

MAINE STATE LEGISLATURE

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Senate Legislative Record
One Hundred and Twenty-Ninth Legislature

State of Maine

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beginning December 5, 2018

beginning at Page 1

**STATE OF MAINE
ONE HUNDRED AND TWENTY-NINTH LEGISLATURE
FIRST SPECIAL SESSION
JOURNAL OF THE SENATE**

In Senate Chamber
Monday
August 26, 2019

In compliance with a proclamation of Governor **JANET T. MILLS**, the Senators convened in the Senate Chamber at ten o'clock in the morning and were called to order by President **TROY D. JACKSON** of Aroostook County.

Prayer by Senator G. William Diamond of Cumberland County.

SENATOR DIAMOND: Thank you, Mr. President. I grew up about five miles from here in a little town called West Gardiner and it was a very poor town. You were either poor or almost. Growing up my mother was a single Mom, today she'd be called. Back then she was divorced. One of the things she drilled into our heads, as well as other people in the town, was don't forget where you come from. Remember who you are. We lived with my Grandfather and he earned poor man dollars but he also was adamant about that. The reason I bring that up is because that's what our prayer is today and I'd ask you to pray with me.

God, help us to remember who we are and where we came from. Teach us and help us not to judge others who look differently or may come from another place or, especially for us, God, who have different political beliefs, help us, God, to be as tolerant as we say we are and, lastly, God, help us be good listeners. Sometimes we elected folks think we have to speak first and the most. Help us be better listeners. God, if You can help us with those things I think everything will be fine. Thank You and Amen.

Pledge of Allegiance led by Senator Jeffrey L. Timberlake of Androscoggin County.

Off Record Remarks

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

S.C. 626

**STATE OF MAINE
PROCLAMATION**

WHEREAS, there exists in the State of Maine an extraordinary occasion arising from the need to resolve certain bond measures pending at the time of adjournment of the First Regular Session of the 129th Legislature of the State of Maine; and

WHEREAS, such measures are limited to authorizations related to transportation, pollution control, economic development, energy conservation, land acquisition, and educational and veterans' facilities; and

WHEREAS, the public health, safety, and welfare require that the Legislature consider these measures in a timely manner so that those approved may be on the ballot for consideration by the voters at referendum on November 5, 2019;

NOW, THEREFORE, I, Janet T. Mills, Governor of the State of Maine, by the power conferred by Article V, Part 1, Section 13 of the Constitution of the State of Maine, convene the Legislature of this State, hereby requiring the Representatives and the Senators to assemble at 10:00 o'clock in the morning in their respective chambers at the Capitol in Augusta on Monday, August 26, 2019, in order to receive communications, and to consider and approve such bond issues and any appropriate technical measures that I propose and that the Legislature in their judgment agree will timely promote the welfare of the State.

IN TESTIMONY WHEREOF, I have caused the Great Seal of the State to be hereunto affixed GIVEN under my hand at Augusta this nineteenth day of August in the Year Two Thousand and Nineteen.

S/Janet T. Mills
Governor

S/Matthew Dunlap
Secretary of State
TRUE ATTESTED COPY

READ and ORDERED PLACED ON FILE.

QUORUM CALL

32 Senators-elect having answered the Call, the Secretary declared a quorum present.

The Chair noted the absence of the Senator from Hancock, Senator **ROSEN**, the Senator from York, Senator **FOLEY**, and the Senator from Kennebec, Senator **POULIOT**, and further excused the same Senators from today's Roll Call votes.

Out of order and under suspension of the Rules, on motion by Senator **LIBBY** of Androscoggin, the following Senate Order:
S.O. 18

Ordered, that a message be sent to Governor Janet T. Mills informing her that in accordance with Article V, Part 1, Section 13 of the Constitution of Maine, a quorum of Senators is assembled in the Senate Chamber for the consideration of such business as may come before the Senate.

READ and PASSED.

The Chair appointed the Senator from Androscoggin, Senator **LIBBY**, to deliver the message to the Governor. The Senator was escorted to the Governor's Office.

Subsequently, the Senator from Androscoggin, Senator **LIBBY**, reported that he had delivered the message with which he was charged.

Out of order and under suspension of the Rules, on motion by Senator **VITELLI** of Sagadahoc, the following Senate Order:
S.O. 19

Ordered, that a message be sent to House of Representatives informing that body that in accordance with Article V, Part 1, Section 13 of the Constitution of Maine, a quorum of Senators is assembled in the Senate Chamber for the consideration of such business as may come before the Senate.

READ and PASSED.

The Chair appointed the Senator from Sagadahoc, Senator **VITELLI**, to deliver the message to the House of Representatives. The Senator was escorted to the House of Representatives.

Subsequently, the Senator from Sagadahoc, Senator **VITELLI**, reported that she had delivered the message with which she was charged.

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

ORDERS

Joint Orders

Expressions of Legislative Sentiment recognizing:

Eugene Lindsey, of Winthrop, a member of Troop No. 604, who has attained the high rank and distinction of Eagle Scout. This is the highest award in Scouting and is given for excellence in skills development, leadership, personal growth and community service. We extend our congratulations and best wishes;
SLS 793

Sponsored by Senator **BELLOWS** of Kennebec.
Cosponsored by Representative: **HICKMAN** of Winthrop.

The Joint Order was **READ**.

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

Senator **BELLOWS:** Thank you, Mr. President. Ladies and gentlemen of the Senate, I rise in support of this order. Geno Lindsey joined just 4% of all Scouts in receiving the Scout's highest award of Eagle Scout. In doing so he joins some of our country's greatest leaders like President Gerald Ford, Astronaut Neal Armstrong, business leader Sam Walton, and many more. He's done so through earning a variety of badges and also completing a really extraordinary service project. If you've been to Winthrop, Camp Mechuwana is a really special place. A Christian camp for people of all ages for personal growth and experience to enhance ones relationship with God, one's neighbors, and the natural world. Geno constructed a 16' bridge and three benches for the camp to be enjoyed for those who visit the camp now and for a long time to come. Please join me in extending Geno our highest congratulations for achieving this very distinguished award.

The Joint Order was **PASSED**.

Sent down for concurrence.

THE PRESIDENT: The Chair would like to recognize in the rear of the Chamber Geno Lindsey, Eagle Scout; Matt Nadeau, Geno's Brother-in-Law. They are from the town of Winthrop. They are the guests today of the Senator from Kennebec, Senator **BelloWS**. Would they please rise and accept the greetings of the Maine Senate.

The Goodrich-Caldwell American Legion Post No. 6, of Hallowell, which is celebrating its Centennial. We extend our congratulations and best wishes;
SLS 790

Sponsored by Senator **BELLOWS** of Kennebec.
Cosponsored by Representative: **WARREN** of Hallowell.

The Joint Order was **READ**.

