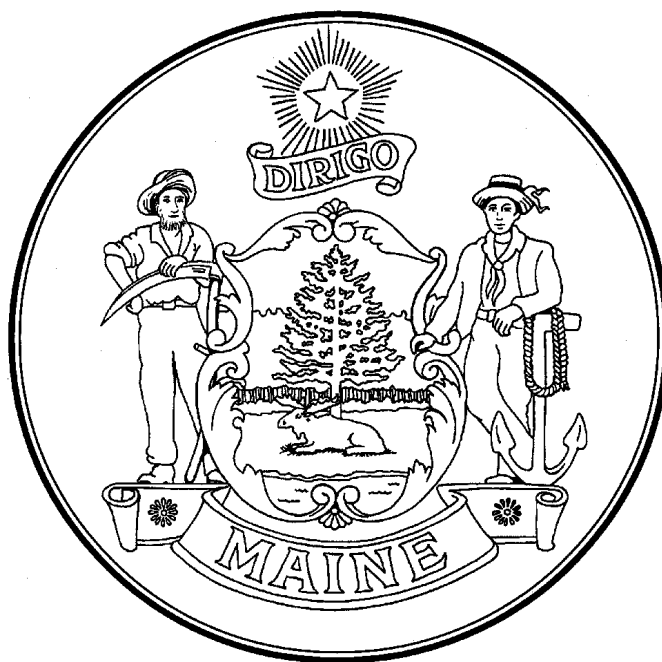


MAINE STATE LEGISLATURE

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STATE OF MAINE
ONE HUNDRED AND THIRTY-FIRST LEGISLATURE
SECOND REGULAR SESSION
JOURNAL OF THE SENATE

In Senate Chamber
Tuesday
March 26, 2024

Senate called to order by President Troy D. Jackson of Aroostook County.

Prayer by Reverend Holly Morrison of Phippsburg Congregational Church, United Church of Christ.

REVEREND HOLLY MORRISON: Good morning. First, I would like to invite you to hold a moment of respectful silence for Representative Michael Brennan, who is receiving care following a medical emergency this morning. Please hold a moment of silence and respect for Representative Brennan. Today, March 26th, is the birthday of Robert Frost, one of New England's dearest poets. Among his many honorary degrees is one from Bates College. His tombstone bears a quote from one of his poems, I had a lover's quarrel with the world. Recognizing that anniversary, I invite you to join me in a spirit of prayer, however you understand it. Holy One, speaking of lover's quarrels, the calendar claims it's spring, but we are behind on snow and the storms still rattle us. Some of us are up to our axels in mud, some still trapped by ice. Our minds, like the roadsides, are littered with last season's roughly used ideas. You know every road we travel, here and home again. You understand the tolls. Holy One, bless each of these travelers however far they've come. Bless these civil servants, these spring pilgrims. Put some of your spring into their step. Get the sap running. Give them the woodcock's bold hope, the snowdrop's endurance, the golden willow's willingness to bend. Give them the wisdom of wild geese to move in a different direction when the time is right, to help each other face the headwinds with loud encouragement, and grant them even in ice and snow and mud, a sense of promise that moves from the grass roots, up, restoring our common ground and the common good. Amen.

National Anthem Performed by Talbot Community School Choir of Portland.

Pledge of Allegiance led by Senator Cameron D. Reny of Lincoln County.

Reading of the Journal of Monday, March 25, 2024.

Medical Provider of the Day, Diane Zavotsky, MD of Embden.

Senator **MOORE** of Washington requested and received leave of the Senate that members and staff be allowed to remove their jackets for the remainder of this Legislative Day.

PAPERS FROM THE HOUSE

House Paper

Resolve, Authorizing the Commissioner of Administrative and Financial Services to Convey by Sale the Interests of the State in 3 Properties Located in Biddeford, Sanford and York H.P. 1464 L.D. 2277

Comes from the House, **REFERRED** to the Joint Select Committee on **HOUSING** and ordered printed.

On motion by Senator **PIERCE** of Cumberland, **REFERRED** to the Joint Select Committee on **HOUSING** and ordered printed, in concurrence.

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

ORDERS

Joint Orders

Expressions of Legislative Sentiment recognizing:

William Shane, of Cumberland, on his retirement after 21 years of service as Town Manager of Cumberland. A graduate of the University of Maine at Orono with a degree in civil engineering, Mr. Shane began his career with the town in March 2003 after having held municipal positions in Wiscasset and Yarmouth for 17 years. He was named Citizen of the Year by the Cumberland-North Yarmouth Lions Club. He is also the founder and leader of the Cumberland Community Food Pantry alongside his wife, Linda. We extend our congratulations and best wishes; SLS 1684

Sponsored by Senator **PIERCE** of Cumberland.
Cosponsored by Representative: **MORIARTY** of Cumberland.

The Joint Order was **READ**.

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

Senator **PIERCE:** Thank you, Mr. President, Men and Women of the Senate. I rise today to honor and recognize Bill Shane for his service to the State of Maine and the Town of Cumberland, and to celebrate his upcoming retirement. Bill has held multiple municipal positions across Maine and served each town with professionalism and a true sense of class. For over the past 20

years, he has led Cumberland with kindness, efficiency, and a true passion for service. Over the course of time as Town Manager, he has helped bolster the town's economic development, preserved miles of trails and acres of green space, and made Cumberland a great place to call home. Another major success of Bill's tenure is the creation and successful operation of the Cumberland Community Food Pantry, based in Cumberland, and serving neighboring towns. Bill and his wife, Linda, saw a great need to ensure that their neighbors were fed and indeed happy. And as we all know, there's no better way to do this than to provide food and services to people from across the state. The pantry serves a variety of nourishing foods, it produces breads, pastries, and people come and shop and enjoy. It's truly a wonderful experience. It is a true community operation, they are a great team, and with folks in a position to donate doing some every week, which ensures the longevity of this critical service. This is just one of the testaments to Bill's dedication to his constituents in his towns. You've heard numerous things in the sentiment that was just read. I wish him the best of luck in his retirement. I hope he finds time to enjoy the many things that he enjoys to do, including golf and time with his family. The Town of Cumberland will surely miss his expertise and his professionalism. It's been an honor to represent Cumberland and work with him on a number of issues. I thank him for his years of service and congratulate him in his well earned retirement. Thank you, Mr. President.

The Joint Order was PASSED.

Sent down for concurrence.

THE PRESIDENT: The Chair is pleased to recognize in the rear of the chamber Bill Shane, Linda Shane, Dan Small, Chip Ramsey, Jen Doten, Brenda Moore, Chris Bolduc, Whitney Miller, and Pete Bingham of the town of Cumberland. They are the guests today of the Senator from Cumberland, Senator Pierce. Would the guests please rise and accept the greetings of the Maine Senate.

The Mt. Blue High School Boys Ski Team, of Farmington, which won the Class A State Nordic Skiing Championship. We extend our congratulations and best wishes;
SLS 1686

Sponsored by Senator BLACK of Franklin.
Cosponsored by Representative: LANDRY of Farmington.

The Mt. Blue High School Girls Ski Team, of Farmington, which won the Class A State Nordic Skiing Championship. We extend our congratulations and best wishes;
SLS 1687

Sponsored by Senator BLACK of Franklin.
Cosponsored by Representative: LANDRY of Farmington.

Henri McCourt, of Farmington, a member of the Mt. Blue High School boys ski team, who won the Class A Boys Classical Pursuit Individual Championship. We extend our congratulations and best wishes;

SLS 1688

Sponsored by Senator BLACK of Franklin.
Cosponsored by Representative: LANDRY of Farmington.

Nora McCourt, of Farmington, a member of the Mt. Blue High School girls ski team, who won the Class A Girls Classical Pursuit Individual Championship. We extend our congratulations and best wishes;
SLS 1689

Sponsored by Senator BLACK of Franklin.
Cosponsored by Representative: LANDRY of Farmington.

