

**STATE OF MAINE
ONE HUNDRED AND THIRTIETH LEGISLATURE
SECOND REGULAR SESSION
JOURNAL OF THE SENATE**

In Senate Chamber
Friday
April 15, 2022

Senate called to order by President Pro Tem Paul T. Davis, Sr. of Piscataquis County.

Prayer by Pastor David Willhoit of Apostolic Church of Mexico.

PASTOR WILLHOIT: Good morning. Thank You, Lord, for the opportunity today to open this assembly, not only with thanksgiving to You but also a thanks for those that are here to make choices and decisions on behalf of the people of the state of Maine. I pray that You would bless them today with the wisdom of the Holy Ghost and that You'd bless their families today with wellbeing. Lord, You know that we need You in this hour, in this day. We cannot do this without You but we know that all things are possible with You. I also pray, Lord, that You would give us the wisdom to lead in morality and in godliness as this is also the day that we celebrate the day that You gave Your life, sacrificing for us, that we would lay down our lives for the people of this state. Thank You, Lord, for restoring us, Lord. Thank You, Lord, for restoring us, not only our taste and smell but, God, also our sense of morality. Again, we pray that Your presence would lead this assembly and their homes. We ask this in Jesus' name. Amen.

Pledge of Allegiance led by Senator Bradlee T. Farrin of Somerset County.

Reading of the Journal of Thursday, April 14, 2022.

Off Record Remarks

The Following Communication: S.C. 1262

**STATE OF MAINE
130TH LEGISLATURE
OFFICE OF THE PRESIDENT
AUGUSTA, MAINE**

April 15, 2022

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

Dear Secretary Grant,

Pursuant to my authority under Senate Rule 201.3, please be advised that I appoint the Senator from Piscataquis County, Senator Paul Davis Sr., to serve as President Pro Tem and convene the Senate on Friday, April 15, 2022.

Please let me know if you have any questions.

Sincerely,

S/Troy D. Jackson
President of the Senate

READ and ORDERED PLACED ON FILE.

PAPERS FROM THE HOUSE

Non-Concurrent Matter

An Act To Define "Solitary Confinement"
H.P. 508 L.D. 696
(S "A" S-540 to C "A" H-846)

In Senate, April 12, 2022, the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-846) AS AMENDED BY SENATE AMENDMENT "A" (S-540)** thereto, in **NON-CONCURRENCE**.

Comes from the House, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-846) AS AMENDED BY HOUSE AMENDMENT "A" (H-1008)** thereto, in **NON-CONCURRENCE**.

Senator **VITELLI** of Sagadahoc moved the Senate **INSIST**.

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

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#755)

YEAS: Senators: BENNETT, BLACK, CYRWAY, DESCHAMBAULT, DILL, FARRIN, GUERIN, JACKSON, KEIM, MOORE, POULIOT, RAFFERTY, ROSEN, STEWART, TIMBERLAKE, VITELLI, WOODSOME, PRESIDENT PRO TEM DAVIS

NAYS: Senators: BAILEY, BALDACCI, BREEN, BRENNER, CARNEY, CHIPMAN, CLAXTON, CURRY, DAUGHTRY, HICKMAN, LAWRENCE, LIBBY, MAXMIN, MIRAMANT, SANBORN

EXCUSED: Senator: DIAMOND

18 Senators having voted in the affirmative and 15 Senators having voted in the negative, with 1 Senator being excused, the motion by Senator **VITELLI** of Sagadahoc to **INSIST**, **PREVAILED**.

Sent down for concurrence.

ORDERS

Joint Orders

Expressions of Legislative Sentiment recognizing:

Isabelle Lavoie, of Madawaska, a senior at Madawaska Middle/High School, who is a recipient of a 2022 Principal's Award for outstanding academic achievement and citizenship, sponsored by the Maine Principals' Association. We extend our congratulations and best wishes;

SLS 963

Sponsored by President JACKSON of Aroostook. Cosponsored by Representative: MARTIN of Sinclair.

The Joint Order was **READ**.

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

Senator **JACKSON:** Thank you, Mr. President. I appreciate the opportunity. Today's, obviously, a great day for me, having a long drive to my district, to actually have a number of my constituents down today, which doesn't happen very often and today, with Isabelle Lavoie and her family, I just wanted to get up and recognize her. Isabelle is a well-rounded student. She's driven in the classroom. She's involved in student government, so she gets a chance to see what we all do here today. She's a dancer and a piano player and very dedicated to volunteer projects in the community. I think it's really great too that she obviously thinks a lot of her family. She's down here today with her father, a Dean, and her brother and she's actually going to join her father, who's going to be going this Patriot's Day to run in the Boston Marathon, which is, obviously, quite a feat in itself too but they're a great family. They've got great roots in the St. John Valley. I found out today Dennis' sister is actually a nurse that I know in Fort Kent, Louise. I've been on Boy Scout trips with her children and stuff

like that and, you know, they're obviously just a great, great family. Dennis was telling me, I'm sorry that Senator Diamond's not here today but I'll take this chance to pick on Senator Farrin, Dennis was telling me that all of his running in the St. John Valley, he just told me how the road from Fort Kent to Madawaska doesn't have shoulders, which I knew, but he says it makes it very, very hard for him to train for the Boston Marathon. So, it would be great if the good Senator from Somerset would make that happen for Dennis and his family. But, seriously, she won the Outstanding Principal's Award. I know from the past the students that I've had the opportunity to give that to that it takes a lot to win that. It's clear that her achievements, her inspirations, her goals are very high and I'm obviously proud to represent her and her family. So, once again, congratulations. Really, really appreciate Isabelle and her whole family.

The Joint Order was **PASSED**.

Sent down for concurrence.

THE PRESIDENT PRO TEM: The Chair is pleased to recognize in the rear of the Chamber Isabelle, Jeffrey, and Dennis Lavoie. Would they stand and receive the greetings of the Senate.

The Loring Job Corps Center, of Limestone, which is celebrating 25 years of success. We extend our congratulations and best wishes;

SLS 964

Sponsored by President JACKSON of Aroostook. Cosponsored by Representative: McCREA of Fort Fairfield.

The Joint Order was **READ**.

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

Senator **JACKSON:** Thank you, Mr. President. Ladies and gentlemen of the Senate, so, obviously, once again the second constituent that I had come down today is Roger Felix. Roger is the liaison at the Loring Job Corps Center based in Limestone and Roger has actually been down here a number of times to do the Honor Guard, had his students come down and have a chance to tour the Capitol and stuff like that. This year, still being very cognicence of the COVID pandemic, he doesn't have the students down but he wanted to come down, obviously, for this 25 year anniversary. It makes me, well, obviously very proud but I don't know what the word is. I've known the Loring Job Corps for a long time. I think I've been in the Legislature now for 18 years, so the Job Corps only had seven years of existence but it seemed like it had been there forever because it's such a well run organization and they do so much for students around the country and I've seen that first hand, how hard they work and Roger has just been, you know, such a great inspiration, such a great asset to the entire Aroostook County but obviously to students around the country and so I couldn't be more pleased to have the opportunity to thank him for all his work, for the 25 year anniversary of the Job Corps. But in addition to that, Roger's an Army veteran and during the Maine Veterans' Home issue Roger was adamant and spoke so passionately about why it was important to have Veterans' Homes in rural Maine, obviously in

Caribou where he's from, and we had the chance last week to go up and ceremonially sign the bill. Roger delivered a huge amount of people to show their expression but, I mean, it shows the community spirit, it shows how much Roger cares for Aroostook County, I would say for the entire state, and I'm really, really honestly very proud to be able to work with him and I do whatever I can to support his work in the Veterans' Homes and the Loring Job Corps and everything that he actually works for. So, thank you so much, Roger. I really appreciate it. Congratulations. You're doing an awesome job. You ought to think about the Legislature.

The Joint Order was **PASSED**.

Sent down for concurrence.

THE PRESIDENT PRO TEM: The Chair is pleased to recognize in the rear of the Chamber Roger Felix of the Loring Job Corps Center. Would he stand and receive the greetings of the Senate.

Joint Resolution in Memoriam:

WHEREAS, the Legislature has learned with deep regret of the death of:

Jesse Sean Harvey, of Portland, a well-known recovery advocate. Mr. Harvey devoted his life to serving and saving the lives of people who use drugs and all marginalized people he met. As the founder of Journey House Recovery, Portland Overdose Prevention Society and the Church of Safe Injection, he worked tirelessly for all of the voiceless, suffering people throughout Maine and beyond, and many people attribute their recovery and even the fact they are alive to his kindness, determination and support. At 28 years of age, Mr. Harvey died of an overdose. Mr. Harvey will be long remembered and sadly missed by his family and friends and all those whose lives he touched;

SLS 966

Sponsored by Senator SANBORN of Cumberland.
Cosponsored by Senator: CHIPMAN of Cumberland,
Representatives: BRENNAN of Portland, COLLINGS of Portland,
CROCKETT of Portland, LOOKNER of Portland, SYLVESTER of
Portland, TALBOT ROSS of Portland, WOOD of Portland,
ZAGER of Portland.

The Joint Resolution was **READ**.

THE PRESIDENT PRO TEM: The Chair recognizes the Senator from Cumberland, Senator Sanborn.

Senator **SANBORN:** Thank you, Mr. President. Every day this week you have heard from Senators in this Chamber who have been highlighting Mainers who've been lost to overdose with sentiments and with announcements. Today we have a number of members of Maine's recovery community with us in the Chamber and I'm honored to conclude the week by remembering Jesse Harvey. Jesse died in September 2020. By that point his name had already become synonymous with harm reduction, overdose prevention, and peer support in Maine. He established several organizations that continue to save lives, like Journey House Recovery, one of the first recovery residences in Maine to

accept people using medication assisted treatment. Harvey also founded the Church of Safe Injection in 2018 after being disheartened by the lack of needle exchange programs in the state. In 2019, a Press Herald news story said that Harvey's goal in starting the program was to reduce diseases caused by sharing needles and to provide drug users with sterile syringes and the overdose reversing drug Narcan until they were able to get into a recovery program. The non-profit needle exchange program today operates in Biddeford, Portland, Lewiston, South Paris, Rumford, and Dixfield. He also touched countless lives with his work as a peer support specialist at Greater Portland Health, Preble Street, and Amistad. He was an energetic, creative, and provocative force in our community and the tragedy of his death is still a source of great pain for those who knew him. Apart from his myriad accomplishments, Jesse was warm, caring, and goofy. He could make anyone immediately feel safe and accepted and he always had a hilarious quip in his back pocket. He loved Eritrean food and fiddleheads. He is deeply missed by his mother, Catherine; his brother, Jonah; and so many friends, relatives, colleagues, and community members, some of whom may be in the Chamber with us today. By mobilizing his community, protesting injustice, and practicing civil disobedience, Jesse constantly insisted to those of us in power that people who use drugs do not deserve to die. He was right. In that spirit and in his memory, I look forward to our vote later today on L.D. 1862, the expansion of the Good Samaritan Law. I hope we will honor Jesse's life by passing legislation that shows radical compassion for those who have been gripped by the evils of drug addiction. Thank you, Mr. President.

The Joint Resolution was **ADOPTED**.

Sent down for concurrence.

THE PRESIDENT PRO TEM: The Chair is pleased to recognize in the rear of the Chamber members of the harm reduction community who are here to honor and fight for those who have died of overdose. Would they please rise and receive the greetings of the Senate.

REPORTS OF COMMITTEES

Senate

Divided Report

The Majority of the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** on Bill "An Act To Make Changes to the State's Hemp Program"

S.P. 683 L.D. 1942

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-557)**.

Signed:

Senators:

DILL of Penobscot
BLACK of Franklin

Representatives:

BERNARD of Caribou
GIFFORD of Lincoln
HALL of Wilton
LANDRY of Farmington
SKOLFIELD of Weld
UNDERWOOD of Presque Isle

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "B" (S-558)**.

Signed:

Senator:

MAXMIN of Lincoln

Representatives:

O'NEIL of Saco
McCREA of Fort Fairfield
OSHER of Orono
PLUECKER of Warren

Reports **READ**.

Senator **DILL** of Penobscot moved the Senate **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (S-557)** Report.

On motion by Senator **HICKMAN** of Kennebec, **TABLED** until Later in Today's Session, pending the motion by Senator **DILL** of Penobscot to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (S-557)** Report.

Divided Report

The Majority of the Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act Concerning Sexual Misconduct on College Campuses"

S.P. 572 L.D. 1727

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-554)**.

Signed:

Senator:

RAFFERTY of York

Representatives:

BRENNAN of Portland
CROCKETT of Portland
DODGE of Belfast
McCREA of Fort Fairfield
MILLETT of Cape Elizabeth
SALISBURY of Westbrook

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "B" (S-555)**.

Signed:

Senator:

WOODSOME of York

Representatives:

LYMAN of Livermore Falls
ROCHE of Wells
SAMPSON of Alfred
STEARNS of Guilford

Reports **READ**.

Senator **RAFFERTY** of York moved the Senate **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (S-554)** Report.

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

Senator **RAFFERTY:** Thank you, Mr. President. It is a coincidence that this bill comes to us a day after we had a Joint Resolution in this Chamber recognizing Sexual Assault Awareness Month and I'll just read the opening line. 'Whereas sexual violence effects women, children, and men of all racial, cultural, and economic backgrounds.' Ladies and gentlemen, I rise in support of L.D. 1727, which is An Act Concerning Sexual Misconduct on College Campuses. I thank its sponsors for having brought the bill to us. The more time we worked the bill the need for its passage became more evident and more important to me. I looked at why the bill, the bill shares - before getting into that I guess some of these statistics will give credence to why. Among undergraduates 26% of females and near 7% of males experienced rape or sexual assault through physical force, violence, or incapacitation. The stats vary slightly but approximately 90% go on unreported. Students asked for this through coming to leadership. Every Voice Matters Coalition is across the state's campuses and they came seeking some help. This bill actually will enact a new chapter of law governing sexual violence, creates Higher Education Interpersonal Violence Advisory Commission. Most importantly, I feel it adds a layer of education towards awareness and puts this policy in the hands of all students, but particularly to incoming freshmen as they are most likely to experience a related incident. Publicity - publicly available on the school's website there will be a survey. It will be in the student handbooks, the policies of the schools throughout, and notices of the policy and resources will be available as an outreach for victims posted where students are most apt to congregate on campus. This also gives voice to students and the campuses will be responsible to provide anonymous surveys to gather such information as the number of incidents reported and unreported; generally when or where; on campus or off; student awareness of procedures; demographic information; perceptions of campus safety; was there satisfaction with the school's response; whether a student chose to withdraw, take leave of absence, drop, switch, or transfer. All that information will - should come from that survey. Please note that if you look at the public testimony and sponsors, I think there were six sponsors on this particular bill, one being a Representative, and she spoke having been sexually assaulted herself. I think that took a tremendous amount of courage, as did this testimony which I

read. I'm not sharing the names. I know they are publicly available but I think it's the story that's most important. This is from a young woman that says, 'I was born and raised here in Maine and attended the University of Maine at Orono, just like my parents did before me. The day my mother dropped me off at campus the first thing she did was remind me of her days on campus and how many of her friends were sexually assaulted. She made sure I had Campus Police as one of my saved contacts, ensured that I had my pepper spray, and double checked that my keychain had all other personal safety devices designed to help get me help when faced with issues of sexual assault. She reminded me to scream fire instead of help. I reassured her that the numbers had gone down since she was a student here and sent her on her way. I didn't have the heart to tell her that the damage had already been done in high school. My high school offered no resources that I knew of and for years I have been full dealing with the trauma of those events on my own. As a college student, I couldn't afford - I can't afford to go to therapy right now but L.D. 1727 would offer the necessary support for the many college students who have been sexually assaulted. L.D. 1727 will require honest reports on cases on campus, which would both cultivate a relationship of respect and trust between students and their educational institutions and allow the required training be well informed and eventually lower the number of students being assaulted.' This is still her speaking, 'I can assure that having access to the resources as outlined in 1727 would allow survivors a support system that would tip the scales in favor of completing their education and would undoubtedly increase the quality of life on campuses everywhere. It is my wish that one day incoming students won't have their first weekends on campus plagued with the fear of being assaulted and that if they are that they will have the proper resources available to them.' Those resources came through this bill in the form of confidential resource advisors, and that's been one of the sticking points of the bill overall. But in final agreements, essentially, as I see it, these advisors serve as another resource for students that face trauma. This particular trauma, sexual assault. I'm a Dad. I dropped three daughters off at colleges so far and I look at any parent pulling into any campus in our state, any and every campus in our state, to have a certain amount of trust that comes with accepting your admittance, sending and financing yourself to attend. Some of that trust is that people there will protect you. They will serve your needs. In my case, I see someone replacing me if my kid needed it and I wasn't around. Those Resource Officers are there to help navigate through a very complicated process but, most importantly, the experience. None of us, if you aren't a victim yourself, none of us can put ourselves in their shoes. But to me, I've got an opportunity to do the right thing, to offer an additional resource to help somebody that's going through a dramatic, dramatic life experience. I want them to come back on the other side fixed, reshaped, remade, confident. I share that story. I didn't want to mention the name but I'm hoping at some point the young woman realizes it was shared, not only online but it was shared here in this Chamber, the day we came out in support of all sexually abused, offended people on any campus in our system. Thank you very much.

