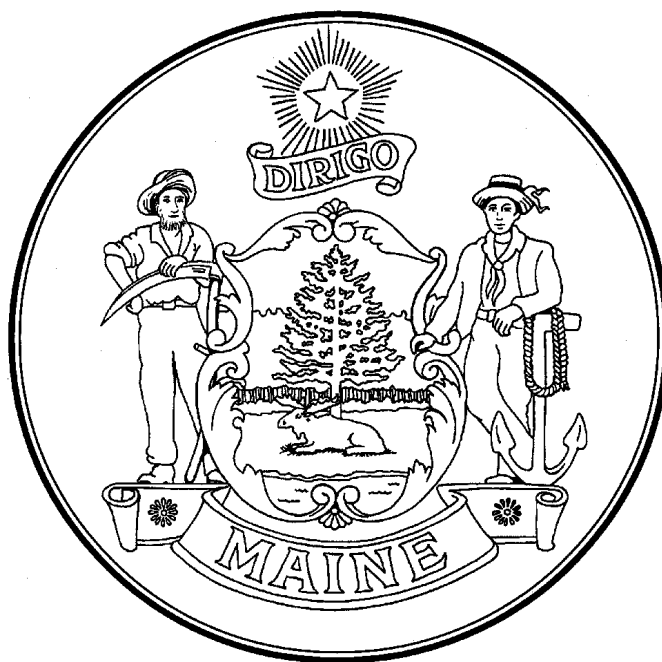


MAINE STATE LEGISLATURE

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

In Senate Chamber
Wednesday
March 13, 2024

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

Prayer by Pastor Justin Thacker of Praise Assembly of God in Rumford.

PASTOR JUSTIN THACKER: Good morning, President Jackson, Distinguished Senators, welcomed guests. It's an honor to be here today as Clergy of the Day, as a guest of Senator Keim, as well as to represent Praise Assembly of God in Rumford and a citizen and selectperson of the Town of Andover. It is a great honor to have my daughter here today to join me as a student page. The history and power that is represented in this room is truly remarkable. In two days, March 15th, Maine will celebrate its 224th birthday as a state in our Union. Our founders believed that each session of Congress should begin with prayer - a tradition and practice that continues today in Washington DC and throughout each state, including Maine. Benjamin Franklin once said in preparation of the Constitution being penned in 1787, that I beg to leave to move that henceforth prayers imploring the assistance of heaven and its blessings on our deliberations be held in this assembly every morning before we proceed with business and that one or more of the clergy of this city be requested to officiate in that service. Franklin also said that I have lived, sir, a long time, and the longer I live, the more convincing proofs I see of this truth, that God governs in the affairs of men. Therefore, may we seek God's help today in this Body to govern on behalf of the citizens of Maine. Let us pray. Father God, we thank you for this day that you have given us. This is the day that you have made, and we will rejoice and be glad in it. And Lord, I pray that you give wisdom, Lord God, today in this Body, Lord, as they represent Mainers, as they defend and protect the Constitution of the United States. I pray good health and blessing upon each person here, and I pray, Lord God, that we'll glorify you in everything that we say and do. Your blessing upon this Body I pray again today. In Jesus Name, Amen.

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

Reading of the Journal of Tuesday, March 12, 2024.

Medical Provider of the Day, Jenna Lizewski, DNP, FNP-C of York.

Off Record Remarks

PAPERS FROM THE HOUSE

House Paper

Bill "An Act Designating New Motor Vehicle Emissions Rules as Major Substantive Rules"
H.P. 1451 L.D. 2261

Comes from the House, **REFERRED** to the Committee on **ENVIRONMENT AND NATURAL RESOURCES** and ordered printed.

On motion by Senator **CARNEY** of Cumberland, **REFERRED** to the Committee on **ENVIRONMENT AND NATURAL RESOURCES** and ordered printed, in concurrence.

COMMUNICATIONS

The Following Communication: S.C. 992

STATE OF MAINE
OFFICE OF THE GOVERNOR
AUGUSTA, MAINE

March 11, 2024

The Honorable Troy Jackson
President of the Senate
3 State House Station
Augusta, Maine 04333

RE: Appointment of Daniel L. Cummings of South Portland to the Finance Authority of Maine

Dear President Jackson:

I am pleased to nominate Daniel L. Cummings of South Portland for appointment to the Finance Authority of Maine.

Pursuant to Title 10, MRSA §965, this appointment is contingent on confirmation by the Maine Senate after review by the Joint Standing Committee on Innovation, Development, Economic Advancement and Business.

Thank you for your assistance in this matter.

Sincerely,

S/Janet T. Mills
Governor

READ and ORDERED PLACED ON FILE.

The Following Communication: S.C. 993

**STATE OF MAINE
OFFICE OF THE GOVERNOR
AUGUSTA, MAINE**

March 11, 2024

The Honorable Troy Jackson
President of the Senate
3 State House Station
Augusta, Maine 04333

RE: Appointment to the Paid Family and Medical Leave Benefits
Authority

Dear President Jackson:

I am pleased to nominate Christina Bonney of Portland for
appointment to the Paid Family and Medical Leave Benefits
Authority.

Pursuant to Title 26 MRSA §850-O, this appointment is
contingent on confirmation by the Maine State Senate after
review by the Joint Standing Committee on Labor and Housing.

Thank you for your assistance in this matter.

Sincerely,

S/Janet T. Mills
Governor

READ and ORDERED PLACED ON FILE.

The Following Communication: S.C. 995

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

The Honorable Troy D. Jackson
President of the Senate

The Honorable Rachel Talbot Ross
Speaker of the House

131st Legislature
State House
Augusta, ME 04333

March 11, 2024

Dear President Jackson and Speaker Talbot Ross:

Please accept this letter as the report of the findings of the Joint
Standing Committee on Transportation from its review and
evaluation of the Bureau of Motor Vehicles under the State

Government Evaluation Act, Title 3, Maine Revised Statutes,
chapter 35.

Pursuant to the requirements of the Act, the committee notified
the Bureau of Motor Vehicles by letter of its intent to review the
agencies on May 15, 2023. The Bureau of Motor Vehicles
submitted their report by November 1, 2023 and were invited to
present before the committee on January 11, 2024.

The committee has reviewed the report submitted by the Bureau
of Motor Vehicles and finds that the agency is operating within its
statutory authority.

Sincerely,

S/Benjamin M. Chipman
Senate Chair

S/Lydia V. Crafts
House Chair

READ and ORDERED PLACED ON FILE.

The Following Communication: S.C. 996

**STATE OF MAINE
ONE HUNDRED AND THIRTY FIRST LEGISLATURE
COMMITTEE ON EDUCATION AND CULTURAL AFFAIRS**

The Honorable Troy D. Jackson
President of the Senate

The Honorable Rachel Talbot Ross
Speaker of the House

131st Legislature
State House
Augusta, ME 04333

March 11, 2024

Dear President Jackson and Speaker Talbot Ross:

Please accept this letter as the report of the findings of the Joint
Standing Committee on Education and Cultural Affairs from its
review and evaluation of the following agencies under the State
Government Evaluation Act, Title 3, Maine Revised Statutes,
chapter 35:

- Maine Arts Commission;
- Maine Historic Preservation Commission;
- Maine Historical Society;
- Maine Library Commission;
- Maine State Cultural Affairs Council;
- Maine State Library;
- Maine State Museum; and
- Maine State Museum Commission.

Pursuant to the requirements of the Act, the committee notified
each agency by letter of its intent to review the agencies on May
1, 2023. Each agency submitted their reports by November 1,
2023 and were invited to present before the committee on
January 31, 2024. The committee has reviewed the reports

submitted by the above agencies and finds that the agencies are operating within their statutory authority.

Sincerely,

S/Sen. Joseph Rafferty
Senate Chair

S/Rep. Michael F. Brennan
House Chair

READ and ORDERED PLACED ON FILE.

ORDERS

Joint Orders

Expressions of Legislative Sentiment recognizing:

The Windham High School Boys Basketball team, which won the Class AA North Championship. We extend our congratulations and best wishes;
SLS 1554

Sponsored by Senator NANGLE of Cumberland.
Cosponsored by Representatives: BAGSHAW of Windham, FAY of Raymond, PRINGLE of Windham, SARGENT of York.

The Windham High School Boys Basketball team, which won the Class AA State Championship. This is the team's first state title. We extend our congratulations and best wishes;
SLS 1555

Sponsored by Senator NANGLE of Cumberland.
Cosponsored by Representatives: BAGSHAW of Windham, FAY of Raymond, PRINGLE of Windham, SARGENT of York.

The Joint Orders were **READ**.

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

Senator **NANGLE:** Thank you, Mr. President, and Esteemed Colleagues of the Senate. Today, I have the distinct honor of recognizing and celebrating a truly remarkable achievement from back home in Windham. For the first time in history, the Windham High School boys basketball team clinched the Class AA State Championship in a nail-biting overtime victory against Gorham, with a final score of 62 to 58. This win was a demonstration of determination, teamwork, and the spirit of a community that believes deeply in its youth. I had the pleasure of witnessing the game firsthand at the Cross Insurance Arena. It was an awesome experience. The atmosphere was electric, as the whole arena cheered for a game that showcased the best of high school basketball. I'm glad I sat on the right side, it would've been uncomfortable on the other side. To the players and coach, Chad Pulkkinen, you may have recognized that name, he was a sentiment a few weeks ago, he has won the Maine Principals Association Boys Basketball Coach of the Year. Your efforts have turned Windham into a proud basketball town. Your win has ignited a fire proving that with hard work and unity, any goal is attainable. Particularly impressive was the way our young

athletes handled the pressures of the overtime, securing the win with six straight free throws, a testament to their calm under pressure and their relentless drive to succeed. Coach Pulkkinen shared with me some insights about each of his seniors, and I'd like to take a minute to share with you and recognize each of them, highlighting their unique contributions and the marks they've left on the Windham basketball program. Erik Bowen, who I've known since he was this tall, is one of the best leaders they've had on the team and was a privilege to coach. He's also one of the captains. Erik was a defensive player of the year for the AA North, the McDonalds all-academic all-star, and the Gary Randall Award winner for the SMAA. Erik would do anything for his team and was ultimate -- the ultimate leader for the Eagles. Blake McPherson was also a captain. He was AA North Tournament MVP, first team all AA North, and was a fearless competitor throughout the season, leading our guys with toughness and effort. Quinton Lindsay was also a captain. Q led the league in assists, was named first team all AA North, and was the calming presence on the court for other players. He led by example and showed extreme selflessness in every situation. Matthew Searway was instrumental in our success as our seventh man off the bench. He contributed greatly to some of our most important victories. Matt dedicated himself to the weight room and spent countless hours on his game in the off season. Beni Ninziza was struck with an illness at the end of the season but was vitally important to the team with his team first attitude and calm demeanor. Beni was an incredible teammate and as a coach -- as coachable as they come. Noah Mains earned a spot on the varsity team with his mental toughness, his attitude, and his one-of-a-kind effort. Noah was the ultimate teammate and would do anything to help the team. Ryan Smith was our manager the previous season and earned a roster spot this year with dedication in the off season. Ryan brought a witty humor with him every day and an attitude that you can't teach. He's just another selfless example of the type of teammate you need to be successful as a team. Paolo Ventura, a foreign exchange student from Italy, was our manager this year. He dedicated himself daily to helping the team prepare and thrive in anything we did, always giving a helping hand and representing the school and team with character. I also want to take a moment to recognize Pat Moody. Pat has played a significant role in Windham basketball. Pat is probably one of the best-known residents in Windham. His dedication to community is unparalleled. If he wasn't participating in Bureau of Highway Safety meetings, advocating for increased safety patrols and providing feedback to the Director of Highway Safety, he was at his job as the media contact for AAA Northern New England, providing tips and strategies for safer driving. Pat has always stepped up for community events and planning. For example, he was instrumental in getting the Windham Summerfest off the ground. This is an annual gathering where residents from the town of Windham and around get together and enjoy hopefully a lovely summer June day. He worked hard on the community center committee that he hopes to bring kids together with let's just say more senior residents of Windham. This is a guy who really supports kids and their involvement in healthy activities. While I was on the town council in Windham, Pat came to us with a proposal for a new park. It involved a skate park, some trails, a gazebo, a couple of beach volleyball courts, and of course a couple of basketball courts. I drive past that park almost daily and there are almost always a couple of pickup games going. It's one of those things that you support spending money on and then you're so happy to see it being used