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

Senator **BELLOWS:** Thank you, Mr. President. Ladies and gentlemen of the Senate, WWI ended in November 1918 and in March of the following year the American Legion was formed in our country and this year celebrates 100 years. The Goodrich-Caldwell Post was the 6th post to form in Maine and they celebrated their centennial on June 28th. They had a big cake and a huge turnout. So, it's my great pleasure to recognize Maureen Malley, the current Commander, the first and only female Commander for the Post. She served in that capacity for three years and she's an Assistant Service Officer for the State of Maine. Mike Madden, past Post Commander and District 9 historian and historian for Post 6. He gave a marvelous talk about the history of Legion. I encourage you to chat with him in a break about the history of the Legion. Gerry Stuart, past Post Commander and current Adjutant. Phil Wiseman, the Second Vice-Commander who's idea this was, to have this formal recognition and we are grateful for it. Folks know that the

American Legion serves as a resource for veterans coming home from war. My great-Grandfather, John Ray, was a veteran of WWI. My late Grandfather, Bill Bellows, a veteran of WWII. My uncles are veterans of Vietnam. The American Legion has served them and many, many more for a century. But folks also don't realize sometimes that the Legion goes into schools to do Americanism work, to work with young people to inspire patriotism and love of country and, indeed, the Legion gave me a scholarship when I was in Ellsworth High School to go to college. For that I'll always be grateful. So it is with great pride that we celebrate the centennial of the Goodrich-Caldwell American Legion Post 6 and thank them for their great service to our state and our country. Thank you.

The Joint Order was **PASSED**.

Sent down for concurrence.

THE PRESIDENT: The Chair is pleased to recognize in the rear of the Chamber Maureen Malley, Mike Madden, Gerald Stuart, and Phil Wiseman. They're all from the Goodrich-Caldwell American Legion Post 6 in Hallowell and they are the guests today of the Senator from Kennebec, Senator Bellows. Would they please rise and accept the greetings of the Maine State Senate.

At this point a message was received from the House of Representatives, borne by Representative MOONEN of Portland, informing the Senate that a quorum of Representatives was assembled for the consideration of such business as may come before that Body.

Tara Kierstead, of Augusta, a school counselor at Hall-Dale High School and Hall-Dale Middle School in Farmingdale, who has been named the 2019 Maine School Counselor of the Year by the Maine School Counselor Association. We extend our congratulations and best wishes;

SLS 792

Sponsored by Senator BELLOWES of Kennebec.
Cosponsored by Senators: POULIOT of Kennebec, VITELLI of Sagadahoc, Representatives: ACKLEY of Monmouth, BERRY of Bowdoinham, BRADSTREET of Vassalboro, DOORE of Augusta, FECTEAU of Augusta, HARNETT of Gardiner, HEPLER of Woolwich, HICKMAN of Winthrop, WARREN of Hallowell.

The Joint Order was **READ**.

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

Senator **BELLOWES:** Thank you, Mr. President. Ladies and gentlemen, I beg your indulgence for a third time. There's been a lot going on of significant achievements in Senate District 14 and this one is particularly important. We're so excited to honor Tara Kierstead. She's the school counselor at Hall-Dale High School and Hall-Dale Middle School and she's recognized both for the State of Maine to be represented in the whole country but also by

Rainbow Ball, as the LGBTQ Counselor of the Year, and that's in part because at Hall-Dale she started Hall-Dale's Gay/Straight Alliance. She's been a huge resource for the lesbian, gay, bisexual, transgender, and queer youth in our school district. She is just dynamite and we are so thrilled to have her here today to recognize her for her service to our school district and to our state. Thank you.

The Joint Order was **PASSED**.

Sent down for concurrence.

THE PRESIDENT: The Chair would like to recognize in the rear of the Chamber Tara Kierstead who is the Maine School Counselor of the Year. She's from the Hall-Dale High School and Middle School and she's the guest today of the Senator from Kennebec, Senator Bellows. Would she please rise and accept the congratulations of the Maine State Senate.

SENATE PAPERS

Bill "An Act To Authorize a General Fund Bond Issue for the Protection and Enhancement of Water Quality, Support of Environmental Clean-up Efforts and Provision of Loans for the Residential Purchase of High-performance Air Source Heat Pumps"

S.P. 631 L.D. 1847

Presented by Senator BREEN of Cumberland. (GOVERNOR'S BILL)

Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** suggested and ordered printed.

On motion by Senator **BREEN** of Cumberland, under suspension of the rules, **READ TWICE**, without reference to a Committee.

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

Senator **LIBBY:** Thank you, Mr. President. Is the pending motion Engrossment?

THE PRESIDENT: Passage to be Engrossed.

On motion by Senator **LIBBY** of Androscoggin, 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 Oxford, Senator Hamper.

Senator **HAMPER:** Thank you, Mr. President. It's kind of quiet in here so I thought I'd get up and speak. So, Mr. President and ladies and gentlemen of the Senate, before we get voting on bonds I just want to lay out a little bit of information, and it comes from the State Treasurer's Office. So if this was a Committee I would be speaking neither for nor against. Okay, so I'm just going to try to be factual here. A piece that landed on everybody's desk from the Office of the State Treasurer and

under the bullet point number 1, how Maine has a low to moderate obligation debt levels. So according to Moody's Investor Services Maine has a moderate debt profile standard. It says Maine has a low debt and modest pension liability. I want to circle back to that low pension liability in a moment. So, again from the Treasurer's website, Maine's debt snapshot as of June 30, 2019, just want everybody to keep in mind General Obligation Bonds, right now we're sitting on \$543 million. Okay. Don't get bored with the numbers. Maine Government Facility Bonds, those are the ones that we cover under different sections of the budget, such as the new courts that are being built, DOC, the new prison in Windham, those are covered under the budget line items for, like say, the Department of Corrections or for Judiciary. So in that Government Facility Bonds we're sitting on \$234 million worth of bonds. GARVEE Bonds, which is transportation, \$145 million. Transcap Bonds, another transportation, is \$133 million and the Liquor Revenue Bonds, everybody remember what are Liquor Revenue Bonds, and there's \$118 million, for a grant total of \$1,285 million. Then we go to the Authorized but Unissued General Obligation Bonds. We're sitting on \$103 million worth that, yup, we've agreed to them, voters agreed to them, they haven't been issued yet. Next big one we go to is the Net Pension Liability, and I refer back to what I started off with about Maine having a low debt and modest pension liability. Keep in mind, the payments for the UAL, Unfunded Actuarial Liability, for the pension system are going to be huge in about four years. We've got to have that paid off by 2028. It's coming. Time bomb's ticking. We owe \$2,460 million on the UAL, State employee/teacher plan. Then we've got Moral Obligation Bonds, Maine State Housing Authority, Maine Municipal Bond Bank, Maine Health and Higher Education Facilities Authority, Finance Authority of Maine, and Maine Educational Loan Authority: \$3,208 million. Okay? Turning the page. Maine Turnpike Authority, now I pay off these bonds every time I go through the Gardiner toll. Turnpike Authority is sitting on \$494 million worth of bonding. University of Maine System, the University System has an ability to sell bonds detailed in statute. They're sitting on \$134 million worth of bonds. The report goes on and says Tax Supported Debt per Maine resident is \$842. Okay. National median is \$1,068. Okay, so we're not in too bad a shape but keep in mind, particularly, of that UAL is coming at us. Every time we commit to more bonds we commit to more payments. Yes, debt service was built into the budget to cover another \$300 million worth of bonding. Like I said before, we had \$543 million worth of bonds sitting out there. Our payment, in here from the Treasurer's website again, General Fund total debt service, that's interest and payment. Okay? What are we making for payments? \$92,852,969 annual. That's this year coming up and then the Highway's got another \$13 million on top of that for a total of \$106 million worth of payments. Keep that in mind as we vote on bonds. Thank you, Mr. President.

