

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

In Senate Chamber
Tuesday
May 16, 2023

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

Prayer by Senator Matthea E. L. Daughtry of Cumberland County.

SENATOR DAUGHTRY: Good morning, everyone. I think we've reached the part of session where everything feels as if we have no time all the time and that every stressor is coming at us. So, this morning I have words of wisdom from two individuals that I both hold personally dear, and I know others in our Chamber and in our staff hold dear as well. The first that I'll be reading from is a major artist and poet of our generation, Taylor Swift. A few lyrics from her song, State of Grace. 'This is a state of grace, this is a worthwhile fight. Love is a ruthless game unless you play it good and right.' The second is from a book of poems and prayers from my late uncle, Reverend Bob Storer, who was a unitarian minister at the Winchester Church in Massachusetts, and this little prayer is one that I read every year around this session to remind me to just breathe and we'll all get through it. It's called 'Waiting.' 'There are times when we are hard-pressed, times when we are lonely, and times when we are troubled. We need the assurance that all can be well and all will be well. Help us, we pray, to develop something of the patience we witness in the natural world around us. In the variable but steady working of time and eternity. In this day of efficiency, of instant decisions and short methods, grant us the wisdom to ignore the immediate and rapid pressures. Help us to know when to take a pause and how to make use of it. Help us to know when to cover our eyes, when to muffle our ears, when to close our mouths, and when to halt the unbecoming movement. May we know when it is wise to go into neutral. We are grateful for all things that have worked out well in our lives, for the times when waiting has been profitable. May we continue to have faith in the future. Thus, may we face our days and nights in confidence and in peace. Amen.'

Pledge of Allegiance led by Senator Joseph M. Baldacci of Penobscot County.

Reading of the Journal of Thursday, May 11, 2023.

Off Record Remarks

PAPERS FROM THE HOUSE

Joint Resolutions

The following Joint Resolution:

H.P. 1234

**JOINT RESOLUTION
RECOGNIZING TEACHER APPRECIATION WEEK,
MAY 8, 2023 TO MAY 12, 2023**

WHEREAS, Maine's future depends upon the provision of high-quality education to all students; and

WHEREAS, teachers mold future citizens through guidance and education; and

WHEREAS, teachers are among the most dedicated of public servants in the State; and

WHEREAS, it is important to raise public awareness of the contributions of teachers and to promote greater respect for and understanding of the teaching profession; now, therefore, be it

RESOLVED: That We, the Members of the One Hundred and Thirty-first Legislature now assembled in the First Special Session, on behalf of the people we represent, take this opportunity to recognize the week of May 8, 2023 as Teacher Appreciation Week and strongly encourage the citizens of the State to recognize the efforts of teachers in educating the children of their communities and to support teachers in their efforts.

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

The Joint Resolution was **READ**.

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

Senator RAFFERTY: Thank you, Mr. President. Ladies and gentlemen of the Senate, I rise just to speak in regards to the Joint Resolution recognizing Teacher Appreciation Week. In my opinion, behind every successful person is a great teacher and yet educators barely get any praise for making the world go round. I think it's about time we changed that and I hope this recognition points us in that direction. A few words of appreciation are all it takes to make a teacher smile and say it's all worth it and, honestly, it's the least we can do. So, from a couple different points of view; from us, I'd like to say thank you, we appreciate you, we know that you don't just teach but rather prepare us for the road ahead. Your sacrifices don't go unnoticed and you make things easy to understand. From parents of your students, I'd like to think that you would hear things similar to: my child wants to learn more, they fell in love with your class. You truly care about your students. You're making a huge impact, and - of course, I lost my second half, but in any case, I think - oh, here it is, I'm sorry. From students that have gone on, former students, that might remark something similar, such as: I wouldn't be where I am without you, you saw something in me that I didn't see in myself, and I hope that my kids are lucky to have teachers as dedicated as you were. So, to the educators, thank you for being there, we're grateful for all you do and thank you, Mr. President, for the time.

The Joint Resolution was **ADOPTED**, in concurrence.

Off Record Remarks

The following Joint Resolution:

H.P. 1235

**JOINT RESOLUTION
RECOGNIZING MAY 2023 AS NATIONAL
PHYSICAL FITNESS AND SPORTS MONTH**

WHEREAS, every President of the United States since Ronald Reagan and including Joseph Biden has declared May to be National Physical Fitness and Sports Month; and

WHEREAS, the Maine Legislature is committed to supporting a thriving, vibrant and healthier community for residents of all ages and abilities; and

WHEREAS, the Maine Legislature recognizes the importance of providing access to safe and convenient places to be physically active for people regardless of age, gender, race, income, socioeconomic status, disability or geographic location; and

WHEREAS, approximately one in 5 children and 2 in 5 adults in the United States have obesity; and

WHEREAS, one in 2 adults in the United States lives with a chronic disease and about half of this group has 2 or more chronic diseases; and

WHEREAS, about one in 4 young adults in the United States is too overweight to serve in our military; and

WHEREAS, the United States Department of Health and Human Services Physical Activity Guidelines for Americans recommend that children and teenagers perform 60 minutes or more of moderate-to-vigorous-intensity physical activity each day and that adults perform at least 150 minutes a week of moderate-intensity activity, such as brisk walking; and

WHEREAS, only half of adults and one-quarter of youths in the United States get the recommended amounts of aerobic physical activity they need to help reduce and prevent chronic diseases; and

WHEREAS, physical activity is vital for healthy aging and can reduce the burden of chronic diseases and prevent early death; and

WHEREAS, physically active people generally live longer and are at lower risk for serious health problems such as heart disease, Type 2 diabetes, obesity and some cancers and, for people with chronic diseases, physical activity can help manage these conditions and complications; and

WHEREAS, physical activity can benefit the workforce because physically active people tend to take fewer sick days; and

WHEREAS, the United States Department of Health and Human Services, Centers for Disease Control and Prevention is leading Active People, Healthy Nation, a national initiative to help 27 million Americans become more physically active by 2027; and

WHEREAS, communities can support Active People, Healthy Nation by implementing one or more of 7 evidence-based strategies recommended by the Centers for Disease Control and Prevention to increase physical activity across sectors and settings; and

WHEREAS, building active and walkable communities can help increase levels of retail economic activity and employment, increase property values, support neighborhood revitalization and reduce health care costs; and

WHEREAS, walkable communities can improve traffic safety for people who walk, ride bicycles and drive; and

WHEREAS, individual effort alone is insufficient to improve opportunities for people to be physically active, and significant policy, systems and environmental changes are needed to support and protect individual efforts to make healthier choices; and

WHEREAS, it is important to ensure that longtime residents have the opportunity to benefit from increased community investment and that community improvement projects do not result in community displacement; and

WHEREAS, reducing barriers to safe and equitable public spaces for persons of color to be physically active is important to addressing existing health disparities; and

WHEREAS, every Active People, Healthy Nation strategy can be used to support the goal of equitable and inclusive access to opportunities for physical activity; now, therefore, be it

RESOLVED: That, We, the Members of the One Hundred and Thirty-first Legislature now assembled in the First Special Session, on behalf of the people we represent, take this opportunity to recognize May 2023 as National Physical Fitness and Sports Month; and be it further

RESOLVED: That we recognize that physical activity is one of the best things adults, children and families can do to improve their health and that, in light of the foregoing considerations, we express our support for Active People, Healthy Nation strategies, including those promoting activity-friendly routes to everyday destinations, access to places for physical activity and school and youth programs to increase physical activity before, during and after school.

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

READ and **ADOPTED**, in concurrence.

The following Joint Resolution:

H.P. 1236

**JOINT RESOLUTION
RECOGNIZING JULY 21, 2023 AS PARK AND
RECREATION PROFESSIONALS DAY**

WHEREAS, the park and recreation field is a diverse and comprehensive system that improves personal, social, environmental and economic health; and

WHEREAS, the skilled work of park and recreation professionals strengthens community cohesion and resiliency, connects people with nature and one another and provides and promotes opportunities for healthful living, social equity and environmental sustainability; and

WHEREAS, park and recreation professionals and volunteers perform essential services to provide recreational and developmental enrichment for children, youth, adults and older adults and to ensure that our parks and recreational spaces are clean, safe, inclusive, welcoming and ready to use; now, therefore, be it

RESOLVED: That We, the Members of the One Hundred and Thirty-first Legislature now assembled in the First Special Session, on behalf of the people we represent, take this opportunity to recognize July 21, 2023 as Park and Recreation Professionals Day and to recognize the importance and benefits of park and recreation services that enrich the lives of Maine citizens and help make this State a desirable place to live, work and visit.

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

READ and **ADOPTED**, in concurrence.

COMMUNICATIONS

The Following Communication: S.C. 464

**STATE OF MAINE
131st LEGISLATURE
OFFICE OF THE PRESIDENT
AUGUSTA, MAINE**

May 10, 2023

Honorable Darek Grant
Senate Secretary
3 SHS
Augusta, ME 04333

Secretary Grant:

Pursuant to my authority under Public Law, Chapter 163, I am pleased to appoint Katie Bernhardt to the Maine Library of Geographic Information Board seat 10, representing the real estate and development interests, effective the date of this letter.

Please let me know if you have questions about this appointment.

Sincerely,

S/Troy Jackson
President of the Senate

READ and **ORDERED PLACED ON FILE**.

The Following Communication: S.C. 473

**STATE OF MAINE
HOUSE OF REPRESENTATIVES
SPEAKER'S OFFICE
AUGUSTA, MAINE**

May 15, 2023

Honorable Darek M. Grant
Secretary of the Senate
3 State House Station
Augusta, ME 04333

Dear Secretary Grant,

Pursuant to my authority under Title 38, Chapter 3, Subchapter 2-B, §568-B, 1, of the Maine Revised Statutes, I have reappointed Captain Prentice Strong, III of Southwest Harbor to the Clean-up and Response Fund Review Board, effective immediately.

Please contact my office if you have any questions regarding this reappointment.

Sincerely,

S/Rachel Talbot Ross
Speaker of the House

READ and **ORDERED PLACED ON FILE**.

The Following Communication: S.C. 460

**STATE OF MAINE
OFFICE OF THE GOVERNOR
AUGUSTA, MAINE**

May 11, 2023

The Honorable Troy Jackson
President of the Senate
3 State House Station
Augusta, Maine 04333

RE: Reappointment of Lance Boucher of Manchester to the Midcoast Regional Redevelopment Authority

Dear President Jackson:

I am pleased to nominate Lance Boucher of Manchester for reappointment to the Midcoast Regional Redevelopment Authority.

Pursuant to Title 5, MRSA §13083-I, this reappointment is contingent on the Maine State Senate's confirmation after review by the Joint Standing Committee on Innovation, Development, Economic Advancement and Business.

Thank you.

Very truly yours,

S/Janet T. Mills
Governor

READ and **ORDERED PLACED ON FILE**.

The Following Communication: S.C. 461

**STATE OF MAINE
OFFICE OF THE GOVERNOR
AUGUSTA, MAINE**

May 11, 2023

The Honorable Troy Jackson
President of the Senate
3 State House Station
Augusta, Maine 04333

RE: Appointment of John Neptune of Indian Island to the Inland Fisheries and Wildlife Advisory Council

Dear President Jackson:

I am pleased to nominate John Neptune of Indian Island for appointment to the Inland Fisheries and Wildlife Advisory Council.

Pursuant to Title 11, MRSA §10151, this appointment is contingent on the Maine State Senate's confirmation after review by the Joint Standing Committee on Inland Fisheries and Wildlife.

Thank you.

Very truly yours,

S/Janet T. Mills
Governor

READ and ORDERED PLACED ON FILE.

The Following Communication: S.C. 462

**STATE OF MAINE
OFFICE OF THE GOVERNOR
AUGUSTA, MAINE**

May 11, 2023

The Honorable Troy Jackson
President of the Senate
3 State House Station
Augusta, Maine 04333

RE: Appointment of Roger G. Grant of Ellsworth to the Inland Fisheries and Wildlife Advisory Council

Dear President Jackson:

I am pleased to nominate Roger G. Grant of Ellsworth for appointment to the Inland Fisheries and Wildlife Advisory Council.

