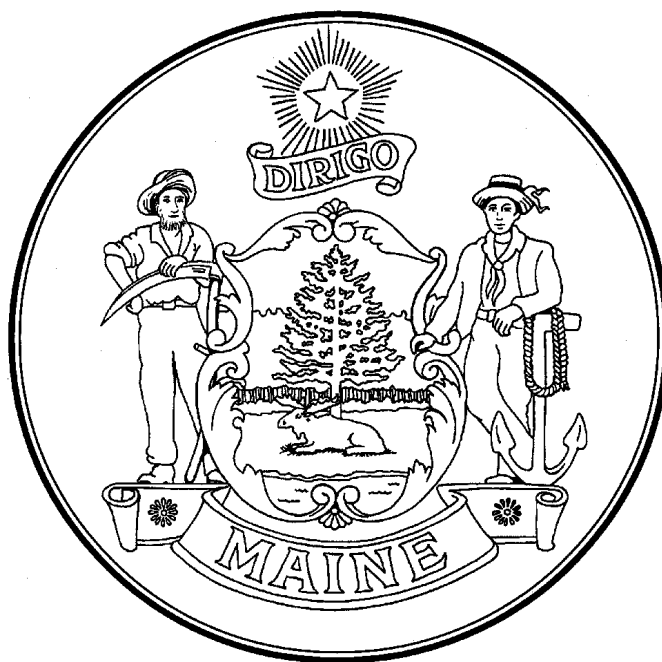


MAINE STATE LEGISLATURE

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

In Senate Chamber
Tuesday
April 9, 2024

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

Prayer by Rabbi Jared Saks of Congregation Bet Ha'am in South Portland.

RABBI JARED SAKS: Good morning. With the arrival of sunset yesterday evening came the beginning of the Hebrew month of Nisan, the month of spring and rebirth in the Jewish calendar, the month during which we celebrate Passover, the story of our peoples' liberation from Egypt. The redemption of the Hebrew slaves was never meant to be a redemption only for them or only for the Jewish people. The Passover Haggadah tells us that each one of us should be able to see ourselves as being personally liberated from bondage. But more than that, the story of our redemption is meant as a lesson and an inspiration for the ultimate redemption of the world. My faith teaches me that I have a responsibility not only for my own wellbeing, but for the wellbeing of all of my community, all of humanity. Albert Einstein in the philosophical collection Living Philosophies writes, strange is our situation here upon earth. Each of us comes for a short visit, not knowing why, yet sometimes seeming to divine a purpose. From the standpoint of daily life, however, there is one thing we do know, that we are here for the sake of others. Above all, for those upon whose smile and wellbeing our own happiness depends, and also for the countless unknown souls with whose fate we are connected by a bond of sympathy. Jewish tradition teaches that each one of us, each and every person, is created B'tselem Elohim, in the divine image, and that each interaction we have with others is an opportunity for encounter with the divine. The question is whether or not we choose to recognize that spark of divinity in the person before us, regardless of their political beliefs, their faith or lack thereof, their gender, their ethnic background, their country of origin, or their status in this state or in this country. No person exists without the image of God within them. As leaders, it is up to us to honor the person in which that spark exists and empower it to shine. In the Talmud, the sages debate when exactly morning has arrived so that they know when it's the proper time to recite the morning prayers. They conclude that morning has arrived when it is light enough that one can recognize an acquaintance at a distance of about four cubits, about six feet. The point being that until we can recognize one another's faces and the divine image within them, it is still night. It is only when we recognize the image of God in the person before us that redemption can come. And what will redemption look like? The poet Judy Chicago paints this picture for us; and then, all that has divided us will merge, and then compassion will be wedded to power, and then softness will come to a world that is harsh and unkind, and then both men and women will be gentle, and then both women and men will be strong, and then no person will be subject to another's will, and then all will be rich

and free and varied, and then the greed of some will give way to the needs of many, and then all will share equally in the earth's abundance, and then all will care for the sick and the weak and the old, and then all will nourish the young, and then all will cherish life's creatures, and then everywhere will be called Eden once again. Kein Yehi Ratzon, may it be God's Will, and let us say Amen.

Pledge of Allegiance led by Senator Eloise A. Vitelli of Sagadahoc County.

Reading of the Journal of Wednesday, April 3, 2024.

Medical Provider of the Day, Tiffany Eisenhauer, MSPA, PA-C of Freeport.

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.

COMMUNICATIONS

The Following Communication: S.C. 1069

STATE OF MAINE
OFFICE OF THE GOVERNOR
AUGUSTA, MAINE

April 2, 2024

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

RE: Maine Indian Tribal State Commission

Dear President Jackson:

It is with disappointment that I withdraw the nominations of Lloyd Cuttler and Richard B. Bronson, Jr. to the Maine Indian Tribal State Commission (MITSC), pursuant to Title 3 M.R.S.A., § 154.

As you know, MITSC is an independent, inter-governmental entity with thirteen members, six of whom are appointed by the Tribes to represent Tribal interests and six of whom are nominated by the Governor to represent the interests of the State of Maine. To the extent possible within its charge, MITSC is supposed to serve as a forum in which varied and differing perspectives of the Tribes and the State can be respectfully debated and addressed.

Unfortunately, that no longer appears to be the case.

That MITSC, through a letter signed by the Executive Director and the Chair, opposed nominees to its own commission is inappropriate and unprecedented in recent Maine history. It is inappropriate and unprecedented for good reason: because a commission - any commission - weighing in on nominees poisons its neutrality and fundamentally undermines its ability to effectively do its job, fostering an inhospitable environment and creating a chilling effect among its members.

This approach is made worse by the fact that the letter, despite purporting to represent the views of the Commission broadly, is not supported by the entirety of the Commission and was not the result of any Commission vote. In fact, some Commission members apparently never saw the final letter before it was sent.

Further, that the Executive Director, a professional staff member who should be neutral in order to serve the interests of all Commission members, violated that neutrality by signing the letter is a disservice to members of the Commission who strongly disagree with the letter's sentiments, sending a troubling message that their perspectives are secondary and less important than that of other members.

Even more profoundly, it is deeply disturbing that the letter implies that anyone who has expressed concerns about a Tribal position is unacceptable and cannot serve on MITSC. Expressing a countervailing view does not make a person unqualified to serve on MITSC, an entity whose purpose is to have conversations about disagreements and to find common ground.

The State's nominees, Mr. Cuttler and Mr. Bronson, are people of great integrity with extensive experience serving as appointed officials in communities that border Tribal lands. Their experiences as municipal officials lend an important perspective - one that often does not receive the attention it deserves.

I am deeply disappointed to say that it appears MITSC is no longer a forum for diverse perspectives or for respectful and considered conversation and debate. Instead, MITSC appears to have become a rubber stamp for monolithic thought; where differing perspectives are not only unwelcome but are unacceptable; and where individuals who may respectfully voice a diverging viewpoint are to be criticized and marginalized, instead of embraced and heard.

As Gordon Nels Kramer, whose nomination to MITSC was advanced, recently wrote to the Judiciary Committee:

"The letter from the MITSC Commissioners to your Committee was very disappointing on a number of fronts, including the notion that all nominees, either state or tribal, need to all be speaking in unison on every matter that may come before the Commission. In my mind that is not the point of having a Commission with a variety of voices to arrive a consensus on issues of importance to ALL members being represented, both from the tribes and the state!"

He is right. I cannot - and will not - subject Mr. Cuttler and Mr. Bronson to this.

The Judiciary Committee, and the entire Legislature, should have grave concerns over the precedent this sets for the future.

Sincerely,

S/Janet T. Mills
Governor

READ and ORDERED PLACED ON FILE.

The Following Communication: S.C. 1071

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

April 2, 2024

The Honorable Troy Dale Jackson
President of the Senate of Maine
131st Maine State Legislature
State House
Augusta, Maine 04333-0003

Dear Mr. President:

In accordance with 3 M.R.S.A., Section 157, and with Joint Rule 505 of the Maine Legislature, the Joint Standing Committee on Education and Cultural Affairs has had under consideration the nomination of Cedar Breeze Worster of Harrison, for appointment to the State Board of Education.

After public hearing and discussion on this nomination, the Committee proceeded to vote on the motion to recommend to the Senate that this nomination be confirmed. The Committee Clerk called the roll with the following result:

YEAS	Senators	2	Rafferty, J. of York, Libby, J. of Cumberland
	Representatives	9	Brennan, M. of Portland, Dodge, J. of Belfast, Lyman, S. of Livermore Falls, Millett, R. of Cape Elizabeth, Murphy, K. of Scarborough, Polewarczyk, E. of Wiscasset, Sampson, H. of Alfred, Sargent, H. of York, Worth, J. of Ellsworth
NAYS		0	
ABSENT		2	Sen. Pierce, T. of Cumberland, Rep. Bagshaw, B. of Windham

Eleven members of the Committee having voted in the affirmative and zero in the negative, it was the vote of the Committee that the nomination of Cedar Breeze Worster of Harrison, for appointment to the State Board of Education be confirmed.

Signed,

S/Joseph E. Rafferty
Senate Chair

S/Michael F. Brennan
House Chair

READ and ORDERED PLACED ON FILE.

The President laid before the Senate the following: "Shall the recommendation of the Committee on **EDUCATION AND CULTURAL AFFAIRS** be overridden?"

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

Senator **BENNETT:** Thank you, Mr. President, Fellow Members of the Senate. I am pleased to stand before you today to speak in behalf of the nomination before us for Cedar Breeze Worster of Harrison for appointment to the State Board of Education. At Oxford Hills Comprehensive High School, where she is a sophomore, Ms. Worster is a fantastic student, a trusting friend, a strong advocate for her fellow students. Even at a young age, she's demonstrated incredible leadership skills. She participates in many school and community activities, including the Civil Rights Team, InterACT Club, the Gay-Straight-Trans Alliance, student council, math team, concert, marching, and pep band, the Diversity, Equity, and Inclusion Committee, and lots more. She's an amazing young woman. She volunteers her time to organize events and campaigns in school and throughout the community. She assists the parents on the PTO by offering babysitting coverage at the school. She has participated in the planning of Homecoming, Winter Carnival, and even arranged the school's first Diversity Day. Many of her extracurricular activities focus on supporting her fellow students and improving the health and safety of the school. On top of that, she is a three-sport athlete and has been described as a musical prodigy. She is the best that we have and our young people today and I'm very pleased that she has been unanimously endorsed by the Education and Cultural Affairs Committee, and she will make a fine addition as the student member of the Board of Education. Thank you, Mr. President.

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

In accordance with 3 M.R.S.A., Chapter 6, Section 158, and with Joint Rule 506 of the 131st Legislature, the vote was taken by the Yeas and Nays.

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#659)

YEAS: Senators: None

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

EXCUSED: Senators: FARRIN

No Senator having voted in the affirmative and 34 Senators having voted in the negative, with 1 Senator being excused, and none being less than two-thirds of the Membership present and voting, it was the vote of the Senate that the Committee's recommendation be **ACCEPTED** and the nomination of **Cedar Breeze Worster** of Harrison, for appointment to the State Board of Education was **CONFIRMED**.

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

The Following Communication: S.C. 1072

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

April 2, 2024

The Honorable Troy Dale Jackson
President of the Senate of Maine
131st Maine State Legislature
State House
Augusta, Maine 04333-0003

Dear Mr. President:

In accordance with 3 M.R.S.A., Section 157, and with Joint Rule 505 of the Maine Legislature, the Joint Standing Committee on Labor and Housing has had under consideration the nomination of Abraham Furth of Old Town, for appointment to the State Workforce Board.

After public hearing and discussion on this nomination, the Committee proceeded to vote on the motion to recommend to the Senate that this nomination be confirmed. The Committee Clerk called the roll with the following result:

YEAS Senators 1 Tipping, M. of Penobscot

Representatives 7 Roeder, A. of Bangor,
Bradstreet, D. of Vassalboro,
Drinkwater, G. of Milford,
Geiger, V. of Rockland, Gere,
T. of Kennebunkport, Russell,
R. of Verona Island, Skold, C.
of Portland

No Senator having voted in the affirmative and 34 Senators having voted in the negative, with 1 Senator being excused, and none being less than two-thirds of the Membership present and voting, it was the vote of the Senate that the Committee's recommendation be **ACCEPTED** and the nomination of **Abraham Furth** of Old Town, for appointment to the State Workforce Board was **CONFIRMED**.

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

NAYS 0

ABSENT 5 Sen. Daughtry, M. of
Cumberland, Sen. Pouliot, M.
of Kennebec, Rep. Galletta,
J. of Durham, Rep. Malon, M.
of Biddeford, Rep. Soboleski,
M. of Phillips

The Following Communication: S.C. 1073

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

April 2, 2024

Eight members of the Committee having voted in the affirmative and zero in the negative, it was the vote of the Committee that the nomination of Abraham Furth of Old Town, for appointment to the State Workforce Board be confirmed.

