

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

In Senate Chamber
Thursday
March 7, 2024

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

Prayer by Reverend Nathan Richards of South Parish Congregational Church in Augusta.

REVEREND NATHAN RICHARDS: Let us pray. Most gracious and sovereign God, we pray on this day for your servants and members of the Maine State Senate. That you might keep them faithful to the solemn and important office which you have charged them to uphold. Strengthen, guide, and direct them to fulfill your purposes. We pray today that you give them firmness to maintain law and justice and an inner determination and wisdom to strive for peace within our state and our nation. Grant, oh God, that as members of this astute body that each member may have the mind of the prophet who bore witness to the truth as it was given him and thought calmly and carefully, making decisions wisely and well in order that everything may be done in accordance to your will. Furnish this Senate with insight, rectitude, and resources that will enable it to respond and represent our citizenry with integrity and clarity of purpose. May their efforts accomplish what is pleasing to you as our creator, in whose name we pray, amen.

Pledge of Allegiance led by Senator Mark W. Lawrence of York County.

L.D. 2041

Reading of the Journal of Wednesday, March 6, 2024.

Off Record Remarks

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

Out of order and under suspension of the Rules, on motion by Senator **VITELLI** of Sagadahoc, the following Joint Order:
S.P. 973

Ordered, the House concurring, that when the Senate and House adjourn, they do so until Tuesday, March 12, 2024, at 10:00 in the morning, or until the call of the President of the Senate and the Speaker of the House, respectively.

READ and PASSED.

Ordered sent down forthwith for concurrence.

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

COMMUNICATIONS

The Following Communication: S.C. 982

**STATE OF MAINE
ONE HUNDRED AND THIRTY FIRST LEGISLATURE
COMMITTEE ON CRIMINAL JUSTICE AND PUBLIC SAFETY**

March 1, 2024

Honorable Troy Dale Jackson, President of the Senate
Honorable Rachel Talbot Ross, Speaker of the House
131st Legislature
State House
Augusta, Maine 04333

Dear President Jackson and Speaker Talbot Ross:

Pursuant to Joint Rule 310, we are writing to notify you that the Joint Standing Committee on Criminal Justice and Public Safety has voted unanimously to report the following bill(s) out "Ought Not to Pass":

Resolve, to Review Traffic Fatalities Occurring While an Operator Was Under the Influence and Subsequent Prosecution with Respect to Those Occurrences

This is notification of the Committee's action.

Sincerely,

S/Sen. Anne Beebe-Center
Senate Chair

S/Rep. Suzanne M. Salisbury
House Chair

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

The Following Communication: S.C. 983

**STATE OF MAINE
ONE HUNDRED AND THIRTY FIRST LEGISLATURE
COMMITTEE ON VETERANS AND LEGAL AFFAIRS**

March 5, 2024

Honorable Troy Dale Jackson, President of the Senate
Honorable Rachel Talbot Ross, Speaker of the House
131st Legislature
State House
Augusta, Maine 04333

Dear President Jackson and Speaker Talbot Ross:

Pursuant to Joint Rule 310, we are writing to notify you that the Joint Standing Committee on Veterans and Legal Affairs has voted unanimously to report the following bill(s) out "Ought Not to Pass":

L.D. 1819 An Act to Create the Maine Medical Cannabis
 Advisory Commission and the Medical
 Cannabis Alternative Health Board

This is notification of the Committee's action.

Sincerely,

S/Sen. Craig V. Hickman
Senate Chair

S/Rep. Laura Supica
House Chair

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

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

SENATE PAPERS

Bill "An Act to Allow School Administrative District No. 52 to Issue Temporary Notes for a Wastewater Treatment Project" (EMERGENCY)
S.P. 974 L.D. 2257

Presented by Senator TIMBERLAKE of Androscoggin.
Cosponsored by Representative WOOD of Greene and Representative: MORRIS of Turner.
Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.

On motion by Senator **RAFFERTY** of York, **REFERRED** to the Committee on **EDUCATION AND CULTURAL AFFAIRS** and ordered printed.

Sent down for concurrence.

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

SENATE PAPERS

Bill "An Act to Create an Income Tax Credit for Investments in a Team's Qualified Minor League Baseball Facility to Keep the Team in the State"
S.P. 975 L.D. 2258

Presented by President JACKSON of Aroostook.
Cosponsored by Speaker TALBOT ROSS of Portland and Senators: CHIPMAN of Cumberland, DUSON of Cumberland, Representatives: COLLINGS of Portland, CROCKETT of Portland, MOONEN of Portland, PERRY of Bangor, SKOLD of Portland, ZAGER of Portland.

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 203.

On motion by Senator **GROHOSKI** of Hancock, **REFERRED** to the Committee on **TAXATION** and ordered printed.

Sent down for concurrence.

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

SENATE PAPERS

Bill "An Act to Prohibit Receiving Compensation for Assisting a Person to Obtain Veterans' Benefits Except as Permitted Under Federal Law"
S.P. 976 L.D. 2259

Presented by Senator FARRIN of Somerset.
Cosponsored by Representative FAULKINGHAM of Winter Harbor and Senators: DAUGHTRY of Cumberland, HICKMAN of Kennebec, President JACKSON of Aroostook, KEIM of Oxford, STEWART of Aroostook, TIMBERLAKE of Androscoggin, Representatives: ARATA of New Gloucester, Speaker TALBOT ROSS of Portland.

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.

On motion by Senator **HICKMAN** of Kennebec, **REFERRED** to the Committee on **VETERANS AND LEGAL AFFAIRS** and ordered printed.

Sent down for concurrence.

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

REPORTS OF COMMITTEES

House

Pursuant to Resolve

The Committee on **HEALTH AND HUMAN SERVICES** on Resolve, to Reestablish the Task Force on Accessibility to Appropriate Communication Methods for Deaf and Hard-of-hearing Patients (EMERGENCY)
H.P. 1446 L.D. 2255

Reported that the same be **REFERRED** to the Committee on **HEALTH AND HUMAN SERVICES**, pursuant to Resolve, chapter 97, section 7.

Comes from the House with the Report **READ** and **ACCEPTED** and the Resolve **REFERRED** to the Committee on **HEALTH AND HUMAN SERVICES**.

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

Bill and accompanying papers **REFERRED** to the Committee on **HEALTH AND HUMAN SERVICES**, in concurrence.

Ought to Pass As Amended

The Committee on **TRANSPORTATION** on Bill "An Act to Make Allocations from Maine Turnpike Authority Funds for the Maine Turnpike Authority for the Calendar Year Ending December 31, 2025"
H.P. 1404 L.D. 2190

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-802)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-802)**.

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

Bill **READ ONCE**.

Committee Amendment "A" (H-802) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Divided Report

The Majority of the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** on Bill "An Act to Make Technical Corrections to the Maine Juvenile Code, the Maine Criminal Code and the Intelligence and Investigative Record Information Act"
H.P. 1381 L.D. 2161

Reported that the same **Ought to Pass**.

Signed:

Senators:

BEEBE-CENTER of Knox
LaFOUNTAIN of Kennebec

Representatives:

SALISBURY of Westbrook
HASENFUS of Readfield
LAJOIE of Lewiston
LOOKNER of Portland
MATHIESON of Kittery
NEWMAN of Belgrade
NUTTING of Oakland
PERKINS of Dover-Foxcroft

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

Signed:

Senator:

HARRINGTON of York

Representative:

ARDELL of Monticello

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

Reports **READ**.

On motion by Senator **BEEBE-CENTER** of Knox, the Majority **OUGHT TO PASS** Report **ACCEPTED**, in concurrence.

