

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

In Senate Chamber
Wednesday
April 3, 2024

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

Prayer by Pastor Mark Rockwood, Sr. of Berean Baptist Church in Brunswick.

PASTOR MARK ROCKWOOD, SR: Thank you, President Jackson. Thank you, Members of the Senate. I appreciate this opportunity, this privilege to come before you, to lift you up in prayer. I don't take this very lightly, and I know that you don't take your positions very lightly as well. In fact, the scripture tells us that we are to pray for all those who are in authority over us that we lead a peaceful life. Your work here is very instrumental in the lives of all the people of Maine, and so there's a weightiness to this, and this is why I always encourage our congregation to constantly pray - not criticize as much, but to pray. It's very easy to criticize. In fact, you guys know how to do that very well. But that's all joking aside. I really appreciate this, and I appreciate the efforts that you make for all the people of the State of Maine. So, let us look to the Lord in prayer. Our Heavenly Father, as we gather today, we ask, Lord, for your grace upon the Senate, Lord. As all the discussions in the matters that are before them, Lord, I ask for clarity of thought, for wisdom from on high, for a spirit of camaraderie. That Lord, they're here for the same purpose, for the wellbeing of the State of Maine and its residents. We have differences of opinions, differences of philosophies, but Lord, I pray that they could put any personal agendas aside to do what is best for all people of Maine. Lord, that they would truly be that spirit of unity. That Lord, when there's those things that divide them, may they look for common ground, to have that mindset to uplift and not use the words to tear down but to build up. To be an example not only to the residents of the State of Maine but Lord, I pray that the way that they conduct themselves, the way that they handle the matters that are before them, would be such an example for all states to want to model themselves after and even our federal government. That they could look at the way that this Senate works together for the good, for the common good of the people. And so, Lord, I ask for your grace to abound upon them. I ask for your wisdom, I ask for that spirit, Lord, that brings people together and not divide. Lord, I pray for the protection upon them. Because we know that there's many times the decisions that they need to make are not always favorable for some people. And but Lord, I pray that the people that will be -- that don't agree would realize that they are here to do what is best for this state, for the people of Maine. And so, Lord, that I ask that you give them that spirit of cooperation, that Lord, that you would use them to not just be party politics but to do that which is right, and especially in the sight of your eyes. So, Lord, I ask that you would go before them, I ask that Lord, they would be able to do their work with joy, that Lord, that they would recognize the weightiness of their

responsibility, and that, Lord, that they would do it with just a joy to see the people of Maine prosper and move forward. So, Lord, go before them, may your grace abound upon them, and may they be pleased to know that they did these things in the will of God. And I pray this is Jesus' name, amen.

Pledge of Allegiance led by Senator Michael Tipping of Penobscot County.

Reading of the Journal of Tuesday, April 2, 2024.

Off Record Remarks

PAPERS FROM THE HOUSE

Non-Concurrent Matter

An Act to Provide for Licensing of and Tax Collection from Remote Retail Sellers of Pipe Tobacco and Premium Cigars S.P. 785 L.D. 1923

In Senate, April 1, 2024, on motion by Senator **BALDACCI** of Penobscot, the Minority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-630)**.

Comes from the House, the Majority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED** in **NON-CONCURRENCE**.

Senator **VITELLI** of Sagadahoc moved the Senate **RECEDE** and **CONCUR**.

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 Washington, Senator Moore.

Senator **MOORE:** Thank you, Mr. President. I just wanted to speak for a few minutes about the amendment, if I could. The minority amendment replaces the bill and changes the title. It removes from the bill all reference to pipe tobacco. It also removes provisions related to tax collection that were enacted by Public Law 2023, Chapter 441. The amendment includes definitions of remote retail sale and remote retail seller in the laws regarding retail tobacco licenses. It clarifies that the sale of premium cigars online is legal and not required to be face to face. It updates the requirements for age verification by remote sellers of premium cigars to account for online sales. It eliminates the requirement for an out of state retail seller of premium cigars to be licensed by the Department of Health and Human Services. This bill was brought to the HHS Committee to bring consistency

with law already passed in the Taxation Committee. We hear regularly from the business community about the importance of predictability and consistency in regulations that govern them. This bill provides certainty and allows for compliance with laws already on the books in Title 36. We should celebrate when companies come to us and say we understand there's an obligation here, but we have no path to compliance. Now that the Taxation Committee has addressed that underlying issue, the HHS Committee used this bill to provide consistency between the two provisions in Maine law. This bill does not expand tobacco sales, it simply cleans up Title 22 to be consistent with the good work done by the Tax Committee and the Maine Revenue Services last year. So, I request the Senate to please consider voting down the recede and concur and insist on this matter. Thank you, Mr. President.

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.

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

Senator **BRAKEY:** Thank you, Mr. President. Just speaking very briefly on this legislation, there's been a lot of talk in this Legislature over this two-year period about bodily autonomy, and I certainly think that's a very respectable principle that I agree with, though sometimes maybe we apply it in different places. I just think it's ironic sometimes that sometimes the individuals who I hear speaking the most passionately about bodily autonomy when it comes to the choice -- for adults to make their own choices for what they put into their bodies when it comes to tobacco and tobacco products, it seems like the principle of bodily autonomy is very much forgotten. So, I will be opposing the recede and concur motion.

The Chair noted the absence of the Senator from Cumberland, Senator **CARNEY**, and the Senator from Penobscot, Senator **GUERIN**, and the Senator from Kennebec, Senator **LAFOUNTAIN**, and the Senator from Penobscot, Senator **LYFORD**, and the Senator from Cumberland, Senator **PIERCE**, and further excused the same Senators from today's Roll Call votes.

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#651)

YEAS: Senators: BAILEY, BEEBE-CENTER, BRENNER, CHIPMAN, CURRY, DAUGHTRY, DUSON, INGWERSEN, LAWRENCE, LIBBY, NANGLE, RAFFERTY, RENY, ROTUNDO, TIPPING, VITELLI

NAYS: Senators: BALDACCI, BENNETT, BLACK, BRAKEY, FARRIN, GROHOSKI, HARRINGTON, HICKMAN, KEIM, MOORE, POULIOT, STEWART, TIMBERLAKE, PRESIDENT JACKSON

EXCUSED: Senators: CARNEY, GUERIN, LAFOUNTAIN, LYFORD, PIERCE

16 Senators having voted in the affirmative and 14 Senators having voted in the negative, with 5 Senators being excused, the motion by Senator **VITELLI** of Sagadahoc to **RECEDE** and **CONCUR**, **PREVAILED**.

Joint Resolution

The following Joint Resolution:
H.P. 1473

JOINT RESOLUTION RECOGNIZING APRIL 2024 AS CHILD ABUSE PREVENTION MONTH

WHEREAS, child abuse is a community problem, and finding solutions depends on recognizing that the effects of child abuse and neglect are felt by whole communities and that those effects need to be addressed by the entire community; and

WHEREAS, effective child abuse and neglect prevention programs succeed because partnerships are created among government agencies, policymakers, nonprofit organizations, health care providers, schools, faith communities, businesses and law enforcement agencies; and

WHEREAS, when families lack access to adequate financial resources, stable living conditions, nutritious food, affordable health care, quality child care and education, a child's development is at risk; and

WHEREAS, all Maine citizens should become more aware of child abuse and neglect and its prevention and become involved in the raising of children in a safe, secure, nurturing environment; now, therefore, be it

RESOLVED: That We, the Members of the One Hundred Thirty-first Legislature now assembled in the Second Regular Session, on behalf of the people we represent, take this opportunity to recognize April 2024 as Child Abuse Prevention Month, to recognize that we all have a role to play in strengthening families so as to ensure healthy child development and have a duty to help others recognize that role and to

celebrate the positive community connections available to our families and caregivers to promote the health and well-being of Maine children and help prevent child abuse and neglect.

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

READ and **ADOPTED**, in concurrence.

COMMUNICATIONS

The Following Communication: S.C. 1068

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

April 1, 2024

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

Dear President Jackson and Speaker Talbot Ross:

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

L.D. 738 An Act to Establish a Paid Family and Medical Leave System

L.D. 1483 An Act to Protect the Rights of Agricultural Workers

This is notification of the Committee's action.

Sincerely,

S/Sen. Michael Tipping
Senate Chair

S/Rep. Amy Jean Roeder
House Chair

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

The Following Communication: S.C. 1067

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

April 1, 2024

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

Dear President Jackson and Speaker Talbot Ross:

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

L.D. 2275 An Act to Ensure That Rules Regarding the Atlantic States Marine Fisheries Commission Are Major Substantive Rules

This is notification of the Committee's action.

Sincerely,

S/Sen. Cameron deGrasse Reny
Senate Chair

S/Rep. Allison Hepler
House Chair

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

The Following Communication: H.C. 466

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

April 2, 2024

Honorable Darek M. Grant
Secretary of the Senate
131st Maine Legislature
Augusta, Maine 04333

Dear Secretary Grant:

The House voted today to insist on its former action whereby it accepted the Majority Ought Not to Pass Report of the Committee on Transportation on Bill "An Act to Identify the Railroad Lines from Portland to Bangor as a Major Corridor and to Fund a Feasibility Study" (S.P. 357) (L.D. 860).

Sincerely,

S/Robert B. Hunt
Clerk of the House

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

The Following Communication: H.C. 467

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

April 2, 2024

Honorable Darek M. Grant
Secretary of the Senate
131st Maine Legislature
Augusta, Maine 04333

Dear Secretary Grant:

House Paper 951, Legislative Document 1496, "An Act to Restrict Noncompete Clauses," having been returned by the Governor, together with objections to the same, pursuant to Article IV, Part Third, Section 2 of the Constitution of the State of Maine, after reconsideration, the House proceeded to vote on the question: "Shall this Bill become a law notwithstanding the objections of the Governor?"

74 voted in favor and 72 against, and accordingly it was the vote of the House that the Bill not become a law and the veto was sustained.

Sincerely,

S/Robert B. Hunt
Clerk of the House

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

ORDERS

Joint Orders

Expressions of Legislative Sentiment recognizing:

Grace Tetreault, of Bath, who has earned the distinction of being named Valedictorian of the 2024 graduating class of Morse High School. We extend our congratulations and best wishes;
SLS 1758

Sponsored by Senator VITELLI of Sagadahoc.
Cosponsored by Representatives: HEPLER of Woolwich,
SINCLAIR of Bath.

Chase Roth-Wells, of Georgetown, who has earned the distinction of being named Salutatorian of the 2024 graduating class of Morse High School. We extend our congratulations and best wishes;
SLS 1759

Sponsored by Senator VITELLI of Sagadahoc.
Cosponsored by Representatives: HEPLER of Woolwich,
SINCLAIR of Bath.

The Joint Orders were **READ.**

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

Senator **VITELLI:** Thank you, Mr. President. I just want to appreciate the fact that two students from my area are here to be recognized for their academic achievements and am pleased to have the Senate recognize both of these dynamic, young, smart members of my community, and would also like to welcome them here and the parents of one of them as well. Thank you.

The Joint Orders were **PASSED.**

Sent down for concurrence.

