MAINE STATE LEGISLATURE

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Senate Legislative Record

One Hundred and Thirty-First Legislature

State of Maine

Daily Edition

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Beginning with Page S-387

we've seen recently with events in Sanford that towns need to be prepared. And there is currently no facility at all at the State level for dealing with this. In fact, during the debate in the committee, it was revealed that the administration has - is developing a plan to help Maine communities deal with the positives and negatives and the issues and the challenges and the opportunities that welcoming new Mainers presents and can present to a community its very short notice. They're working on a plan. But that plan is yet to be forthcoming. And I was gratified to hear Commissioner Johnson from the Department of Economic Community Development in response to this bill say in committee that this could - this part of a solution, it's not the whole solution, it's a small little piece, but this part of the solution could actually make a difference and be incorporated into a bigger plan. But I don't think the Legislature should not act, I don't think we should just await the administration here. Our towns and our communities, as I say, particularly in rural Maine, need a place where they can call and a place where they can get best learnings, the best information, best practices about how to deal with this sort of sudden change of populations moving into their communities and be welcoming and encouraging and provide the best services possible. And this bill before you, actually, just does that simply. It's not a big solution to the whole problem, it's not - but it is focused on that. And I just want to underscore there are lots of programs and resources that are becoming available to help new Mainers themselves and there needs to be a better understanding of what those resources are, and this proposal before us here is really focused on the communities and how communities can be resilient and welcoming and get access to those resources, a one-stop shop, somebody to call when they need help. So, I encourage you to pass the Majority Ought to Pass Report and move this matter forward and let's start planning for this change and allow our communities resources to plan for the changes as we welcome new Mainers to our great state. Thank you so much.

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

The Chair noted the absence of the Senator from Oxford, Senator **KEIM**, and the Senator from Androscoggin, Senator **TIMBERLAKE**, and further excused the same Senators from today's Roll Call votes.

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#306)

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

NAYS: Senators: GUERIN, LYFORD, MOORE, STEWART

EXCUSED: Senators: FARRIN, KEIM, TIMBERLAKE

28 Senators having voted in the affirmative and 4 Senators having voted in the negative, with 3 Senators being excused, the motion by Senator **CURRY** of Waldo to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report **PREVAILED**.

Bill **READ ONCE**.

Committee Amendment "A" (S-287) **READ** and **ADOPTED**.

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

Sent down for concurrence.

Divided Report

The Majority of the Committee on **STATE AND LOCAL GOVERNMENT** on Resolve, to Create the Commission to Study the Operations of the Maine Legislature (EMERGENCY)
S.P. 436 L.D. 1067

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-286)**.

Signed:

Senators:
BALDACCI of Penobscot
LYFORD of Penobscot

Representatives:
ADAMS of Lebanon
GREENWOOD of Wales
POMERLEAU of Standish
RISEMAN of Harrison
UNDERWOOD of Presque Isle

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

Signed:

Senator:
NANGLE of Cumberland

Representatives:
STOVER of Boothbay
ABDI of Lewiston
COPELAND of Saco
DHALAC of South Portland
PAULHUS of Bath

Reports **READ**.

Senator **NANGLE** of Cumberland moved the Senate **ACCEPT** the Minority **OUGHT NOT TO PASS** Report.

