

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

In Senate Chamber
Wednesday
June 21, 2023

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

Prayer by Senator Peter A. Lyford of Penobscot County.

SENATOR LYFORD: His followers asked Him, Rabbi, teach us to pray, and He responded: Our Father, which art in heaven, hallowed by thy name. Thy kingdom come, thy will be done, on earth as it is in heaven. Forgive us our debts as we forgive our debtors, and lead us not into temptation but deliver us from evil. For thine is the kingdom and the power and the glory forever. Amen.

Pledge of Allegiance led by Senator Craig V. Hickman of Kennebec County.

Reading of the Journal of Tuesday, June 20, 2023.

Off Record Remarks

PAPERS FROM THE HOUSE

Non-Concurrent Matter

An Act to Prohibit the Sale or Possession of Rapid-fire Modification Devices

H.P. 854 L.D. 1340

In Senate, June 16, 2023, the Minority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED**, in **NON-CONCURRENCE**.

Comes from the House, that Body having **INSISTED** on its former action whereby the Majority **OUGHT TO PASS AS AMENDED** Report was **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-512)**.

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

Joint Resolutions

The following Joint Resolution:

H.P. 1295

**JOINT RESOLUTION
TO RECOGNIZE THE OBSERVANCE OF
JUNETEENTH ON JUNE 19, 2023**

WHEREAS, for 156 years, Juneteenth National Freedom Day, also known as Emancipation Day, Emancipation Celebration, Freedom Day, Juneteenth Independence Day and Juneteenth, has been one of the most recognized African-American holiday observances in the United States; and

WHEREAS, Juneteenth commemorates the day freedom was proclaimed to all slaves in the South by Union General Gordon Granger, on June 19, 1865 in Galveston, Texas, more than 2 1/2 years after the signing of the Emancipation Proclamation by President Abraham Lincoln; and

WHEREAS, Juneteenth commemorates the determination of the first people from Africa, approximately 11,500,000 of whom survived the awful voyages across the Atlantic and who were brought to this country and enslaved in chattel slavery and whose descendants served as slaves for 200 years before the horrific institution of chattel slavery was abolished; and

WHEREAS, Juneteenth is the oldest known celebration commemorating the end of chattel slavery in the United States; and

WHEREAS, over 130 years after the Emancipation Proclamation and after years of informal annual celebration, Juneteenth was declared a federal holiday in 2021 by the President of the United States and the United States Congress; and

WHEREAS, "Until All are Free, None are Free" is an oft-repeated maxim that can be used to highlight the significance of the end of the era of chattel slavery in the United States; and

WHEREAS, Juneteenth became an official state holiday in Maine in 2022; and

WHEREAS, it is important to recognize the historical significance of Juneteenth in order to advance racial equity, human dignity and justice; now, therefore, be it

RESOLVED: That We, the Members of the One Hundred and Thirty-first Legislature now assembled in the First Special Session, on behalf of the people we represent, recognize the observance of Juneteenth on June 19, 2023, and encourage people in our State to participate in Juneteenth observances.

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

READ and **ADOPTED**, in concurrence.

ORDERS

Joint Orders

Expressions of Legislative Sentiment recognizing:

The Quarry, of Monson, owned by Chef Marilou "LuLu" Ranta, which received a James Beard Award for Outstanding Hospitality for 2023. The Quarry offers classic American fine dining with a Filipino twist to honor Ms. Ranta's home country of the Philippines. We extend our congratulations and best wishes;
SLS 908

Sponsored by Senator GUERIN of Penobscot.
Cosponsored by Representative: WHITE of Guilford.

The Joint Order was **READ**.

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

Senator **GUERIN:** Thank you, Mr. President. Ladies and gentlemen of the Senate, thank you for the opportunity to rise today and recognize a business in my district, The Quarry. Located in Monson, a town of just 670 residents, this fine dining restaurant owned by Philippines born chef and owner Marilou "LuLu" Ranta, has won the prestigious James Beard Foundation Award for Outstanding Hospitality. LuLu moved to Monson with her husband, William Ranta, in 1997. Shortly thereafter, she opened a Pan-Asian takeout business at the Monson General Store. Always selling out, she knew people enjoyed the food. She went on to attend Eastern Maine Community College's two-year culinary program, a 90-minute drive each way from her home, and did an internship at the Blair Hill Inn in Greenville. While there, Stuart Kestenbaum from the Libra Foundation asked if she would be visiting artists who were part of a residency program. Her question, could she feed the artists and run a restaurant, a long-time dream of hers, at the same time? The answer was yes, and in 2018, she opened the doors of The Quarry, serving unique and exquisite meals to her guests. In addition to the multi-course meals, she has a strong sense of hospitality which makes The Quarry that much more special and unique. The James Beard Foundation honors members of the American food and beverage and hospitality industry who demonstrate excellence in their respective fields. Award winners show exceptional talent and creativity in their craft and commendable leadership among their colleagues and peers. This year, Maine had 11 semi-finalists, including The Quarry, which has been open only five years. Ultimately, LuLu and The Quarry were the only restaurant that moved on to the finalists, and when the time came to - and awards were presented, the James Beard Foundation Outstanding Hospitality Award went to The Quarry. The Outstanding Hospitality category recognizes an establishment that fosters a sense of hospitality among its customers and staff, that serves as a beacon for the community, and demonstrates consistent excellence in food, atmosphere, hospitality, and operations while contributing positively to the broader community. Having enjoyed meals at The Quarry, I can attest that LuLu's work and hospitality to patrons were well deserving of this award. It's my privilege to recognize LuLu and her family here today and congratulate them on this tremendous honor.

The Joint Order was **PASSED**.

Sent down for concurrence.

THE PRESIDENT: The Chair is very pleased to recognize in the rear of the Chamber LuLu and Bill Ranta and their children; Esa and Gunnar. They're from Monson and the guests today of the Senator from Penobscot, Senator Guerin. I wondering is LuLu brought anything for dinner today. Would they please rise and accept the greetings and congratulations of the Maine Senate.

Sue Bartash, of Dixfield, who has been named to the 2023 Maine Volunteer Roll of Honor for her 1,015.5 hours of volunteer service last year. We extend our congratulations and best wishes;
SLS 909

Sponsored by Senator KEIM of Oxford.
Cosponsored by Representative: SCHMERSAL-BURGESS of Mexico.

The Joint Order was **READ**.

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

Senator **BENNETT:** Thank you, Mr. President, fellow members of the Senate. Mr. President, I rise today to recognize an incredible constituent of Senator Keim's, Sue Bartash. She's really a constituent of all of us because of the extraordinary amounts of volunteer work she's put in to helping the communities of Western and Central Maine. In fact, she spent more hours volunteering than I can even imagine. She is the lead volunteer for Central Maine Healthcare, she's been volunteering for them for the past 15 years. In that time, she's managed to knit and crochet literally thousands of afghans. Sue was named to the 2023 Maine Adult Volunteer Roll of Honor. In order to be named to this honor roll, people have to volunteer at least 500 hours throughout the year before. To compare, the average Maine adult volunteers 34 hours annually. In 2022, Sue volunteered 1,015.5 hours of her time. And I think somebody's keeping track. And she has been dedicating countless hours of her time for years. In fact, in 2019, Sue volunteered 2,929 hours of her time and in 2020, just to outdo herself, she spent 3,666 hours volunteering. But again, 2021 rolls around and Sue volunteered 3,927 hours of her time. That's equivalent to almost 164 full 24-hour days. Mr. President, Oxford County, Western Maine, Central Maine is truly blessed to have a constituent of ours as dedicated and generous with her gifts and her time as Sue is. It's a pleasure to recognize Sue today in the Chamber. Thank you, Mr. President.

The Joint Order was **PASSED**.

Sent down for concurrence.

THE PRESIDENT: The Chair is very pleased to recognize in the rear of the Chamber Sue Bartash. She's from Dixfield. She's the guest today of the Senators from Oxford, Senator Keim and Senator Bennett, and the entire Maine Senate. Would she please rise and accept the greetings of the Maine Senate.

Zachery Lance May, of South Paris, a member of Troop No. 130, who has attained the high rank and distinction of Eagle Scout. This is the highest award in Scouting and is given for excellence in skills development, leadership, personal growth and community service. We extend our congratulations and best wishes;
SLS 910

Sponsored by Senator BENNETT of Oxford.
Cosponsored by Representative: ANDREWS of Paris.

The Joint Order was **READ**.

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

Senator **BENNETT:** Thank you, Mr. President, fellow members of the Senate. It's a delight today to be able to address you, recognizing another person richly deserving of our honors. And that person is an outstanding young man from my district, Zachery May. When Zach was diagnosed with ADHD his mother, Stacy Mitchell, who is with him today, dedicated herself to learning about interventions and techniques for kids with ADHD. This led her to a career as an administrator in child development services. In his final scout service project, Zach chose to honor his mother's work with Maine children with learning disabilities. He was able to link his Eagle badge to his Oxford Hills High School - Comprehensive High School senior project to double the impact. Zach decided to build chalkboard easels and tables for preschool kids in early intervention programming. Zach made enough tables and easels for both of the locations where his mother works. He used existing tables from classrooms and received input from teachers to make his design. He learned that sharp corners can pose a safety risk so he used pine rounds and he painted them with chalkboard paint. So far, he's received very positive feedback from educators with CDS. The tables and chalkboards give the young students new ways to express themselves than a piece of paper would. Zach joined the Scouts 13 years ago. He will continue with Scouts as Troop 130's Junior Assistant Scoutmaster next to his brother, Travis, who is the Scoutmaster. Zach will attend Southern Maine Community College to study pre-engineering. Mr. President, I want to congratulate Zach, recognize his mother, and thank them both for their work to improve our communities in Western Maine. Thank you, Mr. President.

The Joint Order was **PASSED**.

Sent down for concurrence.

THE PRESIDENT: The Chair is very pleased to recognize in the rear of the Chamber Zackery May and his mother, Stacey Mitchell. They are both from South Paris and the guests today of the Senator from Oxford, Senator Bennett, and the entire Maine Senate. Would they please rise and accept the congratulations and greetings of the Maine Senate.

REPORTS OF COMMITTEES

House

Divided Report

The Majority of the Committee on **ENERGY, UTILITIES AND TECHNOLOGY** on Bill "An Act to Ensure a Sustainable Electric Grid"

H.P. 1141 L.D. 1778

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

Signed:

Senators:

LAWRENCE of York
GROHOSKI of Hancock

Representatives:

ZEIGLER of Montville
BOYLE of Gorham
GEIGER of Rockland
KESSLER of South Portland
RUNTE of York
WARREN of Scarborough

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (H-607)**.

Signed:

Senator:

HARRINGTON of York

Representatives:

BABIN of Fort Fairfield
DUNPHY of Embden
FOSTER of Dexter
PAUL of Winterport

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

Reports **READ**.

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

Divided Report

The Majority of the Committee on **ENVIRONMENT AND NATURAL RESOURCES** on Bill "An Act to Regulate Outdoor Lighting"

H.P. 1177 L.D. 1845

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

Signed:

Senators:

BRENNER of Cumberland
CARNEY of Cumberland
LYFORD of Penobscot

Representatives:

GRAMLICH of Old Orchard Beach
BELL of Yarmouth
BRIDGEO of Augusta
CAMPBELL of Orrington
DOUDERA of Camden
HOBBS of Wells
SCHMERSAL-BURGESS of Mexico
SOBOLESKI of Phillips
WOODSOME of Waterboro

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (H-606)**.

Signed:

Representative:

O'NEIL of Saco

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

Reports **READ**.

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

Divided Report

The Majority of the Committee on **HEALTH COVERAGE, INSURANCE AND FINANCIAL SERVICES** on Bill "An Act to Protect Health Care Professionals Providing Reproductive Health Care Services"

H.P. 393 L.D. 616

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-402)**.

Signed:

Senators:

BAILEY of York
RENY of Lincoln

Representatives:

PERRY of Calais
ARFORD of Brunswick
CLUCHEY of Bowdoinham
MASTRACCIO of Sanford
MATHIESON of Kittery
PRINGLE of Windham

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

Signed:

Senator:

BRAKEY of Androscoggin

Representatives:

CYRWAY of Albion
MORRIS of Turner
NUTTING of Oakland
SWALLOW of Houlton

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-402)**.

Reports **READ**.

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

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

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#402)

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

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

EXCUSED: Senator: KEIM

23 Senators having voted in the affirmative and 11 Senators having voted in the negative, with 1 Senator being excused, the motion by Senator **BAILEY** of York to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report, in concurrence, **PREVAILED**.

Bill **READ ONCE**.

Committee Amendment "A" (H-402) **READ** and **ADOPTED**, in concurrence.

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

Divided Report

The Majority of the Committee on **HEALTH COVERAGE, INSURANCE AND FINANCIAL SERVICES** on Bill "An Act to Provide Insurance Coverage for a Second Opinion If a Health Care Provider Recommends an Abortion for Health or Safety Reasons"

H.P. 630 L.D. 995

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-433)**.

Signed:

Senators:

BAILEY of York
RENY of Lincoln

Representatives:

PERRY of Calais
ARFORD of Brunswick
CLUCHEY of Bowdoinham
MASTRACCIO of Sanford
MATHIESON of Kittery
PRINGLE of Windham

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "B" (H-434)**.

Signed:

Senator:

BRAKEY of Androscoggin

Representatives:

CYRWAY of Albion
MORRIS of Turner
NUTTING of Oakland

Comes from the House with the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-433)** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-433)**.

Reports **READ**.

On motion by Senator **BAILEY** of York, the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-433)** Report **ACCEPTED**, in concurrence.

Bill **READ ONCE**.

Committee Amendment "A" (H-433) **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-433)**, in concurrence.

Divided Report

The Majority of the Committee on **JUDICIARY** on Bill "An Act to Conform State Funding to the Federal Hyde Amendment, Limiting Funding for Some Abortion Services"

H.P. 311 L.D. 494

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

Signed:

Senators:

CARNEY of Cumberland
BAILEY of York

Representatives:

MOONEN of Portland
KUHN of Falmouth
LEE of Auburn
MORIARTY of Cumberland
RECKITT of South Portland
SHEEHAN of Biddeford

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (H-280)**.

Signed:

Senator:

BRAKEY of Androscoggin

Representatives:

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

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

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

Reports **READ**.

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

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

ROLL CALL (#403)

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

Senator **BRAKEY:** Thank you, Mr. President. I rise against the pending motion on this bill coming out of the Judiciary Committee, so, against the Ought Not to Pass Report, and in favor of the Ought to Pass as Amended Report. This bill concerns taxpayer funding for abortion. This bill seeks to return Maine to the status where we were just a few short years ago of being in conformity with the federal Hyde Amendment, which has just basically been a prohibition of taxpayer money funding abortion. This has nothing to do with the legality of abortion, there's many - I'm sure there's many debates around various aspects of that on other bills. This is simply whether or not taxpayers who have a deep, deep moral conviction that this is murder, if we're going to force them against their will to pay for it. I don't think it's right, regardless of what your personal view is on abortion, I don't think it's right to take someone's taxpayer money and force them to fund something they morally object to. That's the first point I want to make, and I think that's the most important point. The second point - of lesser importance but still of importance - is the fact that because the federal Hyde Amendment is still in place, where we're talking about - when we're talking about taxpayer funded abortion, we're talking through the Medicaid program. The federal government - so, most things we spend money on with Medicaid, you get federal matching funds, right, you kick in a dollar, and you get two dollars from the federal government on most things - except Medicaid expansion, you get nine to one, it's a whole other story. In this case, because the federal Hyde Amendment is in place, we don't get any matching funds for this. So, when we're talking about paying for abortion services with taxpayer money, it's a hundred percent state tax dollars, no federal dollars whatsoever. Again, secondary point - the most important point is we shouldn't be taking peoples' money and forcing them to pay for things that they find deeply, deeply morally objectionable. So, I will be voting against the motion, and I invite others to join me. Thank you.

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

Senator **CARNEY:** Thank you, Mr. President. I just rise very briefly to explain that we don't always get to pick and choose what our tax dollars go to, but in this case, I think what we've seen in the last three sessions of the Legislature is that Maine made a policy decision that abortion care is healthcare and that we're going to be providing coverage for that just as we do all other healthcare, and I urge my colleagues to support the pending motion.

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

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

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

EXCUSED: Senator: KEIM

22 Senators having voted in the affirmative and 12 Senators having voted in the negative, with 1 Senator being excused, the motion by Senator **CARNEY** of Cumberland to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report, in concurrence, **PREVAILED.**

Divided Report

The Majority of the Committee on **JUDICIARY** on Bill "An Act to Facilitate the Installation of Safe Haven Baby Boxes at Hospitals, Law Enforcement Facilities and Fire Departments"
H.P. 335 L.D. 530

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-521).**

Signed:

Senator:
LYFORD of Penobscot

Representatives:
ANDREWS of Paris
HAGGAN of Hampden
HENDERSON of Rumford
LEE of Auburn
MORIARTY of Cumberland
POIRIER of Skowhegan

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

Signed:

Senators:
CARNEY of Cumberland
BAILEY of York

Representatives:
MOONEN of Portland
KUHN of Falmouth
RECKITT of South Portland
SHEEHAN of Biddeford

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

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

Reports **READ**.

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

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

Senator **STEWART:** Thank you, Mr. President. Ladies and gentlemen of the Senate, this bill is a tagalong to an initiative that was strongly supported by my colleague from Oxford who is unfortunately not here today. And so, I just rise to speak in opposition to the pending motion. I would request a Roll Call, and I just want to conclude these remarks by saying that the whole point of this bill is because in the last Legislature, we decided that we were going to move forward with this idea called baby boxes. And for those that don't know or weren't here, and don't know what those are, these are spaces which would be in public places such as police departments, fire departments, hospitals, where someone who is considering abandoning a baby could go to leave them in a safe place and literally open the box, place the baby inside, it would set off an alarm, notify the folks inside once that individual has left that the baby is in there and that they can go then tend to that baby. We thought it was a good idea to move forward with this in the last Legislature and then asked the department to write the rules for the implementation and then they simply didn't do it and have dragged their feet here on this for a while. And so that is the whole impetus behind this bill, that's why it's in front of you today, to finally move forward with crafting of this language that will hopefully save some lives and some babies and I think in the wake of the news, just an example from Aroostook County, even, of one such case, I think - I think this is a necessary move at this point. I'm disappointed in the department that they haven't moved forward with this, it's something that they should've done, but I'll leave it there. I hope that you reject the pending motion, and I would ask for that Roll Call.

Thank you, Mr. President.

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

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

Senator **CARNEY:** Thank you, Mr. President, and colleagues of the Senate. I just want to provide you with a little bit more information about the legislation before us. So, in the several years since the legislation was initially adopted, we've learned a couple of different things. These came to light at the public hearing on the bill. The first thing is that Maine has an existing safe, effective, and non-stigmatizing process for surrendering a newborn, if that is what a parent would like to do, and that process is working well in our state. Secondly, it's come to light

that there are significant safety concerns with this process, and, in fact, those concerns are so grave for the safety of a newborn that there are questions about whether any set of rules that the Department of Health and Human Services could create would make this process safer than the existing safe, effective process that already exists under Maine law, and I ask you to support the pending motion.

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

Senator **LYFORD:** Thank you, Mr. President. Ladies and gentlemen of the Senate, I want to inform the members that these boxes will be placed at facilities that are open 24 hours a day and manned; places like fire departments, police departments, which are in every - most every town in the state where these folks can leave these babies. So, it's a warm facility and they'll be well protected. Thank you, sir.

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

Senator **BRAKEY:** Thank you, Mr. President. Boy, my colleagues have said so much of what I would've said, so I can be really brief. I will just note that - two things. First of all, I think it's worth noting that what we're voting on right now is a Minority Report, because the alternate report, the Majority Report, is a bipartisan report that won support from Republicans and Democrats on the committee. If we rejected this motion and move to the bipartisan Majority Report, what it seeks to do is - the underlying bill removes the need for rulemaking and then the committee amendment, in substitution for rulemaking, puts in statutes that make it so we wouldn't need the department to develop the rules because we'll just put the standards into statute. Those standards include requiring the facility with a newborn safety device to test the alarm equip to the device at least one time per week and to visually inspect the alarm at least two times per day to ensure that it is properly functioning; to require that the facility locate the newborn safety device in a conspicuous area; visible to employees of the facility; and to allow the facility to be temporarily unoccupied only in circumstances when all staff are required to respond to an emergency. As Senator Lyford has noted, these are facilities that are generally open 24 hours a day, so there will always be, for the most part, except in that rare case of an emergency where everyone needs to respond, there will always be someone at hand. And, yeah, it's a bipartisan bill, I hope that we can act on it. Thank you very much, Mr. President.

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

Senator **NANGLE:** Thank you, Mr. President. I just want to remind everybody, being a former firefighter, the stations are not manned 24/7 in some cases. There have been station closures temporarily due to staffing. And then, obviously, a fire station could be empty for four to six hours during a fire, which would leave that baby unattended for four to six hours. I think DHS is the expert in the rulemaking process with regards to these, and I think that they're right on when they talk about these having serious safety concerns. Thank you.

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#404)

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

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

EXCUSED: Senator: KEIM

22 Senators having voted in the affirmative and 12 Senators having voted in the negative, with 1 Senator being excused, the motion by Senator **CARNEY** of Cumberland to **ACCEPT** the Minority **OUGHT NOT TO PASS** Report, in concurrence, **PREVAILED**.

Divided Report

The Majority of the Committee on **JUDICIARY** on Bill "An Act to Reduce Barriers to Housing by Prohibiting Tenant Application Fees"

H.P. 460 L.D. 691

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-595)**.

Signed:

Senators:

CARNEY of Cumberland
BAILEY of York

Representatives:

MOONEN of Portland
KUHN of Falmouth
LEE of Auburn
MORIARTY of Cumberland
RECKITT of South Portland
SHEEHAN of Biddeford

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

Signed:

Senator:

BRAKEY of Androscoggin

Representatives:

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

(Representative DANA of the Passamaquoddy Tribe - of the House - supports the Minority **Ought Not To Pass** 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-595)**.

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-595) **READ** and **ADOPTED**, in concurrence.

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

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

Divided Report

The Majority of the Committee on **JUDICIARY** on Bill "An Act to Protect the Reproductive Freedom of Maine People by Preempting the Field of Abortion Regulation"

H.P. 857 L.D. 1343

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-279)**.

Signed:

Senators:

CARNEY of Cumberland
BAILEY of York
BRAKEY of Androscoggin

Representatives:

MOONEN of Portland
ANDREWS of Paris
KUHN of Falmouth
LEE of Auburn
MORIARTY of Cumberland
RECKITT of South Portland
SHEEHAN of Biddeford

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

Signed:

Representatives:

HAGGAN of Hampden
HENDERSON of Rumford
POIRIER of Skowhegan

(Representative DANA of the Passamaquoddy Tribe - of the House - supports the Minority **Ought Not To Pass** 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-279)**.

Reports **READ**.

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

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

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

Senator **BRAKEY:** Thank you, Mr. President. I just very briefly wanted to note on this bill, this is one of the - well, one of the bills on abortion that I've actually joined my Democratic colleagues on on the Majority Report. I just wanted to share some clarity on what this bill does. This bill provides that the entire field of legislation concerning abortion is preempted by the State. Similar to how the State has preemption around firearm laws, this would also apply it to abortion laws. And I just will say, I think regardless of an individual's personal feelings on the big picture of abortion and what the individual policy should be, I do think it's appropriate that those decisions be made at the State level and that we don't have a patchwork of laws across the state of municipalities trying to set their own laws about when it's appropriate and when it's not appropriate. I will say I did appreciate that the committee in addressing, I think, some questions and concerns that came up in the committee amendment that's before us now, the committee amendment clarifies that the bill is intended to prohibit a municipality or other political subdivision of the state from adopting any order, ordinance, rule, or regulation concerning the regulation of a person's decision to terminate a pregnancy or concerning the provision of abortion. So, this doesn't - this doesn't override zoning policies or things like that that might come into play, it's specifically - it's narrow to that. So, thank you, Mr. President.

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#405)

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

NAYS: Senators: BLACK, FARRIN, GUERIN, LYFORD, STEWART, TIMBERLAKE

EXCUSED: Senator: KEIM

28 Senators having voted in the affirmative and 6 Senators having voted in the negative, with 1 Senator being excused, the motion by Senator **CARNEY** of Cumberland to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report, in concurrence, **PREVAILED**.

Bill **READ ONCE**.

Committee Amendment "A" (H-279) **READ** and **ADOPTED**, in concurrence.

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

Divided Report

The Majority of the Committee on **JUDICIARY** on Bill "An Act to Advance Justice in Sentencing by Amending the Laws Governing the Maine Criminal Justice Sentencing Institute and Increasing Funding for Meetings of the Institute"

H.P. 990 L.D. 1535

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-600)**.

Signed:

Senators:

CARNEY of Cumberland
BAILEY of York

Representatives:

MOONEN of Portland
KUHN of Falmouth
LEE of Auburn
MORIARTY of Cumberland
RECKITT of South Portland
SHEEHAN of Biddeford

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

Signed:

Senator:

BRAKEY of Androscoggin

Representatives:

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

(Representative DANA of the Passamaquoddy Tribe - of the House - supports the Minority **Ought Not To Pass** 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-600)**.

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-600) **READ** and **ADOPTED**, in concurrence.

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

Divided Report

The Majority of the Committee on **JUDICIARY** on Bill "An Act to Prohibit Health Care Services Without Parental Consent"
H.P. 1154 L.D. 1809

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

Signed:

Senators:

CARNEY of Cumberland
BAILEY of York

Representatives:

MOONEN of Portland
KUHN of Falmouth
LEE of Auburn
MORIARTY of Cumberland
RECKITT of South Portland
SHEEHAN of Biddeford

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (H-282)**.

Signed:

Senator:

BRAKEY of Androscoggin

Representatives:

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

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

Reports **READ**.

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

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

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

Senator **BRAKEY:** Thank you, Mr. President. I wanted to note before we take the vote, the underlying bill was very, I think, overly expansive. The - if we rejected the Ought Not to Pass Report before us, there is a committee amendment that narrows the bill to just be requiring parental consent for abortions conducted on a minor. So, that's all the alternate - alternate report would do. So, that being the case, I oppose the Ought Not to Pass Report and hope that we can move on to the Committee Amendment "A".

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#406)

YEAS:

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

NAYS:

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

EXCUSED: Senator: KEIM

23 Senators having voted in the affirmative and 11 Senators having voted in the negative, with 1 Senator being excused, the motion by Senator **CARNEY** of Cumberland to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report, in concurrence, **PREVAILED**.

Divided Report

The Majority of the Committee on **JUDICIARY** on Bill "An Act to Enable Confirmatory Adoption"

H.P. 1221 L.D. 1906

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-602)**.

Signed:

Senators:

CARNEY of Cumberland
BAILEY of York
BRAKEY of Androscoggin

Representatives:

MOONEN of Portland
KUHN of Falmouth
LEE of Auburn
MORIARTY of Cumberland
RECKITT of South Portland
SHEEHAN of Biddeford

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

Signed:

Representatives:

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

(Representative DANA 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-602)**.

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-602) **READ** and **ADOPTED**, in concurrence.

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

Divided Report

The Majority of the Committee on **LABOR AND HOUSING** on Bill "An Act to Promote a Diverse, More Experienced Construction Workforce and Ensure High-quality Careers by Increasing Registered Apprenticeship Programs"

H.P. 991 L.D. 1539

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

Signed:

Senators:

TIPPING of Penobscot
DAUGHTRY of Cumberland

Representatives:

ROEDER of Bangor
GEIGER of Rockland
GERE of Kennebunkport
MALON of Biddeford
RUSSELL of Verona Island
SKOLD of Portland

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

Signed:

Representatives:

BRADSTREET of Vassalboro
DRINKWATER of Milford
SOBOLESKI of Phillips

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

Reports **READ**.

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

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#407)

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

NAYS: Senators: BLACK, BRAKEY, FARRIN, GUERIN, LYFORD, POULIOT, STEWART, TIMBERLAKE

EXCUSED: Senator: KEIM

26 Senators having voted in the affirmative and 8 Senators having voted in the negative, with 1 Senator being excused, the motion by Senator **TIPPING** of Penobscot to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report, in concurrence, **PREVAILED**.

Bill **READ ONCE**.

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

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

Divided Report

The Majority of the Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act to Allow the People to Elect the State Auditor"

H.P. 465 L.D. 696

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

Signed:

Senator:
NANGLE of Cumberland

Representatives:
STOVER of Boothbay
ABDI of Lewiston
COPELAND of Saco
DHALAC of South Portland
RISEMAN of Harrison

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (H-631)**.

Signed:

Senators:
BALDACCI of Penobscot
LYFORD of Penobscot

Representatives:
ADAMS of Lebanon
GREENWOOD of Wales
POMERLEAU of Standish

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

Reports **READ**.

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

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

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

Senator **BRAKEY:** Thank you, Mr. President. I know that recently in this Body we debated and voted on another bill that looked at all of the various - well, I guess the auditor is not technically a Constitutional Officer, but - but these offices that the individuals are elected by the Legislature. And whatever the merits may be of kind of other positions that are not in this bill, I do think that there is a particular value we should consider in having the State Auditor directly elected by the people. I think kind of the nature of the position of an auditor, someone who's, you know, auditing how the money is being spent and - I think there's a value in that person being independent from the institutions that are involved in the programs that are being audited. And so, having direct election there, I think, would be of particular value, maybe even more so than other positions that we have considered. Thank you.

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#408)

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

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

EXCUSED: Senator: KEIM

20 Senators having voted in the affirmative and 14 Senators having voted in the negative, with 1 Senator being excused, the motion by Senator **NANGLE** of Cumberland to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report, in concurrence, **PREVAILED**.

Divided Report

The Majority of the Committee on **STATE AND LOCAL GOVERNMENT** on Resolve, to Establish a Commission to Commemorate the 250th Anniversary of the Founding of the United States

H.P. 665 L.D. 1029

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

Signed:

Senators:

NANGLE of Cumberland
BALDACCI of Penobscot

Representatives:

STOVER of Boothbay
ADAMS of Lebanon
COPELAND of Saco
GREENWOOD of Wales
PAULHUS of Bath
POMERLEAU of Standish
RISEMAN of Harrison

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

Signed:

Representative:

UNDERWOOD of Presque Isle

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

Reports **READ**.

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

Resolve **READ ONCE**.

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

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

Divided Report

The Majority of the Committee on **TAXATION** on Bill "An Act to Return the Sales Tax Rate to 5 Percent"

H.P. 1126 L.D. 1747

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

Signed:

Senators:

GROHOSKI of Hancock
CHIPMAN of Cumberland

Representatives:

PERRY of Bangor
CARMICHAEL of Greenbush
CROCKETT of Portland
HASENFUS of Readfield
LAVIGNE of Berwick
LIBBY of Auburn
MATLACK of St. George
RANA of Bangor

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (H-628)**.

Signed:

Senator:

LIBBY of Cumberland

Representatives:

QUINT of Hodgdon
RUDNICKI of Fairfield

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

Reports **READ**.