THE PRESIDENT: The Chair is very pleased to recognize in the rear of the Senate: Grace Tetreault and Chase Roth-Wells. They're from Bath and Georgetown, and they are the guests today of the Senator from Sagadahoc, Senator Vitelli. Would they please rise and accept the greetings and congratulations of the Maine Senate.

REPORTS OF COMMITTEES

House

Ought to Pass As Amended

The Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** on Bill "An Act to Enhance the Use of Critical Incident Stress Management Teams and to Require Peer Team Support" H.P. 1121 L.D. 1742

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-898).**

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-898).**

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

Bill **READ ONCE.**

Committee Amendment "A" (H-898) **READ** and **ADOPTED.**

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

The Committee on **ENVIRONMENT AND NATURAL RESOURCES** on Bill "An Act Designating New Motor Vehicle Emissions Rules as Major Substantive Rules" H.P. 1451 L.D. 2261

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-902).**

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-902).**

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

Bill **READ ONCE**.

Committee Amendment "A" (H-902) **READ** and **ADOPTED**.

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 Reduce the Number of Children Living in Deep Poverty by Adjusting Assistance for Low-income Families" H.P. 1202 L.D. 1877

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-891).**

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-891).**

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

Bill **READ ONCE**.

Committee Amendment "A" (H-891) **READ** and **ADOPTED**.

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 Increase Participation by the Department of Health and Human Services Regarding Federal Benefits for Which Children in the Custody of the Department Are Eligible" (EMERGENCY) H.P. 1337 L.D. 2078

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-893).**

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-893).**

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

Bill **READ ONCE**.

Committee Amendment "A" (H-893) **READ** and **ADOPTED**.

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 Regarding the Homestead Property Tax Exemption and the Property Value Reassessment Process" (EMERGENCY) H.P. 1384 L.D. 2162

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-892).**

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-892).**

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

Bill **READ ONCE**.

Committee Amendment "A" (H-892) **READ** and **ADOPTED**.

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 to Fund Delivery of Emergency Medical Services" H.P. 970 L.D. 1515

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-903).**

Signed:

Senators:

BEEBE-CENTER of Knox
HARRINGTON of York
LaFOUNTAIN of Kennebec

Representatives:

SALISBURY of Westbrook
HASENFUS of Readfield
LAJOIE of Lewiston
LOOKNER of Portland
MATHIESON of Kittery
MILLIKEN of Blue Hill
NUTTING of Oakland

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
PERKINS of Dover-Foxcroft

Comes from the House with the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-903)** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-903)**.

Reports **READ**.

On motion by Senator **BEEBE-CENTER** of Knox, the Majority **OUGHT TO PASS AS AMENDED** Report **ACCEPTED**.

Bill **READ ONCE**.

Committee Amendment "A" (H-903) **READ** and **ADOPTED**.

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 to Establish a Statewide Sexual Assault Forensic Examination Kit Tracking System and Conduct an Inventory of Existing Forensic Examination Kits in the Possession of Law Enforcement" (EMERGENCY)
H.P. 1353 L.D. 2129

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-904)**.

Signed:

Senators:

BEEBE-CENTER of Knox
LaFOUNTAIN of Kennebec

Representatives:

SALISBURY of Westbrook
HASENFUS of Readfield
LAJOIE of Lewiston
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 as Amended by Committee Amendment "B" (H-905)**.

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 BY COMMITTEE AMENDMENT "A" (H-904)** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-904)**.

Reports **READ**.

On motion by Senator **BEEBE-CENTER** of Knox, the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-904)** Report **ACCEPTED**.

Bill **READ ONCE**.

Committee Amendment "A" (H-904) **READ** and **ADOPTED**.

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-904)** in concurrence.

Divided Report

The Majority of the Committee on **ENERGY, UTILITIES AND TECHNOLOGY** on Bill "An Act Regarding Customer Costs and the Environmental and Health Effects of Natural Gas"
H.P. 1336 L.D. 2077

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-890)**.

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

Comes from the House with the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-890)** Report

READ and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-890)**.

Reports **READ**.

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

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

(See action later today.)

Divided Report

The Majority of the Joint Select Committee on **HOUSING** on Resolve, Authorizing the Commissioner of Administrative and Financial Services to Convey by Sale the Interests of the State in 3 Properties Located in Biddeford, Sanford and York
H.P. 1464 L.D. 2277

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-900)**.

Signed:

Senators:

PIERCE of Cumberland
POULIOT of Kennebec
VITELLI of Sagadahoc

Representatives:

GERE of Kennebunkport
BLIER of Buxton
BRADSTREET of Vassalboro
CAMPBELL of Orrington
GATTINE of Westbrook
GOLEK of Harpswell
MORRIS of Turner
RANA of Bangor
STOVER of Boothbay

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "B" (H-901)**.

Signed:

Representative:

LOOKNER of Portland

Comes from the House with the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-900)** Report **READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-900)**.

Reports **READ**.

On motion by Senator **VITELLI** of Sagadahoc, the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-900)** Report **ACCEPTED**.

Bill **READ ONCE**.

Committee Amendment "A" (H-900) **READ** and **ADOPTED**.

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 Amend the Law Governing Racial Impact Statements"
H.P. 928 L.D. 1432

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-889)**.

Signed:

Senators:

NANGLE of Cumberland
BALDACCI of Penobscot
LYFORD of Penobscot

Representatives:

STOVER of Boothbay
ABDI of Lewiston
COPELAND of Saco
DHALAC of South Portland
RISEMAN of Harrison
SINCLAIR of Bath

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

Signed:

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 BY COMMITTEE AMENDMENT "A" (H-889)** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-889)**.

Reports **READ**.

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

Bill **READ ONCE**.

Committee Amendment "A" (H-889) **READ** and **ADOPTED**.

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 Provide up to \$5,000 in Property Tax Relief to Veterans" H.P. 1116 L.D. 1737

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-897)**.

Signed:

Senators:

GROHOSKI of Hancock
LIBBY of Cumberland

Representatives:

PERRY of Bangor
CARMICHAEL of Greenbush
CROCKETT of Portland
MATLACK of St. George
QUINT of Hodgdon
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 BY COMMITTEE AMENDMENT "A" (H-897)** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-897)**.

Reports **READ**.

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

Bill **READ ONCE**.

Committee Amendment "A" (H-897) **READ** and **ADOPTED**.

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

Divided Report

Eight members of the Committee on **JUDICIARY** on Bill "An Act to Advance Self-determination for Wabanaki Nations" H.P. 1287 L.D. 2007

Reported in Report "A" that the same **Ought to Pass as Amended by Committee Amendment "A" (H-910)**.

Signed:

Senators:

CARNEY of Cumberland
BAILEY of York

Representatives:

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

Three 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
HAGGAN of Hampden
POIRIER of Skowhegan

Two members of the same Committee on the same subject reported in Report "C" that the same **Ought to Pass as Amended by Committee Amendment "B" (H-911)**.

Signed:

Senator:

BRAKEY of Androscoggin

Representative:

HENDERSON of Rumford

Comes from the House with Report "A" **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-910)** **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-910)**.

Reports **READ**.

On motion by Senator **BAILEY** of York, **TABLED** until Later in Today's Session, pending **ACCEPTANCE OF ANY REPORT**.

Divided Report

Seven members of the Committee on **TAXATION** on Bill "An Act to Change How Adult Use Cannabis Excise Tax Is Calculated" H.P. 901 L.D. 1405

Reported in Report "A" that the same **Ought to Pass as Amended by Committee Amendment "A" (H-834)**.

Signed:

Senator:
CHIPMAN of Cumberland

Representatives:
PERRY of Bangor
CROCKETT of Portland
HASENFUS of Readfield
LIBBY of Auburn
RANA of Bangor
RUDNICKI of Fairfield

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 "B" (H-835)**.

Signed:

Senator:
GROHOSKI of Hancock

Representative:
MATLACK of St. George

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

Signed:

Senator:
LIBBY of Cumberland

Representative:
CARMICHAEL of Greenbush

Comes from the House with Report "A" **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-834)** READ and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-834)**.

Reports **READ**.

On motion by Senator **GROHOSKI** of Hancock, **TABLED** until Later in Today's Session, pending **ACCEPTANCE OF ANY REPORT**.

Senate

Ought to Pass As Amended

Senator BALDACCI for the Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act to Change Department of Health and Human Services Rules Regarding Youth Camps to Major Substantive Rules" S.P. 955 L.D. 2230

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

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

Bill **READ ONCE**.

Committee Amendment "A" (S-645) **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 **HEALTH AND HUMAN SERVICES** on Bill "An Act to Create a Separate Department of Child and Family Services" S.P. 338 L.D. 779

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

Signed:

Senators:
INGWERSEN of York
MOORE of Washington

Representatives:
MEYER of Eliot
CRAVEN of Lewiston
GRAHAM of North Yarmouth
GRIFFIN of Levant
JAVNER of Chester
LEMELIN of Chelsea
MADIGAN of Waterville
SHAGOURY of Hallowell
ZAGER of Portland

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

Signed:

Senator:
BALDACCI of Penobscot

Representative:

FREDERICKS of Sanford

Reports **READ**.

Senator **BALDACCI** of Penobscot moved the Senate **ACCEPT** the Minority **OUGHT TO PASS AS AMENDED** Report.

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

Senator **BALDACCI:** Thank you, Mr. President. This bill has a long history, and we were here two years ago or three years ago and it was a 13-1 report that the Senate overturned and passed. And now, we're up to two, now it's a 12-2 report, and we're still here. But this is an issue that goes back many years, and this deeply affects the children of our state, the families of our state, the future of our state. And this is an important bill. This bill is talking about creating a Department of Children -- I want to get the name right -- Child and Family Services. It is going to be a department that's solely focused on child welfare services, Head Start and childcare, maternal and child health services including the home visiting programs, parentage establishment in child support, residential long-term care for services for children with disabilities, services for children with special healthcare needs, services for children with developmental disabilities, and activities to transition children's services to adult services. Now, developing an organizational structure for this department focused solely on children, youth, and families, with the goal of improving services and outcomes, helps promote greater accountability, and heightens the visibility and the transparency of children's issues and child protection. The presentation, I have to tell you, as a member of the Health and Human Services Committee, was very well thought out. They looked at models from other states and how other states have done this, and we can do it again. I just -- 20 years ago, we merged these departments and at that time, as Senator Diamond had said in his testimony, that was the correct decision then based on the challenges we were facing then. And I don't want to belabor the point, but in 2010, the Kennedy School of Government, among others, found that Maine was one of the best states in terms of child welfare protection and reforms. We have come a long way from that date, and it is the product of not -- it doesn't matter whether it's Republican or Democrat, we have spent a lot of time not putting the independent focus into this issue. The Department having dealt with DHHS or DHS for 30 years as an attorney representing people involved in the system, I have seen up close a lot of the actions and lack of follow-through, but I've also seen a lot of great work. Let's remember that the caseworkers are working their butts off, and they do a great job, and they serve all of us. But I think this issue is about structure, it's about -- it's not about personalities, it's about policies, structure, leadership. And I think that this change is coming at the right time for us as a state. I know it's extremely -- extremely not welcomed in certain quarters, but that really doesn't speak to the issue of whether it is the right decision for today. So, I ask my colleagues to consider this, we need to put a lot more energy, a lot more independent focus into this issue, and I think this will help significantly advance the debate. And I want to emphasize that Senator Timberlake did not write any of my remarks today, they were all on my own. But this is a bipartisan - and to be honest with you, really a nonpartisan issue, and we have a lot to do to reform DHS. I think this will be a helpful start, it's not going to cure problems, but I

think it will be a step in the right direction that will help put transparency and focus and accountability at a heightened degree. Thank you very much.

