

MAINE STATE LEGISLATURE

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ONE HUNDRED THIRTY-FIRST LEGISLATURE
SECOND REGULAR SESSION
27th Legislative Day
Wednesday, March 20, 2024

The House met according to adjournment and was called to order by the Speaker.

Prayer by Reverend David Friedlander, Maranatha Ministerial Fellowship International, Gorham.
National Anthem by Maria Clark, Windham.
Pledge of Allegiance.

Under suspension of the rules, members were allowed to remove their jackets.

The Journal of yesterday was read and approved.

Medical Provider of the Day, Robert Rousseau PA-C, Sidney.

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

CONSENT CALENDAR
First Day

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

(S.P. 967) (L.D. 2245) Bill "An Act to Clarify the Definition of 'Underground Facility' and Reduce Administrative Burdens Under the So-called Dig Safe Law" Committee on **ENERGY, UTILITIES AND TECHNOLOGY** reporting **Ought to Pass**

(S.P. 270) (L.D. 653) Bill "An Act to Support Constitutionally Required Public Defense by Creating the Maine Office of Public Defense Services" Committee on **JUDICIARY** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-579)**

(S.P. 511) (L.D. 1274) Bill "An Act to Increase Land Access for Historically Disadvantaged Populations" Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-577)**

(S.P. 697) (L.D. 1752) Resolve, to Prepare Preapproved Building Types Joint Select Committee on **HOUSING** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-578)**

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

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

COMMUNICATIONS

The Following Communication: (H.C. 455)

STATE OF MAINE

CLERK'S OFFICE

2 STATE HOUSE STATION

AUGUSTA, MAINE 04333-0002

March 20, 2024

Honorable Rachel Talbot Ross

Speaker of the House

2 State House Station

Augusta, Maine 04333

Dear Speaker Talbot Ross:

Pursuant to Joint Rule 310, the Committee on Taxation has approved the request by the sponsor, Representative Gramlich of Old Orchard Beach, to report the following "Leave to Withdraw:"

L.D. 996 An Act to Allow a Municipality to Establish a Local Option Sales Tax

Sincerely,

S/Robert B. Hunt

Clerk of the House

READ and with accompanying papers **ORDERED PLACED ON FILE.**

The Following Communication: (S.C. 1024)

MAINE SENATE

131ST LEGISLATURE

OFFICE OF THE SECRETARY

March 19, 2024

Honorable Rachel Talbot Ross

Speaker of the House

2 State House Station

Augusta, ME 04333-0002

Dear Speaker Talbot Ross:

In accordance with 3 M.R.S.A. §158 and Joint Rule 506 of the 131st Maine Legislature, please be advised that the Senate today confirmed the following nominations:

Upon the recommendation of the Committee on Education and Cultural Affairs:

- Peter DelGreco of North Yarmouth for reappointment, to the Maine Community College System, Board of Trustees,
- Kossi Gamedah of Falmouth for reappointment, to the Maine Community College System, Board of Trustees,
- Anne Roosevelt of Embden for reappointment, to the Maine Community College System, Board of Trustees,
- William B. Eisenhardt of Castine for appointment, to the Maine Maritime Academy, Board of Trustees,
- Mark R. Gardner of Kittery for appointment, to the Maine Maritime Academy, Board of Trustees,
- Anthony Hall of Winterport for appointment, to the Maine Maritime Academy, Board of Trustees.

Best Regards,

S/Darek M. Grant

Secretary of the Senate

READ and **ORDERED PLACED ON FILE.**

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

ORDERS

On motion of Representative MILLETT of Cape Elizabeth, the following Joint Resolution: (H.P. 1460) (Cosponsored by Senator RAFFERTY of York and Representatives: COLLINGS of Portland, DODGE of Belfast, ROEDER of Bangor, Senators: DAUGHTRY of Cumberland, President JACKSON of Aroostook, PIERCE of Cumberland)

JOINT RESOLUTION RECOGNIZING MARCH 2024 AS ARTS EDUCATION MONTH

WHEREAS, Arts Education Month celebrates and amplifies the innovative work of arts educators in service of students and families in communities across the State; and

WHEREAS, the State recognizes arts learning, including dance, music, theater, visual arts and media arts taught by certified arts educators in partnership with community providers as an essential element and core content of a complete and balanced education for all students; and

WHEREAS, arts learning includes engagement with literary arts, folk and traditional arts and service-oriented projects and involves many interdisciplinary connections; and

WHEREAS, arts education provides substantial educational benefits to all elementary, middle and secondary school students; and