Pursuant to Title 11, MRSA §10151, this appointment is contingent on the Maine State Senate's confirmation after review by the Joint Standing Committee on Inland Fisheries and Wildlife.

Thank you.

Very truly yours,

S/Janet T. Mills
Governor

READ and ORDERED PLACED ON FILE.

The Following Communication: S.C. 463

**STATE OF MAINE
OFFICE OF THE GOVERNOR
AUGUSTA, MAINE**

May 11, 2023

The Honorable Troy Jackson
President of the Senate
3 State House Station
Augusta, ME 04333

RE: Appointment of Linda J. Conti, Esquire of Augusta as Superintendent, Bureau of Consumer Credit Protection

Dear President Jackson:

I am pleased to nominate Linda J. Conti, Esquire of Augusta for appointment as Superintendent, Bureau of Consumer Credit.

Pursuant to 9-A MRSA §6-103, this appointment is contingent on the Maine State Senate's confirmation after review by the Joint Standing Committee on Health Coverage, Insurance and Financial Services.

Thank you.

Very truly yours,

S/Janet T. Mills
Governor

READ and ORDERED PLACED ON FILE.

The Following Communication: S.C. 465

**STATE OF MAINE
ONE HUNDRED AND THIRTY FIRST LEGISLATURE
COMMITTEE ON ENVIRONMENT AND NATURAL
RESOURCES**

May 10, 2023

The Honorable Troy Dale Jackson
President of the Senate of Maine
131st Maine State Legislature
State House
Augusta, Maine 04333-0003

Dear Mr. President:

In accordance with 3 M.R.S.A., Section 157, and with Joint Rule 505 of the Maine Legislature, the Joint Standing Committee on Environment and Natural Resources has had under consideration the nomination of Michael Shaw of Freeport, for appointment to the Maine Outdoor Heritage Fund Board.

After public hearing and discussion on this nomination, the Committee proceeded to vote on the motion to recommend to the Senate that this nomination be confirmed. The Committee Clerk called the roll with the following result:

YEAS	Senators	2	Brenner, S. of Cumberland, Lyford, P. of Penobscot
	Representatives	8	Gramlich, L. of Old Orchard Beach, Bell, A. of Yarmouth, Bridgeo, W. of Augusta, Campbell, D. of Orrington, Doudera, V. of Camden, Hobbs, D. of Wells, Soboleski, M. of Phillips, Woodsome, D. of Waterboro
NAYS		0	
ABSENT		3	Sen. Carney, A. of Cumberland, Rep. O'Neil, M. of Saco, Rep. Schmersal- Burgess, T. of Mexico

Ten members of the Committee having voted in the affirmative and zero in the negative, it was the vote of the Committee that the nomination of Michael Shaw of Freeport, for appointment to the Maine Outdoor Heritage Fund Board be confirmed.

Signed,

S/Stacy Fielding Brenner
Senate Chair

S/Lori K. Gramlich
House Chair

READ and ORDERED PLACED ON FILE.

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

Senator **BRENNER:** Thank you, Mr. President. I just wanted to rise today to talk a little bit about what we're about to vote on. I know we take a lot of votes on nominations, but don't maybe necessarily always stop to consider what we're voting on, but the Maine Outdoor Heritage Fund helps to fund critical wildlife and conservation projects throughout Maine with the purpose of maintaining, improving, and expanding state and local natural resource conservation programs and associated compatible public uses. The Funds' revenue is generated from an exclusive instant lottery ticket - so, make your purchases, friends - and must be expended in four general categories: conversation of fisheries, wildlife and habitat; acquisition and management of public lands, parks, wildlife conservation areas, and public access and outdoor recreation sites; conservation of endangered and threatened

species; and natural resource law enforcement and protection of public health, and I just want to speak a little bit to our nominee. Mike Shaw of Freeport has been an Amtrak railroad conductor since shortly after his high school graduation in 1990. He also serves on the Board of Directors of the Sportsman's Alliance of Maine and is a member of the Monmouth Fish and Game Association. Between 2008 and 2014, he was elected to the Maine House four times. Mike Shaw has fought to protect Maine's woods, waters, and wildlife. As a former legislator, Mike made substantial contributions to the protection of Maine's natural resources. As House Chair of the IF&W committee, he garnered support from his colleagues to pass key legislation to help expand protections to common loons from lead poisoning, supported protections for brook trout, increasing funding for addressing invasive aquatic species, and worked tirelessly to help secure additional funding for the Department of IF&W. Under his leadership, IF&W - the IF&W committee unanimously approved legislation to add new species to the state's endangered and threatened species list and the Legislature approved these additions. These increased protections helped ensure additional resources to protect imperiled wildlife species, including three species of bats. Mr. President, I hope you will join me in supporting this nominee and then, together, we can all thank the Honorable Mike Shaw for his continued service to the State of Maine. Thank you.

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

Senator **BRAKEY:** Thank you, Mr. President. You know, I'm very happy to see Mike Shaw's name here on the calendar. I just wanted to say I don't - there is not a more honorable person that I've had the privilege to work with than Mike Shaw during his time in the Legislature. In fact, I know that while he was in the other party, I appreciated his bipartisan efforts so much that on occasion, I would send him a filled-out green voter registration card with the Republican box checked. All he needed to do was sign his name but he never took me up on the opportunity. That said, I certainly support Mike Shaw's nomination for this position and I'm sure he will serve as honorably there as he did in the Legislature.

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

Senator **DAUGHTRY:** Thank you, Mr. President. Ladies and gentlemen of the Senate, I rise in strong support of the Honorable Mike Shaw. My colleagues have already covered many of his incredible details, but I'd be remiss if I didn't stand and say what a pleasure it was to actually serve with Representative Shaw when I first got elected in the House, and I'm honored and pleased to be able to count him not only as a friend and a colleague, but now a constituent, and I hope that you will vote in strong support of his nomination.

The President laid before the Senate the following: "Shall the recommendation of the Committee on **ENVIRONMENT AND NATURAL RESOURCES** be overridden?"

May 12, 2023

The Chair noted the absence of the Senator from Oxford, Senator **BENNETT**, the Senator from York, Senator **INGWERSEN**, and the Senator from Kennebec, Senator **LAFOUNTAIN**, and further excused the same Senators from today's Roll Call votes.

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

Dear President Jackson and Speaker Talbot Ross,

In accordance with 3 M.R.S.A., Chapter 6, Section 158, and with Joint Rule 506 of the 131st Legislature, the vote was taken by the Yeas and Nays.

Pursuant to Joint Rule 310, we are writing to notify you that we have approved the request by the bill sponsor Sen. Bailey of York, to report the following bill Leave to Withdraw:

The Doorkeepers secured the Chamber.

L.D. 1913 An Act to Support Emerging Adults Involved in the Criminal Justice System

The Secretary opened the vote.

Sincerely,

ROLL CALL (#138)

YEAS: Senators: None

S/Sen. Anne Carney
Senate Chair

NAYS: Senators: BAILEY, BALDACCI, BEEBE-CENTER, BLACK, BRAKEY, BRENNER, CARNEY, CHIPMAN, CURRY, DAUGHTRY, DUSON, FARRIN, GROHOSKI, GUERIN, HARRINGTON, HICKMAN, KEIM, LAWRENCE, LIBBY, LYFORD, MOORE, NANGLE, PIERCE, POULIOT, RAFFERTY, RENY, ROTUNDO, STEWART, TIMBERLAKE, TIPPING, VITELLI, PRESIDENT JACKSON

S/Rep. Matt Moonen
House Chair

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

EXCUSED: Senators: BENNETT, INGWERSEN, LAFOUNTAIN

The Following Communication: S.C. 470

No Senator having voted in the affirmative and 32 Senators having voted in the negative, with 3 Senators being excused, and none being less than two-thirds of the Membership present and voting, it was the vote of the Senate that the Committee's recommendation be **ACCEPTED** and the nomination of **Michael Shaw** of Freeport for appointment to the Maine Outdoor Heritage Fund Board was **CONFIRMED**.

**STATE OF MAINE
ONE HUNDRED AND THIRTY FIRST LEGISLATURE**

May 10, 2023

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

The Secretary has so informed the Speaker of the House of Representatives.

Dear President Jackson and Speaker Talbot Ross:

THE PRESIDENT: The Chair would like to recognize in the rear of the Chamber the Honorable Michael Shaw; joined by his wife, Pascale, and their son, Aaron. Would they please rise and accept the congratulations of the Maine Senate.

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

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

L.D. 241 An Act to Reform Education

L.D. 310 An Act to Increase the Workforce in the State

L.D. 338 An Act to Allow Education Funding to Follow the Student

The Following Communication: S.C. 471

This is notification of the Committee's action.

**STATE OF MAINE
ONE HUNDRED AND THIRTY FIRST LEGISLATURE
COMMITTEE ON JUDICIARY**

Sincerely,

S/Sen. Joseph E. Rafferty
Senate Chair

S/Rep. Michael F. Brennan
House Chair

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

The Following Communication: S.C. 472

**STATE OF MAINE
ONE HUNDRED AND THIRTY FIRST LEGISLATURE
COMMITTEE ON INNOVATION, DEVELOPMENT,
ECONOMIC ADVANCEMENT AND BUSINESS**

May 10, 2023

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

Dear President Jackson and Speaker Talbot Ross:

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

L.D. 786 Resolve, Directing the Department of Professional and Financial Regulation to Study Financial Incentives for Plumbing and Electrical Contractor Services

L.D. 1157 An Act to Stabilize Licensing Fees

This is notification of the Committee's action.

Sincerely,

S/Sen. Chip Curry
Senate Chair

S/Rep. Tiffany Danielle Roberts
House Chair

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

The Following Communication: S.C. 467

**STATE OF MAINE
ONE HUNDRED AND THIRTY FIRST LEGISLATURE
COMMITTEE ON JUDICIARY**

May 10, 2023

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

Dear President Jackson and Speaker Talbot Ross:

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

L.D. 1649 An Act to Support Local Governments in Responding to Freedom of Access Act Requests

This is notification of the Committee's action.

Sincerely,

S/Sen. Anne Carney
Senate Chair

S/Rep. Matt Moonen
House Chair

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

The Following Communication: S.C. 466

**STATE OF MAINE
ONE HUNDRED AND THIRTY FIRST LEGISLATURE
COMMITTEE ON STATE AND LOCAL GOVERNMENT**

May 05, 2023

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

Dear President Jackson and Speaker Talbot Ross:

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

L.D. 1275 An Act to Clarify the Powers of the Government Oversight Committee and Enable Committee Access to Department of Health and Human Services Documents Related to Investigations of Child Deaths

This is notification of the Committee's action.

Sincerely,

S/Sen. Tim Nangle
Senate Chair

S/Rep. Holly B. Stover
House Chair

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

The Following Communication: S.C. 469

**STATE OF MAINE
ONE HUNDRED AND THIRTY FIRST LEGISLATURE
COMMITTEE ON STATE AND LOCAL GOVERNMENT**

May 11, 2023

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

Dear President Jackson and Speaker Talbot Ross:

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

- L.D. 863 An Act to Require an Analysis Prior to the Start of State-funded Building Construction over \$1,000,000
- L.D. 1239 An Act to Make General Election Day a State Holiday and to Allow Certain Employees an Opportunity to Vote
- L.D. 1348 An Act to Modernize Executive Branch and Legislative Branch Compensation
- L.D. 1553 An Act to Mitigate So-called Forever Chemicals in Decommissioned Schools by Establishing a Fund for Mitigation Projects
- L.D. 1669 An Act to Require That Copies of Deeds and Survey Plans Be Provided to Municipal Assessors

This is notification of the Committee's action.