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

Senator **CHIPMAN:** Thank you, Mr. President. I guess I'd like to respond to a comment that my Good Friend from Penobscot just made that this bill is coming at the right time. I would disagree. I think that this is something we should've done a few years ago. Children are falling through the cracks, there's children dying, being abused, being neglected that are in custody of the State and we know that the problem is huge, we know that it needs to be addressed, and having Child and Family Services combined with Health and Human Services does not allow it to get the focus and attention that it needs so that it can be addressed. Our former colleague, Senator Diamond, this is a huge issue for him. He went out after leaving the Senate and formed a group called Walk a Mile in Their Shoes. I believe they want this, I think we need this, and the time is now, and I hope you'll vote for it.

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

Senator **BENNETT:** Thank you, Mr. President, Fellow Members of the Senate. I rise before you today in support of the motion before us. The problems that plague OCFS are worse today than they were when the Government Oversight Committee on which I served began investigating several years ago. GOC heard from case workers and resource parents, foster parents, during recent public testimony. Mind you, these are the frontline people involved, who made it clear that the culture of OCFS is broken and the system is failing. More children with OCFS involvement have died in the past three years than the previous six combined. What a horrible fact. According to the National Conference of State Legislatures, our Department of Health and Human Services is one of the largest state agencies in the country, encompassing offices that cover, as we know, many policy areas. It seems like half of my constituents' issues are dealing with DHHS, and naturally, these issues are always the toughest because of the seriousness of what the Department deals with. I've been fighting the Department on one such constituent case since I was first elected in the 130th Legislature. No matter what happens, the Department seems unwilling to provide this constituent with the support services he's entitled to if he chooses to stay in his own home. Despite a traumatic history of physical and sexual abuse in a group home in his past, the Department insists that the only way he can get his services is if he returns to a group home. It has been a trying saga that continues to this day. Another family I know who has also had serious issues with OCFS, despite the father following professional recommendations for taking care of his child, the authorities came. The mother has been to parenting classes, done everything she's been asked to do since, but they have not been reunited. The baby is now two years old, and the mother only learned that the Department was trying to adopt him out when the foster parent told her about it. The situations that I deal with, like I'm sure are reflected in your own constituent work, I have others here, but in the interests of time, I'm not going to mention them. I will note that we just dealt with a bill recently sponsored by my Colleague from Cumberland, Senator Brenner, regarding the health inspection program arm of

DHHS, who set up new rules for youth camps that would have been all but impossible to follow. If it were not for the overwhelming outcry of camp owners reaching out to their legislators, these new rules would've severely harmed an iconic Maine industry. I appreciate all of us unanimously supporting the engrossment of this bill. I have another bill that's somewhere in the process, LD 2082, which results from the Department's poor performance. The Legislative Council left the bill in earlier this year. Quite simply, the bill requires DHHS to pay administrative expenses and interest charged on lines of credit or loans accessed by behavioral health service providers and housing assistance providers when a delay in department contract awards finalization of payments requires the provider to access a line of credit or a loan. The Department is often so slow at paying these service providers that they've contracted with that the providers face tens of thousands, even hundreds of thousands of dollars in debt which they are paying money that is going to bankers rather than to the services that the Department asked them to provide. This is, of course, not the only area where the Department is slow and uncommunicative about reimbursements in payments. For medical service providers to resource parents, Mainers are hurt by slow or lack of money that they deserve. In order for an organization to run well, you must have accountability and transparency. You can get by with bad accountability if you have good management, and you can get by with bad accountability -- or good accountability if you have bad management. Unfortunately, with DHHS, we have neither. DHHS is out of control, out of touch, unaccountable, and badly managed. It is a terrible combination for the people of Maine. That is why we must pass the Minority Report on this bill. Thank you, Mr. President.

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

Senator **TIMBERLAKE:** Thank you, Mr. President. Good morning, Ladies and Gentlemen of the Senate. It is with a heavy heart that I stand before you today, and here's why. Thirty-four in 2021, 31 in 2022, and from what we know, '23 so far is 23 for 2023. Eighty-eight kids have died in the past three years, more than the previous six years combined. If that's not a crisis, I don't know what is. Unfortunately, Mr. President, the numbers don't lie. As I stand before you today, it is a fact that the failure of Maine's child welfare system, let's name it, the Office of Child and Family Services, are as plain as day. The failures go back as far as the King Administration, with the brutal death of Logan Marr, who was killed in Chelsea by his foster parent, herself a former case worker, when it was just DHHS back then. The Department went into disarray, and Governor Baldacci recognized it in 2002 to become DHHS as we know it today. And as my seatmate said, that Governor Baldacci had to do that at that point in time. But the Department, it grew too fast and too large, and the problems led to deaths of Kendall Chick in Wiscasset in 2017, Marissa Kennedy in Stockton Springs in 2018, both under the LePage Administration. Mr. President, after a previous investigation by the Government Oversight Committee, the same bill before you today was introduced then by Senator Bill Diamond in 2021. The bill before you today passed the Chamber 22-12. Fast-forward five years since those deaths, five bad years, and here we are again. And regrettably, Mr. President, the numbers don't lie. When the Government Oversight Committee began our investigation looking into the deaths of four of those 34 children in 2021, it was under a different Legislature, with different members

on the GOC. Those children were six-week-old Jaden Harding of Brewer, whose father, Ronald Harding, was convicted for his 2021 death. Three-year-old Maddox Williams of Stockton Springs, whose mother was convicted for his June 2021 murder, 3-year-old Hailey Goding of Old Town, whose mother was convicted for her June 2021 death, 1-year-old Sylus Melvin of Milo, whose father was convicted for the infant's August '21 murder. All those kids died of a very brutal, horrible death. Sadly, Mr. President, there are many more names on this list - too many, in fact. Mr. President, the numbers don't lie. So, was I proud when I and my colleagues in this room - Senator Bennett, Senator Keim, Senator Hickman, Senator Duson, Senator Tipping - took up the mantle and continued the journey? We hoped to quickly find the problem and easy answers. What we did uncover were real systemic problems with the Office of Child and Family Services. It began with leadership -- well, at least with one leader, who is no longer there. The problem showed through the testimony and the Office of Child and Family Service employees themselves, often by statements like they work within a broken system, they are being reviewed to death. The Lewiston district case worker calling her office a war zone, and the Office of Child and Family Services a sinking ship. One Lewiston district case worker -- excuse me, the supervisors who never show up for work and still, Mr. President, the numbers don't lie. Our very own Director of OPEGA found, and I quote, errors on top of errors, unquote. As this office reviewed their work, unsound safety decisions, he said. Even the Office of Child and Family Services itself, through its federally mandated annual service and progress report, said it was failing and as an agency want more evidence than there are more facts. The reoccurring rate of child abuse in Maine is twice - I repeat, twice - the national average. And in a pamphlet, you were handed out this morning on your desk, there is a report that shows that we are the highest in the nation. OCFS said it was failing half of the time in identifying children's risks, and when it comes to reunification, a review of 200 randomly selected cases showed the Office of Child and Family Services failed to meet at least one federal standard in all of them. All of them. While most failed to meet more than one. Sadly, Mr. President, the numbers still don't lie. And for a third year in a row, the Child Welfare ombudsman has found substantial issues in more than half the cases she reviewed - 60% this year, in fact. It's getting worse. We are one of the worst in the nation when it comes to child welfare. In fact, in the packet before you are the worst numbers in the nation when it comes to child abuse. When it comes to the Office of Child and Family Services, we're not talking about a blip on the radar here, we're talking about a brief -- or a brief hiccup or a one-off. This is much worse. These are deeply rooted, grotesque failures that affected children who were already dealt an extreme unfair hand in life to begin with. In the case of Jaden Harding, his hands were dealt even before he took his first breath of life. Mr. President, the numbers don't lie. In fact, they speak the truth in that we have failed Maine's people. We have let the problem continue to grow. We have let it get worse. It is up to us to fix it. Everything I've said here today leads me to one conclusion, it should lead all of us to one conclusion, something drastic has to change. Before you is a vehicle in the packet that was handed out. Laid before you is a roadmap to do it. Nothing else has worked, nothing else we've tried has changed the course of the Office of Child and Family Services. Look, I'm just a farmer, but in my farming world, sometimes you have to tear down the old barn before you build the new one. That's where we are here today. The Department

of Health and Human Services is too large, too unaccountable, and the Office of Child and Family Services needs to be separated from it. There is a reason why Indiana, New Jersey, Tennessee, Georgia, Wisconsin, and Washington State, just two years ago created separate child welfare agencies. There's a reason 18 states including Connecticut and Rhode Island have agencies dedicated solely to the children and the families. Mr. President, and my colleagues of the Senate, the numbers simply don't lie. Just like we did in 2021, I urge you to pass this bill. And Mr. President, I only wish that the Senator from Penobscot, Senator Baldacci, helped me write these words because he says his much more eloquently than I do most of the time. But Mr. President, I'm passionate about this, and I ask you to please support the Minority Report. Thank you.

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

Senator **NANGLE:** Thank you, Mr. President. I'm going to echo all of my colleagues' statements here, as well as DHHS is too big to fail, yet it does regularly. Kids are dying far too often. And this legislation may not solve the problem, but it's a start. I have the greatest respect for the childcare workers and hopefully we're paying them enough, if not more. I honestly don't know, I personally couldn't do it for any amount of money. But they need independent leadership, without the layers of bureaucracy that DHHS contains. I get calls from constituents about issues regarding DHHS and Child Protective Services, and I ask questions. And they're repeatedly and summarily ignored. Absolutely no response, not even a response of we can't discuss that because it's confidential. It's silence. And that silence, to me, shows that there is neglect in that department and that it is too big to manage as it currently sits. I implore all of you to vote to pass this Minority Report. In my opinion, this is singularly the most important piece of legislation we will pass in the 131st Legislature. Thank you.

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

Senator **DUSON:** Thank you, Mr. President, Ladies and Gentlemen of the Senate. It has been my pleasure and challenge to work with the bipartisan membership of the GOC committee over the last year and a half on these very, very difficult issues. And the GOC took up the question of separating the Department, and I think we wound up six to six. That conversation was so deep in terms of how we go about making the things different for our kids in the system that I can't even remember for sure which six I was in. And the reason for that is that I was more focused on what I think is an equally important part of the GOC report, which is the requirement that the Department commit itself to a plan for improvement. And not just a lofty plan up here, but present to this Body and the appropriate policy committees, a plan for what it's going to do, what it thinks doing those things is going to accomplish, a timeline for when it will get done, a reporting process for when they will come back and say we've done this much, we thought it would have this impact, it is or it isn't, if it isn't, here's what we're going to do differently. In other words, a quality improvement plan that can allow this Body not to spin our wheels trying to implement substituted judgment, but to hold the Department's wheels to the fire. I noted the reference that my good friend Senator Timberlake made to tearing down the barn,

and I know that his heart and head is firmly fixed on the question of what happens to our kids and families in the system while we're rearranging the barn. Because the little chicks are still there, and we have to make sure we're paying attention to that. So, for me, how we -- which report we accept is important, but more important is the process that we implement, and I hope that this Body and the Other Body will continue to support the GOC and the HHS committee in holding the Department's feet to the fire to get change done, measure it, and put it on a timeline so we can see a difference. People have been working on this for years, it's important to see some change, some demonstrable change, that can really make a difference for our kids and our families and our case workers and our -- yeah. So, thank you very much. I think this vote is important and I hope with this vote, whichever way you wind up on it, you will also be supporting systemic changes.

