MAINE STATE LEGISLATURE

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Senate Legislative Record

One Hundred and Thirty-First Legislature

State of Maine

Daily Edition

First Special Session

Beginning April 5, 2023

Beginning with Page S-387

Representatives:
SALISBURY of Westbrook
HASENFUS of Readfield
LOOKNER of Portland
MATHIESON of Kittery
MILLIKEN of Blue Hill

Comes from the House with the Minority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "B" (H-338)** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (H-338)**.

Reports **READ**.

On motion by Senator **BEEBE-CENTER** of Knox, **TABLED** until Later in Today's Session, pending **ACCEPTANCE OF ANY REPORT**.

Divided Report

The Majority of the Committee on **TAXATION** on Bill "An Act to Amend the Maine Exclusion Amount in the Estate Tax"
H.P. 852 L.D. 1338

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

Signed:

Senator:
LIBBY of Cumberland

Representatives:
PERRY of Bangor
CARMICHAEL of Greenbush
LAVIGNE of Berwick
LIBBY of Auburn
QUINT of Hodgdon
RUDNICKI of Fairfield

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (H-585)**.

Signed:

Senators:
GROHOSKI of Hancock
CHIPMAN of Cumberland

Representatives:
HASENFUS of Readfield
MATLACK of St. George
RANA of Bangor

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

Reports **READ**.

Senator **GROHOSKI** of Hancock moved the Senate **ACCEPT** the Majority **OUGHT NOT TO PASS** Report, in concurrence.

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

Senator **BRAKEY**: Thank you, Mr. President. To speak very briefly, once again, grave robbery is still bad, and we still shouldn't do it. Thank you.

On motion by Senator **GROHOSKI** of Hancock, the Majority **OUGHT NOT TO PASS** Report **ACCEPTED**, in concurrence.

Divided Report

Ten members of the Committee on **ENERGY, UTILITIES AND TECHNOLOGY** on Bill "An Act to Amend the Portfolio Requirements for Class II Resources"
H.P. 250 L.D. 399

Reported in Report **"A"** that the same **Ought to Pass as Amended by Committee Amendment "A" (H-639)**.

Signed:

Senators:
LAWRENCE of York
HARRINGTON of York

Representatives:
ZEIGLER of Montville
BABIN of Fort Fairfield
BOYLE of Gorham
DUNPHY of Embden
FOSTER of Dexter
GEIGER of Rockland
PAUL of Winterport
RUNTE of York

Two members of the same Committee on the same subject reported in Report **"B"** that the same **Ought Not to Pass**.

Signed:

Senator:
GROHOSKI of Hancock

Representative:
KESSLER of South Portland

One member of the same Committee on the same subject reported in Report **"C"** that the same **Ought to Pass as Amended by Committee Amendment "B" (H-640)**.

Signed:

Representative:
WARREN of Scarborough

Comes from the House with Report **"A", OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-639)**, **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-639)**.

Reports **READ**.

Senator **LAWRENCE** of York moved the Senate **ACCEPT** Report **"A", OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-639)**, in concurrence.

THE PRESIDENT: The Chair recognizes the Senator from Hancock, Senator Grohoski.

Senator **GROHOSKI**: Thank you, Mr. President. I am not going to ask for a Roll Call, but I would ask for permission to speak to the Chamber.

THE PRESIDENT: So moved.