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

Senator **WOODSOME:** Thank you, Mr. President Pro Tem. I was asked today to speak on behalf of the higher education, both public and private universities and colleges. This bill was brought to Maine by a group from Massachusetts. Not a single Maine student testified about an experience they had at a Maine school that would have been any different had this bill been law. The Community Colleges, Maine Maritime, University System, and private colleges were united with the Maine Coalition Against Sexual Assault and To End Domestic Violence and Pinetree Legal in raising common concerns about this bill. Hopefully you have read the testimony. Much of what this bill would require Maine schools already have to do under the federal Title 9 and other laws. According to the testimony of the Maine Coalition Against Domestic Violence, who are the experts here in Maine, it would require a parallel process to Title 9, increase the complexity of the process, and create barriers to reporting. The last thing we should be doing is passing bills that sound good but may actually create more barriers and confuse students during an already difficult time. Through our committee's work, we got to hear from people on Maine college campuses who help students who experience sexual and domestic violence. Their care and commitment in supporting students was obvious. They deserve our thanks for their voices and to be listened to. For example, they made clear that none of those services they provide are dependent upon a survivor agreeing to submit to formal reporting or notify law enforcement. They also recommended that before we pass a law that could unintentionally cause harm we establish a Task Force that looks more closely at the issues and makes recommendations that make sense for Maine, in part because the federal Title 9 rules are currently being revised by the Biden Administration and because we needed to hear from more Maine students about what they actually need. That is the basics of the Minority Report, which was provided and supported by these institutions. I urge you to join me in voting against Committee Amendment "A" and instead supporting Committee Amendment "B" and the Maine schools and survivor service programs who have suggested it. Thank you.

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

Off Record Remarks

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

Senator **BREEN:** Thank you very much. Ladies and gentlemen of the Senate, Mr. President, I wanted to speak to this bill before we take the vote. Like half the women in the state of Maine and half the women in the United States, I am a sexual assault survivor, once by someone I didn't know and once by someone I did know. I want to say, on the record, that sexual assault is not a women's issue. Sexual assault is a men's issue. It's the vast majority of people who perpetrate sexual assault are male and I am up to here with the discussion of men who want to protect women, who want to help victims, who want to help survivors. You know what men can do to help survivors? Stop perpetrating

sexual assault. I look forward to the bill, with all due respect to the sponsor and everybody on every side of this issue, I look forward to the bill where we talk about how we're going to change the culture where we raise boys and raise men to think that they can behave in a way that objectifies and abuses women and children and men. So, I invite everybody who is passionate about this issue to bring a bill next session that talks about the people who perpetrate sexual assault and please work on that and move the dial on that. Thank you, Mr. President.

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

Senator **JACKSON:** Thank you, Mr. President. Ladies and gentlemen of the Senate, I certainly - it gives me no pleasure to rise after our good friend, Senator Breen. She is spot on. How could I even understand how someone might go through something like that but I guess, unfortunately, the reality is that we do need to do so much more and change the culture but that culture has not changed right now and the bill that we have before us was something that people that were survivors of sexual assault brought forward to try and make it better for others that may be going through this. You know, it feels very much like talking about on college campuses, or as Senator Hickman has spoke about and Senator Farrin has spoke about in our National Guard services, that in some way to talking about it is really bad. I don't think you can change anything if you try and sweep it under the rug or hide it. We know it's happening. It's incumbent on us to try and make it better and I just wanted to speak quickly to my good Senator friend, Senator Woodsome, about no one from Maine. I don't know exactly who, you know, he was speaking to but this is a bill that, you know, we had the universities, we had the sexual assault community, domestic violence community, and students, students from Maine. There's just no way that anyone that's in a university setting can say that students from Maine weren't in these discussions, and there were many, many discussions. The longest bill that I have ever worked on from the beginning of one session to right today and to say that we ought to study it I think is very disingenuous because it took us two years to get to a completely divided report where the universities are in both camps and there's still an argument that this is not happening to the extent that we would like to even speak about. I think that's just unfortunate. I mean, I think what we're talking about here Senator Rafferty, much better than I will ever do, spoke to and obviously Senator Breen about the overall culture. But we're talking about having people on campus. There's great people already there on campus but we're talking about people on campus that are not mandated to report. At first, to me, it was very hard to understand why you wouldn't want to but the more I understood those students, and many of those students from Maine explained to me how sometimes you may not want to go forward or maybe you don't know if you want to go forward and you want to have somebody that you can speak to that understands the process, maybe knows it much better than I ever will, and get that advice, get that opinion, get that knowledge of what you will go through and obviously standing back from it and seeing some of the reports that you see, again Senator Breen's comments of the culture, seeing some of the ways that people have been portrayed when they came out on an issue that happened to them. I certainly understand why I might want to talk to somebody ahead of time before I actually made the decision to go forward and make the, not the accusation but make the

complaint that happened to me. I mean, there's people that obviously go through this and come out and talk about it and then get hammered for something that they had no control over and that actually happened to them, but because we do have a culture where it's a he said / she said what was happening at the time. None of that stuff should matter. Was someone made to be violated and beyond their consent, I think that's an appropriate enough thing for people to actually have another step that they can go forward and at least talk about 'do I want to put myself out there?' I think that's important enough for us to go forward with. I mean, if we could make it better for a handful of people across this state, I think we might get down the road to a culture that we should be at but, I mean, right now, I mean, like Senator Rafferty said, the Representative from Bangor, I had no idea that testimony that she gave was heart wrenching, compelling, and then to hear her talk about what she was made to go through afterwards with the person that violated her was unbelievable in my mind, and I have gotten emails from students, I got emails from parents here in Maine, that had that same situation happen to them. That's not to say that the universities are a bad place or anything like that. It's to say that there's still a problem and if we can do something to make it better than why wouldn't we want to do that. So, I think this bill is a help. I think it's something that young people across this state and across this country have been asking for and I think it's something that we ought to do here today to make sure that - not to make sure but to maybe make it better for other people that are actually going through this.

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

Senator **HICKMAN:** Thank you, Mr. President. Women and men of the Senate, I am reading the Pinetree Legal's neither for nor against report and I'll start by saying that its reservations don't compel me even though they have somewhat been addressed in the amendment before us. This is the part of the testimony that I will read into the record for anyone who cares to read it. 'Many instances of sexual misconduct on campuses are currently investigated pursuant to schools Title 9 policy. Title 9 law is comprised for a complex body of federal case law, regulations, and Department of Education guidance, including several Dear Colleague letters that are issued to help schools understand and implement this complex body of law. In August of 2020, a new set of Title 9 regulations went into effect, substantially changing the landscape of Title 9 investigations and hearings at the college and university level. Among the most notable changes is a narrowing of the definition of sexual harassment and the implementation of a hearing process that more closely resembles a criminal proceeding. The new guidance allows schools to use a higher standard of proof and requires schools to allow cross examination of the student reporting sexual misconduct.' Cross examination. As a survivor of a brutal rape in a public place at the age of 15 and as a survivor of continued harassment and abuse by both a teacher and a preacher, to think that I would have to be cross examined, to tell a grown person, who ought to have known better, about that situation. I will support the Majority Report wholeheartedly, no matter what happens in the final disposition of the bill, and I urge my colleagues in this Chamber, to join me in that vote. Thank you, Mr. President.

THE PRESIDENT PRO TEM: The pending question before the Senate is Acceptance of the Majority Ought to Pass as Amended by Committee Amendment "A" (S-554) Report. Is the Senate ready for the question?

The Senate was called to order by the President.

Off Record Remarks

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

Senate at Ease.

The Senate was called to order by the President.

The Doorkeepers secured the Chamber.

Off Record Remarks

The Secretary opened the vote.

ROLL CALL (#756)

YEAS: Senators: BALDACCI, BENNETT, BLACK, BREEN, BRENNER, CARNEY, CHIPMAN, CLAXTON, CURRY, DAUGHTRY, DESCHAMBAULT, DILL, GUERIN, HICKMAN, JACKSON, KEIM, LAWRENCE, LIBBY, MAXMIN, MIRAMANT, MOORE, POULIOT, RAFFERTY, ROSEN, SANBORN, STEWART, VITELLI, PRESIDENT PRO TEM DAVIS

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

Off Record Remarks

NAYS: Senators: CYRWAY, WOODSOME

ORDERS OF THE DAY

EXCUSED: Senators: BAILEY, DIAMOND, FARRIN, TIMBERLAKE

Unfinished Business

28 Senators having voted in the affirmative and 2 Senators having voted in the negative, with 4 Senators being excused, the motion by Senator **RAFFERTY** of York to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (S-554) Report, PREVAILED.**

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.

Bill **READ ONCE.**

The Chair laid before the Senate the following Tabled and Later Assigned (4/7/22) matter:

Committee Amendment "A" (S-554) **READ** and **ADOPTED.**

An Act To Prohibit Discrimination in Employment and School Based on Hair Texture or Hairstyle
S.P. 237 L.D. 598

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-554).**

Tabled - April 7, 2022 by Senator **DAUGHTRY** of Cumberland

Sent down for concurrence.

Pending - **ENACTMENT**, in concurrence

(In Senate, March 31, 2022, **PASSED TO BE ENGROSSED.**)

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

Off Record Remarks

Senate at Ease.

The President Pro Tem requested the Sergeant-At-Arms escort the Senator from Aroostook, Senator **JACKSON**, to the rostrum where he resumed his duties as President.

The Senate was called to order by the President.

The Sergeant-At-Arms escorted the Senator from Piscataquis, Senator **DAVIS**, to his seat on the Floor.

On motion by Senator **DAUGHTRY** of Cumberland, **TABLED** until Later in Today's Session, pending **ENACTMENT**, in concurrence.

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

Bill **READ ONCE**.

The Chair laid before the Senate the following Tabled and Later Assigned (4/12/22) matter:

Committee Amendment "A" (H-944) **READ** and **ADOPTED**, in concurrence.

HOUSE REPORTS - from the Committee on **TAXATION** on Bill "An Act To Encourage Job Growth in the Forest Products Sector through Tax Incentives"

On motion by Senator **DAUGHTRY** of Cumberland, Senate Amendment "A" (S-561) to Committee Amendment "A" (H-944) **READ**.

H.P. 1425 L.D. 1919

On further motion by same Senator, **TABLED** until Later in Today's Session, pending motion by same Senator to **ADOPT** Senate Amendment "A" (S-561) to Committee Amendment "A" (H-944).

Majority - **Ought to Pass as Amended by Committee Amendment "A" (H-944)** (7 members)

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

Tabled - April 12, 2022 by Senator **DAUGHTRY** of Cumberland

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

Pending - motion by same Senator to **ACCEPT** the Minority **OUGHT NOT TO PASS** Report, in **NON-CONCURRENCE**

An Act To Prohibit Discrimination in Employment and School Based on Hair Texture or Hairstyle

S.P. 237 L.D. 598

(In House, April 7, 2022, the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-944)**.)

Tabled - April 7, 2022 by Senator **DAUGHTRY** of Cumberland

Pending - **ENACTMENT**, in concurrence

(In Senate, April 12, 2022, on motion by Senator **DAUGHTRY** of Cumberland **RECONSIDERED ACCEPTANCE** of the Minority **OUGHT NOT TO PASS** Report, in **NON-CONCURRENCE**.)

(In Senate, March 31, 2022, **PASSED TO BE ENGROSSED**.)

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

Senator **DAUGHTRY** of Cumberland requested and received leave of the Senate to withdraw her motion to **ACCEPT** the Minority **OUGHT NOT TO PASS** Report, in **NON-CONCURRENCE**.

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

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

Senator **BALDACCI:** Good morning. I rise today to share the story of my constituent, Angela Okafor, of Bangor. Angela serves on the Bangor City Council and I am proud to share her support for L.D. 598. Councilor Okafor is the first African-American woman to serve on the Bangor City Council, a valued community leader, a small business owner, the mother of three children. We had the chance to talk about what this bill would mean for her and her family and for her clients, who are also shared constituents. She shared with me that after having her two older boys she was so thrilled to have a daughter whose hair she looked forward to styling in countless ways. The importance of hair is not a trivial matter, as Angela told me. It is closely tied to confidence and identity, especially for Black women, and for her daughter, like most other 7 year old girls, long hair is a connection to the princesses she knows by name and longs to identify with. Because of a medical eye condition that has resulted in surgeries, Angela's daughter's hair care options are limited. The pulling from brushing and the chemical treatments that would be necessary to reduce that stress on her eyes are not practical options. She could make the painful decision to cut all of her hair off or maintain a protective braided hair style. A protective hair style is the best choice for Angela and her daughter but they know it doesn't come without risk. Angela operates a hair braiding business and knows the discrimination that her clients

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

Senate at Ease.

The Senate was called to order by the President.

Senator **POULIOT** of Kennebec requested and received leave of the Senate to withdraw his request for a Roll Call.

Senator **GUERIN** of Penobscot requested a Roll Call. Subsequently same Senator requested and received leave of the Senate to withdraw her request for a Roll Call.

have faced regarding their hair. Through braiding their hair, she has helped her clients redeem the confidence and self-esteem that has been taken from them based - through hair-based discrimination. She wants to make sure that her daughter and all other children can grow up in a community and in a state that embraces all of them from head to toe. She says that many with hair like hers and her daughter's do not speak out because they do not feel that they can or don't think that they will be taken seriously. It is time for all of us to take them and this issue seriously. As well as being an issue of self-confidence and acceptance, Angela and I talked about this being an issue related to worker attraction and retention. Angela shared her hope with me that preventing discrimination based on natural and cultural hair styles will help more people live and work here. Whether a child at school or someone in our workforce, no one should ever be targeted for being who they are and no one should need to change their hair, using chemicals and heat, to be taken for seriously, have more access to opportunities or even be allowed in certain places. I urge you to listen to her experience and follow my light.

Her remarks to me, she has asked me to share with you; 'In 2013, after having my two older boys, I found out my third child was going to be a girl. I was elated. I was finally going to be able to style what I hoped would be fluffy, Afro-thick hair in so many ways. I prayed that she would be blessed with longer, more dense hair than I am and my prayers were answered. My girl grew a long and dense head full of Afro hair. She was also born with some visual issues that have seen us go through several surgeries. She loves to have her hair beautifully braided and adorned with colorful beads. She would be - she would fling her braided and colorful hair styles around in happiness. She would stare at herself for long at the mirror admiring her hair. She would hug and sometimes kiss me in thanks for making her hair so beautiful. She was so happy to go to school and show her teacher and friends her new hair style and return home to tell me how they marveled at the different beads she used. But we struggled to wash, comb, and style her hair. She would cry and cringe while we worked on her hair. I loved the natural texture of her hair and it was the safest for her. I did not want to use chemicals because of the risk of damage to her eyes. I suggested at one point to cut her hair but she would cry at the mere suggestion of that. She wanted her hair long like the princesses she knows by name. So, I gave in to using chemical on her hair. Then her hair started to break from the damage. Still, it did not stop the pain she was going through while combing her hair. It became a nightmare to think of washing, combing, and styling her hair. So, we decided to sister lock her hair. That way it will save us the pains and any potential effects it may be having in her eyes. It would also save us from the damaging effects of chemicals.

I am also a community leader among young people of African descent and both African and white parents of Black kids. Through my hair braiding business, I have encountered several young African-American adults who have faced discrimination based on their hair. I have used my hair braiding skills to help them regain their confidence. I have helped some of them interview and enroll in the Penobscot Job Corps, where they acquired skills and good jobs in the area. Imagine how a mere braiding of a young woman's hair got her to open to tell her story, regain her confidence and self-love, and get back on track. Imagine how much more hair can mean. Hair, to us, is close to our confidence, our identity, and so much more. I worked with the

Black Student's Association of the University of Maine to start a haircare fair in 2017. That is because hair is an attraction and retention issue. With our population and our workforce shrinking, I beg you all to please vote for this important economic issue that has the enormous potential of helping our beautiful state attract and retain a young workforce that will grow our economy.

As a human being, and even more so as a Black person, so many other issues may be going on that may make it necessary for our African community to choose which battles to accept and which not to. This will explain why there may not be several reports of incidents relating to hair. Absence of official report does not mean absence of such discrimination.'

Thank you for listening and I pray that you would please vote to approve this humane effort. Thank you, Mr. President.