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

Senator **KEIM:** Thank you, Mr. President. I rise today to urge support of the bill in front of us. It is undeniable that the Office of Child and Family Services has had serious problems for many years. As long as I have been in the Senate, the Government Oversight Committee of which I am a member has been investigating the issues with and failures of this office. We have countless examples of how this Department has been failing our constituents and the people of Maine. Recently, I spoke with one of Senator Pierce's constituents. She and her family were featured prominently in a Portland Press Herald article a few years ago. Despite records of her son's serious illness, their pediatrician decided that the mother had Munchausen's syndrome by proxy, a psychological disorder in which caregivers, most commonly mothers, make up illnesses to get attention. State workers concluded that the mother was abusing her child mere days after launching the investigation and aggressively worked backwards to prove it, despite mountains of evidence to the opposite. Fortunately, a judge ultimately decided the family did nothing wrong and dismissed the State's attempts. However, failing to win in court in 2019, the Department has continued to target this family every single year. The family has spent over \$284,000 trying to defend themselves and keep their child. Currently, DHHS has two AAGs and three case workers on this case. We don't have enough case workers, and yet we're using three to harass and bankrupt a family for no obvious reason. This is just one example of a terrible case. There are so many more. Just this year, over a two-week period, I received five or six panicked calls from multiple family members of a young boy, terrified that he would be placed with his biological father, who has a rap sheet a mile long filled with violence and abuse. OPEGA is trying to reunite him with his father -- sorry, not OPEGA, the Office of Child and Family Services is trying to reunite him with his father. As we know from OPEGA reports, some of the worst cases of abuse and neglect are overlooked while other instances without abuse and neglect are put under a microscope. On top of that, there are huge issues getting payments to foster families. Many of my constituents and Mainers that are outside my district have reached out when they're at their wits' end getting paid. More than one family has completely given up on being reimbursed for mileage after months and months of waiting. People have decided to stop being resource parents because of these issues, and we cannot

afford to lose this critical resource. These reports are substantiated by the 2020 Federal Child Maltreatment Report which shows Maine had the highest rate of per capita child abuse of any one of our states. We are a leader in this area. Is that not the most devastating area to be the leader in? As we heard from the Senator from Oxford, Senator Bennett, the culture at DHS is broken, and we heard hours of testimony on this in government oversight workers -- in the Government Oversight Committee from frontline workers. They describe some of their -- some of their descriptions are that they work within a broken system. A Lewiston district case worker called her office a war zone and that OCFS is a sinking ship. In response to a disciplinary complaint made against her, one case worker provided more insight on the internal situation at OCFS. This person said "I currently have 15 cases on my caseload and have expressed feeling overwhelmed and admitted to my superiors that I have been struggling to stay on top of the task for the past several months. Many of my cases were transferred to me in a severely neglected state, as well as having already been opened for a year. And as a new case worker, it has been very hard to get my cases on track given the unsustainable workload I have." Frontline workers are overworked to the point of abuse in our system, and they have been ignored. However, if you listen to how Commissioner Lambrew described Director Landry and the office upon his resignation, you would think she doesn't even work in the same place. "The team at OCFS has accomplished much over the last nearly five years during Director Landry's tenure. This includes supporting the childcare system through the pandemic and strengthening access and quality while making great strides in implementing the children's behavioral health plan and diligently working to improve the child welfare system while focusing on prevention through the implementation of the Family First Preventive Services Act and the development of the Child Safety and Family Wellbeing Plan." What a disconnect between the quotes of the frontline workers and the director -- the Commissioner. It is hard to believe they have been talking about the same department, and clearly, they are not. Shockingly, even our Chief Executive has turned a blind eye to the horrible outcomes at Maine Office of Child and Family Services, and there has been no real public comment or attention given to this matter. If you look at the organizational chart of DHHS, you will see the numbers of middle management between the case workers who are on the ground, the frontline, and Commissioner Lambrew. There are so many lines of positions. She is far removed from what is happening on the frontlines. No wonder she's unresponsive, the department is massive, too massive to be nimble, too massive to be responsive, and clearly too massive to even know what's happening on the frontlines. As I stated, I've been working in the Government Oversight Committee for years, and there has not been improvement. By every measurable standard, Child and Family Services has gotten worse. The Department cannot fix itself. They give excuses, they keep telling us the programs they're working on, but they're not improving. If you look at the budget for the Department of Health and Human Services over the past decade, you will see that it continues to increase. There are still issues with delivering services to our constituents, our children are not safer. In 2014-15, the DHHS budget was approximately \$2.2 billion. Over this biennium, it is approximately \$3.6 billion, a 60% increase. And what have we accomplished? There is no transparency in the Department of Health and Human Services, only opacity. It is the worst of government bureaucracy. We must rebuild a department

dedicated specifically to child welfare. One that does not get lost in the conglomeration of bureaucracy. Our children are too important to be lost. DHS has proven it cannot help itself. We have given them every bit of money they've asked for, all of the time they've asked for, every single program they've asked for, and here we are. It is beyond time to make an overhauling change and save our children. They cannot do it, and we must.

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

Senator **MOORE:** Thank you, Mr. President. I rise in opposition to the motion on the floor. The bill before us would break the Office of Child and Family Services away from the Department of Health and Human Services. However, despite separating the departments, it makes no meaningful change to our state's child welfare practices. It is important to understand that just by creating a new department does not mean that children will magically stop dying. And worse than that, the proposal will negatively impact families as there will be less collaboration with concrete benefit programs such as the Office for Family Independence and the Office of Medicare Services as well as the Office of Behavioral Health on addressing parental substance use as well as with the Office of Aging and Disability Services on youth transitioning to adult services. There have been no concrete examples given to show how or why a new department will have a positive impact on the Office of Child and Family Services operation. The Department has made recent promising changes to address the issues in the system. We need to allow some time to see if the changes put in place by the new Office of Child and Family Services Director, Bobbi Johnson, are effective or not. The Department is now focused on reducing the number of children in state care, improving the quality of investigations, recruiting and retaining case workers and aides to prevent the burnout, collaborating with different parts of the departments so families can get all of the resources they are eligible for, giving them the best shot. But it takes time to see if policy changes actually bring the results we are looking for. Additionally, establishing a new department would come with significant costs. Among the new necessary positions would be experts in healthcare privacy, contract administration, grants administration, Freedom of Information Act, civil rights, ADA coordination, media relations, government affairs, administrative hearings, and on and on. Many of these are high-level positions with significant associated costs that would need to be duplicated if not under the same umbrella. Legislatively, there would need to be another joint standing committee to provide oversight to this new department. Again, added unnecessary expense to the state. This bill will not result in safer children and families. All it does is create an unnecessary and costly expansion of state government. I am more than happy to support proposals that will actually help families and children. This is not that proposal. The majority of the HHS committee feels the entire proposal idea or issue should go to the blue-ribbon commission, who is currently focused on the structure of DHHS, for a deeper comprehensive dive, of which there's three to four HHS members who serve on that blue ribbon committee. They will be reporting back to the HHS Committee, who can then report out legislation with concrete action steps. I urge you to vote against the motion on the floor. Thank you, Mr. President.

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

Senator **TIPPING:** Thank you, Mr. President. I find myself in a similar position to the Senator from Washington County, but with perhaps less optimism about some of the changes that are in the works here. And I actually do remember how I voted on this in Government Oversight, I supported Senator Timberlake's motion for some of the arguments about structure and transparency that we've heard today, and we've had some very good conversations about that since. I think what a lot of us are feeling is that something desperately needs to be done on these issues. We've seen terrible results, and this is something, and let's do it. But what we heard on Government Oversight again and again, and Senator Keim shared some of those awful quotes, is that the frontline workers are under-staffed, under-supported, they're burning out, and they're giving up. And what they're not asking for -- they're asking for resources, they're asking for help, what they're not asking for, at least to us, is a reorganization. We should be doing the opposite for these workers. They have the safety of children in their hands and when they aren't able to do their jobs, we see suffering and sometimes we see death. They should be some of the best paid and resourced workers in our entire state, but our priorities have so far been backwards. So, I understand these arguments about structure, about oversight, about focus, about sending a message, and I agree with them, too, but I find myself against spending even one cent on new letterhead before addressing the real issues at the scale that is absolutely necessary here. And I also don't want to make it seem like we've done something to address what's needed when we haven't, when we clearly haven't solved the problems here. And finally, I just want to say that I have young children, they turned ten years old last week, and I can't hear another story like the ones we've heard. Just physically, mentally, emotionally, they are heartrending and awful, and I think about my own kids every time. And whichever way we vote on this, whatever message we send, whatever action we take, I hope we can continue the important work that will make the real difference in children's lives across the state. Thank you, Mr. President.

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

Senator **HICKMAN:** Thank you, Mr. President, Women and Men of the Senate. I rise in strong support of the pending motion. I think it's appropriate that we are having this conversation in the month of April, which has been designated as Child Abuse Prevention Month and, Mr. President, had I been in my seat earlier, I would have asked for the Secretary to read Item 1-17 on page 5 of our calendar, and so I will read it instead as a part of my remarks on this very important piece of legislation. Whereas, child abuse is a community problem, and finding solutions depends on recognizing that the effects of child abuse and neglect are felt by whole communities and that those effects need to be addressed by the entire community; and whereas, effective child abuse and neglect prevention programs succeed because partnerships are created among government agencies, policymakers, nonprofit organizations, health care providers, schools, faith communities, businesses and law enforcement agencies; and whereas, when families lack access to adequate financial resources, stable living conditions, nutritious food, affordable health care, quality care, child care, education, a

