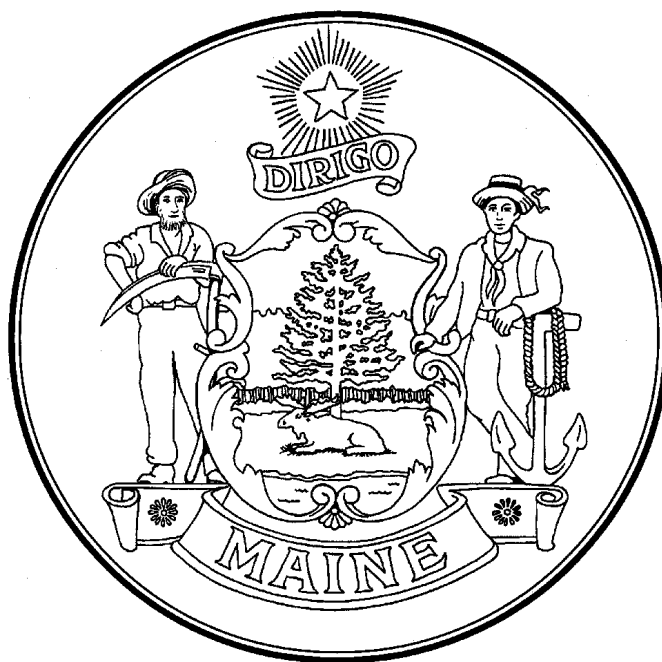


MAINE STATE LEGISLATURE

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

In Senate Chamber
Tuesday
February 20, 2024

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

Prayer by Reverend Katie Holicky of St. Paul's Episcopal Church in Brunswick.

REVEREND KATIE HOLICKY: Today in the episcopal tradition, we celebrate the Feast of Frederick Douglass, who said, I would unite with anyone to do right, and nobody to do wrong. I invite us to fully arrive into this space together united in this work. Let us pause, take a few deep breaths, and trust in the goodness and grace of each and every one of you saying yes to this work today. Creator, holy energy, infinite spirit, that which has many names known and unknown, we give thanks for these faithful public servants who have shown up and keep saying yes to this hard and important work. May your showing up unite you in this work. We give thanks for these leaders who have committed themselves to deep and thoughtful listening. Listening to those who live in their localities, especially the marginalized, one another, and their own hearts. May your supportive and active listening unite you in your work today. We give thanks and trust in their ability to do this hard work that at times might feel impossible. May your vulnerability unite you in your work today. We give thanks that every person gathered in this room is gathered with the best of intentions and the willingness to work together for the betterment of Maine. May the intentions of bettering our state unite you in your work today. We ask that each leader here be inspired to take good care of themselves in the midst of stressful and anxious times. Honoring that in caring for themselves, they are better able to care for every Mainer. May the care you extend to yourself and others unite you in your work today. We ask that those in this body are inspired to connect through commonalities while lovingly and respectfully honoring our differences and the truth that our diversity is a gift. And in doing so, may you each foster compromise, justice, and peace, and good stewardship of the many resources of this territory called Maine. And may these relational connections that reflect the truest and most tender sense of the word neighbor also inspire compassionate care for the most vulnerable in our communities. May you be united in your work that brings us all closer to the respect of all human dignity. May this day be fruitful. May we all find ways to move forward together while leaving no one behind. And may we all be transformed for the better along the way. May it all be so.

Pledge of Allegiance led by Senator Russell J. Black of Franklin County.

Reading of the Journal of Thursday, February 15, 2024.

Medical Provider of the Day, Samantha Paradis, FNP-C, CARN-AP of Caribou.

Off Record Remarks

PAPERS FROM THE HOUSE

House Paper

Bill "An Act to Strengthen Maine's Agriculture, Food System and Forest Products Infrastructure Investment"
H.P. 1419 L.D. 2212

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

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

COMMUNICATIONS

The Following Communication: S.C. 796

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

January 12, 2024

Honorable Valerie Stanfill, Chief Justice
Maine Supreme Judicial Court
Capitol Judicial Center
1 Court Street
Augusta, Maine 04330
Dear Chief Justice Stanfill:

We are pleased to invite you to address a Joint Session of the 131st Maine Legislature in the House Chamber on Wednesday, February 21 at 10:45 a.m. concerning the State of the Judiciary and any other matters that you may care to bring to our attention.

We look forward to seeing you then.

Sincerely,

S/Troy D. Jackson
President of the Senate

S/Rachel Talbot Ross
Speaker of the House

READ and ORDERED PLACED ON FILE.

S/Sen. Tim Nangle
Senate Chair House Chair

S/Rep. Holly B. Stover

The Following Communication: S.C. 797

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

January 12, 2024

Honorable Janet T. Mills
Governor, State of Maine
#1 State House Station
Augusta, Maine 04333

Dear Governor Mills:

We are pleased to invite you to a Joint Session of the 131st Maine Legislature in the House Chamber on Wednesday, February 21 at 10:45 a.m. for the State of the Judiciary Address.

We look forward to hearing from you.

Sincerely,

S/Troy D. Jackson
President of the Senate

S/Rachel Talbot Ross
Speaker of the House

READ and ORDERED PLACED ON FILE.

The Following Communication: S.C. 933

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

February 2, 2024

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

Dear President Jackson and Speaker Talbot Ross:

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

L.D. 371 An Act to Address Certain Local Zoning Ordinances

This is notification of the Committee's action.

Sincerely,

READ and with accompanying papers ORDERED PLACED ON FILE.

SENATE PAPERS

Bill "An Act to Strengthen the Maine Veterans' Homes with Increased and Ongoing Funding"
S.P. 948 L.D. 2217

Presented by President JACKSON of Aroostook.
Cosponsored by Representative SUPICA of Bangor and Senators: BENNETT of Oxford, BRENNER of Cumberland, DUSON of Cumberland, FARRIN of Somerset, HICKMAN of Kennebec, Representatives: HYMES of Waldo, MALON of Biddeford, Speaker TALBOT ROSS of Portland.
Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 203.

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

Sent down for concurrence.

Senate at Ease.

The Senate was called to order by the President.

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

SENATE PAPERS

**Pursuant to Statutes
Joint Standing Committee on Judiciary**

Senator CARNEY for the **Joint Standing Committee on Judiciary**, pursuant to the Maine Revised Statutes, Title 4, section 1804, subsection 3 asked leave to report that the accompanying Bill "An Act to Implement the Recommendations of the Maine Commission on Indigent Legal Services"
S.P. 949 L.D. 2219

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

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

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

Sent down for concurrence.