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

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 (#409)

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

NAYS: Senators: BALDACCI, BENNETT, BLACK, BRAKEY, FARRIN, GUERIN, HARRINGTON, HICKMAN, LIBBY, LYFORD, POULIOT, STEWART, TIMBERLAKE

EXCUSED: Senator: KEIM

21 Senators having voted in the affirmative and 13 Senators having voted in the negative, with 1 Senator being excused, the motion by Senator **GROHOSKI** of Hancock to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report, in concurrence, **PREVAILED**.

Divided Report

The Majority of the Committee on **TAXATION** on Bill "An Act to Address the Recent Mill Closure in the Town of Jay by Providing Funds to Offset Property Tax Loss"

H.P. 1256 L.D. 1954

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

Signed:

Senators:

GROHOSKI of Hancock
CHIPMAN of Cumberland
LIBBY of Cumberland

Representatives:

PERRY of Bangor
CARMICHAEL of Greenbush
CROCKETT of Portland
HASENFUS of Readfield
LAVIGNE of Berwick
MATLACK of St. George
QUINT of Hodgdon
RANA of Bangor
RUDNICKI of Fairfield

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

Signed:

Representative:

LIBBY of Auburn

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-625)**.

Reports **READ**.

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

Bill **READ ONCE**.

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

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

Divided Report

The Majority of the Committee on **VETERANS AND LEGAL AFFAIRS** on Bill "An Act to Eliminate Private Donations to the Maine Clean Election Fund"

H.P. 1087 L.D. 1698

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

Signed:

Senators:

HICKMAN of Kennebec
BRENNER of Cumberland

Representatives:

SUPICA of Bangor
COLLINGS of Portland
MALON of Biddeford
MONTELL of Gardiner
RIELLY of Westbrook
RISEMAN of Harrison

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (H-604)**.

Signed:

Senator:

TIMBERLAKE of Androscoggin

Representatives:

ANDREWS of Paris
BOYER of Poland
HYMES of Waldo
RUDNICKI of Fairfield

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

Reports **READ**.

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

Divided Report

Eight members of the Committee on **HEALTH COVERAGE, INSURANCE AND FINANCIAL SERVICES** on Bill "An Act to Remove Barriers to Abortion Coverage in Private Insurance" H.P. 582 L.D. 935

Reported in Report "**A**" that the same **Ought to Pass as Amended by Committee Amendment "A" (H-435)**.

Signed:

Senators:

BAILEY of York
RENY of Lincoln

Representatives:

PERRY of Calais
ARFORD of Brunswick
CLUCHEY of Bowdoinham
MASTRACCIO of Sanford
MATHIESON of Kittery
PRINGLE of Windham

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

Signed:

Senator:

BRAKEY of Androscoggin

Representatives:

CYRWAY of Albion
NUTTING of Oakland
SWALLOW of Houlton

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-436)**.

Signed:

Representative:

MORRIS of Turner

Comes from the House with Report "**A**", **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-435)**, READ and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-435)**.

Reports **READ**.

Senator **BAILEY** of York moved the Senate **ACCEPT** Report "**A**", **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-435)**, in concurrence.

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

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

Senator **BRAKEY:** Thank you, Mr. President. I rise in opposition to the report before us. You know, this bill and the report in front of us would prohibit a health plan, excluding those that are high deductible with HSAs, but would prohibit a health plan from imposing any deductible, copayment, coinsurance, or cost sharing requirement at all whatsoever for the cost of abortion services. Whatever individuals feel about abortion services and access to it, I just think it's worth noting that my understanding from the public hearing is that this is somewhat unprecedented. I don't know that we treat any other healthcare service like this, where we have it put in law that there would be no copayment, no deductible, no coinsurance, and we mandate that on insurance providers. I know this is my first term on HCIFS, but it came up in the public hearing and I don't think it was contested that we don't treat anything else like this. For that reason and others, I oppose the motion and encourage you to vote no. Thank you.

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

Senator **BAILEY:** Thank you, Mr. President. I would just note that in fact there are lots of healthcare services that we do not allow insurance providers to have any sort of cost sharing. So, this is not the only healthcare service that we would be doing that for. Thank you.

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

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

THE PRESIDENT: The Senator may proceed.

Senator **STEWART:** Thank you, Mr. President. To the good Senator from, I believe it's York County, to her last statement, what are the examples of no - or non-deductible, I guess, medical procedures that you just referenced? Thank you.

THE PRESIDENT: The Senator from Aroostook, Senator Stewart, has posed a question through the Chair to anyone who may answer. The pending question before the Senate is Acceptance of Report "A", Ought to Pass as Amended by Committee Amendment "A" (H-435). A roll call has been ordered. Is the Senate ready for the question?

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#410)

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

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

EXCUSED: Senator: KEIM

22 Senators having voted in the affirmative and 12 Senators having voted in the negative, with 1 Senator being excused, the motion by Senator **BAILEY** of York to **ACCEPT** Report "**A**", **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-435)**, in concurrence, **PREVAILED**.

Bill **READ ONCE**.

Committee Amendment "A" (H-435) **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-435)**, in concurrence.

Divided Report

Eight members of the Committee on **JUDICIARY** on Bill "An Act to Prevent Coerced Abortion"

H.P. 757 L.D. 1197

Reported in Report "**A**" that the same **Ought Not to Pass**.

Signed:

Senators:

CARNEY of Cumberland
BAILEY of York

Representatives:

MOONEN of Portland
KUHN of Falmouth
LEE of Auburn
MORIARTY of Cumberland
RECKITT of South Portland
SHEEHAN of Biddeford

Three members of the same Committee on the same subject reported in Report "**B**" that the same **Ought to Pass as Amended by Committee Amendment "A" (H-465)**.

Signed:

Senator:

BRAKEY of Androscoggin

Representatives:

ANDREWS of Paris
POIRIER of Skowhegan

Two members of the same Committee on the same subject reported in Report "**C**" that the same **Ought to Pass as Amended by Committee Amendment "B" (H-466)**.

Signed:

Representatives:

HAGGAN of Hampden
HENDERSON of Rumford

(Representative DANA of the Passamaquoddy Tribe - of the House - supports Report "**C**", **Ought To Pass as Amended by Committee Amendment "B" (H-466)**.)

Comes from the House with Report "**A**", **OUGHT NOT TO PASS, READ** and **ACCEPTED**.

Reports **READ**.

Senator **CARNEY** of Cumberland moved the Senate **ACCEPT** Report "**A**", **OUGHT NOT TO PASS**, in concurrence.

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

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

Senator **BRAKEY:** Thank you, Mr. President. I rise in opposition to the pending motion. This bill was brought to us by the sponsor from the other Chamber with the intent of simply making sure that those who are seeking an abortion have access and the ability to be fully informed about their rights. In particular, I know it's been discussed in this Chamber previously on different legislation, the right to change your mind and to withdraw consent, but also that we heard examples of individuals who were threatened that if they didn't get an abortion, they could lose their job or they could be kicked out of their housing situation. We heard examples of those - of that happening, and that's against the law. The law protects you. You cannot be - you cannot be kicked out of your housing situation, you cannot be fired from your job under the law for not getting an abortion. And so, the bill sponsor's intent was just to make sure that people, as they're making this decision for themselves, that they have the opportunity to be fully informed about their rights as they're making that choice. Now, I will say I do think that, in the underlying bill, there were some concerns about enforceability and how you'd do that, exactly. The underlying bill required that this be communicated in writing and orally and I do think that there are some - I mean, how do you enforce that and make sure that someone's healthcare provider has had an oral conversation with someone. But I think what a lot of the - those who voted for this bill, and it's reflected in alternate reports that we could be voting on, settled on a very simple idea, which is just like when you go into any workplace and you have the Department of Labor posters there, what are your rights as an employee, what was settled on was just the idea of let's have the Maine Human Rights Commission just develop a poster that will be required to be posted in a visible place where abortions are performed, where anyone - a patient has the opportunity to see it posted on the wall, here are your rights as a pregnant person. You can't be coerced, you have the right to change your mind, and just informing people of their rights. A very simple idea, literally just putting a poster up so that people know what their rights are. We've done this in other places, we do this in the workplace, we're just asking to do this in abortion clinics so that people know their rights. That's the primary thrust of what we could be doing with an alternate report. Thank you.

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#411)

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

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

EXCUSED: Senator: KEIM

24 Senators having voted in the affirmative and 10 Senators having voted in the negative, with 1 Senator being excused, the motion by Senator **CARNEY** of Cumberland to **ACCEPT** Report **"A", OUGHT NOT TO PASS**, in concurrence, **PREVAILED**.

Divided Report

Eight members of the Committee on **JUDICIARY** on Bill "An Act to Require an Ultrasound and Certain Counseling Before an Abortion"

H.P. 1039 L.D. 1614

Reported in Report **"A"** that the same **Ought Not to Pass**.

Signed:

Senators:
CARNEY of Cumberland
BAILEY of York

Representatives:
MOONEN of Portland
KUHN of Falmouth
LEE of Auburn
MORIARTY of Cumberland
RECKITT of South Portland
SHEEHAN of Biddeford

Four members of the same Committee on the same subject reported in Report **"B"** that the same **Ought to Pass as Amended by Committee Amendment "A" (H-515)**.

Signed:

Senator:
BRAKEY of Androscoggin

Representatives:
ANDREWS of Paris
HAGGAN of Hampden
HENDERSON of Rumford

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-516)**.

Signed:

Representative:
POIRIER of Skowhegan

(Representative DANA of the Passamaquoddy Tribe - of the House - supports Report **"C"**, **Ought To Pass as Amended by Committee Amendment "B" (H-516)**.)

Comes from the House with Report **"A"**, **OUGHT NOT TO PASS, READ** and **ACCEPTED**.

Reports **READ**.

Senator **CARNEY** of Cumberland moved the Senate **ACCEPT** Report **"A"**, **OUGHT NOT TO PASS**, in concurrence.

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

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

Senator **BRAKEY:** Thank you, Mr. President. This bill - there seems to be a theme today on a lot of the bills that we're doing - this bill regards ultrasounds before an abortion. The - now, the underlying bill requires an ultrasound. However, in the committee process, proponents of the bill moved away from wanting to require that and alternate reports reflect that simply be requiring that a person have the right to have an ultrasound if they choose. So, this is not requiring - it wouldn't be putting a requirement, it's just clarifying a woman who, before having an abortion, would have the right to an ultrasound if she would like one, and that she can be informed of her right to an ultrasound. Thank you.

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

Senator **CARNEY:** Thank you, Mr. President, and thank you, colleagues, for your attention this morning - if it's still morning. I just wanted to point out that what this bill does is it layers on requirements to a medical procedure that are properly made by a patient and a doctor or other healthcare provider. So, things like ultrasound, providing medical information, determining whether it's better to treat or to wait for 48 hours, those are all decisions that this bill is asking us as a Legislature to make, and I - those decisions are appropriately made by a patient and a doctor in a medical setting and not by us sitting here in the Legislature, and I urge you to support the Ought Not to Pass motion.

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#412)

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

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

EXCUSED: Senator: KEIM

25 Senators having voted in the affirmative and 9 Senators having voted in the negative, with 1 Senator being excused, the motion by Senator **CARNEY** of Cumberland to **ACCEPT** Report **"A", OUGHT NOT TO PASS**, in concurrence, **PREVAILED**.

Divided Report

Eight members of the Committee on **JUDICIARY** on Bill "An Act to Protect the Quality of Care Provided via Telehealth by Prohibiting Physicians from Prescribing Abortion-inducing Drugs or Devices Through Telehealth or Other Electronic Communication"

H.P. 797 L.D. 1249

Reported in Report **"A"** that the same **Ought Not to Pass**.

Signed:

Senators:
CARNEY of Cumberland
BAILEY of York

Representatives:
MOONEN of Portland
KUHN of Falmouth
LEE of Auburn
MORIARTY of Cumberland
RECKITT of South Portland
SHEEHAN of Biddeford

Three members of the same Committee on the same subject reported in Report **"B"** that the same **Ought to Pass as Amended by Committee Amendment "A" (H-386)**.

Signed:

Senator:
BRAKEY of Androscoggin

Representatives:
ANDREWS of Paris
HENDERSON of Rumford

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-387)**.

Signed:
Representative:
HAGGAN of Hampden

One member of the same Committee on the same subject reported in Report **"D"** that the same **Ought to Pass as Amended by Committee Amendment "C" (H-388)**.

Signed:
Representative:
POIRIER of Skowhegan

(Representative DANA of the Passamaquoddy Tribe - of the House - supports Report **"B"**, **Ought To Pass as Amended by Committee Amendment "A" (H-386)**.)

Comes from the House with Report **"A"**, **OUGHT NOT TO PASS, READ** and **ACCEPTED**.

Reports **READ**.

Senator **CARNEY** of Cumberland moved the Senate **ACCEPT** Report **"A"**, **OUGHT NOT TO PASS**, in concurrence.

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

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

Senator **GUERIN:** Thank you, Mr. President. Ladies and gentlemen of the Senate, I'll be brief. In telemedicine, there's no way for a doctor to actually discern if a pregnancy has gone past ten weeks and the horrible, what I would think would be life altering experience of a woman who has taken this drug and delivers a well-formed baby that is too large to flush down the toilet is an experience that we heard in the public hearing can happen, and certainly would be horrific to that woman's life story.

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

Senator **BRAKEY:** Well, I figured you missed me, Mr. President, so. I thank Senator Guerin for her remarks on this bill. I will note I am a big supporter of telemedicine and telehealth. I don't know that it is appropriate for everything. And I just want to note, if you look at the calendar, there are several - I think there are four

different committee reports on this bill. Obviously, the one before us is Ought Not to Pass, but there are a range of different ideas on how to proceed with parts of this bill or the full version of the bill, but there are a variety of options in front of us. Ultimately, for me, listening to the public hearing and the testimony, I do want to tread lightly in this area, but it does seem to me that we're - from what I recall from the public hearing - we're talking about these chemical abortion pills being prescribed through telehealth which are appropriate only up to ten weeks of pregnancy, if I remember correctly. There's no way of in a telehealth conversation, there's really no way to determine kind of what stage someone is at and then also, I mean, some of the - I would even hesitate to call them side effects because I think they're just the effects, of - of these abortion pills on the mother and what we heard stories of multiple days of agony, it just really seems to me that this is something that should be done in consultation with a physician who you have some in-person access to, not just something where you talk to someone for a little bit over telehealth. So, that's why I oppose the pending motion. Thank you.

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

Senator **BRENNER:** Thank you, Mr. President. I just want to stand here as a nurse midwife and share with you just a few facts about caring for women and telehealth abortion care services. So, one thing I think that's really important to note at this point in the abortion story in our country is that over 50% of all abortions are - we use medication in order to accomplish the abortion. They are 99.6% effective and there is a .4 chance of risk of complications. This is a very well-proven form of healthcare for women who choose it. There's follow-up provided and folks that are - providers that are engaging in telehealth abortion care services have relationships with emergency backup services for that .4% chance when a complication does arise. The benefit of telehealth abortion care services is the ability to expand services to rural communities for folks that have an inability to get - find transportation to get themselves to a clinic and it also allows for folks that have busy schedules and have the inability to fit in a visit in a time period that works for the clinic to be able to receive services. So, I just want to put a fine point on the - and remind everyone that abortion is healthcare for women here in the United States. Thank you.

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

Senator **CARNEY:** Thank you, Mr. President, and thank you, colleagues, for your attention. I just wanted to add that what this bill proposes to do is to make providing healthcare a crime that is punishable by up to five years in jail. It also makes sending medication that is legal punishable by up to five years in prison. And I think, again, this is healthcare, we should not single it out and criminalize healthcare providers for doing their jobs. Thank you.

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

Senator **BRAKEY:** Thank you, Mr. President. To be very brief and just respond to remarks from Senator Carney. What she said about the bill is true for the underlying bill and true for some of the

reports on this bill, but there is at least one report, which I'm signed onto, which excluded both of those items that she mentioned. Thank you.

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#413)

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

NAYS: Senators: BLACK, BRAKEY, FARRIN, GUERIN, LYFORD, POULIOT, STEWART, TIMBERLAKE

EXCUSED: Senator: KEIM

26 Senators having voted in the affirmative and 8 Senators having voted in the negative, with 1 Senator being excused, the motion by Senator **CARNEY** of Cumberland to **ACCEPT** Report "**A**", **OUGHT NOT TO PASS**, in concurrence, **PREVAILED**.

Senate

Divided Report

The Majority of the Committee on **JUDICIARY** on Bill "An Act to Reduce Abuse of the Civil Ex Parte Attachment and Trustee Processes"

S.P. 577 L.D. 1459

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

Signed:

Senators:
CARNEY of Cumberland
BAILEY of York

Representatives:
MOONEN of Portland
ANDREWS of Paris
HENDERSON of Rumford
KUHN of Falmouth
LEE of Auburn
MORIARTY of Cumberland
RECKITT of South Portland
SHEEHAN of Biddeford

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

Signed:

Senator:
BRAKEY of Androscoggin

Representatives:
HAGGAN of Hampden
POIRIER of Skowhegan

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

Reports **READ**.

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

Sent down for concurrence.

Divided Report

The Majority of the Committee on **LABOR AND HOUSING** on Bill "An Act to Implement the Recommendations of the Commission to Develop a Paid Family and Medical Leave Benefits Program" S.P. 800 L.D. 1964

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-385)**.

Signed:

Senators:
TIPPING of Penobscot
DAUGHTRY of Cumberland

Representatives:
ROEDER of Bangor
GEIGER of Rockland
GERE of Kennebunkport
MALON of Biddeford
RUSSELL of Verona Island
SKOLD of Portland

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

Signed:

Senator:
POULIOT of Kennebec

Representatives:
BRADSTREET of Vassalboro
DRINKWATER of Milford
GALLETTA of Durham
SOBOLESKI of Phillips

Reports **READ**.

Senator **TIPPING** of Penobscot moved the Senate **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report.

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

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

Senator **DAUGHTRY:** Thank you, Mr. President. Ladies and gentlemen of the Senate, I rise in strong support of the pending motion before us. I know all of you have heard me talk about this for quite some time, so I beg your indulgence while I talk about it just a little bit more, and hopefully show you all why it's so needed and more aspects of the bill. As I also get things stuck in my hair, you know, quality Wednesday. So, I first introduced this bill during my first session, after caring for an extended family member who was like my second mother and she was at the end of her battle with terminal cancer. Seeing the village that was able to surround her and care for her in those last moments still, you know, has stuck with me to this day. Whether it was trying each day to see if we were able to get her to be able to eat - for me, I found that French crepes from Julia Childs' cookbook was something she was able to hold down - or watching the other women in her circle hold her and be by her side. It shaped my outlook of the world, and it taught me serious lessons about what we all need in those moments. So, I first introduced this bill when I was 25 and I've put in several different versions, one way or the other, throughout the last decade. And as I think about this, I like to say that both this piece of legislation and myself have grown up together, in a way. We've been through different iterations, we've been in different forms. The version that's in front of you is the result of over ten years of not only my own work, but three years' worth of work of a bipartisan commission led by myself and Representative Kristen Cloutier, that had not only three years' worth of data driven work, but we met with over 300 businesses individually after the commission adjourned, as well as organization and community leaders throughout Maine. This bill is a prime example of good, responsible governance. But why was all that work needed? The U.S. is one of only seven countries in the entire world without some sort of universal paid family and medical leave. Just let that sink in. Just to let you, you know, put it all out there, the U.S. is along with company on this with Papua New Guinea, the Marshall Islands, Micronesia, Nauru, Palau, and Tonga. Those are the only countries in the world that don't have some sort of system like this. In our country, states have been left to fend for themselves when it comes to paid leave. Maine has a proud tradition of not waiting for DC politicians to act, but on this, we're not only behind the world, but we're behind the rest of New England. Our fellow states all have some sort of version of paid leave. And additionally, right now, 14 other states do as well. Seventy-seven percent of Mainers don't have access to any sort of paid leave. This, combined with the scarcity of childcare services that we're seeing, is creating a patchwork of chaos. I, as many of you have heard, hope to be a mother someday soon, and my friends like to joke that if I'm going to be able to make this work, I should probably put my name on a childcare list now, before I even get pregnant. Many of them have told me their stories of how hard it's been to be part of the

sandwich generation, being working adults who are caught between needing to care for their children as well as their aging parents. So, that's a little bit about the need and the landscape, but how does it fit into our economy, and how does it work for our businesses? This is a benefit that Maine businesses, like my own, want to offer to employees to be able to compete with larger corporations. Having a statewide paid family medical leave program will enable small businesses like mine to offer similar benefits akin to much larger employers. Currently, we have a patchwork and tapestry of leave laws, and this bill would be able to sort of be the glue in between it. So, for companies who do not have some sort of program, this provides a very affordable and accessible option to be able to do so. Additionally, what I'm really proud of about the bill in front of you, if you're an employer in a business that already offers this type of benefit - first, thank you, and second, you can keep your plan. The language in here has very key language around similar equivalent plans, so for those folks who have a plan that's, you know, roughly close to what's in the bill, not only can they keep it, but they and their employees are opted out. So, that means that they are not having to pay for an additional plan. We have an employee-driven economy right now, and studies across the nation have shown that over 70% of employees will consider not taking a job if they don't have access to some sort of paid family medical leave program. Now, I do think it's kind of funny when I try to explain this bill in 30 seconds or less. It is a wonky one, I will not try to sugarcoat that, but at its core, paid family medical leave is an insurance program for Maine workers that provides a wage replacement for when the best and the worst happens. So, what is that, and for how long? The compromise in front of you is for 12 weeks max family and medical leave. The tiered wage replacement has gone from being a 90% flat wage replacement in the commission to a compromise tier that looks out for our lowest income earners while also keeping us more in line with our fellow states. Additionally, to be responsive to the economy, this tiered wage replacement will be linked to the state average weekly wage. This will keep it current and make sure that a number that we set in law today is not, you know, tied to something from 20 years ago because we know a hundred dollars today is not the same as a hundred in 20 years. How does this work for small businesses? We know how hard our economic times are right now. As a small business owner myself, I've seen not only the cost of individual goods but the costs of electricity skyrocket. I know every single day how hard it is to make ends meet. That's why with the amazing work of the Labor and Housing Committee, and also from the commission, we all agreed that employers with 15 or fewer workers would not have to pay the contribution, but their employees would still be eligible. That means that employers in this size would be able to compete and be able to still make their ends meet. Additionally, one of the compromises that came out of conversations that I'm particular proud about, is how do we deal with the issue when an employee is gone? Absenteeism is something we heard time and time again. The amendment that's in front of you addresses this by creating two things. One, it mirrors the existing undue hardship language in the earned paid leave law that is already on the books. So, this says that if an employer and an employee talking about leave, if the employer really cannot afford to have that employee out, they are able to not have to give the leave under an undue hardship. Additionally, the job protections, we have a 120 days clause. So, if someone wanted to take job protective leave, they have to have been with the company for 120 days. This threshold will really help a lot of

our seasonal and hospitality-based economies. So, back to who can take the leave. I want to remind folks that this is not just a general program, this is not something that you can take to go to the beach, this is not something that you can take a day off to take your cat - no offense to any of your cats, I'm sure they're all lovely - this is a very specific program for very specific needs. And when someone wants to take it, they have to submit a claim. And those claims are submitted to the administrator, who looks through the documentation to ensure that it qualifies. So, what qualifies? Employees would be able to take time off for the birth, adoption, or fostering of a child. They'd also be able to take time off to support a sick or dying loved one and family member. Also, caring for an older family member. Also, your own health and the health of others, whether that's recovering from surgery, an accident, substance use disorder, or other health challenges. Also, for prepping and transitioning back from a family's military deployment, as well as something that the commission and the committee were very passionate about, managing immediate safety needs if you or a family member are a victim of abuse. So, I've heard a lot of concerns about how do we make sure this program stays solvent, how do we make sure it's working for us. Well, I have to say the bill that's in front of us, I think - obviously, I'm biased on this - is the best one that's pending in the nation, because we have put very clear guardrails in place. The paid family medical leave authority that's contained within this bill is a leader in the nation for oversight. It makes sure it is made up of folks from across the state from different sized employers as well as employees, makes sure that we have folks representing our heritage industries as well as folks working in agriculture. These folks have a fiduciary duty to look over the trust. So, what that means is these funds are held separate from any other fund, it's not part of the general fund, that it's almost like an escrow account where we're building this together to be able to save together. This fund cannot be used to balance the budget. Additionally, this authority will guard this fund, making sure that it's responsible to the Maine taxpayers, responsive to the economy, and no offense to all of us, this authority will protect this fund from all of us and from the economy. One of the other questions we've heard is 'how do we ensure that people don't use this in a fraudulent way?' We've built in very clear guidelines about what happens for fraud. We have a once in, you're out. If you're caught frauding the system, you're out of the system. I've heard a lot of concerns about how much this program will cost Mainers, and I want to address some of the misinformation. I've heard wildly inaccurate figures ranging from 400 million to 600 million dollars per year. The startup costs are actually listed in the amendment, costs 11.8 million for the first year to get the program up and running, and 13.9 million in the following year. This reflects our commitment to make this fund sustainable and affordable. Additionally, from that point on, administration is capped, and the fund is self-sufficient once contributions begin flowing. I also want to revisit some of the other reasons really quick. Those are a little bit about the parameters and how it works, and I know this is a complicated program. But I also want to talk about why this is needed. There's a couple of things. One, there is a referendum that is pending that if we do not take action today, it not only has the signatures but the support to pass. I've seen many different polls since we've been on this process over the last three years. The lowest polling for support of a paid leave program in Maine is around 77%. The highest we've seen is 93%. That is across Maine, across political affiliation, and in various different areas. If we don't act today,

this is going to become law one way or another. I adore being a part of the Legislature. I know we don't always agree, we can see some of the bills we voted on previously this morning, but I firmly believe the back and forth, the conversations, hammering things out in the hall, talking about things in committee, is how we do our best work. And I'm firmly committed, and I know, that passing this today gives us the firm step to be able to put in a compromise that works for Maine, not one that is authored by outside groups. Finally, I want to talk about the core of why this is important. Mainers take care of Mainers. We spent a long time in this building this morning already talking about birth and wanting to do everything we can to protect infants and mothers and families and people who give birth. On average, most folks give -- most women after they've given birth return to work within two weeks. Now, I haven't had a child of my own, but for folks in this room who have children, I can't even fathom what it would be like to return after two weeks. Additionally, in Maine, we have a rather high maternal mortality rate. That means women are dying during birth. We also are seeing a rise in our rural areas of infant mortality. We know that being able to spend time with children right after birth is one of the most important moments in all of our lives. Having a paid leave program encourages that. It encourages mothers and fathers and families to be able to bond with their children, and not just after birth, also in those precious few days after an adoption or after a child from the foster care system has been placed with your family. It makes sure that we as a state are investing in ourselves and our most vulnerable, that we have time to make those bonds, like the bond that I had with my second mother that really moved and shaped me to who I am today. Additionally, as my incredible, incredible cosponsor, Representative Cloutier, says all the time, we're not getting any younger. We have the oldest state in the nation. This bill also empowers us to take care of ourselves at the end of our lives. It's like the bookends. It makes sure that we have excellent outcomes for our infants, but that we're also helping seniors age in place. That we can take care of our grandparents and our parents, that we can be there when they are going through that end of life, and that they can be where they want to die with dignity. There are gazillions of reasons why I think this bill is so important, but what I want to leave you all with is what's in front of you has been worked on by numerous different people, numerous different groups, hundreds and hundreds and hundreds and hundreds of hours and thousands and thousands and thousands of voices. What's in front of you is a compromise. We don't talk about that enough. This is probably one of the most worked pieces of legislation in front of us this year. But why I am so passionate and so hopeful for today is because I know that this has been built together. This has been tailored for Maine's economy to work for all of us, and I can't wait to hopefully earn your support. Thank you.

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

Senator **POULIOT:** Thank you, Mr. President. I rise today to speak a little bit about this bill and process, but I first want to say to my good friend, the Senator from Cumberland, I think it is, or Sagadahoc -- I can never remember which county -- Brunswick. That it's been a great pleasure working with her over the last decade. When Matthea and I were first elected to the Legislature, or before, as we were running for the Legislature, there was an article that was written in the Portland Press Herald, a Tale of

Two Matts. And we came here, and both got assigned to the Education Committee and we worked together. Actually, we co-chaired the youth caucus, we got a lot of flack for that down in the House, it was called the kiddy caucus. But I think that we really focused on building a relationship, a good working relationship together, and having a lot of pieces of legislation that we've advanced over the years, even recently, this session, on financial literacy. However, the process that was taken with this bill wasn't collaborative, really, at all, Mr. President, unfortunately. And for me, frankly, after having been here for quite a while, it was pretty discouraging. A couple of mechanical things that have gone forward or process things that have gone forward that would leave, I think, some outside of this building with the impression that the process was collaborative. You know, there was this working group that went on for a period of time, that came up with some recommendations, there is this effort being made right now by outside groups driven by the Maine Peoples Alliance which was formerly run by the now-chair of our committee, to basically say 'look, if you don't do this good work, then we're going to run a referendum, which is going to be essentially a poison pill or worse version of this good collaborative work that's been done.' The problem is the bill itself that's before us now was printed on May 18th, and it had a public hearing on the 25th of May. So, it really did not allow itself for the wisdom of time, really, for this collaborative process, really, which is being talked about and shouted about as being something that happened here. That didn't really happen. In fact, even in committee during the work session, I asked Senator Daughtry, whom I've worked with for over a decade now, if there would be an interest in making modifications to the bill, and unfortunately there was zero interest in doing that. So, I wouldn't want the public to think that this was a full collaborative, bipartisan approach taken here, Mr. President. Anything but. So, unfortunately, now, we have this new payroll tax, and I think it's important that legislators know that they are voting for a new payroll tax of approximately \$380 million a year. The actual cost of the program, unfortunately, is still unknown. Back in March, the majority of the committee, to include the Senate Chair and the sponsor of this bill, lamented to Appropriations that we did not have a fiscal note or a fiscal analysis on this bill, that one was not included in the Chief Executive's budget proposal for us to be considered as a supplemental, and that we really had no idea how much that this was going to cost. Except fast forward, then, to the work session on the bill, on June 1st, and subsequently, we were fine, everything was fine, I guess, and it was okay to now support this bill that we had no idea what the cost was, or at least that seemed to be the position of the majority that voted in favor of it. So, now we have a brand-new \$300 million government program that was printed, heard, and worked on in two weeks. And I think some might rise after this to say well, we had this long, collaborative process, there was multiple stakeholders and thousands of people that came and spoke, yet the people who are going to be responsible for bringing this forward have said that no such process was really taken, that there was really no effort made to have both sides reach consensus. So, now, we're rushing forward before we're told that there is a referendum that we have to preempt, and that lawmakers should be making the decision to craft a new paid family leave plan for Maine, not a referendum. I mean, that was in the BDN on June 3rd, sent around by Senator Daughtry, and I agree, lawmakers should be crafting this plan. But when we tried in committee to have a true bipartisan approach to crafting a plan, that was shot down. It was shot

down because majority rules in Augusta right now, Mr. President, and true bipartisanship, unfortunately, seems to be dead. So, now, what we have moving forward is a proposal that's not reasonable. Number one, it's not reasonable because a benefit cap that is in here, every state that has a program like this caps the weekly benefit at some amount. The benefit cap in this proposal is 100% of the state average weekly wage. This is the second highest cap in the country, Mr. President, and it's the highest in New England. Rhode Island's at 85, Massachusetts is at 64, and Connecticut is at 60. This is not reasonable. It also talks about affinity relationships. You've heard this bill referred to as full paid family medical leave act. The F in FMLA stands for family. Leave is generally for yourself or your family. Under this bill, it includes any other individual with whom the covered individual has a significant personal bond that is or is like a family relationship. This is an expansion of unknown proportion and it's unreasonable. Taking time for oneself or one's family is understandable, but your neighbor, your friend, how far does this go? It's not reasonable. Also, wage replacement. Each state proposes a formula for how much of an employee's wages get replaced up to the benefit cap. This bill proposes a tiered formula, but for the average worker, the formula in this bill produces the second-highest wage replacement in the country. It will be the highest in New England. This is not moderate. Number four, the employer's share of cost. This will require employers to pay 50% of the program, and employees 50%. It's the highest - the second highest rate in the country, Mr. President, and it's by far the highest rate in New England. In fact, the employer rate is Rhode Island is zero, the employer rate in Connecticut is zero. So, if there was really an effort by the majority and the Legislature to be bipartisan, some of these things would've been addressed. They're not, Mr. President, and for those reasons, I hope that everybody will vote against the pending motion so that we can go back to the drawing board and have a truly bipartisan compromise solution here, Mr. President. Thank you.

