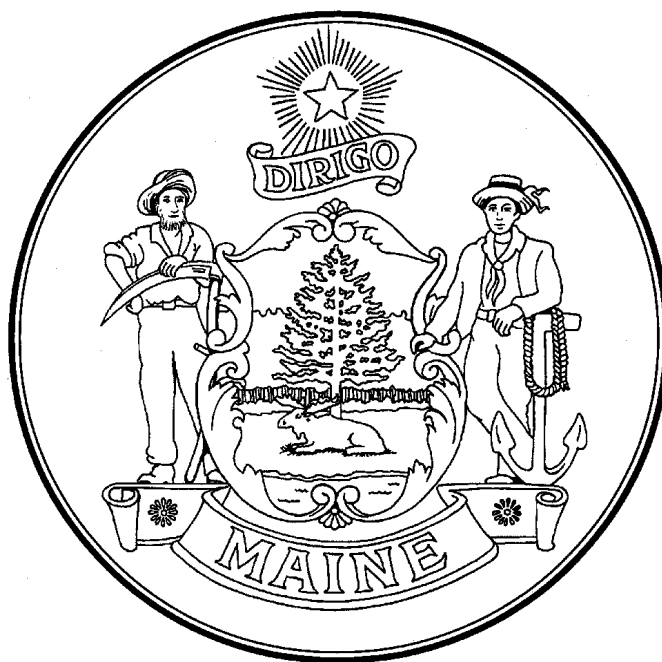


MAINE STATE LEGISLATURE

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

In Senate Chamber
Monday
April 15, 2024

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

Prayer by Senator Lisa M. Keim of Oxford County.

THE PRESIDENT: The prayer this morning is being offered by Senator Lisa M. Keim of Oxford County.

SENATOR KEIM: Good morning. This is the first day of my last week. That feels surreal. We need extra blessing today. Thank you, let's pray. Jesus, I thank you that you are in control of the times and the seasons. Thank you now for spring and life that is just budding everywhere. I thank you that you are the creator of all life, and that in you, we live and move and have our being, as does the trees and the mountains and all of your creation. I thank you for creating government and the leaders in our government, and that your eternal purposes are being worked out in these moments and by these people here and across the world. Because your plan will never be thwarted, and you have our good and the best for us in your heart. I praise you and I look forward to the moment when we have the future of your coming, where every knee will bow, and every tongue will confess that you are the Lord of all. I thank you for the promise of the future and for heaven and for eternity. I pray that you would give strength to the people in this building who are believers, that they would be steadfast in you and be light and love. And I pray for those that have not believed in you, that you would draw them to yourself, Lord. And the people of Maine, Lord, that you would protect them from evil, that you would help us find ways to flourish our state and our communities. I thank you that if we acknowledge you that you will direct our paths and I pray that people find you, Lord, so that their paths will be directed by you. I pray for this week with all of the long days and long drives, that you would give safety to the Members here as we finish out our work. I pray for your peace. I pray for your power. Thank you that you are supreme above all and in all. In Your Name, Amen.

Pledge of Allegiance led by Senator Richard A. Bennett of Oxford County.

Reading of the Journal of Friday, April 12, 2024.

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

Joint Orders

Expression of Legislative Sentiment recognizing:

Katahdin Javner, of Chester, who was named the Eastern Maine Community College Student of the Year. We extend our congratulations and best wishes;
HLS 1013

Sponsored by Representative JAVNER of Chester.
Cosponsored by Senator STEWART of Aroostook.

Comes from the House, **READ** and **PASSED**.

The Joint Order was **READ**.

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

Senator **MOORE:** Thank you, Mr. President. I stand to say a few words about this outstanding young man. Katahdin Javner is actually the son of one of our colleagues in the House, Representative Kathy Javner - I'm going to get all choked up. I have watched Katahdin grow for the last six years that I've been here in the Senate. I've seen him sitting in the hallways when we had late hours with HHS, he was doing his homework, he was homeschooled, and he was diligently doing the work that his mother had set out for him to get done. He has progressed to be an outstanding student, he's one of the national officers with the SkillsUSA, and now this year he was made -- he was appointed as the Eastern Maine Community College Student of the Year. His mother was notified, she notified me, and we had to keep it a secret before they announced it, and that was really, really hard to do. So, I stand up today here on the Senate floor just to express how proud I am of this young man and all of his accomplishments. Thank you, Mr. President.

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 to echo those congratulations to Katahdin. I, frankly, am not at all surprised, actually, that this is where we're at today and that he has received this distinction and that we get the opportunity to honor him today. I'm so thrilled to be able to do so and -- next to his mother as well, his girlfriend is with him, you know, you have made not just us proud, the whole State of Maine and the work that you're doing on the national level for the specific groups that you're involved in, just excelling in everything you do, it's just been so much fun to watch over the years. And I know most importantly your parents and your family are incredibly proud of you, and they should be, and we look forward to seeing what you're going to do next.

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

Senator **GUERIN:** Thank you, Mr. President. Another Senator adding my congratulations to Katahdin Javner on his outstanding accomplishments. Becoming Vice President in the national SkillsUSA board is really such an honor and he represented the State of Maine so well. And if you see him in the halls today, ask him how many times he's climbed Mt. Katahdin, his namesake

mountain, it's an impressive amount. Congratulations, Katahdin.

The Joint Order was **PASSED**, in concurrence.

THE PRESIDENT: The Chair is pleased to recognize in the rear of the chamber Katahdin Javner and his girlfriend, Raquel Shaw of the town of Chester. They are the guests today of the Senator from Washington, Senator Moore, and the entire Maine Senate. Would they please rise and accept the greetings and congratulations of the Maine Senate.

COMMUNICATIONS

The Following Communication: S.C. 1085

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

April 12, 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 Theodore H. Irwin, Jr., Esq. of Falmouth, for appointment 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	7	Moonen, M. of Portland, Beck, M. of South Portland, Kuhn, A. of Falmouth, Lee, A. of Auburn, Moriarty, S. of Cumberland, Poirier, J. of Skowhegan, Sheehan, E. of Biddeford
NAYS		0	
ABSENT		4	Sen. Bailey, D. of York, Rep. Andrews, J. of Paris, Rep. Haggan, D. of Hampden, Rep. Henderson, R. of Rumford

Rep. Dana of Passamaquoddy Tribe was absent.

Nine members of the Committee having voted in the affirmative and zero in the negative, it was the vote of the Committee that the nomination of Theodore H. Irwin, Jr., Esq. of Falmouth, for appointment 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?"

