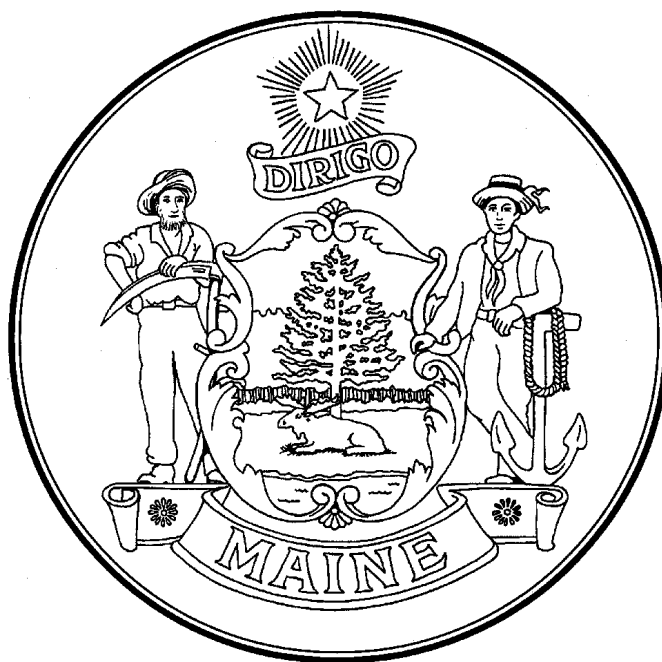


MAINE STATE LEGISLATURE

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

In Senate Chamber
Friday
April 12, 2024

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

Prayer by Senator Eloise A. Vitelli of Sagadahoc County.

SENATOR VITELLI: Good morning. I'm not a religious person, but I am a very spiritual person, and I really appreciate the moments that we take every day before we begin our work to reflect together on our place in the broader universe and what brings us together. I find much of my spiritual nourishment from nature - today, maybe not so much - but in that light, I'd like to share with you a poem from the poet May Sarton, who some of you may be familiar with, she's a Maine poet. It's entitled Mud Season.

In early spring, so much like a late autumn, gray stubble, and the empty trees, we must contend with an unwieldy earth. In this rebirth that feels so much like dying, when the bare patches bleed into raw mud, in rain, in coarsening ooze, we have grown sluggish, cold to the marrow with spring's nonarrival. To hold what we must hold is iron hard and strength is needed for the mere survival. By dogged labor, we must learn to lift ourselves and bring a season in. No one has ever called childbearing easy, and this spring-bearing also asks endurance. We are strained hard within our own becoming, forced to learn ways how to renew, restore. Though we were dazzled once by perfect snow, what we have not has made us what we are. Those surface consolations have to go. In early spring, so much a fall of will, we struggle through muds of unreason. We dig deep into caring and contention. The cold, unwieldy earth resists the spade, but we contend to bring a difficult birth out from the lack of talent partial scope and every failure of imagination. Silence and art and love still be our hope. What we are drives us -- what we are not drives us to consummation.

Thank you.

National Anthem Performed by Sherwood Heights Sharp Notes of Auburn.

Pledge of Allegiance led by Senator Anne H. "Pinny" Beebe-Center of Knox County.

Reading of the Journal of Thursday, April 11, 2024.

Medical Provider of the Day, Dixie Squires, PA of Saco.

Off Record Remarks

COMMUNICATIONS

The Following Communication: S.C. 1081

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

April 11, 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 Judiciary has had under consideration the nomination of The Honorable Daniel J. Mitchell of Scarborough, for appointment as a Superior Court Justice.

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	3	Carney, A. of Cumberland, Bailey, D. of York, Brakey, E. of Androscoggin
	Representatives	9	Moonen, M. of Portland, Beck, M. of South Portland, Haggan, D. of Hampden, Henderson, R. of Rumford, Kuhn, A. of Falmouth, Lee, A. of Auburn, Moriarty, S. of Cumberland, Poirier, J. of Skowhegan, Sheehan, E. of Biddeford
NAYS		0	
ABSENT		1	Rep. Andrews, J. of Paris

Rep. Dana of Passamaquoddy Tribe was absent.

Twelve 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 Daniel J. Mitchell of Scarborough, for appointment as a Superior Court Justice be confirmed.

Signed,

S/Anne Carney
Senate Chair

S/Matt Moonen
House Chair

READ and ORDERED PLACED ON FILE.

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

The Chair noted the absence of the Senator from York, Senator **LAWRENCE**, and the Senator from Androscoggin, Senator **TIMBERLAKE**, and further excused the same Senators 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 (#697)

YEAS: Senators: None

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

EXCUSED: Senators: LAWRENCE, TIMBERLAKE

No Senator having voted in the affirmative and 33 Senators having voted in the negative, with 2 Senators 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 **Daniel J. Mitchell** of Scarborough, for appointment as a Superior Court Justice was **CONFIRMED**.

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

Senator **MOORE** of Washington requested and received leave of the Senate that members and staff be allowed to remove their jackets for the remainder of this Legislative Day.

The Following Communication: S.C. 1080

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

April 11, 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 Judiciary has had under consideration the nomination of The Honorable Michael Duddy of Cape Elizabeth, for reappointment as a District Court Judge.

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	Carney, A. of Cumberland, Brakey, E. of Androscoggin
	Representatives	9	Moonen, M. of Portland, Beck, M. of South Portland, Haggan, D. of Hampden, Henderson, R. of Rumford, Kuhn, A. of Falmouth, Lee, A. of Auburn, Moriarty, S. of Cumberland, Poirier, J. of Skowhegan, Sheehan, E. of Biddeford
NAYS		0	
ABSENT		2	Sen. Bailey, D. of York, Rep. Andrews, J. of Paris Rep. Dana of Passamaquoddy Tribe was absent.

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 Michael Duddy of Cape Elizabeth, for reappointment as a District Court Judge be confirmed.

Signed,
S/Anne Carney
Senate Chair

S/Matt Moonen
House Chair

READ and ORDERED PLACED ON FILE.

The President laid before the Senate the following: "Shall the recommendation of the Committee on **JUDICIARY** 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 (#698)

YEAS: Senators: None

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

EXCUSED: Senators: LAWRENCE

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 **Michael Duddy** of Cape Elizabeth, for reappointment as a District Court Judge was **CONFIRMED**.

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

The Following Communication: S.C. 1082

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

April 11, 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 Judiciary has had under consideration the nomination of The Honorable Maria A. Woodman of Monmouth, for appointment as a Superior Court Justice.

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	3	Carney, A. of Cumberland, Bailey, D. of York, Brakey, E. of Androscoggin
	Representatives	9	Moonen, M. of Portland, Andrews, J. of Paris, Beck, M. of South Portland, Haggan, D. of Hampden, Henderson, R. of Rumford, Kuhn, A. of Falmouth, Lee, A. of Auburn, Moriarty, S. of Cumberland, Sheehan, E. of Biddeford
NAYS		0	
ABSENT		1	Rep. Poirier, J. of Skowhegan

Rep. Dana of Passamaquoddy Tribe was absent.

Twelve 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 Maria A. Woodman of Monmouth, for appointment as a Superior Court Justice be confirmed.

Signed,

S/Anne Carney
Senate Chair

S/Matt Moonen
House Chair

READ and ORDERED PLACED ON FILE.

The President laid before the Senate the following: "Shall the recommendation of the Committee on **JUDICIARY** 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 (#699)

YEAS: Senators: None

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

EXCUSED: Senators: LAWRENCE, TIMBERLAKE

No Senator having voted in the affirmative and 33 Senators having voted in the negative, with 2 Senators 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 **Maria Woodman** of Monmouth, for reappointment as a Superior Court Justice was **CONFIRMED**.

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

The Following Communication: H.C. 474

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

April 11, 2024

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

Dear Secretary Grant:

The House voted today to insist on its former action whereby it accepted Report "B" Ought Not to Pass of the Committee on Health Coverage, Insurance and Financial Services on Bill "An Act to Prohibit Insurers from Using Credit Information as a Factor in Certain Insurance Practices" (S.P. 950) (L.D. 2220)

Sincerely,

S/Robert B. Hunt
Clerk of the House

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

ORDERS

Joint Orders

Expressions of Legislative Sentiment recognizing:

Greg Tosi, of Portland, who received the Bill Cox Service Award from the Maine Athletic Trainers' Association. We extend our congratulations and best wishes;
SLS 1817

Sponsored by Senator DUSON of Cumberland.
Cosponsored by Senator: CHIPMAN of Cumberland,
Representatives: BRENNAN of Portland, COLLINGS of Portland, CROCKETT of Portland, LOOKNER of Portland, MOONEN of Portland, SKOLD of Portland, Speaker TALBOT ROSS of Portland, ZAGER of Portland.

The Joint Order was **READ**.

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

Senator **DUSON:** Thank you, Mr. President, Fellow Members of the Senate. I rise today to acknowledge the incredible achievements of Greg Tosi, the athletic trainer for Deering High School in Portland. He has served as athletic trainer at Deering High since 2001. Greg who is here today with his wife, Erin, his dad, Donald, and Donald's partner, Sue. Greg has recently been awarded the Maine Athletic Trainer Association's Bill Cox Service Award. The award is given annually to a veteran accomplished athletic trainer who has enhanced athletic healthcare and made significant contributions to the professional development and advancement of the profession. In his role as an athletic trainer, Greg not only provides exceptional care to athletes of all ages and abilities, but has also served as a mentor, educator, and advocate for his profession. His tireless efforts to promote injury prevention and sports safety undoubtedly make a positive impact on countless lives across our state. His selfless commitment to serving others embodies the very best of Maine's spirit of community and care. And I have a personal shoutout for Greg who just was an invaluable resource to my son, Nathan. He played four years of rugby on the city team and played football on a Deering High team, and Greg's professionalism and care at encouraging the athletes how to take care of themselves was invaluable. Mr. President and Fellow Colleagues, please join me in congratulating Greg Tosi on this well-deserved honor and thank him for his invaluable service to the athletes of our state. His legacy will continue to inspire and uplift us for years to come. 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 Greg Tosi and Erin Tosi of Portland, Donald Tosi and Sue Shattuck of East Montpelier, Vermont. They are the guests today of the Senator from Cumberland, Senator DUSON, and the entire Maine Senate. Would the guests please rise and accept the greetings and congratulations of the Maine Senate.

The Maine Celtics Basketball Team, of Portland, which won the NBA G-League Eastern Conference Championship. We extend our congratulations and best wishes;
SLS 1841

Sponsored by Senator CHIPMAN of Cumberland.
Cosponsored by Senator: DUSON of Cumberland,
Representatives: BRENNAN of Portland, COLLINGS of Portland,
CROCKETT of Portland, LOOKNER of Portland, MOONEN of
Portland, SKOLD of Portland, Speaker TALBOT ROSS of
Portland, ZAGER of Portland.

The Joint Order was **READ**.

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

Senator **DUSON:** Thank you, Mr. President, and thank you, my Colleagues, for your indulgence. I'm just going to -- a quick 30 seconds of bragging on our Maine Celtics, who are the Eastern Conference G League Champions. And our final game -- we're in the championships, and the final game is Monday evening at nine. If anybody can mosey down to Portland or catch it on TV, it's a very, very exciting experience.

The Joint Order was **PASSED**.

Sent down for concurrence.

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

ORDERS OF THE DAY

Unfinished Business

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

The Chair laid before the Senate the following Tabled and Later Assigned (4/10/24) matter:

JOINT RESOLUTION - Jeanne Bagshaw Raymond, of Lewiston. For over 20 years, Mrs. Raymond was President of the No Name Pond Watershed Management Association. In 2007, the City of Lewiston recognized her for her commitment to the environment. She loved loons and regularly taught local children about them, and she supported the Lewiston Youth Advisory Council. She attended Calvary United Methodist Church. Mrs. Raymond will be long remembered and sadly missed by her family and friends and all those whose lives she touched;
HLS 973

Sponsored by Representative LAJOIE of Lewiston.

Cosponsored by Senator: ROTUNDO of Androscoggin,
Representatives: ABDI of Lewiston, CLOUTIER of Lewiston,
CRAVEN of Lewiston.

Tabled - April 10, 2024 by Senator **ROTUNDO** of Androscoggin

Pending - **ADOPTION** in concurrence

(In House, **READ** and **ADOPTED**)

The Joint Resolution was **READ**.

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

Senator **ROTUNDO:** Thank you, Mr. President, Colleagues of the Senate. I rise to remember Jeanne Bagshaw Raymond, who played such an important role in the lives of so many people and meant such a great deal to my city of Lewiston. Jeanne was not born in Maine but, like many of us, elected to make her home here when she realized what a wonderful place Maine is. She moved to Lewiston in 1989 with her husband, Bob, and never left. She was a nurse for many years. For over 20 years, Jeanne presided as president of the No Name Pond Watershed Management Association. Her connection to No Name Pond was legendary in the community. She lived next to No Name Pond, contributed to a newsletter about the pond, and participated in the annual loon count. In 2007, the City recognized Jeanne for her commitment to the environment by presenting her with a City of Lewiston Community Service Award for her efforts to preserve the pond's pristine land and water quality. In addition to being known as the mayor of No Name Pond, she was known as the official grandmother of the Lewiston Youth Advisory Council, which advises the Lewiston City Council on issues that affect the city's young people and encourages members to take on projects that make Lewiston a better place. She acted as their cheerleader, recognizing that Lewiston's future is tied closely to that of its young people. She provided sage advice, invited them to her home on No Name Pond, and most importantly, regularly made them cookies. Jeanne was also the den mother of Lewiston Public Works. She made treats for employees, especially drivers who worked long hours in tough weather. She let them know that someone saw them and that their work was noticed and appreciated. Jeanne was a loyal friend, a sincere, honest person, who offered encouragement and counsel when it was appropriate and simply listened when it was not. She was beloved by all of us who knew her. We miss Jeanne very much, but she lives on in those lives that she did touch, and in the pristine water of No Name Pond which she left for future generations to enjoy. Jeanne Raymond will continue to inspire us to enjoy and take care of our natural world, to mentor our young people, and to appreciate and care about our neighbors and community. Thank you, Mr. President.

The Joint Resolution was **ADOPTED**, in concurrence.

THE PRESIDENT: The Chair is honored to recognize in the rear of the chamber Dottie Perham-Whittier and Mayor Carl Sheline, they're from Lewiston and they're here to accept sentiments on behalf of Jeanne Raymond's family. They are the guests today of the Senator from Androscoggin, Senator Rotundo, and the entire

Maine Senate. Would the guests please rise and accept the condolences of the Maine State Senate.

REPORTS OF COMMITTEES

House

Divided Report

The Majority of the Committee on **JUDICIARY** on Bill "An Act to Support Suicide Prevention by Allowing the Voluntary Waiver of Firearm Rights" (EMERGENCY)
H.P. 1343 L.D. 2119

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-961)**.

Signed:

Senators:

CARNEY of Cumberland
BAILEY of York

Representatives:

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

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

Signed:

Senator:

BRAKEY of Androscoggin

Representatives:

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

Comes from the House with the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-961)** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-961)**.

Reports **READ**.

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

Divided Report

Six members of the Committee on **JUDICIARY** on Bill "An Act to Create a Civil Cause of Action for Persons Suffering Damages Arising from the Sale of Abnormally Dangerous Firearms"
H.P. 1085 L.D. 1696

Reported in Report "A" that the same **Ought to Pass as Amended by Committee Amendment "A" (H-962)**.

Signed:

Senators:

CARNEY of Cumberland
BAILEY of York

Representatives:

MOONEN of Portland
KUHN of Falmouth
MORIARTY of Cumberland
SHEEHAN of Biddeford

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

Signed:

Senator:

BRAKEY of Androscoggin

Representatives:

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

One member of the same Committee on the same subject reported in Report "C" that the same **Ought to Pass as Amended by Committee Amendment "B" (H-963)**.

Signed:

Representative:

LEE of Auburn

Comes from the House with Report "A" **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-962)** **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-962)**.

Reports **READ**.

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

ENACTORS

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

Bond Issue

An Act to Authorize a General Fund Bond Issue for Research and Development and Commercialization
S.P. 197 L.D. 416
(C "A" S-669)

Senate at Ease.

The Senate was called to order by the President.

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

Bond Issue

An Act to Authorize a General Fund Bond Issue to Restore Historic Community Buildings
H.P. 568 L.D. 912
(C "A" H-938)

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

Bond Issue

An Act to Authorize a General Fund Bond Issue to Promote the Design, Development and Maintenance of Trails for Outdoor Recreation and Active Transportation
H.P. 728 L.D. 1156
(C "A" H-937)

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

Acts

An Act to Amend the Laws Relating to the Prevention of Perfluoroalkyl and Polyfluoroalkyl Substances Pollution
S.P. 610 L.D. 1537
(C "A" S-683)

An Act to Improve the Reporting Process for Certain Tax Expenditure Programs
S.P. 729 L.D. 1804
(C "A" S-681)

An Act to Join the Dentist and Dental Hygienist Compact
H.P. 1361 L.D. 2137
(C "A" H-949)

An Act to Implement the Recommendations of the Right to Know Advisory Committee Regarding Public Records Exceptions
H.P. 1421 L.D. 2215

An Act to Expand the List of Crimes Eligible for a Post-judgment Motion to Seal Criminal History Record Information to Include Convictions for Possession and Cultivation of Marijuana
H.P. 1435 L.D. 2236
(C "A" H-943)

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

An Act to Transition the Responsibility for Child Find Activities and for Ensuring a Free, Appropriate Public Education for Eligible Children from the Child Development Services System to School Administrative Units
H.P. 219 L.D. 345
(C "A" H-944)

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

An Act Regarding Legally Protected Health Care Activity in the State
H.P. 148 L.D. 227
(C "A" H-953)

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 (#700)

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

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

EXCUSED: Senators: LAWRENCE

21 Senators having voted in the affirmative and 13 Senators having voted in the negative, with 1 Senator being excused, was **PASSED TO BE ENACTED** and having been signed by the President, was presented by the Secretary to the Governor for approval.

Resolves

Resolve, to Review the Timeliness of Contract Payments by the Department of Health and Human Services
S.P. 875 L.D. 2082
(C "A" S-680)

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

Resolve, to Establish the Commission on Predictability of Mandated Overtime for Pulp or Paper Manufacturing Facility Employees
S.P. 719 L.D. 1794
(C "A" S-670)

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

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

Senate at Ease.

The Senate was called to order by the President.

ORDERS OF THE DAY

Unfinished Business

The following 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 (3/28/24) matter:

SENATE REPORTS - from the Committee on **INNOVATION, DEVELOPMENT, ECONOMIC ADVANCEMENT AND BUSINESS** on Bill "An Act to Ensure That Residents of the State Have the Right to Repair Their Own Electronic Devices" S.P. 608 L.D. 1487

Majority - Ought to Pass as Amended by Committee Amendment "A" (S-615) (7 members)

Minority - Ought to Pass as Amended by Committee Amendment "B" (S-616) (6 members)

Tabled - March 28, 2024 by Senator **CURRY** of Waldo

Pending - **ACCEPTANCE OF EITHER REPORT**

(In Senate, March 28, 2024, Reports **READ**.)

Senator **CURRY** of Waldo moved the Senate **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (S-615)** Report.