child's development is at risk; and whereas, all Maine citizens should become more aware of child abuse and neglect and its prevention and become involved in the raising of children in a safe, secure, nurturing environment; now, therefore, be it resolved that we, the Members of the 131st Legislature now assembled in the Second Regular Session, on behalf of the people we represent, take this opportunity to recognize April 2024 as Child Abuse Prevention Month. To recognize that we all have a role to play in strengthening families so as to ensure healthy child development and have a duty to help others recognize that role and to celebrate the positive community connections available to our families and caregivers to promote the health and wellbeing of Maine children and help prevent child abuse and neglect - and I will add and death. I've been honored and deeply, to my bone marrow, moved by the work of the Government Oversight Committee on this issue and many others as my first time on the committee and as serving as Senate Chair. And I will say that sometimes, Mr. President, we have to go back in order to go forward. So, on page 29 of this report from the Government Oversight Committee that was distributed to all of our desks in the prior week or two, we heard, as we've heard from other colleagues, we've heard from frontline workers, of course we did, but we also heard from child protection leader Peter Walsh, who addressed us on November 29, 2023. Mr. Peter Walsh was the first director of an agency in state government that looks like the Office of Child and Family Services, and these were his bullet points to the committee. I'm going to read them out of order. Eliminate child abuse and neglect in three years, double the resources including federal, state, private, and other sources, prioritize child welfare in all other human services agencies, greatly increase support to frontline staff, develop a new category of service provider called child safety specialist, send an immediate response person on all calls that come into the hotline, double the salaries of frontline staff, strengthen the caseworker advisory committee, use existing state surplus, whatever is necessary, to eliminate child abuse and neglect as soon as possible. And finally, these two; rename DHHS to the Department of Child and Family Services, transfer unrelated services to other departments. So, Mr. President, Mr. Peter Walsh is suggesting that we do what this bill asks us to do. I would also like to say that if there was a joint standing committee on child welfare, that would be great, because as it is, with the Government Oversight Committee spending its time and resources on this issue, and with the HHS Committee spending its time and resources on this issue, we're losing sight of the full picture. And a joint standing committee that would oversee this department would absolutely be a structural change that will help. As the great Audre Lorde wrote, the master's tools will never dismantle the master's house. Never. And so, I'm just a farmer, too. And the farmhouse needs to be rebuilt, and we need new tools to do that, and we need to have the political will to do that. It's all of the above. We have a historic surplus, so when I hear that we have to rob from Peter to pay Paul on this issue, that is barn manure. Because we have the money, we have to have the will to do it and to spend it and to invest in our children. I am a grown man who was in the system as a child -- in another state, but that state's still got a problem with child welfare as well. We need new innovative tools and solutions. We have to go back in order to move forward. We need a separate department that oversees our children's safety and welfare, and this is not to diminish any of the other things that the Government Oversight Committee, Department of Health and Human Services, the HHS

Committee, the blue-ribbon commission will do. We need to make this change. It's not going to happen overnight, anyway, but we need to do this to protect the safety of our children. Because what's going on right now is not working. There's no magic wand here, colleagues. There isn't. We need a comprehensive, all of the above approach, and I think this bill is absolutely overdue. We can still do the cost-benefit analysis, we can still study it, but we have to put it forward as an action plan for the health and wellbeing of our children. Thank you, Mr. President.

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

Senator **INGWERSEN:** Thank you, Mr. President. I rise today in opposition to this bill. The committee of oversight for the Department of Health and Human Services is beginning to work hard together with all of the other groups and organizations that have been working not only in this Chamber but throughout the Legislature to ensure that the system to support Maine children and families are held accountable, have actionable plans of improvement, and are resourced to meet the significant needs of the communities. This bill may not or could not or may not help -- it may harm the system we're working to improve. It would separate out child welfare and some but not all other services for children from the programs that support the whole family. No longer would child welfare sit next to MaineCare, children or adult behavioral health services, or SNAP or WIC or TANF programs that can support families in meeting their basic needs. This could put critical coordination at risk by just adding more bureaucracy to this work. It makes no meaningful changes to OCFS child welfare practice. It would have no direct or indirect impact on child safety but could negatively impact families as there'd be less collaboration, less coordination with concrete benefit programs such as TANF and MaineCare, with the Office of Behavioral Health on addressing parental substance abuse or with OADS on youth transitioning for adult services. No concrete examples or reasons have been provided to demonstrate that this will have a positive impact on OCFS operations which, I agree, needs change, needs incredible change. A restructuring of this magnitude, I believe, would best be explored more comprehensively by the ongoing blue-ribbon commission to study the organization service delivery by DHHS, which is in the middle of their work, they've got a few more meetings to do this summer, and they're coming out at the end of the year with a report. It's chaired by a member of HHS and a member of GOC as well. I believe at this time this is the appropriate vehicle for an in-depth review of a reorganization, perhaps in collaboration with an independent organization with expertise in state government structure and program management. Thank you.

On motion by Senator **MOORE** of Washington, 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 (#652)

YEAS: Senators: BAILEY, BALDACCI, BEEBE-CENTER, BENNETT, BLACK, BRAKEY, BRENNER, CHIPMAN, CURRY, FARRIN, GROHOSKI, HARRINGTON, HICKMAN, KEIM, LAWRENCE, LIBBY, NANGLE, POULIOT, RAFFERTY, STEWART, TIMBERLAKE, PRESIDENT JACKSON

NAYS: Senators: DAUGHTRY, DUSON, INGWERSEN, MOORE, RENY, ROTUNDO, TIPPING, VITELLI

EXCUSED: Senators: CARNEY, GUERIN, LAFOUNTAIN, LYFORD, PIERCE

22 Senators having voted in the affirmative and 8 Senators having voted in the negative, with 5 Senators being excused, the motion by Senator **BALDACCI** of Penobscot to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report, **PREVAILED**.

Bill READ ONCE.

Committee Amendment "A" (S-641) **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 **TAXATION** on Bill "An Act to Amend Maine's Tax Laws"
S.P. 211 L.D. 457

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

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

Three members of the same Committee on the same subject reported in Report "B" that the same **Ought to Pass as Amended by Committee Amendment "B" (S-644)**.

Signed:

Senator:

LIBBY of Cumberland

Representatives:

CARMICHAEL of Greenbush

RUDNICKI of Fairfield

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

Signed:

Representative:

LIBBY of Auburn

Reports **READ**.

On motion by Senator **GROHOSKI** of Hancock, **TABLED** until Later in Today's Session, pending **ACCEPTANCE OF ANY REPORT**.

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

ORDERS

Joint Order

On motion by Senator **VITELLI** of Sagadahoc, the following Joint Order:
S.P. 999

Ordered, the House concurring, that when the Senate and House adjourn, they do so until Tuesday, April 9, 2024 at 10:00 in the morning, or until the call of the President of the Senate and the Speaker of the House, respectively.

READ and **PASSED**.

Sent down for concurrence.

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

ENACTORS

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

Emergency Measure

An Act to Fund the Delivery of Educational Services to Children with Special Needs as Required by State and Federal Law in Special Purpose Private Preschools
H.P. 1344 L.D. 2120
(C "A" H-863)

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

Emergency Measure

An Act to Establish a Grant Program to Increase Postsecondary Educational Opportunities for Students with Intellectual or Developmental Disabilities or Autism Spectrum Disorder
H.P. 1386 L.D. 2166
(C "A" H-874)

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

Emergency Resolve

Resolve, Regarding Legislative Review of Chapter 2: Medical Use of Cannabis Program Rule, a Major Substantive Rule of the Department of Administrative and Financial Services, Office of Cannabis Policy
H.P. 1399 L.D. 2185
(C "A" H-870)

This being an Emergency Measure and having received the affirmative vote of 29 Members of the Senate, with 1 Senators having voted in the negative, and 29 being more than two-thirds of the entire elected Membership of the Senate, was **FINALLY PASSED** and having been signed by the President, was presented by the Secretary to the Governor for approval.

Emergency Resolve

Resolve, to Reestablish the Task Force on Accessibility to Appropriate Communication Methods for Deaf and Hard-of-hearing Patients
H.P. 1446 L.D. 2255
(C "A" H-886)

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

Acts

(C "A" H-872)

An Act to Correct Language Related to Medicaid Coverage for Children
H.P. 197 L.D. 299
(C "A" H-885)

An Act Regarding Department of Economic and Community Development Evaluations of State Investments in Economic Development
H.P. 492 L.D. 803
(C "A" H-873)

An Act to Require a Biennial Report on the Corporate Income Tax to the Joint Standing Committee Having Jurisdiction over Taxation Matters
H.P. 851 L.D. 1337
(C "A" H-868)

An Act to Expand Direct Shipment Reporting and to Allow for the Use of Fulfillment Providers for the Direct Shipment of Wine
H.P. 1372 L.D. 2148
(C "A" H-884)

An Act to Clarify Licensing Criteria and Criminal History Record Check and Notification Requirements for Adult Use Cannabis Establishments
H.P. 1379 L.D. 2155
(C "A" H-878)

An Act to Establish the Wabanaki Veterans Memorial
H.P. 1430 L.D. 2228
(C "A" H-848)

An Act to Eliminate Inactive Boards and Commissions
H.P. 1440 L.D. 2241
(C "A" H-879)

An Act to Reduce the Reporting Requirements for Special Utility Districts and to Repeal the Maine Public Utility Financing Bank Act
H.P. 1441 L.D. 2248
(C "A" H-871)

An Act to Provide Greater Transparency About the Cost of Insulin and to Promote the Availability of Low-cost Insulin in the State
S.P. 996 L.D. 2282

An Act to Implement Recommendations in the Department of Inland Fisheries and Wildlife's Report on Wake Boats
H.P. 1472 L.D. 2284

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

An Act to Establish the Maine State Flag Commission
H.P. 288 L.D. 471

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

An Act Regarding Recommendations for Changing Place Names in the State
H.P. 1065 L.D. 1667
(C "A" H-875)

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

An Act to Prevent Youth Involvement in the Juvenile Justice System by Establishing a Strength-based, Discretionary Juvenile Needs Assessment Program
H.P. 1142 L.D. 1779
(C "A" H-869)

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

An Act to Strengthen Maine's Agriculture, Food System and Forest Products Infrastructure Investment
H.P. 1419 L.D. 2212
(C "A" H-876)

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

An Act to Adopt an Interstate Compact to Elect the President of the United States by National Popular Vote
H.P. 1023 L.D. 1578
(C "A" H-792)

Senator **STEWART** of Aroostook moved this item be **TABLED** until Later in Today's Session, pending **ENACTMENT**, in concurrence.

Senate at Ease.

The Senate was called to order by the President.

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

Off Record Remarks

RECESSED until the sound of the bell.

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 **HEALTH COVERAGE, INSURANCE AND FINANCIAL SERVICES** on Bill "An Act to Amend the Laws Governing Licensing of Payroll Processors" S.P. 903 L.D. 2110

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

Signed:

Senator:

BAILEY of York

Representatives:

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

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

Signed:

Senator:

BRAKEY of Androscoggin

Representatives:

MORRIS of Turner
NUTTING of Oakland
SWALLOW of Houlton

Reports **READ**.

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

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

Senator **TIMBERLAKE:** All right, Mr. President. I really stand up to speak -- I was asked to put this bill in for one of my local payroll

companies, and I hadn't got a chance to see the email wrote by the committee that the Good Senator Bailey just come up to me and told me about, but I was asked to put this in because they said this really affected the small payroll industry and the small companies that were doing just smaller businesses, and they were going to be asked and be taxed and licensed and fees were going to be pretty heavy. So, that's how the bill got put in. And I just wanted to explain to you, you know, why the bill was here and how the bill was here and the day that the committee heard it and worked it, I'm sorry, and I apologize to the Senator that I wasn't there, we seemed to be doing some other things up in VLA, and so I didn't make it down. But I would ask that -- I would either ask a question through the Chair is why the committee ended up this way and why but at the moment I would be opposing the Ought Not to Pass motion because I think these small payroll companies throughout the State of Maine are very important to our small local businesses who the Department of Labor and so forth are asking to do more and more and more recordkeeping and to force them out of business and to force these small mom-and-pop stores to have to go to larger payroll companies and be more cumbersome, I just don't think that's what all of us here are trying to do. So, for that reason, at this moment in time, I'm opposing the current motion. Thank you, Mr. President.