The Chair noted the absence of the Senator from Kennebec, Senator **LAFOUNTAIN**, the Senator from Cumberland, Senator **NANGLE**, and the Senator from Cumberland, Senator **PIERCE**, and the Senator from Androscoggin, Senator **ROTUNDO**, 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 (#724)

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, LAWRENCE, LIBBY, LYFORD, MOORE, POULIOT, RAFFERTY, RENY, STEWART, TIMBERLAKE, TIPPING, VITELLI, PRESIDENT JACKSON

EXCUSED: Senators: LAFOUNTAIN, NANGLE, PIERCE, ROTUNDO

No Senator having voted in the affirmative and 31 Senators having voted in the negative, with 4 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 **Theodore H. Irwin, Jr., Esq. of Falmouth**, for appointment as a District Court Judge was **CONFIRMED**.

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

The Following Communication: S.C. 1086

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

April 12, 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 Jeffrey B. Wilson, Esq. of Norway, for appointment 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, Andrews, J. of Paris, Beck, M. of South Portland, 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. Haggan, D. of Hampden

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 Jeffrey B. Wilson, Esq. of Norway, for appointment 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 (#725)

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, LAWRENCE, LIBBY, LYFORD, MOORE, POULIOT, RAFFERTY, RENY, ROTUNDO, STEWART, TIMBERLAKE, TIPPING, VITELLI, PRESIDENT JACKSON

EXCUSED: Senators: LAFOUNTAIN, NANGLE, PIERCE

No Senator having voted in the affirmative and 32 Senators having voted in the negative, with 3 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 **Jeffrey B. Wilson**, Esq. of Norway, for appointment as a District Court Judge was **CONFIRMED**.

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

The Following Communication: S.C. 1087

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

April 12, 2024

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

Dear President Jackson and Speaker Talbot Ross:

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

An Act to Improve Transportation in Maine

This is notification of the Committee's action.

Sincerely,

S/Sen. Ben Chipman
Senate Chair

S/Rep. Lydia Crafts
House Chair

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

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 (4/3/24) matter:

SENATE REPORTS - from the Committee on **ENERGY, UTILITIES AND TECHNOLOGY** on Bill "An Act Regarding the Future of Renewable Energy Transmission in Northern Maine" S.P. 799 L.D. 1963

Majority - Ought to Pass as Amended by Committee Amendment "A" (S-652) (8 members)

Minority - Ought to Pass as Amended by Committee Amendment "B" (S-653) (5 members)

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

Pending - motion by same Senator to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (S-652)** Report

(In Senate, April 3, 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 Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#726)

YEAS: Senators: BAILEY, BALDACCI, BEEBE-CENTER, BRENNER, CARNEY, CHIPMAN, CURRY, DAUGHTRY, DUSON, GROHOSKI, HICKMAN, INGWERSEN, LAWRENCE, 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, NANGLE, PIERCE

19 Senators having voted in the affirmative and 13 Senators having voted in the negative, with 3 Senators being excused, the motion by Senator **LAWRENCE** of York to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (S-652)** Report, **PREVAILED**.

Bill **READ ONCE**.

Committee Amendment "A" (S-652) **READ** and **ADOPTED**.

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-652)** in concurrence.

Ordered sent down for concurrence.

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

HOUSE REPORT - from the Committee on **VETERANS AND LEGAL AFFAIRS** on Resolve, Regarding Legislative Review of Chapter 10: Rules for the Administration of the Adult Use Cannabis Program, a Major Substantive Rule of the Department of Administrative and Financial Services, Office of Cannabis Policy (EMERGENCY) H.P. 1401 L.D. 2187

Report - **Ought to Pass as Amended by Committee Amendment "A" (H-952)**

Tabled - April 11, 2024 by Senator **HICKMAN** of Kennebec

Pending - **ACCEPTANCE OF REPORT** in concurrence

(In House, Report **READ** and **ACCEPTED** and Resolve **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-952)**.)

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

The **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-952)** Report **ACCEPTED**, in concurrence.

Bill **READ ONCE**.

Committee Amendment "A" (H-952) **READ**.

On motion by Senator **HICKMAN** of Kennebec, Senate Amendment "A" (S-699) to Committee Amendment "A" (H-952) **READ** and **ADOPTED**.

THE PRESIDENT: The Senator may proceed.

Senator **HICKMAN:** Thank you, Mr. President. This simple amendment changes LD 2187 to not authorize the Chapter 10 rules for all of the adult use rules will be authorized in another legislative vehicle. Thank you, Mr. President.

Committee Amendment "A" (H-952) as Amended by Senate Amendment "A" (H-699) thereto, **ADOPTED**.

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-952) AS AMENDED BY SENATE AMENDMENT "A" (S-699)** thereto, in **NON-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.

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

ORDERS

Joint Order

On motion by Senator **CHIPMAN** of Cumberland, under unanimous consent on behalf of President **JACKSON** of Aroostook, the following Joint Order:
S.P. 1004

ORDERED, the House concurring, that all legislation not finally disposed of upon adjournment sine die of the Second Regular Session of the 131st Legislature be carried over to any special session of the 131st Legislature.

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 (#727)

YEAS: Senators: BAILEY, BALDACCI, BEEBE-CENTER, BRENNER, CARNEY, CHIPMAN, CURRY, DAUGHTRY, DUSON, GROHOSKI, HICKMAN, INGWERSEN, LAWRENCE, 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, NANGLE, PIERCE

19 Senators having voted in the affirmative and 13 Senators having voted in the negative, with 3 Senators being excused, the Joint Order **PASSED**.

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

RECESSED until 1:30 in the afternoon.

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

HELD MATTER

Bill "An Act to Provide Funding to Rebuild Infrastructure Affected by Extreme Inland and Coastal Weather Events" (EMERGENCY) H.P. 1426 L.D. 2225

(In Senate, April 12, 2024, 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) AS AMENDED BY SENATE AMENDMENT "A" (S-701)** thereto in **NON-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)**.)

On motion by Senator **BENNETT** of Oxford, the Senate **RECONSIDERED** whereby the Bill was **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-894) AS AMENDED BY SENATE AMENDMENT "A" (S-701)** thereto in **NON-CONCURRENCE**.

On further motion by same Senator, the Senate **RECONSIDERED** whereby it **ADOPTED** Committee Amendment "A" (H-894) as Amended by Senate Amendment "A" (S-701) thereto.

Senator **BENNETT** of Oxford moved the Senate **RECONSIDER** whereby it **ADOPTED** Senate Amendment "A" (S-701) and **INDEFINITELY POSTPONED** the same.

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

Senate at Ease.

The Senate was called to order by the President.

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

Senate Amendment "A" (S-701) **INDEFINITELY POSTPONED**.

On motion by Senator **BENNETT** of Oxford, Senate Amendment "B" (S-710) to Committee Amendment "A" (H-894) **READ**.