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

Senator **TIPPING:** Thank you, Mr. President. No one can speak with more passion or knowledge of the details than my colleague who spoke already, but I just wanted to address a couple items around the work that went into this bill and some of the highlights of its importance. I wanted to thank Senator Daughtry, Representative Cloutier, the bipartisan co-sponsors of this bill, the members of the commission that worked so hard for so long, the members of the committee, the legislative staff, the Governor and her office, advocates who have fought for this policy, hundreds of volunteers who gathered tens of thousands of signatures, and the many Mainers who testified on this before our committee. I would note in terms of process, if you look at the document that we're talking about, it actually has an LR number of nine. This was one of the first bills put in this year, and obviously after years of work from the commission. We began hearings on the issue, actually, well before we had the document because we heard the commission report, spent a full day asking questions, digging into that, spent several more days reviewing similar issues. We had our longest public hearing on this, we had our longest work sessions. And what we came up with, I think, responds and made some significant changes but responds to what we heard in that public hearing. We heard from more than one new mother

that in that moment as they spoke to us were dealing with difficult decisions about going back to work with a new infant and while they, themselves, weren't fully healed. It - we heard from people who had lost jobs, who had lost businesses, who had been forced from the workforce, which obviously no one right now in this state wants to see happen. And what really struck me is that these are experiences that we have all had, and they're fundamental to who we are. We have all cared for a young child or an older loved one or at least we've been hurt or ill or we've had a family member who's been hurt or ill. This policy will improve the lives of Maine people in immeasurable ways. We can allow Mainers to care for infant children, we can allow them to stay in the workforce, we can allow them to get the time and care they need to heal. This is a badly needed and transformative policy, and I'm honored to be able to vote in favor. I'd also like to say I've always been proud to be part of the bargaining unit and union and not management at my jobs. And I'd like to thank you, Mr. President.

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

Senator **BRAKEY:** Thank you, Mr. President. Like Senator Tipping acknowledged with Senator Daughtry, crediting her for being very knowledgeable on this bill, I want to - I'll give the same credit to Senator Pouliot, who has been on the committee. I certainly am not as knowledgeable on the details of this legislation as he is, but just in listening, I think there are a few points I'd like to be made and have on the record. First of all, I just want to say I do appreciate hearing from Senator Daughtry that for those workplaces that already have plans, if you like your plan, you can keep your plan. And I've heard that before and I'm glad to know that's the case. But I think it's often said about those of us in state government that we come up with ideas that are so good that they must be mandatory. Our ideas are so great that if we didn't force people to buy into them, then they would be missing out on all the goodness and all the greatness of it, obviously. But, you know, New Hampshire has a model for paid family leave, it's a voluntary model. If people want this, people can have it in New Hampshire. But here, we're proposing a model that wouldn't be voluntary, it would be mandatory, and it would result in a tax on working people in already one of the highest taxed states in the country, where, I mean, I'm not going to - I've made very clear my feelings in this Body on the state of taxation land, and I've made that clear already, I won't go into it, but we're already - we're going to be layering another tax on top of already some of the highest taxed people in America. I think we heard about polling, people say that 'oh, this polls very high that people want this.' Well, then, great, have a voluntary model, and if people want it, they can opt into it, and then that works all around for everyone. But I think at the end of the day, we all know the truth, that people don't really want it if it means they have less take-home pay. Maybe some people do, people could individually make that decision for themselves, but a lot of people when asked would you like to have to pay up to, you know, another 1% of everything you earn in taxes for this program, or would you like to have that 1% to take home with you to decide for yourself how those dollars are spent to take care of you and your family? Some people might say that it's a great deal, they would voluntarily make those contributions, in which case it would actually be a contribution. In this case, I think we're calling it a contribution, when it's really a tax because it's not going to be voluntary, it would be mandatory. So, I didn't run for office to

raise taxes on my constituents. I didn't run for office to boss them around and tell them how their money should be spent for their own good. I ran for office to fight for their ability to keep what they earn and to decide for themselves how the money they earn is best spent to help themselves and their family. So, if we want this, and we really want - you know, there's a great model in New Hampshire we could be looking at, we don't need to force people. Thank you.

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

Senator **BALDACC**I: Thank you, Mr. President. I rise in support of the Majority Report, and I just want to share some observations. I want to first congratulate and thank my good colleague from Cumberland, who - for the work she's done over a very long period of time. I think - I believe, and I know, that Senator Daughtry and others entered this in good faith with all participants and were interested in all kinds of ideas and were interested in the best way to get to where we need to go. I just offer my good friends on the other side that they are more than welcome and have had months, at least, to prepare amendments if they think that they have better options to present us. They have had that right, they have that opportunity, I have not seen any proposed amendments. But having said all that, I would indicate that I relayed to others my concerns initially about the initial bill, about the costs and about some of the - some of the criteria. But I think that the good Senator from Cumberland has worked very hard, has worked with all kinds of stakeholders, has answered questions, has made compromises, and has really refined this bill to a point where I think it will make a huge difference to the workforce. One of the biggest problems that all of us note is labor force participation. And one of the biggest barriers to labor force participation, particularly for women, is child and family leave, childcare, as well as ability to have some time off to care for a baby or care for a loved one. That's one of the biggest barriers for particularly women to enter into the workforce. So, if we care about labor force participation and about economic growth, we're - if we were doing this at a time when unemployment was 10%, there might be a concern, but we have unemployment that's already - that's two point something percent, literally more than full employment, and we need to draw more people back into the labor force. This is about investment in people, which is what this is all about, investment in people. Investment in people has always shown to pay off. We look at every - any prior progress that we have made as a society, starting with Social Security, Medicare, the GI Bill of Rights, those were all opposed as government overreach, government socialism, and we're going down the road of being some sort of soviet republic, using an outdated term. But those programs have all proven to become part of the American fabric and the American economy, and those programs are essential now to our economy. I believe this bill will be transformational in the long run. It will take time, but it will be something that I think that most businesses will actually be happy about having because it gives them an option, an edge, and it helps them attract people. So, I understand, and I totally respect the concerns of my colleagues on the other side, but I think that this vote is a vote for investment in people, investment in a growing workforce, and an investment in families. Thank you.

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

Senator **BENNETT:** Thank you, Mr. President. Fellow members of the Senate, you know, we live in an age of dogma and a politics of bumper stickers. And nuance is often lost, but I have to speak on this bill because I have happily co-sponsored the initiative, because I think the intention is right. I am grateful to the work and the heart and the energy that the Senator from Cumberland, Senator Daughtry, and others have put into this in trying to make this right. I am concerned about the alternative, which I think is very flawed and problematic that would end up on the ballot if the Legislature doesn't act. I am - I have to say, I, along with the Senator from Penobscot, he speaks well that I could've been more engaged in this process. My intention along was to encourage it, watch it, try to get at a point where we don't lose the importance of nuance because I believe that the intention behind this legislation is tremendously important for the reasons that some have said. I have some significant difficulties with some of the details which have emerged on this bill, and I don't know if it actually was printed before last evening, but the first I was aware of it was the amendment that came last evening, and there were some changes in that amendment - in that amended version that trouble me and make it really difficult for me to support the bill in its current form. I believe the wage replacement formula is too high at the beginning of a program such as this. You can always raise it, it's very difficult to lower it if it turns out to be unsustainable. I believe that the employer and employee share is a bit out of alignment with other states. It's - as others have said, the 50/50 match is different from the states that we compete with economically in this region. The 30 days to qualify and the 120 days of work to guarantee your position is preserved is problematic for a lot of the small businesses that I - that serve my community, and the tourism industry, in particular. I know that there have been efforts to work on these issues and so it's not without a respect for that that I point out these problems with this bill, because I know that people are aware that this is a balance, it's a judgment, it's trying to do the best that we can under the circumstances, and I do feel the need to do something. Not only because of the potential referendum which is the alternative to this, but also because the people of Maine will benefit from a good family and medical leave plan if it's done right, done cautiously, and done compassionately. I think this proposal gets us almost the way there to earn my support, but it's really with a heavy heart that I say that it's not quite there in its current form, and so I'm going to be voting against the Ought to Pass Report and with hopes that some improvements might come. But I know how way leads on to way, in the words of Robert Frost, and so I for the time being will be voting against the report out of committee. Thank you, Mr. President.

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

Senator **RAFFERTY:** Thank you, Mr. President. I appreciate the opportunity to address the Senate today in support of this bill. I commend Senator Daughtry and her committee for all the work they've done. I view this legislation as something that's been needed. I've worked as a negotiator in schools throughout my entire career and there was always conversations about leave, whether that was maternity leave, leave for families, for sick family members, whatsoever. But most importantly, the work

that's been done to this, and I think that they've done a tremendous amount, obviously, but my contribution alone wouldn't buy me much, but collectively, our efforts will make a difference to many, many families. I know that in my own family, my girls, I have three daughters, and they all consider where they're going to live, and this was an attraction to all three to states outside of Maine. I think that that speaks a lot to this type of legislation. And I do believe that looking forward, you know, I'm kind of getting closer to the end here, not that I'm looking for that to happen any time soon, but when it does, legislation like this gives me an opportunity to, you know, if and when that times comes, I have an opportunity to maybe look up and see a familiar face because some family members had an opportunity to take leave. And I just think that potentially this adds an attraction to Maine for young people and to relocate or to keep people that are young from exiting, as mine did. So, I support it and think it would be a great thing, and it would become a main attraction for our workforce. Thank you very much.

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

Senator **GUERIN:** Thank you, Mr. President. Ladies and gentlemen of the Senate, a lot of people are talking today, and I would rather have not talked, but I - I felt like I had to speak for Maine's small businesses, having that be my background. My good friend, Senator Daughtry, talked about it being a patchwork. For Maine's smaller businesses, it's a patchwork of disaster. For the employees and owners of Maine's smaller businesses, the tax increase is coming at a time when there's rampant inflation. It's hard to make ends meet already, and this is a tax increase for both the employee and the employer. There's also the burden to the workers who are going to have to pick up the slack when people are out for 12 weeks at a time, not necessarily for family but for an undetermined amount of people that they could apply for this for, and who's going to enforce looking into what the relationship really is? I think that is a gaping hole that - open for abuse by employees who are taking advantage of the system. In this time of labor shortage, there's just nobody to hire when somebody goes out on leave, and I can tell you this from personal experience. My son is our general manager at our family business, and he had his third baby. I love my grandchildren, and I love my son and daughter-in-law. I would love to have had Caleb to be able to take off 12 weeks, and I had the power to grant him that 12-week leave, but it was impossible because there was no one to take his place. For months, we ran ads, and no one even applied. So, when you look at the loss of employee, for the business, it puts the other workers in a terrible position. If I had two truck drivers who took leave at the same time, I would be out of business, I wouldn't be able to pay my business loan. How do you expect small businesses to survive without employees? And when this goes down to employees less than 15 employees, that's the backbone of Maine's economy is our small businesses. And we can't hire people to replace the ones going out on leave, so how do you stay open? Thank you, Mr. President.

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

Senator **NANGLE:** Thank you, Mr. President. I'm going to say something that I don't usually hear here, but I didn't think I was going to stand to speak today. But I read something in the

newspaper one day where they were talking about - I don't know if it was this bill or another - but businesses claimed that the ban on smoking in restaurants would force restaurants to close, that it would put people out of work and out of business. It didn't. Businesses would close when the minimum wage increased. It didn't. It never did. We can't look at these things, these transformational plans and always consider that the sky is going to fall because of them. This is good for Maine people. And I seem to hear a lot about what happens when my business loses an employee for 12 weeks? What happens when, you know, we have to pay this extra money? My daughter was born in 2002. I was lucky, my employer had - well, reluctantly, had given us family medical leave. I was able to take it intermittently, so that I could spend time with my newborn daughter and bond with her. I was lucky because I had sick time and vacation time that I could use so that I didn't take a hit in pay. My wife, not as lucky. She did not have paid leave. But I swear to this day that my bond with my daughter is so strong because of those initial 12 weeks. She's 21 now, she has never told me she hates me. I take that as a win, right? I mean, how many fathers can say that? I paid her a lot, but still. I think we need to look at this as a transformational legislation, not be concerned that the sky will fall, and look at it from the emotional standpoint. The ability for Joe to have family present when he's on his deathbed - not that we wish that's happening any time soon - but I just think that we need to think about the Maine people and what they want and what will help them make that huge family transition, whether it be the birth, adoption, or the death of a loved one. Thank you.

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

Senator **VITELLI:** Thank you, Mr. President. Men and women of the Senate, I just want to bring my voice to this conversation. I've been riding shotgun, let me put it this way, with my colleague from Cumberland throughout this entire process, and so I know firsthand how diligent she has been and her whole team has been in building this process and how truly inclusive their thinking has been, and their conversations have been in coming up with something that I truly believe is building for our future. This is our future that is - that this bill represents. We can't know everything that's going to come to us in terms of our workforce, our economy in the future, but this is an incredibly important piece of that. What I know is that what's before us today represents really good bones for a program that will support our workforce as it evolves in the future. And yes, we always say the devil is in the details, the devil may be in the implementation of this. With good bones, we have a really good chance of implementing an incredible program that, as others have said, will attract new people to this state and support our families and be a clear investment in our people. So, I just want to point out what I've heard through the conversations over many, many months as this bill has come to fruition, that there is a clear oversight process and an administrative process that will provide continuous review of the contribution levels, the wage replacements, the documentation that's involved. The administrator will be looking at the relationships of the family of the individuals taking leave, the cost associated with that. This will remove a lot of the burden from employers, frankly, but it's also something that will evolve as we gain experience, as we gain wisdom, as our workplace changes. Let's please build this future together. I ask for your support for

this incredible piece of legislation that has evolved already over many, many months. Thank you, Mr. President.

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

Senator **POULIOT:** Thank you, Mr. President. I just wanted to rise to clarify a couple things. First, and I said this in committee, you know, I think there's often this belief, if you will, that Republicans don't care about this issue, and I don't think anything could be further from the truth. I mean, I'll just speak for myself, I can't stand and say that I'm pro-life and then ask for a woman to deliver a baby and not have the supports for that newborn. I mean, obviously, I feel that that's core to the discussions we're having in this building right now. However, this approach that was brought forward is not one that is reasonable or fit to the size of Maine. In fact, in 2019, the sponsor of this bill brought forward a piece of legislation that looks almost identical, Mr. President - if you're looking for it on your phone, you might not find it - identical to the bill that was passed and went into law in the beginning of this year in New Hampshire. And I'm speaking at least for myself, I can't speak for the whole Senate Republican Caucus, but probably something that we would support, Mr. President, you know, something as a growth and an evolution, a recognizing around this issue, maybe that would be a modest approach to move forward on this, particularly given this referendum, you know, that's essentially like a gun being held to the Legislature's head on this issue. But instead of going in that direction, we've gone now way, way too far over, with an approach that's just not reasonable. And then, people who are in charge of the narrative can get up and say well, the people who are not in charge of the narrative, they're not interested in participating in how this narrative goes, they had plenty of time to participate and they chose not to, which is actually a false narrative. So, we've come to this point now, and I was mentioning this to somebody the other day, you know, as a Republican in state government, I kind of feel like a tenant, if you will, in a building where the landlord, the people who are in charge, are just coming in and saying hey, the rent's going to go up 300 bucks next month and you have to take it or leave it. That's how it feels in this building, Mr. President, around these issues. So, the reality is, we do want to have this benefit in place for Maine residents, we do have an unpaid version of this already in place for Maine residents, so to make the assertion that we don't care about people having the time to spend with loved ones in some of these circumstances, is just not true. And we are in interest in finding of a true compromise. The compromise that's pulled forward or said to be a compromise in this approach is a negotiation among a more progressive contingent with a less progressive contingent, not representative of the full body of the Legislature, Mr. President. So, I think we can do better work more collaboratively. I know this Body had done that in the past. And I would hope that if people truly do want to find a compromise and have full buy-in of the Legislature moving forward so that this is something that's not constantly up for review by future legislative sessions where they're trying to dismantle or make changes to it, and in fact, we all say hey, collectively, we moved forward and decided this was the right thing to do, then perhaps the sponsor of the bill should make some modifications to make this more palatable. Thank you, Mr. President.

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 to respond to some of the issues that have been brought up by my good colleagues. And first, I do want to address the good Senator from Kennebec and say that absolutely, I completely agree and want to make sure that for press here and for those who are listening, that this is not a partisan issue, that Republicans do care about this. I mean, all you have to do is look onto the national front, to Representative Stephanie Bice, who's a Republican from Oklahoma, who is leading the effort in Congress along with her Democratic colleague from Pennsylvania, I think, to pass a national paid leave bill. So, I want to be clear, this is something we do all care about, it's just about how do we get to that process. I do want to be clear about the process, and I want to make the record state and show how long we've been working on this and how many opportunities there were for my colleagues to be involved and how much bipartisan work there has been. So, going back in time, so starting in October 2021, Representative Cloutier and I chaired the commission to develop a paid family and medical leave benefits program which was established by the bill that we worked on in the 130th Legislature, L.D. 1559, which was a resolve to create the commission to develop a paid family and medical leave benefit program. The commission was comprised of two Republican legislative colleagues, Representative Paul Stearns and Representative - sorry, Senator Louise Rosen. We also had representatives from large and small employers, an employer in the hospitality industry, someone who does contract work, a paid family medical leave benefits expert, a physician specializing in maternal and postpartum care, and we also had an expert in issues affecting aging Mainers as well as the Commissioner of the Maine Department of Labor serving in an ex officio manner. Over the years, not only did we talk to the other states that have this program, we talked to private plans to see what works for businesses, we also talked to national experts on both sides of the issues. We brought in people who agreed and did not agree. Additionally, we started every single meeting of the commission with a public hearing part. It was not an actually meeting of the commission until we'd heard on both sides. We spent hours making sure that even if it wasn't on the official agenda, the people could step up to the commission and say what they wanted to hear. We probably in just the public hearing portions alone heard from probably over 900 different folks, as well as we as a commission all voted, and I remember Representative Stearns and I going back and forth on the wording to make sure it was just right. We put out a very nonscientific Google form survey and I think we got over 762 responses just to that survey. Additionally, so that we weren't just coming up, you know, we like to say that anecdotes win the day in this building, we also wanted to make sure that it was being driven by science. So, through this work, we made an investment in contracting with an outside entity to conduct and complete actuarial studies of the program options developed by the commission. The law had directed the commission to also submit a report with findings and recommendations to the Legislature which was presented to the Legislature's committee of jurisdiction on March 7th. Milliman did our actuary, they ran hundreds of different models. We looked at everything of, you know, the largest option, we looked at cost shares with the employer paying 25%, with the employee doing 25%, to the 50/50 that's in front of you, which is the same thing as

Social Security. In large part, because of the questions and concerns we heard from there, the bill kept shifting. If you look at the report - I know it's a real riveter at over 300+ pages - you'll see that the commission intended that as sort of a toolbox for the committee to be able to take and be able to have the bill in front of you. After the hearing, you know, I would say for the good Senator from Kennebec, if he had been at the public hearing, he would've heard the hours of testimony on both sides. And Representative Cloutier and I made it very clear from that conversation that we wanted to find a way to address, you know, everything. Now, we know that there are a lot of things that we lost on, there's things that other people won on, no one really got exactly what they wanted, but we made sure that we put in the key foundations of a quality program. I heard some concerns about the affinity care that's in here, that you could just take this for anyone. We heard that loud and clear and wanted to make sure that it wasn't wide open. First off, all claims will have to be vetted and proven to the administrator, so you have to have documentation to be able to take this leave. There's very concrete reasons. Additionally, we linked it so that you have to identify someone, it's not wide open on the affinity care. So, like the current caretaker law, you have to identify one person. It's not wide open. I also heard from the good Senator from Androscoggin about, you know, taking 1% of peoples' wages. I agree, we shouldn't be taking 1% of peoples' wages. That's the cap for the combined limit of both the employee and the employer. We wanted to make sure that it never goes before - over 1% for either side. So, what really the reality that we're probably talking about is .5 at the most. I think Minnesota, who just passed their plan, they're looking at a .7% contribution and that will be split between employee and employer. We're looking more likely at about a .35% rate. All that to be said, these rates will be set by actuary scientists. We worked with Milliman and I saw firsthand how important it is for us to have those numbers behind the data. So, none of these things will be set until the actuaries have done the work to make sure not only is it responsive to our demographics and our economy, but it works within our needs. And that goes for the cost share and everything as well. One of the duties of the authority and why we want to have this authority is so that every single year, they're looking at this program. They're looking at how's it being used, is there something we need to change, are there gaps in the program, is something not working, how can it be responsive, almost sort of an ombud of some sorts. I also want to talk about one of my late, great attempts at getting this through, the bill that was brought up by the good Senator from Kennebec, which also relates to the New Hampshire model. It's true, when I first started getting this through, I had an opt-in system. It was something that I was convinced that would work here in Maine. And since my bill didn't pass, it has passed in New Hampshire, and I'll tell you why I have personally shifted from believing in the opt-in system to the system you have in front of us. The opt-in system in New Hampshire is a one carrier system that disincentivizes the private market. And I do know for my friends across the aisle, the private market is what we want to be incentivizing, not telling them that they have one option that fits all. The voluntary nature of the program, of any program, but especially of this, increases a risk pool for insurers and insurees. That means that you're going to always have a much more expensive program and because of that, it actually limits the options that you see in New Hampshire. Also, the employer is the decision maker. It doesn't empower the employee/employer conversations that are built into this bill.

Also, currently, 99.6% of New Hampshire workers have not been able to access the program. That means a tiny percentage is able to use this system, and that's because of the cost and lack of available options. The proposal that's in front of you incentivizes and leverages the robust private sector that exists in Maine. We have all types of national and local insurance companies that would be able to provide those private plans. It's one of those amazing opportunities where you can have both a private sector and a public option. So, if you're a company who does not want to go with those private employers or you're self-employed like many of us in this room, you can opt in to the State system. But if you have an amazing private option, you're able to go with them. One of the other things we heard were about delays. Everyone in this building knows what it's like for all the paperwork on our desk to get here, that I want to give a shout-out first and foremost, the bill would not be here today without the amazing work of the people at the Office on Policy and Legal Analysis, and I have endless gratitude and respect for our drafters who have worked years on this, but they also, I know, have so many different bills. We've seen firsthand the delays by having so many pieces of legislation and I want to be clear that we put the text in for the initial draft in early February and it took months for it to be able to come out. Having this conversation at the end of session is frustrating for everyone, but I want to make sure that folks know that was not something malicious, that came out of the honest work that comes from behind the scenes of our incredible Revisor's Office, OFPR, and everyone who works through the week and through the night to be able to get these papers onto our desks. I also want to state that the contributions don't start today. I would have deep concern if we were going to press a button, and everyone was going to have to start contributing tomorrow. That would be bad news not only for small businesses, but for all of us. There's a ramp-up period. Contributions won't likely go live until 2025, and we've actually built into the bill an emergency brake that if the economy is not ready, if we see another recession like we did in 2008, brakes are put on, we're not having to have that effort and that expense on everyone. What is important and what is in the bill in front of us that we need to take action on is creating the foundation, the beginning of the conversation, putting in the roots for this program to move forward. What will happen is that the DOL will staff up for the staff needed to help implement the project. If you look for the fiscal note, there's questions, it's attached to the amendment that should be online, that's for those staffing positions and then additionally for the authority to be appointed and confirmed by all of us. The Senate will have confirmation over all of the authority positions to make sure that we had another check and balance of oversight by not only us but the Maine people. So, what that means is that we would be able to start this program and have it enter rulemaking. It is not the end of the conversation. Really, it's just the beginning. This is when people will be able to solicit input on how it works, what the leave is used for, going through the statute, confirming rulemaking. We need to make sure that we don't let perfect be the enemy of the good when we have this chance through the authority and through the staff and through rulemaking to finally home in on all of these details, and really just is sort of the beginning of the waltz, as someone used to say to me in one of my other lives. I also want to make clear that this entire process, the most important part is instead of arbitrarily pulling numbers out of thin air, the entire program is responsive to the economy and linked to actuary science. It ensures that no matter what happens, it's not based on emotions and whims, but

it's based on concrete and sound numbers. I hope that answers some of the questions that my colleagues have expressed on the Floor and some, you know, I've heard leading up to this moment. I also want to assure all of us that we would not be taking this first step. We like to say Dirigo, I lead, and there are many things that Maine has been the first one taking a step on. But on this, we'd be joining 14 other colleagues. And what we really paid attention to, we got to see some states like Connecticut have their benefits go live while we're going through this process. So, we got to see in real-time data what was happening on the ground. And none of the states where this has done forward has the sky fallen. In fact, in one of the oldest programs in the nation, over 90% of employers say it's been of a benefit, and they have not seen adverse outcomes from it. That, to me, is the solace and the reassurance I need to hear when we take such a big step like this. We all agree we need to take care of each other, we need to invest in ourselves, and I really hope that you can help ensure that a proposal that has been tailored to the Maine economy, that is not copy and pasted from another state or from the Midwest, that has come from thousands and thousands and thousands of conversations, and I just want to make clear for those who feel like they weren't there, there were ample opportunities within the commission process and the committee process to be able to have your voice heard, as well as what we're discussing today. But what we have here is something that is built together, that is crafted by Mainers, that's tailored for all of us, to take care of all of us. Thank you.

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

Senator **BRAKEY:** Thank you, Mr. President. I just want to very briefly respond on the tax hike provision in this bill and the idea that if we're splitting it between the employer and the employee that the employee is not paying - is only paying half of that. I will say when it comes to payroll taxes, it's also struck to me that this has always been a bit of a deceptive practice. You know, at the end of the day, from the employer perspective, the employer is looking at how much does it cost me to employ this person, and whether that's paid out in wages and salary, in taxes to the government, in various fringe benefits, at the end of the day, the dollar amount for the employer, how much does it cost to employ that person, is what they're looking at. And so, this increases - so, yes, the employee would be paying - would be directly being taxed for half of it, the employer would be directly being taxed for the other half of it, but that other half of it that the employer's being taxed for is money that could have otherwise been paid out in other benefits or in wages and salary. So, I just wanted to respond to that one point that was made there, that it's - it's a tax hike. Thank you.

THE PRESIDENT: The Chair would advise the good Senator from Kennebec I did find the Senator from Cumberland's bill on here. Don't worry. The rent's not going up this month. The pending question before the Senate is Acceptance of the Majority Ought to Pass as Amended Report. A roll call has been ordered. Is the Senate ready for the question?

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#414)

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

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

EXCUSED: Senator: KEIM

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

Bill READ ONCE.

Committee Amendment "A" (S-385) **READ** and **ADOPTED**.

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

Sent down forthwith for concurrence.

Expression of Legislative Sentiment recognizing:

Dory Waxman, of Portland, for her over forty-five years of public service. Mrs. Waxman, who started several successful businesses in the Portland area, served as a Portland School Committee member, Portland City Councilor and member of the City Charter Commission and chaired of several city committees. She also helped found, foster and support a neighborhood organization that continues to serve the needs and interests of all its residents. In 2015, she turned her woolen cape-making business into a nonprofit school, Common Threads of Maine, that has taught 180 new Mainers commercial sewing, helping them to attain gainful professional employment. We extend our appreciation and best wishes.

HLS 500

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

Senator **DUSON:** Thank you, Mr. President, and thank you, my colleagues, for indulging my overwhelming desire to rise and speak on this matter. I first want to welcome Dory Waxman and her husband, Dan, who is in the building, and the little Waxes who he had to escort out because our gallery is not a fun place to hang out. I also want to recognize my fellow members of the extended Waxman chosen family who have accompanied Dory in the gallery. Dory Waxman, she's one of the reasons why I serve here today. It was Dory who suggested that I run for Portland School Committee over 20 years ago. And I will forever appreciate her confidence that I should make the leap from habitual volunteer to candidate. I've had the opportunity to get to

know Dory over the intervening years. We have served together through many contentious issues as Portland City Councilors. We have partnered to support various candidates for public office at all levels, sometimes on different teams and sometimes the same, but always working out of a shared commitment to activism and engaging all communities in the decisions that impact daily lives. These days, I'm proud to serve on the Board of Directors of Common Threads of Maine, an organization founded by Dory that promotes fulfilling careers in the textile industry. It's been an honor to work with Dory to help asylum seekers, refugees, and new Mainers to start careers in this industry. And finally, Dory is a deeply loved and treasured friend. She is that person who I want to have tea with when public service feels hard and I struggle to balance my intellect, my lived experience, and my empathy for the concerns of competing interests to figure out the right thing to do. I've been truly inspired seeing how many lives that Dory has touched over the years. She is a force of nature and a force of good in our community. I'm grateful to have this opportunity to honor her incredible work today. Thank you, Dory, for everything.

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

Senator **CHIPMAN:** Thank you, Mr. President. I also rise to congratulate Dory and welcome her here to the State House. It's great to see her and just to say a few words about her. Dory's made many amazing contributions to our community. She's been part of our community as long as I've lived in Portland for at least the last 25 years, but I know it goes back much longer than that, I think she was serving on the school board when I moved to Portland and was on the City Council, the Charter Commission. Her business has been amazing, her family is amazing. Dory is someone who I've called for advice from time to time, she's always picked up the phone, she's been there to talk with me, to help coach me through different challenging situations, and I'm just really proud of her and her family and all the work they've done in the community and really just such an amazing human being, we need more people in the world like Dory Waxman. So, congratulations.