The Joint Orders were **READ**.

THE PRESIDENT: The Chair recognizes the Senator from Franklin, Senator Black.

Senator **BLACK:** Thank you, Mr. President. Good morning, Ladies and Gentlemen of the Senate. When it comes to the age-old advice of making sure you act like you've been there before, I don't think there's much to worry about when it comes to this pair of squads in the Chamber before us today. Another year, another set of Class A titles for Mt. Blue, read the headline on the Central Maine.com back in February. Both the boys and girls ski team -- ski squads brought home the gold this past season, making it the fourth straight title for the girls, third straight for the boys, as well as eight out of the last nine seasons. I don't think it's possible to overstate what a testament this is to their culture of excellence and team cohesiveness. To have just one of your squads consistently stick together? top-shelf seasons, let alone both for so long, marks an era that will forever stand out in the annals of your school's history. When taking time to read about these teams and their accomplishments, it truly struck me that as well as some of the reflections shared by Coach Emily Held, who emphasized that despite their unparalleled run of success, they make it a point not to take it upon themselves too seriously and they remember that they're there to support each other and have fun. I commend her for that, and Coach Shelly Joyce, who is also here today, for helping to set the tone in that manner, as well as the students on the team for being receptive to that sentiment and helping to reinforce it. They also won the sportsman award this year, too. I would also like to share -- close by taking a minute to recognize an outstanding individual's efforts by a pair of twins who clearly were born to do this. Nora McCourt managed to capture the Class A Girls Classical Pursuit title with a combined time of 31.39, while twin brother, Henri McCourt, captured the Boys Pursuit title with a combined time of 27.20. That is a remarkable amount of talent in one family. Job well done to both of you. Thank you all for being here today and congratulations once again on adding to the rich and growing athletic tradition at Mt. Blue High School. Thank you.

The Joint Orders were **PASSED**.

Sent down for concurrence.

THE PRESIDENT: The Chair would like to recognize in the rear of the chamber the Mt. Blue High School Boys Ski Team, of the town of Farmington, who are the Class A State Nordic Skiing

Championship. Would they please rise and accept the greetings and congratulations of the Maine State Senate. Not to be outdone, the Chair would like to also recognize in the rear of the chamber, the Girls Ski Team, of Farmington— the Mt. Blue Girls Ski Team – who won the Class A State Nordic Championship. Would they please rise and accept the greetings and congratulations of the Maine Senate. And the Chair would like to recognize in the rear of the chamber, Henri McCourt and Nora McCourt, of Farmington. Henri was the boys ski team Classical Pursuit champion, and Nora was the girls Classical Pursuit champion. Would they both please rise and accept the congratulations of the Maine Senate.

Sallie Brown Chandler, of Lebanon, for the achievement of being the first African-American woman ever to be elected to public office in the State of Maine. Mrs. Chandler also served as the first female dispatcher of the Bangor Fire Department. We extend our congratulations and best wishes;
SLS 1683

Sponsored by Senator DUSON of Cumberland.
Cosponsored by Senator: HARRINGTON of York,
Representative: ADAMS of Lebanon.

The Joint Order was **READ**.

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

Senator **DUSON:** Thank you, Mr. President. It's my great honor to have the opportunity to invite Ms. Chandler to the Chamber. I think she is known to many folks over the years. She is an outstanding public servant in the county of York. I do have comments about Ms. Chandler for our Women's History Month celebration. Would you like me to proceed now or go to -- wait and do it during announcements?

THE PRESIDENT: I would say now is fine.

Senator **DUSON:** Thank you, sir. Oh, you said now.

THE PRESIDENT: Or later, whenever you want to do it.

Senator **DUSON:** I appreciate the opportunity to take this item out of order. Ms. Chandler is here, and I did check in with her about requesting that it be out of order. She has been such an active public servant - she's actually enjoying sitting through our descriptions, which is a -- it's an illness, but that's okay. Mr. President, Fellow Colleagues of the Senate, today it's my turn to offer a profile of a Maine leader for Women's History Month. With us in the Chamber today is a community leader, a role model, a she-ro; Ms. Sallie Chandler of Lebanon, Maine. In 1998, when I was sworn into office as a member of the Portland school committee, many believed that I was the first black woman to hold elected office in Maine. I humbly knew better. Soon after I arrived in Maine, I had the opportunity to get to know Mrs. Chandler and her husband, Arnie Chandler. Today, it is my honor to train a spotlight on Mrs. Chandler, who in 1996, two years prior to my election, began her service in public office as the elected clerk for the town of Lebanon, Maine. As noted by the Senator from York in our conversations about this upcoming recognition, Sallie is a person to know in York County. Originally from

Queens, New York, Sallie Chandler has lived and worked in Maine since 1970. In her more than half a century as a Mainer, Ms. Chandler has accomplished much. She has advised and inspired countless Maine youth, Maine workers, and Maine political leaders, and she has been the recipient of many awards. With her permission, I will refer to Ms. Chandler by her first name, as I share with you highlights on what Sallie has been up to over the years. Sallie, who turned a spry 78 years young this year, I believe, began her Maine journey when she moved from Queens, New York, to Bangor in 1970. In Bangor, Sallie cared for patients as a psychiatric aide at what is now the Dorothea Dix Center, and she worked as the first woman dispatcher for the Bangor Fire Department. It was in Bangor that she became involved with the NAACP, and she was the first woman elected to serve as president of the NAACP Bangor Chapter. Later moving from Bangor to North Berwick, she opened a knitting company that employed 18 people. It was after a flood washed out that business that Sallie and Arnie moved to Lebanon, Maine. In Lebanon, Sallie became a real estate broker, went back to school to earn a paralegal diploma, and later began teaching real estate law. Today, Sallie Chandler remains a key influencer to know in the town of Lebanon. She has been CEO of the family logging business, owner/operator of a pavement marketing firm, and in 1996, after applying for a position as an excise tax collector, only to see that job filled, Sallie accepted a position filling the unexpired term of the Lebanon town clerk. Later that year, she ran for and was officially elected town clerk, the first black woman to serve in elected office in Maine. Keeping up her habit of public service and breaking barriers, Sallie was later elected York County Commissioner and went on to serve as Chair of the County Commission. She was appointed to the Maine Human Rights Commission by Governor Baldacci. At the Maine Human Rights Commission, I had a front row seat to observe and learn from Sallie's leadership when I served as Director of Compliance for the commission while Sallie served as Commissioner. Sallie's service resume includes President of the Board of Directors of the Coastal County's Workforce Board, an elected state committee member of the Maine Democratic Party, the Vice President of the Portland branch of the NAACP, and through all these public activities, Sallie has been an exemplary businesswoman, an entrepreneur, and most recently serving as Chief Executive Officer of Chandler's Septic Service. As our state's first black woman State Senator, it is an honor to stand in this space to acknowledge the extraordinary legacy of Sallie Chandler and offer some of the accolades that she's so richly deserved. In honor of the Maine women that we have highlighted this month, let's all strive to build a Maine where every voice is heard, and every individual is treated with dignity and respect. And never forget the work of trailblazers like Sallie, who continue to inspire my service every time I walk into this Chamber. Thank you for this opportunity to share highlights of a lifetime of firsts achieved and still being achieved by my friend and mentor, Sallie Chandler, of Lebanon, Maine.

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

Senator **LAWRENCE:** Thank you, Mr. President, and it is indeed an honor to get up and recognize Sallie. I was trying to think as we came to the Chamber how long I've known Sallie, and I cannot remember. It's probably at least 40 years. She would know. And she has been a mentor of mine, a -- someone who

has given me great support, both personal and political and other types of support through my life. She is a wonderful person, and I'm very proud to see her get this honor today. Thank you.