WHEREAS, arts education develops students' creative potential and supports collaboration, communication, problem-solving and critical thinking skills that are essential for our workforce in the 21st century; and

WHEREAS, arts education has the power to change students' lives; and

WHEREAS, students, families and community members benefit most from arts learning opportunities that are designed to be accessible to all and to make connections to the lived experience of students across the State; and

WHEREAS, arts education helps nurture healthy, inclusive communities where all points of view are respected; and

WHEREAS, while arts learning supports academic growth in a variety of content areas, each arts discipline has tremendous value as stand-alone academic content; and

WHEREAS, equitable access to arts education opportunities is sustained by a wide range of partners, including school leadership, educators, families, teaching artists, arts organizations, local and statewide organizations and government agencies; now, therefore, be it

RESOLVED: That We, the Members of the One Hundred and Thirty-first Legislature now assembled in the Second Regular Session, on behalf of the people we represent, take this opportunity to designate March 2024 as Arts Education Month and to recognize the professional expertise of arts educators and advocates around the State, invite community leaders to continue to strengthen and increase access to arts education for every student regardless of geographic location and give our full support for quality school arts programs for Maine's youth.

READ.

The SPEAKER: The Chair recognizes the Representative from Cape Elizabeth, Representative Millett.

Representative MILLETT: Thank you, Madam Speaker. The arts; which are fine arts, music, dance, theater; create safe spaces in which our children and youth can feel comfortable taking productive risks, being challenged, feeling discomfort and growing emotionally, and where they can practice self-management, build strong interpersonal and relationship skills and engage in healthy self-expression. The arts offer opportunities to develop self-awareness, like recognizing personal emotions, self-perceptions, strengths, values and self-efficacy. They provide opportunities to develop social

awareness, including empathy and appreciation of diversity, respect and the creation of community. There are opportunities to develop responsible decision-making, identifying problems, solving problems and accepting personal responsibility. There are opportunities to develop self-management, impulse control, stress management, self-motivation, discipline, goal-setting and organizational skills. And the arts also offer opportunities to develop relationship skills, communication, social engagement, building and maintaining relationships, working cooperatively and engaging in conflict management.

Research has shown that the role of arts in child and youth development facilitates the building of executive function skills, which have been at the center of a lot of public policy workforce development discussions. Executive function skills are defined as the attention regulation skills that make it possible to sustain attention, keep goals and information in mind, refrain from responding immediately, resist distraction, tolerate frustration, consider the consequences of different behaviors, reflect on past experiences and plan for the future. When our youth's homes are not stable or there are situations of neglect or abuse, executive function skills may be impaired or, sadly, may not develop at all, limiting a child's success in elementary school and later in life. Studies have found that children participating in programs rich in arts and culture show significant improvement in executive function.

It's not surprising, then, to learn of the impact arts participation has on student persistence and graduation rates. After tracking more than 22,000 students for 12 years, the NEA researchers found that students with high levels of involvement in the arts were five times more likely to graduate high school than those with low involvement in the arts. Moreover, students with low socio-economic status who were deeply engaged in the arts demonstrated better academic outcomes than students from higher socio-economic backgrounds who had less arts involvement. While we cannot overstate the benefits of arts education for our children, we consistently underinvest. We, as a nation and a State, too often view arts education as a, quote, nice to have, unquote. When, in fact, it serves as a core function in the growth and development of our children.

I'd like to wrap up with a poem about the joy and power of the arts. It's by Dasha Kelly Hamilton, and it's called *Like the Wind*.

Feel the wind chase and play
 In ways our eyes could never see
 Lifting motes and weightless matter
 Dancing specks of wayward dreams
 Breathe them in
 Belt it out
 Shake loose the quarter notes
 Your starter dough, the shards of
 broken hearts to be reimagined with melted gold
 We breeze
 and we storm
 Strum electricity in the air
 Scribble into the cosmos and the seas
 "Maybe" rustles comfort and through the leaves
 "If" can uproot old and mighty trees
 Ideas travel through us like the wind
 Forces of our nature
 Designers and makers
 We are undoers
 We are creators

Casting roles, molds and long shadows
We stack
We dance
We shatter, remix and line break
We bake, we glaze
Spin, shift and shape
We wander, wondering
Settling to rest on something fresh,
Somewhere new
Some solution, shortcut or fusion
Some evolution
of you
Breathe in
Sound it out
String the melody of your story along the eaves
Twinkle a mural across your starlit skies
Each of our lives
Already a constellation
We are lifted particles of stardust
Bending breezes into dreams.