THE PRESIDENT: The Senator may proceed.

Senator **BENNETT**: Thank you, Mr. President. This amendment before us makes one change to the Senate Amendment that was adopted last Friday by the Senate. It relates to the school support staff and educational technicians and their minimum hourly wage. In the proposal that the Senate adopted last Friday, the minimum hourly wage was established at 125% of minimum, and the -- for the support staff, it was 112.5% of minimum. This amendment actually boosts those numbers up to 133% of minimum hourly wage for ed techs and 125% of minimum hourly wage for other school support staff. It maintains the provision that 100% of these costs are going to be borne by -- indefinitely by the State, not go through the funding formula. I hope you will support this change. Thank you, Mr. President.

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

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

Senator **GROHOSKI**: Thank you, Mr. President, and good evening, Senate Colleagues. I'm not going to do any of you the honor of saying something that will cross off a checkbox on your bingo card, but I do want to just share my thoughts about this

initiative. And I've been thinking about it a lot, as I'm sure many of you have, and I woke up on Saturday morning, and I felt sad. And I felt sad because I think that everything in this amendment is something that we support and that is shown through the votes that we've had, that our committees have had, that this Chamber has had, and that is why these initiatives are on the Appropriations Table. I feel very strongly that this Body has an opportunity to do something truly historic for the people of Maine when we act together. Not together in our own parties, not together in our own regions of the state, but together as a whole. And it doesn't matter to me that this bill may have inconsistencies with the budget. I think we all know that there are ways to work those things out. I want to share something that I learned from my predecessor, which is a bill has many reasons for being. It may be that it becomes an enacted law in the end, or it may just be that it shines light on a problem. It may be that it's an opportunity for the public to come and speak about an issue that they need to be heard about. Or it may be that it's sending a message to the Other Chamber, to the Chief Executive, or to the people that we represent. And so, I am going to proudly support this amendment because I think it sends all the right messages to all the right people, and I hope that we can truly come together in this moment, knowing that it's not the end of the conversation, this is just an engrossment vote, but I think if we vote together, we've done something truly historic that this -- we missed the opportunity Friday night, we were all tired, we were all beleaguered, but I don't think we need to continue to miss this opportunity, and I hope that we can put aside the history of how we got here, any internal disagreements, and just look at what is in this amendment and ask yourself do you support it, do you support these contents? And if so, I hope that you will vote in favor of this motion. Thank you.

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#728)

YEAS: Senators: BAILEY, BALDACCIO, BENNETT, BLACK, BRAKEY, CHIPMAN, FARRIN, GROHOSKI, GUERIN, HARRINGTON, HICKMAN, KEIM, LAWRENCE, LIBBY, LYFORD, MOORE, POULIOT, RAFFERTY, RENY, STEWART, TIMBERLAKE, TIPPING, PRESIDENT JACKSON

NAYS: Senators: BEEBE-CENTER, BRENNER, CARNEY, CURRY, DAUGHTRY, DUSON, INGWERSEN, NANGLE, PIERCE, ROTUNDO, VITELLI

EXCUSED: Senators: LAFOUNTAIN

23 Senators having voted in the affirmative and 11 Senators having voted in the negative, with 1 Senator being excused, the motion by Senator **BENNETT** of Oxford to **ADOPT** Senate Amendment "B" (S-710) to Committee Amendment "A" (H-894), **PREVAILED**.

Committee Amendment "A" (H-894) as Amended by Senate Amendment "B" (S-710) thereto, **ADOPTED**.

PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-894) AS AMENDED BY SENATE AMENDMENT "B" (S-710) thereto, in NON-CONCURRENCE.

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

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

PAPERS FROM THE HOUSE

Non-Concurrent Matter

An Act to Prohibit Tobacco Sales near Schools
H.P. 1383 L.D. 2157

In Senate, April 12, 2024, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-842) AS AMENDED BY HOUSE AMENDMENT "A" (H-942) thereto AND SENATE AMENDMENT "A" (S-691) in NON-CONCURRENCE.**

Comes from the House, that Body having **INSISTED** on its former action whereby the Bill was **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-842) AS AMENDED BY HOUSE AMENDMENT "A" (H-942) thereto.**

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

Sent down for concurrence.

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

REPORTS OF COMMITTEES

House

Divided Report

The Majority of the Committee on **VETERANS AND LEGAL AFFAIRS** on Bill "An Act to Legalize Historical Horse Racing and Electronic Beano to Allow Maine Gaming Licensees and Federally Recognized Indian Tribes to Compete with Other Gaming States"
H.P. 1275 L.D. 1992

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-968).**

Signed:

Senators:

HICKMAN of Kennebec
BRENNER of Cumberland

Representatives:

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

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

Signed:

Senator:

TIMBERLAKE of Androscoggin

Representatives:

BOYER of Poland
HYMES of Waldo
RUDNICKI of Fairfield

Comes from the House with the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-968)** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-968).**

Reports **READ.**

Senator **HICKMAN** of Kennebec 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 (#729)

YEAS: Senators: BRAKEY, BRENNER, CURRY, DAUGHTRY, HARRINGTON, HICKMAN, INGWERSEN, LAWRENCE, LIBBY, MOORE, PIERCE, RAFFERTY, RENY, TIPPING, VITELLI, PRESIDENT JACKSON

NAYS: Senators: BAILEY, BALDACCI, BEEBE-CENTER, BENNETT, BLACK, CARNEY, CHIPMAN, DUSON, FARRIN, GROHOSKI, GUERIN, KEIM, LYFORD, NANGLE, POULIOT, ROTUNDO, STEWART, TIMBERLAKE

EXCUSED: Senators: LAFOUNTAIN

16 Senators having voted in the affirmative and 18 Senators having voted in the negative, with 1 Senator being excused, the motion by Senator **HICKMAN** of Kennebec to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report, in concurrence, **FAILED**.

The Minority **OUGHT NOT TO PASS** Report **ACCEPTED**, in **NON-CONCURRENCE**.

Sent down for concurrence.