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

Senator **BAILEY:** Thank you, Mr. President. I'm happy to answer the question. So, the committee did, in fact, hear the concerns about the new rules that were put in place around payroll processors. We also heard the concerns about the rollout of that system and the lack of clarity on some of the issues and the concerns of some of the smaller payroll processors. We had a number of work sessions in which the superintendent of the Bureau of Credit Protection came before the committee and I have to say, we grilled her pretty hard about some of these concerns and she was either already in the process of addressing them and/or promised the committee that she would address them. And so, what the committee ultimately decided to do was vote Ought Not to Pass but with a letter, and that is what I have forwarded to the Good Senator from Androscoggin is a copy of the letter that the committee sent to the superintendent expressing the concerns that we heard and asking her to ensure that she was going to take care of them. And in fact, since we've had the vote in our committee, the bureau has, in fact, already initiated new rulemaking around this issue. She extended the deadline for the new registrations to give payroll processors the ability both to weigh in on the new rules and to register if they were having problems before. So, I take it on good faith that she is going to listen to the request of the committee and those that came before us, so that's how we chose to deal with the issues that were raised. And I do -- I will say, I do appreciate the bill coming before us, I appreciate the Good Senator bringing it before the committee, and I appreciate the superintendent listening to those concerns and her willingness to address them. Thank you.

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 (#653)

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

NAYS: Senators: BRAKEY

EXCUSED: Senators: CARNEY, GUERIN, LAFOUNTAIN, LYFORD, PIERCE

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

Sent down for concurrence.

Divided Report

The Majority of the Committee on **HEALTH COVERAGE, INSURANCE AND FINANCIAL SERVICES** on Bill "An Act to Provide Relief to Federal Employees Affected by a Federal Shutdown" (EMERGENCY) S.P. 906 L.D. 2113

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-647)**.

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

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 **TAXATION** on Bill "An Act Regarding the Distribution of Revenue from the Real Estate Transfer Tax" (EMERGENCY) S.P. 572 L.D. 1454

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

Signed:

Senators:
GROHOSKI of Hancock
LIBBY of Cumberland

Representatives:
PERRY of Bangor
CARMICHAEL of Greenbush
HASENFUS of Readfield
LAVIGNE of Berwick
LIBBY of Auburn
MATLACK of St. George
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" (S-646)**.

Signed:

Senator:
CHIPMAN of Cumberland

Representative:
CROCKETT of Portland

Reports **READ**.

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

Sent down for concurrence.

Divided Report

Five Members of the Committee on **HEALTH COVERAGE, INSURANCE AND FINANCIAL SERVICES** on Bill "An Act to Prohibit Insurers from Using Credit Information as a Factor in Certain Insurance Practices"
S.P. 950 L.D. 2220

Reported in Report "A" that the same **Ought to Pass as Amended by Committee Amendment "A" (S-649)**

Signed:

Senator:

BAILEY of York

Representatives:

PERRY of Calais
ARFORD of Brunswick
MATHIESON of Kittery
PRINGLE of Windham

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

Signed:

Representatives:

CLUCHEY of Bowdoinham
CYRWAY of Albion
MASTRACCIO of Sanford
MORRIS of Turner
SWALLOW of Houlton

Reports **READ.**

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

Bill **READ ONCE.**

Committee Amendment "A" (S-649) **READ** and **ADOPTED.**

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

Ordered sent down forthwith for concurrence.

ORDERS OF THE DAY

Out of order and under suspension of the Rules, the Chair laid before the Senate the following Tabled and Later Today Assigned matter:

An Act to Adopt an Interstate Compact to Elect the President of the United States by National Popular Vote
H.P. 1023 L.D. 1578
(C "A" H-792)

Tabled – April 3, 2024, by Senator **STEWART** of Aroostook

Pending – **ENACTMENT**

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

Senator **BRAKEY:** Thank you, Mr. President. I'm sad to be at this point and I just want to state for the record my disgust with what took place in the Chamber down the hall yesterday during the enactment vote on this legislation to bind Maine's Electoral College votes for President to the so-called National Popular Vote. I won't rehash arguments that were made previously in this Chamber. I certainly went on at length previously, I don't think there's any need to bring up old arguments. Apparently, a majority of members of this body did not find them persuasive, though I certainly wish they had. But yesterday, in the Other Chamber, as House Members stood to speak in defense of the voice of the Maine people, their own voices were repeatedly silenced. They stated the fact many times that this proposal is unconstitutional, which it clearly is on many accounts, from the establishment of an interstate compact expressly prohibited by the supreme law of the land, to the subversion of a constitutional institution, the Electoral College, through extraconstitutional means. Each time they raised this point, they were shouted down and accused of assailing the character of others who supported the measure. Mr. President, I suppose I count myself grateful that despite the deep disagreements I often express with Members of this Body, I've never seen debate stifled in this Chamber in the manner witnessed in the House Chamber yesterday, and I respect that about the process that you run. And if Members of the Other Body feel that stating the plain facts on the constitutionality of this measure is an assault on their character, then I suppose they only expose their own guilty consciences on the decisions to violate their oaths of office. But even more troubling than the silencing of the voices of Maine legislators as they fought to stop the silencing of the voices of the Maine people in our own presidential election process, was the curious disappearance of several members of the majority party when it came time for the vote. Two members of the majority party, in particular, who had previously opposed adoption of the legislation --

THE PRESIDENT: The Chair would ask the Senator from York, Senator Lawrence, why he rises.

Senator **LAWRENCE:** Mr. President, I'm just wondering to what extent can a Member of this Body refer to the actions within another Body?

THE PRESIDENT: I actually, while I was conferring with the Secretary about another matter, I heard that also, and I would advise the Senator from Androscoggin we're not going to get into an issue where I'm going to try and stifle debate. If you believe something is unconstitutional, that's your right, but we can't impugn each other or other members of the other body, and I think the idea that we're telling people that they left because they didn't like a vote or something like that is certainly impugning their character. So, I just want you to be careful in that route.

Senator **BRAKEY:** I won't impugn anyone's character; I don't know the reason why they chose not to be present and hide in the Speaker's office when the vote was taking place.

THE PRESIDENT: Senator Brakey, I'm going to just warn you one last time. That is definitely impugning, and so again, I don't want to be portrayed as trying to stifle debate down here, but I can't let any impugning happen. So, please stay to the topic at hand.

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

Senator **BENNETT:** Thank you, Mr. President. It's my understanding that actions taken in the Other Body are not properly raised in this Body regardless of what those actions are. Am I correct on that, Mr. President?

THE PRESIDENT: Yes. And yes, we are -- and again, I'm trying to give the widest latitude for people to have a spirited debate here without actually, again, impugning the Members here or the Members down there. So, if we could not do that or talk about actions of the House Members and talk about the merits of national popular vote or the demerits of it, that would be so much better.

THE PRESIDENT: The Senator from Oxford, Senator Bennett.

Senator **BENNETT:** As a question of order, I believe that the debate in this Chamber is involved and long enough so that we don't have to relitigate debate where it may occur elsewhere, and I would encourage the Senate to do the Senate's business. Thank you, Mr. President.

THE PRESIDENT: Again, yes, but -- but like I've said before, I very much enjoy people's back and forth on these issues and, like I said, I like to give wide latitude. Let's just remain on the issue that's here in the Senate and not impugn anyone's character and then we'll be good. The Senator from Androscoggin, Senator Brakey, may continue.

Senator **BRAKEY:** Mr. President, I will not refer any longer to the actions that took place in the House Chamber. Folks can look at the record themselves. Mr. President, I will note, however, that in the weeks leading up to final votes, a curious thing happened on the day the vote was scheduled and there were 3500 petitions from Maine people against the measure delivered to Members of both Chambers and there were delays in terms of votes that took place - I won't go into that - but what was interesting on the date that some of those petitions were delivered, I received a curious robotext message that night from an outfit called Represent Us, which read as follows. Hi there, Eric. National popular vote, NPV, is close to passing in Maine, but your legislator needs to hear from you right away. The good news? Your legislator already voted in favor of NPV. However, special interests have launched a concerted effort to get your legislator to back out. You can help by sending a message thanking them for their support and encouraging them to hold strong and vote in favor of LD 1578 NPV bill. So, Mr. President, when I read this, my immediate question was who are the special interests they are referring to? Obviously, from the timing of this message, I can only come to the conclusion that they were referring to me and the 3500 Maine people who signed petitions to oppose this measure in an attempt to save Maine's voice. Are we special interests? Are my constituents who elected me special interests? Are the people of

Maine seeking to communicate with their elected officials special interests? To state it clearly for the record, when it comes to fighting on this issue, I've not received a penny from any lobbyist or special interest asking me to take up this fight. In fact, the well-paid and access-based lobbyist organizing this legislation in both the past and present have on many occasions communicated how confounded they were to be outmaneuvered by grassroots efforts to oppose this proposal with hardly a dime spent against them. And who is this organization Represent Us? I was unfamiliar with them as they lobbied for this bill, but figuring those robotexts aren't free, I looked them up. A quick Google search finds that they are a national special interest group - funny, that - based out of state in Massachusetts which raises millions every year from left wing billionaires like George Soros or the Tides Foundation and other left wing interest groups. So, that being the case, I can't help but find it a little ironic that a multimillion-dollar out-of-state left wing special interest group is calling me and the Maine people who petitioned their officials, labeling us special interest when we petition our own legislators who represent us to save our state's voice in the Electoral College. Give me a break. Mr. President, I fear the special interests are about to get what they want. We are about to sign away Maine's voice in the service of partisan and special agendas and I am sad to say that I have little hope my remarks today will do more than fall upon deaf ears in this Chamber. Though I respect, at least -- well, I had this written out -- well, I will say the point of order was well taken, I suppose, though I respect at least that no one has attempted to silence me here as we witnessed in the chamber that won't be mentioned. Still, these words must be said for the people of Maine and for posterity. When our voice was silenced and our sovereignty snuffed out, let it not be said that we did nothing, let it not be said we acquiesced to this special interest power grab. And on a -- well, they've all been serious notes, I would say on an additional serious note, for the majorities in Maine's Second Congressional District who have endured attempt after attempt over the last decade to silence their voice, from ranked choice voting law in the Second District that was rejected at the voting booth by those in that district to unconstitutional efforts by the Secretary of State to remove our two-time candidate of choice for President from the ballot, and now this unconstitutional proposal to bind our one electoral vote to the determinations made by out of state people in big cities like New York, Chicago, and Los Angeles, I wonder how much longer this disrespect and disenfranchisement will be endured. To the Members who believe the voting majorities of the Second District will have their teeth kicked in and their voice silenced again and again only to grin and bear it, I wonder if they know what democracy actually looks like. On other coast, in Oregon, a state much like ours, increasingly dominated politically by a progressive regime in their own -- influenced very much by their own greater Portland area, the people of eastern Oregon are organizing what has come to be known as the Greater Idaho Movement. Whole counties in rural parts of the state, fed up with the disenfranchisement and living under laws that violate their freedoms, their paychecks, and their sovereignty, are organizing and voting to secede from the state of Oregon and join Idaho, where they feel their interests will be better respected. Mr. President, if this legislation is enacted today, silencing our voice in presidential elections, on top of the many extreme proposals already passed and seeking passage before this Body, I wonder how long it will be until the people of Maine's Second District begin taking cues from those efforts in Oregon. I wonder how long until a greater New Hampshire

movement is a regular feature of our own discourse in Maine. And like our own state's founders who voted county by county to separate from Massachusetts, we find ourselves seeking separation from this radical regime that has taken hold of our state. After all, New Hampshire is right there. It shares a border with Oxford County and has been ranked year after year the freest state in America, while Maine has dropped in recent years to number 43. Upon hearing these remarks, I imagine some Members might roll their eyes, as they often do when I speak in this Chamber. It is their right to dismiss this. But I don't think the consequences of dismissing the people who are very concerned with the leftward swing that this state has taken in recent years, I don't think those consequences can be ignored forever. When you strip people of their ability to be heard in the process of government, measures once considered inconceivable often find themselves unexpectedly on the table. I would ask this Body to take this final opportunity to reject this legislation, though I suppose that might be a hope in vain, and I move indefinite postponement on this bill and its accompanying papers.