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

Senator **KEIM:** Thank you, Mr. President. Ladies and gentlemen of the Senate, I, too, heard many testimonies about hair and hair texture issues that, you know, the bill did come before our committee. Some of the concerns that I do not feel were adequately addressed is that this applies to employment as well, and in all areas of employment, and I think that it's going to be very - it's going to cause some real difficulties in the areas of safety. So, for instance, if someone wanted a special type of helmet made if they were in sports, for sports, or for something to do with their employment, that could be problematic because helmets are very specific for safety, I know my daughter actually works on creating them. Also, just in general, this would also apply to law enforcement and if an employer had certain regulations about whether or not hair could only be a certain length if they're around machinery, then this would also come into play in that instance as well. So, those are the scenarios that we didn't find really good answers for, which I think could cause problems for schools and for employers if this were to become law and I just wanted to make sure that everyone had that sort of unanswered questions in front of them as well. 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 proud support of the pending enactment of this bill and I also rise as the proud sponsor of it as well. This bill does amend the Maine Human Rights Act to prohibit discrimination based on hair texture or style and provide the use of the term 'race' includes traits that are associated with hair and race. This bill is based on the language adopted in Maryland referred to as the CROWN Act and, as of June 2021, thirteen states and 28 municipalities have signed on to the legislation that protects us against discrimination related to hair texture and hair style and it was also passed in the U.S. Congress. The Maine Human Rights Act currently prohibits discrimination in employment, housing, public accommodations, and credit based on race, color, sex, physical or mental disability, religion, ancestry, or national origin. Appearance, however, is not a protected characteristic and this bill would explicitly make it unconstitutional to discriminate based upon appearance or styling. Despite the legal classification, hair discrimination is not an appearance bias, instead it serves to permit racial discrimination and reaffirm racist systems. Hair discrimination is

rooted in systemic racism by preventing students and employees from wearing styles such as locks, braids, bantu knots, and Afros. By encouraging individuals to straighten or chemically treat their hair to fit a particular standard or even chop off their braids, as we heard from the good Senator from Penobscot, these same individuals are denied their culture and damage their hair for the long run. Discriminating against appearance is another tool to regress Black Americans by policing and surveying their choices and eroding trust between authority figures like teachers and students and employers.

I do want to address a couple of comments that we did hear about how this could be too far and could apply to everyone. I have to say that's exactly the point, that it applies everywhere in Maine so no matter who you are as a Mainer you have a fair chance and a fair shot to be able to live, work, and play and have a, you know, life that we all enjoy without the fear of being discriminated against based on your appearance. We heard concerns about safety. OSHA still applies. All this asks is that we make reasonable accommodations. When we think about our schools we think about free and appropriate education. That every student, when they walk through the door in any of our schools, should have the same right to access an education no matter who they are, no matter where they come from, and no matter their background. This is exactly like this. This is saying that if you walk in you should be able to play on the same sports teams and if your hair needs to have accommodations we're just saying that you have to make sure that everyone has the same fair shot. The same thing happens with workplaces and this is already being done throughout Maine. We already have different areas of safety equipment that exists and, honestly, if you have an employee you should be able to work with them to make sure that they are safe. We still have to make sure, you know, when you're looking at OSHA requirements, you have to make sure that they have the potential safety equipment that they need.

That being said, this bill is incredibly near and dear to my heart. I stand here because of the incredible work of so many people who have said enough is enough and seek to end race-based hair discrimination. This is a reality. This isn't something that, you know, is out in the atmosphere. It has happened to members of my family and friends and I have seen those that I love be treated differently solely because of the way they look. I have seen people be told that their hair looks wrong, that it looks gross, or be told that they should straighten it to look like everyone else and be treated and, you know, made to feel otherwise. I also know that it is an extreme honor and luxury to be able to have the voice that I do and the ability to stand here and I think it's incumbent on all of us to use our power to speak up for those who are afraid to speak up and band together and end race-based hair discrimination. Thank you very much, Mr. President, and I request a roll call.

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#757)

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

NAYS: Senators: CYRWAY, DAVIS, GUERIN, KEIM, STEWART, TIMBERLAKE

EXCUSED: Senators: DIAMOND, FARRIN

26 Senators having voted in the affirmative and 6 Senators having voted in the negative, with 2 Senators being excused, was **PASSED TO BE ENACTED** and, having been signed by the President, was presented by the Secretary to the Governor for approval.

The Chair laid before the Senate the following Tabled and Later Assigned (4/13/22) matter:

HOUSE REPORTS - from the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** on Bill "An Act Regarding Criminal Services for Juveniles"

H.P. 561 L.D. 756

Report "A" - Ought to Pass as Amended by Committee Amendment "A" (H-940) (6 members)

Report "B" - Ought Not to Pass (6 members)

Tabled - April 13, 2022 by Senator **DESCHAMBAULT** of York

Pending - **ACCEPTANCE OF EITHER REPORT**

(In House, April 12, 2022, Report "A", **OUGHT TO PASS AS AMENDED, READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-940).**)

(In Senate, April 13, 2022, Reports **READ.**)

Senator **DESCHAMBAULT** of York moved the Senate **ACCEPT** Report "B", **OUGHT NOT PASS**, in **NON-CONCURRENCE**.

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

Senator **DESCHAMBAULT:** Again, thank you, Mr. President. There's a lot to explain but I like with the summary says everything.

THE PRESIDENT: The Chair recognizes the Senator from Waldo, Senator Curry.

Senator **CURRY:** Thank you, Mr. President. Can you clarify what bill we're on?

THE PRESIDENT: Unfinished 10.

Senator **CURRY:** Unfinished 10. Okay. Thank you.

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

Senator **DESCHAMBAULT:** Okay. Tell me what I just said?

THE PRESIDENT: Always good to know.

Senator **DESCHAMBAULT:** So, I will read you the summary. The Ought Not to Pass, frankly, had to do with the proposal in itself but also the fiscal note of \$12 million. So, this was a carry over from last year and now, at the time of the public hearing, there was an amendment and this is the amendment. The amendment replaces the bill, which is a concept draft, and includes the following provisions: number one, it requires the Department of Corrections to enter into a contract with a service provider independent of the Department to conduct individualized needs assessments of juveniles in the custody of the Department of Corrections, including juveniles in the community. It just says needs assessment. The Department already conducts needs and risk assessment, two different things. This is at a cost of \$445,000. Two, it provides ongoing General Funding of \$4 million beginning in fiscal year 22-23 to the Department of Education to establish and expand school-based restorative justice programs, mentoring services for juveniles involving only those juveniles involved in the juvenile legal system, and in collaboration with the Department of Labor workforce development, again only for juveniles that are involved in the juvenile justice system. That's \$4 million. It provides a one-time General Funding of \$1 million starting this 22-23 to, this is from the Governor's Office, not from but it directs it, the Office of Policy Innovation and Future to establish a pilot program to be administered by an independent non-profit community-based organization or collaborative of organizations to distribute the funding provided by the Office to small community-based organizations, \$1 million. It provides ongoing General Funding of \$3 million beginning, again, 22-23 to the Department of Health and Human Services, the Office of Child and Family Services, to establish or expand services for juvenile victims of gender-based violence and trafficking, restorative justice services provided under juvenile behavior health programs, and runaway youth, substance use disorder, medically managed treatment services to a tune of \$3 million. This goes to DHHS. Lastly, it provides ongoing General Funding of \$4 million beginning, again, 22-23 to the Department of Health and Human Services, the Office of Child and Family Services, to establish or expand in collaboration with the Maine Housing Authority transitional housing. That is \$4 million. I think it's imperative that I read for you the testimony of the Director of the Office of Children and Family Services and the Commissioner of Corrections. From the Office of, and I told you it was a carry over and carry overs are usually done because they need more time to study it and come through, go from a concept draft to the bill. The Office of Children and Family Services' Director, Dr. Landry, reports: 'Was not aware of the development of an amendment until just before the hearing. We were unable to appropriately consider and respond to the proposal in time. L.D. 756 would make a General Fund appropriation of \$7 million to be shared between Health and Human Services, Education, and Labor to

expand services to children, as well as making an additional appropriation of \$4 million to DHS. The appropriation would be directed towards various forms of housing, including host homes. The Office of Child and Family Services is opposed to the bill. The Office of Children and Family Services has concerns about the ambiguity of language in the bill. There is concerning lack of clarity and how funding would be divided and used between DHS, DOE, and DOL. The Office of Children and Family Services' perspective is this particularly concerning given that the crisis services and mental health services are already funded by MaineCare and the Office. The Office of Children and Family Services are also collaborating with stakeholders currently. They are working with the Department of Corrections to ensure appropriate continuum of care for the children and they made in the 2021 Annual Report on Children's Behavioral Health Services. In addition, the Office of Children and Family Services has concerns that the allocation of \$4 million to DHS to expand housing for children, juveniles, and their caretakers - DHS does not have the expertise in housing and works in close collaboration with the Maine State Housing. Four million dollars also mentions host homes, which the Department does not support due to the lack of structure around the model.' The bottom line is DHS says, 'We didn't ask for this money.' Commissioner Randall Liberty of Corrections, this is dated March 4th, the day of the public hearing. He says, and I'm reading this with his permission, 'This bill was printed in March 2021, exactly one year ago, as a concept draft. It has sat dormant as a concept draft for 12 months. There has been no communication by the sponsor to the Department of Corrections about this bill during those 12 months. We understand that in the final stretch of the Legislative session reasonable time concessions have to be made but asking the Department of Corrections, the Department of Health and Human Services, the Department of Education, the Department of Labor, and Governor's Office of Policy Innovation and Future, and OPEGA of government accountability, and the courts be prepared to adequately discuss a bill that is suggesting sweeping and massively significant changes with a very hefty \$12 million price tag with less than 24 hours notice is not reasonable and should be grounds enough to vote ought not to pass.' We have been here, however, with this bill with what appears to be negative signs of special interest organizations, those who walk into Maine and lobby for massive changes, which they also happen to be the only ones capable of managing nor are they shy to point out during lobbying that these massive changes, duplicative as they may be, will take years and millions of dollars of State money. The Department of Corrections remains committed to the thoughtful approaches underway and this is the follow up of the bill that was passed about a year and a half ago, Representative Brennan's bill. The Department of Health and Human Services and Education meets regularly with the Department of Corrections, especially this was brought on about Long Creek and any child in the juvenile justice system. That's all I have to say. Thank you very much.

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

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

Senator **LAWRENCE**: Thank you, Mr. President. I respect the remarks of the good Senator from York, Senator Deschambault, and she did a good job in describing what is in this bill and you can always come up - departments can always come up with a reason to oppose something. But I want to tell you why this bill is so necessary at this time and I go back to my experience as a former District Attorney, having dealt in juvenile justice, our office did wrap around hearings with juveniles. I just want to give you a couple of statistics. Fifty-three percent of the youth detained at Maine's detention center for juveniles, Long Creek, were detained in order to provide care rather than because they posed a risk to themselves or to public safety. So, they were detained there not for a public safety reason but for a lack of systems to provide care to them. Seventy percent of cases were held for more than 30 days because they were awaiting placement in a community-based program. So, we are literally detaining our youth in correctional facilities because we cannot provide them with the services and programs that we need. We need to force this issue. We need to push this issue forward. We need to say it's a priority for us to get services to juveniles rather than incarcerating them and work with their families and with community members to keep them out of correctional facilities, where they don't belong. Keep them in communities, getting the services they need. I know there's been a lot of reaction from the Office of Child and Family Services and I know there are ongoing discussions with them on how to implement this. I there are ongoing discussions with the Maine State Housing Authority and I believe the Maine State Housing Authority is ready to implement the housing part of this, which is a critical element for juveniles in these situations. Often they cannot go back to their home. They cannot go back to the situation they were in because of abuse, because of crimes that were going on, and things like that and the State has responsibility. The State has a responsibility to provide housing for these juveniles, provide services for these juveniles, other than a place of a correctional facility. I encourage you to oppose the motion so that we can go on and adopt the committee amendment. Thank you.

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

Senator **CYRWAY**: Thank you, Mr. President. Ladies and gentlemen of the Senate, I have to agree with the Senator Deschambault on this. I listened carefully. We had 300 juveniles in Long Creek a few years back and they have been strongly really trying to get them back into society and reduced it down to 27. The 27 that are currently there have much harsher and high risk situations. Some of them have committed murder. Some have done some really outrageous crimes of sexual assaults and abuse and these are very difficult to put back into, you know, a duplex or in society. They have been trying to integrate by having a girls' group and a boys' group put in other facilities in Auburn and other areas and it takes a little time. Long Creek is owned by the State and now, if we do this, it could actually force to buy another facility which could be well over \$4 million to \$5 million, not to mention all the movement of education, mental health, substance abuse. Much more involved and that's why this brings it up to \$12.5 million. They are doing it incrementally right now and DOC is really been taking a lot of responsibility and trying to make this happen and so we just need to give them that time that we actually made an agreement on and now, all of a sudden at the last hour, they went and put this bill in and it'll be very costly

for the little effort of thought that went through this to put this in. So, I think I agree with Senator Deschambault, that this should be Ought Not to Pass and thank you, ladies and gentlemen.

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

Senator **DESCHAMBAULT**: Very simply stated, last year there were over 2,300 referrals through the courts towards incarceration. Twenty-three hundred and there are 30. Thank you.

THE PRESIDENT: The pending question before the Senate is Acceptance of Report "**B**", Ought Not Pass, in non-concurrence. Is the Senate ready for the question?

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#758)

YEAS: Senators: BLACK, CLAXTON, CYRWAY, DAVIS, DESCHAMBAULT, GUERIN, KEIM, MOORE, POULIOT, ROSEN, STEWART, TIMBERLAKE, WOODSOME

NAYS: Senators: BAILEY, BALDACCI, BENNETT, BREEN, BRENNER, CARNEY, CHIPMAN, CURRY, DAUGHTRY, DILL, HICKMAN, LAWRENCE, LIBBY, MAXMIN, MIRAMANT, RAFFERTY, SANBORN, VITELLI, PRESIDENT JACKSON

EXCUSED: Senators: DIAMOND, FARRIN

13 Senators having voted in the affirmative and 19 Senators having voted in the negative, with 2 Senators being excused, the motion by Senator **DESCHAMBAULT** of York to **ACCEPT** Report "**B**", **OUGHT NOT PASS**, in **NON-CONCURRENCE, FAILED**.

Report "**A**", **OUGHT TO PASS AS AMENDED, ACCEPTED**, in concurrence.

Bill **READ ONCE**.

Committee Amendment "A" (H-940) **READ** and **ADOPTED**, in concurrence.

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

Off Record Remarks

The Chair laid before the Senate the following Tabled and Later Assigned (4/12/22) matter:

SENATE REPORTS - from the Committee on **ENERGY, UTILITIES AND TECHNOLOGY** on Bill "An Act To Expand Maine's Clean Energy Economy"

S.P. 432 L.D. 1350

Report "**A**" - **Ought to Pass as Amended by Committee Amendment "A" (S-544)** (5 members)

Report "**B**" - **Ought to Pass as Amended by Committee Amendment "B" (S-545)** (5 members)

Report "**C**" - **Ought to Pass as Amended by Committee Amendment "C" (S-546)** (3 members)

Tabled - April 12, 2022 by Senator **VITELLI** of Sagadahoc

Pending - motion by Senator **LAWRENCE** of York to **ACCEPT** Report "**A**", **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (S-544)** (Roll Call Ordered)

(In Senate, April 12, 2022, Reports **READ**.)

THE PRESIDENT: The Chair recognizes the Senator from Sagadahoc, Senator Vitelli.

Senator **VITELLI:** Thank you, Mr. President. Men and women of the Senate, I rise today to speak in support of L.D. 1350, An Act to Expand Maine's Clean Energy Economy. In 2019, the Legislature, with broad bi-partisan support, set in statute the requirement that Maine obtain 80% of our electricity from renewable resources by 2030 and set a goal of 100% by 2050. Since then the Public Utilities Commission has conducted two rounds of competitive procurements that have increased Maine's energy independence, brought more affordable energy to Maine people, and moved us closer to achieving our renewable energy and climate goals. This bill builds on the good work we've done in these last few years, especially this year as Mainers saw their electricity bills spike due to global conflict and market volatility. It's important that we're investing in affordable, home grown energy that best serves our people and our planet. The more of our energy we make at home the less vulnerable we are to unexpected, and often shocking, energy price increases. L.D. 1350 authorizes two additional competitive solicitations by the PUC for renewable energy projects. This bill also installs some due diligence measures so that we can be sure new, clean energy projects have the best chance of success and of benefiting Maine people. As we continue building our clean energy infrastructure, we have the opportunity to bring sustainable jobs to every corner of our state. L.D. 1350 directs the PUC to consider the local economic landscape of proposed sites in considering bids so that these new projects can optimize their economic impact, bringing more jobs to Maine people, and more tax revenues to host communities. In working on this bill over the past year another special consideration came to light. What to do with farm land contaminated with PFAS that is no longer fit for agriculture? This bill, therefore, also directs the PUC to give special consideration to proposals from farmers whose livelihoods have been impacted by PFAS contamination, finding a new use for this land and giving farmers whose livelihoods have been destroyed a new path forward. L.D. 1350 is the only bill in front of the Legislature this session that will significantly increase Maine's energy independence and the amount of clean energy

we derive from low cost renewable resources. Procurements like those conducted by the PUC these past few years, and those put forward in this bill, are the most affordable way to bring renewable, grid scale energy projects online, which we know is critical to Maine's people, economy, and climate. Maine has come a long way in recent years and we have much to be proud of. L.D. 1350 is the next step. Thank you, Mr. President. I urge you to follow my light.

THE PRESIDENT: The pending question before the Senate is Acceptance Report "A", Ought to Pass as Amended by Committee Amendment "A" (S-544). Is the Senate ready for the question?

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#759)

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

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

EXCUSED: Senators: DIAMOND, FARRIN

20 Senators having voted in the affirmative and 12 Senators having voted in the negative, with 2 Senators being excused, the motion by Senator **LAWRENCE** of York to **ACCEPT** Report "**A**", **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (S-544)**, **PREVAILED**.