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

SENATE PAPERS

Bill "An Act to Prohibit Insurers from Using Credit Information as a Factor in Certain Insurance Practices"
S.P. 950 L.D. 2220

Presented by Senator HICKMAN of Kennebec.
Cosponsored by Senators: BAILEY of York, BALDACCI of Penobscot, BENNETT of Oxford, President JACKSON of Aroostook.
Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 203.

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

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

An Expression of Legislative Sentiment recognizing:

Patty Hamilton, of Bangor, who is retiring as Public Health Director of the City of Bangor after 36 years of public service. We extend our congratulations and best wishes;
SLS 1424

Sponsored by Senator BALDACCI of Penobscot.
Cosponsored by Representatives: PERRY of Bangor, RANA of Bangor, ROEDER of Bangor, SUPICA of Bangor.

The Joint Order was **READ**.

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

Senator **BALDACCI:** Thank you, Mr. President. I just want to say a few words about Ms. Hamilton, who is here with us today. I've known and worked with her for many years, she's been the Public Health Director for the City of Bangor since 2014. She also participates regularly in many community boards and volunteer efforts. She's involved -- she's the chair of the Community Health Leadership Board, which is the -- brings together and deals with the drug crisis. But she's also co-chair of Bangor's Livable Age-

Friendly Service Committee, the Bangor Water District, University of Maine Center on Aging. I just want to note that during her ten years as the Public Health Director for Bangor, she dealt with many of the same challenges that we debate and discuss all the time statewide. The COVID, Bangor, they helped managed the largest immunization in the state with over 100,000 people being immunized at the Cross Insurance Center. With the ongoing work in terms of substance abuse and opioid control and treatment, she managed -- in addition to being Public Health Director, part of her job is to manage the Women, Infants, and Children program for both Penobscot County and Piscataquis County, do the public health nursing for Bangor, and also lead the Maine Prevention Tobacco Settlement programs for both Penobscot and Piscataquis County. So, out of her job at Bangor, she served not only the people of Bangor, but all over Penobscot County and Piscataquis County with services that promoted public health and promoted people not only getting better, but to prevent disease. She has been a tireless public servant and I'm proud to have her here today with her family. Thank you.

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

Senator **GUERIN:** Thank you, Mr. President, and Ladies and Gentlemen of the Senate. Patty is an icon in the Bangor community. Her kind and gentle demeanor have made her a much-loved community member by Bangor residents and the surrounding community, and I wish her well in her retirement.

The Joint Order was **PASSED**.

Sent down for concurrence.

THE PRESIDENT: The Chair would like to recognize in the rear of the chamber Patty Hamilton of Bangor. Would she please rise and accept the greetings and congratulations of the Maine Senate.

Liliana Tripp, of Oxford, recipient of a Spirit of America Foundation Award. The Spirit of America Foundation was established to encourage and promote volunteerism, and the foundation presents awards to honor local individuals, organizations or projects in appreciation of community service. We extend our congratulations and best wishes;
HLS 727

Sponsored by Representative JACKSON of Oxford.
Cosponsored by Senator: BENNETT of Oxford

The Joint Order was **READ**.

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

Senator **BENNETT:** Thank you, Mr. President, Fellow Members of the Senate. It's good to be back with you today, and I'm particularly thrilled to be back here with a remarkable family from my hometown of Oxford. The Tripp family is here in the Chamber with us; father, Allen, mother, Laura, and their extraordinary daughter, Liliana, who is sitting behind me. I want to quote from the local Advertiser Democrat newspaper who recently did an

article regarding Liliana's great works. They wrote that Liliana's organization, which is called From Lil with Love, is a 501(c)(3) organization that she and her parents, Allen and Laura Tripp, set up way back in 2020. That fall, with the uncertainty surrounding the pandemic, the Tripps opted to homeschool Liliana. Her learning plans included community project Fridays. What started as roadside cleanup quickly evolved into something more ambitious. After an assignment where the family learned about how volunteers help their communities, the Tripps decided to run a food drive to support Oxford's Helping Hands Food Pantry during Thanksgiving. As she learned more about the needs of the community, Liliana wanted to do even more, which led to establishing a nonprofit so she could make her projects official year-round work. She raises money running a lemonade stand during Founder's Day each summer. Some friends, Brett and Susan Sessions, host a From Lil with Love bottle recycling drop-off on Route 26 that has pulled in more than \$1,000 a year. Liliana also collects direct financial donations from supporters around the Oxford Hills. Using the funds she raises from Lil with Love, the Tripps distribute Christmas gifts, Easter baskets, and stock school backpacks to children staying at Oxford County's three homeless shelters. This year, they added a new drive to provide summer toys for unhoused children at the shelters. Liliana also fills Christmas stockings with Community Concepts that Community Concepts delivers to senior citizens who are clients of the agency's heating program. As noted, her dedication has not gone unnoticed. She received the Spirit of America Award from the Oxford County Commissioners. I just cannot think of how our community would be our community without people like Liliana, at a very young age, eight years old, already three or four years into her volunteerism efforts and her contributions to be doing so much good for so many people. It warms my heart, and it makes me proud to be from Oxford Hills. Thank you, Mr. President.

The Joint Order was **PASSED**.

Sent down for concurrence.

THE PRESIDENT: The Chair is very pleased to recognize in the rear of the chamber Liliana Tripp. She's joined today with her parents Allen and Laura. They're from the town of Oxford in the county of Oxford and they're the guests of the Senator from Oxford, Senator Bennett, and the entire Maine Senate. Would they please rise and accept the congratulations and thanks of the Maine Senate.

REPORTS OF COMMITTEES

House

Ought to Pass

The Committee on **ENVIRONMENT AND NATURAL RESOURCES** on Resolve, Regarding Legislative Review of Portions of Chapter 355: Coastal Sand Dune Rules, a Major Substantive Rule of the Department of Environmental Protection (EMERGENCY)
H.P. 1389 L.D. 2168

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

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

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

Resolve **READ ONCE**.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Ought to Pass As Amended

The Committee on **ENVIRONMENT AND NATURAL RESOURCES** on Bill "An Act to Clarify Liability Under the Uncontrolled Hazardous Substance Site Law and to Waive a Fee Regarding Voluntary Response Action Plans"
H.P. 1328 L.D. 2066

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-748)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-748)**.

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

Bill **READ ONCE**.

Committee Amendment "A" (H-748) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **HEALTH COVERAGE, INSURANCE AND FINANCIAL SERVICES** on Bill "An Act to Require the State Board of Examiners of Psychologists and the Board of Examiners in Physical Therapy to Obtain Fingerprint-based Federal Bureau of Investigation Criminal Background Checks for Applicants for Licensure"
H.P. 1319 L.D. 2057

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-747)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-747)**.

