

MAINE STATE LEGISLATURE

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Senate Legislative Record
One Hundred and Twenty-Eighth Legislature

State of Maine

Daily Edition

Second Special Session
beginning June 19, 2018

beginning at Page 2046

Representatives:

HYMANSON of York
DENNO of Cumberland
MADIGAN of Waterville
McCREIGHT of Harpswell
PARKER of South Berwick
PERRY of Calais

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (H-810)**.

Signed:

Representatives:

CHACE of Durham
SANDERSON of Chelsea

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

Reports **READ**.

On motion by Senator **BRAKEY** of Androscoggin, the Majority **OUGHT NOT TO PASS** Report **ACCEPTED**, in 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.

Off Record Remarks

RECESSED until the sound of the bell.

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

ORDERS OF THE DAY

The Chair laid before the Senate the following Tabled and Later Assigned matter:

Bill "An Act To Correct Errors and Inconsistencies in the Laws of Maine" (EMERGENCY)

H.P. 1327 L.D. 1894
(S "A" S-494 to C "A" H-782)

Tabled - August 30, 2018 by Senator **MASON** of Androscoggin

Pending - motion by Senator **KEIM** of Oxford to **RECEDE AND CONCUR** (Roll Call Ordered)

(In Senate, June 19, 2018, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-782) AS AMENDED BY SENATE AMENDMENT "A" (S-494)** thereto in **NON-CONCURRENCE**)

(In House, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-782) AS AMENDED BY HOUSE AMENDMENT "D" (H-809) AND SENATE AMENDMENT "A" (S-494)** thereto in **NON-CONCURRENCE**)

The President requested the Sergeant-At-Arms escort the Senator from York, Senator **COLLINS**, to the rostrum where he assumed the duties as President Pro Tempore.

The President took a seat on the floor.

The Senate was called to order by President Pro Tempore **RONALD COLLINS** of York County.

THE PRESIDENT PRO TEMPORE: The Chair recognizes the Senator from Waldo, Senator Thibodeau. Would the Sergeant-At-Arms please escort Senator Thibodeau to the rostrum.

Senator **THIBODEAU:** The Chair thanks the President Pro Tem for recognizing me and looks forward to an opportunity.....

THE PRESIDENT PRO TEMPORE: The Chair recognizes the Senator from Waldo, Senator Thibodeau.

Senator **THIBODEAU:** Thank you, Mr. President. Ladies and gentlemen of the Senate, you know, there's a lighter moment and maybe that's a good way to start because you know we are talking about a lot of heavy issues today and, you know, Supplement 7 is no exception to that rule. The fact of the matter is, in large part the reason that the Senate and the House of Representatives is in session at the end of August, probably the latest date in the history of our State, is because of this particular bill and our inability to come together and find a solution for what has traditionally been the most non-partisan piece of legislation to go through this building and, make no mistake, there are people that are very, very disappointed that we find ourselves here, and I am one of them. I have no desire at all to celebrate the fact that we're going to finish up our work today and that in 10 days we can come back for a Veto Day and finally adjourn the 128th Legislature. I'm disappointed. This work should have been done in April, yet we found a way to make the most non-partisan bill a partisan bill, something that was to be negotiated for. The fact of the matter is it goes back to the question of Clean Election Funding. Everybody in this room knows that. I personally believe that the part that we negotiated in the budget, that we passed together in a bi-partisan way, signed by the Chief Executive more than a year ago, we settled the question of funding for Clean Elections. I am disappointed, just like many of my colleagues on both sides of the aisle, that we ended up in a situation where we were trying to renegotiate on a settled matter. It's not the way to