Bill **READ ONCE**.

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

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-544)**.

Sent down for concurrence.

The Chair laid before the Senate the following Tabled and Later Assigned (4/13/22) matter:

An Act To Require the Registration of Adjuvants in the State and To Regulate the Distribution of Pesticides with Perfluoroalkyl and Polyfluoroalkyl Substances

H.P. 1501 L.D. 2019
(C "A" H-930; H "A" H-950
to C "A" H-930)

Tabled - April 13, 2022 by Senator **POULIOT** of Kennebec

Pending - **ENACTMENT**, in concurrence

(In Senate, April 12, 2022, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-930) AS AMENDED BY HOUSE AMENDMENT "A" (H-950)** thereto, in concurrence

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

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

The Chair laid before the Senate the following Tabled and Later Assigned (4/14/22) matter:

HOUSE REPORTS - from the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** on Bill "An Act To Incorporate Respectful Language into the Maine Revised Statutes, Titles 22, 25 and 34-A"

H.P. 1526 L.D. 2038

Majority - **Ought to Pass**, pursuant to Resolve 2021, chapter 120, section 2 (9 members)

Minority - **Ought Not to Pass**, pursuant to Resolve 2021, chapter 120, section 2 (2 members)

Tabled - April 14, 2022 by Senator **DAUGHTRY** of Cumberland

Pending - motion by Senator **DESCHAMBAULT** of York to **ACCEPT** the Majority **OUGHT TO PASS**, pursuant to Resolve 2021, chapter 120, section 2, in concurrence (Roll Call Ordered)

(In House, April 13, 2022, the Majority **OUGHT TO PASS**, pursuant to Resolve 2021, chapter 120, section 2, Report **READ** and **ACCEPTED** and **PASSED TO BE ENGROSSED.**)

(In Senate, April 14, 2022, Reports **READ.**)

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

Senator **CYRWAY:** Thank you, Mr. President. Ladies and gentlemen of the Senate, just a reminder that I believe this really harms the victims. I feel that the victims of all these crimes that have been committed, I even heard some today, heart wrenching stories, and I can feel their pain and then to go and just say they are residents or clients in these situations, to me, really harms our system. I think that we have a good system in place and so that's all I have to say. Thank you, Mr. President.

Senator **VITELLI** of Sagadahoc moved to **INDEFINITELY POSTPONE** the Bill and accompanying papers, in **NON-CONCURRENCE.**

On motion by Senator **MAXMIN** of Lincoln, 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 (#760)

YEAS: Senators: BAILEY, BALDACCI, BENNETT, BLACK, BREEN, BRENNER, CURRY, CYRWAY, DAVIS, DESCHAMBAULT, DILL, GUERIN, HICKMAN, KEIM, MOORE, POULIOT, RAFFERTY, ROSEN, STEWART, TIMBERLAKE, VITELLI, WOODSOME, PRESIDENT JACKSON

NAYS: Senators: CARNEY, CHIPMAN, CLAXTON, DAUGHTRY, LAWRENCE, LIBBY, MAXMIN, MIRAMANT, SANBORN

EXCUSED: Senators: DIAMOND, FARRIN

23 Senators having voted in the affirmative and 9 Senators having voted in the negative, with 2 Senators being excused, the motion by Senator **VITELLI** of Sagadahoc to **INDEFINITELY POSTPONE** the Bill and accompanying papers, in **NON-CONCURRENCE, PREVAILED.**

Sent down for concurrence.

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

Off Record Remarks

Senate at Ease.

The Senate was called to order by the President.

Off Record Remarks

RECESSED until 1:30 in the afternoon.

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

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

PAPERS FROM THE HOUSE

Joint Resolution

The following Joint Resolution:

H.P. 1527

**JOINT RESOLUTION
RECOGNIZING MAY 11, 2022 AS
NATIONAL SCHOOL NURSE DAY**

WHEREAS, students are the future, and by investing in them today we are ensuring our world for tomorrow; and

WHEREAS, families deserve to feel confident that their children will be cared for when they are at school; and

WHEREAS, all students have the right to have their physical and mental health needs safely met while in the school setting; and

WHEREAS, students today face more complex and life-threatening health problems requiring care in school settings; and

WHEREAS, the COVID-19 pandemic has emphasized the essential role school nurses play in student health and academic success; and

WHEREAS, school nurses have served a critical role in improving public health and in ensuring students' academic success for more than 100 years; and

WHEREAS, school nurses address the social determinants of health, such as home and community factors, that affect students; and

WHEREAS, school nurses act as liaisons to the school community, families and health care providers regarding children's health by promoting wellness and improving health outcomes for our nation's children; and

WHEREAS, school nurses support the health and educational successes of children by providing access to care when children's cognitive development is at its peak; and

WHEREAS, school nurses are members of school-based teams providing school health services, so-called 504 plans, individualized education plans and disaster and emergency planning that address the school population; and

WHEREAS, school nurses understand the link between health and learning and are in a position to make a positive difference for children every day; now, therefore, be it

RESOLVED: That We, the Members of the One Hundred and Thirtieth Legislature now assembled in the Second Regular Session, on behalf of the people we represent, take this opportunity to recognize May 11, 2022 as National School Nurse Day and acknowledge the accomplishments of school nurses everywhere and their efforts to meet the needs of today's students by improving the delivery of health care in our schools.

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

READ and **ADOPTED**, in concurrence.

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

ENACTORS

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

Emergency Resolve

Resolve, Regarding Legislative Review of Portions of Chapter 301: Fee Schedule and Administrative Procedures for Payment of Commission Assigned Counsel, a Major Substantive Rule of the Maine Commission on Indigent Legal Services

H.P. 1433 L.D. 1926
(C "A" H-1002)

This being an Emergency Measure and having received the affirmative vote of 33 Members of the Senate, with no Senators having voted in the negative, and 33 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.

Emergency Resolve

Resolve, To Establish the Committee To Study Court-ordered Treatment for Substance Use Disorder

H.P. 1496 L.D. 2008
(C "A" H-1003)

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

Acts

An Act To Make Certain Civil Court Records Accessible by the Public Only at the Courthouse

H.P. 669 L.D. 913
(H "A" H-996 to C "A" H-905)

An Act To Ensure Safe Entry and Access for People Seeking Health Care and Other Constitutional Rights

H.P. 1406 L.D. 1899
(C "A" H-1004)

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

An Act To Implement Recommendations Regarding the Incorporation of Equity Considerations in Regulatory Decision Making

H.P. 1500 L.D. 2018
(C "A" H-999)

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

Resolve

Resolve, To Help Certain Businesses with Electricity Costs
S.P. 723 L.D. 2010
(C "A" S-549)

On motion by Senator **BREEN** of Cumberland, **TABLED** until Later in Today's Session, pending **FINAL PASSAGE**, in concurrence.

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

REPORTS OF COMMITTEES

House

Divided Report

The Majority of the Committee on **TAXATION** on Bill "An Act To Increase Funding to Qualifying Municipalities by Sharing Adult Use Marijuana Sales and Excise Tax Revenue"
H.P. 873 L.D. 1195

Reported that the same **Ought to Pass as Amended by Committee Amendment "B" (H-1014)**.

Signed:

Senators:
CHIPMAN of Cumberland
LIBBY of Androscoggin

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

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

Signed:

Representatives:
CARMICHAEL of Greenbush
HANLEY of Pittston
STETKIS of Canaan

Comes from the House with the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (H-1014)**.

Reports **READ**.

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

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#761)

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

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

EXCUSED: Senator: DIAMOND

19 Senators having voted in the affirmative and 14 Senators having voted in the negative, with 1 Senator being excused, the motion by Senator **CHIPMAN** of Cumberland to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report, in concurrence, **PREVAILED**.

Bill **READ ONCE**.

Committee Amendment "B" (H-1014) **READ**.

On motion by Senator **CHIPMAN** of Cumberland, Senate Amendment "A" (S-564) to Committee Amendment "B" (H-1014) **READ**.

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

Senator **CHIPMAN:** Thank you, Mr. President. Just to explain for folks about this bill, for those who are not fully aware what it's going to do, it's very different from what the title says. We worked with the Department, we worked with the Office of Marijuana Policy regarding some funding that they have available for this. This is something they support and all it simply does is reimburse cities and towns for their upfront costs for opting into the marijuana sales, retail stores, facilities that they may want to opt into, to get those upfront costs covered since they're not getting any of the tax revenue from the sales and they won't as a result of this bill either. This amendment simply picks up or corrects something that got left off in the committee regarding retail sale facilities so that everyone can be - have access to the reimbursement of up to \$20,000 of upfront costs. Thank you.

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

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

Senator **POULIOT:** Thank you, Mr. President. I certainly support the work that the municipalities are doing to help, you know, bring us online with this significant policy change that has been made in the state over the last few years. However, you know, we have, as a Legislature, come together to work towards increasing revenue sharing back towards, you know, the statutory 5% and, you know, I think that we already are doing this. We are already sending resources to local municipalities. We have a lot of initiatives that we need to fund here at the State House and I would just prefer that we stay on that path. So, my opposition to this bill is for that reason. Thank you, Mr. President.

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

Senator **CHIPMAN:** Thank you, Mr. President. My good friend, my colleague Senator Pouliot, is correct and we are doing a lot to help cities and towns with revenue sharing and other things. What we know from marijuana policy and what's going on with the industry so far is there are several - there are many cities and towns that have not opted in and the reason we heard in committee why they are not opting in is because there's a lot of upfront expenses to do that, to get licensing done, to get inspections done, to develop rules and regulations and there's no way to get that money back. It's an optional system and so by not having them opt in we're still having a viable black market in some of the rural areas of the state where there's no retail stores to go to and so we're trying to have a robust industry where as many opt in as possible and eliminate that black market industry. Because it is optional, we think this will help, the Office of Marijuana Policy believes this will help, other cities and towns overcome that hurdle and get those upfront costs reimbursed. Again, it's limited to \$20,000 per municipality and they already have the money to do it so it's no increase in taxes or additional expense to the State. Thank you.

THE PRESIDENT: The pending question before the Senate is Adoption of Senate Amendment "A" (S-564) to Committee Amendment "B" (H-1014). Is the Senate ready for the question?

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#762)

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

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

EXCUSED: Senator: DIAMOND

20 Senators having voted in the affirmative and 13 Senators having voted in the negative, with 1 Senator being excused, the motion by Senator **CHIPMAN** of Cumberland to **ADOPT** Senate Amendment "A" (S-564) to Committee Amendment "B" (H-1014) **PREVAILED**.

Committee Amendment "B" (H-1014) as Amended by Senate Amendment "A" (S-564) thereto, **ADOPTED**, in **NON-CONCURRENCE**.

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (H-1014) AS AMENDED BY SENATE AMENDMENT "A" (S-564)** thereto, in **NON-CONCURRENCE**.

Ordered sent down forthwith for concurrence.

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

REPORTS OF COMMITTEES

House

Divided Report

The Majority of the Committee on **TAXATION** on Bill "An Act Regarding Taxation of Energy Storage Facilities and Equipment" H.P. 1512 L.D. 2030

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-1015)**.

Signed:

Senators:
LIBBY of Androscoggin
POULIOT of Kennebec

Representatives:
TERRY of Gorham
BICKFORD of Auburn
HANLEY of Pittston
MATLACK of St. George
PERRY of Bangor
STETKIS of Canaan

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "B" (H-1016)**.

Signed:

Senator:
CHIPMAN of Cumberland

Representatives:

CARMICHAEL of Greenbush
COLLINGS of Portland
GRAMLICH of Old Orchard Beach
SACHS of Freeport

Comes from the House with the Minority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "B" (H-1016)** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (H-1016)**.

Reports **READ**.

Senator **CHIPMAN** of Cumberland moved the Senate **ACCEPT** the Minority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "B" (H-1016)** Report, in concurrence.

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

THE PRESIDENT: The Chair recognizes the Senator from Kennebec, Senator Pouliot. The Chair was in error. The Chair recognizes the Senator from Sagadahoc, Senator Vitelli.

Senator **VITELLI:** Thank you, Mr. President. I'd be happy to have my good colleague from Kennebec follow me in this instance. I just want to speak briefly from my perspective of having once chaired the Special Commission on the Value of Energy Storage to Maine's Energy Future and to remind this Body that this morning, I think it was this morning, we passed L.D. 1350 to advance our clean energy procurements and I see this bill as an additional step towards the goal of reaching our clean energy goals in reducing our gases as they poison our environment. So, I just would really encourage the Body to consider this as a move in the right direction in terms of supporting storage. It's the next missing piece that will make our clean energy from wind and solar work in terms of the grid and in terms of being able to access this cheap energy and so I would ask your support - ask you to not support this amendment so that we can move the Majority Report.

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

Senator **POULIOT:** Thank you, Mr. President. Members of the Body, L.D. 528, which was sponsored by the good Senator from Sagadahoc, Senator Vitelli, that we are moving forward in the State's energy storage goal of 300 megawatts be met by 2025 and 400 megawatts by 2030. The reality is we need a facility like this in order to meet these goals. Stand-alone storage requires minimal land use and more effectively targets the electric grids at points and are fully dispatchable to provide grid services, unlike other projects. These factors led the Lawrence Berkeley National Laboratory to conclude on average that 12.5 megawatt hour benefit - \$12.50 megawatt hour benefit of stand-alone energy storage over other facilities across the United States and, although this proposal would add new sales and use tax exemption, Maine communities will benefit through heightened economic activity, construction jobs, and potential to attract other innovative energy storage projects and technologies to Maine ahead of many other parts of the country. Additionally, Maine's

communities will see increased property tax revenues as these projects come online. So, you know, the times that we're in right now, look at the Russian invasion of Ukraine, it's a stark reminder of our need to focus on energy independence in this country and the reliability that can be brought by increased storage is extremely important to helping us achieve those goals. So, I hope that members of this Body will support this initiative so that we can bring the state-of-the-art facility to our state here and help provide more storage for renewable, clean energy to meet our climate goals. Thank you, Mr. President.

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

Senator **CHIPMAN:** Thank you, Mr. President. Men and women of the Senate, I think you'd be hard pressed to find anybody who's stronger on environmental issues or climate issues as myself. The environment's what got me into politics. I served two terms on the Environment and Natural Resources Committee and I have a 100% voting record on climate change and environmental issues. I'm looking at this from a tax policy perspective. I don't think it's good tax policy for a number of reasons. For one, it's a late session bill that came in, where we didn't have really a lot of time to work on it. It's a huge \$6 million tax break for one company that doesn't necessarily need it. I'm not convinced that they're not going to build a facility whether they get this or not. There are also several local and State tax credits available to them. One of those is the local TIF. However, when the company did apply for a TIF from the Town of Gorham they were refused the TIF because the facility, after it's built, does nothing to create economic development and creates zero jobs. I don't believe this bill will ever get funded by Appropriations because of the \$6 million fiscal note and, if it did, I can think of many better ways to spend \$6 million than on a facility that's going to get built anyways. I guess the final point I'd make is that if we vote for - against this motion and in favor of the Majority Report this will put us in non-concurrence with the House. There's two different reports. Both of them are resolves, include resolves that will study the issue and come back with better information next session. The Majority Report includes the tax break from the other report. If we don't vote for this and we Recede and Concur then we can get something and I think this is a case of something being better than nothing. Thank you.

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

Senator **POULIOT:** Thank you, Mr. President. Having risen twice this session, but the reality is, as it relates to the fiscal note, we're not collecting these dollars at all anyways. So, to me, it's kind on erroneous fiscal note because we're not losing revenue that we're already receiving. I mean we would forgo revenue that we would get if we didn't pass this legislation but I also fear that we would not have the facility at all if we don't pass this legislation. Thank you, Mr. President.

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

Senator **SANBORN**: I rise just briefly to note that industrial machinery in the making of beer is sales tax exempt and I think this is a far more important use of sales tax exemption. Thank you.

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

Senator **LIBBY**: Thank you, Mr. President. This is a pretty monumental day here in the State Senate where I find I'm going to press my red button in agreement with Senator Pouliot. I just wanted to make sure my red button's working, Mr. President. Thank you.

THE PRESIDENT: The pending question before the Senate is Acceptance of the Minority Ought to Pass as Amended by Committee Amendment "B" (H-1016) Report. Is the Senate ready for the question?

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#763)

YEAS: Senator: CHIPMAN

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

EXCUSED: Senator: DIAMOND

1 Senator having voted in the affirmative and 32 Senators having voted in the negative, with 1 Senator being excused, the motion by Senator **CHIPMAN** of Cumberland to **ACCEPT** the Minority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "B" (H-1016)** Report, in concurrence, **FAILED**.

The Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-1015)** Report **ACCEPTED**, in **NON-CONCURRENCE**.

Bill **READ ONCE**.

Committee Amendment "A" (H-1015) **READ** and **ADOPTED**, in **NON-CONCURRENCE**.

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-1015)**, in **NON-CONCURRENCE**.

Ordered sent down forthwith for concurrence.