The Honorable Troy Dale Jackson
President of the Senate of Maine
131st Maine State Legislature
State House
Augusta, Maine 04333-0003

Signed,

S/Michael Tipping
Senate Chair

S/Amy Jean Roeder
House Chair

Dear Mr. President:

READ and ORDERED PLACED ON FILE.

The President laid before the Senate the following: "Shall the recommendation of the Committee on **LABOR AND HOUSING** be overridden?"

In accordance with 3 M.R.S.A., Section 157, and with Joint Rule 505 of the Maine Legislature, the Joint Standing Committee on Labor and Housing has had under consideration the nomination of Adria O. Horn of Pittston, for reappointment to the State Workforce Board.

In accordance with 3 M.R.S.A., Chapter 6, Section 158, and with Joint Rule 506 of the 131st Legislature, the vote was taken by the Yeas and Nays.

After public hearing and discussion on this nomination, the Committee proceeded to vote on the motion to recommend to the Senate that this nomination be confirmed. The Committee Clerk called the roll with the following result:

The Doorkeepers secured the Chamber.

YEAS Senators 1 Tipping, M. of Penobscot

The Secretary opened the vote.

Representatives 8 Roeder, A. of Bangor,
Bradstreet, D. of Vassalboro,
Drinkwater, G. of Milford,
Geiger, V. of Rockland, Gere,
T. of Kennebunkport, Russell,
R. of Verona Island, Skold, C.
of Portland, Soboleski, M. of
Phillips

ROLL CALL (#660)

YEAS: Senators: None

NAYS 0

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

ABSENT 4 Sen. Daughtry, M. of
Cumberland, Sen. Pouliot, M.
of Kennebec, Rep. Galletta,
J. of Durham, Rep. Malon, M.
of Biddeford

EXCUSED: Senators: FARRIN

Nine members of the Committee having voted in the affirmative and zero in the negative, it was the vote of the Committee that the nomination of Adria O. Horn of Pittston, for reappointment to the State Workforce Board be confirmed.

Signed,

S/Michael Tipping
Senate Chair

S/Amy Jean Roeder
House Chair

READ and ORDERED PLACED ON FILE.

The President laid before the Senate the following: "Shall the recommendation of the Committee on **LABOR AND HOUSING** be overridden?"

In accordance with 3 M.R.S.A., Chapter 6, Section 158, and with Joint Rule 506 of the 131st Legislature, the vote was taken by the Yeas and Nays.

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#661)

YEAS: Senators: None

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

EXCUSED: Senators: FARRIN

No Senator having voted in the affirmative and 34 Senators having voted in the negative, with 1 Senator being excused, and none being less than two-thirds of the Membership present and voting, it was the vote of the Senate that the Committee's recommendation be **ACCEPTED** and the nomination of **Adria O. Horn** of Pittston, for reappointment to the State Workforce Board was **CONFIRMED**.

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

The Following Communication: S.C. 1074

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

April 2, 2024

The Honorable Troy Dale Jackson
President of the Senate of Maine
131st Maine State Legislature
State House
Augusta, Maine 04333-0003

Dear Mr. President:

In accordance with 3 M.R.S.A., Section 157, and with Joint Rule 505 of the Maine Legislature, the Joint Standing Committee on Labor and Housing has had under consideration the nomination of Alexander Rodman Rogers of Manchester, for reappointment to the State Workforce Board.

After public hearing and discussion on this nomination, the Committee proceeded to vote on the motion to recommend to the Senate that this nomination be confirmed. The Committee Clerk called the roll with the following result:

YEAS	Senators	1	Tipping, M. of Penobscot
	Representatives	8	Roeder, A. of Bangor, Bradstreet, D. of Vassalboro, Drinkwater, G. of Milford, Geiger, V. of Rockland, Gere, T. of Kennebunkport, Malon, M. of Biddeford, Russell, R. of Verona Island, Skold, C. of Portland
NAYS		0	
ABSENT		4	Sen. Daughtry, M. of Cumberland, Sen. Pouliot, M. of Kennebec, Rep. Galletta, J. of Durham, Rep. Soboleski, M. of Phillips

Nine members of the Committee having voted in the affirmative and zero in the negative, it was the vote of the Committee that the nomination of Alexander Rodman Rogers of Manchester, for reappointment to the State Workforce Board be confirmed.

Signed,

S/Michael Tipping
Senate Chair

S/Amy Jean Roeder
House Chair

READ and ORDERED PLACED ON FILE.

The President laid before the Senate the following: "Shall the recommendation of the Committee on **LABOR AND HOUSING** be overridden?"

In accordance with 3 M.R.S.A., Chapter 6, Section 158, and with Joint Rule 506 of the 131st Legislature, the vote was taken by the Yeas and Nays.

The Doorkeepers secured the Chamber.

YEAS Senators 1 Tipping, M. of Penobscot

The Secretary opened the vote.

Representatives 8 Roeder, A. of Bangor,
Bradstreet, D. of Vassalboro,
Drinkwater, G. of Milford,
Geiger, V. of Rockland, Gere,
T. of Kennebunkport, Russell,
R. of Verona Island, Skold, C.
of Portland, Soboleski, M. of
Phillips

ROLL CALL (#662)

YEAS: Senators: None

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

NAYS 0

ABSENT 4 Sen. Daughtry, M. of
Cumberland, Sen. Pouliot, M.
of Kennebec, Rep. Galletta,
J. of Durham, Rep. Malon, M.
of Biddeford

EXCUSED: Senators: FARRIN

No Senator having voted in the affirmative and 34 Senators having voted in the negative, with 1 Senator being excused, and none being less than two-thirds of the Membership present and voting, it was the vote of the Senate that the Committee's recommendation be **ACCEPTED** and the nomination of **Alexander Rodman Rogers** of Manchester, for reappointment to the State Workforce Board was **CONFIRMED**.

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

Nine members of the Committee having voted in the affirmative and zero in the negative, it was the vote of the Committee that the nomination of Vaughan Woodruff of Pittsfield, for reappointment to the State Workforce Board be confirmed.

Signed,

S/Michael Tipping
Senate Chair

S/Amy Jean Roeder
House Chair

READ and ORDERED PLACED ON FILE.

The President laid before the Senate the following: "Shall the recommendation of the Committee on **LABOR AND HOUSING** be overridden?"

The Following Communication: S.C. 1075

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

April 2, 2024

The Honorable Troy Dale Jackson
President of the Senate of Maine
131st Maine State Legislature
State House
Augusta, Maine 04333-0003

Dear Mr. President:

In accordance with 3 M.R.S.A., Section 157, and with Joint Rule 505 of the Maine Legislature, the Joint Standing Committee on Labor and Housing has had under consideration the nomination of Vaughan Woodruff of Pittsfield, for reappointment to the State Workforce Board.

After public hearing and discussion on this nomination, the Committee proceeded to vote on the motion to recommend to the Senate that this nomination be confirmed. The Committee Clerk called the roll with the following result:

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#663)

YEAS: Senators: None

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

EXCUSED: Senators: FARRIN

No Senator having voted in the affirmative and 34 Senators having voted in the negative, with 1 Senator being excused, and none being less than two-thirds of the Membership present and voting, it was the vote of the Senate that the Committee's recommendation be **ACCEPTED** and the nomination of **Vaughan Woodruff** of Pittsfield, for reappointment to the State Workforce Board was **CONFIRMED**.

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

The Following Communication: S.C. 1070

**STATE OF MAINE
ONE HUNDRED AND THIRTY FIRST LEGISLATURE
COMMITTEE ON APPROPRIATIONS AND FINANCIAL
AFFAIRS**

April 1, 2024

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

Dear President Jackson and Speaker Talbot Ross:

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

- | | |
|----------|--|
| L.D. 236 | An Act to Authorize a General Fund Bond Issue to Support the Economic Development of the Fishing Industry and the Portland Harbor Dredging Project |
| L.D. 367 | An Act to Authorize General Fund Bond Issues to Improve Highways, Bridges and Nonhighway Modes of Transportation |

This is notification of the Committee's action.

Sincerely,

S/Sen. Margaret R. Rotundo
Senate Chair

S/Rep. Melanie Sachs
House Chair

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

SENATE PAPERS

Resolve, to Fully Fund Nursing Homes (EMERGENCY)
S.P. 1000 L.D. 2287

Presented by President JACKSON of Aroostook.
Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.

Senator **BALDACCI** of Penobscot moved that the Bill be **REFERRED** to the Committee on **HEALTH AND HUMAN SERVICES** and ordered printed.

Senate at Ease.

The Senate was called to order by the President.

REFERRED to the Committee on **HEALTH AND HUMAN SERVICES** and ordered printed.

Sent down for concurrence.

Bill "An Act to Allow a Member of the Town of Perham Select Board to Facilitate the Election to Vacant Seats on the Select Board and to Approve and Sign Disbursement Warrants" (EMERGENCY)
S.P. 1001 L.D. 2288

Presented by President JACKSON of Aroostook.
Cosponsored by Senator: STEWART of Aroostook.
Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.

Committee on **STATE AND LOCAL GOVERNMENT** suggested and ordered printed.

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

Sent down for concurrence.

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

ORDERS

Joint Orders

Expression of Legislative Sentiment recognizing:

Serae Fish, of Leeds, a student at Leavitt Area High School, who won the 55-meter Hurdles Event at the Class B State Indoor Track and Field Championships. We extend our congratulations and best wishes;
SLS 1793

Stephen Pierre, of Turner, a student at Leavitt Area High School, who won the 55-meter Hurdles and Long Jump Events at the Class B State Indoor Track and Field Championships. We extend our congratulations and best wishes;
SLS 1794

The Joint Orders were **READ**.

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

Senator **TIMBERLAKE:** Thank you, Mr. President. Good morning, Ladies and Gentlemen of the Senate. I'm very proud to be joined today by a pair of standout athletes from my alma mater, Leavitt Area High School. Stephen Pierre - I should've studied French more when I was in high school, but I didn't do well in that class - and Serae Fish, both of whom represented their school in a very impressive fashion back in February's Class B Indoor Track and Field Championship. Serae's story from the meet is an inspiring one. She managed to squeeze her way into the finals of the girls 55-meter hurdles by securing a position in the eighth lane. She then capitalized on that for all it was worth by coming away with the title, clocking in at 9.08 seconds, a mere one-hundredth of a second ahead of Sydney Legasse of John Bapst and Central Maine Institute's Gabrielle Finelli, both of whom were decided favorites going into the contest. Serae's performance is a testament to the power of fully committing yourself to a process and seeing it through to the end. While initially staring down the prospect of failing to qualify for the final round, she is now before us here today as the Class B State Champion, celebrating an individual state title. Congratulations, Serae. A tremendous accomplishment. Stephen's story is equally thrilling. He completed the 55-meter sweep for Leavitt by coming away with a state title himself, clocking in at a brisk 7.83 seconds. Deciding that one wasn't enough, he doubled his efforts by also earning a title in the long jump, measuring 21 feet and a quarter of an inch. This came on the heels of his display he put on at the KVC Class B Championship just one week prior to, where he earned the title of Athlete of the Meet. Coach Jamie Juntura, who has also joined us here today, referred to him as the big meet kid, someone who is always to the ready to execute the most crucial spots. Coach Juntura - I'm having a hard time speaking today - emphasized Stephen's work throughout the first semester in strength and fitness class, underscoring his unwavering preparation and commitment. Job well done, Stephen. Thank you all for being here today, and congratulations once more. Thank you, Mr. President.

The Joint Orders were **PASSED**.

Sent down for concurrence.

THE PRESIDENT: The Chair is pleased to recognize in the rear of the chamber Serae Fish, Stephen Pierre, and Head Coach Jamie Juntura of the towns of Leeds and Turner. They are the

guests today of the Senator from Androscoggin, Senator Timberlake. Would the guests please rise and accept the greetings of the Maine Senate.

Thea Cannatella, of Woodstock, a 3rd-grader at Woodstock Elementary School, who is a recipient of a Horace Mann Art Award for her drawing of a flower in the calendar contest. We extend our congratulations and best wishes;
SLS 1795

The Joint Order was **READ**.

