

**STATE OF MAINE  
ONE HUNDRED AND THIRTIETH LEGISLATURE  
FIRST SPECIAL SESSION  
JOURNAL OF THE SENATE**

In Senate Chamber  
Wednesday  
June 16, 2021

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

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Prayer by the Honorable Marcia J. Homstead of Lewiston.

**MS. HOMSTEAD:** Good morning. Saint Francis, the founder of the Franciscan religious order, was born in the town of Assisi in Italy in the year 1182. At the age of 20, he devoted himself to a life of prayer. Three years later, Francis embraced a life of poverty and dedicated himself to God. Francis was a lover of nature. He took long walks in the countryside and studied its plants and trees. He felt that all plants and animals were part of God's kingdom. I share his prayer with you today.

Lord, make me an instrument of Your peace. Where there is hatred, let me sow love. Where there is injury, pardon. Where there is doubt, faith. Where there is despair, hope. Where there is darkness, light. Where there is sadness, joy. O Divine Master, grant that I may not so much seek to be consoled as to console, to be understood as to understand, to be loved as to love, for it is in giving that we receive, it is in pardoning that we are pardoned, and it is in dying that we are born to eternal life. Amen.

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Pledge of Allegiance led by Senator Anne M. Carney of Cumberland County.

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Reading of the Journal of Wednesday, June 16, 2021.

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Off Record Remarks

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

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**PAPERS FROM THE HOUSE**

**Non-Concurrent Matter**

SENATE REPORTS - from the Committee on **STATE AND LOCAL GOVERNMENT** on RESOLUTION, Proposing an Amendment to the Constitution of Maine To Require the Popular Election of Maine Constitutional Officers

S.P. 288 L.D. 874  
(C "A" S-108; S "B" S-250)

Majority - **Ought to Pass as Amended by Committee Amendment "A" (S-108)** (8 members)

Minority - **Ought Not to Pass** (5 members)

In Senate, June 14, 2021, the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the RESOLUTION **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-108) AND SENATE AMENDMENT "B" (S-250)**.

Comes from the House, the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED**. Senate Amendment "B" (S-250) **FAILED ADOPTION**. Subsequently, the RESOLUTION **FAILED PASSAGE TO BE ENGROSSED**.

On motion by Senator **VITELLI** of Sagadahoc, the Senate **INSISTED**.

Sent down for concurrence.

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**Joint Orders**

The following Joint Order:

H.P. 1288

ORDERED, the Senate concurring, that Bill, "An Act Relating to Fair Chance in Employment," H.P. 845, L.D. 1167, and all its accompanying papers, be recalled from the Governor's desk to the House.

Comes from the House, **READ** and **PASSED**.

**READ** and **PASSED**, in concurrence.

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**Joint Resolution**

The following Joint Resolution:

H.P. 1286

**JOINT RESOLUTION  
RECOGNIZING IMMIGRANT HERITAGE MONTH**

WHEREAS, since 2014, Immigrant Heritage Month has provided an opportunity for people across the United States to celebrate their own immigrant heritage, the contributions of their immigrant neighbors and the diversity of our country; and

WHEREAS, over 47,000 Maine residents were born in other countries and over 90,000 Maine residents were born in the United States to at least one immigrant parent; and

WHEREAS, immigrants are integral to Maine's future success and are leaders in municipal governments, schools, businesses, nonprofit organizations, community centers and religious institutions across the State; and

WHEREAS, Maine's immigrant communities contribute to the prosperity and strength of virtually every sector in Maine's economy; and

WHEREAS, immigrants contribute to Maine in every aspect of culture, including literature, art, music, cuisine, customs and more; and

WHEREAS, many of Maine's immigrants left their home countries due to conflict, economic hardship and infringements on their civil rights and liberties; and

WHEREAS, both the United States Constitution and the Constitution of Maine recognize and protect the inherent rights of all people, including citizen and noncitizen immigrants; and

WHEREAS, as a state, Maine must uphold the United States Constitution and the Constitution of Maine by preserving and defending the rights of all persons on our nation's soil; now, therefore, be it

RESOLVED: That We, the Members of the One Hundred and Thirtieth Legislature now assembled in the First Special Session, on behalf of the people we represent, take this opportunity to recognize June 2021 as Immigrant Heritage Month in Maine; and be it further

RESOLVED: That We celebrate the countless and monumental contributions of Maine's immigrants to our state and nation.

Comes from the House, **READ** and **ADOPTED**.

**READ** and **ADOPTED**, in concurrence.

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### COMMUNICATIONS

The Following Communication: H.C. 177

**STATE OF MAINE  
CLERK'S OFFICE  
2 STATE HOUSE STATION  
AUGUSTA, MAINE 04333-0002**

June 15, 2021

Honorable Darek M. Grant  
Secretary of the Senate  
130th Maine Legislature  
Augusta, Maine 04333

Dear Secretary Grant:

The House voted today to insist on its former action whereby it accepted the Majority Ought to Pass as Amended Report of the Committee on Innovation, Development, Economic Advancement and Business on Bill "An Act To Create the Small Business Capital Savings Account Program" (S.P. 537) (L.D. 1650) and Passage to be Engrossed as Amended by Committee Amendment "A" (S-245).

Sincerely,

S/Robert B. Hunt  
Clerk of the House

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

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### REPORTS OF COMMITTEES

#### House

#### Ought to Pass As Amended

The Committee on **ENERGY, UTILITIES AND TECHNOLOGY** on Bill "An Act To Protect Maine Electricity Customers from Threats of Disconnection in the Wintertime"

H.P. 980 L.D. 1328

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-637)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-637)**.

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

Bill **READ ONCE**.

Committee Amendment "A" (H-637) **READ** and **ADOPTED**, in concurrence.

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

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The Committee on **HEALTH AND HUMAN SERVICES** on Resolve, To Improve Behavioral Health Care for Children  
H.P. 312 L.D. 432

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-655)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-655)**.

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

Resolve **READ ONCE**.

Committee Amendment "A" (H-655) **READ** and **ADOPTED**, in concurrence.

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

The Committee on **JUDICIARY** on Bill "An Act To Correct Inconsistencies, Conflicts and Errors in the Laws of Maine" (EMERGENCY)

H.P. 1279 L.D. 1730

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-646)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-646)**.

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

Bill **READ ONCE**.

Committee Amendment "A" (H-646) **READ** and **ADOPTED**, in concurrence.

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

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**Divided Report**

The Majority of the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** on Bill "An Act To Protect Maine's Drivers from Pretextual Traffic Stops"

H.P. 301 L.D. 417

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-623)**.

Signed:

Senators:

DESCHAMBAULT of York  
LAWRENCE of York

Representatives:

WARREN of Hallowell  
LOOKNER of Portland  
MORALES of South Portland  
PLUECKER of Warren  
RECKITT of South Portland  
SHARPE of Durham

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

Signed:

Senator:

CYRWAY of Kennebec

Representatives:

COSTAIN of Plymouth  
NEWMAN of Belgrade  
PICKETT of Dixfield  
RUDNICKI of Fairfield

Comes from the House with the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-623)**.

Reports **READ**.

Senator **DESCHAMBAULT** of York moved the Senate **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report, in concurrence.

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

Senator **POULIOT:** Thank you, Mr. President. I rise for the first of twenty-three occasions to ask for a roll call.

On motion by Senator **POULIOT** of Kennebec, 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 Cyrway.

Senator **CYRWAY:** Thank you, Mr. President. Ladies and gentlemen of the Senate, out of all the seven years that I've been here as a Senator, this is probably one of most dangerous bills for law enforcement. I take it very seriously. The law enforcement officers are doing a job that no one else would like to do and when you need them you call and they come. I, when I think of this bill, I have a friend that, you know, law enforcement, when they pull a car over it's one of the most dangerous jobs there is. When you pull a car over and you get out of that vehicle, the cruiser, and you go up to that door you don't know what's going to happen next and I don't know if you remember back in 1995 Trooper Vicky Gardner. I'm sure my friend, Senator Paul Davis, remembers. Up on the Interstate. She pulled a vehicle over and the guy that she ended up pulling over ended up raping her, beating her, and biting her all over and left her on the side of the Interstate and took off with her vehicle and so we - and then later on, after he got out of prison, went to New Jersey and killed a person. So, this bill has a lot of problems with it and it muddies up existing Maine law and settles a Constitutional law in the name of perceived problem already illegal in our state and prosecuted by our courts. It is unnecessary and endangers federal traffic enforcement funding and potentially leaves victims of crime unprotected by our courts. When I mentioned Vicky Gardner, there are also two other people that I forgot to mention. Tim Willard, 1980, he was a police officer that got shot right in the head at a motor vehicle stop. Another officer, I went to New Hampshire to his funeral, and he pulled over a pick-up truck at 5:30 in the morning and he just went to get his license and registration and the guy pulled out a gun and the officer went to go get his gun and the guy shot him right under the arm and killed him and he was 24 years old, four months out of the Academy. We had well over 1,500 police officers attend that from all over the United States.

Police officers have a tough duty. They protect and serve everyone. They care about you and your families and for you - for this Body to vote and take and risk the lives of police officers is just unmentionable. Under current law, police are unable to

detain the subject of a traffic stop simply to seek other illegal activities beyond what is reasonable and linked to the stop. They can use a vehicle defect or a lack of a front plate, erratic operation, and even speed, as included in this bill, to stop a vehicle at 2 am, we'll say, where there is an increased likelihood of finding an impaired driver. Under current law, police cannot target racial, minorities, or pull over individuals simply because of their race or ethnic origin. Our courts would not pursue any prosecution where charges were brought against an individual as the result of racially motivated interaction and have a mechanism to endanger all future prosecutions pursued by officers who rely on official proceedings. Under current law, a vehicle stop without articulable suspicion of a violation will result in a motion to suppress any proceedings making all evidence subsequent from such a stop inadmissible. Motions to suppress the reason for the original vehicle stop are already a common element in the prosecution process with individuals often automatically asking the court to review the reason during OUI proceedings.

L.D. 417 attempts to fix a problem perceived by some of the assumed - that assumes our prosecutors, judges, and law enforcement officers are not adhering to current law and suppressing process and undermines public safety. The laws in Title 29A included in this bill will have passed by the Legislature and put into effect with the specific intent of stopping not only the original violation but providing a tool that, with appropriate checks and balances, protects public safety. The amended version creates a new definition in law for our legal traffic stops and will undermine efforts to pursue impaired drivers. Directed OUI patrol details funded by highway safety funds uses Title 29 violations as pretexted to further investigate possible driver impairment that removes thousands of dangerous drivers from the roads annually. In Augusta alone, under the pandemic conditions, police removed 83 impaired drivers from the streets outside this dome in 2020. That is 83 who posed a direct threat to public safety. OUI patrols and targeted traffic enforcement protect everyone from impaired drivers and protects opportunities for those operating impaired to connect with treatment services in our successful drug courts. It allows Maine drivers to benefit from reduced insurance rates as compared to our neighboring states because of our enforcement of violations often involved in vehicle crashes. Frequently leads to interruptions of drug trafficking networks, uncovered dangerous fugitives from justice, and interrupt active crimes against vulnerable individuals.

Proponents will have you believe they have listened to law enforcement and worked diligently with stakeholders on this concept. None of the original opponents to this bill support this amendment version because it hurts, not helps, law enforcement ability to keep our communities safe. Despite a case provided by the State Police during the public hearing, the amendment - amended version maintains the provision all conduct of and questions asked by a law enforcement officer during the pursuit of a traffic stop must be reasonably related to the original purpose for which the officer stopped the motor vehicle. The Maine State Police, during testimony, gave an example, and this was provided by Maine State Police, right now Maine State Police, Maine Sheriff's Association, Chiefs Association, Officer's Association, and, I think there's even another one I'm not mentioning, Maine Public Safety all oppose this bill. Not one of them had a say in it. So, this is what I'm really concerned about. The process that we all go to our committees and we say, 'Oh, we're going to be open for what's for and what's against and who's neither for nor against.' Well, it wasn't that way in this discussion and this is

what everybody's listening to. You're listening to a one-sided story and I think we should be ashamed if we push this button for this bill. I sat in that public committee and I tried to ask a question and I got interrupted several times and then when I asked for the Major of the State Police to be able to say something I got told no three times until our Senator Lawrence actually felt bad for me and said, 'Oh, let them speak.' I'm appalled at this year's way Criminal Justice has been handled. I am appalled. I was in IDEA Committee and we worked out great together. I've been in Criminal Justice before and never had this problem but this year has been atrocious, Mr. President, and this bill reflects that.

Despite a case provided by the State Police during the public hearing, the amendment version maintains the provision all conduct of and the question asked by the law enforcement officer during the pursuit of a traffic stop may be reasonably related to the original purpose for which the officer stopped the motor vehicle. So, this is the testimony that Maine State Police gave: 'An officer working in an area where there have been cases of human trafficking observes a tractor trailer pull into a truck stop and momentarily stops long enough for a very young woman to get out of the tractor trailer. After hearing the driver yell something out the window, the woman jumps back into the tractor trailer and the truck leaves. There may be a reasonable explanation for this incident, such as a parent yelling at their daughter to get back in the truck or it may be that the young lady is in danger and needs immediate police help. The officer follows the tractor trailer and observes the vehicle merge onto I-95 but it fails to yield the right-of-way to a vehicle already occupying the lane. The officer stops the tractor trailer truck for the traffic violation of failing to yield another motorist and, following more detailed questions of the passenger, later determines that the young lady was, in fact, kidnapped and is being used in sex trafficking.' This is just a prime example of what this bill would stop from happening. If L.D. 417 passes the officer's conduct would be illegal. The officer could not question the passenger without anything except the reason for the stop and the suspect would walk free from charges related to the crime but may be summoned only for failing to yield. L.D. 417 sends a message that we are willing to sacrifice our public safety and we do not trust our public safety and prosecutorial professionals. It is clear from a survey conducted in April that an overwhelming majority of Maine residents do trust the police. Law enforcement always comes to the Criminal Justice Committee and this Legislature's saying that there is room for improvement and thoughtful dialogue. Maybe this approach counts in part of the strong support of Maine citizens. Maine Chiefs of Police, the Department of Public Safety, Maine Sheriff's Association, Maine Municipal Association all continue to have deep concerns about this bill. If we cannot trust people who are highly skilled and trained observers dedicated to public safety, frequently wading into situations most of this room would run from, then why should Maine citizens trust this Body to make any laws if we do not - if we are not willing to listen to them and this was not done in Criminal Justice Committee. Thank you, Mr. President. I vote opposition to this bill and follow my light. Thank you.

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

Senator **LAWRENCE:** Thank you, Mr. President. Men and women of the Senate, I'm going to advocate that you support this bill and that you vote for it. Change is never easy and things are

often very emotional issues but let me start off by clarifying a few things about this bill. Nothing in this bill endangers the safety of an officer. Nothing prevents this officer from doing a criminal history background check when stopping a vehicle or a motor vehicle history. Nothing in this bill prevents the officer from learning information about who they're stopping. This practice is not already illegal in the state of Maine. It goes on in the state of Maine. It's allowable in the state of Maine. Pretext stops are allowable. Our passing this law will not end federal funding because many states have adopted similar laws for this, Massachusetts being one of them that does not allow pretext stops. Let me explain what a pretext stop is. I'm just going to read you the definition of what pretext means. Pretext means something that is put forward to conceal the true purpose or object, an obstetrical reason or excuse and the example I gave in the Criminal Justice Committee is when I was District Attorney in York County we had tremendous amounts of drugs coming in from Massachusetts, from the cities of Lawrence and Lowell. Lawrence and Lowell have a very high Hispanic population and I would hear of cars being stopped because they had Massachusetts license plates and Hispanic drivers on a pretext of stopping them. They had a legitimate reason to stop for a taillight out or something hanging from the mirror but the reason why they were stopping them was to do a visual search of the car to look for drugs. Some may think that's good law enforcement but what that does is that creates a distrust in the Hispanic community for law enforcement. It undermines the integrity of our criminal justice process and that's what this bill seeks to do. It seeks to stop that practice of stopping a car when your purpose is not simply to look at the taillight or to do something like that, it's to perform a visual search of the vehicle because of the characteristics of the person, you believe they have a higher propensity to commit a crime. That is a pretext stop and the example given about the truck in the truck stop. This bill wouldn't prevent that because just the fact that the officer can articulate the person getting in and out of the vehicle, the yelling and things like that, that's an articulable suspicion. They have a reason to question. What we're saying is if you don't have an articulable suspicion of a criminal offense going on, and you stop that vehicle in order to search it visually for criminal conduct, that's a pretext stop. It can be done against anybody. It can be done against Hispanics, it can be done against hunters, it can be done against African-Americans, it can be done against young people, it can be done against poor people and it undermines our criminal justice system because it develops a distrust in the way our criminal justice system works. There are a great number of situations that pretext stops lead to violence. We've seen over and over and over again in this country because of African-Americans being stopped repeatedly on these and other types of cases where there is an emotional reaction that has led to violence after a pretext stop. This will make it safer. This will keep good law enforcement practices and all law enforcement officers know good law enforcement is evidence-based. It's not based upon a prejudgment. It's based upon evidence. It's based upon articulable suspicion. It's based upon probable cause and this is what this bill seeks to do. Thank you.

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

Senator **TIMBERLAKE:** Thank you, Mr. President. May I pose a question through the Chair?

**THE PRESIDENT:** The Senator may proceed.

Senator **TIMBERLAKE:** As I understand, in a previous testimony, and if what I heard was correct, was that the State Police and the Sheriff's offices are not in favor of this bill and I would like to know if that - if I heard right and, if so, if that's being the case there's no way could I support a bill that my law enforcement officers did not support. So, I'd just like to know if that's true.

**THE PRESIDENT:** The Senator from Androscoggin, Senator Timberlake, poses a question through the Chair to anyone who may answer. The Chair recognizes the Senator from Kennebec, Senator Cyrway.

Senator **CYRWAY:** Thank you, Mr. President. I got a text and actually - from Rebecca Graham who testifies with Public Safety and also Major Scott was the last person to testify that I begged three times to have testify and he said that this bill would be harmful to the police and we're looking at almost, at least 4,000 police officers in this state and when we push this button you're going to have a lot of officers that are going to be in danger. Think about that. Think about their families. Think about getting crime off the streets. Are we going to just say, 'Okay, we'll cut that in half,' because police officers aren't going to be able to do the job. They do not even know if they can even make the stop. So, I'm saying that let's not make this so that this endangers our law enforcement officers that put their life on the line every day for this group and this state. Thank you, Mr. President.

**THE PRESIDENT:** The Chair recognizes the Senator from Knox, Senator Miramant.

Senator **MIRAMANT:** Thank you, Mr. President and colleagues in the Senate. Very emotional issue, particularly when you feel that it's going to go a certain way but I heard some things that I just have to respond to. I tried not to but some of the characterizations of that committee. I listened to some of this testimony. I wasn't there for the whole thing and I believe it's just a little bit, maybe it's just from the perspective. There're no truths. There is the way we hear it or the way we believe it. It's all subject to interpretation. But this was well thought out. The comments were great and this seeks to correct a problem that my colleague seems to think has not occurred and I heard from too many people in that committee hearing, in my own caucus, in my community that those things do occur. They're not supposed to but they do. Certain groups are singled out and certain liberties are taken around the laws. Now, the good part is that just shows my colleague is one of those good law enforcement officers. Shows up in any situation. We have a couple here and we have some in the other Body and they have had a career of being honest and full of integrity and enforcing the law as it is written and fairly to their people who are affected by crime. Those are wonderful things but, as in any group, there are those who abuse these privileges, these laws, and these responsibilities that we've given them and this seeks to correct one of them. It does not take away, as you've heard a former prosecutor who's also our colleague. We have - we're not just like airline pilots telling you this is okay. We've got former prosecutors. We've got former law enforcement who are all full of integrity and, therefore, they see it from a perspective. But I cannot let this go by without saying that

that committee hearing was done quite well and the last time I heard of an organization standing up for something that will change, or they perceive making their job harder, I don't remember that. They usually speak against it because they're the ones who would never do it but this is to get those who do. This is to get those who create problems in these traffic stops and, therefore, get the attention of the Legislature who listens to all voices, who listens to people off the street, in a way we've never had. From the further northern tip of Aroostook, you could weigh in on this bill in Judiciary, and they did and everyone has and there is no way when I push that button against what I just heard from my colleague that I am callous about the laws of police officers, don't care about them or you. I'm not supposed to say you probably. But, anyway, that I don't care about them deeply and that I don't care about the people of color who have been wrongly affected over and over by this sort of thing, or the people who are not articulate when they get stopped in a traffic situation and can't even say their name and so, therefore, are held to some standard that's impossible for them. So, we create rules so that you can't go too far if you're a police officer. That's not a bad thing. I'm always hearing that they already know that they can't but we're hearing it from the good ones and there're a lot of good ones and we're going to take care of it for the rest. Thank you, Mr. President.

**THE PRESIDENT:** The Chair recognizes the Senator from Piscataquis, Senator Davis.

Senator **DAVIS:** Thank you very much, Mr. President, and I appreciate the comments by my good friend, Senator Miramant. Since there are only two of us, I trust that he was talking about me. I am a little bit troubled by the fact, as the good Senator from - my buddy over here - Androscoggin said about the State Police and the Sheriff's being opposed to it. I have a question, Mr. President, I'd like to ask. One night when I was on patrol many years ago I was going down a road. It was a busy road. I had a key to a general store so I could go in and get gasoline and stuff like that. There was traffic back and forth. I went - when I went in I observed two guys sitting in the parking lot. I didn't think much of it but I knew they were there. Well, when I went in I found the back window broken. Stuff strewed all over the floor. No question somebody had broken into the store. So, I immediately got out and, in my mind, I was determined that those guys probably knew something about it and I went over and stopped them and, sure enough, they had broken into a hardware store, that store, and I can't remember but probably two or three more. Was I - would I be able to do that today? That's my question. Thank you.

**THE PRESIDENT:** The Senator from Piscataquis, Senator Davis, poses a question through the Chair to anyone who may answer. The Chair recognizes the Senator from York, Senator Lawrence.

Senator **LAWRENCE:** Thank you very much and the answer is yes. Absolutely under this bill you would be able to do that and the exact reason is because of what the good Senator said and I know the good Senator very well. He was a great police officer. He was a very evidence-based police officer and that, his testimony and his statements are exactly why he was evidence-based and why this bill would not stop that. He could articulate a suspicion. He saw the vehicle. He saw two suspicious people. He saw a crime having been committed. He could articulate it.

And that does not prevent a stop. That does not prevent you from doing your criminal investigation. That does not prevent you from gathering evidence of a criminal - of a crime. What this bill seeks to stop is to say okay, you know those two guys were Hispanic and for the next week a police officer stops everybody who's Hispanic because a plate light is out or because something is on the vehicle in order to search for a crime that they don't have an articulable suspicion having been committed. That's what this bill seeks to do, is to stop those pretext stops that prejudice a segment of the public against the police.

**THE PRESIDENT:** The pending question before the Senate is Acceptance of the Majority Ought to Pass as Amended Report. Is the Senate ready for the question?

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

**ROLL CALL (#385)**

**YEAS:** Senators: BAILEY, BREEN, BRENNER, CARNEY, CHIPMAN, CLAXTON, CURRY, DAUGHTRY, DIAMOND, DILL, HICKMAN, LAWRENCE, LIBBY, LUCHINI, MAXMIN, MIRAMANT, RAFFERTY, SANBORN, VITELLI, PRESIDENT JACKSON

**NAYS:** Senators: BALDACCI, BENNETT, BLACK, CYRWAY, DAVIS, DESCHAMBAULT, FARRIN, GUERIN, KEIM, MOORE, POULIOT, ROSEN, STEWART, TIMBERLAKE, WOODSOME

20 Senators having voted in the affirmative and 15 Senators having voted in the negative, the motion by Senator **DESCHAMBAULT** of York to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report, in concurrence, **PREVAILED**.