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

Senator **HARRINGTON:** Thank you, Mr. President. I just wanted to thank the Good Senator from Portland for bringing this to me. When she approached me about this, I found it only fitting, given the symbolism, that she be the one who present this sentiment, so I appreciate her bringing it to me, but also, very much appreciate the symbolism and her bringing this forward. I won't reiterate all of the impressive career resume but rather would just rather say thank you for your years of service to York County. I know when I first ran in 2014, as I think we all do, there's certain people that come to you and say you have to know this person, you have to know that person. Sallie was definitely one of the only Democrats that many Republicans said you better know who she is. So, thank you for your years of service to the people of York County, Maine.

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

Senator **BAILEY:** Thank you, Mr. President. I just wanted to rise and echo what my fellow Senators from York have already said and share with you I know when I first was elected York County Probate Court judge and I was learning how to navigate county politics, the refrain I kept hearing when I asked questions was talk to Sallie, talk to Sallie, and I'm like who is this Sallie person? And then I finally did get to meet her and know her, and she definitely was the person to talk to in York County. So, thank you, Sallie.

The Joint Order was **PASSED**.

Sent down for concurrence.

THE PRESIDENT: The Chair is pleased to recognize in the rear of the chamber Sallie Brown Chandler with her husband Arnold Chandler of the town of Lebanon. They are the guests today of the Senator from Cumberland, Senator Duson and the Senator from York, Senator Harrington. Would the guest please rise and accept the greetings of the Maine Senate.

Joint Resolutions

Joint Resolutions in Memoriam:

WHEREAS, the Legislature has learned with deep regret of the death of:

Martha Farrington Huotari Mayo, of Bath. Mrs. Mayo taught at Morse High School in Bath, where she taught English and also directed the variety show Mohiba and coached the swim team. She later filled in as an elementary school music teacher, taught weekly music classes at West Bath Elementary School, taught English for a year at Bath Junior High School and tutored homebound students. In 1975, she led carols for and then took over the Sing! It's Christmas event. She worked for Bath Iron

Works in the Workers' Compensation Department, where she became a certified rehabilitation counselor. She retired from Bath Iron Works in 1995 and then went to work for the Workers' Compensation Coordinating Council as executive director until 2010, when she retired again. In 1997, she and friends started the Hot Chocolate Jubilee, a community variety show that took place biannually at the Chocolate Church. Over the years, Mrs. Mayo was involved in countless organizations within her community. She served on the board and was president of Sagadahoc Preservation Inc., Maine Historic Preservation and Elmhurst, Inc. She was part of the committee that formed Main Street Bath and subsequently served as a board member and secretary. She also served as a board member and recording secretary of The Children's Schoolhouse. She was proud to be one of the first two female Chalice Bearers at Grace Episcopal Church, started a youth choir there before her daughters were born, served on the Vestry and sang tenor in the choir for decades. With Sagadahoc Preservation Inc., she enjoyed visiting fourth grade classes to teach about local architecture. She organized many events in and for Downtown Bath, including strolling carolers and the Paul Revere Bell Ringing, an event for which she rewrote the lyrics to "Auld Lang Syne" to tell the history of that special bell at City Hall. She chaired the Squirrel Island Association and was a member of the Board of Overseers. She was very devoted to the Squirrel Island Historical Society and chaired it twice. She was secretary of the Squirrel Island Chapel Association for several years, later served as the Music Director and sang in the choir. Mrs. Mayo will be long remembered and sadly missed by her family and friends and all those whose lives she touched;
SLS 1685

Sponsored by Senator VITELLI of Sagadahoc.
Cosponsored by Representatives: SHAGOURY of Hallowell,
SINCLAIR of Bath.

The Joint Resolution was **READ**.

THE PRESIDENT: The Chair recognizes the Senator from Sagadahoc, Senator Vitelli.

Senator **VITELLI:** Thank you, Mr. President. I rise to honor the memory of Martha Farrington Huotari Mayo, who passed away this February. For decades, Martha was part of the very fabric of our community. In so many ways, as you've heard, she helped weave us together. Martha was everywhere. And although Bath would become her home, Martha was proud to be a fifth-generation resident of Augusta, where she graduated from Cony High School in 1960, and enthusiastically participated in the Chizzle Wizzle, Cony's variety show, which continues to this day, I'm told, and which later inspired other theatrical endeavors. At the age of 21, Martha began teaching at Morse High School. Her classes focused on grammar, she taught poetry through folk music, and directed the variety show Mohiba, which continues, and also coached the swim team. After Martha had her two daughters, Kirsti and Mari, who are here with us today, she left Morse, filling in as an elementary school teacher, teaching weekly music classes at West Bath Elementary School, spent a year teaching English at Bath Junior High School, and tutored homebound students. Martha gave of herself and brought people together to the benefit of us all. I first got to know Martha personally while sitting in the living room of her gingerbread

house on Green Street in Bath. I was there to help her husband, the Honorable Art Mayo, in his bid for the Senate, the same seat that I now hold. Art had recently changed party affiliations and I, as the county chair, was more than happy to welcome him and assist him in his campaign to become our Senator. Art shared Martha's passion for his community and served the public not only in the Legislature where he served four years in the House and in the Senate, but also on several boards, including the Plant Home. And in spite of a row that caused Art to change his party affiliation, he was determined to continue serving his district. And while Art did not win that election, the community was grateful for his leadership and having created while he was in the Legislature the Midcoast Higher Ed Center, which utilized the old hospital in Bath, and continues to be a resource to our community today. But Martha, as I learned that day and subsequently on other visits, was even more determined on behalf of her husband and she was a fierce defender of his reputation and of his abilities. Her loyalties were never in doubt. Later, I was fortunate to experience Martha's other talents as a music director, choreographer, and event organizer. For many years, as you've heard, Martha was a key mover behind Bath's largest variety show, the Hot Chocolate Jubilee at the Chocolate Church Center. Music was very important to Martha, and she was driven to share her love of music with others, even those of us with little in the way of musical talent. The tambourine line was a regular feature of the show and was an opportunity for local celebrities to show off. After my own election to the Senate, I qualified to be part of this cast. That was perhaps my only qualification. But I figured playing a tambourine was about my speed, musically speaking. I showed up at Martha's house, once I agreed to be part of this act, and was handed my tambourine and a detailed script that accompanied the songs we would be playing along with. Martha then demonstrated the different methods of playing this instrument. Who knew? Along with the steps that we would do as part of the tambo line. I was advised to go home and practice. Oh, and there was a costume to assemble as well. The night of the performance, the local celebrities - council members, legislators, teachers, etcetera - gathered in the basement of the Chocolate Church, and Martha led us through our final dress rehearsal. Some of us could've used a little more practice. But in the end, we pulled it off, and really, what fun we had. All thanks to the vision, energy, and passion of our director, Martha Mayo. Martha's love for and her gifts to her community, her extended family, to all those whose lives she touched over so many years will reverberate into the future. We are so fortunate to have had Martha among us. Please join me in extending our gratitude for Martha's life and our deepest sympathy for the loss to her family members who are here with us today. Thank you, Mr. President.

The Joint Resolution was **ADOPTED**.

Sent down for concurrence.

THE PRESIDENT: The Chair is pleased to recognize in the rear of the chamber Kristi and Mari with Mari's sons, Gavin and Alden of the town of Bath. They are the guests today of the Senator from Sagadahoc, Senator Vitelli. Would the guests please rise and accept the condolences of the Maine Senate.

REPORTS OF COMMITTEES

House

Ought to Pass Pursuant to Joint Order

The Committee on **INLAND FISHERIES AND WILDLIFE** on Bill "An Act to Increase Funding for the Snowmobile Trail Fund and the ATV Recreational Management Fund" H.P. 1463 L.D. 2276

Reported that the same **Ought to Pass**, pursuant to Joint Order 2023, H.P. 1438.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED**.

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

Under suspension of the Rules, **READ TWICE** and **PASSED TO BE ENGROSSED**, in concurrence.

Ought to Pass As Amended

The Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** on Bill "An Act to Provide Emergency One-time Relief from the Wild Blueberry Tax for Growers in Maine" (EMERGENCY) H.P. 1447 L.D. 2256

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-845)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-845)**.

