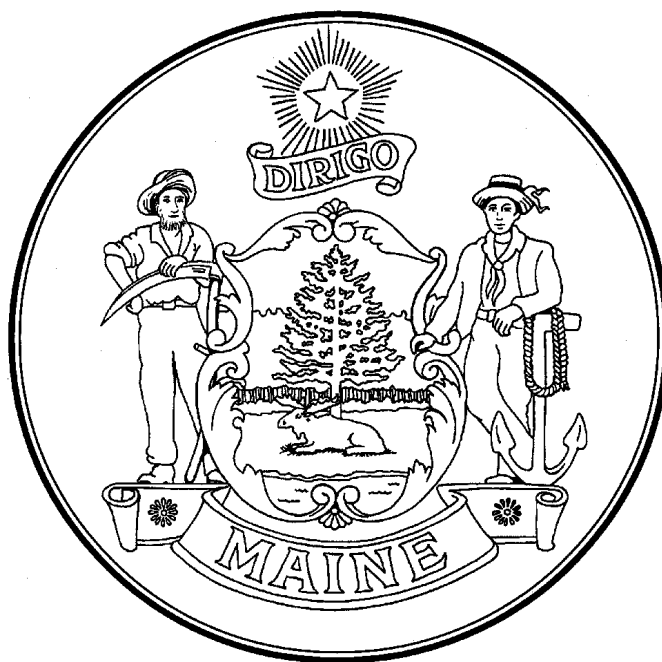


MAINE STATE LEGISLATURE

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

In Senate Chamber
Thursday
July 6, 2023

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

Prayer by Senator Mark W. Lawrence of York County.

SENATOR LAWRENCE: Thank you very much and in the tradition of having sun back once in I think three weeks — I thought I do a prayer on climate with the fires in Canada. This poem comes from Australia that has experience great fires in its country. Comes from the Anglican Church. loving lord your word reminds us, how much you value and love your children. We pay for the climate crisis and the devastating impact on your children lives and future generations. We thank you for young people in their passion and conviction to care for and protect your world for the common good. We pray their actions and words will be taken seriously and creator god we thank you for these solar panels for the who people designed them, installed them and for the power they provide and for the household they serve. God bless us with vision and energy for change as we care for the earth and each other. In the name of god, son and the holy spirit.

Pledge of Allegiance led by Senator James D. Libby of Cumberland County.

Reading of the Journal of Tuesday, June 27, 2023.

Off Record Remarks

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.

PAPERS FROM THE HOUSE

Non-Concurrent Matter

An Act Regarding Criminal Background Checks for the Sale, Transfer or Exchange of Firearms
H.P. 109 L.D. 168

In Senate, June 27, 2023, Report "**B**", **OUGHT NOT TO PASS**, **READ** and **ACCEPTED**, in **NON-CONCURRENCE**.

Comes from the House, that Body having **INSISTED** on its former action whereby Report "**A**", **OUGHT TO PASS AS AMENDED**, was **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-623) AS AMENDED BY HOUSE AMENDMENT "A" (H-664)** thereto.

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

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

Senator **CARNEY:** Thank you, Mr. President. I rise to speak in opposition to the pending motion. Thank you for your attention, colleagues. I want to speak to you a little bit about LD 168. This legislation would require private gun sellers to run criminal background checks before transferring guns to buyers at gun shows and private sales. Here are the details of the legislation; the bill establishes exceptions for transfers between family members, which includes a spouse, domestic partner, parent, stepparent, foster parent, child, stepchild, foster child, or other person related by blood up to the second degree. It excludes certain types of guns like antiques. It excludes certain types of transactions like transfers between persons employed in law enforcement, corrections, and armed services. It is enforced as a civil violation, not as a criminal offense. The bill would require that a federally-licensed firearm dealer facilitate a sale, transfer, or exchange of a firearm in the same manner as if the dealer were selling the firearm from their own inventory. This bill closes an existing loophole in the 1993 federal Brady Bill, the law requiring licensed gun dealers to run background checks. The law does not currently apply to private sellers, however, and it is estimated that one in five gun sales that are conducted without a background check go to people who cannot lawfully possess a firearm. Maine needs to close this loophole for two reasons. First, background checks can save lives here in Maine and, secondly, background checks in our state will reduce gun trafficking to people who can't pass background checks in other states. First, with regard to saving lives in Maine, the Brady background check bill became law 25 years ago through the advocacy of James and Sarah Brady. Jim Brady served as White House press secretary under President Ronald Reagan for two months. His service was cut short on March 30, 1981 when he was shot during an assassination attempt against President Reagan. He suffered a serious head wound that left him partially paralyzed. Jim and Sarah Brady worked for eight years, spanning three presidents, to pass a law that would save lives. The Brady Bill has now prevented over 4 million prohibited gun purchases and saved countless lives. Research shows that including private sales within the background check requirement established by the Brady Bill will save even more lives. A 2019 study by medical researchers found that universal background check laws were associated with a 15% reduction in overall homicides. LD 168, if enacted will save Maine lives. Secondly, LD 168 will reduce Maine's role in gun trafficking. Because Massachusetts has universal background checks and Maine does not, Maine is a source for crime guns in Massachusetts and other states. Criminals use private sales in Maine because they cannot legally buy guns in their home state, Massachusetts, or other

states that have universal background checks. In one notorious example, the 2013 Boston Marathon bombers used a trafficked semiautomatic weapon from Maine to fire 56 rounds at police, killing a 27-year-old officer. Private gun sales move northward from Maine, too. In Canada's worst mass shooting just a few years ago, the man who killed 22 people, including a pregnant woman and a law enforcement officer, acquired guns he used through a gun show in Houlton, Maine. He did so to avoid Canada's background check requirement. A 2022 report from the Bureau of Alcohol, Tobacco, and Firearms notes that thousands of guns used in crimes are bought in Maine and recovered in other states. In fact, in a recent WMTW News 8 story, the ATF's lead agent in Portland, Officer Paul McNeil, observed that trafficking of guns to other states goes hand-in-hand with illicit drugs like fentanyl, heroin, or cocaine. Officer McNeil stated, quote, you really don't find any gun trafficking that isn't linked with drug use, end-quote. I will conclude to you -- conclude today by telling you that the effort to close the private gun sale loophole here in Maine has been led by Judi and Wayne Richardson. Like Jim and Sarah Brady, their activism is a response to tragedy. On January 8, 2010, their daughter, Darien, was shot by armed intruders who burst into her Portland apartment and into her bedroom and opened fire and then ran. Darien died two months later from complications of those gunshot wounds. Her homicide hasn't been solved. Police recovered the gun, but only after it had been used in a second murder. The 45-caliber handgun linked to both shootings had been sold at a private sale and so no background check had been done and there is now no way to find the killer. And I'll just share with you a few words from the Richardsons, and this is a quote from them; the person who shot Darien is getting away with murder and still at large. That is a public safety concern. We may never see justice for Darien and nothing will bring back our spirited, loving daughter with her infectious smile. But we know we can prevent more tragedies. It's well past time that our great safe state of Maine takes some steps to resolve this public health and safety issue. Colleagues, thank you for your attention today and I encourage you to vote against the pending motion.

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

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

Senator **HARRINGTON:** Thank you, Mr. President. I think it's important to note if we're going to talk about the shooting of President Reagan, that Reagan was also shot that same day and continued to fight for the rights of Americans to own and possess firearms because he knows gun control laws only affect those who follow the law and this will only affect, once again, law-abiding gun owners. Thank you.

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

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#466)

YEAS: Senators: BALDACCI, BENNETT, BRAKEY, CURRY, FARRIN, GUERIN, HARRINGTON, HICKMAN, LAFOUNTAIN, LIBBY, LYFORD, MOORE, NANGLE, POULIOT, RENY, STEWART, TIMBERLAKE, TIPPING, VITELLI, PRESIDENT JACKSON

NAYS: Senators: BAILEY, BEEBE-CENTER, BRENNER, CARNEY, CHIPMAN, DAUGHTRY, DUSON, GROHOSKI, INGWERSEN, LAWRENCE, PIERCE, ROTUNDO

EXCUSED: Senators: BLACK, KEIM, RAFFERTY

20 Senators having voted in the affirmative and 12 Senators having voted in the negative, with 3 Senators being excused, the motion by Senator **VITELLI** of Sagadahoc to **INSIST PREVAILED**.

House Paper

Bill "An Act to Fund Collective Bargaining Agreements with Executive Branch Employees" (EMERGENCY)
H.P. 1299 L.D. 2017

Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** suggested and ordered printed.

Comes from the House, under suspension of the Rules, **READ TWICE** and **PASSED TO BE ENGROSSED**, without reference to a Committee.

Under suspension of the Rules, **READ TWICE** and **PASSED TO BE ENGROSSED**, without reference to a Committee, in concurrence.

Ordered sent forthwith.

COMMUNICATIONS

The Following Communication: S.C. 652

STATE OF MAINE

**OFFICE OF THE GOVERNOR
AUGUSTA, MAINE**

June 26, 2023

The 131st Legislature
State House
Augusta, Maine

Dear Honorable Members of the 131st Legislature:

By the Authority conferred by Article IV, Part Third, Section 2 of the Constitution of the State of Maine, I am hereby vetoing L.D. 1847, *An Act to Modify the Visual Impact Standards for Offshore Wind Port Development*.

I submitted LD 1847 to create a streamlined but thorough process for permitting an offshore wind port facility in Maine. Specifically, my bill proposed new visual impact standards when future offshore wind port facilities receive review. In its original form, LD 1847 provided the necessary guidance for the construction of offshore wind turbines in future port development.

Unfortunately, after passing out of the Environment and Natural Resources Committee with a strong bipartisan vote and after a favorable vote in the Senate, my bill was substantially amended on the Senate floor to add the language from a separate bill my Administration opposed, LD 1818, *An Act Regarding Port Facilities Relating to Offshore Wind Power Projects*, among other things, requiring Project Labor Agreements (PLAs) – not only for the construction of an offshore wind port, but for the construction and fabrication of offshore wind projects, such as the turbines, broadly.

I outlined my significant concerns with these changes in a June 21st letter sent to the sponsors of the bill (enclosed) and requested that the Legislature recall and amend the bill by either: 1) revising it to the initial version of legislation that passed in a bipartisan vote out of the Committee on Environment and Natural Resources, or; 2) adopting language that would ensure that union workers, employee-owned businesses, and small businesses could all benefit, focusing on potential costs to ratepayers and to maximizing the use of Maine based workforce.

Regrettably, the Legislature did not recall the bill, leaving my significant concerns unaddressed. Now, because of my Constitutional obligation to act on a bill within ten days of its receipt, there is no further time to amend the bill. Therefore, I must veto it.

It is my preference to continue working on this legislation, and I welcome your openness to discussing additional revisions, as indicated in the sponsors' June 23rd response to my letter, through LD 1895 or other legislation as it progresses through the Legislature. I know my office continues to work closely with the sponsor of LD 1895 to negotiate revisions to that bill that may be mutually acceptable to all parties.

Harnessing the benefits of offshore wind will require an 'all-hands-on-deck' approach that includes unions, small businesses and existing employee-owned and other Maine companies. Without that approach, Maine will be at a disadvantage compared to other

New England states. It is imperative that investment in offshore wind facilities and projects foster opportunities for Maine's workforce and construction companies to compete on a level playing field for this work.

Unfortunately, LD 1847 in its current form fails to accomplish that. Therefore, I return LD 1847 unsigned and vetoed and urge the Legislature to sustain this veto.

In the meantime, I hope to continue working with you to advance the concepts included in this bill in the near future.

Sincerely,

S/Janet T. Mills
Governor

READ and ORDERED PLACED ON FILE.

The accompanying Bill:

An Act to Modify the Visual Impact Standards for Offshore Wind Port Development
S.P. 748 L.D. 1847

The President laid before the Senate the following: "Shall this Bill become law notwithstanding the objections of the Governor? In accordance with Article IV, Part Third, Section 2 of the Constitution, the vote will be taken by the Yeas and Nays. A vote of yes will be in favor of the Bill. A vote of no will be in favor of sustaining the veto of the Governor."

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#467)

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

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

EXCUSED: Senators: BLACK, KEIM, RAFFERTY

21 Senators having voted in the affirmative and 11 Senators having voted in the negative, with 3 Senators being excused, it was the vote of the Senate that the veto of the Governor be **SUSTAINED**.

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

SENATE PAPERS

Bill "An Act to Authorize Funding for Collective Bargaining Agreements with Certain Judicial Department Employees" (EMERGENCY)
S.P. 843 L.D. 2019

Presented by Senator CARNEY of Cumberland. (GOVERNOR'S BILL)

Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** suggested and ordered printed.

Under suspension of the rules, **READ TWICE** and **PASSED TO BE ENGROSSED**, without reference to a Committee.

Sent down forthwith.

REPORTS OF COMMITTEES

House

Divided Report

The Majority of the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** on Bill "An Act to Amend the Maine Food Sovereignty Act"
H.P. 1251 L.D. 1947

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-441)**.

Signed:

Senators:
INGWERSEN of York
HICKMAN of Kennebec

Representatives:
PLUECKER of Warren
COSTAIN of Plymouth
GUERRETTE of Caribou
HALL of Wilton
HEPLER of Woolwich
JACKSON of Oxford
JAUCH of Topsham
OSHER of Orono
SHAW of Auburn

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

Signed:

Senator:
BLACK of Franklin

Representative:
CRAY of Palmyra

Comes from the House with the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-441) AS AMENDED BY HOUSE AMENDMENT "A" (H-702)** thereto.

Reports **READ**.

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

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#468)

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

NAYS: Senators: CURRY, DAUGHTRY, FARRIN, GUERIN, LIBBY, LYFORD, MOORE, ROTUNDO, STEWART, TIMBERLAKE

EXCUSED: Senators: BLACK, KEIM, RAFFERTY

22 Senators having voted in the affirmative and 10 Senators having voted in the negative, with 3 Senators being excused, the motion by Senator **INGWERSEN** of York to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report, in concurrence, **PREVAILED**.

Bill **READ ONCE**.

Committee Amendment "A" (H-441) **READ**.

House Amendment "A" (H-702) to Committee Amendment "A" (H-441) **READ** and **ADOPTED**, in concurrence.

Committee Amendment "A" (H-441) as Amended by House Amendment "A" (H-702) thereto, **ADOPTED**, in concurrence.

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-441) AS AMENDED BY HOUSE AMENDMENT "A" (H-702)** thereto, in concurrence.

Divided Report

The Majority of the Committee on **ENERGY, UTILITIES AND TECHNOLOGY** on Bill "An Act to Eliminate the Current Net Energy Billing Policy in Maine" (EMERGENCY)
H.P. 861 L.D. 1347

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-605)**.

Signed:

Senators:

GROHOSKI of Hancock
HARRINGTON of York

Representatives:

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

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

Signed:

Senator:

LAWRENCE of York

Representatives:

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

Comes from the House with the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-605) AS AMENDED BY HOUSE AMENDMENT "A" (H-714)** thereto.
Reports **READ**.

Senator **LAWRENCE** of York moved the Senate **ACCEPT** the Minority **OUGHT NOT TO PASS** Report, in **NON-CONCURRENCE**.

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

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

Senator **HARRINGTON:** Thank you, Mr. President. Despite the bill title printed in our calendar, the committee amendment in front of us does not end net energy billing. The bill now in front of us is An Act to Reduce the Cost of Net Energy Billing for Ratepayers. The Majority Report on this legislation garnered bipartisan Ought

to Pass Report out of committee. Let me reiterate; the majority of the EUT Committee from both sides of the aisle agree that this bill is the best path forward to help ratepayers here in Maine. More importantly, the best path forward for our constituents, the people who sent us here on their behalf. Despite fearmongering, this bill will not stop solar development here in Maine. It will, however, slow down windfall profits this Legislature never intended to create. How much will this bill save Mainers? At least 20% but likely more. The OPA analysis using numbers verified by the PUC says up to 50%. That is enough to truly matter and be noticed by ratepayers and they are just getting absolutely hammered by the high cost of energy in this state, some of the highest in the nation. When we talk about these savings, we are talking about 20-50% of the \$220 million predicted by the PUC, the OPA, and utilities. No other pending legislation before us reduces anywhere close to that amount. The existing price-setting mechanism for the net energy billing makes no sense. The 2019 legislation that started us down the current and unsustainable path essentially tied solar subsidies to the cost of natural gas. Given our current dependence on natural gas, roughly 50% of where our power comes from any given day, why would we exacerbate these costs by tying solar power to it? We can help fix that here today. I agree with the words of our public advocate who said this -- the program, net energy billing, disproportionately hurts low-income people who aren't participating in community solar. We've got to do something to help our constituents on fixed incomes and that is why AARP supports this legislation. It would be sinful for us to leave here this session without addressing this massive problem. I ask that you all join me in this bipartisan effort to allow further solar growth here in Maine while also reducing the harm being done to Maine residential and commercial ratepayer. Thank you, Mr. President.

THE PRESIDENT: The Chair recognizes the Senator from Hancock, Senator Grohoski.