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

Bill **READ ONCE**.

Committee Amendment "A" (H-747) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Divided Report

The Majority of the Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act to Increase the Expenditure Limit for Informal Bidding Processes and Update References to the Office of Procurement Services"
H.P. 1309 L.D. 2047

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

Signed:

Senators:

NANGLE of Cumberland
BALDACCI of Penobscot

Representatives:

STOVER of Boothbay
ABDI of Lewiston
COPELAND of Saco
RISEMAN of Harrison
SINCLAIR of Bath

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (H-746)**.

Signed:

Senator:

LYFORD of Penobscot

Representatives:

ADAMS of Lebanon
GREENWOOD of Wales
POMERLEAU of Standish
UNDERWOOD of Presque Isle

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

Reports **READ**.

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

Bill **READ ONCE**.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Senate

Ought to Pass

Senator GROHOSKI for the Committee on **TAXATION** on Bill "An Act to Make Technical Changes to Maine's Tax Laws"
S.P. 851 L.D. 2023

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

Report **READ** and **ACCEPTED**.
Bill **READ ONCE**.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Ought to Pass As Amended

Senator INGWERSEN for the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** on Bill "An Act Regarding Businesses' and Consumers' Use of Returnable, Reusable and Refillable Containers for Food, Beverages and Nonfood Items"
S.P. 884 L.D. 2091

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-529)**.

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

Bill **READ ONCE**.

Committee Amendment "A" (S-529) **READ** and **ADOPTED**.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Senator BALDACCI for the Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act to Remove the Exemption for Certain Roadside Springs from Regulation as Public Water Systems in the Laws Regarding Water for Human Consumption"
S.P. 864 L.D. 2036

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-524)**.

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

Bill **READ ONCE**.

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

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Senator BALDACCI for the Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act to Require Reporting of Child Abuse and Neglect to Military Family Advocacy Programs"
S.P. 888 L.D. 2095

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-523)**.

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

Bill **READ ONCE**.

Committee Amendment "A" (S-523) **READ** and **ADOPTED**.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Senator CARNEY for the Committee on **JUDICIARY** on Bill "An Act to Facilitate the Creation of an Aroostook County Drug Treatment Court"
S.P. 627 L.D. 1596

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-526)**.

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

Bill **READ ONCE**.

Committee Amendment "A" (S-526) **READ** and **ADOPTED**.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Senator CARNEY for the Committee on **JUDICIARY** on Bill "An Act to Update Maine's Domestic Violence and Stalking Laws" (EMERGENCY)
S.P. 878 L.D. 2085

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-528)**.

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

Bill **READ ONCE**.

Committee Amendment "A" (S-528) **READ** and **ADOPTED**.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Senator CARNEY for the Committee on **JUDICIARY** on Bill "An Act to Protect Victims of Domestic Abuse and Violence by Amending the Law Regarding Proximity Restrictions in Final Protection from Abuse Orders"
S.P. 896 L.D. 2103

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-527)**.

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

Bill **READ ONCE**.

Committee Amendment "A" (S-527) **READ** and **ADOPTED**.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Off Record Remarks

Divided Report

The Majority of the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** on Bill "An Act to Establish a Community-based Reentry Program in All Department of Corrections Facilities"
S.P. 650 L.D. 1633

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

Signed:

Senator:
HARRINGTON of York

Representatives:
SALISBURY of Westbrook
ARDELL of Monticello
HASENFUS of Readfield
LAJOIE of Lewiston
NEWMAN of Belgrade
NUTTING of Oakland
PERKINS of Dover-Foxcroft

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (S-533)**.

Signed:

Senator:
BEEBE-CENTER of Knox

Representatives:
LOOKNER of Portland
MATHIESON of Kittery
MILLIKEN of Blue Hill

Reports **READ**.

On motion by Senator **BEEBE-CENTER** of Knox, the Majority **OUGHT NOT TO PASS** Report **ACCEPTED**.

Bill **READ ONCE**.

Committee Amendment "A" (S-533) **READ** and **ADOPTED**.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Divided Report

The Majority of the Committee on **ENERGY, UTILITIES AND TECHNOLOGY** on Bill "An Act to Amend the Calculation of Tariff Rates and Billing Credits Under Net Energy Billing"
S.P. 584 L.D. 1465

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

Signed:

Senators:

LAWRENCE of York
GROHOSKI of Hancock

Representatives:

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

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (S-531)**.

Signed:

Senator:

HARRINGTON of York

Representatives:

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

Reports **READ**.

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

Divided Report

The Majority of the Committee on **ENERGY, UTILITIES AND TECHNOLOGY** on Bill "An Act to Make Changes to Certain Laws Governing Renewable Energy Projects"
S.P. 892 L.D. 2099

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-530)**.

Signed:

Senators:

LAWRENCE of York
GROHOSKI of Hancock

Representatives:

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

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

Signed:

Senator:

HARRINGTON of York

Representatives:

DUNPHY of Embden
FOSTER of Dexter
PAUL of Winterport

Reports **READ**.

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

Divided Report

The Majority of the Committee on **MARINE RESOURCES** on Resolve, to Establish a Grant Program to Issue Shellfish Licenses to Qualified Disabled Veterans
S.P. 775 L.D. 1915

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

Signed:

Senators:

RENY of Lincoln
BEEBE-CENTER of Knox
MOORE of Washington

Representatives:

HEPLER of Woolwich
DAVIS of East Machias
EATON of Deer Isle
GIFFORD of Lincoln
LANDRY of Farmington
SIMMONS of Waldoboro
STROUT of Harrington

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (S-525)**.

Signed:

Representative:
THORNE of Carmel

Reports **READ**.

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

Sent down for concurrence.

Divided Report

The Majority of the Committee on **VETERANS AND LEGAL AFFAIRS** on Bill "An Act to Require Disclosure of Campaign Funding Sources"
S.P. 621 L.D. 1590

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

Signed:

Senators:
HICKMAN of Kennebec
BRENNER of Cumberland
TIMBERLAKE of Androscoggin

Representatives:
SUPICA of Bangor
ANDREWS of Paris
COLLINGS of Portland
MALON of Biddeford
MONTELL of Gardiner
RIELLY of Westbrook
WILLIAMS of Bar Harbor

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (S-532)**.

Signed:

Representatives:
BOYER of Poland
HYMES of Waldo
RUDNICKI of Fairfield

Reports **READ**.

