

MAINE STATE LEGISLATURE

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

Daily Edition

Second Regular Session

beginning January 5, 2022

beginning at page H-1003

The SPEAKER: The Chair recognizes the Representative from Woolwich, Representative Hepler.

Representative HEPLER: Thank you, Mr. Speaker. Request permission to speak on the record?

The SPEAKER: The Member may proceed.

Representative HEPLER: Thank you. As some of you know, I am part of a group of volunteers who have been building a wooden ship. We are plunking it in the water on June 4th, as you may have heard and want to invite all of you to attend. The launch is at 4:30 but festivities will be going on probably starting at noon. 4:30 is because it's slack high tide in the Kennebec and unlike launches you may have attended at Bath Ironworks, come one, come all. Thank you.

CONSENT CALENDAR

First Day

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

(S.P. 528) (L.D. 1643) Bill "An Act To Correct Errors, Inconsistencies and Conflicts in and To Revise the State's Liquor Laws" Committee on **VETERANS AND LEGAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-571)**

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

There being no objection, the Senate Paper was **PASSED TO BE ENGROSSED as Amended** in concurrence.

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

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

(H.P. 1482) (L.D. 1995) Bill "An Act To Make Supplemental Appropriations and Allocations for the Expenditures of State Government, General Fund and Other Funds and To Change Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 2022 and June 30, 2023" (EMERGENCY) Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-1029)**

On **OBJECTION** of Representative PIERCE of Falmouth, was **REMOVED** from the First Day Consent Calendar.

The SPEAKER: The Chair recognizes the Representative from Falmouth, Representative Pierce.

Representative PIERCE: Thank you, Mr. Speaker. My apologies. I was so ready this morning and, you know, the lunch delay kind of threw me a little bit, so. Thank you, Mr. Speaker. Over the course of the past two years, this Body has been responsible, cautious steward of our State budget. As Mainers came together to weather the storm of the pandemic, we put strong financial measures in place to ensure that our communities had the resources they need to keep their families safe. Today, in the proud spirit of bipartisanship, the Appropriations and Financial Affairs Committee has come together to present a bipartisan supplemental budget, LD 1995, for the approval of this Body that sets Maine on a path of recovery and strength, recognizing this opportunity to help Mainers prosper while tackling big issues facing our communities head on. We are tackling some longstanding

issues. Those longstanding issues facing Mainers right now include the harmful forever chemicals, PFAS and the need for housing and behavioral health care. All of these are addressed immediately through the supplemental budget. This budget funds PFAS testing, begins abatements and establishes a trust to address contamination, mitigating forever chemicals' harmful effects on our communities as swiftly as possible and making Maine a leader in the nation on this issue. The behavioral health and mental health of Maine people is a critical priority for this Body. We have included funding to close the gaps in Mainers' health care and access to long-term care. The budget compliments substantial investments in treating substance use disorder through supporting community treatment options and providing rate increases for recovery support services made in the biennial budget. This budget supports senior living facilities, direct care workers and Mainers with intellectual disabilities, ensuring access to needed services in this State. This budget supports the cost-of-living adjustments and increased rates to support wages at least 125% for direct care workers who provide quality, compassionate care to Mainers in long-term care.

Mr. Speaker, the people of Maine have contributed to Maine's economic recovery even through uncertain times. This budget provides direct relief checks to more than 850,000 Maine families, recognizing that what they've all been through in recent months, from rising grocery costs to home and rental prices. This budget provides immediate direct relief to help Maine families. This budget keeps our promises to Maine people on expanding property tax relief. After our biennial budget expanded the property tax fairness credit to 83,000 Mainers by providing a boost in maximum benefits, the supplemental budget permanently expands the property tax fairness credit to give eligible working families and older Mainers much needed relief in property tax or rent relief. We will also increase the earned income tax credit to help 100,000 Maine families make ends meet amid rising costs of electricity, gas and child care. The budget makes historic investments in a number of areas to ensure the strongest possible foundation for Maine's children. In the arena of education, the budget supports career and technical programs to let our kids get a jumpstart into the workforce. It prevents tuition increases in our higher education system and ensures that no Maine child go hungry at school in the State. It also continues to look ahead with pride as Maine fulfills the State's commitment to the schools by funding 55% of the K-12 costs. For those with student loan debt, Maine will be a beacon, providing \$2500 per year in student loan relief to those who live and work in Maine after graduation. For young people considering community college, this budget develops a pilot program making it free to go to Maine community colleges full time, a historic opportunity. For children and families, this budget bolsters Maine's commitment to child care workforce, making support we were able to provide through the Maine jobs and recovery plan permanent. We expand health insurance coverage for over 8,000 children who rely on CHIP or CubCare. We rebuild Maine's school-based oral health care program so young children can access dental care during their elementary school years. In addition to all of these investments in Maine's future and many more, we are maintaining strong fiscal responsibility, saving for the future by establishing an education rainy day