Senator **GROHOSKI:** Thank you, Mr. President, and good afternoon, Senate Colleagues. Nice to be here with you today even though I know many of us would rather be outside, probably. I just wanted to stand up and talk for a couple minutes about this bill and why I do not support the pending Ought Not to Pass motion. Many of you who know me and who have worked with me over the five years that I've been here know that I take very seriously the climate crisis. It is one of the reasons I ran for office, it is something that threatens my coastal district, certainly many of the livelihoods of the people that work there. And so I hope you know that I stand here today fully in support of efforts that make sense for a clean energy transition that would work for Maine people. And so this, for me, is deeply personal but it is also a matter of good policy. And in my five years on the Energy, Utilities, and Technology Committee, I've certainly learned a lot that I didn't know when I originally supported the expansion of net energy billing. One thing I do know is that we do need more local clean energy, we need to electrify our lives with things like heat pumps, and we do need competition to keep the costs reasonable so that everyone can afford to participate in this transition. I also want to say I don't think it would be productive or fair to say that people who oppose this motion oppose solar power or a clean energy transition for Maine. I think we all know that that can lead to more jobs, it can lead to saving money and not spending it on fossil fuels that come from far away and, in fact, we've had some really successful examples here this session such as the

unanimously supported procurement to build solar power on lands that are contaminated with PFAS. As the Senator from York mentioned, Maine does have some of the highest electricity rates in the country. It is now true that part of that cost is from the net energy billing subsidy that the Maine Legislature created and then expanded in 2019. The goal of that, of course, was to support and subsidize the adoption of solar energy to align with our ambitious goals. At the same time, we also have policies that promote grid scale, solar energy investment, and that is something that benefits all ratepayers, not just people who are able to opt in to the net energy billing program. As you have heard before on this floor and again earlier today from the Senator from York, net energy billing has become very expensive. The Public Utilities Commission just approved an annual rate increase of \$135 million which is due to the cost of Maine's net energy billing program and that started July 1 and is the cost for the coming year. What does that mean for your constituents? If you represent CMP territory, the increase due to net energy billing is \$9 a month for your average residential ratepayer or a total increase of 8.7%. If you live in Northern Maine and are served by Versant, your increase is \$8 a month or a total percent increase of 9.4%. If you live where I live in the Versant Bangor hydro district, the increase is a whopping \$13 a month or a total bill increase of 13.8%. That's \$156 per year that people in my district are paying so that we can subsidize solar power based on the cost of natural gas, which is an equation that quite literally makes no sense and I wish I had not supported five years ago. Those are your residential ratepayers but it's even worse for businesses. Depending on your rate class, some are seeing as high as a 38% increase, hundreds of thousands of dollars each year. For a paper products manufacturer in Waterville, it's over a half a million dollars in one year alone. How can we tell these businesses that they must adjust their budgets to account for this increase while not also asking the solar developers who are using net energy billing to consider doing the same? These rate increases are based on net energy billing projects that are already operating or are very likely to come online in the next year. These numbers are not pulled out of thin air, my colleagues. As more of these projects come online, the cost to ratepayers will grow and it will last no matter what we do basically for over 20 years. The question is can we make sure that it grows a little less and hurts the people that we represent a little less as well. I hope that it goes without saying to you all that these increases hit poor people and working people the very hardest. Meanwhile, the financial benefits of the subsidies accrue mainly to out-of-state developers' investors. This is what I would call a regressive economic policy and it is one that I can no longer support. Net energy billing needs to change now because it does cost us more than we thought it would and they will continue to grow. In the meantime, while projects that are able under current law to be developed through the end of 2024 still come online, I think it is very prudent for us to slow the growth of additional projects so that we can assess the full impact of this policy decision and at the same time get a more accurate understanding of the costs and benefits of the program. I do want to highlight a couple things this legislation does. It preserves rooftop and onsite solar usage. It allows for ten new consumer-owned community solar projects without any restrictions. It limits the subsidy for projects that don't serve onsite electricity use to just 20 years rather than going to 30 or maybe even longer. It requires the PUC to accept bids for projects that could move from the current high-cost program to a lower cost, lower risk fixed

price contract that would help the people that we serve. And it establishes the same federally-funded program for small solar and a cost-benefit analysis that other legislation that this body has considered before also does. Now, I'm sorry to say that there has been a lot of misinformation swirling around about this legislation, some of which I know arrived on your desk today, as it did mine. I have heard it said that this bill will stop rooftop solar. It will not do that. I have heard that it will repeal net energy billing. It will not do that. I have heard that it will prevent us from accessing federal dollars. It will not do that. I have heard from people that subscribe to community solar farms, which are about 5% of all households in Maine, that they can't afford to lose their 15% discount. They will not lose that, though I have to point out for people in my district, the rate increase they're facing due to net energy billing basically cancels out their savings, which is an interesting coupon option, if you will. I also heard that this bill will result in broken contracts and lawsuits. It will not. The legislation authorizes the PUC to review the compensation for projects using the net energy billing subsidy and they can propose adjustments that would have to be fair to both ratepayers and developers and as it's written in the bill, they would have to ensure a reasonable recovery of costs and a reasonable rate of return. How many other businesses does the State of Maine guarantee recovery of their costs and a fair profit? This is not a lot to ask. The net energy billing subsidy is not something that the state government guaranteed through contracts with developers. All developers know that subsidies in statute, like everything else in statute, is subject to change. To reiterate, this review process is permissive, it is not required. It is subject to the rigors of major substantive rulemaking, if it does even happen at all. And so I have to ask you; do you think it is fair or reasonable for all projects from the smallest rooftop arrays to the largest 25-acre arrays to get the same exact subsidy regardless of what their cost was to develop it? There is a reason why states like South Carolina, Hawaii, Connecticut, Vermont, and California have moved away from the antiquated model that we are still using here in Maine. This legislation is supported by the Office of the Public Advocate and Maine energy consumers groups including the advocacy organization, AARP, who serves older Mainers, many of whom are on fixed incomes and cannot afford to pay for the subsidy. The groups who support this bill have the exact same financial stake that you and I do. Making ends meet and staying in business is easier when our electricity rates are lower. These groups understand that we can have our cake and eat it, too. Solar can be and is a low-cost renewable resource when competitively procured. We are paying almost 25 cents per kilowatt hour for solar using net energy billing while at the same time, we're getting solar electricity for just 4-5 cents using a competitive bid process. As a co-sponsor and supporter of the 2019 legislation that triggered this solar gold rush in Maine, I see now how little I understood in my first few months of office. I put my trust in well-meaning people and organizations, the same ones that are lobbying you to vote against this bill. Because of my deeply held concerns about the climate crisis, I desperately wanted and still do want to do something meaningful, something that would put Maine on the map as a leader in this crisis. Unfortunately, we are leading, but now with the most lucrative solar subsidy in the United States. I have not given up my work to fight climate change but what I have done is taken up the fight to have a just clean energy transition. I will not fight climate change at the expense of poor and working people who cannot afford to pay a premium so that others can reap the benefits.

Opponents say that community solar can benefit low income and disadvantaged communities. You should know that only 2% of community solar subscribers are LIAP participants. I know that it is possible for clean energy generation to benefit low-income Mainers, just not like this. Believe it or not, I am not enjoying have this debate with the full Senate but I am speaking today because I was wrong five years ago, I have a strong personal obligation to correct my errors, especially ones of this magnitude. If you realize that you inadvertently created a 20-year 4.4-billion-dollar rate increase for your constituents that was simultaneously subsidizing private equity firms, I ask you would you do the same as I am doing here today. I hope you will support -- vote down, excuse me, the Ought Not to Pass motion. Thank you.

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

Senator **LAWRENCE:** Thank you, Mr. President, Men and Women of the Senate. We've had a big debate like this before on a prior bill and I want to do the same to talk about this bill and why it should be Ought Not to Pass. I did ask the Governor's Energy Office to take a look at this and they analyzed it and they said it would retroactively impact more than 25,000 households in Maine, small businesses, large business and municipalities, schools and other institutions. Contrary to certain statements being made, the retroactive provision would affect small residential rooftop solar regardless of how long it was installed and whoever the owner is. That concerned me greatly about this project. Then they provided a list of who would be impacted by this and I'm not going to go through the whole list but they provided me with a partial list that includes Maine Community College System, the Maine Maritime Academy, and the University of Maine would lose under this proposal. Cities from our largest city of Portland down to small towns like Shapleigh would be impacted as well as water and sanitary districts. Schools from Auburn to Waterville will be impacted and will lose the reduction they had hoped for in their rates. We talked about businesses. This is essentially pitting one business group against the other because I got calls from IDEXX, who will lose money, Allagash Brewing will lose money, Hannaford, L.L. Bean, Luke's Lobster, Pratt & Whitney, all of them will lose money under this proposal, and including nonprofits, too, as well, from the Saco Food Pantry to the Augusta Housing Authority. Make no mistake, this retroactively pulls the rug out from under the net energy billing program. And what really cemented this in my mind is when it became clear what the amendment was that was put on this bill. I began getting calls from all different kinds of people I never expected to get calls from. One of them was CEI, Coastal Enterprises Inc., and they -- this wasn't on their radar screen and suddenly they became extremely alarmed when they found out what was going on. So they wrote me a letter and they said CEI's solar portfolio consists of 46 loans producing 38 million kilowatts of clean electricity. Combined, they represent \$25 million of direct funding that CEI does and \$45 million of leverage funding. They said this will retroactive and go back and affect all those loans and that all those loans are in jeopardy. To abruptly repeal this program, this policy, and cancel net metering at this time would adversely affect more than 30,000 households, small businesses, municipalities, and school districts in Maine and they urged us not to pass. I also got -- heard from the International Brotherhood of Electrical Workers who talk about the number of jobs they're going to lose if this passes. But probably one of the most

alarming calls I got out of the blue, a constituent I didn't even know I had, who is financing and building some of these projects, and he has them in Gardiner and he lives in York, he has them in Gardiner, Waterville, various places. He said the funding for all these projects will collapse if this is passed. He said he's even working on in the city of Sanford a business to essentially recycle solar panels and reuse solar panels. He said all that is off the table if this bill goes through. This will set us back years in solar development in Maine. So, I would encourage you we don't -- to keep the benefits we get from solar, which is lower transmission cost, improved distribution system, and long-term savings by getting us off of natural gas and vote Ought Not to Pass. Thank you.

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

Senator **VITELLI:** Thank you, Mr. President, Men and Women of the Senate. When I was first elected to the Senate ten years ago, I sponsored a piece of legislation that led to the value of solar study that the PUC undertook in which they found, among some of the other benefits to solar, i.e. helping to move us away from polluting fossil fuels, that it provided a lot of other societal benefits. Some of them were just mentioned that have some concrete aspects to them; less transmission lines, more solar in general. I've also worked since then on expanding our use of renewable resources by sponsoring several procurement bills, one that just recently got the support of this body, as well as the other, a storage bill, among others, and I've also over the years practiced what I preach in terms of setting policy for moving Maine away from polluting fossil fuels and towards less-polluting, greener renewable resources. I installed solar panels on my roof six years or so ago, I think, as well as installed some heat pumps and just recently I took the big step of purchasing an electric vehicle. And I say this as somebody who is solidly in the working middle class but I have made these commitments, I've made this my personal priority as well as my priority as an elected leader in this state. I'm here to speak against this bill and in favor of this motion because one of the things I've learned in all my work around renewable energy and our need to get there sooner rather than later is that we need to put in place policies that create certainty, as much as that can be done in this environment, that encourage appropriate development, that helps us move forward in a productive, constructive way that meets our needs in this state but that gets us there. We cannot afford to wait. Maine can't wait. We need to put renewable green energy in place however we can and do it in a way that is cost effective. I will agree NEB was not perfect, is not perfect, that's why a study group was put together and they spent, I don't know, 18 months looking at ways to make the program better, to help reduce the costs, and to keep us moving towards our green energy goals. There's another proposal we can consider that I think will do that. This bill before us does not. It pulls the rug out from under the progress we've made, it creates a climate of increasing uncertainty and disruption and we cannot afford that. We need to be able to move forward, we need other people to make the same kinds of decisions that I was able to make by putting rooftop solar, by electrifying their homes. This bill will move us in the opposite direction, Ladies and Gentlemen of the Senate, and I'm urging that you consider where we want Maine to be, not in ten years, but in five years and in two years. We need to keep this train moving forward and there are ways that we can do it that consider

costs as well as the full benefits that come from moving in this direction. I want to just end by sharing something that I got from one of my constituents on this issue. He says - this guy named Alex - I run a boat shop at home and use a lot of electricity. Since I subscribed to a community solar project, my bills have gone down and, most importantly, I am no longer contributing to dependence on foreign oil, quote, wars, climate change, bad air, we all need to breathe, toxins spreading all over the planet, etcetera, etcetera. This is him speaking, he says, I don't care if my bill went up, I would still want to be able to use a renewable clean source of energy so I can continue in the traditional line of free market entrepreneurs. He is urging that we reject this proposal and look for better ways to preserve our progress towards a greener, cleaner energy future. Thank you, Mr. President.

THE PRESIDENT: The Chair recognizes the Senator from Hancock, Senator Grohoski.

Senator **GROHOSKI:** Thank you, Mr. President, and I do appreciate the words of colleagues who I'm on the other side of this issue on but I do want to point out that this bill does not cancel net metering, it does not say that all those institutions that the Good Senator from York mentioned are going to have a change in their benefits. I deeply respect the work of the IBEW, my father himself is a retired electrician and what I see is that there is a lot of work, even if we didn't install any solar panels, that electricians can help with us -- help us with regarding the clean energy transition, especially including installing heat pumps which there's quite a wait for the expertise to put those in right now. So, with all due respect to that late-breaking floor sheet, I do think that there is work in this state for electricians. Certainly, my 75-year-old father would be appreciative of not getting phone calls anymore for him to come do the work. The results of the 18-month long study group that you heard about from the Senator from Sagadahoc is in this bill. That Next Generation program is in this bill. What we also heard about was a mention of the free market. That's something that is not in the net energy billing program and that is one of the reasons it is failing us, I believe, because it is subsidizing solar energy at way above market rates based on the cost of natural gas. So, I would like to see the free market restored here and a competitive sector of clean energy. And the last thing I want to point out is that two years ago, we rolled back this program. We said if you are building a project that's 10-25 acres in size, roughly, you have to have that built by the end of 2024 or you cannot participate. And we heard at that time from people in this industry that that was going to be the end of the industry, that that kind of uncertainty, that that kind of change was going to push everyone out of this state. Well, it did not happen. We've had other debates about energy in this state. We could look, for example, at the CMP Corridor. Those of us that oppose that, which is a separate issue, were told that if we stood up and said this wasn't right for Maine, that no one would ever want to develop a transmission line here again. What's happening now? Now we're getting a great transmission line in northern Maine to connect wind power, which is going to be a lot more affordable than solar energy subsidized by net energy billing. So I just want to caution everyone to the arguments that we hear in this chamber all the time, that the actions that we take will have devastating consequences when the evidence shows that if there is money to be made in a business, there will be business here seeking to do that work and to make that money.

So, I stand up again before you all because I represent regular people in my district, some of whom have solar, some of whom are subscribed to community solar, but many of whom have said to me you know, I'm okay with slowing this down a little bit so we can make sure we do it better and my neighbors aren't, you know, disproportionately affected so that I can benefit. Those are the people I represent today and I hope that you will represent them as well. Thank you.

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

Senator **BRENNER:** Thank you, Mr. President. I rise today to speak in opposition to the pending motion and I just want to talk a little bit about my concern for how it will affect rural businesses, particularly farms. Many rural businesses participate in the REAP program, which is the Rural Energy for America program, it's a federal subsidy to help support the development of renewable energy and, in this case, specifically talking about solar. When farmers, in particular, cost out these projects they are considering in Maine the benefits of NEB for their businesses so the idea that we would retroactively take away their capacity to be able to realize the financial story that they've priced out for their project feels to me like an -- it's not enough of an incremental change to make sense and for me to feel comfortable voting for this bill. So, I support the pending motion because I'm not comfortable with the retroactivity of the committee amendment and I don't feel like the House amendment goes far enough. So, it's -- yeah, so, I support the Ought Not to Pass motion. Thank you.

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (469)

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

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

EXCUSED: Senators: BLACK, KEIM, RAFFERTY

20 Senators having voted in the affirmative and 12 Senators having voted in the negative, with 3 Senators being excused, the motion by Senator **LAWRENCE** of York to **ACCEPT** the Minority **OUGHT NOT TO PASS** Report, in **NON-CONCURRENCE**, **PREVAILED**.

Sent down for concurrence.

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

ORDERS

Joint Resolution

Joint Resolution in Memoriam:

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

James Montell, of Gardiner. Mr. Montell was a veteran of the United States Army, fighting in Korea from 1952 to 1954. After moving to Maine and working in several jobs, he became a teacher at Gardiner Area High School, where he taught for eight years as a math and history teacher and served as a freshman football coach. He also officiated several sports, including baseball and football, and worked summers as Hallowell's recreation director. Most of his working life was spent serving as Highway Safety Coordinator for the State's Department of Public Safety. He taught defensive driving and worked with many groups to help make Maine's roads safer. For 50 years, he and his wife Faye also had an antiques business, for which he promoted and managed antiques shows throughout central and southern Maine year-round. In retirement, he enjoyed driving for General Courier throughout New England. He was a member and board member of the former Temple Israel in Gardiner and a longstanding member and past board member of the Temple Beth El in Augusta. He was a former member and chairman of the Gardiner Planning Board and was involved with the Gardiner Rotary. Mr. Montell will be long remembered and sadly missed by his family and friends and community;
SLS 969

Sponsored by Senator HICKMAN of Kennebec.
Cosponsored by Representative: MONTELL of Gardiner.

The Joint Resolution was **READ**.

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

Senator **HICKMAN:** Thank you, Mr. President, Women and Men of the Senate. Today, I rise to honor the life of James "Jim" Montell. A man whose impact on his community and the lives of others was immeasurable. Jim, the father of my dear friend and House colleague and VLA committee member, Representative Karen Montell, lived a life filled with generosity, compassion, and dedication to making a difference. Jim's journey began in Newark, New Jersey, in 1932 as the youngest child of an Italian immigrant family. From an early age, he learned the value of giving back, a lesson that would shape his entire life. After serving his country in the U.S. Army during the Korean War, Jim returned to civilian life and went on to earn his Bachelor's degree in Education with a concentration in Social Studies from the University of Miami. As a teacher and football coach at Gardiner Area High School, Jim became a beloved figure among his

students. He firmly believed in the potential of every individual and went above and beyond to ensure that they each had a chance to succeed. His commitment to his students extended beyond the classroom as he provided extra support and guidance, staying late often to invest his time in their growth. His dedication left a lasting impression on countless young lives. Beyond education, he was a passionate advocate for public safety. He worked as a highway safety coordinator for the State of Maine, teaching defensive driving and tirelessly promoting road safety. His efforts undoubtedly made Maine's roads safer. In addition to his professional endeavors, Jim and his wife, Faye, shared a passion for the antique business. Jim quickly became a show promoter and manager, forming strong bonds with the dealers he worked with. He treated them like family and he knew them both professionally and personally. Family; utmost importance to Jim Montell. He created cherished memories traveling with Faye and their children, exploring the world together. He also found solace in his faith as a member and board member of the former Temple Israel of Gardiner and a longstanding member and past board member of the Temple Beth El in Augusta. Jim dedicated his time to community involvement, serving on the Gardiner Planning Board and engaging with the Gardiner Rotary. Today, as we reflect on the life of my constituent, James Montell, we remember a man whose generosity, kindness, and dedication made a lasting impact. Through his teaching, his advocacy, his community involvement, he touched countless lives and inspired others to follow in his footsteps. Let us honor his memory today by embracing his values of generosity, compassion, and service. May we strive to make a positive and enduring impact on our communities just as Jim Montell did throughout his remarkable life. My heart goes out to his daughter and all of his family who have survived him. We know that he will be missed. Please join me in providing condolences to Karen Montell, the State Representative from Gardiner, and her husband, Donald Brown. Thank you, Mr. President.

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

Senator **RENY:** Thank you, Mr. President, Esteemed Members of the Senate, and everyone else in this room. Hi, I'm just rising because I want to recognize some constituents of mine that have made it here today; Kelly and Bill Flynn. They are here really in a time of mourning for the loss of Kelly's father, John Hilton. So, this is an important person in my district. I like to live by something my grandmother said, which is that our community, we have to give it our time, our thought, and our effort. It can't be delegated, it can't be something that you can pay someone else to do, and John Hilton really exemplified this message. He was on a variety of boards, he took part in helping our local economy and, you know, he was Lion's Club president, he was a pillar of our community. So, thank you for helping me acknowledge these lovely people that are here to mourn his loss. That's all.