**Bill READ ONCE.**

Committee Amendment "A" (H-623) **READ** and **ADOPTED**, in concurrence.

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

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**Divided Report**

The Majority of the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** on Bill "An Act To Decriminalize Engaging in Prostitution, Strengthen the Laws against Commercial Sexual Exploitation and Allow a Person Convicted of Engaging in Prostitution To Petition the Court To Expunge the Record of Conviction"

H.P. 1181 L.D. 1592

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-624).**

Signed:

Senator:

DESCHAMBAULT of York

Representatives:

WARREN of Hallowell  
LOOKNER of Portland  
MORALES of South Portland  
PLUECKER of Warren  
RECKITT of South Portland  
SHARPE of Durham

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

Signed:

Senator:

CYRWAY of Kennebec

Representatives:

COSTAIN of Plymouth  
NEWMAN of Belgrade  
PICKETT of Dixfield  
RUDNICKI of Fairfield

Comes from the House with the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-624)**.

Reports **READ**.

Senator **DESCHAMBAULT** of York moved the Senate **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report, in concurrence.

On motion by Senator **POULIOT** of Kennebec, 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 Deschambault.

Senator **DESCHAMBAULT:** Thank you, Mr. President. I wasn't really going to speak on this but whenever you have a bill that has the label of prostitution everybody backs off and says don't touch that. I just want to ask that you consider this. We now know how prevalent sex trafficking is. When our prostitution laws were created nobody used that term and we now know about it and we use that term. We are also very aware that many of our young people, girls and boys, are victims of sex trafficking. Why would we then want to label them prostitutes? This bill changes very little of what is existing but it's adds a lot of good. Number one, it clarifies the language of prostitutes. It changes it to commercial sexual exploitation, which is what it is.

In the summary there are a number of listed of what that bill does but I just want to focus on a few of them. The commercial exploitation of a minor or a child, if you exploit sexually a minor or a child it used to be a Class D crime. It is now a Class C crime if you pass this bill. Another one is it removes, this is an interesting

one, it removes that a child's family background, if Mom or Dad were prostitutes or engaged in prostitution, that child currently can be defined as a special needs child in the area of DHS. It removes that now. Why would a young person be called a special needs because Mom was a prostitute? Also it allows that those who have been charged and convicted of prostitution may now petition the court to not only expunge but to make sure that the records are sealed. Lastly, this is the progress thinking, Department of Corrections is to work with, number one, the Maine Coalition to End Domestic Violence and that they would develop a working group to provide support and services to victims of sexual exploitation. We already have many of those, especially in sex trafficking. I think every county must have one anyways. But this will collaborate all of them. There are half-way houses for women that have been exploited and they need to feel better about themselves, lay off on the label, and just be a better person. Also this program would develop a pilot program for victims of human trafficking. The Department of Corrections will report and submit a report to the working group, including legislation, by January of 2023 to the Maine Criminal Justice Public Safety Committee. I urge you, please, put your thoughts, what you thought was the big bad P, and vote to pass this bill.

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

Senator **CYRWAY:** Thank you, Mr. President. Ladies and gentlemen of the Senate, prostitution and this is a situation where they're illegalizing prostitution so that they can sell themselves and even put ads out there for themselves and maybe even, I don't know, but maybe kids can even put ads for them. There's nothing saying that they can't and the problem is, we do this, that takes away a tool. Right now if - what our Senator Deschambault has mentioned can be done now. A lot of those things that - about getting them help and whatever can all be done now. What we're doing is just taking one little tool away, that police can't get involved, and so now, by doing that, that situation may be a situation where maybe it might be a parent saying, 'Geesh, I want my daughter to get some help,' or it might be a situation where a friend of yours is in a lot of trouble but they need help and so you ask the police to do something, they can't. They can't do a darned thing and you've taken that tool away. If you look at the history books, the charges that may have been done, there are very few people that have ever gone to jail because of prostitution because they've got them help but they did have that tool to work with. Now we're taking that away. So, the funny thing about trafficking is buy, sell, or trade and now we're saying they can sell themselves but you can't buy. But in the drug culture you can buy but you can't sell. So, it takes trafficking in a very confusing way in the criminal code now because this is really getting strange. So, I feel that this bill is actually doing a dis-justice to the public safety. So, I'm voting no for this and I hope you follow my light.

**THE PRESIDENT:** The pending question before the Senate is Acceptance of the Majority Ought to Pass as Amended Report. Is the Senate ready for the question?

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

**ROLL CALL (#386)**

YEAS: Senators: BAILEY, BALDACCI, BREEN, BRENNER, CARNEY, CHIPMAN, CLAXTON, CURRY, DAUGHTRY, DESCHAMBAULT, DIAMOND, DILL, HICKMAN, LAWRENCE, LIBBY, LUCHINI, MAXMIN, MIRAMANT, RAFFERTY, SANBORN, VITELLI, PRESIDENT JACKSON

NAYS: Senators: BENNETT, BLACK, CYRWAY, DAVIS, FARRIN, GUERIN, KEIM, MOORE, POULIOT, ROSEN, STEWART, TIMBERLAKE, WOODSOME

22 Senators having voted in the affirmative and 13 Senators having voted in the negative, the motion by Senator **DESCHAMBAULT** of York to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report, in concurrence, **PREVAILED**.

Bill **READ ONCE**.

Committee Amendment "A" (H-624) **READ** and **ADOPTED**, in concurrence.

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

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**Divided Report**

The Majority of the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** on Resolve, To Compensate Department of Corrections Employees for Hazardous Work  
H.P. 1252 L.D. 1683

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-625)**.

Signed:

Senators:  
DESCHAMBAULT of York  
CYRWAY of Kennebec  
LAWRENCE of York

Representatives:  
WARREN of Hallowell  
COSTAIN of Plymouth  
LOOKNER of Portland  
MORALES of South Portland  
NEWMAN of Belgrade  
PLUECKER of Warren  
RECKITT of South Portland  
SHARPE of Durham

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

Signed:

Representatives:  
PICKETT of Dixfield  
RUDNICKI of Fairfield

Comes from the House with the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-625)**.

Reports **READ**.

On motion by Senator **DESCHAMBAULT** of York, the Majority **OUGHT TO PASS AS AMENDED** Report **ACCEPTED**, in concurrence.

Resolve **READ ONCE**.

Committee Amendment "A" (H-625) **READ** and **ADOPTED**, in concurrence.

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

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**Divided Report**

The Majority of the Committee on **ENERGY, UTILITIES AND TECHNOLOGY** on Bill "An Act To Facilitate Maine's Climate Goals by Encouraging Use of Electric Vehicles"  
H.P. 245 L.D. 347

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-651)**.

Signed:

Senators:  
LAWRENCE of York  
VITELLI of Sagadahoc

Representatives:  
BERRY of Bowdoinham  
CUDDY of Winterport  
GROHOSKI of Ellsworth  
KESSLER of South Portland  
WOOD of Portland  
ZEIGLER of Montville

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

Signed:

Senator:  
STEWART of Aroostook

Representatives:  
FOSTER of Dexter  
GRIGNON of Athens  
WADSWORTH of Hiram



Comes from the House with the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-651)**.

Reports **READ**.

On motion by Senator **LAWRENCE** of York, the Majority **OUGHT TO PASS AS AMENDED** Report **ACCEPTED**, in concurrence.

Bill **READ ONCE**.

Committee Amendment "A" (H-651) **READ** and **ADOPTED**, in concurrence.

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

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**Divided Report**

The Majority of the Committee on **ENERGY, UTILITIES AND TECHNOLOGY** on Bill "An Act To Amend State Laws Relating to Net Energy Billing and the Procurement of Distributed Generation"

H.P. 692 L.D. 936

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-638)**.

Signed:

Senators:

LAWRENCE of York  
VITELLI of Sagadahoc

Representatives:

BERRY of Bowdoinham  
CUDDY of Winterport  
GROHOSKI of Ellsworth  
KESSLER of South Portland  
WOOD of Portland  
ZEIGLER of Montville

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

Signed:

Senator:

STEWART of Aroostook

Representatives:

CARLOW of Buxton  
FOSTER of Dexter  
WADSWORTH of Hiram

Comes from the House with the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-638)**.

Reports **READ**.

Senator **LAWRENCE** of York moved the Senate **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report, in concurrence.

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

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

Senator **STEWART:** Thank you very much, Mr. President and ladies and gentlemen of the Senate. Good afternoon. I rise today in opposition to the pending motion. No surprise there. This bill, as I'm sure you've all talked about in your respective caucuses, is essentially the net energy billing proposal that came out of the Energy, Utilities, and Technology Committee this session. As you know, the program was passed, the current program was passed in the 129<sup>th</sup> Legislature, which was flagged as leading to a host of issues that were identified shortly after its passage when a mandatory reporting trigger was tripped less than one year into its effect and the net effect of that would be that rates for ratepayers would be going up substantially. They estimated in that report to the tune of \$160 million. Again, that's an estimate. So, the committee formed a subcommittee, which I happened to be a part of with Representative Foster, Representative Grohoski, and the good Senator from York, Senator Lawrence, and we worked to come up with a proposal that the committee could get behind in terms of amending that program, to try to mitigate the exposure that the ratepayers were going to feel. Unfortunately, part way through that process it became clear to Representative Foster and I that we were not going to be able to come to an agreement that would be met with bi-partisan support and we hoped to come up with a minority report that would at least be close in hopes of trying to reach a bi-partisan compromise. But it became clear that even that was not going to be within reach. We essentially walked away because this proposal is still going to have a very substantial impact to the ratepayer to the tune of tens of millions of dollars in the very least and one that we did not want to support. So, that is why you're seeing an Ought Not to Pass report in addition to the Ought to Pass by Committee Amendment "A" report. I would encourage you to vote against the pending motion for the sake of the ratepayers who are going to be impacted by this and would request that you follow my light. Thank you, Mr. President.

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

Senator **LAWRENCE:** Thank you, Mr. President. And I would ask that you support the Ought to Pass as Amended report and, first, I just want to thank the good Senator from Aroostook for participating in that subcommittee. That was one of the longest times we spent working on a particular idea and, even though we didn't end up in a compromise that we could all support, both Senator Stewart and his co-member recommended many changes that we incorporated into what we did and had many good suggestions. This was a very difficult issue we had to deal with. Let me explain what this bill does. We passed solar power

last session. It actually was sponsored by the Republican Floor Leader in this Legislature and we got an overwhelming response for it and we began to get concerned about what impact it would have on rates. So we put together this subcommittee and we tried to, I never like to do this because investors have already invested in developing these solar projects, but we tried to determine a cut-off point at which it would only allow projects that had completed that cut-off point to go ahead under the old rate system. We did a cut-off point. It was a little bit higher than what I had wanted but that's part of compromise. So, we set up a cut-off point where we could grandfather, essentially, a group of the projects in and then we set up a second program to be designed by the PUC to allow solar power to continue but under a different rate structure and that's what this program does. I think it's a good solution. I think it's going to keep whatever rate increase there is to a modest amount and it's worthwhile because, as I mentioned, distributive generation in solar power enhances our grid and enhances our ability to come up with a clean, renewable energy strategy. Thank you.

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

Senator **DIAMOND:** Thank you, Mr. President and ladies and gentlemen of the Senate. This may be something that I would like to support but there are some questions, many questions, about this that cause me to pause. I think there are questions we don't even know yet, let alone answers. That worries me a bit that we're going to send something to the voters that we don't have answers to, the experts don't have answers to, and, here we are, saying to make a decision.

**THE PRESIDENT:** Senator, I could be wrong, but I think we're on a different bill. That's an awkward role for you, Senator.

Senator **DIAMOND:** Would you mind if I just sat down and be embarrassed?

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

Senator **LAWRENCE:** Thank you, Mr. President. Just goes to show that we who have been here a while occasionally get confused.

**THE PRESIDENT:** The pending question before the Senate is Acceptance of the Majority Ought to Pass as Amended Report. Is the Senate ready for the question?

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

**ROLL CALL (#387)**

YEAS: Senators: BAILEY, BALDACCI, BREEN, BRENNER, CARNEY, CHIPMAN, CLAXTON, CURRY, DAUGHTRY, DESCHAMBAULT, DIAMOND, DILL, HICKMAN, LAWRENCE, LIBBY, LUCHINI, MAXMIN, MIRAMANT, RAFFERTY, SANBORN, VITELLI, PRESIDENT JACKSON

NAYS: Senators: BENNETT, BLACK, CYRWAY, DAVIS, FARRIN, GUERIN, KEIM, MOORE, POULIOT, ROSEN, STEWART, TIMBERLAKE, WOODSOME

22 Senators having voted in the affirmative and 13 Senators having voted in the negative, the motion by Senator **LAWRENCE** of York to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report, in concurrence, **PREVAILED**.

Bill **READ ONCE**.

Committee Amendment "A" (H-638) **READ**.

On motion by Senator **MIRAMANT** of Knox, Senate Amendment "A" (S-326) to Committee Amendment "A" (H-638) **READ**.

**THE PRESIDENT:** The Chair recognizes the Senator from Knox, Senator Miramant.

Senator **MIRAMANT:** Thank you again, Mr. President and colleagues. This is a great bill. It, as usual, leaves off a few of the things that are going to benefit the ratepayers. Even if there's a modest increase it's offset by many of the things that will meet our energy needs and reduce pollution and help transition to what's going to come more quickly than you would ever imagine as far as electric vehicles and other things. The technology's here. The time is here. So, not only that, but we found a way to enhance it with this amendment and I encourage you to do it because it provides more clearness in the system and expands its scope without costing any extra money. Thank you.

On motion by Senator **MIRAMANT** of Knox, Senate Amendment "A" (S-326) to Committee Amendment "A" (H-638) **ADOPTED**.

Committee Amendment "A" (H-638) as Amended by Senate Amendment "A" (S-326) thereto, **ADOPTED**, in **NON-CONCURRENCE**.

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-638) AS AMENDED BY SENATE AMENDMENT "A" (S-326)** thereto, in **NON-CONCURRENCE**.

Ordered sent down forthwith for concurrence.

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All matters thus acted upon, with the exception of those matters being held, were ordered sent down forthwith for concurrence.

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**Divided Report**

The Majority of the Committee on **ENERGY, UTILITIES AND TECHNOLOGY** on Bill "An Act To Create the Pine Tree Power Company, a Nonprofit Utility, To Deliver Lower Rates, Reliability and Local Control for Maine Energy Independence"  
H.P. 1269 L.D. 1708

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-640)**.

Signed:

Senators:

LAWRENCE of York  
VITELLI of Sagadahoc

Representatives:

BERRY of Bowdoinham  
CARLOW of Buxton  
CUDDY of Winterport  
GRIGNON of Athens  
GROHOSKI of Ellsworth  
KESSLER of South Portland  
WOOD of Portland  
ZEIGLER of Montville

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

Signed:

Senator:

STEWART of Aroostook

Representatives:

FOSTER of Dexter  
WADSWORTH of Hiram

Comes from the House with the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-640)**.

Reports **READ**.

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

Senator **LAWRENCE:** Thank you, Mr. President and men and women of the Senate. On behalf of my good friend from Cumberland, I make the motion that we accept the Majority Ought to Pass as Amended by Committee Amendment "A" Report.

Senator **LAWRENCE** of York moved the Senate **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report, in concurrence.

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

Senator **POULIOT:** Thank you, Mr. President. I request a roll call and would suggest the Chair maybe consider going to my good friend from Cumberland to speak first on this issue. Thank you, Mr. President.

On motion by Senator **POULIOT** of Kennebec, 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 Oxford, Senator Bennett.

Senator **BENNETT:** Thank you, Mr. President. Fellow members of the Senate, I rise today as the lead Senate co-sponsor on this bill and to speak for the pending motion. The people of rural Maine, those I represent, depend on electricity now more than ever. In Western Maine, our future depends on jobs and small businesses that rely on the poles and lines that bring us power and internet services too. Electricity is essential to Maine homes and businesses and is becoming more important every day. In addition to running lights and appliances in homes and machinery in factories, we're increasingly dependent on electricity for communicating, working, learning, and recreating online, as well as heating with heat pumps, charging vehicles, and more. The reality is that we are driving towards a carbon-neutral, electricity powered economy and those owning and operating our electric utility monopolies in Maine have been happy collecting ratepayer checks while ignoring this future. They simply have not fulfilled their side of the bargain for which they have been granted the right to operate these natural transmission and distribution monopolies. Right now, foreign governments and foreign corporations own Maine's major electric utilities, CMP and Versant. This ownership model has been a disaster, draining money from Maine while leaving us with the most outages, the longest outages, the worse customer service, and among the highest rates in the country. I believe Maine people deserve the right to self-determination and the Pine Tree Power Company will provide just that by serving Maine people instead of distant company shareholders in foreign lands. Right now, foreign corporations and stockholders rake in billions of dollars from Maine while we are left in the Dark Ages with inadequate infrastructure to serve us today, never mind tomorrow. The incentives existing for capital investment and operational management for investor-owned utilities, under current law, supported by decades old Supreme Court decisions, simply does not work well for ratepayers under the best of circumstances. Distant, foreign-ownership makes it much worse. Long ago CMP was a company that served Maine but not anymore. Spanish energy giant, Iberdrola, bought CMP's parent company in 2008 and then reorganized its U.S. holdings under an investor-owned, publicly traded company headquartered in Connecticut. All CMP profits go to those investors. Versant is wholly owned by the City of Calgary in Alberta, Canada, sending all of its profits there. Maine ratepayers are literally paying to put sidewalks in the City of Calgary. Here's the perversity of the current foreign ownership model. It's perfectly okay for Emera to sell its company, Versant, to a municipal utility, ENMAX, owned by the citizens of Calgary in Canada, where Maine had essentially zero say in the governance structure of the acquiring entity and no clear understanding of how that entity would govern and operate the utility, but opponents of this bill suggest that it's reckless and unwise to permit the same kind of take-over when the acquiring entity is controlled by Maine citizens. Calgary is a fine city but I doubt they have any monopoly on the ability to run an electric utility, especially one that's 2,000 miles away and in a different country.

These foreign powers do not care a whit for the people of Maine. In fact, they have actually sued the people of Maine to deny us the right to determine our own future and they have repeatedly lied to us about billing problems, about outages, about metering, about their commitment to clean energy, and now about this proposal before you today. Through their ratepayer funded, multi-million-dollar megaphones, we've already heard the falsehoods and mischaracterizations as these foreign interests try

to cling to their franchises. They claim this proposal would create a government-run power company. Wrong. Pine Tree Power will be a consumer-owned, non-profit, operated in the private sector, managed on behalf of Mainers, and accountable only to us. They claim taxpayers will be on the hook for the new Pine Tree Power Company. Wrong. They need - to make needed investments, Pine Tree Power will be able to float its own bonds at extremely low interest rates and no need for profit. It will not use State bonds nor State tax dollars. They claim that politicians will run our new entity. Not only wrong but laughable. A quick look at the top leadership of CMP's parent company shows where the politicians go to feather their nests with out-sized pay packages. Pine Tree Power will be operated by a professional management team, overseen by an 11 member board, including 7 directors independently elected by Maine ratepayers, and 4 advisory members selected for their specific expertise and experience.

Maine deserves a utility that puts Maine people and local small businesses first, not profits for huge foreign corporations. We need a utility that serves the people, not itself. We deserve infrastructure to serve us well now and in coming decades that will allow rural Maine to prosper. And, yes, this measure will go to the voters for their final dispensation if we pass it today. It will go to them in November for their ultimate decision about their own future. That's why I support us working together to create the Pine Tree Power Company. It's our best shot to achieve lower costs, reliable power under local control, managed on behalf of Mainers and accountable only to us. I urge you to accept the Majority Ought to Pass report.

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

Senator **LIBBY:** Thank you, Mr. President. Men and women of the Senate, I appreciate the remarks from my friend from Oxford, Senator Bennett, and really couldn't disagree with much of what he said. Central Maine Power is not a company that is easy to defend, especially in light of all that's been going on in the last several years. The lowest in the nation consumer satisfaction rating. Persistent outages. A really perverse incentive to build out the grid while profits are headed out of state. And so, for any of us who are considering voting a different way on this bill, I hope it's clear that we may be voting against this bill for some very specific reasons but in defense of the company and its behavior in the last several years. Some of us in this Chamber represent communities that earn a significant amount of property tax revenue from these utilities. Currently, as everyone knows, they are a for-profit entity subject to property tax and in Lewiston, which is sort of an essential point for distribution in the state, Central Maine Power is one of the top six property taxpayers in my community. For many years folks that have served in this Chamber with me have heard me talk about the challenges our community faces and so taking this risk in terms of going down this path of creating a not-for-profit tax exempt utility, which would be subject to voter approval and approval by the Governor and approval by the Appropriations Committee, there's significant risk for a community like mine. There's risk in everything that we do and it's really a question of how much can we tolerate. Because I have one vote in this Chamber, my vote today will be in opposition to the pending motion. It's not in any way a vote against this concept but heading towards a better model for delivering electricity, a better way for preparing for a green and renewable energy future, but a very narrow concern related to my

district that I represent every single day. Thank you, Mr. President.

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

Senator **DIAMOND:** Thank you, Mr. President. Ladies and gentlemen of the Senate, is this L.D. 1708? Page 12. Thank you, ladies and gentlemen, I apologize, although I'm quite used to eating humble pie so it's not a problem. As I was saying, I just wanted to point out I think there's so many things we don't know about this. There're so many questions that we don't have answers to. There're questions we don't even know yet. And I'm concerned about sending this out to the voters when the experts really don't have a full handle on what's going to happen, the unintended consequences, and when we send the question out to the voters how can we expect them to have that information if we don't have it here. And the last concern that I have, and I want to bring - I just discovered this, Mr. President, the question that will be on the ballot is part of a statute, part of the bill, and it says, 'Do you favor creation of the Pine Tree Power Company, a non-profit, privately operated utility, governed by a board elected by Maine voters, to replace Central Maine Power and Versant Power without using tax dollars or State bonds.' I'm not sure that's a totally true statement. I don't know how this can all happen without using State money at some point. I mean, it looks good here and it sounds good and it's a comfort but I'm not sure we can really say that directly. Ordinarily these questions are written by the Secretary of State and the Secretary of State will have both sides included in constructing the question and, by that, we get a question that's fair and not slanted one way or the other and it takes quite a bit of time to get a question that both sides can agree to, the wording. But to have it in the statute itself, all written by someone who's promoting this, it seems to me like we could do a better job than that and if this is going to pass and go out would it not be better, fairer, if we have a group get together, of people on both sides, that could help construct a question that may not - may be a little more inclusive on both sides of the issue. Thank you, Mr. President.

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

Senator **LAWRENCE:** Thank you, Mr. President. I just want to acknowledge that's a very legitimate concern by the good Senator from Cumberland. My understanding is that the sponsor of this bill did have that language vetted by the Secretary of State's Office. I believe that's the case. I can double check but I believe I was told that. So, that is the language that the Secretary of State's Office approved for this referendum. And there are concerns and I acknowledge all these other risks and I came, reluctantly, to my position. We have spent three years on this bill, as the good Senator from Aroostook knows when he was on the committee and the good Senator from York, Senator Woodsome, knows when he was on the committee. And I favored an incremental approach, that we do this gradually. If I - there are great benefits to consumer-owned utilities and if I could recreate the system from scratch I would do it as a consumer-owned utility and how I get to the position I'm at is we resolved everything we could know at this point and the experts weren't going to tell us anything more. They were just going to give us competing versions, competing visions, of what could or could not happen

and in any business venture, and this is a business venture, there is an element of risk and you need to try to eliminate the risk as much as possible and then decide if you're willing to accept those risks for the potential reward. There are risks in this but there's also great potential reward because a consumer-owned utility can purchase infrastructure at a lower bond rate and does not have to return profit to its shareholders and we have a tremendous challenge for us to expand our grid if we're going to reach our clean energy goals. That's the reward. The good Senator from Cumberland has stated the risk. There are risks and the question really is at this point is for any investor, and the consumers are really the investors, does the risk outweigh the reward or does the potential reward outweigh the risk. I don't know any other way to answer that than allowing the people who are going to be affected by this to make the decision and that's why I favor this bill and favor it going out to vote.