THE PRESIDENT: The Chair is pleased to recognize in the Gallery Dory Waxman from the city of Portland. Guest today of the Senators from Cumberland, Senator Duson and Senator Chipman, and the entire Maine Senate. Would she please rise and accept the greetings of the Maine Senate.

Divided Report

The Majority of the Committee on **TRANSPORTATION** on Resolve, to Direct the Department of Transportation to Implement the Recommendations of the Mountain Division Rail Use Advisory Council

S.P. 185 L.D. 404

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-346)**.

Signed:

Senator:
FARRIN of Somerset

Representatives:
ALBERT of Madawaska
ANKELES of Brunswick
O'CONNELL of Brewer
PARRY of Arundel
THERIAULT of Fort Kent
WHITE of Waterville
WHITE of Guilford

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "B" (S-347)**.

Signed:

Senators:
CHIPMAN of Cumberland
NANGLE of Cumberland

Representative:
WILLIAMS of Bar Harbor

Reports **READ**.

Senator **CHIPMAN** of Cumberland moved the Senate **ACCEPT** the Minority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "B" (S-347)** Report.

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

Senator **CHIPMAN:** Thank you, Mr. President. Men and women of the Senate, I rise to speak in favor of the report in front of us for several reasons. This report would allow both rail and trail use on the 31-mile section of State-owned Mountain Division Rail Line between Standish and Fryeburg. There are many people across the state - which I learned a few months ago when I became chair of the Transportation Committee - many of people across the state who just want rail lines to be used for trains, and there are many who just want rail lines to be removed and replaced with trails, and there are passionate people on both sides. I learned that we do not need to choose one side over the other. We can and we should support both rail and trail use, and I feel that supporting both is a real compromise. So, what does rail with trail look like? What it would be is essentially a rail line, there's be about 10-15 feet of space, then there's a fence, and then there's a trail. This is done in several other states. In fact, it's even done here in Maine, in Fryeburg, starting at the visitor center and running down beside the railroad tracks, there is rail with trail there in Fryeburg. So, the report in front of us actually is one of the recommendations in the HMTB report that was done for the Rail Use Advisory Committee on the Mountain Division line, this 51-page report, one of the recommendations is rail with trail. So, the Rail Use Advisory Committee process is a process set up about a year ago, a year and a half ago, and I know that there was a recommendation in that rail use advisory committee process that is contrary to what I suggesting we adopted here. However, these meetings happened during the pandemic era, the meetings were on Zoom, and I'm suggesting we take a step back

and consider this very carefully because a lot of things have changed since that RUAC process. One of those things is that we had a very robust public hearing in our Transportation Committee where hundreds of people came out to speak online, in person, and with written testimony, and it was pretty equally on both sides. Since that public hearing, which I think is also really important to make note of, is we all have received a letter that was distributed by Senator Libby yesterday on our desks, and I've read this letter carefully. And in this letter, the Conway Scenic Railroad Company sent us this letter and they are suggesting that we allow them to use this rail line. This is a very reputable company, it's a tourist-based passenger train run out of Conway, New Hampshire, just over the border, and they've been operating for 49 years. This company operates 50 miles of passenger scenic train service, they maintain their own tracks and trains themselves, they cover all of their own operating costs. They're interested in a 99-year lease from Conway to Portland that would make stops in Fryeburg and in Sebago Lake, and they believe they can secure federal funds for the infrastructure upgrades needed to get the track up to speed so it can be used, and from there on out, they'd cover all of their own costs. Yes, there is a cost difference between trail alone and rail with trail, and I know the fiscal note was incorrect yesterday, I'm still not sure it's completely correct, but the estimates have been all over the place. I think more importantly than what the cost would be on trail alone versus rail with trail is how is this cost covered, how are we going to pay for doing whatever we decide to do in this 31-mile section of railroad track, how are we going to pay for it? The difference between trail alone and rail with trail is that we believe we can qualify for federal infrastructure funds for the track upgrades if we go with rail with trail. I'm not sure there's any federal funds available for a recreational trail alone, which means the state could be on the hook for the \$20 million necessary if we tear up the tracks and build a trail. And finally, I'd like to just draw a distinction regarding the economic impact. Rail with trail is a much greater economic impact than just trail alone. We know that where the Downeaster makes stops in Brunswick and Freeport and Portland and Wells, there's been a significant amount of economic development at each of those train station stops. We also know that trails have contributed to economic development and benefits to the state. So, if we put rail with trail together, we get the greatest economic benefits to the state, and I think that we get the most bang for our buck in the long run. But if we do not go with this report, and we go with the other report, and the tracks are removed, we will never get them back. Where we've had tracks removed in other states and trails have been put in, I have not heard of any instance where tracks have ever been put back. Folks will say the tracks can be put back in the future, but once the trail is there and the tracks are gone, it doesn't happen. So, I hope you'll join me in voting for the report in front of us and I thank you for your time.

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

Senator **BENNETT:** Thank you, Mr. President. Fellow members of the Senate, I encourage you to vote against this report being offered, the Minority Report, so that we can go on and vote for the Majority Report. There's been a tremendous amount of disinformation and misinformation on this that has been spread around regarding this proposal, and I'm beginning to get a little bothered by it. First of all, there were not two recommendations

from the RUAC on this. There was one. The RUAC said that they recommend 11 to one that they would like to see this use go to trail use at the present time. There was no confusion of the fiscal note, they were inverted so that the one that - the less expensive note is the one that is the other report. This one, according to the study done a year ago, was going to be \$140 million. Converting to a trail was about \$18 million. Thirdly, the tracks are completely unusable on this stretch. The former Transportation chair, Senator Diamond, and I, and a few others, took a high rail on this section of the railroad a couple years ago. We derailed several times. The ties are rotting, the steel is warped. Whatever we choose to do, we have to remove the rails and the ties. It is a completely unusable rail, and it has always been a failure as a railroad. In fact, one of the most - one of the most strong advocates for rails in the state have told me that uniquely, among all these rail assets that we have, that this particular one has never been successful as a railroad. Never commercially successful. It was built in the late 1800s, it went bankrupt, it was acquired by somebody else, it was financially insolvent. That is why the State of Maine now owns this railroad is because it has never worked as a railroad and that section never will. And so, we have an asset that hasn't had a train on it for 40+ years, that's wasting away in Western Maine, and it is our responsibility as members of this Legislature, who oversee these assets, to put them to good use for our constituents. And this isn't just going to benefit the people of Western Maine, this is going to benefit the economy of the region and the peoples of the entire state. I have resisted hard because I do support passenger rail in certain circumstances. This conflation of this particular asset and its disposition with all of the other rail and trail debates going on, and it keeps getting sucked back in. We need to look at this one rail line uniquely. It is under the State's ownership. It comes from a RUAC, Rail Use Advisory Commission, that the Transportation Commissioner set up for these various state assets. This one, 11 to one report, I've heard it criticized as being stacked with trail advocates. That's wrong. In fact, most of the people on there support both rail and trail and they looked at both options very carefully. Furthermore, the public hearing was mentioned. There were two different bills that don't relate to each other in the least, one relating to the Portland to Auburn line, and the other one relating to this, that were heard at the same time. One had the recommendation from the Transportation Commissioner, this one; the other didn't because it was - there was a lot of controversy and remains controversy over that line. This one had more than 200 people testify before the Transportation Committee, an unheard-of number before the Transportation Committee, in support of this. More than 200 people. There were a handful of people opposed who had concerns about ATV use and other things, but the overwhelming majority of people testifying on this particular measure supported it. I want to just also address this question of the North Conway Scenic Railroad. There is a document going around. I have to say that North Conway Scenic Railroad testified before the RUAC, I was there, I heard the testimony, they were given ample time to present their idea, and it was more than an hour, there were questions, a lot of dialogue about it. They came into the - this was last year. This year, they came to the Transportation Committee and testified. There was no financial commitment to invest by that company in the assets that the State of Maine owns. Now, if I were in that business, I would do what Mr. Swirk did when he came to the committee. Listen, if you can go use your influence with your federal delegation to bring in tens of

millions if not hundreds of millions of dollars to invest in a state-owned asset so that I as a New Hampshire operator can run a train that picks people up off from cruise ships in Portland and bring them up to North Conway to spend their money, that's a pretty good deal if you live in North Conway. No money, no investment, no serious business plan behind that. I think probably the most telling thing is that the people of western Maine and the towns that this goes through have unanimously and through their town governments asked us to pass not this version but the other version of the report. And I want to read some of their comments, because these were directly from the people leading these towns who took a vote. In fact, I attended one public hearing in Hiram, where - and if you know Hiram, Maine, it's a small town and there's about - on a good day at a town meeting, you might get a couple of dozen people. More than 50 people showed up for this public hearing on a special town meeting regarding this question. And there were a lot of good questions, both sides presented, there were a lot of dialogue, and after that hearing, there was a straw vote by the people present, it was 25 to 5, not for this but for the alternative report. The town leaders wrote to the committee on Transportation, quote, 'from a perspective of both healthy living and economic development, considering the feasibility of constructing a trail along all portions of Mountain Division Rail Line has the necessary momentum it needs to move forward.' The leaders of Brownfield write, 'extending the Mountain Division Trail would allow our residents and taxpayers to enjoy more of our beautiful outdoors.' The people of Fryeburg write, 'locally we've been focusing on connectivity of recreational assets and businesses and this summer are going to be constructing a one-mile portion of sidewalk that will lead from the rail trail to our village area which houses local shops and restaurants. It is very exciting to think that this notion of connectivity can expand to other regions in our town, allowing for increased recreational and economic opportunities for all towns.' The folks of Gorham write, 'the work of the towns of Windham and Westbrook to expand the trail to the east is a critical link to reaching the Portland Trails Network and opening up this amazing trail connection to allow users eventually to travel from Portland all the way to Fryeburg.' The people of Standish write, 'while hiking and biking on trails has become wildly popular during the pandemic, the section of the trail between Standish and Windham has a longstanding history of offering an outstanding outdoor recreation destination for people of all ages.' Westbrook leaders write, 'having seen the benefits of the Mountain Division trail in surrounding municipalities, specifically next door in Windham, we're excited to be part of the efforts to help expand the trail and hopefully bring the same recreational benefits and opportunities to the residents of Westbrook and other communities along the corridor.' Leaders in Windham wrote, 'knowing the Rail Use Advisory Committee met throughout 2021 and 2022 to complete its report and made this recommendation based on their findings, we feel confident this is the most feasible way to accomplish this long-time goal of the Mountain Division Alliance.' And the town of Baldwin leaders write, 'the Baldwin select board supports implementation of the recommendations of the Mountain Division Rail Use Advisory Committee in its efforts to replace the existing railroad track with a paved pedestrian and bicycle path on the existing railbed, excluding motorized vehicles except for snowmobiles in the winter months within the parameters of L.D. 404.' This is the only option. Not this report, this report is a poison pill that will ensure that this asset will never in our lifetimes be used for productive

use by the people of this state, and I encourage you to vote down the pending motion so we can accept the Majority Report. Thank you, Mr. President.

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

Senator **DUSON:** Thank you, Mr. President. This needn't be a battle of the Hatfields and the McCoys. In this building, our best work is accomplished when we reach solutions that work for competing interests. This report accomplishes just that. It presents a compromise that supports a robust trail system while also preserving important rail infrastructure. I cannot imagine a place where I would justify ripping up existing infrastructure. Let me be clear, I love trails. In fact, in my district, Portland Trails is one of my favorite organizations. My little one and a half block dead-end street dead ends into the Portland trail system. I walk that trail all the time. I've been a steward for that trail. I have been part of the volunteer staff at the road races that raise funds for Portland trails. I have joined several trail building work crews and left a little Duson DNA along several trails in the city of Portland, because I'm not the safest of workers. There's a network of - and miles of trails in my community, and they're a vital, very important part of our city, and they can coexist with rail systems as envisioned by this amendment. We've heard from a proven rail system with experience restoring railways that they're interested in restoring this section of railway in question, but that's not what moves me to stand up in support of this Minority Report. I'm not standing here in support of any particular project, I stand here in support of maintaining infrastructure, already built infrastructure. So, competing interests, there's competing interest in the use of a public resource. We are asked to balance those interests. Rail and trail is the right answer for my district, and I believe it's the right answer for Maine, and I urge you to support the report moved by my colleague, the good Senator from Portland.

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

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

Senator **LIBBY:** Thank you, Mr. President. Men and women of the Senate, I am shocked - shocked at the cameras leaving this Body before we get into this debate. I want you to know, first of all, that either way that this goes, there will be a lot of happy people because eventually, there will be a trail. I believe that. So, just a couple of things in terms of like what you've heard today that I just want to clarify, and please understand, I'm an amateur historian, you know, I've written a couple of books, *The History and Politics of the University of Maine System* and *Buxton, a Postcard History*. I know my local history pretty well. And I appreciate the comments from the Senator from Oxford, Senator Bennett, but he was actually a little bit off on one thing. And that is that - and I don't think anybody in this room even knows that Dupont had a major plant on the Sebago Lake. So, I took my son to that location. That location, I live within a mile, that location is on Smith Mill Road, and the trail, first of all, is beautiful, it's a historic rail trail, it goes, as you've heard, all the way up to Fryeburg. And so, I took my son there and there is a -

there's a parking lot and there's a kiosk and there's information about the trail. This is during COVID, we walked the trail, I talked about the history of the Dupont plant, and I explained to my son that there - it's a beautiful spot and that rail used to go through here and the funniest thing happened. There was an individual, two people, that came with some small vehicle, and they set it on the rail and they went down the trail and I said, 'why are you guys doing this?' and they said, 'well, we're cutting back the branches and we're clearing the trail and make sure people can use it.' And I thought that was absolutely wonderful. And so, I went back this year to that same location and guess what I found? The Department of Transportation had put up no trespassing signs on the entire line, and it's been that way for over a year now, and it correlates with the vote that you're going to take today. And it's been very frustrating for me to try to get this information out because I know that there are great members of the Transportation Committee that have dedicated time, money, and effort to - and others in my district, too - to this RUAC process where they've come up with a decision. And so, don't get me wrong, I appreciate all of that. But to the original point, this rail line was actually an extremely successful rail line when Dupont was manufacturing a number of things - paint, or even gunpowder - putting it on the train and out it went to Portland and shipped off. They made a lot of money, and it was very successful. There were other points further up the line, going toward Fryeburg, where freight was carried. Now, it's not carried anymore, I realize, but through this entire last year where I've been involved with this debate, nobody even talked about the North Conway people coming to the DOT and saying we have a history of rehabbing trails and tracks, here is what we've done in these locations, and here's where we're interested in doing it on this trail. So, the rail beside trail with the fence would allow that to happen if the North Conway - and I've been on the North Conway Scenic Rail with my two kids. It's awesome. You go up through the mountains, it's an incredible view and all of that, but if they were to be interested in - it takes private investment here, but if they were interested in developing, bringing - it's a very slow line, it only comes a few times a day, but if they were interested in doing that, I'm not quite sure if I understand this right, but it sounds like the train only goes in one direction and all the money goes to North Conway. That is not correct. If it comes out to Standish, I invite you all to Eddy's Store, where the train - where the switching station was. He's just reopened it, one guy and his partner, and they are trying to make it. And we will - we will put on - if we get to that point where North Conway rail comes out to Standish and looks at our beautiful Sebago Lake - and by the way, the rail is right on the lake, you can see the whole thing - but we will welcome them and we will sell them products, and I guarantee you that right now that that will happen. Now, will there be, you know, cargo? I'm not putting my money on that, I don't know. But I love the history of the tracks. I can't imagine pulling up those rails. When I used - and so, probably for the last four years that I've been in Standish, I've regularly used the trails with my bicycle and walking. And so, it's the most lovely area you can imagine because there are still the granite posts and the markers and the rail and old buildings and stone bridges and all of that there for you to take in. It's a beautiful scene. And ripping up - I just can't imagine ripping up those tracks because they're part of that history and it adds so much and the historical significance of the trains, I mean, it's part of - it's part of us. And I think, I just, I hope that we'll recognize it. So, again, I just want to thank the people that have spoken already today who - in what looks like a

minority position who, you know, stuck their neck out and said you know, there's a greater good here, this is a tremendously valuable resource, and there's a historical significance here that we really need to think about. And I will leave you with this, given the new -- the relatively new information about the North Conway Scenic Rail being willing to come back and talk to the DOT, and I did pass that out because at the end of the letter, it talks about, you know, we'd be interested. Given that, can't we just wait? Because that trail has been the way it's at for the last four decades. Can't we just wait? And if nothing develops, you know, maybe we come back here and we talk about ripping up the rail. I wouldn't like to see that, but -- so, I would ask you to please follow my green light and accept this Minority Report. Thank you so much.

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

Senator **FARRIN:** Thank you, Mr. President. Ladies and gentlemen of the Senate, I rise in opposition to the pending motion. And one of the worst things I hate to hear politicians say is I have nothing more to add but, and that's what I think I'm going to do here just for a second. Because a lot has been said, but to my seatmate and chair of the Transportation Committee, this is one of the ones that we found ourselves on opposite sides of the discussion and what I found a little disappointing from my position was for those that were here in the 130th, we passed the legislation that created the RUAC. And part of that was we knew that we were not the professionals on the economic piece, the development piece, and the community input piece. And we passed that legislation as a Body so that the commissioner of the DOT, who has the resources to facilitate the local discussion, could hold the meetings, which they did in this case over a seven-month period. And they received a lot of input, and it wasn't a close vote, it was an 11 to one vote to support the development of this trail into existence without the rail. Even though, if you read the report, it still has - if it ever comes to fruition that it can be redeveloped back as a rail piece. And if you look at what comes from that, the town of Westbrook, Windham, Baldwin, Brownfield, Fryeburg, Standish, Hiram, Gorham, the Executive Director of the Southern Maine Planning and Development Commission, the acting director of the Maine Center for Disease Control, all spoke in favor of this bill. And I think that's something that we should take a look at as we say even though it is state-owned that we represent the people of the state of Maine, we heard from all those communities that came forward and offered that discussion for that piece. We also know how some of the things get played around here under the dome, and it was a straight mix-up on the fiscal note, and I just attended an informational meeting in Norridgewock last night, right, we just went through this from - or are going through this from Oakland to Emden, 32 miles, that Pan-Am owned that the state DOT bought, state ended up buying, we've got the rails up, and there's - torn up, and there's a lot of discussion about this, that it is a process and people get excited about this piece of it because it does bring those pieces out and go through it. And so, I just want, from the informational piece, I think what this Legislature did in the past with the RUAC process was the right thing to do because we tried to take the politics out of it and let the experts make recommendations to us, which they did in this case. And then, as a Body, to say well, we didn't like what they told us, we're going to turn it back into politics again, seems a little disingenuous to me. We had that process,

and we voted on it, and we passed it, and I think that's what we should follow going forward. Thank you, Mr. President.

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

Senator **LYFORD:** Thank you, Mr. President. Ladies and gentlemen of the Senate, I do appreciate Senator Libby's and Senator Farrin's comments. Do we all remember the words urban renewal? And yeah, it did some good, it took the Silver Dollar Bar out of downtown Bangor, but it also took the station out of downtown Bangor, the train station, and it was a huge mistake. And I think taking this rail would be a big mistake, also. Thank you.

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

Senator **LIBBY:** Yeah, I just wanted to make sure - Thank you, Mr. President - that I finished something I forgot to finish, and that is we were talking about Dupont and the use of the rail, and I didn't explain why it stopped. It stopped, that rail cargo, because Portland Water District bought them out. It was within about a mile and a half, two miles of the Portland Water District, and if you know Sebago Lake, they purchased a lot of the land around the district to try to keep the lake clean for a very wide variety of communities that use Portland Water District water. So, I just wanted to add that to the discussion because I had forgotten to do that. Thank you, Mr. President.

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

Senator **BENNETT:** Thank you, Mr. President. I want to rise to make a couple of points. There seems to be a little confusion about what we're actually doing here. This is a resolve brought to us under the Governor's authority by the Commissioner of Transportation, asking us to direct the DOT, get approval for their implementation of the Rail Use Advisory Council recommendation. There is nothing here that says - in fact, as Senator Farrin just recently said, this is a trail until rail usage which is in law. There is nothing stopping the Commissioner from receiving bona fide ideas even if we pass the other report here - from receiving bona fide ideas and deciding that the alternative usage is appropriate. There's nothing in our action if we accept the other report that would prohibit him from doing that. So, if people believe that there's actually a real proposal from North Conway Scenic Railway or anybody else - and I disagree with the Senator from Cumberland, Senator Libby on this - I was there at the RUAC meetings, I was there at the Transportation Committee meetings, and they were given a chance to speak, to make their proposals, and they were answering questions about funding and they said they weren't going to be providing the funding, they wanted us to provide the funding because we own the railroad. I also have to just address something else. The idea of why rip up the tracks? The tracks have to be removed. They are completely unusable. If you just walk along the section there, even in the places where there's - the DOT's put some money in, there's been a lot of erosion underneath certain sections of the trail next to the rail and it's a problem. But uniquely, along the 31-mile section between Standish and the town line between Brownfield and Fryeburg, there are some extraordinary geologic and

geographic features which make it impossible without the use of eminent domain to acquire from people who may not want to sell it, land near the rail to build a trail. In fact, the trail - one of the reasons that this is such an attractive application of use is this is some of the most beautiful scenery in Western Maine that this goes through. In fact, there are causeways across lakes that are just wide enough for the rail. What are we going to do? Build a new causeway next door to that? Widen out the causeway? The environmental cost, the eminent domain issues are staggering. It crosses the Saco River on a railroad trestle. We're going to have to build a new bridge across the Saco River because there's a trail - because we need to put a trail because we don't want to use a rotting railroad. There - it crosses the Brownfield Bog, again, on elevated causeways across this beautiful feature. I recommend to you all you go canoe in the Brownfield Bog. But these are staggering impediments to doing anything with this asset, and this is why I say the Minority Report before us is a poison pill. It will be generations, it will be hundreds of millions of dollars, in my opinion, to do this, and people are going to be scratching their head if we do this, they're going to say so you mean to tell me that we had a perfectly serviceable railway bed here with rotting railroad lines and rotting ties and you folks in the Legislature thought it made more sense to build a new bunch of causeways, go buy some more land from people who may not want to sell it, and build a new line right next to it because you had such a fanciful notion that we should never rip up a rail. Mr. President, again, I implore you to vote against the pending motion. Thank you.

THE PRESIDENT: The pending question before the Senate is Acceptance of the Minority Ought to Pass as Amended by Committee Amendment "B" (S-347) Report. A roll call has been ordered. Is the Senate ready for the question?

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#415)

YEAS: Senators: BALDACCI, BEEBE-CENTER, CHIPMAN, DUSON, GUERIN, LAWRENCE, LIBBY

NAYS: Senators: BAILEY, BENNETT, BLACK, BRAKEY, BRENNER, CARNEY, CURRY, DAUGHTRY, FARRIN, GROHOSKI, HARRINGTON, HICKMAN, INGWERSEN, LAFOUNTAIN, LYFORD, MOORE, NANGLE, PIERCE, POULIOT, RAFFERTY, RENY, ROTUNDO, STEWART, TIMBERLAKE, TIPPING, VITELLI, PRESIDENT JACKSON

EXCUSED: Senator: KEIM

7 Senators having voted in the affirmative and 27 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" (S-347) Report FAILED.**

The Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (S-346) Report ACCEPTED.**

Bill **READ ONCE**.

Committee Amendment "A" (S-346) **READ** and **ADOPTED**.

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-346)**.

Sent down for concurrence.

Divided Report

The Majority of the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** on Bill "An Act to Clarify the Criminal Statutes with Regard to Assaults on Emergency Medical Services Persons"

S.P. 453 L.D. 1119

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-360)**.

Signed:

Senators:

HARRINGTON of York
LaFOUNTAIN of Kennebec

Representatives:

SALISBURY of Westbrook
ARDELL of Monticello
MADIGAN of Waterville
NEWMAN of Belgrade
NUTTING of Oakland
PERKINS of Dover-Foxcroft

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "B" (S-361)**.

Signed:

Senator:

BEEBE-CENTER of Knox

Representatives:

HASENFUS of Readfield
LOOKNER of Portland
MILLIKEN of Blue Hill

Reports **READ**.

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

Divided Report

The Majority of the Committee on **ENERGY, UTILITIES AND TECHNOLOGY** on Bill "An Act Relating to Energy Storage and the State's Energy Goals"

S.P. 751 L.D. 1850

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-369)**.

Signed:

Senators:

LAWRENCE of York
GROHOSKI of Hancock

Representatives:

ZEIGLER of Montville
BOYLE of Gorham
GEIGER of Rockland
KESSLER of South Portland
RUNTE of York
WARREN of Scarborough

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

Signed:

Senator:

HARRINGTON of York

Representatives:

BABIN of Fort Fairfield
DUNPHY of Embden
FOSTER of Dexter
PAUL of Winterport

Reports **READ**.

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

Divided Report

The Majority of the Committee on **VETERANS AND LEGAL AFFAIRS** on Bill "An Act to Clarify the Requirements for Off-premises Sales by Cannabis Store Licensees" (EMERGENCY)
S.P. 102 L.D. 202

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-384)**.

Signed:

Senators:

HICKMAN of Kennebec
BRENNER of Cumberland

Representatives:

SUPICA of Bangor
BOYER of Poland
COLLINGS of Portland
MALON of Biddeford
RIELLY of Westbrook

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

Signed:

Senator:

TIMBERLAKE of Androscoggin

Representatives:

ANDREWS of Paris
HYMES of Waldo
MONTELL of Gardiner
RISEMAN of Harrison
RUDNICKI of Fairfield

Reports **READ**.

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

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

ORDERS OF THE DAY

Unfinished Business

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

The Chair laid before the Senate the following Tabled and Later Assigned (6/20/23) matter:

SENATE REPORTS - from the Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act to Clarify Licensing Jurisdiction for Manufactured Housing Communities"
S.P. 741 L.D. 1825

Majority - **Ought Not to Pass** (8 members)

Minority - **Ought to Pass** (3 members)

Tabled - June 20, 2023 by Senator **STEWART** of Aroostook

Pending - motion by Senator **NANGLE** of Cumberland to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report

(In Senate, June 20, 2023, Reports **READ**.)

Senator **BENNETT** of Oxford requested a Division.

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

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

Senator **BENNETT:** Thank you, Mr. President. I rise as a co-sponsor of this measure, as you know, Mr. President, you being the primary sponsor. The measure before you is a little arcane, but the reality is that manufactured housing is regulated by - principally by the federal government in terms of the building code. Having worked for a manufacturer, one of several that used to exist in Maine, the way that it works is that the building inspection process actually occurs during construction at the plant. And the federal government has a licensing regime where the inspector visits the plant regularly, sometimes every day, checks each stage a manufactured home is being made, and then issues a building permit, effectively, under the HUD code for these buildings. What's happened is that some of the towns have decided that they have jurisdiction over something they don't have jurisdiction over. And so, the bill before you simply says that you don't have - if you're a town, you have the right and indeed the responsibility to do oversight over parts of the manufactured housing community that don't relate to the parts that are governed by other authorities. The State here has the authority over the communities themselves through the manufactured housing regulatory structure, the federal government has the authority over the building permits for the buildings, and the town's only area of responsibility relates to the hookups between the ground and the buildings. There are some communities, some municipalities, that have decided that they're going to charge money for services that they are not rendering, and they cannot render under law. And so, this bill that the President of the Senate has put in which I'm co-sponsoring is designed to just tackle that problem. In an age when we're trying to solve housing problems, we should remove all barriers and all unnecessary expenses. This is in the great scheme of things not huge, but it is real. And so, I encourage you to reject the Majority Ought Not to Pass Report.

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

Senator **POULIOT:** Bipartisanship, Mr. President, we can definitely do it. It's not dead. This bill is good evidence of that. You put this bill forward, I think that this bill, if we vote against the pending motion and pass the underlying measure, would help to reduce the cost of housing - in a small way, granted, but it all adds up - and reduces regulation, helps us get more roofs over peoples' heads. Good work, Mr. President. I hope that all will vote against the pending motion and support this legislation. Thank you.

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#416)

YEAS: Senators: BAILEY, BEEBE-CENTER, CARNEY, CHIPMAN, DUSON

NAYS: Senators: BALDACCI, BENNETT, BLACK, BRAKEY, BRENNER, CURRY, DAUGHTRY, FARRIN, GROHOSKI, GUERIN, HARRINGTON, HICKMAN, INGWERSEN, LAFOUNTAIN, LAWRENCE, LIBBY, LYFORD, MOORE, NANGLE, PIERCE, POULIOT, RAFFERTY, RENY, ROTUNDO, STEWART, TIMBERLAKE, TIPPING, VITELLI, PRESIDENT JACKSON

EXCUSED: Senator: KEIM

5 Senators having voted in the affirmative and 29 Senators having voted in the negative, with 1 Senator being excused, the motion by Senator **NANGLE** of Cumberland to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report **FAILED**.

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

Under suspension of the Rules, **READ TWICE** and **PASSED TO BE ENGROSSED**.

Sent down for concurrence.

The Chair laid before the Senate the following Tabled and Later Assigned (6/20/23) matter:

SENATE REPORTS - from the Committee on **ENERGY, UTILITIES AND TECHNOLOGY** on Bill "An Act Regarding Future Energy Procurements for Renewable Energy Development in Northern Maine"

S.P. 792 L.D. 1943

Majority - **Ought to Pass as Amended by Committee Amendment "A" (S-359)** (9 members)

Minority - **Ought Not to Pass** (4 members)

Tabled - June 20, 2023 by Senator **LAWRENCE** of York

Pending - motion by same Senator to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report

(In Senate, June 20, 2023, Reports **READ**.)

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

Bill **READ ONCE**.

Committee Amendment "A" (S-359) **READ**.

On motion by Senator **LAWRENCE** of York, Senate Amendment "A" (S-390) to Committee Amendment "A" (S-359) **READ** and **ADOPTED**.

Committee Amendment "A" (S-359) as Amended by Senate Amendment "A" (S-390) thereto, **ADOPTED**.

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-359) AS AMENDED BY SENATE AMENDMENT "A" (S-390)** thereto.

Sent down 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 **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act to Enact the Curriculum Transparency Act"

H.P. 714 L.D. 1129

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

Signed:

Senators:
RAFFERTY of York
PIERCE of Cumberland

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

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

Signed:

Senator:
LIBBY of Cumberland

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

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

Reports **READ**.

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

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#417)

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

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

EXCUSED: Senator: KEIM

22 Senators having voted in the affirmative and 12 Senators having voted in the negative, with 1 Senator being excused, the motion by Senator **RAFFERTY** of York to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report, in concurrence, **PREVAILED**.

Divided Report

The Majority of the Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act to Require School Identification Cards to Include the Telephone Number of a Suicide Prevention Hotline" H.P. 811 L.D. 1263

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

Signed:

Senators:
RAFFERTY of York
LIBBY of Cumberland
PIERCE of Cumberland

Representatives:
BRENNAN of Portland
BAGSHAW of Windham
DODGE of Belfast
LYMAN of Livermore Falls
MILLETT of Cape Elizabeth
MURPHY of Scarborough

SAMPSON of Alfred
SARGENT of York
WORTH of Ellsworth

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

Signed:

Representative:
POLEWARCZYK of Wiscasset

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-645)**.