The Joint Resolution was **ADOPTED**.

Sent down for concurrence.

Off Record Remarks

Divided Report

The Majority of the Committee on **JUDICIARY** on Bill "An Act to Provide Remedies for Survivors of Commercial Sexual Exploitation"
H.P. 932 L.D. 1436

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-676)**.

Signed:

Senators:

CARNEY of Cumberland
BAILEY of York
BRAKEY of Androscoggin

Representatives:

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

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

Signed:

Representatives:

HAGGAN of Hampden
HENDERSON of Rumford
POIRIER of Skowhegan

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

Comes from the House with the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-676) AS AMENDED BY HOUSE AMENDMENT "A" (H-716)** thereto.

Reports **READ**.

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

On motion by Senator **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 (#470)

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

NAYS: Senators: FARRIN, GUERIN, HARRINGTON, LYFORD, MOORE, POULIOT, TIMBERLAKE

EXCUSED: Senators: BLACK, KEIM, RAFFERTY

25 Senators having voted in the affirmative and 7 Senators having voted in the negative, with 3 Senators being excused, the motion by Senator **CARNEY** of Cumberland to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report, in concurrence, **PREVAILED**.

Bill **READ ONCE**.

Committee Amendment "A" (H-676) **READ**.

House Amendment "A" (H-716) to Committee Amendment "A" (H-676) **READ** and **ADOPTED**, in concurrence.

Committee Amendment "A" (H-676) as Amended by House Amendment "A" (H-716) thereto, **ADOPTED**, in concurrence.

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED COMMITTEE AMENDMENT "A" (H-676) AS AMENDED BY HOUSE AMENDMENT "A" (H-716)** thereto, in 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:

Acts

An Act to Expand Eligibility for Supervised Community Confinement for Prisoners with a Prognosis Likely to Result in an Incapacitating Medical Condition
S.P. 278 L.D. 720
(H "A" H-715 to C "A" S-388)

An Act to Reduce the Enrollment Requirement for Minor Political Parties That Seek Official Party Status
S.P. 328 L.D. 769

An Act to Support Extraction of Common Minerals by Amending the Maine Metallic Mineral Mining Act
H.P. 877 L.D. 1363
(H "A" H-576 to C "A" H-384)

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

An Act Regarding Consent for Gender-affirming Hormone Therapy for Certain Minors
H.P. 340 L.D. 535
(C "A" H-596)

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

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

Senator **GUERIN:** Mr. President, Ladies and Gentlemen of the Senate, LD 535 is one of the most dangerous bills to come before our legislative body in years, or perhaps ever. This bill will have consequences for generations if passed. I urge you to not support this bill. A boy is a boy. A girl is a girl. God does not make mistakes. Gender dysphoria is a mental health epidemic. Gender transitioning is destroying part of our future as it destroys the fertility of our young people. Sadly, many people who have attempted to become another sex still want to kill themselves. A child should never be told they are not good enough in the body that they were born with. Children should never be allowed to have prescriptions that change their hormone structure of their bodies which have physical consequences they cannot even comprehend as 16-year-olds that are still very much children. Mr. President, we are on course to devastate a generation of children with bills such as the one before us. We isolated our children and stuck them in their homes with nothing but social media to be their friend for two years and we set up a perfect firestorm of a situation to create a spike in children seeking approval, acceptance, acknowledgement of their loneliness and fear and pain. A survey by the Center for Disease Control and Prevention that was published in early February 2023 found that in 2021, 50% of high school girls reported experiencing persistent feelings of sadness and hopelessness in the past year, up 36% since 2011. That's nearly twice as high as the 29% of males who reported having those same feelings in 2021. What's worse, 30% of the girls surveyed reported seriously considering suicide and 13% attempted suicide one or more times in 2021. Our children are in a crisis and now we, the adults, write legislation to codify their trauma and poor mental health. We encourage behaviors that we know are unhealthy, untrue, and catastrophic to their lives. We must stop this and we must stop it now. The British Medical Journal, one of the foremost scientific publications in the world concluded, quote, puberty blockers are being used in the

context of profound scientific ignorance. Treatment for under-18 gender dysphoric children and adolescents remain largely experimental. There are a large number of unanswered questions that include the age at start, reversibility, adverse reactions, long-term affects on mental health, quality of life, bone mineral density, osteoporosis in later life, and cognition. The current evidence base does not support informed decision making and safe practice in children, end-quote. And now the UK and many other European states have completely banned puberty blockers in their country for children under 18. The science is there to support this. This bill is not science. Mr. President, I love our young people and love does not affirm lies. Please join me in voting in opposition to the pending motion.

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

Senator **BRAKEY:** Thank you, Mr. President. I just wanted to add some additional perspective on this bill before -- before we take the vote. I'm also voting in opposition to the pending motion but I do just want to say up front that I do know individuals who are transgender and I do know that this kind of hormone therapy has been very beneficial to them in their -- in dealing with what has been a very real medical condition for them of gender dysphoria. And I do know adult individuals who wish they had had access to this at a younger age, before puberty was completed, so they feel that it would've worked out better all around for them. I think that that -- I think that we can accept that as true and accept that reality as true while also recognizing that we're fooling ourselves if we think that everything we're seeing with young people these days doing gender identity exploration is genuine medical gender dysphoria. The numbers that we've seen is that there is a large number who desist. This is a temporary phase that they go through, they grow out of, and then some people, it's not a temporary phase, it is real gender dysphoria, it's severe and persistent, it's with them their entire life. The challenge is gender dysphoria is not like cancer, it's not like you can do an x-ray and say oh, there's your gender dysphoria, we've got a diagnosis. It's something that's arrived at through talk therapy and through much more subjective basis. And so applying treatment to the right person can be lifesaving but applying it to the wrong person can be incredibly harmful for the rest of life. And so who's in the best position to make this decision? Certainly, when we're talking about adults, it's easy to say you're an adult, you get to make these decisions, we recognize as a legal adult that you have the capacity for -- you have the capacity for making these decisions because you have the responsibility for the consequences of your decisions. But when we're talking about minor children, it just seems irresponsible to me to cut out the parents from this decision-making process, especially when we do have, I think as was discussed in the past, when this came up before, there is a legal process of emancipation if at 16 or 17 a minor really feels that this is what's right for them, they've had conversations with their parents and it can't be reconciled, there is a legal path there. But to just say that we're going to cut the parents out of this completely from the age of 16 on I think is overstepping. So, whether you are -- I guess wherever you kind of fall on this from the spectrum of -- I thank my Good Colleague, Senator Guerin, who sees kind of one end of this and I'm kind of more moderate on it, I think the extreme position is saying we're going to cut parents out of this process completely. So, I would -- I'd ask

Members of the body to join me in voting against the pending motion. Thank you.

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

Senator **CARNEY:** Thank you, President Jackson, and Colleagues of the Senate. I just rise to speak briefly in support of enactment of LD 535. This legislation is about a medical condition, the medical condition of gender dysphoria. The diagnosis is well defined and accepted by both pediatricians and adult healthcare providers. It is also well accepted that gender affirming care can be medically necessary to prevent harm, improve the health, wellbeing, and ability to thrive of 16- and 17-year-olds as they enter adulthood. These young people, 16- and 17-year-olds, are emerging adults and when they've been diagnosed with gender dysphoria, they should have access to medical care, including gender affirming care. This legislation creates a five-step process for 16- and 17-year-olds who are diagnosed with gender dysphoria to consent to hormone therapy. Part of that process involves trying to include the parents in the provision of healthcare but that doesn't always work and the only alternative in those instances, absent this law, would be for children, 16- and 17-year-olds, to pursue emancipation. Emancipation is a legal process which completely separates the child and the family and that is harmful. What this legislation would do is create another path that allows 16- or 17-year-olds to consent to hormone therapy, preserves the family relationship and gives that relationship time to grow over as the child receives the care that he or she needs. I would ask you to appreciate the fact that this is necessary healthcare that is lifesaving for some young people in our state and urge you to support enactment. Thank you.

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

Senator **DAUGHTRY:** Thank you, Mr. President, Ladies and Gentlemen of the Senate. I rise to just say one of the things that is very key with this bill is there are many teenagers who are going through this process who are not in a process where they are welcomed or encouraged by their parents with their gender identity. The reason for this bill of extreme importance is recognizing that their providers are able to work with this individual to find the care that not only fits them, fits with their best health outcomes, but empowers them to be able to be who they truly are. We heard that, you know, emancipation would be an alternative. We also heard statements about how this can't be reversed. I'd remind folks that emancipation can't be reversed, either. This merely enables for many folks who are vulnerable, who are going through this process, who are struggling with their own gender identity, to be able to talk to a medical provider who knows how to find and empower the best care for that individual, especially when we've seen the statistics about the high level of mental health and suicidal ideations amongst our LGBTQIA teens, this is even more important. I will be voting in strong support of enactment.

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

Senator **NANGLE:** Thank you, Mr. President. I just want to read the challenges and complications from psychiatry.org of transgender people. Transgender people suffer from high levels of stigmatization, discrimination, and victimization contributing to negative self-image and increased rates of other mental health disorders. Transgender individuals are at higher risk of victimization and hate crimes than the general public. Suicide rates among transgender people are markedly higher than the general population. Transgender children and adolescents are often victims of bullying and discrimination at school which can contribute to serious adverse mental health incomes. Interventions are often needed to create safe and affirming school environments. Transgender individuals may also face challenges in accessing appropriate healthcare and insurance coverage of related services. Are these things that we want to allow to happen to transgender youth in this state? Is there anyone here who thinks that transgender youth should continue to be victimized, stigmatized? Thank you.

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

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#471)

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

EXCUSED: Senators: BLACK, GROHOSKI, KEIM, RAFFERTY

19 Senators having voted in the affirmative and 12 Senators having voted in the negative, with 4 Senators being excused, was **PASSED TO BE ENACTED** and, having been signed by the President, was presented by the Secretary to the Governor for approval.

An Act to Reform the State's Adult Use Cannabis Seed-to-sale Tracking System to Allow for Canopy Tagging
H.P. 984 L.D. 1529
(C "A" H-569)

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

An Act to Improve Maine's Reproductive Privacy Laws
H.P. 1044 L.D. 1619
(C "A" H-700)

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

On motion by Senator **VITELLI** of Sagadahoc, **TABLED** until Later in Today's Session, pending **ENACTMENT**, in concurrence. (Roll Call Ordered)

RECALLED FROM GOVERNOR'S DESK

An Act to Protect Employee Freedom of Speech
S.P. 702 L.D. 1756
(S "A" S-291)

(In Senate, June 15, 2023, **PASSED TO BE ENACTED**, in concurrence.)

(**RECALLED** from the Governor's Desk, pursuant to Joint Order (S.P. 841).

On motion by Senator **DAUGHTRY** of Cumberland, the Senate **SUSPENDED THE RULES**.

On further motion by same Senator, the Senate **RECONSIDERED** whereby the Bill was **PASSED TO BE ENACTED**, in concurrence.

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

On further motion by same Senator, the Senate **RECONSIDERED** whereby the Bill was **PASSED TO BE ENGROSSED AS AMENDED BY SENATE AMENDMENT "A" (S-291)**.

On further motion by same Senator, Senate Amendment "B" (S-436) **READ**.

the President : The Senator may proceed.

Senator **DAUGHTRY**: Thank you, Mr. President, Ladies and Gentlemen of the Senate. I just rise to briefly explain the amendment in front of you. This is the result of several

conversations with several different interested groups as well as with the Governor's office, who came to an agreement and agreed on the language that is in the amendment in front of you. Thank you for your time and hopefully for your support.

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

Senator **STEWART**: Thank you, Mr. President, Ladies and Gentlemen of the Senate. We had a number of questions in caucus around what exactly it is that this amendment does, so if the sponsor could maybe elaborate on what the net effect is on the underlying bill as well as this amendment that would be helpful. Thank you.

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

Senator **DAUGHTRY**: Thank you, Mr. President. I rise to answer the question that was posed to the Chair. So, the heart of the bill is ensuring that no one employee can be fired for attending a -- for not attending a mandatory meeting regarding their own personal religious background as well as politics as well as potential anti-union organizing. What the amendment makes clear is that doesn't mean that an employee could not go to a meeting about something that is mandatory for their employment. For example, rolling out of a new program, a new safety feature, etcetera. This solely says, with the clarifying language, that no one employee should be forced with potential ramifications of losing their job to sit through a meeting that makes their job dependent on it about, you know, political activities, religious activities, or anti-union. This is empowering employees and it also is recognizing our inherent right and freedom of speech is really what, you know, I think is at the core crux of this bill. Other states have done this as well and I think, you know, if you look into the testimony on the bill, there is a lot of support from it from employees in Maine who have gone through this. It's not just about labor unions as well, there were some concerns about folks who were being forced to attend something that went against their religious beliefs as well and this ensures that we find, you know, an ability for them to not be able to force to do that without losing their jobs.

On motion by Senator **STEWART** of Aroostook, **TABLED** until Later in Today's Session, pending the motion by Senator **DAUGHTRY** of Cumberland to **ADOPT** Senate Amendment "B" (S-436).

Senate at Ease.

The Senate was called to order by the President .

ORDERS OF THE DAY

On motion by Senator **DAUGHTRY** of Cumberland, the Senate removed from the **SPECIAL STUDY TABLE** the following:

Resolve, to Establish the Task Force on Accessibility to Appropriate Communication Methods for Deaf and Hard-of-hearing Patients
H.P. 623 L.D. 976
(C "A" H-91)

Tabled - May 11, 2023 by Senator **DAUGHTRY** of Cumberland

Pending - **FINAL PASSAGE**, in concurrence

(In Senate, May 4, 2023, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-91)**, in concurrence.)

(In House, May 9, 2023, **FINALLY PASSED**.)

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

On motion by Senator **DAUGHTRY** of Cumberland, the Senate removed from the **SPECIAL STUDY TABLE** the following:

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

Tabled - May 23, 2023 by Senator **DAUGHTRY** of Cumberland

Pending - **FINAL PASSAGE**, in concurrence

(In Senate, May 16, 2023, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-105)**, in concurrence.)

(In House, May 18, 2023, **FINALLY PASSED**.)

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

On motion by Senator **DAUGHTRY** of Cumberland, the Senate removed from the **SPECIAL STUDY TABLE** the following:

Emergency Resolve

Resolve, to Establish the Commission Regarding Foreign-trained Physicians Living in Maine
H.P. 584 L.D. 937
(C "A" H-128)

Tabled - June 1, 2023 by Senator **DAUGHTRY** of Cumberland

Pending - **FINAL PASSAGE**, in concurrence

(In Senate, May 23, 2023, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-128)**, in concurrence.)

(In House, May 30, 2023, **FINALLY PASSED**.)

This being an Emergency Measure and having received the affirmative vote of 31 Members of the Senate, with no Senators having voted in the negative, and 31 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.

On motion by Senator **DAUGHTRY** of Cumberland, the Senate removed from the **SPECIAL STUDY TABLE** the following:

Emergency Resolve

Resolve, to Reestablish the Task Force to Study the Creation of a Comprehensive Career and Technical Education System
S.P. 520 L.D. 1283
(C "A" S-153)

Tabled - June 12, 2023 by Senator **DAUGHTRY** of Cumberland

Pending - **FINAL PASSAGE**, in concurrence

(In Senate, June 1, 2023, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-153)**.)

(In House, June 6, 2023, **FINALLY PASSED**.)

This being an Emergency Measure and having received the affirmative vote of 31 Members of the Senate, with no Senators having voted in the negative, and 31 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.

On motion by Senator **DAUGHTRY** of Cumberland, the Senate removed from the **SPECIAL STUDY TABLE** the following:

Emergency Resolve

Resolve, to Reestablish and Continue the Work of the Blue Ribbon Commission to Study Emergency Medical Services in the State
H.P. 1090 L.D. 1701
(C "A" H-228)

Tabled - June 12, 2023 by Senator **DAUGHTRY** of Cumberland

Pending - **FINAL PASSAGE**, in concurrence

(In Senate, June 1, 2023, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-228)**, in concurrence.)

(In House, June 8, 2023, **FINALLY PASSED**.)

This being an Emergency Measure and having received the affirmative vote of 31 Members of the Senate, with no Senators having voted in the negative, and 31 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.

On motion by Senator **DAUGHTRY** of Cumberland, the Senate removed from the **SPECIAL STUDY TABLE** the following:

Resolve, Establishing the Commission to Update Maine's Public Policy on Higher Education
H.P. 812 L.D. 1264
(C "A" H-248)

Tabled - June 12, 2023 by Senator **DAUGHTRY** of Cumberland

Pending - **FINAL PASSAGE**, in concurrence

(In Senate, June 6, 2023, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-248)**, in concurrence.)

(In House, June 8, 2023, **FINALLY PASSED**.)

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

On motion by Senator **DAUGHTRY** of Cumberland, the Senate removed from the **SPECIAL STUDY TABLE** the following:

Resolve, to Establish the Gagetown Harmful Chemical Study Commission
S.P. 628 L.D. 1597
(C "A" S-170)

Tabled - June 12, 2023 by Senator **DAUGHTRY** of Cumberland

Pending - **FINAL PASSAGE**, in concurrence

(In Senate, June 6, 2023, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-170)**.)

(In House, June 8, 2023, **FINALLY PASSED**.)
FINALLY PASSED and, having been signed by the President , was presented by the Secretary to the Governor for approval.

On motion by Senator **DAUGHTRY** of Cumberland, the Senate removed from the **SPECIAL STUDY TABLE** the following:

Emergency Resolve

Resolve, to Establish the Blue Ribbon Commission to Study the Organization of and Service Delivery by the Department of Health and Human Services
H.P. 571 L.D. 915
(C "A" H-408)

Tabled - June 13, 2023 by Senator **DAUGHTRY** of Cumberland

Pending - **FINAL PASSAGE**, in concurrence

(In Senate, June 12, 2023, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-408)**, in concurrence.)

(In House, June 13, 2023, **FINALLY PASSED**.)

This being an Emergency Measure and having received the affirmative vote of 31 Members of the Senate, with 1 Senator having voted in the negative, and 31 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.

On motion by Senator **DAUGHTRY** of Cumberland, the Senate removed from the **SPECIAL STUDY TABLE** the following:

Emergency Resolve

Resolve, to Establish the Blue Ribbon Commission to Design a Plan for Sustained Investment in Preventing Disease and Improving the Health of Maine Communities
S.P. 685 L.D. 1722
(C "A" S-229)

Tabled - June 13, 2023 by Senator **DAUGHTRY** of Cumberland

Pending - **FINAL PASSAGE**, in concurrence

(In Senate, June 8, 2023, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-229)**.)

(In House, June 13, 2023, **FINALLY PASSED**.)