Bill **READ ONCE**.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Divided Report

The Majority of the Committee on **LABOR AND HOUSING** on Resolve, Regarding Legislative Review of Chapter 9: Rules Governing Administrative Civil Money Penalties for Labor Law Violations, a Major Substantive Rule of the Department of Labor, Bureau of Labor Standards (EMERGENCY)
H.P. 1398 L.D. 2184

Reported that the same **Ought to Pass**.

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

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (H-803)**.

Signed:

Senator:

POULIOT of Kennebec

Representatives:

BRADSTREET of Vassalboro
DRINKWATER of Milford
SOBOLESKI of Phillips

Comes from the House with the Majority **OUGHT TO PASS** Report **READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED**.

Reports **READ**.

Senator **TIPPING** of Penobscot moved the Senate **ACCEPT** the Majority **OUGHT TO PASS** Report, in concurrence.

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

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

Senator **POULIOT**: Thank you, Mr. President. This rule change came forward as we hear oftentimes from departments various rule changes with seem to be a number of really reasonable requests or changes needing to be made, but one of them has to do with enforcement of labor and wage -- or presumed labor and wage violations and kind of a shift in philosophy from one of education by the Department to one of more kind of proactive enforcement. And so, while I think the majority of what is being requested in these rule changes is okay, we never really got a formal report from the director of the department overseeing wage and labor violations as to how they were going to now go about proactive enforcement, you know, what kind of data they were going to be looking to to make decisions about which businesses to go to, and really no real evidence if there was actually any violations at all. And so, we have had a long history in the state of educating employees about their rights, which we should continue to do more of, and what their options are if there are ever any issues to report through to the Department so that it can be investigated. That's what we've had in place for a while. In fact, the number of complaints in 2017-2018 under the LePage administration were like 20% higher than they were last year, and

those complaints were investigated and found, you know, to be problematic and the reimbursement to employees at that time was higher as well in an environment where you had been educating employees on their rights and availing them of the process, the due process to get reimbursed if there was a violation. So, it really seems problematic to me at this juncture to be making a change without any real data to support how these decisions are going to be made about where proactive enforcements are going to occur. And unfortunately, still, to this day, we don't have a prescriptive analysis from the Department as to how they're going to go about making these new searches, I guess, on people that they suspect may be in violation and they may not be. So, anyway, I'm sure that the Majority Report will be supported, but I wanted it to go in the record as to why the minority is not supporting this measure. Thank you, Mr. President.

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

Senator **TIPPING**: Thank you, Mr. President. I think the word used, reasonable, describes these changes well. They're also important. So, currently, there is an issue with enforcement of Maine's labor laws and that is the violations are not met in a way that encourages there not to be future violations. So, right now, the average over the last two-year fine for violations is \$3.80. That is not one that encourages people to follow Maine's minimum wage and other labor laws. There's also an average investigation of any workplace only once every 269 years, based on the number of investigators that we have with the Bureau of Labor Standards. So, these rules are not wide in scope, you know, they don't fix the broader issue here, but they do change the way that the violations are calculated so that they are hopefully more commensurate with the severity of any violation. They also make the appeals more fair, so that instead of going to the Director of the Bureau of Labor Standards, who is often also involved in the investigation, they go instead to the Commissioner for appeal. And the part of the description in these rules that has been taken at issue here is not actually a new one. The Bureau has always practiced strategic enforcement, they simply expound on the details on how they do that. The Director of the Bureau of Labor Standards also at the public hearing explained in detail how that would be done in both the written and oral testimony, and these rules also include reporting back so that we can make sure that that is being done in an evidence-based way. So, given these concerns, I just want to read into the record that portion of his testimony, and that is that, quote, the Bureau cannot adequately enforce the laws if it does so only by responding to complaints. This is because many of the workers most in need of protection are those least likely to complain due to fear of retaliation, lack of confidence or trust in the system, language difficulties, lack of awareness of rights, or a myriad of other factors. To effectively enforce the laws, therefore, the Bureau must lean heavily on proactive investigations, directing investigative resources towards sectors of the economy where there are likely to be high violations and low complaints. The Bureau must also be strategic and evidence-based when determining how to direct its resources. Directing investigation resources towards businesses which are unlikely to have many violations is normally not an efficient use of the Bureau's hyper-scarce resource. The proposed amended rules address the matters by requiring the Director to conduct an annual study,

surveying the extent of labor law violations and probable violations in the state. This will allow one to compare the extent of violations and probable violations from year to year so as to measure progress. The proposed amended rules also require the Director to produce an annual report reviewing the effectiveness of the Bureau's enforcement tools and to set out a strategy for the forthcoming year. The report is to be submitted to the Joint Standing Committee on Labor and Housing and to be made publicly available. This ensures that the Bureau's resources are allocated effectively, in an evidence-based manner, and as to ensure maximum compliance with the law. I'd also note that the Bureau of Labor Standards Director and the Commissioner attended our committee last week for their report on wage and hour violations, where we also extensively discussed this portion of these rules and of their work. So, if there are any remaining questions, happy to talk about them, but I would urge the members of this Body to support the Ought to Pass Report.

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

Senator **POULIOT:** Thank you, Mr. President. On the 6th of February, it was asked by Representative Drinkwater in our committee, you mentioned that you wanted to become more proactive - this is speaking to Director Moyer-Lee of the Department - will you explain what, in your interpretation, proactive looks like? Yes, it means not just responding to complaints but investigating employers for labor law violations where we have reason to believe that there might be violations even if no one has complained. There's two different channels that could take. One is we receive a complaint, just like the instance I was mentioning now, we receive a complaint from one employee, we know from past experience or anecdotal evidence that this is an industry or an employer where there's likely to be more violations, so we expand the investigation out to cover not just that employee circumstance, but the entire business. Another example of proactive investigation is we receive no complaint at all, but we're dealing with an industry in which we know it's likely to have a high number of violations, so we allocate resources to investigating that business or that industry to see where the violations are, rather than waiting for a complaint. I mean, Mr. President, what are we doing here? Are they just going to come to your neck of the woods and knock on the door because they think you did something wrong? I mean, there's no complaints. Why are we going in this direction? This is a bridge too far.

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

Senator **GUERIN:** Thank you, Mr. President, Ladies and Gentlemen of the Senate. I rise to respond to the question asked by my good friend, Senator Pouliot, what are we doing here? What we are doing here is putting the Department of Labor in an adversarial position against Maine's small businesses. Maine's small businesses rely on the employees they are trying so desperately to find, to employ, and to retain. They want to do the right thing. The education aspect of the Department of Labor is a way that the Department of Labor helps small businesses, and they work together. Sending out agents to harass small businesses who have had no labor violations really is putting the Department in a position where they are the enemy of Maine's

small businesses instead of the helpers. Maine's small businesses value their employees and want to keep them. They have no reason to be breaking labor rules on purpose. Help them to navigate the many myriad amounts of regulations we've put on to small businesses and help them to thrive instead of causing division between them and the people that work for them. Thank you.

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

Senator **NANGLE:** Thank you, Mr. President. I'd like to ask a question through the Chair.

THE PRESIDENT: Seeing no objection.

Senator **NANGLE:** If a business is complying with all the labor laws, do they have anything to worry about?

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

Senator **TIPPING:** Thank you, Mr. President. My answer in general would be probably not, but I do want to also note that for small businesses in particular, the change in rules here would actually benefit them. Being a small business would allow you the greatest decrease in any potential fine or violation. That is the factor that is most looked at under these proposed rules. I'd also note once again that these rules don't change any practice of the Department in terms of strategic enforcement. That is how any, you know, investigation of violations already goes on, it's why, you know, cops are more likely to walk a beat in a neighborhood that has more crime. You know, they look at where the violations may be. I would note that the difference here in these rules is that they'll be reporting back, being very clear about how that is being done and if it's being done in an evidence-based way, and I think that is an important aspect of these rules. Thank you.