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

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

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

Senator **BENNETT**: Thank you, Mr. President, Fellow Members of the Senate. I harbor no illusions about the fate of the bill before us this morning, but I did want to take an opportunity to speak for it, commend its idea to you, and invite those who find themselves serving in the next Senate to perhaps join with me in bringing a new and improved version of this forward. LD 1590 is a bill that I believe everyone should get behind. Existing laws mandate that individuals and corporations who purchase campaign ads reveal their identities, but wealthy special interests frequently bypass these regulations by channeling their money through intermediaries who then buy advertisements without disclosing the true source of the funding. This can lead to a Russian doll phenomenon where each attempt to determine the true source runs into yet another vaguely named nonprofit or shell corporation funneling the money through from another source. The individual, organization, or corporate mega-donor who provided the original funds is not revealed to the public or is only discovered through painstaking investigation long, long after an election ends. The idea behind LD 1590 is to require that if a major donor makes a donation of more than \$10,000 to a political committee and that money is then used to influence the outcome of a Maine election, then that original source of funding must be disclosed for that money to be used in a Maine election. The donor will be unable to hide his identity through successive layers of political committees. Each level with at least \$10,000 must be disclosed all the way back to the original source. Maine voters have a right to know who is spending big money to influence their vote and their government. Ensuring their elected leaders are responsive to voters and the election-related information is able to flow freely to voters are essential parts to preserve the integrity of our democracy and interests central to and protected by the First Amendment. This democratic promise is threatened, however, when wealthy special interest groups hide their actions behind organizations and shell corporations with benign and unrevealing names. The actual driving force behind the election spending, the person or entity with the interest in influencing the outcome, remains hidden from view. The practice of organizations concealing their funding sources or adopting vague names is not unique to one political party or ideology. On the Liberal side of the spectrum, there are groups named Priorities USA Action, Patriot Majority USA, the Alliance for Global Justice, and the Tides Foundation. On the Conservative side, we see names such as Crossroads GPS, Secure America Now, Americans for Job Security, the Center for Individual Freedom, the American Action Network. Since the Citizens United ruling, the practice of using dark money to finance campaign advertisements has increased dramatically. Candidate spending is disclosed, but this is often just a very small part of the picture. The huge independent expenditures have skyrocketed, leaving ordinary voters with inadequate knowledge about who is buying millions of dollars of media to elect their favorite candidates. Indeed, outside spending in federal elections has topped over \$9 billion since Citizens United opened the floodgates of unlimited political spending. Over \$2.6 billion of that spending has come from so-called dark money groups, groups that conceal the true sources of their

funding. Sadly, the same trend goes here in Maine. Spending by groups that don't disclose their donors in Maine elections soared from less than \$20,000 in 2006, before Citizens United, to over \$1.6 million in 2014. In our most recent governor's race in Maine, outside spenders poured over \$20 million into the election, more than doubling the amounts spent by the candidates themselves. So, this bill is an important step toward improved disclosure, transparency, and accountability, and it addresses a real, present, and growing danger to our democracy. Some other states are currently ahead of Maine in the effort to achieve real disclosure. Proposition 211 passed with 72.3% of the vote in Arizona in 2022, and Alaska has also passed a similar law to shine light on dark money. An overwhelming majority of the public, 83%, according to credible surveys, supports meaningful disclosure in the public's right to know. Voters across the political spectrum want real transparency for big election spending. It's past time to end the shell game. The people have the right to know not just the name of a contributor on campaign finance reports, but the original source of the funds used to make that contribution. At the very least, anyone acting as a conduit for exceptionally large contributions should be required to disclose the true sources of those donations. So, today, though I know this bill will fail to achieve its ends for the 2024 elections, I ask you to vote against the Majority Report. Please join me in giving this bill the encouragement needed to save our democracy from the vast sums of dark money that is engulfing it. Thank you, Mr. President.

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

Senator **HICKMAN:** Thank you, Mr. President. I rise to support the pending motion. We heard this bill in committee, it got a lot of work over two sessions. I'm just going to read two excerpts from the information provided to the committee by Jonathan Wayne, the Executive Director of the Commission on Governmental Ethics and Election Practices that would have to enforce the provisions of LD 1590, and he quotes -- I quote Mr. Wayne, Director Wayne, if LD 1590 were enacted, Maine would be the third state adopting this type of reporting requirement. Lawsuits have been filed challenging similar laws in both Arizona and Alaska. The Commission has briefly conferred with our counsel, and we believe the State of Maine needs more time to consider constitutional issues raised by LD 1590 as currently posed. I'll skip the other quote I was going to take from that and just go to a brief quote from Christopher Taub, the Chief Deputy Attorney General, who writes to the committee, some concerns about the constitutionality of LD 1590 have been brought to our attention. Because the bill has a compelled disclosure requirement, it implicates the First Amendment and would likely be subject to the exacting scrutiny test. This test has two prongs: There must be a substantial relation between the disclosure requirement and the sufficiently important governmental interest and, two, the strength of the governmental interest must reflect the seriousness of the actual burden on First Amendment rights. There is little doubt that there's an important governmental interest in requiring disclosure of who is donating large sums to influence Maine elections. A challenger, however, could make a substantial argument that this measure is overbroad because it requires disclosure in instances where it does not sufficiently serve the governmental interests at stake. We are concerned about our ability to successfully defend such a challenge. And also, if a

challenge were successful, the challenger would likely be awarded attorney's fees, which could be significant. Mr. President, the committee decided to await the pending litigation in the Alaska/Arizona cases and would consider that if this were to become law in the future, we would make sure that the burden of the disclosure would not be too much for people to comply with, and that we would not be infringing on First Amendment rights. Mr. President, I wish Citizens United didn't exist, it does. Money in politics is the bane of most of our existence, but unless or until we can get Congress to change the landscape of federal law to deal with that unruly decision, we will continue to do our best in the State of Maine to advance campaign finance reform as we know our people want, but this is not the vehicle for it at this time, and so I urge my fellow colleagues in the Senate to join me in supporting this Ought Not to Pass Report. Thank you.

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

The Chair noted the absence of the Senator from Somerset, Senator **FARRIN**, and the Senator from Oxford, Senator **KEIM**, the Senator from York, Senator **LAWRENCE**, the Senator from Kennebec, Senator **POULIOT**, and the Senator from Lincoln, Senator **RENY**, and further excused the same Senators from today's Roll Call votes.

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#534)

YEAS: Senators: BAILEY, BEEBE-CENTER, BRENNER, CARNEY, CURRY, DAUGHTRY, DUSON, HICKMAN, INGWERSEN, LAFOUNTAIN, LIBBY, NANGLE, PIERCE, RAFFERTY, ROTUNDO, TIMBERLAKE, TIPPING, VITELLI, PRESIDENT JACKSON

NAYS: Senators: BALDACCI, BENNETT, BLACK, BRAKEY, CHIPMAN, GROHOSKI, GUERIN, HARRINGTON, LYFORD, MOORE, STEWART

EXCUSED: Senators: FARRIN, KEIM, LAWRENCE, POULIOT, RENY

19 Senators having voted in the affirmative and 11 Senators having voted in the negative, with 5 Senators being excused, the motion by Senator **HICKMAN** of Kennebec to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report, **PREVAILED**.