This being an Emergency Measure and having received the affirmative vote of 31 Members of the Senate, with 1 Senator having voted in the negative, and 31 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.

Senator **STEWART** of Aroostook moved the Senate removed from the **SPECIAL STUDY TABLE** the following:

Emergency Resolve

Resolve, to Increase Transparency and Evaluate Emergency Response Through a COVID-19 Review Commission
S.P. 726 L.D. 1801

(C "A" S-230)

Tabled - June 13, 2023 by Senator **DAUGHTRY** of Cumberland

Pending - **FINAL PASSAGE**, in concurrence

(In Senate, June 8, 2023, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-230).**)

(In House, June 13, 2023, **FINALLY PASSED.**)

Senator **DAUGHTRY** of Cumberland requested a Roll Call.

Senate at Ease.

The Senate was called to order by the President .

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

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#472)

YEAS: Senators: BALDACCI, BENNETT, BRAKEY, FARRIN, GUERIN, HARRINGTON, LIBBY, MOORE, POULIOT, STEWART, TIMBERLAKE

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

EXCUSED: Senators: BLACK, GROHOSKI, KEIM, RAFFERTY

11 Senators having voted in the affirmative and 20 Senators having voted in the negative, with 4 Senators being excused, the motion by Senator **STEWART** of Aroostook to **REMOVE** from the **SPECIAL STUDY TABLE FAILED.**

On motion by Senator **DAUGHTRY** of Cumberland, the Senate removed from the **SPECIAL STUDY TABLE** the following:

Resolve, Directing the Maine-Canadian Legislative Advisory Commission and the New England and Eastern Canada Legislative Commission to Examine Restoring Passenger Rail from Boston to Montreal
S.P. 312 L.D. 754
(C "A" S-239)

Tabled - June 14, 2023 by Senator **DAUGHTRY** of Cumberland

Pending - **FINAL PASSAGE**, in concurrence

(In Senate, June 12, 2023, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-239).**)

(In House, June 14, 2023, **FINALLY PASSED.**)

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

On motion by Senator **DAUGHTRY** of Cumberland, the Senate removed from the **SPECIAL STUDY TABLE** the following:

Emergency

An Act to Amend the Membership of the Maine-Canadian Legislative Advisory Commission and the New England and Eastern Canada Legislative Commission
S.P. 788 L.D. 1939
(C "A" S-285)

Tabled - June 14, 2023 by Senator **DAUGHTRY** of Cumberland

Pending - **ENACTMENT**, in concurrence

(In Senate, June 12, 2023, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-285).**)

(In House, June 14, 2023, **PASSED TO BE ENACTED.**)

This being an Emergency Measure and having received the affirmative vote of 32 Members of the Senate, with no Senators having voted in the negative, and 32 being more than two-thirds of the entire elected Membership of the Senate, was **PASSED TO BE ENACTED** and, having been signed by the President , was presented by the Secretary to the Governor for approval.

On motion by Senator **DAUGHTRY** of Cumberland, the Senate removed from the **SPECIAL STUDY TABLE** the following:

Resolve, to Reestablish the Criminal Records Review Committee
H.P. 1047 L.D. 1622
(C "A" H-514)

Tabled - June 20, 2023 by Senator **DAUGHTRY** of Cumberland

Pending - **FINAL PASSAGE**, in concurrence

(In Senate, June 14, 2023, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-514)**, in concurrence.)

(In House, June 16, 2023, **FINALLY PASSED**.)

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

On motion by Senator **DAUGHTRY** of Cumberland, the Senate removed from the **SPECIAL STUDY TABLE** the following:

An Act to Implement the Recommendations of the Working Group to Review the Process for Ongoing Review of Tax Expenditures by the Legislature
H.P. 538 L.D. 849
(C "A" H-530)

Tabled - June 20, 2023 by Senator **DAUGHTRY** of Cumberland

Pending - **ENACTMENT**, in concurrence

(In Senate, June 16, 2023, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-530)**, in concurrence.)

(In House, June 20, 2023, **PASSED TO BE ENACTED**.)

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

On further motion by same Senator, the Senate **RECONSIDERED** whereby the Bill was **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-530)**, in concurrence.

On further motion by same Senator, Senate Amendment "A" (S-437) **READ** and **ADOPTED**.

PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-530) AND SENATE AMENDMENT "A" (S-437), in **NON-CONCURRENCE**.

Ordered sent down for concurrence.

On motion by Senator **DAUGHTRY** of Cumberland, the Senate removed from the **SPECIAL STUDY TABLE** the following:

An Act to Create Greater Transparency for Facility Fees Charged by Health Care Providers and to Establish the Task Force to Evaluate the Impact of Facility Fees on Patients
S.P. 720 L.D. 1795
(C "A" S-335)

Tabled - June 20, 2023 by Senator **DAUGHTRY** of Cumberland

Pending - **ENACTMENT**, in concurrence

(In Senate, June 15, 2023, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-335)**.)

(In House, June 20, 2023, **PASSED TO BE ENACTED**.)

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

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

The Chair laid before the Senate the following Tabled and Later Assigned (6/21/23) matter:

HOUSE REPORTS - from the Committee on **LABOR AND HOUSING** on Bill "An Act to Make Agricultural Workers and Other Related Workers Employees Under the Wage and Hour Laws"
H.P. 249 L.D. 398

Majority - **Ought to Pass as Amended by Committee Amendment "A" (H-630)** (8 members)

Minority - **Ought Not to Pass** (3 members)

Tabled - June 21, 2023 by Senator **TIPPING** of Penobscot

Pending - **ACCEPTANCE OF EITHER REPORT**

(In House, June 21, 2023, the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-630)**.)

(In Senate, June 21, 2023, Reports **READ**.)

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

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

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

Senator **TIMBERLAKE:** Good afternoon, Mr. President, and Ladies and Gentlemen of the Senate. I guess I'd like to pose a question through the Chair to begin with. The question I would pose, Mr. President, I've been through many meetings and this talk about the bill being amended, is there an amendment out there to the bill to change it at this point in time coming up because it's going to determine -- that would be my question at this point.

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

Senator **TIPPING:** There is an amendment, yes, filed and that we can discuss if and when it passes.

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

Senator **TIMBERLAKE:** Yes, Mr. President, Ladies and Gentlemen of the Senate. I'm in a dilemma of whether I should speak here or later, that's my -- that's my dilemma, to be honest, and -- but I'm very concerned about this bill moving forward. There's not one group of farmers that I've been working with that are in favor of this bill in any way and even a possible amendment that could come forward. So, I would like to see us vote this bill down. It's not necessary, it's not needed. The farming community in the State of Maine is already in danger and this bill just puts it more in danger. So, I'm not going to go on to a long dilemma now but if it passes and moves forward, then we'll have a more probably robust debate but it's -- this is really bad for the farming community. The Farm Bureau is against it, the dairy industry is against it, the blueberry industry is against it, the potato industry is against it, the apple industry is against it, small vegetables are against it. And I just, with all those against it, it must tell us we're doing something wrong. It's not necessary, it's not needed, it's something we've dealt with in the last few years and this bill should just go away like it has in the last few years and please join me in voting no on the following motion.

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

Senator **TIPPING:** Thank you, Mr. President. I'll speak briefly to the reasoning and the importance of this bill. So, farm workers, as the Good Senator mentioned, are the backbone of some of Maine's most important and iconic industries including blueberries, potatoes, apples, vegetables, and wreaths, and they do long and often very difficult work, as those of us who have worked in agriculture know. Unlike in most other states right now, in Maine, they have almost no workplace protections. And we heard as part of the committee and from many farm workers about unsafe conditions, about poor housing, about wage theft, and about sexual harassment and assault. Now, this bill, 398, doesn't fix all those problems, it doesn't fix most of them, but it's a bit of a start. It's different from the original proposal which was overtime protections for workers, full workplace protections, as well as full organizing rights. Instead, what it does is it makes sure that the minimum wage, at the very least, applies to farm workers as well as they're defined as employees and have certain protections there including that after six hours of work, they're offered a 30-minute break. So, it was a long process to get to this point. I'd like to thank my colleague from Androscoggin County for being part of some of those conversations and thank the Governor's office for convening a large group of farmers, farm workers, other representatives, including the farmers of MOFGA, which have been very supportive of this legislation. And I would also say that we should do more but this is an important start. Thank you.

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

Senator **MOORE:** Thank you, Mr. President. LD 398 is not about whether or not farm workers are paid the state minimum wage. They are already. It is about significantly changing the current classification of farm workers without any study or information about how those changes would impact the workers or the farms where they work. The current classification of farm workers allows them the flexibility to be responsive. That need for responsiveness is unique to agriculture and they need to have a unique system. Farmers need to schedule workers based on the weather, not on a clock. Crops need to be planted on sunny days in the spring, which can be limited in Maine. Produce needs to be harvested when its ripe, which is a very small window. Maine has the shortest growing season and some of the highest input costs in the country. If we are going to make changes to the industry, we should first do a significant study to determine how both farm workers and farm owners would be impacted. It is an incredible disservice to those who grow the food we eat to take action without a thorough and thoughtful examination of the benefits and consequences of changing the current system. The Maine Department of Labor employs a state monitor advocate that regularly visits farms with migrant workers, discusses work conditions, inspects their housing, and ensures worker equality. The Maine Department of Labor, when asked, was not able to identify any farm workers that raised concerns about wage violations or working conditions. In states where similar changes have been made, the agriculture industry has experienced a loss of workers and farms. Our state's economy and our tourism industry relies on agriculture and we need to work together to create a system that supports the future of farming. Let's work together to create a system that reflects Maine's unique landscape, diversity of farms and heritage industries like wild blueberries. Let's find a way to celebrate the work of farm workers and farm owners. This bill fails farm workers and farmers. This is not the right solution. Let's take the time to work together to create a policy that makes Maine's food system work better, not harder. Thank you, Mr. President.

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

Senator **HICKMAN:** Thank you, Mr. President. I'm a farmer, too, and a farm worker, and according to federal law, a farm worker in the State of Maine without this bill can be forced to work 100 hours in any week and only be paid \$7.25 an hour. That's a fact. Farm workers deserve equal protection under the law. By not being defined as employees, they don't have equal protection under the law. I'm going to share a note from a first-generation farmer in my district. I have been farming in Maine for the past 13 years at Emery Farm in Wayne. I do not believe that any worker should be held in exploitation by the rules and laws of the state or federal government. Farming is not an exception to an employee's equal access to labor rights. I'm a first-generation farmer. Farming is the primary income for our family. My wife and I started the farm, we grow vegetables for various direct and wholesale markets, we have three young children. As new farmers, we have had to create a business plan that fits our farm model and our market. Part of adapting has been adjusting to various adjustments to operational expenses and crop pricing. Employees who work at Emery Farm live in our community. Employees earn above minimum wage and for this farm, that means above state minimum wage. Employment at our farm is

seasonal, starting in the spring and ending in the late fall. Our farm is dynamic and will constantly adjust to weather, the market, and the regulations for our operation. I do not support the continuum of laws that legally protects the exploitation of labor. The current labor law exemptions for agriculture are not necessary for the longevity or profitability of our farm. Mr. President, it's time that Maine join many other states in the nation and finally define farm workers as employees. The reason why the Department of Labor has no statistics is because farm workers are not employees, which means they're not governed by the laws that the Department of Labor implement and so of course there will be no complaints from a single farm worker on record because, once again, they're not employees. Essential in the pandemic, not essential when it comes to how much money they make and how many hours they can be forced to work. More than a hundred hours, they could be forced to work that because current labor laws do not apply. Mr. President, it's time we end this -- this inequity - I'll use that term instead of the other one I want to use - and pass this bill.

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

Senator **TIMBERLAKE:** Well, Mr. President, Ladies and Gentlemen of the Senate, I guess it is time I give my speech. I guess to the Senator from Penobscot, my good friend who I worked with the committee on and the special groups we met, my comment to you about farmers that were -- employees that were mistreated or done wrong, we have rules in the State of Maine that take care of that and they should be followed and if there's a farm worker that's being mistreated, then the State of Maine has the ability to enforce the rules and by not having any reported, I don't think it's as bad as it might be made out to be. I've been in the farming industry, I'm 65 years old, my whole life. I'm an eighth-generation farmer. I was up at 1:00 this morning taking care of my orchard, spraying them. I started at 1. My good seatmate beside me from Franklin County is not even here today because he's home trying to farm his fields, trying to get his hay in off his fields. The farmer in the State of Maine is a dying breed. I'm like the average age now at 65. It's a problem. This bill proposes to take that away. I probably wouldn't've fought it with the amendment coming up if they'd have created a provision quite so hard to create a youth wage but farmers in the State of Maine have to hire the -- think of the strawberry growers right now, the blueberry growers in another two weeks who use some youth to harvest their crops or an older, elderly couple that comes in and works as a team to harvest their crops. It's a way for them to work. On our own family farm, we stopped hiring youth about four years ago. We have 14 acres of highbush blueberry we no longer harvest because we do pay state minimum wage and that meant that we had to pay kids that -- we didn't hire anybody that was you weren't going into the seventh grade on up and we tell them that we start at 8:00 in the morning and we're going to pick till 2 and we tell the parents you can bring them, drop them for an hour or two or three or four or whatever you feel is good. And parents thanked us, the community thanked us, and they loved us for it because it gave a way for their kids to learn a little responsibility in life, it gave a way for their kids to learn how to work, and we've taken that away from them here in -- on my own family farm because we no longer do that and we can't pay \$13.80 an hour for a 13-year-old kid or a 12-year-old kid to pick blueberries because they don't pick enough to compete that we can sell in the

market and compete against the rest of the country. Because remember, Maine competes against the whole nation, it doesn't just compete against itself. And most of the state in the United States do not have this, have this -- have what we have implemented right now in the State of Maine. This will affect the very small farmers. This is not going to affect the large farmers much at all but it's going to affect the very small farmers. And the large farmers need the small farmers because in the last two years, folks, we've lost almost 20% of -- we've lost over 20% of our dairy industry, almost 30% of our apple industry, almost 20% of our blueberry industry, and the small vegetable industry is going to drop off at a very high rate if this bill is to pass because I know of two or three farms just locally that use kids to help pick their strawberries this time of year. In case you haven't noticed, it might've rained a little bit in June somewhere along the way and they're having a really hard time getting crops in. And when you're competing with Driscoll's and these other companies that are selling into Hannaford and Walmart and Whole Foods and wherever, you're competing on a national market and if you can't compete at the same level, then you're out, and when you're out, that means you're losing money and you go out of business. I am sick of seeing farmers in the State of Maine pay the penalty. The proposal that's coming forward to change this moves them over. If they were to have created a way that they could've created a youth wage, which we should've done even for the minimum wage, but we didn't, then we'd be able to keep farmers viable. But if you want to put the final straw in the basket for the farmer in the State of Maine, then this will do it. And, for the record, we are a MOFGA certified grower and we don't -- we don't approve of this. So, not all MOFGA growers approve of that. Just -- this is very close and dear and near to my heart. The Good Senator from Franklin wishes that he would be here to help tell this story because it's about farming in Maine and it is going away and if we pass this bill, it will be one more nail in the coffin. Will it be the final one? I'm not -- I don't know for sure and I can't promise you for sure, but I can tell you it's going to have a devastating effect on the farmers in the State of Maine. Remember what I said; there is not one organization in the State of Maine that's in favor of this that's a farming organization. I sat with them all within the last month two or three times and this is important to them. This is not needed. As far as the Good Senator from Kennebec about making farm workers work 100 hours a week, you know, I haven't seen that, I've been around this community, traveled up and down the state quite a bit. If there's a rare instance that that happens, I'll be surprised but there are some times that when you're running -- that when you're running chopping season on a dairy farm or apple picking on the apple farm that all of us will work for maybe a week or two for 70-80 hours a week for a couple weeks but usually a rain day comes in and you don't really -- doesn't happen all that often, but you've got a short window, in the blueberry crop, they've got about three weeks to harvest the whole crop and you've got a very small window to get it in. In the apple industry, we have six weeks. The gentlemen that are out in the hay fields today, chopping and baling, they're working their butts off to try to get it in before Saturday because it's going to rain again and the ground is already wet. We can't limit them if we expect them to compete against all the other farmers in the United States of America, say nothing about the rest of the world, because this is a worldwide market. I don't suspect that I've changed one vote with my speech but I had to give it, anyway. And I thank you all and please join me in voting this motion down because it is not necessary, I promise you.

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

Senator **TIPPING:** Thank you, Mr. President. I just wanted to clear up a few things. I think there may be still some misconceptions about this bill and some false information floating around. So, first of all, there was a long, inclusive, and detailed process to get to this point, including more amendments, as we're seeing today. There was a many-hour public hearing, there were individual meetings with advocates and groups including the Farming Council of Maine, Agricultural Council, the stakeholder group which brought together chaired by the Governor's Office advocates from all different agricultural groups and farm workers and other representatives convened and met four times, reconvened last week and answered some additional questions. I'd say the committee has probably spent more time on this piece of legislation than anything other than paid family and medical leave this year. So, the answers are absolutely there if anyone has some remaining, you know, questions about what the bill does, the Department of Labor has been very responsive in writing memos and detailed information to those who have asked those questions, so if someone has a question, they really should've asked it. I also want to say that nothing in this bill changes the flexibility of farm workers. They can absolutely be responsive. It wouldn't affect scheduling for weather or harvest. There were many workers that testified on this bill, you can look up the testimony of farm workers, also the representatives at Mano en Mano, Pine Tree Legal, and others. I mean, it's all there on the website, I already listed one group of farm owners that supports it. And I would finally say that most states do already have a minimum wage, we're one of 19 that doesn't for farm workers. So, with that, you know, this is a small piece of a larger bill that's been considered in years past but I do think it is an important reform. I also want to say that there are larger issues for Maine's heritage farm industries that we do need to address, big issues around prices, around growing the workforce, and I would say that opposition to this bill does nothing to help with those real concerns. Thank you.

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#473)

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

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

EXCUSED: Senators: BLACK, KEIM, RAFFERTY

20 Senators having voted in the affirmative and 12 Senators having voted in the negative, with 3 Senators being excused, the motion by Senator **TIPPING** of Penobscot to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report, in concurrence, **PREVAILED**.

Bill **READ ONCE**.

Committee Amendment "A" (H-630) **READ**.

On motion by Senator **TIPPING** of Penobscot, Senate Amendment "A" (S-423) to Committee Amendment "A" (H-630) **READ**.

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

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

Senator **TIMBERLAKE:** Thank you, Mr. President. I'd pose a question through the Chair to the Good Representative of Penobscot, if he could tell us what the exact -- what the amendment does because I don't have it before me.

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

Senator **TIPPING:** Thank you, Mr. President. This amendment removes Section 6 of the Committee Amendment to the bill which is the concerted activity provision. I do think it's important for all employees to have the right to discuss things like wages and working conditions with each other without fear of being fired but we weren't able to get to enough of a consensus on that one. It is an issue that I hope the committee will continue to work on.