fund with \$15 million and keeping our other rainy day fund over \$492 million.

Mr. Speaker, I would like to thank the AFA committee for the unanimous bipartisan support on this supplemental budget. And I want to thank my friend and Good Representative from Waterford for his diligent collaboration. The committee, with the leadership of the Good Representative from Waterford, worked very, very hard into late hours to come to some commonality and some common bipartisanship and I think it speaks for their diligence and commitment to the process. I ask you, Mr. Speaker, along with all my colleagues in this Body, to join me in support of this supplemental budget and for your vote. Thank you.

The SPEAKER: The Chair recognizes the Representative from Waterford, Representative Millett.

Representative **MILLET**: Thank you, Mr. Speaker and Ladies and Gentlemen of the House. I, too, would like to commend a lot of people who brought us to this point in the endgame and I thank the Good Representative from Falmouth for her comments. I think this was a collective effort. From the very beginning when we started our public hearings in February, based on an \$822 million revenue forecast in December, received the report back from each of you in the policy committees in March, only to have another change package coming when we saw another revenue bump of \$411 million. All of that produced a \$1.24 billion of new revenue in a very unique way in a second regular session, all placed into a supplemental budget, almost an unheard-of challenge.

So, it was a daunting task from the beginning but I think we all proceeded in our votes as we finally got report backs and right up until last Thursday by making amicable compromises toward a worthy product. And I would just say that the events of last Thursday night into early Friday morning really put the frosting on the cake because we were able to get to consensus almost, well, unanimity on three major issues, which our good chair has commented on, they being the relief checks for 859,000 people; 57,000 people at \$850, hopefully to be distributed in the near term to resident filers who will qualify by \$100,000 minimum or maximum individual income and \$200,000 for a family of two. That didn't come easily. And the other two that I would refer to are the changes to make the COLA that many retired teachers and State employees received last September cumulative and place a growth onto the base salary cap going forward. That was a tough one, a new one, it cost \$104 million, but in the end we came to agreement on it. And the third one was an option of making pension income for, not just those public employees who retired in Maine, but for the private sector employees who do so as well. And that ended up costing us a fair amount of money but we made it happen at the very end. And it would not have happened had it not been for, I think, all 13 of us staying at the table and let me concentrate on those on our end and say that the good chair from Falmouth and my other nine colleagues all stayed at the table, Rs and Ds and we all had, I think, a goal of getting to yes. But I think it was tough right at the very end and I would be remiss if I didn't acknowledge the work that my House Lead, Representative Dillingham from Oxford, who stayed with us through the darkening evening and into the early morning and was enormously helpful to those of us on the Republican side.

And, Mr. Speaker, without you, it wouldn't've happened. I think I can say that without equivocation. There is no way we would've gotten to the point where we are tonight without your help. So, I want to just say thank you to all who have helped us get to this point. There is something in here for all of us and there's also something to dislike. The message we're sending to our population, I think, is a clear one. We took in a lot of money we didn't expect to get, we're giving relief to those of you who are struggling. We're also sending a message to retirees; stay in Maine. Because I think we said that in two different ways. If you're a resident of Maine and you don't take your pension to Florida or elsewhere, you will benefit by the things that we are doing. So, I think it sets a good message, a good result from all of the work that we did. I urge your consideration here this evening and I hope we will get it to engrossment without further delay. So, thank you, all of you and thank you, Mr. Speaker, thank you Kathleen, thank you.