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

PAPERS FROM THE HOUSE

Joint Resolution

The following Joint Resolution:
H.P. 1481

**JOINT RESOLUTION
RECOGNIZING MAY 5-11, 2024 AS MAINE HOMESCHOOL
EDUCATION WEEK**

WHEREAS, homeschooling has become an integral part of the State's educational landscape, providing families with the flexibility and autonomy to tailor educational experiences to meet the diverse needs of their children; and

WHEREAS, homeschooling empowers parents to actively engage in their children's education, foster strong family bonds and promote lifelong learning; and

WHEREAS, homeschooling encourages academic excellence, creativity, critical thinking skills and character development, preparing students for success in higher education, careers and civic life; and

WHEREAS, homeschooling promotes diversity, inclusivity and respect for individual differences, creating a rich and vibrant educational environment that celebrates the unique talents and perspectives of each student; and

WHEREAS, homeschooling has demonstrated its resilience and adaptability, providing continuity of education and stability for students and families, especially during times of crisis such as the COVID-19 pandemic, with 2023 homeschool enrollment totaling 10,122 students; and

WHEREAS, homeschooling fosters civic engagement, community involvement and a deep appreciation for the values of citizenship and service, contributing to the well-being and prosperity of the State; now, therefore, be it

RESOLVED: That We, the Members of the One Hundred and Thirty-first Legislature now assembled in the Second Regular Session, on behalf of the people we represent, take this opportunity to recognize the week of May 5, 2024 to May 11, 2024 as Maine Homeschool Education Week; and be it further

RESOLVED: That we acknowledge and celebrate the diversity and achievements of homeschooling families, recognize the dedication and commitment of homeschooling parents and educators and express gratitude for their invaluable contributions to the education and development of the State's youth.

Comes from the House, **READ** and **ADOPTED**.

READ and **ADOPTED**, 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 **TAXATION** on Bill "An Act to Amend the Mining Excise Tax Laws"
H.P. 1445 L.D. 2251

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-969)**.

Signed:

Senators:

GROHOSKI of Hancock
CHIPMAN of Cumberland
LIBBY of Cumberland

Representatives:

PERRY of Bangor
CROCKETT of Portland
HASENFUS of Readfield
LAVIGNE of Berwick
MATLACK of St. George
QUINT of Hodgdon
RANA of Bangor
RUDNICKI of Fairfield

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

Signed:

Representative:

LIBBY of Auburn

Comes from the House with the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-969)** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-969)**.

Reports **READ**.

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

On motion by Senator **STEWART** of Aroostook, **TABLED** until Later in Today's Session, pending the motion by same Senator to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report, 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 Adopt the National 2022 Amendments to the Uniform Commercial Code
H.P. 59 L.D. 91
(C "A" H-964)

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

An Act to Ensure Employer and Employee Harmony in Clean Energy Development Projects
S.P. 180 L.D. 373
(S "A" S-690 to C "A" S-618)

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

An Act Concerning Prior Authorizations for Health Care Provider Services
H.P. 485 L.D. 796
(C "A" H-954)

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

An Act Regarding Speedy Trials
H.P. 1135 L.D. 1771
(C "A" H-967)

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

An Act to Expand the Maine Historic Rehabilitation Credit and Establish a Weatherization Tax Credit
H.P. 1155 L.D. 1810
(C "A" H-965)

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

An Act to Update the Growth Management Program Laws
H.P. 1267 L.D. 1976
(C "A" H-960)

Resolve

Resolve, to Establish the Task Force to Study the Creation of a System to Allow for the Voluntary Waiver of Firearm Rights
H.P. 1343 L.D. 2119
(C "A" H-961)

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

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

PAPERS FROM THE HOUSE

Non-Concurrent Matter

An Act to Provide Relief to Federal or State Employees Affected by a Federal Government or State Government Shutdown (EMERGENCY)
S.P. 906 L.D. 2113

In Senate, April 11, 2024, the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-647)**.

Comes from the House, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-647) AS AMENDED BY HOUSE AMENDMENT "A" (H-970)** thereto in **NON-CONCURRENCE**.

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

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 (#730)

MALON of Biddeford
MONTELL of Gardiner

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

Reports **READ**.

Senator **HICKMAN** of Kennebec moved the Senate **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report.

On further motion by same Senator, **TABLED** until Later in Today's Session, pending the motion by same Senator to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report.

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

EXCUSED: Senators: LAFOUNTAIN

21 Senators having voted in the affirmative and 13 Senators having voted in the negative, with 1 Senator being excused, the motion by Senator **VITELLI** of Sagadahoc to **RECEDE** and **CONCUR, PREVAILED**.

Divided Report

Eight members of the Committee on **VETERANS AND LEGAL AFFAIRS** on Bill "An Act to Support Veterans' Organizations and Other Nonprofit Organizations and Federally Recognized Indian Tribes by Updating Electronic Gambling Laws" S.P. 947 L.D. 2213

Reported in Report "A" that the same **Ought to Pass as Amended by Committee Amendment "A" (S-707)**.

Signed:

Senators:
HICKMAN of Kennebec
BRENNER of Cumberland

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

Two members of the same Committee on the same subject reported in Report "B" that the same **Ought to Pass as Amended by Committee Amendment "B" (S-708)**.

Signed:

Representatives:
BOYER of Poland
HYMES of Waldo

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

Signed:

Senator:
TIMBERLAKE of Androscoggin

Representative:
RUDNICKI of Fairfield

Reports **READ**.

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 **VETERANS AND LEGAL AFFAIRS** on Bill "An Act to Amend the Cannabis Laws" S.P. 32 L.D. 40

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-709)**.

Signed:

Senators:
HICKMAN of Kennebec
BRENNER of Cumberland
TIMBERLAKE of Androscoggin

Representatives:
SUPICA of Bangor
ANDREWS of Paris
BOYER of Poland
COLLINGS of Portland
HYMES of Waldo
RUDNICKI of Fairfield
WILLIAMS of Bar Harbor

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

Signed:

Representatives:

Senator **HICKMAN** of Kennebec moved the Senate **ACCEPT** Report "A" **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (S-707)**.

On further motion by same Senator, **TABLED** until Later in Today's Session, pending the motion by same Senator to **ACCEPT** Report "A" **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (S-707)**.

Sent down for concurrence.

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

PAPERS FROM THE HOUSE

Non-Concurrent Matter

An Act Concerning Automotive Right to Repair
H.P. 1227 L.D. 1911

In Senate, April 12, 2024, Bill and accompanying papers **INDEFINITELY POSTPONED** in **NON-CONCURRENCE**.

Comes from the House, that Body having **INSISTED** on its former action whereby the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-935)** Report was **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-935)**.

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

Sent down for concurrence.

Non-Concurrent Matter

An Act to Protect Consumers from Predatory Medical Credit Card Providers
S.P. 925 L.D. 2174

In Senate, April 12, 2024, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-678) AS AMENDED BY SENATE AMENDMENT "A" (S-700)** thereto in **NON-CONCURRENCE**.

Comes from the House, that Body having **INSISTED** on its former action whereby the Majority **OUGHT NOT TO PASS** Report was **READ** and **ACCEPTED**.

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

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

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#731)

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

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

EXCUSED: Senators: LAFOUNTAIN

12 Senators having voted in the affirmative and 22 Senators having voted in the negative, with 1 Senator being excused, the motion by Senator **STEWART** of Aroostook to **RECEDE** from **PASSAGE TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-678) AS AMENDED BY SENATE AMENDMENT "A" (S-700)** and **CONCUR** with **ACCEPTANCE** of the Majority **OUGHT NOT TO PASS** Report, **FAILED**.