Reports **READ**.

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

Bill **READ ONCE**.

Committee Amendment "A" (H-645) **READ** and **ADOPTED**, in concurrence.

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

Divided Report

The Majority of the Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act to Provide Grants to Support Reading Proficiency Programming in Schools"

H.P. 981 L.D. 1526

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

Signed:

Senators:
RAFFERTY of York
LIBBY of Cumberland
PIERCE of Cumberland

Representatives:
BRENNAN of Portland
DODGE of Belfast
LYMAN of Livermore Falls
MILLETT of Cape Elizabeth
MURPHY of Scarborough
SAMPSON of Alfred
SARGENT of York
WORTH of Ellsworth

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

Signed:

SAMPSON of Alfred

Representatives:

BAGSHAW of Windham
POLEWARCZYK of Wiscasset

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

Reports **READ**.

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

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

Reports **READ**.

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.

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

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

Bill **READ ONCE**.

Committee Amendment "A" (H-644) **READ** and **ADOPTED**, in concurrence.

The Doorkeepers secured the Chamber.

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

The Secretary opened the vote.

Divided Report

ROLL CALL (#418)

The Majority of the Committee on **EDUCATION AND CULTURAL AFFAIRS** on Resolve, Directing the Department of Education to Adopt Rules Prohibiting Teachers in Public Schools from Engaging in Political, Ideological and Religious Advocacy in the Classroom

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

H.P. 1034 L.D. 1589

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

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

EXCUSED: Senators: KEIM, ROTUNDO

Signed:

22 Senators having voted in the affirmative and 11 Senators having voted in the negative, with 2 Senators being excused, the motion by Senator **RAFFERTY** of York to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report, in concurrence, **PREVAILED**.

Senators:

RAFFERTY of York
LIBBY of Cumberland
PIERCE of Cumberland

Divided Report

Representatives:

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

The Majority of the Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act to Promote Educational Opportunity Through the Educational Choice Tax Credit Program, Eliminating Certain Restrictions on Charter Schools and Virtual Public Charter Schools, Allowing More Entities to Authorize Charter Schools and Clarifying Educational Policy on Immunization Requirements"

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (H-651)**.

H.P. 1120 L.D. 1741

Signed:

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

Representatives:

BAGSHAW of Windham
LYMAN of Livermore Falls
POLEWARCZYK of Wiscasset

Signed:

Senators:

RAFFERTY of York
PIERCE of Cumberland

Representatives:

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

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (H-643)**.

Signed:

Senator:

LIBBY of Cumberland

Representatives:

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

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

Reports **READ**.

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

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#419)

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

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

EXCUSED: Senators: KEIM

21 Senators having voted in the affirmative and 13 Senators having voted in the negative, with 1 Senator being excused, the motion by Senator **RAFFERTY** of York to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report, in concurrence, **PREVAILED**.

Divided Report

The Majority of the Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act to Reform the School Budget Referendum Process by Limiting the Circumstances in Which Referenda Occur"

H.P. 1127 L.D. 1748

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

Signed:

Senators:

RAFFERTY of York
LIBBY of Cumberland
PIERCE of Cumberland

Representatives:

BRENNAN of Portland
DODGE of Belfast
LYMAN of Livermore Falls
MILLETT of Cape Elizabeth
MURPHY of Scarborough
POLEWARCZYK of Wiscasset
SAMPSON of Alfred
SARGENT of York
WORTH of Ellsworth

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

Signed:

Representative:

BAGSHAW of Windham

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

Reports **READ**.

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

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#420)

YEAS: Senators: CHIPMAN, DAUGHTRY, HICKMAN, INGWERSEN, LAFOUNTAIN, LAWRENCE, LIBBY, NANGLE, PIERCE, RAFFERTY, VITELLI, PRESIDENT JACKSON

NAYS: Senators: BAILEY, BALDACCI, BEEBE-CENTER, BENNETT, BLACK, BRAKEY, BRENNER, CARNEY, CURRY, DUSON, FARRIN, GROHOSKI, GUERIN, HARRINGTON, LYFORD, MOORE, POULIOT, RENY, ROTUNDO, STEWART, TIMBERLAKE, TIPPING

EXCUSED: Senator: KEIM

12 Senators having voted in the affirmative and 22 Senators having voted in the negative, with 1 Senator being excused, the motion by Senator **RAFFERTY** of York to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report, in concurrence, **FAILED**.

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

Sent down for concurrence.

Divided Report

The Majority of the Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act to Create the Educational Opportunity Account Program"

H.P. 1190 L.D. 1860

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

Signed:

Senators:

RAFFERTY of York
LIBBY of Cumberland
PIERCE of Cumberland

Representatives:

BRENNAN of Portland
DODGE of Belfast
LYMAN of Livermore Falls
MILLETT of Cape Elizabeth
MURPHY of Scarborough
POLEWARCZYK of Wiscasset
SAMPSON of Alfred
SARGENT of York
WORTH of Ellsworth

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (H-642)**.

Signed:

Representative:

BAGSHAW of Windham

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

Reports **READ**.

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

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

Senator **POULIOT:** Thank you, Mr. President. I'd like to request a Roll Call. I know we didn't discuss that in caucus, but I would. And the other thing, I had a constituent reach out to me last week who was like 'hey, this house is perfect for me, I'd like to move there,' and I'm like 'unfortunately, you can't move there because your kids would have to switch schools,' and they want to be able to keep them in the same school, but they can't unless they get a superintendent agreement. So, I mean, I feel like anything that we can ever do to help our constituents have more access to opportunities with education, the better, and I would ask that folks would vote against the pending motion. 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 (#421)

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

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

EXCUSED: Senator: KEIM

21 Senators having voted in the affirmative and 13 Senators having voted in the negative, with 1 Senator being excused, the motion by Senator **RAFFERTY** of York to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report, in concurrence, **PREVAILED**.

Divided Report

The Majority of the Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act to Provide Funding for the Supplemental Nutrition Assistance Program to Temporarily Restore Benefits Being Reduced by the Federal Government" (EMERGENCY)

H.P. 1029 L.D. 1584

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

Signed:

Senators:

BALDACCI of Penobscot
INGWERSEN of York
MOORE of Washington

Representatives:

MEYER of Eliot
CRAVEN of Lewiston
FREDERICKS of Sanford
GRAHAM of North Yarmouth
GRIFFIN of Levant
MADIGAN of Waterville
SHAGOURY of Hallowell
ZAGER of Portland

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

Signed:

Representatives:

JAVNER of Chester
LEMELIN of Chelsea

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

Reports **READ**.

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

Bill **READ ONCE**.

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

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

Divided Report

The Majority of the Committee on **TAXATION** on Bill "An Act to Increase Affordable Housing by Expanding Tax Increment Financing"

H.P. 948 L.D. 1493

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

Signed:

Senators:

GROHOSKI of Hancock
LIBBY of Cumberland

Representatives:

PERRY of Bangor
CROCKETT of Portland
HASENFUS of Readfield
MATLACK of St. George
RANA of Bangor

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

Signed:

Representatives:

CARMICHAEL of Greenbush
LAVIGNE of Berwick
QUINT of Hodgdon
RUDNICKI of Fairfield

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

Reports **READ**.

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

Bill **READ ONCE**.

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

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

Divided Report

The Majority of the Committee on **VETERANS AND LEGAL AFFAIRS** on Bill "An Act to Require Photograph Identification for Voting"

H.P. 879 L.D. 1365

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

Signed:

Senators:

HICKMAN of Kennebec
BRENNER of Cumberland

Representatives:

SUPICA of Bangor
COLLINGS of Portland
MALON of Biddeford
MONTELL of Gardiner
RIELLY of Westbrook
RISEMAN of Harrison

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (H-637)**.

Signed:

Senator:

TIMBERLAKE of Androscoggin

Representatives:

ANDREWS of Paris
BOYER of Poland
HYMES of Waldo
RUDNICKI of Fairfield

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

Reports **READ**.

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

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#422)

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

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

EXCUSED: Senator: KEIM

22 Senators having voted in the affirmative and 12 Senators having voted in the negative, with 1 Senator being excused, the motion by Senator **HICKMAN** of Kennebec to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report, in concurrence, **PREVAILED**.

Divided Report

The Majority of the Committee on **VETERANS AND LEGAL AFFAIRS** on Bill "An Act to Implement the Recommendations of the Governor's Advisory Council on Military Sexual Trauma" H.P. 1146 L.D. 1783

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-635)**.

Signed:

Senators:

HICKMAN of Kennebec
BRENNER of Cumberland

Representatives:

SUPICA of Bangor
BOYER of Poland
COLLINGS of Portland
MALON of Biddeford
MONTELL of Gardiner
RIELLY of Westbrook
RISEMAN of Harrison

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

Signed:

Senator:

TIMBERLAKE of Androscoggin

Representatives:

ANDREWS of Paris
HYMES of Waldo
RUDNICKI of Fairfield

Comes from the House with the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-635)**.

Reports **READ**.

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

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#423)

YEAS: Senators: BAILEY, BALDACCI, BEEBE-CENTER, BENNETT, BLACK, BRAKEY, BRENNER, CARNEY, CHIPMAN, CURRY, DAUGHTRY, DUSON, GROHOSKI, GUERIN, HARRINGTON, HICKMAN, INGWERSEN, LAFOUNTAIN, LAWRENCE, LIBBY, LYFORD, MOORE, NANGLE, PIERCE, RAFFERTY, RENY, ROTUNDO, STEWART, TIPPING, VITELLI, PRESIDENT JACKSON

NAYS: Senators: FARRIN, POULIOT, TIMBERLAKE

EXCUSED: Senator: KEIM

31 Senators having voted in the affirmative and 3 Senators having voted in the negative, with 1 Senator being excused, the motion by Senator **HICKMAN** of Kennebec to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report, in concurrence, **PREVAILED**.

Bill **READ ONCE**.

Committee Amendment "A" (H-635) **READ** and **ADOPTED**, in concurrence.

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

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

Senate at Ease.

The Senate was called to order by the President.

Off Record Remarks

RECESSED until 6:00 in the evening.

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

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

REPORTS OF COMMITTEES

Senate

Divided Report

The Majority of the Committee on **JUDICIARY** on Bill "An Act to Improve Maine's System for Protecting Sixth Amendment Rights" S.P. 236 L.D. 565

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-386)**.

Signed:

Senators:
CARNEY of Cumberland
BAILEY of York
BRAKEY of Androscoggin

Representatives:
MOONEN of Portland
KUHN of Falmouth
LEE of Auburn
MORIARTY of Cumberland
POIRIER of Skowhegan
RECKITT of South Portland
SHEEHAN of Biddeford

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

Signed:

Representatives:
ANDREWS of Paris
HAGGAN of Hampden
HENDERSON of Rumford

Reports **READ**.

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

Bill **READ ONCE**.

Committee Amendment "A" (S-386) **READ** and **ADOPTED**.

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

Sent down for concurrence.

Divided Report

The Majority of the Committee on **JUDICIARY** on Bill "An Act to Implement Certain Recommendations of the Commission to Examine Reestablishing Parole" S.P. 278 L.D. 720

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-388)**.

Signed:

Senators:

CARNEY of Cumberland
BAILEY of York
BRAKEY of Androscoggin

Representatives:

MOONEN of Portland
KUHNS of Falmouth
LEE of Auburn
MORIARTY of Cumberland
RECKITT of South Portland
SHEEHAN of Biddeford

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

Signed:

Representatives:

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

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

Reports **READ**.

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

Bill **READ ONCE**.

Committee Amendment "A" (S-388) **READ** and **ADOPTED**.

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

Sent down for concurrence.

Divided Report

The Majority of the Committee on **JUDICIARY** on RESOLUTION, Proposing an Amendment to the Constitution of Maine to Empower the Legislature to Allow the Expungement or Sealing of Certain Criminal Records

S.P. 297 L.D. 739

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

Signed:

Senator:

CARNEY of Cumberland

Representatives:

MOONEN of Portland
ANDREWS of Paris
HAGGAN of Hampden
HENDERSON of Rumford
KUHNS of Falmouth
LEE of Auburn
MORIARTY of Cumberland
POIRIER of Skowhegan
SHEEHAN of Biddeford

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (S-389)**.

Signed:

Senators:

BAILEY of York
BRAKEY of Androscoggin

Representative:

RECKITT of South Portland

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

Reports **READ**.

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

Sent down for concurrence.

Divided Report

The Majority of the Committee on **JUDICIARY** on Bill "An Act to Implement the Recommendations of the Committee To Ensure Constitutionally Adequate Contact with Counsel"

S.P. 635 L.D. 1603

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-387)**.

Signed:

Senators:

CARNEY of Cumberland
BAILEY of York
BRAKEY of Androscoggin

Representatives:

MOONEN of Portland
HENDERSON of Rumford
KUHNS of Falmouth
LEE of Auburn
MORIARTY of Cumberland
RECKITT of South Portland
SHEEHAN of Biddeford

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

Signed:

Representatives:

ANDREWS of Paris
HAGGAN of Hampden
POIRIER of Skowhegan

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

Reports **READ**.

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

Bill **READ ONCE**.

Committee Amendment "A" (S-387) **READ** and **ADOPTED**.

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

Sent down for concurrence.

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

REPORTS OF COMMITTEES

Senate

Ought to Pass As Amended

Senator BEEBE-CENTER for the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** on Bill "An Act Regarding the Commissioner of Corrections' Role in Death Benefit Determinations and Regarding Training for Corrections Officers" S.P. 34 L.D. 42

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-392)**.

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

Bill **READ ONCE**.

Committee Amendment "A" (S-392) **READ** and **ADOPTED**.

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

Sent down for concurrence.

Senator RAFFERTY for the Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act to Ensure Equity in Career and Technical Education Staffing Support Ratios Across Varied Regions of the State"

S.P. 791 L.D. 1942

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-393)**.

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

Bill **READ ONCE**.

Committee Amendment "A" (S-393) **READ** and **ADOPTED**.

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

Sent down for concurrence.

Senator HICKMAN for the Committee on **VETERANS AND LEGAL AFFAIRS** on RESOLUTION, Proposing an Amendment to the Constitution of Maine to Align the Proceedings for Circulating Written Petitions for People's Vetoes and Direct Initiatives with Federal Law

S.P. 597 L.D. 1477

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-394)**.

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

Resolution **READ ONCE**.

Committee Amendment "A" (S-394) **READ** and **ADOPTED**.

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

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

Senator **HICKMAN:** Thank you, Mr. President. Mr. President, I present Senate Amendment "A" with a filing number of S-408 to L.D. 1477 and move its adoption and wish to speak to my motion.

THE PRESIDENT: The Senator may proceed.

Senator **HICKMAN:** Well, thank you, Mr. President. I realize that what I would actually request is that the Senate Secretary read the language of the Senate Amendment so that the Senate knows why we are amending the question on the ballot. I don't have it in front of me, I lost the sheet.

At the request of Senator **HICKMAN** of Kennebec, Senate Amendment "A" (S-408) was **READ**.

On motion by Senator **HICKMAN** of Kennebec, Senate Amendment "A" (S-408) **ADOPTED**.

PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-394) AND SENATE AMENDMENT "A" (S-408).

Ordered sent down forthwith for concurrence.

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

REPORTS OF COMMITTEES

Senate

Divided Report

The Majority of the Committee on **TAXATION** on Bill "An Act to Provide Equitable Tax Treatment to State-licensed Cannabis Businesses"

S.P. 432 L.D. 1063

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-400).**

Signed:

Senators:

GROHOSKI of Hancock
CHIPMAN of Cumberland

Representatives:

PERRY of Bangor
CROCKETT of Portland
HASENFUS of Readfield
MATLACK of St. George
RANA of Bangor
RUDNICKI of Fairfield

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

Signed:

Senator:

LIBBY of Cumberland

Representatives:

CARMICHAEL of Greenbush
LAVIGNE of Berwick
QUINT of Hodgdon

Reports **READ.**

Senator **GROHOSKI** of Hancock moved the Senate **ACCEPT** the Majority **UGHT TO PASS AS AMENDED** Report.

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#424)

YEAS: Senators: BAILEY, BALDACCI, BEEBE-CENTER, BENNETT, BLACK, BRAKEY, BRENNER, CARNEY, CHIPMAN, CURRY, DAUGHTRY, DUSON, GROHOSKI, HARRINGTON, HICKMAN, INGWERSEN, LAFOUNTAIN, LAWRENCE, MOORE, PIERCE, POULIOT, RAFFERTY, RENY, ROTUNDO, STEWART, TIMBERLAKE, TIPPING, VITELLI, PRESIDENT JACKSON

NAYS: Senators: FARRIN, GUERIN, LIBBY, LYFORD, NANGLE

EXCUSED: Senator: KEIM

29 Senators having voted in the affirmative and 5 Senators having voted in the negative, with 1 Senator being excused, the motion by Senator **GROHOSKI** of Hancock to **ACCEPT** the Majority **UGHT TO PASS AS AMENDED** Report **PREVAILED.**

Bill **READ ONCE.**

Committee Amendment "A" (S-400) **READ** and **ADOPTED.**

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

Sent down for concurrence.

Divided Report

The Majority of the Committee on **TAXATION** on Bill "An Act to Promote Fairness in the Taxation of Adult Use Cannabis by Basing the Excise Tax on the Tier of a Cultivation Facility"
S.P. 549 L.D. 1384

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-402).**

Signed:

Senators:

GROHOSKI of Hancock
CHIPMAN of Cumberland

Representatives:

PERRY of Bangor
CROCKETT of Portland
HASENFUS of Readfield
LAVIGNE of Berwick
MATLACK of St. George
QUINT of Hodgdon
RANA of Bangor
RUDNICKI of Fairfield

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

Signed:

Senator:
LIBBY of Cumberland

Representative:
CARMICHAEL of Greenbush

Reports **READ**.

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

Bill **READ ONCE**.

Committee Amendment "A" (S-402) **READ** and **ADOPTED**.

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

Sent down for concurrence.

Divided Report

The Majority of the Committee on **TAXATION** on Bill "An Act to Promote Biomanufacturing and Biotechnology Development by Establishing a Tax Credit"

S.P. 595 L.D. 1475

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-401)**.

Signed:

Senators:
GROHOSKI of Hancock
CHIPMAN of Cumberland
LIBBY of Cumberland

Representatives:
PERRY of Bangor
CARMICHAEL of Greenbush
CROCKETT of Portland
HASENFUS of Readfield
LAVIGNE of Berwick
MATLACK of St. George
RANA of Bangor

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

Signed:

Representatives:
LIBBY of Auburn
QUINT of Hodgdon
RUDNICKI of Fairfield

Reports **READ**.

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

Bill **READ ONCE**.

Committee Amendment "A" (S-401) **READ** and **ADOPTED**.

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

Sent down for concurrence.

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

REPORTS OF COMMITTEES

House

Ought to Pass As Amended

The Committee on **JUDICIARY** on Bill "An Act Regarding In-court Appearance Requirements for Persons Authorized to Serve Eviction Notices and the Process for Serving a Writ of Possession"

H.P. 221 L.D. 347

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-657)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-657)**.

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

Bill **READ ONCE**.

Committee Amendment "A" (H-657) **READ** and **ADOPTED**, in concurrence.

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

The Committee on **VETERANS AND LEGAL AFFAIRS** on Bill "An Act to Update the Gambling Laws to Allow Once-annual Casino Nights for Charitable Purposes or Registered Political Committees"

H.P. 683 L.D. 1088

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-648)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-648)**.

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

Bill **READ ONCE**.

Committee Amendment "A" (H-648) **READ** and **ADOPTED**, in concurrence.

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

Senate

Ought to Pass As Amended

Senator **NANGLE** for the Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act Regarding Private Roads" S.P. 215 L.D. 461

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-399)**.

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

Bill **READ ONCE**.

Committee Amendment "A" (S-399) **READ** and **ADOPTED**.

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

Sent down for concurrence.

All matters thus acted upon were 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 **JUDICIARY** on Bill "An Act to Restore Access to Federal Laws Beneficial to the Wabanaki Nations"

H.P. 1284 L.D. 2004

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-658)**.

Signed:

Senators:

CARNEY of Cumberland
BAILEY of York

Representatives:

MOONEN of Portland
ANDREWS of Paris
KUHN of Falmouth
LEE of Auburn
MORIARTY of Cumberland
RECKITT of South Portland
SHEEHAN of Biddeford

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

Signed:

Senator:

BRAKEY of Androscoggin

Representatives:

HAGGAN of Hampden
HENDERSON of Rumford
POIRIER of Skowhegan

(Representative DANA 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-658)**.

Reports **READ**.

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

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

Senator **BAILEY:** Thank you, Mr. President. Women and men of the Senate, I rise in support of L.D. 2004, An Act to Restore Access to Federal Laws Beneficial to the Wabanaki Nations. The four Wabanaki Nations in Maine are subject to settlement acts that were negotiated and enacted in 1979/1980. The settlement acts were needed because two of those tribes, the Penobscot and the Passamaquoddy, were winning lawsuits, saying that their aboriginal lands were wrongfully taken from them, about 12 million acres of land in this state. The tribes agreed to settle their land claims. In exchange for giving up their rights to the 12 million acres, they received the opportunity to repurchase approximately 300,000 acres of land from funds given to them by the federal government. They couldn't purchase just any lands, but had to choose from specific lands that historical logging companies were willing to sell them. In addition, the State of Maine was able to negotiate a jurisdictional paradigm into the

settlement act that said that no federal laws passed before 1980 for the benefit of Indians would apply in Maine. The Penobscot Nation and the Passamaquoddy tribes agreed to this, even though the Federal Department of the Interior opposed the language as being too vague and ambiguous. As the federal legislation ratifying the settlement moved through Congress, a last-minute provision was added that said that moving forward, after 1980, no federal laws enacted for the benefit of Indians would apply in Maine if such law, quote, affected or preempted, closed quote, the laws of Maine. Again, the Federal Department of the Interior opposed this language, as did pro-Tribal members of Congress, and there is no evidence indicating whether the Tribes approved it or were even aware of it when the language was added. Suffolk University researched the matter in 2017 and found no evidence of the Tribes approving language that would prevent their ability to access federal laws beneficial to Indians after 1980. L.D. 2004 is about the Wabanaki Nations being able to access federal laws specifically enacted to benefit Indians and Tribes throughout the country. It is not about anything else. Since 1980, each of the Wabanaki Nations has operated under a system of uncertainty and vagueness as to which federal laws they can access. The Chief Executive and the Attorney General's office had the authority and ability to say any federal ability, quote, 'affected or preempted,' closed quotes, state jurisdiction, and when they said so, the federal agencies in charge of implementing the federal law would tell the Wabanaki Nations that their hands were tied. There is no definition for affect or preempt in the settlement act. There is no notice provided to the Wabanaki Nations when the Chief Executive or the Attorney General's office objects to a federal beneficial act, and there is no standard for whether the objection is reasonable or not. The result is that the Wabanaki Nations operate in an environment of not knowing when the State will object to a federal law, what laws they object to and on what basis, and not having any ability to challenge that objection. This paradigm has meant that the Wabanaki Nations cannot access direct federal assistance from the Federal Emergency Management Agency when the Tribe encounter disasters such as ice storms, nor are the Tribes able to recruit medical professionals that work in other parts of Indian country outside of Maine, and the Tribes were not able to exercise criminal jurisdiction over domestic violence crimes occurring on their lands when Congress restored to every other tribe in the country in 2013. Lastly, the Tribes are not able to access federal programs providing funding and resources for managing waters and wildlife on tribal lands that also go into non-tribal jurisdictions such as rivers. The Chief Executive and Attorney General's office will tell you that they are now willing to work with the Wabanaki Nations on these issues, but they are willing to do so only after objecting to the applicability of these federal laws almost a decade ago, meaning that they are only willing to work with the Wabanaki Nations because the Legislature is finally considering legislation to address this matter. It's too little, too late. In 2019, the Legislature established a taskforce to look at these issues. I had the honor and privilege of co-chairing that task force along with the Honorable Michael Carpenter. One of the recommendations from that task force was to enact a piece of legislation like L.D. 2004, and the vote on that recommendation was nine to zero, with one member being absent. The Chief Executive and Attorney General were aware of that recommendation. They both had representatives on the taskforce and participated in the taskforce meeting. Legislation to address the issue has been introduced in the past two

legislatures and representatives from the Chief Executive and Attorney General have testified on each piece of legislation. In the 130th Legislature, legislation passed the House and Senate before dying on the Appropriations Table after the Chief Executive indicated she would veto it. Representatives Jared Golden and Chellie Pingree worked to get similar legislation passed by the U.S. House of Representatives twice last year, but it died in the Senate after one of our Senators objected to it. The Chief Executive and Attorney General were aware of and involved in each of these efforts. We heard in the Judiciary Committee from them that the language of L.D. 2004 is vague, but they offered nothing to improve or clarify the language. They said this Legislature does not have the authority to enact L.D. 2004, but that is nonsensical, as this Legislature has the full authority to indicate when it believes a federal law affects or preempts its jurisdiction. Opponents to L.D. 2004 say it will lead to more litigation, but there has been plenty of litigation already from the 1980 Settlement Act, and L.D. 2004 contains a provision repealing the entire law if a court finds any portion of it to be invalid. The forest products industry opposes L.D. 2004, but they will not provide any clear examples of how this legislation will impact the industry, nor will they offer up language to address their concern. The Tribes on their own accord added language to L.D. 2004 indicating that they cannot access certain federal environmental laws beyond their tribal lands, seeking to address the possible concerns of the forest products industry. The Chief Executive will tell you that they are fine with almost all of the federal beneficial laws for Indians applying to the Wabanaki Nations, but they are unwilling to set any parameters or guideposts around their ability to object when a federal law affects or preempts state jurisdiction. It is time to modernize the Settlement Acts of 1980. Forty-three years of hindsight have shown that the Settlement Acts regime is harmful to the Wabanaki Nations and their surrounding rural communities. There has been no meaningful explanation for continuing the State's ability to object to the application of federal beneficial laws without justification or parameters. The Wabanaki Nations are citizens of this state. They are not our enemies. They are meaningful contributors to the regional economies and have the ability to bring significant federal resources to their land and government, and they aren't going anywhere. We should embrace them as the governments that they are and remove the paternalistic restrictions put in place in the 1980 Settlement Acts. It's time to move forward and make some progress. I ask you to join me in voting for L.D. 2004. Thank you, Mr. President.

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 Androscoggin, Senator Brakey.

Senator **BRAKEY:** Thank you, Mr. President. I really regret to rise today in opposition to the pending motion. I'm actually the - I'm actually the lead Senate sponsor on the bill, and I greatly appreciate the speaker and all the members of the committee and the Tribes working with us in good faith to try to get to something we can feel comfortable about as a finished product before the end of the legislative session. But the fact of the matter is that the first public hearing on this was about just over 20 days ago, about three weeks ago. We are at the end of the session, and it's been

- it's felt like at very least a very rushed process with the nature of everything going through this Body and it coming at the very tail end. And I think it's been hard for some of us on the committee who perhaps have not been dealing with these issues as long as my good colleague, Senator Bailey, has, to really wrap our heads around the full implications of this. And at the end of the day, we don't get to vote maybe on a piece of legislation, we have to vote yes or no when it comes before us. I think there were some significant concerns raised about just not fully understanding even all the federal laws that have been passed since the 1980 settlement, which ones we're talking about, which ones have - are we - have benefits been lost, which ones can benefit still be gained, there's just a lot of lack of clarity about what exactly the consequences are if we pass this right now. And all I can say is that I'm very proud of the work we've done in a bipartisan fashion on the Judiciary Committee. You know, we have a unanimous report on a bill to establish the Maine Indian Child Welfare Act, a bill by Senator Bailey, which is a great piece of legislation. We have a bill that will be coming forward near-unanimous giving state recognition to the Mi'kmaq tribe. We're making advancements in tribal relations on the Judiciary Committee and in this Legislature. And it's my sincere hope that we will continue to make advancements. If we were not to pass this legislation, I want to assure this Body that we have vehicles available to us in the second session to continue this work, including the tribal sovereignty legislation that's been carried over, which I'm also proud to be a co-sponsor on, because I sincerely am at the table trying to work in good faith and seeing if we can develop an agreement that works for everyone, that works for the Tribes, that works for the Maine people, that works for the federal government. But there's a lot of history to wrap our heads around. I know I've been reading through the 1980 Land Claim Settlement Act in Congress and the Maine implementing act to try to understand a lot of the history here. I think there are legitimate questions about, you know, if we were to pass this, what - in some cases, some laws we've heard are not put into effect because yes, the State has objected on the grounds that it would preempt sovereignty. But we're also hearing that many federal laws don't apply, anyway, unless the federal government specifically puts the Maine tribes into these laws. There's just a lot of confusion about this, and what concerns me is that this is a bill that if we pass this, it's not like any other bill that we could pass in this legislature where if we realize that we didn't get something right and we made a mistake, we could come back in two years and we could change it. This isn't something we can change. Once it's passed, it's passed. Once the horses are - what's the old saying - the horses are out, you know, you can't close the barn door, right? We could pass this as a Legislature, but to change it, it would require the Legislature to make a change in agreement with all the tribes at the same time as well. And so, there's a certain permanency to this that I just want to urge that haste makes waste. And there's going to be a lot of work in the second session on tribal issues. I'm committed to it, I know I've been having talks with many of the tribal - the folks from the Tribes who have been working with us. I'm looking forward to over the off session traveling up, meeting with the Tribes, understanding some of the history more. I'm sincerely here, I want it to work in good faith, I think there's an interest from a lot of folks and all parties of this Legislature to try to get somewhere good. But there's just too many questions about what the actual consequences of this would be. I'll leave it there; I don't want to repeat myself. I'm going to be voting no today, and I hope that

we will all be in a place where in the second session, we'll have something we can all feel comfortable voting yes on next year. Thank you.

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

Senator **TIPPING:** Thank you, Mr. President. I just wanted to say that this is not just merely some high-minded idea or about legal minutiae or it's not even about just fairness and historical injustice, although it's also about all those things. This recognition will have real, tangible effects on the economic conditions and the safety of many people in my district. I am proud to represent many members of the Penobscot Nation where we're looking at 50% child poverty. I think we've all seen the photos of the yellow water that's contaminated coming out of the drinking water pipes at Sipayik. And this bill can help. The effects of it can help many of the people in my district and my county and our whole state. So, I just wanted to say I'm honored to stand with the Wabanaki peoples and vote in favor of this motion. Thank you all for your time.