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

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

Senator **TIPPING:** Thank you, Mr. President. It's always been understood in this country that when you buy something, it belongs to you. You can use it, you can lend it to a friend, you can sell it, you can take it apart, and you can fix it when it breaks. Unfortunately, some manufacturers have found that they can make more money if they make it impossible to repair certain devices, especially electronic items like phones and computers that have become central to our lives. They do this in a number of ways, from designing new screw heads that require specific proprietary screwdrivers to implementing software locks that recognize an attempt to repair a device and intentionally disable it. These kind of digital locks are being applied to more and more products. This Right to Repair bill, along with its amendment, would prevent manufacturers from making these barriers insurmountable for personal electronic devices, preventing them from denying consumers the ability to repair and modify the items they have purchased and that they own. LD 1487 requires that manufacturers of digital devices doing business in Maine make the same repair materials they already provide to their repair partners to device owners and independent repair specialists on fair and reasonable terms. It doesn't require that manufacturers

change the design, marketing, or pricing of their devices in any way. Allowing independent repair businesses to fix these devices is an important part of this bill. These barriers are hitting them especially hard right now and threatening to put many of our local repair shops out of business. Some have already gone out of business. We're a rural state, and right now, Mainers have to wait weeks or travel long distances sometimes to have their devices repaired. It's one thing for your iPhone to break when you live in Boston or in Portland, it's another to have it break when you're hundreds of miles away from the nearest Apple store. This is a basic right for Mainers, it's a pocketbook issue, and it's an issue that obviously is of public concern given the parallel conversation right now on similar rights. I urge my colleagues to support this bill. Thank you.

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

Senator **TIMBERLAKE:** Thank you, Mr. President. And I don't rise to give a speech either for nor against. I've never been more confused with a bill in my entire 14 years of serving in the Senate as I am this bill. We've caucused it four times in our caucus, and I still don't know as I understand it, so I'd like to pose a question through the Chair, if I may? Does this bill -- the question I would pose through the Chair, if I may, is does this bill only apply to personal electronic devices or does it apply to everything above and beyond? And I'll give examples of tractors, lawn mowers, everything else out there, or is it only electronic and personal devices?

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

Senator **TIPPING:** This bill specifically excludes farm and yard equipment. I think there's an important conversation to be had there, I understand John Deere has made it more difficult to repair some tractors, that's an issue I actually had extensive conversations with Senator Farrin about, but this excludes those. It's focused purely on personal electronic devices like phones and computers.

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

Senator **STEWART:** Thank you, Mr. President. And when we're talking about exclusions and inclusions, are we talking about them in an affirmative way as in the law would apply to them or are we talking to them -- talking about them in a negative way as in they would be excluded from this particular piece of legislation, thereby the referendum that was passed is what would control as it relates to anything that's not included? Does that make sense? To pose a question.

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

Senator **CURRY:** Thank you, Mr. President. I rise in order to attempt to address the question from the Good Senator. This is very different from the referendum question. So, the referendum question was specifically around automobiles. This was not attempting to work on automobiles, and so, how it was structured was how the structure of the majority amendment is, is a

definition of digital equipment, which is in the bill, and then a listing of what took -- what was most of the work time in work session, we had multiple work sessions, was various industry types that thought that they had a strong reason to be excluded from that. And I will give an example, for example, gaming device industry. Gaming devices have mechanisms in there so people don't pirate, so it gets into the antipiracy side, so they're designed for people not to mess with them so that they can have access to other things. Another organization that was -- another sector that was very -- was -- it was important that they were excluded was, for example, Garmin and the sea-based, you know, emergency SOS systems that they wanted to make sure that for something that was lifesaving that it had no -- we were not getting into that area. The same thing for medical equipment, that there were -- and so, the committee very diligently worked through all of these issues and structured an exemption language which is in the bill for those sectors that we felt were appropriate, that had a reason not to do it. This might be something that comes back, I think we were fairly cautious with the industry of exempting them, meaning that we exempted a lot, and we may be coming back to this in the future to say well, did we really need to exempt them? They made a case, we heard it, but let's see this play out, and we may come back, and we might exempt less in the future. But we felt it was prudent in order to move forward with the legislation yet not have any unintended consequences, and that was the big thing. The other area that we had a lot of concern around was leased equipment, leased equipment such as think of cable boxes and things like that. And they were very concerned, just like, no, that's our equipment, we don't need anyone messing with it. Someone else -- if something's wrong, give it to us, we'll give you back one. And so, there were all those sectors of the industry that the committee spent with. So, what the structure of this amendment is, is the defining of digital equipment and then exceptions that the committee found had a reasonable argument for why they couldn't abide by that.

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

Senator **BRAKEY:** Thank you, Mr. President. I'd like to pose a series of questions through the Chair.

THE PRESIDENT: So moved.

Senator **BRAKEY:** So, I'm trying to understand -- I find myself probably in the same realm of confusion as my colleague, the other Senator from Androscoggin, Senator Timberlake. When we're -- and I want to say up front, I do believe that the sponsor of this legislation very generously asked me to be a co-sponsor on this early on in the process last year, and I was glad to sign on, though I'm -- time has passed, and I'm not certain where I am today. So, when we're talking about personal electronic devices, I assume we're talking about -- well, all right, we're not allowed to use props. Anyway, I personally, you know, tend to use Apple devices. I think Apple is a company that's pretty notorious for being kind of closed in terms of your ability to make modifications or changes to their devices. But there are in the market many choices that are available which are -- which people can choose that are less closed? Am I right in understanding that? Like, Android products are more open and able to be repaired, if you're talking about computer devices, you could go totally opensource with things that operate on LINUX operating systems. I guess I'm

wondering is there not in the marketplace a variety of choices available for people for those who want the freedom to be able to repair and make modifications to their devices or am I missing something here? Thank you.

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

Senator **NANGLE:** Yep, thank you. So, Apple is notorious for this. They have created a system -- systems that if you use an aftermarket Apple part and have it installed either by yourself or a local business - did I mention it was a screen? So, if you try and have your broken screen replaced by someplace other than Apple, they put in hardware or software components that can mess with your camera and the way you see things on the screen. I don't know that that would resolve this, but I believe that you would be able to buy the parts from Apple, which you can't currently do. So, I can't go to Apple and say I just need a screen, and they won't sell it to you. They'll sell you the screen installed, but they will not sell you just the screen.

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

Senator **TIPPING:** Thank you, Mr. President. To your specific question, I believe the last fully open-source computer that you could buy, which did run a LINUX distro and fully open-source hardware as well, stopped being sold a few years ago. It's almost impossible now to get fully open-source chips, hardware, and software together. So, this is, you know, partly in response to that, but it's partly in response to the idea that the -- even those kinds of products are very difficult for people to purchase, often cost a great deal more, and as a practical issue, as a pocketbook issue, I think it's important that people have the ability to repair the things that they're able to buy here in Maine and that they're able to use.

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

Senator **LYFORD:** I also would like to pose a question through the Chair. The concern that the dealers have that I've heard about is this becomes a tracking device, so anybody can set home and track that vehicle. So, if you have a couple that may have parted ways, they can go and see where this all goes. Could somebody explain that to me, please?

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

Senator **CURRY:** Thank you, Mr. President. I think the Good Senator is -- that is a concern that has been brought up around the automotive referendum that was passed, the nature of privacy, but it does not impact this side of it, which is the electronics. I don't think it's a -- there isn't a data privacy concern that the committee discovered or was concerned about.

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#701)

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

NAYS: Senators: BRAKEY

EXCUSED: Senators: LAWRENCE

33 Senators having voted in the affirmative and 1 Senator having voted in the negative, with 1 Senator being excused, the motion by Senator **CURRY** of Waldo to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (S-615)** Report, **PREVAILED**.

Bill **READ ONCE**.

Committee Amendment "A" (S-615) **READ**.

On motion by Senator **TIPPING** of Penobscot, Senate Amendment "A" (S-686) to Committee Amendment "A" (S-615) **READ**.

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

Senator **STEWART:** Thank you, Mr. President. If the sponsor wouldn't mind explaining the justification behind Committee Amendment "A", I'm reading it online, but a verbal explanation would be helpful. Thanks.

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

Senator **TIPPING:** Thank you, Mr. President. And I just want to say I appreciate the conversation in this Body and the good questions and the fact that we're able to have a substantive conversation about these issues. This is an important amendment that fixes a couple of key issues to make sure that this right actually exists for folks. So, it puts in place a definition for an authorized third-party provider which is referenced in the bill but wasn't defined, and it makes a couple of changes, for instance, making sure that manufacturers can't set some outsized price for parts that would make it impossible for things to be repaired, making sure that they can't claim that confidentially held documents or tools are trade secrets if they're necessary to repair devices, but only if they're necessary to repair devices, and it changes the wording of one section that referred to devices found in a hospital, which -- or a medical setting, which could've been, you know, any computer or phone or any electronic device, to those primarily used in a medical setting.

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

Senator **STEWART:** Thank you, Mr. President. I've got some concerns, I think, over some of the components of this amendment. So, with that, I'd request a Roll Call.

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 (#702)

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

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

EXCUSED: Senators: LAWRENCE

23 Senators having voted in the affirmative and 11 Senators having voted in the negative, with 1 Senator being excused, the motion by Senator **TIPPING** of Penobscot to **ADOPT** Senate Amendment "A" (S-686) to Committee Amendment "A" (S-615), **PREVAILED**.

Committee Amendment "A" (S-615) as Amended by Senate Amendment "A" (S-686) thereto, **ADOPTED**.

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-615) AS AMENDED BY SENATE AMENDMENT "A" (S-686)** thereto.

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 **LABOR AND HOUSING** on Bill "An Act to Improve Labor Conditions for Maine Workers"
S.P. 180 L.D. 373

Majority - Ought to Pass as Amended by Committee Amendment "A" (S-618) (7 members)

Minority - Ought Not to Pass (4 members)

Tabled - April 1, 2024 by Senator **TIPPING** of Penobscot

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

(In Senate, April 1, 2024, reports **READ**.)

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

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 (#703)

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

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

EXCUSED: Senators: LAWRENCE

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-618) **READ**.

On motion by Senator **TIPPING** of Penobscot, Senate Amendment "A" (S-690) to Committee Amendment "A" (S-618) **READ**.

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#704)

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

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

EXCUSED: Senators: LAWRENCE

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 **ADOPT** Senate Amendment "A" (S-690) to Committee Amendment "A" (S-618), **PREVAILED**.

Committee Amendment "A" (S-618) as Amended by Senate Amendment "A" (S-690) thereto, **ADOPTED**.

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-618) AS AMENDED BY SENATE AMENDMENT "A" (S-690)** thereto.

Sent down for concurrence.

The Chair laid before the Senate the following Tabled and Later Assigned (4/11/24) matter:

HOUSE REPORTS - from the Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act to Prohibit Tobacco Sales near Schools"
H.P. 1383 L.D. 2157

Report "A" - Ought to Pass as Amended by Committee Amendment "A" (H-842) (7 members)

Report "B" - Ought Not to Pass (4 members)

Report "C" - Ought to Pass as Amended by Committee Amendment "B" (H-843) (2 members)

Tabled - April 11, 2024 by Senator **BALDACCI** of Penobscot

Pending - motion by same Senator to **ACCEPT** Report "A" **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-842)** in concurrence

(In House, Report "A", **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-842)**, **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-842) AS AMENDED BY HOUSE AMENDMENT "A" (H-942)** thereto.)

(In Senate, April 11, 2024, reports **READ**.)

On motion by Senator **BALDACCI** of Penobscot, Report "A" **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-842)**, in concurrence.

Bill **READ ONCE**.

Committee Amendment "A" (H-842) **READ**.

House Amendment "A" (H-942) to Committee Amendment "A" (H-842) **READ** and **ADOPTED**.

Committee Amendment "A" (H-842) as Amended by House Amendment "A" (H-942) thereto, **ADOPTED**, in concurrence.

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

THE PRESIDENT: The Senator may proceed.

Senator **MOORE**: Thank you, Mr. President. I just briefly wanted to kind of summarize this whole bill as presented. Initially, the bill actually was prohibiting tobacco sales 1,000 feet from a school. The committee worked through it, and they changed it to be 500 feet, just as a compromise, and then when we got -- or I got to looking at it, currently, the alcohol sales, the statute for the sale of alcohol, is actually 300 feet from a school. So, my proposal was to actually change that to 300 feet, which now Representative Moonen has done the House Amendment "A" that changed it to 300 feet. What I'm adding with my senate amendment is the ability for the grandfathering of any existing businesses that are already in place that are below the 300 feet with the schools. And I also included in that, because that way it would -- if you have a business, you hate to put anybody out of business, but it also included the fact that if they were to sell that business, the new purchaser would be able to actually get a license to continue to operate that business. A lot of times, that's your equity that you have in your business when you're trying to sell it, and so, I wanted to maintain that. I know that Representative Moonen has stated that there is only one business that is left that falls within that line. I'm concerned that that may not be as accurate as we think, so I want to make sure that we don't put any business out of business, so that's why I presented the senate amendment that keeps it at 300 but does allow for grandfathering. Thank you, Mr. President.

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

Senator **CHIPMAN**: Thank you, Mr. President. I rise in support of the amendment to this bill. This business -- this bill impacts a business in my district, it impacts only one business in the state with the way it's been amended, I'm quite concerned about that. I'd like to just read briefly one of the many emails I received from people in the neighborhood regarding this.

Greetings, Senator Chipman. I wanted to share a quick note raising my concerns with LD 2157. As you may have heard, recent reporting in the Press Herald indicated that the bill, while well intended, would only impact a single store across the state, the Fresh Approach Meat Market in the West End. My family and I live in Munjoy Hill, but my kids are both enrolled at Reiche

School, which is across the street from this store. And for years, we have regularly bought snacks and drinks at Fresh Approach. This bill is poor policymaking in that it no longer solves for a broad issue here in Maine - the potential selling of cigarettes to minors - and that it unfairly punishes a single store that have never once heard a problem with selling cigarettes to minors. My kids don't know a single other kid who have ever smoked a cigarette that they've either bought or stole from Fresh Approach. For the sake of preserving a wonderful Maine small business that has no history of endangering kids and plays a critical role in the community, I'd ask you to vote against the bill. And I would just add that this business has provided a lot of benefits to the community. They've provided food to hungry kids, they've donated to charities, it's a family-owned, small grocery store, it's been there for decades, and I hope that we can pass this amendment to allow them to continue to operate and not be unfairly punished by a bill that would really only impact them. Thank you.

On motion by Senator **MOORE** of Washington, Senate Amendment "A" (S-691) **READ** and **ADOPTED**.

PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-842) AS AMENDED BY HOUSE AMENDMENT "A" (S-942) thereto and SENATE AMENDMENT "A" (S-691), in NON-CONCURRENCE.

Ordered sent down forthwith for concurrence.

The Chair laid before the Senate the following Tabled and Later Assigned (4/11/24) matter:

SENATE REPORTS - from the Committee on **LABOR AND HOUSING** on Bill "An Act to Increase Enforcement and Accountability for Wage and Hour Violations" S.P. 179 L.D. 372

Majority - Ought to Pass as Amended by Committee Amendment "A" (S-688) (6 members)

Minority - Ought to Pass as Amended by Committee Amendment "B" (S-689) (2 members)

Tabled - April 11, 2024 by Senator **STEWART** of Aroostook

Pending - **ACCEPTANCE OF EITHER REPORT**

(In Senate, April 11, 2024, reports **READ**.)

Senator **TIPPING** of Penobscot moved the Senate **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (S-688)** Report.

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

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

Senator **TIMBERLAKE:** Thank you, Mr. President, Ladies and Gentlemen of the Senate. So, you can check off one more thing on your bingo card; this bill is not ready for prime time. LD 372 would allow the Maine Department of Labor to collect unpaid wages determined to be due to the employee, none of the stakeholders disagree with this, nobody disagrees with this at all. In fact, the business community ardently agrees that all employees should be paid the wages they are owed one hundred percent of the time. However, that's not all this bill does, Mr. President. It goes too far. LD 372 started with a bang. The public hearing was alarming and has made many businesses in my district nervous about what the Department of Labor's role will be moving forward. LD 372 treats employers making clerical errors the same as those employers that are intentionally abusing toward their employees. Let that sink in for just a moment. In other words, the bill proposes to issue penalties, damages, interest, and more, on small mom-and-pop shops making an honest mistake. The same as an employer that is intentionally and willfully withholding the wages of their employees. We are potentially talking about thousands and tens of thousands of dollars here for the small businesses. What message does this send to the greater business community, Mr. President? The Governor released Maine's Jobs and Recovery Plan, stating the dire need to attract business to Maine. This bill will do nothing to accomplish that and will likely incentivize prospective businesses to look elsewhere. The bill also includes an individual liability provision that would allow the Maine Department of Labor to go after payroll companies, shift supervisors, manager, employees signing checks, or any other person it determines it can collect the wages from. This wide and far-reaching authority would be unprecedented and put people with no control over wages payments to employees on the hook for payments of these wages. Mr. President, it would be one thing if the Maine Department of Labor had data that said employers are willfully and intentionally withholding payments of wages, but they have nothing to support their claim. We shouldn't let hunches or anecdotes dictate major policy decisions. Mr. President, in 2023, the Maine Department of Labor received a total of 6,934 contacts. Of those contacts, 286 of them were complaints. Of those 286 complaints, 247 were resolved. Of that, the Department issued penalties to six companies. Their own data does not support the notion that neglect and abuse is widespread and that it is easier to assume guilt and charge. Companies making good faith errors, the same as the one of the bad employees, it shows why we should do the opposite, actually. Mr. President, the numbers don't lie. From above, the Chief Executive has said very recently that she likes to compromise. I've learned the business community approached the Maine Department of Labor with a very reasonable compromise that was flat-out rejected. It would've made it so all employees who are owed wages receive them, but only the employers willfully withholding wages would be assessed damages and penalties. Isn't this how every other aspect of our legal system works? It's not to discourage business growth by passing this bill. LD 372 needs to be fixed. This bill will inadvertently attack employers making simple mistakes and potentially hold folks with no control of their employer's liability for wages determined to be owed. This bill should not pass as is. Let's punish the bad guys without putting the good ones out of business. Thank you, Mr. President, Ladies and Gentlemen of the Senate.

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

Senator **TIPPING:** Thank you, Mr. President. I don't recognize the bill that the Senator from Androscoggin described here. Nothing in this changes current law in terms of how these matters are investigated or fines are assessed. This is a simple bill, it's less than a page, I think everyone can read it. The Bureau of Labor Standards within the Department of Labor already has the ability to levy fines, what this bill would do is also allow them to order the payment of back wages. So, it's not just a fine going to the Department, but back wages going to the employees. And of course, whether it's a mistake or not, whether it's willful or not, people should be able to get their back pay when they haven't been paid. So, the reason this is important is because right now, the Bureau of Labor Standards has to go through a complicated court process in order to get back wages paid, sometimes that can cost thousands of dollars to our state to get a few hundred dollars in back wages. This bill would make sure that Mainers can get the money that they've already earned and worked for, and it is done quicker and with less burden on the courts. Thank you, Mr. President.

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#705)

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

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

EXCUSED: Senators: LAWRENCE

23 Senators having voted in the affirmative and 11 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 BY COMMITTEE AMENDMENT "A" (S-688)** Report, **PREVAILED**.

Bill **READ ONCE**.

Committee Amendment "A" (S-688) **READ** and **ADOPTED**.

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-688)**.

Sent down for concurrence.

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

REPORTS OF COMMITTEES

House

Divided Report

The Majority of the Joint Select Committee on **HOUSING** on Bill "An Act to Update the Growth Management Program Laws" H.P. 1267 L.D. 1976

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-960)**.

Signed:

Senators:

PIERCE of Cumberland
VITELLI of Sagadahoc

Representatives:

GERE of Kennebunkport
GATTINE of Westbrook
GOLEK of Harpswell
LOOKNER of Portland
RANA of Bangor
STOVER of Boothbay

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

Signed:

Senator:

POULIOT of Kennebec

Representatives:

BLIER of Buxton
BRADSTREET of Vassalboro
CAMPBELL of Orrington
MORRIS of Turner

Comes from the House with the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-960)** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-960)**.

Reports **READ**.