Sent down for concurrence.

SECOND READERS

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

House

Bill "An Act Removing the Lobster Advisory Council from the State Government Evaluation Act Review Requirements"
H.P. 1415 L.D. 2208

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

House As Amended

Bill "An Act Regarding Monhegan Plantation" (EMERGENCY)
H.P. 231 L.D. 380
(C "A" H-744)

Resolve, Designating Route 127 in Arrowsic the Private Merwin A. Delano, Jr. Memorial Highway
H.P. 1318 L.D. 2056
(C "A" H-742)

Bill "An Act Regarding Responsibility for Activities Intended to Increase the Use of Refillable and Reusable Beverage Containers"
H.P. 1358 L.D. 2134
(C "A" H-745)

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

Senate As Amended

Bill "An Act to Create Transitional Housing Communities for Homeless Populations in the State"
S.P. 684 L.D. 1721
(C "A" S-522)

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

Sent down for concurrence.

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

PAPERS FROM THE HOUSE

House Paper

Bill "An Act to Make Supplemental Appropriations and Allocations for the Expenditures of State Government, General Fund and

Other Funds and to Change Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 2024 and June 30, 2025" (EMERGENCY)
H.P. 1420 L.D. 2214

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

On motion by Senator **ROTUNDO** of Androscoggin, **REFERRED** to the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** and ordered printed, 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:

Emergency Measure

An Act to Address Food Insecurity by Helping Maine Residents Access Locally Produced Food
S.P. 886 L.D. 2093
(C "A" S-516)

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

Acts

An Act to Clarify the Roles and Responsibilities of the Board of Environmental Protection
S.P. 362 L.D. 865
(C "A" S-518)

An Act to Amend the Maine Cooperative Affordable Housing Ownership Act
H.P. 960 L.D. 1505
(C "A" H-736)

An Act Regarding Compliance with Environmental Permit and License Application Requirements
H.P. 1320 L.D. 2058
(C "A" H-738)

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

Resolve

Resolve, to Construct a New District Headquarters Building for the Bureau of Forestry in Fort Kent
S.P. 759 L.D. 1886
(C "A" S-517)

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

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

Senate at Ease.

The Senate was called to order by the President.

ORDERS OF THE DAY

Unfinished Business

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

The Chair laid before the Senate the following Tabled and Later Assigned (1/30/24) matter:

JOINT RESOLUTION - Making Separate Applications To The Congress Of The United States Calling Constitutional Conventions To Consider Representational Integrity And Propose Amendments Establishing Term Limits For Congress And Addressing Campaign Finance Reform
S.P. 705

Majority - **Ought to Pass** (8 members)

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

Tabled - January 30, 2024, by Senator **HICKMAN** of Kennebec

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

(In Senate, January 30, 2024, **READ**.)

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

Oxford, Senator Bennett.

Senator **BENNETT**: Thank you, Mr. President, Fellow Members of the Senate. First of all, I'd like to say thank you. I express my gratitude to you, Mr. President, other members of leadership, for keeping this matter on the table during my absence last week. Our politics is broken. Our government is corrupted by money. Our nation as we know it is imperiled. Washington is broken. Profound changes are needed. Fellow Senators, there's not much that we can do in Augusta, Maine, to fix what's wrong with Washington. The matter before you is one of those few items of action that we can take - real action, decisive action. We have the chance to make history today, this February 20, 2024, to take a step. We have an opportunity to repair our broken campaign finance system and to ensure better accountability for members of Congress and breathe new hope into our tattered democracy. This Joint Resolution asks Congress to call two separate Article V Conventions - one to propose the constitutional amendment on congressional term limits, and another to propose a constitutional amendment to allow for real reform to our broken campaign finance laws. I believe these steps are critical to repair the dysfunction, the structural dysfunction that threatens the very existence of our republic. The Joint Resolution before you is a novel approach in that it applies for two separate conventions for two of the most popularly supported reforms in the country - congressional term limits and meaningful campaign finance reform. It attempts to bridge some of the artificial divides by uniting as separate application both reforms into one resolution. Please note that this Joint Resolution is sponsored by two Democrats and two Republicans from each of the two Houses of the Legislature. This is entirely purposeful and immensely important. For us to surmount the appropriate hurdles before us, we must work together toward our shared ends on common ground. Here in the Senate, I want to thank my co-sponsors - Senator Baldacci, Senator Grohoski, Senator Harrington. I also want to thank the committee for accepting this proposal in the spirit with which it was offered. And I want to thank the three Senators on the Veterans and Legal Affairs Committee for voting this initiative Ought to Pass - I know it was not without some unease - Senate Chair Craig Hickman and Senator Stacy Brenner and Senator Jeff Timberlake. Each of the issues in this Joint Resolution deal directly with the corrupting influence of power and money in Congress and are a very -- and are a way to turn the heat on to force Congress to act or for us to take action if they refuse to do so. The vast floods of dark money in politics is corruptive and corrosive, but due to a string of U.S. Supreme Court interpretations, we are nearly powerless to do anything about it without a constitutional amendment. According to a national poll that was published about a year ago, 82% of voters support a constitutional amendment that will place term limits on members of Congress. Support for term limits is universal among voters and spans political, geographic, and demographic divides. Similarly, results from a 2019 poll by the Campaign Legal Center show that 61% of voters believe that major changes need to be made to the campaign finance system, and 83% of voters support publicly disclosing contributions to organizations involved in elections. Despite these cries from the American people to fix our cherished institutions, incumbent and entrenched interests for whom the current system works well continue to frustrate these commonsense reform efforts. We cannot wait for Congress to act. Without our demanding it, they simply will not. So, let's be clear what the proposal is before you today. An Article V