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

Senator **TIMBERLAKE:** Thank you, Mr. President, and Ladies and Gentlemen of the Senate. I will just tell you again that I don't -- I don't support this any more than I did the previous and I'll be voting against it.

THE PRESIDENT: The pending question before the Senate is Adoption of Senate Amendment "A" (S-423) to Committee Amendment "A" (H-630). A roll call has been ordered. Is the Senate ready for the question?

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#474)

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

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

EXCUSED: Senators: BLACK, KEIM, LYFORD, RAFFERTY

21 Senators having voted in the affirmative and 10 Senators having voted in the negative, with 4 Senators being excused, the motion by Senator **TIPPING** of Penobscot to **ADOPT** Senate Amendment "A" (S-423) to Committee Amendment "A" (H-630), **PREVAILED**.

Committee Amendment "A" (H-630) as Amended by Senate Amendment "A" (S-423) thereto, **ADOPTED**, in **NON-CONCURRENCE**.

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-630) AS AMENDED BY SENATE AMENDMENT "A" (S-423)** thereto, in **NON-CONCURRENCE**.

Sent down for concurrence.

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

HOUSE REPORTS - from the Committee on **JUDICIARY** on Bill "An Act to Remove Barriers to Becoming a Lawyer" H.P. 866 L.D. 1352

Majority - **Ought to Pass as Amended by Committee Amendment "A" (H-705)** (8 members)
Minority - **Ought Not to Pass** (5 members)

Tabled - June 23, 2023 by Senator **BALDACCI** of Penobscot

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

(In House, June 23, 2023, the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-705)**.)

(In Senate, June 23, 2023, Reports **READ**. Motion by Senator **CARNEY** of Cumberland to **ACCEPT** the Minority **OUGHT NOT TO PASS** Report, in **NON-CONCURRENCE**, **FAILED**.)

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

Bill **READ ONCE**.

Committee Amendment "A" (H-705) **READ**.

On motion by Senator **BALDACCI** of Penobscot, Senate Amendment "A" (S-438) to Committee Amendment "A" (H-705) **READ**.

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

Senator **BALDACCI:** Thank you, Mr. President. I shared with the -- I voted in the minority but I appreciate the opportunity to be able to present this amendment to at least to try to improve the bill somewhat. It is to require that the person be at least a college graduate and, two, that the people doing the supervising are approved by the Board of Bar Overseers so that there's some standards involved if this bill is actually going to go forward. Thank you.

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

Senator **BRAKEY:** Thank you, Mr. President. As a member of the Judiciary Committee who supported the underlying committee report, I just wanted to share with the body that in regards to the amendment before us, I've spoken with the bill sponsor and several other members of the committee who supported the underlying committee report and people are -- have no objections to the amendment before us and if -- if that would make the Good Senator from Penobscot more comfortable with the bill, I hope that we can count on his vote on enactment once we adopt this amendment. Thank you.

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

Senator **CARNEY:** Thank you, Mr. President. Thank you, colleagues. I rise in opposition to the pending motion. My concern with this bill both in committee and through its various iterations on the floor of the Senate is that we serve an important role in this instance as consumer protectors. People who purchase legal services from lawyers are putting very important matters at stake. It can be their right to have custody of their child, it can be their right to live independently in a community versus being confined for reasons related to mental health, it can be a transaction involving the \$200 that somebody earned while working and never was paid, it can be a transaction involving \$200 million. Each one of those four occasions of legal representation is very high stakes for the client and while I appreciate my colleague from Penobscot offering this amendment, I still have very significant restrictions -- significant concerns that even with the additional restrictions, we are not adequately protecting Mainers who will be the consumers of

these legal services and I would ask for a Roll Call and urge my colleagues to vote down this legislation. Actually, I'm going to retract that. Can I? I will retract that because I see that we're already down the road on the amendment but -- I'm not sure what to do at this point, procedurally. Yeah, I will ask for a Roll Call, thank you.

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

Same Senator requested and received leave of the Senate to withdraw her request for a Roll Call.

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

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

Senator **HICKMAN:** Thank you, Mr. President. On the day that this bill was debated, I unfortunately was under the weather and at home and so I just want to put into the record that I appreciate the amendment from the Good Senator from Penobscot and will say that I will spend not another day in school for the rest of my life but I would love to be a lawyer and this would help me out immensely. Thank you, Mr. President.

THE PRESIDENT: The pending question before the Senate is Adoption of Senate Amendment "A" (S-438) to Committee Amendment "A" (H-705). A roll call has been ordered. Is the Senate ready for the question?

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#475)

YEAS: Senators: BAILEY, BALDACCI, BENNETT, BRAKEY, BRENNER, CHIPMAN, CURRY, DAUGHTRY, FARRIN, GROHOSKI, GUERIN, HARRINGTON, HICKMAN, INGWERSEN, LAFOUNTAIN, LIBBY, MOORE, NANGLE, PIERCE, POULIOT, RENY, STEWART, TIPPING, VITELLI, PRESIDENT JACKSON

NAYS: Senators: BEEBE-CENTER, CARNEY, DUSON, LAWRENCE, ROTUNDO, TIMBERLAKE

EXCUSED: Senators: BLACK, KEIM, LYFORD, RAFFERTY

25 Senators having voted in the affirmative and 6 Senators having voted in the negative, with 4 Senators being excused, the motion by Senator **BALDACCI** of Penobscot to **ADOPT** Senate Amendment "A" (S-438) to Committee Amendment "A" (H-705) **PREVAILED**.

Committee Amendment "A" (H-705) as Amended by Senate Amendment "A" (S-438) thereto, **ADOPTED**, in **NON-CONCURRENCE**.

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

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

Senator **STEWART:** Thank you, Mr. President, Ladies and Gentlemen of the Senate. You'll see I voted in favor of the addition of Senate Amendment "A" to Committee Amendment "A" and I did so, I think that made a bad bill slightly less bad but I do not think that we should actually move forward here with final passage and so with that, Mr. President, I would request a Roll Call and hope that sufficient number of folks will strike down the bill in its totality. 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 (#476)

YEAS: Senators: BAILEY, BALDACCI, BENNETT, BRAKEY, CHIPMAN, DAUGHTRY, GROHOSKI, GUERIN, HARRINGTON, HICKMAN, INGWERSEN, RENY, TIPPING, PRESIDENT JACKSON

NAYS: Senators: BEEBE-CENTER, BRENNER, CARNEY, CURRY, DUSON, FARRIN, LAFOUNTAIN, LAWRENCE, LIBBY, MOORE, NANGLE, PIERCE, POULIOT, ROTUNDO, STEWART, TIMBERLAKE, VITELLI

EXCUSED: Senators: BLACK, KEIM, LYFORD, RAFFERTY

14 Senators having voted in the affirmative and 17 Senators having voted in the negative, with 4 Senators being excused, **PASSAGE TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-705) AS AMENDED BY SENATE AMENDMENT "A" (S-438) thereto, FAILED**.

On motion by Senator **STEWART** of Aroostook, Bill and accompanying papers **INDEFINITELY POSTPONED**, in **NON-CONCURRENCE**.

Sent down for concurrence.

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

Off Record Remarks

RECESSED until 4:00 in the afternoon.

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

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

PAPERS FROM THE HOUSE

**Pursuant to Statute
Maine Commission on Indigent Legal Services**

The **Maine Commission on Indigent Legal Services**, pursuant to the Maine Revised Statutes, Title 5, section 8072 and approved for introduction by a majority of the Legislative Council asked leave to report that the accompanying Resolve, Regarding Legislative Review of Portions of Chapter 301: Fee Schedule and Administrative Procedures for Payment of Court or Commission Assigned Counsel, a Late-filed Major Substantive Rule of the Maine Commission on Indigent Legal Services (EMERGENCY) H.P. 1300 L.D. 2018

Be **REFERRED** to the Committee on **JUDICIARY** and ordered printed pursuant to Joint Rule 218.

Comes from the House with the Report **READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED**, without reference to a Committee.

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

Under suspension of the Rules, **PASSED TO BE ENGROSSED**, without reference to a Committee, in concurrence.

Ordered sent forthwith.

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

REPORTS OF COMMITTEES

House

Ought to Pass As Amended

The Committee on **JUDICIARY** on Bill "An Act to Correct Inconsistencies, Conflicts and Errors in the Laws of Maine" (EMERGENCY) H.P. 1289 L.D. 2010

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-718)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-718)**.

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

Bill **READ ONCE**.

Committee Amendment "A" (H-718) **READ** and **ADOPTED**, in concurrence.

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

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

ENACTORS

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

Act

An Act to Clarify the Requirements for Adult Use Cannabis Stores to Transact Sales at Specified Events
S.P. 102 L.D. 202
(S "A" S-414 to C "A" S-384)

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

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

PAPERS FROM THE HOUSE

Non-Concurrent Matter

An Act to Improve the Health of Maine Residents by Removing Exclusions to the MaineCare Program
H.P. 123 L.D. 199

In Senate, June 27, 2023, the Minority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED**, in **NON-CONCURRENCE**.

Comes from the House, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-103) AS AMENDED BY HOUSE AMENDMENT "B" (H-720)** thereto.

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

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

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#477)

YEAS: Senators: BENNETT, BRAKEY, CURRY, FARRIN, GUERIN, HARRINGTON, INGWERSEN, LAFOUNTAIN, LIBBY, LYFORD, MOORE, NANGLE, POULIOT, STEWART, TIMBERLAKE, VITELLI, PRESIDENT JACKSON

NAYS: Senators: BAILEY, BALDACCI, BEEBE-CENTER, BRENNER, CARNEY, CHIPMAN, DAUGHTRY, DUSON, GROHOSKI, LAWRENCE, PIERCE, RENY, ROTUNDO, TIPPING

EXCUSED: Senators: BLACK, HICKMAN, KEIM, RAFFERTY

17 Senators having voted in the affirmative and 14 Senators having voted in the negative, with 4 Senators being excused, the motion by Senator **VITELLI** of Sagadahoc to **INSIST PREVAILED**.

Sent down for concurrence.

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

REPORTS OF COMMITTEES

House

Divided Report

The Majority of the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** on Bill "An Act Making Unified Appropriations and Allocations from the General Fund and Other Funds for the Expenditures of State Government and Changing Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 2023, June 30, 2024 and June 30, 2025" (EMERGENCY) H.P. 163 L.D. 258

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-717)**.

Signed:

Senators:

ROTUNDO of Androscoggin
BENNETT of Oxford

DUSON of Cumberland

Representatives:

SACHS of Freeport
BLIER of Buxton
CARLOW of Buxton
COLLINGS of Portland
FAY of Raymond
GATTINE of Westbrook
MATLACK of St. George
MILLETT of Waterford
MILLETT of Cape Elizabeth

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

Signed:

Representative:

DUCHARME of Madison

Comes from the House with the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-717) AS AMENDED BY HOUSE AMENDMENTS "A" (H-721) AND "B" (H-722)** thereto.

Reports **READ**.

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

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

Senator **ROTUNDO**: Thank you, Mr. President, Colleagues of the Senate. I rise today to speak in support of LD 258, the second phase of the biennial budget. It's a strong, responsible, and bipartisan budget that reflects what Maine values most; its people. Before I delve into the contents of what I believe to be a transformational budget, I want to talk a little bit about how we got here. At the outset, this Legislature was tasked with responding to the growing crisis in childcare, housing, and emergency medical services. There was a shared consensus that these were priorities that matter to all of us, regardless of party. These were services our communities and economy depended upon. The question that remained was would we be able to come up with a bipartisan budget that delivered on these key issues. For months, the Legislature's Appropriation Committee pored over the Governor's proposal, held public hearings and consulted with each of the Joint Standing Committees on initiatives relative to their jurisdiction. We did our due diligence and crafted a budget that is transformational. This proposal makes key investments in childcare. It doubles the wage stipend for childcare workers and helps more families afford the cost of care. This will ensure workers can remain in this industry, parents can go to work, and employers have a strong workforce. This proposal confronts the housing crisis head on by establishing the Housing First program, investing in short-term emergency housing and directing funding to expand affordable rental and ownership housing options through the Rural Affordable Rental Housing program and the

Low-Income Housing tax credit. This proposal invests more than \$31 million in emergency medical services. It establishes a grant program to increase sustainability and resiliency of Maine-based emergency medical service entities. The program will shore up the most precarious areas of immediate risk of failing and leaving the communities without access to adequate emergency medical services. There are so many more incredible initiatives included in this budget that are important to all of us. It's not a perfect budget but it is a good budget and it's a bipartisan budget. I would like to express my appreciation to so many people who have made this budget possible. I want to start with the Senate President for his patience and time that he gave to the committee to reach a bipartisan agreement. Bipartisan budgets are good policy. I also want to thank the fabulous staff in the Revisor's office and OFPR, whose expertise, professionalism, patience, and kindness are truly remarkable. I want to give a special shout-out as well to the appropriations principal analyst, Maureen Dawson. Finally, I want to express my deep appreciation to my Appropriations colleagues in the other chamber for their extraordinary care and dedication to the work of putting this budget together. Thanks to the Senator from Cumberland, Senator Duson, whose wisdom and sense of fairness are reflected in this budget. And to the Senator from Oxford, Senator Bennett, for his contributions to this budget and for staying at the table even as the hopes of a bipartisan agreement and our committee were slim. With that, I hope you will join me in voting for LD 258. It will improve the lives of Maine families, strengthen our communities, and bolster our economy. Thank you.

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#478)

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

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

EXCUSED: Senators: BLACK, HICKMAN, KEIM, RAFFERTY

22 Senators having voted in the affirmative and 9 Senators having voted in the negative, with 4 Senators being excused, the motion by Senator **ROTUNDO** of Androscoggin to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report, in concurrence, **PREVAILED**.

Bill **READ ONCE**.

Committee Amendment "A" (H-717) **READ**.

House Amendment "A" (H-721) to Committee Amendment "A" (H-717) **READ** and **ADOPTED**, in concurrence.

House Amendment "B" (H-722) to Committee Amendment "A" (H-717) **READ** and **ADOPTED**, in concurrence.

Committee Amendment "A" (H-717) as Amended by House Amendments "A" (H-721) and "B" (H-722) thereto, **ADOPTED**, in concurrence.

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-717) AS AMENDED BY HOUSE AMENDMENTS "A" (H-721) AND "B" (H-722)** thereto, in concurrence.

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

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

PAPERS FROM THE HOUSE

Non-Concurrent Matter

An Act to Eliminate the Current Net Energy Billing Policy in Maine (EMERGENCY)
H.P. 861 L.D. 1347

In Senate, July 6, 2023, on motion by Senator **LAWRENCE** of York, the Minority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED**, in **NON-CONCURRENCE**.

Comes from the House, that Body having **INSISTED** on its former action whereby the Majority **OUGHT TO PASS AS AMENDED** Report was **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-605) AS AMENDED BY HOUSE AMENDMENT "A" (H-714)** thereto.

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

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#479)

YEAS: Senators: BRAKEY, FARRIN, GROHOSKI, GUERIN, HARRINGTON, LYFORD, MOORE, POULIOT, RENY, STEWART, TIMBERLAKE

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

EXCUSED: Senators: BLACK, HICKMAN, KEIM, RAFFERTY

11 Senators having voted in the affirmative and 20 Senators having voted in the negative, with 4 Senators being excused, the motion by Senator **STEWART** of Aroostook to **RECEDE** and **CONCUR FAILED**.

Senator **BENNETT** of Oxford moved the Senate **INSIST** and **ASK FOR A COMMITTEE OF CONFERENCE**.

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#480)

YEAS: Senators: BENNETT, BRAKEY, FARRIN, GROHOSKI, GUERIN, HARRINGTON, LIBBY, LYFORD, MOORE, POULIOT, RENY, STEWART, TIMBERLAKE

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

EXCUSED: Senators: BLACK, HICKMAN, KEIM, RAFFERTY

13 Senators having voted in the affirmative and 18 Senators having voted in the negative, with 4 Senators being excused, the motion by Senator **BENNETT** of Oxford TO **INSIST** and **ASK FOR A COMMITTEE OF CONFERENCE FAILED**.

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

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

ORDERS

Joint Order

On motion by Senator **FARRIN** of Somerset, the following Joint Order:
S.P. 845

ORDERED, the House concurring, that Bill, "An Act to Establish the Weighing Point Preclearance Program," S.P. 573, L.D. 1455, and all its accompanying papers, be recalled from the Governor's desk to the Senate.

READ and **PASSED**.

Sent down for concurrence.

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

ORDERS OF THE DAY

On motion by Senator **CHIPMAN** of Cumberland, the Senate removed from the **SPECIAL HIGHWAY TABLE** the following:

An Act to Modernize the Bureau of Motor Vehicles' Mobile Services
H.P. 855 L.D. 1341
(C "A" H-295)

Placed on Special Highway Table - June 12, 2023, by Senator **CHIPMAN** of Cumberland

Pending - **ENACTMENT**, in concurrence

(In Senate, June 7, 2023, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-295)**, in concurrence.)

(In House, June 12, 2023, **PASSED TO BE ENACTED**.)

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

On further motion by same Senator, the Senate **RECONSIDERED** whereby the Bill was **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-295)**, in concurrence.

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

On further motion by same Senator, the Senate **RECONSIDERED** whereby it **ADOPTED** Committee Amendment "A" (H-295), in concurrence.

On further motion by same Senator, Senate Amendment "A" (S-435) to Committee Amendment "A" (H-295) **READ** and **ADOPTED**.

Committee Amendment "A" (H-295) as Amended by Senate Amendment "A" (S-435) thereto, **ADOPTED**, in **NON-CONCURRENCE**.

PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-295) AS AMENDED BY SENATE AMENDMENT "A" (S-435) thereto, in **NON-CONCURRENCE**.

Ordered sent down for concurrence.

On motion by Senator **CHIPMAN** of Cumberland, the Senate removed from the **SPECIAL HIGHWAY TABLE** the following:

An Act to Provide Self-service Motor Vehicle Services
S.P. 557 L.D. 1390
(C "A" S-113)

Placed on Special Highway Table - June 6, 2023, by Senator **CHIPMAN** of Cumberland

Pending - **ENACTMENT**, in concurrence

(In Senate, May 25, 2023, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-113)**.)

(In House, June 1, 2023, **PASSED TO BE ENACTED**.)

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

On further motion by same Senator, the Senate **RECONSIDERED** whereby the Bill was **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-113)**.

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

On further motion by same Senator, the Senate **RECONSIDERED** whereby it **ADOPTED** Committee Amendment "A" (S-113).

On further motion by same Senator, Senate Amendment "A" (S-434) to Committee Amendment "A" (S-113) **READ** and **ADOPTED**.