do business. That's what I believe. I don't want, in any way, for people to think that my vote in favor of the Recede and Concur motion is somehow a vote to validate what's gone on in any way. I agree with people that are going to vote no on this, that the negotiation of a partisan issue shouldn't happen in a bill like this and that the language for the Clean Election Funding probably should be in the Errors Bill because it belongs in there. But I also recognize the box we find ourselves in. I think everybody in this Chamber recognizes that box. That we have a group that won't vote for it, the Errors Bill, if it even references Clean Elections. If we put it in there, which it probably belongs there, we can be here until Election Day. A lot of really good bills will be impacted if we don't pass the Errors Bill, the stuff that needs to be cleaned up. There is not one thing in the Errors Bill that anybody in this Chamber has raised a voice against and really the only debate is whether or not there's an omission. I actually do think that there's an omission. Most people in this Chamber believe that there's an omission. But right now, today, we can pass the Errors Bill without that language about Clean Elections. We can get it passed through both Chambers and we can get adjourned Sine Die and, because of decisions that have been made outside of the four walls of this State House, the money for campaigns is flowing. So I just want to make clear to everybody and put it on the record that the Errors Bill not having the Clean Elections fix is not as clean or as good or as accurate as it could be and I wish it were there, but I'm willing to vote for it without it. Thank you, Mr. Chair.

The President Pro Tempore requested the Sergeant-At-Arms escort the Senator from Waldo, Senator **THIBODEAU**, to the rostrum where he resumed his duties as President.

The Sergeant-At-Arms escorted the Senator from York, Senator **COLLINS**, to his seat on the floor.

The Senate was called to order by the President.

Off Record Remarks

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

Senator **BRAKEY:** Thank you, Mr. President. I'll say upfront, I intend to vote in favor of the Recede and Concur motion in front of us. But I just want to take the occasion to remark a little bit on some of the controversy that has, you know, led us to being here today, here on the - in the final days of August. Over the last several months, you know, we've heard a lot about the shortfall, or the wait list, of taxpayer funding for the upcoming public financing of political campaigns and we've been told that, you know, it's a crisis. A crisis so big that it merited holding hostage of tax conformity legislation, threatening the already over taxed Maine people with higher taxes. I just want to say, you know, over the last four years I've really had the distinct honor to serve as the Senate Chairman for the Health and Human Services Committee - it really has been an honor - and during my time I've

loudly advocated to the best ways that I know how for reprioritizing our limited resources to fund the wait list that still exists this very day for Maine's most vulnerable: for our seniors and those with severe intellectual disabilities and Autism. Over these last four years, in dismay, I've watched other priorities continue to come first: from welfare for the able bodied, welfare for non-citizens, and in this session welfare for politicians. You know, we're told that ...

Senator **CHENETTE:** Point of Order, Mr. President.

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

Senator **CHENETTE:** Thank you, Mr. President. Relevance to the topic at hand and the bill at hand?

THE PRESIDENT: The Chair would advise the Senator from York, Senator Chenette, that we are trying to stay on topic and I believe that the Senator is going to circle back to that very soon.

Senator **BRAKEY:** Thank you, Mr. President. Considering that, the subject of this program is at the heart of the debate around this bill. I'll just say this, we're told that funding - ensuring that there are no wait lists in the Welfare for Politicians Program is an emergency. But I've never seen funding the wait list for Maine's seniors and intellectually disabled treated as an emergency on the same level. I've never seen us be dragged out into late August for those wait lists. Our most vulnerable citizens are still waiting for us to make them a priority and now it seems that I will not be in this Chamber to witness it. I look forward to the day when we treat our seniors and the disabled as well as we treat our politicians. Thank you very much, Mr. President.

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

Senator **CARPENTER:** Thank you, Mr. President. I don't want to debate trains that have already left the station. I want to talk about the remarks from the good Senator from Waldo, and I thank him for that. As somebody who, over the years and many years that I've served in this Chamber, has regarded myself as a traditionalist and, if you will, a small protector of the process. I really do appreciate what the Senator from Waldo had to say. He's absolutely right. The many years I've served here I can count on my two hands the number of people that I could not come to an agreement with and shake hands with and be done with it. Never had to worry about them changing their position or double crossing me, and the reason we're here today has absolutely nothing to do with anybody in this Chamber. We all know that. It has to do with people outside of this Chamber and I'm not going to talk any more about that. But suffice it to say that even though I am a traditionalist in this and really, really, really want to preserve the integrity of the process that we go through here, including the Errors Bills, it seems to me that this is a fix that needs to be - that needs to take place so we can move forward. It's removing something. It's not adding something. I think it's something necessary because of the political situation we find ourselves in, because of the actions of people that we have no control over. I thank the President for his remarks and I'm going to also support the motion to Recede and Concur. Thank you.