The SPEAKER: The Chair recognizes the Representative from Friendship, Representative Evangelos.

Representative **EVANGELOS**: Thank you, Mr. Speaker, Men and Women of the House. First of all, I do want to acknowledge all the hard work that went in to producing this product. Unfortunately, I'm not able to support it, Mr. Speaker. Mr. Speaker, I'm the product of depression-era parents and that whirring sound I've heard in my ears the last few days is the sound of Frances Perkins and Franklin Delano Roosevelt turning over in their graves. Learning the lessons of that era, I believe in investing in our common working people and investing in my state. But, Mr. Speaker, I just can't bring myself to vote for a budget that includes \$850 payments for people making six-figure salaries. It just runs counter to my upbringing. We have so many unfunded needs, folks. Just take a look at the appropriations table. Mr. Speaker, rents in my district are \$14-1600 a month. This \$850 payment doesn't even cover 40-50% of a security deposit. If we targeted the relief to those making \$30,000 or less, they get a bigger check and those up to \$60,000, they get a check. We take \$400 million and invest it in affordable housing, roads, bridges, elder and disability care and all the pressing needs in our State. We're a country of economic cycles, folks. I've lived through five of them in my lifetime. But we're spending this money like it's the roaring '20s. And, trust me on this, what goes up will come down. I'm not going to file an amendment. Our time is precious and I don't want to tie up our time on something that's going to be dead on arrival, but I am dissenting for the reasons I stated. Thank you, Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Auburn, Representative Libby.

Representative **LIBBY**: Thank you, Mr. Speaker, Men and Women of the House. I appreciate the hard work of the Appropriations Committee and agree with so much that is included, such as the income tax reduction for retirees and the \$850 checks for Mainers. We have a surplus because we collected too much tax from Mainers and that money should go back to them. Giving much of the money back and beginning to make changes to our burdensome tax code is good, but State government is keeping some of the money and not using it to fund essential needs. The tax revenue that we do keep and spend should be spent judiciously, meeting the needs of our State rather than fulfilling wish lists. In this supplemental

budget, we are prioritizing electric car rebates over ensuring that those caring for Mainers with intellectual disabilities are paid an adequate wage. While Mainers are struggling to pay their electricity and heating costs each month, we are prioritizing millions for various new positions instead of suspending the gas tax and saving Mainers money at the pump. Despite lower workforce participation and higher unemployment and inflation, Maine State government continues to grow. But now, a little *deja vu*. Given the complete lack of funding for the Maine Commission on Indigent Legal Services, MCILS, in the supplemental budget, I am recycling a portion of this floor speech from the floor speech I gave for last year's biennial budget.

I don't think it comes as a great surprise to this Body that our State has not been fulfilling its constitutional obligations to provide indigent legal services to those less fortunate. In fact, as of April 8th, the ACLU of Maine is now suing MCILS over its failure to provide constitutionally adequate legal representation to poor people accused of crimes in Maine. While I may be a fiscal conservative, I hold the constitution as my ultimate guide as a legislator. The Judiciary Committee has worked diligently together since January of 2021 to come to an understanding of the needs of Maine Indigent Legal Services moving forward. We have attempted to balance the substantial financial needs while providing previously lacking accountability. Together, we came up with a largely unanimous report for the Appropriations Committee, yet none of the initiatives that we worked on are found in the supplemental budget itself. Yet again, we will fail to fulfill our constitutional obligations. This supplemental budget does fulfill a number of wish lists, but it fails to provide for some very real and desperate needs in our State. Thank you, Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Scarborough, Representative Warren.

Representative **WARREN**: I rise this afternoon in opposition to the supplemental budget as proposed by the Chief Executive and amended by my respected colleagues of the Appropriations Committee. I believe that climate change is the biggest issue of our time. It is certainly the biggest issue of my generation. Many legislators in this House are 36 years old or 46 or 56 or 66. The Chief Executive is close to 76, where I am only 26. I am just beginning my working life where the largest profession named by my colleagues in this House is retiree. Mr. Speaker, I hope you can understand why I feel I might have a different point of view and a sense of urgency on this issue in this room today. If climate change is a pressing issue for some in this Body for yourselves, for your children, for your grandchildren, this budget does not reflect that view nor that urgency. Now, I grew up hearing about sea level rise, extreme droughts, floods, wildfires, CO2 emissions, icebergs melting in Antarctica, seeing the sand dunes at Pine Point Beach in Scarborough erode every year. Now, I studied International Law at Brandeis University and some might be surprised to know how often climate change comes up in issues of international politics and disputes between nations. Countries literally go to war over water. They live and die over who gets access to rivers and streams and lakes, food sources, clean air and safe shelter.