Senator **GROHOSKI**: Thank you very much. I didn't know this bill would come up so late at night, and I don't want to belabor it, but I do want to tell you all what this bill does and the problems that I have with it and just leave it at that. So, this bill basically takes the lowest grade renewables that we have, things that have been online for decades, things like hydropower, trash burning, a couple other really minor things, and it says hey, you're doing something that you're doing that helps our grid, it puts energy out there, we call it clean - I'm not debating that - and we compensate you for that. Historically, we've been compensating dams, in particular, around 57 cents for every megawatt of power that they produce. Because of some constrictions in the market that happened during COVID for various reasons, these facilities started getting $14 for every megawatt they produced. They're not taking that money and investing it in new renewables. They're not investing it in fish ladders in communities like mine where they're violating federal law regarding Atlantic salmon migration. They are not doing anything with that money but pocketing it. This is money that is coming out of our ratepayer pockets to the tune of $60 million in a year. For what? That's what I'm asking you all. It's completely unacceptable that we have not reined this in, and this bill is aiming to rein it in. It doesn't go far enough, in my opinion, but it does put setting a cap on how much money these people can make in the hands of the PUC and not - it was not intended to put it in the hands of politicians, but the way it's drafted, this bill is going to come right back to us to debate again because the people that want this money want to be able to lobby us to get more money than the PUC will give them once the PUC has looked at all the data and determined what's actually fair compensation for these resources. It's outrageous that we would allow this to happen when we have an opportunity here in this Body and in this building to save ratepayer dollars starting as soon as next year, that we would belabor this process so that we can be lobbied more. To give more money to foreign profiteers is unconscionable. And these are real numbers, okay? I didn't pull this out of a hat. I worked with people who work in this field to figure out what was going on and if we should and could stop it, and I think we should. I also want to note that the origin of this bill was to give - to continue a short-term enhanced supplement for people that are burning trash. Trash burning is absolutely better than land filling, it's part of our waste management hierarchy, but it is not something that ratepayers should be subsidizing. I do not think it is fair that people in my community, people in Northern Maine, people that don't live anywhere near the greater Portland area and ecomaine are subsidizing ecomaine's operations. That's outrageous to me that that would happen. If we think that ecomaine is providing a societal good, we should fund it through the general fund, not through electricity ratepayers. I want to tell you something about Brookfield that I've been stewing on for a while and I'm going to call them out by name. They have come to my community, they are violating water quality law, and now they're suing the State for holding them to task for that. Why? So they can run out the clock and get more money from us for doing the operations at the status quo. And I'll tell you another thing about this company, they're trying to take money from wherever they can find it. They happen to have bought the facility that my grandfather lives in. He's 98 years old, he's a World War II veteran. We pay - I don't remember the amount, I don't know, $50 a day, $100 a day for people to help him with his shower, and what happens? We find that he's been lying in the shower because he couldn't wait any longer because they were two hours late, three hours late. They actually don't help him. It turns out he's been showering himself the whole time that we've been paying for it, and there he is, lying on the floor. This is the kind of company that we're talking about. They are just trying to take money from wherever they can, and they will leave everything to waste in the meantime. So, what I'm asking this Chamber is are we going to allow this to go on for another two years or are we willing to put a stop to it. And I have something ready if this bill passes which I'm going to let happen that I hope you will consider in order to get ratepayers the relief that they deserve as soon as possible, and that is literally a change in how we do rulemaking. We do - this bill is calling for major substantive rules, I think that's unnecessary. The reason I think it's unnecessary is it just draws out the clock for business as usual and on top of that, we don't require major substantive rules for the exact same provision when it comes to renewables like solar and wind. So, why would we put this type of decision into a much more rigorous process when it's the exact same decision we make for solar and wind? I don't want to have this discussion next year. I want the PUC to do their job, us to get out of their way, and get the ratepayers their $60 million back or $40 million back or whatever the PUC finds to be appropriate. I'm not trying to put Brookfield out of business, despite what it might sound like - I mean, I actually would like to put them out of business, but that doesn't seem possible - I'd like the dams to continue to operate, I'm not trying to stop that, what I'm trying to say is let's not give them lots of money to do what they're doing anyhow. Okay? So, that's what I have to say about this, I'm still mad about it, I've been mad about it since this weekend when I discovered that during the committee that I couldn't be in because I was chairing another committee, this major substantive rule snuck in here, and I know it didn't feel like that to anybody who sat in the room, but it felt like this to me, a person who's been working on this issue for two years, had a bill in to deal with this issue appropriately, that bill got killed in favor of this bill, and I am here to tell you I think we can do better, I think we have to do better for the people that we serve, and so after this motion, I hope you will come with me for just a small change, which I know that people in the House that serve on this committee support and if we send it back to them, I think we can make a real difference for folks and we can do it ASAP. Thank you.

On motion by Senator **LAWRENCE** of York, Report **"A", OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-639)**, **ACCEPTED**, in concurrence.

Bill **READ ONCE**.

Committee Amendment "A" (H-639) **READ**.