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

Senator **CUSHING:** Thank you, Mr. President. Mr. President, ladies and gentlemen of the Senate, I don't want to belabor the point but as this is, to me, a fundamental vote as to the process, I do, respectfully, disagree with the pending motion. I respect the passion and the common sense that has been presented here in many of the arguments to support the pending motion, but to me it's a fundamental question of whether the Legislature advocates its role and requires the courts to intercede in actions that really are, in my opinion, in the purview of the Legislature, Mr. President. While it sometimes is odd for me to be on the same side as my good friend from Kennebec County, Senator Katz, I respect highly his intellect and his commitment to the law and I concur with him that we are setting a precedent here that is troubling. Now I say that recognizing the peril of us sending this bill to the other Body without acting upon it, but sometimes it's important to do what's right rather than what's expedient. In this case, Mr. President, I regret that I will not be able to follow your light when it comes to the vote. Thank you, sir.

THE PRESIDENT: The Chair recognizes the Senator from Washington, Senator Maker.

Senator **MAKER:** Mr. President, ladies and gentlemen of the Senate, unfortunately, we find ourselves in this predicament. There wouldn't have been a court decision had there been this bill passed the way it should have been passed, and we all know what happened with that. There's also a lot of things in this bill that's helping other people and to ignore it is wrong, just like it was wrong when we didn't pass the bill originally, the way it was. It's a sad day for government. I think it's a sad day that we're going to be hearing more of this happening throughout the State of Maine and the United States, that we can't be truthful and fair and work together. In this particular case, I agree with everyone that says that this is not the right thing to do but I will be supporting this for all the other bills that we're correcting and I would hope that anybody, again I give you a little advice, when you come back, that we prevent this from happening again. Somehow we need to determine when we put something together someone can't play a game with it and can't decide that they want something bigger so they're going to hold us in here. We've been having a little debate in our caucus. My husband has been very animate about when we're going to finally get done, and the sad part of it is he's been right all along. So if we don't pass this, and I don't think that we should be passing this because he says we're going to come back a day before the Swearing-In Ceremony and that's what his prediction is, but because it's the right thing to do. We've already had the wrong thing - we've done the wrong thing. We now need to do the right thing. We didn't do the wrong thing, others did. But we can prevent that from happening again. Thank you very much.

THE PRESIDENT: The pending question before the Senate is Acceptance of the Recede and Concur motion. If you are in favor of Receding and Concurring you will be voting yes. If you are opposed you will be voting no. A roll call is in order. Is the Senate ready for the question?

The Chair noted the absence of the Senator from Penobscot, Senator **DILL** and further excused him from today's Roll Call votes.

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#737)

YEAS: Senators: BRAKEY, BREEN, CARPENTER, CHENETTE, CHIPMAN, CYRWAY, DAVIS, DESCHAMBAULT, DIAMOND, DION, DOW, GRATWICK, HAMPER, LIBBY, MAKER, MASON, MILLETT, MIRAMANT, ROSEN, VITELLI, VOLK, WHITTEMORE, PRESIDENT THIBODEAU

NAYS: Senators: BELLOWS, COLLINS, CUSHING, KATZ, KEIM, SAVIELLO, WOODSOME

EXCUSED: Senators: CARSON, DILL, HILL, JACKSON, LANGLEY

23 Senators having voted in the affirmative and 7 Senators having voted in the negative, with 5 Senators being excused, the motion by Senator **KEIM** of Oxford to **RECEDE AND CONCUR PREVAILED**.

Ordered sent down forthwith.

Senate at Ease.

The Senate was called to order by the President.

RECESSED until the sound of the bell.

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

ORDERS OF THE DAY

The Chair laid before the Senate the following Tabled and Later Assigned matter:

Bill "An Act To Amend the Child and Family Services and Child Protection Act"

S.P. 756 L.D. 1922

Majority - **Ought Not to Pass** (6 members)

Minority - **Ought to Pass** (5 members)

Tabled -August 30, 2018 by Senator **MASON** of Androscoggin