Committee Amendment "A" (S-113) as Amended by Senate Amendment "A" (S-434) thereto, **ADOPTED**, in **NON-CONCURRENCE**.

PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-113) AS AMENDED BY SENATE AMENDMENT "A" (S-434) thereto, in **NON-CONCURRENCE**.

Ordered sent down for concurrence.

On motion by Senator **CHIPMAN** of Cumberland, the Senate removed from the **SPECIAL HIGHWAY TABLE** the following:

An Act to Authorize the Secretary of State to Provide a New General Issue of License Plates
H.P. 1262 L.D. 1965
(C "A" H-499)

Placed on Special Highway Table - June 15, 2023, by Senator **CHIPMAN** of Cumberland

Pending - **ENACTMENT**, in concurrence

(In Senate, June 14, 2023, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-499)**, in concurrence.)

(In House, June 15, 2023, **PASSED TO BE ENACTED**.)

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

On further motion by same Senator, the Senate **RECONSIDERED** whereby the Bill was **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-499)**, in concurrence.

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

On further motion by same Senator, the Senate **RECONSIDERED** whereby it **ADOPTED** Committee Amendment "A" (H-499).

On further motion by same Senator, Senate Amendment "A" (S-433) to Committee Amendment "A" (H-499) **READ** and **ADOPTED**.

Committee Amendment "A" (H-499) as Amended by Senate Amendment "A" (S-433) thereto, **ADOPTED**, in **NON-CONCURRENCE**.

PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-499) AS AMENDED BY SENATE AMENDMENT "A" (S-433) thereto, in **NON-CONCURRENCE**.

Ordered sent down for concurrence.

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

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

ORDERS

Joint Order

On motion by Senator **VITELLI** of Sagadahoc, the following Joint Order:
S.P. 844

ORDERED, the House concurring, that when the Senate and House adjourn, they do so 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.

ORDERS OF THE DAY

The Chair laid before the Senate the following Tabled and Later Assigned (6/27/23) matter:

An Act Relating to Net Energy Billing and Distributed Solar and Energy Storage Systems
S.P. 815 L.D. 1986
(C "A" S-421)

Tabled - June 27, 2023 by Senator **LAWRENCE** of York

Pending - motion by same Senator to **RECONSIDER** whereby the Bill was **PASSED TO BE ENACTED**, in **NON-CONCURRENCE**

(In House, June 26, 2023, **FAILED FINAL PASSAGE**.)

In Senate, June 27, 2023, **PASSED TO BE ENACTED**, in **NON-CONCURRENCE**.)

Senator **LAWRENCE** of York requested and received leave of the Senate to withdraw his motion to **RECONSIDER ENACTMENT**, in **NON-CONCURRENCE**.

PASSED TO BE ENACTED and signed by the President , in **NON-CONCURRENCE**.

Sent down for concurrence.

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

Senate at Ease.

The Senate was called to order by the President .

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

An Act to Protect Employee Freedom of Speech
S.P. 702 L.D. 1756
(S "A" S-291)

Tabled - July 6, 2023, by Senator **STEWART** of Aroostook

Pending - motion by Senator **DAUGHTRY** of Cumberland to **ADOPT** Senate Amendment "B" (S-436)

(In Senate, June 15, 2023, **PASSED TO BE ENACTED**, in concurrence.)

(**RECALLED** from the Governor's Desk, pursuant to Joint Order (S.P. 841).

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 (#481)

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

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

EXCUSED: Senators: BLACK, HICKMAN, KEIM, RAFFERTY

22 Senators having voted in the affirmative and 9 Senators having voted in the negative, with 4 Senators being excused, the motion by motion by Senator **DAUGHTRY** of Cumberland to **ADOPT** Senate Amendment "B" (S-436) **PREVAILED**.

The pending question before the Senate was Passage to be Engrossed as Amended by Senate Amendments "A" (S-291) and "B" (S-436), in **NON-CONCURRENCE**.

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#482)

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

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

EXCUSED: Senators: BLACK, HICKMAN, KIEM, RAFFERTY

22 Senators having voted in the affirmative and 9 Senators having voted in the negative, with 4 Senators being excused, **PASSAGE TO BE ENGROSSED AS AMENDED BY SENATE AMENDMENTS "A" (S-291) AND "B" (S-436), in NON-CONCURRENCE, PREVAILED.**

Sent down for concurrence.

The Chair laid before the Senate the following Tabled and Later Today (7-6)An Act to

Improve Maine's Reproductive Privacy Laws
H.P. 1044 L.D. 1619
(C "A" H-700)

Tabled - July 6, 2023, by Senator **VITELLI** of Sagadahoc

Pending - **ENACTMENT**, in concurrence (Roll Call Ordered)

(In Senate, 6/27/2023, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-700)**, in concurrence.)

(In House, June 27, 2023, **PASSED TO BE ENACTED.**)

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

Senator **STEWART:** Thank you, Mr. President. Did I previously request a Roll Call on -- I thought there was a Roll Call ordered previously.

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

Senator **GUERIN:** Thank you, Mr. President. Mr. President, Ladies and Gentlemen of the Senate, you've heard me speak on this bill before. We talked about the fact that the only requirement, the only parameter was necessary and I gave examples from my family on necessary. Today, I want to look at necessary and the idea of disability. Do any of you have people in your family with a disability? Children with a disability? Older folks with a disability? Anything that made them different than

their peers? Were they of less value to society? Were there lessons that we could've learned from them if they had lived longer? Did a genetic abnormality make someone worthy of not being part of our society? There have been societies in the past that deemed that people with disabilities were a burden to society, a burden to their families. Those governments went down in infamy in failure for the evil that they promoted that people with disabilities were somehow less worthy of life. I ask you today to look at your family, your circle of friends, and think of someone with a disability or some type of deformity and if you feel like they're not worthy of life because that's what this bill is looking at. For the entire nine months of pregnancy, a life can be terminated because, in a doctor's opinion, a doctor who is being paid for the procedure, that life is not worthy of continuance. I'm going to read you the story from one of my constituents who had a brother who had a genetic abnormality. My name is Rebecca Hinchliffe and I'm the mother of six amazing children. All but one of them had the privilege of growing up with one of the coolest uncles ever, Uncle Daniel. Uncle Daniel was a little different than other people they knew, but in the best ways possible. He was funny, had the most contagious belly laugh, looked forward to every gymnastics meet, soccer game, and school concert. He was one of their biggest fans. He was an Eagle Scout, national Olympic gold medalist in bocci, master of sign language, photographer, food connoisseur, and a devoted Yankees fan. He fulfilled his dream to visit Paris and lived a life to its fullest. Even more amazing was his love for people. He loved big, forgave quickly, never held a grudge, and saw the best in everyone. What may surprise you is that most people never imagined he'd be able to do any of these things because Daniel was born with Down syndrome. As he got older, he knew he was different but he never saw that as an obstacle. I knew Daniel personally and he certainly didn't, he -- he looked at it as a challenge. Uncle Daniel accomplished more in his short life than many of us do in a lifetime. Growing up with him as my brother changed me and all those who knew him for the better. To know him was to love him. For Daniel, an extra chromosome was just one more thing that made him a special son, brother, uncle, and friend that God made him to be. When we start down the path of deciding who is worthy of life, where do we stop? Where did governments before us stop in deciding who had the right to live and who had the right to die, to make it convenient for the parents, for the government, for business? Surely, we are better than that. We can be braver than that. We can embrace difficulty as an opportunity for growth. We can protect life in this body instead of take it.

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

Senator **BRAKEY:** Thank you, Mr. President. I don't have any prepared remarks today. I delivered plenty of prepared remarks last time this bill was before us. I just wanted to reiterate that throughout this entire process, it's been very difficult to understand why there's been such resistance. If this legislation is truly about these rare cases of fatal fetal abnormalities, why we don't have in front of us right now legislation that is narrowly crafted to deal with those rare cases of fatal fetal abnormalities. It sometimes feels like that's being used as a pretext for something much bigger and I can't help but think as I hear the remarks of the Good Senator from Penobscot County, Senator Guerin, that those are instances that we're going to deal with. When it's discovered, perhaps late in a pregnancy, in the third trimester, not

that there's a fatal abnormality but that there's an abnormality, something that makes a baby - because at that point, we're talking about viability, heartbeat, brain activity - we're talking about a baby that is at the stage of development where the baby can be born alive, can be delivered early, can with medical technology that we have today is fully capable of living outside the womb. And we are really opening the door here for those circumstances where pretty much a fully-developed baby or a baby that could be born premature and survive could be killed for any number of reasons. It would be very easy and I know that there have been efforts, I know there were efforts in the other chamber, it would've been very easy to simply do like we have done in other parts of state statute, like we have in the death with dignity law, and just put in a simple requirement of a fatal diagnosis. That would've been simple and easy but that was not done and we're beyond the point of amendments. I'm disappointed that this is where we are and I don't expect anyone to have a change of heart but if you ever do decide to have a change of heart, now would be a very good time for that. Thank you, all.

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

Senator **CARNEY:** Thank you, President Jackson, Colleagues of the Senate. I just want to speak briefly. This bill, I think, has been difficult for many of us. What I hear in the voices of my Good Colleague from Penobscot and my Good Colleague from Androscoggin is compassion for circumstances that families face in trying times. And I just want to reiterate that LD 1619 is also about compassion. This bill is about making sure that when women and families get horrific news about a wanted pregnancy that is tragic and heartbreaking that those patients and their doctors can work together to understand what the complication is and what the next best steps are, including if within the standards of medical care and medically necessary includes abortion care then that is also an option as is outlined in this legislation. So, I would just ask colleagues to look at the compassion side of everything that has been said tonight about LD 1619 and understand that this bill is not about deciding who's worthy of life, it's not -- there's no pretext. We -- the bill is really about ensuring that women and families get the most compassionate healthcare they can and the most accurate medically necessary healthcare within the medical standards of care in these tragic circumstances. Thank you.

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

Senator **POULIOT:** Thank you, Mr. President. I've not talked on this issue at all but one of the things that I have a grave concern about, that's been referenced a little bit by the Senator from Androscoggin, but the title of the bill, An Act to Improve Maine's Reproductive Privacy Laws is really kind of a misnomer, in my opinion. It really should be entitled An Act to Allow for Abortions After Viability. And because if you read what's written here, it just says simply; after viability, an abortion may be performed only when it is necessary in the professional judgment of a physician licensed pursuant to Title 32, Chapter 36 or 48, the physician shall apply the applicable standard of care in making a professional judgment under this subsection. That's it, Mr. President. So, with passage of this bill, the womb is the

determination between whether we're committing murder or a viability after -- an abortion after viability, Mr. President. And I know that up in the northern part of this state, up in the St. John Valley, that's not something that your constituents support. And we were told that we needed to pass this bill, Mr. President, to help with fetal fatal abnormalities and that is not what this does. And anyone that's choosing to say that to the public is misleading the public, Mr. President, because this opens it up to the professional judgment of a physician. That's it. So, if there's somebody that's found in the state that says in their professional judgment, we need to grant this abortion, that's it, and it can happen, and I think it will happen, Mr. President, sadly. We need to do a better job of supporting people. I don't disagree with that. Republicans get criticized a lot, and fairly, for not providing appropriate supports to people and they're left in a situation where they feel like there's no other option. But that's on all of us to help address that issue, Mr. President. Last year, my wife and I were pregnant and at eight weeks, we went in and we saw our baby's heartbeat on that monitor, Mr. President. And the next week, my wife said I don't feel so good and she called the doctor and we went back in and they said the baby has died, Mr. President. And I could hear that heartbeat at eight weeks. So don't tell me there's no life in there, Mr. President. And don't tell me that by voting on this bill, we're only voting to help people who are in a very precarious situation a few times a year, because that's not true, Mr. President. And I hope that folks will stand against this today. Thank you.

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#483)

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

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

EXCUSED: Senators: BLACK, HICKMAN, KEIM, RAFFERTY

20 Senators having voted in the affirmative and 11 Senators having voted in the negative, with 4 Senators being excused, was **PASSED TO BE ENACTED** and, having been signed by the President, was presented by the Secretary to the Governor for approval.

Senate at Ease.

The Senate was called to order by the President .

On motion by Senator **ROTUNDO** of Androscoggin, the Senate removed from the **SPECIAL APPROPRIATIONS TABLE** the following:

An Act to Prohibit Campaign Spending by Foreign Governments and Promote an Anticorruption Amendment to the United States Constitution
I.B. 1 L.D. 1610
(C "A" H-688)

Placed on Special Appropriations Table - June 27, 2023, by Senator **ROTUNDO** of Androscoggin

Pending - **ENACTMENT**, in concurrence

(In Senate, June 23, 2023, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-688)**, in concurrence.)

(In House, June 26, 2023, **PASSED TO BE ENACTED**.)

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

All matters thus acted upon were ordered sent down forthwith for 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:

ENACTORS

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

Emergency Measure

An Act to Correct Inconsistencies, Conflicts and Errors in the Laws of Maine

H.P. 1289 L.D. 2010
(C "A" H-718)

This being an Emergency Measure and having received the affirmative vote of 31 Members of the Senate, with no Senators having voted in the negative, and 31 being more than two-thirds of the entire elected Membership of the Senate, was **PASSED TO BE ENACTED** and, having been signed by the President , was presented by the Secretary to the Governor for approval.

Emergency Measure

An Act to Fund Collective Bargaining Agreements with Executive Branch Employees
H.P. 1299 L.D. 2017

This being an Emergency Measure and having received the affirmative vote of 31 Members of the Senate, with no Senators having voted in the negative, and 31 being more than two-thirds of the entire elected Membership of the Senate, was **PASSED TO BE ENACTED** and, having been signed by the President , was presented by the Secretary to the Governor for approval.

Emergency Measure

An Act to Authorize Funding for Collective Bargaining Agreements with Certain Judicial Department Employees
S.P. 843 L.D. 2019

This being an Emergency Measure and having received the affirmative vote of 31 Members of the Senate, with no Senators having voted in the negative, and 31 being more than two-thirds of the entire elected Membership of the Senate, was **PASSED TO BE ENACTED** and, having been signed by the President , was presented by the Secretary to the Governor for approval.

Emergency Resolve

Resolve, Regarding Legislative Review of Portions of Chapter 301: Fee Schedule and Administrative Procedures for Payment of Court or Commission Assigned Counsel, a Late-filed Major Substantive Rule of the Maine Commission on Indigent Legal Services
H.P. 1300 L.D. 2018

This being an Emergency Measure and having received the affirmative vote of 31 Members of the Senate, with no Senators having voted in the negative, and 31 being more than two-thirds of the entire elected Membership of the Senate, was **FINALLY PASSED** and, having been signed by the President , was presented by the Secretary to the Governor for approval.

Acts

An Act to Provide Remedies for Survivors of Commercial Sexual Exploitation

H.P. 932 L.D. 1436

(H "A" H-716 to C "A" H-676)

An Act to Amend the Maine Food Sovereignty Act

H.P. 1251 L.D. 1947

(H "A" H-702 to C "A" H-441)

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

An Act Making Unified Appropriations and Allocations from the General Fund and Other Funds for the Expenditures of State Government and Changing Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 2023, June 30, 2024 and June 30, 2025

H.P. 163 L.D. 258

(H "A" H-721; H "B" H-722 to C "A" H-717)

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

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

Senator **FARRIN:** Thank you, Senate President Jackson, and Members of the Senate. As many of you know, I've been a staunch supporter of the Maine Veterans' Home ever since my first day in the House. The MVH provides the gold standard in long-term care in the State of Maine, taking care of our Maine veterans and their family members. MVH operates six homes across the state but it's facing an existential crisis. Because MaineCare reimbursement received for its Maine residents simply doesn't cover the cost of providing that care, the homes are losing more than \$10 million a year. For those who are new to the Legislature, last year, the Board of Trustees at the homes took the very difficult vote to close their facilities in Caribou and Manchester because of this financial distress. This chamber, along with the other body and the Chief Executive, rallied to preserve the system of care and make sure that the homes remain open in all six locations. In his floor speech last year, my Good Colleague, Senator Hickman, said that the most important part of that bill was the creation of a stakeholder group that will come up with a permanent solution to make sure that we commit and keep committing to our moral obligation to serve veterans when they need us the most. I was a member of that stakeholder's group and I can attest that the Senator was absolutely correct. The group made six recommendations and the one that makes all others possible is for the Legislature to substantially fund the homes. Because of the absolute importance of these homes and the shared commitment this body made to MVH last year, I am disappointed that we have not

funded them through this budget. That is why I cannot support it. If my military training taught me anything, it's to fight for what you believe in, be adaptable, and be creative. We still have the ability to fund these homes when the Appropriations Committee runs the table early next week. LD 985 is a bill that I sponsored that's still on the table and the vehicle to do this. It appropriates \$3.4 million in general fund dollars to trigger 6.9 million in matching federal money. Together, that would close the nearly \$10.3 million funding gap for MVH created by the insufficient MaineCare reimbursement rates. Now, if the choice whether to fund the homes or not was easy, this appropriation would likely have been included in the FA's most recent budget before us tonight, but it wasn't. Why? Because it's likely it wasn't easy. Because even though revenues have far exceeded initial projections, there are competing priorities for those dollars. Because even though most in this chamber agree that MVH provides exceptional care for Maine veterans, the administration also believes that its MaineCare rate reform effort should not have any outliers. Because even though MVH has additional costs and regulations imposed by the federal VA that aren't faced by any other facility in Maine, some legislators feel that all nursing homes should be treated equally when it comes to funding. So, the choice must not have been easy but that doesn't mean it's not the right one to make. In that same floor speech from last year, Mr. President, you said this body should make that commitment to the veterans that we've made for so long and keep this commitment. You rightly talked about making sure that we can do more to keep these facilities open in the future and continue that commitment. That commitment, the moral obligation we made last year when we kept all six homes open, we told MVH they must keep all six open, and they have. They have weathered a pandemic, they have brought in a dynamic CEO who's charting their future, but what they need us to provide is this funding. With 40-50% of the population on MaineCare, they lose almost a million dollars a month because of inadequate MaineCare reimbursement. It matches funding with the cost of care, it releases federal funding, it builds an inflammatory mechanism so the -- inflationary mechanism so that the homes have sustainable funding. Without this funding, the award-winning system of care MVH provides cannot continue. No business, no nonprofit can lose \$10 million a year and continue indefinitely. Right now, MVH is spending their reserves and investments in order to continue this level of care. Now is our time, now is the time for us to stand with our veterans and keep our promise by funding Maine Veterans' Homes and they need a dependable, sustainable funding solution. One of the last things Senator Hickman said in his floor speech last year was; with our votes today, by enacting this important piece of emergency legislation, we will achieve a great thing. We will keep our veterans in a home. It's something we must do. He was right then and I believe I'm right now. We must look at funding for the Maine Veterans' Home. That is why I cannot support the pending motion. Thank you, Mr. President.