The Senate **INSISTED**.

(See action later today.)

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

PAPERS FROM THE HOUSE

Non-Concurrent Matter

Joint Order, to Carry over to Any Special Session of the 131st Legislature All Legislation Not Finally Disposed of
S.P. 1004

In Senate, April 15, 2024, **READ** and **PASSED**.

Comes from the House, **READ** and **INDEFINITELY POSTPONED** in **NON-CONCURRENCE**.

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

Senator **BENNETT** of Oxford moved the Senate **RECEDE** and **CONCUR**.

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#732)

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

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

EXCUSED: Senators: LAFOUNTAIN

12 Senators having voted in the affirmative and 22 Senators having voted in the negative, with 1 Senator being excused, the motion by Senator **STEWART** of Aroostook to **RECEDE** and **CONCUR, FAILED**.

The Senate **INSISTED**.

On motion by Senator **CHIPMAN** of Cumberland, the Senate **RECONSIDERED** whereby it **INSISTED** on the following:

An Act to Protect Consumers from Predatory Medical Credit Card Providers
S.P. 925 L.D. 2174

(In House, April 15, 2024, the House **INSISTED**.)

(In Senate, April 15, 2024, the Senate **INSISTED**.)

On motion by same Senator, moved the Senate **RECEDE** and **CONCUR**.

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 (#733)

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

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

EXCUSED: Senators: LAFOUNTAIN

12 Senators having voted in the affirmative and 22 Senators having voted in the negative, with 1 Senator being excused, the motion by Senator **CHIPMAN** of Cumberland to **RECEDE** and **CONCUR, FAILED**.

The Senate **INSISTED**.

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

REPORTS OF COMMITTEES

House

Divided Report

Nine members of the Committee on **JUDICIARY** on Bill "An Act to Establish the Criminal Records Review Commission"
H.P. 1444 L.D. 2252

Reported in Report "A" that the same **Ought to Pass as Amended by Committee Amendment "A" (H-973)**.

Signed:

Senators:
CARNEY of Cumberland
BAILEY of York
BRAKEY of Androscoggin

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

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

Signed:

Representatives:
ANDREWS of Paris
HAGGAN of Hampden
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-974).**

Signed:

Representative:
HENDERSON of Rumford

(Representative DANA of the Passamaquoddy Tribe - of the House - supports the Report "A" **Ought To Pass as Amended by Committee Amendment "A" (H-973)** Report.)

Comes from the House with Report "A" **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-973)** READ and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-973).**

Reports **READ.**

On motion by Senator **CARNEY** of Cumberland, the Report "A" **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-973)** Report **ACCEPTED**, in concurrence.

Bill **READ ONCE.**

Committee Amendment "A" (H-973) **READ** and **ADOPTED**, in concurrence.

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

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

REPORTS OF COMMITTEES

House

Ought to Pass As Amended

The Committee on **TRANSPORTATION** on Bill "An Act to Make Supplemental Appropriations and Allocations for the Expenditures of State Government, Highway Fund and Other Funds and to Change Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 2024 and June 30, 2025" (EMERGENCY)
H.P. 1431 L.D. 2229

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-971).**

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-971).**

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

Bill **READ ONCE.**

Committee Amendment "A" (H-971) **READ** and **ADOPTED.**

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

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:

SENATE REPORTS - from the Committee on **ENVIRONMENT AND NATURAL RESOURCES** on Bill "An Act Regarding Offshore Wind Terminals Located in Coastal Sand Dune Systems"
H.P. 1456 L.D. 2266

Majority - Ought to Pass as Amended by Committee Amendment "A" (H-887) (11 members)

Minority - Ought Not to Pass (2 members)

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

Pending - **ACCEPTANCE OF EITHER REPORT**

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

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

Senator **BRENNER** 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 Cumberland, Senator Brenner.

Senator **BRENNER:** Thank you, Mr. President, and Colleagues of the Senate. I rise tonight to support the pending motion. To start, I want to explain to you all the specifics of the bill so that we can be on the same page about what we're voting on, and then, I'd love to walk you through my rationale. I think what will help here is if you all refer to the map that was passed out so that we can be on the same page and orient ourselves as I talk about the bill. So, if you pull out the map, you'll see that Sears Island is a 941-acre island off the coast of Searsport. It was purchased by the State in the 1980s with the intent to develop a port. In 2009, Sears Island was, by agreement, divided into two parcels, approximately 601 acres, or two-thirds of the island, was placed in a permanent conservation easement with the Maine Coast Heritage Trust, while the remaining one-third, or approximately

330 acres, was reserved by the Maine Department of Transportation for future development. So, the proposal in front of us proposes three things. First, it establishes a coastal sand dune restoration and protection fund which will be used for sand dune restoration, conservation, and protection, and will be seeded with a million dollars. This fund will provide grants to municipalities up and down our coastline to restore, protect, conserve, nourish, and revegetate a sand dune system. Second - this is the issue that everybody's concerned about - the bill allows for a narrow exemption in the sand dune law for an approximately four-tenths of an acre sand dune. The exemption would only apply if every other permitting requirement, including a full alternatives analysis, is fulfilled. So, that's the area in question on the left side of the map. The coastal sand dune system on Sears Island that would be potentially impacted through the construction of an offshore wind terminal is on the parcel of land reserved for the port development. It is adjacent to and a result of a manmade jetty that was constructed in the 1980s in an earlier development - an earlier attempt at port development on this site. Third, the agreement -- the amendment also directs the Department of Transportation, in collaboration with the Maine Coast Heritage Trust, to conserve and protect a parcel of land in the northwest portion of Sears Island. So, that's up by the causeway, just to the left of the causeway there at the top of the map. It's approximately 10 acres in size and it includes a different coastal sand dune, and it will provide pedestrian access to that parcel and to the dune causeway to Sears Island through the intertidal zone. Mr. President, passing LD 2266 would make it possible for Sears Island to continue to be an option for a terminal. I would emphasize the word possible because this bill would not change the numerous state and federal laws that will require the State to conduct a full alternatives analysis before a final site can be chosen. Specifically, the alternatives analysis means that if the balance of environmental, economic, and/or community costs and benefits are outweighed by those at another site, then that other site should be selected. The Bureau of Ocean Energy Management, the federal agency charged with overseeing offshore wind development, recently selected its region for offshore wind development in the Gulf of Maine. The final wind energy fully excludes the federal Lobster Management Area 1 from commercial offshore wind development, as this Legislature envisioned when it passed LD 1895 last year. The federal government will offer leases for sale in federal waters in the Gulf of Maine by the end of this calendar year. This will happen, Mr. President, regardless of whether Maine builds a port or if we choose not to. The only question, really, is whether or not Maine will benefit from the development of this industry here in our state. We are at an inflection point, with an opportunity to decide to participate in the economic opportunities available as a result of these leases. We leave federal money, thousands of jobs, and countless business opportunities on the table by not moving forward with the development of a port in Maine. And, Mr. President, the biggest threat to sand dune habitats in our coastal communities across the state is rising sea levels and storms linked to climate change. Searsport and the surrounding region are still reeling from the economic impacts of the paper mill in Bucksport closing a decade ago. According to the United Way, close to half of all the residents in the area live in poverty. The importance of constructing a floating offshore wind port in Maine cannot be overstated. Offshore wind isn't just a source of clean energy, it's a once in a century economic development opportunity for our state, thousands of jobs for Maine people,