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

Senator **KEIM:** Thank you, Mr. President. I rise today to speak about a talented artist from my district. Thea Cannatella is a third grader at Woodstock Elementary School. Late last year, Thea was honored for her beautiful work of art, a drawing of a flower, which won recognition in the national Horace Mann calendar contest. She was awarded \$500 for her work. One of thousands of entries by student artists who entered across the country, Thea's picture was one of four finalists. She was the first student from Maine to ever win at the regional level. Truly amazing. You should see the picture that she drew of the flower. The colors are vibrant - pink, purple, and green, with some yellow, reminiscent of summer, which we're all looking forward to. Thea has always had a passion for the arts. During the COVID lockdowns, she was in kindergarten. She and her sisters would spend hours each day filling the house with their drawings, paintings, and sculptures. Like a true artist, she has developed a certain aesthetic. She knows how she wants a thing to look and makes a plan to realize it. Thea gains inspiration and support from a wonderful family who are also here with us today. In addition to her family, Thea has a fabulous art teacher and mentor, Ashley Broderick, who is an invaluable source of support and encouragement for Thea and her classmates. When asked about Thea, Mrs. Broderick told me Thea always comes into class with a big smile, eager to know what we'll be working on. She is always searching for ways to make her art stand out and unique. She is a creative problem solver who has the ability to see the world in a different way, and this is reflected in her artwork. When she makes a mistake, she learns from it and finds a way to turn that mistake into a masterpiece. Even more importantly, she added, not only is she creative and passionate about her artwork, she is kind to her peers and teachers, giving out compliments to a friend or encouragement and seeking out ways to spread her positivity to others. I'm certain that Thea has a bright and colorful future ahead of her. I can't wait to see what she creates in the future. Thank you for making the world a more beautiful place.

The Joint Order was **PASSED**.

Sent down for concurrence.

THE PRESIDENT: The Chair is pleased to recognize in the rear of the chamber Thea Cannatella, her older sister, Lucy, her moms, Cynara and Stacy, and her art teacher, Ashley Broderick of the town of Woodstock. They are the guests today of the Senator from Oxford, Senator Keim. Would the guests please rise and accept the greetings of the Maine Senate.

Wayne and Roberta Seeley, of Edmunds Township, recipients of a Spirit of America Foundation Award. The Spirit of America Foundation was established to encourage and promote volunteerism, and the foundation presents awards to honor local individuals, organizations or projects in appreciation of community service. We extend our congratulations and best wishes;
SLS 1796

The Joint Order was **READ**.

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

Senator **MOORE:** Thank you, Mr. President. Mr. President, I rise today to honor two of my constituents, Wayne and Roberta Seeley, who earned the Spirit of America Award this year. As you all know, many Maine municipalities present the Spirit of America Foundation tribute to local individuals, organizations, and projects for commendable service each year. I can think of no two people more deserving of this honor than Wayne and Roberta Seeley. The Seeleys are basically single-handedly keeping the Dennys River Ambulance Service afloat. This ambulance service, which has existed since the mid-1960s, is one of the only volunteer ambulance services in the state. Rick Petrie, special projects advisor for Atlantic Partnership EMS, a statewide nonprofit EMS support agency, described the current situation as the EMS system is on the brink of failure. The only reason it hasn't failed is because of the dedication of the people who are doing it. They always find a way to respond. Wayne and Roberta are those dedicated people doing it, who always find a way to respond. Maine does not have laws requiring towns to provide EMS, but knowing this is a vital service, the Seeleys have been determined to step up and provide it. Not that they look it, but Wayne and Roberta are in their late 70s. They have been volunteer EMTs for the Dennys River Ambulance Service for 51 and 48 years, respectively. And they don't plan on stopping anytime soon, thank goodness. Roberta has said I don't think we would go out the door until we made sure there was enough people to cover it, or unless something happens to us. We hope nothing does, because we do rely on them. The Seeleys are true heroes to their community. This sort of dedicated volunteerism is extremely rare. The incredible role they play can take an emotional toll on people. Worse than burnout, many EMTs experience rust-out, called this because the psychological damage can be compared to the erosion of a barrel beat down by rain until it rusts and breaks apart. But the Seeleys are resilient, and they keep on providing this service. We all owe them our major gratitude. Another special note, as of September the 12th, Wayne and Robert Seeley will have been married for 60 years. Mr. President, I want to thank Wayne and Roberta for the dedication and commitment to the people of Downeast Maine and congratulate them on receiving the Spirit of America Award. They truly deserve it. Thank you.

The Joint Order was **PASSED**.

Sent down for concurrence.

THE PRESIDENT: The Chair is pleased to recognize in the rear of the chamber Wayne and Roberta Steele, their family Joey, Wayne, Shawn, Craig, Opal, Kathleen, Sophia and Cierra Steele, Wanda Kirshman, Linda Davis, Lucca Stevens and Leah and Juan Castillo. They are the guests today of the Senator from Washington, Senator Moore. Would the guests please rise and accept the greetings of the Maine Senate.

Jaydn Pingree, of Jay, a senior at Spruce Mountain High School and a member of the girls basketball team, who recently scored her 1,000th career point. We extend our congratulations and best wishes;
SLS 1797

The Joint Order was **READ**.

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

Senator **KEIM:** Thank you, Mr. President. I am fortunate, indeed, today to have two constituents join me, and this one is an incredible young leader as well. She is an athlete from Jay, Jaydn Pingree. Jaydn is a standout on the basketball court. In a game against Madison in early February, Jaydn scored her 1,000th point and became Spruce Mountain Girls Teams all-time leading scorer. We all know it takes incredible practice and dedication to be successful in sports. Throughout her years on the court, Jaydn earned every one of her more than 1,000 points through her commitment to hours spent practicing her speed, agility, and perfecting her shooting technique. Additionally, Jaydn may have an advantage that many do not. Part of her success may be the result of a telepathic connection with her twin sister, Jazmine, who is also an extraordinary basketball player. The Pingree sisters have been playing basketball together since they were five years old. Now seniors, the two will fulfill their dreams to play together at the University of Southern Maine next year. I hope they choose to stay in Maine after graduation. This is a good moment to put a plug in for youth staying in Maine. These phenomenal athletes played an integral role in bringing the Spruce Mountain Phoenix team to win the Class B South girls semifinals this year. Despite her obvious talent, Jaydn is incredibly humble. Upon scoring her 1,000th point, she said, I couldn't have done it without my team, especially my senior class. It was my 1,000th point and theirs. They helped me achieve this goal. Jaydn has a bright future, and I thank you for joining me in congratulating her on this accomplishment. Best wishes to you and your sister as you become Huskies next year at Southern Maine. Congratulations.

The Joint Order was **PASSED**.

Sent down for concurrence.

THE PRESIDENT: The Chair is pleased to recognize in the rear of the chamber Jaydn Pingree and her mother, Angela Hodgkins, of the town of Jay. They are the guests today of the Senator from Oxford, Senator Keim. Would the guests please rise and accept the greetings of the Maine Senate.

REPORTS OF COMMITTEES

House

Ought to Pass As Amended

The Committee on **ENERGY, UTILITIES AND TECHNOLOGY** on Resolve, to Require the Public Utilities Commission to Initiate a Feasibility Study to Evaluate Transmission Technologies and Siting Locations for Any Future Electric Transmission Line Proposed Pursuant to the Northern Maine Renewable Energy Development Program
H.P. 1413 L.D. 2205

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-909)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-909)**.

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

Resolve **READ ONCE**.

Committee Amendment "A" (H-909) **READ** and **ADOPTED**.

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

The Committee on **HEALTH COVERAGE, INSURANCE AND FINANCIAL SERVICES** on Bill "An Act to Add the State of Maine to the Compact for Licensing Physician Assistants"
H.P. 1305 L.D. 2043

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-908)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-908)**.

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

Bill **READ ONCE**.

Committee Amendment "A" (H-908) **READ** and **ADOPTED**.

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

The Committee on **HEALTH COVERAGE, INSURANCE AND FINANCIAL SERVICES** on Resolve, Regarding Legislative Review of Chapter 255: Workers' Compensation Fronting Companies, a Late-filed Major Substantive Rule of the

Department of Professional and Financial Regulation, Bureau of Insurance (EMERGENCY)
H.P. 1432 L.D. 2233

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-907)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-907)**.

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

Resolve **READ ONCE**.

Committee Amendment "A" (H-907) **READ** and **ADOPTED**.

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

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 **Ought to Pass as Amended by Committee Amendment "A" (H-906)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-906)**.

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

Bill **READ ONCE**.

Committee Amendment "A" (H-906) **READ** and **ADOPTED**.

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

The Committee on **JUDICIARY** on Bill "An Act to Remove the Confidentiality of the Transportation of Hazardous Materials by Railroad Companies" (EMERGENCY)
H.P. 1245 L.D. 1937

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-912)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-912)**.

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

Bill **READ ONCE**.

Committee Amendment "A" (H-912) **READ** and **ADOPTED**.

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

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

Divided Report

Eight members of the Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act to Address Chronic Understaffing of State Government Positions" (EMERGENCY)
H.P. 1345 L.D. 2121

Reported in Report "A" that the same **Ought to Pass as Amended by Committee Amendment "A" (H-913)**.

Signed:

Senators:

NANGLE of Cumberland
BALDACCI of Penobscot

Representatives:

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

Four members of the same Committee on the same subject reported in Report "B" that the same **Ought to Pass as Amended by Committee Amendment "B" (H-914)**.

Signed:

Senator:

LYFORD of Penobscot

Representatives:

ADAMS of Lebanon
GREENWOOD of Wales
POMERLEAU of Standish

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

Signed:

Representative:

UNDERWOOD of Presque Isle

Comes from the House with Report "A" **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-913) READ**

and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-913)**.

Reports **READ**.

On motion by Senator **NANGLE** of Cumberland, the Report "**A OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-913) ACCEPTED**", in concurrence.

Bill **READ ONCE**.

Committee Amendment "A" (H-913) **READ** and **ADOPTED**, in concurrence.

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

On motion by Senator **NANGLE** of Cumberland, on behalf of President **JACKSON**, Senate Amendment "A" (S-676) to L.D. 2121 **READ** and **ADOPTED**.

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

Senator **NANGLE:** Thank you, Mr. President. LD 2121 is an act that would work to address chronic understaffing of the state government. During the committee hearings, we heard from employees who -- state employees who cannot make ends meet. The DAFS commissioner rightly suggests that pay has increased about 28% over the last five years, however, inflation has increased by 29% over the last five years. So, the commissioner is indicating that they've made up pay parity and cost of living and in reality, they've done one or the other but not both. So, either state employees have received cost of living increases over the last five years, or they've received a pay parity bonus but no cost-of-living increase. This legislation will help fix this. We are bleeding employees. The state is bleeding employees. They cannot keep them. DOT facilities are so understaffed during storms that drivers are doing the work of two or three other drivers and working 24 hours in a row without a break. The model that we have here, the pay model that we have here, is unsustainable and we need to do something for the people who interact with just about every resident and visitor in the State of Maine. Thank you.

PASSED TO BE ENGROSSED AS AMENDED and sent down for concurrence.

Ordered sent down forthwith for concurrence.

Senate

Ought to Pass As Amended

Senator BRENNER for the Committee on **ENVIRONMENT AND NATURAL RESOURCES** on Bill "An Act to Amend Provisions of the Maine Metallic Mineral Mining Act"
S.P. 590 L.D. 1471

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-662)**.

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

Bill **READ ONCE**.

Committee Amendment "A" (S-662) **READ** and **ADOPTED**.

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

Sent down for concurrence.

Senator CURRY for the Committee on **INNOVATION, DEVELOPMENT, ECONOMIC ADVANCEMENT AND BUSINESS** on Bill "An Act to Provide Relief to Small Businesses Affected by Severe Weather-related Events" (EMERGENCY)
S.P. 930 L.D. 2191

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-661)**.

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

Bill **READ ONCE**.

Committee Amendment "A" (S-661) **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 Amend the Ownership Disclosure Requirements for Applicants for Liquor Licenses and Certificates of Approval"
S.P. 870 L.D. 2069

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-663)**.

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

Bill **READ ONCE**.

Committee Amendment "A" (S-663) **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 Implement the Recommendations of the Gagetown Harmful Chemical Study

Commission and to Reestablish the Gagetown Harmful Chemical Study Commission" (EMERGENCY)
S.P. 990 L.D. 2274

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-660)**.

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

Bill **READ ONCE**.

Committee Amendment "A" (S-660) **READ** and **ADOPTED**.

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

Sent down for concurrence.

Divided Report

The Majority of the Committee on **LABOR AND HOUSING** on Bill "An Act Regarding Overtime Protections for Certain Maine Workers"
S.P. 230 L.D. 513

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-665)**.

Signed:

Senator:
TIPPING of Penobscot

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

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

Signed:

Senator:
POULIOT of Kennebec

Representatives:
BRADSTREET of Vassalboro
DRINKWATER of Milford
SOBOLESKI of Phillips

Reports **READ**.