Thank you, Madam Speaker.

The SPEAKER: The Chair recognizes the Representative from Bangor, Representative Roeder.

Representative **ROEDER**: Thank you, Madam Speaker. Before I begin, I would like to embarrass a Member of this Chamber Staff, as she was one of my theater students. I'm an adjunct instructor and the first time I actually met her was here, because the class was online.

We know that students who take four years of art classes score higher on standardized tests. We've heard the statistics about dropout rates in children of lower socio-economic status that participate in the arts. We know that students who see live performances score higher on not only vocab tests, but in tests of empathy. We know that arts education is directly related also to students performing better in math classes. After years of being dismissed as unnecessary, the arts are finally being studied for how participation and education in the arts helps people perform better, earn more or achieve greater heights outside of the arts. Those studies are great, but looking at the return on investment for arts as the sole justification for arts education sometimes misses the point. To quote Shakespeare, the object of art is to give life a shape.

Walking up the stairs today, I heard a familiar sound; a youth choir warming up. I stopped to listen to the choir doing scales because it reminded me of Mr. Bill Miller, my high school choir teacher. He was called to teaching choir halfway through his training to become a monk. While the church may have been regretful of his decision, I think his wife and kids were pretty glad he left the monastery. I went to a consolidated high school in the middle of rural, nowhere Minnesota. We weren't a well-funded or particularly high-achieving school district, but our two most recognized and award-winning programs were our girls' basketball team and our choir. Mr. Miller did nothing short of miraculous with a scraggly, weird group of kids. He took the kids who smoked out back by the woodshop dumpster, the farm kids, the teen moms, the stoners, the nerds, and made us all believe that not only we could achieve great things, but that he would not rest until we did. He was a kind man, but he made us work. He made us believe in ourselves so much that we each achieved more than we ever thought was possible. He took us weirdos and turned us into an award-winning choir. Because of him, we were greater than the sum of our parts. Because of him, we

grew an unshakable sense of self-confidence. Because of him, we were glorious.

Mr. Miller passed away a couple of years ago, but his legacy lives on in each one of us who were part of his choirs. If I had one wish for young people today, it's that they all have a Mr. Miller equivalent in their lives. The lovely thing about arts education is that Mr. Miller is not unique. He's one of countless arts educators in this country and each one of them has an indelible impact on their students, and those students use those lessons to give shape to their lives and their communities. So, in this moment, let me please thank Mr. Miller, Mr. Pierson, Mr. Tedreau, Mrs. Metkey, Mr. Holmquist, Mr. Chase and every other teacher who believes in the power of art. Thank you.

The SPEAKER: The Chair recognizes the Representative from Belfast, Representative Dodge.

Representative **DODGE**: Thank you, Madam Speaker. The two prior speakers have said what is in my heart as a music educator and I would say, please take those statements and support the arts in all ways that you can. Not just with your votes in this Chamber, but by attending arts events in your communities. These things build the fabric of our towns, our states and our schools. Thank you.

Subsequently, the Joint Resolution was **ADOPTED** and sent for concurrence.

REPORTS OF COMMITTEE

Ought to Pass Pursuant to Public Law

Representative LANDRY for the **Joint Standing Committee on Inland Fisheries and Wildlife** on Bill "An Act Related to Airboats and Airboat Noise Limits" (EMERGENCY) (H.P. 1461) (L.D. 2272)

Reporting **Ought to Pass** pursuant to Public Law 2021, chapter 585, section 2.

The Report was **READ** and **ACCEPTED**.

The Bill was **READ ONCE**.

Under suspension of the rules the Bill was given its **SECOND READING WITHOUT REFERENCE** to the Committee on **Bills in the Second Reading**.

Under further suspension of the rules the Bill was **PASSED TO BE ENGROSSED** and sent for concurrence.

Divided Reports

Majority Report of the Committee on **LABOR AND HOUSING** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-575)** on Bill "An Act to Ensure the Workers' Compensation Board's Allocations Are Properly Funded"

(S.P. 927) (L.D. 2176)

Signed:

Senator:

TIPPING of Penobscot

Representatives:

ROEDER of Bangor

GEIGER of Rockland

GERE of Kennebunkport

MALON of Biddeford

RUSSELL of Verona Island

SKOLD of Portland

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "B" (S-576)** on same Bill.

Signed:
Senator:

POULIOT of Kennebec

Representatives:

BRADSTREET of Vassalboro

DRINKWATER of Milford

SOBOLESKI of Phillips

Came from the Senate with the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-575)**.