hundreds of millions of dollars in investment in our communities are ours to capture. However, nearly all those benefits rely on the port being constructed here in Maine. Why Sears Island? That's been the big question all week, right? In the hallways? Some will say Sears Island is the largest -- wait, it's only Monday. That was last week, sorry. Some will say Sears Island is the largest undeveloped island on the East Coast. Let's talk about what is currently present on the island. In addition to the causeway, there's that rock jetty that I mentioned, a paved road that would allow two 18-wheelers to pass, a communications tower, an old gravel road, cleared meadows, and cellar holes. In the late 18th century, the island was owned by General Henry Knox, George Washington's first Secretary of War. In those years, it was known as Brigadier's Island. An 1880 survey noted that 75 sheep and 30 cattle grazed on the island. In the early 20th century, an amusement park was built there. Had the State not acquired the island for a future port in the '80s and put two-thirds of it into conservation, there would most likely be an island there full of private homes with zero public beach access. The choice to have the State purchase and use this site for a port went to the voters as a referendum. Maine taxpayers have invested millions of dollars already in transportation funds for port development on the island, including funding for navigation improvements that rendered sufficiently deep water to avoid the need for new dredging there. Sears Island is the best choice for an offshore wind port because it's already owned by the State, designated for the purpose of port development, will cost less in the short term and the long term, and is expected to result in less environmental harm. Mack Point, on the other hand, has numerous technical, operational, and financial challenges, including its constrained size and shape, related operational inefficiency, the need for significant dredging to obtain the necessary water depth, the lack of flexibility to adapt to changing market conditions, and the high cost due to the need to improve and then lease it from its private owner, the Sprague Operating Resources, for millions of dollars every year. Sears Island allows for investment in a public asset, ongoing control over the use of the site, and the ability to meet future changing needs of the industry. Failure to enact LD 2266 would take Sears Island out of consideration before the required evaluation of both sites can occur through the permitting process. Failing to pass LD 2266 will delay permitting applications for the port to at least the third quarter of 2025, delaying our state efforts to lead in the offshore wind industry and potentially we miss out on hundreds of millions of dollars in federal funding available now for port development. For all of these reasons, I urge the Body to take a vote in support of the economic development opportunity in front of us, as well as for clean energy. Thank you.

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

Senator **GROHOSKI:** Thank you, Mr. President. Good evening once again. I just -- I'm going to keep it very short here. The first thing I want to say is I hope you all have had the opportunity to visit Sears Island before you take this vote, but if you haven't, I would definitely welcome you to come visit this beautiful island that is very close to my district and beloved by many people that I represent. It is a truly unique place. I know we heard from a lot of folks in our email that live in this area, and I know I've heard from people in my district that there aren't a lot of places like this in Maine anymore that have this level of public access for free. I'm very grateful to represent the Acadia area, but it's not

accessible for everyone, and this island truly is. In turning it into a construction zone, even part of it, is going to change that forever. It may be that this is the right place, ultimately, or the best place to build a port like this, but I think the question in front of us tonight is do we know that yet, do we know enough to vote to grant a permit for construction of a wind terminal? That's what this bill does. On February 20th, the Governor said -- excuse me, the Chief Executive, that she announced that the State of Maine has selected a section of State-owned Sears Island as the preferred site for a port facility. She did that based on an analysis. That analysis is not yet public. It is not going to be public for a couple months. So, I just want to let you know I cannot support this motion because I cannot go home to the people that I represent and say, you know, I continue to put my thumb on the scale for Sears Island with no analysis to back this up. I think this vote is premature, I think if we find out that this site is preferred once all of that data is released - conveniently, after we adjourn - then we could reconsider this next year. But for now, I'm not ready to say yes, and so, I hope you will vote with me and vote down what was affectionately called by a local citizen a dune-boggle. Thank you very much.

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

Senator **LAWRENCE:** Thank you, Mr. President. The question before us tonight is really whether we are NIMBYs or YIMBYs. Whether we say not in our backyard or yes, in our backyard. That's really the question about this. And this is about climate change, make no doubt about it, and whether we are actually going to do something about climate. I think the Senator from Cumberland, Senator Brenner, covered it very precisely in the technicalities about what this actually impacts and the significance of this impact, and it is not a significant impact. The question is really whether we say yes, we are willing to do that to stop what has happened in the storm damage in the State of Maine and every other single state. Maine can become a leader in climate change. We can also create thousands and thousands of jobs in doing that if we can just get from being NIMBYs to YIMBYs.

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

Senator **BRAKEY:** Thank you, Mr. President. Permission to ask a question through the Chair?

THE PRESIDENT: So moved.

Senator **BRAKEY:** So, I'm honestly undecided on this measure right now in front of us. I'm not necessarily opposed to developing this dune. After all, the spice must flow. All joking aside, to my actual question. So, I've heard a lot of talk about the windmills, I've heard talk about the port. I don't necessarily, I think, buy in to some of what we're hearing about the windmills. I personally think wind is a scam and I don't like the idea of us going further down that road as a state, but I'm intrigued by the idea of this port. And so, I guess my question, for anyone who would answer it, to someone who's a skeptic of wind, what can you tell us about the benefits of this port to counterbalance our skepticism about wind power? Thank you, Mr. President.

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

Senator **BRENNER:** Thank you, Mr. President, and thank you to the Good Senator from Androscoggin for the question. What I will say is that this is not a bill to permit Sears Island for wind, this is a bill that allows for a narrow exemption in the sand dune rules to allow for this sand dune to be affected and built upon for a port terminal. So, if there was a terminal built and the industry was unsuccessful, as you predict, then the facility could be re-permitted by the State for a different use.