constantly. Around Windham, he's probably best known for his basketball head. On Saturday mornings during basketball rec, he cut open a basketball and would wear it on his head during the basketball games on Saturday mornings. To say the team wouldn't have been as successful without Pat is a profound understatement. Pat could probably and should be referred to as the father of Windham basketball. These boys' success comes in part from Pat and his Saturday morning basketball league at the Windham High School, where I'm sure many of these players started very young. Pat's had some health issues over the past year, but that has not slowed him down. His son, AJ, is on the basketball team, and Pat has instilled in him a true meaning of sportsmanship. If you watched the game, you would've witnessed a true display of that sportsmanship. During the first and final overtime period of the championship game, it appeared that a Gorham player had tackled him while he was in possession of the ball. It turned out, it wasn't a tackle for a penalty, the Gorham player had cramped up. AJ immediately recognized what was going on and began assisting the Gorham player with stretches. While the player was able to -- when the player was able to get up and go over to the bench, it was AJ who assisted him with a shoulder of support. Pat Mooney is one of those people we should all strive to be. While Pat's not receiving a sentiment today, it's important that we recognize his important contributions to Windham and Raymond and the contributions to the very idea of sportsmanship. To the Windham High School Boys Basketball Team, congratulations on your State Championship. You've not only made history, but you've also brought immense pride to your towns, your school, and to all of us here today. Your journey to the top is a powerful reminder of what's possible when young people come together, work hard, and support one another. Let's all continue to support and celebrate the achievement of our youths, because although it may be cliché, they are indeed our future. Thank you, Mr. President.

The Joint Orders were **PASSED**.

Sent down for concurrence.

THE PRESIDENT: The Chair is very pleased to recognize up in the gallery, the Windham Boys Basketball Team, who won the State Championship. They're all from Windham, and they are the guests today of the Senator from Cumberland, Senator Nangle and the entire Maine Senate. Would they please rise and accept the greetings and congratulations of the Maine Senate.

The Honorable James F. Dill, of Old Town, who has received the University of Maine Alumni Association 2024 Alumni Career Award, the association's highest honor, for his twenty years of service on his local school board, for his twelve years of service as both a State Representative and a State Senator in the Maine Legislature and for his work as an entomologist leading the University of Maine Cooperative Extension Diagnostic and Research Laboratory in investigating ways to reduce the incidences of Lyme disease and other vector-borne diseases. We extend our congratulations and best wishes;
SLS 1557

Sponsored by Senator TIPPING of Penobscot.
Cosponsored by Representative: DILL of Old Town.

The Joint Order was **READ**.

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

Senator **TIPPING:** Thank you, Mr. President. There are others in this Body who can speak well to the service of the former Senator, current Representative Jim Dill. I just want to note that the sentiment we hear today is not just for his legislative service, but for his long service to his town and to our community, his service on the schoolboard, his work at the university, and he truly represents the best of the alumni of the University of Maine.

The Joint Order was **PASSED**.

Sent down for concurrence.

THE PRESIDENT: The Chair is pleased to recognize in the rear of the chamber a former member of this body -- a well-respected member of this body -- Representative Jim Dill of Old Town. He is the guests today of the Senator from Penobscot, Senator Tipping and the entire Maine Senate. Would he please rise and accept the congratulations of the Maine State Senate.

The Old Town High School Girls Basketball Team, which won the 2024 Class B North Championship. We extend our congratulations and best wishes;
SLS 1556

Sponsored by Senator TIPPING of Penobscot.
Cosponsored by Representative: DILL of Old Town.

The Joint Order was **READ**.

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

Senator **TIPPING:** Thank you, Mr. President, Colleagues of the Senate. As we just heard, this is a big day for Old Town in many ways. It's also a big day for basketball in Penobscot County. Today, I'm happy to welcome the Old Town High School girls basketball team, coached by Heather Richards, to the Maine Senate. Last month, these student athletes competed in their third straight regional title game, defeating number one Ellsworth 58-42. I see the Senator from -- representing that town is now out of the Chamber. But coming out of the rematch between the Eagles and the Coyotes, this victory is the team's first regional basketball title since 1980. The Coyotes were led by senior Saige Evans, who scored 26 points and grabbed 16 rebounds. In addition to Saige, senior Alexis Degrasse posted 15 points, handed out seven assists, and made two steals. Teammate Makayla Emerson added nine points and contributed five rebounds. Rounding out the stats, senior Danica Brown had four points, seven rebounds, and three assists, junior Elizabeth Magoon had five assists and four rebounds, and sophomore Karina Dumond had four points. Today, I am very proud to present the legislative sentiment to you all and recognize your athleticism, skill, and talent. We're all very proud of you and wish you the best as you finish the school year. Thank you, Mr. President.

The Joint Order was **PASSED**.

Sent down for concurrence.

THE PRESIDENT: The Chair is pleased to recognize in the rear of the chamber the Old Town High School Girls Basketball Team of the town of Old Town. They are the guests today of the Senator from Penobscot, Senator Tipping. Would the guests please rise and accept the greetings of the Maine Senate.

The Presque Isle High School Golf Team, which won the 2023 Class B State Championship. We extend our congratulations and best wishes;
SLS 1086

Sponsored by Senator STEWART of Aroostook.
Cosponsored by Representative: UNDERWOOD of Presque Isle.

The Joint Order was **READ**.

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

Senator **STEWART:** Thank you very much, Mr. President, Ladies and Gentlemen of the Senate. We are blessed this morning to have the presence of a fantastic group of young men who woke up early and made the drive down from the County to be with us. They are the 2023 Class B State Champions in golf, and I just want to share a little bit about this group of fellas who had not only a really impressive season, but a very climactic finish. So, last year -- actually, I think we were in session that day, because I was down here and was able to kind of dip out early and go watch them play at Natanis, and I've got to say, it was one of the best memories maybe ever that I've experienced, particularly with sports. Just there was something in the air that day. From the second you stepped onto the course and got to see some of these guys who were really stepping up and playing some of the best golf that they've ever played. It was just an incredibly exciting experience, and I encourage everybody, if you haven't, go follow around particularly at the championship level these high school athletes when they're playing golf because you will just be blown away at the level of focus and determination that these young men and women can demonstrate. The amount of pressure that they were under to perform and the slim margin for error that they had -- and it wasn't like it was any one person on the team, it was the whole team. This was a team effort through and through from start to finish. And everybody had to play just right in order to bring this together, and they did. I can remember as I was walking around and following a couple of the guys and getting updates from Coach Matt who's with us today as well, and he said okay, here's the deal, we've really got to par out here in order to be in the mix, and you had some folks, some of the players, I remember Jack had just an incredible recovery shot, I think it was on 17, that otherwise would've taken him out of the game, but he bounced back through just -- and sunk a beautiful putt and just demonstrated some really impressive willpower to persevere and not cave under pressure. And every single one of them did that. Every single one of them did that. It's something that they'll have for life, this title, but more importantly, this experience is something they can bring with them into whatever they do next, to know that they can battle through adversity, keep

their head focused on what needs to get done, not lose sight of the team and the mission, and that's going to serve all of you fellas incredibly well going forward. You should be incredibly proud. I have to say this, too, I think Matt was on the last team, actually, that came close - very close - to bringing home a state championship but didn't quite make it happen but then 23 years later, Matt, I think, this has come full circle, and has brought home the first state championship for Presque Isle and really put our community on the map. I know we're known for basketball here and there, and soccer, but now you can add golf to that list of sports that Presque Isle dominates at, and you guys have really done a remarkable thing here. And I have to say, too, that this was the first time since -- in at least 20 years that Northern Maine has won states. It's always gone to a Southern Maine team. So, this is huge not just for golf in Presque Isle but for golf in all of Northern Maine. And so, you guys have really done a tremendous thing here. I want to commend you for that effort, congratulate you on that. Thank you for coming down here today to be with us and share this experience with us, and I wish you absolutely all the best in whatever life brings you in the next chapter. I know some of you are going off to college and some of you are going to go to work, and I know that you're going to take that same determination and willpower with you and it's going to serve you well no matter what you do. So, be very proud of what you've accomplished, young men. We're proud of you, the whole community is proud of you. I'm so happy to be able to share this experience on the floor of the Senate here this morning with you all and go Wildcats.

The Joint Order was **PASSED**.

Sent down for concurrence.

THE PRESIDENT: The Chair is pleased to recognize in the rear of the chamber Owen McKinnon, Grant Stubbs, Jack Boone, Gavin Dunleavy, Cooper Boinske, Wyatt Young, Cam Locke, Nick Lavign, Evan St. Peter, Logan Caron, Teddy Donovan, Coach Mathew Madore, and chaperone and team parent Marcus Young of the Presque Isle High School Gold Team and the 2023 Class B State Champions. They are the guests today of the Senator from Aroostook, Senator Stewart. Would the guests please rise and accept the greetings of the Maine Senate.

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.

Off Record Remarks

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

ORDERS

Joint Order

An Expression of Legislative Sentiment recognizing:

Peter Mallow, of Liberty, on his retirement from the Maine State Archives after over 23 years of public service. We extend our congratulations and best wishes;
SLS 1564

Sponsored by Senator CURRY of Waldo.

Cosponsored by Senators: BAILEY of York, BALDACCI of Penobscot, BEEBE-CENTER of Knox, BENNETT of Oxford, BLACK of Franklin, BRAKEY of Androscoggin, BRENNER of Cumberland, CARNEY of Cumberland, CHIPMAN of Cumberland, DAUGHTRY of Cumberland, DUSON of Cumberland, FARRIN of Somerset, GROHOSKI of Hancock, GUERIN of Penobscot, HARRINGTON of York, HICKMAN of Kennebec, INGWERSEN of York, President JACKSON of Aroostook, KEIM of Oxford, LaFOUNTAIN of Kennebec, LAWRENCE of York, LIBBY of Cumberland, LYFORD of Penobscot, MOORE of Washington, NANGLE of Cumberland, PIERCE of Cumberland, POULIOT of Kennebec, RAFFERTY of York, RENY of Lincoln, ROTUNDO of Androscoggin, STEWART of Aroostook, TIMBERLAKE of Androscoggin, TIPPING of Penobscot, VITELLI of Sagadahoc, Representatives: ABDI of Lewiston, ADAMS of Lebanon, ALBERT of Madawaska, ANDREWS of Paris, ANKELES of Brunswick, ARATA of New Gloucester, ARDELL of Monticello, ARFORD of Brunswick, BABIN of Fort Fairfield, BAGSHAW of Windham, BECK of South Portland, BELL of Yarmouth, BLIER of Buxton, BOYER of Poland, BOYLE of Gorham, BRADSTREET of Vassalboro, BRENNAN of Portland, BRIDGEO of Augusta, CAMPBELL of Orrington, CARLOW of Buxton, CARMICHAEL of Greenbush, CLOUTIER of Lewiston, CLUCHEY of Bowdoinham, COLLAMORE of Pittsfield, COLLINGS of Portland, COPELAND of Saco, COSTAIN of Plymouth, CRAFTS of Newcastle, CRAVEN of Lewiston, CRAY of Palmyra, CROCKETT of Portland, CYRWAY of Albion, DANA of the Passamaquoddy Tribe, DAVIS of East Machias, DHALAC of South Portland, DILL of Old Town, DODGE of Belfast, DOUDERA of Camden, DRINKWATER of Milford, DUCHARME of Madison, DUNPHY of Embden, EATON of Deer Isle, FAULKINGHAM of Winter Harbor, FAY of Raymond, FOSTER of Dexter, FREDERICKS of Sanford, GALLETTA of Durham, GATTINE of Westbrook, GEIGER of Rockland, GERE of Kennebunkport, GIFFORD of Lincoln, GOLEK of Harpswell, GRAHAM of North Yarmouth, GRAMLICH of Old Orchard Beach, GREENWOOD of Wales, GRIFFIN of Levant, GUERRETTE of Caribou, HAGGAN of Hampden, HALL of Wilton, HASENFUS of Readfield, HENDERSON of Rumford, HEPLER of Woolwich, HOBBS of Wells, HYMES of Waldo, JACKSON of Oxford, JAUCH of Topsham, JAVNER of Chester, KESSLER of South Portland, KUHN of Falmouth, LAJOIE of Lewiston, LANDRY of Farmington, LANIGAN of Sanford, LaROCHELLE of Augusta, LAVIGNE of Berwick, LEE of Auburn, LEMELIN of Chelsea, LIBBY of Auburn, LOOKNER of Portland, LYMAN of Livermore Falls, MADIGAN of Waterville, MALON of