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

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

Senator **STEWART**: Thank you very much, Mr. President. Ladies and gentlemen of the Senate, I rise because this is my bill that I put forward. Actually, I put it forward last year as well, or a very similar version to it last - in the previous Legislature, which passed with unanimous support, and I think - and I invite any discussion or debate on this, certainly, but I think what happened here, my understanding is what happened down in the State and Local Committee is that those on the Ought Not to Pass Report were more inclined to send a letter from the committee asking the Legislative Council to effectively do the tasks laid out by this commission, and - which is why there's a split report here. Unfortunately, I don't think that's very realistic. As you know from serving and chairing the Legislative Council and I know from serving on it now - this is my third year on that body - studies in this regard are not really something that the Legislative Council actually does or frankly has time to do. We are lucky if we can get together once a month and most often those meetings are cancelled because we have scheduling conflicts and whatnot. But the whole point of this bill and what it seeks to do and the push behind it is from both inside of the - not just the Chamber, but this Body, this legislative institution, as well as outside, trying to find ways to make the wheels of the Legislature and vis-a-vis state government work a little bit better. And by looking at different models that we could utilize across the country in the 50 laboratories of democracy that we have to compare and contrast Maine and our operations here in the Legislature with other places and kick around different ideas and put everything on the table and come back with some recommendations. And the membership of this Body, I'd encourage you to take a look at it, has changed as well to be really an emphasis on legislators both current and past to try to pull in some of that institutional knowledge as well from former members and get some feedback, too, from the public and those that represent the public in these halls and do that important work to make sure that we have all of our - access to all the information that we need to make the best decisions that we possibly can and to do so in a transparent way. So, it looks at everything from the way the committees are structured to the way that our districts are structured and how frequently we're up for election and how we retain institutional knowledge and how we get input from the public and how we manage our workload in here - really a pretty wide spectrum here. And I suppose that's enough for everybody to love and enough for everybody to hate as well, so that could be a double-edged sword depending on how you feel about these different things. But to be clear, it doesn't actually do any of them, it just convenes this bipartisan, bicameral stakeholder group to come together and really flesh out some of these ideas a little bit better than we have. I certainly don't think that the Legislative Council can do that, and so I really hope that we can reject the pending motion here, like we did two years ago, and unanimously support this idea to bring it to the study table, to then try to move it forward in that regard. So, please reject the pending motion. Thank you, Mr. President.

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

Senator **BENNETT**: Thank you, Mr. President. Fellow members of the Senate, our legislative process is breaking. I find it ironic that this bill comes before us right in the vortex of our legislative session while we're here for hours debating a lot of bills that sound a lot alike, for example, the titles come up and one after the other is like didn't we just vote on that a moment ago? How is this different? That's just one example of the issues that we need to deal with. As most of you may know, I'm in favor of the Rules Committee getting together, and I hope we do this summer. I'm a member of that committee, the Joint Rules Committee, and there are several issues that could be brought up at the Rules Committee. In fact, I have three that were referenced to the Rules Committee and - relating to cloture, relating to concept drafts. But those are just part of the issues that we're facing here. And I really like this bill as a means of taking a more holistic view, a more expansive view, involving members of the public, involving not just legislators but people who are frequent participants in the legislative process and have been for years, perhaps decades, who have some perspective on how things have changed and how things might be better. And so, I look to this bill with a lot of optimism, that we can use this to really think through what's working, what isn't working well in our process, and restore the Legislative Branch of our government back to its rightful leadership role in policymaking and representation for the great people of Maine. Thank you very much.

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

Senator **NANGLE**: Thank you, Mr. President, and distinguished colleagues here. Looking at the - just reviewing the text of the bill, again, there's 15 items that the - this committee would look at. A number of them would be more than sufficiently handled by the Rules Committee without the need for an independent council. And then a lot of the other things are already covered either in statute or the Constitution: the overall structure of the Legislature, the number of terms for members of the Legislature, frequency of elections for members of the Legislature. That's all covered already and I'm just not sure what - what there is to gain by studying these things that we could either change individually or have the Rules Committee or the Legislative Council look at the other things. Thank you.