THE PRESIDENT: The Chair recognizes the Senator from Kennebec, Senator Pouliot, but also, having risen three times, ask for what purpose would he rise? Maybe to answer the question?

Senator **POULIOT:** Yes, to answer the Senator's question. The Senator is a very smart man, so I'm sure he's answered the question in his own head, but the reality is right now there would be more onus on the business if we pass this law by allowing the Department to proactively go out and just shake down businesses that may not even be in violation. That's kind of the whole point, Senator. But at the end of the day, we don't want to let bad actors go uncaught, that's not the point. The point is we have an environment now in Maine in which we have an incentive to educate people about their rights, both the employer and the employee, and there should be more effort made to educate people on what their rights are and also have in place the people within state government to ensure that when someone complains, it can be looked at very quickly, thoroughly investigated, and if found in violation, a penalty assessed. What's wrong with that process? But we heard from the new director that his desire is to not educate, but instead enforce in areas where they think there may be a violation. I mean, with no data or evidence. So, to answer your question, Senator Nangle, at the end of the day, the

businesses really shouldn't have anything to worry about now if they're good actors, but moving forward, they would have a lot to worry about with unnecessary investigations that would slow down their ability to serve their clients or whoever their customers are and provide an environment in which they can make sure they're profitable so they can actually pay the wages that we want people to be paid.

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

Senator **BRENNER:** Thank you, Mr. President. I just want to take this opportunity to read into the record a piece of testimony from the hearing. This is from Michael Guare. I'm an attorney at Pine Tree Legal Assistance in Bangor. I work in Pine Tree's Farm Worker Unit and I've been representing farm workers in Maine for over 20 years. I'd like to share a little of my work experience with you, in support of LD 2184. As you know, this bill would authorize a rule proposed by the Bureau of Labor Standards of the Department of Labor to enhance the civil money penalty structure used by the Bureau. The proposed rule would also create and evaluate a process which would be designed to focus on the Bureau's enforcement efforts in areas where they are most needed. If this proposal becomes the Bureau's rule, I am virtually certain that farm workers would be one of the groups of workers of which the Bureau would focus. Farm workers satisfy all of the criteria. I do not suggest that most agricultural employers in Maine are labor law violators, but that violations do occur and that when they do, they are often very serious and widespread. For example, one of the problems I see most often is seriously substandard housing, a problem which, when it occurs, affects an employer's entire workforce. You may also remember that in the last session, I spoke to you about one of our cases involving two workers who were assaulted for having the audacity to request a raise. Those things happen to farm workers. That case is ongoing. Thankfully, those workers came forward and told us what happened to them, but many farm workers do not because of fear, vulnerability, and a lack of legal protections. In that regard, I have another case, unfortunately not ongoing. I recently had to close out a case involving other workers who were very seriously mistreated and underpaid. In one worker's case, the only pay received was being housed in a place that had, among other problems, no running water or electricity. The reason I had to close this case was that the workers were so frightened by the many threats, both verbal and physical, once with a forklift, which the employer had made during the course of employment that they feared actual violent retaliation by the employer if they made any complaints. One of them even decided not to pursue a workers' comp claim for fear of the employer. In short, a focus on farm workers and other workers who share some of the same vulnerabilities by the Bureau would be highly appropriate. Lastly, in my work, I've had a couple of experiences where employers whom I have sued multiple times, in one case six times over a period of years. At first, I did not understand why these employers repeatedly kept doing unlawful things over and over, and I finally realized it was because the statute under which I was suing has a maximum statutory penalty of \$500 per violation, an amount which has not been increased since the law was passed 40 years ago in 1983. We did our best to attain some justice for the workers we represented, but it was literally cheaper for those employers to violate the law than to comply with it. That should never be the

case and a proposed rules increase of maximum penalties is a necessary step in the right direction. Thank you, Mr. President.

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

The Chair noted the absence of 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 (#579)

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

NAYS: Senators: BENNETT, BLACK, BRAKEY, FARRIN, GUERIN, HARRINGTON, KEIM, LIBBY, LYFORD, MOORE, POULIOT, STEWART

EXCUSED: Senators: TIMBERLAKE

22 Senators having voted in the affirmative and 12 Senators having voted in the negative, with 1 Senator being excused, the motion by Senator **TIPPING** of Penobscot to **ACCEPT** the Majority **OUGHT TO PASS** Report, in concurrence, **PREVAILED**.

Bill **READ ONCE**.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Senate

Ought to Pass As Amended

Senator RENY for the Committee on **MARINE RESOURCES** on Bill "An Act to Make Technical Changes to the State's Marine Resources Laws" S.P. 859 L.D. 2031

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-558)**.

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

Bill **READ ONCE**.

Committee Amendment "A" (S-558) **READ** and **ADOPTED**.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Divided Report

The Majority of the Committee on **INNOVATION, DEVELOPMENT, ECONOMIC ADVANCEMENT AND BUSINESS** on Bill "An Act to Transfer the Arch Hangar at the Former Loring Air Force Base to the Loring Air Museum" S.P. 823 L.D. 1998

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

Signed:

Senator:
GUERIN of Penobscot

Representatives:
ROBERTS of South Berwick
COLLAMORE of Pittsfield
LANIGAN of Sanford
LaROCHELLE of Augusta
NESS of Fryeburg
SAYRE of Kennebunk
SMITH of Palermo
WALKER of Naples
WHITE of Waterville

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (S-561)**.

Signed:

Senators:
CURRY of Waldo
RAFFERTY of York

Representative:
CROCKETT of Portland

Reports **READ**.

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

Divided Report

The Majority of the Committee on **JUDICIARY** on Bill "An Act to Require the Probate Court to Report Name Changes to the State Bureau of Identification" (EMERGENCY) S.P. 305 L.D. 747

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-559)**.

Signed:

Senators:
CARNEY of Cumberland
BAILEY of York
BRAKEY of Androscoggin

Representatives:
MOONEN of Portland
HAGGAN of Hampden
HENDERSON of Rumford
KUHN of Falmouth
LEE of Auburn
MORIARTY of Cumberland
POIRIER of Skowhegan
SHEEHAN of Biddeford

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

Signed:

Representative:
ANDREWS of Paris
(Representative DANA of the Passamaquoddy Tribe - of the House - supports the Majority **Ought To Pass as Amended Report**.)

Reports **READ**.

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

Bill **READ ONCE**.

Committee Amendment "A" (S-559) **READ** and **ADOPTED**.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Off Record Remarks

Divided Report

The Majority of the Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act to Support Municipalities by Repealing the Law Limiting the Municipal Property Tax Levy" (EMERGENCY) S.P. 895 L.D. 2102

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-560)**.

Signed:

Senators:

NANGLE of Cumberland
BALDACCI of Penobscot

Representatives:

STOVER of Boothbay
ABDI of Lewiston
COPELAND of Saco
DHALAC of South Portland
RISEMAN of Harrison
SINCLAIR of Bath

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

Signed:

Senator:

LYFORD of Penobscot

Representatives:

ADAMS of Lebanon
GREENWOOD of Wales
POMERLEAU of Standish
UNDERWOOD of Presque Isle

Reports **READ**.

Senator **NANGLE** of Cumberland moved the Senate **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report.

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

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

Senator **LYFORD:** Thank you, Mr. President. I speak in opposition to this bill today. I understand the challenges balancing complicated municipal budgets. I was a council member for six years, so I certainly do understand them. It's difficult to present the views of the public without a level of engagement built into the system, but local officials have a responsibility to create budgets within limits provided by the voters. If they are unable to do so, they owe a clear explanation to their voters. Voters have the right to compel the municipalities to honor property tax and levy limits. Passage of 2102 would skip away this important right and would limit the voices of the voters. Unfortunately, even more, the passage of this bill would create more mistrust upon our public officials. Doing away with municipal property tax limitations could potentially result in uncontrolled spending at the municipal level property tax increases for Maine, including seniors fixed on -- on fixed incomes. LD 1, which was a bipartisan compromise back in about 2005, set the stage for this. We all know that Maine is an aging population. In my ten years here, it seems like every session we chip away at their incomes of the elderly and the less fortunate. In committee, and we hear a lot of testimony, I realize, but I recall only one town coming in and supporting this. So, I would appreciate your looking at this bill very carefully and opposing it. Thank you.