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

Senator **BRAKEY:** Thank you, Mr. President. I got up early this morning, went through all 400 pages trying to, the best I can, kind of wrap my full head around the spending package in front of us. And I will say, you know, to the credit of those who worked on it, there are plenty of good things in here that I think are commendable but there's also some things that trouble me and I

figure before we take this final vote, there's just some things I'd like to put on the record. You know, when I -- I know that when we all ran for office, we all ran for many different reasons but also for some the same reasons. I know a promise I made to my constituents was that I was going to look at how we can try to reduce the burden on the working people of Maine that government often imposes. And I see a lot of -- I see a lot of things in this proposed budget for a lot of different groups but I don't really see what we're doing for working people. Let me run through a few items here. You know, in the midst of a workforce shortage, we have something like 300 new positions - I didn't do an exact count but I spoke to Senator Bennett and he said ballpark about 300 new positions in here, in the midst of a workforce shortage when the private sector is struggling in order to find people to fill positions in the private sector. Is this really the right time to be so vastly expanding the number of positions in the government sector? And among those positions, you know, some things that I question that we're spending money on. We have 16 new tax collector positions. That's something I'm sure is going to help the working people of Maine who are paying the taxes is to have 16 new tax collectors. We're spending -- we're proposed to spend \$125,000 per year on a coordinator for diversity, equity, and inclusion. That's about three times the main median income for this position for diversity, equity, and inclusion. I suppose that's a field that pays pretty well. In this budget, we also have a new corporate welfare program. I know it's replacing a failed old corporate welfare program with refundable tax credits for businesses can get up to \$500,000 in refundable tax credits. I always when I see that word refundable, though, in front of tax credit, I'm always reminding myself it's not really a tax credit because a refundable tax credit means that you didn't necessarily pay that money into the system yet you're getting it back, so it's not a tax credit like we normally think of it, it's a corporate giveaway. We -- on working Maine people, we're hiking the payroll taxes on working Maine people. Rather than cutting their taxes, we're raising their taxes. We have -- and I know -- and there's the childcare subsidies and I will say I appreciate the attention, I know -- Mr. President, I know that you've put a lot of attention on trying to solve the crisis we have in childcare and I appreciate that those proposals are in this budget, trying to address that, but I do feel like we are -- we're throwing money at a problem rather than dealing with some of the underlying root causes and the over-regulation that has really broken our childcare system and we have not tackled that, we have not addressed that. We, instead, are propping up a broken system by throwing taxpayer money after it. I am pleased that there are some tax cuts in here. There is the tax cut on pensions, and that's a great thing for our retirees and certainly we have plenty of retirees in the state and that's wonderful. And including for state - retired state employees who, of course, with the pension reforms that went in about a decade back, I know I hear from constituents who still are pretty hurt by that and certainly lowering their tax burden on the pensions that they're paying is certainly a good thing. But as far as it goes for working people, we have the possibility, I know that there's -- raising the standard deduction is in this budget but that doesn't begin until 2026. So, achieving that -- those tax cuts would require we go through an entire -- when the next Legislature comes in, we're going to have to hope that when they go through the budget process that they decide, whoever those future legislators are in two years - I'm sure a lot of us again but there will be some changeover - hopefully, that they'll decide to keep those tax cuts because, of course, it's easy

to take something away before it goes into effect and people know that they're getting it. And so I worry that those tax cuts, the only tax cuts I see in here that would have a positive effect for working people, I worry that those are going to go into effect in 2026. That's a ways off in the future and a lot can change between now and then. So, those are the concerns that I have. I don't see what we're doing to lower the burden of government on some of the highest taxed people in America, who have been carrying the burden with their tax bills of this government that has grown by leaps and bounds over the last half-decade. We've grown government by -- well, we nearly doubled the size of government, we've grown government by 80% in five years and this continues growing government at a time when we have the revenues where we could be cutting taxes. In fact, if you took the growth of government that took place since 2018, if you had dedicated -- if instead of growing government, we had cut taxes, we could've eliminated the income tax completely over the course of the last five years. Instead, we've put it all into growing government. And I don't think that the working people of Maine need new government programs. I think the working people of Maine just need us to get off their backs and to let them keep the money that they earn so they can take care of themselves and their families without us thinking that we know how to take their money and spend it better for them. So, respectfully, Mr. President, I'll be voting no on the pending motion but I think that -- I appreciate the opportunity to lay my concerns on the record. Thank you.

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

Senator **ROTUNDO:** Thank you, Mr. President, Men and Women of the Senate. I would simply say that, in response to the Good Senator from Androscoggin, Senator Brakey, that this budget really is all about investing in working families. Whether or not it's help with childcare or housing or paid family leave or the dependent tax credit, all of these are geared to help working families. And I also, in response to a statement earlier, want to point out that in this budget, we do have money specifically earmarked for our veterans' homes. We all care deeply about the veterans' homes, making sure that our veterans are taken care of and that was one of the reasons that you will see earmarked money in this budget for the veterans' homes. Thank you.

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

Senator **BALDACCI:** Thank you, Mr. President. I just want to go over the nursing facility issue and the veterans' homes. Bangor is the home of one of those six hospitals and it's very important to our community and you better believe that if there was a threat of that shutting down, I'd be the first one here. But we have done many things as a chamber to make sure that doesn't happen. There's \$20 million in this budget for bridge payments to nursing facilities, all nursing facilities. In addition, there's a \$51 million increase for nursing facilities in mental health care over and above what they have received before. There's a \$66 million rate increase for behavioral health, medical care, and assisted living. In addition, there's \$20 million, as I said before, there was \$50 million -- there was \$25 million in the supplemental budget we approved -- that we approved or at least the majority approved in March that provided additional payments to nursing homes. So,

the record should be clear that the Democratic Majority, the Democratic Leadership, have been solidly there for veterans' homes and I would just say to my friend from Somerset that through the budget process, with your representations, your party being well-represented on the Appropriations Committee, in addition to discussions that occurred later, your party had plenty of time to put that proposal forward but it did not come forward. So, we are going with a very strong package that does include specific funding in the budget for veterans' nursing homes but it also provides additional funding to all nursing homes that would include the veterans' home and the language regarding the emergency circumstances allowance is from the Medicaid Stabilization Fund, which has approximately \$24 million in it that is going to be made available for emergency situations. So, I strongly feel that -- and I share the Senator from Somerset's concerns and commitment to veterans' homes and to the people that have served this nation honorably to getting topnotch medical care for the rest of their life and we're doing that with this budget and will continue to do so.

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

Senator **DUSON:** Thank you, Mr. President. I just want to offer a few comments about working people in this budget. You know, I've been a working person all my life, and with a lot of accidental good planning I'm now a retiree. But this budget, it -- the reality is that working people need childcare and have difficulty with accessing childcare services. This budget expands access to childcare. Working people sometimes need to take a leave to help out with a family member, an older family member or a child dependent, and this budget offers paid family leave to working families. Working people, if they're lucky like me, work long enough, hard enough, and manage to become eligible for pensions. But we do interact with the justice system and this budget provides services to older retired working people or older people who are still working, provides access to services under programs recommended in the elder justice roadmap. Working people use services at the area Agency on Aging. Working people are food insecure, despite working several jobs. This budget addresses food insecurity, provides funding for the food security hub and addresses Meals on Wheels. And, lastly, I'll note that working people care about the climate and this budget is very specific about working on PFAS testing and addressing those issues, community resilience grants to municipalities, drinking water and wastewater systems. Working people go to school. This budget includes funding in the education. And working people come in touch with the judicial system. So, this budget includes funding to address the court case backlog. It includes funding to secure the positions for domestic and sexual violence cases, those cases in the Assistant Attorney General's office. Working people are sometimes victims. This budget includes funds for the Victims Compensation Fund. Working people drive on roads. This budget includes quite generous work in the transportation budget. I think by now folks get my point. So, thank you, Mr. President.

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

Senator **TIMBERLAKE:** Mr. President, Ladies and Gentlemen of the Senate, I told myself I wasn't going to speak on this issue and

I wasn't going to until my good seatmate beside me talked about Maine Veterans' Homes. I served on the Veterans and Legal Affairs Committee. This issue was something that was pretty well near and dear to the heart of everybody who served on the Veterans and Legal Affairs Committee. The report came out unanimous to fund this at \$3.4 million. And the first time it came back and OFPR came with a \$10 million fiscal note on it and we sent it back to get back to what we needed to do and got it done and we worked together bipartisanly to come up with the unanimous report. So, to say today that we didn't fight for the veterans' homes, really kind of hurts me a little because we did fight for the veterans' homes. We put a bill in, we passed it, it made it to the table, and out of all money that we funded, we couldn't find a little over \$3 million to fund our veterans in the State of Maine. I find that troubling, to say the least, when we found \$40 million, \$50 million for housing for all sorts of housing for people in the State of Maine but we couldn't find \$3 million, a little over \$3 million for our veterans. I think it's shameful and I think it's heartbreaking. But that's not the only reason why I can't support this budget but it's one of the biggest reasons I can't support this budget. And I hope you all think about it, they're going to run the table sometime next week, that bill is sitting there. There's \$39 million still sitting there that hasn't been touched. You could probably spend a little over \$3.5 million of it and fund the veterans' homes. But I just wanted to clear that up because we did fight for it, we did ask for it, we had this discussion multiple times in the Veterans and Legal Affairs Committee. So, I -- and it was bipartisan, so I just wanted to put that out there, ladies and gentlemen, because I just find this heartbreaking. Thank you.

The President requested the Sergeant-At-Arms escort the Senator from Sagadahoc, Senator **VITELLI**, to the rostrum where she assumed the duties as President Pro Tem.

The President took a seat on the Floor.

The Senate was called to order by President Pro Tem **ELOISE A. VITELLI** of Sagadahoc County.

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

Senator **JACKSON:** Thank you, Ladies and Gentlemen of the Senate, Madam President. Speaking about this budget, I don't know how many budgets I've gone through but it's been a lot, probably not as many as some other people, but it's been many. And I know how this all ends up. Even in times when people think it's a good budget, there's things that they wish they could've got and this is no different. This is certainly a time that -- I know this is a really awesome budget, it's a great budget, I mean, like, really worked hard and went out of the way to make sure that it was a two-thirds budget at appropriations and now, unfortunately, that has broken down and we don't really have a two-thirds budget, even though we spent all this extra time to go forward and craft something that would actually, you know, hopefully appease everyone. And when you talk about working-class people, like, you know, forgive me, but I am as working class as

anyone in this building. And when you talk about childcare, which everyone in this chamber I believe supported and what a problem it is to draw people out of the -- out of taking care of their children, into the workforce, you know, like I spoke about at the time, Maine State Chamber, I mean, all these organizations that, you know, typically lean different ways than the Democrats and things like that, supported making sure that people had childcare access. EMS, I mean, if you live in rural Maine and not knowing when you call 9-1-1 that somebody is going to show up to a fire or if your, you know, older parents are having a heart attack or something like that. I mean, those are issues that are real. There's real people out there that are affected by that and this budget does more for EMS than we've done in my entire time here. You know, people may not say that paid family medical leave is their priority but you have to understand that it is for many people across the state and what we were dealing with was going to be much worse in November than what we actually have today in this budget. And then housing. I mean, we created a special committee to begin with at the very first day to take up housing issues across this state because it became a priority for everyone in this chamber and everyone in the House chamber. And now we have all four of those things that are included in this budget, which is, to me, an amazing thing and I wish that I was like so amped up just on those things, and I am, but there was things that unfortunately got left out and the thing that has always pained me about this institution - not this body, but this institution - I have met so many great people in this chamber and in the House chamber that I have had different views of policy issues and stuff like that and I still count them today as friends but I find it very disingenuous to stand here today and say that we had an opportunity and we're not going to vote for this budget because of veterans' homes. Whenever I offered this entire chamber an amendment to fully fund veterans' homes, nursing homes, PMIs, and other things, and it was rejected. And that is a straight, absolute fact, so don't stand here on the Senate floor and say you didn't have an opportunity to fund veterans' homes when you know that you did. You absolutely did and you left it behind because you didn't like taking it out of the rainy day fund, a billion-dollar fund that would've just taken \$19 million to fund what we think is a priority. But isn't now, so we're going to vote against the budget. Well, that's fine, vote against the budget, but don't stand there and say it's because you didn't get veterans' homes because you had that chance. You absolutely had that chance and I tried to make it very clear to everyone that you had the chance. So, I am very --

THE PRESIDENT PRO TEM: The Member will defer. The Chair questions --

Senator **STEWART:** Thank you. I'd raise a point of order here, Madam President, that we're talking now about an amendment that was never offered. That's not germane to the enactment here, so I just want to pull us back in here. Thank you.

Senator **JACKSON:** I didn't speak about an amendment; I spoke about an opportunity.

THE PRESIDENT PRO TEM: So, the Chair would -- I hope that my mic is on -- would indicate that the presiding officer has often given great latitude to debate in this chamber and would give him the same opportunity. Point taken. The Member may proceed.

Senator **JACKSON:** Well, in the end, like I said, it doesn't -- doesn't matter, I mean, whatever happens, happens. But, I mean, look, look yourself in the mirror, think about, you know, the opportunity we had. You may not have liked it, that's fine, but there certainly was an opportunity to do that today and it wasn't taken. That's the simple fact of the matter. If you don't like the budget, don't like the budget, but don't talk about how it's because veterans' homes weren't funded because, you know, we had that chance. This is a good budget. It leaves some things out, I'm hopeful that we can make those things happen, but I'm not going to stand up there and listen to people say that they didn't have the opportunity, because they did. And, with that, I look forward to people supporting this budget. I still think we have some work to do but this is a great budget. This is a budget that when we come into this place in December, got sworn in, people talked about what they thought were the priorities and things like that and we did that with this budget and, you know, Senator Bennett, Senator Rotundo, Senator Dusen, the Members of the House did yeoman's work in a very challenging time, probably the worst -- the most challenging budget that I've been involved in for different factors. And I'm really happy today that we're going to hopefully enact something like that but I still feel like there's some things that we need to pick up and I'm hopeful to do that in the coming days.

THE PRESIDENT PRO TEM: The Chair would recognize the Senator from Oxford, Senator Bennett.

Senator **BENNETT:** Thank you, Madam President, Fellow Members of the Senate. I'm trying to figure out where to come in on this debate. There's been a lot discussed here. But I'll come in on this point, first and foremost, about the veterans' homes. The Senator from Penobscot, Senator Baldacci, seemed to indicate in his comments that the Republicans hadn't worked hard enough in pushing for funding for the veterans' homes in the Appropriations Committee. Yes, there was a unanimous report from VLA on this question and yes, we repeatedly pushed for funding of the veterans' homes. It wasn't part of the solution; it wasn't agreed to by our counterparties. Simple as that. The issue stays out there, we've got a bill on the table, and I, too, hope that every Member of this body will find the funds on however we get to the table to take care of that oversight because that is an oversight that I regret in this budget and that is fixable. There are other deficiencies in this budget. Budgets always have deficiency, just about every bill that we pass has deficiencies. I could stand here and speak about all the deficiencies; there's not enough money here for the veterans' homes, there's not enough funding for the National Guard armories. You know, we could've spent \$14 million to build National Guard improvements on those facilities and we could've matched \$18 million there. It didn't happen. There -- this is a budget that was put together, as budgets always are, with the leadership of the occupant of the second floor first and foremost. She gave us the budget. She delivered it in January with all of the initiatives, then there was a change package, led again by the Executive Branch. You heard me complaining in the last budget debate about what is now called the Part 1 or current services budget about how we spent \$9 billion on the Part 1 budget without proper public hearing on those items. There's always -- there are always problems with the budgeting process. There always are, there always will be, and we should work tirelessly to fix them. I think the biggest regret from this whole budgeting process was not -- we didn't

hear from the people of Maine and the advocates who are -- who really use these programs to the extent that we need to through the appropriations process. The administration had hours - not only did they put together the budget but they had hours to go on about their points of views before the policy committees and the appropriations committee and they took all those hours and sucked all of the oxygen from the room while we, really, what I wanted to hear was how are these programs working. And it's not the people delivering the programs that are always the best people to answer those questions. The people on the receiving end are and we don't do a good enough job in our process of evaluating that. That's a deficiency of the whole Legislature. Not one party, it's just the way that this has evolved. You know, President Jackson mentioned several of the important initiatives that were funded here. Look, the parties disagree about housing. Everybody is for spending money on housing, by the way. I mean, you all serve in these policy committees and the difference was in scale, some in scope, size, emphasis here and there, but there's quite a bit of common ground. Both parties advocated spending tens of millions of dollars for housing. The Joint Select Committee on Housing had a lot of unanimity. Lots of differences about approaches, that's okay, but still there was a lot of support. the President mentioned childcare. I was a co-sponsor of his childcare bill. I testified before Senator Baldacci's committee on that. There was a -- and it was incorporated in the budget. There was a divided report on childcare but it wasn't Ought to Pass and Ought Not to Pass, it was Ought to Pass as Amended spending \$75 million and Ought to Pass as Amended spending \$30 million, and in the budget, we're spending \$60 million. Not exactly halfway in between, but both parties believe that we need to do something about childcare and both parties stepped up and the work is reflected in this budget. I have to say, I've been very unhappy and I apologize to my good friend and colleague, Senator Rotundo, of Androscoggin County because I don't think I have performed as well or with the kind of good spirit that I wish I had during this budget debate but it's been born of frustration from some of these process issues and some of the substance, and as our colleague from down at the other end of the hall, Representative Millett, a very experienced budgeteer in this building pointed out, you know, sometimes it's a lot more difficult to deal with appropriations and budgeting when you have a lot of money than when you don't have much. And I could see that dynamic at work in this process. But I want to compliment Senator Rotundo, the chair of the committee, the Senator from Androscoggin, for her indefatigable and steady leadership in a very difficult situation and bringing together all of the very strongly, robustly competing interests assembled through that room over a period of weeks. In treating everybody with respect and dignity and working tirelessly to let everybody be heard, let everybody be respected, and try to patch together something that could get a two-thirds support. And it's not easy and, as I said, there's plenty of this just like in this budget. I don't like 300 new positions when we've got 1800 unfilled positions. I don't like the scope of spending of growing our baseline by 15.5% in times that are challenging. But I do like the fact that in an effort to get to two-thirds, the majority party made some concessions. A lot of people in my side of the aisle may not think that they're sufficient. That's okay. But by my calculations -- and I link the highway fund changes to the work of the appropriations committee, the two are now intimately linked, and I compliment particularly my colleague from Somerset, Senator Farrin, for his drive and determination in getting a sustainable solution to a highway fund which, on a

permanent basis, is going to mean a couple hundred million dollars a year -- a biennium coming out of monies that were going to the general fund, the sales and use tax on automobiles that will now be going to fund our highways, I think that was a great move, there's money from the liquor revenues going to fund highways. That had an impact in this budget before us today. We also saw that the LD 1882 pension exemption was lifted. I believe that was a unanimous report out of Senator Grohoski's taxation committee that was incorporated in the budget, taking effect in 2025 with a \$27.6 million fiscal note in this biennium but growing where people with pensions will be able to deduct \$48,000 of income. We have a new replacement which I hope will work for the pine tree zone tax credit for business with the new Dirigo business incentive program which Senator Curry's committee, IDEA-B, heard a unanimous report. We tinkered with it a bit in appropriations but there's \$41 million there. There's the child credit, supported I think across the board by Republicans, Democrats, \$300 per child refundable tax credit, \$20.4 million. And then, additionally, within this budget, we incorporated LD 7 from the table which doesn't have a big impact in this biennium but in the next biennium, it means that there will be \$340 million staying in the pockets of Maine people rather than coming in to the coffers here in Augusta. If you add those things up, and I admit you can add them up in different ways, depending on which years you count, but I get to about \$735 million of ongoing reduced revenue to the general fund that's either staying in the pockets of Maine people or making the necessities of our -- a good highway and infrastructure program a reality. That's pretty dramatic. So, I don't shy away from the word historic. It's historic in many ways. It's historic in that way, it's also historic in the size that is bringing this -- the spending of government to. I don't deny that. We can each land in a different place in this budget because that's what budgets are; they're reflections of priorities, we all have competing priorities and we all have to work together to find ways of patching it all together in a way that advances the interests of the people of Maine. I'm voting for this budget. I voted for it in the Appropriations Committee. I know that that consensus that we achieved down there has unraveled a bit, not because of this body but because of dynamics elsewhere but, on balance, I'm a yes vote on this budget. I think it's an improvement by the virtue that we all had an impact in this budget. I think every person in this chamber had an impact. I know it wasn't the size of impact that some wanted but we all had an impact on this budget and I think it's better because of our collective work. For that reason, I am voting for enactment, Madam President. Thank you very much.