Biddeford, MASON of Lisbon, MASTRACCIO of Sanford, MATHIESON of Kittery, MATLACK of St. George, MEYER of Eliot, MILLETT of Waterford, MILLETT of Cape Elizabeth, MILLIKEN of Blue Hill, MONTELL of Gardiner, MOONEN of Portland, MORIARTY of Cumberland, MORRIS of Turner, MURPHY of Scarborough, NESS of Fryeburg, NEWMAN of Belgrade, NUTTING of Oakland, O'CONNELL of Brewer, O'NEIL of Saco, OSHER of Orono, PARRY of Arundel, PAUL of Winterport, PERKINS of Dover-Foxcroft, PERRY of Calais, PERRY of Bangor, PLUECKER of Warren, POIRIER of Skowhegan, POLEWARCZYK of Wiscasset, POMERLEAU of Standish, PRINGLE of Windham, QUINT of Hodgdon, RANA of Bangor, RIELLY of Westbrook, RISEMAN of Harrison, ROBERTS of South Berwick, ROEDER of Bangor, RUDNICKI of Fairfield, RUNTE of York, RUSSELL of Verona Island, SACHS of Freeport, SALISBURY of Westbrook, SAMPSON of Alfred, SARGENT of York, SAYRE of Kennebunk, SCHMERSAL-BURGESS of Mexico, SHAGOURY of Hallowell, SHAW of Auburn, SHEEHAN of Biddeford, SIMMONS of Waldoboro, SINCLAIR of Bath, SKOLD of Portland, SMITH of Palermo, SOBOLESKI of Phillips, STOVER of Boothbay, STROUT of Harrington, SUPICA of Bangor, SWALLOW of Houlton, Speaker TALBOT ROSS of Portland, TERRY of Gorham, THERIAULT of Fort Kent, THORNE of Carmel, UNDERWOOD of Presque Isle, WALKER of Naples, WARREN of Scarborough, WHITE of Waterville, WHITE of Guilford, WILLIAMS of Bar Harbor, WOOD of Greene, WOODSOME of Waterboro, WORTH of Ellsworth, ZAGER of Portland, ZEIGLER of Montville.

The Joint Order was **READ**.

Sent down for concurrence.

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

Senator **CURRY:** Thank you, Mr. President. I had the pleasure of meeting Peter Mallow in the campaign trail a couple years ago and had a joyous and memorable meeting. He shared his passion for sharing our history with state leaders, with historians, with educators, with the public. He's done that through preserving our -- preserving and making accessible our important documents and artifacts. And it was so evident in our meeting of his passion for his work. And I hadn't seen any -- or I hadn't been aware of his work, that I had seen his work, until this morning when he shared a document here which is the -- which is the - I'm going to get the title right - it is the Journal of the First Legislature of the State of Maine, 1820. And it is a reproduction, it's a digitized version of that, and in the acknowledgments, there's a brief passage here. The survival of Maine's manuscript records over the years has been due in large part to the efforts of Maine's Secretaries of State, including incumbent Matthew Dunlap and the staff of the Maine State Archives under the director Tammy Marks. Of the numerous archive staff who have contributed to this publication, we especially want to acknowledge the work of imaging specialist Peter Mallow, who produced the beautiful page images that follow. And if you get a chance, you absolutely need to see this because they are absolutely beautiful. I don't know if our current -- I haven't seen your handwriting, Mr. Secretary, but oh, my gosh, these documents are beautiful and such a record of history, and I just want to commend Mr. Mallow on his years of

service to this state and thank him for that and then wish him a great retirement. Thank you so much.

THE PRESIDENT: The Chair would advise the Secretary just advised me that the book that Senator Curry is holding is actually available through his office. Mr. Mallow gave me one this morning, and I also -- I think Senator Curry is wrong, he has seen Mr. Mallow's work before because all those 4 by 8 framed photos in my office of the Aroostook War came from Mr. Mallow and he definitely drives a hard bargain to get them, but I too want to thank him. You know, the older I get, the more understanding I get about protecting the history of, you know, our state and our country and Mr. Mallow has done a long, long time of doing that and showing it to people, things that none of us probably ever understood before and the only way that we get a chance to see that is because of great people like himself's work. So, I really do appreciate that because it is a big deal, so I, too, want to give my thanks and congratulations.

The Joint Order was **PASSED**.

Sent down for concurrence.

ORDERS

Joint Resolution

On motion by Senator **NANGLE** of Cumberland (Cosponsored by Representative **SARGENT** of York and Senators: **DUSON** of Cumberland, **PIERCE** of Cumberland, **TIPPING** of Penobscot, Representative: **FAY** of Raymond), the following Joint Resolution: S.P. 983

JOINT RESOLUTION

RECOGNIZING MARCH 10, 2024 TO MARCH 16, 2024 AS MULTIPLE SCLEROSIS AWARENESS WEEK

WHEREAS, multiple sclerosis is a neurological disease of the central nervous system affecting more than 2,800,000 people worldwide; and

WHEREAS, the National Multiple Sclerosis Society estimates that nearly 1,000,000 people in the United States are living with multiple sclerosis, finds that the highest prevalence rates in the United States are found in the New England region and reports that the disease generally strikes people between the ages of 20 and 50 and that the cause and course of the often debilitating symptoms of multiple sclerosis remain unknown with no cure currently existing; and

WHEREAS, the National Multiple Sclerosis Society has been committed for more than 78 years to a world free of multiple sclerosis, and the society raises public knowledge about and insight into the disease; and

WHEREAS, since its inception, the National Multiple Sclerosis Society has been at the forefront of multiple sclerosis research, pursuing prevention, treatments and a cure, with more than \$1.2 billion invested in groundbreaking research; and

WHEREAS, the National Multiple Sclerosis Society partners with the health care community to promote access to comprehensive, high-quality health care and has launched the careers of 120 multiple sclerosis specialists, providing care to more than 100,000 people with multiple sclerosis and greatly improving the treatment and support of people with multiple sclerosis; and

WHEREAS, the National Multiple Sclerosis Society provides multiple sclerosis patients access to MS Navigators, who are dedicated partners who address individual challenges and concerns, ensuring personalized and effective support for every patient affected by multiple sclerosis; and

WHEREAS, stopping the progress of multiple sclerosis, restoring what has been lost and ending multiple sclerosis forever is the mission of the National Multiple Sclerosis Society and one that all should support; now, therefore, be it

RESOLVED: That We, the Members of the One Hundred and Thirty-first Legislature now assembled in the Second Regular Session, on behalf of the people we represent, take this opportunity to recognize March 10, 2024 to March 16, 2024 as Multiple Sclerosis Awareness Week and encourage all Maine citizens to learn more about multiple sclerosis and what they can do to support people with multiple sclerosis and their families; and be it further

RESOLVED: That we recognize the critical importance of advancing research to find the cause and cure of multiple sclerosis and express our appreciation for the dedication that the Greater New England Chapter of the National Multiple Sclerosis Society has shown toward creating a world free of multiple sclerosis; and be it further

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the Greater New England Chapter of the National Multiple Sclerosis Society.

READ and ADOPTED.

Sent down for concurrence.

REPORTS OF COMMITTEES

House

Pursuant to Public Law

The Committee on **TAXATION** on Bill "An Act to Amend the Process for the Sale of Foreclosed Properties Due to Nonpayment of Taxes" H.P. 1452 L.D. 2262

Reported that the same be **REFERRED** to the Committee on **TAXATION**, pursuant to Public Law, chapter 358, section 2, subsection 7.

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

Report **READ** and **ACCEPTED**, in concurrence.
Bill and accompanying papers **REFERRED** to the Committee on **TAXATION**, in concurrence.

Ought to Pass

The Committee on **ENERGY, UTILITIES AND TECHNOLOGY** on Bill "An Act to Require Telephone Solicitors to Use the Reassigned Numbers Database"
H.P. 1433 L.D. 2234

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

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

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

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

The Committee on **ENVIRONMENT AND NATURAL RESOURCES** on Resolve, Regarding Legislative Review of Portions of Chapter 80: Reduction of Toxics in Packaging, a Late-filed Major Substantive Rule of the Department of Environmental Protection (EMERGENCY)
H.P. 1428 L.D. 2227

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.

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

The Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act to Make Corrections and Updates to the Laws Affecting Children and Families"
H.P. 1378 L.D. 2154

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

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

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

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

Ought to Pass As Amended

The Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** on Resolve, Regarding Legislative Review of Chapter 26: Producer Margins, a Major Substantive Rule of the Maine Milk Commission (EMERGENCY)
H.P. 1402 L.D. 2188

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-810)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-810)**.

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

Resolve **READ ONCE**.

Committee Amendment "A" (H-810) **READ** and **ADOPTED**, in concurrence.

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

Off Record Remarks

The Committee on **MARINE RESOURCES** on Bill "An Act to Amend Maine's Aquaculture Leasing Laws"
H.P. 1327 L.D. 2065

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-815)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-815)**.

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

Bill **READ ONCE**.

Committee Amendment "A" (H-815) **READ** and **ADOPTED**, in concurrence.

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

The Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act to Require Reimbursement When a Municipality Hires First Responders Whose Training Costs Were Incurred by Another Municipality"
H.P. 905 L.D. 1409

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-814)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-814)**.

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

Bill **READ ONCE**.

Committee Amendment "A" (H-814) **READ** and **ADOPTED**, in concurrence.

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

The Committee on **TAXATION** on Bill "An Act to Exempt from Excise Tax Vehicles of Active Duty Service Members Stationed Out-of-state"
H.P. 1335 L.D. 2076

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-812)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-812)**.

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

Bill **READ ONCE**.

Committee Amendment "A" (H-812) **READ** and **ADOPTED**, in concurrence.

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

The Committee on **VETERANS AND LEGAL AFFAIRS** on Bill "An Act to Clarify the Eligibility of an Off-track Betting Facility to Receive Funding If the Facility Is Sold or Relocates"
H.P. 1348 L.D. 2124

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-813)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-813)**.

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

Bill **READ ONCE**.

Committee Amendment "A" (H-813) **READ** and **ADOPTED**, in concurrence.

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

Divided Report

The Majority of the Committee on **ENVIRONMENT AND NATURAL RESOURCES** on Bill "An Act to Enact the Safe Cosmetics Act"
H.P. 1224 L.D. 1908

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-781)**.

Signed:

Senators:

BRENNER of Cumberland
CARNEY of Cumberland

Representatives:

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

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

Signed:

Senator:

LYFORD of Penobscot

Comes from the House with the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-781)** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-781) AS AMENDED BY HOUSE AMENDMENT "A" (H-818)** thereto.

Reports **READ**.

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

Bill **READ ONCE**.

Committee Amendment "A" (H-781) **READ**.

House Amendment "A" (H-818) to Committee Amendment "A" (H-781) **READ** and **ADOPTED**, in concurrence.

Committee Amendment "A" (H-781) as Amended by House Amendment "A" (H-818) thereto, **ADOPTED**, in concurrence.