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

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

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

Senator **TIPPING:** Thank you, Mr. President. As this Body is likely aware, overtime payrolls used to be a reliable way of ensuring that the majority of middle- and working-class Americans could either make it home in time to see their families or be compensated fairly by their employer for working well beyond the 40-hour standard week. In 1977, 66% of salaried employees enjoyed this protection. Today in Maine, that number is just 13%. This plummet is due in large part to the fact that the threshold to determine who is eligible for these protections hasn't kept up with inflation. This bill would partially address that, moving the threshold to \$55,000 a year next year. It's similar to proposals at the federal level. Now, some may claim that this is not needed, that the quote-unquote second prong of the overtime test makes sure that workers who should be eligible are already included in overtime protections. This is the provision that exempts workers who make more than the threshold and are employed in, quote, executive administrative or professional occupation. The truth, however, is that this provision is widely abused. A recent study by the University of Texas and Harvard Business School found that companies abuse this provision to deny workers overtime. A front desk clerk becomes a, quote, director of first impressions, a barber becomes a, quote, grooming manager. Those are actual titles that have been used to evade the law. As Paige Murdock, a quote-unquote, manager at a Dollar General in Elliott, Maine, put it, because our overtime hours are free for the company, they make us work 60-70 hours a week. I was working so much that I couldn't make it to my church. My family was always asking why aren't you home. And most of my hours weren't even spent managing the store, they instead were stocking shelves or running the cash register since we never had enough staff. Paige and all the other Mainers who work hard to provide for their families deserve to be paid for their work, and I urge this Body to support the Majority Report. Thank you

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#664)

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

NAYS: Senators: BLACK, BRAKEY, CURRY, GUERIN, HARRINGTON, KEIM, LIBBY, LYFORD, MOORE, PIERCE, POULIOT, STEWART, TIMBERLAKE

EXCUSED: Senators: FARRIN

21 Senators having voted in the affirmative and 13 Senators having voted in the negative, with 1 Senator being excused, the motion by Senator **TIPPING** of Penobscot to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report, **PREVAILED**.

Bill **READ ONCE**.

Committee Amendment "A" (S-665) **READ** and **ADOPTED**.

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

Sent down for concurrence.

Divided Report

The Majority of the Committee on **VETERANS AND LEGAL AFFAIRS** on Bill "An Act to Provide for the Direct Shipment of Spirits to Consumers"
S.P. 682 L.D. 1695

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

Signed:

Senators:

BRENNER of Cumberland
TIMBERLAKE of Androscoggin

Representatives:

SUPICA of Bangor
MALON of Biddeford
MONTELL of Gardiner
RIELLY of Westbrook
WILLIAMS of Bar Harbor

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (S-664)**.

Signed:

Senator:

HICKMAN of Kennebec

Representatives:

BOYER of Poland
COLLINGS of Portland
HYMES of Waldo
RUDNICKI of Fairfield

Reports **READ**.

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

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

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

Senator **STEWART:** Thank you, Mr. President, Ladies and Gentlemen of the Senate. I rise because LD 1695 is a bill that I sponsored, it's an issue I've been working on for a couple of years - actually, longer than that, a couple of legislatures - that would bring some parity in what we allow for consumers to access for direct shipment particularly of spirits. We do a similar thing already with wine in the State of Maine where you can order wine online and have it shipped directly to your home. What this proposal in front of us does, and I appreciate the committee's good work on this bill to come up with a bipartisan Ought to Pass Report, is to allow somebody who, for instance, went to Scotland and wanted to -- while they were there, they enjoyed some, you know, different types of local flavors - scotch, namely, as an example - and then they got home and wanted to purchase some of that to then consume responsibly on their own after the fact. What this bill would do is say, first off, it can't be a spirit that is sold locally already, so if it's already listed in Maine, you would not be able to order it online. So, for instance, your sort of generics, I guess, is how I would explain it, those would still have to be purchased through the three-tiered system, done so probably at a local grocery store or liquor store that sells those products. And so, if they don't, however, you could order this online, have it shipped through a common carrier, you'd obviously have a waiting period for that, and then they would make sure that the end receiver is somebody that's actually 21, and also pay an excise tax on that over and above what the product would ultimately be, anyway. So, the pushback I've received on this is namely from either the distributors or local folks who are worried, for some reason, that this is going to, you know, be harmful to their business model. But again, we're talking about products that are not currently listed, there's a waiting period involved, and you're paying more to do so over the internet. So, for those generic -- more generic products that folks could run down to the local store, pay less for, access it immediately, there's really no comparison here. And so, I hope that over time the amendment and the work that the committee's done has really pared back this proposal to be really something that I think, you know, should pass. This is not, as you can see in the Minority Report, this is not a -- and in the Majority Report, it's not a partisan issue, it's one of really consumer choice. I hope that this Body will accept a motion that allows us to move more towards that model as it relates to certain spirits that folks can't currently access here in the State of Maine. So, Thank you, Mr. President.

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#665)

YEAS: Senators: BRENNER, CARNEY, CHIPMAN, DAUGHTRY, GUERIN, ROTUNDO, TIMBERLAKE, VITELLI

NAYS: Senators: BAILEY, BALDACCI, BEEBE-CENTER, BENNETT, BLACK, BRAKEY, CURRY, DUSON, GROHOSKI, HARRINGTON, HICKMAN, INGWERSEN, KEIM, LAFOUNTAIN, LAWRENCE, LIBBY, LYFORD, MOORE, NANGLE, PIERCE, POULIOT, RAFFERTY, RENY, STEWART, TIPPING, PRESIDENT JACKSON

EXCUSED: Senators: FARRIN

8 Senators having voted in the affirmative and 26 Senators having voted in the negative, with 1 Senator being excused, the motion by Senator **HICKMAN** of Kennebec to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report, **FAILED**.

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

Bill **READ ONCE**.

Committee Amendment "A" (S-664) **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.

ENACTORS

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

Emergency Measure

An Act to Change the Requirement for Edible Cannabis Products to Be Stamped or Embossed on Each Serving with a Universal Symbol
H.P. 1371 L.D. 2147
(C "A" H-880)

This being an Emergency Measure and having received the affirmative vote of 29 Members of the Senate, with 5 Senators having voted in the negative, and 29 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.

Acts

An Act to Require the State to Notify Indian Tribes and Indian Nations When New Laws Are Enacted That Need to Be Certified
H.P. 1167 L.D. 1835
(H "A" H-899 to C "A" H-853)

An Act to Clarify the Use of Public Equipment on Public Easements
S.P. 982 L.D. 2264
(C "A" S-622)

An Act to Prohibit Receiving Compensation for Assisting a Person to Obtain Veterans' Benefits Except as Permitted Under Federal Law
S.P. 976 L.D. 2259
(C "A" S-619)

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

An Act Regarding Quality of Care and the Board of Trustees at the Maine Veterans' Homes
H.P. 1418 L.D. 2211
(C "A" H-882)

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

An Act to Provide Funds Necessary for the Production and Delivery of Election Materials by the Secretary of State and to Reconvene the Working Group to Study Polling Places at Schools
S.P. 153 L.D. 332
(C "A" S-628)

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

An Act Regarding Public Higher Education Funding in the State
S.P. 885 L.D. 2092
(C "A" S-626)

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

An Act to Develop a Grant Program to Provide Career Exploration Opportunities to Youth in the Community
H.P. 1408 L.D. 2197
(C "A" H-888)

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

An Act to Establish a Civil Rights Unit Within the Office of the Attorney General and Require Enhanced Ongoing Civil Rights Training for Civil Rights Officers

H.P. 1417 L.D. 2210
(C "A" H-877)

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

An Act to Prohibit Unauthorized Paramilitary Training
H.P. 1354 L.D. 2130
(C "A" H-757)

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

Resolves

Resolve, to Require the Establishment of a Stakeholder Group to Examine and Improve the Recruitment, Retention and Wellness of Law Enforcement Officers
S.P. 887 L.D. 2094
(C "A" S-623)

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

Resolve, to Establish a Process to Evaluate the Family Team Meeting Model
S.P. 354 L.D. 857
(C "A" S-632)

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

Resolve, to Expedite and Improve Reimbursement to Certain Private Nonmedical Institutions
S.P. 965 L.D. 2243
(C "A" S-631)

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

Senate at Ease.

The Senate was called to order by the President.

RECESSED until 12:15 in the afternoon.

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

HELD MATTER

An Act to Clarify Licensing Criteria and Criminal History Record Check and Notification Requirements for Adult Use Cannabis Establishments
H.P. 1379 L.D. 2155

(In Senate, April 3, 2024, **PASSED TO BE ENACTED** in concurrence.)

(In House, **PASSED TO BE ENACTED**.)

On motion by Senator **HICKMAN** of Kennebec, the Senate **RECONSIDERED** whereby the Bill was **PASSED TO BE ENACTED**, in concurrence.

On further motion by same Senator, **TABLED** until Later in Today's Session, pending **ENACTMENT**, in concurrence.

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

REPORTS OF COMMITTEES

Senate

Divided Report

The Majority of the Committee on **HEALTH COVERAGE, INSURANCE AND FINANCIAL SERVICES** on Bill "An Act Requiring Health Care Providers to Engage in Fair Practices When Selling Medical Debt"
S.P. 908 L.D. 2115

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-667)**.

Signed:

Senators:

BAILEY of York
BRAKEY of Androscoggin
RENY of Lincoln

Representatives:

PERRY of Calais
CLUCHEY of Bowdoinham
CYRWAY of Albion
MASTRACCIO of Sanford
MATHIESON of Kittery
MORRIS of Turner
NUTTING of Oakland
PRINGLE of Windham
SWALLOW of Houlton

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "B" (S-668)**.

Signed:

Representative:
ARFORD of Brunswick

Reports **READ**.

On motion by Senator **BAILEY** of York, the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (S-667)** Report **ACCEPTED**.

Bill **READ ONCE**.

Committee Amendment "A" (S-667) **READ** and **ADOPTED**.

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

Sent down for concurrence.

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

REPORTS OF COMMITTEES

Senate

Ought to Pass Pursuant to Joint Order

Senator CURRY for the Committee on **INNOVATION, DEVELOPMENT, ECONOMIC ADVANCEMENT AND BUSINESS** on Resolve, to Establish an Automotive Right to Repair Working Group
S.P. 1002 L.D. 2289

Reported that the same **Ought to Pass**, pursuant to Joint Order 2023, S.P. 978.

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

Resolve **READ ONCE**.

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

Sent down for concurrence.

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

REPORTS OF COMMITTEES

Senate

Ought to Pass As Amended

Senator ROTUNDO for the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** on Bill "An Act to Authorize a General Fund Bond Issue for Research and Development and Commercialization"
S.P. 197 L.D. 416

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-669)**.

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

Bill **READ ONCE**.

Committee Amendment "A" (S-669) **READ** and **ADOPTED**.

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

Sent down for concurrence.

Senator BALDACCI for the Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act to Ensure Subsidy Reimbursements and Emergency Financial Assistance for Certain Child Care Providers"
S.P. 935 L.D. 2199

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-666)**.

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

Bill **READ ONCE**.

Committee Amendment "A" (S-666) **READ** and **ADOPTED**.

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

Sent down for concurrence.

Senator CARNEY for the Committee on **JUDICIARY** on Bill "An Act to Implement Protections Against Deed Fraud"
S.P. 960 L.D. 2240

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-672)**.

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

Bill **READ ONCE**.

Committee Amendment "A" (S-672) **READ** and **ADOPTED**.

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

Sent down for concurrence.

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

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

REPORTS OF COMMITTEES

House

Ought to Pass Pursuant to Public Law

The Committee on **EDUCATION AND CULTURAL AFFAIRS** on Resolve, Directing the Department of Education to Establish the Commission to Study School Construction Policy and Funding (EMERGENCY)
H.P. 1476 L.D. 2285

Reported that the same **Ought to Pass**, pursuant to Public Law 2023, chapter 462, section 4.

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

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

Resolve **READ ONCE**.

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

Ought to Pass Pursuant to Resolve

The Committee on **EDUCATION AND CULTURAL AFFAIRS** on Resolve, Directing the Maine Education Policy Research Institute to Review Certain Components of General Purpose Aid for Local Schools and the Essential Programs and Services Funding Formula
H.P. 1477 L.D. 2286

Reported that the same **Ought to Pass**, pursuant to Resolve 2023, chapter 118, section 2.

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

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

Resolve **READ ONCE**.

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

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

REPORTS OF COMMITTEES

Senate

Divided Report

Seven members of the Committee on **LABOR AND HOUSING** on Bill "An Act to Enhance the Predictability of Mandated Overtime for Pulp or Paper Manufacturing Facility Employees" S.P. 719 L.D. 1794

Reported in Report "A" that the same **Ought to Pass as Amended by Committee Amendment "A" (S-670)**.

Signed:

Senators:

TIPPING of Penobscot
DAUGHTRY of Cumberland

Representatives:

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

Three members of the same Committee on the same subject reported in Report "B" that the same **Ought to Pass as Amended by Committee Amendment "B" (S-671)**.