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#362)

YEAS: Senators: BELLOWS, BREEN, CARPENTER, CARSON, CHENETTE, CHIPMAN, CLAXTON, DESCHAMBAULT, DIAMOND, DILL, GRATWICK, HERBIG, LAWRENCE, LIBBY, LUCHINI, MILLETT, MIRAMANT, SANBORN H, SANBORN L, VITELLI, PRESIDENT JACKSON

NAYS: Senators: BLACK, CYRWAY, DAVIS, DOW, FARRIN, GUERIN, HAMPER, KEIM, MOORE, TIMBERLAKE, WOODSOME

EXCUSED: Senators: FOLEY, POULIOT, ROSEN

21 Senators having voted in the affirmative and 11 Senators having voted in the negative, with 3 Senators being excused, was **PASSED TO BE ENGROSSED**, without reference to a Committee.

Sent down for concurrence.

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

Bill "An Act To Authorize a General Fund Bond Issue To Provide Broadband Internet Infrastructure in Unserved and Underserved Areas of the State, Maintenance and Improvement of the Maine National Guard Armories, Readiness Centers and Support Facilities and Capital Improvements and Equipment Purchases for Career and Technical Education Centers"
S.P. 632 L.D. 1848

Presented by Senator HERBIG of Waldo. (GOVERNOR'S BILL)

Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** suggested and ordered printed.

On motion by Senator **BREEN** of Cumberland, under suspension of the rules, **READ TWICE**, without reference to a Committee.

THE PRESIDENT: The Chair recognizes the Senator from Waldo, Senator Herbig.

Senator **HERBIG:** Thank you, Mr. President. Mr. President, women and men of the Senate, the bond before us is about making modest investments in our safety, workforce, and economy. These are all issues most Mainers care about because they affect our daily lives and our families almost every single day. First, there should be no question about whether or not members of Maine's National Guard have proper facilities to train and respond to emergency situations. Mainers deserve to rest easy knowing that the Maine National Guard is ready to be there when we need them the most. Second, we talk a lot in this Chamber about the need for more students to get access to career and technical education to get the skills they need for good paying jobs in our economy right now. This bond ensures CTE programs will provide students with the necessary skills to fill

gaps in our workforce. We're talking about electricians, plumbers, welders, very practical skills that our economy demands right now. It's an investment in the next generation of Mainers and our workforce and, perhaps most importantly, it's what Maine businesses are asking for right now. Finally, access to reliable high speed internet in today's world is a utility. It's just as important as electricity or roads to access markets in today's economy and participate. Lack of access to reliable high speed internet creates an incredible barrier to education, to business growth, and economic activity in too many of our rural and underserved parts of the state. In Waldo County, where I'm from, it is not uncommon to see kids parked outside a town library or a high school at 9 or 10 o'clock at night trying to complete homework or college applications because it's the only place they can connect to the internet. I will also tell you that I have sat in one of those cars because I don't have internet at my house and I live right in Belfast. I have done this myself so many times, like so many of my constituents, and it puts us at a disadvantage in my part of the state to compete in today's economy. None of us should be okay with that. Houses remain on the market because those homes are not connected to the internet and potential buyers need the ability to telecommute, so we're denying people access to our state who want to be here. They can't because of this lack of service. Too many Mainers and too many rural towns have been left behind by constant technological changes. That is absolutely unacceptable. This economic bond puts Maine on a good path to be competitive in today's economy. All I'm asking is that we give Mainers a chance to decide whether or not to make these investments. Maine people know the best ways to invest in our state and they should get a say in these bond proposals. They should get to make their vote. I'm here because I believe in listening to my constituents in the communities that raised me and I'm also a kid that left Maine and came back. That's why I ran for office, because I saw too many young people leaving. Young Mainers deserve the tools that they need to compete in today's economy. They should no longer be at a disadvantage. That's not fair. Those are the people that we should be fighting for in this Chamber. I know that the reason all of you came to Augusta is because you listen to your constituents as well and you want what's best for them so they can do their best in today's economy. I'll be voting to send this bond to Maine voters to decide in November and I ask that you all join me. Thank you, Mr. President.

THE PRESIDENT: The Chair recognizes the Senator from Lincoln, Senator Dow.

Senator **DOW:** Thank you, Mr. President. I rise today to explain the decision of my caucus, how we are voting on the Transportation Bond and other bond packages today. We are going to favor the Transportation Bond because those areas are already to go out for bid but we will be voting against the other packages, including this one, 3-2. As we are all aware, state government has a bill coming in January and a Supplemental Budget may cost taxpayers as much as \$150 to \$200 million or more. Borrowing now, when we do not know what the January bill will be, in my opinion is irresponsible and unnecessary. Bond sales in Maine occur at the end of June each year. This leaves us a full ten months to pass these bonds, get them onto a ballot in a statewide election, and passed for the people before they are scheduled to be sold. If we were to vote to pass this National Guard, Career Technical Center bill today, Land's for Maine's

Future, broadband proposals, for example, this would not cause any money to be borrowed until almost July of next year. We have plenty of time to make a better informed, more responsible decision, a decision that didn't even go to committee, before we add to a \$3.2 billion that we already owe in moral obligation bonds alone. As it turns out, there is a statewide election scheduled in March for Presidential Primaries. Sending these bonds to voters through the election will have no impact on these bonds whatsoever. They will still be sold next June and payable at the same time they would be if we passed them today. We can and we should wait until January to consider these proposals so that we can make a more responsible decision once we know how much money we must find to cover the new, still unknown, cost of a supplemental budget. As a homeowner, I know enough not to go out and buy a new expensive boat or camper when I know I need to reroof the house in the spring, but I don't know the cost of what the reroofing will be. I know well enough that a new major purchase from the family budget that is not an emergency can wait until I know for sure how much that roof is going to cost me. There is no immediate compelling reason to act on these bonds until we know what kind of fiscal challenges we will face when we meet again in January. In fact, while we wait to make a more informed decision interest rates are likely to go down, reducing the cost of these bonds by the time we consider them. Thank you, Mr. President.

On motion by Senator **LIBBY** of Androscoggin, 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 Androscoggin, Senator Libby.