Sincerely,

S/Sen. Tim Nangle S/Rep. Holly B. Stover
Senate Chair House Chair

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

The Following Communication: S.C. 468

**STATE OF MAINE
ONE HUNDRED AND THIRTY FIRST LEGISLATURE
COMMITTEE ON TRANSPORTATION**

May 09, 2023

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

Dear President Jackson and Speaker Talbot Ross:

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

- L.D. 1122 Resolve, to Rename Bridges in the Town of Cornish
- L.D. 1587 An Act to Amend the Motor Vehicle Inspection Law to Exempt Certain Motor Vehicles Less than 3 Years Old
- L.D. 1634 An Act to Grant Municipalities the Authority to Set Certain Lower Motor Vehicle Speed Limits Without a Department of Transportation Speed Study
- L.D. 1694 An Act to Improve the Rest Stop Facilities Located on Interstate 95 in Medway

This is notification of the Committee's action.

Sincerely,

S/Sen. Ben Chipman S/Rep. Lynne A. Williams
Senate Chair House Chair

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

SENATE PAPERS

Bill "An Act to Ensure Equity in Career and Technical Education Staffing Support Ratios Across Varied Regions of the State"
S.P. 791 L.D. 1942

Presented by President JACKSON of Aroostook.

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

Sent down for concurrence.

Bill "An Act Regarding Future Energy Procurements for Renewable Energy Development in Northern Maine"
S.P. 792 L.D. 1943

Presented by President JACKSON of Aroostook.
Cosponsored by Representative BABIN of Fort Fairfield and
Senators: LAWRENCE of York, STEWART of Aroostook,
Representatives: GEIGER of Rockland, THERIAULT of Fort Kent,
ZEIGLER of Montville.

Bill "An Act to Raise the Debt Limit of the Stonington Water Company" (EMERGENCY)
S.P. 793 L.D. 1950

Presented by Senator GROHOSKI of Hancock.
Cosponsored by Representative EATON of Deer Isle.
Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.

On motion by Senator **LAWRENCE** of York, **REFERRED** to the Committee on **ENERGY, UTILITIES AND TECHNOLOGY** and ordered printed.

Sent down for concurrence.

Resolve, to Ensure Access to Critical Orthodontic Care by Increasing the MaineCare Reimbursement Rate
S.P. 790 L.D. 1941

Presented by Senator STEWART of Aroostook.
Cosponsored by Senator: MOORE of Washington,
Representatives: ALBERT of Madawaska, ARDELL of Monticello,
BABIN of Fort Fairfield, GUERRETTE of Caribou, UNDERWOOD of Presque Isle.
Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.

On motion by Senator **BALDACCI** of Penobscot, **REFERRED** to the Committee on **HEALTH AND HUMAN SERVICES** and ordered printed.

Sent down for concurrence.

Bill "An Act to Amend the Membership of the Maine-Canadian Legislative Advisory Commission and the New England and Eastern Canada Legislative Commission" (EMERGENCY)
S.P. 788 L.D. 1939

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

On motion by Senator **NANGLE** of Cumberland, **REFERRED** to the Committee on **STATE AND LOCAL GOVERNMENT** and ordered printed.

Sent down for concurrence.

Bill "An Act to Promote Consistent Policies within Growth Management Programs in Order to Increase Food Security and Economic Resiliency in Local Communities"
S.P. 789 L.D. 1940

Presented by Senator HICKMAN of Kennebec.

Committee on **STATE AND LOCAL GOVERNMENT** suggested and ordered printed.

On motion by Senator **NANGLE** of Cumberland, **REFERRED** to the Joint Select Committee on **HOUSING**.

Sent down for concurrence.

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

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

SENATE PAPERS

Bill "An Act Regarding Marine Finfish Aquaculture"
S.P. 794 L.D. 1951

Presented by Senator GROHOSKI of Hancock.
Cosponsored by Representative FAULKINGHAM of Winter Harbor and Senator: President JACKSON of Aroostook.

On motion by Senator **RENY** of Lincoln, **REFERRED** to the Committee on **MARINE RESOURCES** and ordered printed.

Sent down for concurrence.

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

Senate at Ease.

The Senate was called to order by the President.

ORDERS

Joint Orders

Expression of Legislative Sentiment recognizing:

Kendall Foster, of New Sharon, a student at Mt. Blue High School, who won the High School Girls Wrestling State Championship in the 165-pound Weight Class. We extend our congratulations and best wishes;

SLS 479

Sponsored by Senator BLACK of Franklin.
Cosponsored by Representative: NEWMAN of Belgrade.

Grace Allen, of New Vineyard, a student at Mt. Blue High School, who won the High School Girls Wrestling State Championship in the 120-pound Weight Class. We extend our congratulations and best wishes;

SLS 480

Sponsored by Senator BLACK of Franklin.
Cosponsored by Representative: HALL of Wilton.

The Joint Orders were **READ**.

THE PRESIDENT: The Chair recognizes the Senator from Franklin, Senator Black.

Senator **BLACK:** Thank you, Mr. President. Good morning, ladies and Gentlemen of the Senate. It is an honor to have the members and coaches of the Mt. Blue High School Girls Wrestling Team with us this morning. Mt. Blue wrestling has a special place near and dear to me, as I was instrumental in forming the first Mt. Blue Wrestling Team and was actually a member of it, but we won't say when that was. First, I'd like to recognize the entire Mt. Blue High School Wrestling Team. The team is still working to get its varsity status at the school, but they are doing amazing things. At the State meet at Wells High School, the team had five wrestlers in the top three in their respective weight classes. The team has been recognized by U.S.A. Wrestling for their efforts in promoting girls wrestling in the state of Maine. The school was listed by the National Association amongst 27 other schools across the nation as honorable mention in their final high school ranking for the 2023 season, which was put together by local representatives of the U.S.A. Wrestling, Flo Wrestling, and the National Wrestling Hall of Fame and Museum. This is the first time a boys or girl team from Maine has been on that list. This suggests that this program is attributed to Coach Mike Hansen. A quote from Alan Kinerson, Women's State Director for U.S.A. Wrestling in Maine; 'Mt. Blue has a nice, solid group of female wrestlers that Hansen has done a great job coaching,' Kinerson said. 'He has created a team environment for them. It is not just a boys' team or girls being on a boys' team, there's a feeling and an energy for the women. He has given them an opportunity to have that.' As you have heard today, this team has two state champions: Kendall Foster, who won the 165-pound weight class, and Grace Allen of New Vineyard in the 120-pound weight class. These two young ladies have put in a tremendous amount of work to win the state championship. It is not an easy task to be the best in your weight class in this sport, and I can say I know that for a fact because I never got there, but I want to congratulate both of you on the accomplishment, along with Coach Hansen, for all you do for this program. I look forward to continuing to see the growth of this program and am hopeful that it will become a varsity sport at Mt. Blue High School very soon. Thank you, Mr. President.

The Joint Orders were **PASSED**.

Sent down for concurrence.

THE PRESIDENT: The Chair is pleased to recognize in the rear of the Chamber Kendall Foster and Grace Allen. They are joined today by Coach Mike Hansen, Meghan Allen, and Stacey Foster. They're all from the town of Farmington. They're the guests today of the Senator from Franklin, Senator Black, and the entire Maine Legislature, the Maine Senate. Would they please rise and get the congratulations of the Maine Senate.

WHEREAS, the Legislature has learned with deep regret the death of Joann Grohman, of Carthage. Ms. Grohman was a farmer, author and advocate for dairy cow husbandry and whole-food nutrition principles. She wrote the book "The Cow Economy," later retitled "Keeping a Family Cow," teaching why and how to keep a cow. Its ninth edition was published by Vermont publisher Chelsea Green in 2014. Her book, web discussion forum and online journal, Heifer Diary, have been read across the globe. Ms. Grohman will be long remembered and sadly missed by her family and friends and all those whose lives she touched.

HLS 264

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

Senator **BRENNER:** Thank you, Mr. President. I stand today with a solemn heart to recognize and celebrate the life of Joann Grohman. Joanne is the author of a book, Keeping a Family Cow, that became a sort of manifesto for my husband and I almost two decades ago. My copy of the book, now in its ninth edition, is well read and smells just a little bit like my barn. We never met in person but through a message board that she started and managed. This was in the days before you could learn everything on YouTube and TikTok. Joann provided me with years of support in times of need. As my first cow, Dulcie, got close to calving, I checked in on the listserv, read the archives, and posted my own questions. Joann always replied with encouragement, sound advice, and reminders that I wasn't alone in that barn. My cow knew how to give birth and how to offer her milk, and my job was just to learn her cues. Joann walked me through vet emergencies and bovine loss and celebrated with me when the colostrum turned to milk and the cream rose to the top of our many gallons of raw milk. Through the years, we've had many cows and we've bookended our days at milking time, and I can wholeheartedly say that without the support of Joann and her innovative use of technology to reach me online, I might never have achieved the confidence needed to keep a family cow and raise a whole family of milk drinkers. Joann didn't transform my life - didn't just transform my life, she transformed thousands of lives across the world. As a long-time health advocate and prolific author, she has left an indelible legacy in our state. She touched thousands of lives through her online discussion board, creating an online community surrounding her literature that lives on. On my farm, she'll be remembered as someone who really shared from the heart, out of a belief that we can feed ourselves and all participate in the work

of making food accessible. Joann was committed to making sure that information was disseminated at little to no cost because the value of nutrition and self-sufficient access to food supersedes the need for profit. Thank you, Mr. President, for this opportunity to celebrate one of my heroes and together, colleagues, I ask that we collectively hold her family in the light in this time of their transition. Thank you.

THE PRESIDENT: The Chair would like to recognize in the rear of the Chamber the Honorable Martin Grohman, joined by his wife, Anya; their children, Henry and Hannah; Dr. Ann Magner; Max and Marcia Luick; and Hailey Grohman. They are from the towns of Biddeford, South Portland, Carthage, and New York City. They are the guests today of the Senators from Cumberland, Senator Brenner, Senator Carney, and the Senator from Oxford, Senator Keim. Would they please all rise and accept the condolences of the Maine Senate.

Senate at Ease.

The Senate was called to order by the President.

Off Record Remarks

REPORTS OF COMMITTEES

House

Ought to Pass

The Committee on **LABOR AND HOUSING** on Bill "An Act to Protect Access to Veterinary Care by Prohibiting Noncompetive Agreements"

H.P. 457 L.D. 688

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

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

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

Bill **READ ONCE**.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **LABOR AND HOUSING** on Resolve, Directing the Maine Public Employees Retirement System to Study the Creation of an Interstate Compact Concerning the Windfall Elimination Provision and Government Pension Offset
H.P. 778 L.D. 1230

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

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

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

Resolve **READ ONCE**.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Ought to Pass As Amended

The Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act to Expand the Reimbursement to Hospitals for Days Awaiting Placement in Facilities"

H.P. 146 L.D. 225

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-118)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-118)**.

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

Bill **READ ONCE**.

Committee Amendment "A" (H-118) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **INNOVATION, DEVELOPMENT, ECONOMIC ADVANCEMENT AND BUSINESS** on Bill "An Act to Clarify the Authority of the Director of the Real Estate Commission to Dismiss Certain Claims That Do Not Allege Violations of Law or Rules"

H.P. 111 L.D. 170

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-113)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-113)**.

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

Bill **READ ONCE**.

Committee Amendment "A" (H-113) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **INNOVATION, DEVELOPMENT, ECONOMIC ADVANCEMENT AND BUSINESS** on Bill "An Act to Increase Access to Oral Health Care by Expanding the Maine Dental Education Loan Program"

H.P. 804 L.D. 1256

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-114)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-114)**.

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

Bill **READ ONCE**.

Committee Amendment "A" (H-114) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Divided Report

The Majority of the Committee on **EDUCATION AND CULTURAL AFFAIRS** on Resolve, Regarding Legislative Review of Chapter 117: Rule Regarding the Duties of School Counselors and School Social Workers, a Major Substantive Rule of the Department of Education (EMERGENCY)

H.P. 245 L.D. 394

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

Signed:

Senators:

RAFFERTY of York
PIERCE of Cumberland

Representatives:

BRENNAN of Portland
DODGE of Belfast
MILLETT of Cape Elizabeth
MURPHY of Scarborough
SARGENT of York
WORTH of Ellsworth

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (H-115)**.

Signed:

Senator:

LIBBY of Cumberland

Representatives:

BAGSHAW of Windham
LYMAN of Livermore Falls
POLEWARCZYK of Wiscasset
SAMPSON of Alfred

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

Reports **READ**.