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

On motion by same Senator, **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 Remove the Age-related Statutory Prerequisite for Sealing Criminal History Record Information"
H.P. 1423 L.D. 2218

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

Signed:

Senators:

CARNEY of Cumberland
BAILEY of York
BRAKEY of Androscoggin

Representatives:

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

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

Signed:

Representatives:

ANDREWS of Paris
HAGGAN of Hampden
POIRIER of Skowhegan

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

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

Reports **READ**.

Senator **CARNEY** of Cumberland moved the Senate **ACCEPT** the Majority **OUGHT TO PASS** Report.

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, President Jackson, Colleagues of the Senate. I rise just briefly to explain what this legislation does. And actually, I'll start with where it came from. Maine has for the past several years had a Criminal Records Review Committee, and that committee is a group of about 29 hardworking people

who look at criminal records issues from a 360-degree perspective, talk about those issues, and make recommendations. This is one of their recommendations, and as you can see, the Judiciary Committee endorsed that recommendation without change. We got really good legislation from the Criminal Records Review Committee. So, what this legislation does is that it removes the currently in place age limit that applies to an available motion to seal criminal records. And so, with regard to the age limit, currently, you have to be between 18 and 28 at the time of the conduct giving rise to the conviction in order to be able to apply. This legislation would reduce that time limitation, that age limit, and make it available to anyone, regardless of the age they were when the conviction occurred. All of the other aspects of the sealing process remain in place. I think there are really good guidelines and guardrails around this process, and I just want to list them so that people are clear as to what we're being asked to vote on here. So, the first is that it's only applicable if the conviction is for a Class E crime, and even then, if the Class E crime involves sexual assault, the person is not eligible to apply for sealing. The person who's applying has to have already completely served their sentence and four years have to have passed since that service was complete. They have to have no involvement in the criminal justice system in Maine or any other state since the conviction. And if all of those are true, the person can then apply to have records sealed, the court will conduct a hearing and make a written decision as to whether or not the records can be sealed. And then, if there's any future criminal involvement, the records will automatically be unsealed. And in addition, any records that are sealed remain accessible to the courts and to law enforcement if they need to access them, even though they are sealed from the general public. Now, why is this important and why did so many committee members endorse it? Because often, convictions for misdemeanors have a lifelong consequence on the person who is convicted. They prevent people from getting jobs, from getting housing, from pursuing other opportunities. And again, these -- these individuals have served their time, they've changed and have not engaged in any additional criminal activity, and yet the lifelong consequences follow them around forever. And this sealing process is meant to allow the courts in limited and appropriate circumstances to allow sealing of those records and to basically allow people to get the housing they need, get a job that they need to support themselves and their families and become productive members of society. And I would ask that you think about this and the people in your lives and your everyday activities who might benefit, and to support the pending motion. Thank you.

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

Senator **BRAKEY:** Thank you, Mr. President. I, too, would like to add my voice in support of the motion in front of us. I'm very proud of the work that we did on the Criminal Records Review Committee and in further moving this legislation forward through the Judiciary Committee. I'll just say that, you know, this is -- this type of policy is in place in many states across the country, including many very conservative states across the country. I think, in particular, of -- this was -- legislation like this was something that very -- a very conservative former governor of Kentucky, Matt Bevin, was very proud of passing second-chance legislation in his state, and I think in states that have passed

legislation like these, it's worked out fairly well. I do think that there are many balancing factors in here, which I won't go over again, I think that my colleague -- our colleague has already done a very good job outlining that. I just want to reiterate, though, that we are talking about the lowest level of crimes. We're talking about Class E misdemeanors. And someone who has perhaps made a mistake at a certain point in their life, they serve their time, they have exited the correction system and have gone years without any additional run-ins with the law, I personally think that passing this legislation today will help address problems with recidivism. When we give people who have made a one-time mistake, we give them a light at the end of the tunnel, we give them something to work towards in terms of a path to be normalized again in society without this scarlet letter following them around for all time, I think that's going to help people stay on the straight and narrow and not fall back into bad patterns that got them where they were in the first place. And I will say also, you know, I haven't seen the data recently, but when I was working on similar legislation, maybe about half a decade ago through the Legislature and it did not get nearly so far as this legislation is before us now, I recall seeing data suggesting that, you know, when someone has been five years out of the correctional system and they haven't reoffended, they haven't had any additional run-ins with the law, that at that point in time, when we're talking about, you know, half a decade, the rate of criminal activity is on par with society at large. So, someone who has managed to stay on the straight and narrow for -- I know the legislation here is four years, not five years, but someone who has managed to stay on the straight and narrow for that extended period of time after finishing their term, I don't think is any -- is really any -- statistically, any greater threat to the public than any other member of the public. So, I certainly -- I hope that we will give a strong endorsement to this legislation. Thank you.

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

Senator **BAILEY:** Thank you, Mr. President. I just wanted to rise and point out that I am the Senate Chair of the Criminal Records Review Committee. Again, it's 29 members, this was a unanimous recommendation of all the members voting, there were a couple of abstentions, but it was a unanimous recommendation. Thank you.

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

Senator **KEIM:** Thank you, Mr. President, Ladies and Gentlemen of the Senate. I am very in favor of second chances and letting people rebuild their lives after making mistakes. And that's incredibly important to reduce recidivism and build our communities. People shouldn't pay lifelong for mistakes that they make. And I appreciate in this process that it's not an automatic sealing, that people have to seek it out, and there's a process involved, and I appreciate that as well. My problem with this legislation and similar legislation that I voted against is that -- several. One is that sealing records, criminal records are not just housed in one location. So, when you have a conviction, that's news, that gets out. And so, there's this false sense of security that this is sealed and therefore no one knows. People know. And then the only way, if you fill out a job application and they say, you know, do you have any convictions, you have to lie. You

have to lie, and you have to say no or you have to say yes. Because you know you have convictions and you know that they're sealed, but guess what? They're not sealed forever. And one of the issues here is that rather than looking at what we really need, which is a more robust pardon process so that people truly have a clean record, we instead keep looking to these sort of half measures that don't really accomplish what needs to be happening. And I just think that this is the wrong way to go about what we're trying to do. People need to be educated, obviously, employers need to think through who's coming to them, what does their criminal record look like, and if they've done time, if they have -- whatever the payment they've made for their conviction, once that's over, they absolutely need to be welcomed back into society. But each one of us can make that decision. And when we believe that they should be free from their record, we should be pardoning them so that it's truly permanent and it's a pardon, it's not this temporary sealing of well, you made a mistake and now, you know, it's back out there, and there's a process where they can say yes, you know, I did have this record, I did have this, but I've been pardoned, right? There's a different process there, and then it's clean. So, for that reason, I'm a hundred percent supportive of second chances of absolutely rehabilitating people, I believe very strongly that records are a problem to people moving on with their lives, but when we seal it in the courts, it's not gone, it's out there, and then we've just -- we've made pretend with them, and then they lie, if that's what they choose to do about their record, and we're putting them in a bad place. So, for that reason, I will be voting in opposition to this bill.

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

Senator **LIBBY:** Thank you, Mr. President, Men and Women of the Senate. Just in addition to some of the concerns of my good friend from Oxford, Senator Keim, I've got some concerns about the literature I'm reading. I mean, that this process is now going to open up, upon enactment of this and then when the bill actually is able to go into force and effect of law, how can there possibly not be a fiscal note? I mean, you can't be serious that -- in the first year, how many -- how many applicants are there going to be? How can there not be a fiscal note? I'm sitting here reading, and I just don't understand what -- what is going on here. I mean, clearly, when we change the age requirements, there's going to be an onslaught of applications. Did anyone in the committee get the -- receive the estimate of what this might be? I just think it's disingenuous to put a fiscal note like this on a bill like this and I just don't like legislation like this, it just bothers me. So, thank you for listening to my complaint, Mr. President.

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

Senator **HARRINGTON:** Thank you, Mr. President. I'm in opposition to this. I think we ought to be thinking about the fact that, I dare say, more often than not, higher-level crimes are reduced to a Class E misdemeanor in a plea deal. I don't think this does anything to address that, but there will be a lot of people that would be eligible for this that committed a much -- potentially much higher-level offense and pled down to a Class E misdemeanor and there's no -- nothing in this bill that would prevent somebody who took a plea deal from not being able to be

eligible for this. Thank you.

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

Senator **CARNEY:** Thank you, President Jackson, and Colleagues of the Senate. I just rise to address a couple of the concerns that were raised. I appreciate what the Good Senator from Oxford said about applying for pardons. I would just give some additional information to members of this Body that the pardon process is actually very extensive, time-consuming, expensive, and is rarely granted. The intent of the sealing process, again, is to apply to the simplest, lowest level of criminal convictions, and to be a not very difficult process for somebody to initiate on their own without having to invest resources in attorneys and developing other types of evidence that are typically put before -- put forward in conjunction with a request for pardon. And then I also want to address and really appreciate the Good Senator from York's concern about the fiscal note. The sad thing about this process, actually, is that it's not used that often. People maybe don't know about it - they should, because it would help them, people in the 18- to 28-year age group, but for some people, it is really important, and it allows them to get that job and that housing. And so, there's not a fiscal note because it's not anticipated that there will be a huge demand for it. But for people for whom it is important and for whom it might allow them to get that job or housing or other opportunity, it's really important, and they should be able to apply for it. Thank you.

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

Senator **BAILEY:** Thank you, Mr. President. I just rise to address some of the concerns that have been raised. First, in regards to the Good Senator from Oxford's concern about putting the person in the position of lying, I just wanted to clarify that we did learn in the committee that pursuant to Maine law that they are allowed to say -- if their record is sealed, they are allowed to say in a job application that they have not had a conviction. So, that is permitted. We also learned that a pardon doesn't get rid of the record. So, it has the same effect as sealing, it's just that now, the record says, you know, conviction for XYZ, and then pardoned on such and such a date. So, it has the same effect. So, sealing or getting a pardon has the same effect on their actual record. Thank you.

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

Senator **BRAKEY:** Thank you, Mr. President. I just wanted to say that the point made by our colleague, Senator Keim, on the need for more robust and expanded pardon powers, I think that is very well taken. And certainly, I hope in the Criminal Records Review Committee going forward in our work, that that's something we could look into issuing recommendations on how we might address the pardon power. And I also just did want to note that this legislation does have the support of the Maine Prosecutors Association which testified in support of the legislation in the Judiciary Committee and also participated in the Criminal Records Review Committee. Thank you.

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#706)

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

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

EXCUSED: Senators: LAWRENCE

25 Senators having voted in the affirmative and 9 Senators having voted in the negative, with 1 Senator being excused, the motion by Senator **CARNEY** of Cumberland to **ACCEPT** the Majority **OUGHT TO PASS** Report, in concurrence, **PREVAILED**.

Bill READ ONCE.

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

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

ENACTORS

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

Acts

An Act to Implement the Recommendations of the Task Force to Evaluate the Impact of Facility Fees on Patients to Improve Facility Fee Transparency and Notification
S.P. 987 L.D. 2271
(C "A" S-655)

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

An Act to Protect the Right to Food
S.P. 739 L.D. 1823
(C "A" S-673)

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

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

Off Record Remarks

RECESSED until the sound of the bell.

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

Off Record Remarks

HELD MATTER

Bill "An Act to Protect Consumers from Predatory Medical Credit Card Providers"
S.P. 925 L.D. 2174
(C "A" S-678)

(In House, Majority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED** in **NON-CONCURRENCE**.)

(In Senate, April 11, 2024, on motion by Senator **VITELLI** of Sagadahoc, the Senate **INSISTED** to the Minority **OUGHT TO PASS AS AMENDED** Report, **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-678)**.)

On motion by Senator **BAILEY** of York, the Senate **RECONSIDERED** whereby it **INSISTED**.

On further motion by same Senator, the Senate **RECEDED** from whereby the Bill was **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-678)**.

On further motion by same Senator, the Senate **RECEDED** from whereby it **ADOPTED COMMITTEE AMENDMENT "A" (S-678)**.

On further motion by same Senator, Senate Amendment "A" (S-700) to Committee Amendment "A" (S-678) **READ**.

THE PRESIDENT: The Senator may proceed.

Senator **BAILEY:** Thank you, Mr. President. I just wanted to briefly explain what this amendment does. The amendment takes out everything in the amended bill except for the last section, which was the section having to do with not reporting medical debt to consumer credit agencies. Thank you.

On motion by Senator **KEIM** of Oxford, **TABLED** until Later in Today's Session, pending **ADOPTION** of Senate Amendment "A" (S-700) to Committee Amendment "A" (S-678).

Senate at Ease.

The Senate was called to order by the President.

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

REPORTS OF COMMITTEES

House

Ought to Pass As Amended

The Committee on **JUDICIARY** on Bill "An Act to Adopt the National 2022 Amendments to the Uniform Commercial Code" H.P. 59 L.D. 91

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-964)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-964)**.

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

Bill **READ ONCE**.

Committee Amendment "A" (H-964) **READ** and **ADOPTED**.

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

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

ENACTORS

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

Acts

An Act Regarding the Maine State Cemetery Preservation Commission
H.P. 781 L.D. 1233
(C "A" H-950)

An Act to Change the Taxation of Rental Tangible Personal Property to Make It Consistent with the Predominant Method in Other States' Rental Industry Laws for Sales and Use Tax
H.P. 1278 L.D. 2000
(C "A" H-947)

An Act to Enact the Interstate Social Work Licensure Compact
H.P. 1364 L.D. 2140
(C "A" H-948)

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

An Act to Require Health Insurance Coverage for Specialized Risk Screening for First Responders and Other Public Safety Professionals
S.P. 199 L.D. 444
(H "A" H-959 to C "A" S-636)

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

An Act to Make Changes to the Farm and Open Space Tax Law
H.P. 1060 L.D. 1648
(C "A" H-945)

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

An Act to Require Hospitals to Provide Accessible Financial Assistance for Medical Care
H.P. 1257 L.D. 1955
(C "A" H-946)

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

An Act to Require Health Insurance Coverage for Federally Approved Nonprescription Oral Hormonal Contraceptives and Nonprescription Emergency Contraceptives
H.P. 1411 L.D. 2203
(C "A" H-958)

On motion by Senator **ROTUNDO** of Androscoggin, placed on the **SPECIAL APPROPRIATIONS TABLE** pending **ENACTMENT**, in 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 CHIPMAN for the Committee on **TRANSPORTATION** on Bill "An Act to Change Maine's Transportation Laws"
S.P. 183 L.D. 402

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-698)**.

Report **READ**

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

Off Record Remarks

The Chair laid before the Senate the following Tabled and Later Assigned (4/11/24) matter:

SENATE REPORTS - from the Committee on **JUDICIARY** on Bill "An Act to Strengthen Public Safety by Improving Maine's Firearm Laws and Mental Health System"
S.P. 953 L.D. 2224

Majority - Ought to Pass as Amended by Committee Amendment "A" (S-687) (8 members)

Minority - Ought Not to Pass (5 members)

Tabled - April 11, 2024 by Senator **CARNEY** of Cumberland

Pending - **ACCEPTANCE OF EITHER REPORT**

(In Senate, April 11, 2024, reports **READ**.)

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

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

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

Senator **BRAKEY:** Thank you, Mr. President. I rise in opposition to the motion before us. And I'd like to begin with some general thoughts on why so many of Maine's people are exceptionally protective of our Second Amendment rights which this legislation seeks to marginally infringe upon. In the 20th century, an estimated 262 million people across the world were the victims of democide. This means that they were unarmed or disarmed individuals who were intentionally killed by their own governments. This includes the victims of forced labor and concentration camps, extrajudicial summary killings, and mass deaths due to government acts of criminal omission and neglect such as deliberate famines like the Holodomor, as well as killings during civil wars. During the same time period, six times more people were killed by their own governments than were killed by foreign governments in the process of warfare. This historic threat to the people from their own government is one of the primary reasons why the Second Amendment of our U.S. Constitution exists, as well as the right to keep and bear arms that shall never be questioned within the declaration of rights of our own Maine Constitution. As Mao Tse-tung once correctly observed, all political power grows out of the barrel of a gun. That's why his communist party sought to control the guns in their society and those who opposed his government were disarmed. An armed populace is not only in a position to protect their homes and communities from crime and foreign invasion, but also in a position to resist many varieties of domestic governmental tyrannies. To illustrate a recent example of this effect, I think it helps to look overseas. Why was the Australian government able to enforce the most extreme COVID policies in the world, including kidnapping people from their homes, taking them from their families and placing them in quarantine camps? As terrible as the tyrannies of this era were in the United States, they never rose to this -- to the level of forcing people into camps. What made the difference? I personally doubt it was the benevolence of our own officials in America compared to Australia. It is impossible for me not to note that Australia has a near total prohibition on personal firearm ownership, while gun ownership in America is prolific. Could this account for these respective -- how far these respective governments deemed it practical to restrict the liberties of their citizens? I personally suspect it was a factor. Further, I also think it's important to ask to what degree is democracy itself more than a mere illusion in a disarmed society. When all the firearms are in the hands of the government and pointed at the people, can the vote of the people be considered anything more than a mere suggestion to the powerful? What happens on the day the political establishment decides not to obey the vote of the people, as the multipartisan power structure in Great Britain recently considered after the people voted to leave the European Union? Beyond the shattering of a collective illusion that our government is one that operates at the consent of the governed, what practical consequences would there be for an armed governmental power structure when the vote of the disarmed people goes ignored? Surely, democracy without an armed citizenry is a barking dog with no teeth, and that is

certainly why George Orwell wrote in 1941, quote, "That rifle hanging on the wall of the working-class flat, of a laborer's cottage, is the symbol of democracy. It is our job to see it stays there." So, as we consider legislation seeking to put restrictions on the right to keep and bear arms, often as a reaction to an individual's use of firearms to commit criminal and heinous acts, we must consider the cost to life and liberty on both sides of the ledger. For myself, as the proud author of Maine's Constitutional Carry Law, I expect it comes as little surprise that I came to this process with a deep and general skepticism of gun control measures - the constitutionality, their effectiveness, their unintended consequences and, occasionally, their intended consequences. That said, I do try to avoid dismissing any proposal out of hand and hearing the arguments for it. Last year, I will say, this Body passed a measure to close the boyfriend loophole in our domestic violence laws, which expanded who could be prohibited from owning firearms. I was comfortable supporting this legislation -- this restriction on an individual's right to keep and bear arms because this proposal affected only individuals who are afforded due process and are convicted in a court of law for the commission of a violent crime. None of the proposals before us in this legislation, however, meet those standards, as they all seek to establish general restrictions that would affect the full population's legal access to firearms. And having reviewed the testimony and the larger public record surrounding the specific proposals and the general issues they seek to affect, there are several general conclusions that I draw. First, I would note from the extensive testimony we heard in the Judiciary Committee from members of the public, including from families and those directly affected by the Lewiston tragedy, there's -- there's no consensus from that community on these proposals. Victims and their families seemed as divided in support or opposition to these proposals as the Maine public at large. We heard from a Maine woman who dodged gunfire telling us that she thought gun control was not the answer. We also received communication through the Sportsmen's Alliance of Maine, authored by a family member of Bill Young, one of the tragically deceased on that fateful October evening. Bill regularly carried a concealed handgun with him but left his firearm in his vehicle that night due to the gun-free zone policy at the business. Would things have ended differently if he had had his firearm with him? It's possible. I mean, in truth, we'll never know for certain. His family, however, doubts that even now, he would've supported these gun control proposals which are often being put forward in his name. Second, none of these proposals would have directly affected in any way the circumstances of what happened in the Lewiston tragedy. As I understand it, Mr. Robert Card was not a prohibited person under the background check system. Further, as the interim report of the investigatory commission concluded, Maine's existing yellow flag law provided all the sufficient tools needed for law enforcement to have taken the perpetrator's firearms, so expanding that law would not have made any difference. And in regards to this proposal from the Governor, we heard directly from the Commissioner of Public Safety that none of these proposals were crafted to address any of the circumstances in Lewiston. I will also note that it was disappointing to read in the Portland Press Herald recently from one of the -- from an anti-gun group in our state involved in advocacy on these measures, having been fundraising on the tragedy and saying what I think many saw as the quiet part out loud, calling the tragic events an opportunity to push sweeping gun control measures that were totally unrelated to the

circumstances of what took place. I find that very troubling. And to the specifics of the bill, I will say there are three primary components. The first seeks to establish an alternate mechanism for a universal background check, we could call it a backdoor universal background check, which was rejected by the people at referendum only a few short years ago. We heard in the committee from an FFL dealer that a UBI system would mean a paper record of every firearm transaction, which makes gun owners vulnerable to the establishment of a gun registry. All you would need is to gather all of those records into a central database, then you have a gun registry, which is a prerequisite for mass gun confiscation, and that's why many gun owners are very concerned about proposals like these. The second component seeks to move our state closer to a red flag gun confiscation law. Certainly, it doesn't push us all the way there like some other legislation that will come before us later. I deeply oppose this for many reasons and I'm certain we will discuss that in greater detail at a later date, when the full -- when that full proposal comes before us. Now, the third component of this bill, I will say, I do think has some merits. And that is the component that seeks to address gaps in our mental health system. That said, I -- while I find a lot of value in this piece, it has been dealt with in separate legislation that has already passed through the proper committee of jurisdiction with a unanimous report from the Health and Human Services Committee. As such, I don't think this is the proper piece of legislation to deal with that component. So, Mr. President, I do not support this legislation, and I encourage the Body to reject the motion before us.