Senator **LIBBY:** Thank you, Mr. President. Men and women of the Senate, I rise in support of the pending motion and I'm a bit surprised at the remarks that we just heard from my colleague from Lincoln, Senator Dow. I think had we been aware of some of those concerns maybe yesterday or the day before we could have saved ourselves a lot of time and taxpayer expense by not calling this Special Session, but be that as it may, we are here and we are considering a number of initiatives and I think I just would like to lay out a few facts for the record. Mr. President, Maine, unlike the federal government, has been exceptionally responsible in its borrowing over the last few years, over the last eight years in particular when under a prior Administration and prior control of this Chamber the State borrowed over that eight year period about \$500 million or so. These concerns I'm hearing from the other side were not voiced at that time and it's a little curious that they are being voiced now. As I said, unlike the federal government the State government has to balance its budget each and every year. We cannot borrow to cover current expenditures. We cannot borrow to pay for services and programs. In Maine we budget for these debt payments and these debt payments go primarily to support Maine's aging and decaying infrastructure, as well as supporting important programs and infrastructure that supports business and economic development. Maine, over its history, has never missed a payment on its debt service and the debt service that we're talking about is actually budgeted for about \$250 million in bonding over the next year. The total package we will see today is much less than that. It's about \$160 million. Maine does very well at repaying these debts. In fact, we pay them back more

quickly than the schedule calls for and it saves Mainers interest payments. Maine's total debt service is very low among the 50 states. I think we're ranked 40th, so 39 states have more debt service per capita than Maine does. In fact, we are right in line with our regional neighbors. New Hampshire's 42nd and Vermont is 44th. Mr. President, my colleague from Lincoln, Senator Dow, talked about the worldwide financial picture. Obviously there is a lot of concern about where the financial markets are going. But at the same time the bond market is a place where investors are looking to for safe, secure investments for the future and that makes the current environment an issuers market. Now is a good time to issue bonds on the bond market when stocks investments are so unpredictable. Mr. President, I ask you to consider these remarks as we take votes on this initiative and others that will follow and I thank you for your attention.

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

Senator **CHENETTE:** Thank you, Mr. President. I rise in support of the pending motion. I really want us to bring this back to what we are actually voting on. This is not about the amount of money. This is not about a possible distain for the use of bonding as a possible funding mechanism. This is not even about what type of program or initiative we're trying to fund. This is about giving your constituents a chance to weigh in. It's about whether or not this warrants a public, transparent process and debate. If the public, through public discourse, through intense campaigning on all sides of the issue, can weigh the facts and come to a great conclusion we should honor that. If they are bestowed with the responsibility of electing us in these positions surely they can weigh the facts of the issue before us. Let us understand what a yes or no vote on this actually means. On one hand we can trust our voters, our constituents who put us in these seats, to participate in this process, to prioritize their own spending, their own taxpayer dollars. This is their money. Let them make their own decision. What are we afraid of by allowing voters to participate in the process? People making a decision, people participating in a political process that we established and accepted. If so, Mr. President, we're in the wrong line of work. I urge this Body to let voters make a decision. Thank you.

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

Senator **H. SANBORN:** Thank you, Mr. President. Mr. President, I rise today because my colleague has made an argument that is highly dependent on timing. He suggests that we can come back in January and we can get a broadband bond before voters at the March 3rd Presidential primary election. I heard him make that argument and so I want to point out that absentee ballots must be available at least 30 days prior to any election in Maine and so I truly question, and I would ask through the Chair, whether it would be possible for us, in fact, to pass any bond issue in January and get it on the ballot prior to the deadline for printing those absentee ballots? That's a question that I'd like to pose through the Chair to anyone who may have an answer. Thank you.

THE PRESIDENT: The Senator from Cumberland, Senator H. Sanborn, has posed a question through the Chair for anyone who

can answer. The Chair recognizes the Senator from Cumberland, Senator Breen.

Senator **BREEN:** Thank you, Mr. President. I just want to speak briefly to the timing of bond issuing. One of the times that the Treasurer goes to the bond market is June but there are other times in the year, including December. If these bonds pass on the November ballot, the State Treasurer has indicated that he will get them to market in the December issuing of bonds. So there is no timing issue to put this off. In fact, given that it's an issuer's market and that interest rates are favorable right now to bond issuers, I would say the sooner we get these bond proposals to the voters and the sooner they get to the bond market the better off Maine taxpayers will be. Thank you, Mr. President.

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

Senator **MILLETT:** Thank you, Mr. President. Mr. President, I rise in support of the pending motion. I'm speaking this morning because I think it's important that we're very clear that there is a very important constituency that has reached out to us to let us know that there is a dire need to make these investments. It may not necessarily be an emergency, it is certainly a high priority and something that is desperately needed both by our businesses and our constituents in rural Maine. I know I have heard from my local business owners in my district and I know we have all heard from business leaders from across this state. In fact, on our desks is a communication to us that informs us that a recent survey, led by the Maine State Chamber of Commerce, of more than 1,000 employers have identified the availability of skilled workers and the need for better high speed internet as the top issues that Maine's political leaders must address to improve our economy and quality of life. In Maine there are thousands of job openings but not the people with the education and training necessary to fill them, that by 2025 our state will need 158,000 more workers with some post-secondary degree or credential that positions them for success, and that many of these Mainers live and work in our rural communities where there is inadequate internet connectivity. The individuals on this letter from the Maine State Chamber of Commerce, the University of Maine System, and the Maine Community College System state that the state's current broadband capabilities is a barrier to badly needed education and training in the rural regions of the state where there is the greatest need to close gaps in educational attainment and grow the size and skill of our workforces. In addition, our career and technology education centers included in this package are also deserving of our support and are critical partners in preparing promising young adults with the skills for success at our institutions and on the job. It's for these reasons that I will be voting in favor of the pending motion. Thank you, Mr. President.

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

Senator **TIMBERLAKE:** Thank you, Mr. President. I think it's very interesting that the good Senator from Androscoggin, Senator Libby, says that if he would have known, if he would have known. I don't remember a phone call or a message asking leadership about where we stood or what we felt or what we supported. I don't remember that. I haven't seen one. The other

thing I think, if I would have known, is I think if you would have listened to the radio address put out by the House Leader last week, it said that leadership agreed, that the only thing that they found important was the transportation bond at this point in time, that the rest of them was not an emergency. So I think if you would have listened to anything that I've said in the papers or along the way I think it would have been made known where we stood, or where we hoped we stood. I will reiterate that at this point in time I don't think any of this is an emergency. The question was asked: do we have time in January? Well, today's like the first of September and election is September, October, November, three months. If we do it in January when we come back, once we figure out where we are, the other things; oh, January, February, March, the same three months. So, yes, we do have time. There is no emergency here today on these bonds. There's nothing that nobody's going to be thrown out or put on the streets or any of those things. So I dare to say that if people would have asked, I've never been known as being bashful before in my life yet, I think the message would have been delivered and I say it today that I think it was known where we stood at this point in time. So I thank you, Mr. President.

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

Senator **LAWRENCE:** Thank you, Mr. President. I do support this bond issue but I would like to pose a question through the Chair.

THE PRESIDENT: The Senator may proceed.

Senator **LAWRENCE:** I realize I'm just a small town lawyer and logic and analysis comes to me kind of hard sometimes, but if the logic is that we don't have to vote for the bond issues because we can wait until January then why vote for the transportation bond?

THE PRESIDENT: The Senator from York, Senator Lawrence, has posed a question through the Chair for anyone that's willing to answer. The Chair recognizes the Senator from Androscoggin, Senator Libby.