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

On further motion by same Senator, **TABLED** until Later in Today's Session, pending the motion by same Senator to **ACCEPT** the Majority **OUGHT TO PASS** Report, in concurrence.

Divided Report

The Majority of the Committee on **JUDICIARY** on Bill "An Act to Strengthen Protections of Persons After a Maine Human Rights Commission Investigation Finds No Reasonable Grounds Exist to Believe Unlawful Discrimination Occurred"

H.P. 614 L.D. 967

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

Signed:

Senators:

CARNEY of Cumberland
BAILEY of York

Representatives:

MOONEN of Portland
KUHN of Falmouth
LEE of Auburn
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" (H-116)**.

Signed:

Senator:

LYFORD of Penobscot

Representatives:

ANDREWS of Paris
HAGGAN of Hampden
HENDERSON of Rumford
POIRIER of Skowhegan

(Representative DANA of the Passamaquoddy Tribe - of the House - supports the Minority **Ought To Pass as Amended** 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 **BRAKEY** 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 Androscoggin, Senator Brakey.

Senator **BRAKEY:** Thank you, Mr. President. I rise to speak against the pending motion. I will admit up front this bill was heard in the Judiciary Committee in the era we call the Before-Brakey Era. I wasn't there for it, but I'm going to do the best I can to explain the bill and the purpose of it. Basically, what the bill does, and that's reflected in the alternate report as well, is if the Maine Human Rights Commission investigates a complaint and finds no reasonable grounds to believe that discrimination took place, if the Maine Human Rights Commission were to then go on after finding there were no grounds for this and help to file a civil action or - to either file a civil action themselves or help the complainant file a civil action, you know, counter to what their previous findings were, that the Maine Human Rights Commission would be obligated to pay the defendant's attorney's fees. I believe this is an effort to try to, you know, fend off bad faith uses of the tort system and also to avoid what seems to be somewhat a system of potential double jeopardy where someone has been found basically found through this initial finding that there were no grounds and yet they're still facing from this - from the commission a civil action against them. All right. Since I wasn't there, I hope I was sufficient in explaining the bill. I will be voting against the pending motion. Thank you very much, Mr. President.

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

Senator **CARNEY:** Thank you, Mr. President. I just wish to speak briefly in support of the pending motion. With all due respect to my colleague, the bill is - has a different impact than was described. In fact, the Maine Human Rights Commission said that this bill would be unworkable, and the reason for that is it forces the Maine Human Rights Commission to violate state and federal law. For example, were the commission to be subject to a FOIA request or a subpoena, the commission would not be allowed to respond. It would also cause the commission to become ineligible for federal housing funding because it would make our statute inconsistent with federal law and then, finally, it would create obstacles in multi-respondent cases. I understand what the good Senator from Androscoggin County was referring to with regard to folks who have received a no reasonable grounds determination, but the truth of the matter is that that Human Rights Commission gets a lot of cases in which there are

many respondents, and if there was a reasonable grounds finding against one respondent, this legislation would basically tie the hands of the commission with regard to that respondent as well as to a co-respondent. So, I urge my colleagues to support the pending motion. Thank you.

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#139)

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

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

EXCUSED: Senators: BENNETT, INGWERSEN, LAFOUNTAIN

20 Senators having voted in the affirmative and 12 Senators having voted in the negative, with 3 Senators being excused, 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 Clarify Deadlines in the Freedom of Access Act and Disclosure Provisions in the Intelligence and Investigative Record Information Act"

H.P. 763 L.D. 1203

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

Signed:

Senators:
CARNEY of Cumberland
BAILEY of York

Representatives:
MOONEN of Portland
ANDREWS of Paris
HAGGAN of Hampden
KUHN of Falmouth
LEE of Auburn
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-117)**.

Signed:

Senator:

BRAKEY of Androscoggin

Representatives:

HENDERSON of Rumford
MORIARTY of Cumberland

(Representative DANA of the Passamaquoddy Tribe - of the House - supports the Minority **Ought To Pass as Amended 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 Implement the Recommendations of the Right To Know Advisory Committee Concerning Public Records Exceptions"
H.P. 767 L.D. 1207

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

Signed:

Senators:

CARNEY of Cumberland
BAILEY of York
BRAKEY of Androscoggin

Representatives:

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

Representative:

ANDREWS of Paris

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

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

Reports **READ**.

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

Bill **READ ONCE**.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Senate

Ought to Pass As Amended

Senator INGWERSEN for the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** on Bill "An Act to Support Statewide Economic Opportunities Through Strategic Investments of Property and Funds, Including Emergency Relief Funds"
S.P. 341 L.D. 782

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-93)**.

Report **READ and ACCEPTED**.

Bill **READ ONCE**.

Committee Amendment "A" (S-93) **READ and ADOPTED**.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Senator BEEBE-CENTER for the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** on Bill "An Act to Amend the Law Governing Licensing Actions of the Emergency Medical Services' Board"
S.P. 39 L.D. 47

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-90)**.

Report **READ and ACCEPTED**.

Bill **READ ONCE**.

Committee Amendment "A" (S-90) **READ and ADOPTED**.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Senator LAWRENCE for the Committee on **ENERGY, UTILITIES AND TECHNOLOGY** on Bill "An Act to Improve Disclosure of Present and Future Costs to Maine Electricity Consumers"
S.P. 394 L.D. 923

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-91)**.

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

Bill **READ ONCE**.

Committee Amendment "A" (S-91) **READ** and **ADOPTED**.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Senator BALDACCI for the Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act to Clarify Assessment of Fines for Tattoo Artists, Body Piercers, Electrologists and Micropigmentation Practitioners and to Change Requirements for the Approval of Public Pool and Spa Plans"
S.P. 75 L.D. 146

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-86)**.

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

Bill **READ ONCE**.

Committee Amendment "A" (S-86) **READ** and **ADOPTED**.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Senator BALDACCI for the Committee on **HEALTH AND HUMAN SERVICES** on Resolve, Directing the Department of Health and Human Services to Apply for a Waiver from the Federal Government for the Medicaid Limitation on Payment to a Facility with More Than 16 Inpatient Beds for Psychiatric Treatment
S.P. 200 L.D. 445

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-94)**.

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

Resolve **READ ONCE**.

Committee Amendment "A" (S-94) **READ** and **ADOPTED**.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Senator CURRY for the Committee on **INNOVATION, DEVELOPMENT, ECONOMIC ADVANCEMENT AND BUSINESS** on Bill "An Act to Exempt Certain Motor Vehicle Dealers from Display Area Size Requirements"
S.P. 103 L.D. 203

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-92)**.

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

Bill **READ ONCE**.

Committee Amendment "A" (S-92) **READ** and **ADOPTED**.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Senator CARNEY for the Committee on **JUDICIARY** on Bill "An Act to Provide Funding for Prosecutor Positions"
S.P. 90 L.D. 186

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-89)**.

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

Bill **READ ONCE**.

Committee Amendment "A" (S-89) **READ** and **ADOPTED**.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Senator CHIPMAN for the Committee on **TRANSPORTATION** on Bill "An Act Regarding Disabled Motor Vehicles on Public Ways"
S.P. 399 L.D. 980

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-100)**.

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

Bill **READ ONCE**.

Committee Amendment "A" (S-100) **READ** and **ADOPTED**.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Senator HICKMAN for the Committee on **VETERANS AND LEGAL AFFAIRS** on Bill "An Act Regarding Licensing Fees for Small Slot Machine Distributors"
S.P. 221 L.D. 504

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-96).**

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

Bill **READ ONCE**.

Committee Amendment "A" (S-96) **READ** and **ADOPTED**.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Divided Report

The Majority of the Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act to Establish a Mobile Learning Lab" S.P. 554 L.D. 1389

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-97).**

Signed:

Senators:

RAFFERTY of York
PIERCE of Cumberland

Representatives:

BRENNAN of Portland
DODGE of Belfast
MILLETT of Cape Elizabeth
MURPHY of Scarborough
SARGENT of York
WORTH of Ellsworth

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

Signed:

Senator:

LIBBY of Cumberland

Representatives:

BAGSHAW of Windham
LYMAN of Livermore Falls
POLEWARCZYK of Wiscasset
SAMPSON of Alfred

Reports **READ**.

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

On further motion by same Senator, 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 (#140)

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

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

EXCUSED: Senators: BENNETT, INGWERSEN, LAFOUNTAIN

21 Senators having voted in the affirmative and 11 Senators having voted in the negative, with 3 Senators being excused, the motion by Senator **RAFFERTY** of York to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report **PREVAILED**.

Bill **READ ONCE**.

Committee Amendment "A" (S-97) **READ** and **ADOPTED**.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Divided Report

The Majority of the Committee on **HEALTH COVERAGE, INSURANCE AND FINANCIAL SERVICES** on Bill "An Act to Authorize State Special Purpose Depository Institutions for Digital Assets" S.P. 409 L.D. 990

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

Signed:

Senators:

BAILEY of York
RENY of Lincoln

Representatives:

PERRY of Calais
ARFORD of Brunswick
CLUCHEY of Bowdoinham
CYRWAY of Albion
MASTRACCIO of Sanford
MATHIESON of Kittery
MORRIS of Turner
NUTTING of Oakland
PRINGLE of Windham
SWALLOW of Houlton

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (S-87).**

Signed:

Senator:
BRAKEY of Androscoggin

Reports **READ**.

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

Senator **BAILEY:** Thank you, Mr. President. I move that the Senate accept the Super-Majority Ought Not to Pass report.

Senator **BAILEY** of York moved the Senate **ACCEPT** the Majority **OUGHT NOT TO PASS** Report.

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

Senator **BRAKEY:** With respect to my good colleague and the Super-Majority on the report, I request a roll call and wish to speak to the motion.

On motion by Senator **BRAKEY** 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 Androscoggin, Senator Brakey.

Senator **BRAKEY:** Thank you, Mr. President. I certainly recognize it's very difficult to go up against a supermajority report, as my good colleague, the Chairwoman of the Health Insurance - the Health Coverage, Insurance, and Financial Service Committee notes. I want to state up front I think this is the very first time this Body will, to my knowledge, vote on a bill directly related to cryptocurrency and I want to acknowledge that while my good colleague from York and other members of the committee ended up on the other side of the bill, I want to thank all of them for the time and attention and seriousness with which they heard matters in the public hearing and in the work session. To briefly describe this bill, it is modeled after law in Wyoming, which is the first state in the country to take certain steps forward to establish laws around cryptocurrency. This, in particular, would build upon existing state statute in Maine related to uninsured banks, allowing for the establishment of we call them special purpose depository institutions, as basically an uninsured bank that would operate on 100% reserves, so no risk of - no need for insurance, you can't have a bank run, but would be able to hold digital assets like bitcoin and other cryptocurrencies. I will just note this may be a bill, this may be an idea that's ahead of its time, and that's fine, but this is coming. At some point, as a Body, we will need to be proactive in establishing policies around cryptocurrency. It's not - it's not going away anytime soon. In fact, I think in the 21st century, we will be dealing with this more and more, and I do think it is to Maine's benefit to be a leader on matters of cryptocurrency. We did hear in the public hearing from business owners in Maine who would love to be - who would love to be able to open a special purpose depository institution under this legislation if we passed it. Perhaps that day will not be today, maybe it will be a future day, but I appreciate the opportunity to

vote in favor - well, to vote against the motion and register my support for the underlying concept and anyone who would like to be on record putting -- taking a step forward in Maine being a part of the 21st century, you're more than welcome to follow my light. Thank you, Mr. President.

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

Senator **BAILEY:** Thank you, Mr. President. In response to the good Senator from Androscoggin County, I would like to say that we did listen closely. We are not there yet, but the committee did, as part of its vote, also vote to send a letter to the Superintendent of Financial Services to continue looking at this issue. So, as far as looking to the future, we certainly did recognize that and therefore express our wish that this issue continue to be examined and looked at for the future. Thank you.

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

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#141)

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

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

EXCUSED: Senators: BALDACCI, BENNETT, INGWERSEN, LAFOUNTAIN

20 Senators having voted in the affirmative and 11 Senators having voted in the negative, with 4 Senators being excused, the motion by Senator **BAILEY** of York to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report **PREVAILED**.