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

Bill **READ ONCE**.

Committee Amendment "A" (H-845) **READ** and **ADOPTED**, in concurrence.

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

The Joint Select Committee on **HOUSING** on Bill "An Act to Improve the Housing Voucher System" H.P. 1382 L.D. 2158

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-850)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-850)**.

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

Bill **READ ONCE**.

Committee Amendment "A" (H-850) **READ** and **ADOPTED**, in concurrence.

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

The Committee on **INLAND FISHERIES AND WILDLIFE** on Bill "An Act to Provide a Free Antlerless Deer Permit to Certain Landowners Who Allow the Public to Hunt on Their Property" H.P. 391 L.D. 614

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-851)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-851)**.

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

Bill **READ ONCE**.

Committee Amendment "A" (H-851) **READ** and **ADOPTED**, in concurrence.

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

The Committee on **INLAND FISHERIES AND WILDLIFE** on Bill "An Act to Increase Funding for the Prevention and Control of Invasive Aquatic Species" H.P. 856 L.D. 1342

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-849)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-849)**.

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

Bill **READ ONCE**.

Committee Amendment "A" (H-849) **READ** and **ADOPTED**, in concurrence.

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

Divided Report

The Majority of the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** on Bill "An Act to Establish a Minimum Value Threshold for the Class C Crime of Theft by a Repeat Offender" H.P. 1442 L.D. 2246

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-846)**.

Signed:

Senator:
BEEBE-CENTER of Knox

Representatives:
SALISBURY of Westbrook
HASENFUS of Readfield
LAJOIE of Lewiston
MATHIESON of Kittery
MILLIKEN of Blue Hill

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

Signed:

Senator:
HARRINGTON of York

Representatives:
ARDELL of Monticello
NEWMAN of Belgrade
NUTTING of Oakland
PERKINS of Dover-Foxcroft

Comes from the House with the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-846)** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-846)**.

Reports **READ**.

Senator BEEBE-CENTER of Knox moved the Senate **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report, in concurrence.

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

On motion by Senator HARRINGTON of York, **TABLED** until Later in Today's Session, pending the motion by Senator BEEBE-CENTER of Knox to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report, in concurrence. (Roll Call Ordered)

Divided Report

The Majority of the Committee on **ENERGY, UTILITIES AND TECHNOLOGY** on Bill "An Act to Clarify the Right to Appeal Certain Public Utilities Commission Decisions"
H.P. 1356 L.D. 2132

Reported that the same **Ought Not to Pass**.

Signed:

Senators:

GROHOSKI of Hancock
HARRINGTON of York

Representatives:

BABIN of Fort Fairfield
BOYLE of Gorham
DUNPHY of Embden
FOSTER of Dexter
GEIGER of Rockland
KESSLER of South Portland
PAUL of Winterport
RUNTE of York

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (H-847)**.

Signed:

Senator:

LAWRENCE of York

Representatives:

ZEIGLER of Montville
WARREN of Scarborough

Comes from the House with the Majority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED**.

Reports **READ**.

Senator **LAWRENCE** of York moved the Senate **ACCEPT** the Minority **OUGHT TO PASS AS AMENDED** Report, in **NON-CONCURRENCE**.

On motion by Senator **STEWART** of Aroostook, 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 Penobscot, Senator **BALDACCI**, and further excused the same Senator from today's Roll Call votes.

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

Senator **HARRINGTON:** Thank you, Mr. President. I mean, I think we learned from the -- I won't question the motives of the Other Body, but it was overwhelmingly defeated in that Chamber due to obvious reasons. This bill is completely unneeded, the PUC testified against it for good reason, and I would urge you to vote against this motion. Thank you.

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

Senator **LAWRENCE:** Thank you, Mr. President. This bill, this amendment, if it was passed, would simplify the process for consumers trying to appeal things through the PUC process. It will save them legal expenses, it will get issues resolved more quickly of questions of law, and I would encourage you to support the Minority Report.

THE PRESIDENT: The Chair recognizes the Senator from Hancock, Senator Grohoski.

Senator **GROHOSKI:** Thank you, Mr. President. I would just like to take this opportunity, as I think is becoming a habit for me, to make another public service announcement, and that is if you have constituents that are in dispute with the utilities, they're having questions about their bills, maybe their electricity got shut off when it shouldn't've been, any of these sort of problems - could even be interconnections with solar panels on their roofs - please, please, please send them to the PUC's Consumer Assistance and Safety Division. It has an S in it, but we call it CAD - I don't know why. They are incredibly helpful. I hope that you all have had positive experiences sending constituents there. I know I have. There have been issues lingering for months that once somebody called the PUC, their very diligent staff was able to work them out. And so, basically, I think the current way that the Consumer Assistance and Safety Division works is incredibly effective for our constituents. It is very constituent-focused, and our constituents have an advantage in this process because they're not up against the lawyers that the utilities can hire when they make their case, they're just working with another human being who's given their career to consumer assistance to solve a problem. And I think they generally get a really great outcome, and I worry that with some of the mechanisms in this bill, they could end up in a situation where they are greatly disadvantaged. There are parts of the bill that I think would help the process, but unfortunately, there are other aspects of this bill that I think will be very detrimental. There's a reason that it has such a large fiscal note, and that is because the Consumer Assistance and Safety Division, when they have to go through a more formal process, is going to need more staff and more lawyers to basically support the regular people we represent against the utilities who have endless amounts of money to spend on lawyers. So, I am not in support of the pending motion, and I hope you will consider my comments, and send your constituents to the PUC for help, they really will help.

THE PRESIDENT: The pending question before the Senate is Acceptance of the Minority Ought to Pass as Amended Report. A roll call has been ordered. Is the Senate ready for the question?

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#621)

YEAS: Senators: BAILEY, BEEBE-CENTER, BRENNER,
CARNEY, CHIPMAN, DAUGHTRY,
DUSON, LAFOUNTAIN, LAWRENCE,
NANGLE, RAFFERTY, VITELLI,
PRESIDENT JACKSON

NAYS: Senators: BENNETT, BLACK, BRAKEY, CURRY,
FARRIN, GROHOSKI, GUERIN,
HARRINGTON, HICKMAN, INGWERSEN,
KEIM, LIBBY, LYFORD, MOORE,
PIERCE, POULIOT, RENY, ROTUNDO,
STEWART, TIMBERLAKE, TIPPING

EXCUSED: Senator: BALDACCI

13 Senators having voted in the affirmative and 21 Senators having voted in the negative, with 1 Senator being excused, the motion by Senator **LAWRENCE** of York to **ACCEPT** the Minority **OUGHT TO PASS AS AMENDED** Report, in **NON-CONCURRENCE, FAILED**.

The Majority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED**, in concurrence.

Senate at Ease.

The Senate was called to order by the President.

Divided Report

The Majority of the Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act to Establish the Wabanaki Veterans Memorial"
H.P. 1430 L.D. 2228

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-848)**.

Signed:

Senators:
NANGLE of Cumberland
BALDACCI of Penobscot

Representatives:
STOVER of Boothbay
ABDI of Lewiston
COPELAND of Saco
DHALAC of South Portland
GREENWOOD of Wales
POMERLEAU of Standish

RISEMAN of Harrison
SINCLAIR of Bath

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

Signed:

Senator:
LYFORD of Penobscot

Representatives:
ADAMS of Lebanon
UNDERWOOD of Presque Isle

Comes from the House with the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-848)** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-848)**.

Reports **READ**.

On motion by Senator **VITELLI** of Sagadahoc, **TABLED** until Later in Today's Session, pending **ACCEPTANCE OF EITHER REPORT**.

Divided Report

The Majority of the Committee on **TAXATION** on Bill "An Act to Remove the Exemption from Sales and Use Tax for Automobiles Purchased for Use as Rentals"
H.P. 1409 L.D. 2198

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-844)**.