READ.

Representative ROEDER of Bangor moved that the House **ACCEPT** the Majority **Ought to Pass as Amended** Report.

Representative BRADSTREET of Vassalboro **REQUESTED** a roll call on the motion to **ACCEPT** the Majority **Ought to Pass as Amended** Report.

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

The SPEAKER: The Chair recognizes the Representative from Vassalboro, Representative Bradstreet.

Representative **BRADSTREET**: Thank you, Madam Speaker, Ladies and Gentlemen of the House. This bill negates a compromise that came about several years ago in the Legislature whereby it was agreed that the Workers' Comp system would continue to be 100% paid for by employers, with the understanding that changes in the Workers' Comp system budget could only come about through legislative action. This proposal destroys those guardrails by enabling regulators to set their own budgets without any consideration given to the parties who pay 100% of the costs; Maine's businesses. This is in violation of the compromise that was reached and an abrogation of legislative responsibility. Taken by itself, this bill appears pretty innocuous but, in reality, it is further unraveling of the current Workers' Comp system that not so many years ago was in dire straits and in danger of failure altogether. If this trend continues, Maine's Workers' Comp rates will eventually cost even more than they do right now when we're already sixth-highest in the country.

Madam Speaker, we need to be more circumspect in what we do here and show more respect and regard for previous legislative actions and what they have done. Good work is not always undone in one fell swoop, but gradually, and such is the case with this bill. I urge you to join me in voting against the pending motion. Thank you, Madam Speaker.

The SPEAKER: The Chair recognizes the Representative from Turner, Representative Morris.

Representative **MORRIS**: Thank you, Madam Speaker. As the Good Representative from Vassalboro just said, I also rise in opposition to the motion. I would concur with everything that he just said. I also would add, I was on the Labor Committee in the 129th when we passed a compromise dealing with the Workers' Comp reforms. One of the things that we did manage to pass was requiring any future judges that are going to oversee this would have a supermajority; they would need to have at least one person from management or labor in order to approve a judge; you had to have five of the seven members as opposed to just the simple majority. I think that's reasonable when we're considering how they're going to fund the budget as well.

As the Good Representative from Vassalboro stated, this is something that is paid entirely for by the business owners and

by the business community, and I think requiring a supermajority to fund the budget by having at least one person from the other side. For those who don't know, the Board is made up of three members from labor, three members from the business owners and then the Director is there as well. I think requiring just a simple majority where the Director is casting a tiebreaking vote can be problematic, given that the Director is essentially appointed by the Executive and, you know, we may not always agree with the decisions that the Director makes and I think requiring at least one person from that other side to approve the budget is a reasonable compromise and for that reason, I would urge this Body to reject this motion. Thank you.

The SPEAKER: The Chair recognizes the Representative from Bangor, Representative Roeder.

Representative **ROEDER**: Thank you, Madam Speaker. Madam Speaker, before I talk a little bit about what this bill would do, I want to address something that the Good Representative from Turner brought up about the supermajority. This bill was sent to us by a supermajority of the Workmens' Compensation Board. It was voted on four to two. And the reason we have it in our possession at all is because the Board thought this was a reasonable workaround, because currently in Statute, there is a hard dollar amount cap on assessments. The Board felt that they needed a little flexibility there, so, the end result of this was a bill that would allow the cap to be flexible but also not allow it to take out more than necessary. It removes current statutory language that places a specific dollar amount on the maximum value of assessments that may be levied and replaces it with the language providing that assessments levied may not be designed to produce more revenue than is sufficient for the Workers' Compensation Board to fund the expenditures allocated by the Legislature, and to maintain reserve up to one-fourth of the Board's annual budget. There's also a provision in the bill to return some of the money if it is in excess. Thank you.

The SPEAKER: The Chair recognizes the Representative from Milford, Representative Drinkwater.

Representative **DRINKWATER**: Thank you, Madam Speaker. Madam Speaker, I'm concerned. Our family business before 1992 was struggling to pay health insurance, Workmen's Comp. I had family members that were loggers. What they had to pay for their hand crews; for every dollar that they paid the employee, they had to pay 75 cents. That broke a lot of these loggers and it also forced the industry to change to mechanical harvesting. And we all know what that's done to our woods.

My concern here is unintended consequences. The business community is concerned that they pay 100% of the money to support the administration of Workers' Comp. They're concerned that their rates; we're already number six; they're concerned about going back to pre-1992 with that; then the Chief Executive had to shut down the State of Maine in order to get a compromise to fix Worker's Comp. Sure, this is just a budgetary item; yeah, won't hurt a thing, no, no, no. But we're number six in the country for our rates already and we're changing Worker's Comp. The fear is we're going to go back to the old days. Thank you.