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

Senator **STEWART:** Thank you very much, Mr. President. Ladies and gentlemen of the Senate, today's obviously a big day, there wouldn't be so many cameras in the room if that wasn't the case, because this is a big deal and what we're about to vote on today will shape the future of electricity in the state of Maine and I would submit to you that what we're really talking about here is the classic example of government overreach. This is nothing more than a socialist takeover of privately-owned companies in the state of Maine. I can't frame it any more simply than that but what I can do is address some of the more technical points of the bill that are points of contention. First of which, you've heard about the talk of the elected board members. The issue there being that there would be no requirements in terms of their expertise and what they need to know in order to be able to contribute, leaving the whole dynamic open for questions about legitimacy and questions about competency. The cost here is in the billions of dollars and when it's been attempted in other places we've seen that it doesn't necessarily result in any cost savings at all and, in fact, to be an increase to ratepayers. The word potential has been thrown around a lot today. There's a potential benefit but we know that there's substantial risk. When you weigh the balance on the scales, it doesn't make sense to me why we would make this move right now, particularly right now given the fact that such a maneuver would likely take years to settle out in the courts. As that's going on, Maine is falling farther and farther behind on meeting its climate goals, which I know many in this Chamber care deeply about. Why would we want to jeopardize that?

You've also heard about the risk to local governments and local taxpayers. The utilities, in most towns in Maine, are the biggest taxpayers and if we're jeopardizing that revenue stream for your local governments on a wing and a prayer that they're having to have a payment in lieu of taxes, that doesn't pass the straight face test, Mr. President, and we've all heard, I know you in particular, care passionately about ensuring that local property taxes are in control and certainly don't go up and this is a substantial risk in this bill for that exact scenario to play out.

This bill also punts the decision to the voters. A one sentence question. Meanwhile, the legal implications are still vastly unknown and yet we're also attempting, currently, to neuter the opposition from even being able to engage in that public discourse in other efforts that this Body has recently undertaken.

How are we going to get a full picture at that point when the money that will be flowing around during this referendum will be substantial and will necessarily be lopsided because of the fact that we have hogtied these entities from even being able to defend themselves? If you want to be mad at CMP that's fine. I'm not rising today by any stretch of the imagination to defend them or their leadership. That's not the case at all. In fact, I think they're a pretty poorly run company and there's plenty of room for improvement. I want to be clear about that. In my neck of the woods we're served by a different utility, same as you, Mr. President, and ENMAX is actually investing more in Maine in the coming years than they're taking out. Let's not throw the baby out with the bath water here, folks. We don't need to make such a move in such a radical way at such a critical point in Maine's energy history. We're on a good track right now to accomplish the goals that have been laid out by the Chief Executive. This does nothing but jeopardize all of that and it also does a number of other things, which have been clearly articulated earlier today, that are substantially risky and will have a negative effect on Maine people. So, for that, I would urge you to reject the pending motion and request you follow my light. Thank you.

**THE PRESIDENT:** The Chair recognizes the Senator from Knox, Senator Miramant.

Senator **MIRAMANT:** Thank you, Mr. President. Senate colleagues, the good Senator from Aroostook speaks about the company, CMP, not being a good one. Another of our colleagues says that he's defending the tax base of his district but would never defend the company. I sat there for two years previous to this year on the Energy Committee while we gave a chance, while CMP rode the coattails of a company that every family in Maine used to have a share of because it was run for Maine and it was solid and it was responsive and as it deteriorated even the former President of the company tried to defend it as being more than it was because he remembered it as it was. It isn't. Two years of testimony, and I won't go into it all because you're all acknowledging that, we're not here to say they're good and I wasn't going to say they're bad but everybody else was so what the heck. So, I had this list - so anyway. We listened for two years because we thought if they heard all of these folks coming and saying I couldn't have had that big a bill. My camp is closed up and shut off and the meter's disconnected. Oh no, you must be running a heater inside. But the meter's disconnected. Don't be belligerent with us, you know we're going to cut off your power. It's cut off. The stories we heard. They were comical except they were painful. These people were suffering. There were bills they couldn't pay. So, we listened and listened and presented and had employees come and say we know what to do. We tell them what to do. They set up a new billing system they don't even know how to run. These are all just pieces and said hey, and their lobbyists are right there, we're fixing that. It's all fixed but we're still getting fifty people a day coming in. How could it be fixed if that's the case? So, we have this over and over. We're saying no, no, it's going to get back to them and they're going to work on it. They made some amazing profits. They didn't make the changes that we needed for all these storms that we're getting. People are disconnected longer. We have businesses losing thousands of dollars of food and product and not being reimbursed for this. That's not their problem. So, we do little steps all the way to try to get a bad actor that's using our utility laws, our monopoly utility laws, that were never designed to be

held in the hands of folks who say we can do anything. Our responsibility is to our stockholders. It doesn't matter what we do. That's our conscientiousness. Profit, profit, profit. So, we say enough's enough and it takes some bold leadership even at that. It takes a proposal that takes another couple of years of refining and so many details to bring around some folks like our Chair in the Energy, Utilities, and Technology Committee who, at first, as a very critical and intelligent lawyer, is thinking and not supporting the way it's coming out and says this constantly. It has evolved with all of that input. It has come along to an amazing level and is every detail thought out? No. Does bold change come without problems? No. What I do know is, from the reports from two independent committees, that there's a billion dollars to be saved in the first ten years. That should amount to \$100 million a year but it doesn't work that way. There's enough money to pay for the problems along the way and still come out neutral but it won't. It'll save us money because we have the example of other customer-owned utilities, other independent board-run utilities. There's a list on your desk. I thought it had been printed in error because I couldn't find our utilities and then I remembered to turn the page and find them at the very bottom among other investor-owned utilities. So, big scary action. Not a Legislature-run utility. The people who own it pay for it and then make it responsible to them. That's never going to happen with the companies that are doing it now and it will lower our rates and we have the people do this well and look at the other folk's mistakes along the way and get it done in a way that will serve Mainers from now and into the future and not make a mockery of our utility laws. Thank you.

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

Senator **BREEN:** Sorry, Mr. Chair, I decline.

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

Senator **TIMBERLAKE:** Thank you, Mr. President. Ladies and gentlemen of the Senate, I'm an eight generation Mainer and I never thought being an American I would be standing up here having to fight for what we think that people in America have always taken for granted and that's the freedom to do business as we wish. I look at what we're talking about here today and I've listened to the things that have been said of who's fault is it, put it out to the people, element of risk, Chief Executive, and electrical use. Well, I'm going to address a few of them. Whose fault is it? Whose fault is it that CMP, seems to be who we're talking about the most and not the Northern Maine company, is the problem? I blame it as the other public utility commission we have, the PUC. It's their job to oversee all of our public utilities and if CMP is doing as bad a job as all of us in this room have said they are then the PUC is not doing its job because they have the right to issue fines, to issue rulings, to force them to do their job and they're not doing their job and that's an example of a government-run agency. That's an example of what you would be voting for.

Element of risk, element of risk. We think it's alright to put out to the people of Maine the element of risk of what this is going to cost them. We've heard numbers from \$13 billion to \$14 billion to whatever it is and it's alright to put the element of risk out to the people when we, as Representatives and Senators of the State of Maine, don't know the answer ourselves. We can estimate. We can guesstimate. But we don't have the real answer but we'll put

the element of risk out to the people of Maine. Put it to the people. I think I just explained that in that whole thing. Put it to the people. I thought it was our job, that each and every one of us in the room represent around 48,000 people, and I thought they elected us to come here and do a job and that is to represent them. We need to do our job. We need to find the answers and represent them and make our vote. This is the way we were set up. This is what we were set up to do.

Electrical usage. There isn't probably anybody sitting in this room that uses more electrical usage than my family, so if you don't think for 30 seconds that I wouldn't vote for an electrical company that was probably going to cut my electric rates you're crazy. I'm so concerned about my electric rates that I put in my own generation system so that when I can't buy it cheap enough off the grid I can generate my own or, when CMP sometimes may fail you and not deliver, we can generate it because this is America. We take care of ourselves. We do what's right.

The Chief Executive. The Chief Executive, the Chief of Staff, set me up a two page memo asking questions that I don't think have been answered and if the Chief Executive can't answer these, and we can't answer these, how in God's creation do we ever expect the people of the state of Maine to answer these?

I just want you to think about what I said because I have no connection to CMP. I have no money given to me by CMP. They pay me no dividends. I don't even own no stock in them. I did look them up today. You can buy it in that new Spanish company out there for \$53 a share and if a foreign power wants to own them for about \$82 or \$83 billion they can buy the whole thing out. It's for sale. It's America. If you want it, buy from them the right way. Don't take it by eminent domain. Ladies and gentlemen of the Senate, please follow my light and vote against this motion. This is not ready for prime time.

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

Senator **GUERIN:** Thank you, Mr. President. Mr. President, ladies and gentlemen of the Senate, I find the premise of this bill appalling. Simply put, CMP and Versant are not for sale. As the Chief Executive's Office has said, the use of eminent domain to acquire vast private holdings from unwilling sellers has no precedent in Maine. Let's stop this socialist take-over of businesses that are not for sale by voting no on the pending motion.

**THE PRESIDENT:** The Chair recognizes the Senator from Lincoln, Senator Maxmin.

Senator **MAXMIN:** Thank you, Mr. President. Colleagues in the Senate, I rise to support this motion and just wanted to lay out a few facts to correct some of what I've heard. With regards to property taxes, there is a legal requirement built into the bill that current and future property taxes continue to be covered for our towns. When we're talking about the rates, on average the rates for our consumers, for our consumer-owned utility, are much lower. In Maine, in 2021, investor-owned utility delivery charges were 58% higher for residential users than consumer-owned utilities. What will this cost the ratepayer? Consumer-owned utilities can borrow funds at lower rates, which reduces the cost of capital expenditures and is going to save Mainers about \$9 billion over the next 30 years. Lastly, will this impact our state budget? No, it won't. This will not use any tax dollars. Utilities use

revenue from rates and not taxes to pay for their investments and operations. Thank you.

**THE PRESIDENT:** The pending question before the Senate is Acceptance of the Majority Ought to Pass as Amended Report. Is the Senate ready for the question?

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

**ROLL CALL (#388)**

YEAS: Senators: BAILEY, BALDACCI, BENNETT, BRENNER, CARNEY, CHIPMAN, CLAXTON, CURRY, DAUGHTRY, HICKMAN, LAWRENCE, LUCHINI, MAXMIN, MIRAMANT, RAFFERTY, SANBORN, VITELLI, WOODSOME, PRESIDENT JACKSON

NAYS: Senators: BLACK, BREEN, CYRWAY, DAVIS, DESCHAMBAULT, DIAMOND, DILL, FARRIN, GUERIN, KEIM, LIBBY, MOORE, POULIOT, ROSEN, STEWART, TIMBERLAKE

19 Senators having voted in the affirmative and 16 Senators having voted in the negative, the motion by Senator **LAWRENCE** of York to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report, in concurrence, **PREVAILED**.

Bill **READ ONCE**.

Committee Amendment "A" (H-640) **READ** and **ADOPTED**, in concurrence.

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

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All matters thus acted upon, with the exception of those matters being held, were ordered sent down forthwith for concurrence.

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**Divided Report**

The Majority of the Committee on **ENERGY, UTILITIES AND TECHNOLOGY** on Bill "An Act To Create the Maine Clean Energy and Sustainability Accelerator"

H.P. 1230 L.D. 1659

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-629)**.

Signed:

Senators:  
LAWRENCE of York  
VITELLI of Sagadahoc

Representatives:

BERRY of Bowdoinham  
CUDDY of Winterport  
GROHOSKI of Ellsworth  
KESSLER of South Portland  
WOOD of Portland  
ZEIGLER of Montville

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

Signed:

Senator:  
STEWART of Aroostook

Representatives:  
CARLOW of Buxton  
FOSTER of Dexter

Comes from the House with the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-629)**.

Reports **READ**.

On motion by Senator **LAWRENCE** of York, the Majority **OUGHT TO PASS AS AMENDED** Report **ACCEPTED**, in concurrence.

Bill **READ ONCE**.

Committee Amendment "A" (H-629) **READ** and **ADOPTED**, in concurrence.

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

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**Divided Report**

The Majority of the Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act To Improve the Health of Maine Residents by Closing Coverage Gaps in the MaineCare Program and the Children's Health Insurance Program"

H.P. 529 L.D. 718

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-630)**.

Signed:

Senators:  
CLAXTON of Androscoggin  
BALDACCI of Penobscot

Representatives:

MEYER of Eliot  
CRAVEN of Lewiston  
MADIGAN of Waterville  
PERRY of Calais  
STOVER of Boothbay  
ZAGER of Portland

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

Signed:

Senator:

MOORE of Washington

Representatives:

CONNOR of Lewiston  
GRIFFIN of Levant  
JAVNER of Chester  
LEMELIN of Chelsea

Comes from the House with the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-630)**.

Reports **READ**.

Senator **CLAXTON** of Androscoggin moved the Senate **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report, in concurrence.

On motion by Senator **VITELLI** of Sagadahoc, **TABLED** until Later in Today's Session, pending the motion by Senator **CLAXTON** of Androscoggin to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report, in concurrence.

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**Divided Report**

The Majority of the Committee on **HEALTH AND HUMAN SERVICES** on Resolve, To Ensure the Health and Wellness of Older Residents of the State

H.P. 538 L.D. 727

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-632)**.

Signed:

Senators:

CLAXTON of Androscoggin  
BALDACCI of Penobscot  
MOORE of Washington

Representatives:

MEYER of Eliot  
CRAVEN of Lewiston  
MADIGAN of Waterville  
PERRY of Calais

STOVER of Boothbay  
ZAGER of Portland

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

Signed:

Representatives:

CONNOR of Lewiston  
GRIFFIN of Levant  
JAVNER of Chester  
LEMELIN of Chelsea

Comes from the House with the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-632)**.

Reports **READ**.

On motion by Senator **CLAXTON** of Androscoggin, the Majority **OUGHT TO PASS AS AMENDED** Report **ACCEPTED**, in concurrence.

Resolve **READ ONCE**.

Committee Amendment "A" (H-632) **READ** and **ADOPTED**, in concurrence.

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

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**Divided Report**

The Majority of the Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act To Clarify the Authority of the Department of Health and Human Services during a Public Health Emergency"

H.P. 995 L.D. 1344

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-631)**.

Signed:

Senators:

CLAXTON of Androscoggin  
BALDACCI of Penobscot

Representatives:

MEYER of Eliot  
CRAVEN of Lewiston  
MADIGAN of Waterville  
PERRY of Calais  
STOVER of Boothbay  
ZAGER of Portland

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



Signed:

Senator:  
MOORE of Washington

Representatives:  
CONNOR of Lewiston  
GRIFFIN of Levant  
JAVNER of Chester  
LEMELIN of Chelsea

Comes from the House with the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-631)**.

Reports **READ**.

Senator **CLAXTON** of Androscoggin moved the Senate **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report. in concurrence.

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

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

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The Doorkeepers secured the Chamber.

The Secretary opened the vote.

**ROLL CALL (#389)**

YEAS: Senators: BAILEY, BALDACCI, BREEN, BRENNER, CARNEY, CHIPMAN, CLAXTON, CURRY, DAUGHTRY, DESCHAMBAULT, DIAMOND, DILL, HICKMAN, LAWRENCE, LIBBY, LUCHINI, MAXMIN, MIRAMANT, RAFFERTY, SANBORN, VITELLI, PRESIDENT JACKSON

NAYS: Senators: BENNETT, BLACK, CYRWAY, DAVIS, FARRIN, GUERIN, KEIM, MOORE, POULIOT, ROSEN, STEWART, WOODSOME

EXCUSED: Senator: 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 **CLAXTON** of Androscoggin to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report, in concurrence, **PREVAILED**.

Bill **READ ONCE**.

Committee Amendment "A" (H-631) **READ** and **ADOPTED**, in concurrence.

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

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All matters thus acted upon, with the exception of those matters being held, were ordered sent down forthwith for concurrence.

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**Divided Report**

The Majority of the Committee on **HEALTH COVERAGE, INSURANCE AND FINANCIAL SERVICES** on Bill "An Act To Support Universal Health Care"

H.P. 773 L.D. 1045

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-626)**.

Signed:

Senators:  
SANBORN of Cumberland  
BRENNER of Cumberland

Representatives:  
TEPLER of Topsham  
ARFORD of Brunswick  
BROOKS of Lewiston  
EVANS of Dover-Foxcroft  
MATHIESON of Kittery  
MELARAGNO of Auburn

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

Signed:

Senator:  
STEWART of Aroostook

Representatives:  
BLIER of Buxton  
CONNOR of Lewiston  
MORRIS of Turner  
QUINT of Hodgdon

Comes from the House with the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-626)**.

Reports **READ**.

Senator **SANBORN** of Cumberland moved the Senate **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report, in concurrence.

On motion by Senator **POULIOT** of Kennebec, 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 Cumberland, Senator Sanborn.

Senator **SANBORN:** Thank you, Mr. President. Mr. President, I rise briefly to tell my friends in the Senate about what our committee did with this bill this year. What we did was to realize that, while it is the number one thing we hear about when we're out talking to our constituents when we're knocking on doors, we hear we've got to fix our health insurance. We've got to cover every Mainer. That has been my motivating reason for driving to Augusta for these last five years. This year I realized that it's really the federal government who has to help. They either do it themselves or they can pass a bill that lets us do it, by allowing for us to waive the rules related to URISA, by allowing us to pull other federal dollars, all of the subsidies available to through the Affordable Care Act, and all of the MaineCare matching funds into a single pool that could be used to cover all Mainers with high quality, affordable coverage. That's the goal. It's where we need to get. It's where we're going. We're going to get there eventually. I'm hoping it's in my lifetime and that I don't have to wait and have my sons sitting here in this Chamber getting that done some time after I'm buried in the ground. But it's going to take Congressional authorization and so what we did with L.D. 1045 is we made sure that we're not going to waste our time putting together boards and plans that are not authorized by federal waivers. Instead as soon as the federal government passes a bill, as soon as Congress passes a bill, and there's one pending, the Universal - the State-based Universal Healthcare Act introduced by Congressman Khanna every year. As soon as a bill like that passes authorizing states like us to function as the laboratory of democracy and to finally do what we know we need to do, cover every Mainer, indeed every American, as soon as we have that ability a board will be appointed within 60 days to put together a plan to apply for those waivers and show that Maine can lead just like our motto says. Thank you very much, Mr. President.

**THE PRESIDENT:** The pending question before the Senate is Acceptance of the Majority Ought to Pass as Amended Report. Is the Senate ready for the question?

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

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The Doorkeepers secured the Chamber.

The Secretary opened the vote.

**ROLL CALL (#390)**

**YEAS:** Senators: BAILEY, BALDACCI, BREEN, BRENNER, CARNEY, CHIPMAN, CLAXTON, CURRY, DAUGHTRY, DESCHAMBAULT, DIAMOND, DILL, HICKMAN, LAWRENCE, LUCHINI, MAXMIN, MIRAMANT, RAFFERTY, SANBORN, VITELLI, PRESIDENT JACKSON

**NAYS:** Senators: BENNETT, BLACK, CYRWAY, DAVIS, FARRIN, GUERIN, KEIM, MOORE, POULIOT, ROSEN, STEWART, TIMBERLAKE, WOODSOME

**EXCUSED:** Senator: LIBBY

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

Bill **READ ONCE**.

Committee Amendment "A" (H-626) **READ** and **ADOPTED**, in concurrence.

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

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All matters thus acted upon, with the exception of those matters being held, were ordered sent down forthwith for concurrence.

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**Divided Report**

The Majority of the Committee on **JUDICIARY** on Bill "An Act To Protect Student Privacy"

H.P. 235 L.D. 331

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

Signed:

Senators:  
CARNEY of Cumberland  
KEIM of Oxford

Representatives:  
HARNETT of Gardiner  
EVANGELOS of Friendship  
LIBBY of Auburn  
POIRIER of Skowhegan  
RECKITT of South Portland  
SHEEHAN of Biddeford  
THORNE of Carmel

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (H-647)**.

Signed:

Senator:

SANBORN of Cumberland

Representatives:

BABBIDGE of Kennebunk  
HAGGAN of Hampden  
MORIARTY of Cumberland

(Representative NEWELL of the Passamaquoddy Tribe - of the House - supports the Majority **Ought Not To Pass** Report.)

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

Reports **READ**.

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

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**Divided Report**

The Majority of the Committee on **JUDICIARY** on Bill "An Act To Ensure That Children Receive Behavioral Health Services" H.P. 473 L.D. 642

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-649)**.

Signed:

Senators:

CARNEY of Cumberland  
SANBORN of Cumberland

Representatives:

HARNETT of Gardiner  
EVANGELOS of Friendship  
MORIARTY of Cumberland  
RECKITT of South Portland  
SHEEHAN of Biddeford

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

Signed:

Senator:

KEIM of Oxford

Representatives:

HAGGAN of Hampden  
LIBBY of Auburn  
POIRIER of Skowhegan  
THORNE of Carmel

(Representative NEWELL of the Passamaquoddy Tribe - of the House - supports the Majority **Ought To Pass as Amended** Report.)

Comes from the House with the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-649)**.

Reports **READ**.

Senator **CARNEY** of Cumberland moved the Senate **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report, in concurrence.

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

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The Chair noted the absence of the Senator from Knox, Senator **MIRAMANT**, and further excused the same Senator from today's Roll Call votes.

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The Doorkeepers secured the Chamber.

The Secretary opened the vote.

**ROLL CALL (#391)**

YEAS: Senators: BAILEY, BALDACCI, BREEN, BRENNER, CARNEY, CHIPMAN, CLAXTON, CURRY, DAUGHTRY, DESCHAMBAULT, DIAMOND, DILL, HICKMAN, LAWRENCE, LIBBY, LUCHINI, MAXMIN, RAFFERTY, SANBORN, VITELLI, PRESIDENT JACKSON

NAYS: Senators: BENNETT, BLACK, CYRWAY, DAVIS, FARRIN, GUERIN, KEIM, MOORE, POULIOT, ROSEN, STEWART, TIMBERLAKE, WOODSOME

EXCUSED: Senator: MIRAMANT

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

Bill **READ ONCE**.

Committee Amendment "A" (H-649) **READ** and **ADOPTED**, in concurrence.

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

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Committee Amendment "A" (H-650) **READ** and **ADOPTED**, in concurrence.

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

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All matters thus acted upon, with the exception of those matters being held, were ordered sent down forthwith for concurrence.

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**Divided Report**

The Majority of the Committee on **JUDICIARY** on Bill "An Act To Expand Courts' Authority To Protect Children When a Parent Has Been Awarded Sole Parental Rights and Responsibilities"  
H.P. 765 L.D. 1030

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-650)**.

Signed:

Senators:

CARNEY of Cumberland  
SANBORN of Cumberland

Representatives:

HARNETT of Gardiner  
BABBIDGE of Kennebunk  
EVANGELOS of Friendship  
MORIARTY of Cumberland  
RECKITT of South Portland  
SHEEHAN of Biddeford

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

Signed:

Senator:

KEIM of Oxford

Representatives:

LIBBY of Auburn  
POIRIER of Skowhegan  
THORNE of Carmel

(Representative NEWELL of the Passamaquoddy Tribe - of the House - supports the Majority **Ought To Pass as Amended** Report.)

Comes from the House with the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-650)**.

Reports **READ**.

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

Bill **READ ONCE**.

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**Divided Report**

The Majority of the Committee on **JUDICIARY** on Bill "An Act To Protect Tenants from Unnecessary Evictions"  
H.P. 821 L.D. 1143

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

Signed:

Senators:

CARNEY of Cumberland  
KEIM of Oxford  
SANBORN of Cumberland

Representatives:

HARNETT of Gardiner  
HAGGAN of Hampden  
McCREIGHT of Harpswell  
MORIARTY of Cumberland  
POIRIER of Skowhegan  
RECKITT of South Portland  
SHEEHAN of Biddeford

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (H-648)**.