Signed:

Representatives:

BRADSTREET of Vassalboro
DRINKWATER of Milford
SOBOLESKI of Phillips

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

Signed:

Senator:

POULIOT of Kennebec

Reports **READ**.

Senator **TIPPING** of Penobscot moved the Senate **ACCEPT** Report "A" **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (S-670)** Report.

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

Senator **KEIM:** Thank you, Mr. President. This bill before us is a solution looking for a problem. I can tell you right now that there are hundreds of people in my district who want us to treat paper mills more favorably in every manner of lawmaking that we do. They're under a tremendous amount of pressure, and we've been losing them at a rate we can barely afford to. Because a paper mill supports our local hardware store, our local corner store, they are really good paying jobs, and they provide families with good lives. We just lost 100 jobs in Rumford. Rumford is small. The paper mill is struggling because there's very slim margins. It's difficult to do business in this heritage industry, but it supports our loggers, it supports so many families. Just on, you know, one mill in our town that's struggling, they've closed, they've closed in Old Town. That hurt. So, we should question why are we targeting Maine's heritage industry in this way. I have not heard -- the people that are in my community are not coming to me and saying this is such a problem. And the reason why it's not a problem is because they have an avenue for grievances already. It's the bargaining table. The makeup of this commission, I'm grateful that the bill has been changed into a study, but the study is set up to have the wrong outcome. There's eight legislators on here, only two from industry. My husband has been in the paper industry his entire career, and so I probably know a lot more about the paper industry than many of you sitting here, and still, I am totally inadequate to be making these kinds of decisions for a paper mill. The outcome of this commission is pre-determined. It is a giant group of people who do not run paper mills who are going to try to make decisions that will so impact the paper industry. We need to instead be wrapping our arms around this industry and saying thank you for what you're doing, thank you for providing good jobs for the families in our state, thank you for supporting the loggers, thank you for helping us utilize our natural resources in a way that's sustainable and growing our communities. I would ask you all to vote against the pending motion and in favor of the Minority Report, and with that, I would ask for a Roll Call, Mr. President.

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

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

Senator **TIPPING:** Thank you, Mr. President. I would like to clarify that this is a study we're talking about, not yet a solution, and it's certainly not targeting anyone. But the problem that we're discussing here is real. We heard in our committee many stories from workers all over the state that are working 18-hour, 24-hour shifts, sometimes back-to-back, sometimes with very little break in between. There is a smaller workforce in the mills, as we've heard about, and they're being asked to do more. It's been difficult for families and it's a safety hazard for people all over the state because when people work that long and that hard and then get on the road, as we heard in the committee, people often black out and end up at their house two hours later, not having remembered that they dozed off at the wheel or were in a state that they shouldn't be driving. So, there is certainly a problem here. It's a broader one, you know, it's not targeting any specific employer but a product of workforce issues that I hope we as a Body can continue to address, and I am glad to see that there has

been some movement to address this problem. Some mills have had success limiting mandatory overtime and these unsafe shifts and, in fact, they have reported attracting more workers when they've done that and made these jobs more attractive. So, I'm glad to see that we have an opportunity here to continue that conversation, to study this issue, hopefully allow mills to talk with one another, figure out who's doing what right, and help others to do the same. So, I would urge those here to support the Majority Report.

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

Senator **NANGLE:** Thank you, Mr. President. I rise in support of this bill. It is just a study, and I used to work 24-hour shifts, I know what these people are going through. There were plenty of mornings when I would drive home and get home and not remember the drive home, have no idea what happened. This is dangerous, how they're not killing somebody in the mill when they're that fatigued is, frankly, a miracle to me, and I think it's time that mills do what other organizations do and hire appropriately to prevent mandated overtime that places employees, citizens, at risk. We had a case just two years ago, I believe, where an individual was driving home after a long shift, got in a crash, and killed somebody. He was found not guilty, eventually, but it was because of fatigue. But how much did that trial cost him, both economically and emotionally? Please vote for this bill.

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#666)

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

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

EXCUSED: Senators: FARRIN

22 Senators having voted in the affirmative and 12 Senators having voted in the negative, with 1 Senator being excused, the motion by Senator **TIPPING** of Penobscot to **ACCEPT** Report "A" **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (S-670)** Report, **PREVAILED**.

Bill **READ ONCE**.

Committee Amendment "A" (S-670) **READ** and **ADOPTED**.

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

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

REPORTS OF COMMITTEES

Senate

Divided Report

The Majority of the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** on Bill "An Act to Respect and Protect the Right to Food"
S.P. 739 L.D. 1823

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-673)**.

Signed:

Senators:

INGWERSEN of York
HICKMAN of Kennebec

Representatives:

PLUECKER of Warren
HEPLER of Woolwich
JAUCH of Topsham
OSHER of Orono
SHAW of Auburn

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

Signed:

Senator:

BLACK of Franklin

Representatives:

COSTAIN of Plymouth
CRAY of Palmyra
GUERRETTE of Caribou
HALL of Wilton
JACKSON of Oxford

Reports **READ**.

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

On motion by Senator **STEWART** of Aroostook, **TABLED** until Later in Today's Session, pending **ACCEPTANCE** of the Majority **OUGHT TO PASS AS AMENDED** Report.

Divided Report

The Majority of the Committee on **JUDICIARY** on Bill "An Act to Implement the Recommendations of the Maine Commission on Indigent Legal Services"
S.P. 949 L.D. 2219

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-674)**.

Signed:

Senators:

CARNEY of Cumberland
BAILEY of York
BRAKEY of Androscoggin

Representatives:

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

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

Signed:

Representative:

HENDERSON of Rumford

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

Reports **READ**.

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

Bill **READ ONCE**.

Committee Amendment "A" (S-674) **READ and ADOPTED**.

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

Sent down for concurrence.

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

REPORTS OF COMMITTEES

Senate

Divided Report

The Majority of the Committee on **JUDICIARY** on Resolve, to Allow Ireland Farms, Inc. to Sue the State
S.P. 939 L.D. 2202

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

Signed:

Senators:

CARNEY of Cumberland
BAILEY of York

Representatives:

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

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (S-675)**.

Signed:

Senator:

BRAKEY of Androscoggin

Representatives:

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

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

Reports **READ**.

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

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

Senator **CARNEY:** Thank you, Mr. President, Colleagues of the Senate. I rise because I want to explain why the committee voted -- the majority of the committee voted as it did on this report. This is what I would say is a sympathetic case. Ireland Farms lost a seed potato crop and wishes to bring a claim against the State. That claim, though, is barred by Maine's Sovereign Immunity Law and the Maine Tort Claims Act. In Maine and most states in our country, sovereign immunity is the rule, and the liability of a government identity is an exception. And exceptions are made under our laws. There are exceptions for things like using motor vehicles and negligence in the operation and maintenance of a building. And those exceptions are there for good reasons. They're because those are the types of claims that a state or a county or a municipality can get insurance coverage for and

doesn't expose the taxpayers in that district to unanticipated and unplanned-for liability and expense. There are also the types of claims that happen among private entities as well, and so there is a more robust standard for what liability is, what liability insurance will cost. However, there are some government functions that are not insured and are different from claims involving private entities. And for those -- in those instances, the government is immune. What a claim against the State asks is it asks, is there a reason for not applying the statute which would establish immunity on a government entity or actor, are there good reasons for not applying that law that applies broadly across the state in this one particular instance? At the public hearing, the committee heard a lot of conflicting information about the underlying facts and whether or not they would support a negligence claim against the State. We were sympathetic to the information we heard, but we probed and probed, and asked well, why is this rule that applies to the farms on either side of Ireland Farms and farms across the state, why should that rule that applies to everybody else not apply in this instance? And we couldn't really get an answer. We also asked Ireland Farms well, you know, did you bring a claim against the company in Montana that supplied you with the allegedly defective seed potatoes? And the answer was no. And so, as a committee, we were really looking for that reason why we would allow Ireland Farms to be -- to have the personal exception to immunity that applies broadly across the state to all similarly situated farms, and we just couldn't find it, which is why the majority voted Ought Not to Pass. And I'll conclude with an observation, which is that if we are in favor of liability in these circumstances, or at least allowing a claim against the State to establish liability, then I think that that is a good state policy and we should amend the Maine Tort Claims Act so that we can create a level playing field and fairness for all of the farms, including neighboring and like Ireland Farms, rather than lifting just one entity out. And also, so that the State, and if we make an exception to the Maine Tort Claims Act, towns and county governments can either buy insurance or create reserves. And so, we can do that good fiscal planning going forward. But I would urge my colleagues to support the pending Ought Not to Pass motion. Thank you.

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

Senator **STEWART:** Thank you, Mr. President, Ladies and Gentlemen of the Senate. I am the sponsor of this legislation. Mr. Ireland, Larry, approached me through his attorney, actually, because his attorney came to the conclusion that there is no other recourse for Mr. Ireland other than to pursue an objection for sovereign immunity in order to bring a claim against the State. And I want to be crystal clear on what it is that we're talking about here today. We are not finding liable the State of Maine in any sort of case that may or may not come forward. We are simply saying that Mr. Ireland can pursue this case and get over that first threshold of any action that might come forward. Why does this matter? What happened? So, Mr. Ireland is a potato farmer up in Aroostook County. As a part of that, he sells seed potato, and that's used to continue on in future crops and grow potatoes. And so, that seed is sold to different places, there's a market for seed, and importantly, and as you probably all recall, not all that long ago, the potato industry in Maine ran into a bit of a problem where it was found that a fair amount of seed potato in Maine was infected with Dickeya or blackleg, which basically causes the

potato to, as the plant stalk grows, it eventually rots, decays, and then dies, and can kill your crop. And so, in light of all of that, the State has a process whereby these growers are, before they can sell seed potatoes, supposed to get certified through the State, through an inspection process, that their crop is clean, effectively, before they can sell it. I believe it was in 2021, Mr. Ireland went through that process and was seeing in his crop that there were problems. There were problems that were popping up, he was -- he was noting this, he was flagging it for the inspectors. Because as a part of that, he could've then gone through an insurance claim on the backend that would've been covered. But instead, the State certified the crop. And that is, in fact, the issue here, that there was a State action that led to this man, this potato farmer, having no other recourse but to pursue through a bill an exemption for sovereign immunity. If we don't do this, the practical effect is he gets nothing for a crop that he couldn't get insurance through and file that claim for. He also couldn't in good faith sell it, because then you would end up spreading Dickeya and blackleg into other places across the country, further harming the reputation of our potato industry here in Maine, and the Department did nothing. Please - I'm not asking you to make a determination around the facts here, I'm asking you to allow the judicial process to play out as it should, as it would if this happened in a private exchange between others. But it can't, unless and until we approve this measure. I think you'll see that that is why it is a bipartisan report, including the Passamaquoddy Tribal Member who sits on this committee. Please advance this legislation. Do so if for no other reason than to help this farmer, who is literally at the end of the line. He needs our help. This is not a political issue, please advance this measure. Thank you, ladies and gentlemen.

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

Senator **BRAKEY:** Thank you, Mr. President. As one of the members on the committee, I wanted to provide some additional context to the decision we're about to make as a Body. First, I do want to note that one of the members who is not on the Ought Not to Pass Report in front of us is Representative Stephen Moriarty, who is on the alternate Ought to Pass as Amended Report, which is the bipartisan report of the committee. I'll just note from my experiences with Representative Moriarty, though he may operate primarily in the Chamber that we do not mention, he is on the committee someone who I found to be a very impressive legal mind, though I do not always agree with him, but with an incredible attention to detail. And a point that I think he made when he decided to join the alternate report, was that it is not ultimately our role in the Legislature to weigh liability and the full evaluation of the facts that will be for the courts if we allow this process to move forward. And there was one principle of fact, however, that was very important for me and helped me make my determination to vote to pass this legislation, and that determination of fact was something that was not contested by the State, and certainly -- but was put forward by Ireland Farms, which is that the State did not meet their obligation. There were payments made to the State for services that included inspection of these potatoes, and those inspections never took place. And the State doesn't contest that. The State contests that even if the inspection had taken place, perhaps it wouldn't've made a difference. I don't know if the State is right on that fact or not, I'm happy to leave that to the courts to evaluate if it would've made a

difference or not, but the simple fact is the State did not meet its contractual obligation in this case. And for myself, that is significant enough to say let the case go forward, let a court make the evaluation.

THE PRESIDENT: The Senator may proceed.

Senator **NANGLE:** Will the Court be able to consider the sovereign immunity clause as part of the litigation?

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

Senator **STEWART:** Thank you, Mr. President. I'm rising to request a Roll Call, which I'll do in just a second, but the threshold, the way that the process works out is that the first thing that would happen is the case would be immediately dismissed because of the sovereign immunity has not been waived by, in this case, the party being the State of Maine. And so, that's the first threshold. That means nothing beyond that other than it's your first sort of knockout from a claim that a defense would ultimately just rely on. And so, does not factor into any question of fact around whether or not the State should be found liable because we took this action, it simply allows it from a procedural standpoint to move forward and then let those facts be determined beyond that. And with that, I would request a Roll Call. Thank you.