Senator **LIBBY:** Thank you, Mr. President. I rise to answer the question posed by the Senator from Cumberland, Senator Heather Sanborn, and the question posed by the Senator from York, Senator Lawrence, in that what does it look like for us to come back in January and take votes on these bonds. My friends from the other party suggested we could take care of all this in January and make these bonds available to voters in the March, early March, primary. I happened to confer with the Secretary of State's Office during our discussion here on the Floor and he indicated 'yes' that is possible. We could do that if we come back here on January 2nd and we waste no time in Enacting these bond measure and send them to the Governor on January 2nd to get the Governor, the Chief Executive rather, the 60 days that the Chief Executive requires to declare an election and the 30 days required to get the absentee ballots out. So, in fact, we don't have three months to get this done. We have until January 2nd. If we want to delay this conversation that we're having here while we are here in this Special Session, the Special Session that was called for bonds, we could wait until January but we'd have January 2nd only to get this done. Thank you, Mr. President.

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#363)

YEAS: Senators: BELLOWS, BREEN, CARPENTER, CARSON, CHENETTE, CHIPMAN, CLAXTON, DESCHAMBAULT, DIAMOND, DILL, GRATWICK, HERBIG, LAWRENCE, LIBBY, LUCHINI, MILLETT, MIRAMANT, SANBORN H, SANBORN L, VITELLI, PRESIDENT JACKSON

NAYS: Senators: BLACK, CYRWAY, DAVIS, DOW, FARRIN, GUERIN, HAMPER, KEIM, MOORE, TIMBERLAKE, WOODSOME

EXCUSED: Senators: FOLEY, POULIOT, ROSEN

21 Senators having voted in the affirmative and 11 Senators having voted in the negative, with 3 Senators being excused, was **PASSED TO BE ENGROSSED**, without reference to a Committee.

Sent down for concurrence.

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

RECESSED until the sound of the bell.

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

Bill "An Act To Authorize a General Fund Bond Issue for Land Conservation, Water Access, Outdoor Recreation, Wildlife and Fish Habitats and Farmland and Working Waterfront Preservation"

S.P. 635 L.D. 1851

Presented by Senator BREEN of Cumberland. (GOVERNOR'S BILL)

Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** suggested and ordered printed.

On motion by Senator **BREEN** of Cumberland, under suspension of the rules, **READ TWICE**, without reference to a Committee.

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

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

Senator **CARSON:** Thank you, Mr. President. Having heard the remarks from the Assistant Senate Minority Leader this morning I realized that the die, so to speak, may be cast on this bond issue but, nonetheless, I'd like to make a few remarks. As I'm sure most, if not all of you, know the Lands for Maine's Future program grew out of the Governor's Commission on the Out-of-Doors created back in late '85 or early '86, chaired by then private citizen Angus King, and out of that Governor's Commission a bi-partisan broad commission came a recommendation for the State's first land acquisition bond package. As I recall, it was a proposal for a \$50 million bond package, scaled back by the Legislature to \$35 million, and when it went to the voters in November 1987 it was overwhelmingly approved. Since then five other bond issues, bond packages, have been embraced by the Legislature in a bi-partisan fashion and have been very strongly endorsed by the people of the state of Maine, virtually two-thirds, at every election. Some have been a little bit less, some have been a little bit more. All across this state Democrats, Republicans, Independents, men, women, older, younger citizens, everyone recognizes the value to the State for the Lands for Maine's Future program. I would also like to remind members this is not just, as many people think of it, about purchasing recreational land or purchasing boat ramps to ponds or rivers for recreational purposes. A very brief history, since 1987 projects have been completed in all 16 counties. I'm sure you know that. There have been 59 water access sites, 41 working farms consisting of just shy of 10,000 acres have been protected so that those lands will not be converted to house lots or shopping centers but will continue to be working farms to supply food for Maine people. Acquisitions include 1,272 miles of shorelines on rivers, lakes, and ponds; 55 miles of coastline; and 158 miles of former railroad corridors for recreational trails. Some of these are acquisitions in fees. Some of them are acquisitions by easement. All of them benefit Maine people. I was talking with one of our fellow Senators about a new proposed rail line in Western Maine. He spoke very excitedly about it saying this is one of those projects almost unheard of 20 or 30 years ago but that is going to really help revitalize and stimulate the recreational economy in that part of the state. Then, finally, over 600,000, in fact 600,919, acres of conservation and recreational lands again, as I mentioned at the beginning of my remarks, many, of course, for recreational purposes but over half, 333,425 acres, of working forests, protecting that forest for the jobs of people who manage our timber, people who log our timber, the people who work in the wood products industry, and also if we keep our working forests we keep cover on our trout streams and our other running waterbodies so that our fish are healthy and our rivers, in which we've invested so much to restore, will continue to be healthy with cooler water, healthier water, and more fish. My own community, and I'll close with this, of Harpswell just within the past year there was a fisherman's co-op, a dock for a fisherman's co-op, that was at some risk, and I don't know how great, of being converted from a fishing site to a private site, maybe with private homes. I don't know what the outcome was but I was approached by the local fishermen and asked if I would write a supporting letter to the Lands for Maine's Future program for a few of the last dollars which they had in their account - I apologize to you, I don't know exactly how small that amount is. I know that they are virtually out at this point. - for funds to help rehabilitate that dock and

make sure that it stayed in co-op ownership through easement and just within the past month or so I heard back from those lobstermen that their project was accepted. I ran into one of them in the grocery store a week or ten days ago and he was so appreciative, yes to me but much more to all of us who had embraced the Lands for Maine's Future program. This program works for all of us and I plead with you, please do not. We don't have any more money in the Lands for Maine's Future till. For all of your citizens, for all of your voters, for all of your children and your grandchildren, let's restart the Lands for Maine's Future program by voting strongly in a bi-partisan fashion to fund this program. Let's not wait a year. Let's put the Lands for Maine's Future program back to work for all of us and for all of the residents and citizens of our communities. Thank you very much, Mr. President.

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

Senator **BREEN:** Thank you, Mr. President. I'll be very brief. I just want to remind folks that one of the reasons the Lands for Maine's Future program is so successful is because usually the State contributes about 10% to 20% of the total cost of the project and the rest of the money is developed through community partnerships, through private philanthropy, through local land trusts, through local farming organizations. This is also working forestry that we would be conserving. So there's a variety of types of property and there's a variety of mechanisms that those properties get funded. Each one is its own little miracle as it gets over the finish line and LMF is an enormously successful tool in leveraging funds from other sources to get the stamp of approval from the State of Maine that says not only does the community think that this is important but this lines up with the values of the entire State is an enormous endorsement and really helps open up other channels of funding. So I just wanted to remind folks of that. Thank you, Mr. President.