Signed:

Representatives:

BABBIDGE of Kennebunk  
CARDONE of Bangor  
EVANGELOS of Friendship

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

Reports **READ**.

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

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All matters thus acted upon, with the exception of those matters being held, were ordered sent down forthwith for concurrence.

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**Divided Report**

The Majority of the Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act To Reestablish the State Planning Office"

H.P. 322 L.D. 446

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

Signed:

Senators:

BALDACCI of Penobscot  
CLAXTON of Androscoggin

Representatives:

MATLACK of St. George  
BRYANT of Windham  
COPELAND of Saco  
DOORE of Augusta  
PAULHUS of Bath  
RISEMAN of Harrison

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

Signed:

Senator:

ROSEN of Hancock

Representatives:

DOWNES of Bucksport  
GREENWOOD of Wales  
HEAD of Bethel  
TUELL of East Machias

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

Reports **READ**.

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

On motion by Senator **POULIOT** of Kennebec, 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 Baldacci.

Senator **BALDACCI:** Thank you. Just so that my colleagues are aware, the Committee Amendment "A" does not reestablish the State Planning Office. The Committee Amendment "A", which replaces the original bill, establishes a commission that will be made up of state, local, and county officials to look at the issues about whether - what the State can do or what can be done cooperatively in terms of planning for communities. Many communities have limited resources to do planning. So, the bill,

itself, is just to establish this commission to try to develop a plan for everybody to work together. So, I just wanted to make sure people were clear about what they were voting for. Thank you.

**THE PRESIDENT:** The pending question before the Senate is Acceptance of the Majority Ought to Pass as Amended Report. Is the Senate ready for the question?

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

#### ROLL CALL (#392)

**YEAS:** Senators: BAILEY, BALDACCI, BREEN, BRENNER, CARNEY, CHIPMAN, CLAXTON, CURRY, DAUGHTRY, DESCHAMBAULT, DIAMOND, DILL, HICKMAN, LAWRENCE, LIBBY, LUCHINI, MAXMIN, MIRAMANT, RAFFERTY, SANBORN, VITELLI, PRESIDENT JACKSON

**NAYS:** Senators: BENNETT, BLACK, CYRWAY, DAVIS, FARRIN, GUERIN, KEIM, MOORE, POULIOT, ROSEN, STEWART, TIMBERLAKE, WOODSOME

22 Senators having voted in the affirmative and 13 Senators having voted in the negative, the motion by Senator **BALDACCI** of Penobscot to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report, in concurrence, **PREVAILED**.

Bill **READ ONCE**.

Committee Amendment "A" (H-639) **READ** and **ADOPTED**, in concurrence.

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

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#### Divided Report

The Majority of the Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act To Promote Transparency and Public Safety When Public Servants Request Towing Services" H.P. 899 L.D. 1228

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-652)**.

Signed:

Senators:

BALDACCI of Penobscot  
CLAXTON of Androscoggin

Representatives:

MATLACK of St. George  
BRYANT of Windham  
COPELAND of Saco  
DOORE of Augusta  
PAULHUS of Bath  
RISEMAN of Harrison

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

Signed:

Senator:

ROSEN of Hancock

Representatives:

DOWNES of Bucksport  
GREENWOOD of Wales  
HEAD of Bethel  
TUELL of East Machias

Comes from the House with the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-652)**.

Reports **READ**.

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

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

**ROLL CALL (#393)**

YEAS: Senators: BAILEY, BALDACCI, BREEN, BRENNER, CARNEY, CHIPMAN, CLAXTON, CURRY, DAUGHTRY, DESCHAMBAULT, DIAMOND, DILL, HICKMAN, LAWRENCE, LIBBY, LUCHINI, MIRAMANT, RAFFERTY, SANBORN, VITELLI, PRESIDENT JACKSON

NAYS: Senators: BENNETT, BLACK, CYRWAY, DAVIS, FARRIN, GUERIN, KEIM, MAXMIN, MOORE, POULIOT, ROSEN, STEWART, TIMBERLAKE, WOODSOME

21 Senators having voted in the affirmative and 14 Senators having voted in the negative, the motion by Senator **BALDACCI** of Penobscot to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report, in concurrence, **PREVAILED**.

Bill **READ ONCE**.

Committee Amendment "A" (H-652) **READ** and **ADOPTED**, in concurrence.

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

All matters thus acted upon, with the exception of those matters being held, were ordered sent down forthwith for concurrence.

**Divided Report**

The Majority of the Committee on **TAXATION** on Bill "An Act To Invest in Maine's Roads and Bridges"

H.P. 1016 L.D. 1382

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

Signed:

Senator:

LIBBY of Androscoggin

Representatives:

TERRY of Gorham  
BICKFORD of Auburn  
CARMICHAEL of Greenbush  
GRAMLICH of Old Orchard Beach  
HANLEY of Pittston  
KRYZAK of Acton  
MATLACK of St. George  
PERRY of Bangor  
SACHS of Freeport

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (H-641)**.

Signed:

Senator:

CHIPMAN of Cumberland

Representative:

COLLINGS of Portland

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

Reports **READ**.

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

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

**ROLL CALL (#394)**

YEAS: Senators: BAILEY, BALDACCI, BENNETT, BLACK, BREEN, BRENNER, CARNEY, CLAXTON, CURRY, CYRWAY, DAUGHTRY, DAVIS, DESCHAMBAULT, DIAMOND, DILL, FARRIN, GUERIN, HICKMAN, KEIM, LAWRENCE, LIBBY, LUCHINI, MAXMIN, MOORE, POULIOT, RAFFERTY, ROSEN, SANBORN, STEWART, TIMBERLAKE, VITELLI, WOODSOME, PRESIDENT JACKSON

NAYS: Senators: CHIPMAN, MIRAMANT

33 Senators having voted in the affirmative and 2 Senators having voted in the negative, the motion by Senator **CHIPMAN** of Cumberland to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report, in concurrence, **PREVAILED**.

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**Divided Report**

The Majority of the Committee on **TAXATION** on Bill "An Act To Prevent and Reduce Tobacco Use by Ensuring Adequate Funding for Tobacco Use Prevention and Cessation Programs and by Raising the Tax on Tobacco Products and To Provide Funding To Reduce Disparities in Health Outcomes Based on Certain Factors"

H.P. 1039 L.D. 1423

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-642)**.

Signed:

Senators:

CHIPMAN of Cumberland  
LIBBY of Androscoggin

Representatives:

TERRY of Gorham  
COLLINGS of Portland  
GRAMLICH of Old Orchard Beach  
MATLACK of St. George  
SACHS of Freeport

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

Signed:

Representatives:

BICKFORD of Auburn  
CARMICHAEL of Greenbush  
HANLEY of Pittston  
KRYZAK of Acton  
PERRY of Bangor

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

Reports **READ**.

Senator **CHIPMAN** of Cumberland moved the Bill and accompanying papers be **COMMITTED** to the Committee on **TAXATION**, in **NON-CONCURRENCE**.

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

**ROLL CALL (#395)**

YEAS: Senators: BAILEY, BALDACCI, BREEN, BRENNER, CARNEY, CHIPMAN, CLAXTON, CURRY, DAUGHTRY, DESCHAMBAULT, DIAMOND, LAWRENCE, LIBBY, LUCHINI, MIRAMANT, MOORE, RAFFERTY, SANBORN, VITELLI, PRESIDENT JACKSON

NAYS: Senators: BENNETT, BLACK, CYRWAY, DAVIS, DILL, FARRIN, GUERIN, HICKMAN, KEIM, MAXMIN, POULIOT, ROSEN, STEWART, TIMBERLAKE, WOODSOME

20 Senators having voted in the affirmative and 15 Senators having voted in the negative, the motion by Senator **CHIPMAN** of Cumberland to **COMMIT** the Bill and accompanying papers to the Committee on **TAXATION**, in **NON-CONCURRENCE**, **PREVAILED**.

Sent down for concurrence.

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**Divided Report**

The Majority of the Committee on **TAXATION** on Bill "An Act To Provide for Fairness in Property Taxation by Assessing a One-time Tax on Financial Assets"

H.P. 1122 L.D. 1514

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-643)**.

Signed:

Senators:

CHIPMAN of Cumberland  
LIBBY of Androscoggin

Representatives:

TERRY of Gorham  
COLLINGS of Portland  
GRAMLICH of Old Orchard Beach  
MATLACK of St. George  
SACHS of Freeport

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

Signed:

Senator:

POULIOT of Kennebec

Representatives:

BICKFORD of Auburn  
CARMICHAEL of Greenbush  
HANLEY of Pittston  
KRYZAK of Acton

Comes from the House with the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-643)**.

Reports **READ**.

Senator **CHIPMAN** of Cumberland moved the Senate **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report, in concurrence.

On motion by Senator **POULIOT** of Kennebec, 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. To me, this is one of the most egregious bills of the session. Essentially what we're saying is if individuals in the state of Maine have a certain level of net worth we're going to send them a bill for anything over a certain amount to pay a tax on. I mean, Maine already has one of the highest tax rates in the country for some income levels and for us to just assess a special tax on people over a certain amount of assets just, to me, is quite egregious and, furthermore, why would we want to be digging into, you know, what people's personal net worth and assets are. So, I just think that this bill is misplaced, particularly at a time when we have robust amount of resources coming in from the federal government. If we find ourselves short on revenue at some point in the future perhaps we could look at this as an avenue when discussing it in a broader context of tax policy, but the time's wrong for a tax increase on the people of Maine right now and I'll be voting to not support this motion. Thank you, Mr. President.

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

Senator **LIBBY:** Thank you, Mr. President. Men and women of the Senate, I was confused by my friend from Kennebec, Senator

Pouliot's remarks. The motion before us is to accept the Majority Ought to Pass report as amended by the committee. As the Senator recalls, the committee discussed this bill and amended it. The first part of the amendment changes the title. I know that can be misleading because of the way the bill was introduced to us. But just for the record, to the benefit of all the members so we all know what we've voting on, the amendment replaces the bill with a Resolve that establishes a commission to study the impact of various types of taxes on various populations. It goes on to suggest that a commission will study and analyze the annual effective tax rates of various state and municipal taxes. We all know we have several types of taxes applied at various sectors of government and for a variety of purchases and transactions. So, just to be clear for all of the membership, that is what we're voting on, not the original bill which was described by Senator Pouliot. Thank you, Mr. President.

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

Senator **CHIPMAN:** Thank you, Mr. President. I also rise with a little bit of confusion. With all due respect to my friend from Kennebec and his remarks, he also serves on the committee with us and we all voted on this bill and I do know we take up a lot of bills, we had about 130 bills this session, so maybe we all don't remember the details on them, but this bill is, as my friend from Androscoggin pointed out, is very different from what was presented to us. We amended the bill to change it into a study. So, this bill, to be clear, does not make any changes to taxes. It makes zero changes to any tax rates at all. It simply establishes a study to look at the various types of taxes in the state, to look at different tax rates, and look at different things are taxed to see if those taxes are effective, if they're accomplishing what their intended purpose was when they were established, and so on and so forth. As a member of the Taxation Committee, I think that information could be very useful to us on the committee and to all of us here in the Chamber and also to all the members of the House to have information like that so we can make educated decisions going forward about whatever tax that might be presented to us over the next few years. So, I urge you to vote in favor of the pending motion. Thank you.

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

Senator **POULIOT:** Thank you, Mr. President. It's pretty clear what this bill's all about. It's about coming up with data to support a tax increase on the people of Maine. It's camel's nose. We all know where this is going. There's no need for it. Thank you, Mr. President.

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

Senator **BALDACCI:** I don't have a camel's nose but it's close. I want to say, respectfully, to my colleagues that we have one of the most aggressive property taxes in the country. I mean, if we want to attack the issue of tax relief or tax reform we're going to need to look at the whole tax structure. We have a tax structure that, frankly, is from the 18<sup>th</sup> Century. The property tax burden on homeowners is incredibly regressive on seniors, on fixed incomes, so having a commission to study the entire tax structure



is not a way to look at a tax increase. It's a way to look at making a more progressive system so that middle income people who are homeowners or working people aren't carrying the burdens that other groups in our society are not carrying. But the property tax, if you talk to your local city or town councils, they will tell you how onerous and burdensome that tax is and there needs to be some reform. Thank you.

**THE PRESIDENT:** The pending question before the Senate is Acceptance of the Majority Ought to Pass as Amended Report. Is the Senate ready for the question?

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

**ROLL CALL (#396)**

**YEAS:** Senators: BAILEY, BALDACCI, BREEN, BRENNER, CARNEY, CHIPMAN, CLAXTON, CURRY, DESCHAMBAULT, DIAMOND, DILL, LAWRENCE, LIBBY, LUCHINI, MAXMIN, MIRAMANT, RAFFERTY, SANBORN, PRESIDENT JACKSON

**NAYS:** Senators: BENNETT, BLACK, CYRWAY, DAUGHTRY, DAVIS, FARRIN, GUERIN, HICKMAN, KEIM, MOORE, POULIOT, ROSEN, STEWART, TIMBERLAKE, VITELLI, WOODSOME

19 Senators having voted in the affirmative and 16 Senators having voted in the negative, the motion by Senator **CHIPMAN** of Cumberland to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report, in concurrence, **PREVAILED**.

Bill **READ ONCE**.

Committee Amendment "A" (H-643) **READ** and **ADOPTED**, in concurrence.

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

All matters thus acted upon, with the exception of those matters being held, were ordered sent down forthwith for concurrence.

**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. 1128 L.D. 1524

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-645)**.

Signed:

Senators:  
CHIPMAN of Cumberland  
LIBBY of Androscoggin

Representatives:  
TERRY of Gorham  
COLLINGS of Portland  
GRAMLICH of Old Orchard Beach  
MATLACK of St. George  
SACHS of Freeport

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

Signed:

Senator:  
POULIOT of Kennebec

Representatives:  
BICKFORD of Auburn  
CARMICHAEL of Greenbush  
KRYZAK of Acton

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

Reports **READ**.

On motion by Senator **CHIPMAN** of Cumberland, the Minority **OUGHT NOT TO PASS** Report **ACCEPTED**, in concurrence.

**Divided Report**

The Majority of the Committee on **TAXATION** on Bill "An Act Regarding an Excise Tax on Water Extracted for Commercial Bottling"

H.P. 1166 L.D. 1569

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-644)**.

Signed:

Senators:  
CHIPMAN of Cumberland  
LIBBY of Androscoggin

Representatives:  
TERRY of Gorham  
COLLINGS of Portland  
GRAMLICH of Old Orchard Beach  
MATLACK of St. George  
PERRY of Bangor  
SACHS of Freeport

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

Signed:

Senator:

POULIOT of Kennebec

Representatives:

BICKFORD of Auburn  
CARMICHAEL of Greenbush  
HANLEY of Pittston  
KRYZAK of Acton

Comes from the House with the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-644)**.

Reports **READ**.

Senator **CHIPMAN** of Cumberland moved the Senate **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report, in concurrence.

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

Senator **POULIOT:** Thank you, Mr. President. I wish the good Senator from Cumberland would have kept rolling with the same request as the last bill but, alas, that's not the case and I request a roll call.

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Off Record Remarks

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On motion by Senator **POULIOT** of Kennebec, 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 Cumberland, Senator Chipman.

Senator **CHIPMAN:** Thank you, Mr. President. I'll be brief but I just wanted to clarify so everybody knows what we're voting on. This bill also is not a tax. It doesn't raise any taxes or change any tax rates. It simply is amended. Very different from what was presented. This bill is a Resolve to establish a study on the role of water as a resource in the state of Maine, studies issues associated with the role of water resources in the state and the extent of infrastructure involved in the use and delivery of water resources now and in the future. Thank you.

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

All matters thus acted upon, with the exception of those matters being held, were ordered sent down forthwith for concurrence.

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**Divided Report**

The Majority of the Committee on **VETERANS AND LEGAL AFFAIRS** on Bill "An Act To Establish Medical Marijuana Cooperatives"

H.P. 251 L.D. 353

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

Signed:

Senators:

LUCHINI of Hancock  
FARRIN of Somerset

Representatives:

CAIAZZO of Scarborough  
COREY of Windham  
HARRINGTON of Sanford  
KINNEY of Knox  
McCREIGHT of Harpswell  
RIELLY of Westbrook  
TUTTLE of Sanford  
WOOD 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-633)**.

Signed:

Senator:

HICKMAN of Kennebec

Representatives:

DOLLOFF of Milton Township  
SUPICA of Bangor

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

Reports **READ**.

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

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**Divided Report**

Eight members of the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** on Bill "An Act To Amend Certain Provisions of Maine's Drug Laws"

H.P. 1246 L.D. 1675

Reported in Report **"A"** that the same **Ought to Pass as Amended by Committee Amendment "A" (H-627)**.

Signed:

Senators:

DESCHAMBAULT of York  
LAWRENCE of York

Representatives:

WARREN of Hallowell  
LOOKNER of Portland  
MORALES of South Portland  
PLUECKER of Warren  
RECKITT of South Portland  
SHARPE of Durham

Four members of the same Committee on the same subject reported in Report "**B**" that the same **Ought to Pass as Amended by Committee Amendment "B" (H-628)**.

Signed:

Senator:

CYRWAY of Kennebec

Representatives:

COSTAIN of Plymouth  
NEWMAN of Belgrade  
PICKETT of Dixfield

One member of the same Committee on the same subject reported in Report "**C**" that the same **Ought Not to Pass**.

Signed:

Representative:

RUDNICKI of Fairfield

Comes from the House with Report "**A**", **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-627)**, READ and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-627)**.

Reports **READ**.

Senator **DESCHAMBAULT** of York moved the Senate **ACCEPT** Report "**A**", **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-627)**, in concurrence.

On motion by Senator **POULIOT** of Kennebec, 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 Cyrway.

Senator **CYRWAY:** Thank you, Mr. President. Ladies and gentlemen of the Senate, just wanted to let you know that the Maine Chiefs of Police Association and also the Maine Prosecutors' Association oppose this amendment and right from the Maine Prosecutors' Association it says they do not support sections one and two of the bill which ends the authority of prosecutors to prove trafficking or furnishing of heroin and

fenentanyl based on weight. No matter what the quality - quantity of weight is, fenentanyl and heroin killed 504 Maine people last year. This is not the time to make it more difficult to prosecute people profiting off fenentanyl and heroin. So, they oppose L.D. 1675. Thank you, Mr. President. I will oppose this bill and thank you.

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

Senator **HICKMAN:** Thank you, Mr. President. Mr. President, women and men of the Senate, in the words of the inimitable Nobel Laureate, the late, great Toni Morrison, the first African-American woman to receive a Nobel Prize, further contextualized by writer Maria Popova in her blog 'Brain Pickings': 'Language can never pin down slavery, genocide, or war, nor should it yearn for the arrogance to be able to do so. It's force, it's felicity is in its reach towards the ineffable. Be it grand or slender, burrowing, blasting, or refusing to sanctify; whether it laughs out loud or is a cry without an alphabet; the choice words, the chosen silence, unmolested language surges towards knowledge, not its destruction.'

In a sentiment that calls to mind James Baldwin's memorable meditation on language and life: 'It is the experience which shapes the language and it is language which controls inexperience.' Morrison adds: 'Word work is sublime because it is generative. It makes meaning that secures our difference, our human difference, the way in which we are like no other life. We die. That may be the meaning of life but we do language, that may be the measure of our lives.'

So, what, Mr. President, you ask does this analysis have to do with the bill? Well, never mind that Toni Morrison or James Baldwin, my favorite writers, thinkers, and artists worshipped language as a religion, language is the law. The law is the language that governs us. The English language is our stock and trade. It is the currency of our law. It is the medium of our public discourse. We do language. It is, for better or worse, our lingua franca. This bill would restore integrity, honesty, and clarity to our drug laws. This bill will curb a government that has gotten too comfortable playing fast and loose with the English language, a government that redefines ordinary words to strip freedom from ordinary people. This bill does two simple things. It gives the word furnish and traffick their dictionary definitions. It beggars belief that under current law the mere possession of two grams of heroin or fenentanyl is legal evidence that a person is trafficking or furnishing these things. Let me say that again: to possess, to hold, to have something under the language of our laws is to traffick that thing. It is to furnish that thing. Think about that. Our laws have given an ordinary word, traffick, an extraordinary meaning, an untenable meaning. Ask any Mainer on the street or in your congregation or at a town meeting: does the word possession mean the same as the word distribution? Is the word possess really no different from the word sell? What do you think they would say? I believe we all know they would say no. They would be as baffled as I was when I discovered this perversion of language in the Maine Revised Statutes a few years ago.

In George Orwell's '1984' we see the dangers of these types of perversions. That novel is set in a fictional dystopian country named Oceania. There is one political party and it is called the Party, with a capital P. The Party has the Ministry of Truth which decides what is true and what is false. Citizens of Oceania know only what the Party wants them to know. The Party's slogan so happens to be 'War is peace, freedom is slavery, and ignorance

is strength.' Now, for some members of our own republic, unfortunately, but increasingly for all of us as far as drugs are concerned, war is peace, freedom is slavery, and ignorance is strength. The failed drug war was initially waged against Black people and Black communities. It was waged by Republicans. It was waged by Democrats. The party that prosecuted the drug war for all intents and purposes was our very own Party, with a capital P. It is this failed, disastrous, and heinous war, waged by a government on its own people, that we owe the perversion of the English language in our current statutory scheme. This bill seeks to reverse that perversion.

While the drug war initially threatened the freedom and dignity of Black people and Black communities across the country, it threatens all of us today. The devastating pandemic took the lives of hundreds of Mainers last year but the drug overdose crisis took more. That is because the government has been criminalizing people for harming themselves, for committing crimes without victims. One method of this criminalization is to give meanings to words that would shock and befuddle every ordinary person. Government will continue to run amok unless we are vigilant and here government has run amok. If, as the Nobel Laureate told us, language can never pin down slavery, genocide, or war, then we must not allow the government to turn the language we use every day into chains that imprison the people. You possess, therefore you traffick. You possess, therefore you furnish. Everybody knows that's not true. We have the power to stop that perversion. This bill will rein in a government that has grown too comfortable twisting the English language to shackle the people. We do language. So, let's do the language right for the sake of our liberties, for the sake of our freedoms which we all hold dear. I urge you to restore integrity to the language of our drug laws and vote yea on the pending motion. Thank you, Mr. President.

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

Senator **CYRWAY:** Thank you, Mr. President. Drugs do not pick and choose what race you are. They kill and I just talked to Gordon Smith last week and he was so afraid to even tell me what the increase of deaths are this year. He said it's atrocious and for us to go change things now and make it weaker would be devastating. This is what I'm talking about. I started this conversation about a few weeks back and it's happening. You can ignore it and you can think it's all great, but we're going to be doing a lot of harm to the state if we don't watch it. Like I said, Portland, Oregon, rose 800% in murders in one year. Is that what we want here in Maine? I don't think so. Follow my light. Thank you, Mr. President.

**THE PRESIDENT:** The pending question before the Senate is Acceptance of Report "A", Ought to Pass as Amended by Committee Amendment "A" (H-627). Is the Senate ready for the question?

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

**ROLL CALL (#397)**

**YEAS:** Senators: BAILEY, BALDACCI, BREEN, BRENNER, CARNEY, CHIPMAN, CLAXTON, DAUGHTRY, DESCHAMBAULT, DILL, HICKMAN, LAWRENCE, LIBBY, LUCHINI, MAXMIN, MIRAMANT, RAFFERTY, SANBORN, VITELLI, PRESIDENT JACKSON

**NAYS:** Senators: BENNETT, BLACK, CURRY, CYRWAY, DAVIS, DIAMOND, FARRIN, GUERIN, KEIM, MOORE, POULIOT, ROSEN, STEWART, TIMBERLAKE, WOODSOME

20 Senators having voted in the affirmative and 15 Senators having voted in the negative, the motion by Senator **DESCHAMBAULT** of York to **ACCEPT** Report "**A**", **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-627)**, in concurrence, **PREVAILED**.