Sent down for concurrence.

Divided Report

The Majority of the Committee on **HEALTH COVERAGE, INSURANCE AND FINANCIAL SERVICES** on Bill "An Act to Allow Credit and Debit Card Surcharges"

S.P. 541 L.D. 1324

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

Signed:

Senator:

BAILEY of York

Representatives:

- PERRY of Calais
- ARFORD of Brunswick
- CLUCHEY of Bowdoinham
- CYRWAY of Albion
- MASTRACCIO of Sanford
- MATHIESON of Kittery
- MORRIS of Turner
- NUTTING of Oakland
- PRINGLE of Windham

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (S-95)**.

Signed:

Senator:

BRAKEY of Androscoggin

Representative:

SWALLOW of Houlton

Reports **READ**.

Senator **BAILEY** of York moved the Senate **ACCEPT** the Majority **OUGHT NOT TO PASS** Report.

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

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

Senator **GUERIN:** Thank you, Mr. President. Ladies and gentlemen of the Senate, this bill is about fairness. This bill would allow retailers, merchants, and other entities that accept debit and credit cards to add a surcharge to cover the cost of swipe fees charged by the large credit card companies. As businesses are dealing with rampant inflation, increased labor costs, and increased costs of swipe fees, it is time for Maine to be on the same level as 40-plus other states. Take note of that, 40 other states are already doing this. The bill is simple. It simply repeals the prohibition that would enable a business from adding a surcharge to a transaction when paying with a credit card or debit card. These typical costs are 3% of the transaction. To be clear, you do sometimes see surcharges already on certain

transactions. Sometimes it's called a transaction fee. Have you bought tickets on Ticketmaster, for example? Sometimes it's called something else, but it is being done by some businesses. However, Maine-based businesses are hampered by confusing guidance from the State which enables them to advertise a cash price next to a credit price, but they cannot add a surcharge if they choose, and this is especially difficult for small businesses. The person who first brought this need to my attention was a small corner store owner who, when I was there, a customer came in and poured a coffee, went to the checkout, and pulled out a credit card, and the owner said, 'it'll cost me more in credit card fees than I'll make, you can have the coffee for free, but don't come back and get a coffee here again.' So, that is a real detriment to our small businesses. While L.D. 1324 would allow businesses the option to do this, it does not mandate that they do. Anyone who has traveled to other states do not see surcharges added on most transactions, but putting Maine on a level playing field with other states is important to give the business the option to do it. Why support the bill? L.D. 660 simply permits a merchant the right to inform their customer that there is a significant cost to accept a credit or debit card and that this privilege is already enjoyed by Maine state government agencies, Maine's 16 counties, every Maine city and town, quasi-municipal corporations, the Judicial Department, the University of Maine, Maine Community College System, and Maine Maritime Academy. Now, why is it fair that these entities can recoup their losses, but Maine's small businesses are not allowed to? In 40 other states, there is no such prohibition with no impact on consumers. By not allowing merchants to add a surcharge if they choose, means that customers paying for cash - by cash are subsidizing those paying with a credit card. Perhaps the most tangible example we can provide involves higher ticket item purchases. Customers will frequently negotiate a best price with a merchant on a high price ticket item like an automobile or tractor, and then look to pay for the item by a frequent flyer mileage card. The retailer pays 3-5% of the cost of the transaction for the privilege of honoring the credit cards. On some transactions, that 3-5% cost is more than the potential profit on the item. Supporting L.D. 1324 is good for consumers and retailers. Thank you for your time and consideration.

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

Senator **BRAKEY:** Thank you, Mr. President. I want to rise to back up my good colleague from Penobscot County, who brought this bill forward. There was a lot of debate about this in the HCIFS Committee, and there's just a few points I'd like to make. You know, one thing that irks me about the status quo is the double standard that exists, which my colleague - our colleague highlighted. If you go to pay your property taxes or your car registration and you pay with a credit card when you're paying - when you're paying the government, government has a carveout for itself that the credit card fee is passed on to you. But when it happens to our businesses, businesses are not treated the same way. So, there's a double standard there and I think that's worth noting. But another thing that irks me about the status quo is, you know, consumers are paying the price of this one way or the other. It's just baked into the price of the product as it currently is rather than being upfront about this added fee that credit card companies are charging. I see this bill as really a matter of transparency and to imagine maybe a different scenario to

highlight the kind of the ridiculousness of the status quo, I mean, imagine if we, as state government, you know, we have a sales - we impose a sales tax on many things that people purchase, it's 5.5%. Imagine if we went to businesses and we said, 'you know what, don't slap the sales tax onto the - on the receipt where the end consumer can see what they're paying in taxes, we demand the businesses bake it into the price of their product so that the consumer doesn't know that we're taking so much from them and that we are contributing to the rising prices here.' and that's exactly what's happening with the credit card companies. They have a nice situation where they get to force businesses to bake it into the price of their product, which ultimately means that those who cash pay or pay with a check are subsidizing those who pay with a credit card. It's not very fair, it's not very transparent, and so, as the Senator from Penobscot noted, a vast majority of states already have these policies in place. If you go to those states, you don't see these surcharges everywhere, it tends to be in smaller businesses or for small transactions. I'll always remember a story like - like Senator Guerin noted. I remember my first time running for office stopping into a local natural food store in Poland, Maine, and talking with the business owner there and I thought, 'oh, while I'm here, I'll just make a small purchase to show my support for the business,' and I thought, 'you know, that - those apples look very nice, I'll buy an apple,' and I pulled out my credit card and he just looked at me and said, 'boy, just take the apple,' because the credit card fees would've been more than the price of the apple itself. I did come back another day and pay him the cash price for it because - well, I wanted to earn his vote. But this is - but these are the knots that we tie our small businesses into when -with the current policy. So, I oppose the pending motion and will be supporting the underlying bill. Which, I will note that the alternate report does require a 2% cap and it does require disclosure up front so that nobody is surprised when they get the receipt that there's a surcharge there. It would have to be posted right at the register, so people know if they want to do a credit card transaction, oftentimes it's for a small purchase. They know that they have choices available. Thank you, Mr. President.

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

Senator **BAILEY:** Thank you, Mr. President. I just wanted to rise and address some of the points that have been raised by the good Senator from Penobscot and Androscoggin. First of all, I would say, you know, rest assured - because we were not able to get any assurances from anyone that if this were to pass that these fees would not be passed onto the consumer and, that because these fees are already built into the price of goods and services already, committee members did ask whether there would be a reduction in price and, again, we could not get any assurance of that. In addition, as far as the apple and the coffee, let me just state that by state law a - someone who accepts credit cards can impose a minimum purchase of \$10. So, unless that apple or cup of coffee was worth over \$10, the merchant could have put that requirement there, and you've seen those, I'm sure some of you have seen those where they do require a minimum purchase of \$10. As far as the municipalities and Judicial Branch, so what we learned in our committee is where that came from is, you may all remember, there was a time when municipalities, for example, would not accept credit cards, and it was actually members of the public who insisted that, you know, they wanted

that convenience. But the dilemma for municipalities is that if someone is going in and wanting to pay their taxes of, you know, \$4,000, if they pay by credit card and the municipality has to absorb that surcharge on top of it, then that person really hasn't paid their taxes in full. They paid, you know, \$3,900 or whatever it is, and so, the municipalities and others said, 'well, we're willing to listen to the public, make it more convenient for them, but only if we can have the customer who wants to pay by credit card absorb that surcharge.' So that's where that comes from and that's why there is that carveout. Thank you.

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

Senator **POULIOT:** Thank you, Mr. President. Debt is dumb, cash is king, and the paid-off home mortgage should take the place of BMW as the status symbol of choice in this country. That's what Dave Ramsey says every time he starts his program on the radio. The borrower is slave to the lender, Mr. President. The borrower is slave to the lender. Just this morning, I got an email in my inbox, I get this thing called the Morning Brew, it said, 'if you've been dropping plastic a lot and hoping it'll take care of itself later, join the club.' Yesterday, the New York Fed released Q1 report. Findings include record high debt level of \$17 trillion, Mr. President, persistent credit card debt and rising delinquency rates. A typical first quarter sees credit card balances decline as people pay off what they spent over the holidays while trying to out-gift their in-laws, but for the first time since the New York Fed started tracking this 20 years ago, that isn't the case, according to Bankrate Senior Industry Analyst. Instead, balances remain flat over Q1, suggesting that people aren't cutting back and are probably using credit cards to finance daily spending. Obviously, inflation is going up. We can't control that, but the behavior that has existed in this country, because of access to debt, which didn't start until somewhere in the 1920s, is egregious. There are many people outside of this building that are in bondage. They're in bondage to their lender and everything that we can do with policy to try to move people away from using credit, which is money they don't have, to pay for things that many times they may not need, is good for everybody, Mr. President. I know of a local business here that pays \$5,000 to \$6,000 a year - the Mailing Center right up the hill from here - a year on just credit card fees alone. That's additional money that could be going to their employees to pay increased wages, which I think everybody in this Chamber wants, and then having the minimum purchase of \$10. What happens if you want to buy something that's only like six bucks. Now you have to spend more money. You know, that's way more than what you would pay for a small percentage increase on the charge to be able to use the credit card, which maybe you shouldn't be using, anyway. When I was in Mexico, I had to do this, it was \$20. I wanted to buy something that was seven bucks, and they were like you have to spend \$20. I'm like I have to spend over a 100% more money just to buy this one item? That's crazy. I hope that we will vote against the pending motion, Mr. President, and do the right thing for the people of Maine. Thank you.

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

Senator **TIMBERLAKE**: I want to state for the record some myths that I heard this morning that are myths. I have, personally, run and my family has run, a hardware store in Turner, Maine, a True Value Hardware Store, for 28 years, and it was news to me to hear this morning that my credit card fees are built into my price, because that's not true. When True Value sends us a price list, it's a suggested price list that comes, basically, all across the northeast, and it doesn't have any credit card fees built into it. When I take - when I sell a riding lawnmower, an average riding lawnmower, a small one, will sell for \$1,500 to \$2,000. There's usually about \$200 built into that for profit and an average credit card transaction for the average store is going to run anywhere from 2 ½% to 5%, depending on how big a business you are. By the time the customer pays for that credit card, you don't make any money on the lawnmower. Power equipment that we sell day in, Echo, Stihl, any of that stuff, when it gets paid for with a credit card, we don't make any money. Now, we don't say anything, we absorb it within our store, but we're not making money on that product. To say that it's built in is a bald-faced lie, because it's not. I could tell you, as a small businessperson in the state of Maine and one who's traveled around the United States, most states that you travel to, you pay with a credit card, you pay a transaction fee. My daughter, who now runs the hardware store in Turner, just got back from Florida and she said, 'Dad, everywhere I went down there, they charged me a credit card transaction fee if I paid with a credit card.' Folks, we're punishing small business in the state of Maine. Walmart, Hannaford, the big chain stores, they can absorb it. Your small Mom-and-Pop stores in the state of Maine can't. All this bill done is gave the option for your Mom-and-Pop stores in rural Maine, and the small stores in rural Maine, to be able to charge this fee if they choose to. It doesn't mean they have to, it means they can. You're punishing them. I want you to think about that, because this is important. You know? We are fighting for survival. Our credit card fees in our little stores in Turner, Maine, last year was over \$40,000 in credit card fees. That's \$40,000 that came out of being able to offer our employees more money, to be able to give them better benefits, and to be able to take care of them. You need to pass this law. You need to vote against the pending motion. To let the Mom-and-Pop stores in the state of Maine operate the way they need to operate in today's environment. Please vote against the pending motion. Thank you.