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

Senator **BRAKEY**: Thank you, Mr. President. You know, I'm looking at that list right now that Senator Nangle has referenced, and I agree that I think some of these things could be addressed by the Rules Committee. I'll say as a member of the Rules Committee, I'm very much looking forward to our first meeting at the call of the Chair and perhaps we could address some of these things. I will say I know that there was some other legislation on the constitutional question, there's some other legislation that's come through the Judiciary Committee that - actually, legislation by Senator Hickman that could also look at some of the constitutional questions. So, I think - but I do think it does seem to me from other bills that we're hearing that there is an appetite to really look at some of these fundamental questions about the structure of our Legislature and how it could be improved, because I don't think that conversation has really been had for a long time. And I think especially in the aftermath of kind of having a disruption in our legislative processes for several years with COVID and Zoom and all of that, now is kind of a really good time to take fresh eyes at this process and look how it could be improved. So, I suppose I'm for all of the above. I'm for this legislation seeking to do that, I'm for other legislation seeking to do it, I'm for the Rules Committee meeting, I'm for any input from the Legislative Council. I just think it's something that needs to be done, and I don't think, you know, I think we've been sitting around waiting for some other opportunities that haven't taken place, so this seems as good an opportunity as any. Thank you.

Off Record Remarks

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

Senator **LAWRENCE**: Thank you, Mr. President. Men and women of the House, I just rise to disagree that - with the statements that this hasn't been looked at for a long, long time. I would say the exact opposite is true, this has been looked at for a very, very, very long time, virtually every Legislature I sit in looks at this. I've seen proposals to reduce the size of the House, I've seen proposals to reduce the size of the Senate, I've seen proposals to change rules, to do all these different things over and over and over and time again. And in fact, we have the best committee to look at this, it's called the Legislature. What better committee to look at this than the Legislature itself and its subcommittees to look at how to do this. To appoint lobbyists to a commission to tell us how we should change doing our business, I think it's a very, very dangerous path to go down, very dangerous. And generally, I see these proposals come from people who are out of power and are looking for ways to change the legislative process so that they can get into power and so that they can control the Legislature.

THE PRESIDENT: The Chair inquires why the Senator from Aroostook, Senator Stewart, rises.

Senator **STEWART**: I feel we are flirting dangerously close to impugning the motives of another member of this Body. Thank you.

THE PRESIDENT: I don't think the Senator from York, Senator Lawrence, was talking about any members in this Body, I think he was talking about former members. The Senator may proceed.

Senator **LAWRENCE**: Thank you, Mr. President. And what I'm saying is the reason why any legislation is brought forward, people want to make a change, and the reason why they want to make a change. So, we have the - it's been looked at time and time again, it's continuously looked at every single Legislature, and we don't need to create another commission to study this.

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

Senator **BENNETT**: Thank you, Mr. President. To respond to the previous speaker, I do feel out of power. I think every one of us in this Legislature is out of power because we don't put our talents and our time to the best use for Maine people. And yes, that's a willful act on our part, we could take a look at each one of these things incrementally, which we do and have done. But I'll give you an example of one thing on this list is our budget process. Earlier this year, we passed a budget and - a part one current services budget. When I last served in the Legislature, in fact, the last time I was appointed to the Appropriations Committee by then-President the Senator from York, Senator Lawrence, we actually had a current services budget and we had public hearings on the current services budget, policy committees were involved, and we got away from that. And now we have this kind of hybrid, in fact, where, you know, we've had public hearings on the initiatives and part two, we're now debating part two. The budget process by itself is something which is so instrumental to the way that we spend our time and our energy here. And I'm one who thinks that we need to maybe think about moving the fiscal year to October 1st. What kind of impact would that have on the legislative process? I think it could have some very beneficial ideas. But that's not something to just consider by itself in a vacuum. It has implications for other ways that the Legislature acts. And I think that it would be wonderful to step back, take a more holistic - not an incremental approach of just looking at each one of these changes respective to the current dysfunction which prevails in the Legislative Branch - and I might say, I'm not indicting anybody or any of us in the dysfunction, I think it comes out of a very healthy compulsion that we all have to be as inclusive as possible, and we need to honor that and respect that as we consider reforms. But taking each one of these things one by one doesn't get us where we really need to go because if we are to be in power, that is the Legislative Branch, respective to other branches of government, we need to give - step back and give real thought to the way we spend the time of our members, the time of the public as they participate in our process, and the talent of the members as citizen legislator with all of the experience and expertise that we bring into the legislative process. I strongly urge you not to reject this opportunity to step back and take this view. I think it could be immensely beneficial. And so, I hope that you will reject the motion on the Floor right now. Thank you.