Signed:

Senator:
CHIPMAN of Cumberland

Representatives:
PERRY of Bangor
CROCKETT of Portland
HASENFUS of Readfield
MATLACK of St. George
RANA of Bangor

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

Signed:

Senator:
LIBBY of Cumberland

Representatives:

CARMICHAEL of Greenbush
LIBBY of Auburn
RUDNICKI of Fairfield

Comes from the House with the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-844)** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-844)**.

Reports **READ**.

On motion by Senator **GROHOSKI** of Hancock, the Minority **OUGHT NOT TO PASS** Report **ACCEPTED**, in **NON-CONCURRENCE**.

Sent down for concurrence.

Senate

Ought to Pass As Amended

Senator LAWRENCE for the Committee on **ENERGY, UTILITIES AND TECHNOLOGY** on Bill "An Act to Clarify Permissible Election and Lobbying Expenditures by Consumer-owned Water Utilities" (EMERGENCY)
S.P. 972 L.D. 2254

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-610)**.

Report **READ** and **ACCEPTED**.

Bill **READ ONCE**.

Committee Amendment "A" (S-610) **READ** and **ADOPTED**.

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

Sent down for concurrence.

Senator BALDACCI for the Committee on **HEALTH AND HUMAN SERVICES** on Resolve, to Establish a Pilot Project to Alleviate the Staffing Crisis in the Child Protective Services System (EMERGENCY)
S.P. 890 L.D. 2097

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-609)**.

Report **READ** and **ACCEPTED**.

Resolve **READ ONCE**.

Committee Amendment "A" (S-609) **READ** and **ADOPTED**.

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

Sent down for concurrence.

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

ENACTORS

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

Emergency Measure

An Act to Establish Municipal Cost Components for Unorganized Territory Services to Be Rendered in Fiscal Year 2024-25
H.P. 1414 L.D. 2207
(C "A" H-833)

This being an Emergency Measure and having received the affirmative vote of 34 Members of the Senate, with no Senators having voted in the negative, and 34 being more than two-thirds of the entire elected Membership of the Senate, was **PASSED TO BE ENACTED** and, having been signed by the President, was presented by the Secretary to the Governor for approval.

Emergency Measure

An Act Related to Airboats and Airboat Noise Limits
H.P. 1461 L.D. 2272

This being an Emergency Measure and having received the affirmative vote of 33 Members of the Senate, with 1 Senator having voted in the negative, and 33 being more than two-thirds of the entire elected Membership of the Senate, was **PASSED TO BE ENACTED** and, having been signed by the President, was presented by the Secretary to the Governor for approval.

Acts

An Act to Incentivize Accurate Recyclability Labeling on Packaging Material
H.P. 193 L.D. 295
(C "A" H-825)

An Act to Reduce Rental Housing Costs by Limiting Additional Fees at or Prior to the Commencement of Tenancy
H.P. 945 L.D. 1490
(H "A" H-838 to C "A" H-831)

An Act to Create a Liaison Program and Complaint Process Within the Bureau of Insurance for Independent Health Care Providers
H.P. 953 L.D. 1498
(C "A" H-823)

An Act to Continue the Study of Community Paramedicine and to Make Changes Related to Health Insurance Coverage and Prior Authorization Requirements for Certain Ambulance Service Providers
H.P. 1164 L.D. 1832
(C "A" H-826)

An Act to Amend the State's Data Governance Program
H.P. 1252 L.D. 1948
(C "A" H-830)

An Act to Amend the Laws Governing Optometrists
H.P. 1258 L.D. 1956
(C "A" H-799; H "A" H-836)

An Act to Amend the Content of Notices Provided with Respect to Tax Liens on Certain Property
H.P. 1310 L.D. 2048
(C "A" H-832)

An Act to Amend Maine's Charitable Organization Gaming Laws
S.P. 901 L.D. 2108
(C "A" S-582)

An Act to Amend the Laws Regarding Sports Wagering Licensing
S.P. 913 L.D. 2117
(C "A" S-583)

An Act Relating to Delegation of Nursing Activities and Tasks to Unlicensed Assistive Personnel by Registered Professional Nurses
H.P. 1350 L.D. 2126
(C "A" H-827)

PASSED TO BE ENACTED and, having been signed by the President, were presented by the Secretary to the Governor for approval.

An Act to Establish a Pilot Program at a Community-based Organization to Provide a Transitional Living Program for Individuals Recently Released from Correctional Facilities
H.P. 969 L.D. 1514
(C "A" H-824)

On motion by Senator **ROTUNDO** of Androscoggin, placed on the **SPECIAL APPROPRIATIONS TABLE** pending **ENACTMENT**, in concurrence.

An Act to Provide Property Tax Relief by Increasing the Availability of the Property Tax Fairness Credit for Resident Individuals Who Are 65 Years of Age or Older with Annual Income at or Below \$36,000
H.P. 1368 L.D. 2144
(C "A" H-839)

On motion by Senator **ROTUNDO** of Androscoggin, placed on the **SPECIAL APPROPRIATIONS TABLE** pending **ENACTMENT**, in concurrence.

Resolve

Resolve, to Establish the Commission to Evaluate the Requirements for Licensing of Social Workers
H.P. 1273 L.D. 1990
(C "A" H-822)

On motion by Senator **DAUGHTRY** of Cumberland, placed on the **SPECIAL STUDY TABLE** pending **FINAL PASSAGE**, in concurrence.

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 (3/14/24) matter:

HOUSE REPORTS - from the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** on Bill "An Act to Continue Allowing the Department of Corrections to Accept Placement of Certain Defendants Found Incompetent to Stand Trial" (EMERGENCY)
H.P. 1308 L.D. 2046

Majority - **Ought to Pass** (8 members)

Minority - **Ought to Pass as Amended by Committee Amendment "A" (H-817)** (5 members)

Tabled - March 14, 2024 by Senator **BEEBE-CENTER** of Knox

Pending - **ACCEPTANCE OF EITHER REPORT**

(In House, March 13, 2024, the Majority **OUGHT TO PASS** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED**.)

(In Senate, March 14, 2024, Reports **READ**.)

On motion by Senator **BEEBE-CENTER** of Knox, the Minority **OUGHT TO PASS AS AMENDED** Report **ACCEPTED**, in **NON-CONCURRENCE**.

THE PRESIDENT: The Chair recognizes the Senator from Knox, Senator Beebe-Center.

Senator **BEEBE-CENTER:** Thank you, Mr. President, Ladies and Gentlemen of the Senate. Last session, the Legislature passed a law temporarily allowing people who have not been found guilty of a crime but who have been found incompetent to stand trial to be sent to the Intensive Mental Health Unit at the Maine State Prison. That law is set to expire on July 1st of this year. The motion before you would extend that sunset clause until 2027, and I urge you to support it. Both the Department of Health and Human Services and the Department of Corrections work hard to ensure that people who need mental health care receive it. Riverview has hardworking and caring staff who attend to patients with serious psychiatric illnesses. The same is true of the Intensive Mental Health Unit at the Maine State Prison. This is not about the staff or the care they provide, but about the constitutional principles at stake. One of the bedrock foundations of our system of laws in the United States is that a person is presumed innocent until and unless they are proven guilty. This means that a person cannot be punished and sent to prison until and unless, following the requirements of due process of law, they have been convicted of a crime. I believe two things. First, Riverview does not currently have the capacity to handle certain people who are volatile and who a court has found are not mentally competent to stand trial. Second, it is our responsibility as legislators and the oath we swore to uphold the Constitution. How do we balance these considerations given these two truths? I believe that the report before you best balances our obligations to all parties involved. Patients and staff at Riverview, the Departments of Health and Human Services and Corrections, and people who are in danger of being sent to prison despite never having had their day in court, it will put together a small group of stakeholders to study how to bring Riverview or another non-correctional facility up to a standard where it can handle even the most difficult patients. This group will have three years, until 2027, to come back to the Legislature with a solution. Until then, nothing changes, the Department will still be able to send certain patients to Maine State Prison. This path allows us to acknowledge that at the moment, the Intensive Mental Health Unit may be the best place to send a very small number of people who are legally innocent and at the same time, we are not forever giving up on our constitutional obligations on the rights of people accused in Maine to be presumed innocent if they have not been convicted of a crime. I urge you to join me in this middle path forward.