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

Senator **BENNETT:** Thank you, Mr. President, Fellow Members of the Senate. When LD 1 that the Good Senator from Penobscot referred to was put forth in 2005 by then-Governor John Baldacci, he made a promise to Maine's people. About 30 states faced budget deficits that year, and Maine had just come off question one in the 2004 election that would've limited property tax assessments to 1% of assessed value. Governor Baldacci's promise through LD 1 was simple. It created the Maine Budget Stabilization Fund to help bridge future budget gaps, it set Maine on the path to fund schools at 55%, and it promised to cap future expenditures at the state and local level by the average income growth factor, a calculation made by the state economists in even-numbered years. The name of LD 1 said it all, An Act to Increase the State's Share of Education Cost, Reduce Property Taxes, and Reduce Government Spending at all Levels. Governor Baldacci and bipartisan majorities in the Legislature promised Maine's people nearly two decades ago that we would ensure there were limits in place at both the state and the municipal level to protect taxpayers against increases that went well above the rise in the cost of living. It requires spending above that level be approved specifically by local voters. It's been a reasonable approach, it's worked well. The bill before us today seeks to undo that. We finally achieved the 55% ratio last year and now we have this measure before us that would pull the safety net out from under Maine taxpayers. Let's not do that. I urge you to vote against the pending motion. Thank you, Mr. President.

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

Senator **BALDACCI:** I'm not going to comment on Governor Baldacci or any of that stuff, but I did want to let the Chamber know that the City of Bangor fully supports this measure. The city manager, the unanimous vote of the city council, and I would note that the city of Bangor has reduced its property tax mill rate by 15% over the last three years and our property tax mill rate is actually lower than most -- than many of the towns around Bangor, except for Herman. So, since adoption, the State of Maine is now fulfilling its statutory obligation to fund revenue sharing and aid to education. Beyond those resources, it is the responsibility of elected municipal bodies to determine what additional resources need to be raised to meet the needs and expectations of its residents. Those elected officials are those that are closest to their constituents and are aware of the effect of a rising tax levy on the people they serve. LD 2102 would restore home rule to municipalities it relates to their budget process. Determining the level of property taxes to be assessed should be a local decision and not artificially constrained by state statute. Bangor and virtually every other municipality in the state work diligently to contain property taxes and do not need a state approach -- a state statute to reinforce that approach. That is the unanimous resolution I received from the city council and from the city manager. Thank you.

On motion by Senator **VITELLI** of Sagadahoc, **TABLED** until Later in Today's Session, pending motion by Senator **NANGLE** of Cumberland to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report. (Roll Call Ordered)

SECOND READERS

The Committee on **Bills in the Second Reading** reported the following:

House

Bill "An Act to Amend Licensing Requirements for Landscape Architects" (EMERGENCY)
H.P. 1322 L.D. 2060

READ A SECOND TIME and **PASSED TO BE ENGROSSED**, in concurrence.

House As Amended

Bill "An Act to Increase Public Access to Utilities"
H.P. 161 L.D. 240
(C "A" H-798)

Bill "An Act to Strengthen Maine's Workforce"
H.P. 167 L.D. 262
(C "A" H-796)

Bill "An Act to Amend the Regulations of Manufactured Housing to Increase Affordable Housing"
H.P. 211 L.D. 337
(C "A" H-791)

Bill "An Act to Provide Regional Support to Deliver State and Federal Programs to Cities and Towns in the State"
H.P. 379 L.D. 602
(C "A" H-789)

Bill "An Act to Prohibit Persons Who Donate to a Governor's Transition Committee and Inaugural Committee from Registering as Lobbyists"
H.P. 522 L.D. 833
(C "A" H-794)

Bill "An Act to Amend the Maine Insurance Code Regarding Payments by Health Insurance Carriers to Providers"
H.P. 903 L.D. 1407
(C "A" H-790)

Bill "An Act to Encourage Affordable Housing and Mixed-use Development by Establishing a Thriving Corridors Program"
H.P. 1071 L.D. 1673
(C "A" H-787)

Bill "An Act to Establish a Clean Hydrogen Pilot Program"
H.P. 1138 L.D. 1775
(C "A" H-797)

Resolve, Directing the Department of Agriculture, Conservation and Forestry to Convene a Stakeholder Group Tasked with a Comprehensive Overhaul and Modernization of the State Subdivision Statutes
H.P. 1150 L.D. 1787
(C "A" H-786)

Bill "An Act to Amend the Laws Regarding Certain Advisory Councils and Boards Related to the Department of Marine Resources"
H.P. 1326 L.D. 2064
(C "A" H-801)

Bill "An Act to Increase the Cap on Bonds Issued by the Maine State Housing Authority to Reflect Current Housing Production Needs in the State"
H.P. 1416 L.D. 2209
(C "A" H-788)

READ A SECOND TIME and **PASSED TO BE ENGROSSED AS AMENDED**, in concurrence.

Senate

Bill "An Act to Provide for Medical and Vessel Breakdown License Exceptions for Commercial Menhaden License Holders"
S.P. 853 L.D. 2025

READ A SECOND TIME and **PASSED TO BE ENGROSSED**.

Sent down for concurrence.

ENACTORS

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

Emergency Measure

An Act to Amend the Natural Resources Protection Act to Enhance the State's Ability to Respond to and Prepare for Significant Flood Events and Storm Surge
S.P. 858 L.D. 2030
(C "A" S-547)

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

Acts

An Act Regarding the Ordinances Governing Residential Units Located in Buildings in a Location Zoned for Commercial Use
H.P. 819 L.D. 1294

(C "A" H-779)

An Act to Improve Maine's Labor Laws by Changing the Laws Governing Elections of Collective Bargaining Agents for Certain Public Employees
S.P. 860 L.D. 2032

An Act to Require Constitutional Officers to Complete Harassment Training
H.P. 1374 L.D. 2150

An Act Establishing Concurrent Jurisdiction with the Federal Courts in Certain Juvenile Matters
S.P. 923 L.D. 2171
(C "A" S-549)

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

An Act to Enhance Protections for and Better Address Invasive Aquatic Plant Infestations in Inland Waters of the State
H.P. 1365 L.D. 2141
(C "A" H-773)

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

Resolves

Resolve, to Create an Advisory Council to Oversee the Review and Technical Revision of the Maine Criminal Code and Other Statutes Establishing Criminal Offenses
H.P. 1218 L.D. 1903
(C "A" H-778)

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

Resolve, to Evaluate the Effectiveness of Programs Within the Department of Corrections That Prepare Correctional Facility Residents for Employment and Self-sufficiency Upon Release from Incarceration
H.P. 1271 L.D. 1978
(C "A" H-777)

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

Senate at Ease.

The Senate was called to order by the President.

The President requested the Sergeant-At-Arms escort the Senator from Sagadahoc, Senator **VITELLI**, to the rostrum where she 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 **ELOISE A. VITELLI** of Sagadahoc County.

ORDERS OF THE DAY

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

SENATE REPORT - the Committee on **INNOVATION, DEVELOPMENT, ECONOMIC ADVANCEMENT AND BUSINESS** on Bill "An Act to Transfer the Arch Hangar at the Former Loring Air Force Base to the Loring Air Museum"
S.P. 823 L.D. 1998

Majority - **Ought Not to Pass** (10 members)

Minority - **Ought To Pass as Amended by Committee Amendment "A" (S-561)** (3 members)

Tabled - March 7, 2024, by Senator **CURRY** of Waldo

Pending - **ACCEPTANCE OF EITHER REPORT**

(In Senate, March 7, 2024, Reports **READ**.)