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

Senator **CARNEY:** Thank you, President Jackson. Thank you, Colleagues of the Senate. I rise to speak in support of the pending motion. I will focus my remarks on what I feel to be the most important aspect of this bill, requiring background checks for advertised sale of firearms. During my work on gun safety legislation, I've come to appreciate the strong policy disagreements that Members of this Body have. I've also come to appreciate that the one area in which we all seem to agree, that firearms should be kept out of the hands of prohibited persons. Last session, we came together unanimously in support of legislation that makes it illegal to knowingly or intentionally transfer a firearm to a prohibited person. This law has given law enforcement in our state the tools that are needed to intercede in gun trafficking. Strengthening background check, background check requirements, will help address both gun trafficking and something we don't talk about that much in this setting, Maine's opioid crisis. Court records and reports from the U.S. Department of Justice show that illegal gun possession is often associated with Maine's drug trade, which in turn fuels addiction, theft, and violent crime in Maine and across the United States. A Bangor Daily News article from this summer called, quote, How Convicted Felons Still Get Guns in Maine, closed quote, explains why and how gun trafficking occurs in Maine. Quoting an Assistant U.S. Attorney in Maine, that article describes increased gun trafficking that we are experiencing. Quote - and this is the Assistant U.S. Attorney - quote, "You have people that are vulnerable that don't have a criminal history at all, and they are being asked, oftentimes by drug dealers, to go and purchase firearms for them, and those firearms are quickly being handed over to a prohibited person. In one instance, a Massachusetts drug trafficker paid for

the firearm with drug proceeds and then paid the co-conspirators by forgiving their drug debts and then distributed Maine firearms in Massachusetts." There are other reasons to strengthen background checks. Domestic violence is one of them. For two decades, Maine's domestic abuse homicide review panel has warned that many instances of murder of intimate partners or family members are committed by people prohibited from having guns under protection orders or because of previous convictions. Similarly, the Deadly Force Review Panel performed a few years ago has also highlighted the fact that almost a quarter of the armed confrontations that tragically result in law enforcement using deadly force against Mainers in the last decade have been sparked by people who were not allowed to have firearms. I hope that we can all get behind the goals of reducing the flow of opioids into our state and the flow of firearms out of Maine, reducing domestic abuse homicide, and reducing confrontations that lead to the deadly use of force. I urge you, Colleagues, to support the pending Ought to Pass as Amended motion. Thank you.

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

Senator **HICKMAN:** Thank you, Mr. President, Women and Men of the Senate. I have to take this opportunity to explain my votes on guns. This is from an email reply to a constituent in the wake of the Lewiston massacre dated November the 12th, 2023. The constituent wanted to know why I had not yet made a statement about the tragedy. My response was, I have never been one to make statements in the wake of any event, tragic or triumphant. I continue to reflect upon who we are, whether we can become anything other than who we are, and whether any new laws or old laws or amended laws can change any of it. I appreciate your call for honesty, for it motivates every single thing that I do. We have a few months until we get into the throes of session, where I suspect another slate of gun bills will require our votes. In the meanwhile, I remain in investigative mode, seeking answers to all sorts of questions that remain unanswered. A few weeks ago, a dear friend of mine pointed me to this DH Lawrence quote: "The essential American soul is hard, isolate, stoic, and a killer. It has never melted." I never read that one before, but it did remind me of an essay about guns and violence in America that I wrote to another constituent on July the 13th, 2022, far before the tragedy of Lewiston last October. I remember our conversation in the Winthrop Town Council Hall, and I recall that this is the issue that appears to drive your direct political action the most. Thank you for reaching out to me about it once more. While I agree that gun violence in America is spiking relative to 2019, fueled perhaps by the pandemic, rising poverty rates, and the ongoing insurrection that seeks to turn America into an autocratic kakistocracy with corporatists opposed to human rights at the helm, out of control carnage in this land precedes this email exchange by several centuries. Your summary of what I shared with you back then about gun rights and regulations remains much the same for me today, but there's a whole lot more to it than what I told you then. Back then, I wasn't just expressing my concerns about the unequal enforcement of the laws inasmuch as I was expressing my lived experience with the unequal enforcement of the law as well as what I have borne witness to since I have had a front row seat to the lives of others through my work representing the people here in Augusta. In that conversation, I was doing my best to be completely honest with you about a charged issue, and letting you know that even if it meant not earning your vote, I was

not going to support any gun regulations that would disproportionately negatively impact the lives of marginalized people in ways that never show up on the news, that manifest in ways that even I did not, could not, or would not see or understand or accept until I had to. Yet, in the five terms I have served, the Legislature has considered every kind of gun safety law that can be considered; banning assault weapons and bump stocks and limiting magazines, closing gun show loopholes regarding background checks, requiring a license and training to own a firearm, red flag, yellow flag, to list just a few. None but a few have passed. No matter which party has the majority in the Legislature, no matter who sits in the Blaine House. Maine has a rather new yellow flag law on the books, criticized by the left and the right. Last session, we passed the safe storage law, accepted by the right and the left with varying levels of enthusiasm. Simply put, Maine's strong gun rights traditions make gun regulations very difficult to pass in the Legislature no matter the balance of power. Quiet as it's kept, I don't believe much of what we are asked to enact would do a thing to curb gun violence on the scale we have in America or prevent its rise here in Maine. The culture of gun violence in this nation is a deeply rooted tradition hard to accept because it should be, and I rarely should on the people. But the culture of gun violence is real and powerful and precedes the NRA by centuries. We have glorified the culture of gun violence for all eternity in the television and movie westerns that we play over and over again on cable and internet streaming services. Have Gun - Will Travel; Wanted: Dead or Alive; The Rifleman; Gunsmoke; Forty Guns; The Stranger Wore a Gun; The Gun Runners; A Gunfight; Gun Fury; Gun Smugglers; Gun Crazy; Machine Gun Mama; Machine Gun Preacher; Gun The Man Down; Gun For A Coward; Jane Got A Gun; Annie get yours; The Gun Runner; Top Gun; Duel at Diablo; The Grand Duel; Massacre Time; Massacre at Grand Canyon; I Want Him Dead; Dig Your Own Grave; Sabata is Coming; If You Meet Sartana Pray For Your Death; I could go on, but perhaps you see what I mean. And those are only a minute sample of the shows and movies with guns and/or death in their titles. Bonanza, Wagon Train, Tales of Wells Fargo, the Virginian, Laramie, the Big Valley, Maverick, Rawhide, the High Chaparral - all violent popular shows on TV. Some are aired several times daily on cable networks under the theme heroes and icons or the good guys and sunrise. Modern westerns are no less violent, maybe even more so, and they include more characters who look like that American people look today, making them even more attractive to a wider audience. And then, there was Bonnie Parker and Clyde Barrow, real-life carnage wreckers portrayed by attractive movie stars, romanticized by Hollywood in a film that ended in an iconic scene regarded at the time as among the bloodiest death scenes in the history of cinema. A film preserved by the Library of Congress's United States Film Registry as, quote, culturally, historically, and esthetically significant. In short, America's founding was violent. Chattel slavery was violent. The Doctrine of Manifest Destiny and Westward Expansion was violent. The Civil War was violent. Reconstruction was violent. The Jim Crow era was violent. Our penal system is violent. And we remain enamored of gun violence and carnage on screens large and small. Never mind the popularity of violent video games and apps. Consider a version of the creed of the United States Marine, which reads in part, "My rifle is my best friend. It is my life. I must master it as I must master my life. My rifle without me is useless. Without my rifle, I am useless. My rifle is human, even as I, because it is my life. Thus, I will learn it as a brother, I

will learn its weaknesses, its strength, its parts, its accessories, its sights, and its barrel. I will ever guard it against the ravages of weather and damage, as I will ever guard my legs, my arms, my eyes, my heart against damage. I will keep my rifle clean and ready. We will become part of one another." Military indoctrination, perhaps, but people do leave the military and return to civilian life. As James Baldwin proclaimed, "I love America more than any other country in the world and, exactly for this reason, I insist on the right to criticize her perpetually. Violence is in America's DNA. I see a name that allowed her defects of character at the same time because love must not be blind." Fortunately, here in Maine, our strong gun rights traditions have also proven to have contributed to the development of a local culture that respects the proper role of guns in Maine society. Do we have gun violence? Yes. Could we ever have a mass shooting at a school, in a shopping mall, night club, theater, outdoor parade, or anywhere else? Yes. I do not mean to dismiss your fears. I fear for my own safety more and more each day. Still, I am compelled to create public policy based only upon data and evidence and as it is, back then and in spite of our liberal gun laws, gun violence in Maine remains relatively low. We rarely discuss these apparent contradictions in the midst of our urgent and valid cause from the people for action by our leaders to do something, anything, in the wake of these tragic mass shootings. I have voted for versions of legislation banning the sale of weapons of war to civilians, but even if passed, I do not believe laws stop people who want these weapons of war from acquiring them by any means necessary. Won't stop people from growing up to believe that guns represent manhood and courage and even the law itself. That guns are the final answer to far too many human conflicts, the outward expression of far too much inner turmoil. I believe that the new media's incessant coverage of episodes of gun violence lacking any critical insight or historical context unintentionally promotes copycat shootings by those narcissistic souls amongst us who crave attention at any cost. It wasn't that long ago I saw a report of a young man in Maine who shot his father dead and admitted that it would be the only action of his entire life that would bring him notoriety, a sense of purpose. And why on earth would a Maine kid compile a kill list of his classmates and teachers? From what I read about it at the time, there was nothing in his behavior to predict it. As the great American Poet Laureate Stanley Kunitz wrote, "In a murderous time, the heart breaks and breaks and lives by breaking." And so, as Baldwin also preached, one must say yes to life and embrace it wherever it is found, and it is found in terrible places. And so, I speak the unspeakable, my heart breaking all the while, whenever the situation requires it. Thankfully, life is also found in glorious places. I remain blessed to live in a glorious place called Winthrop, on a farm we call heaven, on a clean lake called Annabessacook, where I can be represented in the Maine House of Representatives by a good man called Rock. I must take some comfort that the rate of gun violence in Maine remains amongst the lowest in the nation, whether or not the Legislature does anything in the next session that addresses your fears, and mine, too. If the people see fit to send me back to the Maine Senate, I will carefully consider every piece of gun regulation put before us and vote based upon the most compelling data presented at that time. And I will ponder all of the input from my constituents on every side of this issue, including yours, as I must do. And I will defend democracy and promote human rights with every fiber of my being. Right now, during these murderous times, I do my best to embrace the glorious places where life can be found, to turn

away from the carnage, to plant and nurture life, to produce as much food as we have ever raised, to invest all that I have and what little I can control. I can grow nourishing food for my family, my community, and that is what I try to do by the summer sunshine. And then, Mr. President, just last month, I communicated with another constituent who asked me how I was going to vote on a suite of gun bills in the coming weeks. I simply said the Lewiston massacre changed everything. The families and communities who lost their loved ones are changed forever. Those whose injuries cannot fully heal are changed forever. Those who were present at the shootings that may not have been physically injured but who witnessed the carnage and were able to escape are changed forever. But Mr. President, Maine is still Maine. Our traditions stay the same. I believe that the Legislature may come together to balance public safety with individual rights in a way that honors the dead and respects the Maine way of life that I adore. And so, I will deliberate and maybe reconsider my positions as applicable based upon the details of the language reported out of the committees of jurisdiction hearing that legislation. No matter where my votes may ultimately fall, I will continue to be a strong voice for those who cry in the dark. Whether or not they are represented in the halls of power by advocates or lobbyists on any side of all of these vital issues before us. Mr. President, this bill before us was the bill I was going to consider voting for. But as reported out of committee, it creates two Class C crimes, and I cannot see myself voting for felonies. Thank you, Mr. President.

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

Senator **ROTUNDO:** Thank you, Mr. President, Colleagues of the Senate. This bill is important to me because I believe that the policies that it introduces could have - again, I believe - helped to prevent the tragedy of the mass shootings that took place in my community of Lewiston on October 25th. It directs the Department of Health and Human Services to develop a plan for a network of crisis receiving centers across the state to provide clinical and nonclinical mental health and substance use disorder treatment and crisis stabilization services. It also creates a protective custody warrant that allows law enforcement officers to get a warrant to take someone into protective custody for assessments. This is a path that will allow law enforcement to overcome situations in which they don't currently have a process to move an assessment forward. It also strengthens background checks. My community continues to experience heartbreak and trauma. Greater gun safety and mental health support are of paramount importance. Maine people should be able to feel safe sending their children to school, having a drink with a friend after work, or bowling with their children in the evening. This is an opportunity to provide greater safety for Maine people. I can't bring back the sons, daughters, grandparents, parents who lost their lives on October 25th, nor can I alleviate the ongoing pain of those that were injured that evening, or the enormous pain of the families and friends that survived. But I can vote for this bill, which will provide greater safety for Maine people in the future. I ask you please to join me in supporting LD 2224. Thank you.

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

Senator **KEIM:** Thank you, Mr. President. We're going to talk about a lot of gun control legislation this evening, and the trauma and the tragedy that happened in Lewiston touched us all. Maine is, as we know, a very connected community of people. I personally know people that were in the building at that time of the shooting, and people that could've defended themselves were unarmed. I think it's important for us to remember that. Maine has a first in nation very strong law that the independent commission in Lewiston said would have been effective in stopping the tragedy in Lewiston had it been used. And now, we're going to look at a whole slew of bills, we're going to try everything, throw everything and see what's going to stick. But the law we had on the books would've worked. I appreciate that this bill had a mental health piece to it, and we have addressed that, as has been mentioned already, in another bill because this is a mental health issue. Whole, well-adjusted, happy people do not do these types of things. And Robert Card was damaged, and he reaped carnage, desperate and terrible, in our state. But it is not the fault of our gun laws. So, the issue, just speaking plainly about this one bill in front of us, is one of the largest issues is the definition change to straw purchases. We change it from knowingly transferring a gun to a reckless transfer. And that would assume that a person knows that someone is going to commit an egregious crime in the future. They could possibly be on the hook for someone's -- for someone else's mental health change, right? And that is something I am unwilling to support. Because in Maine, we do transfer guns to one another, they are passed down, generation to generation. People give them as gifts. We don't have a tracking system for our firearms, and that's the way it should be. Firearms are first and foremost, I believe, about personal protection, and because I am not a hunter, that is what -- that first and foremost reason for me, and I know they're also about feeding your family and about hunting, but they are our constitutional right to own them for a myriad of reasons, and this does not address what happened in Lewiston. I may say that several times tonight because it's the truth. And we cannot pass law that will put somebody unwittingly in the position of a transfer that they could be on the hook for later on because someone's mental health deteriorates and somehow, that would then be considered reckless, when in the moment, they didn't know. So, our current law where the standard is knowingly transfer, that is -- that is good. That is accurate. This is devolving it to something that could accidentally catch people up in the law where it shouldn't, and it creates a problem where people are going to be insecure in their own ability to transfer weapons one person to another, and that is not the problem that happened in Lewiston. I'm voting against the pending motion for that reason.

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

Senator **BALDACCI:** Thank you, Mr. President. I just want to speak briefly, and I can't speak as eloquently as some of the Members of this Chamber, but I want to share with you my concerns about this bill. The bill is filled with good intentions and has honorable aims and parts of it could do good work. But the major problem from a constitutional perspective is the standard for protective custody. And I've made my position known to people on -- that have been considering this bill for some time, but the standard is that there's probable cause to believe that the person may be mentally ill, and due to that condition presents a likelihood of serious harm, and that the person -- probable cause

to believe that person possesses, controls, or may acquire a dangerous weapon. The bill doesn't even require that they actually have been in possession or actually own a weapon. But to equate mental illness with committing violence is itself completely erroneous and an insult to the mental health community. I've gotten letters from people in the mental health community who are rightly concerned about that. But the broader implication in living in a free society, as people that cherish the United States Constitution, is about people's individual rights. So, we are with this bill going to allow any law enforcement officer to take someone into custody because they're mentally ill and they may possess a dangerous weapon. The broad authority is astounding. And I think that in many ways, the approach that's here, as I said, it's filled with good intentions, but it is generously clunky, and I'm not sure how effective. But I can't vote for a bill that's going to allow the unconstitutional seizing of individuals on less than probable cause that they committed a crime to happen. I mean, I just -- as an attorney, as somebody who's practiced law 32 years, who's represented thousands of people and been involved in the community and here in the Legislature, I -- it would go against everything I believe, and it would not be right, and it wouldn't work. We'd be back here talking about how to roll it back. But, so, I have genuine concerns about this. I think that there are things we can do. I think, to be honest with you, that the red flag law actually has more constitutional muster than this, but I can't vote for this bill, it has many flaws, and it's really not going to do what it's intended to do, but it's actually going to authorize the mentally ill to be arrested. And then the issue is, under this bill, the hearing has to be in 30 days, but it can be extended, and where are we going to put these people? Are we putting them in jail? We have a separate procedure to commit the mentally ill, it's called blue papering. And we have a procedure for arresting people. It's a long-established tradition under the Fourth Amendment called probable cause to believe they have committed a crime. A police officer could stop somebody on reasonable articulable suspicion, but they cannot arrest somebody unless they have formed, at least in their own head, probable cause to believe a crime has been committed. So, I have real legal, constitutional, ethical concerns about this, and I think we can do better, I know we can do better, but this bill is not the vehicle. Thank you.

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#707)

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

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

EXCUSED: Senators: LAWRENCE

19 Senators having voted in the affirmative and 15 Senators having voted in the negative, with 1 Senator being excused, the motion by Senator **CARNEY** of Cumberland to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report, **PREVAILED**.

Bill READ ONCE.

Committee Amendment "A" (S-687) **READ**.

On motion by Senator **CARNEY** of Cumberland, Senate Amendment "A" (S-695) to Committee Amendment "A" (S-687) **READ** and **ADOPTED**.

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

Senator **CARNEY:** Thank you, President Jackson, Colleagues of the Senate. This is a technical change that was requested by the Judicial Branch. It simply asks in Section 14 of the bill to include a paragraph that requires notice to the court that a restricted person is facing a restriction. Thank you.