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#364)

YEAS: Senators: BELLOWS, BREEN, CARPENTER, CARSON, CHENETTE, CHIPMAN, CLAXTON, DESCHAMBAULT, DIAMOND, DILL, GRATWICK, HERBIG, LAWRENCE, LIBBY, LUCHINI, MILLETT, MIRAMANT, SANBORN H, SANBORN L, VITELLI, PRESIDENT JACKSON

NAYS: Senators: BLACK, CYRWAY, DAVIS, DOW, FARRIN, GUERIN, HAMPER, KEIM, MOORE, TIMBERLAKE, WOODSOME

EXCUSED: Senators: FOLEY, POULIOT, ROSEN

21 Senators having voted in the affirmative and 11 Senators having voted in the negative, with 3 Senators being excused, was **PASSED TO BE ENGROSSED**, without reference to a Committee.

Sent down for concurrence.

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

Bill "An Act To Authorize a General Fund Bond Issue To Improve Highways, Bridges and Multimodal Facilities"
S.P. 634 L.D. 1850

Presented by Senator DIAMOND of Cumberland.
(GOVERNOR'S BILL)
Cosponsored by Representative McLEAN of Gorham.

Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** suggested and ordered printed.

On motion by Senator **BREEN** of Cumberland, under suspension of the rules, **READ TWICE**, without reference to a Committee.

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#365)

YEAS: Senators: BELLOWS, BLACK, BREEN, CARPENTER, CARSON, CHENETTE, CHIPMAN, CLAXTON, CYRWAY, DAVIS, DESCHAMBAULT, DIAMOND, DILL, DOW, FARRIN, GRATWICK, GUERIN, HAMPER, HERBIG, KEIM, LAWRENCE, LIBBY, LUCHINI, MILLETT, MIRAMANT, MOORE, SANBORN H, SANBORN L, TIMBERLAKE, VITELLI, WOODSOME, PRESIDENT JACKSON

NAYS: Senators: None

EXCUSED: Senators: FOLEY, POULIOT, ROSEN

32 Senators having voted in the affirmative and no Senators having voted in the negative, with 3 Senators being excused, was **PASSED TO BE ENGROSSED**, without reference to a Committee.

Sent down for concurrence.

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

Bill "An Act Regarding the Laws Governing the Maine School for Marine Science, Technology, Transportation and Engineering" (EMERGENCY)

S.P. 633 L.D. 1849

Presented by Senator HERBIG of Waldo. (GOVERNOR'S BILL)

Committee on **EDUCATION AND CULTURAL AFFAIRS** suggested and ordered printed.

On motion by Senator **MILLETT** of Cumberland, under suspension of the rules, **READ TWICE**, without reference to a Committee.

THE PRESIDENT: The Chair recognizes the Senator from Waldo, Senator Herbig.

Senator **HERBIG:** Thank you, Mr. President. Women and men of the Senate, the Maine Ocean School in Searsport is a transformative magnet public high school. It's preparing the next generation of leaders in marine science, technology, transportation, and engineering. But a few weeks ago the school discovered a sunset clause in the statute that authorized its creation. Maine Ocean School is doing amazing work for our kids. It just finished its first year of operation and is ready to start fall classes but it will have to close by September 19th unless we amend the sunset provision today. This bill simply moves the sunset to 90 days after the Second Regular Session, allowing the school to stay open for the next school year. I had the pleasure of visiting the Maine Ocean School in March and I met inspiring students who are honing leadership skills, working hard, and excelling in academics. These students will grow up to lead Maine's maritime economy. Because Maine Ocean School has a unique focus on Maine's maritime culture and economy it plays an indispensable role in the future of our state. The long-term success of our marine economy and the sustainability of oceans will be shaped by the education these students receive at the Maine Ocean School. The leadership skills they cultivate, academic work they complete, and relationships they develop with one another, I ask for your support for the emergency measure for their sake. Thank you.

PASSED TO BE ENGROSSED, without reference to a Committee.

Ordered sent down forthwith for concurrence.

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

Senate at Ease.

The Senate was called to order by the President.

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

PAPERS FROM THE HOUSE

House Paper

Bill "An Act To Amend the Law That Increases the Number of Franklin County Commissioners" (EMERGENCY)

H.P. 1323 L.D. 1852

Committee on **STATE AND LOCAL GOVERNMENT** suggested and ordered printed.

Comes from the House, under suspension of the Rules, **READ TWICE** and **PASSED TO BE ENGROSSED**, without reference to a Committee.

On motion by Senator **CLAXTON** of Androscoggin, under suspension of the Rules, **READ TWICE** and **PASSED TO BE ENGROSSED**, without reference to a Committee, in 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:

ENACTORS

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

Bond Issue

An Act To Authorize a General Fund Bond Issue for the Protection and Enhancement of Water Quality, Support of Environmental Clean-up Efforts and Provision of Loans for the Residential Purchase of High-performance Air Source Heat Pumps

S.P. 631 L.D. 1847

Comes From the House, **FAILED ENACTMENT**.

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

Senator **LIBBY:** Thank you, Mr. President. May I pose a question through the Chair?

THE PRESIDENT: The member may proceed.

Senator **LIBBY:** Mr. President, this is a bond issue and requires two-thirds of the membership present and voting, correct?

THE PRESIDENT: That is correct.

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#366)

YEAS: Senators: BELLOWS, BREEN, CARPENTER, CARSON, CHENETTE, CHIPMAN, CLAXTON, DESCHAMBAULT, DIAMOND, DILL, GRATWICK, HERBIG, LAWRENCE, LIBBY, LUCHINI, MILLETT, MIRAMANT, SANBORN H, SANBORN L, VITELLI, PRESIDENT JACKSON

NAYS: Senators: BLACK, CYRWAY, DAVIS, DOW, FARRIN, GUERIN, HAMPER, KEIM, MOORE, TIMBERLAKE, WOODSOME

EXCUSED: Senators: FOLEY, POULIOT, ROSEN

This being a Bond Authorization Act, in accordance with the provisions of Section 14 of Article IX of the Constitution, having received the affirmative vote of 21 Members of the Senate, with 11 Senators having voted in the negative, and 21 being less than two-thirds of the Members present and voting, **FAILED ENACTED**, in concurrence.

Bond Issue

An Act To Authorize a General Fund Bond Issue To Provide Broadband Internet Infrastructure in Unserved and Underserved Areas of the State, Maintenance and Improvement of the Maine National Guard Armories, Readiness Centers and Support Facilities and Capital Improvements and Equipment Purchases for Career and Technical Education Centers

S.P. 632 L.D. 1848

Comes From the House, **FAILED ENACTMENT**.

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#367)

YEAS: Senators: BELLOWS, BREEN, CARPENTER, CARSON, CHENETTE, CHIPMAN, CLAXTON, DESCHAMBAULT, DIAMOND, DILL, GRATWICK, HERBIG, LAWRENCE, LIBBY, LUCHINI, MILLETT, MIRAMANT, SANBORN H, SANBORN L, VITELLI, PRESIDENT JACKSON

NAYS: Senators: BLACK, CYRWAY, DAVIS, DOW, FARRIN, GUERIN, HAMPER, KEIM, MOORE, TIMBERLAKE, WOODSOME

EXCUSED: Senators: FOLEY, POULIOT, ROSEN

This being a Bond Authorization Act, in accordance with the provisions of Section 14 of Article IX of the Constitution, having received the affirmative vote of 21 Members of the Senate, with 11 Senators having voted in the negative, and 21 being less than two-thirds of the Members present and voting, **FAILED ENACTED**, in concurrence.