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

Senator **BENNETT:** Thank you, Mr. President. Fellow members of the Senate, you know, in the conversations that have proliferated about this bill in recent days, every time it comes up, people generally say this is not about the past, this is about the future. And then, the conversation immediately reverts to the 1970s and what happened and how this group did this and this person argued that and - and I have to say this, in my view, is not about negotiating with the Tribes then, it's not about negotiating with the Tribes now. This is about how we, the representatives of the people of Maine, wish to conduct ourselves, wish to live with our neighbors. And friends, I have to say, we are all in this together. The Senator from Penobscot mentioned a 50%, or approaching 50%, child poverty rate. I'd like to share some statistics. In Maine right now we have a 4.1% unemployment rate. Among the tribes, the lowest rate is with the Penobscots at 5.7%, the highest rate is with the Passamaquoddies at Pleasant Point Sipayik of 8.7% - double the rest of the state. The child poverty rate in Maine is sadly at 15.1% overall, but it pales in comparison to that among the Tribes. The lowest rate is with the Passamaquoddies of Indian Township at 40.2%, and the highest rate is suffered among the Mi'kmaq at 76.9%. Per capita income in Maine overall is \$34,593. The highest among the Tribes is with the Penobscots at \$18,809, the lowest is with the Maliseet at \$11,320. As mentioned, this bill, although its current form has been with us shortly and I regret that as well, I think it deserves longer conversation, a little bit more time, but it's before us today and it did originate as one of the 22 consensus recommendations as the Senator from York stated, from the 2019 taskforce on changes to the Maine Indian Land Claims Settlement Implementing Act, it was a nine to zero report, as mentioned, and it was a report - a taskforce populated by leaders not only of the Tribes but across the spectrum in Maine government. As mentioned, the Wabanakis are unique among the 574 U.S. recognized tribes, that these federal laws enacted for the benefit of Indian tribes across the United States do not apply in Maine, and they are routinely denied grants that give them the ability to grow and prosper. Congressman Golden proposed similar

legislation to this in 2022, as many of you know, in the U.S. Congress, but was halted by Senator Angus King's concerns that the state needed to take action before the federal government could. And so, here we are today, with a chance with this bill to allow the Wabanakis to enjoy the same rights, privileges, powers, and immunities as every other federally recognized tribe in the United States. And people have asked the question well what specifically would they be able to benefit from? And I've heard some examples given, I heard it during the hearing which I attended before the Judiciary Committee, it was specific ideas, specific grants, specific applications that could've been made, could've been sought, that were lost because the time ran out. But let me give you a short list of some of the federal beneficial laws from which the Wabanaki tribes here in Maine are excluded. The American Indian Religious Freedom Act, the Tribal Law and Order Act, the Esther Martinez Native American Languages Preservation Act, the Stafford Act, the Indian Civil Rights Act, the Indian Self-Determination Act of 1988 and of 1994, the Native American Housing Assistance and Self-Determination Act, the Indian Healthcare Improvement Act, and provisions of the Affordable Care Act. That is a partial list. I think it's time that we the people of Maine, the representatives of the people of Maine, do this because it's the right thing for us as representatives of the people of Maine. And so, I ask you to vote for the Majority Report. Thank you.

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

Senator **CARNEY:** Thank you, Mr. President, and colleagues of the Senate. I can't outdo the fine words of other colleagues today in this Chamber, but I did want to express gratitude particularly to Senator Bailey, the Wabanaki Chiefs, and the Wabanaki attorneys for all of their hard work for six years on this very issue that we're going to be casting a vote on this evening. I want to comment a little bit on the committee process. I know it felt rushed to some and, honestly, to me, the whole session has felt rushed, but we had buckled our seatbelts and really done hard, thorough work on all of our bills, and that includes this one. And I know it was especially hard for those new to the Judiciary Committee, others have been working on these issues for four or six years. But I did want to note that three committee members who were brand new to the committee actually voted yes on the committee report. I also wanted to speak a little bit to the consequences, because I can understand members of this Body being concerned about that, and I want to offer some reassurance. So, during the process of finalizing the language on this bill, there was concern about some unanticipated consequences. And in each incidence, the decision that was made by the Chiefs of the Wabanaki Nations, the Tribal attorneys and the committee was to resolve those issues in favor of the State of Maine. And I'm just going to read you one small portion from this bill to give you an idea about how those concerns were addressed. So, this has to do with the Passamaquoddy Nation -- the Passamaquoddy Tribe, excuse me. I'm just going to read it, it says if the operation, application and implementation of any statute or regulation of the United States to the Passamaquoddy Tribe would result in the absence of any law or regulation applicable to the Passamaquoddy Tribe relating to a matter of public health or safety, including without limitation laws related to land use or environmental matters - and then this is the important part - the corresponding laws of the state with respect to that

health or safety matter must apply to the Passamaquoddy Tribe to fill any regulatory gap. And I hope that colleagues that reassures you about any concerns about unwarranted consequences because the decision that was made was to basically resolve those in favor of the State of Maine. And then I just want to conclude with an observation. I think many of us attended the State of the Tribes presentation in the House earlier this session, and I was struck and saddened by the statement of Chief Peter Paul from the Mi'kmaq nation. He described his nation as being in survival mode, and he said those words over and over again in his address to both Bodies. And I would just note that allowing the - all of the Wabanaki Nations in Maine to achieve the federal beneficial laws that have been denied to them since 1980 would help the Mi'kmaq nation and all of the other Wabanaki nations come out of survival mode and thrive and our state would thrive with them. Thank you.

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#425)

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

NAYS: Senators: BLACK, BRAKEY, FARRIN, GUERIN, LYFORD, POULIOT, STEWART, TIMBERLAKE

EXCUSED: Senator: KEIM

26 Senators having voted in the affirmative and 8 Senators having voted in the negative, with 1 Senator being excused, the motion by Senator **CARNEY** of Cumberland to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report, in concurrence, **PREVAILED**.

Bill READ ONCE.

Committee Amendment "A" (H-658) **READ** and **ADOPTED**, in concurrence.

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

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

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

REPORTS OF COMMITTEES

Senate

Divided Report

Ten members of the Committee on **JUDICIARY** on Resolve, to Allow Ronald Caron and Jennifer Berube to Sue the State
S.P. 675 L.D. 1688

Reported in Report "**A**" that the same **Ought Not to Pass**.

Signed:

Senators:

CARNEY of Cumberland
BAILEY of York

Representatives:

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

Two members of the same Committee on the same subject reported in Report "**B**" that the same **Ought to Pass as Amended by Committee Amendment "A" (S-403)**.

Signed:

Representatives:

ANDREWS of Paris
HAGGAN of Hampden

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" (S-404)**.

Signed:

Senator:

BRAKEY of Androscoggin

(Representative DANA of the Passamaquoddy Tribe - of the House - supports Report "**A**", **Ought Not To Pass**.)

Reports **READ**.

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

Sent down for 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:

Constitutional Amendment

RESOLUTION, Proposing an Amendment to the Constitution of Maine Establishing That All Maine Residents Have Equal Rights Under the Law

H.P. 908 L.D. 1412
(C "A" H-560)

Comes from the House, **FAILED FINAL PASSAGE**.

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

Constitutional Amendment

RESOLUTION, Proposing an Amendment to the Constitution of Maine to Allow Persons Under Guardianship for Mental Illness to Be Electors

S.P. 658 L.D. 1653
(C "A" S-366)

Comes from the House, **FAILED FINAL PASSAGE**.

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

Constitutional Amendment

RESOLUTION, Proposing an Amendment to the Constitution of Maine To Implement Ranked-choice Voting for Governor, State Senator and State Representative

S.P. 779 L.D. 1917
(C "A" S-367)

Comes from the House, **FAILED FINAL PASSAGE**.

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

Emergency Measure

An Act Regarding the Licensing of Persons to Conduct Advance Deposit Wagering

S.P. 289 L.D. 731
(C "A" S-381)

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

Emergency Measure

An Act to Clarify Requirements for Payment of Tuition for Children with Disabilities by the Department of Education's Child Development Services System

H.P. 834 L.D. 1309
(C "A" H-612)

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

Emergency Measure

An Act to Create the Guilford-Sangerville Utilities District

S.P. 679 L.D. 1692
(C "A" S-354)

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

Emergency Measure

An Act to Support Public Health by Clarifying Authorized Activities Regarding Drug Checking

H.P. 1124 L.D. 1745
(C "A" H-578)

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

Emergency Measure

An Act to Establish the Homeless Substance Use Disorder Service Program

H.P. 1144 L.D. 1781
(C "A" H-618)

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

Emergency Measure

An Act to Improve Election Laws and Notarial Laws
S.P. 809 L.D. 1980
(C "A" S-365)

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

Emergency Resolve

Resolve, Establishing the Commission to Study MaineCare Estate Recovery

H.P. 902 L.D. 1406
(C "A" H-589)

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

Emergency Resolve

Resolve, to Establish the Rural Health Services Task Force

S.P. 717 L.D. 1792
(C "A" S-364)

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

Emergency Resolve

Resolve, to Establish an Eviction Prevention Pilot Program

H.P. 992 L.D. 1540
(C "A" H-579)

Comes from the House, **FAILED FINAL PASSAGE**.

On motion by Senator **ROTUNDO** of Androscoggin, placed on the **SPECIAL APPROPRIATIONS TABLE** pending **FINAL PASSAGE**, in **NON-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:

Acts

An Act to Impede the Transfer of Firearms to Prohibited Persons
S.P. 14 L.D. 22
(C "B" S-258)

An Act to Authorize the Department of Health and Human Services to License and Ensure the Quality of Personal Care Agencies

H.P. 413 L.D. 636
(C "A" H-617)

An Act to Adopt the Audiology and Speech-Language Pathology Interstate Compact

S.P. 275 L.D. 717
(C "A" S-373)

An Act to Protect Certain Private Emergency Services Personnel from Liability Under the Maine Tort Claims Act

S.P. 342 L.D. 783
(C "A" S-350)

An Act to Require Reimbursement for Gender-affirming Care for MaineCare Members

H.P. 676 L.D. 1040

An Act to Allow Persons Who Lawfully Use or Possess Cannabis to Own or Possess Firearms or Ammunition

H.P. 698 L.D. 1103
(C "A" H-553)

An Act to Ensure Lower Costs and Consumer Protections for Patients by Prohibiting Certain Billing Practices

H.P. 701 L.D. 1105
(C "A" H-609)

An Act to Clarify Insurance in the Joint Use of Public Utility Equipment

S.P. 504 L.D. 1223
(C "A" S-348)

An Act to Clarify Immunity from Liability for Municipalities Engaged in Recycling Activities

H.P. 799 L.D. 1251
(H "A" H-591 to C "A" H-590)

An Act to Limit the Immunity of Charitable Organizations

S.P. 530 L.D. 1312
(C "A" S-349)

An Act to Amend the Physical Therapist Practice Laws

S.P. 571 L.D. 1453
(C "A" S-371)

An Act to Promote Economic Reuse of Contaminated Land Through Clean Energy Development

S.P. 622 L.D. 1591
(C "A" S-353)

An Act to Standardize Requirements Between Boards of Visitors for County Jails and Department of Corrections Correctional Facilities

S.P. 643 L.D. 1626
(C "A" S-344)

An Act to Update the Elevator and Tramway Safety Laws Regarding Construction Hoists

H.P. 1098 L.D. 1709
(C "A" H-593)

An Act to Update Electrical Education and Other Licensure Requirements for Electricians

H.P. 1102 L.D. 1713
(C "A" H-592)

An Act to Enact the Beneficial Electrification Policy Act

S.P. 688 L.D. 1724
(C "A" S-357)

An Act to Establish the Physical Therapy Licensure Compact

S.P. 694 L.D. 1749
(C "A" S-372)

An Act to Reduce Mercury in the Environment by Phasing Out Certain Fluorescent Light Bulbs

H.P. 1160 L.D. 1814
(H "B" H-608 to C "A" H-532)

An Act to Clarify the Review and Procurement Process for Nonwires Alternatives

S.P. 762 L.D. 1887
(C "A" S-351)

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

An Act to Reimburse Family Caregivers

H.P. 220 L.D. 346
(C "A" H-577)

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

An Act to Enhance Certain Penalties for Possession of Firearms by Prohibited Persons

S.P. 250 L.D. 582
(C "A" S-318)

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

An Act to Require the Transfer to the Highway Fund of 50 Percent of Sales Tax Collected from Automobile Dealers and Sales and Use Tax Collected from the Bureau of Motor Vehicles
H.P. 482 L.D. 713
(C "A" H-611)

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

An Act to Protect Workers from Employer Surveillance
H.P. 596 L.D. 949
(H "A" H-575 to C "A" H-173)

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

An Act to Assess an Impact Fee on Megayachts
H.P. 749 L.D. 1177
(C "A" H-472)

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

An Act to Improve the Health of Maine Residents by Closing Coverage Gaps in the MaineCare Program for Incarcerated Persons
H.P. 764 L.D. 1204
(C "A" H-614)

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

An Act to Create and Sustain Jobs and Affordable Housing Through the Development of Cooperatives and Employee-owned Businesses
S.P. 513 L.D. 1276
(C "A" S-370)

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

An Act to Examine the Need for Intensive Case Managers and Improve Consistency Among County Jails Regarding Prisoner Attendance at Funerals, Furloughs, Visitation, Education and Discretionary Accounts

H.P. 826 L.D. 1301
(C "A" H-551)

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

An Act to Expand Testing for Perfluoroalkyl and Polyfluoroalkyl Substances to Private Drinking Water Wells
H.P. 943 L.D. 1488
(C "A" H-583)

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

An Act to Increase the Transparency and Accountability of the Maine Information and Analysis Center
H.P. 947 L.D. 1492
(C "A" H-587)

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

An Act to Provide Financial Relief for Certain Volunteers Receiving Certain Education Benefits in Recognition of Their Volunteer Service
H.P. 1018 L.D. 1573
(C "A" H-584)

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

An Act to Modernize the State Supplement to Supplemental Security Income by Updating the State Supplement and Removing Marriage Disincentives

S.P. 671 L.D. 1666
(C "A" S-363)

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

An Act Regarding Driver's Licenses for Individuals in Foster Care
H.P. 1101 L.D. 1712
(C "A" H-619)

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

An Act to Create a Sustainable Funding Source for Recovery Community Centers Using a Percentage of the Adult Use Cannabis Tax Revenue

H.P. 1103 L.D. 1714
(C "A" H-620)

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

An Act Removing the Statute of Limitations on Civil Actions and Criminal Prosecutions for Certain Sexual Offenses Against Minors

S.P. 715 L.D. 1790
(C "A" S-342)

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

An Act to Include Certain Volunteer Firefighters in the Tax Credit for Employers of Individuals Who Are Volunteer Firefighters or Volunteer Municipal Emergency Medical Services Persons

S.P. 727 L.D. 1802
(C "A" S-356)

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

An Act to Support Emergency Housing Construction and Renovation Statewide by Creating a Matching Grant Program

H.P. 1176 L.D. 1844
(C "A" H-586)

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

An Act to Modernize Maine's Business Incentive Programs by Creating the Dirigo Business Incentives Program and Eliminating Certain Other Tax Incentive Programs

S.P. 780 L.D. 1918
(C "A" S-355)

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

An Act to Revise the Tax Laws Regarding the Mi'kmaq Nation

H.P. 1260 L.D. 1958
(C "A" H-610)

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

Resolves

Resolve, to Improve the Transition to Adult Services for Children with Intellectual Disabilities and Autism Spectrum Disorder

H.P. 702 L.D. 1106
(C "A" H-615)

Resolve, Directing the Department of Education to Submit a Report on Services Provided By the Child Development Services System and by School Administrative Units

H.P. 983 L.D. 1528
(C "A" H-594)

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

Resolve, to Develop a Home Share Pilot Program for Older Persons

H.P. 478 L.D. 709
(C "A" H-616)

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

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

PAPERS FROM THE HOUSE

Non-Concurrent Matter

Resolve, to Establish the Commission to Study the Constitution of Maine

S.P. 740 L.D. 1824
(C "A" S-305)

In Senate, June 20, 2023, the Minority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-305)**.

Comes from the House, the Majority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED**, in **NON-CONCURRENCE**.

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

Sent down 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 **CRIMINAL JUSTICE AND PUBLIC SAFETY** on Bill "An Act Regarding Community-based Services for Youth Involved in the Juvenile Justice System" H.P. 96 L.D. 155

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-622)**.

Signed:

Senators:

BEEBE-CENTER of Knox
LaFOUNTAIN of Kennebec

Representatives:

SALISBURY of Westbrook
HASENFUS of Readfield
LOOKNER of Portland
MILLIKEN of Blue Hill

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

Signed:

Representatives:

ARDELL of Monticello
NEWMAN of Belgrade
NUTTING of Oakland
PERKINS of Dover-Foxcroft

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-622)**.

Reports **READ**.

Senator **BEEBE-CENTER** of Knox moved the Senate **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report, in concurrence.

THE PRESIDENT: The Chair recognizes the Senator from Knox, Senator Beebe-Center.

Senator **BEEBE-CENTER:** Thank you, Mr. President. Over the past several years, Maine has been doing great work to reduce youth incarceration and support youth in our communities. L.D. 155 is a compromise bill that was worked on by legislators, Department of Corrections, and community advocates in order to continue that good work. L.D. 155 is the next step in these efforts. It helps ensure the communities have the resources they need to support youth and address behaviors that could lead to juvenile justice involvement and supports cross-system collaboration to ensure the most comprehensive and appropriate responses to youth. It also continues Maine's journey towards smaller secure facilities for youth and sets out requirements for DOC's publication of data on youth in their custody. L.D. 155 is an important companion to other bills being considered by the Legislature and proposed budgetary investments to increase youth and family resources in areas including behavioral health, housing, and wraparound services. This bill promotes cross-system collaboration on behalf of youth involved with the juvenile justice system by creating a working group within the Maine Children's Cabinet on these issues. It also creates a grant program that will support communities to conduct needs assessment and determine which programs and services are needed in their areas and that will support youth. This will help towns that are struggling to respond to the disruptive behavior by youth, prevent young people from experiencing incarceration as a result of a lack of adequate community-based supports, and will benefit the larger community. It also directs the DOC to develop a public dashboard to share specific data on juvenile corrections. This information, which is similar to what is already collected and shared for the adult population, will allow stakeholders to see where we are making progress and where work is still needed to meet our goals of avoiding unnecessary incarceration. It also makes the current requirement for a DOC juvenile service annual report which is currently set to end in 2025, makes it permanent. It also requires DOC to update the criminal justice committee on DOC's progress in developing smaller, secure facilities in order to reduce the use of Long Creek. So, I hope you'll consider voting yes on this. Thank you.

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

Bill **READ ONCE**.

Committee Amendment "A" (H-622) **READ** and **ADOPTED**, in concurrence.

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

Divided Report

The Majority of the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** on Bill "An Act Regarding Restitution by Persons Convicted of Trafficking in Illegal Drugs" H.P. 615 L.D. 968

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

Signed:

Senators:

BEEBE-CENTER of Knox
LaFOUNTAIN of Kennebec

Representatives:

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

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

Signed:

Representatives:

ARDELL of Monticello
LAJOIE of Lewiston
NEWMAN of Belgrade
NUTTING of Oakland
PERKINS of Dover-Foxcroft

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

Reports **READ**.

On motion by Senator **BEEBE-CENTER** of Knox, the Majority **OUGHT NOT TO PASS** Report **ACCEPTED**, in concurrence.

Divided Report

The Majority of the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** on Bill "An Act to Facilitate the Provision of Medically Appropriate Levels of Care for Clients of Correctional Facilities"

H.P. 1193 L.D. 1863

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-621)**.

Signed:

Senator:

BEEBE-CENTER of Knox

Representatives:

SALISBURY of Westbrook
HASENFUS of Readfield
LOOKNER of Portland
MADIGAN of Waterville
MATHIESON of Kittery
MILLIKEN of Blue Hill

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

Signed:

Senator:

HARRINGTON of York

Representatives:

ARDELL of Monticello
NEWMAN of Belgrade
NUTTING of Oakland
PERKINS of Dover-Foxcroft

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-621)**.

Reports **READ**.

Senator **BEEBE-CENTER** of Knox moved the Senate **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report, in concurrence.

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

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#426)

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

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

EXCUSED: Senators: KEIM, LAWRENCE

20 Senators having voted in the affirmative and 13 Senators having voted in the negative, with 2 Senators being excused, the motion by Senator **BEEBE-CENTER** of Knox to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report, in concurrence, **PREVAILED**.

Bill **READ ONCE**.

Committee Amendment "A" (H-621) **READ** and **ADOPTED**, in concurrence.

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

Divided Report

The Majority of the Committee on **ENERGY, UTILITIES AND TECHNOLOGY** on Bill "An Act to Increase Adoption of Solar Power in Maine"

H.P. 780 L.D. 1232

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-603)**.

Signed:

Senator:
GROHOSKI of Hancock

Representatives:
ZEIGLER of Montville
BOYLE of Gorham
GEIGER of Rockland
KESSLER of South Portland
RUNTE of York
WARREN of Scarborough

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

Signed:

Senators:
LAWRENCE of York
HARRINGTON of York

Representatives:
BABIN of Fort Fairfield
DUNPHY of Embden
FOSTER of Dexter
PAUL of Winterport

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-603)**.

Reports **READ**.

Senator **VITELLI** of Sagadahoc moved the Senate **ACCEPT** the Minority **OUGHT NOT TO PASS** Report, in **NON-CONCURRENCE**.

On motion by Senator **GROHOSKI** of Hancock, 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 Hancock, Senator Grohoski.

Senator **GROHOSKI:** Thank you, Mr. President, and Senate colleagues. Good evening. I rise this evening in opposition to the pending motion, which was the Minority Report of the Energy, Utilities and Technology Committee. When commercial buildings in this state are being planned and constructed, they are subject to the building codes that MUBEC adopts. This bill seeks to add one small addition to that code by directing MUBEC to adopt the International Energy Conservation Code for solar ready rooftops on commercial buildings. That means a new commercial building would have to have just a portion of the roof designated for the possible installation of solar panels. This bill would not force anyone to put up solar panels, it only says that when you are planning and designing your building, you would identify and plan for a section of the roof that could support solar panels in the future should you or a future owner decide to add them. Fortunately, modern roofs in Maine can support the weight of solar, since they are designed for snow load. Really, this code is just being thoughtful about the use of space. Importantly, the bill includes some exceptions. For one, MUBEC codes are only enforceable in municipalities over 4,000 people. Secondly, the codes state that if a building is not suitable for solar because of shade or position or design, for example, then it is exempt. I have read the code, and I think it is really intuitive. It says things like just keep a space free from ducts and vents and pipes, and make sure there is space in the electrical panel for a new circuit if needed. Doing that ahead of time is way cheaper than having retrofits later. I support rooftop solar because it allows for local clean energy generation and self-sufficiency. It also avoids the use of valuable farm and forest land, which is an effort that I know this legislature takes very seriously. The sponsor of this bill worked diligently with the State Fire Marshal to get the details right for implementation in Maine. I hope that you can vote down the pending motion with me so that we can be smart about our clean energy transition and put solar where it makes sense. Thank you.

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

Senator **LAWRENCE:** Thank you, Mr. President. Men and women of the Senate, while I agree with my good colleague about some aspects of this bill, this bill is really a bill that's ahead of its time. Maine is not ready to adopt these standards. My suggestion is that these standards will eventually be adopted, but I just did not feel it's appropriate at this time to push this on municipalities when the - when we're really not ready to adopt these standards. And the state doesn't get very much out of doing this. There were - in the testimony, there were many people who opposed it, there were statements about trying to find the right space and whether roofs would be allowed for this in new construction, and I think if we wait till those codes are adopted and come into place, we're giving municipalities a much better position and developers a much better position to be in to prepare for this. So, this is just simply a bill that's ahead of its time.

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

Senator **GROHOSKI**: Thank you, Mr. President. I will be very brief. I just wanted to point out to members that the bill was amended significantly from the public hearing and the sponsor, I know, did try to take into account all the feedback, so it's not incredibly relevant to look back at the original testimony at this point. Furthermore, I would remind members that Maine won't wait. Thank you.

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#427)

YEAS: Senators: BAILEY, BALDACCI, BENNETT, BLACK, BRAKEY, CURRY, DAUGHTRY, FARRIN, GUERIN, HARRINGTON, LAFOUNTAIN, LAWRENCE, LIBBY, LYFORD, MOORE, NANGLE, PIERCE, POULIOT, STEWART, TIMBERLAKE, VITELLI, PRESIDENT JACKSON

NAYS: Senators: BEEBE-CENTER, BRENNER, CARNEY, CHIPMAN, DUSON, GROHOSKI, HICKMAN, INGWERSEN, RAFFERTY, RENY, ROTUNDO, TIPPING

EXCUSED: Senator: KEIM

22 Senators having voted in the affirmative and 12 Senators having voted in the negative, with 1 Senator being excused, the motion by Senator **VITELLI** of Sagadahoc to **ACCEPT** the Minority **OUGHT NOT TO PASS** Report, in **NON-CONCURRENCE, PREVAILED**.

Sent down for concurrence.

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

REPORTS OF COMMITTEES

Senate

Pursuant to Joint Order

Senator **NANGLE** for the Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act Regarding the State Auditor's Reporting Requirements on State Agencies' Financial Activities" S.P. 834 L.D. 2011

Reported that the same be **REFERRED** to the Committee on **STATE AND LOCAL GOVERNMENT**, pursuant to Joint Order, S.P. 747.

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

Bill and accompanying papers **REFERRED** to the Committee on **STATE AND LOCAL GOVERNMENT**

Sent down 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 **ENERGY, UTILITIES AND TECHNOLOGY** on Bill "An Act to Reduce Maine's Dependence on Fossil Fuels and Carbon Footprint for Energy Production Using Waste Wood Fuel"

H.P. 904 L.D. 1408

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-636)**.

Signed:

Senators:

LAWRENCE of York
GROHOSKI of Hancock

Representatives:

ZEIGLER of Montville
BABIN of Fort Fairfield
BOYLE of Gorham
FOSTER of Dexter
KESSLER of South Portland
PAUL of Winterport
RUNTE of York
WARREN of Scarborough

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

Signed:

Senator:

HARRINGTON of York

Representatives:

DUNPHY of Embden
GEIGER of Rockland

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-636) AS AMENDED BY HOUSE AMENDMENT "A" (H-663)** thereto.

Reports **READ**.

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

Bill **READ ONCE**.

Committee Amendment "A" (H-636) **READ**.

House Amendment "A" (H-663) to Committee Amendment "A" (H-636) **READ** and **ADOPTED**, in concurrence.

Committee Amendment "A" (H-636) as Amended by House Amendment "A" (H-663) 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-636) AS AMENDED BY HOUSE AMENDMENT "A" (H-663)** thereto, in concurrence.

Divided Report

The Majority of the Committee on **JUDICIARY** on Bill "An Act to Allow Only Students of Female Gender to Participate in Women's and Girls' Scholastic Sports"

H.P. 577 L.D. 930

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

Signed:

Senators:

CARNEY of Cumberland
BAILEY of York
BRAKEY of Androscoggin

Representatives:

MOONEN of Portland
HENDERSON of Rumford
KUHN of Falmouth
LEE of Auburn
MORIARTY of Cumberland
RECKITT of South Portland
SHEEHAN of Biddeford

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (H-659)**.

Signed:

Representatives:

ANDREWS of Paris
HAGGAN of Hampden
POIRIER of Skowhegan

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

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

Reports **READ**.

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

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

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

Senator **CARNEY:** Thank you, Mr. President. I just want to briefly let colleagues know that the Maine Principals Association testified against this bill. They regulate all of the secondary school sports and middle school sports. They pointed out that this legislation would force schools to violate both the Maine Human Rights Act and the federal Title IX Education Act.

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

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#428)

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

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

EXCUSED: Senators: DUSON, KEIM

22 Senators having voted in the affirmative and 11 Senators having voted in the negative, with 2 Senators being excused, the motion by Senator **CARNEY** of Cumberland to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report, in concurrence, **PREVAILED**.

Divided Report

The Majority of the Committee on **JUDICIARY** on Bill "An Act Regarding State Court Remedies for Violations of Legal or Constitutional Rights by Federal Employees"
H.P. 958 L.D. 1503

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

Signed:

Senators:

CARNEY of Cumberland
BAILEY of York

Representatives:

MOONEN of Portland
KUHNS of Falmouth
LEE of Auburn
MORIARTY of Cumberland
SHEEHAN of Biddeford

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (H-599)**.

Signed:

Senator:

BRAKEY of Androscoggin

Representatives:

ANDREWS of Paris
HAGGAN of Hampden
HENDERSON of Rumford
POIRIER of Skowhegan
RECKITT of South Portland

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

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

Reports **READ**.

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

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

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

Senator **BRAKEY:** Thank you, Mr. President. I rise in opposition to the pending motion and in favor of the bipartisan Ought to Pass as Amended Report. This bill would allow a person to sue in state court an employee of the federal government who violates a right of the person under the laws of the state or the United States

or the Constitution of Maine or the United States Constitution. So, basically, if a federal government employee violates your constitutional rights, you can sue them in state court. And if that isn't enough to convince you to vote for the bill, then nothing else I can say would convince you. But I see a lot of - well, I see a lot of instances around us where federal - the federal government is violating our constitutional rights, and I'd love to be able to sue them and I would love for our constituents to be able to do the same. Thank you, Mr. President.

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

Senator **CARNEY:** Thank you, Mr. President. I just rise to raise a concern about the constitutionality of suing federal employees in state court and also just wanted to note that this is a piece of legislation that interestingly had almost no testimony in support of it. Thank you.

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#429)

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

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

EXCUSED: Senator: KEIM

22 Senators having voted in the affirmative and 12 Senators having voted in the negative, with 1 Senator being excused, the motion by Senator **CARNEY** of Cumberland to **ACCEPT** the Majority **OUGHT NOT TO PASS Report**, in concurrence, **PREVAILED**.

Divided Report

The Majority of the Committee on **JUDICIARY** on RESOLUTION, Proposing an Amendment to the Constitution of Maine to Establish a Parental Bill of Rights

H.P. 1255 L.D. 1953

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

Signed:

Senators:

CARNEY of Cumberland
BAILEY of York

Representatives:

MOONEN of Portland
KUHN of Falmouth
LEE of Auburn
MORIARTY of Cumberland
RECKITT of South Portland
SHEEHAN of Biddeford

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (H-660)**.

Signed:

Senator:

BRAKEY of Androscoggin

Representatives:

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

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

Reports **READ**.