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

Senator **BRAKEY**: Thank you, Mr. President. First, I'll say whenever the Rules Committee is called, you can count on me to be there and contribute to quorum. I'll look forward to it. On the question that was raised by Senator Lawrence of we have looked at these proposals, we have had individual proposals come forward to various committees over the years, I certainly agree. I've seen these proposals, a lot of these proposals around these issues coming forward to committees year after year, but I also see that committees tend to be hesitant to take these things up in a piecemeal fashion. I don't know the last time there's been a comprehensive look at everything because certainly, one change here affects a lot of different things. This proposal suggests we take a comprehensive look and a bipartisan look. I can't imagine that any change proposed coming out of this commission by a party that is out of power is going to pass without buy-in from the party that's in power. So, by the very nature of this process, it would require - it would require agreement and consensus from both parties. I don't imagine anything's going to come out of here that the minority is somehow going to strongarm the majority into getting through. This is - this is an opportunity for collaboration and a long-term view at this institution and how we make sure the Legislative Branch of government remains the first branch of government, the most powerful branch of government among the three branches. Thank you.

THE PRESIDENT: The pending question before the Senate is Acceptance of the Minority Ought Not to Pass Report. A roll call has been ordered. Is the Senate ready for the question?

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#307)

YEAS: Senators: BAILEY, BEEBE-CENTER, CARNEY, CHIPMAN, CURRY, DAUGHTRY, DUSON, INGWERSEN, LAFOUNTAIN, LAWRENCE, NANGLE, PIERCE, RAFFERTY, RENY, ROTUNDO, TIPPING, VITELLI, PRESIDENT JACKSON

NAYS: Senators: BALDACCI, BENNETT, BLACK, BRAKEY, BRENNER, GROHOSKI, GUERIN, HARRINGTON, HICKMAN, KEIM, LIBBY, LYFORD, MOORE, POULIOT, STEWART, TIMBERLAKE

EXCUSED: Senator: FARRIN

18 Senators having voted in the affirmative and 16 Senators having voted in the negative, with 1 Senator being excused, the motion by Senator **NANGLE** of Cumberland to **ACCEPT** the Minority **OUGHT NOT TO PASS** Report **PREVAILED**.

Sent down for concurrence.

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

RECALLED FROM GOVERNOR'S DESK

An Act to Authorize Vaccine Administration by Pharmacy Technicians and Reduce Vaccine Administration Training Requirements for Pharmacists

H.P. 555 L.D. 899
(C "A" H-202)

(In Senate, June 6, 2023, **PASSED TO BE ENACTED**, in concurrence.)

(**RECALLED** from the Governor's Desk, pursuant to Joint Order (S.P. 832).

On motion by Senator **BAILEY** of York, the Senate **SUSPENDED THE RULES**.

On further motion by same Senator, the Senate **RECONSIDERED** whereby the Bill was **PASSED TO BE ENACTED**, in concurrence.

On further motion by same Senator, the Senate **SUSPENDED THE RULES**.

On further motion by same Senator, the Senate **RECONSIDERED** whereby the Bill was **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-202**), in concurrence.

On further motion by same Senator, the Senate **SUSPENDED THE RULES**.

On further motion by same Senator, the Senate **RECONSIDERED** whereby it **ADOPTED** Committee Amendment "A" (H-202), in concurrence.

On further motion by same Senator, Senate Amendment "A" (S-281) to Committee Amendment "A" (H-202) **READ** and **ADOPTED**.

Committee Amendment "A" (H-202) as Amended by Senate Amendment "A" (S-281) thereto, **ADOPTED**, in **NON-CONCURRENCE**.

PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-202) AS AMENDED BY SENATE AMENDMENT "A" (S-281) thereto, in **NON-CONCURRENCE**.

Ordered sent down for concurrence.