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

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#654)

YEAS: Senators: BENNETT, BLACK, BRAKEY, FARRIN, HARRINGTON, HICKMAN, KEIM, LIBBY, MOORE, STEWART, TIMBERLAKE

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

EXCUSED: Senators: CARNEY, GUERIN, LAFOUNTAIN, LYFORD, PIERCE

11 Senators having voted in the affirmative and 19 Senators having voted in the negative, with 5 Senators being excused, the motion by Senator **BRAKEY** of Androscoggin to **INDEFINITELY POSTPONE** the Bill and accompanying papers, in **NON-CONCURRENCE**, **FAILED**.

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 (#655)

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

NAYS: Senators: BENNETT, BLACK, BRAKEY, DUSON, FARRIN, HARRINGTON, HICKMAN, KEIM, LIBBY, MOORE, STEWART, TIMBERLAKE

EXCUSED: Senators: CARNEY, GUERIN, LAFOUNTAIN, LYFORD, PIERCE

18 Senators having voted in the affirmative and 12 Senators having voted in the negative, with 5 Senators being excused, the Bill is **PASSED TO BE ENACTED**, in concurrence, **PREVAILED**.

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

REPORTS OF COMMITTEES

Senate

Ought to Pass As Amended

Senator LAWRENCE for the Committee on **ENERGY, UTILITIES AND TECHNOLOGY** on Bill "An Act to Create the Lincoln Mill Facilities District" (EMERGENCY) S.P. 986 L.D. 2270

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

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

Bill **READ ONCE**.

Committee Amendment "A" (S-650) **READ** and **ADOPTED**.

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

Sent down for concurrence.

Senator BAILEY for the Committee on **HEALTH COVERAGE, INSURANCE AND FINANCIAL SERVICES** on Bill "An Act to Improve Patient Access to and Savings from Generic Drugs and Biosimilars" S.P. 907 L.D. 2114

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

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

Bill **READ ONCE**.

Committee Amendment "A" (S-651) **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 **ENERGY, UTILITIES AND TECHNOLOGY** on Bill "An Act Regarding the Future of Renewable Energy Transmission in Northern Maine"
S.P. 799 L.D. 1963

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

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 "B" (S-653)**.

Signed:

Senator:

HARRINGTON of York

Representatives:

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

Reports **READ**.

Senator **LAWRENCE** of York moved the Senate **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (S-652)** Report, in concurrence.

On further motion by same Senator, **TABLED** until Later in Today's Session, pending the motion by same Senator to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (S-652)** Report, in 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 Health Insurance Carriers to Provide Coverage for Blood Testing for Perfluoroalkyl and Polyfluoroalkyl Substances"
S.P. 71 L.D. 132

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-654)**.

Signed:

Senators:

BAILEY of York
RENY of Lincoln

Representatives:

PERRY of Calais
ARFORD of Brunswick
CLUCHEY of Bowdoinham
CYRWAY of Albion
MASTRACCIO of Sanford
MATHIESON of Kittery
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:

MORRIS of Turner
NUTTING of Oakland
SWALLOW of Houlton

Reports **READ**.

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

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

Senator **BRAKEY:** Thank you, Mr. President. I'm speaking against the motion in front of us. There are very many worthwhile things when it comes to health insurance, we'd like to see insurance cover and this Legislature often sees fit - repeatedly, it seems, in recent years - to seek that out by putting mandates on private insurance companies, dictating what they have to cover in the insurance that they sell. You know, I'm sure there's value in blood testing for PFAS, and I understand the motivation behind seeking to mandate it, but I wonder, you know, as we layer mandate upon mandate upon mandate on private insurance companies from the state government, at what point is it a misnomer to call these private insurance companies? Thank you.

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

Senator **BRENNER:** Thank you, Mr. President. With all due respect to my colleague from Androscoggin, it's been my experience that the free market economy for health insurance sometimes needs a little encouragement to cover what's really meaningful for the population for the amount of money that we spend on it. This legislation would simply ensure that health insurers provide the coverage for blood serum testing for folks that have been severely exposed to peri and polyfluoroalkyl substances, also known as PFAS. These toxic forever chemicals have accumulated in our wastewater, and they contaminate the land and the groundwater from manufacturing processes, sludge applied to farmland, and thousands of everyday products that contain PFAS. Forever chemicals pose significant health risks including kidney cancer, reduced vaccine response, elevated cholesterol, reduced infant birth weight, and more. They affect rural communities and low-income communities disproportionately, and these communities are susceptible to the health and financial impacts of this contamination. According to the American Academy of Pediatrics, children are disproportionately exposed due to their lower body weight, differences in water and food intake, developing organ systems, and longer lifespans during which the toxic effects will manifest. Treatment for PFAS exposure is centered around assessing a patient's blood serum level so that they can be constantly monitored for these long-term health consequences. There is no approved procedure for removing these chemicals from a person's body, it's about the long-term monitoring so that you can make sure you're monitoring them for the high cholesterol, when a woman gets pregnant after having been exposed to her contaminated well as a rural homeowner, you can monitor her more closely for the things associated with PFAS exposure during her pregnancy. Many private Maine insurers leave patients to cover the full cost of this blood serum test. At least 25 Maine schools and daycare facilities have water supplies above Maine's interim drinking water standard of 20 parts per trillion. There are 43 impacted schools, there are currently 48 to 60 farms with documented PFAS contamination, and over 380 private drinking wells in 22 Maine towns that are above the safe drinking water standard. Almost every one of our districts, Mr. President, are affected. I urge you to vote in support of the pending motion. Thank you.

THE PRESIDENT: The Chair recognizes the Senator from

Oxford, Senator Bennett.

Senator **BENNETT:** Thank you, Mr. President, Fellow Members of the Senate. I intend and will be voting for the Majority Ought to Pass as Amended Report here momentarily, and I wanted to state for the record, as someone who will be voting for this measure, that I do not believe that this represents a mandate under the Affordable Care Act. This test is, in fact, lab work. Lab work is considered as preventative care under the ACA, so it's not new, it's a continuation of an already existing policy, and in fact, New Hampshire has a similar requirement in their state which they've passed, and New Hampshire did not consider it a mandate under the ACA. I want the record to be clear on that. Thank you, Mr. President.

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

Senator **BRAKEY:** I'll be very brief, Mr. President. Responding to my Good Colleague from Cumberland, not to any of the specifics of kind of the policy positions which she argues very well, but just to the assertion that we have a free market in health insurance. I've never seen a free market in health insurance my entire life. So, if we need to give a push to the free market in health insurance, I'd love it if we could have such a free market first. Thank you.

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 Penobscot, Senator **TIPPING**, and further excused the same Senator from today's Roll Call votes.

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#656)

YEAS: Senators: BAILEY, BALDACCI, BEEBE-CENTER, BENNETT, BRENNER, CHIPMAN, CURRY, DAUGHTRY, DUSON, FARRIN, GROHOSKI, HICKMAN, INGWERSEN, LAWRENCE, LIBBY, NANGLE, POULIOT, RAFFERTY, RENY, ROTUNDO, VITELLI, PRESIDENT JACKSON

NAYS: Senators: BLACK, BRAKEY, HARRINGTON, KEIM, MOORE, STEWART, TIMBERLAKE

EXCUSED: Senators: CARNEY, GUERIN, LAFOUNTAIN, LYFORD, PIERCE, TIPPING

22 Senators having voted in the affirmative and 7 Senators having voted in the negative, with 6 Senators 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-654) **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 **HEALTH COVERAGE, INSURANCE AND FINANCIAL SERVICES** on Bill "An Act to Implement the Recommendations of the Task Force to Evaluate the Impact of Facility Fees on Patients to Improve Facility Fee Transparency and Notification and to Prohibit Facility Fees for Certain Services"
S.P. 987 L.D. 2271

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

Signed:

Senator:
BRAKEY of Androscoggin

Representatives:
PERRY of Calais
CYRWAY of Albion
MASTRACCIO of Sanford
NUTTING of Oakland
PRINGLE of Windham
SWALLOW of Houlton

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (S-655)**.

Signed:

Senators:
BAILEY of York
RENY of Lincoln

Representatives:
ARFORD of Brunswick
CLUCHEY of Bowdoinham
MATHIESON of Kittery
MORRIS of Turner

Reports **READ**.

On motion by Senator **BAILEY** of York, the Minority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (S-655)** Report **ACCEPTED**

Bill **READ ONCE**.

Committee Amendment "A" (S-655) **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 **LABOR AND HOUSING** on Bill "An Act to Remove the Waiting Period for Benefits Under Maine's Unemployment Insurance System"
S.P. 583 L.D. 1464

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-656)**.

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

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

Reports **READ**.

On motion by Senator **DAUGHTRY** of Cumberland, **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 Enact the Maine Psilocybin Health Access Act"
S.P. 774 L.D. 1914

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

Signed:

Senator:

HICKMAN of Kennebec

Representatives:

SUPICA of Bangor
ANDREWS of Paris
BOYER of Poland
HYMES of Waldo
MALON of Biddeford
MONTELL of Gardiner
RIELLY of Westbrook
WILLIAMS of Bar Harbor

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

Signed:

Senator:

TIMBERLAKE of Androscoggin

Representative:

RUDNICKI of Fairfield

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-658) **READ** and **ADOPTED**.

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

Senator **BRAKEY** of Androscoggin moved the Senate **RECONSIDERED** whereby the Bill was **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-658)**.

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 (#657)

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

NAYS: Senators: BLACK, FARRIN, KEIM, LIBBY, MOORE, TIMBERLAKE

EXCUSED: Senators: CARNEY, GUERIN, LAFOUNTAIN, LYFORD, PIERCE, TIPPING

23 Senators having voted in the affirmative and 6 Senators having voted in the negative, with 6 Senators being excused, the motion by Senator **BRAKEY** of Androscoggin to **PASSAGE TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-658)**, **PREVAILED**.

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 TIPPING for the Committee on **LABOR AND HOUSING** on Bill "An Act to Strengthen Maine's Workforce Through Preapprenticeship Training Programs" S.P. 995 L.D. 2280

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

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

Bill **READ ONCE**.

Committee Amendment "A" (S-657) **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 Bill "An Act Regarding Spirits Price Regulation" S.P. 836 L.D. 2014

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-659)**.