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

Senator **BRAKEY:** Thank you, Mr. President. I just want to speak briefly some historical context around this, and I actually am pleased to rise in agreement with my colleague, Senator Beebe-Center, who I think that actually I think raises some very important points about the larger constitutional principles that are involved in this question, along with both the questions around the immediate individuals involved. About half a decade ago, when I was chairing the Health and Human Services Committee, this

question was a -- it was a very -- it was a flashpoint, and there was a lot of debate. We had individuals at Riverview who were forensic patients who had committed very violent acts but were incompetent to stand trial and it was clear that we were -- everyone felt between a rock and a hard place. You leave them at Riverview, and they are not only creating disturbances, they're putting both staff and patients in physical danger on a daily basis. It was not facilitating an environment conducive to someone seeking mental health recovery to get the support that they need. Or you put them in facilities we already had established that could help these individuals, but they were in a prison and, of course, we have due process and principals involved with that before you -- we put people in prison. There was a third way, which was -- at the time, there was discussion about the creation of a separate forensic mental health facility just for these individuals, though of course that would've come at significant expense. I'm not sure what's happened in the half-decade since, but I haven't heard that on the table. But those were the three paths that we looked at back then. And when went down the road of putting folks in the prison, in the mental health units there, that it always seemed to be a stopgap measure on the road to trying to find a more permanent solution that would both respect the principles of our Constitution and have folks in an appropriate facility. I am uncomfortable with the idea of removing sunsets completely and just saying that this -- what was intended to be a stopgap measure will be the permanent solution going forward, I'm uncomfortable with that, but I am -- I do appreciate that their -- short of maintaining the status quo, there isn't a better solution right now, so extending that sunset to revisit this question in the future seems an appropriate course of action. So, I'm glad to support the underlying motion.

Bill **READ ONCE**.

Committee Amendment "A" (H-817) **READ**.

On motion by Senator **BEEBE-CENTER** of Knox, Senate Amendment "A" (S-597) to Committee Amendment "A" (H-817) **READ** and **ADOPTED**, in **NON-CONCURRENCE**.

Committee Amendment "A" (H-817) as Amended by Senate Amendment "A" (S-597) thereto, **ADOPTED**, in **NON-CONCURRENCE**.

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED COMMITTEE AMENDMENT "A" (H-817) AS AMENDED BY SENATE AMENDMENT "A" (S-597)** thereto, in **NON-CONCURRENCE**.

Sent down for concurrence.

The Chair laid before the Senate the following Tabled and Later Assigned (3/25/24) matter:

JOINT ORDER - to Amend the Joint Order Establishing the Joint Select Committee on Housing to Extend the Committee Through the End of the 131st Legislature
S.P. 992

Tabled - March 25, 2024 by Senator **STEWART** of Aroostook

Pending - **PASSAGE**

(In Senate, March 25, 2024, **READ.**)

The Joint Order was **PASSED**.

Sent down for concurrence.

The Chair laid before the Senate the following Tabled and Later Assigned (3/25/24) matter:

SENATE REPORTS - from the Committee on **TAXATION** on Bill "An Act to Clarify the Property Tax Exemption for Air Pollution Control Facilities" (EMERGENCY)
S.P. 855 L.D. 2027

Majority - **Ought to Pass as Amended by Committee Amendment "A" (S-602)** (10 members)

Minority - **Ought Not to Pass** (3 members)

Tabled - March 25, 2024 by Senator **GROHOSKI** of Hancock

Pending - **ACCEPTANCE OF EITHER REPORT**

(In Senate, March 25, 2024, Reports **READ.**)

Senator **GROHOSKI** of Hancock moved the Senate **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report.

On motion by Senator **STEWART** of Aroostook, 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 Lincoln, Senator Reny.

Senator **RENY:** Thank you, Mr. President. This is an interesting bill, and it very much affects only my town of Wiscasset. And I think it requires a little bit of history to fully understand what it is that you're voting on. So, it concerns air pollution control facilities tax exemptions. So, both air and water pollution control facilities tax exemptions were created with the purpose of encouraging industrial companies to install pollution control equipment to minimize pollution from their industrial processes. Think paper mills. So, Maine Yankee Atomic Power Company in Wiscasset has stored nuclear fuel and waste since the decommissioning and dismantlement of the nuclear power facility back in 1997. This storage consists of 64 really large stainless steel canisters. They're encased in 64, again, concrete casks. Maine Yankee is currently an ISFSI, that is an acronym which means an Independent Spent Fuel Storage Installation. Essentially, all they do is they store spent nuclear waste. I had the opportunity to tour the property, and it is an impressive operation. However, there are no industrial processes occurring at this facility. The purpose of Maine Yankee is purely the safe storage of dangerous materials until the federal government fulfills its responsibility to remove them. We are not impacting the air quality or level of pollution in Wiscasset and the surrounding areas by clarifying that Maine Yankee is not eligible for this tax exemption. So, some of

you may be wondering, as I was wondering back before I knew this much about Maine Yankee, how does Maine Yankee afford to operate as a storage facility that does not generate income? The answer is they are reimbursed by suing the federal government for reasonable costs of owning and operating the storage facility, including property taxes. Maine Yankee must try their best to take advantage of any tax breaks they can get, because if they don't, they put -- the federal government might not reimburse them for those costs. It's a very litigious process. So, last year, Maine Yankee applied for and has surprisingly been granted an air pollution control facility tax exemption through the Maine DEP. This was due to a lack of clarity in the statute. That is why I, along with my Republican colleague from across the hall who also represents Wiscasset, put in this bill. So, clarifying that this spent nuclear fuel storage facility does not qualify for a pollution control tax exemption does not harm Maine Yankee or the environment, but it would substantially harm the town of Wiscasset. The taxpayers in Wiscasset would be footing the bill that should be paid by Maine Yankee and the federal government. The ISFSI, Maine Yankee, it takes up a large parcel of waterfront property and has some important and costly needs. This property cannot be used for any other purpose while the nuclear waste remains onsite, and it is vital to everyone's safety that the town keeps the roads to Maine Yankee in excellent shape, with plowing and maintenance, plus there is the necessity of fire and police protection. Additionally, there's no other state in the country that exempts these facilities from property taxes as pollution control facilities. Maine Yankee's sister companies in Connecticut and Massachusetts pay their property taxes in full. The statute for air pollution control facility is outdated, it's too vague, and in fact, this tax exemption was created before Maine Yankee even opened its doors in 1972. It's a problem with a statute needing clarity and it's our job as legislators to fix it. I urge you to support this Ought to Pass motion. The town of Wiscasset really depends on it, as would any town. Thank you.