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

**AMENDMENT "A" (H-781) AS AMENDED BY HOUSE
AMENDMENT "A" (H-818) thereto, in concurrence.**

Divided Report

The Majority of the Committee on **INLAND FISHERIES AND WILDLIFE** on Bill "An Act to Increase Communication Between the Department of Inland Fisheries and Wildlife and Lifetime License Holders by Requiring Free License Renewals Under Certain Circumstances"
H.P. 104 L.D. 163

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-811).**

Signed:

Senators:
LaFOUNTAIN of Kennebec
BLACK of Franklin

Representatives:
LANDRY of Farmington
CLUCHEY of Bowdoinham
DILL of Old Town
HEPLER of Woolwich

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

Signed:

Senator:
CURRY of Waldo

Representatives:
DRINKWATER of Milford
MASON of Lisbon
THORNE of Carmel
WOOD of Greene

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

Reports **READ.**

Senator **LAFOUNTAIN** of Kennebec moved the Senate **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** 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 Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#582)

YEAS: Senators: BAILEY, BALDACCI, BEEBE-CENTER, CHIPMAN, DAUGHTRY, DUSON, INGWERSEN, LAFOUNTAIN, LAWRENCE, NANGLE, PIERCE, RAFFERTY, ROTUNDO, VITELLI, PRESIDENT JACKSON

NAYS: Senators: BENNETT, BLACK, BRAKEY, BRENNER, CARNEY, CURRY, FARRIN, GROHOSKI, GUERIN, HARRINGTON, HICKMAN, KEIM, LIBBY, LYFORD, MOORE, POULIOT, RENY, STEWART, TIMBERLAKE, TIPPING

15 Senators having voted in the affirmative and 20 Senators having voted in the negative, the motion by Senator **LAFOUNTAIN** of Kennebec to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report, in **NON-CONCURRENCE, FAILED.**

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

Divided Report

The Majority of the Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act Establishing a State Calendar for the State of Maine"
H.P. 1425 L.D. 2222

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

Signed:

Senators:
NANGLE of Cumberland
BALDACCI of Penobscot
LYFORD of Penobscot

Representatives:
STOVER of Boothbay
ABDI of Lewiston
ADAMS of Lebanon
COPELAND of Saco
DHALAC of South Portland
GREENWOOD of Wales
POMERLEAU of Standish
RISEMAN of Harrison
SINCLAIR of Bath

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

Signed:

Representative:
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.

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

Senate

Ought to Pass

Senator **CURRY** for the Committee on **INNOVATION, DEVELOPMENT, ECONOMIC ADVANCEMENT AND BUSINESS** on Bill "An Act to Implement the Recommendations of the Department of the Secretary of State, Bureau of Motor Vehicles' Motor Vehicle Dealer Display Area and Licensing Requirements Working Group"
S.P. 966 L.D. 2244

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

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

Bill **READ ONCE**.

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

Sent down for concurrence.

Ought to Pass As Amended

Senator **BALDACCI** for the Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act to Maximize Federal Funding in Support of Emergency Medical Services"
S.P. 696 L.D. 1751

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-573)**.

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

Bill **READ ONCE**.

Committee Amendment "A" (S-573) **READ** and **ADOPTED**.

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

Sent down for concurrence.

Senator **HICKMAN** for the Committee on **VETERANS AND LEGAL AFFAIRS** on Bill "An Act to Strengthen the Maine Veterans' Homes with Increased and Ongoing Funding"
S.P. 948 L.D. 2217

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-571)**.

Report **READ**.

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

Divided Report

The Majority of the Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act to Require the Reporting of Alpha-gal Syndrome to the Maine Center for Disease Control and Prevention" (EMERGENCY)
S.P. 893 L.D. 2100

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

Signed:

Senators:

BALDACCI of Penobscot
INGWERSEN of York
MOORE of Washington

Representatives:

MEYER of Eliot
CRAVEN of Lewiston
GRAHAM of North Yarmouth
JAVNER of Chester
LEMELIN of Chelsea
SHAGOURY of Hallowell
ZAGER of Portland

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (S-574)**.

Signed:

Representatives:

FREDERICKS of Sanford
GRIFFIN of Levant
MADIGAN of Waterville

Reports **READ**.

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

Sent down for concurrence.

ENACTORS

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

Emergency Measure

An Act to Amend Licensing Requirements for Landscape Architects
H.P. 1322 L.D. 2060

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

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

Emergency Measure

An Act to Implement a Facility-based Monitoring System for Slot Machines
S.P. 871 L.D. 2070
(C "A" S-552)

This being an Emergency Measure and having received the affirmative vote of 30 Members of the Senate, with 5 Senators having voted in the negative, and 30 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 Change the Number of Agency Liquor Stores Allowed in Certain Municipalities and to Convene a Stakeholder Group Regarding Licensing and Operations
S.P. 881 L.D. 2088
(C "A" S-551)

This being an Emergency Measure and having received the affirmative vote of 35 Members of the Senate, with no Senators having voted in the negative, and 35 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 Expand the Use of Career and Technical Education Centers in the Development of the Electrician Workforce
H.P. 1357 L.D. 2133
(C "A" H-784)

This being an Emergency Measure and having received the affirmative vote of 35 Members of the Senate, with no Senators having voted in the negative, and 35 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, to Fill All Vacant and Expired Seats on the Emergency Medical Services' Board
S.P. 872 L.D. 2071

This being an Emergency Measure and having received the affirmative vote of 35 Members of the Senate, with no Senators having voted in the negative, and 35 being more than two-thirds of the entire elected Membership of the Senate, was **FINALLY PASSED** and, having been signed by the President, was presented by the Secretary to the Governor for approval.

Emergency Resolve

Resolve, Regarding Legislative Review of Portions of Chapter 64: Maine School Facilities Program and School Revolving Renovation Fund, a Major Substantive Rule of the Department of Education and the Maine Municipal Bond Bank
H.P. 1394 L.D. 2179

This being an Emergency Measure and having received the affirmative vote of 35 Members of the Senate, with no Senators having voted in the negative, and 35 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 Amend the Law Governing the Regulation of Manufactured Housing to Increase Affordable Housing
H.P. 211 L.D. 337
(C "A" H-791)

An Act to Ensure That the Maine Electric Grid Provides Additional Benefits to Maine Ratepayers
S.P. 257 L.D. 589
(C "A" S-553)

An Act to Establish Separate Inauguration and Transition Committees for a Governor-elect and to Limit Donations to Each
H.P. 522 L.D. 833
(C "A" H-794)

An Act to Amend the Maine Insurance Code Regarding Payments by Health Insurance Carriers to Providers
H.P. 903 L.D. 1407
(C "A" H-790)

An Act to Establish a Clean Hydrogen Pilot Program
H.P. 1138 L.D. 1775
(C "A" H-797)

An Act to Amend the Law Regarding the Board of the Finance Authority of Maine to Allow for the Addition of a Proxy Designee
S.P. 867 L.D. 2039

An Act to Amend the Laws Regarding Certain Advisory Councils and Boards Related to the Department of Marine Resources
H.P. 1326 L.D. 2064
(C "A" H-801)

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

An Act Regarding the Maine Development Foundation
H.P. 167 L.D. 262
(C "A" H-796)

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

An Act to Implement the Recommendations of the Maine Workforce, Research, Development and Student Achievement Institute
H.P. 182 L.D. 284
(C "A" H-783)

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

An Act to Provide Regional Support to Deliver State and Federal Programs to Municipalities in the State
H.P. 379 L.D. 602
(C "A" H-789)

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

An Act Regarding the Reduction and Recycling of Food Waste
H.P. 645 L.D. 1009
(C "A" H-775)

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

An Act to Establish the Alzheimer's Disease and Other Dementias Advisory Council Within the Department of Health and Human Services and to Require a State Plan to Address Alzheimer's Disease and Other Dementias
H.P. 1349 L.D. 2125
(C "A" H-782)

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

An Act to Increase the Cap on Bonds Issued by the Maine State Housing Authority to Reflect Current Housing Production Needs in the State
H.P. 1416 L.D. 2209
(C "A" H-788)

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

Resolves

Resolve, to Direct the Maine Connectivity Authority to Develop Proposed Legislation to Increase Broadband Internet Access
H.P. 161 L.D. 240
(C "A" H-798)

Resolve, Establishing a Working Group to Coordinate Collaboration Among State Agencies for the Purpose of Promoting Smart Growth and Development in High-use Corridors
H.P. 1071 L.D. 1673
(C "A" H-787)

Resolve, to Direct the Public Utilities Commission to Adopt Rules Regarding Utility Shut-offs
S.P. 798 L.D. 1962
(C "A" S-554)

Resolve, Directing the Department of Health and Human Services to Establish a Stakeholder Group to Study Timely Access to Psychiatric Medication Management Services Across the State
S.P. 876 L.D. 2083
(C "A" S-550)

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

Resolve, Directing the Department of Agriculture, Conservation and Forestry to Convene a Stakeholder Group Tasked with a Comprehensive Overhaul and Modernization of the State Subdivision Statutes
H.P. 1150 L.D. 1787
(C "A" H-786)

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.

Off Record Remarks

RECESSED until 12:00 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:

ORDERS

Joint Order

An Expression of Legislative Sentiment recognizing:

Norway Savings Bank, which has been recognized by BauerFinancial, a prominent national bank rating firm, with the "Best of Bauer" distinction for having earned and maintained the firm's five-star rating for 25 years or longer. Norway Savings Bank has held the rating for 34 years, showing that the bank is one of the strongest banks in the nation. The bank also received an "Outstanding" rating on its latest Community Reinvestment Act evaluation administered by the Federal Deposit Insurance Corporation. This is the third consecutive examination cycle that the bank has achieved that rating. The bank received the rating for its demonstrated leadership and excellent responsiveness to the credit needs of individuals of all income levels and small businesses, including those located in low- and moderate-income neighborhoods. We extend our congratulations and best wishes;
HLS 751

Sponsored by Representative MILLETT of Waterford.
Cosponsored by Senators: BENNETT of Oxford, KEIM of Oxford,
Representatives: ANDREWS of Paris, JACKSON of Oxford,
RISEMAN of Harrison

The Joint Order was **READ**.

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

Senator **BENNETT:** Thank you very much, Mr. President. Thank you for the courtesy of taking this matter out of order. I rise today to recognize a tremendous business and employer in my district, Norway Savings Bank. Founded in 1866, the bank's success is a result of its commitment to personal values, community values, and financial values that have never faltered over 158 years. In January, as you've heard, Norway Savings Bank was granted the Best of Bauer distinction. This honor is reserved for only banks that have earned and kept Bauer's five-star rating for at least 25 years. Norway Savings Bank has maintained that rating for an incredible 136 quarters - 36 years. Bauer has claimed that this dependability and longevity makes Norway Savings Bank, quote, one of the strongest banks in the nation. I think they've retired the old motto that I used to love to hear from Norway Savings Bank - we have our roots where others have their branches - but I have to say it's because of the deep roots that Norway Savings Bank has become one of the treasured institutions and one of the most generous benefactors and for the community in the Oxford Hills and beyond. The mission of Norway Savings Bank is to sustain strong financial performance so they can provide a thriving workplace for their employees, help their customers achieve their financial goals, support local charitable nonprofit organizations, and contribute to economic development that makes our communities a great place to live. Norway Savings has received the Best Place for Working Parents designation in 2022 and 2023, and earlier this year was recognized with the Best Wellness Employer Gold Certification for the fifth year in a row by Wellness Workdays. Today, we have in the Chamber with us four members of Norway Savings' impressive leadership team - the President and CEO, Dan Walsh, Executive Vice President, CFO, and Treasurer, Brian Shibles, Marketing Director, Melissa Rock, and Communications and Marketing Officer, Dave Guthro. I expect the President will be shortly recognizing them, but I just want to say thank you to them, all of the associates and members of the Norway Savings Bank team. Norway Savings is my bank, I've been privileged to be a corporator with the bank for over 30 years, and I want to thank them all on behalf of the people of Maine and the State Senate for the great work they do to improve our community. Thank you, Mr. President.

The Joint Order was **PASSED**.

Sent down for concurrence.