**Bill READ ONCE.**  
Committee Amendment "A" (H-627) **READ** and **ADOPTED**, in concurrence.

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-627)**, in concurrence.

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All matters thus acted upon, with the exception of those matters being held, were ordered sent down forthwith for concurrence.

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**Divided Report**

Seven members of the Committee on **JUDICIARY** on Bill "An Act To Facilitate Children's Testimony in Certain Sex Crime Cases" H.P. 1201 L.D. 1612

Reported in Report "**A**" that the same **Ought to Pass as Amended by Committee Amendment "A" (H-653)**.

Signed:

Senators:  
CARNEY of Cumberland  
SANBORN of Cumberland

Representatives:  
CARDONE of Bangor  
McCREIGHT of Harpswell  
MORIARTY of Cumberland  
RECKITT of South Portland  
SHEEHAN of Biddeford

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

Signed:

Senator:

KEIM of Oxford

Representatives:

EVANGELOS of Friendship

HAGGAN of Hampden

POIRIER of Skowhegan

Two members 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-654)**.

Signed:

Representatives:

HARNETT of Gardiner

BABBIDGE of Kennebunk

(Representative NEWELL of the Passamaquoddy Tribe - of the House - supports Report "A", **Ought To Pass as Amended by Committee Amendment "A" (H-653)**.)

Comes from the House with Report "A", **UGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-653)**, **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-653)**.

Reports **READ**.

On motion by Senator **CARNEY** of Cumberland, Report "A", **UGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-653)**, **ACCEPTED**, in concurrence.

Bill **READ ONCE**.

Committee Amendment "A" (H-653) **READ** and **ADOPTED**, in concurrence.

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-653)**, in concurrence.

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All matters thus acted upon, with the exception of those matters being held, were ordered sent down forthwith for concurrence.

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**Senate**

**Ought to Pass As Amended**

Senator LAWRENCE for the Committee on **ENERGY, UTILITIES AND TECHNOLOGY** on Bill "An Act To Establish a Moratorium on Offshore Wind Power Projects in Maine's Territorial Waters" (EMERGENCY)

S.P. 512 L.D. 1619

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-316)**.

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

Bill **READ ONCE**.

Committee Amendment "A" (S-316) **READ**.

On motion by Senator **VITELLI** of Sagadahoc, **TABLED** until Later in Today's Session, pending **ADOPTION** of Committee Amendment "A" (S-316).

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Senator **CARNEY** for the Committee on **JUDICIARY** on Bill "An Act To Establish a Statewide Electronic Warrant System" S.P. 266 L.D. 679

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-315)**.

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

Bill **READ ONCE**.

Committee Amendment "A" (S-315) **READ** and **ADOPTED**.

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

Sent down for concurrence.

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**Divided Report**

The Majority of the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** on Bill "An Act To Ensure Access to and Availability of Violence Intervention Services To Reduce Domestic Violence in Maine"

S.P. 478 L.D. 1491

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-318)**.

Signed:

Senators:

DESCHAMBAULT of York

CYRWAY of Kennebec

LAWRENCE of York

Representatives:

WARREN of Hallowell  
COSTAIN of Plymouth  
LOOKNER of Portland  
MORALES of South Portland  
NEWMAN of Belgrade  
PICKETT of Dixfield  
PLUECKER of Warren  
RECKITT of South Portland  
SHARPE of Durham

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

Signed:

Representative:

RUDNICKI of Fairfield

Reports **READ**.

Senator **DESCHAMBAULT** of York moved the Senate **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report.

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

Senator **DESCHAMBAULT:** Ladies and gentlemen, we all know, we heard, and some may have experienced it, or know someone, domestic violence. I don't have to explain that and I am so proud that I sponsored this bill. It calls for funding, ongoing funding. I think it was a couple of years ago, they come every two years, the Maine Coalition to End Domestic Violence and the Department of Corrections worked very well together. One is before they're incarcerated and the other, the Department of Corrections and Probation and Parole, there's no more parole so it's Probation, do use the funds so that people arrested for domestic violence can have treatment, can go to programs, and this is ongoing. So, this funding is for it to continue two more years. I must tell you that, as a former caseworker in a prison, I've seen close to miracles of these kinds of programs and I'd love for it to continue. It's truly a public safety issue. Thank you.

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

Bill **READ ONCE**.

Committee Amendment "A" (S-318) **READ** and **ADOPTED**.

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

Sent down for concurrence.

The Majority of the Committee on **ENERGY, UTILITIES AND TECHNOLOGY** on Bill "An Act To Encourage Research To Support the Maine Offshore Wind Industry"

S.P. 142 L.D. 336

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-317)**.

Signed:

Senators:

LAWRENCE of York  
VITELLI of Sagadahoc

Representatives:

BERRY of Bowdoinham  
CARLOW of Buxton  
CUDDY of Winterport  
GROHOSKI of Ellsworth  
KESSLER of South Portland  
WADSWORTH of Hiram  
WOOD of Portland  
ZEIGLER of Montville

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

Signed:

Senator:

STEWART of Aroostook

Representative:

FOSTER of Dexter

Reports **READ**.

Senator **LAWRENCE** of York moved the Senate **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report.

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

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

Senator **STEWART:** Thank you, Mr. President. Ladies and gentlemen of the Senate, I just wanted to give a little context about the opposition to the bill before we vote on it. The Minority and, ultimately, the subsequent report that came out is in opposition for mostly two reasons. The first being the cost that this will, this project, this pilot project that will be going forward will cost substantially above market rates and that cost will be shifted to the ratepayers to pick up the tab for and, additionally, baked into the proposal and added at sort of the last second was a project labor agreement that would also increase costs and felt that that was an inappropriate move to make in committee which was why we opposed the bill and will continue to oppose it here on the floor. Thank you.

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**Divided Report**

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

Senator **WOODSOME:** Thank you, Mr. Chair. I'd like to ask Senator Lawrence if he could explain the bill in detail and what is involved in it, for my benefit anyways. Thank you.

**THE PRESIDENT:** The Senator from York, Senator Woodsome, has asked a question through the Chair to anyone could answer but I think directed in a certain area. It just so happens the good Senator from York, Senator Lawrence, is next in the queue, so the Chair recognizes the Senator from York, Senator Lawrence.

Senator **LAWRENCE:** Thank you very much, men and women of the Senate. I appreciate the question from the good Senator from York, who also served on the Energy and Utilities Committee when we passed the predecessor to this bill to create the Monhegan Process. To answer his question, I'll just tell you there was - in the state of Maine there was something developed called a peavy. I don't know if people remember what it is but I think the good President of the Senate remembers what it is. It was developed during the wood industry in Maine. It was a device for rolling logs. It was a unique invention by the people of Maine in the logging industry and the people of Maine really revolutionized the logging industry and created an economy here in Maine that didn't exist. What this bill does - this bill does the exact same thing. It puts us into a new economy, a new era in our state. Twenty-five years ago, the good Senator from Oxford and I worked on something called Jump Start 2000, the Maine Economic Improvement Fund. It was designed to put money into research and development at the university level that would improve the economy in Maine and create jobs. It all started with a conversation with a professor who came down who represented what was called the Gang of Five professors from the University of Maine and they commented how Maine was the worst in the country, the lowest in the country, in the amount of money we invested in research and development and all these federal dollars were going to other states and that we needed to put up some money in order to attract them here and we did that.

This project is the result of that. One of those professors was somebody named Habib Dagher who was working on a wood composite project, taking two pieces of wood and putting a polymer in the middle, combining it together, and proving that he could increase the strength tremendously of that wood beam. He has gone on to develop a floating offshore wind project and that's the one we've done through the first step of testing it, a small version at the Maine Maritime Academy. The second step of testing was a more full-sized version on Monhegan and this bill is the third step. This is research-ready. Twelve turbines that are five times the height of One City Center in Portland. We are the only state and the only university system doing this in North America. There are three other entities in Europe doing the exact same thing. The purpose of this research array is to prove our technology is better and that we can commercialize it better. The reason why we can is that the foundation of these floating offshore wind turbines is not made out of steel, it's made out of concrete, and that's what Dr. Dagher contributed to, and there are countless patents that come off this that belong to the University of Maine System and that the University of Maine System is going to reap the benefits.

What this bill does is allow the company that they licensed their patents to, and it's called New England Aqua Ventus, it's

associated with Mitsubishi and Diamond International, that allows them to reach a power purchase agreement through the PUC to sell the power generated by these twelve turbines into the main grid and, essentially to, I believe, CMP. They're going to get a higher rate and the Senator from Aroostook is absolutely right. We did this on the Monhegan Project. I believe there's about 26¢. This one is going to be lower, much lower. It's going to be more down towards the base rate, the regular rate, of 13¢ but it's necessary to fund the project. What the project is going to do, it's going to look at two things: can we ultimately commercialize this on a large scale and what is the impact on the environment and the coast of Maine? When we get those answers to those two questions - if we find out that we think commercializing this project, the potential for the state of Maine and for a clean economy is incredibly changed. Putting these off the coast of Maine, off New England, will essentially be like be creating many nuclear power plants off the coast that can produce clean, renewable energy. This project allows for the research array. It's not going to be located in Maine waters. It's going to be located in federal waters, several distance off the coast. It will be brought into the state of Maine through a cable connection and the project labor agreement allows us to use skilled Maine labor to construct this and develop that labor intelligence in the state of Maine and that labor resource in the state of Maine that, if this is commercialized, we can, again, capitalize on it and use that labor to bring funds into Maine. That's what this project does, very simply. It's very straight forward. It's going to put money into the hands of Mainers working on the project. We're going to help to use it to educate their kids, care for their kids, and if we ultimately do this and if we're ultimately successful, we're going create a cleaner environment for our children. I hope you will support the Majority Report.

**THE PRESIDENT:** The pending question before the Senate is Acceptance of the Majority Ought to Pass as Amended Report. Is the Senate ready for the question?

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

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The Doorkeepers secured the Chamber.

The Secretary opened the vote.

#### ROLL CALL (#398)

**YEAS:** Senators: BAILEY, BALDACCI, BREEN, BRENNER, CARNEY, CHIPMAN, CLAXTON, CURRY, DAUGHTRY, DESCHAMBAULT, DIAMOND, DILL, HICKMAN, LAWRENCE, LIBBY, LUCHINI, MAXMIN, MIRAMANT, RAFFERTY, ROSEN, SANBORN, VITELLI, WOODSOME, PRESIDENT JACKSON

**NAYS:** Senators: BENNETT, BLACK, CYRWAY, DAVIS, FARRIN, KEIM, MOORE, POULIOT, STEWART, TIMBERLAKE

EXCUSED: Senator: GUERIN

24 Senators having voted in the affirmative and 10 Senators having voted in the negative, with 1 Senator being excused, the motion by Senator **LAWRENCE** of York to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report **PREVAILED**.

Bill **READ ONCE**.

Committee Amendment "A" (S-317) **READ** and **ADOPTED**.

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

Sent down for concurrence.

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All matters thus acted upon, with the exception of those matters being held, were ordered sent down forthwith for concurrence.

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**Divided Report**

The Majority of the Committee on **JUDICIARY** on Bill "An Act To Clarify Funding for Civil Legal Services" (EMERGENCY)  
S.P. 189 L.D. 483

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-320)**.

Signed:

Senators:

CARNEY of Cumberland  
SANBORN of Cumberland

Representatives:

HARNETT of Gardiner  
BABBIDGE of Kennebec  
CARDONE of Bangor  
EVANGELOS of Friendship  
McCREIGHT of Harpswell  
MORIARTY of Cumberland  
RECKITT of South Portland  
SHEEHAN of Biddeford

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

Signed:

Senator:

KEIM of Oxford

Representative:

HAGGAN of Hampden

Reports **READ**.

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

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

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

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The Doorkeepers secured the Chamber.

The Secretary opened the vote.

**ROLL CALL (#399)**

YEAS: Senators: BAILEY, BALDACCI, BREEN, BRENNER, CARNEY, CHIPMAN, CLAXTON, CURRY, DAUGHTRY, DESCHAMBAULT, DIAMOND, DILL, HICKMAN, LAWRENCE, LIBBY, LUCHINI, MAXMIN, MIRAMANT, RAFFERTY, SANBORN, VITELLI, PRESIDENT JACKSON

NAYS: Senators: BENNETT, BLACK, CYRWAY, DAVIS, FARRIN, GUERIN, KEIM, MOORE, POULIOT, ROSEN, STEWART, WOODSOME

EXCUSED: Senator: 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 **CARNEY** of Cumberland to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report **PREVAILED**.

Bill **READ ONCE**.

Committee Amendment "A" (S-320) **READ** and **ADOPTED**.

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

Sent down for concurrence.

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**Divided Report**

The Majority of the Committee on **JUDICIARY** on Bill "An Act To Increase the Penalty for Engaging in the Sex Trafficking of Children"

S.P. 162 L.D. 813

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-324)**.



Signed:

Senators:

CARNEY of Cumberland  
KEIM of Oxford  
SANBORN of Cumberland

Representatives:

HARNETT of Gardiner  
BABBIDGE of Kennebunk  
CARDONE of Bangor  
EVANGELOS of Friendship  
HAGGAN of Hampden  
McCREIGHT of Harpswell  
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:

RECKITT of South Portland

(Representative NEWELL of the Passamaquoddy Tribe - of the House - supports the Majority **Ought To Pass as Amended** Report.)

Reports **READ**.

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

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

Senator **STEWART:** Thank you, Mr. President. Ladies and gentlemen of the Senate, it's been a long day already. I just wanted to rise in support of the pending motion. I sponsored a similar bill, basically the same bill, in the 128<sup>th</sup> and 129<sup>th</sup> Legislatures and unfortunately those died on party lines. So, I'm really glad to see that this one is moving forward. I think it's the right move for the state to make, to provide extra protections for children who would be victims of sex trafficking and appreciate the fact that we were able to get a much more united report that's going around on this important issue. Thank you.

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

Bill **READ ONCE**.

Committee Amendment "A" (S-324) **READ** and **ADOPTED**.

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

Sent down for concurrence.

**Divided Report**

The Majority of the Committee on **JUDICIARY** on Bill "An Act To Ensure Equality in Women's Health Care Access in Maine by Requiring Facilities Providing Abortions To Inform Patients of Options and Alternatives"

S.P. 254 L.D. 825

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

Signed:

Senators:

CARNEY of Cumberland  
SANBORN of Cumberland

Representatives:

HARNETT of Gardiner  
BABBIDGE of Kennebunk  
EVANGELOS of Friendship  
MORIARTY of Cumberland  
RECKITT of South Portland  
SHEEHAN of Biddeford

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (S-321)**.

Signed:

Senator:

KEIM of Oxford

Representatives:

HAGGAN of Hampden  
LIBBY of Auburn  
POIRIER of Skowhegan  
THORNE of Carmel

(Representative NEWELL of the Passamaquoddy Tribe - of the House - supports the Majority **Ought Not To Pass** Report.)

Reports **READ**.

Senator **CARNEY** of Cumberland moved the Senate **ACCEPT** the Majority **OUGHT NOT TO PASS** Report.

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

Senator **STEWART:** Thank you, Mr. President. I'm going to request a roll call shortly. I rise in opposition to the pending motion. This is my bill that went before the Judiciary Committee earlier this year and it actually deals with an issue that was brought to me by an individual who lives up in Aroostook County who is providing a service to folks up there through the clinic that she operates that would effectively reverse a chemical abortion, so if an individual, a woman, was to seek a chemical abortion but then later changed their mind they would be able to access this medication that would reverse it. The committee decided to - it is a problem, obviously, because time is of the essence in those

situations, so folks that are up in our neck of woods who would have, possibly, a substantial drive if they had to go to Portland, for instance, in order to access the same medication, would potentially risk jeopardizing the pregnancy that they then would like to keep. It was an equity issue, that's the way it was framed to me which is why I put the bill forward to suggest that if you're providing chemical abortions you have to be able to provide an alternative as well and so that folks that live in rural parts of the state aren't being short-changed because of where they live. The committee decided to amend the bill and so I hope that we can reject this motion and move on to a different report which is much more narrow in scope and just deals at understanding, to look at and study, the full impact of that disparity as it relates to rural healthcare and as it relates to women's health and so I request that we reject the pending motion and move on to a different report. Thank you.

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

Senator **CARNEY:** Thank you, Mr. President. Mr. President, with all due respect to my colleague from Aroostook, I'd like to point out that - ask my colleagues to support the pending Ought Not to Pass motion. There is not really any reason for the Health and Human Services Department to collect information about the use of this medication, that the medication has already been subject to a double-blind clinical trial and that trial was stopped because of the dangerous nature of this medication and, therefore, I don't think it's appropriate for our Health and Human Services Department to conduct its own research. I ask everyone to support the pending motion.

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

Senator **POULIOT:** Thank you, Mr. President. I apologize. I didn't hear if the Senator from Aroostook requested a roll call or not.

**THE PRESIDENT:** A roll call has not been ordered.

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

**THE PRESIDENT:** The pending question before the Senate is Acceptance of the Majority Ought Not to Pass Report. Is the Senate ready for the question?

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

**THE PRESIDENT:** The Chair would advise, while is open, that we're trying to get through the rest of the divided reports before we break. Since the House is not in, we're trying to get them down to them because it causes a little bit more work. So, if members could stay for these last three or four then it would be great. Much more expedited. Has everyone now voted?

**ROLL CALL (#400)**

**YEAS:** Senators: BAILEY, BALDACCI, BREEN, BRENNER, CARNEY, CHIPMAN, CLAXTON, CURRY, DAUGHTRY, DESCHAMBAULT, DIAMOND, DILL, HICKMAN, LAWRENCE, LIBBY, LUCHINI, MAXMIN, MIRAMANT, RAFFERTY, SANBORN, VITELLI, PRESIDENT JACKSON

**NAYS:** Senators: BENNETT, BLACK, CYRWAY, DAVIS, FARRIN, GUERIN, KEIM, MOORE, POULIOT, ROSEN, STEWART, TIMBERLAKE, WOODSOME

22 Senators having voted in the affirmative and 13 Senators having voted in the negative, the motion by Senator **CARNEY** of Cumberland to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report **PREVAILED**.

Sent down for concurrence.

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**Divided Report**

The Majority of the Committee on **JUDICIARY** on Bill "An Act To Provide Campground Owners Limited Civil Liability from the Inherent Risks of Camping"

S.P. 316 L.D. 986

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

Signed:

Senators:  
CARNEY of Cumberland  
SANBORN of Cumberland

Representatives:  
HARNETT of Gardiner  
BABBIDGE of Kennebunk  
EVANGELOS of Friendship  
RECKITT of South Portland  
SHEEHAN of Biddeford

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (S-322)**.

Signed:

Senator:  
KEIM of Oxford

Representatives:  
HAGGAN of Hampden  
LIBBY of Auburn  
MORIARTY of Cumberland  
POIRIER of Skowhegan  
THORNE of Carmel

Reports **READ**.

Senator **CARNEY** of Cumberland moved the Senate **ACCEPT** the Majority **OUGHT NOT TO PASS** Report.

On motion by Senator **TIMBERLAKE** of Androscoggin, 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 Cumberland, Senator Carney.

Senator **CARNEY:** Thank you very much, Mr. President. Mr. President and colleagues of the Senate, I want to provide a little information about this legislation. It seeks to carve out an exception to the duty that a business has to keep its premises reasonably safe for customers. In essence, a customer would be financially responsible for injuries that occur because a business owner neglected safety concerns. The business would only be responsible if it intentionally harmed or intentionally disregarded the safety of a customer. Although the bill contains a list of activities for which there would be no liability, it's a non-exclusive list so that means that any dangerous condition or activity that is part of camping would be exempted from the duty of reasonable care. A campground owner who ignored signs of a heating system or stove in a cabin was malfunctioning would not be responsible for carbon monoxide poisoning, for example. This bill discourages a reasonable - discourages reasonable business safety practices like replacing light bulbs and fixing potholes in pathways. The existing law here in Maine establishes a good balance between campground owners and camper responsibility for safety. Let's keep it that way. I ask that you support the pending Ought Not to Pass motion.

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

Senator **TIMBERLAKE:** Mr. President, ladies and gentlemen of the Senate, this is my bill. This is something that we dealt with in the state of Maine for years. The purpose of this bill was to clarify and define the inherent risk of camping and provide private campground owners limited liability protection should campers or their guests become injured, killed, or sustain property damage from those inherent risks of camping. While campground owners strive to provide clean, safe environments for their guests, there is naturally incurring risks while spending time outdoors. Some risk examples include insects, wildlife bites, root of trees causing someone to fall, darkness, and weather. Similar statutory protections are afforded to those in the agritourism, snow mobile, and ski industries and the time has come to provide the same protections for private campground owners. Another aspect that needs to be considered is the rising cost of insurance premiums. Our tourism industry and small businesses in each of our communities has a difficult time surviving when the cost of doing business continually rises. Maine is a natural gem when it comes to outdoor resources and recreational activities. However, many of the fun and exciting activities people flock to in this state carry with them a level of risk. People need to realize this and take it upon themselves to absorb this risk, so to speak. With participating in outdoor recreation, the legislation strikes the balance of protecting both outdoor enthusiasts and business owners. A win for everyone. Mr. President, ladies and gentlemen of the Senate, the cost of insurance for some of these campgrounds in the state of Maine, which is becoming a very

important part because of the pandemic and people are trying to get out. If none of you have been camping, sometimes around the campground there might be some alcohol consumed and bad things happen. They trip over roots or rocks and, basically, this bill isn't trying to protect them from the stove in a camp that they may have. It'll protect them from the stove in the tent that the camper brought in because he didn't turn his own stove off in his own tent. This bill is strictly to protect people and these businesses from the same inherent risks that the ski industry gets, snow mobile industry gets, the agritourism industry gets, the horse industry gets. This is the exact same thing. This is important to these people. I hope you can not support the pending motion and follow my light and vote this down and vote this bill in. It's important to these people and our tourism industry in Maine. Thank you.

**THE PRESIDENT:** The pending question before the Senate is Acceptance of the Majority Ought Not to Pass Report. Is the Senate ready for the question?

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

#### ROLL CALL (#401)

**YEAS:** Senators: BAILEY, BREEN, BRENNER, CARNEY, CHIPMAN, CLAXTON, DAUGHTRY, DIAMOND, LAWRENCE, LIBBY, LUCHINI, MIRAMANT, RAFFERTY, SANBORN, VITELLI, PRESIDENT JACKSON

**NAYS:** Senators: BALDACCI, BENNETT, BLACK, CURRY, CYRWAY, DAVIS, DESCHAMBAULT, DILL, FARRIN, GUERIN, HICKMAN, KEIM, MAXMIN, MOORE, POULIOT, ROSEN, STEWART, TIMBERLAKE, WOODSOME

16 Senators having voted in the affirmative and 19 Senators having voted in the negative, the motion by Senator **CARNEY** of Cumberland to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report **FAILED**.

The Minority **OUGHT TO PASS AS AMENDED** Report **ACCEPTED**.

**READ ONCE.**

Committee Amendment "A" (S-322) **READ** and **ADOPTED**.

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

Sent down for concurrence.

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**Divided Report**

The Majority of the Committee on **JUDICIARY** on Bill "An Act To Provide Dignity for Fetal Remains by Requiring Their Interment or Cremation"

S.P. 398 L.D. 1225

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

Signed:

Senators:

CARNEY of Cumberland  
SANBORN of Cumberland

Representatives:

HARNETT of Gardiner  
BABBIDGE of Kennebunk  
EVANGELOS of Friendship  
MORIARTY of Cumberland  
RECKITT of South Portland  
SHEEHAN of Biddeford

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (S-319)**.