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

Senator **GUERIN**: Mr. President, ladies and gentlemen of the Senate, I wanted to address a few things that my good friend, the Senator from York, had mentioned. She said, I believe, that no one said they would lower their prices, and the representative from the Maine Auto Dealers actually did say that they would be happy to lower their prices because they are often competing with New Hampshire or the online auto buying, like, Carfax or whatever those companies are, so they would really like the option to lower their prices, but haven't been able to for fear that somebody would pay with a credit card, and that actually happened in our family's business, also. Someone had done a new commercial kitchen, and we have a lot of competition from the internet and from other people in Maine that bid on the job, and we did a very thin margin on that big install. A lot of labor involved, and then the man came in to pay with an international American Express card and we lost money on that job, and I said

to him, 'we will lose money if you pay with that card,' and he said, 'well, it's going to be my trip to Florida, so, sorry,' and, you know, that's extremely hard for small businesses in Maine to absorb losses like that. And the - also, the information was given that with debit and credit cards you can have the \$10 minimum. That applies to only one of those categories, and so for it to apply to both debit and credit, it would have to be a law change. Thank you.

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

Senator **DAUGHTRY**: Thank you, Mr. President. Ladies and gentlemen of the Senate, I rise in support of the motion in front of us. As a small business owner, I agree the fees that we are charged by many of these companies are absolutely and utterly outrageous. I have spent time on the phone arguing to get our fees down and have, you know, paid in the realm of \$5,000 to \$10,000, depending on the year. That being said, while looking in the bill file, I want to draw everyone's attention to the testimony from Legal Services for the Elderly. On it, which they oppose this bill, one of the biggest points they made is they had concerns about Mainers on fixed incomes. So, 'for 42 years,' and I'm quoting from their testimony, 'has prohibited surcharges on credit card consumers and for 12 years Maine has prohibited charges on - surcharges on debit cards.' Skipping ahead, 'as a practical matter, these bills would only change the rule regarding surcharges on debit card transactions, and that is because federal law also prohibits surcharges on most debit card transactions. Why did previous Legislatures ban these surcharges? Current law was enacted to protect those who are on fixed incomes and those who have the least flexibility and fewest options when making purchases. This includes a large number of older Mainers. The use of surcharges would operate like an additional tax on this population, except instead of benefitting the state as a whole, the surcharge would benefit private properties - parties.' I agree something needs to be done with how we manage a lot of our transactions in this country, and we have a discriminatory credit system that takes out people all over this country, and especially for those in my generation, as the good Senator from Kennebec said, we have a credit epidemic. This bill, unfortunately, is not the way to get at it, especially with the clear difference between what a debit card is and what a credit card is. I urge you to follow my light and support the majority of the committee.

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

Senator **KEIM**: Thank you, Mr. President. I also have to rise and speak on this bill in support of small businesses. The Mom-and-Pop businesses of our state have been hurt so drastically in recent years with what's happened with COVID and shutting them down, and this would be a real help to them. Not all of them would take advantage of it, for certain, but the ones that are on razor-thin margins and are barely surviving may, absolutely, take advantage of this in order to keep their doors open, and as far as the elderly population, it's them that generally has cash in their pocket and so I think they are less impacted by this than we might otherwise assume. But they also want to keep their corner stores open because the other issue that they have is transportation, often, and they want small businesses around them so that they

can patronize them and have that option. So, I think this is good for elderly Mainers as well and certainly good for our small businesses, and I think this would be, as I said, a very welcome boon to them who are struggling on small margins. Thank you.

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

Senator **BRAKEY:** Thank you, Mr. President. Based on your past advice, I won't apologize for rising a second time. I just want to echo something that - a point Senator Keim made. You know, when it comes to our elderly, you know, I don't have any data to back this up, but experience tells me that Senator Keim is right, that our elderly in the population are the ones who disproportionately use cash over credit cards versus the younger generations, who have more grown up with paying for things with plastic, and, so that being the case, that would mean since those who make cash purchases versus credit card purchase are paying higher prices because, at least in some cases, as Senator Timberlake has pointed out, not all cases, but in some cases, businesses accommodate these by raising prices. It is the cash payer who is subsidizing the credit card payer, which would mean that particularly disproportionately our elderly who disproportionately use cash, are the ones subsidizing the younger generation with credit card purchases. Thank you, Mr. President.

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#142)

YEAS: Senators: BAILEY, BALDACCI, BEEBE-CENTER, BRENNER, CARNEY, CURRY, DUSON, LAWRENCE, NANGLE, RAFFERTY, RENY, ROTUNDO, TIPPING, VITELLI, PRESIDENT JACKSON

NAYS: Senators: BLACK, BRAKEY, CHIPMAN, DAUGHTRY, FARRIN, GROHOSKI, GUERIN, HARRINGTON, HICKMAN, KEIM, LIBBY, LYFORD, MOORE, PIERCE, POULIOT, STEWART, TIMBERLAKE

EXCUSED: Senators: BENNETT, INGWERSEN, LAFOUNTAIN

15 Senators having voted in the affirmative and 17 Senators having voted in the negative, with 3 Senators being excused, the motion by Senator **BAILEY** of York to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report **FAILED**.

On motion by Senator **DAUGHTRY** of Cumberland, the Senate **RECONSIDERED** whereby it **FAILED TO ACCEPTED** the Majority **OUGHT NOT TO PASS** Report.

Same Senator moved the Bill and accompanying papers be **TABLED** until Later in Today's Session, pending the motion by Senator **BAILEY** of York to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report.

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#143)

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

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

EXCUSED: Senators: BENNETT, INGWERSEN, LAFOUNTAIN

20 Senators having voted in the affirmative and 12 Senators having voted in the negative, with 3 Senators being excused, the motion by Senator **DAUGHTRY** of Cumberland to **TABLE** the Bill and accompanying papers until Later in Today's Session, pending the motion by Senator **BAILEY** of York to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report, **PREVAILED**.

Divided Report

The Majority of the Committee on **TRANSPORTATION** on Bill "An Act to Improve Visibility and Restore the Beauty of Maine's Roadways by Limiting Signs in the Public Right-of-way" S.P. 363 L.D. 866

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

Signed:

Senators:
CHIPMAN of Cumberland
FARRIN of Somerset

Representatives:
WILLIAMS of Bar Harbor
ALBERT of Madawaska
CRAFTS of Newcastle
MASON of Lisbon
O'CONNELL of Brewer
PARRY of Arundel
THERIAULT of Fort Kent
WHITE of Waterville
WHITE of Guilford

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (S-88).**

Signed:

Representative:
ANKELES of Brunswick

Reports **READ.**

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

Sent down for concurrence.

Divided Report

The Majority of the Committee on **TRANSPORTATION** on Bill "An Act to Increase Bicycle Safety by Allowing Cyclists to Treat Stop Signs as Yield Signs and Red Lights as Stop Signs" S.P. 614 L.D. 1551

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

Signed:

Senator:
FARRIN of Somerset

Representatives:
WILLIAMS of Bar Harbor
ALBERT of Madawaska
CRAFTS of Newcastle
MASON of Lisbon
O'CONNELL of Brewer
PARRY of Arundel
THERIAULT of Fort Kent
WHITE of Waterville
WHITE of Guilford

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (S-99).**

Signed:

Senators:
CHIPMAN of Cumberland
NANGLE of Cumberland

Representative:
ANKELES of Brunswick

Reports **READ.**

Senator **CHIPMAN** of Cumberland moved the Senate **ACCEPT** the Minority **OUGHT TO PASS AS AMENDED** Report.

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

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

Senator **TIPPING:** Thank you, Mr. President. Rarely do we have such a simple, straightforward bill, backed by such clear data. I just want to say first I'm thankful for my bipartisan co-sponsors on this one in both Chambers. This came from an incident with my own family, a close family member was struck by an automobile while bicycling and is permanently disabled, paraplegic, and I was looking for what could be done. So, there's a very simple law that's been passed by many other states that makes a real difference here. It's called the Delaware Yield or the Safety Yield and it simply allows bicyclists to yield at stop signs if it's safe to do so, rather than stop. This allows them to spend less time at intersections, it allows them to maintain momentum and not fall into the path of traffic, and it allows them to be more visible to drivers as moving objects. It also allows for continued traffic flow. In Idaho, which was the first state to pass a similar law, accidents decreased by 15%. In Delaware very recently where they passed this specifically and looked at 30-month periods of accidents specifically in intersections, they fell by 23%. That's clear data on this one and I think it's hard to argue with. The National Highway Traffic Safety Administration which put out a factsheet that has been distributed on the floor here, took a look at all of these bills, these laws in different states that allow for the safety yield and found that not only do they have these results and these percentages that we're talking about, but overall have added to safety and, in conclusion, they have benefitted the environment, traffic, and transportation, according to that body. Thank you, Mr. President.

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#144)

YEAS: Senators: BAILEY, BALDACCI, BEEBE-CENTER, BRAKEY, BRENNER, CARNEY, CHIPMAN, CURRY, DAUGHTRY, DUSON, GROHOSKI, HICKMAN, LAWRENCE, LIBBY, MOORE, NANGLE, PIERCE, POULIOT, RAFFERTY, RENY, ROTUNDO, TIPPING, VITELLI

NAYS: Senators: BLACK, FARRIN, GUERIN, HARRINGTON, KEIM, LYFORD, STEWART, TIMBERLAKE, PRESIDENT JACKSON

EXCUSED: Senators: BENNETT, INGWERSEN, LAFOUNTAIN

23 Senators having voted in the affirmative and 9 Senators having voted in the negative, with 3 Senators being excused, the motion by Senator **CHIPMAN** of Cumberland to **ACCEPT** the Minority **OUGHT TO PASS AS AMENDED** Report **PREVAILED.**

Bill **READ ONCE.**

Committee Amendment "A" (S-99) **READ** and **ADOPTED.**

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Divided Report

The Majority of the Committee on **VETERANS AND LEGAL AFFAIRS** on Bill "An Act to Reduce the Enrollment Requirement for Minor Political Parties That Seek Official Party Status"
S.P. 328 L.D. 769

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

Signed:

Senators:

- HICKMAN of Kennebec
- BRENNER of Cumberland
- TIMBERLAKE of Androscoggin

Representatives:

- SUPICA of Bangor
- ANDREWS of Paris
- BOYER of Poland
- COLLINGS of Portland
- RISEMAN of Harrison
- RUDNICKI of Fairfield

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

Signed:

Representatives:

- MALON of Biddeford
- MONTELL of Gardiner
- RIELLY of Westbrook

Reports **READ.**

On motion by Senator **HICKMAN** of Kennebec, the Majority **OUGHT TO PASS** Report **ACCEPTED.**

Bill **READ ONCE.**

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Divided Report

The Majority of the Committee on **VETERANS AND LEGAL AFFAIRS** on Bill "An Act to Increase Ballot Transparency with Blockchain Technology"

S.P. 439 L.D. 1070

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

Signed:

Senators:

- HICKMAN of Kennebec
- BRENNER of Cumberland
- TIMBERLAKE of Androscoggin

Representatives:

- SUPICA of Bangor
- COLLINGS of Portland
- HYMES of Waldo
- MALON of Biddeford
- MONTELL of Gardiner
- RIELLY of Westbrook
- RISEMAN of Harrison
- RUDNICKI of Fairfield

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (S-98).**

Signed:

Representatives:

- ANDREWS of Paris
- BOYER of Poland

Reports **READ.**

Senator **HICKMAN** of Kennebec moved the Senate **ACCEPT** the Majority **OUGHT NOT TO PASS** Report.

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

Senator **BRAKEY:** Thank you, Mr. President. I'm not going to ask for a roll call on this one, though I just want to speak very briefly to the bill. This is a bill that I put forward, another bill that may be ahead of its time, but I just want to highlight some of the issues raised in it very briefly. I think it's - what this bill seeks to do is, first, recognize that when we go out to vote and you fill out your paper ballot and you put it into the vote tabulating machine, the vote tabulating machine makes a digital image of that ballot, and there are many who feel that that digital image is a public record that should be preserved just like the ballots themselves are preserved and the interesting thing about technological advancements that we have now in the 21st century with blockchain technology, which is what this bill proposes we use to store the digital images of these ballots, this is an unhackable ledger system, the same technology that's used to support cryptocurrencies like blockchain - like bitcoin. What this would do is it would mean that we would have a secure system whereby any single member of the public who would like to count the votes for themselves could just go and do an unofficial recount of the digital images of the ballots. It would add transparency to our election systems. It would help restore, I think, some confidence which has been undermined in recent elections about our system, and I think that it would also help avoid unnecessary official recounts that cost taxpayer money, if people could do a

preliminary recount based on access to the digital images of the ballots. That's all the bill seeks to do. That said, I do recognize - I appreciate the committee taking the time to hear the idea, I do think that in the drafting of the bill it could've been drafted a little bit better, that's why I'm not asking for a roll call vote today, but I do appreciate Senator Hickman running that hearing and making time to hear the idea. Thank you, Mr. President.