I spent five months in Jerusalem. What a different experience it was than my hometown in Scarborough,

landlocked populations who have no reliable access to water. Something as simple as water which needs to be conserved, rerouted, rationed and then sometimes made a political chip for the powers that be to play. When I returned home to the State of Maine two years ago, as coronavirus hit our nation, I wasn't sure what I was going to do. I decided, was encouraged to run for the State Legislature and as I went door to door, Mr. Speaker, again and again I heard the same priority; climate change. Yes, it was more so with my generation, but many across age ranges and with kids and without that feel a tremendous responsibility. People are worried. They see our oceans and bays warmer than 40 years ago, they see species extinction, they see water levels that grow higher with their own eyes. They see sand dunes and beach grass choked out, they see longer droughts and floods in ever-erratic turns as our climate continues to change forever.

Now, when I came to Augusta two years ago, I was told by those in my community to fight on climate change and I heard them loud and clear. I have tried to do that. Last year, I had the opportunity to vote on two of the Chief Executive's budgets, each of them I studied carefully and thoughtfully. In both cases, I did not think those documents held adequate provisions for programs to fight climate change, no serious investments towards public transportation infrastructure, no civil emergency preparedness to help us deal with hurricanes or rainstorms or windstorms and power outages, no consumer-owned utility, no green bank, just a lot of standard stuff, as with this budget. Good programs, some great programs, yes, meeting many of the diverse and serious needs of our State, certainly. Yet the lack of climate change programs was then and is now staggering to me. That's why I voted against those budgets and that's why I cannot support this one today. I find myself in the same position. A supplemental budget just as Maine is expected to take at least 1.3 billion more during 2022 and 2023 budget years than originally predicted. That's billion with a B, Mr. Speaker. I've read through this budget and I don't see anything that I can bring home to my constituents and tell them that we are fighting on climate change effectively in Augusta, because we are not. That's why I'm voting against this budget. Climate change is the battle of our lives, Mr. Speaker, as well as the lives of our children and grandchildren. Let's fight it together, as boldly and with the fierce urgency it demands of us all now. Thank you.

Representative DILLINGHAM of Oxford **REQUESTED** a roll call on **ACCEPTANCE** of the Unanimous **Ought to Pass as Amended** Report.

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

The SPEAKER: A roll call has been ordered. The pending question before the House is Acceptance of the Unanimous Ought to Pass as Amended Report. All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 592

YEA - Alley, Arata, Arford, Austin, Babbidge, Bell, Bernard, Bickford, Blier, Blume, Boyle, Bradstreet, Brennan, Brooks, Bryant, Caiazzo, Cardone, Carlow, Carmichael, Cloutier, Collamore, Collings, Connor, Copeland, Corey, Costain, Crafts, Craven, Crockett, Cuddy, Dillingham, Dodge, Dolloff, Doudera, Downes, Drinkwater, Ducharme, Dunphy, Evans, Faulkingham, Fay, Foster, Gere, Gramlich, Greenwood, Griffin, Grohoski, Haggan, Hall, Hanley, Harrington, Hasenfus, Hepler, Hutchins, Hymanson, Javner, Kinney, LaRochelle, Lemelin, 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'Connor, O'Neil, Ordway, Parry, Peabworth, Perkins, Perry, Pickett, Pierce, Pluecker, Poirier, Quint, Rielly, Roberts, Roeder, Rudnicki, Sachs, Salisbury, Sheehan, Skolfield, Stearns, Stetkis, Stover, Supica, Madam Speaker, Tepler, Terry, Theriault, Thorne, Tucker, Tuell, Underwood, Wadsworth, Warren, White B, White D, Wood, Zager, Zeigler, Mr. Speaker.