Signed:

Senator:

KEIM of Oxford

Representatives:

HAGGAN of Hampden  
LIBBY of Auburn  
POIRIER of Skowhegan  
THORNE of Carmel

(Representative NEWELL of the Passamaquoddy Tribe - of the House - supports the Majority **Ought Not To Pass** Report.)

Reports **READ**.

Senator **CARNEY** of Cumberland moved the Senate **ACCEPT** the Majority **OUGHT NOT TO PASS** Report.

On motion by Senator **POULIOT** of Kennebec, 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 Cumberland, Senator Carney.

Senator **CARNEY:** Thank you, Mr. President. Colleagues of the Senate, the good Senator from Kennebec did not intend to create a hurtful bill, one that intrudes on the grief that is sometimes part of pregnancy, but testimony at the public hearing showed us the harm this bill would inflict. One woman, who was excited to have a second child, suffered two miscarriages. The physical pain, grief, and medical bills were significant and hard to manage, each in a different way. This bill would add to those burdens of pain, grief, and expense. A state mandate that all fetal remains receive individual cremation or interment. It forces families to cope with their grief by following a rigid, state mandated process. Blood

and tissue would have to be collected during the miscarriage, a cremation or burial arranged, and these expenses added to medical bills the family has to pay. There is no state policy that justifies intrusion on Maine women and families in this way. Please support the pending Ought Not to Pass motion. Thank you.

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

Senator **KEIM:** Thank you, Mr. President. Ladies and gentlemen of the Senate, just to clarify, the underlying bill now has been changed and amended and does not deal with miscarriage and it is simply that the fetal remains of a child that's been aborted and is in a healthcare facility, that that would be given the respect of a real resting place. There would be no cost to the women and they, in fact, would not even need to know. It just changes the law to say that a child that has been aborted is not just to be thrown in the trash but, instead, to have the respect of human life and be buried. It's simply that. Thank you.

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

Senator **BRENNER:** Good afternoon. Thank you, Mr. President. As a woman of Jewish faith and a nurse midwife, I rise in support of the pending motion, in fierce opposition to this bill. I know that if it is passed this bill would cause irreparable harm to families across the state. First, this bill flies in the face of our religious freedom. At the public hearing we heard from Leah Coplon, a fellow nurse midwife and my former partner in a midwifery practice, who put it in simple terms. 'As a Jewish woman I can tell you that this law is incompatible with my religious beliefs on when and if fetal tissue should be buried. I cannot even imagine the amount of distress this would have created for my friends and family who experienced early pregnancy losses if they were forced to defy their religious beliefs due to such a law.' Mr. President, 10% to 15% of all pregnancies result in miscarriage. It is common and often painful for many Mainers trying to become parents or grow their families. As a certified midwife, I've been there for my patients through this traumatic period and I can tell delivering the news of miscarriage to a family who has been trying to conceive or who has been celebrating the joy of a pregnancy that won't be is heart wrenching. I can only imagine how much more distressing this experience would be if the State stepped in and mandated how a grieving family could move on from this loss, especially if it were in a way that conflicts with their religious beliefs.

Second, this bill interferes with the ability of a medical provider to provide personalized, straightforward, and evidence-based care to their patients. The relationship between a care provider, a patient, and her family needs no additional barriers. Patients should not have to worry about whether or not political rhetoric will undercut their access to quality, evidence-based healthcare. Whether a patient is experiencing a miscarriage or an unwanted pregnancy, it's the job of each healthcare provider to provide the best possible care to the patient in front of them.

I'll leave you with these words that were said during the public hearing. Imagine forcing a victim of sexual assault to make burial arrangements after an abortion or telling someone who has miscarried at home that they must collect the tissue and make burial arrangements, otherwise they risk being charged with a

crime. This is a deeply harmful proposal that disrespects individual religious beliefs, makes inappropriate assumptions, and interferes with quality medical care. I urge you to support the pending motion and oppose this bill. Thank you.

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

Senator **KEIM:** Thank you, Mr. President. Forgive me for rising a second time but, again, I just need to clarify that this bill has nothing to do with miscarriage and we did hear heartbreaking stories and I would also not support something that would interfere with a woman and how she chooses to move forward after losing a child. This is simply a bill that gives respect to fetal remains that are in a healthcare facility. It is a very different bill and it is only about respect for fetal remains and the mother need not even know that this happens. Thank you.

**THE PRESIDENT:** The pending question before the Senate is Acceptance of the Majority Ought Not to Pass Report. Is the Senate ready for the question?

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

#### ROLL CALL (#402)

YEAS: Senators: BAILEY, BALDACCI, BENNETT, BREEN, BRENNER, CARNEY, CHIPMAN, CLAXTON, CURRY, DAUGHTRY, DESCHAMBAULT, DIAMOND, DILL, HICKMAN, LAWRENCE, LIBBY, LUCHINI, MAXMIN, MIRAMANT, MOORE, RAFFERTY, SANBORN, VITELLI, WOODSOME, PRESIDENT JACKSON

NAYS: Senators: BLACK, CYRWAY, DAVIS, FARRIN, GUERIN, KEIM, POULIOT, ROSEN, STEWART, TIMBERLAKE

25 Senators having voted in the affirmative and 10 Senators having voted in the negative, the motion by Senator **CARNEY** of Cumberland to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report **PREVAILED**.

Sent down for concurrence.

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#### Divided Report

The Majority of the Committee on **JUDICIARY** on Bill "An Act Concerning Informed Consent of Minors' Authority to Release Health Care Information"

S.P. 487 L.D. 1510

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

Signed:

Senators:

CARNEY of Cumberland  
SANBORN of Cumberland

Representatives:

HARNETT of Gardiner  
BABBIDGE of Kennebunk  
EVANGELOS of Friendship  
MORIARTY of Cumberland  
RECKITT of South Portland  
SHEEHAN of Biddeford

The Minority of the same Committee on the same subject reported that the same **Ought To Pass**.

Signed:

Senator:

KEIM of Oxford

Representatives:

HAGGAN of Hampden  
LIBBY of Auburn  
POIRIER of Skowhegan  
THORNE of Carmel

Reports **READ**.

On motion by Senator **CARNEY** of Cumberland, the Majority **OUGHT NOT TO PASS** Report **ACCEPTED**.

Sent down for concurrence.

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#### Divided Report

The Majority of the Committee on **JUDICIARY** on Bill "An Act To Improve Consistency within the Maine Human Rights Act"  
S.P. 544 L.D. 1688

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-323)**.

Signed:

Senators:

CARNEY of Cumberland  
SANBORN of Cumberland

Representatives:

HARNETT of Gardiner  
BABBIDGE of Kennebunk  
EVANGELOS of Friendship  
MORIARTY of Cumberland  
RECKITT of South Portland  
SHEEHAN of Biddeford

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

Signed:

Senator: KEIM of Oxford

Representatives: HAGGAN of Hampden  
POIRIER of Skowhegan  
THORNE of Carmel

Reports **READ**.

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

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

**ROLL CALL (#403)**

YEAS: Senators: BAILEY, BALDACCI, BREEN, BRENNER, CARNEY, CHIPMAN, CLAXTON, CURRY, DAUGHTRY, DESCHAMBAULT, DIAMOND, DILL, HICKMAN, LAWRENCE, LIBBY, LUCHINI, MAXMIN, MIRAMANT, RAFFERTY, SANBORN, VITELLI, PRESIDENT JACKSON

NAYS: Senators: BENNETT, BLACK, CYRWAY, DAVIS, FARRIN, GUERIN, KEIM, MOORE, POULIOT, ROSEN, STEWART, TIMBERLAKE, WOODSOME

22 Senators having voted in the affirmative and 13 Senators having voted in the negative, the motion by Senator **CARNEY** of Cumberland to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report **PREVAILED**.

Bill **READ ONCE**.

Committee Amendment "A" (S-323) **READ** and **ADOPTED**.

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

Sent down for concurrence.

All matters thus acted upon, with the exception of those matters being held, were ordered sent down forthwith for concurrence.

Senate at Ease.

The Senate was called to order by the President.

Off Record Remarks

**RECESSED** until 6:00 in the evening.

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

Off Record Remarks

**ENACTORS**

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

**Emergency Resolve**

Resolve, To Provide Additional Funding to Nursing Facilities and Private Nonmedical Institutions for Costs Related to COVID-19  
S.P. 301 L.D. 949  
(H "A" H-572 to C "A" S-205)

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

**Emergency Resolve**

Resolve, To Protect Consumers of Public Drinking Water by Establishing Maximum Contaminant Levels for Certain Substances and Contaminants  
S.P. 64 L.D. 129  
(C "A" S-264)

This being a Mandate, in accordance with the provisions of Section 21 of Article IX of the Constitution, having received the affirmative vote of 35 Members of the Senate, with no Senators having voted in the negative, and 35 being more than two-thirds of the entire elected Membership of the Senate, was **FINALLY PASSED** and, having been signed by the President, was presented by the Secretary to the Governor for approval.

**Mandate**

An Act To Implement the Recommendations of the Right To Know Advisory Committee  
H.P. 996 L.D. 1345  
(C "A" H-593)

This being a Mandate, in accordance with the provisions of Section 21 of Article IX of the Constitution, having received the affirmative vote of 35 Members of the Senate, with no Senators having voted in the negative, and 35 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.

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**Acts**

An Act Concerning the Regulation of Air Emissions at Petroleum Storage Facilities

H.P. 119 L.D. 163  
(H "A" H-582; S "A" S-221  
to C "A" H-441)

An Act To Prohibit Contributions, Expenditures and Participation by Foreign Government-owned Entities To Influence Referenda

S.P. 82 L.D. 194  
(C "A" S-125; H "A" H-581)

An Act Regarding Recording of Witness Interviews

H.P. 324 L.D. 448  
(C "A" H-571)

An Act To Enhance Tribal-State Collaboration in the Enforcement of Child Support

H.P. 407 L.D. 562  
(C "A" H-569)

An Act To Allow Maine Nonprofit Corporations To Hold Meetings Electronically

S.P. 271 L.D. 683  
(C "A" S-258)

An Act To Increase the Value of Property Exempt from Attachment and Execution

H.P. 542 L.D. 737  
(C "A" H-589)

An Act Regarding Civil Mental Health Evaluations of Former Criminal Defendants

H.P. 552 L.D. 747  
(C "A" H-586)

An Act To Ensure the Appropriate Allocation of Victim Restitution

H.P. 602 L.D. 834  
(C "A" H-595)

An Act Regarding Deferred Disposition

H.P. 609 L.D. 841  
(C "A" H-568)

An Act Regarding the Issuance of a Birth Certificate Following a Gender Marker Change

H.P. 623 L.D. 855

An Act To Protect Teachers' Privacy While Delivering Remote Instruction

H.P. 632 L.D. 864  
(C "A" H-596)

An Act To Restrict the Collection of Surveillance Video, Information and Data Regarding Lawful Firearm Purchases

S.P. 299 L.D. 884  
(C "A" S-120)

An Act To Protect Data Privacy and Security in Elections

H.P. 672 L.D. 916  
(S "A" S-266 to C "A" H-513)

An Act Regarding Notice by Health Insurance Carriers of Policy Changes

H.P. 701 L.D. 945  
(C "A" H-578)

An Act To Reduce the Burden on Courts and Promote the Resolution of Civil Cases

H.P. 838 L.D. 1160  
(C "A" H-590)

An Act To Bring Gender Parity to Corporate Boards

H.P. 878 L.D. 1200  
(C "A" H-573)

An Act To Support Survivors of Sex Trafficking and Exploitation

H.P. 1071 L.D. 1455  
(C "A" H-587)

An Act To Reduce Homelessness by Reducing Evictions

S.P. 485 L.D. 1508  
(S "A" S-265 to C "A" S-257)

An Act To Expand Tenant Representation on Boards of Directors of Nonprofit Housing Corporations

H.P. 1195 L.D. 1606  
(C "A" H-567)

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

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An Act To Establish a Fund To Compensate Unjustly Incarcerated Persons

H.P. 352 L.D. 478  
(C "A" H-575)

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

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An Act To Amend the Safe Haven Laws

H.P. 405 L.D. 560  
(C "A" H-570)

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

Resolve, To Establish the Commission To Create a Plan To Incorporate the Probate Courts into the Judicial Branch  
H.P. 530 L.D. 719  
(C "A" H-588)

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An Act To Increase the Fees Paid to Sheriffs and Their Deputies for Service of Civil Process Documents

H.P. 621 L.D. 853  
(C "A" H-594)

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On motion by Senator **DAUGHTRY** of Cumberland, placed on the **SPECIAL STUDY TABLE** pending **FINAL PASSAGE**, in concurrence.

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

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Resolve, Directing the Department of Education To Establish the Process for Transitioning the Provision of Early Childhood Special Education Services for Children with Disabilities from 4 Years of Age to under 6 Years of Age from the Regional Child Development Services System to School Administrative Units  
H.P. 270 L.D. 386  
(H "A" H-598 to C "A" H-506)

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An Act To Establish Appliance Energy and Water Standards

H.P. 696 L.D. 940  
(S "A" S-267 to C "A" H-298)

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

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

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Resolve, To Require the Revisor of Statutes To Compile a List of Mandatory Minimum Sentences Contained in the Maine Revised Statutes

H.P. 959 L.D. 1303  
(C "A" H-574)

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An Act To Require Election Transparency and Audits

H.P. 833 L.D. 1155  
(H "A" H-597 to C "A" H-530)

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

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

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An Act To Prevent Discrimination against Domestic Violence Victims

S.P. 422 L.D. 1294  
(C "A" S-261)

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#### HELD MATTER

An Act To Require That Private Schools That Enroll 60 Percent or More Publicly Funded Students Meet Certain Requirements  
H.P. 1243 L.D. 1672  
(C "A" H-463)

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

(In House, June 14, 2021, **PASSED TO BE ENACTED.**)

(In Senate, June 15, 2021, **FAILED ENACTMENT**, in **NON-CONCURRENCE.**)

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#### Resolves

Resolve, Regarding the Shore Damage Mitigation Project in Saco Bay

H.P. 702 L.D. 946  
(C "A" H-585)

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On motion by Senator **ROSEN** of Hancock, the Senate **RECONSIDERED** whereby the Bill **FAILED ENACTMENT**.

Senator **BENNETT** of Oxford moved the Bill and accompanying papers **INDEFINITELY POSTPONED**, in **NON-CONCURRENCE**.

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**FINALLY PASSED** and, having been signed by the President, was presented by the Secretary to the Governor for approval.

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



The Chair noted the absence of the Senator from Hancock, Senator **LUCHINI**, and further excused the same Senator from today's Roll Call votes.

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

**ROLL CALL (#404)**

YEAS: Senators: BAILEY, BALDACCI, BENNETT, BLACK, CYRWAY, DAVIS, FARRIN, GUERIN, KIEM, MAXMIN, MIRAMANT, POULIOT, ROSEN, STEWART, TIMBERLAKE, WOODSOME

NAYS: Senators: BREEN, BRENNER, CARNEY, CHIPMAN, CLAXTON, CURRY, DAUGHTRY, DESCHAMBAULT, DIAMOND, DILL, HICKMAN, LAWRENCE, LIBBY, MOORE, RAFFERTY, SANBORN, VITELLI, PRESIDENT JACKSON

EXCUSED: Senator: LUCHINI

16 Senators having voted in the affirmative and 18 Senators having voted in the negative, with 1 Senator being excused, the motion by Senator **BENNETT** of Oxford to **INDEFINITELY POSTPONE** the Bill and accompanying papers, in **NON-CONCURRENCE, FAILED**.

The motion before the Senate was Enactment, in concurrence.

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

**ROLL CALL (#405)**

YEAS: Senators: BREEN, BRENNER, CARNEY, CHIPMAN, CLAXTON, CURRY, DAUGHTRY, DESCHAMBAULT, DIAMOND, DILL, HICKMAN, LAWRENCE, LIBBY, MOORE, RAFFERTY, SANBORN, VITELLI, PRESIDENT JACKSON

NAYS: Senators: BAILEY, BALDACCI, BENNETT, BLACK, CYRWAY, DAVIS, FARRIN, GUERIN, KEIM, MAXMIN, MIRAMANT, POULIOT, ROSEN, STEWART, TIMBERLAKE, WOODSOME

EXCUSED: Senator: LUCHINI

18 Senators having voted in the affirmative and 16 Senators having voted in the negative, with 1 Senator being excused, was **PASSED TO BE ENACTED** and, having been signed by the President, was presented by the Secretary to the Governor for approval.

**ORDERS OF THE DAY**

**Unfinished Business**

The following matters in the consideration of which the Senate was engaged at the time of Adjournment had preference in the Orders of the Day and continued with such preference until disposed of as provided by Senate Rule 516.

The Chair laid before the Senate the following Tabled and Later Assigned (6/8/21) matter:

SENATE REPORT - from the Committee on **STATE AND LOCAL GOVERNMENT** on Resolve, Establishing the Commission To Research Effective Strategies and Efficiencies of Legislatures

S.P. 341 L.D. 1073

Report - **Ought to Pass as Amended by Committee Amendment "A" (S-199)**

Tabled - June 8, 2021 by Senator **BALDACCI** of Penobscot

Pending - **ACCEPTANCE OF REPORT**

(In Senate, June 8, 2021, Report **READ**.)

Report **ACCEPTED**.

Resolve **READ ONCE**.

Committee Amendment "A" (S-199) **READ**.

On motion by Senator **BALDACCI** of Penobscot, Senate Amendment "A" (S-333) to Committee Amendment "A" (S-199) **READ** and **ADOPTED**.

Committee Amendment "A" (S-199) as Amended by Senate Amendment "A" (S-333) **ADOPTED**.

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-199) AS AMENDED BY SENATE AMENDMENT "A" (S-333)**.

Ordered sent down forthwith for concurrence.

The Chair laid before the Senate the following Tabled and Later Assigned (6/10/21) matter:

An Act To Create a Graduated Real Estate Transfer Tax  
H.P. 302 L.D. 418  
(C "A" H-373)

Tabled - June 10, 2021 by Senator **POULIOT** of Kennebec

Pending - **ENACTMENT**, in concurrence

(In Senate, June 8, 2021, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-373)**, in concurrence.)

(In House, **PASSED TO BE ENACTED.**)

Senator **POULIOT** of Kennebec moved the Bill and accompanying papers be **INDEFINITELY POSTPONED**, in **NON-CONCURRENCE**.

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

#### **ROLL CALL (#406)**

YEAS: Senators: BENNETT, BLACK, CYRWAY, DAVIS, DILL, FARRIN, GUERIN, HICKMAN, KEIM, MOORE, POULIOT, ROSEN, STEWART, TIMBERLAKE, WOODSOME

NAYS: Senators: BAILEY, BALDACCI, BREEN, BRENNER, CARNEY, CHIPMAN, CLAXTON, CURRY, DAUGHTRY, DESCHAMBAULT, DIAMOND, LAWRENCE, LIBBY, MAXMIN, MIRAMANT, RAFFERTY, SANBORN, VITELLI, PRESIDENT JACKSON

EXCUSED: Senator: LUCHINI

15 Senators having voted in the affirmative and 19 Senators having voted in the negative, with 1 Senator being excused, the motion by Senator **POULIOT** of Kennebec to **INDEFINITELY POSTPONE** the Bill and accompanying papers, in **NON-CONCURRENCE, FAILED**.

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

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The Chair laid before the Senate the following Tabled and Later Assigned (6/14/21) matter:

An Act To Create the Maine Rental Assistance and Guarantee Program

H.P. 347 L.D. 473  
(C "A" H-488)

Tabled - June 14, 2021 by Senator **BREEN** of Cumberland

Pending - **ENACTMENT** in concurrence

(In Senate, June 10, 2021, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-488)**, in concurrence.)

(In House, **PASSED TO BE ENACTED.**)

On motion by Senator **HICKMAN** of Kennebec, the Senate **SUSPENDED THE RULES**.

On further motion by same Senator, the Senate **RECONSIDERED** whereby the Bill was **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-488)**, in concurrence.

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

On further motion by same Senator, the Senate **RECONSIDERED** whereby it **ADOPTED** Committee Amendment "A" (H-488), in concurrence.

On further motion by same Senator, Senate Amendment "A" (S-286) to Committee Amendment "A" (H-488) **READ**.

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

Senator **HICKMAN:** Thank you, Mr. President. Mr. President, this amendment provides that the Maine Rental Assistance and Guarantee Program Fund may receive money from available state, federal, or private sources, including funds provided to the state by the federal government pursuant to the federal American Rescue Plan Act of 2021. Thank you, Mr. President.

On motion by Senator **HICKMAN** of Kennebec, Senate Amendment "A" (S-286) to Committee Amendment "A" (H-488) **ADOPTED**.

Committee Amendment "A" (H-488) as Amended by Senate Amendment "A" (S-286) thereto, **ADOPTED**, in **NON-CONCURRENCE**.

**PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-488) AS AMENDED BY SENATE AMENDMENT "A" (S-286)** thereto, in **NON-CONCURRENCE**.

Ordered sent down forthwith for concurrence.

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The Chair laid before the Senate the following Tabled and Later Assigned (6/15/21) matter:

HOUSE REPORTS - from the Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act To Keep All Maine Students Safe by Restricting the Use of Seclusion and Restraint in Schools"

H.P. 1007 L.D. 1373  
(C "A" H-545)

Majority - **Ought to Pass as Amended by Committee Amendment "A" (H-545)** (8 members)

Minority - **Ought Not to Pass** (5 members)

Tabled - June 15, 2021 by Senator **TIMBERLAKE** of Androscoggin

Pending - motion by Senator **RAFFERTY** of York to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report, in concurrence

(In House, June 14, 2021, the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-545)**.)

(In Senate, June 15, 2021, Reports **READ**.)

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

#### **ROLL CALL (#407)**

YEAS: Senators: BAILEY, BREEN, BRENNER, CARNEY, CHIPMAN, CLAXTON, DAUGHTRY, HICKMAN, LAWRENCE, LIBBY, MIRAMANT, RAFFERTY, VITELLI

NAYS: Senators: BALDACCI, BENNETT, BLACK, CURRY, CYRWAY, DAVIS, DESCHAMBAULT, DIAMOND, DILL, FARRIN, GUERIN, KEIM, MAXMIN, MOORE, POULIOT, ROSEN, SANBORN, STEWART, TIMBERLAKE, WOODSOME, PRESIDENT JACKSON

EXCUSED: Senator: LUCHINI

13 Senators having voted in the affirmative and 21 Senators having voted in the negative, with 1 Senator being excused, the motion by Senator **RAFFERTY** of York to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report, in concurrence, **FAILED**.

The Minority **OUGHT NOT TO PASS** Report **ACCEPTED**, in **NON-CONCURRENCE**.

Sent down for concurrence.

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The Chair laid before the Senate the following Tabled and Later Assigned (6/15/21) matter:

An Act To Establish the Maine Buy American and Build Maine Act  
S.P. 461 L.D. 1411  
(S "A" S-247 to C "A" S-234)

Tabled - June 15, 2021 by Senator **VITELLI** of Sagadahoc

Pending - **ENACTMENT**, in concurrence

(In Senate, June 10, 2021, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-234) AS AMENDED BY SENATE AMENDMENT "A" (S-247)**, thereto.)

(In House, **PASSED TO BE ENACTED**.)

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

The Chair laid before the Senate the following Tabled and Later Assigned (6/15/21) matter:

HOUSE REPORTS - from the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** on Bill "An Act To Amend the Child Endangerment Laws To Include Certain Unauthorized Access to a Loaded Firearm"

H.P. 564 L.D. 759

Majority - **Ought to Pass as Amended by Committee Amendment "A" (H-292)** (8 members)

Minority - **Ought Not to Pass** (5 members)

Tabled - June 15, 2021 by Senator **LIBBY** of Androscoggin

Pending - **ACCEPTANCE OF EITHER REPORT**

(In House, June 10, 2021, the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-292)**.)

(In Senate, June 15, 2021, Reports **READ**.)