THE PRESIDENT: The Chair is pleased to recognize in the rear of the chamber, Dan Walsh, Brian Shibles, Melissa Rock, and Dave Guthro from Norway Savings Bank. They are the guests today of the Senator from Oxford, Senator Bennett. Would the guests please rise and accept the greetings of the Maine Senate.

ORDERS OF THE DAY

Unfinished Business

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

The Chair laid before the Senate the following Tabled and Later Assigned (3/6/24) matter:

HOUSE REPORTS - from the Committee on **VETERANS AND LEGAL AFFAIRS** on Bill "An Act to Adopt an Interstate Compact to Elect the President of the United States by National Popular Vote"
H.P. 1023 L.D. 1578

Report "A" - **Ought Not to Pass** (6 members)

Report "B" - **Ought to Pass as Amended by Committee Amendment "A" (H-792)** (5 members)

Report "C" - **Ought to Pass as Amended by Committee Amendment "B" (H-793)** (2 members)

Tabled - March 6, 2024 by Senator **HICKMAN** of Kennebec

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

(In House, March 5, 2024, Report "B", **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-792)**, **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-792)**.)

(In Senate, March 6, 2024, Reports **READ**.)

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

Senator **BRAKEY:** Thank you, Mr. President. I rise in opposition to this national popular vote proposal and in support of our colleague, Senator Hickman's, motion of Ought Not to Pass which is before us right now. I have many deep concerns about what this legislation represents, and I'd like to share them with you. Those concerns include the further dissolution of our state's sovereignty, the minimization of the voice of the Maine people, and the unmitigated logistical chaos this legislation would unleash on our country. To set the stage, Mr. President, I would ask this Body to imagine it's election season again and time for the Maine people to cast their votes for the U.S. President. Let us put aside the thoughts on the matchup we expect later this year for focusing too much on present circumstances can cloud our judgments with partisan and tribal passions that distract us from the impact of our decision on the long view of history. And let us instead imagine a

race that is narrowed down to hypothetical candidates, Martin B. Urban, and Sarah R. Town. On election day, Maine people come out in droves to vote for Ms. Town. She wins a landslide 60% of the statewide vote. As a result, Maine's four electoral votes are bound and cast for who? Mr. Urban. Well, how could that happen? How could Maine's electoral votes for the U.S. President be cast for the candidate that Mainers rejected? During the campaign, Candidate Town made several visits to Maine. She appealed to Maine people with a message of opportunity for rural and working-class people. Meanwhile, Candidate Urban focused his time elsewhere, ignoring small states like Maine. Instead, he concentrated his efforts with visits to national population centers. Cities like New York City and Chicago and Los Angeles. Now, under this proposed legislation, LD 1578, which seeks to bind Maine's electoral votes to this so-called national popular vote through an interstate compact, it would matter little how Maine people actually voted in the grand scheme of things. Big urban centers like New York and Chicago and Los Angeles would have far more say on how Maine's four electoral votes are cast than the Maine people would. That power grab for big cities is an attempted end run around the U.S. Constitution to invalidate the Electoral College without even bothering to attempt the amendment process. Now, Mr. President, there are many misconceptions about the Electoral College and how it functions, but one thing is, I think, pretty certain and pretty clear; it benefits the Maine people. One of the design features of the Electoral College is the assurance that small states like Maine, not only large population states, would have a real voice in the election of U.S. Presidents. And the math was pretty simple. Maine has 1.3 million of the 330 million national population. That's 0.4% residing within Maine. Meanwhile, Maine has four of the nation's 538 Electoral College votes. That's 0.74%. Our electoral votes are the sum of our representatives in Congress, two U.S. Senators and two U.S. House members, and under the current Electoral College system, Maine's impact as a state is nearly double what it would be under a national popular vote. Because of the Electoral College, presidential candidates work to earn the support of Maine people. Mr. President, as I recall just last year, you, me, and Patrick Dempsey, we had the opportunity to personally welcome the sitting U.S. President Joseph Biden to my home city of Auburn as he pitched his economic agenda - one I strongly disagree with, but that's not the point here today. It's also former President Donald Trump also made several stops in Maine during that last two campaign cycles, making his pitch to local Mainers. Would any of these visits have taken place under a national popular vote system? I personally have my doubts. Under NPV, presidential candidates would be incentivized to focus their time and resources in the urban population centers of America in order to win. Maine would be left behind. Even our biggest city, Portland, is only a big city by Maine standards. In the context of America at large, it's a very small city. Now, I've heard some advocates on both sides of the political aisle argue switching to a national popular vote system on theory is that it would strategically benefit their partisan political objectives. Mr. President, I don't claim to be smart enough to determine who is right between the elephant and the donkey, you know, viewing political opportunities under a switch of a system. To be blunt, however, subverting our centuries' long constitutional order on the basis of perceived short-term political gain seems to me incredibly shortsighted and not the basis upon which we should be permanently altering Maine's ability to cast its own electoral votes. As a side note, I also find it incredibly ironic according to

past rulings in this Body, our legislative rules require a two-thirds vote to pass legislation calling for an Article V Convention of States to amend the U.S. Constitution which proponents of a national popular vote could pursue. Legislation to subvert the U.S. Constitution, however, with a constitutionally prohibited compact among the states can apparently be passed with a simple majority vote. Something seems a little rotten about that process. Further, I've heard other national popular vote advocates argue that it is unfair and even undemocratic that our votes as individual Maine people should count more than the individual votes of people in large states such as New York or Texas or California. They tell us that for the sake of fairness, Maine people should surrender our voting power to the other societies of America with larger populations. But by that logic, Mr. President, Maine shouldn't have two U.S. Senators, either. Maine has 4% of the vote in the U.S. Senate despite only having 0.4% of the national population. The votes of Maine's Senators are ten times more powerful than they would be if we were -- if they were allocated by simple population. I would ask those advocates who rely on this argument if we should also request that Senator Susan Collins and Senator Angus King should come home and leave Maine unrepresented in Washington DC out of a sense of fairness. But none of these constitutional designs are by accident. In America, we are not 330 million undifferentiated and interchangeable individuals living under a single national government. We are Mainers, Californians, Floridians, Texans, and so many more unique peoples. The United States of America is a union of societies, a union of sovereign states composed of different peoples with varied interests, living under a decentralized federal government with limited powers, not a unitary national government. Our current system is not perfect, as no system of government is, but it was established so small states like Maine would have a voice in the federal apparatus. For a large and diverse country, ours has an incredible system that favors candidates who appeal to diverse interests, not only the urban interests of big population centers. And it is worth noting that in the long view of human history, from Rome until today, it consistently appears that civilization itself depends on a balance in governance between rural and urban interests. And it is easy to understand why. There's a chasm of understanding and world views between the peoples of sparsely populated open countryside and the densely populated city centers. As those urban centers grow larger under a purely democratic system, the needs and rights of the people in rural communities will always grow increasingly ignored and increasingly trampled upon. So, what if there are more cows than people in Montana? Maybe we need representation in government for those who understand our food systems and not only those who understand mass transit systems. Furthermore, Mr. President, beyond the direct disenfranchisement of the Maine people this legislation represents, it also invites logistical nightmare upon the American public which must be considered and which I fear has not been fully considered. Despite arguments to the contrary, a national popular vote fails the standard of one person, one vote, because there are no universal standards for voting across all 50 states. So, on the qualification of voters, there's no universal standard on who can vote. In some states like Maine, convicted felons are allowed to vote, even from prison. While in other states like Iowa, they lose their voting rights for life. Meanwhile, some states like Oregon and Hawaii have floated proposals lowering the voting age to 16 years old while the rest of the states pretty consistently maintain that at 18 years. On the methodology for voting, there's

no universal standard for how people vote. Some states like Oregon require people to vote by mail, while most other states, like Maine, still allow people to vote in person on election day. Most states like Wisconsin require voters to present identification to vote, while other states like Maine do not. Some states like Maine allow same-day voter registration, while other states like Florida do not. No universal standards are necessary when each vote only counts against others cast within a state silo deciding the allotment of a predetermined number of electoral votes. But when a vote in Maine counts against a vote in California, 50 different standards can no longer function. We would be adding apples and oranges, pretending they are the same. Enactment of national popular vote would necessitate the establishment of national control over all existing state standards of voting. No longer will the Maine Legislature remain the arbiter of the qualifications for and the methodology of voting within our own state as our Maine Constitution dictates, we would by necessity fall under the influence of a one-size-fits-all national voting system determined in Washington DC. One more nail in the coffin of our state's sovereignty. Additionally, the Electoral College protects against voter fraud whereas a national popular vote system would increase the potential for corruption. Under NPV, ballot stuffing in Chicago or North Carolina would negate our votes here in Maine. Under the Electoral College, however, the integrity of Maine's vote is protected because votes across America are compartmentalized by state. An additional benefit of compartmentalization by the Electoral College is that presidential elections are commonly decided in swing states. Some accuse this as being a problem, but when you think about it, it's actually a benefit. Because in swing states, the two major parties tend to share power. This power sharing creates accountability and oversight structures over elections in these states that are sometimes less common in states dominated by a single political party. Further, over 154 million votes were cast nationwide in the 2020 U.S. presidential election. Can we just stop for a moment and imagine what the chaos of a national recount would look like? The Electoral College makes recounts manageable, even if they are still chaotic in their own right, whereas national popular vote would make recounts a colossal logistical nightmare. Recounts of individual states under the Electoral College system can be expensive and chaotic, as we witnessed in Florida during the 2000 election, but these efforts are simple compared to the giant circus that would result from a nationwide recount. Mr. President, beyond the logistical chaos that I'm uncertain proponents of this bill have fully considered, entering Maine into this national popular vote compact, I believe, would be a tragic betrayal of the Maine people. It would surrender Mainers' voting power to big cities like New York, Los Angeles, and Chicago, as I've already demonstrated. And that is why I'd like to share a final word of caution with this Body as to how many Maine people will react to a decision by this Legislature to bind their electoral votes to the national popular vote. Particularly, many residing in the Second District of Maine who feel increasingly frustrated and disenfranchised by policy decisions that have been made over the last decade affecting our election laws in this state. The choice before us today should be understood and considered in the context of several recent events. After ranked choice voting was passed at referendum by voters of the First District over the objections of a majority in the Second District, the people of CD-2 saw their congressman tossed out and replaced under the rules they had rejected at the ballot box. This has contributed to many feeling that the system is illegitimate and to suspect that the rules

are being deliberately rigged to disenfranchise them. And as if seeking to confirm these suspicions, the Maine Secretary of State elected by this Legislature sought to eliminate a particular candidate from the ballot that the people of CD-2 voted for in both of the last two presidential elections. A decision which, according to a unanimous ruling by the U.S. Supreme Court, was an overreach of her constitutional authority. Now that this effort to remove him from the ballot has failed, many will view this effort to bind our electoral votes to the national popular vote as yet one more in a series of usurpations seeking to silence and disenfranchise the people of Maine's Second District. Handing off control of their one single electoral vote to the people of other states, to the large cities of New York, Chicago, and Los Angeles, and so many more, who would have more power to determine the electoral vote of Maine's CD-2 than the actual people who live and work there. For all these reasons, Mr. President, thousands of Maine people across this state, 3,452 to be exact, have just within the last week signed petitions opposing this legislation, pleading with us to save Maine's voice. As I've promised to them, I've ensured those petitions from our constituents and our districts have been printed and distributed directly to their elected Senators. I hope we will all consider those individual voices when we cast our votes today on whether to give away Maine's voice. Maine people deserve a voice in the election of the U.S. President. Maine people deserve a voice in the federal apparatus that seeks to rule us from hundreds of miles away. I hope that we will today save Maine's voice by voting no on the national popular vote and yes on the motion before us of Ought Not to Pass.