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

Senator **STEWART:** Thank you, Mr. President. I'm just getting caught up on the amendment right now. I'm wondering if leadership might approach for just a moment.

Senate at Ease.

The Senate was called to order by the President.

Committee Amendment "A" (S-687) as Amended by Senate Amendment "A" (S-695) thereto, **ADOPTED**.

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED COMMITTEE AMENDMENT "A" (S-687) AS AMENDED BY SENATE AMENDMENT "A" (S-695)** thereto.

Ordered sent down forthwith for concurrence.

The Chair laid before the Senate the following Tabled and Later Assigned (4/12/24) matter:

SENATE REPORTS - from the Committee on **JUDICIARY** on Bill "An Act to Support Suicide Prevention by Allowing the Voluntary Waiver of Firearm Rights" (EMERGENCY)
H.P. 1343 L.D. 2119

(In House, Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-961)** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-961).**)

(In Senate, April 12, 2024, reports **READ.**)

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

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

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

Senator **BRAKEY:** Thank you, Mr. President. At first glance in the committee, I appreciated the stated intent of this legislation and the regard that the bill sponsor communicated to the Judiciary Committee about what she sought as the voluntary nature of this proposal, which sought to allow individuals to voluntarily enroll themselves as prohibited persons for the purposes of owning firearms under the FBI's national instant criminal background check system. The bill had some issues, however, and the Majority Report before us would establish instead a taskforce for the purpose of studying how to establish such a system. Upon deeper consideration and conversation with other members of the committee, however, I developed some concerns regarding the aim of this legislation, even if we're just aiming at it right now through a study, and that has put me in opposition today. The intent is that individuals may voluntarily enroll and voluntarily unenroll from such a prohibition. First, a smaller concern, is a criminal background check system really the best place for people without a criminal background and, second, a larger concern, what guarantee is there that no permanent record remains after an individual unenrolls from this voluntary system, which allows them to be targeted in the future for nonvoluntary gun prohibition? You know, I will note that we heard -- this is a federal -- this is a federal background check system that they would be enrolling themselves into, not a state system, and we cannot by state law tell the federal government what they must do with that information once they have it. And I will say that only a few short years ago, I remember there was a push for gun control under the slogan of no fly, no buy. The rationale was that people who had, without any due process or recourse, been placed on a no-fly list should also be prohibited from purchasing firearms. The ACLU has for decades charged that this secret government list banning people from flying was arbitrary and met none of the constitutional standards for due process, highlighting even young children on the list for arbitrary reasons like a name similar to someone else's name. But that did not stop all individuals on this list from becoming the target of a widespread gun prohibition effort. If that targeting can happen to people on a

government list with such loose standards as the no-fly list, then it seems very likely that a list of people who once volunteered to become a prohibited person, presumably because at one time they questioned their mental competency to possess a firearm, would hold an even more natural roster of people to target in the future for nonvoluntary and permanent gun prohibition. While I respect the sponsor's stated intent, we heard in the public hearing that there are alternatives to this proposal, including a common practice among many federally licensed firearm dealers to accept an individual's firearms for holding at their voluntary request. At this point, I do not believe it is wise to pass this legislation, which has the potential to create another government list that can be targeted for a permanent suspension of individuals' constitutional rights. For those reasons, Mr. President, I recommend to the Body that we reject the motion before us. Thank you.

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

Senator **CARNEY:** Thank you, Senate President, Colleagues of the Senate. I rise to just briefly describe the proposal before us. It did indeed start out as legislation, it was legislation that followed the model called Donna's Law, which was a law that's been adopted in three other states that allows a person to voluntarily waive their right to purchase or receive a firearm by creating a voluntary and confidential waiver form that can be revoked at any time. And the objective of Donna's Law that's been adopted in other states was to give people the power to protect their own health by limiting -- voluntarily limiting their access to guns during a mental health crisis. So, there were a lot of -- there was a lot of good, strong testimony about how it would be nice to have such a voluntary system, but we felt that there were many aspects of the proposal that needed to be vetted further. And so, what you have before you for a vote this evening is a taskforce that would study how and whether to implement any kind of a voluntary surrender program, or a voluntary waiver, excuse me, program. There is no federal voluntary system, there's no proposal for a state voluntary system in Maine, this is just to get together people who look at this issue from a lot of different directions and investigate whether Maine should -- could and should design and adopt such a system. I think it's worth studying, I think that a lot of good could come out of it because we do know that firearm related suicides in Maine are a significant problem, and I ask for your support.

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#708)

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

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

EXCUSED: Senators: LAWRENCE

22 Senators having voted in the affirmative and 12 Senators having voted in the negative, with 1 Senator being excused, the motion by Senator **CARNEY** of Cumberland to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report, in concurrence, **PREVAILED**.

Bill **READ ONCE**.

Committee Amendment "A" (H-961) **READ** and **ADOPTED**.

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

Ordered sent down for concurrence.

The Chair laid before the Senate the following Tabled and Later Assigned (4/10/24) matter:

SENATE REPORTS - from the Committee on **JUDICIARY** on Bill "An Act to Amend the Law Governing the Disposition of Forfeited Firearms"
S.P. 879 L.D. 2086

Majority - Ought to Pass as Amended by Committee Amendment "A" (S-679) (8 members)

Minority - Ought Not to Pass (5 members)

Tabled - April 10, 2024 by Senator **CARNEY** of Cumberland

Pending - **ACCEPTANCE OF EITHER REPORT**

(In Senate, April 10, 2024, reports **READ**.)

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

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

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

Senator **BRAKEY:** Thank you, Mr. President. This legislation before us seeks to do a number of things, including a requirement that all firearms forfeited to the State as part of a criminal conviction must be destroyed. Under current requirements of the law, only firearms involved in a murder or homicide are destroyed. I can understand the purpose here, out of respect to the victim and their family, you'd hate to see a firearm used in a murder resold and kept in a collection like some kind of sick trophy. I understand why that law exists. But why would we destroy all firearms in state custody? We wouldn't do this for cars forfeited to the State, the State auctions and then sells those cars, and the State can do the same with criminally forfeited firearms, selling through an FFL dealer who conducts background checks and takes every precaution required by the law. Further, it costs taxpayer money to destroy these firearms, companies don't do it for free, so we're -- we would be taking current system that actually generates money for the State and turning it into something that would be a cost to the State for a reason I can't quite see. Mr. President, it does seem like there's a presumption built into this proposal that firearms are bad and therefore we should destroy them at every opportunity. I do not agree with that. Additionally, there are other measures in this bill that seek to establish a new definition of machine guns to add to the list of prohibited firearms and accessories. I do not support this. As some lawyer is looking at this definition regarding multiple projectiles fired with the pull of -- a single pull of a trigger have come to the conclusion that it may have the unintended consequences of potentially sweeping up shotguns into that prohibition with the language. I'm certain that's not the intention, but some lawyers have taken a look at it and seem to think that it may, in fact, do that. So, for all these reasons, Mr. President, I would ask the Body to oppose the pending motion.

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

Senator **CARNEY:** Thank you, President Jackson. Thank you, Colleagues of the Senate. I rise in support of the pending Ought to Pass as Amended motion on LD 2086. As my Good Colleague from Androscoggin mentioned, the first part of this legislation amends Maine law to require the destruction of firearms that are subject to an order of forfeiture. Current law requires destruction of firearms that were used in a murder or homicide, and this would simply extend that requirement to firearms that are forfeited because they've been used in any crime. A question was raised as to why we would want to destroy firearms, and I think that that question is soundly answered by the federal policy and the policy statements surrounding the federal policy, and that is because these forfeited firearms are sold cheaply, so it's a way for cheap firearms to flow out onto the market and be available for sale. And there is a concern federally and actually in other states as well and some municipalities that this flow of very inexpensive firearms creates a supply of firearms that are purchased and resold and used in crime. And I don't have the quote with me, but the federal policy references things like, you know, cheap guns kill just as easily as expensive guns, and law enforcement officers are concerned that these guns could be used against law enforcement officers, and that's why they want to keep them out of circulation. I would also connect this legislation to recent

events related to the Oxford County Sheriff's Department which have actually brought this issue to the forefront in Maine. Reporting on these issues raised a concern about lost, stolen, and forfeited firearms being transferred without regard to legal requirements. By making Maine law consistent with federal law, we can reduce the likelihood that crime guns in Maine will be used to commit subsequent crimes in our state. The second part of the legislation amends definition of machine gun under Maine law. Now, I want to let you know that possession or transfer of a machine gun is already prohibited by both state and federal law. Current Maine law from 1975 has not been updated since, defines a machine gun as a weapon of any description, by whatever name known, loaded or unloaded, which is capable of discharging a number of projectiles in rapid succession by one manual or mechanical action on the trigger or firing mechanism. So, if you look at the amendment to the legislation, where the definition of machine gun is being amended, subparagraph A, which I believe my good colleague was referring to, that actually is simply a restatement, word for word, of the law that's been in effect in Maine since 1975. It just has a letter "A" in front of it because there are some additions in paragraphs B through D. So, what those specific changes accomplish is that they would include in the definition of machine gun, a firearm and a device or alteration that together function to materially increase the rate of fire of a semiautomatic weapon by eliminating the need for the operator of the semiautomatic firearm to make a separate movement for each individual operation of the trigger. Maine would join 15 other states that have restricted the sale of bump stocks and other rapid-fire devices and alterations. I would also note that the definition additions in paragraphs B through D are derived from the federal GOSAFE legislation that Maine's Independent Senator Angus King is a sponsor of. Federal regulations of civilian possession and use of machine guns began in the 1930s in response to their use in crime against law enforcement officers. The National Firearms Act of 1934 required registration of machine guns because, quote - and this is from the legislative history - the gangster as a law violator must be deprived of his most dangerous weapon, the machine gun. And, quote, there is no reason why anyone except a law enforcement officer should have a machine gun. So, that's the genesis of these regulations. The law was further amended in 1986 and '88 to make possession or transferring a machine gun a crime. Congress took that step, again, as the legislative history indicates, to provide, quote, more effective protection of law enforcement officers from the proliferation of machine guns. The most recent change in federal law related to machine guns came in response to the 2017 mass shooting in Las Vegas, Nevada. A gunman in a hotel room overlooking an outdoor concert used firearms equipped with bump stocks to kill 60 people and injure 500 by shooting from the 32nd floor window of his hotel room. In response, then-President Trump issued a directive to the Department of Justice to adopt regulations, quote - and this is a quote from his directive - banning all devices that turn legal weapons into machine guns, closed quote, by clarifying the definition of machine gun under federal law. And that is, indeed, what happened. Those regulations at the current moment are challenged in a U.S. Supreme Court case called *Garland v. Cargill*. That case turns on a narrow issue of statutory construction regarding the use of the word automatically which occurs in federal statute but is not found in the Maine statute, either as it currently exists or as proposed. So, the *Cargill* holding technically won't apply to Maine, but it will impact Maine, because

if the U.S. Supreme Court strikes down the federal regulations, the ability of the federal authorities, the Alcohol, Tobacco, and Firearms agency to prevent the civilian sale and use of devices that turn semiautomatic weapons into machine guns will go away, and so there will be no regulation of these devices that are essentially machine guns in Maine. So, I would just encourage you to take a close look at LD 2086. As amended, it deserves this Body's support regardless of the outcome of that U.S. Supreme Court case. If the federal regulations are upheld, this legislation would ensure that both federal and Maine law enforcement agencies have the jurisdiction to prevent harm from firearms that function like machine guns. And if the court strikes down those federal regulations, passage is critically important to protecting the safety of Mainers. State enforcement will be the only means of upholding the longstanding public safety policy of regulating or prohibiting automatic weapons and their equivalents that has been the federal law for nearly 90 years. Legislative action in Vermont is a powerful example of the importance of state legislation to prevent legal firearms from being turned into illegal automatic weapons. In 2018, within one week of a narrowly averted school shooting, Vermont's Republican Governor Phil Scott proposed a suite of measures to protect Vermonters from gun violence, including prohibiting rapid-fire devices. He noted that state action was needed to - and this is a quote from Governor Scott - "State action was needed to ensure that Vermont is not enabling the use of devices and accessory that convert legal firearms into illegal automatic weapons." In 2022, my community narrowly avoided a school shooting similar to what Governor Scott's community faced. In 2023, Maine experienced a mass shooting using semiautomatic weapons. The risk posed by allowing a semiautomatic weapon to be converted into an automatic weapon in either of these situations is clear. Vermont and Maine have similar natural resource-based economies, a shared tradition of hunting and outdoorsmanship, and many cultural commonalities. Our interest in preventing legal firearms from being converted into illegal automatic weapons is an important public safety policy that we should also share. I urge you to cast your vote in favor of the pending Ought to Pass as Amended motion. Thank you.

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

Senator **HARRINGTON:** Thank you, Mr. President. I would just add that many of these tools, these firearm accessories that are sought to be banned in this bill, many are used for training, hunting, and self-defense. You know, the bump stock is the primary example of something looking to be banned in this legislation, but it goes much further than that. There are many accessories that are used by people with disabilities that will no longer be able to use them for self-defense. With regards to the firearms taken into custody by law enforcement, many firearms are not taken after a crime whatsoever. Many of these firearms are turned in to police departments after a loved one passes away, say a spouse will call local law enforcement - I've had this happen dozens of times in my career - they'll call, ask us to come pick up many very, very expensive firearms, I might add, not cheap, expensive firearms, as that was mentioned earlier, and are just turned into the police department because they don't what else to do with them. These guns, too, would be destroyed. Thank you.

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

Senator **BAILEY:** Thank you, Mr. President. I just wanted to highlight I think something that the Good Senator from Cumberland noted, that any concern we heard in the Judiciary Committee about this somehow affecting shotguns or shotguns using birdshot or buckshot, that language is in existing law. That's been the law since 1979, and that law has never been used in that way. And the legislative intent of this new law is not to change that. Thank you.

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#709)

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

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

EXCUSED: Senators: LAWRENCE

19 Senators having voted in the affirmative and 15 Senators having voted in the negative, with 1 Senator being excused, the motion by Senator **CARNEY** of Cumberland to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report, **PREVAILED**.

Bill READ ONCE.

Committee Amendment "A" (S-679) **READ** and **ADOPTED**.

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

Ordered sent down for concurrence.

The Chair laid before the Senate the following Tabled and Later Assigned (4/12/24) matter:

SENATE REPORTS - from the Committee on **JUDICIARY** on Bill "An Act to Create a Civil Cause of Action for Persons Suffering Damages Arising from the Sale of Abnormally Dangerous Firearms"
H.P. 1085 L.D. 1696

(In House, Report "**A**" **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-962) READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-962).**)

(In Senate, April 12, 2024, reports **READ**.)

Senator **CARNEY** of Cumberland moved the Senate **ACCEPT** Report "A" **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-962)**, in concurrence.

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

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

Senator **BRAKEY:** Thank you, Mr. President. This legislation would bog down with frivolous and expensive litigation through a civil cause of action firearm manufacturers in our state like Windham Weaponry and Smith & Wesson, which employ thousands of people and generate tens of millions in tax revenue for the state. In fact, we recently received a letter from the National Shooting Sports Foundation, indicating that Smith & Wesson in Houlton, and many other firearm-related businesses in Maine, would consider relocating to other states if this legislation passes. I hesitate to think that some on a crusade against the Second Amendment may receive this as good news, but it would not be good news for the thousands of Maine people who could lose their jobs, the state budget when tax dollars are lost, nor would it be good news for those who would find their access to the means of self-defense further out of hand. Let's be clear about one thing, firearm manufacturers, they're not like vaccine manufacturers, they're not immune from liability when their products are used as intended and cause harm to people. Like most manufacturers of commercial goods, whether that be firearms or automobiles, they can be taken to court for damages when their product malfunctions and causes injury. There is a federal law, however, passed in 2005 called the Protection of Lawful Commerce in Arms Act, also known as PLCAA. This law protects manufacturers from the myriad of politically motivated lawsuits, not resulting from any defect or malfunction, but when their products are used criminally or improperly by someone else to commit harm. Vehicle ramming attacks have become sadly more common in our country and around the world. When someone rams their vehicle into a parade of people, intending to inflict mass harm, should Ford Motor Company or General Motors be subject to civil litigation? This is the only area in which firearm manufacturers have protection from liability. Mr. President, this legislation is unnecessary and harmful. It would lead to a stampede of politically motivated lawsuits, chasing firearm businesses out of our state. Please vote no.

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

Senator **CARNEY:** Thank you, President Jackson, Colleagues of the Senate. I rise to speak briefly and provide some more information about LD 1696. This is entitled An Act to Create a Civil Cause of Action for Persons Suffering Damages Arising from the Illegal Sale or Marketing of Firearm Related Products. And it

would create a consumer protection measure that could be used against sellers, manufacturers, and marketers of firearms when those entities engage in illegal or deceptive conduct. This legislation prohibits a firearm industry member from selling or marketing firearms and related products in a manner that promotes conversion or modification into an illegal firearm or in a manner that is targeted at prohibited persons or in a manner that's unconscionable or deceptive. It also requires industry members to adopt reasonable practices to prevent theft and to comply with state and federal law. This bill would enforce these consumer protection standards in two ways. First, the Maine Attorney General's Office is authorized to investigate and enforce asserted violations. There's a second enforcement mechanism that applies in the case of an individual who's been injured by prohibited practices. A court can grant an injured person or their family damages, injunctive relief, and reasonable attorney's costs. I want to deviate a moment from my prepared remarks. This is not a situation where there will be a floodgate opened for claims because this is -- these civil actions only happen in the instance of a terrible tragedy. The underlying policy is directed at preventing sellers, manufacturers, and marketers of firearms from harming members of the public by engaging in illegal or deceptive conduct. This consumer protection approach was taken by parents and family members who brought claims against a gunmaker based on the conduct of promoting sales of a weapon that appealed to troubled men, like the killer who stormed into Sandy Hook Elementary School in Newtown, Connecticut, on December 14, 2012, killing 20 first graders and six adults. I sincerely hope that if this legislation is passed, it never has to be used in Maine. I think that the authority of the Attorney General to enforce basic consumer protection standards about illegal, deceptive, and unconscionable marketing of firearms will prevent tragedies in the future, and I would urge you to support the pending motion.

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. I represent a district that has, as was previously mentioned, Smith & Wesson in my district. The reality is that this bill is going to do nothing except for discourage that facility and the over 120 good manufacturing jobs in northern Maine to consider relocating. The fact of the matter is Maine is not a competitive state when it comes to things like our labor force, electricity prices, location to market, transportation cost. All of these things add up, and when now we're going to, you know, poke these folks in the eye to -- that we would never consider as it relates to things like automobiles and that sector. And if you had an automobile parts manufacturer that then you were trying to tie to some sort of tragedy that may or may not occur, if they then misuse that automobile to then inflict harm or worse on other people, that you would then go after the manufacturer for that because somebody in an advertisement for an automobile, you know, drove it in a certain way or talked about it in a certain way and then it got used in a way that it was never intended to be used. That -- what we're trying to do, frankly, is just send a bad signal to a company that provides good-paying jobs, creates good products, and otherwise isn't doing anything to jeopardize or harm or inflict, you know, anything on anybody else more so than any other manufacturing sector, frankly. It just -- the parallel shouldn't

be made here. This is a bill that I hope we can reject and frankly get on to other ideas that are more important. You've heard them talked about, you know, the mental health reforms we're making this Legislature are substantial and are important. They will save lives. We've done things in previous Legislatures that actually will save lives. You know, poking the eye of the manufacturing sector is just a bad idea for Maine.

Thank you, Mr. President.