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

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

#### **ROLL CALL (#408)**

YEAS: Senators: BAILEY, BREEN, BRENNER, CARNEY, CHIPMAN, CLAXTON, DAUGHTRY, DESCHAMBAULT, DIAMOND, DILL, LAWRENCE, LIBBY, LUCHINI, MAXMIN, MIRAMANT, RAFFERTY, SANBORN, VITELLI

NAYS: Senators: BALDACCI, BENNETT, BLACK, CURRY, CYRWAY, DAVIS, FARRIN, GUERIN, HICKMAN, KEIM, MOORE, POULIOT, ROSEN, STEWART, TIMBERLAKE, WOODSOME, PRESIDENT JACKSON

18 Senators having voted in the affirmative and 17 Senators having voted in the negative, the motion by Senator **BREEN** of Cumberland to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report, in concurrence, **PREVAILED**.

Bill **READ ONCE**.

Committee Amendment "A" (H-292) **READ**.

On motion by Senator **BREEN** of Cumberland, Senate Amendment "A" (S-297) to Committee Amendment "A" (H-292) **READ**.

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

Senator **BREEN:** Thank you, Mr. President. Mr. President, this amendment is very specific. After the word 'child' it inserts the words 'under 16 years of age' so that this amendment would make Maine law consistent with the fact that 16-year olds are eligible to apply for adult hunting licenses and there were concerns with some members of those discrepancies so this amendment clears up those discrepancies. Thank you.

On motion by Senator **POULIOT** of Kennebec, 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 Cyrway.

Senator **CYRWAY:** Thank you, Mr. President. Just a quick statement, there are three laws right now that cover this and this just adds another charge and also that it does set up some more confusion. So, that's what I wanted to say. Thank you, Mr. President.

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

Senator **DIAMOND:** Thank you, Mr. President and ladies and gentlemen of the Senate. I voted against this bill on Monday because I was very concerned about the age level as it would include 16-year olds that do get an adult hunting licenses, they can carry weapons same as adults, and it didn't seem to be very consistent. But this bill I see as this is really about adult responsibility, or irresponsibility, in enough cases that causes us to be concerned. This bill, I know that the minute we have a bill that has firearm in it or gun in it that we have two sides. I usually fall on the side of the Second Amendment people and making sure that the people who have guns have a right to keep them and buy them and sell them and all that they want to do. Of course the other side is a side that would like to put some restrictions on because they feel that safety is very important. But, again, this isn't about that at all. This is not a slippery slope, as I'm usually concerned about. This is not a case where we're going to have this lead to something else. This is really about taking care of kids and taking care and protecting them from irresponsible adults. This is not going to weaken any gun rights issues, not at all. I think the point we need to remember is this is going to protect children from people who would actually leave a loaded gun where a child could have access. Of all the gun

owners and enthusiasts I know, I don't know of one that would do that, not one. But I know there are people out there who would. So, I would say to the people who are always concerned, as I am usually, about, again, that slippery slope, this is not that. This is about putting in protections for the kids from adults who would do things that are irresponsible and I think if we look at it that way it makes a lot of sense. Thank you, Mr. President.

**THE PRESIDENT:** The pending question before the Senate is Adoption of Senate Amendment "A" (S-297) to Committee Amendment "A" (H-292). Is the Senate ready for the question?

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

**ROLL CALL (#409)**

**YEAS:** Senators: BAILEY, BALDACCI, BREEN, BRENNER, CARNEY, CHIPMAN, CLAXTON, DAUGHTRY, DESCHAMBAULT, DIAMOND, DILL, LAWRENCE, LIBBY, LUCHINI, MAXMIN, MIRAMANT, RAFFERTY, SANBORN, VITELLI, PRESIDENT JACKSON

**NAYS:** Senators: BENNETT, BLACK, CURRY, CYRWAY, DAVIS, FARRIN, GUERIN, HICKMAN, KEIM, MOORE, POULIOT, ROSEN, STEWART, TIMBERLAKE, WOODSOME

20 Senators having voted in the affirmative and 15 Senators having voted in the negative, the motion by Senator **BREEN** of Cumberland to **ADOPT** Senate Amendment "A" (S-297) to Committee Amendment "A" (H-292), **PREVAILED**.

Committee Amendment "A" (H-292) as Amended by Senate Amendment "A" (S-297) thereto, **ADOPTED**, in **NON-CONCURRENCE**.

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-292) AS AMENDED BY SENATE AMENDMENT "A" (S-297)** thereto, in **NON-CONCURRENCE**.

Ordered sent down forthwith for concurrence.

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All matters thus acted upon, with the exception of those matters being held, were ordered sent down forthwith for concurrence.

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The Chair laid before the Senate the following Tabled and Later Assigned (6/7/21) matter:

HOUSE REPORTS - from the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** on Bill "An Act Relating to Personnel Working in Public Safety"

H.P. 806 L.D. 1128

Majority - **Ought to Pass as Amended by Committee Amendment "A" (H-340)** (7 members)

Minority - **Ought to Pass as Amended by Committee Amendment "B" (H-341)** (6 members)

Tabled - June 7, 2021 by Senator **DESCHAMBAULT** of York

Pending - **ACCEPTANCE OF EITHER REPORT**

(In House, June 3, 2021, the Minority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "B" (H-341)** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (H-341)**.)

(In Senate, June 7, 2021, Reports **READ**.)

On motion by Senator **DESCHAMBAULT** of York, the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-340)** Report **ACCEPTED**, in **NON-CONCURRENCE**.

Bill **READ ONCE**.

Committee Amendment "A" (H-340) **READ** and **ADOPTED**.

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-340)**, in **NON-CONCURRENCE**.

Ordered sent down forthwith for concurrence.

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

#### REPORTS OF COMMITTEES

##### Senate

##### Divided Report

The Majority of the Committee on **VETERANS AND LEGAL AFFAIRS** on Bill "An Act Regarding Registered Dispensaries and Rules under the Maine Medical Use of Marijuana Act and the Definition of 'Resident' in the Marijuana Legalization Act" (EMERGENCY)

S.P. 425 L.D. 1319

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-327)**.

Signed:

Senators:

LUCHINI of Hancock  
FARRIN of Somerset

Representatives:

CAIAZZO of Scarborough

HARRINGTON of Sanford  
McCREIGHT of Harpswell  
RIELLY of Westbrook  
WOOD of Portland

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "B" (S-328)**.

Signed:

Senator:

HICKMAN of Kennebec

Representatives:

COREY of Windham  
DOLLOFF of Milton Township  
KINNEY of Knox  
SUPICA of Bangor  
TUTTLE of Sanford

Reports **READ**.

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

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

#### REPORTS OF COMMITTEES

##### Senate

##### Divided Report

The Majority of the Committee on **ENERGY, UTILITIES AND TECHNOLOGY** on Bill "An Act To Require Prompt and Effective Use of the Renewable Energy Resources of Northern Maine" S.P. 563 L.D. 1710

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-325)**.

Signed:

Senators:

LAWRENCE of York  
STEWART of Aroostook  
VITELLI of Sagadahoc

Representatives:

BERRY of Bowdoinham  
CARLOW of Buxton  
CUDDY of Winterport  
FOSTER of Dexter  
GROHOSKI of Ellsworth  
KESSLER of South Portland  
WOOD of Portland  
ZEIGLER of Montville

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

Signed:

Representative:  
WADSWORTH of Hiram

Reports **READ**.

On motion by Senator **LAWRENCE** of York, the Majority **UGHT TO PASS AS AMENDED** Report **ACCEPTED**.

Bill **READ ONCE**.

Committee Amendment "A" (S-325) **READ**.

On motion by Senator **STEWART** of Aroostook, Senate Amendment "A" (S-339) to Committee Amendment "A" (S-325) **READ** and **ADOPTED**.

Committee Amendment "A" (S-325) as Amended by Senate Amendment "A" (S-339) thereto, **ADOPTED**.

**PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-325) AS AMENDED BY SENATE AMENDMENT "A" (S-339)** thereto.

Ordered sent down forthwith for concurrence.

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All matters thus acted upon, with the exception of those matters being held, were ordered sent down forthwith for concurrence.

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#### Divided Report

The Majority of the Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act To Authorize a Memorial to the Victims of COVID-19"

S.P. 386 L.D. 1123

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-334)**.

Signed:

Senators:  
BALDACCI of Penobscot  
CLAXTON of Androscoggin

Representatives:  
MATLACK of St. George  
BRYANT of Windham  
COPELAND of Saco  
DOORE of Augusta  
PAULHUS of Bath

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

Signed:

Representatives:  
DOWNES of Bucksport  
GREENWOOD of Wales  
HEAD of Bethel  
RISEMAN of Harrison  
TUELL of East Machias

Reports **READ**.

On motion by Senator **BALDACCI** of Penobscot, the Majority **UGHT TO PASS AS AMENDED** Report **ACCEPTED**.

Bill **READ ONCE**.

Committee Amendment "A" (S-334) **READ** and **ADOPTED**.

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

Sent down for concurrence.

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

#### PAPERS FROM THE HOUSE

##### Joint Resolutions

The following Joint Resolution:

H.P. 1289

#### JOINT RESOLUTION CELEBRATING MARCH 25, 2021 AS THE 200TH ANNIVERSARY OF GREEK INDEPENDENCE AND CELEBRATING DEMOCRACY IN GREECE AND THE UNITED STATES

WHEREAS, on March 25, 1821, the Feast Day of the Annunciation, the Greek nation began a war of independence and overthrew the Ottoman Empire, which had oppressed and enslaved its people since the fall of Constantinople in 1453, and by this war reinstated a democracy, reclaiming its ancient heritage as the "Cradle of Democracy"; and

WHEREAS, the people of the United States generously offered humanitarian assistance to the Greek people during their struggle for independence; and

WHEREAS, the price for Greece in holding onto the values our nations hold in common has been high, as hundreds of thousands of civilians were killed in Greece during World War II; and

WHEREAS, modern-day Greece is a valuable and trusted ally of the United States and is one of only 3 nations in the world outside of the former British Empire that have joined the United States in every major international conflict in the last 100 years; and

WHEREAS, Greece, located in a region where Christianity meets Islam and Judaism, maintains excellent relations with Muslim nations and Israel and demonstrates religious tolerance; and

WHEREAS, Greece and the United States are at the forefront of the effort for freedom, democracy, peace, stability and human rights; and

WHEREAS, many American philhellenes participated and fought in the Greek War of Independence; and

WHEREAS, on October 4, 2019, United States Secretary of State Mike Pompeo visited Greece, where he met with Greek leaders, and together they signed an update to the Mutual Defense Cooperation Agreement; and

WHEREAS, Maine has been served in the United States Congress by 2 Greek Americans: the Honorable Peter Kyros, who served in the House of Representatives from 1967 to 1975, and the Honorable Olympia Snowe, who served in the House of Representatives from 1979 to 1995 and the Senate from 1995 to 2013; and

WHEREAS, the World Hellenic Inter-Parliamentary Association, or "WHIA," composed of several hundred members in over 30 countries, is the premier organization promoting Hellenism among the Greek diaspora over the past 2 decades and its recent president, Peter Katsambanis, has called upon Hellenes abroad to help other nations celebrate their heritage; and

WHEREAS, two Greek American former members of the Maine Legislature, the Honorable Zachary Matthews and the Honorable Stavros Mendros, helped form the WHIA, with the Honorable Stavros Mendros being a charter member and elected to the inaugural board of directors; and

WHEREAS, a high-level review of the United States-Greece Strategic Dialogue took place in Greece on September 28, 2020, which underscored Greece's importance to the United States as a geostrategic partner in the Eastern Mediterranean and Balkans and as an important NATO ally; and

WHEREAS, in support of the "Greece 2021" Committee established by the government of Greece, the United States Mission in Greece has launched a campaign to celebrate the bicentennial of Greek Independence and the 200 years of friendship between the United States and Greece; and

WHEREAS, it is proper and fitting that the United States celebrate this anniversary with the Greek people and reaffirm the democratic principles from which our 2 great nations were born; now, therefore, be it

RESOLVED: That We, the Members of the One Hundred and Thirtieth Legislature, now assembled in the First Special Session, on behalf of the people we represent, take this opportunity to celebrate March 25, 2021 as the 200th Anniversary of Greek Independence, and we reaffirm Maine's abiding commitment to the principles of democracy and religious tolerance.

Comes from the House, **READ** and **ADOPTED**.

**READ** and **ADOPTED**, in concurrence.

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The following Joint Resolution:

H.P. 1290

**JOINT RESOLUTION  
IN REMEMBRANCE OF THE 215 INDIGENOUS  
CHILDREN WHOSE REMAINS WERE FOUND  
ON THE GROUNDS OF THE KAMLOOPS INDIAN  
RESIDENTIAL SCHOOL IN BRITISH COLUMBIA**

WHEREAS, Indian residential schools were established in the United States and Canada in the 19th and 20th centuries to "civilize" Native American children and assimilate them into European culture; and

WHEREAS, Native American children were removed from the custody of their parents, given new European names, forbidden to speak their Indigenous languages and forced to abandon their Native American identity and culture; and

WHEREAS, formal government investigations have revealed documented cases of starvation and physical and mental abuse in these residential schools; and

WHEREAS, the last of these residential schools closed only as recently as 2007; and

WHEREAS, according to Canada's National Truth and Reconciliation Commission, at least 4,100 Canadian First Nations children died while attending residential schools in Canada; and

WHEREAS, due to poor and inaccurate record keeping, it is unknown how many Native American boys and girls died while attending residential schools in the United States; and

WHEREAS, on May 28, 2021, the remains of 215 children were found buried in a mass grave on the grounds of the former Kamloops Indian Residential School located in British Columbia; and

WHEREAS, the Canadian government recognized this moment by putting the Canadian flag at half-staff until further notice in memory of the thousands of children who were sent to residential schools, for those who never returned and in honor of the families whose lives were forever changed; now, therefore, be it

RESOLVED: That We, the Members of the One Hundred and Thirtieth Legislature now assembled in the First Special Session, on behalf of the people we represent, take this opportunity to honor and remember the 215 indigenous children found on the grounds of the Kamloops Indian Residential School in British Columbia.

Comes from the House, **READ** and **ADOPTED**.

**READ** and **ADOPTED**, in concurrence.

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

**REPORTS OF COMMITTEES**

**Senate**

**Ought to Pass As Amended**

Senator CURRY for the Committee on **INNOVATION, DEVELOPMENT, ECONOMIC ADVANCEMENT AND BUSINESS** on Bill "An Act To Establish the Maine Workforce, Research, Development and Student Achievement Institute"

S.P. 490 L.D. 1517

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-329)**.

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

Bill **READ ONCE**.

Committee Amendment "A" (S-329) **READ** and **ADOPTED**.

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

Sent down for concurrence.

Senator CARNEY for the Committee on **JUDICIARY** on Bill "An Act To Reform Alternative Sentencing Programs"  
S.P. 309 L.D. 957

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-331)**.

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

Bill **READ ONCE**.

Committee Amendment "A" (S-331) **READ** and **ADOPTED**.

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

Sent down for concurrence.

Senator CHIPMAN for the Committee on **TAXATION** on Bill "An Act To Help Seniors and Certain Persons with Disabilities Remain in Their Homes by Providing for the Deferral of Property Taxes"  
S.P. 522 L.D. 1638

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-335)**.

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

Bill **READ ONCE**.

Committee Amendment "A" (S-335) **READ** and **ADOPTED**.

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

Sent down for concurrence.

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

## REPORTS OF COMMITTEES

### Senate

## Divided Report

The Majority of the Committee on **JUDICIARY** on Bill "An Act To Limit Qualified Immunity of Law Enforcement Officers in Maine Civil Rights Act Claims"

S.P. 466 L.D. 1416

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-338)**.

Signed:

Senators:

CARNEY of Cumberland  
SANBORN of Cumberland

Representatives:

HARNETT of Gardiner  
BABBIDGE of Kennebunk  
CARDONE of Bangor  
EVANGELOS of Friendship  
McCREIGHT of Harpswell  
MORIARTY of Cumberland  
RECKITT of South Portland  
SHEEHAN of Biddeford

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

Signed:

Senator:

KEIM of Oxford

Representatives:

HAGGAN of Hampden  
POIRIER of Skowhegan

(Representative NEWELL of the Passamaquoddy Tribe - of the House - supports the Majority **Ought To Pass as Amended** Report.)

Reports **READ**.

Senator **CARNEY** of Cumberland moved the Senate **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report, in concurrence.

On motion by Senator **TIMBERLAKE** of Androscoggin, 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 Cumberland, Senator Carney.

Senator **CARNEY:** Thank you, Mr. President. I just wanted to clarify for my colleagues in the Senate that the amended version of L.D. 1416 changes the bill quite significantly to a Resolve that creates a study of how qualified immunity is used in Maine, how it impacts law enforcement agencies and members of the public in Maine, and also looks at what forms other states are engaging in.



So, that is the sum total of the bill at this point, a study. Thank you very much.

**THE PRESIDENT:** The pending question before the Senate is Acceptance of the Majority Ought to Pass as Amended Report. Is the Senate ready for the question?

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

**ROLL CALL (#410)**

YEAS: Senators: BAILEY, BREEN, BRENNER, CARNEY, CHIPMAN, CLAXTON, DAUGHTRY, LAWRENCE, LIBBY, MIRAMANT, RAFFERTY, SANBORN, VITELLI

NAYS: Senators: BALDACCI, BENNETT, BLACK, CURRY, CYRWAY, DAVIS, DESCHAMBAULT, DIAMOND, DILL, FARRIN, GUERIN, HICKMAN, KEIM, LUCHINI, MAXMIN, MOORE, POULIOT, ROSEN, STEWART, TIMBERLAKE, WOODSOME, PRESIDENT JACKSON

13 Senators having voted in the affirmative and 22 Senators having voted in the negative, the motion by Senator **CARNEY** of Cumberland to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report **FAILED**.

The Minority **OUGHT NOT TO PASS** Report **ACCEPTED**.

Sent down for concurrence.

**Divided Report**

The Majority of the Committee on **JUDICIARY** on Bill "An Act To Require Police To Enforce Court-ordered Child Custody Agreements"

S.P. 446 L.D. 1577

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-336)**.

Signed:

Senators:

CARNEY of Cumberland  
SANBORN of Cumberland

Representatives:

HARNETT of Gardiner  
BABBIDGE of Kennebunk  
CARDONE of Bangor  
EVANGELOS of Friendship  
McCREIGHT of Harpswell  
MORIARTY of Cumberland  
RECKITT of South Portland  
SHEEHAN of Biddeford

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

Signed:

Senator:

KEIM of Oxford

Representatives:

HAGGAN of Hampden  
POIRIER of Skowhegan

(Representative NEWELL of the Passamaquoddy Tribe - of the House - supports the Majority **Ought To Pass as Amended** Report.)

Reports **READ**.

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

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

Senator **CARNEY:** Thank you, Mr. President. I would like to explain to my colleagues in the Senate that this bill also has been changed to a study. It came to light during the course of the public hearing that Maine does need a process for addressing an emergency need to - with regard to taking custody of a child and so this legislation now forms a study under the authority of the Commission for Domestic and Sexual Abuse to study a process for emergency custody of a child. Thank you.

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

Bill **READ ONCE**.

Committee Amendment "A" (S-336) **READ** and **ADOPTED**.

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

Sent down for concurrence.

**Divided Report**

The Majority of the Committee on **JUDICIARY** on Bill "An Act To Improve Judicial Branch Facilities in Hancock County"  
S.P. 548 L.D. 1692

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-337)**.

Signed:

Senators:

CARNEY of Cumberland  
KEIM of Oxford  
SANBORN of Cumberland

Representatives:

HARNETT of Gardiner  
BABBIDGE of Kennebunk  
EVANGELOS of Friendship  
MORIARTY of Cumberland  
RECKITT of South Portland  
SHEEHAN of Biddeford  
THORNE of Carmel

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

Signed:

Representatives:

HAGGAN of Hampden  
POIRIER of Skowhegan

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-337) **READ**.

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Senate at Ease.

The Senate was called to order by the President.

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On motion by Senator **BREEN** of Cumberland, **TABLED** until Later in Today's Session, pending **ADOPTION** of Committee Amendment "A" (S-337).

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

**PAPERS FROM THE HOUSE**

**Non-Concurrent Matter**

Resolve, To Facilitate the Modernization and Streamlining of the Utility Pole Attachment Process

H.P. 894 L.D. 1219  
(S "A" S-306 to C "A" H-417)

In Senate, June 15, 2021, on motion by Senator **LAWRENCE** of York, Report **READ** and **ACCEPTED** and Resolve **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-417) AS AMENDED BY SENATE AMENDMENT "A" (S-306)** thereto in **NON-CONCURRENCE**.

Comes from the House, that Body having **INSISTED** on its former action whereby the Resolve was **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-417)**.

Senator **VITELLI** of Sagadahoc moved the Senate **ADHERE**.

On motion by Senator **STEWART** of Aroostook, the Senate **INSISTED** and **ASKED FOR A COMMITTEE OF CONFERENCE**.

Sent down for concurrence.

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

**RECALLED FROM GOVERNOR'S DESK**

Resolve, To Ensure That Community Mental Health Service Providers Can Access Pandemic Stimulus Funds

S.P. 85 L.D. 197  
(C "A" S-131)

(In Senate, June 8, 2021, **PASSED TO BE ENACTED**, in concurrence.)

(**RECALLED** from the Governor's Desk, pursuant to Joint Order (S.P. 580), in concurrence.)

On motion by Senator **BREEN** of Cumberland, the Senate **SUSPENDED THE RULES**.

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

On further motion by same Senator, placed on the **SPECIAL APPROPRIATIONS TABLE** pending **ENACTMENT**, in concurrence.

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

**ORDERS**

**Joint Order**

On motion by Senator **VITELLI** of Sagadahoc, the following Joint Order:

S.P. 582

**ORDERED**, the House concurring, that the procedures outlined in S.P. 9 that allow but do not require the conduct of legislative meetings via electronic means are in effect until the convening of the Second Regular Session of the 130th Legislature.

**READ** and **PASSED**.

Sent down for concurrence.

Off Record Remarks

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All matters thus acted upon, with the exception of those matters being held, were ordered sent down forthwith for concurrence.

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Senate at Ease.

The Senate was called to order by the President.

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**ORDERS OF THE DAY**

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

An Act Regarding an Excise Tax on Water Extracted for Commercial Bottling

H.P. 1166 L.D. 1569

Majority - **Ought to Pass as Amended by Committee Amendment "A" (H-644)** (8 members)

Minority - **Ought Not To Pass** (5 members)

Tabled - June 16, 2021 by Senator **VITELLI** of Sagadahoc

Pending - motion by Senator **CHIPMAN** of Cumberland to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report, in concurrence. (Roll Call Ordered)

(In House, June 15, 2021, the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-644)**.)

(In Senate, June 16, 2021, Reports **READ**.)

Senator **POULIOT** of Kennebec requested and received leave of the Senate to withdraw his request for a Roll Call.

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

Bill **READ ONCE**.

Committee Amendment "A" (H-644) **READ** and **ADOPTED**, in concurrence.

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

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All matters thus acted upon, with the exception of those matters being held, were ordered sent down forthwith for concurrence.

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**RECESSED** until the sound of the bell.

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

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

**REPORTS OF COMMITTEES**

**Senate**

**Divided Report**

The Majority of the Committee on **ENVIRONMENT AND NATURAL RESOURCES** on Bill "An Act To Amend the State's Electronic Waste Recycling Law"

S.P. 394 L.D. 1208

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

Signed:

Senators:

BRENNER of Cumberland

BENNETT of Oxford

CARNEY of Cumberland

Representatives:

TUCKER of Brunswick

BELL of Yarmouth

BLUME of York

DOUDERA of Camden

GRAMLICH of Old Orchard Beach

ZEIGLER of Montville

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (S-342)**.

Signed:

Representatives:

HANLEY of Pittston

JOHANSEN of Monticello

O'CONNOR of Berwick

TUELL of East Machias

Reports **READ**.