Senator **CURRY** of Waldo moved the Senate **ACCEPT** the Minority **OUGHT TO PASS AS AMENDED** Report.

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

THE PRESIDENT PRO TEM: The Chair recognizes the Senator from Penobscot, Senator Guerin.

Senator **GUERIN**: Thank you, Madam Chair. Although the idea of an expanded Loring Air Museum is appealing, when the bipartisan majority of the IDEA Committee looked more closely at the proposal, it became clear that the proposal should not go forward, leading to a Majority Ought Not to Pass Report. The Arch Hangar needs millions of dollars in maintenance to even have a chance at survival. The ability of an all-volunteer board to raise the funds necessary to fix the roof is questionable. Perhaps more importantly is the fact that the Arch Hangar is -- if it is turned over to the museum, all hopes of future commercial development are lost. There are numerous testimonies in opposition, including

Loring Development Foundation, Developer Green 4 Maine, and Hydrospace Propulsion, Incorporated, which is a young and rapidly growing aerospace and defense company in Maine that has developed revolutionary propulsion and space launch technologies beginning in 2018. Hyperspace Propulsion, Incorporated, has laid a strategic growth plan through military defense and institutional global finance to revenue a prototyping, engineering, and putting into production with flight operations from the Arch Hangar at Loring Air Force Base. Through its close association with Green 4 Maine, the private developer of Loring, and partner in hyperspace, they are securing 847 million space launch program with NASA to begin manufacturing its Star Space space plane in 2026 and a 1.3 billion U.S. hypersonic strike package with seaborne and airborne hypersonic missile system for the US Navy. These programs are planned to be in operation under the single (INAUDIBLE) of the historic Arch Hangar, which is so necessary for success with its US Navy Department of Defense and NASA as its first customers. The idea that investments with over 4.7 billion in the next 40 months that are planned to start in April 2024 could be stopped is a bad development for Aroostook County. If the Arch Hangar is turned over to become a museum, its future commercial value for development and employment will be lost. For this reason, the majority of the IDEA Committee is opposed to the bill, and I would ask you to please join me in voting against the pending motion.

THE PRESIDENT PRO TEM: The Chair would recognize the Senator from Kennebec, Senator Pouliot.

Senator **POULIOT:** Thank you, Mr. President. A lot of folks don't know that in 2017, the federal government passed a Tax Cut Job Act which was a major overhaul, but one of the components of that is something that was supported and is still supported in DC on a bipartisan basis called opportunity zones. And Maine has a number of these opportunity zones. These are federally designated zones in which they're established to really try to promote economic vitality. In fact, Augusta has one on this side of the river that runs out to the next town up and there are many of them around the state, I think 32 or 33, and Loring happens to be in one of those zones. So, the whole idea behind this was to identify census tracts in the United States which had problems in terms of economic vitality and give them an opportunity to be competitive in the 21st century with attracting that economic vitality. And Loring is in one of these zones. The Loring Air Force Base is in one of these zones. So, you have really -- this is kind of an, I think, a very ironic bill in a lot of ways because it talks about I think the trajectory that Maine's been on for a while in which we have had opportunities to prioritize economic development and in this case, we're now looking at taking a building that can be used to help further the investments from the Department of Defense and NASA, which is pretty cool in general to just be having going on in Maine, but instead, we're going to turn it into a museum. I mean, I can't think of like one single thing that could show definitively how backward thinking we are on an issue than something like this. But we have an opportunity in Loring to continue the economic development that's going on and, let's be honest, there's not a lot of people flocking to Aroostook County to try to figure out ways to bring about economic vitality and Green 4 Maine has done that. You've seen a lot of robust investments at Brunswick over the years, and those have brought about jobs, and I think really have supported increased wages in that community, which is important, and now we have an

opportunity to do something like that at Loring and instead, we're considering turning it into a museum. I mean, it just -- you can't make this stuff up, Madam President Pro Tem. So, thank you. I'll be voting, obviously, in opposition.

THE PRESIDENT PRO TEM: The Chair would recognize the Senator from Waldo, Senator Curry.

Senator **CURRY:** Thank you, Madam President. I wanted to briefly explain the amendment to this bill. To the disappointment of many, the history of Loring economic development has been a promise and halt and something just around the corner happening and we're there today and we're still hoping for something just around the corner. And the latest just around the corner is to achieve -- for Loring Development Authority to achieve the Federal Aviation Administration approval for Loring -- for Loring Air Force Base to be part of the national plan of integrated airport systems. And so, they're applying for that right now and -- and the Arch Hangar has an important role for that, so Loring Development Authority has informed us that they would have the capacity of the Arch Hangar is important for that. And so, this amendment says well, if you don't get that, then it transfers over. Because unfortunately, over the years, this incredible facility, and I expect that you'll hear more about it, has been -- has been deteriorating and deteriorating, and it's one large concrete facility. So, as water gets in there and damages, eventually it will be not worth anything except the land below it and it will be a cost to demolish it. And so, I hear the request from the people not to lose one more resource in their community, and I hear that. I respect the effort of the Loring Development Authority to go after the role that this Arch Hangar plays and them going after the airport designation. But should they not get that, I believe it should be transferred to the museum so they can develop it as a part of their -- as a part of their tours and part of their economic development plan. Thank you very much.

THE PRESIDENT PRO TEM: The Chair recognizes the Senator from Aroostook, Senator Jackson.

Senator **JACKSON:** Thank you, Madam President, Ladies and Gentlemen of the Senate. Yogi Berra once famously said it's déjà vu all over again, and I think that's the case here, and I also, you know, want to respond that, you know, the idea that you can't make this stuff up is often how I feel when the Good Senator from Kennebec gets up. With that being said, the issue here is that at Loring there is one of two Arch Hangars that were constructed in the early '40s and they are a marvel as far as the engineering of it. I mean, this was a continuous pour, massive, massive structure that meant that people had to work around the clock to pour the cement so that something like this could be formed. There's no seams in the concrete, they were all formed in a way that, like I said, they had to have a continuous flow of cement I believe over 48 hours to make this facility. And it, you know, served its purpose very well during the period of the Cold War up until, unfortunately, you know, we had the loss of the base in the early '90s. And since that time, it has set there, for the most part, and we've had a lot of things that have come, you know, that were going to help Loring, going to help Aroostook County, things that I always supported and will continue to support, but unfortunately, most of those things fell through. And in the meantime, the hangar has set there, going into disrepair, for such a long time that now it has a gaping hole in the roof where, you