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

Senator **JACKSON:** Thank you, Madam President, Ladies and Gentlemen of the Senate. I'd like to pose a question through the Chair?

THE PRESIDENT PRO TEM: Proceed.

Senator **JACKSON:** Having heard the Good Senator from Oxford, Senator Bennett, lay out the budget as we know it and all the good things that are going forward, my question to anyone, and it may be rhetorical, is why wouldn't you support this budget?

THE PRESIDENT PRO TEM: The pending question before the Senate is Enactment. A roll call has been ordered. Is the Senate ready for the question?

The Chair noted the absence of the Senator from Franklin, Senator **BLACK**, the Senator from Oxford, Senator **KEIM**, the Senator from Kennebec, Senator **HICKMAN**, and the Senator from York, Senator **RAFFERTY**, and further excused the same Senators from today's Roll Call votes.

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#484)

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

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

EXCUSED: Senators: BLACK, HICKMAN, KEIM, RAFFERTY

22 Senators having voted in the affirmative and 9 Senators having voted in the negative, with 4 Senators being excused, was **PASSED TO BE ENACTED** and, having been signed by the President Pro Tem, was presented by the Secretary to the Governor for approval.

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

The Sergeant-At-Arms escorted the Senator from Sagadahoc, Senator **VITELLI**, to her seat on the Floor.

The Senate was called to order by the President.

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

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

REPORTS OF COMMITTEES

Senate

Divided Report

The Majority of the Committee on **TRANSPORTATION** on Bill "An Act to Expand Passenger Rail Service" S.P. 187 L.D. 406

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

Signed:

Senator:
FARRIN of Somerset

Representatives:
ALBERT of Madawaska
ANKELES of Brunswick
CRAFTS of Newcastle
MASON of Lisbon
PARRY of Arundel
THERIAULT of Fort Kent
WHITE of Guilford

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (S-439)**.

Signed:

Senators:
CHIPMAN of Cumberland
NANGLE of Cumberland

Representatives:
WILLIAMS of Bar Harbor
O'CONNELL of Brewer
WHITE of Waterville

Reports **READ**.

Senator **CHIPMAN** of Cumberland moved to **TABLE** until later in today's session pending **ACCEPTANCE OF EITHER REPORT**.

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 (#485)

YEAS: Senators: BALDACCI, CHIPMAN, GROHOSKI, LIBBY

NAYS: Senators: BAILEY, BEEBE-CENTER, BENNETT, BRAKEY, BRENNER, CARNEY, CURRY, DAUGHTRY, DUSON, FARRIN, GUERIN, HARRINGTON, INGWERSEN, LAFOUNTAIN, LAWRENCE, LYFORD, MOORE, NANGLE, PIERCE, POULIOT, RENY, ROTUNDO, STEWART, TIMBERLAKE, TIPPING, VITELLI, PRESIDENT JACKSON

EXCUSED: Senators: BLACK, HICKMAN, KEIM, RAFFERTY

4 Senators having voted in the affirmative and 27 Senators having voted in the negative, with 4 Senators being excused, the motion by Senator **CHIPMAN** of Cumberland to **TABLE** until later in today's session pending **ACCEPTANCE OF EITHER REPORT FAILED**.

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

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.

Senator **BENNETT** of Oxford moved to **INDEFINITELY POSTPONE** the Bill and accompanying papers.

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

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

Senator **CHIPMAN:** Thank you, Mr. President. I would ask you to please oppose this motion so that we can discuss the bill and what the bill would do. LD 406 does exactly what it says. It develops a vision plan for Maine-owned railroads. Although Maine bought over 400 miles of railroad including eight separate corridors connecting towns and cities throughout the state, only one has attracted private operators. The Rockland branch serving the coastal community between Brunswick and Rockland in fact has a privately owned and operated passenger train being demonstrated right now. This is not because Maine DOT advertised its use, it's because the route was identified as part of the Amtrak Downeast division plan. The act of creating a vision for the use of these railroads will attract operators but, to date, the only interest we are hearing is the active transportation plan for non-rail and recreational trail uses, which is fine and we passed a bill earlier, LD 404, to do exactly that to create part of a state-owned line to a trail, and that's fine, that bill's passed. This bill will advertise to the world that Maine wants to use the remaining state-owned railroads to address congestion, to deal with climate, to provide equitable access to all who need it. The Finger Lakes Railroad came to Maine. Its partner, the Midcoast Railservice, is here with a train. Pop-Up Metro wants to test drive battery

electric trains here. The Conway Scenic Railroad wants to expand into Maine for passenger excursion and freight. A vision plan for Maine railroads as not necessarily a big Amtrak locomotive and it's not necessarily the cost associated with the Amtrak expansion. Light train and inner-city transit are popping up all over the country and Maine has the railroads to do it here. LD 406 will consider if light rail transit between towns in Maine connecting Amtrak, bus, and other means of travel and services can work here. Rail advocates from across the state are asking for, and have been for years, for Maine DOT to consider these railroads for train services, passenger and freight. This bill, LD 406, addresses this demand. It can provide information that we do not have about how these railroads can work into the larger state and national systems while allowing for towns along the corridors to best determine how it may serve their needs. LD 406 will provide for discussion as to whether passenger rail transit can address climate change, reduce carbon emissions, impact from cars, encourage access to new housing, jobs, and recreational opportunities. This bill for a vision plan for all users, healthy, wealthy, rural, urban, old, young, and otherwise, whether they choose rail over cars. To date, the state has not asked what has been -- what we have asked them to do, which is seeking private and federal money to use these rail lines. We must not allow these railroads to sit idle nor should we preemptively decide that they are only worth using for bikes and recreation. LD 406 does no harm. It addresses the rail use of our railroads. The state has drafted a state rail plan that excludes the use of these critical transportation assets. The Legislature has directed MDOT to consider non-rail use in statewide advisory councils but we need a rail use plan. LD 406, a vision plan for the rail use of state-owned railroad transportation infrastructure and assets allows the owners, taxpayers of the state who have paid for these assets to make informed decisions about whether transit system is, in fact, the best possible use and the best interests for our current and future transportation needs here in Maine. This bill was drafted and voted on in committee long before LD 404 was passed, and I understand we passed that bill and we decided to convert a section of the Mountain Division line from Standish to Fryberg to a trail, so it isn't necessary to include that section in the vision plan and I'm happy to amend this bill to take that out. But to be very clear, this is a do no harm bill. As drafted, it will do no harm; it will provide us information. It's a study to create a vision plan. It simply gathers information to help us make an informed decision and seek federal and private funds to upgrade and make use of these rail lines. The Rail Use Advisory process which we have in place, and you may hear more after I speak about that, is very different than this. The Rail Use Advisory Council process looks at individual state-owned rail lines or portions of lines for non-rail use. It puts together a committee of people to look at a particular line or a section of a line for non-rail uses. The vision plan that this bill seeks to create looks at four major state-owned lines all together in a package. It's a high-level 30,000-foot view vision plan for rail use, not non-rail use but looking at it for rail use. So that's a key -- that's a very big difference than what we have with the RUAC plan, it's something that we're not doing and I hope that you'll join me in opposing this motion so we can pass this bill. Thank you.

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

Senator **FARRIN**: Thank you, Mr. President, Ladies and Gentlemen of the Senate. I'll be very brief on this. The majority -- I'll be supporting to indefinitely postpone. The Majority Report on this bill was Ought Not to Pass and that was very simple for a couple reasons. First of all, it was a concept draft when we had the public hearing so there wasn't a good chance to get a lot of response back through. It wasn't until later in the work session that we got some details of this and we heard from the state DOT, Nate Moulton, who, as my Colleague from Cumberland, Senator Chipman, talked about we do have a Maine State Rail Plan and they do look at these short-term expansions and use through 2026, which currently estimates about \$187 million of investment in rail in the State of Maine. So, it was really looked upon that this was not needed. We heard from a number of folks from that standpoint and this didn't get reported out until the end of June, with the fiscal note of a quarter of a million dollars. When we talk about no harm, we looked at rail bills, you heard about the Western Mountain Rail piece that we passed, we did a carryover bill for rail, looking to rail to Bangor. So, we tried to prioritize which ones were there and this was not on the cut. The \$250,000, in my opinion, is harm. That's money we don't have to spend on other things. So, with that being said, in this -- you know, if we saw this today on the last day, it was -- if you look online, reported out on July 6th. Been asking where this was from back on June 20th and we get it dropped here tonight. So, I would ask you to support the indefinitely postpone.

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

Senator **CHIPMAN**: Thank you, Mr. President. Just to respond very briefly. So, this bill was introduced as a concept draft but when the -- we had the public hearing, we had language for the bill that our analyst drafted, we looked at that language, we looked at it again during the work session, we made some changes to it. When the language review came back to us a few weeks ago, there were some errors in it that needed to be fixed, we needed to fix some of the language in the amendment to the bill, and so that took some time to do and that's why we're getting the bill late in the session. But I hope you'll please vote against this motion so that we can vote on this bill. It's a very important bill to have this vision plan so we can look at these lines together in a package, have a discussion, get the information. The fiscal note, the \$250,000, is actually paid for through the multimodal fund which is one of the purposes of what that fund is for, it's how we paid for other studies on rail use, the fiscal note is very similar to the other bills that we've done in past sessions on rail studies and so I hope you'll please vote no on this motion. Thank you.

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

Senator **DAUGHTRY**: Thank you, Mr. President, Ladies and Gentlemen of the Senate. I do rise in favor of the indefinite postponement. I want to speak in favor. I know this is an issue, you can see from the vote here that, you know, it wasn't clearcut, it was bipartisan on the majority bill, and as someone who's a huge advocate for rail, it was something I even studied in college and would love to see more in our state and in our country, I will say I know that this is not the end of the conversation, I can't to see what work the Transportation Committee does next session, and that's the joy of having a two-year session. So, I will be

moving indefinite postponement and I can't wait to see what comes next.

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

Senator **BENNETT**: Thank you, Mr. President. You know, as the Senator from Somerset said, there are RUACs, Rail Use Advisory Commissions, being appointed through a process that this Legislature has approved, recommended by the Department of Transportation - something they don't have to do, by the way, they can just recommend directly but they want public involvement in the decision relating to these state assets. These are state-owned assets. These are assets owned by the people of this state and there are people, however, that see that the answers they're getting out of the RUAC process are not the answers they want and so they come forward with a new set of approaches, trying to delay the decision-making, trying to keep these assets from productive use for the people of Maine, and try to get another answer. And it's time for us to say enough's enough and I'm shocked that a bill that came out of this committee so late in the process, wouldn't even recognize the reality that this Senate had a 27-6 or 27-7 vote already relating to the Mountain Division and its disposition and that's law. And yet this bill shows up a month or two later, reopening that question. Well, we already answered that particular question. I think we can get answers through the existing process for the rest of the questions, and why don't we just stick with that process instead of trying to get yet another new decision that might yield a better answer. So, for that reason, I will be voting to indefinitely postpone.

THE PRESIDENT: The Chair recognizes the Senator from Cumberland, Senator Chipman, and inquires why he rises a third time.

Senator **CHIPMAN**: I'd just like to respond to a couple of things quickly, if I can. I'll be very quick about this. So, the Rail Use Advisory Council process is different because it looks at non-rail uses, it looks at specific lines in certain areas. This looks at all the State of Maine owned lines, the four major lines identified in the bill that are potential for passenger rail use together as one package for rail use, not non-rail use but rail use. Federal funding guidelines actually require a vision plan, that's what this bill is about, so we can secure federal funds. And it doesn't preclude anything that's happened with RUAC, it doesn't override anything that's happened with the Mountain Division line, the six or seven RUAC processes underway right now, they can continue. This doesn't preempt any of that. This looks at them for rail uses as opposed to non-rail uses as a package and develops a vision plan to help us secure the federal funds that we need. So there's very clear differences there. Nobody's trying to get a different result, we're trying to look at the whole package together as one, determine the value of these lines to attract private investors, federal funds which a vision plan is required for. Thank you.

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

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

THE PRESIDENT: The Senator may proceed.

Senator **DAUGHTRY:** I would like to know if anyone can answer where the Department of Transportation is on this measure as well as why this is something that we're seeing so late in the session.

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

Senator **CHIPMAN:** Thank you, Mr. President. So, the department doesn't support this version of the bill, they did draft their own amendment that was different than this bill, so they don't support this version of the bill. We did meet with them, we took some things out of the original version to satisfy them. There were sections in this bill as drafted that they do support, there's some parts of it that they don't support, which is fine. But the reason that it came out late, as I mentioned earlier in my comments, is because the bill had some errors in the language of the not only the fiscal note but in the language of the bill that needed to be fixed. We got that language fixed, we got the bill out, we had the bill about a week ago and we're taking it up now. So, that's why we're just getting it. Thank you.

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

Senator **FARRIN:** Thank you, Mr. President. Just to answer that question specifically about the department because when I saw this, I contacted the Commissioner as well as the Assistant Commissioner. They do not support LD 406 and ask us not to support that bill.

THE PRESIDENT: The pending question before the Senate is Indefinite Postponement. A roll call has been ordered. Is the Senate ready for the question?

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#486)

YEAS: Senators: BAILEY, BALDACCI, BENNETT, BRAKEY, BRENNER, CARNEY, CURRY, DAUGHTRY, FARRIN, GROHOSKI, GUERIN, HARRINGTON, INGWERSEN, LAFOUNTAIN, LAWRENCE, LYFORD, MOORE, NANGLE, PIERCE, POULIOT, RENY, STEWART, TIMBERLAKE, TIPPING, VITELLI, PRESIDENT JACKSON

NAYS: Senators: BEEBE-CENTER, CHIPMAN, DUSON, LIBBY, ROTUNDO

EXCUSED: Senators: BLACK, HICKMAN, KEIM, RAFFERTY

26 Senators having voted in the affirmative and 5 Senators having voted in the negative, with 4 Senators being excused, the

motion by Senator **BENNETT** of Oxford to **INDEFINITELY POSTPONE** the Bill and accompanying papers **PREVAILED**.

Sent down for concurrence.

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

ENACTORS

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

Acts

An Act to Make Agricultural Workers and Other Related Workers Employees Under the Wage and Hour Laws
H.P. 249 L.D. 398
(S "A" S-423 to C "A" H-630)

An Act to Implement the Recommendations of the Working Group to Review the Process for Ongoing Review of Tax Expenditures by the Legislature
H.P. 538 L.D. 849
(C "A" H-530; S "A" S-437)

An Act to Modernize the Bureau of Motor Vehicles' Mobile Services
H.P. 855 L.D. 1341
(S "A" S-435 to C "A" H-295)

An Act to Provide Self-service Motor Vehicle Services
S.P. 557 L.D. 1390
(S "A" S-434 to C "A" S-113)

An Act to Protect Employee Freedom of Speech
S.P. 702 L.D. 1756
(S "A" S-291; S "B" S-436)

An Act to Authorize the Secretary of State to Provide a New General Issue of License Plates
H.P. 1262 L.D. 1965
(S "A" S-433 to C "A" H-499)
PASSED TO BE ENACTED and, having been signed by the President, were presented by the Secretary to the Governor for approval.

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

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

Senator **RENY:** Thank you, Mr. President. So, somewhat recently, a constituent of mine was named and spoken about in a floor debate and she was upset about it and I feel it's only right for

her to have the chance to speak for herself so I will be reading her words into the record right now. My name is Shannon Carr and I live in Bristol, Maine. I'm a board-certified obstetrician-gynecologist who provides abortion care. I'm reaching out to you today to make you aware of grossly inappropriate and unethical comments about myself made by - redacted - a State Senator as part of his debate commentary on the Senate Floor on June 27, 2023. As background, I testified as a physician expert before the Senate Judiciary Committee in support of LD 1619 on May 1, 2023. I attended the Senate debate regarding LD 1619 on June 27, 2023. As part of his remarks, this Senator named me personally and told lies regarding an abortion case I was part of in another state. He clearly cherrypicked aspects of this case from a source espousing disinformation. He mischaracterized and took elements of the case out of context as the basis for his comments. He ended by making extremely defamatory comments about my morality and character. Obviously, given the setting, I was unable to respond. I recognize that the work I do places me in the crosshairs of people who want to sully my name and character or even harm me and my family. But I ask you, is this the cost that Maine citizens must pay for providing good faith testimony to the Maine State Legislature? Personal attacks and lies for which citizens cannot respond to or ameliorate? I appreciate your consideration of this matter. Respectfully submitted, Dr. Shannon O. Carr. As we are all on our way home tonight - or maybe to a hotel, I'm not really sure how you all live, that's fine - I think it's important to point out things can get really heated here. But even if it gets heated and even when it is things that we care a lot about, it's really important that we remember and consider no matter how strongly we feel that we need to be showing Maine citizens and our constituents respect. Thank you.

Off Record Remarks

Senate at Ease.

The Senate was called to order by the President .

On motion by Senator **VITELLI** of Sagadahoc, **ADJOURNED**, pursuant to the Joint Order, until the call of the President of the Senate and the Speaker of the House.