Off Record Remarks

RECESSED until the sound of the bell.

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

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

ENACTORS

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

Emergency Measure

An Act Regarding the Laws Governing the Maine School for Marine Science, Technology, Transportation and Engineering
S.P. 633 L.D. 1849

This being an Emergency Measure and having received the affirmative vote of 31 Members of the Senate, with no Senators having voted in the negative, and 31 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.

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

ENACTORS

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

Emergency Measure

An Act To Amend the Law That Increases the Number of Franklin County Commissioners

H.P. 1323 L.D. 1852

Comes From the House, **FAILED ENACTMENT**.

This being an Emergency Measure and having received the affirmative vote of 20 Members of the Senate, with 11 Senators having voted in the negative, and 20 being less than two-thirds of the entire elected Membership of the Senate, **FAILED ENACTMENT**, in concurrence.

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

ORDERS

Joint Order

On motion by Senator **LIBBY** of Androscoggin, the following Joint Order:

S.P. 636

ORDERED, the House concurring, that Bill, "An Act To Clarify and Amend MaineCare Reimbursement Provisions for Nursing and Residential Care Facilities," S.P. 588, L.D. 1758, and all its accompanying papers, be recalled from the Governor's desk to the Senate.

READ.

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

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

Senator **LIBBY:** Thank you, Mr. President. Men and women of the Senate, I encourage you to vote in favor of this Joint Order. What we are asking to do is to recall a bill from the Governor's Desk. It was a bill that was held pending her, the Chief Executive's, action in January. I think folks in all parties here in the Senate and in the House agree that Maine's nursing homes are in a very tough position, that the bill that we are referencing provides over \$1 million in new funding to help keep Maine's nursing homes going. It includes a provision in it that allows the Chief Executive some flexibility if at any point these additional funds put at risk federal reimbursement. It's a responsible measure to help Maine's nursing homes stay afloat and care for Maine's neediest and I think that with this action we have the opportunity to get the bill moving between the Chambers and get it finally to the Chief Executive's desk for immediate action. So I would ask you to vote in favor of this motion. Thank you, Mr. President.

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

Senator **TIMBERLAKE:** Thank you, Mr. President. Ladies and gentlemen of the Senate, I thank the good Senator from Androscoggin, Senator Libby, for also putting in this Joint Order because, as you can see, I had one in also and I hope this allows the Legislature to correct an error that is preventing money allocated by this Legislature 67 days ago through L.D. 1758 from being paid to nursing facilities across Maine to higher employee wages. As you know, the Chief Executive chose to hold this bill in its present state. This bill cannot be vetoed or signed into law until after the third scheduled legislative day, which most likely will occur in January. In meantime Maine nursing facilities cannot receive this funding. This Joint Order allows the Legislature to recall this bill from the Governor's desk so that it can be amended and voted on in both Houses, sending it back to the second floor for signature. What I propose is a simple solution. By recalling the bill and amending it, and I have an amendment, and get it to the Chief Executive today, the Legislature makes it possible to be signed into law immediately, making these funds available to nursing facilities as soon as it's signed. I remind the Body that this bill was sponsored by President Jackson and amended and rewritten in language and sponsored by Senator Breen. On the last day of the previous session the Senate Republicans allocated virtually all of their entire allocation for the Appropriations Table to this bill in order to help alleviate the pressure on the nursing home facilities. Legislative staff have studied this bill at length and conclude, without a doubt, that it will not cause the State to break the payment ceiling, known as the upper payment limit, which the Chief Executive stated was the reason for holding this bill and its funding. State statutes clearly give the power to both the Chief Executive and the Department of Health and Human Services to reduce any payments in this category that cause payments to reach and exceed the ceiling for the upper payments limits. The Executive Branch can thus avoid the stated concerns of the second floor by signing this bill into law and following State statute that prevents over payments. I encourage my colleagues to vote in favor of this Joint Order so that oversight that has halted these payments can be rectified and these funds can begin to flow for the benefits of our elderly and disabled neighbors. Thank you all.

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#368)

YEAS: Senators: BELLOWS, BLACK, BREEN, CARPENTER, CARSON, CHENETTE, CHIPMAN, CLAXTON, CYRWAY, DAVIS, DESCHAMBAULT, DIAMOND, DILL, DOW, FARRIN, GRATWICK, GUERIN, HAMPER, HERBIG, KEIM, LAWRENCE, LIBBY, LUCHINI, MILLETT, MIRAMANT, MOORE, SANBORN H, SANBORN L, TIMBERLAKE, VITELLI, WOODSOME, PRESIDENT JACKSON

NAYS: Senators: None

EXCUSED: Senators: FOLEY, POULIOT, ROSEN

32 Senators having voted in the affirmative and no Senators having voted in the negative, with 3 Senators being excused, the Joint Order was **PASSED**.

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:

ENACTORS

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

Bond Issue

An Act To Authorize a General Fund Bond Issue To Improve Highways, Bridges and Multimodal Facilities
S.P. 634 L.D. 1850

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

Senator **DIAMOND:** Thank you, Mr. President and ladies and gentlemen of the Senate. Just a minute or two on this \$105 million bond for transportation. As we know, this is a bond that will reach all the way across the state, rural and city. Also, about \$100 million of that will be for roads and bridges, airports, cargo, all modes of transportation, multimodal. So it's going to cover that branch as well. Then the \$4 million which is for municipalities, for the culvert issue. A lot of folks back home don't understand what the culvert thing is but it really is very important environmentally and otherwise, especially for the communities that need help in getting waterways passage done in the correct manner. Then the Gulf of Maine, the wall gets \$1 million out of that. That's all good news. The other good news is this \$137 million in matching funds but, by the way, that is going up. It looks like it might even be up to \$150 million or more. So there's really a lot of advantages to this for everybody in the state of Maine and we know how bad the roads are, whether you live in a city or you live in a rural area. This is a chance for us, for the Department, to get their projects set up, which will happen right after the vote in November if we pass this, to get it set up and also start these projects and talk with the people, the construction companies, etcetera. So I hope you will give this a good, positive vote so that we can send a message to the voters that this is something that we really believe in and hope that you will all vote for. Thank you, Mr. President.

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

THE PRESIDENT: The pending question before the Senate is Enactment. Is the Senate ready for the question?

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#369)

YEAS: Senators: BELLOWS, BLACK, BREEN, CARPENTER, CARSON, CHENETTE, CHIPMAN, CLAXTON, CYRWAY, DAVIS, DESCHAMBAULT, DIAMOND, DILL, DOW, FARRIN, GRATWICK, GUERIN, HAMPER, HERBIG, KEIM, LAWRENCE, LIBBY, LUCHINI, MILLETT, MIRAMANT, MOORE, SANBORN H, SANBORN L, TIMBERLAKE, VITELLI, WOODSOME, PRESIDENT JACKSON

NAYS: Senators: None

EXCUSED: Senators: FOLEY, POULIOT, ROSEN

This being a Bond Authorization Act, in accordance with the provisions of Section 14 of Article IX of the Constitution, having received the affirmative vote of 32 Members of the Senate, with no Senators having voted in the negative, and 32 being more than two-thirds of the Members present and voting, was **PASSED TO BE ENACTED** and, having been signed by the President, was presented by the Secretary to the Governor for approval.