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

Senator **CURRY:** Thank you, Mr. President. I will skip over the portion that discusses the history of Sears Island. I represent Sears Island, I represent Searsport and all of Waldo County, and this is in my backyard. I thank the Good Senator for giving the -- giving a very accurate history of the portion of the development of Sears Island. This Sunday, in preparation for this vote, I drove to Sears Island to walk there once again. I walked along the DOT built, paved, two-lane road that runs through the island. It's seven strides wide across. Significant earthwork was required to build the road, with embankments exceeding 20 feet in some places. I walked out to the parcel of land DOT has identified as the preferred site for the offshore wind hub. Finally, I climbed out onto the jetty built by DOT. It was a beautiful, sunny day, and I sat for a while, contemplating this piece of land and this part of Penobscot Bay. Directly across the bay, I could see Lincolnville, Northport, and parts of Belfast. To my left was Islesboro, and closest, to my right, was Searsport. From the jetty, directly to the right, is Mack Point, along with its numerous tanks and cranes and port infrastructure. I could hear the sounds of an active port, with the beeping of trucks in the backing and dumping of bulk materials. An osprey -- an osprey was riding the thermals over the water - fishing, I suspect. I've heard Sears Island described as pristine. It is not. It has two roads, one two-lane and paved, the other one lane -- a one-lane dirt road. It also has powerlines, fire hydrants, a cell tower, loads of culverts, and in the areas closest to the port, massive earthwork has taken place to reshape the land to meet some previous port plan. It's not pristine, but it is beautiful and a special place to more than a few people. Thirty years ago, I came to Maine to work at Unity College and lead students in outdoor programs, including backpacking, canoeing, and sea kayaking. Maine's natural resources are very important to me, as I know they are very important to all Mainers. When it comes to facing the reality of climate change, everything we hold dear is at risk. Our futures, our health, our homes, our fisheries, our beloved natural environment and native species, and our capacity to farm. It is all at risk. With development of the offshore wind energy area, we finally have an opportunity to do something at scale that will actually help combat climate change. Practically speaking, the most important thing we can do in Maine to transition to renewable energy is to fully develop the commercial offshore wind energy area recently finalized 50 miles off the coast of Maine. This would be a decade-long endeavor to build enough turbines to generate the 32 gigawatts of energy estimated to be available in this area. This is our Maine-sized moonshot, building and transporting many, many hundreds of floating offshore wind turbines. Without offshore wind, we simply cannot achieve our renewable energy goals. I am also very passionate about

combatting child poverty and promoting family financial security. I've worked in this area since 2001, and it is the reason I got involved in community organizing and, ultimately, politics. Increasingly, we are becoming a place where the only people who can afford to live in decent conditions either bought property long ago or retired here after making their money elsewhere. Inland, and I mean a half mile off the coast, poverty levels are high. My wife is a teacher in Searsport and directs theater. Before serving here and for many years, I would volunteer to build sets. And it was not uncommon for me to take a child, a teen, home after rehearsal. Many times, a young person has asked me to stop on the road at the head of their driveway, well before their dwelling. They didn't want me to see where they lived. They didn't want me to know their poverty situation. I can't tell you the number of times while driving around, knocking on doors during my campaign, my volunteer driver would say oh, no one lives here, and then oh -- oh, wait, someone lives here. And we'd drive down and have a wonderful conversation. People were shocked. It is easy for us not to see rural poverty, but it is there. By building the offshore wind port in Searsport, we have the potential to provide economic security to thousands of people for decades. By building the offshore wind port in Searsport, we have the potential to provide economic security to thousands of people for decades. I said that twice on purpose. When I worked on child anti-poverty initiatives under Governor King's Children's Cabinet, we tracked numerous metrics for healthy development and resilience outcomes. We would pour over the Maine Kids Count data book put out by Maine's Children's Alliance. We sought to impact critical metrics of child health such as number of children living in poverty, children without health insurance, chronic absenteeism, teen depression, access to a caring adult in their lives, access to childcare, and many more that I know so many of you are passionate about. If you have followed these metrics over the years, you will know that they are stubbornly hard to move. We could have the most robust mentoring program, afterschool program, or early childhood intervention, and the metrics barely budged, if at all. But you know what did move these metrics dramatically and for the worse? The closure of the mill, another significant employer. They moved quick and they moved down. With this project, we can significantly improve the lives of hundreds of children and thousands of people within a 90-minute drive to Searsport. What's at stake? Reaching our ambitious and necessary renewable energy goals and actually addressing the climate change at a scale that matters, creating jobs that provide financial security to thousands of people across the region. I know many advocates with local conservation groups believe it can be built at Mack Point. Possibly, it can. But it will definitely add millions of dollars to the annual costs in the form of leases. Actually building this port will require attracting significant federal, state, and private investment. The developers will have to be able to deliver electricity at a price ratepayers and the Public Utilities Commission will accept. If the numbers don't work in attracting the required capital, or if the price for the electricity is too high, the port will fail long before any groundbreaking. I believe foregoing Sears Island and placing it at Mack Point bakes in substantial added cost that significantly risk the entire project. I think we all need to be pretty humble about what we know to be true. If I'm wrong, we would've unnecessarily built this project on beautiful land, land that was purchased and then later negotiated to be a port. If we kill this bill and the project fails because of it, we lose our ability to address climate change at the required scale and we pass up a once in a century

opportunity to significantly improve the lives of Maine people. I simply cannot vote to increase the chances that this project does not happen. The stakes are far too high. Please follow my light and vote yes on the pending motion.

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

Senator **TIPPING:** Thank you, Mr. President. I'd love to show this Body the sand dunes that my family grew up enjoying on Prince Edward Island. Unfortunately, two years ago, they were washed out to sea by a category IV hurricane. And those storms are coming at an increasing speed and frequency and magnitude, and they threaten all of our dunes, all of our coastline, all of our piers and our boats and our houses on the coast. And we can't address the problem of climate change alone, but every state, every country, needs to do our part, and at a speed and a scale that we are nowhere close to achieving right now. So, I'll be supporting this bill because this is about a future for our children and making sure that coastline does exist while creating good jobs that pay good wages. Thank you, Mr. President.

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

Senator **BALDACCI:** Thank you, Mr. President. I also join in support of the pending motion. This is a \$500 million investment about 40 miles from Bangor. This is going to create thousands of good paying jobs, it is going to promote renewable energy, it is supported by labor, environment, and all of the groups have worked on this for decades. This is an opportunity. We have people like Habib Dagher from the University of Maine. That is a one-in-a-lifetime opportunity to have that caliber of leadership to make this project successful. And I think we would be giving up something really important if we voted this down. So, I ask for your support because it will create jobs, it will create investment, it will make Maine a stronger state economically and environmentally.