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

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#710)

YEAS: Senators: BAILEY, BEEBE-CENTER, BRENNER, CARNEY, CHIPMAN, DAUGHTRY, DUSON, GROHOSKI, INGWERSEN, PIERCE, RAFFERTY, ROTUNDO, VITELLI

NAYS: Senators: BALDACCI, BENNETT, BLACK, BRAKEY, CURRY, FARRIN, GUERIN, HARRINGTON, HICKMAN, KEIM, LIBBY, LYFORD, MOORE, NANGLE, POULIOT, RENY, STEWART, TIMBERLAKE, TIPPING, PRESIDENT JACKSON

EXCUSED: Senators: LAFOUNTAIN, LAWRENCE

13 Senators having voted in the affirmative and 20 Senators having voted in the negative, with 2 Senators being excused, the motion by Senator **CARNEY** of Cumberland to **ACCEPT** Report "A" **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-962)**, in concurrence, **FAILED**.

The Senate **ACCEPTED** Report "B" **OUGHT NOT TO PASS**, in **NON-CONCURRENCE**.

The Chair laid before the Senate the following Tabled and Later Assigned (4/11/24) matter:

SENATE REPORTS - from the Committee on **JUDICIARY** on Bill "An Act to Address Gun Violence in Maine by Requiring a Waiting Period for Certain Firearm Purchases"
S.P. 958 L.D. 2238

Report "A" - Ought to Pass as Amended by Committee Amendment "A" (S-684) (7 members)

Report "B" - Ought Not to Pass (5 members)

Report "C" - Ought to Pass as Amended by Committee Amendment "B" (S-685) (1 member)

Tabled - April 11, 2024 by Senator **CARNEY** of Cumberland

Pending - **ACCEPTANCE OF ANY REPORT**

(In Senate, April 11, 2024, reports **READ**.)

Senator **CARNEY** of Cumberland moved the Senate **ACCEPT Report "A" OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (S-684)**.

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

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

Senator **BRAKEY:** Thank you, Mr. President. For a number of reasons, I stand opposed to the legislation before us which seeks to mandate a 72-hour waiting period for the purchase of a firearm in the State of Maine. First, there's the obvious question of constitutionality, as this matter pertains to the text of the U.S. Constitution and the Maine Constitution. It seems reasonable to determine the proposed waiting period to receive a purchased firearm is a denial of a constitutionally protected right for a 72-hour period. This alone should be sufficient reason to oppose this legislation, but I understand that ending the conversation on this single point would perhaps be highly unsatisfactory to many, so there are some further questions to answer. Second, there is the question of relevance to the tragic events that took place in Lewiston, which has clearly been the event that prompted the submission of this legislation and much of the legislation that we've been dealing with today. Would a 72-hour waiting period have prevented the Lewiston massacre? All available information suggests that the perpetrator, Mr. Robert Card, used a firearm that had been in his ownership for an extended period of time. Whether or not his decision to commit this heinous act was impulsive or premeditated, I'll wait for the conclusions of the ongoing investigation to form conclusions, but it seems certain that an impulsive decision to purchase a firearm was not a factor in these terrible events. Now, beyond these initial two questions, I want to go further and deal with the primary argument of proponents in favor of this bill, which they argue that such a law would result in a decrease in suicides. And I think that that claim deserves some scrutiny. Now, we were presented with some studies that seemed to suggest this fact, but looking into those studies and peeling back the surface a bit, you find data provided by a group called Everytown, which is a Michael Bloomberg funded organization whose purpose expressly, whether you agree with that purpose or not, it is their express purpose to advocate for gun control. So, I don't think we can look at data provided by this group as unbiased and a reliable source of information. So, that's why I went looking a little bit further for other studies, and I found a 2003 analysis of multiple studies by the RAND

Corporation. Which I will note the RAND Corporation I've also seen criticism of the RAND Corporation by folks within the Second Amendment community who believe that they have a pro-gun control bias, so I want to state that for the record. This is not an organization that I think anyone points to and says is biased in favor of the Second Amendment. But according to their conclusions, while there seems to be some initial evidence that a 72-hour waiting period does result in a decrease in suicides by firearm, the data was very inconclusive to suggest it leads to an overall decrease in all cause suicides. And I think if we -- I think we can understand why. So, I'm going to go off script a little bit here and just kind of summarize some of my takeaways from the committee process. Some of the advocates for this legislation pointed to arguments for the saying well, firearms are particularly lethal with someone attempting to commit suicide, and they compared that to drug overdose suicides which have a far lesser lethality rate. But if you look in other parts of the world, where perhaps people don't have access to firearms to the same degree that folks in America do, you find that the number one method of suicide - I know this is a morbid topic, but - the number one method of suicide is hanging. And the lethality rate for hanging is very much on par with the lethality rate for suicide by firearm. So, the RAND -- to quote the RAND report, quote, it is also clear that some people who are prevented from attempting suicide a firearm will substitute another lethal means and successfully end their lives. The rate at which this substitution occurs is not known, thus for laws that increase or decrease firearm suicides, the effects on total suicides are likely smaller and harder to detect but are fundamentally of greater interest for public policy. Further -- well, anyway, so that's -- that's what they found; inconclusive evidence that this had any real effect on overall all cause suicides. And I will also note that this is not do no harm legislation. I think if you look at the reports that came out of the committee, you will note that there are three reports. There's the report before us, there's an Ought Not to Pass report, but there's also a third report from my own State Representative, Adam Lee of Auburn, who issued his -- an alternate report trying to deal with some of the harms that would be created by this. He tried to put forward a report that would make exceptions for individuals who have a protection from abuse order in place to protect them because obviously, if there is an individual who is stalking them or persecuting them, having access to a firearm for self-defense might be crucially important for that person and if you're going to tell them they have to wait 72 hours to possess the means to defend themselves and you're really kind of hoping that whoever is targeting them is going to wait 72 hours to inflict harm against them. The report in front of us now doesn't make any effort to deal with that situation, very real situation that many people in the State of Maine sadly find themselves in. So, I think we're presented with a report that on the one hand, it's very unclear that this would have any statistically significant positive effect on lowering suicide rates, and on the other hand, clearly would put an individual in jeopardy if they have an immediate need to be able to defend themselves. So, for all those reasons, Mr. President, I would encourage the Body to vote no on the pending motion and reject the legislation in front of us.

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

Senator **ROTUNDO**: Thank you, Mr. President, Colleagues of the Senate. I am proud to sponsor this bill, which I actually first advocated for about 16 years ago in this Chamber. My initial motivation came from the news of a young man in the Lewiston-Auburn community who was experiencing depression, went to Walmart to purchase a rifle, and then went home and shot himself. His mother found his body later that day. Waiting periods provide firearm purchases with a cooling-off period. They help protect the purchaser from acting out a short-lived impulse suicide or homicide that may have inspired the purchase in the first place. Nine states have similar laws on the books, and three more employ waiting periods for certain types of firearms. Research shows that cooling off periods are effective. The American Academy of Pediatrics, which I consider to be a reliable source, found that states with waiting periods experience 51% fewer firearm suicides than states without these policies. Another study published in the publication Proceedings of the National Academy of Sciences found that states that adopted waiting period laws experience a 17% decrease in homicides and a 6-11% decrease in suicide. According to the Centers for Disease Control, suicide is the fourth leading cause of death for Mainers between the ages of 15 to 54. In 2021, 277 Maine people died by suicide in Maine. More than half involved a firearms. Enacting waiting periods in Maine could make a meaningful difference in suicide rates and could save lives. We all know, of course, that no piece of legislation can fully prevent all suicides or homicides. However, this bill can lessen gun violence in general and help to save lives and create safer and healthier communities. Please join me in voting for LD 2238.

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

Senator **CHIPMAN**: Thank you, Mr. President, Men and Women of the Senate. I can't believe that we're debating how many lives might or might not be saved by this and there's different studies that are going to show different results. I think it's obvious that this will save some lives. We have a serious suicide issue in the state, and when I think about this issue, I think about an issue we dealt with in transportation with the suicide barrier in the Penobscot Narrows Bridge. And we know that there's been some lives lost and some suicides that have occurred on that bridge, and it was a no-brainer for us in committee whether to spend the million dollars to put the suicide barrier up. We knew it would save some lives, and we said let's spend the money, let's do it. And in this case, I say let's pass the bill, let's save some lives. Thank you.

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

Senator **HARRINGTON**: Thank you, Mr. President, Ladies and Gentlemen of the Senate. I rise in opposition to the pending motion. Waiting periods are an arbitrary imposition on law-abiding Mainers, and it is an antiquated idea. Waiting periods existed before the NICS background check system came into existence. The NICS system provides instant background checks. A waiting period does not introduce any additional investigative avenues. The argument that guns are purchased impulsively and used to commit crimes is not true. ATF data shows that traced firearms have a nine-year timeframe from crime -- crime timeline for firearms used in crimes. There's also no

scientific data to show that waiting periods have an impact on suicide, homicide, or mass shootings. Two-thirds of gun owners own more than one firearm, and we're supposed to believe that waiting periods will reduce suicides. Germany and Norway have laws that any anti-gun politician in the United States would consider model legislation, and yet they didn't stop the all-time juvenile record mass murder of 15 people by a high school student in Germany in 2009, nor did those laws stop a killer from murdering 69 people and wounding more than a hundred at a youth camp on an island in Norway in 2011. The suicide rate in Japan is far higher than the United States, but gun suicides are almost nonexistent. In many of the countries with strict gun control, many find other ways to kill people -- kill themselves and each other. The authors of a Harvard study on gun control's effect on murder and suicide rates concluded Sweden with over twice as much gun ownership as neighboring Germany and a third more gun suicide, nevertheless, has a lower overall suicide rate. Greece has nearly three times more gun ownership than the Czech Republic, and somehow more gun suicide. Yet, the overall Czech suicide rate is 175% higher than the Greek rate. Spain has over 12 times more gun ownership than Poland, yet the latter's overall suicide rate is more than double the former's. Tragically, Finland has over 14 times more gun ownership than neighboring Estonia, and a great deal more gun-related suicide. Estonia, however, turns out to have a much higher suicide rate than Finland overall. So, what does this data actually show? The data shows that increasingly -- and I was glad it was mentioned earlier in the night that media and video game violence have a real impact on real world violence -- perhaps we should monitor what our kids are playing and watching and leave law-abiding gun-owning adults alone. Thank you.

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

Senator **CARNEY**: Thank you, President Jackson, Colleagues of the Senate. I rise in support of the pending Ought to Pass as Amended Motion on LD 2238, An Act to Address Gun Violence in Maine by Requiring a Waiting Period for Certain Firearm Purchases. As you've heard, this legislation would require a 72-hour waiting period. I did want to let people know that it includes certain exemptions that the committee felt were warranted. There's an exemption for sale to a -- of a firearm to a federally licensed firearm dealer, to a law enforcement officer or agency, and for any sale that's not subject to a background check. Why should Members of this Body vote for LD 2238? Quite simply, because it will save lives. As you've heard from other colleagues, suicide is the top cause of firearm related deaths in Maine for the years in which data is available. In 2021, there were 178 deaths by firearms in Maine. Of these, 158 were suicides. That is 89%. The prior year, there were 154 deaths with firearms, and of these, 132 were suicides. That's 86%. And I would just note that if you array the loss of these Mainers by suicide by firearm on a map, you will see that the rate of firearm suicide death is highest in Piscataquis County, with a 2.5 people per 100,000 population rate. Somerset is next at 17.8 people per 100,000, Franklin County is at 16 people per 100,000, and Washington County at 15.3 people per 100,000 population. At the public hearing, we heard powerful testimony from medical experts that suicide is often an impulsive act. And to those who would dispute this fact, I think we need only look in our own state at the tragic death by suicide that happened recently, the woman who purchased a gun

at -- and then immediately killed herself on the premises. David Moltz, MD, testified on behalf of the Maine Association of Psychiatric Physicians. He explained that suicide attempts by gun are lethal 85% of the time, compared, for instance, with drug overdose which is lethal only 5% of the time. He told the committee that impulsiveness plays a part in many suicide attempts and cited a study showing that 70% of the people who survive serious suicide attempts said that the time between when they thought of suicide and when they attempted it was less than one hour. Twenty-four percent said it was less than five minutes. In Dr. Moltz's words, quote, in that brief time, if a gun is available, it will be used, and when you use a gun, there is no chance for second thoughts. We also heard from friends and family members of those who died as a result of firearm suicide. Their heartbreaking stories were personal testimony and very powerful testimony, again, to the impulsivity of suicide, and to the pain of those losses on friends, families, and entire communities. I think that my Good Colleague from Androscoggin relayed an occurrence in her community that impacted everyone. Personally, I will never forget the pain on the faces of students throughout Cape Elizabeth as they gathered in the middle of Route 77 to paint a memorial on a rock face the night a cherished friend, beloved athlete, and generally truly a wonderful young man died as a result of gun suicide. A vote in favor of the pending motion will save lives. Waiting periods create a window of time that allow someone in crisis to get help, the help they need. It's proven to reduce suicide in the 11 states that have some form of a waiting period. Those states are Vermont, Rhode Island, New Jersey, Maryland, Illinois, Minnesota, Washington, Colorado, California, Hawaii, and Florida, as well as the District of Columbia. By one estimation, waiting periods may reduce firearm suicides by 7-11%. And actually, I'm going to skip the stats because the Good Senator from Androscoggin read them, but I do want to note that those are objective studies that were peer reviewed and published in medical journals. In conclusion, this legislation is based on solid evidence and has the potential to reduce violence without imposing restrictions on anyone's right to own a firearm. I ask you to support the pending motion.

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

Senator **BRAKEY:** Thank you, Mr. President. I just want to respond to two things. There was reference to the study by the American Academy of Pediatrics, and I just want to make clear this is one of the studies I was referring to that relies on data provided by biased organizations, with a stated position of pursuing gun control in America. In fact, I'm on their website right now, looking at the overview of the study, and it says for more information, go to the Brady campaign, go to Everytown, go to Giffords. These are all advocacy organizations. So, I appreciate that the American Academy of Pediatrics, that's a name that sounds like a very credible source, but you look at the underlying study and where the data is coming from, and it's not unbiased data. And the second -- the second point I'd like to make, you know, again, there's a comparison being made between firearm -- suicide by firearm versus suicide by drug overdose and yes, there's a huge disparity in the lethality rates there. But why are we comparing against drug overdose and not comparing against what is the number one method of suicide around the world, which is hanging, which has a lethality rate that is pretty much the same as the firearm lethality rate. I suppose probably because it

would be impractical for us to put a 72-hour waiting period on ropes. So, Mr. President, I think passing this would be very ill advised. Thank you.

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

Senator **KEIM:** Thank you, Mr. President. I think we can all agree that cooling off is a commendable goal. Rash decisions are often made, right, when people are in the heat of the moment. And we can use emotional stories of people in tragic circumstances to really legitimize almost anything because there's a huge amount of tragic stories and different things that happen. And so, I'm going to share one of my own. You know, running for office, one of the interesting things that always happens, right, is whose home you enter. And I will never forget my first -- first foray into knocking on doors. Some were awfully funny, but one was going into this woman's home, and sometimes you go into a home and they're just so warm and inviting and you sit down, right, and you enjoy those moments. And this woman was just so gracious and lovely and told me her story. And it's the first time that I had ever just really had a heart-to-heart conversation with a woman who was the victim of domestic violence. And she was new to Maine, and she left, fleeing her husband, and she had a peaceful home. It was a small apartment, and she was struggling to make ends meet because she had to leave everything, because she and her daughters were in danger. But she was -- she was at peace in that moment. And listening to the dangers that she felt and the way that she needed to protect herself and her children, I always go back to that moment when I think about domestic violence and the courage that it takes to walk away. And there is just no way that her right to defend herself -- because, you know, these -- people change on a dime. Mental health changes on a dime sometimes. And one moment, you think you're okay, and the next minute, you're looking for a way to defend yourself. And every woman's right to defend herself should not be of lesser concern than possibly saving someone who wants to commit suicide. They are both tragedies, but there are many, many, many ways to commit suicide; there are very few ways for a woman to protect herself against an aggressive man who wants to harm her or her children. She does not have time often to call 9-1-1. In my area, and with the way that law enforcement is depleted in this state, the response times are increasingly delayed. What right do we have to tell a woman that she cannot go and get something that will defend herself against someone who is going to harm her or her children? That is what we're saying here. We're saying we are elevating the need to somehow take a tool away from someone who wants to commit suicide when they have many, and we're taking this tool away from a woman who wants to protect herself. She has the right, it's her constitutional right, and we're somehow saying that that is less important. It is not. Her right to protect herself is every bit as important. And that is what we're doing here, we're saying this delay is okay, don't you worry about it, just call 9-1-1. That doesn't work. Just like it doesn't work for someone who maybe is wanting to commit suicide, I understand that, but one is not more important than the other and both are incredibly real. There are women out there who are abused, there are women out there who are using weapons and have weapons in their possession for the very reason of protecting themselves, and this is what we are putting in danger, those women, with this bill. I will be voting Ought Not to Pass.

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

Senator **CARNEY:** Thank you, President Jackson, Colleagues, I appreciate the opportunity to address you a second time. One quick point of information. The statistics that I was referring to and that I also heard my Good Colleague from Androscoggin refer to did not come from the American Academy of Pediatrics, they came from the National Academy of Sciences proceedings and the American Journal of Public Health. But I want to turn to an issue that I've thought a lot about and that the committee members really dug into, and that was this concern about whether the 72-hour waiting period would potentially have an impact on survivors of domestic violence. And we sought people in our state who have a lot of expertise in providing services and advocating on behalf of the rights of people who have been subjected to domestic violence. And what we learned is a couple of different things. One is that an abused woman who purchases a firearm, the purchase of that firearm increases the risk of intimate partner homicide by 50%, and it doubles the risk of firearm homicide by an abusive partner. We also learned that at least 90% of women who are in prison for killing a man report having been abused by those men, and yet their sentences have historically been longer than sentences of men who kill their intimate partners. And finally - and this goes to the dynamic of domestic violence - expecting a victim of abuse who shares deep ties of history, family, and even love with the abusive person, and who potentially has little experience with firearms to be ready to pull the trigger and kill someone is unrealistic. Even law enforcement officers who are trained to use firearms in high-stress scenarios at best hit their target slightly more than half the time. And so, I appreciate the concern about the impact that this legislation would have on persons experiencing or who have experienced domestic violence, but I think that we have a lot of data available in Maine that shows us that there are lots of safety planning steps that are taken here in Maine to protect these individuals and that encouraging them -- adopting a law that espouses a state policy of encouraging them to purchase a firearm without a 72-hour waiting period, that that is not -- not something that should be part of that safety plan. Thank you.

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

Senator **KEIM:** Thank you. I appreciate the time to rise a second time and address this other issue because I have heard those arguments from domestic violence advocates who basically insult women to say that a woman in danger can't handle a firearm and therefore the 72-hour waiting period is reasonable. I find that just so insulting. And a woman that's in danger absolutely can handle a firearm, and she should have the right to self-defense. Thank you.

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

Senator **BALDACCI** of Penobscot who would have voted NAY requested and received leave of the Senate to pair his vote with Senator **LAWRENCE** of York who would have voted YEA.

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#711)

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

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

PAIRED: Senators: BALDACCI, LAWRENCE

17 Senators having voted in the affirmative and 16 Senators having voted in the negative, with 2 Senators having paired their votes, the motion by Senator **CARNEY** of Cumberland to **ACCEPT** Report "A" **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (S-684), PREVAILED.**

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

Senator **BENNETT:** Thank you, Mr. President. The board showed 18 to 17, and I think with the paired votes, it would be 17 to 16, and I just -- getting clarity on that.

THE PRESIDENT: Okay, fair enough. The monitor up here already deducted the votes, which I was told to take them off, but it already deducted. So, it showed up here as 17-16, but you are correct, there's 35 of us here, all 35 of us voted, which was an 18-17 vote, but the correct total should be 17-16 Ought to Pass as Amended. Is that clear? Especially on a one vote --.