On motion by Senator **BRENNER** of Cumberland, the Majority **OUGHT NOT TO PASS** Report **ACCEPTED**.

Sent down for concurrence.

**Divided Report**

The Majority of the Committee on **JUDICIARY** on Bill "An Act To Clarify the Rule-making Authority of the Supreme Judicial Court Concerning Electronic Records and Filing"  
S.P. 357 L.D. 1096

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

Signed:

Senators:

CARNEY of Cumberland  
SANBORN of Cumberland

Representatives:

HARNETT of Gardiner  
BABBIDGE of Kennebunk  
EVANGELOS of Friendship  
HAGGAN of Hampden  
LIBBY of Auburn  
MORIARTY of Cumberland  
POIRIER of Skowhegan  
RECKITT of South Portland  
SHEEHAN of Biddeford  
THORNE of Carmel

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (S-341)**.

Signed:

Senator:

KEIM of Oxford

(Representative NEWELL of the Passamaquoddy Tribe - of the House - supports the Majority **Ought To Pass** Report.)

Reports **READ**.

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

Bill **READ ONCE**.

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

Sent down for concurrence.

**Divided Report**

Seven members of the Committee on **VETERANS AND LEGAL AFFAIRS** on Bill "An Act To Regulate Sports Betting"  
S.P. 437 L.D. 1352

Reported in Report "A" that the same **Ought to Pass as Amended by Committee Amendment "A" (S-343)**.

Signed:

Senator:

FARRIN of Somerset

Representatives:

CAIAZZO of Scarborough  
HARRINGTON of Sanford  
McCREIGHT of Harpswell  
RIELLY of Westbrook  
SUPICA of Bangor  
TUTTLE of Sanford

Three members of the same Committee on the same subject reported in Report "B" that the same **Ought to Pass as Amended by Committee Amendment "B" (S-344)**.

Signed:

Representatives:

COREY of Windham  
DOLLOFF of Milton Township  
KINNEY of Knox

Two members of the same Committee on the same subject reported in Report "C" that the same **Ought to Pass as Amended by Committee Amendment "C" (S-345)**.

Signed:

Senator:

LUCHINI of Hancock

Representative:

WOOD of Portland

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

Signed:

Senator:

HICKMAN of Kennebec

Reports **READ**.

On motion by Senator **LUCHINI** of Hancock, **TABLED** until Later in Today's Session, pending **ACCEPTANCE OF ANY REPORT**.

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

**REPORTS OF COMMITTEES**

**House**

**Divided Report**

The Majority of the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** on Bill "An Act To Decriminalize Homelessness"

H.P. 1093 L.D. 1478

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-663)**.

Signed:

Senators:

DESCHAMBAULT of York  
LAWRENCE of York

Representatives:

WARREN of Hallowell  
COSTAIN of Plymouth  
LOOKNER of Portland  
MORALES of South Portland  
NEWMAN of Belgrade  
PICKETT of Dixfield  
PLUECKER of Warren  
RECKITT of South Portland  
SHARPE of Durham

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

Signed:

Senator:

CYRWAY of Kennebec

Representative:

RUDNICKI of Fairfield

Comes from the House with the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-663)**.

Reports **READ**.

On motion by Senator **DESCHAMBAULT** of York, the Majority **OUGHT TO PASS AS AMENDED** Report **ACCEPTED**, in concurrence.

Bill **READ ONCE**.

Committee Amendment "A" (H-663) **READ** and **ADOPTED**, in concurrence.

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

### Divided Report

The Majority of the Committee on **JUDICIARY** on Bill "An Act To Expand Recovery Services to Persons on Probation"

H.P. 626 L.D. 858

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-678)**.

Signed:

Senators:

CARNEY of Cumberland  
SANBORN of Cumberland

Representatives:

HARNETT of Gardiner  
BABBIDGE of Kennebunk  
EVANGELOS of Friendship  
MORIARTY of Cumberland  
RECKITT of South Portland  
SHEEHAN of Biddeford

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

Signed:

Senator:

KEIM of Oxford

Representatives:

HAGGAN of Hampden  
LIBBY of Auburn  
POIRIER of Skowhegan  
THORNE of Carmel

(Representative NEWELL of the Passamaquoddy Tribe - of the House - supports the Majority **Ought To Pass as Amended** Report.)

Comes from the House with the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-678) AS AMENDED BY HOUSE AMENDMENT "A" (H-683)** thereto.

Reports **READ**.

Senator **CARNEY** of Cumberland moved the Senate **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report, in concurrence.

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

**ROLL CALL (#411)**

YEAS: Senators: BAILEY, BALDACCI, BREEN, BRENNER, CARNEY, CHIPMAN, CLAXTON, CURRY, DAUGHTRY, DESCHAMBAULT, DIAMOND, DILL, HICKMAN, LAWRENCE, LIBBY, LUCHINI, MAXMIN, MIRAMANT, RAFFERTY, SANBORN, VITELLI, PRESIDENT JACKSON

NAYS: Senators: BENNETT, BLACK, CYRWAY, DAVIS, FARRIN, GUERIN, KEIM, MOORE, POULIOT, ROSEN, STEWART, TIMBERLAKE, WOODSOME

22 Senators having voted in the affirmative and 13 Senators having voted in the negative, the motion by Senator **CARNEY** of Cumberland to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report, in concurrence, **PREVAILED**.

Bill **READ ONCE**.

Committee Amendment "A" (H-678) **READ**.

House Amendment "A" (H-683) to Committee Amendment "A" (H-678) **READ** and **ADOPTED**, in concurrence.

Committee Amendment "A" (H-678) as Amended by House Amendment "A" (H-683) thereto, **ADOPTED**, in concurrence.

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-678) AS AMENDED BY HOUSE AMENDMENT "A" (H-683)** thereto, in concurrence.

**Divided Report**

The Majority of the Committee on **JUDICIARY** on Bill "An Act To Establish Conviction Integrity Units in Maine"

H.P. 933 L.D. 1273

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-674)**.

Signed:

Senators:

CARNEY of Cumberland  
SANBORN of Cumberland

Representatives:

HARNETT of Gardiner  
BABBIDGE of Kennebunk  
CARDONE of Bangor  
EVANGELOS of Friendship  
McCREIGHT of Harpswell  
RECKITT of South Portland  
SHEEHAN of Biddeford

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

Signed:

Senator:

KEIM of Oxford

Representatives:

HAGGAN of Hampden  
MORIARTY of Cumberland  
POIRIER of Skowhegan

(Representative NEWELL of the Passamaquoddy Tribe - of the House - supports the Majority **Ought To Pass as Amended** Report.)

Comes from the House with the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-674)**.

Reports **READ**.

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

Bill **READ ONCE**.

Committee Amendment "A" (H-674) **READ** and **ADOPTED**, in concurrence.

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

**Divided Report**

The Majority of the Committee on **JUDICIARY** on Bill "An Act To Guarantee Housing Rights during a State of Civil Emergency" (EMERGENCY)

H.P. 952 L.D. 1296

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

Signed:

Senators:

CARNEY of Cumberland  
KEIM of Oxford  
SANBORN of Cumberland

Representatives:

BABBIDGE of Kennebunk  
CARDONE of Bangor  
HAGGAN of Hampden  
McCREIGHT of Harpswell  
MORIARTY of Cumberland  
POIRIER of Skowhegan  
RECKITT of South Portland  
SHEEHAN of Biddeford

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (H-675)**.

Signed:

Representatives:

HARNETT of Gardiner  
EVANGELOS of Friendship

(Representative NEWELL of the Passamaquoddy Tribe - of the House - supports the Majority **Ought Not To Pass** Report.)

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

Reports **READ**.

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

**Divided Report**

The Majority of the Committee on **JUDICIARY** on Bill "An Act To Protect Maine Businesses, Nonprofits, Educational Institutions and Municipalities during the COVID-19 Pandemic"  
H.P. 1037 L.D. 1403

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

Signed:

Senators:

CARNEY of Cumberland  
SANBORN of Cumberland

Representatives:

HARNETT of Gardiner  
BABBIDGE of Kennebunk  
CARDONE of Bangor  
EVANGELOS of Friendship  
McCREIGHT of Harpswell  
MORIARTY of Cumberland  
RECKITT of South Portland  
SHEEHAN of Biddeford

The Minority of the same Committee on the same subject reported that the same **Ought To Pass**.

Signed:

Senator:

KEIM of Oxford

Representatives:

HAGGAN of Hampden  
POIRIER of Skowhegan

(Representative NEWELL of the Passamaquoddy Tribe - of the House - supports the Majority **Ought Not To Pass** Report.)

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

Reports **READ**.

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

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

**ROLL CALL (#412)**

YEAS: Senators: BAILEY, BALDACCI, BREEN, BRENNER, CARNEY, CHIPMAN, CLAXTON, CURRY, DAUGHTRY, DESCHAMBAULT, DIAMOND, DILL, HICKMAN, LAWRENCE, LIBBY, LUCHINI, MAXMIN, MIRAMANT, RAFFERTY, SANBORN, VITELLI, PRESIDENT JACKSON

NAYS: Senators: BENNETT, BLACK, CYRWAY, DAVIS, FARRIN, GUERIN, KEIM, MOORE, POULIOT, ROSEN, STEWART, TIMBERLAKE, WOODSOME

22 Senators having voted in the affirmative and 13 Senators having voted in the negative, the motion by Senator **CARNEY** of Cumberland to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report, in concurrence, **PREVAILED**.

**Divided Report**

The Majority of the Committee on **JUDICIARY** on Bill "An Act To Establish and Practice Restorative Justice"  
H.P. 1206 L.D. 1617

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-676)**.

Signed:

Senators:

CARNEY of Cumberland  
SANBORN of Cumberland

Representatives:

HARNETT of Gardiner  
BABBIDGE of Kennebunk  
CARDONE of Bangor  
EVANGELOS of Friendship  
McCREIGHT of Harpswell  
MORIARTY of Cumberland  
POIRIER of Skowhegan  
RECKITT of South Portland  
SHEEHAN of Biddeford

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

Signed:

Senator:  
KEIM of Oxford

Representative:  
HAGGAN of Hampden

(Representative NEWELL of the Passamaquoddy Tribe - of the House - supports the Majority **Ought To Pass as Amended** Report.)

Comes from the House with the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-676)**.

Reports **READ**.

Senator **CARNEY** of Cumberland moved the Senate **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report, in concurrence.

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

Senator **CARNEY:** Thank you, Mr. President. I just want to clarify for my colleagues that this bill has changed. The content of the bill now simply defines the phrase 'restorative justice' for purposes of Maine's Victim Services Office, which can assist victims of crimes who are seeking compensation, restitution, and the other benefits of restorative justice. Thank you.

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

Bill **READ ONCE**.

Committee Amendment "A" (H-676) **READ** and **ADOPTED**, in concurrence.

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

**Divided Report**

The Majority of the Committee on **JUDICIARY** on Bill "An Act To Establish a System of Proportional Fines and To Repeal Certain Fees and Assessments"

H.P. 1213 L.D. 1630

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-668)**.

Signed:

Senators:  
CARNEY of Cumberland  
SANBORN of Cumberland

Representatives:  
HARNETT of Gardiner  
BABBIDGE of Kennebunk  
CARDONE of Bangor  
EVANGELOS of Friendship  
McCREIGHT of Harpswell  
MORIARTY of Cumberland  
RECKITT of South Portland  
SHEEHAN of Biddeford

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

Signed:

Senator:  
KEIM of Oxford

Representatives:  
HAGGAN of Hampden  
POIRIER of Skowhegan

(Representative NEWELL of the Passamaquoddy Tribe - of the House - supports the Majority **Ought To Pass as Amended** Report.)

Comes from the House with the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-668)**.

Reports **READ**.

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

Bill **READ ONCE**.

Committee Amendment "A" (H-668) **READ** and **ADOPTED**, in concurrence.

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

**Divided Report**

The Majority of the Committee on **JUDICIARY** on Bill "An Act To Amend the Bail Code"

H.P. 1266 L.D. 1703

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-677)**.

Signed:

Senators:  
CARNEY of Cumberland  
SANBORN of Cumberland



Representatives:

HARNETT of Gardiner  
BABBIDGE of Kennebunk  
CARDONE of Bangor  
EVANGELOS of Friendship  
McCREIGHT of Harpswell  
MORIARTY of Cumberland  
RECKITT of South Portland  
SHEEHAN of Biddeford

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

Signed:

Senator:

KEIM of Oxford

Representative:

POIRIER of Skowhegan

(Representative NEWELL of the Passamaquoddy Tribe - of the House - supports the Majority **Ought To Pass as Amended** Report.)

Comes from the House with the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-677)**.

Reports **READ**.

Senator **CARNEY** of Cumberland moved the Senate **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report, in concurrence.

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

**ROLL CALL (#413)**

YEAS: Senators: BAILEY, BALDACCI, BREEN, BRENNER, CARNEY, CHIPMAN, CLAXTON, CURRY, DAUGHTRY, DESCHAMBAULT, DIAMOND, DILL, HICKMAN, LAWRENCE, LIBBY, LUCHINI, MAXMIN, MIRAMANT, RAFFERTY, SANBORN, VITELLI, PRESIDENT JACKSON

NAYS: Senators: BENNETT, BLACK, CYRWAY, DAVIS, FARRIN, GUERIN, KEIM, MOORE, POULIOT, ROSEN, STEWART, TIMBERLAKE, WOODSOME

22 Senators having voted in the affirmative and 13 Senators having voted in the negative, the motion by Senator **CARNEY** of Cumberland to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report, in concurrence, **PREVAILED**.

Bill **READ ONCE**.

Committee Amendment "A" (H-677) **READ** and **ADOPTED**, in concurrence.

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

**Divided Report**

The Majority of the Committee on **LABOR AND HOUSING** on Bill "An Act To Protect Farm Workers by Allowing Them To Organize for the Purpose of Collective Bargaining"

H.P. 107 L.D. 151

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-679)**.

Signed:

Senators:

HICKMAN of Kennebec  
MIRAMANT of Knox

Representatives:

SYLVESTER of Portland  
CUDDY of Winterport  
GERE of Kennebunkport  
PEBORTH of Blue Hill  
ROEDER of Bangor  
WARREN of Scarborough

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

Signed:

Senator:

GUERIN of Penobscot

Representatives:

BRADSTREET of Vassalboro  
DRINKWATER of Milford  
MORRIS of Turner  
PRESCOTT of Waterboro

Comes from the House with the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-679)**.

Reports **READ**.

Senator **HICKMAN** of Kennebec moved the Senate **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report, in concurrence.

On motion by Senator **POULIOT** of Kennebec, 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 Androscoggin, Senator Timberlake.

Senator **TIMBERLAKE:** Thank you, Mr. President. Ladies and gentlemen of the Senate, I don't think you've ever heard me say in my life that I'm an eighth generation farmer, but probably only about 100 times. But that's who I am and that's what I come from. My family started farming in Maine in 1803. I'm going to keep this pretty short. I figure most of you have probably made up your mind. But in conversations I've had with some of you as I walk around here, and asking you questions of why you feel this bill was necessary, what I heard was that it used to be in law until 2011. Well, there was a law that was in place but it was only designed to be against one farmer and it was a farmer from my town, and it was DeCoster Egg Farms and the whole bill was wrote around, and the honorable John Nutting was the one who proposed that back in the late '90s. They were having some problems there. When they got all done there was nothing ever done with that and they never filed to unionize. But the whole bill was designed to deal with commercial egg producers producing, I think it was 100,000 hens or something like that. I don't remember the number because I didn't go and look it up today because I only heard it as I was walking around in here. But in 2011 that was removed when DeCoster Egg Farms was sold out to Hillandale and it's never been used. This law has been used in other states across the country and in some of them it's been pretty devastating to them so they had to remove it. So, I just ask you today - I think of the impact that this could have on the farmers in Maine who are already struggling and I ask that you think about the farmers in your community. They're usually really good neighbors. They give you the open space. They usually let you use their land. They usually let you do recreation, entertainment, hunting, fishing and without the farmers you don't have that open space because the last thing a farmer plants is a house on that land and, you know, I've watched my own family. We've planted a few houses about four or five years ago when we had some very, very hard times and there's nothing that hurts a farmer more than planting that house. So, as you think about what this bill really does and is it really necessary for the farmer you know in your community. I know almost all of them throughout the state, at one point in time or another we've met. This bill is not necessary. It creates an undue hardship. If something is to happen and this falls in the middle of somebody's blueberry harvest, strawberry harvest, potato harvest, apple harvest, and this becomes in play and some farmer loses his crop because of this. It's never been a problem in the 200 years that my family's been farming. So, I would ask you oppose this motion and join me. I know everyone of you knows a farmer, so I'm going to sit down and shut up and I thank each and every one of you for all the kindness that you give me here day in and day out. So, thank you.

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

Senator **GUERIN:** Thank you, Mr. President. Mr. President, ladies and gentlemen of the Senate, there were 103 testimonies in the Labor Committee on this bill. The vast majority of them were farmers and they were in opposition to the bill. I represent one of the highest percentages of dairy farms in the state, so I thought I would tell you part of the testimony from the Maine Dairy Industry Association. Lack of labor, general labor, not even

extending to skilled labor, is currently one of the largest challenges that Maine dairy farmers are facing. I know of at least one farm that has sold their cows and shut their doors for good because they have been unable to find suitable labor to operate the farm. Maine farmers are already turning their pockets inside out to offer financial incentives to get people to work on the farm. Workers on Maine farms are most often viewed and treated as family by the owner-operators of the farm. That was certainly true in my grandfather's dairy farm where hired men lived in the house. They ate the meals there, they were there for holidays. These people are part of a community where they shared employment goals, shared living situations, shared community services from religious service to grocery stores, and their children and family members attend school and play together, use the same doctors, and enjoy the same recreational activities in our beautiful state. Most farms operate on razor thin margins that prioritize employee wages over income for the owner-operator. If farms are mandated to pay higher amounts through unionization efforts over and above the current compensation, wages, and benefits that they offer it may mean the difference between the farm remaining open and having to close the doors because it's not cost effective to keep farming.

For workers who are in Maine farms through H-2A and other federal agricultural worker programs, the regulation and oversight of working conditions is stringent and there are many agency interactions with workers and opportunities to express dissatisfaction with their situation or conditions. Ultimately, if a worker is not happy with their working conditions or compensation and benefits, they can improve that by not returning or renewing their contractual agreements. Because of the significant shortage of skilled agricultural workers in Maine, farmers are very motivated to keep their workers. The norm in Maine is that the same workers continue their employment in Maine for many years, even decades, because of the positive working relationships between employer and employee. There are 196 dairy farms who are part of the Maine dairy industry, 99% of them are family owned and operated, and they make over 70 million gallons of milk to feed people in Maine and beyond and over 4,000 dairy-dependent jobs have continued without interruption, even during the height of the pandemic. The Maine Dairy Association urges you to vote Ought Not to Pass on the pending motion and I agree with them.

**THE PRESIDENT:** The Chair recognizes the Senator from Knox, Senator Miramant.

Senator **MIRAMANT:** Thank you, Mr. President. Senate colleagues, this is another one of those bills that puts potential there. Why do we have EMTs trained for the worse scenario? Emergency rooms ready for something that will never happen, for big chemical accidents when we don't have chemical plants. Because you don't know when that would be or what they'd have to respond to, whether it comes to them or they have to go to that. We put potential in place to protect people so we don't find ourselves lacking when something comes up, when the next DeCoster comes along. We have - we know the name Cesar Chavez because they were in such horrible conditions that someone finally rose up, got past the early lynchings, the disappearances, the deportations of anybody who spoke up for the people that they were working with, for their own families, for mistreatment, maltreatment. One of our own representatives who worked a long career in Attorney General's Office would go to

these different barns where they provided housing and, as my colleague, Senator Guerin, says, they used to be workers, lovely program, treated well, respected, a lot of great stuff about them. But the migrant workers who travel from place to place aren't on the best footing, sometimes some of them are illegal, but our farmers hire them because they need workers. They aren't treated well. They don't speak up. They're abused. There is sex trafficking of their daughters. There's all the worse things happening. That's the kind of thing we put something like this in place for. When somebody finally says we've had enough and we're not going to take it any more and there's a law in place to help them, no matter who they are, and that's why I'll support this and why I'm so glad we got through all that testimony of all those heartfelt farmers who really were saying what's it's like for them, for those workers who come to their place and they get nice housing. They get the folk's old house that now they've decided is better than their new house and they get their meals fed. These are requirements of their coming to work, along with their \$14.99 an hour. That's a great picture to paint but it's not the full picture. The full picture is we want something like this in place, ready to go. We have the chance to do and that's why I support it and I supported it out of committee too. Thank you.

**THE PRESIDENT:** The pending question before the Senate is Acceptance of the Majority Ought to Pass as Amended Report. Is the Senate ready for the question?

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

**ROLL CALL (#414)**

**YEAS:** Senators: BAILEY, BALDACCI, BREEN, BRENNER, CARNEY, CHIPMAN, CLAXTON, CURRY, DAUGHTRY, HICKMAN, LAWRENCE, LIBBY, MAXMIN, MIRAMANT, RAFFERTY, SANBORN, VITELLI, PRESIDENT JACKSON

**NAYS:** Senators: BENNETT, BLACK, CYRWAY, DAVIS, DESCHAMBAULT, DIAMOND, DILL, FARRIN, GUERIN, KEIM, LUCHINI, MOORE, POULIOT, ROSEN, STEWART, TIMBERLAKE, WOODSOME

18 Senators having voted in the affirmative and 17 Senators having voted in the negative, the motion by Senator **HICKMAN** of Kennebec to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report, in concurrence, **PREVAILED**.

Bill **READ ONCE**.

Committee Amendment "A" (H-679) **READ** and **ADOPTED**, in concurrence.

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

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All matters thus acted upon, with the exception of those matters being held, were ordered sent down forthwith for concurrence.

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

**REPORTS OF COMMITTEES**

**House**

**Divided Report**

The Majority of the Committee on **LABOR AND HOUSING** on Bill "An Act To Make Agricultural Workers and Other Workers Employees under the Wage and Hour Laws"

H.P. 760 L.D. 1022

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-659)**.

Signed:

Senators:

HICKMAN of Kennebec  
MIRAMANT of Knox

Representatives:

SYLVESTER of Portland  
CUDDY of Winterport  
GERE of Kennebunkport  
PEBORTH of Blue Hill  
ROEDER of Bangor  
WARREN of Scarborough

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

Signed:

Senator:

GUERIN of Penobscot

Representatives:

BRADSTREET of Vassalboro  
DRINKWATER of Milford  
MORRIS of Turner

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

Reports **READ**.

On motion by Senator **HICKMAN** of Kennebec, the Minority **OUGHT NOT TO PASS** Report **ACCEPTED**, in concurrence.

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All matters thus acted upon, with the exception of those matters being held, were ordered sent down forthwith for concurrence.

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**ORDERS OF THE DAY**

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

An Act Regarding Registered Dispensaries and Rules under the Maine Medical Use of Marijuana Act and the Definition of 'Resident' in the Marijuana Legalization Act (EMERGENCY)  
S.P. 425 L.D. 1319

Majority - **Ought to Pass as Amended by Committee Amendment "A" (S-327)** (7 members)

Minority - **Ought To Pass as Amended by Committee Amendment "B" (S-328)** (6 members)

Tabled - June 16, 2021 by Senator **VITELLI** of Sagadahoc

Pending - **ACCEPTANCE OF EITHER REPORT**

(In Senate, June 16, 2021, Reports **READ**.)

On motion by Senator **LUCHINI** of Hancock, the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (S-327)** Report **ACCEPTED**.

Bill **READ ONCE**.

Committee Amendment "A" (S-327) **READ** and **ADOPTED**.

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-327)**.

Sent down for concurrence.

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

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Off Record Remarks

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On motion by Senator **VITELLI** of Sagadahoc, **ADJOURNED** until Thursday, June 17, 2021 at 10:00 in the morning.