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

Sent down for concurrence.

Divided Report

Nine members of the Committee on **JUDICIARY** on Bill "An Act to Improve Family Court Procedure"

S.P. 248 L.D. 580

Reported in Report "**A**" that the same **Ought to Pass as Amended by Committee Amendment "A" (S-84)**.

Signed:

Senators:

CARNEY of Cumberland
BAILEY of York

Representatives:

MOONEN of Portland
HENDERSON of Rumford
KUHN of Falmouth
MORIARTY of Cumberland
POIRIER of Skowhegan
RECKITT of South Portland
SHEEHAN of Biddeford

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-85)**.

Signed:

Senator:

LYFORD of Penobscot

Representatives:

HAGGAN of Hampden
LEE of Auburn

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

Signed:

Representative:

ANDREWS of Paris

(Representative DANA of the Passamaquoddy Tribe - of the House - supports Report "**A**", **Ought To Pass as Amended by Committee Amendment "A" (S-84)**.)

Reports **READ**.

Senator **CARNEY** of Cumberland moved the Senate **ACCEPT** Report "**A**", **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (S-84)**.

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

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

Senator **BRAKEY:** Thank you, Mr. President. This is another bill coming out of the Judiciary Committee from the Before Brakey Era. I will do the best I can to speak to the differences between the reports. I am opposing the motion. There is an alternate report that I think is worthy of consideration. The primary difference, as far as I could tell, between the two reports were, you know, this is related to, I guess, ex parte orders in divorce proceedings about where children are placed. The report in front of us requires that folks - that in that decision, determinations are made based on physical and emotional health and safety, versus the alternate report just is health and safety. My understanding is that members who oppose the report in front of us were concerned that, particularly around emotional safety, that that's kind of vague and subjective and hard to put a finger on, and so just for health and safety was cleaner, and both reports, of course, will be noted, both are bipartisan, so, I guess, go where you think best. But thank you, Mr. President, I'll be voting against the motion.

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

Senator **CARNEY:** Thank you, Mr. President, and thank you, colleagues, for your attention on this important bill. This bill actually came to the committee following a study that was conducted regarding difficult situations where parental rights and responsibilities orders are not being complied with. Sometimes there were situations in which one parent simply wasn't allowing the other parent to have custody or visitation of the kids, and in other situations there was a danger to the kid. We heard about things like children - parents having to decide whether to comply with an order to have their child spend time with the other parent even though they knew that the other parent was either using unlawful drugs, or was watching pornography in front of the child, things like that, and so what L.D. 580 does is it creates a predictable process that parents can follow when they're in one of these difficult situations and they want to protect their child but also abide by court orders. It allows a parent to request a temporary order from the court to address parental rights and responsibilities. There's a full hearing within 21 days of the temporary order. And I will just briefly address the issue that was raised by my good colleague from Androscoggin having to do with the distinction between Report "A" and Report "B". Report "A" gained the support of the majority of the committee members because we felt that it was important for a court to be able to take

into account the physical and emotional health of the child. I think the - I think the example of a child being in a home with a parent who's watching pornography in front of the child is a great example of that. It's a little hard to really tease apart whether that is jeopardizing the physical health of the child, or the emotional health of the child, but those are the types of situations where parents are called to make those tough decisions; do I abide by the court order and send my child into what I think is going to be harmful to that child's physical and emotional health or do I violate the court order?, and basically, by supporting the pending motion, you'll be saying to parents the court will be available to help you resolve these issues in an emergency basis and maintain the health and safety of your child.

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

Senator **STEWART:** Can leadership approach real quick?

Senate at Ease.

The Senate was called to order by the President.

On motion by Senator **STEWART** of Aroostook, **TABLED** until Later in Today's Session, pending the motion by Senator **CARNEY** of Cumberland to **ACCEPT** Report "A", **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (S-84)**. (Roll Call Ordered)

SECOND READERS

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

House

Bill "An Act to Provide Equal Educational Opportunity by Adopting Rules Ensuring Nondiscrimination on the Basis of Protected Class Status in Educational Institutions"
H.P. 306 L.D. 489

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

House As Amended

Bill "An Act to Ensure Accountability for Workplace Harassment and Assault by Removing Intentional Acts and Omissions from Workers' Compensation Exemptions"
H.P. 28 L.D. 53
(C "A" H-110)

Bill "An Act to Make Maine Schools Safer and Healthier by Increasing the Maximum Debt Service Limit"
H.P. 178 L.D. 280
(C "A" H-109)

Bill "An Act to Require That Insurance Companies Notify Workers over 65 Years of Age of Potential High Costs"
H.P. 206 L.D. 308
(C "A" H-108)

Bill "An Act to Support Lead Abatement in Older Residential Properties" (EMERGENCY)
H.P. 287 L.D. 470
(C "A" H-100)

Bill "An Act to Prohibit the Use of Personal Watercraft on Keyes Pond and Stearns Pond in the Town of Sweden"
H.P. 314 L.D. 497
(C "A" H-99)

Bill "An Act to Require That Motor Vehicles Be Clear of Snow When Operated on Public Ways"
H.P. 327 L.D. 522
(C "A" H-106)

Resolve, to Convene a Driver Education Working Group to Evaluate Hardships to Underserved Populations and Low-income Families
H.P. 760 L.D. 1200
(C "A" H-105)

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

Bill "An Act to Create Parity in the Taxation of Medicine"
H.P. 346 L.D. 541
(C "A" H-73)

READ A SECOND TIME and **PASSED TO BE ENGROSSED AS AMENDED**, in **NON-CONCURRENCE**.

Sent down for concurrence.

Senate

Bill "An Act to Amend the Standards for Manufactured Housing to Comply with United States Department of Housing and Urban Development Standards"
S.P. 268 L.D. 651

Bill "An Act to Advance the Maine Retirement Savings Program" (EMERGENCY)
S.P. 451 L.D. 1082

Bill "An Act to Require Timely Payment for Salaried Employees"
S.P. 515 L.D. 1278

Bill "An Act to Clarify the Laws Regarding Delegating Authority for Services Performed by Emergency Medical Services Personnel or Others as a Medical Assistant"

S.P. 563 L.D. 1396

Bill "An Act to Require the Bureau of Labor Standards to Create and Distribute in Workplaces a Veterans' Benefits and Services Poster"

S.P. 709 L.D. 1762

READ A SECOND TIME and PASSED TO BE ENGROSSED.

Sent down for concurrence.

Senate As Amended

Bill "An Act to Increase Access to Birth Control by Making Certain Contraception Available over the Counter"

S.P. 158 L.D. 351
(C "A" S-82)

Bill "An Act to Require the Recording of Grand Jury Proceedings"

S.P. 207 L.D. 453
(C "A" S-29)

Bill "An Act to Expedite the Health Insurance Referral Process for Specialists by Allowing Referrals from Urgent Care Facilities"

S.P. 280 L.D. 722
(C "A" S-80)

Resolve, Directing the Treasurer of State to Review and Develop Options for Meeting the Banking Needs of the Cannabis Industry

S.P. 347 L.D. 788
(C "A" S-83)

Bill "An Act to Allow the Baileyville Utilities District to Disconnect Water Service for a Customer's Failure to Pay for Sewer Service Provided by the Town of Baileyville"

S.P. 396 L.D. 925
(C "A" S-79)

Resolve, Directing the Maine Technology Institute to Review Targeted Technology Sectors and Industry Clusters

S.P. 537 L.D. 1318
(C "A" S-77)

READ A SECOND TIME and PASSED TO BE ENGROSSED AS AMENDED.

Sent down for concurrence.

ENACTORS

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

**Pursuant to Constitution
Public Land**

Resolve, Authorizing the Director of the Bureau of Parks and Lands Within the Department of Agriculture, Conservation and Forestry to Lease Certain Land Within Somerset County
H.P. 860 L.D. 1346
(C "A" H-96)

In accordance with the provisions of Article IX, Section 23 of the Constitution, passage requires the affirmative vote of two-thirds of the entire elected Membership of the Senate. 32 Senators having voted in the affirmative and no Senators having voted in the negative, and 32 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.

Acts

An Act to Improve Coastal Sand Dune Restoration Projects
H.P. 295 L.D. 478
(C "A" H-92)

An Act to Change the Notification Law for School Truancy
H.P. 408 L.D. 631
(C "A" H-94)

An Act to Allow the Local Foods Fund for Public Schools to Be Used for Processed and Value-added Maine Food Products
S.P. 392 L.D. 921

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

Resolves

Resolve, Directing the Maine Community College System to Study Providing On-campus Housing on All Campuses
H.P. 519 L.D. 830

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

Resolve, Directing the Department of Agriculture, Conservation and Forestry to Conduct an Accessibility Study of All Maine State Parks and Historic Sites and to Develop a Plan to Remove Access Barriers

S.P. 407 L.D. 988
(C "A" S-62)

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

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

Senate at Ease.

The Senate was called to order by the President.

Off Record Remarks

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

PAPERS FROM THE HOUSE

House Papers

Bill "An Act to Amend the Maine Food Sovereignty Act"
H.P. 1251 L.D. 1947

Comes from the House, **REFERRED** to the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** and ordered printed.

On motion by Senator **HICKMAN** of Kennebec, **REFERRED** to the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** and ordered printed, in concurrence.

Bill "An Act to Establish an Affirmative Defense to the Crime of Criminal Trespass and Aggravated Criminal Trespass That the Person Was Unhoused and Seeking Shelter"
H.P. 1253 L.D. 1949

Comes from the House, **REFERRED** to the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** and ordered printed.

On motion by Senator **BEEBE-CENTER** of Knox, **REFERRED** to the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** and ordered printed, in concurrence.

Bill "An Act to Require Broadband Internet Access Service Providers to Prorate Customer Bills"
H.P. 1240 L.D. 1932

Bill "An Act to Increase the Debt Limit of the Limerick Water District" (EMERGENCY)
H.P. 1241 L.D. 1933

Come from the House, **REFERRED** to the Committee on **ENERGY, UTILITIES AND TECHNOLOGY** and ordered printed.

On motion by Senator **LAWRENCE** of York, **REFERRED** to the Committee on **ENERGY, UTILITIES AND TECHNOLOGY** and ordered printed, in concurrence.

Bill "An Act to Allow Certified Nurse Practitioners to Provide In-home Care Without a Home Health Care Provider License"
H.P. 1244 L.D. 1936

Comes from the House, **REFERRED** to the Committee on **HEALTH COVERAGE, INSURANCE AND FINANCIAL SERVICES** and ordered printed.

On motion by Senator **BAILEY** of York, **REFERRED** to the Committee on **HEALTH COVERAGE, INSURANCE AND FINANCIAL SERVICES** and ordered printed, in concurrence.

Bill "An Act to Promote Workforce Development by Establishing a Workforce Development Program"
H.P. 1243 L.D. 1935

Comes from the House, **REFERRED** to the Committee on **LABOR AND HOUSING** and ordered printed.

On motion by Senator **TIPPING** of Penobscot, **REFERRED** to the Committee on **LABOR AND HOUSING** and ordered printed, in concurrence.

Resolve, to Improve the Coordination and Delivery of Planning Grants and Technical Assistance to Communities in Maine
H.P. 1242 L.D. 1934

Bill "An Act to Amend the State's Data Governance Program Regarding Proprietary Data"
H.P. 1252 L.D. 1948

Come from the House, **REFERRED** to the Committee on **STATE AND LOCAL GOVERNMENT** and ordered printed.

On motion by Senator **NANGLE** of Cumberland, **REFERRED** to the Committee on **STATE AND LOCAL GOVERNMENT** and ordered printed, in concurrence.