THE PRESIDENT: The Chair recognizes the Senator from Hancock, Senator Grohoski.

Senator **GROHOSKI**: Thank you, Mr. Chair, and thank you all for listening to me. I really do appreciate it. Mr. President, I present Senate Amendment "A" with a filing number of S-405 to Committee Amendment "A" and move its adoption and I do wish to speak very briefly to my motion.

On motion by Senator **GROHOSKI** of Hancock, Senate Amendment "A" (S-405) to Committee Amendment "A" (H-639) **READ**.

THE PRESIDENT: The Senator may proceed.

Senator **GROHOSKI**: Thank you very much. I just wanted to make sure in case it wasn't clear, this amendment would change from major substantive rules to routine technical rules for the PUC to put a reasonable cap on the cost of these incentives to protect the ratepayers, and I ask that we not wait until 2025 or 2026 to bring this relief that will literally be, I expect, in the tens of millions of dollars to the people that we serve, and I hope that you will support this. Thank you.

On motion by Senator **VITELLI** of Sagadahoc, 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 York, Senator Lawrence.

Senator **LAWRENCE**: Thank you, Mr. President. Men and women of the Senate, as you can see, this is an issue that created a lot of passion on my committee, and I probably learned more about Class 2 recs that I would ever want to know in my lifetime during this debate. But there's a reason why and there's a reason why the majority of the committee voted to do major new substantive, because we wanted to be able to review the rules when they come back. And I understand the Senator from Hancock, Senator Grohoski, wants to make that more expeditious, but the majority of the committee wanted a chance to look at these rules because this is a substantive rule, and we wanted a chance to review it when it came back from the PUC. Thank you.

THE PRESIDENT: The Chair recognizes the Senator from Hancock, Senator Grohoski.

Senator **GROHOSKI**: Thank you, Mr. Chair. I respect that, that that was the decision at the time. I also have had conversations with members of the committee that don't feel that that was an important part of their vote. Furthermore, I have talked with the main proponents of this bill, which is ecomaine, and they have made it very clear to me that they feel the PUC is very fair, will look at the data, and will do a decent job. But boy, if they make it a little harsher than ecomaine would like, ecomaine would like a chance to lobby us all and tell us to give them more money. And while they're doing that, they're about 5% of this whole pie, Brookfield and others are going to get more money, too. And so, I just think we have to use common sense here, not adhere to something that I don't understand what the bargain was, do what is right for the people we serve. We do that every day here, I think, to the best ability that we have, and we have changed things that have come out of other committees because they just didn't quite make sense, and that is what I'm asking for here today and I hope that you will follow my light. Thank you.

THE PRESIDENT: The pending question before the Senate is Adoption of Senate Amendment "A" (S-405) to Committee Amendment "A" (H-639). 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 (#437)

YEAS: Senators: BAILEY, BENNETT, BRAKEY, BRENNER, CARNEY, CHIPMAN, CURRY, GROHOSKI, GUERIN, HICKMAN, INGWERSEN, LIBBY, MOORE, POULIOT, RAFFERTY, RENY, ROTUNDO, TIPPING

NAYS: Senators: BALDACCI, BEEBE-CENTER, BLACK, DAUGHTRY, DUSON, FARRIN, HARRINGTON, LAFOUNTAIN, LAWRENCE, LYFORD, NANGLE, PIERCE, STEWART, TIMBERLAKE, VITELLI, PRESIDENT JACKSON

EXCUSED: Senator: KEIM

18 Senators having voted in the affirmative and 16 Senators having voted in the negative, with 1 Senator being excused, the motion by Senator **GROHOSKI** of Hancock to **ADOPT** Senate Amendment "A" (S-405) to Committee Amendment "A" (H-639) **PREVAILED**.

Committee Amendment "A" (H-639) as Amended by Senate Amendment "A" (S-405) thereto, **ADOPTED**.

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-639) AS AMENDED BY SENATE AMENDMENT "A" (S-405)** thereto.

Ordered sent down forthwith for concurrence.

Divided Report

Eight members of the Committee on **JUDICIARY** on Bill "An Act to Amend the Laws Governing Damages Awarded for Wrongful Death"

H.P. 581 L.D. 934