application is not a request for Congress to do something, it is a statement that the State Legislatures plan to force critical change with or without Congress's consent once they have two-thirds - two-thirds of the states in agreement on the subject matter. Of course, any proposals will require three-fourths of the states, 38 out of 50 states, to be ultimately ratified. An Article V convention is an option the Framers gave the State Legislatures to check the power of an unresponsive Congress, which is - sadly - the case today. Some are fearful of such a convention because one has not been called before. But even though such conventions have not been called, they have proven their value, nonetheless. Nearly all the measures that have become ratified amendments to our Constitution were first proposed as Article V measures by the states and gathered sufficient support that the Congress finally stepped in and made proposed amendments, obviating the need for these conventions. This is actually true of the Bill of Rights and it's true of the Seventeenth Amendment, the popular election of U.S. Senators that was finally approved by Congress when within one state of calling an Article V Convention. I suspect that is what will happen with term limits and campaign finance if our Legislature, each of you, along with those in other states, do the same there. I wish you could all have participated in the Lunch and Learn with Professor Larry Lessig two weeks ago. Professor Lessig refuted summarily to fears of a runaway convention and the argument that no rules govern such a convention. Indeed, the states have already put together guarding rules for an Article V Convention. The Supreme Court will ensure that it stays within constitutional confines that define the convening and of course whatever such a conference proposes will require 38 states to approve. Right now, there are 22 states with Republicans thoroughly in charge, there are 17 states with Democrats thoroughly in charge. There is no way that a narrow partisan proposal will be ratified when you need 38 states, or even taken seriously. It's time for us to put aside our partisan differences and work together on common-sense reforms such as term limits and campaign finance reform. Thanks to this safety valve the Framers created for us, we have it in our power to act and rescue our republic. Friends, we have an opportunity today, as I said earlier, right now, to take action that might -- that just might offer a glimmer of hope that all is not lost, that the tattered faith people have in our civic society, in the rule of law, might be restored. It is not reasonable to expect that Congress will fix itself; we must do it. Now is the moment. This Chamber is the place. Thank you, Mr. President.

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

Senator **DAUGHTRY:** Thank you, Mr. President, Ladies and Gentlemen of the Senate. I rise in opposition to the pending motion before us. I do want to echo many of the comments that the Good Senator before me did mention about the need to really rein in campaign finance on a federal level and that we have a crisis if we look across our country and how our campaigns are being conducted and I wholeheartedly agree. What I do not agree on is the method to end this madness. If you look throughout scholarly articles on Article V and a Constitutional Convention, there is some disagreement, but the majority of folks agree that this is a Pandora's Box of a legislative solution. It's sort of putting a runaway train when there's no tracks trying to fix a solution. A few of the items and the questions that are left open are how will delegates be selected? What terms? How do the

states choose? There's a patchwork of guidance on this across our nation. How will votes be allocated among delegates? Will it be based on population or will it be based on state size? What kinds of changes will the convention consider? Will the convention start with the existing U.S. Constitution or write an entirely new document, as the Philadelphia convention, the last one to occur, did. What is difficult when you have any of these conversations is we can agree it would be great to have one just looking at term limits or at campaign finance. The problem is the inherent foundation of a constitutional convention does not allow us to put those parameters on it, and that was its whole mechanism. So, whilst we here in Maine might think it's just set for term limits and a constitutional convention for campaign finance, that might not be what Kentucky wants, or Vermont, or heaven forbid, goodness knows what New Hampshire might want to do. All kidding aside, this is a dangerous experiment no matter where you are on the issues. You know, scholars on both sides of the political aisle have said that this is not the way to handle a lot of these conversations that we're concerned about. So, I urge you, please, no matter whether your passion is term limits, campaign finance, interstate trade, affordable housing, all these different aspects, please vote against this. And the last thing I'll add is several different scholars and law schools, actually, throughout the country have done mock constitutional conventions to sort of see what would happen. All of them went off the rails. All of them passed things that were beyond their initial charge within which they pass. So, please do not allow this Pandora's Box to be opened, and let's make sure that we keep these conversations, you know, on our state level and not to the constitutional convention. Thank you.

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

Senator **BALDACCI:** Thank you. I just want to briefly address this issue, and I thank both my colleagues for their very fine words, and I respect everybody's sentiments on this. I voted against this type of resolution in the prior legislative session for many of the same reasons you're hearing today, but I have actually given this issue a lot of thought and concern because term limits and campaign finance reform are two of the -- probably the biggest political reform issues we have. And I think this goes way beyond party. This is not about whether I'm a Republican or Democrat. This is about being a supporter of a representative democracy. And that's what we are, that's what our founding fathers put together. The Constitution itself was a, quote-unquote, free-for-all, but is probably one of the most brilliant documents in American -- in human history. And I think that we need to have enough confidence in ourselves as self-governing people to understand that we can tackle these problems. But if we don't do anything or if we leave the status quo the way it is, you're not going to get any change. And this is, as I said, really beyond -- this has nothing to do with who the President is or who's in control of the House or the Senate; this is about us as a people being able to govern ourselves and to make sure we have a representative democracy. Thank you.

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

Senator **BRAKEY:** Thank you, Mr. President. I rise in support of the pending motion, and I just want to respond briefly to some

views, I think legitimate views. I've heard them often from the Good Senator, Senator Daughtry, about opening Pandora's Box and what could come out of this. You know, I used to, when I was first learning about this question, I will say, I -- I think I was of that view. You hear a lot of fears raised about well, even if we try to limit a convention of states under Article V, you know, what if they go beyond their charge or what if they try to throw out huge parts of the Constitution we never envisioned or what if they get rid of the whole thing and write something new. You know, I used to think that, but my mind was changed when I realized that this body we would be creating, this convention of states, would have no more power to propose amendments to the Constitution than Congress does every single day they are in session. So, this body representing the legislatures of the states could propose amendments just like Congress can propose amendments -- in fact, Congress has proposed thousands of amendments over the time period of this country, yet only a couple dozen have made their way actually into the Constitution because there are systems of checks and balances built into all these systems. Congress can propose amendments, they've got to get passed by Congress, and then they come back to the states for ratification. This convention of states could propose amendments, they'd have to get passed by that convention, and then they'd have to come back to the states for ratification. So, even in the wildest scenarios of a runaway convention, whatever comes out of there has to come back to the states for ratification - and not a majority of states, a supermajority of states. So, I think that these -- reflecting on this question over the last decade, I've come to the conclusion that I think the fears of something running away from us are greatly overblown by the actual legal structure that our founders put in place. And I will say, in these particular questions on campaign finance reform, on term limits, I mean, what we're talking about, essentially, is checking the power of a runaway congress, runaway federal government. And the only other path to propose amendments to put term limits on Congress or to address campaign finance reform on the congressional level, the only other path in going through an Article V Convention of States is to hope and pray that Congress will one day wake up and decide they'd like to limit their own ability to serve forever and to accept bribes from special interests. I think we're going to be waiting a very long time -- if we really want to see change, we're going to be waiting a very long time for Congress to decide that they want to limit their own powers in that way. And so, this is the only other path, an Article V Convention of States. Now, it is worth noting that in the past, many amendments to our U.S. Constitution were passed by Congress over initial reluctance when the states began moving towards an Article V and Congress got the message. So, by passing this today, perhaps we -- perhaps Congress will finally accept term limits because they see it as inevitable that the states will move with or without them, but taking a step like this is essential to getting there one way or the other. So, I support the pending motion, and I hope the Chamber will join myself and others who do as well.