The SPEAKER: The Chair recognizes the Representative from Biddeford, Representative Malon.

Representative **MALON**: Thank you, Madam Speaker. So, as my good friend from Bangor noted, this bill comes from the Workers' Comp Board, sent to us by a four-to-two vote based on an identified need to us by the Director. In his testimony, the Director noted that in 2022, the Board reached consensus on its budget and to increase the cap. But despite this, consensus could not be reached to increase the assessment cap by the minimum needed to submit the budget

they had already agreed upon by consensus. So, essentially, the Board had agreed to spend money it would not be able to raise. And this causes major problems for the efficient and effective administration of government functions, which in this case are when a worker is injured on the job site; them being able to receive the compensation benefits they are owed after a somewhat lengthy process of determining what that amount is.

This really is a budget bill, to respond to my good friend and Labor and Housing seatmate from Milford. This bill would tie the cap to the Legislature's allocation. So, the Legislature still has a big role to play in determining what that cap would be, because we go through a whole budget process in which the Board submits their proposals, like any other agency does. But really what I want to come back to is the fact that agreements change over time when presented with different circumstances. We hear a lot about 1992 in the Labor and Housing Committee and I understand. That was a major crisis of governance at that point in time, there was a shutdown, I understand that it was a very stressful time for many people, management and workers alike. But agreements do change over time and, in fact, there have been many adjustments made to the 1992 agreement through the years, most of which have been to the benefit of employers.

This bill is needed simply to make sure that workers can be paid what they are owed, what has been determined they are owed, and ensures that the Board can do so effectively and efficiently. It is essentially a good government bill, it is a budgetary bill and I would urge my colleagues to support it. Thank you.

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

ROLL CALL NO. 417

YEA - Abdi, Ankeles, Arford, Beck, Bell, Bridgeo, Cloutier, Cluchey, Collings, Copeland, Crafts, Craven, Dhalac, Dill, Dodge, Doudera, Eaton, Fay, Gattine, Geiger, Gere, Golek, Graham, Gramlich, Hasenfus, Hepler, Hobbs, Jauch, Kessler, Kuhn, Lajoie, Landry, LaRochelle, Madigan, Malon, Mastraccio, Mathieson, Matlack, Meyer, Millett R, Milliken, Montell, Moonen, Moriarty, Murphy, O'Connell, O'Neil, Osher, Perry A, Pluecker, Pringle, Rana, Rielly, Riseman, Roberts, Roeder, Runte, Russell, Sachs, Salisbury, Sargent, Sayre, Shagoury, Shaw, Sheehan, Sinclair, Stover, Supica, Terry, Warren, White B, Williams, Worth, Zager, Zeigler, Madam Speaker.

NAY - Albert, Andrews, Arata, Ardell, Babin, Bagshaw, Blier, Boyer, Bradstreet, Carlow, Collamore, Cray, Cyrway, Davis, Drinkwater, Ducharme, Dunphy, Faulkingham, Foster, Fredericks, Gifford, Greenwood, Guerrette, Haggan, Hall, Henderson, Hymes, Jackson, Javner, Lavigne, Lemelin, Libby, Lyman, Mason, Millett H, Morris, Ness, Newman, Nutting, Parry, Paul, Perkins, Poirier, Polewarczyk, Pomerleau, Quint, Rudnicki, Schmersal-Burgess, Simmons, Smith, Strout, Swallow, Theriault, Thorne, Underwood, Walker, White J, Woodsome.

ABSENT - Adams, Boyle, Brennan, Campbell, Carmichael, Costain, Crockett, Galletta, Griffin, Lanigan, Lee, Lookner, Perry J, Sampson, Skold, Soboleski, Wood.

Yes, 76; No, 58; Absent, 17; Vacant, 0; Excused, 0.

76 having voted in the affirmative and 58 voted in the negative, with 17 being absent, and accordingly the Majority **Ought to Pass as Amended Report was ACCEPTED.**

The Bill was **READ ONCE. Committee Amendment "A" (S-575) was READ** by the Clerk and **ADOPTED.**

Under suspension of the rules the Bill was given its **SECOND READING WITHOUT REFERENCE** to the Committee on **Bills in the Second Reading.**

Under further suspension of the rules the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (S-575)** in concurrence.