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

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

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

Senator **BRAKEY:** Thank you, Mr. President. I rise in opposition to the pending motion, hoping that we might reject it and move on to the alternate report, which effectively just proposes a two-sentence amendment to the Declaration of Rights of our State Constitution regarding the authority of parents. And I just would like to read the proposal into the record very quickly and then speak to why - what value I think it adds. It would be Section 26 of the Declaration of Rights, it would be - Parental Rights would be the headline, and it would read as thus: 'The natural inherent and unalienable rights of minor children are held by their parents or guardians until the age of majority or a grant of emancipation. This state, its political subdivisions, and all governmental entities may not infringe on the authority of parents to direct the upbringing, education, and care for the physical, mental, and spiritual health of their children, absent abuse or neglect by the parent or guardian, or criminal acts by the minor.' The purpose for this amendment is - well, there's a few points. First, I found in our discussions both in the larger Legislature and certainly in the Judiciary Committee, many bills that have come forward that have brought forward this question of what is the nature of the rights of

minor children and what is the nature of a parental authority over their children? And it certainly does seem to be something that our constitution doesn't really clearly speak to how we might think of the rights of minors. Our constitution is pretty clear, you know, that we all have the same rights, but I think we also know that a 5-year-old doesn't necessarily have the same capacity to exercise their rights as an adult, and so how do we think about the rights of minors? Well, we have this governing structure that has existed for, you know, all of human history, as far as I know, you know, the family structure, where we have recognized - and I think we implicitly recognize in our system that we do all have the same rights under the law, but we recognize that children lacking the responsibility and the capacity to exercise their rights that their parents are holding their rights in trust until they come of age. This simply clarifies that and establishes firmly that the parents are the ultimate authority providing they are meeting their responsibilities to their children and safeguarding their wellbeing, that parents are the ultimate authority in directing the upbringing of their children. And there does seem to be sometimes a tug of war between many different institutions in our society for who is ultimately the ultimate decision maker for minors who lack the capacity to make - to make legal decisions for themselves. Whether it's the State that is the ultimate decider, educational institutions, medical institutions, I think that all of these other institutions can play a role, but someone has to be the ultimate decider, and I think no one is more well situated than parents, and that - this is the structure that has - that society has been built on for thousands of years and I think it's a structure that we certainly would do well to codify in our State Constitution. So, I put that forward, I will be voting against the Ought Not to Pass Report, with hopes that we might move on to the alternate report and put this parental rights amendment out to the voters. Thank you.

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

Senator **CARNEY:** Thank you, Mr. President. Thank you, colleagues. I just want to point out some of the consequences of this proposed constitutional amendment should it be adopted. So, it would basically mean that legitimate State interests that apply to minors could be overridden by parents. So, think of things like the requirement that people under 18 - people of any age - are required to wear a seatbelt or smaller children to be in a safety seat in the car. Parents could override those decisions. New drivers, I think a lot of us have gone through that scary stage where your 16- or 17-year-old is beginning to drive and they have restrictions because they have a new license, they can't drive their friends around. Well, this would allow a parent to override those restrictions. Think about other consequences, like some parents do think it's okay to serve alcohol to minors and to let their minor children serve alcohol to their friends as long as, quote, the kids aren't driving. It's not a practice I endorse, but some parents do, and this would also allow parents to override those kind of laws. Again, all legitimate safety concerns for the children at issue and for their friends who might be drawn into any harm caused by that behavior. Thank you.

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

Senator **BRAKEY:** Thank you, Mr. President. Very briefly, just to respond to my good colleague from Cumberland. I think some of

the examples that she brings up I just will point out in the language there is a clause there about abuse or neglect when parents are basically abdicating their responsibility. I think it ultimately falls to the Legislature to define the parameters on what is abuse and what is neglect, and I think there's room there for - I think there's room there for some of the examples she brings up. Thank you.

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

Senator **BAILEY:** Thank you, Mr. President. I just wanted to make some, two brief, points. The first is that the Minority Report is not needed, we already have a state statute that reads, and I quote, 'the parents are the joint natural guardians of their minor children and are jointly entitled to the care, custody, and control of services and earnings of their children.' Neither parent has any rights paramount to the rights of the other with reference to any matter affecting their children. The second sentence there is my other point, which is such a constitutional amendment would totally upend our family law, Title 19-A, which deals with divorce and separation and disputes between parents and is based on the best interest of the child. Thank you.

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#430)

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

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

EXCUSED: Senator: KEIM

24 Senators having voted in the affirmative and 10 Senators having voted in the negative, with 1 Senator being excused, the motion by Senator **CARNEY** of Cumberland to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report, in concurrence, **PREVAILED**.

Divided Report

The Majority of the Committee on **LABOR AND HOUSING** on Bill "An Act to Make Agricultural Workers and Other Related Workers Employees Under the Wage and Hour Laws"

H.P. 249 L.D. 398

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

Signed:

Senators:

TIPPING of Penobscot
DAUGHTRY of Cumberland

Representatives:

ROEDER of Bangor
GEIGER of Rockland
GERE of Kennebunkport
MALON of Biddeford
RUSSELL of Verona Island
SKOLD of Portland

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

Signed:

Senator:

POULIOT of Kennebec

Representatives:

BRADSTREET of Vassalboro
SOBOLESKI of Phillips

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

Reports **READ**.

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

Divided Report

The Majority of the Committee on **TAXATION** on Bill "An Act to Eliminate the Lodging Tax on Campground Sites and Revert to Using the Current Sales Tax"

H.P. 1182 L.D. 1852

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

Signed:

Senators:

GROHOSKI of Hancock
CHIPMAN of Cumberland

Representatives:

PERRY of Bangor
CROCKETT of Portland
HASENFUS of Readfield
MATLACK of St. George
RANA of Bangor

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (H-626)**.

Signed:

Senator:

LIBBY of Cumberland

Representatives:

CARMICHAEL of Greenbush
LAVIGNE of Berwick
QUINT of Hodgdon
RUDNICKI of Fairfield

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

Reports **READ**.

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

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

REPORTS OF COMMITTEES

House

Divided Report

Nine members of the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** on Bill "An Act to Provide a Pathway to Sobriety for Formerly or Currently Incarcerated Individuals" H.P. 1028 L.D. 1583

Reported in Report "A" that the same **Ought Not to Pass**.

Signed:

Senators:

BEEBE-CENTER of Knox
HARRINGTON of York
LaFOUNTAIN of Kennebec

Representatives:

SALISBURY of Westbrook
HASENFUS of Readfield
LOOKNER of Portland
MADIGAN of Waterville
NEWMAN of Belgrade
PERKINS of Dover-Foxcroft

Two members of the same Committee on the same subject reported in Report "B" that the same **Ought to Pass as Amended by Committee Amendment "A" (H-632)**.

Signed:

Representatives:

ARDELL of Monticello
NUTTING of Oakland

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-633)**.

Signed:

Representative:

MILLIKEN of Blue Hill

Comes from the House with Report "A", **OUGHT NOT TO PASS, READ** and **ACCEPTED**.

Reports **READ**.

On motion by Senator **BEEBE-CENTER** of Knox, Report "A", **OUGHT NOT TO PASS, ACCEPTED**, in concurrence.

ORDERS OF THE DAY

The Chair laid before the Senate the following Tabled and Later Assigned (6/20/23) matter:

HOUSE REPORTS - from the Committee on **JUDICIARY** on Bill "An Act to Increase the Notice Period for Rent Increases" H.P. 470 L.D. 701

Majority - **Ought to Pass as Amended by Committee Amendment "A" (H-561)** (8 members)

Minority - **Ought Not to Pass** (4 members)

Tabled - June 20, 2023 by Senator **CARNEY** of Cumberland

Pending - **ACCEPTANCE OF EITHER REPORT**

(In House, June 16, 2023, 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-561)**.)

(In Senate, June 20, 2023, Reports **READ**.)

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

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#431)

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

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

EXCUSED: Senator: KEIM

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

Bill READ ONCE.

Committee Amendment "A" (H-561) **READ.**

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

Senator **CARNEY:** Thank you once again, Mr. President. Mr. President, I present Senate Amendment "A" with a filing number of S-407 to Committee Amendment "A" and move its adoption and further wish to speak briefly to my motion. On motion by Senator **CARNEY** of Cumberland, Senate Amendment "A" (S-407) to Committee Amendment "A" (H-561) **READ.**

THE PRESIDENT: The Senator may proceed.

Senator **CARNEY:** Thank you. I just wanted to briefly explain to colleagues who may not have seen the Floor Amendment that this simply creates an exception to the 75-day notice for an increase of 10% more in rent. The exception would apply to essentially rental housing that is reserved for affordable housing or participants in a municipal, state, or federal housing program or subsidy.

On motion by Senator **CARNEY** of Cumberland, Senate Amendment "A" (S-407) to Committee Amendment "A" (H-561) **ADOPTED.**

Committee Amendment "A" (H-561) as Amended by Senate Amendment "A" (S-407) thereto, **ADOPTED**, in **NON-CONCURRENCE**.

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

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

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

Senator **BRAKEY:** Thank you, Mr. President. I just wanted to - before we did this engrossment vote, I just wanted to put some concerns on the record about this bill which seeks to increase the amount of notice required for a landlord if they're going to raise the rent more than 10%, which face value, I get it and I appreciate the intent, but I think there are some potential unintended consequences that should be considered. I wanted to share an excerpt from some testimony from Dan Bernier, who spoke before our committee on this, who submitted a memo in opposition to the bill. And he just noted, 'will this make landlords quicker to raise rent? For example, let's say they are predicting a major increase in heating oil prices. Will landlords start to raise rent based on predictions rather than waiting to see if rates actually go up? If the landlord waits for them to actually go up, they will have to eat multiple months of losses before they can raise the rent under the extended notice.' So, this legislation forces landlords to anticipate cost increases rather than wait for them to actually happen. So, that being noted, I think the unintended consequence is that this may actually lead to landlord raising rent when they might not have had to actually raise rent, because they have to be better at predicting the future in terms of what - what's happening with inflation and our economy, what the Federal Reserve is doing in regards to inflation and how it's affecting everything. But in particular, we're asking our landlords to be fortune tellers and, ultimately, I don't know anyone who's a very good fortune teller, I think we're going to see rents go up when they might not have otherwise had to. Thank you.

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

Senator **CARNEY:** Thank you, Senate President Jackson, and colleagues. I just wanted to provide a little bit more information about this legislation. Mr. Bernier did provide the testimony, of course, as read by my colleague from Androscoggin. That pertained to the original version of the bill which actually raised the notice of increased rent to 90 days and the amended version of the bill which Mr. Bernier, a colleague from the other chamber, and many - many hands went into reaching the version that is presented you here today. It was a compromise that I think people felt really good about. But what the current version does, again, is maintain the 45 days that is currently in Maine law for most rent increases. However, if an increase is 10% or more over a 12-month period, then that notice period is extended to 75 days. And this is really trying to get at those situations where maybe somebody comes in and tries to force all of the tenants of an existing dwelling out by just raising the rents astronomically high as a way of sort of clearing out the current members of the community and raising the rents and replacing them with other people. We thought that given the extreme housing shortage that we're facing and the lack of place for peoples to move, that this increase that - or this increased notice that gives people a little more time to find replacement housing if they're in the situation of a massive rent increase made a lot of sense and protects Maine people. Thank you.

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#432)

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

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

EXCUSED: Senator: KEIM

21 Senators having voted in the affirmative and 13 Senators having voted in the negative, with 1 Senator being excused, was **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-561) AS AMENDED BY SENATE AMENDMENT "A" (S-407)** thereto, in **NON-CONCURRENCE**.

Sent down for concurrence.

The Chair laid before the Senate the following Tabled and Later Assigned (6/20/23) matter:

SENATE REPORTS - from the Committee on **VETERANS AND LEGAL AFFAIRS** on Bill "An Act to Clarify Required Disclosure of Personally Identifying Information for Certain Nominating Petitions"

S.P. 393 L.D. 922

Majority - **Ought to Pass as Amended by Committee Amendment "A" (S-345)** (10 members)

Minority - **Ought Not to Pass** (1 member)

Tabled - June 20, 2023 by Senator **HICKMAN** of Kennebec

Pending - **ACCEPTANCE OF EITHER REPORT**

(In Senate, June 20, 2023, Reports **READ**.)

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

Bill **READ ONCE**.

Committee Amendment "A" (S-345) **READ**.

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

Senator **HICKMAN:** Am I putting this on at this moment? Thank you. Mr. President, I present Senate Amendment "A" with a filing number of S-409 to Committee Amendment "A" and move its adoption and wish to speak to my motion.

On motion by Senator **HICKMAN** of Kennebec, Senate Amendment "A" (S-409) to Committee Amendment "A" (S-345) **READ**.

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

THE PRESIDENT: The Senator may proceed.

Senator **HICKMAN:** Thank you, Mr. President. This amendment clarifies a portion of the bill that received a Freedom of Access Act evaluation by the Judiciary Committee with the approval of the Attorney General who works for the Office of the Secretary of State to ensure that a candidate who requests that their consent form address be held confidential can only be done by the written request of the candidate and only if such information is not pertinent to their qualifications to serve in that office. That is the committee amendment, and I ask us to adopt it. Thank you, Mr. President.

On motion by Senator **HICKMAN** of Kennebec, Senate Amendment "A" (S-409) to Committee Amendment "A" (S-345) **ADOPTED**.

Committee Amendment "A" (S-345) as Amended by Senate Amendment "A" (S-409) thereto, **ADOPTED**.

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-345) AS AMENDED BY SENATE AMENDMENT "A" (S-409)** thereto.

Sent down for concurrence.

Senate at Ease.

The Senate was called to order by the President.

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

SENATE REPORTS - from the Committee on **VETERANS AND LEGAL AFFAIRS** on Bill "An Act to Clarify the Requirements for Off-premises Sales by Cannabis Store Licensees" (EMERGENCY)

S.P. 102 L.D. 202

Majority - **Ought to Pass as Amended by Committee Amendment "A" (S-384)** (7 members)

Minority - **Ought Not To Pass** (6 members)

Tabled - June 21, 2023, by Senator **HICKMAN** of Kennebec

Pending - **ACCEPTANCE OF EITHER REPORT**

(In Senate, June 21, 2023, Reports **READ**.)

Senator **HICKMAN** of Kennebec moved the Senate **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report.

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#433)

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

NAYS: Senators: FARRIN, GUERIN, LIBBY, LYFORD, STEWART, TIMBERLAKE

EXCUSED: Senator: KEIM

28 Senators having voted in the affirmative and 6 Senators having voted in the negative, with 1 Senator being excused, the motion by Senator **HICKMAN** of Kennebec to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report **PREVAILED**.

Bill **READ ONCE**.

Committee Amendment "A" (S-384) **READ** and **ADOPTED**.

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

Sent down for concurrence.

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

REPORTS OF COMMITTEES

Senate

Divided Report

The Majority of the Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act to Expand Maine's High-quality Early Learning and Care for Children by Increasing Public Preschool Opportunities in Communities"

S.P. 724 L.D. 1799

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-395)**.

Signed:

Senators:

RAFFERTY of York
LIBBY of Cumberland
PIERCE of Cumberland

Representatives:

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

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

Signed:

Representatives:

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

Reports **READ**.

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

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

Senator **VITELLI:** Thank you, Mr. President. I want to very quickly just remind people what this bill is about. Some of you know this, most of you probably know this, I was a Head Start teacher in my younger days and once a Head Start teacher, always a Head Start teacher. This bill is going to be - is going to expand pre-K, public pre-K, so that a hundred percent of all kids in the state who want to can attend a public pre-K school in their community by forging public-private partnerships between family childcare people, Head Starts, YMCAs, and the public schools so that kids can get the kind of early good start they need to succeed in school and throughout life. I'm very excited about this bill. I worked closely with the Department of Education and with the advocates. It's fairly straightforward in setting out goals for the state in achieving this and in working to build on what the department is already doing in this area and then bringing in a commission that will tackle what I consider sort of the elephant in the room, which is how do we pay for all of this in some new and innovative ways. So, I'm looking forward to the work that this commission is going to be doing and to the day when all of our

kids have the opportunity to have a quality early learning experience on their way to school. Thank you very much.

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

Senator **DAUGHTRY:** Thank you, Mr. President. Ladies and gentlemen of the Senate, I rise in strong support of this motion, and I just want to say there's one particular reason I'm really excited about this bill. I can only imagine what the good Senator from Sagadahoc was like as a Head Start teacher in the way that she leads our caucus and how she is as a seatmate - empathetic, passionate, kind, and fierce. And my hope is that this bill ensures that all the students in Maine are able to have an incredible Head Start teacher like my good Senator from Sagadahoc County. Thank you.

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

Bill **READ ONCE**.

Committee Amendment "A" (S-395) **READ** and **ADOPTED**.

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

Sent down for concurrence.

Divided Report

The Majority of the Committee on **VETERANS AND LEGAL AFFAIRS** on Bill "An Act Regarding Ongoing Absentee Voting and Tracking of Absentee Ballots"

S.P. 677 L.D. 1690

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-396)**.

Signed:

Senators:

HICKMAN of Kennebec
BRENNER of Cumberland

Representatives:

SUPICA of Bangor
COLLINGS of Portland
MALON of Biddeford
MONTELL of Gardiner
RIELLY of Westbrook
RISEMAN of Harrison

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

Signed:

Senator:

TIMBERLAKE of Androscoggin

Representatives:

ANDREWS of Paris
BOYER of Poland
HYMES of Waldo
RUDNICKI of Fairfield

Reports **READ**.

Senator **HICKMAN** of Kennebec moved the Senate **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report.

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#434)

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

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

EXCUSED: Senator: KEIM

23 Senators having voted in the affirmative and 11 Senators having voted in the negative, with 1 Senator being excused, the motion by Senator **HICKMAN** of Kennebec to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report **PREVAILED**.

Bill **READ ONCE**.

Committee Amendment "A" (S-396) **READ** and **ADOPTED**.

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

Sent down for concurrence.

Divided Report

Seven members of the Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act to End the Sale of Flavored Tobacco Products"

S.P. 496 L.D. 1215

Reported in Report "A" that the same **Ought to Pass as Amended by Committee Amendment "A" (S-397)**.

Signed:

Senators:

BALDACCI of Penobscot
INGWERSEN of York

Representatives:

MEYER of Eliot
CRAVEN of Lewiston
GRAHAM of North Yarmouth
SHAGOURY of Hallowell
ZAGER of Portland

Four members of the same Committee on the same subject reported in Report "**B**" that the same **Ought to Pass as Amended by Committee Amendment "B" (S-398)**.

Signed:

Senator:

MOORE of Washington

Representatives:

FREDERICKS of Sanford
LEMELIN of Chelsea
MADIGAN of Waterville

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

Signed:

Representatives:

GRIFFIN of Levant
JAVNER of Chester

Reports **READ**.

Senator **BALDACCI** of Penobscot moved the Senate **ACCEPT Report "A", OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (S-397)**.

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

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

Senator **BALDACCI:** Thank you, Mr. President. I just want to - this is a very important bill. The incidents of cancer and the incidents of smoking are higher than average in the State of Maine, which is killing hundreds of people. But the important part of this bill is to stop a new generation of Mainers from becoming smokers. I want to share with you - there was overwhelming public health evidence and overwhelming public health support for this bill because of the effect it will have in saving lives. The bill will end the sale and marketing of all flavored tobacco products, including prohibiting the use of characterizing terms such as ice to describe menthol. This is a tactic that has been used by the tobacco industry for marketing purposes and to dodge regulation. This is a human and environmental health

issue as well as a social and environmental justice issue. Smoking causes disease and disability, harming nearly every organ of the body. Yet tobacco use among Maine youth and adults is higher than national averages. Among Maine high school students, 20% use some form of tobacco, including cigarettes, cigars, e-cigarettes, and smokeless tobacco, compared to 13.4% nationally. The use of tobacco products among Maine adults is lower than the youth use rate of 16.5%, but still higher than the national average. 32% of high school students have used e-cigarettes in the past and 17.4% just in the last 30 days, compared with the general population at 4.1%. In other words, while we have seen an explosion in youth tobacco use after decades of a downward trend, we have not seen that same level of increase in adult use. That's because the tobacco industry knows that 95% of adults who smoke - who start by the age of 21, and 80% of kids who have used tobacco started with a flavored product. To attract younger replacement smokers, the tobacco industry has developed and marketed more than 15,000 flavored tobacco products. These flavors include everything from Rocky Road flavored cigars to Dr. Pepper flavored dissolvables, to unicorn frappe on ice, nicotine juice flavored to taste just like raspberries, mangos, fresh cream, cotton candy, and menthol. Findings published in the New England Journal of Medicine showed that the same chemicals used in cherry, grape, apple, peach, and berry Jolly Rancher candies, Lifesavers, and Kool-Aid drink mix were also used in similarly flavored tobacco products. According to the authors, what we are seeing is truly candy-flavored tobacco. This epidemic started with Juul, a high-tech device disguised as a USB drive, that comes in a variety of flavors to entice kids. One Juul pod contains as much nicotine as a pack of 20 cigarettes. This high concentration is a serious concern for youth who are already uniquely susceptible to nicotine addiction. Despite action by the FDA, flavored cigarettes, especially menthol, e-cigarettes, and sweet flavored disposables, remain widely available. Many popular e-cigarettes are pod-based, with single use plastic cartridges. These disposable e-cigarettes which are designed entirely for one time use have skyrocketed in popularity with a one thousand percent increase and use among high school students between 2019 and 2020. And while almost all e-cigarettes contain liquid nicotine which the EPA classifies as an acute hazardous waste, too many Maine youth think it's just harmless flavoring. The tobacco industry has a long and lethal history of targeting kids and other populations with flavored products. For example, tobacco industry documents reveal aggressive marketing including cheaper prices, increased retail density, and more advertising in non-white neighborhoods and among younger people. This marketing works. Eighty-five percent of Black adults who smoke use menthol cigarettes, compared with 27% of white smokers. The tobacco industry has also targeted lesbian, gay, and bisexual community with predatory advertising. As an example of the industry's intentional focus on an already marginalized population, in the 1990s, the tobacco industry ran a marketing campaign called Project SCUM, which stands for subculture urban marketing. Project SCUM targeted LGBTQ and homeless populations in California. The targeting of populations that experience marginalization is not new for this industry, and that includes people with mental, developmental, behavioral health challenges, women, people with low income, and people living in rural areas. Essentially, what we are trying to do is to prevent thousands of our young people from taking up this habit and from dying, not to mention the hundreds of millions of dollars of healthcare costs that are incurred. So, I

ask you to join in this effort, which is well documented in terms of what it will do, in order to save lives. Thank you.

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

Senator **BRAKEY:** Thank you, Mr. President. I rise in opposition to the pending motion. And like the last bill that I rose on in relation to the matter of prohibition, I'd like to begin with a quote, this one by CS Lewis, who said: 'Of all tyrannies, a tyranny sincerely exercised for the good of its victim may be the most oppressive. It may be better to live under robber barons than under omnipotent moral busybodies. The robber baron's cruelty may sometimes sleep, his cupidity may at some point be satiated. But those who torment us for our own good will torment us without end for they do so with the approval of their own conscience.' I think that's oftentimes what we're dealing with with a lot of these nanny-state items of legislation. I have no doubt that the intent is good, but I have to say there are a few things I want to push - there are several things I want to push back on here. First, through this legislation, as it been working its way through the Legislature, I keep hearing that this is about stopping young people from starting smoking or using tobacco products. I think that's - hey, it's a sound legislative strategy to try to, you know, advance this in terms of messaging. But the fact is that this bill doesn't prohibit these products for people under the age of 18 or people under the age of 21 or people under the age of 26, it bans it for everyone. For adults in a free society who as adults we're supposed to be able to make our own choices over these sorts of matters. I've never smoked a day in my life, I never will, I encourage all my friends and loved ones not to pick up the habit, but I also know some people who already developed the habit and some of the products that would be banned by this legislation have worked for them, actually, as tobacco cessation products. I know - my spouse is a former smoker. She has a job, she works down in Portland, Maine, she uses, as something that helped her quit smoking were kind of some of these kind of these vape products, and it's really worked for her. And -- but when she drives down to Portland and heaven forbid, she forgets her - I don't know what it's called, the vape thing - I get the phone call. Yeah, I thought maybe I could pick something up in Portland, but actually it turns out I can't because it's banned down here. Can you drive 40 minutes down and bring it to me or I'm going to have to go pick up a pack of cigarettes. Well, I don't want her to go and pick up a pack of cigarettes, so I make the drive. But these are some of the unintended consequences. By banning these products, we're going to be taking away things that have actually worked to help people break away from cigarettes. And to what effect? You know, one of the great things about living in America is we have this - the 50 laboratories of innovation and we can see how these policies have worked in other jurisdictions where this has been put in place and we can just look down in Massachusetts where they banned these products, and the results were not what you would hope for. The numbers I saw, the rates of usage of tobacco products did not decrease in Massachusetts in any significant manner once this ban went into place. Instead, what happens is the legal market is gone, and the underground black market has taken its place. Because there's a demand and so we have through prohibition, like the same lesson we - I would hope that we've learned over the last 100 years from alcohol prohibition to all the prohibitions of the war on drugs that just because you prohibit something by law doesn't make it go

away; in fact, sometimes it makes the problem much worse. So, I would just ask this Body to consider the example of Massachusetts, look at the lessons learned there, this policy did not work down there. Look at the fact that we're looking to ban these products not just for young people, who it's already banned for young people to have these products, but for everyone, for adults who are in a free society - that's the whole point of living in a free society is that you can make your own decisions in regards to your own body and what you put into it. And I just want to ask this body please don't put me in a situation where I have to worry about my wife going back to cigarettes. I would like to not have that happen. And I just want to add with one final, I think, potential unintended consequence that I think sometimes we can look at the unintended consequences of prohibition in other cases. You know, I often think back to a very well publicized case, something that very unfortunate happened several years back in New York City with a gentleman named Eric Garner, who was selling loose cigarettes, which was prohibited by the politicians for him to do that, led to - which led to a situation and an encounter with law enforcement where he ended up in a chokehold and ended up being killed, which was terrible. But the law enforcement officers were put in a position where they were being asked to enforce these kinds of policies, these kinds of prohibition policies that lead to those sorts of situations. Someone has to enforce these laws when we pass them, and that doesn't always look - doesn't always end up how we would hope. So, please follow the advice of CS Lewis, please don't be an omnipotent moral busybody, policing what adults - what choices adults make. Let us continue to live in a free society and let's not adopt these nanny-state policies. Thank you very much, Mr. President.

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

Senator **DUSON:** Thank you, Mr. President. I rise in support of the motion on the floor to pass the Majority Report. By extension, I rise in support of the young people of Maine. The young people who led so many of us to run for office in the first place. I rise in support of my own children and grandchildren and their friends and all the other young children in your life and mine and in your communities and mine. Each and every one of them is targeted by the tobacco industry, a ruthless and predatory industry that doesn't care a whit about them or the value they bring to our state. The tobacco industry has just one objective, profit, and they will do and say anything to lure and hook replacement smokers. Nicotine addiction is really only possible in young, developing brains. If you have not become addicted to nicotine by age 26, it's unlikely you ever will do so. The tobacco industry knows this and of course knows, too, that flavored tobacco products like menthol, mint, candy, fruit, and dessert flavors all make it easier for kids to give cigarettes, chewing tobacco, and e-cigarettes a try. Four out of five kids who have used tobacco started with a flavored product. Now, like many of us, my family has been impacted by tobacco use. My family has also paid the price for the industry's unfettered, multigenerational targeting of Black Americans with menthol flavored cigarettes and cigars. For over six decades, the tobacco industry has been marketing menthol cigarettes directly systemically and intentionally to Black Americans, particularly Black youth and young adults. Three of my siblings started using these products as teenagers and became life-long smokers of menthol cigarette brands like

Newport, Kools, Salem, and Virginia Slims. Along with many aunts, uncles, and cousins over the years, they have battled tobacco-related illnesses that result in physical limitations, chronic stress, and a loss of independence. Menthol flavored tobacco is no friend of the Black community, and nicotine addiction is nothing we hope or dream of for our kids. In fact, just the opposite, we should be fighting tooth and nail to prevent young people from using tobacco, and this bill does just that. This bill on this day is about every child in Maine, because the same tactics honed during a decades long campaign to lure and hook black youth on menthol flavored products has also been used on other marginalized communities. This means kids who are experiencing mental health conditions, kids who are part of the LGBTQIA+ community, kids who are from families with lower incomes, kids from communities of color, and kids just looking to fit in. And the marketing is working in Maine. We all know you have to be a certain age to purchase these products and yet my daughter, a middle school special ed teacher, has shared that these vapes are all over the school, with students sneaking a vape in in the halls, bathrooms, and playgrounds. This legislative Body has the ability to change the trajectory of young lives and to impact the health and wellbeing of every Mainer for generations to come. The FDA, which took flavored tobaccos off the market in 2009 because of their proven link to youth initiation, may eventually follow through on ending the sale of menthol flavored cigarettes and all flavored cigars. But any FDA action will take years to take effect, while more of our children and grandchildren fall prey. With L.D. 1215, we have the opportunity to take significant action in preventing Maine children from starting to use tobacco and developing an addiction to nicotine. We have more than enough information to know it's not just time, it's well past time. Many of us could tell a similar story of the toll of tobacco on our families and friends. I hope you'll join me in saying enough is enough to the targeting of our children, grandchildren, nieces, nephews, and neighbors, with menthol, candy, fruit, and dessert flavored tobacco products. Let's stop this cycle of addiction, of chronic illness, of untimely death. Let's stand up to the targeting of our kids. Let's end the sale of all flavored tobacco products. Let's act today to improve the lives of Mainers and to protect the health and future of our children. Let's vote yes to end the sale of flavored tobacco products. Thank you.

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

Senator **GROHOSKI:** Thank you very much, Mr. President, and good even later evening now, Senate colleagues. I just wanted to stand not to try to persuade anyone of anything, but just to say what I feel about this bill and explain a little bit how I intend to vote. I first want to recognize the amount of work that's gone into this initiative - in our committee, in our communities - I know that every one of us has heard a lot about this topic over the past couple months and for those of us that have served longer, over a couple years now. I share all the concerns that were raised about protecting our youth, our young people, and trying to prevent them from taking up a habit that, you know, the evidence shows is not a good health decision. I'll admit my very first bill that I filed when I came in here was to try to get after all of the marketing that happens to children. And it turns out, it's a legal morass to try to figure out how to keep ads that say, you know, unicorn or cotton candy away from young people. I was really interested in trying to figure that out, and at the time, the right staff really

weren't in place in the Attorney General's office or DHHS and I, being a new legislator and not a lawyer, had to give up. But I still firmly believe that we should protect young people from the harms of using tobacco and nicotine products. And that's, I think, largely what we've heard about during this Floor debate. What we haven't really heard about is people that are 50, 60, 70, 80, maybe they've even lived to be over a hundred, that can happen, who use these tobacco products, who have used them for decades, who for them it's a choice that they're making consciously. I know we put a lot of effort into cessation education, and I think we need to do that and do that more, but ultimately, these folks have made a choice that I - that I do respect. And so, I've been thinking this over for a long time, and ultimately, I'm not planning to support the pending motion. I was interested in a compromise, an opportunity to remove the flavors that really are the ones we've heard about today mostly, the really sort of fun, fruity flavors, things like that, that we do know are really targeting young people. I would like to see those go away. And I would like to see a policy that they've adopted in New Zealand for the menthol products. What they're doing there is adopting an annually rising smoking age. What that means is that tobacco cannot be sold to anyone born after an established date. So, if you're somebody who's 70 years old, smoking a menthol, you can keep doing that. And, you know, an example of how this would work if we were to do this today, it would say anyone who was born after 6/21/2002, menthols are not for sale to you. And so, that was a compromise that I was interested in, it's one that I understand that people that are very passionate about this policy do not support, but I just wanted to express that I'm incredibly aware of and have read a lot of the literature on the effects of policies like this as well as the effects of tobacco and nicotine use on people of all ages. But ultimately, I've just decided that I'm not willing to go as far as what this bill is asking us to do at this time. Thank you very much for your time, and follow your own heart, not my light.