Bill **READ ONCE.**

Committee Amendment "A" (S-684) **READ** and **ADOPTED.**

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

Ordered sent down for concurrence.

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

Senate at Ease.

The Senate was called to order by the President.

Off Record Remarks

RECESSED until 9:00 in the evening.

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

The Chair laid before the Senate the following Tabled and Later Assigned (4/2/24) matter:

HOUSE REPORTS - from the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** on Bill "An Act to Provide Funding to Rebuild Infrastructure Affected by Extreme Inland and Coastal Weather Events" (EMERGENCY)
H.P. 1426 L.D. 2225

Report "A" - Ought to Pass as Amended by Committee Amendment "A" (H-894) (8 members)

Report "B" - Ought to Pass as Amended by Committee Amendment "B" (H-895) (3 members)

Report "C" - Ought to Pass as Amended by Committee Amendment "C" (H-896) (2 members)

Tabled - April 2, 2024 by Senator **STEWART** of Aroostook

Pending - motion by Senator **ROTUNDO** of Androscoggin to **ACCEPT** Report "A" **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-894)** in concurrence

(In House, Report "A", **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-894)**, **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-894)**.)

(In Senate, April 2, 2024, reports **READ**.)

The Senate **ACCEPTED** Report "A" **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-894)**.

Bill **READ ONCE**.

Committee Amendment "A" (H-894) **READ**.

On motion by Senator **BENNETT** of Oxford, Senate Amendment "A" (S-701) to Committee Amendment "A" (H-894) **READ**.

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

Senator **BENNETT:** Thank you, Mr. President, Fellow Members of the Senate. The amendment before you is something which I know has gotten a lot of discussion over the days here, and I just wanted to give a little background because there's a lot of things that have been said about this, and I just want it to be clear in the record why it's before us and what it does. I proposed this

amendment as a good faith effort, frankly, just to bring us together. To bring us together around critical needs that we all know about, that we all, I think, desperately want to address - Republicans, Democrats, all of us. And it comes from a call by the Chief Executive, who looked me in the eye in a meeting in her office, and I know she did so with other people on the Appropriations Committee of both parties, and she asked us to find, quote, middle ground on the Disaster Relief Plan. So, yes, this amendment deals with disaster relief in the way that the Governor specifically asked for - \$50 million for disaster relief for public infrastructure, plus \$10 million for small businesses and not-for-profits who were disrupted by these natural disasters. And it does so in the way that I objected to and a lot of the others on the committee objected to, which was using money from the Budget Stabilization Fund and using \$60 million from the Budget Stabilization Fund, a manner which is not statutorily appropriate, so we -- notwithstanding that language in order to provide that funding. And I did it this way because, again, an effort to try to find common ground. This measure also deals in that effort with crises in other areas, known crises. We have a crisis in our long-term care in this state. We all know it. Our nursing facilities across the state, particularly in rural areas like I represent, they're leaving. And we all know that we have a crisis in mental health that we need to address. So, this measure before us funds those three large initiatives because they're all crises, and it uses half the money to fund for this from the Budget Stabilization Fund and about half from Unappropriated Surplus. You know, we're down to about 90 nursing facilities across the state. I've lost two in my district in Western Maine in the last few years. My district is aging, the people there need our nursing facilities. They need to be close to their loved ones and they no longer can do that because of the closing of our nursing facilities. Yet this Administration keep promising rate reform, which never happens, and teases out small amounts of money to the Maine Healthcare Association members with the hope that something else is ahead. And in fact, it's infuriating that the budget, which is somewhere in the Appropriations Committee, voted for it a week ago in about six hours, still don't have either the majority or the minority reports for that budget, but the Majority Report of that budget does what the Governor asks, which is wholly insufficient to save our nursing facilities. About \$24 million in one-time funding trickled out over four years to whomever the Commission of Human Services thinks is worthy because of their performance. That's not going to help people trying to make investment decisions in long-term care in Maine. It does nothing to save the Presque Isle home. There are other smaller homes, residential care facilities, that are closing all across the state. We need to deal with that. In this measure, too, there's a small amount of assistance out of existing funds for PNMs, and I know each one of us in our districts has seen closures of these small facilities that often go unnoticed because they may be only serving five, ten, 15 people. But that's a devastating loss. A devastating loss. And yet, we ignore it. In this package, there's mental health. We have a pretty good infrastructure for mental health across this state, but we're not funding the services so that people can avail themselves of that infrastructure. There's been tremendous work in this Legislature, bipartisan work, during the last few months to finally come together on mental health. And it's been refreshing to see, particularly all the fine work out of the Health and Human Services Committee, bipartisan. The Speaker of the House put in a bill, LD 2237, which does a lot, but there's also a resiliency package of bills that help fill in the gaps that the Administration,

frankly, isn't doing. When the change package came out, I asked the Commissioner of DAFS what's in it for mental health. There's a \$1.9 million appropriation so that Spurwink can buy Tri-County Mental Health. That's it. \$80 million more, and that's all there was. It's going to take legislative leadership, which we've provided, to fix the crisis in mental health. That is in this bill. All of the unanimous committee reports, plus one that was unanimous among the Senators on HHS, which is the school clinicians, is put in this amendment. There are a few other elements here that the Administration didn't deal with that I think was important. There's a lifeline to the York Hospital, which I know my seatmate here, the Senator from York, Senator Lawrence, has talked with me about repeatedly. There's some money for ed techs, unanimous committee report. We know there's a little bit of a crisis - well, not a little bit - in our schools, where the classrooms need help. Ed techs are providing that help. Our school districts often can't afford it, so LD 974 is funded here, not to the extent that it came out of committee, but half that. There's some work on the salary plan here that will help some other crises we're facing with places like child welfare, which is seeing case workers erode. It's important to note that as a member of the Appropriations Committee, I don't want to criticize the Senate leadership, I've -- I have wonderful working relationship and a great deal of regard and respect for the Chair, Senator Rotundo, and my seatmate, not only in that committee but in government oversight, Senator Duson of Cumberland. But I have to say that committee has not worked well. This bill came out of committee unfinished. I expressed my view in committee, and I said it publicly, we need to let this bill bake a little bit more in committee because I was afraid what was happened if we voted, and a vote was forced, and you see before you a three-way divided report on a bill that needs a two-thirds vote. I watch with admiration where other committees here, committee chairs have worked tirelessly to build a consensus around certain issues, and I've admired that, and it's -- this bill was not ready, but the vote was -- it was required that we vote, send it upstairs, and so here we are, with an unfinished product that the Chief Executive has asked us to find common ground on. And I don't think she's very happy, from what I hear, about the proposals before us, but it is literally in response to her request that we find common ground. The same thing happened on the budget a week ago. It was 3:15 a.m., almost a week ago, minus five hours, that we voted out the budget, divided report, I said then that it wasn't ready, I moved to table it so that we could consult with the Transportation Committee and others about great changes we had in the budget that the majority on the committee was pushing, and I was told no, we have to vote. And so, here we are. It is a source of immense frustration for me, personally, that -- not to be successful in working together to find -- to find solutions to these problems that we all know we have, and the Legislature has actually done a remarkable job under the circumstances coming together on these intractable problems. And yet, we get caught up sometimes in various -- various reasons and dysfunction, and we're not following our own inclinations. In my view, we're led around too much by the wishes of the Administration and the Chief Executive, when we are actually taking leadership on these critical issues. We should embrace that leadership and make sure that the products that we produce statutorily, budgetarily, are reflective of our work and our commitments and our time and energy and expertise working through these committees on these big problems. And unfortunately, we're not there. So, I put forward this amendment with a lot of good will. I love the Senate;

I love working with each and every one of you. It's an amazing ride. And I just hope that you all see this as a reflection of our work together as a community of people representing all of the people in Maine on these big issues. And I would respectfully ask that you vote with me to adopt this senate amendment. This is not going to be the end, as we know, this is going to go down in nonconcurrence to the Other Body and the conversation will continue. But it's an important conversation, and this is a very important step for us to take. Thank you, Mr. President.

Senator **BRENNER** of Cumberland moved the Bill and accompanying papers be **TABLED** until Later in Today's Session, pending the motion by Senator **BENNETT** of Oxford to **ADOPT** Senate Amendment "A" (S-701) to Committee Amendment "A" (H-894).

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#712)

YEAS: Senators: BAILEY, BALDACCI, BEEBE-CENTER, BRENNER, CARNEY, CURRY, DAUGHTRY, DUSON, INGWERSEN, LIBBY, PIERCE, RAFFERTY, ROTUNDO, STEWART, TIPPING, VITELLI

NAYS: Senators: BENNETT, BLACK, BRAKEY, CHIPMAN, FARRIN, GROHOSKI, GUERIN, HARRINGTON, HICKMAN, KEIM, LYFORD, MOORE, NANGLE, POULIOT, RENY, TIMBERLAKE, PRESIDENT JACKSON

EXCUSED: Senators: LAFOUNTAIN, LAWRENCE

16 Senators having voted in the affirmative and 17 Senators having voted in the negative, with 2 Senators being excused, the motion by Senator **BRENNER** of Cumberland to **TABLE** the Bill and accompanying papers, **FAILED**.

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#713)

YEAS: Senators: BAILEY, BALDACCI, BENNETT, BLACK, BRAKEY, CHIPMAN, FARRIN, GROHOSKI, GUERIN, HARRINGTON, HICKMAN, KEIM, LIBBY, LYFORD, MOORE, NANGLE, POULIOT, STEWART, TIMBERLAKE, TIPPING

NAYS: Senators: BEEBE-CENTER, BRENNER, CARNEY, CURRY, DAUGHTRY, DUSON, INGWERSEN, PIERCE, RAFFERTY, RENY, ROTUNDO, VITELLI, PRESIDENT JACKSON

EXCUSED: Senators: LAFOUNTAIN, LAWRENCE

20 Senators having voted in the affirmative and 13 Senators having voted in the negative, with 2 Senators being excused, the motion by Senator **BENNETT** of Oxford to **ADOPT** Senate Amendment "A" (S-701) to Committee Amendment "A" (H-894), **PREVAILED**.

Committee Amendment "A" (H-894) as Amended by Senate Amendment "A" (S-701) thereto, **ADOPTED**.

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-894) AS AMENDED BY SENATE AMENDMENT "A" (S-701)** thereto, in **NON-CONCURRENCE**.

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

Report "A" - Ought to Pass as Amended by Committee Amendment "A" (H-834) (7 members)

Report "B" - Ought to Pass as Amended by Committee Amendment "B" (H-835) (2 members)

Report "C" - Ought Not to Pass (2 members)

Tabled - April 3, 2024 by Senator **GROHOSKI** of Hancock

Pending - **ACCEPTANCE OF ANY REPORT**

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

(In Senate, April 3, 2024, reports **READ**.)

Senator **GROHOSKI** of Hancock moved the Senate **ACCEPT** Report "A" **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-834)**, in concurrence.

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#714)

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

NAYS: Senators: FARRIN, GUERIN, LIBBY, LYFORD

EXCUSED: Senators: LAFOUNTAIN, LAWRENCE

29 Senators having voted in the affirmative and 4 Senators having voted in the negative, with 2 Senators being excused, the motion by Senator **GROHOSKI** of Hancock to **ACCEPT** Report "A" **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-834)**, in concurrence, **PREVAILED**.

Bill **READ ONCE**.

Committee Amendment "A" (H-834) **READ**.

On motion by Senator **HICKMAN** of Kennebec, Senate Amendment "B" (S-694) to Committee Amendment "A" (H-834) **READ**.

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

Senator **STEWART:** Thank you, Mr. President. Can the sponsor of the amendment please explain what the floor amendment is attempting to do to the committee amendment? Because I think there's some -- I'll explain why. I think there's some folks that are concerned around the underlying bill and then kind of where we're going from there with the amendment and whether it makes it easier or better for different marijuana facilities to operate in Maine, and I just want to make sure that information is fully fleshed out here, if that's possible, please.

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

Senator **HICKMAN:** Thank you, Mr. President. Since you asked, excise tax relief for the adult use cannabis industry is necessary if the State wants to fulfill its promise to the industry to allow it an

opportunity to stabilize. It's an emerging manufacturing and agricultural industry; it is the only agricultural industry in the State of Maine that charges an excise tax to the farmer. I have a word for that, I won't say it tonight because I'm trying to be diplomatic, but in order for the cultivators, the people who grow the plant so that all the other things can happen, they don't stay in business, then I guess there's no industry. The amendment to the bill provides a different way to fund the excise tax relief that is in the Majority Report and the industry participants have all come together to say for them, this is the best way to do it, because it won't raise the sales tax to the consumer. Taxation is not my specialty; it is calculus to me. The formulas and how it all works, I don't get. But what I do know is that farmers should not have to pay any excise tax on moving their product into the market, and this amendment cuts the \$335 a pound excise tax on cannabis to \$175 a pound, and it adjusts the amount on the trim, so that the gap in the General Fund is reduced by about \$600,000. And I'm going to defer to the expert on taxation if I have said anything completely wrong, because I have a migraine. Thank you, Mr. President.

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

Senator **STEWART:** Thank you very much, Mr. President. I appreciate that as a helpful synopsis of what we got in front of us. Sorry about the migraine. I've got some Tylenol in the office if you need some. I would request a Roll Call. I will be voting in favor of the motion, but I know some folks are opposed, so -- thank you, Mr. President.

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 (#715)

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

NAYS: Senators: FARRIN, GUERIN, LIBBY, LYFORD

EXCUSED: Senators: LAFOUNTAIN, LAWRENCE

29 Senators having voted in the affirmative and 4 Senators having voted in the negative, with 2 Senators being excused, the motion by Senator **HICKMAN** of Kennebec to **ADOPT** Senate Amendment "B" (S-694) to Committee Amendment "A" (H-834), **PREVAILED**.

Committee Amendment "A" (H-834) as Amended by Senate Amendment "B" (S-694) thereto, **ADOPTED**.

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-834) AS AMENDED BY SENATE AMENDMENT "B" (S-694)** thereto, in **NON-CONCURRENCE**.

Ordered sent down for concurrence.

The Chair laid before the Senate the following Tabled and Later Assigned (4/11/24) matter:

An Act to Implement the Recommendations of the Gagetown Harmful Chemical Study Commission and to Reestablish the Gagetown Harmful Chemical Study Commission
S.P. 990 L.D. 2274
(C "A" S-660)

Tabled - April 11, 2024 by Senator **DAUGHTRY** of Cumberland

Pending - **ENACTMENT** in concurrence

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

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

The Chair laid before the Senate the following Tabled and Later Assigned (4/11/24) matter:

Resolve, to Allow Ireland Farms, Inc. to Sue the State
S.P. 939 L.D. 2202
(C "A" S-675)

Tabled - April 11, 2024 by Senator **DAUGHTRY** of Cumberland

Pending - **FINAL PASSAGE** in concurrence

(In House, **FINALLY PASSED**.)

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

The Chair laid before the Senate the following Tabled and Later Assigned (4/11/24) matter:

An Act to Bring Fairness in Income Taxes to Maine Families by Adjusting the Tax Brackets
H.P. 779 L.D. 1231

Tabled - April 11, 2024 by Senator **BENNETT** of Oxford

Pending - **ENACTMENT** in concurrence

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

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 (#716)

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

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

EXCUSED: Senators: LAFOUNTAIN, LAWRENCE

20 Senators having voted in the affirmative and 13 Senators having voted in the negative, with 2 Senators being excused, was **PASSED TO BE ENACTED** and having been signed by the President, was presented by the Secretary to the Governor for approval.

The Chair laid before the Senate the following Tabled and Later Assigned (4/12/24) matter:

Bill "An Act to Protect Consumers from Predatory Medical Credit Card Providers"
S.P. 925 L.D. 2174
(C "A" S-678)

(In House, Majority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED** in **NON-CONCURRENCE**.)

(In Senate, April 12, 2024, the Senate **RECEDED** from whereby it **ADOPTED COMMITTEE AMENDMENT "A" (S-678).**)

Senate at Ease.

The Senate was called to order by the President.

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

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

Senator **BRAKEY:** Thank you, Mr. President. I know it's very late, and I hate to belabor things, but we did receive this amendment just this evening. I've been hearing various things from members of the lobby on this, and I'm not quite sure what it does. But I'm hearing that it puts credit agencies in a posture where they're going to potentially have to violate HIPAA laws trying to figure out what is medically necessary, what is not medically necessary. My preference is that we not vote on this tonight and that we take it up on Monday, when we have time to properly vet and review this, but if that's not the will of this Body, I'll be voting in opposition.

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

Senator **BAILEY:** Thank you, Mr. President. I just wanted to rise and explain what this amendment does. As I mentioned before, it does prevent the reporting of medical debt to credit reporting agencies. As this Body may know, we've already had a prohibition for reporting medical debt until it's at least six months old, so that just gets rid of that six-month prohibition. Thank you.

THE PRESIDENT: The pending question before the Senate is Adoption of Senate Amendment "A" to Committee Amendment "A". A roll call has been ordered. Is the Senate ready for the question?

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#717)

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

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

EXCUSED: Senators: LAFOUNTAIN, LAWRENCE

21 Senators having voted in the affirmative and 12 Senators having voted in the negative, with 2 Senators being excused, the motion by Senator **BAILEY** of York to **ADOPT** Senate Amendment "A" (S-700) to Committee Amendment "A" (S-678), **PREVAILED**.

Committee Amendment "A" (S-678) as Amended by Senate Amendment "A" (S-700) thereto, **ADOPTED**.

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-678) AS AMENDED BY SENATE AMENDMENT "A" (S-700)** thereto, in **NON-CONCURRENCE**.

Ordered sent down for concurrence.

HELD MATTER

Bill "An Act to Establish the Maine Buy American and Build Maine Act"
S.P. 812 L.D. 1983
(C "A" S-677)

(In Senate, April 11, 2024, on motion by Senator **VITELLI** of Sagadahoc, the Senate **INSISTED** to the Majority **OUGHT TO PASS AS AMENDED** Report, **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-677)**.)

(In House, Minority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED** in **NON-CONCURRENCE**.)

On motion by Senator **NANGLE** of Cumberland, the Senate **RECONSIDERED** whereby it **INSISTED**.

On further motion by same Senator, the Senate **RECEDED** from whereby the Bill was **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-677)**.

On further motion by same Senator, the Senate **RECEDED** from whereby it **ADOPTED COMMITTEE AMENDMENT "A" (S-677)**.

On further motion by same Senator, Senate Amendment "A" (S-697) to Committee Amendment "A" (S-615) **READ** and **ADOPTED**.

Committee Amendment "A" (S-677) as Amended by Senate Amendment "A" (S-697) thereto, **ADOPTED**.

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-677) AS AMENDED BY SENATE AMENDMENT "A" (S-697)**, in **NON-CONCURRENCE**.

Ordered sent down forthwith for concurrence.

ORDERS OF THE DAY

The Chair laid before the Senate the following Tabled and Later Assigned (4/12/24) matter:

Bill "An Act to Update the Growth Management Program Laws"
H.P. 1267 L.D. 1976

(In House, the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-960)** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-960)**.)

(In Senate, April 12, 2024, reports **READ**.)