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

Senator **POULIOT:** Thank you, Mr. President. Thank you for my colleague from Androscoggin, some great points that's made there. This has not been popular among Republicans to support this measure, and I think a lot of it has to do with our belief that the current system somehow gives us a strong voice. The two-district system that allows Maine to split the electoral votes is shared with only one other state, Nebraska. It was enacted in 1969 through a bill sponsored by a then very youthful Representative John Martin. But it perfectly represents voters' will. In fact, in Maine, in 2020, Trump received 44% of the popular vote but he only received 25% of the electoral vote. In that case, there were 19% of Maine voters' voice that was disenfranchised. So, at least here in Maine, that support was undercounted. This law amounts to a nothingburger really, at this point, unless we reach a critical mass of states to adopt and be a part of the compact. The national popular vote bill will take effect when enacted into law by states possessing 270 electoral votes, it's a majority of the 538 electoral votes. As of 2023, the bill has been enacted into law in 17 jurisdictions, possessing 205 electoral votes, including four small states - Delaware, Hawaii, Rhode Island, and Vermont - nine medium-sized states - Colorado, Connecticut, Maryland, Massachusetts, Minnesota, New Jersey, New Mexico, Oregon, and Washington - and three big states, California, Illinois, and New York, and the District of Columbia. So, the bill will take effect when enacted by enough states to possess 65 more electoral votes, and Maine only has four. So, there's still a ways to go. And it's been heard in 42 different state legislative chambers in 24 states. So, the point of this is that there's a lot of discussion going on nationally in state legislative chambers not all that dissimilar from ours about

whether or not we should figure out a way to encompass the voice of all Americans in the process of voting for President. In today's day and age, it's really about six states, only. Maine is not really in the mix, despite the belief that we are. If a party won a state over the last two presidential elections, it's deemed as being the likely winner in 2024. After the 2020 election and census, the likely red states provided 219 electoral votes, including Texas, Ohio, and Florida. Democrats have a blue wall of 232 votes from likely blue states. Hence, a total of 538 electoral votes, there are actually 87 battleground votes spread across only six states - Pennsylvania, Wisconsin, North Carolina, Arizona, Georgia, and Michigan. Pennsylvania, Wisconsin, Michigan, North Carolina, and Georgia are the states that there is going to have to be a focus and winning or losing these states reduces the 2024 presidential election to its simplest form. But the likelihood of winning combination is stacked against the GOP. Why? The answer is challenging Electoral College math along with some reality checks. Trump won them in 2016 but lost five in 2020. How is he going to win them back among Independents? And so, this means we have to expire our desire to lend moderation to elections for President while ensuring that we get elected -- that they get elected the same way as the dog catcher does, by whoever wins the most votes. I agree that all votes do matter, but unfortunately, in the current system in America, the majority of the electorate doesn't feel that way, so they don't participate. I was actually showing up to vote locally here in the primary, which was kind of cool, it was the first primary that unenrolled voters could participate in, and I overheard a gentleman in the hallway who worked in the building saying I don't vote. And the woman at the front desk asked why, and he said because my vote doesn't matter - which is crazy to me, because everybody's vote matters. But unfortunately, we have a system that really does focus on jockeying in a handful of states to win the electoral race, not actually a system which encourages those who are seeking the highest office in the land to go into all of the land and campaign for all of the votes. Thank you, Mr. President.

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

Senator **BENNETT:** Thank you, Mr. President. As we all know, one of the most sacred rights we have as Americans is the right to vote. Enshrined in the United States Constitution, the power to elect our federal Senators and Representatives was given to the states. It also established the Electoral College and gave each state the power to choose electors equal in number to its congressional delegation. With only 13 states at the time, smaller states feared the domination of the presidency by states with larger populations. The Framers of our Constitution also believed that state loyalties could surpass the interests of the national government. If presidential candidates were instead required to win somewhat sovereign states instead of a popular vote, the feared domination by states with larger populations would be equalized. In the debate at the Constitutional Convention in 1787, popular vote did come up as an option, as did having State Governors or even State Legislatures make the selection. But all of those options rooted back to a single point, as Gouverneur Morris from Pennsylvania said at the time, quote, it will be like the election of a pope by a conclave of cardinals, ripe with cabals, factions, and intrigue, without any real merit. James Madison argued that a President would be unwilling to oppose the

Congress if doing so would result directly in his electoral defeat. And thus, the idea for the Electoral College was born. Electors are not a permanent sitting political body, so it would be difficult for a presidential candidate to promise them something beyond the election. The President also would not have to appease them for his reelection, as a new group of electors would be composed for each presidential election. And by adopting this model, the people of each state choose their electors who in turn follow the peoples wish to cast their own vote for President. Therefore, the people of each state have been guaranteed a voice in the election of every U.S. President since then. It is a collective voice, one chosen by its people and formulated in a way suitable to its people. Most states, as we know, have a winner-take-all system. Maine and Nebraska, as we've heard, made the decision to award electors based on congressional districts. I'd say the wisdom of doing so ensures that the population centers in the southern part of Maine don't overshadow and overwhelm the voices of those in the northern and outer parts. Maybe the rest of the country should follow our course. This would democratize presidential elections without the unconstitutional workarounds being presented in the bill before us today. The bill before us threatens the voice of every vote in Maine. By entering Maine into a compact where we let the people of other states, the people in other semi-sovereign bodies who may not share our values, our customs, our way of life, have the power to assign our very own electors to the candidate of their choice. It violates its own stated purpose. The bill actually takes away Maine's unique voice. The bill takes away my voice, your voice, and the voices of those we represent. It takes away the very right that we as a nation upheld for nearly 250 years, and it does so not in the orderly process for amendment that is enshrined in Article V of the Constitution, but in extraconstitutional legerdemain. Perversely, members of this Senate a couple of weeks ago expressed fear of the amendment process that should be used if you wish to change the Electoral College system. And some would just ignore and pass this measure before you. It is bizarre that our own rules here in the Legislature require a two-thirds vote to request an Article V Convention to propose amendments to the Constitution, and yet we have this measure that would subvert the Constitution that can be enacted with a simple majority. For these reasons, Mr. President, I respectfully ask to vote for the pending motion. Why should we fear the process that the Founders created? If the national popular election of president is a worthy end and that is a worthy debate, then let the debate be joined. Let the proposal be offered by Congress or through an Article V Convention called by the Legislatures for the purpose. But let's not ignore and disrespect the one document that embodies the promise of America, the one document that, tattered as it is, still remains the beating heart of our democracy. I urge you to vote, again, for the pending motion. Thank you.

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

Senator **GUERIN:** Thank you, Mr. President, Ladies and Gentlemen of the Senate. I received hundreds of letters and emails from constituents in opposition to the national popular vote and five in favor of the change to the national popular vote. There are several reasons to oppose the national popular vote legislation, but perhaps most importantly, opposition keeps smaller states like my dear Maine prevalent in national politics. Think about the U.S. Presidential election with no Electoral

College. If only the popular vote mattered, candidates might very well concentrate their energies on heavily populated areas. To me, this sounds like a change for the worse. It would mean candidates would have little reason to consider, say, the state of logging in the Maine wilderness in Greenville, Second Amendment support throughout the state, the opioid crisis in rural Maine, or a tax on Maine lobster industry. The Electoral College gives small states like us more weight in the political process than our population would otherwise confer. For this reason, I am urging you to support the Ought Not to Pass motion before us. Thank you.

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

Senator **DAUGHTRY:** Thank you, Mr. President, for the correct pronunciation of my name, and Ladies and Gentlemen of the Senate, I rise today in opposition to the pending motion and urge members to follow my light. I've been trying to collect all of my thoughts based on what my colleagues have said before me, and really keep coming back to a couple of points. And first off, I just want to highlight, you know, one of our good colleagues talked about the Constitution being the promise of America and the heart of our democracy. And I agree. It's one of the most incredible documents that exists in not only the world, but I think of all time. It shows our commitment to each other as Americans to make a better democracy, to make a better world. But I think the clear part about it is that it is a living, breathing document. And what our founding fathers - emphasis fathers, not mothers - in that conversation and in that room and at that table left out a lot. And throughout the history of our democracy, there's been a lot of changes to it. You know, if you think about where it was when it was originally drafted and adopted, it didn't have equity for all Americans. It didn't have the right to vote for women. All of us sitting here would not have been allowed under the Constitution. And at one point, as something -- as someone who makes beer in her life outside the Legislature, at one point, we even thought it was a great idea to have prohibition as part of our Constitution. What's clear is that we have to make it work for what the reality of our democracy is right now. And one thing that is clear is that there's a lot of pushback on the way that our national democracy is run and the fact that one vote does not count for one vote. And I really want to echo what the Good Senator from Augusta said and the story he shared of the person saying that they don't vote because their vote doesn't matter. The amount of times that I have heard that as well in this Chamber, from folks in the hallway, at doors when we're campaigning, and hearing some complaining. And honestly, one of the memories that really sticks with me is I remember being in high school and we were learning about the Electoral College and many of us were getting ready to register to vote for the first time. And I remember in that class, easily two-thirds of my, you know, friends and classmates saying why bother, my vote doesn't count if it's just based on, you know, the electorals, why bother participating? And that hasn't changed. I think if you look at how well this polls among young voters, I think you see the real heart and impetus about why I'm so passionate about working to create national popular vote. Because increasingly, young Americans feel like they're being left behind. And that's not a Democratic thing, that's not a Republican thing, it's about feeling like your voice can be heard. And when you have an arbitrary system that was created long, long ago, before women even had the right to vote, that was

literally created to protect our democracy in the eyes of the folks who created it from folks who were not - I'm just going to say it - wealthy landowners, you know you don't necessarily have something that works for, you know, our democracy in 2024. Also, I heard a lot of concerns about how this would change our election laws. I'm going to go out on a limb and say again that I think Maine has some of the best election laws in the country and one thing I'm constantly proud about about our state is when, you know, we do discuss these things, they are typically bipartisan in how we run our elections. You know, joining the compact doesn't change anything about the way that our democracy works, and that's why we have, you know, as we heard, our sovereign state's ability to run our elections. If you look at what we have right now with the Electoral College, how under that argument would the system we have not change our current laws? We have a winner takes all in most, what, 48 states. Does that mean in those other states the way they run their elections, it impacts Maine? No. And we're not destroying the way that we run elections here, we're just saying that our electorals within the current system will go with whomever gets the most votes. And if you think about even with us splitting our votes like Nebraska does, you know, we have a similar system right now as is where, you know, you're concerned about saying you're taking away your vote? Well, the Electoral College as created currently kind of does that, and does that in Maine. If you think about how they're awarded, you know, you could over by just one or two voters in, you know, Madawaska, and if it goes the other way, that one electoral will be going the other way, even though they got not the same percentage that lines up with those electorals. I think the good point about the 44% in the last election, the math just doesn't work. And I really want to come back to the fact that no other election is run this way. If you're running for school board, it's the popular vote. If you're running for town council, it's a popular vote. If you're running for - and I've got to share my amazing page that I had yesterday, she went back to school and she got elected class president, and that was by popular vote. So, please, why do we let our president, the most important position in the entire country, not be elected by a popular vote?

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

Senator **LIBBY:** Thank you, Mr. President. Rather than speak about some historical context, I want to try to keep my remarks very short here. So, I'm going to focus on the issue of congressional spending in conjunction with Executive Branch authority and the agreement thereto. Under a system like the one that's being debated today, if we were to change our system, I think unfortunately, it's not just like some hypothetical power that we might lose in a rural state, the spending would begin to go toward the higher density areas of the country, the LAs and the New York Cities. And that's a real problem, and so what eventually would happen from that is that the smaller states would begin to look to secede from the Union. And I think that's the reality of it. I think the thing that we have to be awfully careful about is creating an environment where - and I think the Founders, they knew that - and creating an environment where it would be now uncomfortable for rural states to be in the Union. So, keeping my remarks short, as I promised, but I think that's a very important point that needed to be made. Thank you very much, Mr. President.