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

Senator **TIMBERLAKE:** Thank you, Mr. Chair, Ladies and Gentlemen of the Senate. Mr. President, we have a bill before us, LD 2027, that I'm having a hard time to understand it because I've done some research on it. This is, last I knew, that they're collecting \$619,000 a year from Maine Yankee right now, and if this bill was passed, it would increase that to a little over \$3 million a year. And we've got to remember that if we do that, that Maine Yankee, 50% of that is owned by the people of the State of Maine -- I mean, by CMP and Versant, which that price would be put into the PUC to be paid back by the ratepayers of the State of Maine. I understand that the DOE will pay back that over time, it may take five years, it may take ten years, 15 years - it's the federal government, and there is the word may in there that you always want to be leery of when you're dealing with the federal government. Mr. President, I'm very concerned about that we're going to be raising the rates of electricity on the ratepayers of Maine, and I'm not going to support something that does that. And Mr. President, I see before us that I'm wondering if another member could explain to me the emergency that Wiscasset is experiencing. Because Maine Yankee claims they paid their taxes to Wiscasset and they claim that this year, they paid more than -- more than \$619,000 to the town. Is Maine Yankee's claim false, Mr. President? Is that the emergency? Every city and town

in Maine faces tough choices about their budget, about property taxes. But Wiscasset is in an extraordinary position compared to most Maine municipalities. Wiscasset has more than \$11 million in their capital reserve account today -- 11 million in a town of 3,700 people. So, that's approximately about \$2,975 a person, and to put that in a little context here, if the State of Maine had a \$2,975 surplus per citizen in our rainy day fund, we'd be at \$4.1 billion. So, is the emergency, Mr. President, Wiscasset's surplus is not enough? Or is that we want to make the ratepayers of the State of Maine pay more? I can't support this bill. I don't see a reason. I've served on town councils, they're getting paid \$619,000 a year, they don't have any kids in school, they don't really have to supply much, I heard this morning, they got to put in a \$1.5 million culvert on the road that's going into there. The fact of the matter is, there is a hospital and another facility in there beyond that that every town in the State of Maine has to do this stuff, it's part of doing business, I think, they're already paying their fair share. We also learned this morning that the DEP has ruled that this qualifies for the pollution control measure and it's been turned. And we also learned that this is in court again right now, and I think we should set back and let the courts handle it and make a decision of whether what they're doing is right. Because if we make the wrong decision today, we are now putting this burden on the ratepayers of the State of Maine, and we already have enough people trying to pay their electric bills who can't, we hear it every day in this Chamber, and I can't support something that's going to raise the rate on the ratepayers of Maine. So, thank you, Mr. President, I'll be opposing the motion.

THE PRESIDENT: The Chair recognizes the Senator from Hancock, Senator Grohoski.

Senator **GROHOSKI:** Thank you, Mr. President. I don't think I have a PSA other than if you're waiting for the federal government to clean up nuclear waste, you might be waiting a long time. That's been the experience of the town of Wiscasset and everyone that lives near this facility and everyone that has to manage this facility. I have a really unique position in regards to this bill because I served both on the Energy Committee and on the Taxation Committee, and this bill is where both of those policy areas come together. And while I appreciate that some folks have tried to dig into the numbers, there's something that wasn't mentioned yet on this floor, and that is that Maine ratepayers have already paid into a trust fund that is currently \$131 million. Maine ratepayers have already spent money to make sure that the Maine Yankee facility can cover its ongoing costs until the federal government takes action as they're required to do. So, if you're worried about the ratepayers, I can tell you that you're not protecting anyone because the money is already in this trust fund. That money will be spent out of the trust fund if the federal government does not reimburse Maine Yankee for the property taxes paid. But as we've heard, they are doing that in other states. So, all you're doing if you vote against this bill is protecting a \$131 million trust fund. Meanwhile, our friends in Wiscasset are facing a huge budget deficit and the urgency is that they are in a budgeting process right now, like all the other communities in the State of Maine, and they want clarity. Is the State Legislature going to support them or are we going to leave it in the courts? I think it's really important that we clarify language in statute when we find that it is not up to the day, does not meet the day. What this bill does is it just specifies that emissions from

and particles of spent nuclear fuel are not air pollution, and they are not air pollution. As Representative Perry said in our committee, I love this, if these facilities were primarily there to prevent air pollution, there would probably be a very different type of facility built. There would be filters, scrubbers, not huge concrete casks. So, all we're doing is saying when we say air pollution, we're not talking about radiated particles, and therefore we're also saying the facilities that are built to contain radiation are not air pollution control facilities. I think that this bill, in my mind, hundred percent passes the straight-face test about what we mean when we say air pollution control facilities, and it's our job to fix statute when we find that is lacking. This statute was written in the '70s, as the Senator from - why am I blanking, Lincoln, my goodness - my seatmate said, the statute pre-dates Maine Yankee from being built. So, I think it would behoove us to support Wiscasset, which hosted a nuclear energy facility that benefited everybody in the State of Maine for the whole time it was operating by providing on-demand renewable energy, that we could do them a favor and say you know what, we're not going to leave you hanging out to dry, even though you were willing to host a nuclear energy facility in your community the entire time it operated and you're hosting the waste. So, I really hope that you will join me in supporting this motion because I think it protects ratepayers and it protects taxpayers, and that's a win-win in my book.

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

Senator **BENNETT:** Thank you, Mr. President, Fellow Members of the Senate. The Senator from Androscoggin used an interesting turn of phrase, he said that Wiscasset is in an enviable and unique position. And I agree with the Senator from Hancock, they are in a unique position, I wouldn't call it enviable. I mean, the -- just consider if you had a nuclear waste dump in the middle of your town. Do you think that would -- might impinge upon development and opportunities and the full opportunities that might exist? As mentioned, the Maine Yankee nuclear generating facility was decommissioned and dismantled in 1997. Since then, the company has stored its nuclear waste, and what this ISFSI - and this will be the case, this will remain the case - until the federal government decides to move the waste to the final storage. And I might say that the Maine Yankee storage facility is very huge, and it's expensive. It contains 64 giant transport containers encased in 64 17-foot concrete casks, standing in rows of earthquake-proof concrete pads. The facility is surrounded by a fence zone of more than 100 acres and is guarded around-the-clock. The components of this facility have been appraised at nearly \$100 million. Now, the town of Wiscasset is not without costs with maintaining and serving this storage facility. It requires regular road plowing and maintenance, continuous police and fire protection. Why should the people of Wiscasset cover the care and maintenance that this facility needs, especially when the federal government will pay for those costs? We don't know when the federal government will determine that these dangerous materials are ready for transport. But while it's stored in Wiscasset, the U.S. Department of Energy, in my view, must reimburse Maine Yankee for all reasonable costs incurred, which includes real estate taxes. And this isn't just my view, this is the precedent set everywhere else around the country. Last year, as you've heard, Maine Yankee -- it was just last year that Maine Yankee applied to the Maine Department of

Environmental Protection for a certification that the main components of this facility be exempted from the local real estate taxes as, as you've heard, a pollution control facility. Now, astoundingly, in my view, the DEP accepted the classification, but they did so under a law that was written in 1971, and it was just last year that removed \$93 million from Wiscasset's tax rolls. I agree with the Senator from Hancock, it should be absolutely clear that air pollution control equipment exemption was never, never intended to cover a facility like Maine Yankee. The language of the current statute was enacted right after the Clean Air Act was enacted in 1971, and this law was intended to encourage the installation of pollution control equipment in paper mills and other pollution emitters, not to cover nuclear safety issues. It's important to remember that the nuclear waste storage facilities that are maintained in Massachusetts and in Connecticut are taxed at their full assessable value, and because the facilities are reimbursed by the federal government for reasonable costs, these taxes in Massachusetts and Connecticut facilities are then reimbursed by the federal government. No state in the country exempts these facilities from real estate taxation and pollution control facilities. When Connecticut Yankee tried to do so, it was denied. I want to re-emphasize; this will have zero effect on electric rates. So, here's the situation. You have the Department of Energy leaving spent nuclear waste in a little town in Maine for God knows how long, and that any air pollution being caused by DOE's inaction should not be the burden on the taxpayers of Wiscasset. It makes no sense for us not to correct what I consider the misinterpretation of the law - and I don't blame the DEP. They're looking at the law, maybe it was a couple of commas were in the wrong space, maybe we need to fix the law, maybe that's what we're doing right now is fixing the law from this misinterpretation and the overextension of its purview to a situation for which it was never intended. It's thoroughly appropriate at this moment to fix this defect in the law that was passed in 1971, but it wasn't until last year that Maine Yankee applied for it and was granted this exemption. It's the right thing to do not only for Wiscasset, but for people across this state, and I encourage you to vote for the pending motion. Thank you, Mr. President.