know, water is able to get in to where the concrete structure is, it's only a matter of time that, you know, we're going to have water get in one of these cracks that are forming and when it does, it's going to obviously expand in the cold weather, much like we've seen over here with the parking garage here in Augusta that has now been closed because it's unsafe. And when that happens, you know, it won't be repairable at that point. And so, the many people that are still in Aroostook County that actually work at Loring Air Force Base and have tremendous pride and historic relevance to the facility has asked that, you know, the State do more to protect the place. And we have put a tremendous amount of money into the LDA, and a lot of great people have served on there and there's just, unfortunately, been a lot of missed opportunity. But what they are asking or what they asked for here, and this is all people from Aroostook County, was that we would have the opportunity to save the hangar, at least. And the best way that we could figure to do that would be to go after grants that would come from national historic registry. So, put -- which speaking to those people, they said the hangar immediately -- would immediately qualify and that would open up an opportunity to bring in money to repair the hangar. Now, the other option, which I'm sure I'm not going to get in this Chamber, is for the State to come up with five or six million dollars to fix the hangar, which we didn't go down that road. What we went down the road was that the facility would be transferred to the nonprofit agency of the museum, which is all former employees that have actually created quite a nice place there with an unbelievable history, and they're the ones that actually had the fly-in where they did bring a B-1 bomber in and had refueling planes, which was economic activity for Aroostook County. I mean, they worked really hard and, in the end, all they wanted to do was make sure the building is protected. And I don't even think they care if they own it, but they can't figure out another way to do it. So, that's what this bill would do, and Senator Curry is right when he tried to, you know, give the LDA and Green 4 Maine people that, you know, more opportunity to go forward, and I support that, I mean, we want the FAA, you know, to be able to say that the airport is back functional and all that. I'm a hundred percent behind that, whatever we can do to make that happen, you know, so that the facility may have a chance to be saved. But even if the FAA does come forward, that doesn't mean that they're going to put a bunch of money into the hangar, but there's an opportunity to. But the idea that -- and Green 4 Maine has done a lot of good things, I'm very supportive of them, but the reality is is that the purchase and sale agreement that Green 4 Maine has gotten from the LDA would actually have to be turned back to the LDA if the FAA plan comes forward because a for-profit organization can't own that. So, one way or the other, Green 4 Maine, under this plan or under the plan that they're arguing for, is going to turn the facility back over. So, in the end, I'm just, you know, going to say, like, it's okay how people vote, I'm -- like, I wanted -- I've always wanted to help the LDA, I think the Governor put a lot of really great people on it now, and they've actually been working really hard, and I'm supportive of that, and you're going to see that in a couple moments. But in the end, what do you want to do? I mean, do you want to continue to sit around and let that hangar go into disrepair and maybe be, you know, something that we can never fix? Which is, I think where we're headed under this plan, at least, in a year and a half, some other people, not me, would be able to look at where we were going and then assess if it should be turned over to somebody that could go out and get the money, could go out and get the grants, and could restore the

place. So, I mean, I think it's driven on both sides by people in Aroostook County, they want to make sure that the best opportunities come forward, but they're certainly planning with an eye of, unfortunately, what has happened over the last 30 years, which has been unfortunate but, I mean, we can -- we can say that, you know, everything's going to be rosy and hopefully it will, I mean, hopefully it will, but the long history has been that it has not come to fruition and at the same time, an activity has really put something that is one of two in the whole country, this Arch Hangar, and if we don't do anything, there will only be one.

THE PRESIDENT PRO TEM: The Chair would recognize the Senator from Kennebec again, Senator Pouliot.

Senator **POULIOT:** Thank you, Madam President. I want to thank the President for the good laugh, that was good. But I don't know -- I think that a lot of folks may be familiar with this, but one of the things that we're being -- looking at this session is an expansion of the historic tax credit which the State of Maine has in place to really promote and be a catalyst for economic development. In fact, my wife and I took a building in downtown Augusta that was dilapidated, it was a pawn shop, it had a broken pipe and it had flooded, and we utilized the historic tax credits, the state and federal ones, to do a two and a half million dollar project there and bring the building back online. And so, in Loring, where they have this hangar that we need to get fixed up, there are tools available to the private sector, to Green 4 Maine, currently, under existing state law, in which they could seek out and find a tenant that would support improvements to the building, to the Arch Hangar. They could utilize federal and state tax credits which would reduce the cost of the project by nearly half, and then we, as a state, could work to offer them through the Finance Authority of Maine a low interest loan which would support the enterprise going in there and having jobs brought back and economic vitality. So, there is a path forward, a solution available currently under current law for economic prosperity to occur and the saving of a beautiful hangar. I mean, I'm a pilot, I love flying, I'd love to be able to fly up someday in my own plane and land and park it in that hangar or go to an event, a ribbon cutting for the NASA installation that's there. But if we try this approach of a stick to generate behavior by these dates that are outlined in the amendment and we come up short, which we may, then we transfer the ownership of this to a museum because we think, probably with all the best intentions, that it's the only option for us to save that building, which is simply not true. A lot of these tools have not been available until the last six or seven years, with the change at the federal level creating an opportunity zone, that is why they're there making these investments, because if they make the investment and they hold the asset for ten years, they can sell it completely tax free. It's a huge reason to make a move. And so, crickets, yes, for decades, but now we're starting to see private enterprise make moves to things that we all campaign on and we say we want and it's occurring like in real life, and then we're like oh, it's not fast enough, let's just give you guys a stick here and turn it into a museum if you don't report back by March of '25 with what you need to do from the FAA. It just really feels shortsighted, and I feel that we collectively as a Legislature can do better. Thank you, Madam President.

THE PRESIDENT PRO TEM: The Chair would recognize the Senator from Aroostook, Senator Stewart.

Senator **STEWART**: Thank you very much, Madam President, and Ladies and Gentlemen of the Senate. I really appreciated the debate and the discussion here this morning on a local issue, and I do have to give a shoutout as well to all the pilots that are either here or serving or in the audience today. There will be a fly-in later this year that's going to be hosted by our regional Chamber of Commerce in Central Aroostook County. It's going to be a great event and look forward to hopefully seeing some of you there and maybe while you're there, you can go take a look at the Arch Hangar, which you can do as it stands right now, you can drive onto the LDA and go see for yourself. And I don't disagree with the remarks from the Senate President that the LDA -- or the Arch Hangar itself is in need of investment. The question is what's the right path forward. And it is a great asset, a tremendous asset. One of if not the best ones on the LDA property, second only maybe to the longest runway that we've got. The only question is which direction do you go. And I have listened intently for many, many months at this point, over a year, actually, to both sides - those that think that the museum is the right way to go and that are more or less representing the tourism industry in Aroostook County, and those who feel that would be a misstep, and they represent a broad cross-section of other economic development interests in Aroostook County. And it's a tough one, because they both have some compelling arguments, I think, and I've, like I said, considered what has been shared with me as it relates to the path forward here, and I really do share that, you know, criticism or frustration that some of the previous speakers have mentioned here today around what hasn't happened, and what the State has or hasn't done to support that interest and that plan. And looking at the future of it, I want that to change, and we are at a kind of a critical point and I'm sure you'll probably hear more about this later today on a different bill around a similar subject here of what the future looks like for that organization, and particularly as we go through a transition of leadership there. And there's some remarks I'd like to share and read into the record today, and they come from a gentleman named Brian Hamel, who is two directors past at the LDA. And I read his remarks, and I found them really compelling and he has no bone to pick in this. He is a third party at this point, not directly involved in the LDA but sort of watching at afar what's happening there. And so, I feel compelled to share those with you all this morning. So, Brian writes, please allow me this opportunity to provide input and background concerning the proposed legislation, LD 1998, that would transfer ownership of Loring's Arch Hangar from the LDA to the nonprofit Loring Air Museum. In my opinion, such a transfer would have a devastating impact on the future development of Loring's air field that could potentially bring thousands of jobs to the County. As you may be aware, I was LDA's first president and CEO from 1994 to 2005. I was recruited for this position by the LDA Board of Directors, who was spearheaded by its first chairman, Art Thompson. Unfortunately, Art passed away a few weeks ago at the age of 89, on Christmas Eve Day. Art devoted his life to Loring's successful redevelopment and the State of Maine owes him a debt of gratitude for his untiring commitment to making a difference in his community of Limestone and the redevelopment of Loring. Art was a dear friend of mine, and for 30 years -- for nearly 30 years and in fact after I departed the LDA in 2005, I joined Art's financial services practice and eventually purchased the company from Art in 2007. Art was a dear friend and mentor, so I write this email to you -- as I write this email to you, I feel like I am also speaking on Art's behalf, knowing how much Loring meant to him. Prior to