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

Senator **BENNETT:** Thank you, Mr. President, Fellow Members of the Senate. This issue is one which I've done some reading about and some listening over the last several weeks, and it's been a difficult call for me, honestly, because I think both sides make very compelling points. I remember Sears Island; I think I first really became aware of it as an issue back in 1994 when I was running for Congress and visiting the region. It's been a long, long road. And the State has always had this position that it's their -- you know, the property was acquired for the purpose of creating a deep-water port and having the conservation area as well. It's never been able to get done before. Looking at this particular issue, a lot has been said. I just want to focus on two things. One is as someone really concerned about environmental impact, I look at the question of dredging, and it looks like there's a significant amount of dredging that would be required by siting the facility at Mack Point. DOT estimates, I think, 425,000 cubic yards, which is a lot of material. For some reference, I think the dredging of Portland Harbor is about 250,000 cubic yards, and the question is what do you do with the material. That is an environmental impact which you don't really see but is very

important. It's very significant. And I believe that the dredging required for Mack Point really is something we should think about. I was also reminded by the passing recently of former Governor Joe Brennan, and I was reminded of that with President -- I mean, the Senator from Waldo, Senator Curry's words about the economic impact of some of the decisions we make, and one thing that Governor Brennan was always famous for was saying the best social program is a good job. I believe that setting aside how people feel about wind and that project, and I know it's strong motivation for a lot of people in this room, but I do believe that that a deep-water port is something which will pay dividends, too, for generations to come in Maine, whatever happens to be done with the property. For that reason, I've concluded, Mr. President, to support the Majority Report on this, with respect to many, many people I've heard from who are going to be impacted by this in ways that they fear and ways that they hope, I'm -- I'm hoping for the best outcome for all the people of Maine. Thank you, Mr. President.

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

Senator **CHIPMAN:** Thank you, Mr. President. I am joining, I guess, with my Colleague from Hancock in sharing concerns about the environmental impact on Sears Island. I am not convinced that this cannot be done at Mack Point, and I am very concerned that the environmental analysis has not been done or released at this point. I'm a big supporter of the project, voted for the project consistently, and believe that it will happen either way, but I would prefer Mack Point over destroying these sand dunes and what would happen at Sears Island, so I will be voting against the motion.

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

Senator **GROHOSKI:** Thank you, Mr. President. I just wanted to stand one more time to clarify a number of things, and I didn't feel it was necessarily called for, to point of order the Good Senator from York for suggesting some, I think, negative terms for people who oppose this bill, such as NIMBY. Because really, the people that I'm hearing from aren't saying not in my backyard. They're saying take a look at the map on your desk and see that quite close to this site is a completely industrialized site that's becoming less and less relevant as these oil tanks are no longer needed for the economy that we're moving to. So, they're not saying not in my backyard, they're just saying, you know, this part of my backyard is where I have my birdfeeders and my garden, and this part of my backyard is where the shed is, where I put my trash. Where would you want to build another industrial site? Would it be near your trash shed or near your birdfeeders? That's what they're asking us to vote on. Regarding the development on Sears Island, again, if you visit it, you would realize that the paved road provides a remarkable opportunity for people with accessibility challenges to enjoy the great outdoors in Maine. I can't tell you the number of people I've seen there with strollers, with wheelchairs. There are not a lot of trails for these folks to enjoy. And so, that road might seem like it leads to building a very large construction site, a port, not just a port but actually an industrial commercial zone here, that road is a place that people enjoy that have nowhere else to go to be in the great outdoors in that region of Maine. So, I just wanted to put some

finer points on the characterizations that were made in this debate tonight. And there may be a lot of things that were said here that are true regarding the dredging, regarding the cost, regarding the impact, but until we see a comparative analysis, I don't know what of those statements are true or not true, and that's why I'm very nervous about taking this vote. This bill does not say Department of Environmental Protection, you can go ahead and assess this site to see whether or not it's appropriate to develop it or not, what it says is it is authorized to grant a permit. We're not going to get another say here. If we find out that this site is not preferred, I'm sorry, but the ship has literally sailed. So, I just ask you to consider this before you vote. It's not NIMBY, it's just good development, smart development planning that we're talking about here tonight. So, thank you very much.

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#734)

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

NAYS: Senators: BLACK, BRAKEY, CHIPMAN, FARRIN, GROHOSKI, HARRINGTON, HICKMAN, KEIM, LIBBY, LYFORD, MOORE, STEWART, TIMBERLAKE

EXCUSED: Senators: LAFOUNTAIN

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

Bill **READ ONCE**.

Committee Amendment "A" (H-887) **READ** and **ADOPTED**.

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-652) in NON-CONCURRENCE**.

Ordered sent down forthwith for concurrence.

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

SENATE REPORT - from the Committee on **TRANSPORTATION** on Bill "An Act to Change Maine's Transportation Laws" S.P. 183 L.D. 402

Report - **Ought to Pass as Amended by Committee
Amendment "A" (S-698)**

Tabled - April 12, 2024 by Senator **CHIPMAN** of Cumberland

Pending - **ACCEPTANCE OF REPORT**

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

The **OUGHT TO PASS AS AMENDED** Report **ACCEPTED**, in concurrence.

Bill **READ ONCE**.

Committee Amendment "A" (S-698) **READ**.

On motion by Senator **LIBBY** of Cumberland, Senate Amendment "A" (S-705) to Committee Amendment "A" (S-698) **READ** and **ADOPTED**.

THE PRESIDENT: The Senator may proceed.

Senator **LIBBY:** Thank you, Mr. President. Senate "A" amends LD 402 to add Hiram and Limington's locally approved bridge names as Veterans Memorial Bridge. Please join me in supporting the pending motion.

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

Senator **CHIPMAN:** Thank you, Mr. President. I would also speak in support of the adoption of this amendment. So, the original bill names one bridge in the Town of Limerick as a Veterans Memorial Bridge. There's a group here actually being represented by Matthew Mank, he's the chairman of Honor Flight Maine, he's here in the back, and he's been to our committee, he's been here working with folks locally on the naming of bridges to honor our veterans. So, the Limerick Veterans Memorial Bridge, and then this amendment adds also the Limington Memorial Bridge -- Veteran Memorial Bridge and the Hiram Veteran Memorial Bridge. We have letters from all three towns that identify the bridge numbers, DOT has looked at the letters, they have everything that they need, and would ask that we would please support this motion. Thank you.

Committee Amendment "A" (S-698) as Amended by Senate Amendment "A" (S-705) thereto, **ADOPTED**.

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-698) AS AMENDED BY SENATE AMENDMENT "A" (S-705)** thereto, in **NON-CONCURRENCE**.

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

On motion by Senator **VITELLI** of Sagadahoc, **ADJOURNED**, until Tuesday, April 16, 2024 at 12:00 in the afternoon.