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

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

Senator **CARNEY:** Thank you. I also rise to answer the question posed by my colleague. So, if this measure passes, if the pending motion is defeated and we move on to another motion, then the State would be deemed to have waived immunity, and the case would go directly to litigation of the State's liability. So, that is the answer to the question. And I did also want to just add a reflection about one of the other aspects of immunity, which is that it protects the State from having to litigate claims. And the immunity from suit is as important financially to a government entity often as is the immunity from underlying liability. So, there's two layers of expense; defending the lawsuit, which you win or lose, and then if you lose, also paying the liability. And I know my good colleague from Aroostook observed that this bill is not a political issue, and I agree wholeheartedly, it's not a political issue, my heart went out to Mr. Ireland, but I think it is a fiscal issue and that we should be really -- and a fairness issue, actually, that we should be really careful about the resources that will be used if we waive liability frequently in cases like this. And also, if we treat one person different from their neighbor under the same law. Thank you.

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

Senator **BRAKEY:** Thank you, Mr. President. I also wanted to rise, speaking briefly to the question that was posed. I think it's -- as I understand it, because we are the Body -- I mean, we and

the Other Body are the bodies that represent the people to the State, it's entrusted upon us when there are lawsuits that the people would like to bring suit against the State, it's for us to determine through our legislative processes in that individual case to waive sovereign immunity, so that's essentially what we're voting to do right now is whether to waive sovereign immunity in this individual case or not.

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#667)

YEAS: Senators: BAILEY, CARNEY, DAUGHTRY, DUSON, PIERCE, RAFFERTY, ROTUNDO, TIPPING, VITELLI

NAYS: Senators: BALDACCI, BEEBE-CENTER, BENNETT, BLACK, BRAKEY, BRENNER, CHIPMAN, CURRY, GROHOSKI, GUERIN, HARRINGTON, HICKMAN, INGWERSEN, KEIM, LAFOUNTAIN, LAWRENCE, LIBBY, LYFORD, MOORE, NANGLE, POULIOT, RENY, STEWART, TIMBERLAKE, PRESIDENT JACKSON

EXCUSED: Senators: FARRIN

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

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

Bill **READ ONCE**.

Committee Amendment "A" (S-675) **READ** and **ADOPTED**.

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

Sent down for concurrence.

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

ORDERS OF THE DAY

Unfinished Business

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

The Chair laid before the Senate the following Tabled and Later Assigned (2/1/24) matter:

JOINT ORDER - Requiring Suggested Committee Amendments to Concept Drafts to Be Filed Before Their Committee Hearings S.P. 937

Tabled - February 1, 2024 by Senator **BENNETT** of Oxford

Pending - **PASSAGE**

(In Senate, February 1, 2024, **READ**.)

On motion by Senator **VITELLI** of Sagadahoc, **REFERRED** to the Committee on **JOINT RULES** and ordered printed.

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

Senator **BENNETT**: Thank you, Mr. President, Fellow Members of the Senate. What a happy day. I have it on good authority that the Rules Committee is actually going to meet, I think it may be the first time in five years, but it's well overdue. And as this Body knows, this is the fourth item that I've sponsored to send to the Rules Committee because I do believe that our process is in dire need of attention. And we know that the first thing that we do when the next -- when the Legislature is called into session is pass rules. And we need to pass rules, because otherwise, we can't do anything, including electing officers and having committees and all of that. So, although this is a lot later coming to us than I wish it were, I think there's a hope that we can learn lessons from this legislative session and that we can improve the process for the next one. And I think it's incumbent upon us while it is fresh in our minds to bring together our joint learnings and take them up in the Rules Committee and on an orderly basis over the coming months prepare a set of recommendations about possible improvements that the next Legislature might consider when they organize for the 132nd. I look forward to doing that work as a member of the Rules Committee, and I look forward to all of your ideas and interests in that work because it is a collective need. Thank you, Mr. President.

Sent down for concurrence.

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

SENATE REPORTS - from the Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act to Prohibit State Contracts with Companies Owned or Operated by the Government of the People's Republic of China" S.P. 374 L.D. 877

Majority - Ought to Pass as Amended by Committee Amendment "A" (S-621) (7 members)

Minority - Ought Not to Pass (2 members)

Tabled - April 1, 2024 by Senator **NANGLE** of Cumberland

Pending - **ACCEPTANCE OF EITHER REPORT**

(In Senate, February 1, 2024, Reports **READ**.)

Senator **NANGLE** of Cumberland moved the Senate **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report.

Bill **READ ONCE**.

Committee Amendment "A" (S-621) **READ** and **ADOPTED**.

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

Sent down for concurrence.

The Chair laid before the Senate the following Tabled and Later Assigned (4/3/24) matter:

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

Report "A" - Ought to Pass as Amended by Committee Amendment "A" (H-910) (8 members)

Report "B" - Ought Not to Pass (3 members)

Report "C" - Ought to Pass as Amended by Committee Amendment "B" (H-911) (2 members)

Tabled - April 3, 2024 by Senator **BAILEY** of York

Pending - **ACCEPTANCE OF ANY REPORT**

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

(In Senate, February 1, 2024, Reports **READ**.)

Senator **CARNEY** of Cumberland moved the Senate **ACCEPT** Report "A" **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-910)**.

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 (#668)

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

NAYS: Senators: BLACK, GUERIN, KEIM, LYFORD, TIMBERLAKE

EXCUSED: Senators: FARRIN

29 Senators having voted in the affirmative and 5 Senators having voted in the negative, with 1 Senator being excused, the motion by Senator **CARNEY** of Cumberland to **ACCEPT** Report "A" **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-910)**, in concurrence, **PREVAILED**.

Bill **READ ONCE**.

Committee Amendment "A" (H-910) **READ** and **ADOPTED**.

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-910)**, in concurrence.

Sent down for concurrence.

The Chair laid before the Senate the following Tabled and Later Assigned (4/3/24) matter:

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

Majority - Ought Not to Pass (8 members)

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

Tabled - April 3, 2024 by President **JACKSON** of Aroostook

Pending - motion by Senator **BRENNER** of Cumberland to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report (Roll Call Ordered)

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

Senator **INGWERSEN:** Thank you, Mr. President. I rise today - of course, I hope the lights stay on - and I'd like to speak in

support of the Majority Ought Not to Pass Report on LD 1960. There have been so many collective efforts in this Legislature since 2018 to turn off the PFAS tap. This bill obstructs those efforts to remove PFAS from our water, from our soil, from our crops, and from our livestock. My own ACF committee has been working on the issue of PFAS and pesticides for many years now. The committee's been able to work closely with the Maine Board of Pesticides Control in the creation of those laws, and the board has put significant resources into the rulemaking resulting from that legislative work. Within these rules, the pesticides industry has already provided information about the presence of intentionally added PFAS in its products to the Board of Pesticides Control. The current laws regulating PFAS pesticides in Maine are measured, they're responsive to the concerns of the pesticide industry. Pesticide manufacturers who wish to sell their products in Maine must register them with the Board of Pesticides Control and disclose whatever PFAS is intentionally added to the product formulation. In implementing this law, the board bent over backwards to accommodate the requests of global pesticides giants such as Syngenta, Bayer, Monsanto, Dow, BASF, Corteva, and Alligare. The board extended reporting deadlines, improved the functionality of the online portal to ensure ease and consistency of data collection, and made adjustments to protect confidentiality where warranted. Eventually, all companies registered their products. The pesticide industry can likewise easily comply with the provisions of 38 MRSA §1614 that requires disclosures of PFAS ingredients. All pesticide ingredients, whether containing PFAS or not, have long been required to be reported to the Board of Pesticides Control, and all so-called active ingredients must be listed on the label for all to see, with the percentage of each ingredient disclosed. Pesticide manufacturers know exactly what they're putting into their products, and they already are reporting that information to the Board of Pesticides Control. This is not a situation involving complex manufacturing processes and extended supply chains. All the information requested by the State is already in the hands of pesticide manufacturers. Nor are the reporting requirements or costs onerous. As noted about the BPC worked closely with the industry to reduce burdens by modifying its online database, and companies pay a much-reduced registration fee by comparison to other states. In some cases, a third of what they would pay in other states. My Fellow Colleagues, people have a right to know about what they're being exposed to. We know these chemicals are accumulating in our bodies and leading to kidney cancer, liver disease, thyroid disorders, autoimmune disorders of the digestive system, and immune system impacts in children. We also know that Mainers are supportive of the work that we've been doing to protect our food systems in Maine. Reporting that they have increased confidence in the health of Maine food because of our good and sensible laws. Undermining these laws undermines confidence and ultimately the market for our locally produced food. As we all work hard and spends tens of millions of dollars to clean up our Maine farms from PFAS contamination and try to figure out how to help farmers who have lost their way of life and are suffering from the health effects of this contamination, it does not make any sense that we would want to continue to allow PFAS-containing pesticides to be used on Maine farms. Maine has committed more than \$100 million to address PFAS contamination issues on our farms, public water systems, and residential wells, and I ask my Fellow Senators to continue to defend this effort. Allowing further contamination will just increase public health costs and increase our tax burden for the

decades long cleanup. Maine is doing a solid and sensible job phasing out products with intentionally added PFAS that are already directly used on our bodies and that come in contact with our food. It only makes sense to include chemicals used in food production in the group of products with bans that go into effect in the near term. Thank you.

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

Senator **STEWART:** Thank you, Mr. President. I'm not sure if a Roll Call has been ordered. It has been ordered? Okay, great, thank you.

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

Senator **BLACK:** Thank you, Mr. President, Men and Women of the Senate. I'm not sure if it was my testimony last time or the Good Senator from York that shut the power off, but hopefully it won't happen today again. I rise in support of LD 1960. The reason is being that the state of farming -- the state of the farming economy that we have today, the new stats from the census show a loss of 564 farms, the lowest in 25 years, and 82,000 acres from 2017 to 2022. Sixty-three percent of Maine farms have a net loss of income. The State has set a goal of having 30% of our food grown locally by 2030. Farmers are struggling with many different problems - high inflation, lack of labor, cheap out-of-state food from corporate farms that are able to use chemicals that we can't even consider, and mother nature. Farmers have a toolbox that they use every day. One of those in that toolbox is pesticides to help them grow a crop. Last year, we lost over a thousand different brands of pesticides because of new restrictions we put in place on them. We are already starting to remove the pesticides that are causing problems. It makes it harder and more costly to grow these crops. This could cause more farmers to grow less and go out of business. This would cause us to import more food with a lot less restrictions on it. How does this help our farmers or our consumers? Letting us work the problem of pesticides in a more orderly fashion and not put our farmers out on a limb. It is my understanding that in the testimony last week, we heard that this bill had been thoroughly vetted in the committee, and my understanding is that in the work session, the bill was only brought up for about a minute and a half, two minutes, and a motion was made Ought Not to Pass. Thank you very much.

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

Senator **BRENNER:** Thank you, Mr. President, Colleagues of the Senate. I just want to rise and echo my agreement with the Good Senator from York, who is the wise Chair of the Ag Committee. So, we know that -- I mean, we're all quite aware of the dangers of PFAS, so I don't want to belabor that issue more, but I just want to put a fine point on how mobile and forever this class of chemicals is within our soil structure, within our groundwater, within our surface waters, and I hope you all keep up with the news as much as I do about PFAS but there was a weekend report about contamination of freshwater fish and how many meals are safe to eat from certain waterbodies of certain species of fish as a result of PFAS contamination. So, the

interconnectedness is really crucial here, so what happens on one individual farm is connected to everything else that the product from that farm moves to, whether it's feed for cows or whether it's contamination of groundwater and that groundwater aquifer engaging with other farms or other homeowners' domestic rural wells and what happens when there's surface runoff and nonpoint source pollution into our surface waters for fish. So, it's really crucial that we remember that interconnected web of the way agriculture affects all the other things that it touches. In addition, the ENR committee, we've spent countless hours deliberating PFAS and how to manage and regulate PFAS as it comes into the state in products and how it's used in products that are manufactured in state. Most of our focus has been on complex products because the feedback we got from the initial work we did in the 130th was that complex products were where the issue was. It was about multiple components of things where you couldn't determine whether the thousand parts of a car had PFAS or not because of all of the different places where the origin of that component was made. So, we've been spending a year and a half dealing with a fine tuned way to move that policy body of work forward and we were successful with the unanimous report out of committee last week. This particular bill deals with a product that has an ingredient list. And what pesticide manufacturers are asked to do is report to the Board of Pesticide and Control whether or not the product has PFAS in it, whether the carrying ingredient or the container is fluorinated, which we know that fluorinated containers leach PFAS into the pesticide, regardless of whether the product was originally made with PFAS or not. So, to collect that information at the Board of Pesticide and Control has been the goal. So far, what we know is that what's used in Maine was reported to the Board of Pesticide and Control. Last week, the Good Senator from Franklin mentioned that products have come off the Board of Pesticide and Control registry. That happens every year because manufacturers look at what sales are in the state and determine that maybe they'd registered a pesticide that actually has never been purchased or used in the state and so they don't bother continuing to engage with that registry anymore. So, there's -- so, in my opinion, and in the -- and the opinion of the majority of the committee was that we need to make sure that farmers know what's in the products that they want access to and that consumers understand what farmers have access to so that they can make wise food and consumption choices, and I urge you to support the pending motion on the floor and keep our sensible regulations around PFAS intact. Thank you.