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

Bill **READ ONCE**.

Committee Amendment "A" (S-659) **READ** and **ADOPTED**.

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

Sent down for concurrence.

ORDERS

Joint Resolution

On motion by Senator **HICKMAN** of Kennebec (Cosponsored by Representative SUPICA of Bangor and Senators: FARRIN of Somerset, President JACKSON of Aroostook, TIMBERLAKE of Androscoggin, Representatives: BABIN of Fort Fairfield, HYMES of Waldo, RIELLY of Westbrook, RUDNICKI of Fairfield, RUSSELL of Verona Island), the following Joint Resolution: S.P. 998

**JOINT RESOLUTION
REQUESTING THE UNITED STATES DEPARTMENT
OF VETERANS AFFAIRS TO PROVIDE ACCESS TO MEDICAL
CARE
AND ASSISTANCE TO MEMBERS OF THE MAINE NATIONAL
GUARD
WHO TRAINED AT THE MILITARY SUPPORT BASE
IN GAGETOWN, NEW BRUNSWICK, CANADA**

WE, your Memorialists, the Members of the One Hundred and Thirty-first Legislature of the State of Maine now assembled in the Second Regular Session, most respectfully present and petition the United States Department of Veterans Affairs as follows:

WHEREAS, Resolve 2023, chapter 95 established the Gagetown Harmful Chemical Study Commission; and

WHEREAS, the commission was tasked with studying the impacts of exposure to harmful chemicals, including 2,3,7,8-tetrachlorodibenzo-p-dioxin, or TCDD, as well as other dioxins including that known as Agent Orange, on veterans who served at the Canadian military support base in Gagetown, New Brunswick, Canada; and

WHEREAS, the commission has striven to demonstrate through scientific evidence the connection between exposure to those chemicals while training and subsequent negative health outcomes, but it is the responsibility of the United States Department of Veterans Affairs to make this determination and provide care and assistance; and

WHEREAS, the United States Department of Veterans Affairs has determined that Vietnam War veterans who were exposed to tactical herbicides, including Agent Orange, suffered harmful effects and were subsequently diagnosed with conditions or illnesses associated with that exposure; and

WHEREAS, those who served at the Gagetown military support base include members of the United States National Guard, who were never deployed but were nevertheless exposed to these harmful chemicals, which are known to have been tested at Gagetown; and

WHEREAS, access to medical care and assistance through the United States Department of Veterans Affairs is therefore unavailable for these National Guard members; now, therefore, be it

RESOLVED: That We, your Memorialists, respectfully urge and request that the United States Department of Veterans Affairs recognize the effects of exposure to harmful chemicals, including TCDD and other dioxins, on members of the United States National Guard who trained at Gagetown and who are diagnosed with conditions or illnesses associated with that exposure as has already been done for Vietnam War veterans and others; and be it further

RESOLVED: That We further urge and request that the United States Department of Veterans Affairs review the most recent scientific reporting on the effects to human health of exposure to dioxins, to conduct independent environmental sampling and analysis at Gagetown related to dioxins and risks to human health, to examine health outcomes for individuals who trained there and to provide access to medical care and assistance for those individuals; and be it further

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the Honorable Joseph Biden, President of the United States; the President of the United States Senate; the Speaker of the House of Representatives of the United States; the Honorable Denis Richard McDonough, Secretary of Veterans Affairs; and each Member of the Maine Congressional Delegation.

The Joint Resolution was **READ**.

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

Senator **HICKMAN:** Thank you, Mr. President. I thank the Secretary for reading this very important Joint Resolution. This Joint Resolution represents recommendation one of the Gagetown harmful chemical study commission report. And I'm also appreciative of the reading of this because it reminds us that our Vietnam War veterans who are not treated so well and on last Friday when we observed National Vietnam War Veterans Day, we were not in session, and so that went by us, but I'm going to return to that today and say I want a moment of silence and praise for our Vietnam War veterans.

The Senate observed a moment of silence, remembrance, and prayer for the veterans of the Vietnam War.

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

Senator **FARRIN:** It's long afternoon, folks, sorry about that. Thank you, Mr. President, Ladies and Gentlemen of the Senate. First of all, I'd like to thank the Senate President to appointing me to the Commission that looked at these issues and to the Senator

from Kennebec, Senator Hickman, for putting this Joint Resolution forward. You know, sometimes we get so ingrained in our own personal views or what we believe is to be the truth based upon our life experiences that we enter things around here with a closed mind, and I'll be a hundred percent honest with the Body, I had a little bit of that when the Senate President appointed me to this commission. That it was a federal issue, that there was really nothing we could do, that those Guardsmen that went to Gagetown were under the direction of Title X and of the US Army and that we really were kind of giving them false hope. And after the discussion, and after we heard what these folks have gone through and looking what has happened since -- you've heard me talk about the PACT Act that was passed with the burn pits in Iraq and Afghanistan and other places, what we thought was not harmful 20 years ago or 30 years ago, that we learn now what those impacts are at and some of those things that we're facing. This Joint Resolution is a great first step in sending to the federal delegation that we need the VA to look at these cases specifically and we as Members of the Senate, as the caretakers of -- you hear me say from time to time of the men and women of our Air and Army National Guard, this shows that we're watching and that there's things that we can do. So, thank you, Mr. President, thank you, Senator Hickman, and I hope you all support the adoption of this Joint Resolution.

On motion by Senator **HICKMAN** 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 (#658)

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

NAYS: Senators: None

EXCUSED: Senators: CARNEY, GUERIN, LAFOUNTAIN, LYFORD, PIERCE, TIPPING

29 Senators having voted in the affirmative and no Senators having voted in the negative, with 6 Senators being excused, the motion to **ADOPT** the Joint Resolution, **PREVAILED**.

Sent down for concurrence.

ORDERS OF THE DAY

Out of order and under suspension of the Rules, the Chair laid before the Senate the following Tabled and Later Today Assigned matter:

An Act Regarding Customer Costs and the Environmental and Health Effects of Natural Gas
H.P. 1336 L.D. 2077

Tabled – April 3, 2024, by Senator **LAWRENCE** of York

Pending – **ACCEPTANCE** of the Majority **OUGHT TO PASS AS AMENDED** Report, in concurrence

(In House, April 3, 2024, the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-890)** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-890).**)

The Majority **OUGHT TO PASS AS AMENDED** Report **ACCEPTED**, in concurrence.

Bill **READ ONCE**.

Committee Amendment "A" (H-890) **READ** and **ADOPTED**.

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

The Chair laid before the Senate the following Tabled and Later Assigned (4/1/24) matter:

SENATE REPORTS - from the Committee on **ENVIRONMENT AND NATURAL RESOURCES** on Bill "An Act to Support Farming in Maine by Extending the Deadline for Manufacturers of Products Containing Perfluoroalkyl and Polyfluoroalkyl Substances to Report on Those Products"
S.P. 796 L.D. 1960

Majority - Ought Not to Pass (8 members)

Minority - Ought to Pass as Amended by Committee Amendment "A" (S-629) (5 members)

Tabled - April 1, 2024 by Senator **STEWART** of Aroostook

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

(In Senate, April 1, 2024, 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.

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

Senator **BLACK**: Thank you, Mr. President, Men and Women of the Senate. I rise to speak in support of LD 1960. The reason being is the state of farming -- farming economy in the State of Maine. The new stats from the census show that we have lost 564 farms and 82,000 acres from 2017 to 2022, and we now have the lowest number of farms we've had in 25 years. The state -- 63% of the Maine farms showed a net loss of income. The state set a goal a few years ago of having 30% of our food grown locally by 2030. My concern is the current economic status is causing farms to go out of business and is going to put pressure on the downward push for our growing local food and we know that out of state, big out of state businesses, big ag corporations, can grow food cheaper than we can here in the State of Maine. Farmers are struggling with many different problems, like high inflation, lack of labor, and mother nature. Farmers have a toolbox that they have to use every day and one of those tools in that toolbox is pesticides that would help them to grow a crop. Last year, because of restrictions that we've put on them, farmers in the State of Maine because of non -- companies not re-registering pesticides, we lost over a thousand pesticides that farmers use to grow their crops, making it harder and more costly to grow their crops. This could cause more farmers to grow less or go out of business, and some of those farmers who go out of business are not going to farm again. They're either going to put in solar farms or they're going to plant the last crop, which is going to be a subdivision. This would cause us to import more food with a lot less restrictions than we have on the food that we grow in the State of Maine. How does that help our farmers or our consumers? Let us work together to remove the problem pesticides over an orderly fashion and timely fashion and not put our farmers out on a limb by themselves. Thank you.

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

Senator **INGWERSEN**: Thank you, Mr. President, for the opportunity to speak so late in the afternoon. I rise today in opposition to LD 1960, and I would urge you to all support the Majority Ought Not to Pass Report that was deliberated very carefully by the ENR Committee. Maine has the strongest PFAS products law in the country, banning the use of PFAS in pesticides by 2030. It's disheartening to see this bill at this point in the collective efforts that we've all made here together to turn the PFAS tap to turn it off. It obstructs efforts to remove PFAS from our water, from our soil, from our crops, from our livestock. The rationale for exempting all pesticides from public notice and source reduction provisions that currently exist in Maine's PFAS law is unclear and such an exemption lacks any reasonable policy justification. With respect to the existing notifications provisions, the pesticides industry has already provided information about the presence of intentionally added PFAS in its products to the Maine Board of Pesticides Control. Current laws regularly PFAS pesticides in Maine are measured and responsive to the concerns of the pesticides industry. Pesticide manufacturers who wish to sell their products in Maine must register them with the Board of Pesticides Control and disclose whether PFAS is intentionally added to the product formulation, whether an active ingredient, a so-called inert ingredient, or an adjuvant added to make the active ingredient work more effectively. In implementing this law, the Board of Pesticides Control bent over backwards to accommodate the requests of global pesticide giants such as Syngenta, Bayer, Monsanto, Dow, BASF, Corteva, and Alligare.

The Board extended reporting deadlines, improved the functionality of the online portal to ensure ease and consistency of data collection, and made adjustments to protect confidentiality where it was warranted. Yet despite the Board's efforts to simplify the registration process -- hold on, lights -- the pesticide industry was slow to comply. Eventually, all the companies registered their products, but they continue to object to the reasonable and easily compiled --

THE PRESIDENT: If the Senator could defer for a moment?

Senate at Ease.

The Senate was called to order by the President.

On motion by Senator **STEWART** of Aroostook, **TABLED** until Later in Today's Session, pending motion by Senator **BRENNER** of Cumberland to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report. (Roll Call Ordered)

THE PRESIDENT: The Senate will be in order. The Chair would advise that Unfinished No. 8, which just happens to be LD 1960, and I'm the sponsor, will now be tabled because we do not have power, and the good secretary thinks it could be a while. So, we've had a long day as it is, and there's no guarantee that in 30 minutes we'll be back up and running. So, that item will be tabled, and we will pick up on Tuesday these items and anything else that comes on the Senate Calendar.

Off Record Remarks

On motion by Senator **VITELLI** of Sagadahoc, **ADJOURNED**, pursuant to the Joint Order, until Tuesday, April 9, 2024 at 10:00 in the morning, or until the call of the President of the Senate and the Speaker of the House.