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

Senator **RAFFERTY:** Thank you, Mr. President. Ladies and gentlemen of the Senate, I rise in support of the legislation. And just to give you a sense of where I'm coming from. You know, I have three older sisters, all widows, my dad died at age 61, and all those deaths were cancer related, all of those folks had one thing in common and that was they all smoked at one time or another at different points or periods in their life, but that was a common denominator. So, just to give you an idea of how addicting smoking and the products are, I had a coworker many years ago that her husband was - had surgery on a tumor in his brain, or near the brain. When he woke up from surgery, he didn't recognize his family. Didn't know the name of his wife or kids. When they asked him if there was anything he needed, he said 'yeah, I could go for a cigarette.' It's amazing. So, I know it is true that these products are banned for kids, but just their mere presence creates availability. And I'll ask you to go home and have a conversation if you have children in middle school or high school or grandchildren in middle school or high school, ask them what they see in school, because it is rampant in our schools. It is rampant in our schools. It is a problem. And one has to question, you know, the mission statement and the motives of an industry that knowingly markets a product that is harmful to all consumers, not just kids, all consumers, all right? But many of

those folks are children. So, I urge you to vote in support and thank you for the opportunity to speak.

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

Senator **MOORE:** Thank you, Mr. President. I rise in opposition of the motion on the Floor. This bill prohibits the sale and distribution of flavored tobacco products including flavored cigars and electronic smoking devices. Statistically through the years, we have seen a huge increase in the use of vaping products, specifically with the youth. As members of the HHS committee, we identified the problem and raised the minimum age to 21. We also realized purchases were being made online by our youth. We implemented the policy whereby no online vaping or tobacco products could be shipped to the State of Maine. The bill before you is now prohibiting flavored products from consenting adults. Who are we to tell an adult what they can and can't do when it comes to their smoking, chewing, vaping preference? What are we going to ban next? My wine? I certainly hope not. This bill will also greatly affect businesses across the state. Numerous facilities across the state offer these flavored tobacco products. What happened to our motto, Maine is open for business? Besides the fact, the state could possibly or faces to lose \$24 million per year in tax revenue alone. We heard hours and hours of testimony touting the vaping problem with our youth. If this is the case, why are we not enforcing the laws already in place? Why should we ban something that is legally available for an adult's pleasure if they choose to use it? If flavored vaping liquids is what attracts the youth, perhaps that's the market we need to examine as legislators, similar to the action being taken by the FDA, as it continues to deny marketing efforts of approximately 6500 flavored e-cigarette products. I would encourage you to vote no on this motion and consider my Amendment "B" that would prohibit a person from selling, distributing, offering to sell or distribute, giving or furnishing flavored vaping liquid that has not obtained a tobacco product clearance order or a modified risk tobacco product order from the FDA. Thank you, Mr. President.

THE PRESIDENT: The Chair would advise people not to speaking about other reports. The Chair recognizes the Senator from York, Senator Harrington.

Senator **HARRINGTON:** Thank you, Mr. President. Ladies and gentlemen of the Senate, I stand in opposition to the pending motion and stand on behalf of the dozen or so businesses in my district living in a border community. I have a Cumberland Farms in Rochester, New Hampshire, about 200 feet from the state line, so this bill will effectively do nothing in my district to stop people from using these products, they will just go across the state line those extra 200 feet and buy these products. And furthermore, I think we should look at the carbon footprint of making people have to drive those extra few miles to buy these products. I think we have a real chance to save the planet here by keeping these people driving closer to home. Thank you.

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

Senator **BRENNER:** Thank you, Mr. President. I want to start out by mentioning two things related to the idea that flavored vape products have a role in smoking cessation, which they don't.

There is no e-cigarette that's ever been approved by the FDA for tobacco cessation, and leading public health authorities including the CDC have determined that there is insufficient evidence that e-cigarettes can help people quit smoking. This bill is not the end of tobacco flavored vaping which perhaps could still have that role for the good Senator's wife, but there is no scientific evidence that that is - that flavored vaping tobacco products have that benefit. And as a Senator and a nurse midwife and, most importantly, as a mother, I rise in strong support of the pending motion. Tobacco companies have targeted young people in high school for years. There's documented proof that middle school and high school students are targets for the tobacco industry, as my colleagues have mentioned. Their own internal documents refer to this age group as replacement smokers a group of individual tobacco companies hope to hook while they're brains are still developing. And I feel like I want to share this story with you. I asked my daughter if I could, she gave me permission, walked into her room one day and I found two handfuls of vapes. This is my teenage daughter. A little heartbreaking. There of course are more heartbreaking things that can happen, but she's extremely forthcoming with me in terms of her information about what this - how this - how this happens. So, the flavors that exist are things like banana ice, bubble gum, cotton candy, fruit loops, and they're not made to attract adults, they're made to attract children. And there is an emoji for every flavor of a flavored vape. And you get on snapchat and you put your emoji in, with the person that you would like to make the connection with, you Venmo them and meet them in the bathroom and you get your little cartridge. That's how that works. That's how kids get the vapes, and they get them in droves. Tobacco companies know that the taste of combustible, unflavored cigarettes is sometimes too harsh for young adults, which is why flavored tobacco products are on the market. These are the type of products that are the problem. Tobacco companies, I'm sure, are aware of the statistics showing that one in three Maine high school students have used e-cigarettes, one in five are currently using a tobacco product. These rates are well above the national average. To you and me, that should be a problem. Tobacco companies, to them, that's a success story. I'm sure tobacco companies are aware that 85% of middle school and high school students who use e-cigarettes are using flavored products. That's why they are fighting tooth and nail to keep these products for sale here in our state of Maine. Menthol cigarettes are quite possibly the most dangerous flavored tobacco products. Menthol numbs your throat, making smoke easier to inhale more deeply. This means it's easier for youth to start smoking and become addicted to cigarettes. My mom, who smoked for 50 years until she had some health issues, told me you could just put some mint gum in there and smoke the cigarette, it'll be menthol, don't worry about it. I'm not sure I would keep smoking with - anyway, that's my mom, we won't get into my mom right now. Anyway, I just - I'll conclude by saying that this is not a bill about freedom of choice, it's not a bill about prohibition, this is not a bill that would take away nicotine or vaping for harm reduction. It does not create any criminal or civil penalties for buying or using or possessing flavored tobacco. It does not limit the use of e-cigarettes for any purpose, including harm reduction. What it does is it ends the sale of flavored tobacco products, which are clearly marketed towards our youth. I don't want my kids embarking on a lifetime of addiction, and I don't want your kids embarking on a lifetime of addiction. It's not fair to them to be targeted by an industry with deep pockets, and that industry will spare no expense to get our children hooked.

They're putting their profits ahead of our children's safety, and I've had enough of it. I'll be voting in favor, and I thank you for listening.

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

Senator **TIMBERLAKE:** Good afternoon, Mr. President. Ladies and gentlemen of the Senate, I was just looking online, and you can pass this bill if you want, and you can buy them right online, \$51 a pack, delivered right here to Maine. So, you're not going to stop that part. But I think the thing that amazes me the most as I've sat here for the last two days, and I haven't pushed the button once to speak, Mr. President, but I've watched us tonight pass a bill to sell cannabis offsite at premises. I've watched us put 11 cannabis stores in my hometown of Turner over the last few years. I've watched us do all of these things, and now we're going to try to tell consenting adults what they can and what they can't buy. I think it really amazes me that we're here. We're almost -- I look at myself as being almost two-faced if I supported this, because you just can't do that. You can't say we want to sell you marijuana and everything else that you can stop by and smoke and it has an age limit on it just like cigarettes have an age limit on it, you can't have it both ways, ladies and gentlemen. It just can't be done. I don't know how you could support the pending motion the way it is. It's not fair. It's just not fair to what you're doing to the people of the State of Maine. A \$24 million fiscal note on it per year. Anyway, I just thought we ought to talk about maybe some hypocrisy that's going on when you pass a bill like this versus the other stuff that we do in this building. Thank you.

THE PRESIDENT: The pending question before the Senate is Acceptance of Report "A", Ought to Pass as Amended by Committee Amendment "A" (S-397). A roll call has been ordered. Is the Senate ready for the question?

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#435)

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

NAYS: Senators: BAILEY, BENNETT, BLACK, BRAKEY, FARRIN, GROHOSKI, GUERIN, HARRINGTON, HICKMAN, LIBBY, LYFORD, MOORE, POULIOT, RENY, STEWART, TIMBERLAKE

EXCUSED: Senator: KEIM

18 Senators having voted in the affirmative and 16 Senators having voted in the negative, with 1 Senator being excused, the motion by Senator **BALDACCI** of Penobscot to **ACCEPT** Report **"A", OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (S-397), PREVAILED.**

Bill **READ ONCE.**

Committee Amendment "A" (S-397) **READ** and **ADOPTED.**

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

Sent down for concurrence.

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

Off Record Remarks

RECESSED until 10:30 in the evening.

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

ORDERS OF THE DAY

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

SENATE REPORTS - from the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** on Bill "An Act to Clarify the Criminal Statutes with Regard to Assaults on Emergency Medical Services Persons"

S.P. 453 L.D. 1119

Majority - **Ought to Pass as Amended by Committee Amendment "A" (S-360)** (8 members)

Minority - **Ought To Pass as Amended by Committee Amendment "B" (S-361)** (4 members)

Tabled - June 21, 2023, by Senator **VITELLI** of Sagadahoc

Pending - **ACCEPTANCE OF EITHER REPORT**

(In Senate, June 21, 2023, Reports **READ.**)

On motion by Senator **BEEBE-CENTER** of Knox, the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (S-360)** Report **ACCEPTED.**

Bill **READ ONCE.**

Committee Amendment "A" (S-360) **READ** and **ADOPTED.**

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-360).**

Off Record Remarks

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

REPORTS OF COMMITTEES

Senate

Ought to Pass As Amended

Senator RAFFERTY for the Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act to Improve Ferry Service Reliability by Providing Scholarships at the Maine Maritime Academy"

S.P. 466 L.D. 1139

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-406)**.

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

Bill **READ ONCE**.

Committee Amendment "A" (S-406) **READ** and **ADOPTED**.

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

Sent down for concurrence.

Senator CARNEY for the Committee on **JUDICIARY** on Bill "An Act to Enact the Maine Indian Child Welfare Act"

S.P. 804 L.D. 1970

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-413)**.

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

Bill **READ ONCE**.

Committee Amendment "A" (S-413) **READ** and **ADOPTED**.

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

Sent down for concurrence.

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

REPORTS OF COMMITTEES

Senate

Divided Report

The Majority of the Committee on **HEALTH COVERAGE, INSURANCE AND FINANCIAL SERVICES** on Bill "An Act to Require a Liability Automobile Insurance Policy to Cover the Costs of Towing and Storing Certain Vehicles"

S.P. 666 L.D. 1661

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-410)**.

Signed:

Senators:

BAILEY of York
RENY of Lincoln

Representatives:

PERRY of Calais
ARFORD of Brunswick
CLUCHEY of Bowdoinham
MASTRACCIO of Sanford
MATHIESON of Kittery
PRINGLE of Windham

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

Signed:

Senator:

BRAKEY of Androscoggin

Representatives:

CYRWAY of Albion
MORRIS of Turner
SWALLOW of Houlton

Reports **READ**.

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

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#436)

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

NAYS: Senators: BRAKEY, FARRIN, GUERIN, POULIOT, STEWART, TIMBERLAKE

EXCUSED: Senator: KEIM

28 Senators having voted in the affirmative and 6 Senators having voted in the negative, with 1 Senator being excused, the motion by Senator **BAILEY** of York to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report **PREVAILED**.

Bill **READ ONCE**.

Committee Amendment "A" (S-410) **READ** and **ADOPTED**.

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

Sent down for concurrence.

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

REPORTS OF COMMITTEES

Senate

Divided Report

Six members of the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** on Bill "An Act to Support Reentry and Reintegration into the Community"

S.P. 82 L.D. 178

Reported in Report "A" that the same **Ought Not to Pass**.

Signed:

Senator:
HARRINGTON of York

Representatives:
SALISBURY of Westbrook
ARDELL of Monticello
NEWMAN of Belgrade
NUTTING of Oakland
PERKINS of Dover-Foxcroft

Five members of the same Committee on the same subject reported in Report "B" that the same **Ought to Pass as Amended by Committee Amendment "A" (S-411)**.

Signed:

Senator:
BEEBE-CENTER of Knox

Representatives:
LOOKNER of Portland
MADIGAN of Waterville
MATHIESON of Kittery
MILLIKEN of Blue Hill

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" (S-412)**.

Signed:

Representative:
HASENFUS of Readfield

Reports **READ**.

On motion by Senator **BEEBE-CENTER** of Knox, Bill and accompanying papers **COMMITTED** to the Committee on **JUDICIARY**.

Sent down for concurrence.

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. 1296

**JOINT RESOLUTION
RECOGNIZING NATIVE AMERICAN VETERANS DAY**

WHEREAS, Native Americans have made significant contributions to numerous military conflicts since the American Revolutionary War; and

WHEREAS, Native Americans have served in the various branches of the United States Armed Forces with honor and bravery; and

WHEREAS, an estimated 12,000 Native Americans in the United States served to support the efforts of World War I, during World War II about 150,000 Native Americans participated in either military service or supported the war effort through agricultural or industrial jobs and during the Vietnam War approximately 42,000 Native Americans were engaged in military service with the United States Armed Forces; and

WHEREAS, according to the United States Veterans Administration report on American Indian and Alaska Native Veterans in 2020, 580 American Indian and Alaska Native Veterans reside in Maine; and

WHEREAS, in 2009, the Honorable Donald Soctomah, Representative to the Maine Legislature from the Passamaquoddy Tribe, sponsored legislation to create Native American Veterans Day, which was signed into law by Governor John E. Baldacci; and

WHEREAS, Maine law now recognizes June 21st as Native American Veterans Day to commemorate the actions of Native Americans from Maine that contributed to the efforts of many American conflicts and to remember those who served and risked their lives for American freedom; and

WHEREAS, on this day and every day, the people of the State are encouraged to make an effort to celebrate and honor American Native American Veterans past and present from the Penobscot Nation, the Passamaquoddy Tribe, the Houlton Band of Maliseet Indians and the Mi'kmaq Nation; now, therefore, be it

RESOLVED: That We, the Members of the One Hundred and Thirty-first Legislature now assembled in the First Special Session, on behalf of the people we represent, take this opportunity to recognize June 21, 2023 as Native American Veterans Day and to thank our Maine Native American Veterans for their service to this country.

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:

Act

An Act to Restore Access to Federal Laws Beneficial to the Wabanaki Nations

H.P. 1284 L.D. 2004
(C "A" H-658)

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

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 the sound of the bell.

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

The following proceedings were conducted after 12:01a.m., Thursday, June 22, 2023.

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

REPORTS OF COMMITTEES

House

Divided Report

The Majority of the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** on Bill "An Act to Reclassify Certain Offenses Under the Motor Vehicle Laws and Increase the Efficiency of the Criminal Justice System"

H.P. 262 L.D. 429

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-337)**.

Signed:

Senators:

HARRINGTON of York
LaFOUNTAIN of Kennebec

Representatives:

ARDELL of Monticello
LAJOIE of Lewiston
NEWMAN of Belgrade
NUTTING of Oakland
PERKINS of Dover-Foxcroft

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "B" (H-338)**.

Signed:

Senator:

BEEBE-CENTER of Knox

Representatives:

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

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

Reports **READ**.

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

Divided Report

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

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

Signed:

Senator:

LIBBY of Cumberland

Representatives:

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

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

Signed:

Senators:

GROHOSKI of Hancock
CHIPMAN of Cumberland

Representatives:

HASENFUS of Readfield
MATLACK of St. George
RANA of Bangor

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

Reports **READ**.

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

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

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

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

Divided Report

Ten members of the Committee on **ENERGY, UTILITIES AND TECHNOLOGY** on Bill "An Act to Amend the Portfolio Requirements for Class II Resources"

H.P. 250 L.D. 399

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

Signed:

Senators:

LAWRENCE of York
HARRINGTON of York

Representatives:

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

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

Signed:

Senator:

GROHOSKI of Hancock

Representative:

KESSLER of South Portland

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

Signed:

Representative:

WARREN of Scarborough

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

Reports **READ**.

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

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

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

THE PRESIDENT: So moved.

Senator **GROHOSKI:** Thank you very much. I didn't know this bill would come up so late at night, and I don't want to belabor it, but I do want to tell you all what this bill does and the problems that I have with it and just leave it at that. So, this bill basically takes the lowest grade renewables that we have, things that have been online for decades, things like hydropower, trash burning, a couple other really minor things, and it says hey, you're doing something that you're doing that helps our grid, it puts energy out there, we call it clean - I'm not debating that - and we compensate you for that. Historically, we've been compensating dams, in particular, around 57 cents for every megawatt of power that they produce. Because of some constrictions in the market that happened during COVID for various reasons, these facilities started getting \$14 for every megawatt they produced. They're not taking that money and investing it in new renewables. They're not investing it in fish ladders in communities like mine where they're violating federal law regarding Atlantic salmon migration. They are not doing anything with that money but pocketing it. This is money that is coming out of our ratepayer pockets to the tune of \$60 million in a year. For what? That's what I'm asking you all. It's completely unacceptable that we have not reined this in, and this bill is aiming to rein it in. It doesn't go far enough, in my opinion, but it does put setting a cap on how much money these people can make in the hands of the PUC and not - it was not intended to put it in the hands of politicians, but the way it's drafted, this bill is going to come right back to us to debate again because the people that want this money want to be able to lobby us to get more money than the PUC will give them once the PUC has looked at all the data and determined what's actually fair compensation for these resources. It's outrageous that we would allow this to happen when we have an opportunity here in this Body and in this building to save ratepayer dollars starting as soon as next year, that we would belabor this process so that we can be lobbied more. To give more money to foreign profiteers is unconscionable. And these are real numbers, okay? I didn't pull this out of a hat. I worked with people who work in this field to figure out what was going on and if we should and could stop it, and I think we should. I also want to note that the origin of this bill was to give - to continue a short-term enhanced supplement for people that are burning trash. Trash burning is absolutely better than land filling, it's part of our waste management hierarchy, but it is not something that

ratepayers should be subsidizing. I do not think it is fair that people in my community, people in Northern Maine, people that don't live anywhere near the greater Portland area and ecomaine are subsidizing ecomaine's operations. That's outrageous to me that that would happen. If we think that ecomaine is providing a societal good, we should fund it through the general fund, not through electricity ratepayers. I want to tell you something about Brookfield that I've been stewing on for a while and I'm going to call them out by name. They have come to my community, they are violating water quality law, and now they're suing the State for holding them to task for that. Why? So they can run out the clock and get more money from us for doing the operations at the status quo. And I'll tell you another thing about this company, they're trying to take money from wherever they can find it. They happen to have bought the facility that my grandfather lives in. He's 98 years old, he's a World War II veteran. We pay - I don't remember the amount, I don't know, \$50 a day, \$100 a day for people to help him with his shower, and what happens? We find that he's been lying in the shower because he couldn't wait any longer because they were two hours late, three hours late. They actually don't help him. It turns out he's been showering himself the whole time that we've been paying for it, and there he is, lying on the floor. This is the kind of company that we're talking about. They are just trying to take money from wherever they can, and they will leave everything to waste in the meantime. So, what I'm asking this Chamber is are we going to allow this to go on for another two years or are we willing to put a stop to it. And I have something ready if this bill passes which I'm going to let happen that I hope you will consider in order to get ratepayers the relief that they deserve as soon as possible, and that is literally a change in how we do rulemaking. We do - this bill is calling for major substantive rules, I think that's unnecessary. The reason I think it's unnecessary is it just draws out the clock for business as usual and on top of that, we don't require major substantive rules for the exact same provision when it comes to renewables like solar and wind. So, why would we put this type of decision into a much more rigorous process when it's the exact same decision we make for solar and wind? I don't want to have this discussion next year. I want the PUC to do their job, us to get out of their way, and get the ratepayers their \$60 million back or \$40 million back or whatever the PUC finds to be appropriate. I'm not trying to put Brookfield out of business, despite what it might sound like - I mean, I actually would like to put them out of business, but that doesn't seem possible - I'd like the dams to continue to operate, I'm not trying to stop that, what I'm trying to say is let's not give them lots of money to do what they're doing anyhow. Okay? So, that's what I have to say about this, I'm still mad about it, I've been mad about it since this weekend when I discovered that during the committee that I couldn't be in because I was chairing another committee, this major substantive rule snuck in here, and I know it didn't feel like that to anybody who sat in the room, but it felt like this to me, a person who's been working on this issue for two years, had a bill in to deal with this issue appropriately, that bill got killed in favor of this bill, and I am here to tell you I think we can do better, I think we have to do better for the people that we serve, and so after this motion, I hope you will come with me for just a small change, which I know that people in the House that serve on this committee support and if we send it back to them, I think we can make a real difference for folks and we can do it ASAP. Thank you.

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

Bill **READ ONCE**.

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

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

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

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

THE PRESIDENT: The Senator may proceed.

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

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

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

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

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

Senator **GROHOSKI:** Thank you, Mr. Chair. I respect that, that that was the decision at the time. I also have had conversations with members of the committee that don't feel that that was an important part of their vote. Furthermore, I have talked with the main proponents of this bill, which is ecomaine, and they have made it very clear to me that they feel the PUC is very fair, will

look at the data, and will do a decent job. But boy, if they make it a little harsher than ecomaine would like, ecomaine would like a chance to lobby us all and tell us to give them more money. And while they're doing that, they're about 5% of this whole pie, Brookfield and others are going to get more money, too. And so, I just think we have to use common sense here, not adhere to something that I don't understand what the bargain was, do what is right for the people we serve. We do that every day here, I think, to the best ability that we have, and we have changed things that have come out of other committees because they just didn't quite make sense, and that is what I'm asking for here today and I hope that you will follow my light. Thank you.

THE PRESIDENT: The pending question before the Senate is Adoption of Senate Amendment "A" (S-405) to Committee Amendment "A" (H-639). A roll call has been ordered. Is the Senate ready for the question?

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#437)

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

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

EXCUSED: Senator: KEIM

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

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

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

Ordered sent down forthwith for concurrence.

Divided Report

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

H.P. 581 L.D. 934

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

Signed:

Senators:

CARNEY of Cumberland
BAILEY of York

Representatives:

MOONEN of Portland
KUHN of Falmouth
LEE of Auburn
MORIARTY of Cumberland
RECKITT of South Portland
SHEEHAN of Biddeford

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

Signed:

Representatives:

ANDREWS of Paris
POIRIER of Skowhegan

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-653)**.

Signed:

Senator:

BRAKEY of Androscoggin

One member of the same Committee on the same subject reported in Report "D" that the same **Ought to Pass as Amended by Committee Amendment "C" (H-654)**.

Signed:

Representative:

HAGGAN of Hampden

One member of the same Committee on the same subject reported in Report "E" that the same **Ought to Pass as Amended by Committee Amendment "D" (H-655)**.

Signed:

Representative:

HENDERSON of Rumford

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

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

Reports **READ**.

Senator **CARNEY** of Cumberland moved the Senate **ACCEPT** Report "A", **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-652)**, in concurrence.

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#438)

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

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

EXCUSED: Senator: KEIM

22 Senators having voted in the affirmative and 12 Senators having voted in the negative, with 1 Senator being excused, the motion by Senator **CARNEY** of Cumberland to **ACCEPT** Report "A", **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-652)**, in concurrence, **PREVAILED**.

Bill **READ ONCE**.

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

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-652)**, in concurrence.

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

PAPERS FROM THE HOUSE

Joint Order

The following Joint Order:

H.P. 1297

ORDERED, the Senate concurring, that Bill, "An Act to Allow Maine Families to Increase Their Savings by Removing Asset Limits for Eligibility for the Temporary Assistance for Needy Families Program," H.P. 592, L.D. 945, and all its accompanying papers, be recalled from the Governor's desk to the House.

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

READ and **PASSED**, in concurrence.

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 Requiring the State to Pay a Share of a Retired State Employee's or Retired Teacher's Premium for Medicare Part B Under Medicare Advantage"

H.P. 79 L.D. 111

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-671)**.

Signed:

Senator:

TIPPING of Penobscot

Representatives:

ROEDER of Bangor
GEIGER of Rockland
GERE of Kennebunkport
MALON of Biddeford
RUSSELL of Verona Island
SKOLD of Portland

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

Signed:

Senator:

POULIOT of Kennebec

Representatives:

BRADSTREET of Vassalboro
DRINKWATER of Milford
SOBOLESKI of Phillips

Comes from the House with the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-671)**.

Reports **READ**.

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

Bill **READ ONCE**.

Committee Amendment "A" (H-671) **READ** and **ADOPTED**, in concurrence.

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

Divided Report

The Majority of the Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act Directing the Bureau of General Services to Ensure Adequate Air Quality in All State-owned and State-leased Buildings"

H.P. 745 L.D. 1173

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-668)**.

Signed:

Senators:

NANGLE of Cumberland
BALDACCI of Penobscot

Representatives:

STOVER of Boothbay
COPELAND of Saco
PAULHUS of Bath
RISEMAN of Harrison

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

Signed:

Senator:

LYFORD of Penobscot

Representatives:

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

Comes from the House with the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-668)**.

Reports **READ**.

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

Bill **READ ONCE**.

Committee Amendment "A" (H-668) **READ** and **ADOPTED**, in concurrence.

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

Divided Report

The Majority of the Committee on **TAXATION** on Bill "An Act to Extend Development District Tax Increment Financing Districts" H.P. 1118 L.D. 1739

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-672)**.

Signed:

Senator:
GROHOSKI of Hancock

Representatives:
PERRY of Bangor
CROCKETT of Portland
HASENFUS of Readfield
MATLACK of St. George
RANA of Bangor

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

Signed:

Senator:
LIBBY of Cumberland

Representatives:
CARMICHAEL of Greenbush
LAVIGNE of Berwick
QUINT of Hodgdon
RUDNICKI of Fairfield

Comes from the House with the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-672)**.

Reports **READ**.

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

Bill **READ ONCE**.

Committee Amendment "A" (H-672) **READ** and **ADOPTED**, in concurrence.

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

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

REPORTS OF COMMITTEES

House

Ought to Pass As Amended

The Committee on **ENVIRONMENT AND NATURAL RESOURCES** on Bill "An Act to Modernize Maine's Beverage Container Redemption Law" H.P. 1225 L.D. 1909

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-667)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-667)**.

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

Bill **READ ONCE**.

Committee Amendment "A" (H-667) **READ** and **ADOPTED**, in concurrence.

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

The Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act to Provide Economic Justice to Historically Disadvantaged Older Citizens by Amending the Laws Governing the Medicare Savings Program" H.P. 977 L.D. 1522

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-661)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-661)**.

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

Bill **READ ONCE**.

Committee Amendment "A" (H-661) **READ** and **ADOPTED**, in concurrence.

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

The Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act to Recognize an Association of Early Childhood Educators as an Educational Advisory Organization" H.P. 938 L.D. 1442

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-662)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-662)**.

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

Bill **READ ONCE**.

Committee Amendment "A" (H-662) **READ** and **ADOPTED**, in concurrence.

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

The Committee on **TAXATION** on Bill "An Act to Exempt Certain Nonprofit Organizations from the Sales and Use Tax and the Service Provider Tax"

H.P. 43 L.D. 68

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-665)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-665)**.

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

Bill **READ ONCE**.

Committee Amendment "A" (H-665) **READ** and **ADOPTED**, in concurrence.

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

The Committee on **VETERANS AND LEGAL AFFAIRS** on Bill "An Act to Allow Certain Liquor Sellers to Conduct Off-premises Taste-testing Events and Retail Sales"

H.P. 718 L.D. 1132

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-666)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-666)**.

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

Bill **READ ONCE**.

Committee Amendment "A" (H-666) **READ** and **ADOPTED**, in concurrence.

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

An Act to Address the Recent Mill Closure in the Town of Jay by Providing Funds to Offset Property Tax Loss

H.P. 1256 L.D. 1954
(C "A" H-625)

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

Acts

An Act to Provide Maine Ratepayers with Equitable Access to Interconnection of Distributed Generation Resources

S.P. 148 L.D. 327
(C "A" S-380)

An Act to Protect Health Care Professionals Providing Reproductive Health Care Services

H.P. 393 L.D. 616
(C "A" H-402)

An Act to Reduce Barriers to Housing by Limiting Tenant Application Fees

H.P. 460 L.D. 691
(C "A" H-595)

An Act to Remove Barriers to Abortion Coverage in Private Insurance

H.P. 582 L.D. 935
(C "A" H-435)

An Act to Enhance Access to a Second Opinion for Health Care Services or Treatment

H.P. 630 L.D. 995
(C "A" H-433)

An Act to Protect the Reproductive Freedom of Maine People by Preempting the Field of Abortion Regulation

H.P. 857 L.D. 1343
(C "A" H-279)

An Act to Promote a Diverse, More Experienced Workforce and Ensure High-quality Careers by Increasing Registered Apprenticeship Programs

H.P. 991 L.D. 1539
(C "A" H-629)

An Act to Enable Confirmatory Adoption

H.P. 1221 L.D. 1906
(C "A" H-602)

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

An Act to Require the State to Pay Medicare Premiums for Certain Retired State Employees

S.P. 259 L.D. 591
(C "A" S-374)

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

An Act to Require Minimum Pay for Reporting to Work

S.P. 486 L.D. 1190
(C "A" S-377)

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

An Act to Require Certain School Identification Cards to Include the Telephone Number of a Suicide and Crisis Hotline

H.P. 811 L.D. 1263
(C "A" H-645)

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

An Act to Increase Affordable Housing by Expanding Tax Increment Financing

H.P. 948 L.D. 1493
(C "A" H-646)

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

An Act to Advance Justice in Sentencing by Amending the Laws Governing the Maine Criminal Justice Sentencing Institute

H.P. 990 L.D. 1535
(C "A" H-600)

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

An Act to Provide Funding for the Supplemental Nutrition Assistance Program to Restore Benefits Reduced by the Federal Government

H.P. 1029 L.D. 1584
(C "A" H-649)

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

An Act to Improve Geographic Information System Data Acquisition and Maintenance

S.P. 674 L.D. 1687
(C "A" S-383)

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

An Act to Implement the Recommendations of the Governor's Advisory Council on Military Sexual Trauma

H.P. 1146 L.D. 1783
(C "A" H-635)

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

Resolves

Resolve, to Establish a Commission to Commemorate the 250th Anniversary of the Founding of the United States

H.P. 665 L.D. 1029
(C "A" H-624)

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

Resolve, to Provide Grants to Support Reading Proficiency Programming in Schools

H.P. 981 L.D. 1526
(C "A" H-644)

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

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

Off Record Remarks

On motion by Senator **VITELLI** of Sagadahoc, **ADJOURNED** until Thursday, June 22, 2023 at 10:00 in the morning.