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

Senator **BRAKEY:** Thank you, Mr. President. I apologize for rising a second time, but there were a few things stated by the Good Senator from Brunswick that I wanted to respond to. First, I know these -- this first thing may seem like a small thing and a small quibble, I hear people quibbling about this all the time, but I do think it's worth stating that while democracy is a value I think we certainly treasure in our society, we are not a democracy, we are a democratic republic. We have democratic features in our system that are very important but ultimately it is the rule of law, the rule of the U.S. Constitution that is what our system is built upon and that we have a feedback mechanism through democratic processes to make sure that the people are heard in our systems of government. Additionally, you know, there's a reference to our Constitution as a living, breathing constitution, and I just want to say when I hear that, what I think is a living, breathing constitution is a dead constitution, it's a constitution that means nothing. If it's simply a document that can be reinterpreted despite what the original intent was of the document, avoiding the amendment process completely, then what does it mean? It's like if I was an employer and I had a contract with my employee and it said I was going to pay them \$20 an hour for work and then when the work is done, they come to me expecting payment and I say sorry, it's a living, breathing contract, I've reinterpreted that to mean \$15 an hour. Like, that -- that doesn't function. That's not a contract. And by saying that we can just reinterpret it, avoiding the actual process that exists in the Constitution for amendments is to invalidate the document itself. And I will say I'm confused why the Senator from Brunswick who advocated so passionately just weeks ago against amending the Constitution through the Article V process on the fear that it would run away and we would not have an accountable process now believes that we can change the Constitution with no formal legal process whatsoever, just by reinterpretation. And all the faults that she notes with the original construction of the Constitution were changed by amendment through the very processes the Constitution allows for, not through interstate compacts. And one final argument that was made I want to respond to is the statement that we elect all of our offices this way, we elect the governor this way, by a popular vote. Well, that's true, but there's a very key distinction here, right? The Senator from Brunswick says that this would not change our state voting laws. And it's true, this doesn't propose to change our state voting laws, but I have noted that it would require by necessity there be universal standards around the country if we were to move to a national popular vote system. To make the comparison, it would be much more like if we elected Maine's governor but each of the 16 counties had different voting laws. Imagine if Cumberland County said every -- every convicted felon can vote, but Aroostook County said convicted felons can't vote, right? Now, suddenly, we're dealing with different standards and we're adding apples and oranges together, acting like the sum of what we've gotten was with equal measurements and equal standards, when that's just not the case. So, you can't have it both ways. Either we need to move towards a universal nationwide voting system with universal standards or we need to reject this national popular vote. It's just not true that this would be similar to how we currently elect officials within our own state. Thank you, Mr. President.

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

Senator **HICKMAN:** Thank you, Mr. President, Women and Men of the Senate. I rise on the motion before us, national popular vote, which I have supported in the past. As the late, great American John Lewis, a champion of the Voting Rights Act said, the vote is precious, it's almost sacred. It is the most powerful nonviolent tool that we have in a democratic republic. And we have to use it to create a more perfect union. Under the national popular vote compact, other states may give us an incomplete vote count that we'll have to use to determine the winner. For example, New York routinely leaves tens or hundreds of thousands of votes off of its reported totals, including in 2012 when Hurricane Sandy slowed the tabulation process and inflated the number of uncounted ballot to 425,000. Some say that really didn't matter because it didn't affect who won the State of New York, and therefore, under the national popular vote, New York will probably be compelled to complete its vote on time so it can be considered by those states in the compact. Maybe New York will, maybe it won't. But what happens when it's a hurricane in the Gulf and the uncounted ballots are in Houston and New Orleans? Two cities with nearly a million black Americans between them, and the powers that be may not want to have those votes counted before the Electoral College meets. Well, if Texas and Louisiana are not in the compact, from their perspective, it may also be no big deal because the votes from Houston and New Orleans aren't going to change those statewide elections. But that's hundreds of thousands of potential votes, disproportionately those of people who look like me, that are not going to be included when our Secretary of State goes to determine the winner and declares who our electoral votes should be bound to. As a result of the Supreme Court's nullified Section 5 of the Voting Rights Act, protections for minority voters has been weakened in states that want to weaken them, and they will continue to be weakened in states that may want to weaken them in the future. Voting locations can be changed from the familiar and easily accessible to an unfamiliar, less accessible location. Days and hours of voting can be scaled back in ways that make it much harder for certain communities to get to the ballot box. Vote by mail and absentee voting may be made more onerous in ways that further disadvantage voters. In all of these cases, under the compact, Maine would be saying yes, we endorse these vote suppression tactics, and we legitimize your vote totals. Mr. President, I have a problem with that. By joining the national popular vote, Maine not only becomes an accomplice to efforts to suppress votes amongst targeted communities, but it may actually incentivize those voter suppression tactics and encourage bad actors in other states to look for other ways to depress the vote in targeted communities across the country, outside of battleground states. So, I believe that the payoff of suppressing votes would increase dramatically under the compact and in states controlled by one party, it's much easier to get away with it, particular as it respects or weakens the Voting Rights Act, which has already been gutted. And so, Mr. President, in this divisive and dangerous political climate, it is neither the time nor the place nor the context to even create the appearance that the Maine Legislature is taking away anyone's right to vote for the candidate of their choice and have that vote count the way they want it to. Thank you, Mr. President.

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

Senator **GROHOSKI:** Thank you very much, Mr. President, and good afternoon, Senate Colleagues. I just want to say firstly that I respect all of the different opinions and considerations that everyone has made so far today, and I just wanted to make a short statement. I, for one, believe that my vote is not worth more nor is it worth less than any other adult American who exercises their right to vote, regardless of which U.S. state that they happen to live in. I also believe that active-duty members of our armed services, including many members of my family who are stationed at bases around America and abroad should have an equal vote when selecting their Commander-in-Chief. I would like to read a statement that the Honorable Margaret Chase Smith made in 1966 on the subject of how the United States selects its President. She said the Electoral College is doomed to be replaced by the direct popular election system, for the American people will ultimately assert themselves and demand that the will of the majority prevail. And the American people will prevail over the powers that be who cling to the perpetuation of the status quo. I tend to agree. Thank you.

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#583)

YEAS: Senators: BENNETT, BLACK, BRAKEY, DUSON, FARRIN, GUERIN, HARRINGTON, HICKMAN, KEIM, LIBBY, LYFORD, MOORE, NANGLE, STEWART, TIMBERLAKE

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

15 Senators having voted in the affirmative and 20 Senators having voted in the negative, the motion by Senator **HICKMAN** of Kennebec to **ACCEPT Report "A", OUGHT NOT TO PASS**, in **NON-CONCURRENCE, FAILED**.

Senator **HICKMAN** of Kennebec moved the Senate **ACCEPT Report "B", OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-792)**, 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 (#584)

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

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

22 Senators having voted in the affirmative and 13 Senators having voted in the negative, the motion by Senator **HICKMAN** of Kennebec to **ACCEPT** Report "**B**", **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-792)**, in concurrence, **PREVAILED**.

Bill **READ ONCE**.

Committee Amendment "A" (H-792) **READ** and **ADOPTED**, in concurrence.

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

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 (#585)

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

NAYS: Senators: BENNETT, BLACK, FARRIN, GUERIN, HARRINGTON, HICKMAN, KEIM, LIBBY, LYFORD, MOORE, STEWART, TIMBERLAKE

23 Senators having voted in the affirmative and 12 Senators having voted in the negative, on **PASSAGE TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-792)**, in concurrence, **PREVAILED**.

(See action later today.)

The Chair laid before the Senate the following Tabled and Later Assigned (3/7/24) matter:

SENATE REPORTS - from the Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act to Support Municipalities by Repealing the Law Limiting the Municipal Property Tax Levy" (EMERGENCY)
S.P. 895 L.D. 2102

Majority - **Ought to Pass as Amended by Committee Amendment "A" (S-560)** (8 members)

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

Tabled - March 7, 2024 by Senator **VITELLI** of Sagadahoc

Pending - motion by Senator **NANGLE** of Cumberland to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report (Roll Call Ordered)

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

Senator **PIERCE:** Thank you, Mr. President, and Ladies and Gentlemen of the Senate. I rise today as sponsor of this bill. This bill seeks to change some statute that was put in place in 2005, commonly known as LD 1. A number of people in our Chamber were around at this time or part of this process, helped negotiate a good compromise. Anyone who knows me well knows I love a good compromise. But let's fast forward 20 years and see what this is really trying to do and if it's accomplishing its task. It was well intended at the time to create more transparency and possibly reduce the tax burden, but to local municipalities dealing with their municipal budget, the changes that we've made to statute over time have made this cumbersome and burdensome and confusing to our voters and to the voters in the town. One example of this is actually that we repealed the reporting mechanism that towns needed to do to let the state know what they were doing around this imposed sort of cap that the state imposed upon local municipalities. That's created quite a bit of confusion and quite a big consternation in many, many of my communities and others around the state. I'm not sure all of you know, but I served as a town councilor for two terms, I chaired it twice and chaired our finance committee. I've been involved in multiple state municipal -- or, sorry, municipal budgets, running public hearings, making sure that we had transparent processes, making sure the voters had the information they needed to pass those, and to give information to the town councilors to make that vote. I also live in a community where municipal budgets are voted on in many different ways, from a town council to a referendum process to having a town meeting. This part of legislation really creates a lot of confusion for people voting on their local warrants and their local municipal budget. So, I put in this bill in order to help with that, in order to make that burden go away, and also to help our local communities really do what they do best, is respond to their local voters. 2002 would restore home rule. It would take away -- it would allow the municipalities as it relates to their budget process determining the level of property tax at those levels would be assessed at a local decision determined and then not artificially constrained by anything the

state might impose. So, again, I urge you to follow my light on this. This is actually getting rid of some statute that is confusing, cumbersome, overburdensome to our local municipalities, give them back the full control of how they run their budgets and their process. So, thank you for your time today. I appreciate it.

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

Senator **NANGLE:** Thank you, Mr. President, my Colleagues in the Senate. I'm going to read something from the state economist, Amanda Rector. It says the goals of this legislation were to reduce the tax burden on Maine residents and increase transparency in government budgets. For many years, my office was responsible for reporting on the progress made towards these goals and adherence to the requirements of this law. That reporting requirement was repealed in 2017. My office still calculates the income growth factor used in the limit calculations and fields occasional questions from municipalities about the limit. Over the years of reporting, no progress was observed on the goal of reducing the tax burden on Maine residents as a result of this statute. In addition, my office observed numerous issues related to the municipal property tax levy limit. The statutes and processes for calculating the municipal tax levy limit and determining whether a town has gone over the limit are complicated and confusing and result in frequent errors. Compounding this problem is the fact that each year's limit is based on the previous year's limit. So, any error made in calculating the limit at any point in time since 2001 is carried forward indefinitely. If a town stopped calculating the limit or never had calculated it before, the statute as written requires them to go back and calculate the limit for each year that it wasn't calculated in order to calculate the correct limit. Revisions to the statute over the years have not simplified matters. For example, the process of calculating net new state funding revenue sharing was revised in 2013 in a manner that allows towns to choose how they want to calculate, which makes this part of the formula even more prone to errors and confusion. The tax -- the tax levy limits statute place a large administrative burden on towns and when reporting was being done, there was no evidence that the statutes were achieving the desired effects. Given these two factors, a repeal of the statute is appropriate. Thank you.

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

Senator **KEIM:** Mr. President and Colleagues of the Senate, I just wanted to reiterate comments made by the junior Senator from Oxford when we discussed this bill previously, and that it was two decades ago that Governor Baldacci had made the promise that we would ensure there were limits in place at both the state and the municipal level to protect taxpayers against increases that went well above the rise in the cost of living. And this has been a reasonable approach, and I believe this bill is going to be problematic to people in that their taxes will go up and for that reason, I would urge you to vote Ought Not to Pass. 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 (#586)

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

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

19 Senators having voted in the affirmative and 16 Senators having voted in the negative, the motion by Senator **NANGLE** of Cumberland to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report, **PREVAILED**.

Bill **READ ONCE**.

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

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

Sent down forthwith for concurrence.