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

Senator **HICKMAN:** Thank you, Mr. President, Women and Men of the Senate. I rise in support of the pending motion. Article V of the U.S. Constitution reads as follows: The Congress, whenever two-thirds of both Houses shall deem it necessary, shall propose Amendments to this Constitution, or, on the application of the

Legislatures of two-thirds of the several states, shall call a convention for proposing amendments, which, in either case, shall be valid to all intents and purposes as part of this Constitution when ratified by the Legislatures of three-fourths of the several states, or by conventions in three-fourths thereof, as the one or the other mode of ratification may be proposed by the Congress. Mr. President, there's not a whole lot in the Constitution of the United States of America to be afraid of, certainly not this. This is a tool of civic engagement. Whether or not an Article V Convention will ever occur can be debated until the end of time. One has not occurred. This can force Congress to do what we want it to do, which is reform the law and the Constitution so that term limits can be imposed and so we can have meaningful campaign finance reform and states don't have to do it state by state with the challenges we face which we spoke about in a previous matter today. I'm in strong support of this. I'm not afraid of civic engagement. Thank you, Mr. President.

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

Senator **LIBBY:** Thank you, Mr. President, Men and Women of the Senate. I've heard a couple of good speeches today, and just wanted to add a few things that I think are important. First of all, I do not believe that I have anything to fear with a runaway Article V Convention, and the reason for that is that only the best of the best ideas that are targeting Congress will be passed and will be ratified by the states. There are enough states there that we don't have to worry about that - although I have heard from my constituents, and many of them, that I should very well be worried, I am not. And in fact, I hope it is a runaway, and I will tell you exactly why. We have created a fourth branch of government in the Federal Reserve system and until we do something about their ability to expand the money supply, we will not have the kind of reform that is necessary in Washington. Part of the problem with expansion of the money supply -- and by the way, since 2019, the money supply was expanded by 400%, it has since been contracted -- I'm talking about the M1 money supply, it's been contracted to about just over 300%. Nevertheless, it has caused incredible inflation. I see people pointing the fingers at all kinds of culprits on inflation, but what has inflation done to the State of Maine? And I know that you know this already, but it's worth stating into the record, that what it has done, it has made homes less affordable for Maine citizens, it has made even friends of mine who can't purchase an automobile, it's made that impossible to purchase for some people in Maine because their income can't possibly keep up with the inflationary effects of the Federal Reserve System's decisions. And don't get me wrong, the Federal Reserve expands the money supply when they feel like the economy is in trouble, and during COVID, the economy was in trouble, and they contract the money supply to actually cause the opposite. However, there needs to be limits on their authority to do that. Four hundred percent is beyond any measure that was necessary. And so, you may remember the expansion of the money supply and then the tailing off of the rate of expansion of the money supply, that entire year 2021 was not necessary. We should have stopped immediately. But there was no mechanism because the Federal Reserve System chair only needs to report to Congress what they are doing; Congress cannot tell them whether or not what they're doing is -- you can tell them okay, well, this makes sense or it doesn't, but that's as far as it goes. And so, there are a lot of institutions that were

created post the Framers, and we have to understand what those institutions have caused to happen. And honestly, there's a lot more than just the Federal Reserve to talk about and we heard and are addressing two issues right now that I think are very substantive, particularly term limits. I have term limits, the Governor has term limits, we all have term limits except Congress and perhaps we should be considering that. Those are -- they're learned, they're scholarly, they're excellent proposals, and we should not be afraid of this kind of approach to changing our Constitution. Thank you very much, Men and Women of the Senate.

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

Senator **DAUGHTRY:** Thank you, Mr. President, and Ladies and Gentlemen of the Senate. I rise just with a couple of points about what's been raised. And I do want to respond to what the Good Senator from Cumberland, Senator Libby, just said. I think the Good Senator actually just kind of made my point. The aspects and items that he highlighted and are passionate about are not what is in the resolution before us. There are things that he's hoping would be discussed during the Constitutional Convention. And there's many things I would also want to be discussed. But that's exactly my point; once we open this box, you can't go back. You're creating a vehicle that could strip everyone's rights. We're talking everything from voting rights, your civil liberties, my right to stand here as a young woman in the State of Maine and be a member of this elected body. We heard a little bit about checks and balances and the legal framework that the founders put into place, but that's exactly the point; they didn't put anything in place. There are no checks and balances. There are no rules. We're talking about creating an entire new entity that is not beholden or responsible to the voters. It ends, you know, we've had a lot of discussions here about national popular vote and ensuring that everyone's voice counts, that everyone's voice counts for something. A constitutional convention completely and utterly obliterates that. Think about this, you know, we're concerned about campaign finance, so we're going to vote for something that doesn't actually say how we have the people who go to do exactly this. With no clear guidelines or checks and balances, you could have large money of corporations lobbying to ensure that their delegate is who's chosen. Having this type of undemocratic democracy is not what we stand for. There really are no checks and balances. It's a utopian hope that unfortunately, in reality, would create a dystopian reality. Please vote this down.

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

Senator **BRAKEY:** Thank you, Mr. President. I will say that while I doubt there's anyone in this Chamber who would like to see the Federal Reserve destroyed and abolished more than I do, I do think it would be outside the charge of the specific call here. But again, even if -- even if -- even if in a convention delegates were to try to step outside their charge, anything has to come back to the states, a supermajority of state legislatures like ours, for ratification. That is the check and balance. That is the check and balance. It has to come back to the states, right? This isn't something that this body just passes something and suddenly the Constitution is changed, it comes back to us. And not just us, the

legislatures directly elected by the people who are, in fact, far more -- far more representative of the people than those in Congress because, you know, we have smaller constituencies. It comes back to us. So, that is the check and balance. And if Senator -- the Good Senator Libby wanted to amend the bill to include a call for abolishing the Federal Reserve System, I would be right there with him a hundred percent. I don't think that that, though, would fit the charge of what's here and perhaps we can consider a call for an Article V Convention to end the Federal Reserve in the future.