Bill "An Act to Provide a Property Tax Exemption to All Veterans Who Are 62 Years of Age or Older and Increase the Current Exemption"
H.P. 1249 L.D. 1945

Bill "An Act to Amend the Income Tax Law to Expand the Middle Tax Bracket, Increase the Lodging Tax and Increase the Short-term Automobile Rental Tax"
H.P. 1250 L.D. 1946

Come from the House, **REFERRED** to the Committee on **TAXATION** and ordered printed.

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

Bill "An Act to Require a Reminder for Vehicle Registration Renewal"

H.P. 1246 L.D. 1938

Comes from the House, **REFERRED** to the Committee on **TRANSPORTATION** and ordered printed.

On motion by Senator **CHIPMAN** of Cumberland, **REFERRED** to the Committee on **TRANSPORTATION** and ordered printed, in concurrence.

Bill "An Act Regarding Tribal Gaming"

H.P. 1248 L.D. 1944

Comes from the House, **REFERRED** to the Committee on **VETERANS AND LEGAL AFFAIRS** and ordered printed.

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

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

PAPERS FROM THE HOUSE

House Papers

RESOLUTION, Proposing an Amendment to the Constitution of Maine to Establish a Parental Bill of Rights

H.P. 1255 L.D. 1953

Comes from the House, **REFERRED** to the Committee on **JUDICIARY** and ordered printed.

On motion by Senator **CARNEY** of Cumberland, **REFERRED** to the Committee on **JUDICIARY** and ordered printed, in concurrence.

Bill "An Act to Allow On-site Cannabis Consumption"

H.P. 1254 L.D. 1952

Comes from the House, **REFERRED** to the Committee on **VETERANS AND LEGAL AFFAIRS** and ordered printed.

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

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 (5/4/23) matter:

SENATE REPORTS - from the Committee on **HEALTH COVERAGE, INSURANCE AND FINANCIAL SERVICES** on Bill "An Act to Protect Maine People from Inflation by Restoring Gold and Silver as Legal Tender"

S.P. 507 L.D. 1270

Majority - **Ought to Pass as Amended by Committee Amendment "A" (S-64)** (11 members)

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

Tabled - May 4, 2023 by Senator **BAILEY** of York

Pending - **ACCEPTANCE OF EITHER REPORT**

(In Senate, May 4, 2023, Reports **READ**.)

Senator **BAILEY** of York moved the Senate **ACCEPT** the Minority **OUGHT NOT TO PASS** Report.

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

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

Senator **BAILEY:** Thank you, Mr. President. This bill is unnecessary. There's no problem we're trying to solve by this bill. If two people agree that they will pay for services or a product with gold or silver, that is a legally binding contract that would be enforceable in a court of law. So, again, this bill is simply unnecessary. Thank you.

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

Senator **BRAKEY:** Thank you, Mr. President. I appreciate the words from my good colleague from York County. I will just highlight that in this case, the alternate report is a supermajority report of the committee. This bill would do a few basic things. It would just add some protections in the state's statute for those who would like to use gold and silver as a medium of exchange for transactions between consenting parties, and it would also put

protections into statute for peoples' ability to own and hold gold and silver. I know that it's a history that is easily forgotten, but there was about half a century in this country, from the FDR administration until the Ford administration, where it was outlawed on the federal level by executive order for people to hold gold. We would simply be putting into statute protections for people to hold, own, use gold and silver, which are still in the U.S. Constitution listed as money and, in the words of Former-Speaker Nutting who serves on the committee, there's literally no downside to this bill. It creates no obligation on anyone, there is no fiscal note involved, it simply recognizes in state statutes peoples' rights and protects those rights, and I would encourage folks in the Chamber to consider following the supermajority report of the HCIFS committee. I know, Senator Bailey, sometimes it's - to steal a phrase from you, by voting no on the pending motion in order to support the 11-person report, which actually has more Democrats on the Ought to Pass Report than Republicans. Thank you, Mr. President.

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

Senator **BALDACC**: Thank you, Mr. President. I just had a question I would ask through the Chair, and that the State of Maine - isn't it correct that the State of Maine has no legal power to designate legal tender? That that authority is solely with the United States government, therefore, passing this bill will be a nullity? That is a question, there's a question mark at the end of that statement.

THE PRESIDENT: The Senator from Penobscot, Senator Baldacci, has posed a question through the Chair to anyone who can answer. The Chair recognizes the Senator from Androscoggin, Senator Brakey.

Senator **BRAKEY**: Thank you. I respect the question from the good Senator from Penobscot. I will say Maine would not be the first state to do this. Several other states, I believe - I don't have my notes in front of me, but I believe four states have already restored gold and silver status as legal tender within their own state, and I would say that we are a sovereign state. Unless the Constitution prohibits us from doing something, the Tenth Amendment implies that we have the rights to do so and, again, we're not creating any obligations on anyone. We're not even saying - and in retrospect, sometimes I wish maybe I had put this in there - but we're not even saying that the State would take payment of taxes in gold and silver. We're just saying that people who would like to use it, can use it, and we will protect their right to do so. Thank you, Mr. President.

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#145)

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

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

EXCUSED: Senators: BENNETT, INGWERSEN, LAFOUNTAIN

19 Senators having voted in the affirmative and 13 Senators having voted in the negative, with 3 Senators being excused, the motion by Senator **BAILEY** of York to **ACCEPT** the Minority **OUGHT NOT TO PASS** Report **PREVAILED**.

Sent down for concurrence.

The Chair laid before the Senate the following Tabled and Later Assigned (5/11/23) matter:

Bill "An Act to Increase the Transfer Fees on Petroleum Products and Direct the Proceeds to Efficiency Programs for Low-income Energy Consumers and Financial Assistance to Low-income Utility Ratepayers and Prevent Profiteering in and Hoarding of Fuel"

H.P. 1223 L.D. 1907

Tabled - May 11, 2023 by Senator **VITELLI** of Sagadahoc

Pending - **REFERENCE**

(Committee on **ENERGY, UTILITIES AND TECHNOLOGY** suggested and ordered printed.)

(In House, May 9, 2023, **REFERRED** to the Committee on **TAXATION**.)

On motion by Senator **VITELLI** of Sagadahoc, **REFERRED** to the Committee on **INNOVATION, DEVELOPMENT, ECONOMIC ADVANCEMENT AND BUSINESS**, in **NON-CONCURRENCE**.

Sent down for concurrence.

The Chair laid before the Senate the following Tabled and Later Assigned (5/11/23) matter:

Bill "An Act to Establish Consumer Protections Regarding Small Dollar Loans"

H.P. 1228 L.D. 1912

Tabled - May 11, 2023 by Senator **VITELLI** of Sagadahoc

Pending - **REFERENCE**

(Committee on **HEALTH COVERAGE, INSURANCE AND FINANCIAL SERVICES** suggested and ordered printed.)

(In House, May 9, 2023, Bill and accompanying papers **INDEFINITELY POSTPONED.**)

On motion by Senator **VITELLI** of Sagadahoc, Bill and accompanying papers **INDEFINITELY POSTPONED**, in concurrence.

The Chair laid before the Senate the following Tabled and Later Assigned (4/11/23) matter:

Bill "An Act to Protect Maine People from Inflation by Exempting Gold and Silver Coins and Bullion from the State Sales and Use Tax"

S.P. 420 L.D. 1051
(C "A" S-71)

Tabled - May 11, 2023 by Senator **VITELLI** of Sagadahoc

Pending - **PASSAGE TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-71)**

(In Senate, May 11, 2023, **READ A SECOND TIME.**)

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

Senator **STEWART:** Thank you, Mr. President. I just want to clarify that my calendar doesn't have the committee report in front of me, I just want to make sure that this is the --

THE PRESIDENT: The Chair would advise that the Senate has taken a vote on initial passage and now it's engrossment.

On motion by Senator **CARNEY** of Cumberland, 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 Brakey.

Senator **BRAKEY:** Thank you, Mr. President. Fortunately for me on this legislation, you don't have to have any particular view on gold and silver status, of whether or not it should be legal tender, you just have to recognize the unfairness of a double tax and the inflationary times that we live in. First, I'd like to note how much I appreciate the chairman of the Taxation Committee and - well, actually, both chairmen of the Taxation Committee, both the Senate chairman and the House chairman - I'm sorry, the - I stand corrected. Senator Bailey actually corrected me on that the other day, too. I should drill that into my head - the chairwoman of the Senate - of the Taxation Committee, their support on this bipartisan - the bipartisan majority report that initially came out of the committee. I think we all know that we are in inflationary times and that our constituents are all looking for ways to preserve the value of their savings as we see the CPI at historically high levels. The good chairman from the Taxation Committee did advise me that the best odds of passing this might

be to keep my remarks brief. So, I'm going to dispense with the remarks I had planned, covering a very short overview of 5,000 years of human history in relating to monetary policy and gold and silver. We'll put that aside for today and just note that in the Roman republic, you could buy a well-tailored toga for 1 ounce of gold. In the American republic today, you can buy a well-tailored suit for 1 ounce of gold. It has been historically proven to be a stable and consistent sort of value, which is something that people always turn to in times of inflation. But let's note what the current policy is. Well over 40 states do not have a sales tax on gold or silver. Here in Maine, we have a double tax on gold and silver. So, we treat it as both a consumer good and we treat it as an investment. So, you pay the sales tax when you purchase it and you pay capital gains tax when you sell it, where you're getting hit on both ends. It's a double tax that we don't treat - for example, we don't treat stocks and bonds that way. You buy a stock, you don't pay a sales tax on the stock, you pay capital gains when you sell it. But gold and silver, you're paying on both ends. So, this would simply - basically, reclassify in our tax code that we say gold and silver, we're going to treat it like an investment and, I will note, as far as I've heard from some folks suggest well, isn't it only the rich who buy gold and silver? I would tell you you'd be surprised. Versus things like stocks and bonds, gold and silver are purchased often by - it's much more accessible to the common man or the common woman. And I just want to address a few concerns I heard. You know, I heard from one Senator, I think a fair concern, someone said well, what about - what about these collectors' coins that have all these collectors valuing them? If you read the definition, this requires - it requires gold and silver to be - to qualify, it has to be primarily based on the value of the weight and the value of the coins themselves, not based on any collector's value. Anyway, I'm going to follow the advice of the good Senator from Hancock County and I'm going to keep my remarks short from this point forward. I would just say let's eliminate the double tax. Let's help people with inflation. Let's pass the bill. Thank you, Mr. President.

THE PRESIDENT: The pending question before the Senate is Passage to be Engrossed. A roll call has been ordered. Is the Senate ready for the question?

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#146)

YEAS: Senators: BLACK, BRAKEY, CURRY, FARRIN, GROHOSKI, GUERIN, HARRINGTON, HICKMAN, KEIM, LAWRENCE, LIBBY, LYFORD, MOORE, POULIOT, RENY, STEWART, TIMBERLAKE

NAYS: Senators: BAILEY, BALDACCI, BEEBE-CENTER, BRENNER, CARNEY, CHIPMAN, DAUGHTRY, DUSON, NANGLE, PIERCE, RAFFERTY, ROTUNDO, TIPPING, VITELLI, PRESIDENT JACKSON

EXCUSED: Senators: BENNETT, INGWERSEN, LAFOUNTAIN

17 Senators having voted in the affirmative and 15 Senators having voted in the negative, with 3 Senators being excused, the Bill was **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-71)**.

Sent down for concurrence.

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

REPORTS OF COMMITTEES

House

Change of Committee

The Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act to Provide Financial Relief for Certain Volunteers Under the Corporation for National and Community Service, the Maine Service Fellows and the Maine Climate Corps"

H.P. 1018 L.D. 1573

Reported that the same be **REFERRED** to the Committee on **TAXATION**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **REFERRED** to the Committee on **TAXATION**.

Report **READ** and **ACCEPTED** and the Bill **REFERRED** to the Committee on **TAXATION**, in concurrence.

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

Off Record Remarks

On motion by Senator **BRENNER** of Cumberland, **ADJOURNED** until Thursday, May 18, 2023 at 10:00 in the morning in memory of and lasting tribute to Joann Grohman of Carthage.