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

ORDERS OF THE DAY

The Chair laid before the Senate the following Tabled and Later Assigned (4/7/22) matter:

SENATE REPORTS - from the Committee on **ENVIRONMENT AND NATURAL RESOURCES** on Bill "An Act To Sustain Good-paying Jobs in the Forest Products Industry by Ensuring Consistency between Comprehensive River Resource Management Plans and State Water Quality Standards" S.P. 710 L.D. 1979

Majority - **Ought to Pass as Amended by Committee Amendment "A" (S-520)** (10 members)

Minority - **Ought to Pass as Amended by Committee Amendment "B" (S-521)** (3 members)

Tabled - April 7, 2022 by Senator **BRENNER** of Cumberland

Pending - **ACCEPTANCE OF EITHER REPORT**

(In Senate, April 7, 2022, Reports **READ**.)

Off Record Remarks

On motion by Senator **BRENNER** of Cumberland, the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (S-520)** Report **ACCEPTED**.

Bill **READ ONCE**.

Committee Amendment "A" (S-520) **READ**.

On motion by Senator **BRENNER** of Cumberland, Senate Amendment "A" (S-563) to Committee Amendment "A" (S-520) **READ**.

THE PRESIDENT: The Chair recognizes the Senator from Somerset, Senator Farrin.

Senator **FARRIN**: Thank you, Mr. President. Ladies and gentlemen of the Senate, I just rise to speak briefly to thank the Senate President for bringing this legislation forward. Regardless of how this came to be, as you all know, there have been some pretty big discussions about the four dams on the lower Kennebec and, specifically, the Shawmut relicensing piece and the 600 plus jobs at Sappi. I wanted to say thank you to the Senate President for bringing that forward because whether you support it through this whole thing or not, you know, rivers have been a large part of Maine's overall economy and development for hundreds of years and the last river management plan for the Kennebec was updated almost 30 years ago and the overall

environment, the science, the fish passage, etcetera have all changed in those 30 years. I've been born and raised on the Kennebec and I've seen those changes first hand. I won't tell you for how many years but a lot. The river management plan seems to not have focused on some of the economic pieces of it and we heard that as the Administration kind of moved the goalpost on the whole licensing of the Shawmut dam and the impact on the Sappi Mill and there was a bunch of excellent testimony that came up during the public hearing on that and it seemed to have slid by a little bit but we still have got to keep our eye on that prize, of that relicensing, and thank you, Mr. President, for bringing this forward so we could have the discussion.

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

Senator **CYRWAY:** Thank you, Mr. President. I also want to thank you, as well, for my district. We have Huhtamaki and many people that work at Sappi in my district and appreciate what he did here. So, thank you.

On motion by Senator **BRENNER** of Cumberland, Senate Amendment "A" (S-563) to Committee Amendment "A" (S-520) **ADOPTED.**

Committee Amendment "A" (S-520) as Amended by Senate Amendment "A" (S-563) thereto, **ADOPTED.**

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-520) AS AMENDED BY SENATE AMENDMENT "A" (S-563)** thereto.

Ordered sent down forthwith for concurrence.

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

An Act To Encourage Job Growth in the Forest Products Sector through Tax Incentives

H.P. 1425 L.D. 1919

Tabled - April 15, 2022 by Senator **DAUGHTRY** of Cumberland

Pending - motion by same Senator to **ADOPT** Senate Amendment "A" (S-561) to Committee Amendment "A" (H-944)

(In House, April 7, 2022, the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-944).**)

(In Senate, April 15, 2022, the Majority **OUGHT TO PASS AS AMENDED** Report **ACCEPTED**, in concurrence. Bill **READ ONCE**. Committee Amendment "A" (H-944) **READ** and **ADOPTED**, in concurrence. On motion by Senator **DAUGHTRY** of Cumberland, Senate Amendment "A" (S-561) to Committee Amendment "A" (H-944) **READ.**)

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

Senator **POULIOT:** Thank you, Mr. President. I'm not as optimistic about this one going the same way but I still request a roll call. Thank you.

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#764)

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

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

EXCUSED: Senator: DIAMOND

18 Senators having voted in the affirmative and 15 Senators having voted in the negative, with 1 Senator being excused, the motion by Senator **DAUGHTRY** of Cumberland to **ADOPT** Senate Amendment "A" (S-561) to Committee Amendment "A" (H-944) **PREVAILED.**

Committee Amendment "A" (H-944) as Amended by Senate Amendment "A" (S-561) thereto, **ADOPTED**, in **NON-CONCURRENCE.**

Under suspension of the Rules, **READ A SECOND TIME.**

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

Senator **STEWART:** Just to clarify, which - we're now on engrossment?

THE PRESIDENT: Passage to be engrossed.

Senator **STEWART:** Right. I'd ask for a roll call.

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 (#765)

LAWRENCE of York

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

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

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

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "B" (S-560)**.

EXCUSED: Senator: DIAMOND

Signed:

18 Senators having voted in the affirmative and 15 Senators having voted in the negative, with 1 Senator being excused, was **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-944) AS AMENDED BY SENATE AMENDMENT "A" (S-561)** thereto, in **NON-CONCURRENCE**.

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

Sent down for concurrence.

Reports **READ**.

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

Senator **DESCHAMBAULT** of York moved the Senate **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (S-559)** Report.

Senate at Ease.

The Senate was called to order by the President.

At the request of same Senator, Reports **READ**.

Off Record Remarks

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

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

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

REPORTS OF COMMITTEES

Senate

Divided Report

The Majority of the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** on Bill "An Act To Strengthen Maine's Good Samaritan Laws Concerning Drug-related Medical Assistance" S.P. 661 L.D. 1862

Senator **MAXMIN:** Thank you, Mr. President and colleagues in the Senate. I rise in strong, strong opposition to the motion before us. While it may seem like this amendment is helpful, it could potentially be very damaging, if not deadly. Here is the story behind this bill, which I am the lead sponsor on. This bill is brought to me by Courtney Allen and the Maine Recovery Advocacy Project. I know that many of us know and respect Courtney's work in the recovery community and here in our policy world. Courtney is here today, along with many folks sitting in the rear of the Chamber who are leading the way in the recovery community in Maine. This group of people, and many who could not be here today, brought this bill forth because in 2021 there was a record number of fatal overdoses in our state. Six hundred and thirty-six Mainers died, two Mainers a day are dying in addition. These statistics can easily be heard as numbers but I bet every single person in this room knows someone who has died of an overdose or had a friend or a loved one die. These are lives, loves, hopes, and dreams all lost. The reason behind this horrific apocalypse are many but one clear reason has emerged over the past few years. People are afraid to call 9-1-1 when there is an overdose. That means that emergency services are not called, Narcan might not be available or administered improperly, and the resources that come along with calling 9-1-1, like the options program that connects people with recovery resources, those services are not available if people don't call 9-

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

Signed:

Senators: DESCHAMBAULT of York CYRWAY of Kennebec

1-1. In fact, the most recent data statewide indicates that 90% of people are not calling 9-1-1 when there is an overdose. This fact is shocking in of itself but it is even worse when we consider that Maine has a Good Samaritan law, a law that is designed to make people feel safe to call 9-1-1 by protecting folks at the scene. We passed such a law in the 129th unanimously. This law has proven to be incredibly ineffective. Why? Because it is so, so limited. It protects people from only five criminal offenses. Those are: possession of scheduled drugs, acquiring drugs by deception, possession of hypodermic apparatuses, use of drug paraphernalia, and violation of probation. Now, I had to Google these offenses and then Courtney had to correct me because I honestly can't remember them, even though I've been working on this bill for months and months. I also have to ask myself: is probation covered or is it bail covered? I can't even imagine trying to remember these if someone was dying right in front of me.

Here's the other problem with the current law. It only protects the person calling 9-1-1 and the person overdosing. If you're helping, providing CPR, grabbing a cellphone, whatever, you are out of luck. You're not protected under no circumstances. Imagine someone you love is overdosing in front of you. You're on probation but you don't want to get swept back up into the criminal justice system. You can't remember if you'll be protected when the police come or your friend is performing CPR but they're out on bail. What do you do? Here is what's happening. People are calling 9-1-1 and then fleeing the scene, leaving the person who is overdosing alone, sometimes to die alone, or people aren't calling 9-1-1 at all for fear of a lifetime of consequences, and while I know some of us think this is not a good decision to make, it's a decision that people are making nonetheless. This is an untenable and immoral situation for any Mainer to be in. They are caught between a punishing criminal justice system and saving a life. I say this in no way to attack our good law enforcement community but merely to point out the reality of our system today.

I started to work with Courtney, MRAP, and dozens and dozens of recovery advocates and organizations. They came to me with a clear message. We need a clear and easy law that makes sure that people feel safe calling 9-1-1. We need a law that saves lives and we need it now. This isn't a radical idea. It's simply needed immediately to save lives. Throughout the process working on this bill, we tried to negotiate in good faith with the Chief Executive's Office. There was no willingness to seek a compromise on their part. What is before us today is the amendment put forth by the Executive Branch. While someone on the outside of these issues may think that this amendment would help the situation, it does not. Some people say this amendment is better than nothing. That's simply not true. Let me explain why. I only have two more pages left, I promise. First, this amendment does not extend protections from criminal offenses, so the confusion around what people are protected from continues to exist. Therefore, it does nothing to fix the actual problem that created this bill in the first place, which is that people are not calling 9-1-1 because they don't feel safe. Second, this amendment does protect people from those limited criminal offenses if they are rendering aid at the scene of an overdose. You may think that's important but rendering aid is not formally defined so no one knows if rendering aid means calming someone down, getting a glass of water for a scared family member, doing CPR. What does it mean? To make matters worse, the burden is on the defendant to prove that they were

rendering aid. This means that the person who is helping at the scene would have to go to court and have the burden on them to prove that they were helping in order to receive immunity. The story will play out in the courts and that threat of being swept up into the criminal justice system will deter people from calling 9-1-1. Here's what makes this amendment especially dangerous. The recovery community, a community in pain and in mourning, has poured its heart and soul into this bill because it's so desperately needed. If this amendment passes, there will be a headline saying that the Good Samaritan law has been expanded. People will feel safe. They'll call 9-1-1 and they will get arrested. The little trust that the recovery community has left with its government will almost certainly disappear and there is almost no hope of regaining that trust. Sometimes we get only one chance to help people, one chance to get that message of relief and safety out there when someone gets out of prison or when they come to a needle exchange. We have one opportunity to communicate. If we take an incremental approach with expanding the Good Samaritan law people will get confused and no one will feel protected to call 9-1-1. If we mess this up people will die and that is the clear message, not from me but from the recovery community. You might think that I'm creating this out of my own opinion but these are the interpretations of - sorry, you might think that I'm making this up but these are the interpretations of someone impassioned and close to the issue, but not a single professional advocate or recovery organization involved with this bill stands behind this amendment. They think that it's deadly. They know that more is needed. The Maine Public Health Association, the American Medical Association, Maine Access Points, Maine Prisoner Advocacy Coalition, Maine Prisoner Reentry Network, Northern New England Society of Addiction Medicine, the Alliance for Addiction and Mental Health Services, the ACLU of Maine, and the Maine Drug Policy Lab at Colby College, all of these organizations supported the other amendment, which is actually comprehensive and addresses the problem. They did not testify on something so limited and so ineffective.

To close, I wanted to share a story from one of our colleagues in the House, Representative Lydia Crafts from Newcastle. Here is an excerpt from her public testimony: 'I am a bill co-sponsor and I'm also a Mainer directly affected by the opioid crisis. I lost a loved one in September 2021 to an overdose. This was during when the Good Samaritan law was in effect. While my grief and pain are unique to my own loss, the loss of our families, friends, and neighbors is no longer unique in Maine and across the nation. Many, if not most of us, have been directed effected by addiction. In addition to the 636 overdose fatalities this year, there were approximately 10,000 non-fatal overdoses in 2021. These numbers undeniably point to a real and growing epidemic that knows no limits. As my family put the pieces together after my cousin's death, we learned that he was recently connected with folks who had just gotten out of prison on drug charges and were on probation. At the time of his overdose people went in search of Narcan and others cleaned up the scene. They would spend the next two hours making a futile attempt at picking up the pieces while my cousin would die. Had they not worried about their probation violation, about cleaning up their drugs and paraphernalia, and about getting the person who provided the drugs off the premises perhaps they would have called emergency services sooner. Lifesaving aid in the form of Narcan is readily available when law enforcement and emergency responders arrive at an overdose. Perhaps removing all of their

fears, all of their inhibitions about calling 9-1-1, and the threat of compounded legal action could have led those folks to make a different call. Perhaps my cousin would be here today.'

This is one of many stories, back to my voice, that highlight the inadequacy of our current law. The motion before us does not even begin to address the horrific crisis in our state. I am pleading with my colleagues to vote down this motion. Please follow the lead of the incredible people watching this debate. This is a harmful amendment and I hope, as a Body, we can choose to debate not what punishes people the most, not what makes sure people pay consequences for decisions that they've made, but what is saving a life and what we can do to protect Mainers. Thank you.

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

Senator **MOORE:** Thank you, Mr. President. I, too, rise in strong opposition of the motion on the floor. When we talk about Good Samaritan it's important to remember where that metaphor came from and what it really means. It's a person who makes the choice to help or rescue another in distress, most often a stranger where no personal connection exists and a choice made from a mindset of charity, regardless of personal cost or beliefs. Sometimes human nature is such that we react to help without even thinking. In other cases fear inhibits our involvement but, for most, you hope people would make that conscience choice to help somebody truly in need, even if it could be at your own risk. Maine is no stranger to this concept. When Good Samaritan laws were first enacted in this state and across the country half a century ago it was an attempt to codify the symbolic meaning and recognize that when well-intentioned people get involved, and help complete strangers, unintended consequences could happen as a result and sometimes they do, despite those best intentions. As far back as 1969, our state has shielded those who help others who are injured, in distress, or in immediate danger from any civil liability. It's a recognition that the intent of one person to help another shouldn't be hampered or hindered by the notion that doing so could cause that Good Samaritan any foreseeable personal harm. When people make that choice to get involved, to take that chance, or even the risk to help someone else in distress, they should have the assurance that society supports their charity, society supports their desire to make a difference, and society supports their choice to save a life.

Back then we were only thinking about liability. Times are much different nowadays and we tried to address that difference when we passed L.D. 329 in 2019. Unfortunately, that Good Samaritan law didn't go far enough. Take the case of a person who had a friend overdosing in front of them. Fearful they would get in trouble, they instead cleaned up any evidence, left the friend who was overdosing behind, and went to another friend's house to secure an alibi before going home and then calling 9-1-1. Unfortunately, too much time had lapsed and it was too late. Or another case where police used the current law to their advantage by letting a person go, only to show up the next day for a 'random' probation check or drug test. Or another who called 9-1-1 for a friend but was reported to probation by police anyways, despite the current protections.

The current motion on the floor does not take it far enough. Simply calling it rendering aid is not enough. It needs to take it further by providing the immunity from arrest, prosecution, revocation proceedings for everyone at the scene of an overdose.

We're not protecting those convicted of violent or sexual crimes, arson, crimes against children, conspiracy, and solicitation, nor any attempts at those crimes. Six hundred and thirty-six people died last year from drug overdoses and every life deserves to be saved, regardless of whether it's a drug overdose or an accident victim. Think about that. A person dying of a drug overdose in front of you is no different than the victim of an accident of which you may be the first to come upon and fear of prosecution should never be a barrier to administering help or even calling 9-1-1, especially if that person you're helping is a friend or a family member. We often think about what we would do in a similar situation. We hope we would do the right thing. But if we have to pause and ask ourselves 'Am I going to be arrested if I call 9-1-1?' we are clearly asking the wrong question. Today forty states and the District of Columbia have laws very similar to Amendment "B" on their books and those laws protect not only those who are the Good Samaritans and the overdose victim but also anyone around them. With our drug epidemic as pervasive as it is in Maine, with our drug overdoses at an all time high, we need to make Maine number forty-one. Thank you.

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

Senator **BENNETT:** Thank you, Mr. President. We cannot help broken people fix their lives when they're dead. I'll be voting no.

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

Senator **MIRAMANT:** Thank you, Mr. President and colleagues. I, too, am against this motion. Most of us would like to leave a legacy for our families and get to. Many people leave legacies beyond that and Arthur Sackler was one of those people. Sackler and his family exuded greed, avarice, and poisoned the world, not just a country, the whole world, the society, with their practices, their lies, they enticed the medical establishment to prescribe opioids until people were just so hooked on the supposedly non-addictive opioids that they were selling while they lined their pockets and it's unbelievable the legacy he left. So, then when these people were cut off because these medical professionals were thinking 'Okay, they're telling me they're not addictive and these people are saying they need more. Well, there must be something wrong with them.' So, then we vilify them. We increased the law enforcement budgets, through our actions, through government's actions, and turn the machine loose against society, against these poor people, and left them in the hands of folks who would sell them anything, and who are selling them anything. The products they are getting now are killing them with the least bit of use. These are innocent folks. This happened to a lawyer down in my town who, for probably many years, maybe not a long time, I don't know a lot of this, but I have friends who had used cocaine for many years. Did a little bit of cocaine. Go to use it, now it has fentanyl in it, and it kills him. So, we pushed them out to this when it's a problem that could be addressed by compassion and we tried to do that. We put bills through here to help, to try to get them help, to try to set up places that can take them in, and then we still have these fringe laws that make it so the stories that you just heard about someone who tried to help, called the cops, and found themselves in even deeper trouble from maybe a situation that started with the greed of the Sackler's and others like them. What

we need now are new ways of dealing with this, with showing compassion and not turning unlimited amounts of money towards law enforcement and the courts to just cause a cycle of deeper trouble and death and problems in society. We need these people to live. We need to get them healthy. If they want to, some of them don't want to and that's another case, but the ones who want to and were asking and begging us for help, we need to provide every opportunity for them and this is just one way because often the people that are there when they're overdosing are people who, if they called for help, will get in trouble and we don't need that any more. Thank you.