Majority Report of the Joint Select Committee on **HOUSING** reporting **Ought Not to Pass** on RESOLUTION, Proposing an Amendment to the Constitution of Maine to Establish a Right to Housing

(H.P. 543) (L.D. 853)

Signed:

Senators:

PIERCE of Cumberland
POULIOT of Kennebec
VITELLI of Sagadahoc

Representatives:

GERE of Kennebunkport
BLIER of Buxton
CAMPBELL of Orrington
MORRIS of Turner
STOVER of Boothbay

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-837)** on same RESOLUTION.

Signed:

Representatives:

GATTINE of Westbrook
GOLEK of Harpswell
LOOKNER of Portland
RANA of Bangor

READ.

On motion of Representative GERE of Kennebunkport, **TABLED** pending **ACCEPTANCE** of either Report and later today assigned.

Majority Report of the Committee on **TAXATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-839)** on Bill "An Act to Provide Property Tax Relief by Increasing the Availability of the Property Tax Fairness Credit"

(H.P. 1368) (L.D. 2144)

Signed:

Senators:

GROHOSKI of Hancock
CHIPMAN of Cumberland

Representatives:

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

Minority Report of the same Committee reporting **Ought Not to Pass** on same Bill.

Signed:

Representatives:

QUINT of Hodgdon
RUDNICKI of Fairfield

READ.

Representative HASENFUS of Readfield moved that the House **ACCEPT** the Majority **Ought to Pass as Amended** Report.

The same Representative **REQUESTED** a roll call on the motion to **ACCEPT** the Majority **Ought to Pass as Amended** Report.

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

The **SPEAKER**: The Chair recognizes the Representative from Verona Island, Representative Russell.

Representative **RUSSELL**: Thank you, Madam Speaker, Ladies and Gentlemen of the House. I rise today in support of this bill, and I want to explain what it does.

As you all know, the property tax fairness credit was improved in the first session of the Legislature. This makes a small adjustment to that, and it does it in a simple way. As constructed now, if you're a senior over 65 and you file singly or jointly and you earn \$100,000 or under, four percent of your income; if your property tax is more than that, you will get a credit up to your property tax with a limitation of \$2,000. This enhances that for people that make \$36,000 or less. And the reason for that is; I got very involved in my district helping seniors understand the changes made from LD 290, the property tax fairness changes. And I noticed that people on the bottom end of the spectrum, seniors, did not really realize much from the property tax fairness credit. So, this enhances the four percent; in other words, the threshold where, above that, they would get the credit; to three percent. So, it's a rather modest adjustment. So; and the limitation is for people who make \$36,000 or under. Most of those people are retired folks that worked all their life and the only income they have is Social Security. I looked up sort of what that was and, according to the Social Security Administration website, in Maine for retired workers; and this is what separates out SSI recipients, widows, children that also can receive Social Security; but people who worked all their life and then retired, the average payment in Maine as of last month, February of '24, was \$1,829. That's \$22,097 a year. Those folks; let's call it \$22,000. They would receive an additional \$220 under this bill.

So, why the \$36,000? The \$36,000, while it's; I wanted it to be exact; it's not, because the bill came much earlier; but according to DHHS website, seniors qualify for nursing home care if their income is \$2,849 a month, which is just under \$34,000. So, these folks that will get this slightly extra money in the property tax fairness credit are the ones that are on the line trying to stay in their homes versus needing to go into a nursing home. Well, that's problematic because we're losing our nursing homes. And some of them actually end up in emergency rooms. Well, if you look at the cost of that, which, again, I looked it up, I could only find numbers up to 2021; Maine shares cost of the 90,000-odd dollars that it costs to put a senior in nursing home under MaineCare is a third of that, so, it's about \$3,000 a month or \$36,000 a year. So, let's just say that this bill takes a hundred seniors, as an example, and keeps them out of a nursing home for six months. Well, we would've invested \$22,000; \$220 for the people who qualify times a hundred; and the savings would be \$33,000 a month, or \$200,000 over six months.

So, for me, a \$22,000 investment for the State of Maine to save \$200,000 is a wise investment. You multiply this up to a thousand seniors that it might help and the numbers will pay for the bill and, beyond that, it will save countless dollars. So, I think this is the type of bill where we can help a need, help seniors, and at the same time, save by spending some money, save the State in the long run a lot of money. And you can actually

measure this because it's going to come up in one of two ways, if this bill goes into effect. And that's by looking at the number of months that MaineCare seniors that are in nursing homes are there before their life ends. So, in theory, if this works, that will come down. In other words, if the average now is 24 months, it might come down to 18 months. And that's where the savings is. Or the average age that they pass away in a nursing home, that could go up. But either way, both of them are good outcomes and I hope you support this bill. Thank you, Madam Speaker.