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

Senator **BENNETT:** Thank you, Mr. President. Reluctantly, I stand to address a couple of issues that the Good Senator from Cumberland, Senator Daughtry, raised. The first question is who will actually serve on -- as members -- as delegates to the Constitutional Convention. That is up to the people in this Chamber. If an Article V Convention is actually called, and it will require 34 states on any given issue, to be called so that they can address that issue. It will be this Chamber and the folks down the end of the hall who will choose the people that will go and represent Maine at the constitutional -- at that convening. And who is that likely to be? It's likely to be those of us in the room. It's likely to be the members of the majority party for this Maine Legislature. So, I don't think we have much to fear from a group of people, who is us, getting together to talk about a narrow issue, one issue, that will achieve 34 votes and 34 calls to take up. Secondly, an Article V Convention is not a Constitutional Convention. We've had one Constitutional Convention in our history. And guess what? We didn't have the Constitution; we had the fragmented remains of the Articles of Confederation. We can look at the history there, but there was no guiding rule that exists under the Constitution that we have that clearly lay out the provisions for amending the Constitution that the Good Senator from Kennebec, Senator Hickman, read to us. It is in the Constitution, the constraints of an Article V Convention. It is not going to exceed those restraints because the convention that we had in 1787 was something that had no constraints, there was not even a Supreme Court to tell them to stay within the bounds. So, I would only just simply say there's a lot of hyperbole here about risks and dangers, and I would say whatever dangers and risks there are to Article V pale in comparison to doing nothing, because we know the risks of letting our government founder in the direction its going will lead to nothing but. Thank you, Mr. President.

THE PRESIDENT: The pending question before the Senate is Acceptance of the Majority Ought 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 (#535)

YEAS: Senators: BALDACCI, BENNETT, BLACK, BRAKEY, GROHOSKI, HARRINGTON, HICKMAN, LIBBY, LYFORD, MOORE, STEWART, TIMBERLAKE

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

EXCUSED: Senators: FARRIN, KEIM, LAWRENCE, POULIOT, RENY

12 Senators having voted in the affirmative and 18 Senators having voted in the negative, with 5 Senators being excused, the motion by Senator **HICKMAN** of Kennebec to **ACCEPT** the Majority **OUGHT TO PASS** Report **FAILED**.

The Minority **OUGHT NOT TO PASS** Report, **ACCEPTED**.

Sent down for concurrence.

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

REPORTS OF COMMITTEES

House

Pursuant to Resolve

The Committee on **JUDICIARY** on Bill "An Act to Remove the Age-related Statutory Prerequisite for Sealing Criminal History Record Information"
H.P. 1423 L.D. 2218

Reported that the same be **REFERRED** to the Committee on **JUDICIARY**, pursuant to Resolve, chapter 103, section 7.

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

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

Bill and accompanying papers **REFERRED** to the Committee on **JUDICIARY**, in concurrence.

Pursuant to Statute

The Committee on **JUDICIARY** on Bill "An Act to Implement the Recommendations of the Right to Know Advisory Committee Regarding Public Records Exceptions"
H.P. 1421 L.D. 2215

Reported that the same be **REFERRED** to the Committee on **JUDICIARY**, pursuant to the Maine Revised Statutes, Title 1, section 411, subsection 6, paragraph G.

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

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

Bill and accompanying papers **REFERRED** to the Committee on **JUDICIARY**, in concurrence.

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

Off Record Remarks

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

Senator **DUSON:** For today's Black History Month spotlight, I offer the story of Macon Bolling Allen. Mr. Allen was the first African American licensed to practice law in the United States, and the first African American to serve as a judge. Being one of the very few black people whose portrait hangs in the Portland City Hall, I first became curious about Mr. Allen after reading an article in the Press Herald describing the mysterious absence of a portrait of Mr. Allen that disappeared from the Cumberland County Courthouse. Until July 3, 1844, no African American had been licensed to practice law in the U.S. On that day, at a Portland courthouse, Macon Bolling Allen made history by becoming the first black man to be admitted to the bar anywhere in the country. Born Allen Macon Bolling in Indiana in 1816 and later changing his name to Macon Bolling Allen, he started his professional career in Indiana as a school teacher. Allen moved to Massachusetts in 1844 and later that year, he moved to Portland, Maine. Although it's unclear why Mr. Allen moved to Maine, historians believe that it may have been because we were an anti-slavery state. While in Portland, he was employed as a clerk by General Samuel Fessenden, an abolitionist and lawyer. Allen worked and studied law under the General, who encouraged him to pursue a license to practice law. Anyone could be admitted to the Maine Bar Association if they were considered to have good character. However, Mr. Allen was initially rejected. He was not considered a citizen of the state at that time. Nevertheless, he persisted, deciding to take the bar examination to bypass the citizen requirement. He passed the exam and became licensed to practice law. Despite earning the right to practice law in Maine, Mr. Allen was unable to find much work as an attorney, and in 1845, he moved to Boston, where on motion of another anti-slavery activist and lawyer, Samuel Sewall, he was admitted to the Mass Bar, thereby becoming the first African American admitted to practice in that jurisdiction as well. In Boston, Mr. Allen opened an office with Robert Morris, Sr., and their office became the first African American law office in the

United States. In 1848, Allen passed an exam to become a Massachusetts Justice of the Peace. At that time, Justice of the Peace was a coveted gubernatorial appointment. His appointment to the post by Governor George Briggs made him the first African American to hold a judicial post. Mr. Allen married and had five sons while practicing in Massachusetts for 23 years, and following the end of the Civil War, he moved his family to South Carolina. There, he opened a law office with two other African American attorneys, William Whipper and Robert Brown, to form the first black law firm in the U.S. Still, this was not the last of his firsts. The passing of the Fifteenth Amendment inspired Allen to become involved in politics, and he became active in the Republican party. He was nominated for Secretary of State in South Carolina, on an unsuccessful statewide Republican anti-corruption reform ticket. Soon after, in February of 1873, Mr. Allen was elected by the South Carolina Legislature to serve as a justice of the Inferior Court of Charleston County. Following the end of reconstruction, he relocated to Washington DC, where he worked as a lawyer for the Land and Improvement Association. Both of these were firsts. After an extraordinary life well lived, after a lifetime of firsts that began with his admission to the bar in Portland, Mr. Macon Bolling Allen was 78 years old when he was called home in 1894. I excerpted today's information from Maine's Visible Black History, an anthology by HH Price and the Honorable Gerald E. Talbot, published in 2006. At your seat is a copy of the Press Herald article which first sparked my curiosity. It's about the disappearance of Mr. Allen's portrait, numbered 79 in the 1870s Collection of Pictures of Cumberland County Lawyers, once displayed at the Portland City Hall and the Cumberland County Courthouse. Thank you for listening and thank you, Mr. President.

Off Record Remarks

On motion by Senator **VITELLI** of Sagadahoc, **ADJOURNED** until Wednesday, February 21, 2024 at 10:00 in the morning.