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

Senator **STEWART:** Thank you, Mr. President, Ladies and Gentlemen of the Senate. I rise in opposition to the pending motion because I think that this bill makes a lot of sense for where we are at, and we have to really kind of back up a few decades here to really set the narrative straight around what's happening or what has happened with agriculture in Maine and PFAS. And, quite frankly, it's funny we just had a debate around sovereign immunity and the right to sue the State, the real, I think, biggest culprit here actually has been the State over the years, who advised and in fact encouraged farmers to use sludge as a fertilizer in their fields. And of course, we now know, decades later, that that actually was problematic and contained a lot of PFAS and now has presented numerous issues for farmers

across the state that took the State's advice. So, there's been an effort, and I don't want to discourage the effort to try to certainly inform folks of what's in the food that they eat and where their food is coming from, I don't want to discourage that by any stretch, but I do think that there is a reasonable way to approach some of these conversations, and bearing in mind that Maine is a very small state in terms of our not just national but global economy and that the more regulations that we pile and pile on to our farmers here, the less likely it's going to be that they are going to be able to make the margins that they need to make when our neighbors, either in New England or in the United States or around the world, don't have these same burdens. And when somebody goes to the store to then buy a potato or an apple or whatever, there's nothing that's going to protect them, then, from just having that apple brought from New Hampshire, where they didn't have this same price structure or the same regulatory structure that then increased the price. And so, effectively, what we're saying by rejecting this bill is that yeah, you're still going to have products that have PFAS in them in your grocery store and you'll probably still eat them as a consumer, they just won't be Maine products, they'll be from elsewhere. And so, we're not really addressing the real root of all of this, I mean, it's -- I'm not someone that thinks that PFAS isn't something that should be addressed, I just really wish that we would do it more reasonably, and I commend you, Mr. President, for bringing this bill forward because I do think it's a much more reasonable approach to this problem that isn't also going to be driving our agricultural base that you and I rely on, certainly, up north, into other states and really, you know, chopping both our legs out from underneath of us. I mean, it's -- it's not -- it's not the solution that we need right now, and I appreciate this effort, I hope that we reject the motion, I hope that we pass this bill, I hope that we come up with a different approach here down the road that will make more sense for everybody and will keep our agricultural base competitive while also trying to protect Maine consumers. Thank you.

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

Senator **TIMBERLAKE:** Thank you, Mr. President, Ladies and Gentlemen of the Senate. First of all, Mr. President, I'd like to thank you for putting this bill in. I guess the first question I want to ask is by passing this bill, can someone tell me who this really protects and helps here in the State of Maine? Because I don't see as it does anyone because -- I'm going to give you my reasons and then I'll wait for an answer later on, after I get done talking, but -- 98% of the products sitting on the store shelves in the State of Maine don't come from the State of Maine. And so, the rest of the world and the rest of the United States will be playing on a different playing field than the farmers in the State of Maine. And by not passing this bill, who does this hurt, Mr. President? I can tell you who it would hurt, it hurts the farmers in the State of Maine because they don't get to play on that playing field. Now, I don't suspect when I get done talking today that I'll have changed a lot of peoples' minds, but I really do hope you listen to what I'm going to say. Because farming has been part of my life and my family's life and the Good Senator sitting beside me's life for generations. And I believe everybody in here loves every farmer in this place. I've got friends who are farmers in this room, and there isn't a farmer in the State of Maine that wants to poison the earth, poison his land, or poison anyone. Why was it so important to create an exemption for the veterinarians and the

dairy industry and not for the fruit and vegetables and the farms of the other industry? That's right, ladies and gentlemen, we created an exemption so that veterinarians could take care of some of the cattle and take care of some other things, but we didn't grant it to the rest of the farmers in the state, who those of us who farm have to rotate our chemicals so we don't use them all the time, just like you rotate your crops. It's so important to be able to do this and when you limit the number of choices we have, then you limit our ability to farm. California, the State of California, was even smart enough to pass a law like this because they knew what it meant to their community and to their state. They understood that in order to keep their industry functioning and the people working, they had to create this exemption, even in the State of California. And remember, we'll be the only state of the 50 states that puts this -- that has this law in place. Ladies and Gentlemen of the Senate, most farms, like ours, and I wasn't going to talk about my own farm but I'm going to talk about it for a minute because I need to explain to you what we do. We run an IPM program called integrated pest management, which means that every day during the week, we have an employee or one of the family members goes around all of our blocks and checks traps that we put out to trap insects. And we catch those insects, and we determine what the threshold is for us to have to spray. Because believe it or not, Ladies and Gentlemen of the Senate, and Mr. President, the last thing we want to do is to go out and spray. For two reasons - not a lot of fun and, most importantly, it's very expensive. So, we run an integrated pest management program - IPM, it's called. And we do that so that we can target a pest, whether it be in the apple industry, plum curculio, tarnished plant bug, cutworm, whatever it is, and we choose a specific chemical to kill just that insect. Now, Mr. President, Ladies and Gentlemen of the Senate, there are some stronger things that we could use that we don't because we are stewards of our land, we don't want to spray chemicals that are bad, so we try to target kill just certain insects. Integrated pest management means that we're only going to kill bad insects and keep the good insects alive to feed on the bad insects. So, if you ever come up to my farm during the summer and you see tall grass every other row, where we only mow every other row, every other week, it's so we can keep good bugs alive in the orchard and working to kill the pests. We only want to kill the very bad bugs that drive us out of business, that let us not compete and sell our products in stores in the State of Maine. Ladies and Gentlemen of the Senate, Farm Bureau even stated that as we all work towards safe and healthy future of our families, we hope this committee will vote Ought to Pass on this bill. We believe it will give the farming community the leverage they need to work towards sustaining the future. Mr. President, Ladies and Gentlemen of the Senate, I'm going to get to the saddest part of my speech. Thirty farmers a day die from suicide - this is put out by the CDC - most of it comes from financial problems. Thirty farmers a day. Mr. President, Ladies and Gentlemen of the Senate, I have a very good friend within the last year who died of suicide. He killed himself so that his family could collect the insurance policy so they could pay the bills. If you don't think this bill is important to the farmers of the State of Maine, you better pay attention. You can't keep putting us on an island and expect us to survive. We try very, very hard. This is scary. The suicide rate for farmers is three and a half times the national average, Mr. President, three and a half times. Consider that for a minute. And 97.4% of all farmers are depressed. One of the biggest reasons is financial burdens and unfair practices they feel they're competing against. And I ask why, I ask you,

can't you support a bill that keeps all farmers on the same playing field in all 50 states? There's so many things that I could say, and I'm trying to find through all my notes, it's really hard, because if you feel that you don't need to pass this bill, Ladies and Gentlemen of the Senate, and Mr. President, then maybe we need to put a tax on all the food that's brought into the State of Maine for resale and distributed -- and distribute that tax amongst the farmers that are not on the same playing field as the rest of the country and the rest of the world. Don't expect us to compete with Washington State, Michigan, New York, California, Montana, Wisconsin. Don't expect us to compete if you don't give us the same tools to play the game with. It cannot happen. We can't compete. In two years, we've lost 20% of the farms in the State of Maine. When I was a young boy, there were 600 apple growers in the State of Maine. We're down to less than 40. There was 3,000 dairy farms in the State of Maine, 6,000 when I was a young boy, went down to like 600 or less now. Why? Because we can't compete. Our own family farm this year, since I was a young man, has gone from one of the largest in the state, and we're shrinking every day. We've gone from 600 acres down to 350, and I expect this year we're going to drop another 50 acres off the farm. Why? Because we can't compete. Hannaford, Shaw's, Walmart, every one of the big box stores dictates the price they pay the farmer. We don't get to say I need this much money for the box because that's what it cost me. This is how much we're going to give you, take it or leave it, and I don't care if you're losing money. That's what happens to the farmer in the State of Maine. So, keep doing this and not passing a good bill that the Senate President puts in, and we'll continue the decline, and we'll continue to be out of business. Ladies and gentlemen, I don't want to be out of business. I was hoping that my daughter and grandson and my nieces and nephews could continue our farm. But why do they want to compete when they can't be on the same playing field? Folks, I'm being serious. Mr. President, again, I thank you. Go ahead and vote for the pending motion, but with it, put an amendment on it that taxes so you can keep the farmers going in Maine. Because without it, there is another bunch going out because you take away the tool in our toolbox. My good friend, Senator Black, said it right, we've lost the tool. We have to be able to rotate the chemicals, we can't use the same chemical over and over and over again because pretty soon, the insect builds up a resistance to it and it doesn't work. We have to have the multiple tools. Maine is a very small dot on these chemical companies' map. They don't care if they sell one chemical in the State of Maine. It doesn't affect their profit line a bit. But it sure does affect the farmers. So, I ask you to vote down the pending motion and to pass President Jackson's bill. Thank you very much.

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

Senator **BRENNER:** Thank you, Mr. President, and thank you, Colleagues of the Senate, for permitting me to rise for a second time. I just want to express my sympathy to the Good Senator from Androscoggin for the loss of his -- of his friend. And I share the love of farming with my farming colleagues here in the Senate, as well as I'm assuming all of the rest of you. And I moved here to be a farmer. I'm not seventh generation anything, but it is the life I've made, and it is how I've sent one kid through college and intend to send the next one, and it's how I subsidize my time here in the Legislature. I want to make sure that we

clarify that the arsenal of pesticides that farmers like to have access to, they can still have access to as long as the large manufacturers report whether or not there's PFAS as part of the ingredient list. And so far, they all have reported that, and by 2032, when the full ban were to go into place for PFAS in pesticides, there is an opportunity for those manufacturers to use the continuing unavoidable use determination to allow for that product to still remain on the market here in Maine. So, there is no door shutting. The fear factor, to me, feels like it has -- there are levers to address the fear factor going forward between now and 2032. So, I encourage you to support the Ought Not to Pass motion and I appreciate you allowing me a few more comments. Thank you.

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

Senator **TIMBERLAKE:** Mr. President, I don't apologize for rising a second time. I just want to address the Good Senator from Cumberland's comments. I think that she is a good farmer, she's a great farmer, she's also a good friend. I appreciate everything that she does and says. But there is a fact in the matter, there are some chemicals that would be coming off the list within the next year or so that are still being actively used in the State of Maine that are very important, and the passage of this bill would keep them on the market for farmers in the State of Maine. That's not including the apple industry, that's including the potato industry, that's including the vegetable industry, the tomatoes, and all these others, so -- and they're all running IPM programs, they're all running all the right things. So, I do want to say it is important we pass it now. It's not something that we're looking forward to. We all snuck by last year with some stuff that we had left around, but we really do need this bill. Thank you.

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#669)

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

NAYS: Senators: BLACK, BRAKEY, GUERIN, HARRINGTON, KEIM, LAFOUNTAIN, LIBBY, LYFORD, MOORE, POULIOT, STEWART, TIMBERLAKE, PRESIDENT JACKSON

EXCUSED: Senators: FARRIN

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

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

An Act to Prohibit Unauthorized Paramilitary Training
H.P. 1354 L.D. 2130
(C "A" H-757)

Tabled – April 9, 2024, by Senator **STEWART** of Aroostook

Pending – **ENACTMENT**

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

On motion by Senator **BENNETT** of Oxford, the Senate **SUSPENDED THE RULES**.

On further motion by same Senator, the Senate **RECONSIDERED** whereby the Bill was **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-757)**, 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 Androscoggin, Senator Brakey.

Senator **BRAKEY:** Thank you, Mr. President. I just wanted to say very briefly that, you know, I have heard for years and years from proponents of gun control measures that the Second Amendment is about militias. So, it seems very curious to me that from many of those same individuals are seeking to outlaw militias. That is all.