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

Senator **CYRWAY:** Thank you, Mr. President. Ladies and gentlemen of the Senate, the Good Samaritan Act is just that. It's being a Good Samaritan, trying to save someone's life in a very serious situation and I know I would put my life in front of anybody here in any situation. If I saw something in a critical situation I would put my life before anybody's and help that person. I know this is where they think about their crime first before they go and help the person. That's what I'm hearing. But, also, I just wanted to let you put this in perspective. I know Commissioner Sauschuck had thought about this because, and this is his amendment, and the reason why is because he felt that this needed to be more clear. Also, the Maine Sheriffs' Association, the Maine Municipal Association, and the State Police backed this amendment up. They feel this is a great amendment. It's fair. I can tell you that when I worked in the jail, and this is just a prime example, I was Assistant Jail Administrator but I was home when it happened. But we had an individual who had shot an individual at the Big Apple here in Augusta right between the eyes and he went into our jail and he was there and he was there for a couple of weeks and then he wanted to escape. So, he grabbed one of our lady corrections officers and held a pencil to her throat and was holding her and wanted to escape and he wanted the person in control to push the button so they could let him out. That corrections officer could not push that button. That's the way it is. He had nobody else in that day area of 60 prisoners, 60 prisoners. There was four individuals, inmates, that said I'm going to save this girl's life no matter what and they grabbed him and they threw him to the floor and they beat the tar out of him and they took care of business and saved that girl's life. Those are Good Samaritans. Not the ones that just stood around watching and just staying back. This Amendment "B" does what happened because that would be the one standing around, watching, and then we're going to release everybody out of the jail. That's the problem with Amendment "B". Amendment "A" takes care of the ones that are the Good Samaritans that save a life. They can call 9-1-1. They can also try to do CPR or do - giving the Narcan, whatever they want to do to try to save that person's life and they are all set. So, this is what Commissioner Sauschuck is saying. He says we're going to take care of the Good Samaritan. I understand what you're saying but we cannot just say even the spectators can get free, a get out of jail card. That's not fair. It's not right and I cannot support Amendment "B". I have experienced it. I saw what happened and I've been at places where people just watch and they do nothing for that person. Nothing. Then you're going to say it's okay, thank you. Do you call them a Good Samaritan? I don't think so. So, this is why Amendment "A" is so important. So, thank you, Mr.

President, and I'm voting Ought Not to - I mean Ought to Pass on Amendment "A".

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

Senator **DESCHAMBAULT:** Thank you, Mr. President. Mr. President, I want to start today by recognizing that L.D. 1862 involves a topic that likely has affected every member of this Body in a deeply personal way. When we hear that 636 people died last year of an accidental drug overdose we think of someone we know. These people are much more than a number or a statistic. These are our neighbors who we won't see walking down the street anymore, our sons and daughters who won't come home for a hug or a homecooked meal. We all care deeply about each of these people and their families, friends, and neighbors. We want all to stop this tragedy, this terrible tragedy. Terrible is one word, tragedy is another one. At the public hearing for this bill we heard from very brave people who told us about their struggles with opioids and the heartbreaking loss of their friends and loved ones. It was heart wrenching to hear those stories of loss and pain. We may disagree with the best way to address this opioid crisis but I hope we can agree that whether you support Majority "A" or Minority "B" we all care deeply about this issue and all the people that are affected.

This is one bill that has two Ought to Pass. They're just different amendments. This statutory language that L.D. 1862 deals with, the title of which is Exemption from Criminal Liability for Reporting a Drug Related Medical Emergency or Administering Naloxone. We know this, as everyone I've heard mention, as the Good Samaritan law. The name, of course, comes from the parable of the Good Samaritan in the Bible. Bear with me please because, frankly, I knew of the title Good Samaritan. I didn't know where it came from. As far as the Bible, yes, but it's not a story that my family told too much. So, I wish to take a moment, that this story was shared by a Legislator at the work session. When Jesus was asked how someone can go to Heaven, Jesus responds that one must love thy neighbor. Then Jesus was asked how someone can do that and Jesus answered by telling the story of the Good Samaritan. On the road to Jericho, a man is robbed, beaten, and left in a ditch to die. After priests and other Godly travelers see the stricken man and walk on by, ignoring him, the Good Samaritan stops. When he sees the man in the ditch, the Good Samaritan offers to help the injured man. Let me repeat that. The Good Samaritan stops to treat the injured man. The Good Samaritan didn't walk on. He didn't just watch. He wasn't called the Good Samaritan just because he was on the road to Jericho. He became known as the Good Samaritan because he stopped and did something to assist the man who was dying in the ditch. That is why I support Majority Report "A" for L.D. 1862. This amendment encourages, encourages a person to call for help by giving immunity from prosecution for certain drug related crimes to any person who rendered aid, any person who renders aid is immune, to a person who is stricken by a drug overdose. To suggest that anyone at the location of the overdose, including people who are just present, people who aren't providing any aid or assistance, is a Good Samaritan and should also be immune from a long list of possible crimes, which is what Minority Report "B" does, is going too far and I can't support that. Previously, the 129th Legislature enacted what is known as the Good Samaritan Law, we know that, in 2019 to help address substance use disorder in Maine

and save lives. I heard that this law is limited. Yes, it's limited. You call 9-1-1. The Good Samaritan Law to help address the use disorder in Maine and to save lives and at the same time the Chief Executive and the Legislature also made a record investment in treatment for the prevention of substance use disorder. Also, this year there are other proposals before the Health and Human Services Committee to add to those efforts. What is covered? Under Maine's Good Samaritan Law, as it stands, a person will be immune from arrest or prosecution for all violations of the following crimes under this proposal: unlawful possession of a schedule drug, acquiring drugs by deception, and use of drug paraphernalia. The current law also protects against the violation of probation for what would be a violation of these laws. That's what we already have. So, in 2019, when that was passed, if you were on probation and there that could have been a violation but that law that was passed you are not violating your probation. According to the United States Government Accountability Office, the GAO, Maine is now one of 44 states that provides some protection from arrest or prosecution for certain drug crimes if evidence of the crime is discovered as a result of someone calling for medical assistance or for a drug overdose. Also, according to the GAO report, only one state, one state, provides immunity for all drugs and no state provides immunity for a broad range of crimes unrelated to drug possession. Under current law Good Samaritan immunity includes the person who calls for medical assistance, the victim of the suspected overdose, and anyone who administers the overdose reversing drug Naloxone. According to the GAO report that I referenced earlier, Maine, unlike some states, does not require the person to remain until rescuers arrive. That's the current law. Also, Maine does not require any names to be provided over the phone and does not require someone to be the first or the only person to call in order to receive the law's immunity. I say this because I hope people understand the Maine's current Good Samaritan Law is very consistent with the majority of states across the country and it is, in some ways, already better developed and implemented to help save lives.

While Maine's current statute is very consistent with the Good Samaritan Laws in other states, Majority Report "A" does respond to some concerns about the current law that has been raised by advocates and proponents of the original bill. Majority Report "A" would include anyone who is present at the site of the accidental drug overdose, anyone who's there, can be immune and renders aid to the victim. Now, this is an important expansion of the Good Samaritan Law. Let me explain why. While current law provides immunity for the victim, the caller, or someone who administers Narcan, as everybody can relate to, Majority Report "A" would allow more ways to save lives that are not already covered in statute. That would aid protection to anyone, again, who renders aid, which includes, for example, anyone who's performing the CPR. Picture this, someone has collapsed. It looks like an overdose. Someone is quick enough, and that's very limited, to pick up the phone, dial 9-1-1. As you're talking the dispatcher might say 'Is this an overdose? Do you have Narcan? Use it.' Someone else could be doing that. If he's convulsing, they might say to lift his head up. Someone else could do that. They would be all immune. One of I thought of also is as they're hearing the ambulance come to their apartment building or home someone can run down and say 'Third floor, second door.' That has rendered aid. Trying to save a life. These are just a few lifesaving actions that one can perform. If we are going to expand the Good Samaritan Law than someone should have to do

something to earn it. That goes beyond just being present at the site of an overdose. What are we talking about? Five people, ten people, twenty people? The whole point of being a Good Samaritan is that someone does something or takes some action to help someone else. For this bill, that means someone taking action to help the person who has overdosed, not simply standing by. Again, we all want to save lives. That's why we have taken numerous steps to address the opioid crisis in Maine. Last year the State of Maine helped distribute 77,000 doses of Naloxone to ensure broad access to lifesaving drugs. According to the Margaret Chase Smith Center, law enforcement responded to calls and successfully deployed Naloxone 327 times last year. Maine launched Options. Now let me tell you what the Options Program is. This is overdose protection through intensive outreach, Naloxone, and safety, Options is a better way to think about it, to support people who struggle with substance abuse disorder and connect them with treatment services. One of the programs that they've done, you've heard of it, I frankly just heard about it a few months ago and checked up from my own police chief about this, the State has placed behavioral health clinicians, one in each county. Doesn't seem a lot but they are used and those people are referred. The police officer might see someone who is in crisis having to do with drugs. They call this person that's assigned to their county and that person is also a treatment person that can make a referral to an appropriate place. In my city, they were so impressed with that one person that they hired their own. So, that came from the State. Options also educates people on the Good Samaritan Law so that the people know it's safe to call for help. We have made investments in the Office of Behavioral Health to increase access to treatment services and medication assisted treatment is available in jails and prisons. You didn't know that? Medical assisted treatment is available in jails and prisons.

Overall, as a State, we have been moving away from only considering punishment. We have been moving away from only considering punishment for drug crimes and overdoses and moving towards treatment of the underlying disease of addiction. More work is to be done for certain but drug crimes have many impacts on society that the criminal justice system cannot ignore. With Majority Report "A" the Good Samaritan Law can be improved in a focused and responsible manner. The Minority Amendment is also saying that past, current, and future lawmakers prohibiting certain dangerous actions as unlawful or criminal. We would be telling our law enforcement officer that you can ignore those. I ask for your support on this motion. Thank you.

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

Senator CLAXTON: Thank you, Mr. President and colleagues. I offer - I stand to offer a couple of thoughts from the perspective of 40 years in medicine and a lot of work in the arena of public health. I think what's been left out of the conversation is an understanding that I hope none of us every have about what's involved with this disease, either personally or in our families, but I know that not to be the case. This is a disease that robs people of friends, of support, of housing, of money, of all those supports that I hope all of us in the Chamber can count on on a day to day basis. All of us are going to go back to warm, dry beds. All of us are going to go back to a circle of friends and support that many folks who are mired in this terrible disease are gradually or

actively losing or have lost long ago. One of the conditions that's part of the disease is paranoia. So, you're asking people in the setting of an overdose, which is a true emergency, to behave in a coherent fashion, even though they're impaired, even though they're paranoid. I would gladly be about not capturing all the bad guys in exchange for having police officers being seen as a consistent, positive resource in that setting. I think would help in lots of ways. But these are not people who are often capable of standing around and having this kind of discussion over time because their lives are so full of trying to get to the next dose because of this disease and it's for that reason that I don't think we can hold them to the standard of a well thought out Good Samaritan response. I think we need to make it such that if you see somebody in trouble and you call, or somebody in the group calls, that you get help. That's first and foremost. I've seen emergencies in hospitals. These are well trained professionals and it's not organized. So, I want to recognize that this is a disease that impairs and it creates paranoia. The other point I'd like to make is that this is not the two years ago opioid crisis. This is not the same condition we started to deal with when the Sackler's got in the business and started to spread their poison. This is a different disease. Fentanyl has changed the rules. We need to change our rules to meet an extraordinary risk over which we have essentially no control. That's the scary part of this disease and that's why I think we need to recognize that this is not the opioid crisis. This is a new opioid crisis that's much worse than we had to deal with before. So, hopefully all of us are sober now and distracted only by hunger, we are not in a position to judge the folks who are trying to anticipate the next dose, who are distracted by worrying about friends who are using, whether they are impaired or not. The first rule is to try and save the life and so it's for that reason, and a willingness to avoid catching all the bad guys who might be involved in the process, that I really will be supporting Amendment "B" as a way to make this resource more available to people who need it and the desperate circumstance in which they find it. I will deal with the others if we can be seen as a positive resource over in the nesus category. We've accomplished a lot and that's why I'll be supporting Amendment "B". Thank you, Mr. President.

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

Senator **SANBORN:** Thank you, Mr. President. Mr. President, as I've listened to the debate this afternoon I've begun to worry that the parable of the Good Samaritan has been reduced to a transactional engagement where you have to do something to earn it. That's not the parable that I know. That's not the Jesus that I believe is captured in the Bible. The story was about someone who was a Samaritan, which was a group that was marginalized and had bad blood between the Samaritans and the Jews, as I understand it. The focus of the story is on the radical compassion of the act. The focus of the story is not on picking out which person gets credit. The story of the Good Samaritan calls us when see something happening to take care of our fellow man and, particularly, to take care of the least amongst us, those in the most need. Dr. King said about the parable: 'On the one hand we are called to play the Good Samaritan on life's roadside but that will only be an initial act. One day we must come to see that the whole Jericho road must be transformed so that men and women will not be constantly beaten and robbed as they make their journey on life's highway. True compassion is more than

flinging a coin to a beggar. It is not haphazard and superficial. It comes to see that an edifice which produces beggars needs restructuring.'

Men and women of the Senate, we are in the midst of an opioid and fentanyl crisis in our state. We must see that the entire edifice which produces this crisis needs restructuring. It is not often that we cast a vote in this Chamber that will directly save lives. Traceably save lives, not in 30 years like some other bills we've perhaps voted on this week but immediately in the coming weeks and months. This is that kind of vote. I will be voting no on the current motion in hopes that we can move on to another version of this bill that will save lives. I urge you to join me.

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

Senator **POULIOT:** Thank you, Mr. President. Ladies and gentlemen of the Senate, this past week we've been sharing some information about folks who have lost their battle with this disease and I want to share one more about a young man who was a friend of mine.

Levi Leo Violette was born on April 4, 1991, sadly he left this life for heaven on Wednesday, July 28, 2021, at his home in Manchester as his mother, Lynne, watched him die. Levi was a smart, active, polite, kind, loving, and curious child who grew into an awesome man, carrying those child-like qualities into adulthood. Levi was bigger than life with a gregarious personality, outrageous sense of humor, being kind to all because he truly cared for people. He was also not judgmental nor materialistic, totally unselfish and willing to help. His charm and outgoing character overtook a room with a contagious smile that people were drawn to and loved being around. He had a huge heart which just sought comfort, happiness, and love with others. Levi never met a stranger, just a future friend. He was known for his signature hugs, saying 'Hey, I need a hug.' or 'Hey, give me a hug.' Even calling family and friends to meet him just to give a hug, and they would. A valued friend to the friendless, he was loyal to all, a rare kind of person who loved all and forgave anything, just naturally a wonderful human being. Levi worked very hard. He loved being productive and he helped to build the family business. Eventually he became part owner of that business. The most grueling workday was better with his funny, energetic presence. He was very intelligent and multi-talented, so working during a blasting rush was exciting to him and that is why he was so good at his job. Levi was dealt a crushing blow on Aug. 22, 2020, when his very close big brother, Joshua, was tragically killed in an ATV accident. His world drastically changed since Joshua loved him unconditionally and was quite supportive. The security of knowing his big brother always cared and would be there for him was comforting, making that loss unbearable. They had a very special bond that Levi missed so much. Levi had a life-threatening disease of addiction. Coping became too difficult and exacerbated a relapse. He constantly sought solace, healing, and happiness but was left with emptiness, feeling alone in a crowded room. He never gave up and courageously faced detox and was enrolled in a program associated with a trade school. He was leaving in just a few days. Ultimately, the man that helped so many, and who we tried to save, could not be saved from himself. In memory of Levi a Memorial Fund called 'Levi's Hugs.' It was set up by his parents to help educate people and those addicted or affected by addiction. There is a huge

need for a proactive, multidimensional resource in our area. Addiction is a disease with stigma of shame, and guilt, which is wrong and promotes relapse. Addiction prevention is ideally first but ultimately the mission is remission, Mr. President. It's more than a war on drugs but it's a fight to save lives. I'll be voting in opposition to this motion in memory of Levi Violette today, Mr. President. Thank you.

THE PRESIDENT: The pending question before the Senate is Acceptance of the Majority Ought to Pass as Amended by Committee Amendment "A" (S-559) Report. Is the Senate ready for the question?