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

Senator **STEWART:** Thank you, Mr. President, Ladies and Gentlemen of the Senate. I am just listening to the debate, and I have a couple of questions I'd like to pose through the Chair, if that would be all right.

THE PRESIDENT: So moved.

Senator **STEWART:** Thank you, Mr. President. The first is, it's my understanding that the federal government actually defines radionucleotides as air pollutants, and so I'm wondering what that is and I'm wondering if maybe somebody who's smarter than I am can explain what would happen to the human body if in fact they were exposed to or consumed radionucleotides. So, that's question one. Question two is as we're talking about ratepayers and ratepayer impact here, and the assumptions that are being made around whether the feds are going to chip in or not, my understanding is that it takes in some cases up to 15 years, including in these places that have been referenced that have done and gone down this exact road already, to access that

reimbursement. So, in the meantime, my question is, who foots the bill? Is it the utility which, as we know, is another way to say ratepayers? So, that would be question two, is who's actually going to be paying for the cost here to replenish this trust fund, to put money in there to bridge the gap between when, maybe, the money comes from the feds? Thank you.

THE PRESIDENT: The Chair recognizes the Senator from Hancock, Senator Grohoski.

Senator **GROHOSKI:** Thank you very much, Mr. President, and thank you for the question. I'll start with the second question first. The 15 years for reimbursement, that -- that could come to pass, but the amount of money being spent is way less than \$131 million in the trust fund. So, the money will be paid out of the trust fund, then it will be reimbursed to the trust fund. It does not touch the ratepayers at all, there will not be a stranded cost item on your utility bill for that money because the trust fund exists that the ratepayer has already paid into to cover these costs. Regarding -- I don't actually know how the federal government defines radio -- anything that would be emitted from a nuclear waste plant or facility as regards to air pollution, but we know that the primary effect of these concrete holding containers is to stop actual radiation, which is not something that's floating through the air that you can breathe in. Come visit me in the tax office on the first floor if you want to experience radiation. I'm not kidding. So, at any rate, the fact that these facilities were built to contain radiation also means that they're containing any small particles that could happen that could come from this facility. So, there is a secondary effect of these facilities protecting us from any minute amounts of air pollution, but when you're talking about things that are radiating, the number one thing you're worried about radiates, not things that are particulate in the air. So, it's great that these facilities have that effect, but the number one reason they exist is to protect us from radiation. And so, I think that it's inappropriate to say the number one reason this facility was built was to protect us from air pollution. That's clearly not true, or they would be designed completely differently. We have our own set of statutes here in Maine, and it's our job to decide if they are defining things properly or not, and it's okay if we deviate from the federal government. I will note that this bill is drafted only in Title 36, which is tax law. We are not changing anything that the Senator from Cumberland would see or anyone else would see in another committee related to the environment. This is specifically a definition related to a tax exemption, and that is it. Thank you.

THE PRESIDENT: The pending question before the Senate is Acceptance of the Majority Ought to Pass as Amended Report. A roll call has been ordered. Is the Senate ready for the question?

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#622)

YEAS: Senators: BAILEY, BEEBE-CENTER, BENNETT, BRAKEY, BRENNER, CARNEY, CHIPMAN, CURRY, DAUGHTRY, DUSON, FARRIN, GROHOSKI, HICKMAN, INGWERSEN, KEIM, LAFOUNTAIN, LAWRENCE, LIBBY, MOORE, NANGLE, PIERCE, POULIOT, RAFFERTY, RENY, ROTUNDO, TIPPING, VITELLI, PRESIDENT JACKSON

NAYS: Senators: BLACK, GUERIN, HARRINGTON, LYFORD, STEWART, TIMBERLAKE

EXCUSED: Senator: BALDACCI

28 Senators having voted in the affirmative and 6 Senators having voted in the negative, with 1 Senator being excused, the motion by Senator **GROHOSKI** of Hancock to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report, **PREVAILED**.

Bill **READ ONCE**.

Committee Amendment "A" (S-602) **READ** and **ADOPTED**.

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

Sent down for concurrence.

The Chair laid before the Senate the following Tabled and Later Assigned (3/25/24) matter:

SENATE REPORT - from the Committee on **TAXATION** on Bill "An Act to Amend the Laws Regarding Adjustments for Sudden and Severe Disruption of Municipal Valuation" S.P. 828 L.D. 2006

Report - **Ought to Pass as Amended by Committee Amendment "A" (S-606)**

Tabled - March 25, 2024 by Senator **STEWART** of Aroostook

Pending - **ACCEPTANCE OF REPORT**

(In Senate, March 25, 2024, Report **READ**.)

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

Senator **KEIM:** Thank you, Mr. President, for that pause. Ladies and Gentlemen of the Senate, this is a unanimous report and doesn't ever really require a speech, but I want to thank you, making the assumption that you're going to support it, for your support. Sometimes it's good just to reflect on the work that we do that is helpful even though it comes out unanimous. The current sudden and severe statute allows a municipality which experiences a sudden and severe disruption in its municipal valuation to request an adjustment to that equalized valuation as

determined by the tax assessor for the purpose of calculating education funding and municipal revenue sharing. I put in this bill with my colleague in the other Body for the town of Jay. As you may remember, they had their local papermill, the digester exploded in April of 2020 which caused a sudden loss of \$200 million, and this then led to the closure of the Jay paper mill just one year ago, another massive loss to the town of Jay. In each of these instances, the town of Jay applied to the sudden and severe law, but given the structural delay in this program, the town made the decision to utilize its undesignated fund balance to offset the sharp increase in mill rate and soften the impact on citizens. However, since the town utilized that savings to offset the tax increases for both the mill closure and the explosion, the full impact to the town's valuation is not recognized in the sudden and severe law as it is currently structured. So, a fiscally responsible town such as Jay that uses their savings ends up being penalized in the state's current formula. It could not have been the intent of our sudden and severe program to penalize municipalities for being fiscally responsible and building up their funds for the offset of these occurrences such as they did in Jay. This is a unanimous report, as I said, and it affects Jay at this time but also Old Town is likely to find themselves in a similar situation. And this change will help all of our towns weather a storm that's unexpected. I wanted to thank also the Taxation Committee for all of their work on this and for working with the towns of Jay and Old Town to expedite the process so that the towns can plan their budgets, and this will be such an enormous impact for the town of Jay currently and for any other town in the future that may experience this incredible loss. So, thank you for your support.

Report **ACCEPTED**.

Bill **READ ONCE**.

Committee Amendment "A" (S-606) **READ** and **ADOPTED**.

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

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

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

REPORTS OF COMMITTEES

Senate

Divided Report

The Majority of the Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act to Strengthen Shoreland Zoning Enforcement" (EMERGENCY) S.P. 894 L.D. 2101

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-611)**.

Signed:

Senators:

NANGLE of Cumberland
BALDACCI of Penobscot
LYFORD of Penobscot

Representatives:

STOVER of Boothbay
ABDI of Lewiston
COPELAND of Saco
DHALAC of South Portland
GREENWOOD of Wales
POMERLEAU of Standish
RISEMAN of Harrison
SINCLAIR of Bath

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

Signed:

Representatives:

ADAMS of Lebanon
UNDERWOOD of Presque Isle

Reports **READ**.

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

THE PRESIDENT: The Chair recognizes the Senator from Penobscot, Senator Lyford. \

Senator **LYFORD**: Thank you, Mr. President. This is a relatively straightforward bill, one of the few we have this session. It comes down to if you're rich, you don't have to follow the shoreline zoning laws with this wealth. But if you try to do like most people in the state do and follow the shoreline zoning laws, you'll vote yes on this bill.

Bill **READ ONCE**.

Committee Amendment "A" (S-611) **READ** and **ADOPTED**.

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

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

On motion by Senator **VITELLI** of Sagadahoc, **ADJOURNED** until Wednesday, March 27, 2024 at 10:00 in the morning in memory of and lasting tribute to Martha Farrington Huotari Mayo of Bath.