joining the LDA in 1994, I was part of the management team at Pease Development Authority, PDA, which was tasked with redeveloping the former Pease Air Force Base in Portsmouth, New Hampshire. Pease was the first base closure in the modern-day base closure and realignment process. I learned a great deal from the PDA with respect to the process and timeline of getting assets transferred to the State of New Hampshire from the federal government, and the importance of securing the FAA's support to transform a military air field operation to a civilian use airport. As I look at the daunting challenge of redeveloping Loring in its remote northern Maine location, I knew it was imperative that we structure a transfer of the property to the State of Maine that made economic sense to the State of Maine. Working with Maine's congressional delegation and then-Governor Angus King, we structured a unique transfer agreement that required the federal government to provide Loring with \$30 million of funding to caretake the property until civilian uses could be found at the Loring Commerce Center. This never-to-be-replicated transfer agreement took a significant amount of effort, teamwork, and time to complete, and as a result, in 2001, the Loring property was transferred via title to the LDA. I outline this seven-year timeline because during the first seven years of the LDA's experience, we could not convey property to third parties, which was not conducive to airport development because the FAA required the LDA to have ownership, therefore it could consider supporting the air field. So, although the air field and its hangars have remained relatively dormant for nearly 30 years, it is really in the last 23 years that -- when the LDA had an opportunity for aviation development. This obviously appears to be a long period of time to stay dormant, but the reality of the situation was that there was not the political will to bring another airport into the FAA mix and as a result the Loring air field has remained dormant but still in relatively good shape. I've always used the analogy of a marathon to describe Loring's aviation potential, and here's why. When I agreed to take on Loring's challenge in 1994 and moved my wife and three young daughters at the time to the County, Art Thompson had just run the Boston Marathon in the spring of 1994. I was a veteran of 11 marathons including a qualified entrant in seven Boston Marathons, so Art and I have always shared the trials and tribulations of running and successfully competing in a marathon. We would often say that there are three races within the Boston Marathon. The first phase of the race is 20 miles, the second phase is the grueling half-mile steep incline called Heartbreak Hill, which many a marathon runner has succumbed to, and the final phase is a 6.2 miles downhill -- mile downhill finish through Kenmore Square to the finish line in Copley Square. I would say Loring's air field development is at the start of Heartbreak Hill. In order to conquer Heartbreak Hill, you have to have trained adequately and have the guts and determination to make it to the top so that you can have a successful finish in Copley Square. The LDA has done the hard work of preparing for the ultimate air field development and now could be the time to capitalize on interests in the private sector to once again make Loring's air field and its famed Arch Hangar the cornerstone of some pretty significant investment and jobs created by the private sector. The State of Maine recently invested \$400,000 in the LDA's marketing efforts spearheaded by the former head of Brunswick Naval Air Station's redevelopment effort, Steve Levesque. These significant efforts are paying off, with renewed interest in aviation development from the private sector and a surprising interest from the FAA in reviewing a certification of Loring's air field. Loring's Arch Hangar is critical to

this FAA approval and now is not the time to transfer the Arch Hangar to a nonprofit group for a museum. We must charge up Heartbreak Hill and conquer this aviation challenge in hopes of a successful finish with thousands of great-paying private sector jobs. I'd respectfully request that you vote against LD 1998 and -- from the current consideration, and allow the LDA to pursue its aviation development efforts. That's the position that I'm going to be taking here today, Madam President, that those words, that analogy, that understanding of the long time that it takes for these things to come to fruition and the critical juncture at which the LDA is at given all of the work that has gone on for decades. I grew up in the shadow in Aroostook County of Loring Air Force Base. Basically, when I was born, boom, the base closed. We lost a third of our population over the next five to ten years. That has been the juncture point in all of this, and that opportunity on the horizon that you've heard mentioned by many different people here today, I truly believe that all of that work is about to pay off. But we can't take our foot off the gas right now. I agree with the Senate President that the work, the volunteer-based effort that goes on to preserve the history of what's transpired there in northern Maine and Aroostook County and the significant impact that it has had on our global geopolitical and conflict history is substantial and I appreciate all the work that they do. But our history is not over, Madam President. Our history is still being written, and it is not yet time to take this asset and make it a part of history, but rather use it to write our future. Thank you, Madam President.

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#580)

YEAS: Senators: BALDACCI, BEEBE-CENTER, BRENNER, CARNEY, CHIPMAN, CURRY, DAUGHTRY, DUSON, GROHOSKI, HICKMAN, INGWERSEN, LAWRENCE, LYFORD, NANGLE, PIERCE, RAFFERTY, RENY, ROTUNDO, TIPPING, VITELLI, PRESIDENT JACKSON

NAYS: Senators: BAILEY, BENNETT, BLACK, BRAKEY, FARRIN, GUERIN, HARRINGTON, KEIM, LAFOUNTAIN, LIBBY, MOORE, POULIOT, STEWART

EXCUSED: Senators: TIMBERLAKE

21 Senators having voted in the affirmative and 13 Senators having voted in the negative, with 1 Senator being excused, the motion by Senator **CURRY** of Waldo to **ACCEPT** the Minority **OUGHT TO PASS AS AMENDED** Report, **PREVAILED**.

Bill **READ ONCE**.

Committee Amendment "A" (S-561) **READ** and **ADOPTED**.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Chair laid before the Senate the following Tabled and Later Assigned (2/27/24) matter:

SENATE REPORTS - from the Committee on **INNOVATION, DEVELOPMENT, ECONOMIC ADVANCEMENT AND BUSINESS** on Bill "An Act to Extend and Expand the Loring Job Increment Financing Fund"
S.P. 810 L.D. 1981

Majority - **Ought to Pass as Amended by Committee Amendment "A" (S-544)** (10 members)

Minority - **Ought Not to Pass** (2 members)

Tabled - February 27, 2024 by Senator **CURRY** of Waldo

Pending - **ACCEPTANCE OF EITHER REPORT**

(In Senate, February 27, 2024, Reports **READ**.)

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

Bill **READ ONCE**.

Committee Amendment "A" (S-544) **READ**.

On motion by Aroostook, Senator Jackson, Senate Amendment "A" (S-557) to Committee Amendment "A" (S-544) **READ** and **ADOPTED**.

THE PRESIDENT PRO TEM: The Senator may proceed.

Senator **JACKSON:** Thank you, Ladies and Gentlemen of the Senate, Madam President. The amendment before you is something that I was trying to maybe split the difference. What we were asked to do, and I'm sure now everybody in the Chamber is very interested in doing what we were asked to do, was to stand the financing, the help that was created a long time ago by Representative Gary O'Neal to give 50% of the financing, the revenue that was taxed off of the base back to the base for, you know, economic development. And that amount, as we've lost population, lost some of the businesses that the good -- former director, Mr. Hamel, had built up, has declined over time and now when we do have some real interest in things like DG fuels, new chip manufacturer coming in the base, we really need a shot in the arm for the LDA to be able to help facilitate some of these things. In the past, you know, we've had problems where the LDA couldn't pay its bills on water and sewer to the town of Limestone, they couldn't pay fire and police protection to the LDA, and we've had to come up with money to help them get through this, and we've put in all kinds of little add-ons to the LDA to help them pay off their bills, which, in effect, means that the towns and Limestone is able to stay whole and not be dragged down by the unfortunate circumstance with the LDA. So, what we had early on in this session was a bill that not only extended the financing, but it went to 100% for four years and then we were going to go

back to the committee of jurisdiction to make, you know, a report and everything. So, we were going to double it just for the four years so that they would get that extra shot in the arm because it does feel like there is some opportunities that are popping up there right now, and the 50% basically is just covering -- well, it's not even covering their operating costs. They're actually going in the hole, and the State is continuing to have to make that up, anyways. And the Department of Economic Community Development Commissioner was in support of going for four years. I think a lot of things happened, a new transition in the LDA made I think some people very uncomfortable about how things were going there and didn't know if it was the right time to actually give more money, but certainly wanted to extend the current financing deal. And very much appreciate that, and we just passed it, and that's great. But again, we're in the situation where I do think that we're in a critical period for a lot of opportunities outside of the airway. The airway hopefully comes to fruition, too, the LDA very much needs that money to pay their operational costs but at the same time make it more attractive to some of these businesses that is coming in, they recently found PFAS and different things that need to get dealt with. And so, what this amendment does is it goes from the original hope and agreement with the DECD that we would go four years, this splits the difference and goes for two years and then goes back to the committee. So, it's a 50% increase in the financing for two years to try and make LDA have the operational money to get where we hope we all get -- we all want it to get, which we just heard in the previous discussion. So, I have no doubt that everyone wants that to happen, I just heard it, and here we have an opportunity to make that actually come true, so I'm hoping that members of the Senate will support this one-time shot in the arm, come back to the committee to be discussed next session, and see if it should be extended any further.