NAY - Andrews, Berry, Evangelos, Geiger, Harnett, Kessler, Libby, Lookner, Lyford, Mason, Osher, Reckitt, Riseman, Sampson, Warren, Williams.

ABSENT - Cebra, Gifford, Grignon, Head, Landry, Paulhus, Perry, Prescott, Roche, Sharpe, Stanley, Sylvester.

Yes, 119; No, 16; Absent, 12; Vacant, 4; Excused, 0.

119 having voted in the affirmative and 16 voted in the negative, 4 vacancies with 12 being absent, and accordingly the Unanimous **Ought to Pass as Amended** Report was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (H-1029)** was **READ** by the Clerk.

Representative WARREN of Scarborough **PRESENTED House Amendment "B" (H-1039) to Committee Amendment "A" (H-1029)**, which was **READ** by the Clerk.

The SPEAKER: The Chair recognizes the Representative from Scarborough, Representative Warren.

Representative **WARREN**: Thank you, Mr. Speaker. I am not requesting a roll call. I understand that I am in quite a minority at this point and at the same time I feel that the amendment that I've brought before us is a very reasonable one and so, I just want to explain it in brief detail. I'm proposing an amendment to use some of the coronavirus check money that has been in the news these past weeks and have that used for climate change programs that I think are much needed in this State. Those that are passed by this Legislature and on our appropriations table. This would amount in moving the income level from \$100,000 to \$75,000, then for those that are heads of household to \$100,000 and moving those joint filings to \$150,000. I think it is quite reasonable to then take about \$100 million of an over billion-dollar surplus and invest it in climate change programs that our bodies have worked on over the past two years, done incredible work and yet I know that I don't have the votes on this today but I hope that I can have your votes perhaps tomorrow or next year or certainly by the end of this decade. I think that we are out of time not to try, not to be as brave and resourceful as we can be. Climate change is the battle of all our lives and I don't seek to be against anything in voting against this budget, I want to be for something. I want to be for the future of Maine people. But that does require us to do

things that are bold and sometimes uncomfortable and prioritize climate change in our budgets as well in our words or in the legislation that we pass but don't fund. I hope that in the future we will fight this fight together. I thank you for your time and consideration.

On motion of Representative DUNPHY of Old Town, **House Amendment "B" (H-1039) to Committee Amendment "A" (H-1029)** was **INDEFINITELY POSTPONED**.

Representative LIBBY of Auburn **PRESENTED House Amendment "C" (H-1040) to Committee Amendment "A" (H-1029)**, which was **READ** by the Clerk.

The SPEAKER: The Chair recognizes the Representative from Auburn, Representative Libby.

Representative **LIBBY**: Thank you, Mr. Speaker, Men and Women of the House. Our fellow Mainers have been struggling for months under the weight of record-setting inflation. The price of groceries, electricity, heating fuel and gas are placing our friends and neighbors under extraordinary strain. Over the last month and a half, I've heard from hundreds of Mainers eager to see some form of relief at the gas pump. My amendment will give them that relief, suspending the 30-cent-per-gallon gas tax for the remainder of 2022, while ensuring that our roads and bridges will not lose a dime for repairs and upkeep of our infrastructure. This amendment will also not take a penny away from the \$850 checks that should rightfully go out to our fellow Mainers. Suspending Maine's gas tax is good for Maine business and families alike, Mr. Speaker.

On motion of Representative DUNPHY of Old Town, **House Amendment "C" (H-1040) to Committee Amendment "A" (H-1029)** was **INDEFINITELY POSTPONED**.

Subsequently, **Committee Amendment "A" (H-1029)** 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-1029)** and sent for concurrence.

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

REPORTS OF COMMITTEE

Divided Report

Majority Report of the Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought Not to Pass** on Bill "An Act To Enact the Maine Psilocybin Services Act"

(S.P. 496) (L.D. 1582)

Signed:

Senator:

MOORE of Washington

Representatives:

MEYER of Eliot
CONNOR of Lewiston
CRAVEN of Lewiston
GRIFFIN of Levant
JAVNER of Chester
LEMELIN of Chelsea
PERRY of Calais