The **SPEAKER**: The Chair recognizes the Representative from Fairfield, Representative Rudnicki.

Representative **RUDNICKI**: Thank you, Madam Speaker. I'm actually going to support this bill, even though I'm on the opposite report. I, too, worked a lot with my seniors over the last few years, helping to do the property tax fairness credit because we also got rid of the stabilization piece of this. My heartburn on this bill was two things. First of all, we just made some corrections to this program last year, I wanted it to have a chance to work before we added more. The other piece that I have a heartburn with is the inflation indexing. But other than that, I actually think, you know, anything we can do to help our seniors is a benefit. So, I will be supporting this motion. Thank you.

The **SPEAKER**: The Chair recognizes the Representative from Dexter, Representative Foster.

Representative **FOSTER**: Thank you, Madam Speaker, Ladies and Gentlemen of the House. Obviously, any relief we can give to our property owners in the State of Maine, especially those who are trying to get by on Social Security or very low pension and some Social Security, is very welcome. But I would remind folks that the money, such as \$220 off from property tax, is but a pittance of what these people need. When we consider the fact that they are going to be paying just to stay in their home, and I have neighbors that are trying to do so, that fit this bracket; when we consider the fact that they are paying several times more now for just their electricity because of what we've done in the State of Maine, not to speak about inflation in their groceries and all the other items. This really is going to do very little to keep very many of our citizens that are at that point in their lives where that they can just barely afford to get by, the opportunity to stay in their homes where they want to be. Thank you, Madam Speaker.

The **SPEAKER**: The Chair recognizes the Representative from Hodgdon, Representative Quint.

Representative **QUINT**: Thank you, Madam Speaker. I agree with my colleagues and I actually support the concept behind the bill. This is just another one of the bills, though, where since we're serving different communities, it can affect them in different ways. Since my communities have a much older population in them and we have small families there that are paying the majority of the taxes already, any change that we do in that tax rate and decreasing someone else's taxes, the rest of the taxes have to go up, and in some of these communities, there are not enough of these small working families to be able to absorb this. And so, I just wanted to give that view of why I wasn't supporting it.

I really do look for ways that we can support all of our seniors, and as Representative Rudnicki had stated, we've done a lot of work in the Tax Committee in the past two years to change funding sources, to change credits, to open more areas up, but I just wanted to let the Body know how this would affect my communities and why I was voting against it. Thank you.

The SPEAKER: The Chair recognizes the Representative from Winter Harbor, Representative Faulkingham.

Representative **FAULKINGHAM**: Thank you, Madam Speaker. House Republicans have been raising the alarm that Mainers are suffering. As the Good Representative from Dexter mentioned, the electric bills, grocery bills piling up, and as I've stated before that always gets a good laugh; taxation is theft. And of those taxations, I feel that property tax is the worst and it impacts our low-income and elderly the most and whereas this bill addresses specifically low-income elderly, I say let's get this done today. Thank you, Madam Speaker.

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

ROLL CALL NO. 418

YEA - Abdi, Albert, Andrews, Ankeles, Arata, Ardell, Arford, Babin, Bagshaw, Beck, Bell, Blier, Boyer, Bradstreet, Bridgeo, Carlow, Cloutier, Cluchey, Collamore, Collings, Copeland, Crafts, Craven, Cray, Cyrway, Davis, Dhalac, Dill, Dodge, Doudera, Drinkwater, Ducharme, Dunphy, Eaton, Faulkingham, Fay, Foster, Fredericks, Gattine, Geiger, Gere, Gifford, Golek, Graham, Gramlich, Greenwood, Griffin, Guerrette, Haggan, Hall, Hasenus, Henderson, Hepler, Hobbs, Hymes, Jackson, Jauch, Javner, Kessler, Kuhn, Lajoie, Landry, LaRochelle, Lavigne, Lemelin, Libby, Lookner, Lyman, Madigan, Malon, Mason, Mastraccio, Mathieson, Matlack, Meyer, Millett H, Millett R, Milliken, Montell, Moonen, Moriarty, Morris, Murphy, Ness, Newman, Nutting, O'Connell, O'Neil, Osher, Parry, Paul, Perkins, Perry A, Pluecker, Poirier, Polewarczyk, Pomerleau, Pringle, Rana, Rielly, Riseman, Roberts, Roeder, Rudnicki, Runte, Russell, Sachs, Salisbury, Sargent, Sayre, Schmersal-Burgess, Shagoury, Shaw, Sheehan, Simmons, Sinclair, Smith, Stover, Strout, Supica, Swallow, Terry, Theriault, Thorne, Underwood, Walker, Warren, White B, White J, Williams, Woodsome, Worth, Zager, Zeigler, Madam Speaker.