Committee Amendment "A" (S-544) as Amended by Senate Amendment "A" (S-557), thereto, **ADOPTED**.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

THE PRESIDENT PRO TEM: So be it.

Senator **BENNETT**: Thank you, Madam President. This Sunday at 2 a.m., we will all share a moment. And that moment is once again we will suffer the absurdity of changing our clocks - forward, in this case. I distributed for your desks and your reading pleasure the summary sheet from the study that the University of Maine conducted regarding the adoption of Eastern Standard and Eastern Daylight time that this Legislature approved through LD 989, which I had the privilege of sponsoring, and was enacted into the budget last October. The university produced their report on February 15, 2024. Some of the highlights are there in the sheet before you, but very interesting stuff about the disturbance to circadian alignments, the increased daylight in evenings has the potential to enhance physical levels among children, there's lots of benefits to keeping Daylight Savings Time, but I'll let you read all of that. I also want to say thank you to the Maine State Chamber of Commerce, to the Maine Municipal Association, Maine Hospital Association, and the Maine Association of Broadcasters, who the University of Maine asked to poll their members and 200 respondents had some very interesting results that said that 72% of these people expressed a desire to

discontinue the twice annual time change and that among those, 75% favored permanent Daylight Savings Time and 23% preferred permanent Eastern Time. So, it's an interesting topic that will come up in conversation. Once again, it does every weekend where this happens and hopefully it will be once again before the Legislature in the next Legislature now that we have this study which is required by the United States Department of Transportation before Maine acts. So, I put that before you and I thank you for your indulgence.

THE PRESIDENT PRO TEM: The Chair recognizes the Senator from Lincoln, Senator Reny.

Senator **RENY**: Hi, everyone. I am here today, as the woman State Senator during Women's History Month, to educate you on one great Maine woman by the name of Frances Perkins. So, thank you for accommodating me. I'm going to read to you actually the prologue of the book 'The Woman Behind the New Deal' by Kristin Downey and then I will briefly speak to it. 'On a chilly February night in 1933 a middle aged woman waited expectedly to meet with her employer at his residence on East 65th Street in New York City. She clutched a scrap of paper with hastily written notes. Finally ushered into his study, the woman brushed aside her nervousness and spoke confidently. They bantered casually for a while, as was their style, and then she turned serious. Her dark, luminous eyes holding his gaze. He wanted her to take an assignment that she had decided she wouldn't accept it unless he allowed her to do it her own way. She held up a piece of paper in her hand and he motioned for her to continue. She ticked off the items: a 40 hour work week, a minimum wage, workers' compensation, unemployment compensation, a federal law banning child labor, direct federal aid for unemployment relief, social security, a revitalized public employment service, and health insurance. She watched his eyes to make sure he was paying attention and understood the implications of each demand. She braced for his response, knowing that he often chose political expediency over idealism and was capable of callousness, even cruelty. The scope of her list was breathtaking. She was proposing fundamental and radical restructuring of American society with enactment of historic social welfare and labor laws. To succeed, she would have to overcome opposition from the courts, business, labor unions, conservatives. Nothing like this has ever been done in the United States before. She said, 'You know that, don't you?' The man sat across from her in his wheelchair amid a clutter of boxes and rumpled rugs. Soon he would head to Washington D.C. to be sworn in as the 32nd President of the United States. He would inherit the worst economic crisis in the nation's history. An era of rampant speculation had come to an end. The stock market had collapsed, rendering investments valueless. Banks were shutting down, stripping people of their lifetime savings and about a third of workers were unemployed. Wages were falling. Hundreds of thousands were homeless. Real estate prices had plummeted and millions of homeowners faced foreclosure. His choice of Labor Secretary would be one of the most important early decisions and his nominee must understand economic and employment issues, but be equally effective as a coalition builder. He was a handsome man with aquiline features and he studied the plain, matronly woman sitting before him. No one was more qualified for the job. She knew as much about labor law and

administration as anyone in the country. He'd known her for more than 20 years, the last four in Albany, where she had worked at his side. He trusted her and knew she would never betray him. But placing a woman in the Labor Secretary's job would expose him to criticism and ridicule. Her list of proposals would stir heated opposition, even among his loyal supporters. The eight hour day was a standard plank of the Socialist Party. Unemployment insurance seems laughably improbable and direct aid to the unemployed would threaten his campaign pledge of a balanced budget. He said he would back her. It was a job she had prepared for all her life. She had changed her name, her appearance, even her age to make herself a more effective labor advocate. She had studied how men think so she could better succeed in a man's world. She had spent decades building crucial alliances. Still she told the President-elect that she needed time to make her decision. The next day she visited her husband, a patient in a sanitarium. He was having a good day and he understood what she told him about the job offer. His first impulse was to fret for himself, asking how this new job might affect him. She assured him that he could remain where he was and her weekend visits would continue and he gave his permission. That night in bed, the woman cried in deep wailing sobs that frightened her teenage daughter. She knew the job would change her life forever. She would open herself to constant media scrutiny, harsh judgment from her peers, and public criticism for doing a job a woman had never done before. Yet she knew she must accept the offer. As her grandmother had told her; whenever a door opens to you, you had no choice but to walk through it. The next day she called Franklin Roosevelt and accepted the offer. Frances Perkins would become the nation's first female Secretary of Labor.' I just want to note she was not only the nation's first female Secretary of Labor, she was the first woman to be in the United States' Cabinet. It was a huge accomplishment. And I, briefly, I want to thank Senator Moore for switching days with me because, as you all know, this is also Labor Lobby Day and her contributions as Secretary of Labor changed the way we live today. She - her accomplishments include the Social Security Act, creating major New Deal jobs programs, the Fair Labor Standards Act, the Bureau of Labor Standards just to make sure that we are all safe and able to live our lives, the National Labor Relations Act which granted workers the right to organize and participate in collective bargaining. She led a coordinated effort for U.S. membership in the International Labor Organization, the ILO, and, just as a side note, she also saved thousands of refugees by limited deportations to Nazi Germany. This woman did it all and her home, her homestead, is in my district. It's in Newcastle, Maine. It's a beautiful place. I strongly recommend you all visit the Frances Perkins Center at some point and, if there's any educators out there listening, they also have a traveling sort of exhibit and they do classroom lessons as well. Just and extra brief thank you to the Senator Rotundo who respected my gibs on Frances Perkins, despite the fact that she is very knowledgeable on the subject and serves on the Board of the Frances Perkins Center. So, that's all for today. Thank you very much, everyone. Happy Labor Day.

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

On motion by Senator **VITELLI** of Sagadahoc, **ADJOURNED**, pursuant to the Joint Order, until Tuesday, March 12, 2024, at 10:00 in the morning, or until the call of the President of the Senate and the Speaker of the House.

Off Record Remarks
