seems to happen at the very last moment. This gives our schools and our municipalities the certainty to know what's coming down the line.

Also, for me, what I'm really, really excited about, is it enables us to just sort of start from here and build up. It lets us focus on policies. For those of you who have been elected before, I'm sure we all have our stories about the end of session, about, you know, waiting for the budget vote. Long, long nights. I know we've had some very, very long nights since we've all been elected, even for those of us in this session. But what always

seems to happen in these last moments is so many policies, so many bills, so many items that we have spent the months and weeks and days and hours working on get lost in translation. They get lost in the shuffle. What happens in the budget really sucks the oxygen out of the room. By passing this Back to Basics budget, not only does it build a foundation but it enables us to focus on the policies that many of us ran for, and the things that we are passionate, in order to make change for our communities. The good Senator from Knox mentioned the need to fully fund our schools and I think that's honestly the thing I am the most excited about voting for this today. This gets us the closest that we ever have to our commitment to fully funding our schools. It's a strong vote to make sure that our schools have what they need to transition out of this pandemic. But I also want to remind my colleagues here today that that amount of funding isn't the end of the conversation for our schools. We're in a position with the money that's coming from the federal funding portion to see over \$414 million come to our K-12 schools. This will fully fund our schools and put them in a position to be able to safely welcome students back.

What I hope is that after we're able to pass this important budget we can refocus our energy. We can focus on the policies that are ahead of us and why we're all passionate to be here. This is just a launch pad. This is just the beginning. It is honestly our first step and I hope you'll all join with me to stop thinking about the past, questioning what had happened then, and take a strong vote for all of our future. Thank you.

The pending question before the Senate was the motion by Senator **BREEN** of Cumberland to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report, in concurrence.

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

#### ROLL CALL (#73)

YEAS: Senators: BAILEY, BALDACCI, BREEN, BRENNER, CARNEY, CHIPMAN, CLAXTON, CURRY, DAUGHTRY, DESCHAMBAULT, DILL, HICKMAN, LAWRENCE, LIBBY, LUCHINI, MAXMIN, MIRAMANT, RAFFERTY, SANBORN, VITELLI, PRESIDENT JACKSON

NAYS: Senators: BENNETT, BLACK, CYRWAY, DAVIS, DIAMOND, FARRIN, KEIM, MOORE, POULIOT, ROSEN, STEWART, TIMBERLAKE, WOODSOME

EXCUSED: Senators: GUERIN

21 Senators having voted in the affirmative and 13 Senators having voted in the negative, with 1 Senator being excused, the motion by Senator **BREEN** of Cumberland to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report, in concurrence, **PREVAILED**.

Bill **READ ONCE**.

Committee Amendment "A" (H-52) **READ**.

House Amendment "A" (H-55) to Committee Amendment "A" (H-52) **READ** and **ADOPTED**, in concurrence.

Committee Amendment "A" (H-52) as Amended by House Amendment "A" (H-55) thereto, **ADOPTED**, in concurrence.

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-52) AS AMENDED BY HOUSE AMENDMENT "A" (H-55)** thereto, in concurrence.

All matters thus acted upon were ordered sent down forthwith for concurrence.

Senate at Ease.

The Senate was called to order by the President.

**RECESSED** until the sound of the bell.

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

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

#### ENACTORS

The Committee on **Engrossed Bills** reported as truly and strictly engrossed the following:

#### Act

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)

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

The Chair noted the absence of the Senator from Somerset, Senator **FARRIN**, and further excused the same Senator from today's Roll Call votes.

The Doorkeepers secured the Chamber.