The Chair laid before the Senate the following Tabled and Later Assigned (3/12/24) matter:

HOUSE REPORTS - from the Committee on **JUDICIARY** on RESOLUTION, Proposing an Amendment to the Constitution of Maine to Establish an Officer on Tribal Relations
H.P. 1166 L.D. 1834

Majority - **Ought to Pass as Amended by Committee Amendment "A" (H-809)** (8 members)

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

Tabled - March 12, 2024 by Senator **STEWART** of Aroostook

Pending - motion by Senator **CARNEY** of Cumberland to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report, in concurrence

(In House, March 7, 2024, the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the RESOLUTION **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-809).**)

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

Senator **CARNEY**: Thank you, Mr. President. I just briefly want to address my colleagues because there has been a significant change in this legislation. The original title of the bill refers to a resolution of the Maine Constitution, but the bill has changed significantly and now it does not do that. Rather, it creates a deputy position within the Secretary of State's office, a Deputy Secretary of State for Tribal State Affairs, as well as an advisory council. The role of the council and the Deputy Secretary of State is to promote positive government to government relations between the State and the Indian Tribes in a neutral manner, including by facilitating collaboration between the Indian Tribes and the Legislature, the Judicial Branch, and the Executive Branch, and without advocating for or against the interests of the State or the Indian Tribes. And so, just that point of clarification, and I would urge you to support the legislation and the pending motion.

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

Resolution **READ ONCE**.

Committee Amendment "A" (H-809) **READ** and **ADOPTED**, in concurrence.

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

The Chair laid before the Senate the following Tabled and Later Assigned (3/12/24) matter:

HOUSE REPORTS - from the Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act to Allow Equitable Compensation of Certain Board Members"
H.P. 1376 L.D. 2152

Majority - **Ought to Pass as Amended by Committee Amendment "A" (H-808)** (8 members)

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

Tabled - March 12, 2024 by Senator **BENNETT** of Oxford

Pending - motion by Senator **NANGLE** of Cumberland to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report, in concurrence (Roll Call Ordered)

(In House, March 7, 2024, 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-808)**.)

(In Senate, March 12, 2024, Reports **READ**.)

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

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

Senator **BRAKEY**: Thank you, Mr. President. I'll be very brief. I think there was some confusion about this the other day, but it's been explained to me this legislation is ultimately about members of certain boards being able to get a larger payment for lunch. Currently, they're getting \$5 for lunch, and this might raise it to something like \$12. And I suppose this is fine by me, because by the Subway sandwich standard, I remember when we used to be able to get a \$5 footlong for lunch, and now it's at least \$12 thanks to inflation. So, it seems very reasonable to me that they be able to have \$12 for lunch. So, I'm happy to support the pending motion.

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

Bill **READ ONCE**.

Committee Amendment "A" (H-808) **READ** and **ADOPTED**, in concurrence.

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

The Chair laid before the Senate the following Tabled and Later Assigned (3/12/24) matter:

SENATE REPORTS - from the Committee on **JUDICIARY** on Bill "An Act Regarding Disclosure of Flood Risk by Sellers of Real Estate"
S.P. 863 L.D. 2035

Majority - **Ought to Pass as Amended by Committee Amendment "A" (S-566)** (7 members)

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

Tabled - March 12, 2024 by Senator **STEWART** of Aroostook

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

(In Senate, March 12, 2024, Reports **READ**.)

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

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

Senator **POULIOT**: Thank you, Mr. President. So, when real estate property is being transacted in Maine, there is a seller's property disclosure and there's actually two of these disclosures, one for residential properties and one for commercial properties. The residential property disclosure is quite lengthy now, I think it's up to maybe seven pages, and there's a lot of different things in

there that must be disclosed. But at the very end of the property disclosure, it says quite simply, you know, are there any known material defects to the property that may adversely impact the health and safety of the person that's buying it. And that's just like really pretty straightforward area in which you, as a seller of a property, need to say if there's anything wrong such as flooding or other issues, that could adversely impact the property. So, the current disclosure that we have in place already has the ability for people to do this, but in addition to that, the flood maps that we have - and I think this is important - unfortunately are not very accurate. Recently, there was a pretty large flood in Maine which we all know about and are working through ways in which we can help people get reimbursement, but we have a building in downtown Augusta that was renovated a few years ago and when we went through that process, we did have to get a loan from the bank and the bank does require you to do an analysis of whether or not your asset is in a flood plain, which I think is important as well as it relates to this. And it was determined that the building is one foot out of the flood plain. And if you recall, the flood event in 1987 was actually quite a bit higher than the flood event that occurred this past December, yet somehow, with a flood map saying that our building is one foot out of the flood plain, we got about six and a half to seven feet of water in the basement of our building. So, it's really difficult to ask people to kind of go through a process where they're trying to rely on data or information that may not even be completely accurate. And beyond that, a lot of times people don't know historically how accurate those flood events might be. I mean, you know, I looked at the map and it said that this was never flooded, and then I was thinking to myself well, in 1987, you know, the water was pretty high, but the map says that it didn't flood, so I guess we don't need this. So, now, I have to absorb almost \$30,000 worth of, you know, repairs to the building without any flood insurance. But in the end, it's actually better for us financially to do that than to pay the \$11,000 a year for the flood insurance, which might've been required if that line were just a foot further over. So, all of this is to say that we have mechanisms in place to protect folks. I do know that other states require this, but you know, as we just heard in earlier discussions, all states are different, and there is a process whereby consumers can be protected, and we can ensure that we don't slow down the process of transacting real estate in Maine while being safe at the same time. Thank you, Mr. President.

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

Senator **CARNEY:** Thank you, Mr. President, and I just wanted to let colleagues of the Senate know that the issue raised by my good colleague from Kennebec was actually addressed in the committee. We looked very carefully at the existing disclosure language, and we felt that the language requiring disclosure of any known material defects to the property was very vague and we were striving for certainty because of course a flood risk is a risk of a catastrophic event that significantly alters the value of the property. We thought it was fair that potential buyers of property know whether a flood risk had happened. And so, we agree with the Department of Agriculture that it was very important to include this language, and we went to great lengths to make sure that the language was clear so that both the buyer and the seller knew what they were responsible for disclosing and what information they were receiving. And so, the disclosure includes things like during the time that the prospective seller has owned the

property, were there any flood events at the property, was there any flood damage to a structure on the property, was there any flood insurance claimed or any past disaster-related aid. I think we would all agree that if we or someone in our family was buying a new home, we would really want to have that information at hand so that we could assess the value of what we were buying and any risks that might be on the horizon with our acquisition of that property. And we also did hear from the realtors and others that there was a concern about lack of clarity with regard to what a flood is because, curiously, that term is not defined anywhere in the Maine statutes. And so, we included a definition of flood that was lifted out of the National Flood Insurance Program that defines floods specifically for the purposes of this disclosure requirement only. The work on the legislation is really careful, I think it will help homeowners and other purchasers of property in Maine, and I urge you to support the pending motion.

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 (#587)

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

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

24 Senators having voted in the affirmative and 11 Senators having voted in the negative, the motion by Senator **CARNEY** of Cumberland to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report, **PREVAILED**.

Bill **READ ONCE**.

Committee Amendment "A" (S-566) **READ** and **ADOPTED**.

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

Sent down for concurrence.

All matters thus acted upon, with the exception of those matters being held, were ordered sent down forthwith for concurrence.

Senator **DAUGHTRY** of Cumberland moved the Senate **RECONSIDER** whereby it **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-792)**, in concurrence, the following;

Bill "An Act to Adopt an Interstate Compact to Elect the President of the United States by National Popular Vote"
H.P. 1023 L.D. 1578

(In House, March 5, 2024, Report "**B**", **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-792)**, READ and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-792)**.)

(In Senate, March 13, 2024, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-792)**, in concurrence.)

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

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

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

THE PRESIDENT: The Senator from Kennebec may pose his question.

Senator **HICKMAN:** Mr. President, can you please explain what a vote in favor or against this will do? I don't remember. Thank you.

THE PRESIDENT: The Senator from Kennebec, Senator Hickman, has posed a question through the Chair, if anyone can answer. I would say the motion to reconsider LD 1578, having voted on our previous motion of Ought to Pass, this is reconsideration. If you want the reconsideration motion, you'd be voting yes; if you're opposed to the reconsideration motion, you'll be voting no on passage to be engrossed. The Chair recognizes the Senator from Androscoggin, Senator Timberlake.

Senator **TIMBERLAKE:** Thank you, Mr. President. Does this take the two-thirds vote or just the majority?

THE PRESIDENT: Reconsideration is a simple majority and has to be asked for by somebody on the prevailing side. The pending question before the Senate is Reconsideration. 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 (#588)

YEAS: Senators: BENNETT, BLACK, BRAKEY, FARRIN, GUERIN, HARRINGTON, KEIM, LIBBY, LYFORD, MOORE, STEWART

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

11 Senators having voted in the affirmative and 24 Senators having voted in the negative, the motion by Senator **DAUGHTRY** of Cumberland to **RECONSIDER** whereby the Bill was **PASSED TO BE ENGROSSED AS AMENDED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-792)**, in concurrence, **FAILED**.

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

ORDERS

Joint Order

On motion by Senator **STEWART** of Aroostook, the following Joint Order:
S.P. 985

ORDERED, the House concurring, that Bill, "An Act Establishing Concurrent Jurisdiction with the Federal Courts in Certain Juvenile Matters," S.P. 923, L.D. 2171, and all its accompanying papers, be recalled from the Governor's desk to the Senate.

READ and PASSED.

Sent down for concurrence.

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

REPORTS OF COMMITTEES

House

Pursuant to Statute

The Committee on **INNOVATION, DEVELOPMENT, ECONOMIC ADVANCEMENT AND BUSINESS** on Bill "An Act to Implement Recommendations Resulting from the State Government Evaluation Act Review of the Department of Professional and Financial Regulation"
H.P. 1454 L.D. 2265

Reported that the same be **REFERRED** to the Committee on **INNOVATION, DEVELOPMENT, ECONOMIC ADVANCEMENT AND BUSINESS**, pursuant to the Maine Revised Statutes, Title 3, section 955, subsection 4.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **REFERRED** to the Committee on **INNOVATION, DEVELOPMENT, ECONOMIC ADVANCEMENT AND BUSINESS**.

On motion by Senator **VITELLI** of Sagadahoc, **ADJOURNED**, until Tuesday, March 14, 2024 at 10:00 in the morning.

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

Bill and accompanying papers **REFERRED** to the Committee on **INNOVATION, DEVELOPMENT, ECONOMIC ADVANCEMENT AND BUSINESS**, in concurrence.

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

THE PRESIDENT: The Chair recognizes the Senator from Knox, Senator Beebe-Center.

Senator **BEEBE-CENTER:** Thank you, Mr. President. In honor of Women's History Month, I would like to highlight an inspirational woman from my district, Virginia Oliver of Rockland. Virginia, affectionately known as the Lobster Lady, is a hero in our local community, still lobstering with her son, Zack, at 103 years old. She is the oldest lobsterwoman in the state and, quite possibly, the world. Virginia was born on June 6, 1920 at her grandparents' house on Clarendon Street in Rockland. She grew up exploring the Neck, an island off Andrew's Island, where her father's general store sold supplies to fishermen and locals. At the age of 8, Virginia started trapping lobsters and piloting boats. There was no real rhyme or reason behind her desire to lobster. She said she just wanted to do it. Now each morning she still goes out long before the rest of us have awoken and goes out on her late-husband's boat, The Virginia, named after her, to load Pogeys into traps to catch the crustaceans we all know and love. Even after a scare a few years ago when her finger was caught by a crab and required 7 stitches, she didn't even consider retiring for a moment. With such a long history, Virginia has seen the lobster industry change and evolve from working with wooden boats and traps to transitioning to wire traps and modern fiberglass vessels. Yet through these changes Virginia never lost her passion for lobstering and shows no signs of stopping any time soon. She now has been the subject of a few books; The Lobster Lady: Maine's 102-year-old Legend by Barbara Walsh and The Lobster Lady by Alexandra Hinrichs. In a state where lobstering is approximately a \$725 million industry, women like Virginia exhibit the values that proudly represents our heritage industry and one that means so much to our local community. She has no doubt inspired countless people to be a part of Maine's lobster industry and I am confident her story will no doubt inspire countless more people. Virginia is a proud, resilient, and independent woman who embodies what it means to be a Mainer and I hope to continue trying to embody the values of one of my hometown heroes each day. Thank you.

Off Record Remarks