Bond Issue

An Act To Authorize a General Fund Bond Issue for Land Conservation, Water Access, Outdoor Recreation, Wildlife and Fish Habitats and Farmland and Working Waterfront Preservation
S.P. 635 L.D. 1851

Comes From the House, **FAILED ENACTMENT**.

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#370)

YEAS: Senators: BELLOWS, BREEN, CARPENTER, CARSON, CHENETTE, CHIPMAN, CLAXTON, DESCHAMBAULT, DIAMOND, DILL, GRATWICK, HERBIG, LAWRENCE, LIBBY, LUCHINI, MILLETT, MIRAMANT, SANBORN H, SANBORN L, VITELLI, PRESIDENT JACKSON

NAYS: Senators: BLACK, CYRWAY, DAVIS, DOW, FARRIN, GUERIN, HAMPER, KEIM, MOORE, TIMBERLAKE, WOODSOME

EXCUSED: Senators: FOLEY, POULIOT, ROSEN

This being a Bond Authorization Act, in accordance with the provisions of Section 14 of Article IX of the Constitution, having received the affirmative vote of 21 Members of the Senate, with 11 Senators having voted in the negative, and 21 being less than two-thirds of the Members present and voting, **FAILED ENACTMENT**, in concurrence.

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

ORDERS OF THE DAY

Unfinished Business

The following matter 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 (6/20/19) matter:

An Act To Implement Ranked-choice Voting for Presidential Primary and General Elections in Maine

S.P. 315 L.D. 1083
(C "A" S-313)

Tabled - June 20, 2019 by Senator **LIBBY** of Androscoggin

Pending - **ENACTMENT**

(In Senate, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-313).**)

(In House, **PASSED TO BE ENACTED.**)

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#371)

YEAS: Senators: BELLOWS, BREEN, CARPENTER, CARSON, CHENETTE, CHIPMAN, CLAXTON, DESCHAMBAULT, DILL, GRATWICK, HERBIG, LAWRENCE, LIBBY, LUCHINI, MILLETT, MIRAMANT, SANBORN H, SANBORN L, VITELLI, PRESIDENT JACKSON

NAYS: Senators: BLACK, CYRWAY, DAVIS, DIAMOND, DOW, FARRIN, GUERIN, HAMPER, KEIM, MOORE, TIMBERLAKE, WOODSOME

EXCUSED: Senators: FOLEY, POULIOT, ROSEN

20 Senators having voted in the affirmative and 12 Senators having voted in the negative, with 3 Senators being excused, was **PASSED TO BE ENACTED** and, having been signed by the President, was presented by the Secretary to the Governor for approval.

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

Senate at Ease.

The Senate was called to order by the President.

Off Record Remarks

RECESSED until the sound of the bell.

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

At this point a message was received from the House of Representatives, borne by Representative MOONEN of Portland, informing the Senate that the House had transacted all business before it and was ready to Adjourn Without Day.

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

ORDERS

Senate Order

On motion by Senator **LIBBY** of Androscoggin, the following Senate Order:

S.O. 20

Ordered, that a message be sent to Governor Janet T. Mills informing her that the Senate is ready to Adjourn Without Day, and invite her to attend and make such communications as pleases her.

READ and PASSED.

The Chair appointed the Senator from Androscoggin, Senator **LIBBY**, to deliver the message to the Governor. The Senator was escorted to the Governor's Office.

Subsequently, the Senator from Androscoggin, Senator **LIBBY**, reported that he had delivered the message with which he was charged.

On motion by Senator **VITELLI** of Sagadahoc, the following Senate Order:

S.O. 21

Ordered, that a message be sent to the House of Representatives informing that Body that the Senate is ready to Adjourn Without Day.

READ and PASSED.

The Chair appointed the Senator from Sagadahoc, Senator **VITELLI**, to deliver the message to the House of Representatives. The Senator was escorted to the House of Representatives.

Subsequently, the Senator from Sagadahoc, Senator **VITELLI**, reported that she had delivered the message with which she was charged.

Off Record Remarks

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

Senator **TIMBERLAKE:** Thank you, Mr. President. Permission to speak on the record?

THE PRESIDENT: So moved.

Senator **TIMBERLAKE:** Mr. President, after going down and meeting with the Chief of Staff for the Chief Executive's Office, I'll be honest, I'm a little depressed, I guess, or concerned that a procedure that has been going on for almost 200 years, that when two Bodies vote to recall a bill from the Governor's desk has never not been done before. Today will be the first time that I can find, and some people we've had doing some research can find, that it hasn't been. With that being said, I was hoping they would at least send up a written reason of why they wouldn't do it or why the Chief Executive had decided not to do it, but they give the reason that it's a separation of powers and they have that right. I don't have a high powered attorney to fight it, so I'm probably never going to get there to fight everyone. But it bothers me that after almost 200 years between all of our Bodies when the two Bodies have agreed to recall a bill, or the Governor has asked the Bodies to recall a bill, that it's always been done and today is the first time in the history of the State of Maine that that doesn't happen, so the nursing home funding bill will stay in the same predicament that it was when we came here this morning, tonight, as far as I can tell. So I just wanted to say that on the record, that

it does bother me and thank you, Mr. President and ladies and gentlemen of the Senate.

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

Senator **LIBBY:** Thank you, Mr. President. Men and women of the Senate, I share, I think, the disappointment that this is the posture that the nursing home bill finds itself in and I was not expecting this result. I do think, however, that members of both parties really do care about addressing this nursing home funding shortfall even though the Chief Executive has a different interpretation of the bill we're talking about. I know the Chief Executive feels the same. My hope is over the fall some of these funds are released and in January we come back together and pass a final bill to address the funding shortfall. I understand, Mr. President, you intend to work on that with all of us in January. Thank you, Mr. President.

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

Senator **CARPENTER:** Mr. President, permission to speak on the record.

THE PRESIDENT: So moved.

Senator **CARPENTER:** Mr. President, I share the concern, I guess, that the good Senator from Androscoggin, Senator Timberlake, but I have to say that in my years here over the last couple of years I've seen a number of things that have been somewhat unprecedented. I saw this Chamber and the members in this Chamber decide to take off on their own and sue the Secretary of State, as I recall. Not the House and the Senate, not the Legislature, but this Chamber. I also saw an entire election cycle disrupted because of something we had never messed with before, the Errors Bill got twisted around and because of that there was a great deal of angst. So a lot of things are unprecedented around here and, unfortunately, this may be another of those. I just want to say that this is not the first time in the time that I've been back in this Legislature that I've seen this kind of thing happen. Thank you.

On motion by Senator **GRATWICK** of Penobscot, the Honorable **TROY D. JACKSON**, President of the Senate, declared the First Special Session of the 129th Legislature, **ADJOURNED SINE DIE** at 7:21 in the evening.