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#766)

YEAS: Senators: BLACK, CYRWAY, DAVIS, DESCHAMBAULT, FARRIN, GUERIN, KEIM, LAWRENCE, STEWART, TIMBERLAKE, VITELLI, PRESIDENT JACKSON

NAYS: Senators: BAILEY, BALDACCI, BENNETT, BREEN, BRENNER, CARNEY, CHIPMAN, CLAXTON, CURRY, DAUGHTRY, DIAMOND, DILL, HICKMAN, LIBBY, MAXMIN, MIRAMANT, MOORE, POULIOT, RAFFERTY, ROSEN, SANBORN, WOODSOME

12 Senators having voted in the affirmative and 22 Senators having voted in the negative, the motion by Senator **DESCHAMBAULT** of York to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (S-559)** Report **FAILED**.

The motion before the Senate was **ACCEPTANCE** of the Minority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "B" (S-560)** Report.

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

Senator **DESCHAMBAULT:** I want to thank all of you for speaking your heart, your mind, especially Dr. Claxton. Those were impromptu comments and I whispered to him afterwards that I wish we had talked and we're best buddies, and I thank you. This is still difficult. You know how - where I come from. I'm not a cop/cop kind of person but my whole career has been black and white, right and wrong. I'm in the twilight of my years and I'm not going to change in any way but I do what's right for me and I appreciate all of you here. I expected to see a bunch of demonstrators and being subjected to that and that's not what I saw. I saw a family of people who are sick and people who care for them and I still will support my law enforcement officers for doing the job they do with the laws we give them to enforce. I hold no hard feelings with anyone and I just needed to end my two years - four years, six years, eight, seven years. I can't remember, here. This is my last week and this is so much better than just saying good bye, I love you, and I will see you this summer. This is - we're a family and we sat at the table and worked something out. Thank you.

The Minority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "B" (S-560)** Report **ACCEPTED**.

Bill **READ ONCE**.

Committee Amendment "B" (S-560) **READ** and **ADOPTED**.

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (S-560)**.

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.

Off Record Remarks

RECESSED until 4:00 in the afternoon.

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

Off Record Remarks

Senate at Ease.

The Senate was called to order by the President.

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

REPORTS OF COMMITTEES

House

Divided Report

Seven members of the Committee on **JUDICIARY** on Bill "An Act Implementing the Recommendations of the Task Force on Changes to the Maine Indian Claims Settlement Implementing Act"

H.P. 1210 L.D. 1626

Reported in Report "A" that the same **Ought to Pass as Amended by Committee Amendment "A" (H-1006)**.

Signed:

Senators:

CARNEY of Cumberland
SANBORN of Cumberland

Representatives:

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

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

Signed:

Senator:

KEIM of Oxford

Representatives:

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

One member of the same Committee on the same subject reported in Report "C" that the same **Ought to Pass as Amended by Committee Amendment "B" (H-1007)**.

Signed:

Representative:

BABBIDGE of Kennebunk

(Representative NEWELL of the Passamaquoddy Tribe - of the House - supports the Report "A", **Ought to Pass as Amended by Committee Amendment "A" (H-1006)**.)

Comes from the House with Report "A", **UGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-1006)**, **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-1006)**.

Reports **READ**.

Senator **CARNEY** of Cumberland moved the Senate **ACCEPT** Report "A", **UGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-1006)**, in concurrence.

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

Senator **MOORE:** Thank you, Mr. President. I just want to say just a few words. I stand before you in support of L.D. 1626 and the motion before you. During the 129th Legislature, I was asked by the Honorable Mike Carpenter to serve on the Task Force on

Changes to the Maine Indian Claims Settlement Act. Since I proudly represent the Passamaquoddy tribe in my district, I agreed to participate. Many, many hours were spent educating ourselves on the contents of the existing act as well as the current federal laws in place across the United States. Many, many hours were spent discussing the proposed changes needing to be considered for each section of the act. Many, many hours were spent arriving at the 23 recommendations put forth in our final report in January 2020. The report itself consisted of 66 pages outlining our work and recommendations. We broke our recommendations into nine categories. Alternative dispute resolution and tribal/State collaboration and consultation; criminal jurisdiction; fish and game; land use and natural resources; taxing authority; gaming; civil jurisdiction; federal law provisions; and trust land acquisition. While I supported breaking each of these nine categories into separate bills, the committee chose to go forward with L.D. 2094 which was sent forward to the Legislature. Unfortunately, due to the pandemic, the bill died at adjournment. A lot of work has gone into the bill before you. While it may not be perfect or exactly what the Task Force thought it might include or exactly what you and I would like it to be, I support moving this forward and approving the version before you today. Thank you, Mr. President.

On motion by Senator **CARNEY** of Cumberland, Report "A", **UGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-1006)**, **ACCEPTED**, in concurrence.

Bill **READ ONCE**.

Committee Amendment "A" (H-1006) **READ** and **ADOPTED**, in concurrence.

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-1006)**, in concurrence.

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

ENACTORS

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

Act

An Act To Prevent the Further Contamination of the Soils and Waters of the State with So-called Forever Chemicals
H.P. 1417 L.D. 1911
(S "B" S-553 to C "A" H-958)

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

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

REPORTS OF COMMITTEES

House

Divided Report

The Majority of the Committee on **LABOR AND HOUSING** on Bill "An Act To Implement the Recommendations of the Commission To Increase Housing Opportunities in Maine by Studying Zoning and Land Use Restrictions" (EMERGENCY)

H.P. 1489 L.D. 2003

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-1013).**

Signed:

Senators:

DAUGHTRY of Cumberland
HICKMAN of Kennebec

Representatives:

SYLVESTER of Portland
CUDDY of Winterport
GERE of Kennebunkport
PEBworth of Blue Hill
ROEDER of Bangor
WARREN of Scarborough

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

Signed:

Senator:

GUERIN of Penobscot

Representatives:

BRADSTREET of Vassalboro
DRINKWATER of Milford
MORRIS of Turner
PRESCOTT of Waterboro

Comes from the House with the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-1013) AS AMENDED BY HOUSE AMENDMENT "A" (H-1024)** thereto.

Reports **READ.**

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

On motion by Senator **GUERIN** of Penobscot, 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. Mr. President, ladies and gentlemen of the Senate, I stand in opposition to L.D. 2003 which would undo decades of local planning and decision making relating to development and planning. Maine Municipal Association and its members believe that the residents in the communities that serve on planning boards, ordinance committees, and comprehensive planning committees are better suited to determine how the changes proposed in L.D. 2003 will impact their plans since familiarity with the community enhances pragmatic decision making. No one Legislature can understand the bill's impact on each community in the state as each town has their own individual profile. Stressors will be put on public water, sewer, roads, and other infrastructure within each community. While publicly pitched as a free market approach to increasing housing, this bill has purported to be converting single family zones to multi-family statewide. It would, in fact, give State central planners in the Department of Economic and Community Services, as well as the Maine State Housing Authority, unprecedented powers to establish regional projection housing goals that the municipalities must enforce. Secondly, by requiring municipalities to apply and enforce the federal Fair Housing Act to local zoning and other ordinances, L.D. 2003 is purposefully encouraging the use of law suits by both private actors, including developers, and the federal government, in this case HUD, against municipalities. The basis would be assertions of disparate impact liability from municipal denials of low income housing development proposals. Liability would be based on municipal failure to achieve socio-economic housing integration with members of federally protected characteristics that include race, color, religion, sex, familial status, national origin, and disparity. With municipalities up and down the coast, in the mountains, Downeast and Central Maine, and in the County opposed to this, as we have all received those emails, I urge you to honor your local town leaders and vote against the pending motion.

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

Senator **DAUGHTRY:** Thank you, Mr. President. Ladies and gentlemen of the Senate, I want to rise briefly to just say a couple of quick items. First off, as the Senate Chair of the Joint Standing Committee on Labor and Housing, I want to thank my good colleague who previously spoke for all the amazing work that we've been able to do this session and I have to say the bill that's in front of you, even if you might have come down on different sides of the issue, we all worked very hard and agreed that we have a housing crisis in Maine and we need to do something now, that our time to take action was pretty much yesterday and about 20 years ago. That being said, I do want to address a couple of points. The bill in front of you is an amazing example of what collaboration and compromise looks like. Speaker Fecteau's bill came out of the work of the Commission to Increase Housing Opportunities in Maine by setting zoning and land use restrictions. The bill that first came before our committee, with all due respect, wasn't quite ready for prime time. Through the work of the committee and the hundreds of people who reached out, testified, or sent us emails during the process, and weighed in, this bill became something else. This bill became an incredible piece of legislation with people from all sides of the aisle weighing in and saying that we need to do something in Maine to make sure that

affordable housing is a reality for all Mainers. We've heard comments that this goes against local control or that it takes away personal property rights when in reality this is absolutely further from the truth. If anything, this bill gives private property owners the right to be able to deal with their land as they see fit. This does not strip away zoning ordinances or covenants or subdivision areas or your comprehensive plan. The way I see it, especially with where we are now with this bill with all the hard work that's gone in, is we have one sided puzzle pieces. That side of the puzzle piece is your local ordinances. It's your zoning. It's what your community has said they are looking for for their future vision and their future plans. L.D. 2003 is that other puzzle piece that connects perfectly. It works in tandem with your existing municipality to be able to show that we can do this type of affordable action - affordable housing and take action here in Maine. Many communities in Maine don't currently have zoning and this is the type of bill that would enable folks in those communities to be able to move forward and have some guidance and not just have a gray area on the books. I also just want to point out that this bill creates attainable housing where it's needed most. In order for supply to meet demand we need all types of housing and it really talks about different types, such as the accessory dwelling units, as well as multiplexes, and only in growth areas where they are allowed. This won't enable someone to go out and build a giant skyscraper in the middle of the woods. This is not going to turn every single inch of the state into housing. In fact, what it's going to do is work with our local municipalities to make sure that we are creating growth where needed, but that every Mainer is able to look around in their community and be able to find housing. The last thing I'll leave you with on an anecdote is for me and my Senate district. We're in Southern Maine, where the housing crisis is at the point where so many of my friends cannot afford to live. Currently three of my friends who have lived in Brunswick their entire lives are looking at leaving our community. Some have had their rent go up astronomically to the point where they are no longer able to afford to be able to pay their rent with the money that they make or like some of my other friends, they saved up a large portion of money that they thought would enable them to purchase a home or build a home in their hometown and it is completely and utterly unaffordable. Even for me, if I hadn't been lucky enough to purchase my home in 2015, with the way values have skyrocketed I wouldn't be able to afford to live in my very own Senate District where I have been lucky to call home for 35 years. The thing that really gets me, outside of my own friend circle, as a State Senator for this area I regularly get calls from folks who have incredible jobs either, you know, at General Dynamics or BIW or at L.L. Bean, or with any number of large employers in my Senate District. We're talking about people who are making a lot more than minimum wage. One gentleman I talked to told me he was pulling down a salary of roughly around \$78,000 and he was sleeping in his car because he was unable to find any type of housing in our community. This is someone who could afford to be able to buy into the housing market if there was the supply. I want to thank Speaker Fecteau and Senator Hickman, who Chaired the Commission, who brought this bill in front of us. I want to thank everyone who reached out to the committee and shared their stories. I want to thank everyone who helped shape this bill into what it is now and I want to thank everyone listening now who took a strong stand and said that they want to see all Mainers be able to afford to live in our incredible state. Thank you.

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

Senator **SANBORN:** Thank you, Mr. President. Just this week, when I was doing payroll, I got an email from my chef at my business and we had four cooks on staff and we kept them on staff all winter long even though we didn't need four cooks during our slow season because we knew that we really wanted to have them available this summer as we got busy. My chef said to me one of our cooks can't find a place to live. He's living on a friends' couches. Do you have any ideas? Ladies and gentlemen of the Senate, this bill may come too late for my cook. He might move to Massachusetts where they have already implemented some of these types of efforts to make sure that people can afford places to live. But the best I can do is to vote yes on the bill in front of us today and tell my chef that we're up here doing the best we can to actually find solutions for our businesses. That's why the Chamber of Commerce supports the bill. That's why AARP supports the bill. We need to keep both our young people and our old people housed in this state and working in our businesses. Thank you, Mr. President.

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

Senator **HICKMAN:** Thank you, Mr. President. Women and men of the Senate, I rise in support of the pending motion. April is a lot of things. We've heard it's also Fair Housing Month. National Fair Housing Month and since we have a piece of testimony on our desks that says this L.D. 2003 is purposefully encouraging the use of law suits by both private actors, including developers, and the federal government, in this case HUD, against municipalities, I'm going to have to take a long moment to talk about the Fair Housing Act and why we need to affirmatively advance its tenants.

The Fair Housing Act of 1968 prohibited discrimination concerning sale, rental, and financing of housing based on race, religion, national origin, or sex. Intended as a follow-up to the Civil Rights Act of 1964, the bill was the subject of a contentious debate in the Senate but was passed quickly by the House of Representatives in the days after the assignment of civil rights leader Martin Luther King, Jr. The Fair Housing Act stands as the final great legislative achievement of the civil rights era. Despite Supreme Court decisions, such as Shelley v. Kraemer in 1948 and Jones v. Mayer Company in 1968, which outlawed the exclusion of African-Americans or other minorities from certain sections of cities, race-based housing patterns were still in forced by the late 1960s. Those who challenged them often met with resistance, hostility, and even violence. Meanwhile, a growing number of African-American and Hispanic members of the armed forces fought and died in the Vietnam War, on the home front, however, their families had trouble renting or purchasing homes in certain residential areas because of their race or national origin. In this climate, organizations such as the National Association for the Advancement of Colored People, the G.I. Forum, and the National Committee Against Discrimination in Housing lobbied for new fair housing legislation to be passed. The proposed civil rights legislation of 1968 expanded on and was intended as a follow-up to the historic Civil Rights Act of 1964. The bill's original goal was to extend federal protection to civil rights workers but it was eventually expanded to address

racial discrimination in housing. Title VII of the proposed Civil Rights Act was known as the Fair Housing Act, a term often used as a shorthand description for the entire bill. It prohibited discrimination concerning sale, rental, and financing of housing based on race, religion, national origin, and sex. In the U.S. Senate debate over this legislation, Senator Edward Brooke of Massachusetts, the first African-American ever to be elected to the Senate by a popular vote, spoke personally on his return from World War II and his inability to provide a home of his choice for his new family because of his race. In early 1968, the bill passed the Senate, albeit by an exceedingly slim margin, thanks to the support of the Senate Republican leader, Everett Dirksen, which defeated a southern filibuster. On April 4th, the day of the Senate vote, civil rights leader, Martin Luther King, Jr., was assassinated in Memphis, where he had gone to aid striking sanitation workers. Amid a wave of national emotion, including riots, burning, and looting in more than 100 cities around the country, President Lyndon B. Johnson increased pressure on Congress to pass the new civil rights legislation. Since the summer of 1966, when King had participated in marches in Chicago calling for open housing in that city, he had been associated with the fight for fair housing. Johnson argued that the bill would be a fitting testament to the man and his legacy and he wanted it passed prior to King's funeral in Atlanta. After a strictly limited debate, the House pass the Fair Housing Act on April 10th and the President signed the law the following day. A major force behind passage of the Fair Housing Act was the NAACP's Washington director, Clarence Mitchell, Jr., who proved so effective in pushing through the legislation that aided African-American people that he was often referred to as the 101th Senator. Despite the historic nature of the Act and its stature as the last major act of legislation of the civil rights movement, in practice housing remains segregated in many areas of the United States in the years that followed. From 1950 to 1980, the total Black population in America's urban centers increased from 6.1 million to 15.3 million. During this same period, white Americans steadily moved out of the cities into suburbs, taking many of the employment opportunities that Black people needed into communities they were not welcome to live. In 1988, Congress passed the Fair Housing Amendment Act, which expanded the law to prohibit discrimination in housing based on disability or on family status. That included pregnant women or the presence of children under 18. That part of the Fair Housing Act is not often discussed. It included familial status and people with disabilities.

Mr. President, I grew up in a very segregated city called Milwaukee, Wisconsin and when I was young it probably was one of the most segregated in the country. We were lucky because we were able to get a G.I. loan through my father's service in the war to buy a duplex on 24th Street, 29th and Roosevelt excuse me, and when I joined this Commission, when I had the opportunity to be the co-Chair of this Commission, thank you for your appointment, Mr. President, it was very clear to me that we had a lot of work to do to make sure that here in Maine, where the affordable housing crisis is alarming, that we would do everything we could to ensure that all people, all of our people, old or young, urban or rural, from Fort Kent to Kittery, had access to affordable, safe housing as a basic fundamental human right. If you want to read through the result of the work of the Commission, this document, can't use props but I could read this all today except that it's Passover and we need to go home so I won't, I want to say that there are studies in here that reject every claim against the bill. There are court cases in here that reject what I'm just

going to call, because we're in the Senate Chamber, nonsense that is in this document that I believe as long as we're going to impugn the motives of lawmakers who put this bill forward, I believe this document is meant to be a dog whistle to make everybody in here afraid that their communities are going to be runover by people whom the Fair Housing Act has been passed to protect. The truth of the matter is seniors are also protected by the Fair Housing Act. Disability is protected by the Fair Housing Act. A form of advancing is a part of what's happening across this country, Mr. President, to ensure that no one is left behind and that we all have safe and affordable housing over our heads and that our families are safe and the health and wellbeing of our people is ensured. We had testimony in the Commission, we had testimony in the committee, that when you do not have a place to live you go to jail and so I'm going to urge our colleagues to reject the arguments of the Maine Municipal Association because they are the outlier in this debate. They participated in the Commission, they voted for seven of the nine recommendations, and then they did a bait and switch and started to oppose the bill. I know local control is important to all Maine people. It's important to me. The Maine Food Sovereignty Act would not exist without it. But local control has not solved the problem of access to housing as a human right for all of our people. This bill gives us an opportunity to move forward for the good of the state, for all of our family members, and for generations yet to be born. So, Mr. President, I urge my colleagues to take this transformative leap with me and join me in voting to pass the Majority Ought to Pass Report on L.D. 2003. Thank you, Mr. President.