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

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

Senator **MOORE:** Thank you, Mr. President. I just wanted to share a few words about this particular bill that we're looking at. On a high level, an open process and inclusion are indispensable in getting to both good and accepted policy. We believe this legislation fails on both of these counts. Given the deep impact of this legislation on the public and what is anticipated will be a negative impact on our ability to address the severe housing crisis in the state, the wholesale changes to the growth management law proposed here deserves a much broader process. Many assertions of support for this bill are being made and talking points prepared by those who drafted the bill. They are based on input from a November 2023 public hearing and the bill has been amended six to seven times since, none of which were posted online. The latest version was issued last Thursday about 1:00 and voted on in the House at 10 p.m. Most professional planners in the state -- excuse me, it was this week -- it's been a long week. Most professional planners in the state opposed it at the hearing and continue to oppose it. NGOs in support have done so as a single issue has been addressed, but they are not the professionals who work with communities to prepare comprehensive plans. LD 1976 calls for repealing and replacing the statutory direction to communities when preparing their comprehensive plans. LD 1976 intends to simplify the comprehensive planning process for communities and to address the housing crisis. DACF argues it does neither that it proposes. An illogical progression of thought in commonly decision making, it eliminates the requirement to assemble essential data to inform decisions, it removes any guidance on policy - for example, what a town chooses to do about its growth - and substitutes it with the identification of local quote-unquote needs. It removes any requirement to develop policy or land use ordinances in rural areas and grants preferential treatment for state investments to communities that could merely just state how their local goals - such as we don't need housing - conflict with the state goals. We really need to underscore the agreement that the government -- the growth management law does need review and reform, however, an open, robust, and comprehensive stakeholder process is needed to address changes to the growth management law that meets the needs of Maine's housing crisis and climate risks, one that seeks input from the professionals planning -- the professional planning community, as well as Maine municipalities and nonprofit stakeholders. Thank you, Mr. President.

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

Senator **PIERCE**: Thank you, Mr. President, and Colleagues of the Senate. While I appreciate the words of my Good Colleague, I respectfully disagree with what happens in this bill and the intent of it. You're right, this bill did have a number of work sessions, it's a large piece of legislation, it does deal with the growth management program. This was one of the goals, was to bring this forward into the kind of present day. It does rewrite it in a more simple form, and it addresses amendments that have the goals of existing state programs to encourage municipalities to focus on new development in growth areas. It adds transportation infrastructure and public service to the goal of planning. It promotes land use policies that encourage the siting and construction of attainable and affordable housing. It promotes the viability of agriculture, protecting the farmland and safeguarding agricultural resources, it ensures that the policies that accommodate older residents to age in place are included in those discussions, and what it really does at its core is it puts the work of how you want your town to look and where you want the growth to be in the hands of the people in the town. It has a robust requirement that you show how you're doing that with your community before you present anything to the State. These changes, we specifically did major substantive rules and within those rules are actually a stakeholder group so that we could make sure that every voice was heard during that major substantive rule process. We all know that will take a little bit of time, but we wanted to make sure that all the players felt like they had opportunity to engage again on this change because it is a rather big change. Once you decide what you want to do with your town, where your growth areas are, you can then formulate that plan. Growth areas, as we know, line right into LD 2003 that we passed before that promote housing and development in those areas. So, I encourage everyone to vote for this. I think it's the right move for the future of this part of legislation and statute, and I think it will be a really great thing for communities. It simplifies the process, keeps local control in place, it involves all of the stakeholders, and we'll all have another chance to look at what the outcome might be with the rules. So, thank you for your time tonight.

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#718)

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

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

EXCUSED: Senators: LAFOUNTAIN, LAWRENCE

19 Senators having voted in the affirmative and 14 Senators having voted in the negative, with 2 Senators being excused, the motion by Senator **PIERCE** of Cumberland to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report, in concurrence, **PREVAILED**.

Bill **READ ONCE**.

Committee Amendment "A" (H-960) **READ** and **ADOPTED**.

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

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

REPORTS OF COMMITTEES

Senate

Divided Report

The Majority of the Committee on **TAXATION** on Bill "An Act to Create an Income Tax Credit for Investments in a Team's Qualified Minor League Baseball Facility to Keep the Team in the State"
S.P. 975 L.D. 2258

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-704)**.

Signed:

Senators:

CHIPMAN of Cumberland
LIBBY of Cumberland

Representatives:

PERRY of Bangor
CARMICHAEL of Greenbush
CROCKETT of Portland
HASENFUS of Readfield
LAVIGNE of Berwick
MATLACK of St. George

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

Signed:

Senator:

GROHOSKI of Hancock

Representatives:

LIBBY of Auburn
QUINT of Hodgdon
RANA of Bangor
RUDNICKI of Fairfield

Reports **READ**.

Senator **GROHOSKI** of Hancock moved the Senate **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report.

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

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

Senator **BRAKEY:** Thank you, Mr. President. As I look at this, it's a refundable tax credit, which is another term for welfare program because it's not really a tax credit, it's people getting other peoples' money, and it's for corporate entities, so it's corporate welfare. I can't vote for that. Thank you.

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#719)

YEAS: Senators: BAILEY, BALDACCI, BEEBE-CENTER, BLACK, CHIPMAN, CURRY, DAUGHTRY, DUSON, FARRIN, INGWERSEN, LIBBY, MOORE, NANGLE, PIERCE, RAFFERTY, ROTUNDO, STEWART, TIMBERLAKE, VITELLI, PRESIDENT JACKSON

NAYS: Senators: BENNETT, BRAKEY, BRENNER, CARNEY, GROHOSKI, GUERIN, HARRINGTON, HICKMAN, KEIM, LYFORD, POULIOT, RENY, TIPPING

EXCUSED: Senators: LAFOUNTAIN, LAWRENCE

20 Senators having voted in the affirmative and 13 Senators having voted in the negative, with 2 Senators being excused, the motion by Senator **GROHOSKI** of Hancock to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report, **PREVAILED**.

Bill **READ ONCE**.

Committee Amendment "A" (S-704) **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.

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

REPORTS OF COMMITTEES

House

Ought to Pass Pursuant to Resolve

The Chief Justice of the Supreme Judicial Court on Resolve, Approving the 2024 Draft and Arrangement of the Constitution of Maine Incorporating Amendments Approved at Referendum in 2023 and Providing for Its Publication and Distribution (EMERGENCY)
H.P. 1480 L.D. 2291

Reported that the same **Ought to Pass**, pursuant to Resolve 2023, chapter 127.

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.

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

REPORTS OF COMMITTEES

House

Divided Report

The Majority of the Committee on **JUDICIARY** on Bill "An Act Regarding Speedy Trials"
H.P. 1135 L.D. 1771

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-967)**.

Signed:

Senators:

CARNEY of Cumberland
BAILEY of York

Representatives:

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

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

Signed:
Senator:
BRAKEY of Androscoggin

Representatives:
ANDREWS of Paris
HAGGAN of Hampden
HENDERSON of Rumford
POIRIER of Skowhegan

Comes from the House with the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-967)** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-967)**.

Reports **READ**.

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

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

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

Senator **BRAKEY:** Thank you, Mr. President. I love the intent of this bill. In fact, I'm an original co-sponsor of this bill. I wish I was standing here in support of this bill, but I am not. I'm standing here in opposition to it. Because a few things are certainly true; peoples' constitutional rights to a speedy trial are certainly being violated right now, we've got a broken judicial system, we're working to fix it, we're making huge investments in indigent legal services, which I guess now we're calling public defense services. There's great work being done, but to just kind of -- but this legislation feels like putting the cart before the horse. To put an arbitrary timeline in place and say things -- these cases have to come to trial by dates certain or we're going to drop all these charges, I think that's just going to be a mess. We've got foundational issues we've got to fix, we're working on the Judiciary Committee to fix them, and I would love -- well, I won't be here in a year's time, but I would love for the next Legislature to come back and say things are in order, in a place where you can pass a law like this and it won't cause absolute chaos. So, I don't want to put the cart before the horse, so I'm voting no on this bill today. Thank you.

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#720)

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

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

EXCUSED: Senators: LAFOUNTAIN, LAWRENCE

22 Senators having voted in the affirmative and 11 Senators having voted in the negative, with 2 Senators being excused, the motion by Senator **CARNEY** of Cumberland to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report, in concurrence, **PREVAILED**.

Bill **READ ONCE**.

Committee Amendment "A" (H-967) **READ** and **ADOPTED**.

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

Divided Report

The Majority of the Committee on **TAXATION** on Bill "An Act to Expand the Maine Historic Rehabilitation Credit and Establish a Weatherization Tax Credit"
H.P. 1155 L.D. 1810

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-965)**.

Signed:

Senators:
GROHOSKI of Hancock
CHIPMAN of Cumberland
LIBBY of Cumberland

Representatives:
PERRY of Bangor
CARMICHAEL of Greenbush
CROCKETT of Portland
HASENFUS of Readfield
MATLACK of St. George
RANA of Bangor

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

Signed:

Representatives:

LIBBY of Auburn
QUINT of Hodgdon
RUDNICKI of Fairfield

Comes from the House with the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-965)** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-965)**.

Reports **READ**.

Senator **GROHOSKI** of Hancock moved the Senate **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report.

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

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

Senator **BRAKEY:** It's refundable, so I don't like it. Mr. President, it's a refundable tax credit. Thank you.

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#721)

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

NAYS: Senators: BRAKEY, FARRIN, GUERIN, HARRINGTON, KEIM, LYFORD

EXCUSED: Senators: LAFOUNTAIN, LAWRENCE

27 Senators having voted in the affirmative and 6 Senators having voted in the negative, with 2 Senators being excused, the motion by Senator **GROHOSKI** of Hancock to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report, in concurrence, **PREVAILED**.

Bill **READ ONCE**.

Committee Amendment "A" (H-965) **READ** and **ADOPTED**.

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

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

ENACTORS

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

Emergency Measure

An Act to Improve Access to Affordable Prescription Drugs in Underserved Areas
S.P. 926 L.D. 2175
(C "A" S-692)

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

Acts

An Act to Expand the Membership of the Permanent Commission on the Status of Women
S.P. 353 L.D. 794
(C "A" S-51; S "A" S-589)

An Act to Facilitate the Provision of Medically Appropriate Levels of Care for Clients of Correctional Facilities
H.P. 1193 L.D. 1863
(S "A" S-587 to C "A" H-621)

An Act to Ensure Access to Pain Management Services in Health Insurance Plans
S.P. 889 L.D. 2096
(C "A" S-693)

An Act to Remove the Age-related Statutory Prerequisite for Sealing Criminal History Record Information
H.P. 1423 L.D. 2218

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

An Act to Provide Natural Organic Reduction Facilities for Maine Residents for the Conversion of Human Remains to Soil
H.P. 341 L.D. 536
(S "A" S-588 to C "A" H-129)

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

Senator **HICKMAN**: Thank you, Mr. President. I was a mandatory co-sponsor on this legislation, and on behalf of Karen Burke, my beloved friend who asked me to put this bill in for her, she passed away before it could be enacted, and I would request a vote be taken by the yeas and nays. Thank you, Mr. President.

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#722)

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

NAYS: Senators: LIBBY, LYFORD, MOORE

EXCUSED: Senators: LAFOUNTAIN, LAWRENCE

30 Senators having voted in the affirmative and 3 Senators having voted in the negative, with 2 Senators being excused, was **PASSED TO BE ENACTED** and having been signed by the President, was presented by the Secretary to the Governor for approval.

Senate at Ease.

The Senate was called to order by the President.

ORDERS OF THE DAY

The Chair laid before the Senate the following Tabled and Later Assigned (4/10/24) matter:

HOUSE REPORTS - from the Committee on **INNOVATION, DEVELOPMENT, ECONOMIC ADVANCEMENT AND BUSINESS** on Bill "An Act Concerning Automotive Right to Repair"
H.P. 1227 L.D. 1911

Majority - Ought to Pass as Amended by Committee Amendment "A" (H-935) (12 members)

Minority - Ought to Pass as Amended by Committee Amendment "B" (H-936) (1 member)

Tabled - April 10, 2024 by Senator **CURRY** of Waldo

Pending - motion by same Senator to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-935)** Report in concurrence

(In House, Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-935)** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-935).**)

(In Senate, April 10, 2024, Reports **READ**.)

On motion by Senator **CURRY** of Waldo, 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 Waldo, Senator Curry.

Senator **CURRY**: Thank you, Mr. President, and thank you for your attention at this late hour. In her article Accelerating the Car Data Monetization Journey, lead author Michele Bertoncetto writes that car connectivity over the past few years has evolved from a theoretical concept to reality. As a value pool, connectivity may reach 450 billion to 750 billion worldwide by 2030. She notes several factors contribute to the growing amounts of car data. The increasing number of sensors throughout the vehicle allow the capture -- the capture of information on nearly every way a driver uses a car, and how that car functions and everywhere it goes, and everywhere you go. For the same reason companies have sought to track us online and on our phones, there's a great desire for companies to gain access to our vehicle generated data, so to turn that data into in-car services, tailored advertising, essentially to monetize our data. As is often the case, the industry is well ahead of the state, and we are playing catch-up to protect our citizens' privacy. This past fall, 84% of the voters of Maine came out in support of Right to Repair, for the Right to Repair referendum. Mainers very clearly stated that they wanted to be able to take their vehicles to anyone of their own choosing or to fix them themselves, and that manufacturers could not prevent them from accessing the diagnostic data, tools, parts, or software to complete the repair. Mr. President, Esteemed Colleagues, I'm very happy to report that LD 1911 before you as amended, both the majority amendment and the minority amendment before you mandate that in statute. They mandate all vehicle generated data and tools necessary to diagnose and repair a vehicle be available to anyone -- to owners and independent facilities, whether or not it is -- that data is sent off telemetrically or not. In considering LD 1911, the committee took a deep dive into other parts of the referendum and discovered the strategy mandated -- the specific strategy mandated contains significant privacy and oversight and cybersecurity concerns. And I'll say the committee spent this deep dive, bipartisan, to try to get at exactly this question; how do we honor the will of the voters, have that right to repair, no dealership can force us to go to their -- can use data to force us into their market, yet also protect folks in terms of the cybersecurity risk and the privacy? And that is what in good faith this committee spent months working on. Yeah, months, I think weeks, months, long time. The referendum mandates that any manufacturer that uses telematics, which is simply, you know, the

sending of vehicle data via wireless communications, must create a system for third parties to access vehicle data through an interoperable standardized and open access platform. It specifically requires the telematic system be directly accessible through mobile based applications and must include the ability to send commands bidirectional, so that they can be received to the companies and that the companies can send back to the vehicle, to all in-vehicle components. That would include the infotainment system and also including brakes, acceleration, steering controls. In 2020, the National Highway Safety Administration Deputy Administrator James Owens wrote, and this was then to the Massachusetts House Chair of what looks like essentially the equivalent of the IDEA Committee, as they were dealing with a referendum and legislation on the same topic at the time of their referendum. And I'll quote, you requested information about whether aspects of the initiative might introduce additional cybersecurity risk to motor vehicles and public safety risk to road users such as malicious hacking attempts. You also requested information about whether the initiative might impact federal motor vehicle safety efforts. As this testimony will further elaborate, it is our view that the terms of the ballot initiative would prohibit manufacturers from complying with both existing federal guidance and cybersecurity hygiene best practices. NHTSA is also concerned about the increased safety related cybersecurity risks of a requirement for remote, real time, bidirectional - i.e. read/write capacity - access to safety critical vehicle systems. Given the multi-year automotive product development cycle, the deadline for compliance appears impossible for manufacturers to meet in a responsible manner, risking removal of existing cybersecurity controls over wireless access into vehicles as ballot initiative directs which increases the risk of cybersecurity attacks that could jeopardize public safety. Further, the requirements to establish universal and standardized access requirements increases the scale of risk of any potential successful cybersecurity attack. Now, there was a follow-up letter, and the -- I want to be clear, the alliance for repair has made a lot of statements regarding the follow-up letter because it backtracks some of that. The -- this came from the Deputy Administrator, and this is from -- this is a very legal document from their -- from the assistant -- from their Assistant Chief Counsel for Litigation and Enforcement. I think they got a lot of pressure based on that first statement, and having spent a few weeks getting that pressure, I understand that. And they -- they argue that well, maybe manufacturers can do this, abide by this law, abide by these requirements, if they use Bluetooth, if it's a near thing. Maybe they could do it if it's not going out on the internet but doing Bluetooth. Nothing in our referendum including anything to do with Bluetooth. So, we had concerns. But this bill also did some other things. It also set up a regulatory body. It set up an independent -- and what it called an independent entity to do a number of things. To set the rules, to set the grounds for how this will happen. This independent entity is entirely made up of industry insiders. There's no cybersecurity, no privacy, no consumer protection people. The AG's office is to set them up and they would have no ongoing role with them, they set them up and they do any number of things -- or not any, a number of things, one of which really caught my attention and concern, which was they monitor and develop policies for the evolving use and availability of data generated in the operation of motor vehicles. So, we have an industry group that we've given authority through, that this is our current law, our current lays says this - industry group that we've given authority to all of

Maine's vehicle generated data, and they get to set, we have no role in this, they get to set, monitor, and develop policies for the evolving use and availability of data generated in the operation of motor vehicles. So, we crafted -- the Majority Report seeks to craft -- keep the right to repair, absolutely, take this other stuff out. And we also, in another piece of legislation, a joint rule that we passed, and we passed a study group for that other stuff. It's gone through both Chambers, we've passed the study group. So, I think we know how this went. We said that, we said we've got right to repair but we've got privacy concerns. None of our constituents believe that. I don't know, maybe some do. But it's clear that that message has not gone out, and because what the message that we have been hearing in the hallways and the message we've been getting in our emails and on these blue slips is that we're gutting right to repair. We're gutting the will of the people, we're subverting the will of the people. That's the message, a lot of money has been spent on that message, sorry you're getting all of these messages, we are trying to do our best policy work. So, we're in a situation right now, what do we do? And I want to give you options. So, my first option is that we're going to vote for the Majority Report. And if you vote for that, and if a majority of us vote for that, then I'm going to then move senate majority whatever -- senate amendment - thank you - Senate Amendment, I think it's B, I'll have to look here in a second, and that's to get rid of it, the whole thing, and that thing is just going to say we're going to extend out the deadlines. We're going to buy ourselves a year, and we're going to do that study group. We're going to empower the AG's office to put a study group together that focuses on cybersecurity and consumer needs and have the industry group there, we're going to spend that time, do the study group, they're able to put out a report, and then we'll have all of these instituted. Really happy to let you know whatever happens. I want to let you know the path. If we don't pass the -- if we don't pass this, I'm going to also stand up, or someone else can, and we'll move to indefinitely postpone. So, we either pass the Majority Amendment "A" and then we go to Senate Amendment whatever, or we don't pass it, and we go to indefinitely postpone. That's what I offer to this Body and, with that, I will sit down.

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

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

Senator **CURRY**: Just to be clear, if you want to indefinitely postpone it, very much do so. If not, we'll go back to the amendment and then ultimately the Senate amendment.

Senate at Ease.

The Senate was called to order by the President.

Senator **STEWART** of Aroostook requested and received leave of the Senate to withdraw his motion to **INDEFINITELY POSTPONE** the Bill and accompanying papers, in **NON-CONCURRENCE**

Senate at Ease.

The Senate was called to order by the President.

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

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

On motion by Senator **VITELLI** of Sagadahoc, **ADJOURNED** until Monday, April 15, 2025 at 10:00 in the morning in memory of and lasting tribute to Jeanne Bagshaw of Raymond.

Senator **BRAKEY:** Thank you, Mr. President. I just want to state for the record that the only reason I'm going to vote in favor of the committee report right now is so that we can move on to the senate amendment, which I think improves the situation here. So, I just want it stated for the record because I've heard from a lot of people who are very concerned about this committee report, and I don't want folks back home to think that I am ignoring what they want. So, thank you, Mr. President.

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#723)

YEAS: Senators: None

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

EXCUSED: Senators: LAFOUNTAIN, LAWRENCE

No Senators having voted in the affirmative and 33 Senators having voted in the negative, with 2 Senators being excused, the motion by Senator **CURRY** of Waldo to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-935)** Report, in concurrence, **FAILED**.

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

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