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

Senator **BALDACC:** Thank you, Mr. President. I would just ask all of my colleagues, regardless of party, to join in this vote because this is a vote about -- against hate groups, against those from out of state who want to come here and recruit members to be in a shadow military force. That's what was happening in Springfield, Maine, and that's what can happen if we don't have laws like 25 other states have. We already have a Constitution of Maine that prohibits private militias. The Second Amendment protects a well-regulated militia, which was the National Guard. These are groups that wish to set up their own forces, and they -- and as we saw last year, they are expounders of hate. Mr. Pohlhaus, who came to Springfield and spent much of his days in Bangor with his swastika sticker shirt on was trying to recruit people and also was going to target, as he did in other places, people that held different views than his. If you looked and researched, he has a long record of being associated with some of the most vile groups in this country. So, this bill will apply to far left and far right. It is content neutral. It is talking about setting up these unauthorized forces that -- and training them, as he was doing, and recruiting people. So, voting against this bill is

basically to say Mr. Pohlhaus, here's your invitation to come back to Maine, which nobody in Springfield or in my part of the State of Maine want to happen. So, I think this bill is about saying we're going to draw the line, we're not going to let people flout the law and try to intimidate others. So, I ask for your support. Thank you.

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

Senator **DUSON:** Thank you, Mr. President. I couldn't let this go by without saying just a few words. In my view, this bill affirms our community commitment to be attentive to the peace, safety, and security of our neighbors, of the kids next door, or a mosque or a synagogue downtown, who with good reason feel targeted, threatened, intimidated, and made fearful by the prohibited behavior. The provisions of this bill, a potential AG action for temporary or permanent injunction are triggered - pun intended - it's provisions are triggered when a person intends, knows, or should know that there are activities and furtherance of civil disobedience, defined as a public disturbance involving an act that causes danger of injury to a person or property. And let us be clear, the person most likely to feel targeted, the persons most likely to be fearful of the actions of thusly trained enthusiasts are real Maine families, your family and mine, families who are Jewish, families who are Muslim, families who are LGBTQIA, other communities who have been targeted by bad actors with intent to harm. This bill joins other states who say not here, who say other communities -- who say to other communities we see you, we take the safety of our neighbors seriously, we stand with you against the establishment of paramilitary training and teaching activities that are intended to further civil disobedience. I urge you to vote to accept -- vote positively on this bill.

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

Senator **HARRINGTON:** Thank you, Mr. President. I just want to rise and say my issue with this piece of legislation is not the intent, I am supportive of the intent of the bill. The issue is the wording. And I believe this bill probably will not be abused but probably is not good enough for me to support this. Had there been more of an appetite in committee to reword a few things, particularly the definition of civil disorder in a few places in the bill, I think we could've probably had a unanimous report, but because the wording is somewhat ambiguous, and I think could be abused, it is why I'm opposed to it. So, thank you.

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

Senator **BRAKEY:** Thank you, Mr. President. To speak a little bit, I guess, further, you know, I've had some conversations with members of this Legislature about this bill, and in particular I thought that some of the objections that were raised by members -- certain members of the other party were particularly interesting. I spoke with one member of the committee who is a member of the Democrat caucus who raised I thought was a very legitimate concern on what's to ensure that legislation like this, perhaps it would be used today against the groups that we don't like and we can all agree that we don't agree with their message or what they stand for, but what's to ensure that in the future this is not used

against other groups that we might not envision today? If, for example, this law was in place in, I don't know, 1967, who's to say that a law like this wouldn't be used against the Black Panthers or the Huey P. Newton Gun Club? Certainly, there's a big history of gun control in this country being used in such a way to target minority individuals who I think with our better judgment and wisdom today we look back on and say that that is inappropriate and not how the law should be applied. But if it could be used that way in the past, how are we to be certain it will not be used that way in the future? And I also think that it's worth noting in regards to the particular group that this legislation was put in in response to, the neo-Nazis who, I guess, set up a camp or something up north, my understanding is I've heard reference that perhaps on one occasion there was an assault in Portland. Anyone who was involved in that assault should be charged with assault and fully prosecuted under the law, but if their crimes beyond that were speech that we don't like, I think that we need to tread very carefully. Further, I'll also say, you know, I think it's worth noting the leader of this group, Mr. Pohlhaus -- I'm not sure how his name is pronounced -- I think it's a matter of public record, actually, on social media, there was an individual named Scott Horton, who is editor of a place called antiwar.com, and he asked rhetorically, said are they going to fight with the Azov Battalion in the C14 on the eastern front in Ukraine? And Mr. Pohlhaus responded, actually, and he said yes, actually, that was their goal. They wanted to train up to go fight in Ukraine against the Russians. So, that being the case, considering so many members of this Body supported a resolution last year supporting that effort, I'm surprised those members don't love these folks.

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

Senator **STEWART:** Thank you, Mr. President, Ladies and Gentlemen of the Senate. I wasn't intending to -- you know, famous last words, right? Yeah, anyway. As I'm reading this, though, I think that -- I'm reading the committee amendment, section B in particular, around persons guilty of unauthorized paramilitary training, if that person intentionally or knowingly - and then jump to section B - assembles with one or more persons, and then this is the piece that's concerning to me, if the person attends or knows who attend -- attends or knows that the practicing, training, or instruction is intended to be used in or in furtherance of civil disorder. So, I think the point that Senator Harrington is making a minute ago around what is civil disorder, could it be, for instance, an Executive Order that says because of some disease, firing ranges must now be closed? Well, gee, that sounds a little close to home, and pretty recent. And so, does that constitute civil disorder? Because is that really what we're talking about here, where if an Executive Order is passed that says we're going to close down all these different venues, including for instance, firing ranges, and obviously you'd be meeting that definition when you read section B of the first part, but then who defines whether that civil disorder is now being violated through, for instance, an Executive Order? And now, this person could be convicted of paramilitary training. That seems like a bit of a stretch. So, I think we're -- I totally understand where the Senator from Penobscot's, you know, heart and mind is around this, and I publicly disparaged and disavowed everything that was happening in Springfield, I thought it was, just frankly, ludicrous and insane and should not happen in Maine, and I actually think that they were in violation of several other things

that could've been prosecuted at the time but for various reasons when I talked with members of law enforcement up there that that was -- they had a plan, and eventually, you know, it kind of sorted itself out, and I don't think that by not passing this bill, this is any sort of invitation to anybody. I still think that if somebody came in and did the exact same thing that they were doing, they would still be violating other laws and could be prosecuted. But I do worry about the unintended consequences here, particularly that example that I just laid out. And look, I invite anybody to push back on this, I think that's one of the constitutional tests that would happen is that the court would say hey, give me an example of what do you mean by this, you know, Legislature, what did you intend? How about this scenario? And so, if anybody does feel like engaging on that end, you know, the intent, if you said look, we're all going to get together and we're going to utilize our Second Amendment rights during a pandemic and suddenly, now we're being charged with paramilitary training. That just -- it seems like too much of a stretch for me, too much of a jump. I appreciate the opposition to this bill, I will be voting no. Thank you.

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

Senator **BALDACCI:** Thank you, Mr. President, and just briefly, I just want to somewhat respond to some of the comments that have been made. This bill has been presented to prevent groups like far-left groups -- if we had a far-left group that came to Maine the same way this group came to Maine, I'm sure there would be people in both parties that would say the same thing. We don't want people who profess hate, who have a record. And I totally appreciate the Senator from Aroostook's comments. I think that they're good questions and legitimate questions, but the word civil disorder by itself connotes a commission of a crime or a disturbance of the peace. So, somebody doing, you know, firearms instruction or somebody doing anything that's not civil disorder by its own definition. But I think it's important that we pass this because when we face the situation in Springfield, law enforcement said to us as elected officials, they didn't have enough tools to take care of this. And I don't disagree with what Senator Stewart said about this, but that is the reason why this bill came forward is to make sure that our law enforcement have the tools when somebody wants to come up and basically start a private military training program for people who are not authorized.

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

Senator **DUSON:** Well, thank you for the opportunity to rise again. I'll just -- I'm concerned, I share concerns about unintended consequences or misuse if this language were to be approved, but I feel strongly that we should err on the side of this proposal being used to set community standards in advance of escalation to harm vulnerable communities, in advance of the prohibited behavior, not for the sake of avoiding unavoidable -- unintended consequences, waiting to litigate that after the fact, after the harm is done. It can't be undone at that point. If a bad actor is charged and it's an inappropriate use of the language, that person has the opportunity to dispute the charges in a public legal setting. If a bad actor is not prohibited and the behavior escalates to harm to community members, I don't want to see us

in the posture of going oh, we didn't think it could happen here, which is a posture we wound up in in relation to other incidents that have happened this year. The threat is real, the terrorism in vulnerable communities is real. I, you know, I feel strongly about freedom of speech, and as a retired attorney, I understand that protecting my freedom to protest means protecting the freedom of nazis, racists, others to protest. I understand that. But I'm not for protecting anyone else's freedom to threaten, threaten me, threaten my son, who I think is a canary in the coal mine on these issues, continue the process where I worry about what might happen to my son every day he leaves his home. So, this bill is important, it has been dialed back quite a bit to the -- to balance the interest in making sure we don't really abridge somebody's opportunity to express their concerns, express their own racism, express their intolerance, but behavior and furtherance of that intolerance and racism is what we're prohibiting here, and the threat is real. As a person from a family who has been the victim of a lynch mob, the threat is real. You don't have to lynch somebody every day to completely terrorize a community for generations. And so, that's all I have to say.

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

Senator **BENNETT:** Thank you, Mr. President, Fellow Members of the Senate. I think we've reached the point in our session here where we can have a bill like this come before us and I hear everybody is wanting to do something good with this bill, and I would like to do something good with this bill, and we feel this rush of time, and I think it's -- I think it's our job not to throw over known problems to the Judicial Branch. Our job is to write the best legislation that we can, and I'm looking at an amendment to this bill that hasn't been offered but it's by a Senator, it's listed on our system here as Senate Amendment "A" and it changes -- it does a number of things which, in my view, improves this bill. It changes civil disorder, which is a difficult term, to organized violence. It changes other -- other aspects of this bill in some ways that I think would improve it. And I would like to vote for a bill that actually does what we all here want to do with this. And we're on final enactment right now. The only thing we can do is enact it or we can not enact it, or we could suspend the rules and back it up and try to improve it, and I think there is an instrument before us that would do that. I don't think anybody's caucused on this amendment, I don't think anybody's talked about it, but it is on our machines right here, if you open up your tablet and look at it because it says Senate Amendment "A". I would just ask that before we do something which is either just going to throw a known problem into the judicial system, I don't want this -- I want a bill that works. I don't want a bill that's going to get tested and then get thrown out. I just think it's our job to write the statute the best way we can. I have heard nothing but unanimity on problems we solved, so let's come together on the language to solve that problem. Thank you, Mr. President.

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

Senator **BAILEY:** Thank you, Mr. President. I just wanted to point out because there's been so much discussion about civil disorder and I think it was a rhetorical question by the Good Senator from Aroostook in terms of what does civil disorder mean, but my reading of the bill is that there is a definition of civil

disorder, and the definition is that it means any public disturbance involving an act of violence by a group of two or more persons that causes an immediate danger of injury to another person or damage to the property of another person or results in injury to another person or damage to the property of another person. That is the definition in the bill for this civil disorder. Thank you, Mr. President.

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

Senator **HARRINGTON:** Thank you, Mr. President. So, with that definition in mind, I would just ask if a group of two people, hypothetically, were training to address an active shooter situation, are those two individuals who are training for a self defense or, if you look at the exclusions also, this will apply to law enforcement, would they not be training to commit an act of violence? I would say they are committing -- they are training to commit an act of violence. That is how you stop a threat. So, again, what I wanted to do in the committee, and I brought this to the AG and there was no appetite on the committee, but if we could've simply at least said, in Paragraph B, under Training Prohibited, had said illegal civil disorder, some sort of crime, that would've been crystal clear. But this bill is so ambiguous, it does not make it so that you would be committing a crime, necessarily. So, just want to get this all on the record for when it's potentially challenged in court. Thank you.

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#670)

YEAS: Senators: BENNETT, BLACK, BRAKEY, GROHOSKI, GUERIN, HARRINGTON, HICKMAN, KEIM, LIBBY, LYFORD, MOORE, POULIOT, RENY, STEWART, TIMBERLAKE, TIPPING

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

EXCUSED: Senators: FARRIN

16 Senators having voted in the affirmative and 18 Senators having voted in the negative, with 1 Senator being excused, the motion by Senator **BENNETT** of Oxford to **RECONSIDER** whereby the Bill was **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-757)**, in concurrence, **FAILED**.

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#671)

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

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

EXCUSED: Senators: FARRIN

20 Senators having voted in the affirmative and 14 Senators
having voted in the negative, with 1 Senator being excused, the
bill was **PASSED TO BE ENACTED** and, having been signed by
the President, was presented by the Secretary to the Governor for
approval.

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