NAY - Quint.

ABSENT - Adams, Boyle, Brennan, Campbell, Carmichael, Costain, Crockett, Galletta, Lanigan, Lee, Perry J, Sampson, Skold, Soboleski, Wood.

Yes, 135; No, 1; Absent, 15; Vacant, 0; Excused, 0.

135 having voted in the affirmative and 1 voted in the negative, with 15 being absent, and accordingly the Majority Ought to Pass as Amended Report was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (H-839)** was **READ** by the Clerk and **ADOPTED**.

Under suspension of the rules the Bill was given its **SECOND READING WITHOUT REFERENCE** to the Committee on **Bills in the Second Reading**.

Under further suspension of the rules the Bill was **PASSED TO BE ENGROSSED** as Amended by **Committee Amendment "A" (H-839)** and sent for concurrence.

The SPEAKER: The Chair recognizes the Representative from Falmouth, Representative Kuhn, who wishes to address the House on the record.

Representative **KUHN**: Thank you, Madam Speaker, Honorable Colleagues of the House. Thank you for the opportunity to rise for a few moments to say some words in memory of the Honorable Gerald M. Davis, who passed away last month at the age of 88. Before passing, Mr. Davis lived in Falmouth since 1964. He was a husband of nearly 60 years to his wife, Sandra, a father of three children, a grandfather of 12 and a great-grandfather to two, many of whom are here with us today.

Mr. Davis's Sentiment was read in the Senate today, but I wanted to offer a couple of highlights for Members. Mr. Davis was a football player in school and went on to play semi-professional football in the 1960s for the Portland Seahawks, serving as captain. He went on to serve 36 years as a history teacher at Portland High School, where I was told by the Representative from Portland that he was a legend among teachers and students. He started a first-of-its-kind psychology department at Portland High School in the 1970s. He coached football, soccer, indoor track, cross-country and outdoor track at Portland High School, Cheverus and Waynflete. He was also a long-time leader with the Falmouth Little League and he served one term on the Falmouth School Board. When he retired from teaching in 1996, he decided to run for election to the Maine House of Representatives. He served four years here and then went on to serve an additional term in the Senate.

In preparation for today, I asked the law library to pull Mr. Davis's clippings so I could learn more about his service. I was delighted to learn that he was a uniquely personable individual; he loved knocking on his doors in Falmouth and connecting with residents; and that once elected, he and his wife, Sandra, considered their service a team effort and were renowned for their outstanding constituent service across our community. Mr. Davis truly led a life of service. It is my great honor to serve the district that the Honorable Jerry Davis once did and I extend my deepest condolences to his family.

REPORTS OF COMMITTEE

Divided Reports

Seven Members of the Committee on **TAXATION** report in Report "A" **Ought to Pass as Amended by Committee Amendment "A" (H-834)** on Bill "An Act to Change How Adult Use Cannabis Excise Tax Is Calculated"

(H.P. 901) (L.D. 1405)

Signed:

Senator:

CHIPMAN of Cumberland

Representatives:

PERRY of Bangor

CROCKETT of Portland

HASENFUS of Readfield

LIBBY of Auburn

RANA of Bangor

RUDNICKI of Fairfield

Two Members of the same Committee report in Report "B" **Ought to Pass as Amended by Committee Amendment "B" (H-835)** on same Bill.

Signed:

Senator:

GROHOSKI of Hancock

Representative:

MATLACK of St. George

Two Members of the same Committee report in Report "C" **Ought Not to Pass** on same Bill.

Signed:

Senator:

LIBBY of Cumberland

Representative:

CARMICHAEL of Greenbush

READ.

On motion of Representative HASENFUS of Readfield, **TABLED** pending **ACCEPTANCE** of any Report and later today assigned.

ENACTORS

Acts

An Act Regarding the Loring Job Increment Financing Fund

(S.P. 810) (L.D. 1981)

(S. "A" S-557 to C. "A" S-544)

Was reported by the Committee on **Engrossed Bills** as truly and strictly engrossed, **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

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

On motion of Representative SWALLOW of Houlton, the House adjourned at 11:32 a.m., until 10:00 a.m., Thursday, March 21, 2024.