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

Senator **TIMBERLAKE:** Thank you, Mr. President. Ladies and gentlemen of the Senate, last Saturday I got to witness one of, I think, the rawest forms of democracy there is, the local town meeting. The Town of Turner, the town I was born and raised in, had its town meeting. Our local town meeting had over 200 people attend our local town meeting to go through the warrant. The talk of the whole town meeting was about the comprehensive plan about 2003, L.D. 2003. The citizens of the community that I come from and the people that I was - who voted for me to represent them said, in the strongest form, 'We don't like this. We're not convinced the State can run our town better than we can.' I've heard from other towns throughout my district. I won't say every town but almost every town and every single town has opposed it. When I sit at a local town meeting with over 200 people there and I didn't get one person that said this was a good idea. Our town, by the way, through its own ability, passed what we call the mother-in-law or the family apartment. You know, you can build an apartment on your garage or build it out back for an in-law. The called it an in-law, that's what they call it. I served as a chairman of Turner's planning board for 16 years, Mr. President. I served on the board for 24. I thought we did a pretty good job of managing our town and letting anybody who wanted to move to our town move to our town. We got every nationality there is and we welcome one and all. This has nothing to do with that. This is about the State of Maine and our rural communities having local control over what they do and how it works. I won't be supporting the motion that's on the board. I'll be opposing it because the people that elected me asked me to do that. So, that's why I'll be voting against the pending motion and I think that's why you're hearing MMA and a few of the others around the

state of Maine say this is a bad idea because local communities want to create their own housing and zoning laws and they have the ability to create in-law apartments, duplexes, whatever they want. Let them make the decision of what works for them. I believe that's the best thing for the state of Maine. Thank you.

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

Senator **MOORE:** Thank you, Mr. President. I rise, I wanted to share an email that I received early this morning from one of constituents. 'Hi, Marianne. I understand the Housing Project Bill which regrettably pass the House is headed your way. I urge you to vote no on this poorly designed bill to further destroy Maine. It is the worst Band-Aid fix to something the Ds created in the first place and is the wrong solution. I had my beginnings in one of the subsidized housing units. It was called the Projects. It became crime and drug riddled and then deteriorated. My mother was always afraid of what might happen to her and her little girl while her husband, my Daddy, was away at school or working nights. In fact, on one of those nights someone came into our apartment and it was scary. Portland's houses are a testimony to what is happening and will continue to happen of single family housing - if single family housing is removed from the face of Maine. Projects of crime and drugs will be on the increase. The bill must be stopped. Please use my testimony as an example. We were very glad to finally move into a single family home with a safe yard to play in. Sincerely, Joyce.' Thank you, Mr. President.

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

Senator **BALDACC:** Thank you, Mr. President. I just want to indicate that my community in Bangor very much wants this bill. Affordable housing is a statewide crisis but it is also a crisis in the city of Bangor. We have maybe two homes that are on the market. We have a huge demand for rental apartments. The job market, fortunately, in the civilian labor force in Bangor, fortunately, in the last year grew by 2.6%, the highest of any metropolitan area of the state. There are over 70,000 people working in the civilian labor force in the Bangor area. They need housing. The current median rent for housing is about \$1,100 in Bangor. It's \$1,800 in Portland. In Portland 75% of the residents can't afford that median monthly rent. In Bangor the number is 65%. In Ellsworth it's 76% that can't afford the median rent. In Skowhegan it's 67% and in Rockland it's 73%. This is a statewide problem. We need to act. We understand what the issue is. We need to move forward. I really respect the concerns of many of my colleagues but I think this is an important bill to move the state forward, to encourage greater affordable housing. It will build more housing closer to jobs and services, reducing pollution, commute times, trip lengths, and transportation costs. It would protect rural landscapes by reducing barriers to development in cities and towns, helping to protect forestland and farmland and the value they provide. It would reduce infrastructure costs by providing more compact communities which can more easily support lower cost and lower emission transportation options. Finally, the bill would improve public health by providing more housing closer to schools, services, and businesses and facilitating livable and walkable communities. I ask you to join me in supporting this bill.

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

Senator **BREEN:** Thank you, Mr. President. I just want to address some of the concerns brought up by the Senator from Washington County, Senator Moore, and pose a question through the Chair.

THE PRESIDENT: The Senator may proceed.

Senator **BREEN:** Is there anything in this bill that incentivizes, rewards, promotes large-scale subsidized housing projects in the state of Maine?

THE PRESIDENT: The Senator from Cumberland, Senator Breen, has posed a question through the Chair for anyone who can answer. The Chair recognizes the Senator from Cumberland, Senator Daughtry.

Senator **DAUGHTRY:** Thank you, Mr. President. Ladies and gentlemen of the Senate, I do rise in part to answer the question as well as to correct a few things on the record. First off, to answer the question that was asked, no. That's not part of this bill. What I have to say what is really disappointing and sad about the measure in front of us right now is the rampant misinformation that has occurred on this bill, including items that have been said here today on this Floor. I also hate that MMA keeps becoming the sort of focus of this bill. I just want to add that MMA not only served on the Commission but was asking for different changes, which we made as a committee to this bill. We addressed most of - we addressed all of the concerns, in fact, that they brought to us. I also keep hearing about local control over and over again, that it gets rid of local control. If anything, this bill preserves all local dimensional requirements. It preserves and increases local control. So, for example, in your community, you know, the town has set forth what they'd like to see, whether it's through their comprehensive plan or through different zoning aspects, the bill preserves dimensional requirements, set back requirements, base density requirements, minimum lot size requirements, shoreland zoning requirements, subdivision regulations, and any existing or future deed restrictions or neighborhood covenants. So in order to build a duplex in a single family zone the duplex would need to comply with the dimensional requirements and set back requirements of that single family zone determined by the municipality. Otherwise, it wouldn't be allowed because the town said no. This bill is not a one size fits all because it relies on existing local rules, which really do vary from town to town. There is nowhere in here that it strips away local control. There's nowhere that says we are telling you what to do with your municipality. We are not doing that. It's frustrating to see that misinformation continue to go over and over again. Additionally, I've heard a lot of, frankly, rather hurtful and misguided statements being made about what this bill would do and who it will bring to our communities. I've heard many folks talk, whether it was through the committee process or through some of the emails and calls that I have received, about imagining what type of people that this would bring, that this bill would create an influx of people from away or fill in the blank. What really breaks my heart in this conversation is that this is not about people from away. What's happening right now is the children of Maine, the young people of Maine, and the seniors of Maine are being driven away from their homes because they cannot stay here. It is an

absolute boondoggle to make it about people from away when it's those Mainers, those of us here, who are the ones who are struggling to have a roof over their heads.

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

Senator **POULIOT:** Thank you, Mr. President. I, too, served on the Commission this past summer. This bill, and when we were asked after the Commission reported out to sign onto Speaker Fecteau's bill, I declined because there was a number of things in the proposal, as it originally came out, that I just really didn't feel comfortable with. However, I do feel that the Speaker and other interested parties have worked really in good faith and diligently to try to kind of listen to the concerns that have been raised and make adjustments to this legislation. I just want to read a quick email that I received recently from our planner in the city of Augusta. He said, 'Good morning, Matt. I know as a member of the Housing Committee this last summer and fall that you are very familiar with the substance of L.D. 2003. I am a member of the Maine Association of Planners, LPC, as well as, of course, being Augusta's Director of Development Services and a professional planner for the last 30 years. I spent a lot of time reviewing this bill, considering how it will affect Augusta and the housing market in general around Maine. I'm 100% up to date with the most recent version of the bill and how it's progressed through the LBHS Committee. The most recent draft from the committee analysis is attached in this email. So if the attached language is what comes out of committee for consideration by the full Legislature, I think the bill will be good for the housing market as a whole without substantially effecting Augusta's existing regulatory system and the bill now clearly indicates that private restrictions placed in deed covenant, which was really important, I think, are unaffected by this law, making it clearly focused on trying to limit exclusionary zoning in municipalities that are trying to prevent housing development at a time when housing is sorely needed. With the housing market in Maine about 25,000 units short of the needed supply, it's my opinion this bill is part of the solution to a very big problem for Mainers and I'm convinced that it will have very limited impact on Augusta's right to home rule since we already do most of what the current draft of this bill requires and any rulemaking by DECD will have to work within the guardrails of the statutory language.' Mr. President, I've been extremely consistent in my position around housing this session. We need to do what we can, as a Legislative Body, which is somewhat limited, frankly, to increase our supply of available housing for Maine people. It's a crisis that we cannot afford to perpetuate and I hope that others will join me in supporting the pending motion. Thank you, Mr. President.

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

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

THE PRESIDENT: The Senator may proceed.

Senator **TIMBERLAKE:** I've heard a couple of things this afternoon, Mr. President, so I'd like to pose a question through the Chair and I guess I'd pose my question to the good Senator from Kennebec, Senator Pouliot, and the good Senator from

Bangor, Senator Baldacci. You know, what in the current Legislature stops their towns and their communities from adopting the existing language? The second question, I'll just put them all down at once, I read this bill and I still question what in this bill is determined what is affordable housing? I don't know what that means. If someone could explain what affordable housing means it would be very interesting to me. So, thank you, Mr. President.

THE PRESIDENT: To advise the Body, the Secretary advises me that it's not appropriate to actually send a question through the Chair to a Senator. You could, obviously, do that with a note. The Senator from Androscoggin, Senator Timberlake, posed a question through the Chair to anyone that may answer. The Chair recognizes the Senator from Kennebec, Senator Pouliot.

Senator **POULIOT:** Since my good friend from Androscoggin has asked me a question through you as opposed to just asking me right next to him. He said he's not talking to me anymore, that's probably good. You know, the reality is that municipalities could do this locally but, for whatever reasons that they have, they're not and, you know, I think that sometimes it's sensible for us, as the Legislative Body, to make policy decisions that are going to help advance our goals and I think that I'm not speaking out of turn by saying that the vast majority of the Legislature, Republicans, Democrats, Unenrolled, are in favor of increasing housing options for Maine people and, you know, this bill doesn't go nearly as far as what was initially proposed by the Study Commission but I think that it's a step in the right direction and, you know, I'll be supporting it for that reason. But to answer your question about housing, you know, what is affordable. Of course that is somewhat subjective, Senator Timberlake, but the reality is there are definitions within, you know, statute and through Maine State Housing that delineate what would be considered affordable for qualification for like a low income housing tax credit project. But this really isn't even focused primarily on that. It's about, you know, reducing restrictions in some areas to try to create lower barriers to entry for creation of new housing units. So, thank you, Mr. President.

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

Senator **BALDACCI:** Senator Timberlake, I just want to let Senator Timberlake, through the Chair, know ditto to what Senator Pouliot just said.

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

Senator **HICKMAN:** Thank you, Mr. President. I rise to answer the question from the good Senator from Androscoggin County. I think I read this here not too long ago. So, I'll read it again like the chorus of a song. Affordable housing means a decent, safe, and sanitary dwelling, apartment, or other living accommodation for a household whose income does not exceed 120% of the median income for the area as defined by the United States Department of Housing and Urban Development under the United States Housing Act of 1937, Public Law 75-42 50, Statute 888, Section 8 as amended.

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

Senator **DAUGHTRY**: Thank you, Mr. President. Ladies and gentlemen of the Senate, this might be the first time that three people have raised - sat up in this Chamber to answer a question, but I do feel we have all taken little different bites of the apple but there's still one more piece to answer this question. I just want to say that, you know, why we need this and why towns can't do it on their own. It's that currently over 200 towns and municipalities in our state don't have zoning. So, this really helps with those communities. It provides a framework and a grid for people to fit into. It really sort of answers the call municipalities like those who have asked for technical and financial assistance from the State to be able to look at other zoning issues and literally sort of have a plug in play when it comes to this. Also, when it comes to affordable housing, I've had this question a lot, of how does it actually make a dent when it comes to affordable housing and how do we make sure something stays affordable. For me, I think about the first apartment that I had, for a three bedroom it was \$1,000 in my community. Now you're lucky if you can even get an efficiency for the same price. So, the goal of affordable definitely moves and what I really love about the bill that's before you and where we've gotten to in this process is that, you know, there's a density bonus for affordable housing so it's rewarded for being able to create what, you know, fits within those parameters. So, you know, if you are creating affordable units they are required to not only be affordable and they must be located in an area where multi-family housing is already allowed by the municipality, so it's going in somewhere that the town has already said that that can happen. But if you are creating this, what's really great about it is it requires that building to be affordable for a period of at least 30 years. That is a significant period of time and it means that those places will stay affordable for Mainers for generations to come.

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

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#767)

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

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

EXCUSED: Senator: **LIBBY**

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

Bill **READ ONCE**.

Committee Amendment "A" (H-1013) **READ**.

House Amendment "A" (H-1024) to Committee Amendment "A" (H-1013) **READ** and **ADOPTED**, in concurrence.

Committee Amendment "A" (H-1013) as Amended by House Amendment "A" (H-1024) thereto, **ADOPTED**, in concurrence.

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-1013) AS AMENDED BY HOUSE AMENDMENT "A" (H-1024)** thereto, in concurrence.

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

REPORTS OF COMMITTEES

House

Divided Report

The Majority of the Committee on **JUDICIARY** on Bill "An Act Regarding Criminal Records"

H.P. 966 L.D. 1310

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-1009)**.

Signed:

Senators:

CARNEY of Cumberland
KEIM of Oxford
SANBORN of Cumberland

Representatives:

HARNETT of Gardiner
BABBIDGE of Kennebunk
EVANGELOS of Friendship
LIBBY 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 Not To Pass**.

Signed:

Representatives:

HAGGAN of Hampden
POIRIER of Skowhegan
THORNE of Carmel

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

Comes from the House with the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-1009)**.

Reports **READ**.

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

Bill **READ ONCE**.

Committee Amendment "A" (H-1009) **READ** and **ADOPTED**, in concurrence.

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

ORDERS OF THE DAY

The Chair laid before the Senate the following Tabled and Later Assigned (4/11/22) matter:

SENATE REPORT - from the Committee on **VETERANS AND LEGAL AFFAIRS** on Bill "An Act To Create a Small Nonprofit Raffle Operator License"

S.P. 711 L.D. 1980

Report - **Ought to Pass as Amended by Committee Amendment "A" (S-524)**

Tabled - April 11, 2022 by Senator **HICKMAN** of Kennebec

Pending - **ACCEPTANCE OF REPORT**

(In Senate, April 11, 2022, Reports **READ**.)

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

Bill **READ ONCE**.

Committee Amendment "A" (S-524) **READ**.

On motion by Senator **HICKMAN** of Kennebec, Senate Amendment "B" (S-565) to Committee Amendment "A" (S-524) **READ**.

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

Senator **HICKMAN:** Thank you, Mr. President. I'm actually going to not dispense with further reading. I'm going to read this amendment into the record so that everybody knows what they've done. It changes the title from the bill to An Act to Allow Internet Payments for Tickets and Chances for Raffles Held by Non-profit Organizations and Other Eligible Organizations and to Require the Gambling Control Unit to Adopt Certain Rules. We fixed one problem for our charitable, non-profit organizations, particularly our veterans' service organizations, and recent rule making created another one. So, this amendment says 'No later than September 30, 2022, the Department of Public Safety Gambling Control Unit shall adopt rules relating to games of chance to add a definition of immediate family member and for Lucky 7 or similar sealed ticket games of chance to allow limited posting of whether a prize has been awarded and eliminate the requirement to sell an entire box of serial numbered tickets before the end of that serial numbered game. The Gambling Control Unit shall hold a public hearing regarding the adoption of rules required by this section and, after the public hearing, shall allow the submission of written comments regarding the rules for a period of 30 days.' This should fix the problem that has caused consternation, anxiety, and all sorts of other things for our VFWs around the state and I urge our Senate colleagues to join me in adopting this amendment. Thank you, Mr. President.

On motion by Senator **HICKMAN** of Kennebec, Senate Amendment "B" (S-565) to Committee Amendment "A" (S-524) **ADOPTED**.

Committee Amendment "A" (S-524) as Amended by Senate Amendment "B" (S-565) thereto, **ADOPTED**.

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-524) AS AMENDED BY SENATE AMENDMENT "B" (S-565)** thereto.

Ordered sent down forthwith 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.

Off Record Remarks

On motion by Senator **SANBORN** of Cumberland, **ADJOURNED** until Monday, April 18, 2022 at 10:00 in the morning in memory of and lasting tribute to Jesse Sean Harvey of Portland.