

# MAINE STATE LEGISLATURE

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Senate Legislative Record

One Hundred and Twenty-Ninth Legislature

State of Maine

Daily Edition

First Regular Session  
beginning December 5, 2018

beginning at Page 1

**STATE OF MAINE  
ONE HUNDRED AND TWENTY-NINTH LEGISLATURE  
SECOND REGULAR SESSION  
JOURNAL OF THE SENATE**

In Senate Chamber  
Tuesday  
March 3, 2020

Senate called to order by President Pro Tem Robert A. Foley of York County.

Prayer by Pastor Brian Kline of Lighthouse Baptist Church in Farmingdale.

**PASTOR KLINE:** May we pray. Father, we thank You for Your goodness and grace. We thank You for Your wisdom and graciousness and hearing our prayers and inviting us to speak to You. Father, we pray that You would aid this Senate and their staff and all of the people that diligently work for the folks of Maine, that You would help them today, Lord, with the decisions at hand, with the difficulties, with the challenges, and with the triumphs. Father, we pray that You would grant us the insight that You, our Creator, have and that You would help us to seek first the kingdom of God so that all the insight and wisdom for the future will be added to us. In Jesus' name we pray. Amen.

Pledge of Allegiance led by Senator Nathan L. Libby of Androscoggin County.

Reading of the Journal of Thursday, February 27, 2020.

Off Record Remarks

**PAPERS FROM THE HOUSE**

**Non-Concurrent Matter**

Resolve, To Direct the Department of Health and Human Services To Amend Its Rules for Eligibility for Community Support Services

H.P. 580 L.D. 775  
(C "A" H-403)

In Senate, June 18, 2019, **FINALLY PASSED** in concurrence.

**RECALLED** from the Governor's Desk, pursuant to Joint Order (H.P. 1419).

Comes from the House, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-403) AS AMENDED BY HOUSE AMENDMENT "A" (H-699)** thereto in **NON-CONCURRENCE**.

On motion by Senator **LIBBY** of Androscoggin, the Senate **RECEDED** and **CONCURRED**.

**COMMUNICATIONS**

The Following Communication: S.C. 966

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

February 28, 2020

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

RE: Maine Turnpike Authority Board of Directors

Dear President Jackson:

This is to inform you that I am today nominating Thomas J. Zuke of Saco for reappointment to the Maine Turnpike Authority Board of Directors.

Pursuant to Title 23, MRSA §1964-A, this reappointment is contingent on the Maine State Senate's confirmation after review by the Joint Standing Committee on Transportation.

Thank you.

Very truly yours,

S/Janet T. Mills  
Governor

**READ and ORDERED PLACED ON FILE.**

The Following Communication: S.C. 967

**STATE OF MAINE  
129<sup>TH</sup> LEGISLATURE  
OFFICE OF THE PRESIDENT  
AUGUSTA, MAINE**

March 2, 2020

Honorable Darek M. Grant  
Secretary of the Senate  
3 State House Station  
Augusta, Maine 04333

Dear Secretary Grant:

Pursuant to my authority under Senate Rule 201.3, please be advised that I appoint the Senator from York County, Senator Robert Foley, to serve as President Pro Tem to convene the Senate on Tuesday, March 3, 2020.

Please let me know if you have any questions.

Sincerely,

S/Troy D. Jackson  
President of the Senate

**READ and ORDERED PLACED ON FILE.**

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The Following Communication: S.C. 974

**STATE OF MAINE  
ONE HUNDRED AND TWENTY-NINTH LEGISLATURE  
COMMITTEE ON JUDICIARY**

February 27, 2020

The Honorable Troy Jackson, President of the Senate  
The Honorable Sarah Gideon, Speaker of the House of  
Representatives  
129th Legislature  
State House  
Augusta, Maine 04333

Dear President Jackson and Speaker Gideon:

Please accept this letter as the report of the findings of the Joint Standing Committee on Judiciary from its review and evaluation of the Office of the Attorney General under the State Government Evaluation Act, Title 3 Maine Revised Statutes, chapter 35.

The committee finds that the Office of the Attorney General is operating within its statutory authority.

Sincerely,

S/Senator Mike Carpenter  
Senate Chair

S/Representative Donna Bailey  
House Chair

**READ and ORDERED PLACED ON FILE.**

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The Following Communication: S.C. 975

**STATE OF MAINE  
ONE HUNDRED AND TWENTY-NINTH LEGISLATURE  
COMMITTEE ON ENERGY, UTILITIES AND TECHNOLOGY**

February 27, 2020

The Honorable Troy D. Jackson, President of the Senate  
The Honorable Sara Gideon, Speaker of the House of  
Representatives  
129th Legislature  
State House  
Augusta, Maine 04333

Dear President Jackson and Speaker Gideon:

Please accept this letter as the report of the findings of the Joint Standing Committee on Energy Utilities and Technology from its review and evaluation of the Office of the Public Advocate under the State Government Evaluation Act, Title 3 Maine Revised Statutes, chapter 35.

The committee finds that the Office of the Public Advocate is operating within its statutory authority.

Sincerely,

S/Senator Mark W. Lawrence  
Senate Chair

S/Representative Seth A. Berry  
House Chair

**READ and ORDERED PLACED ON FILE.**

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The Following Communication: S.C. 976

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

February 28, 2020

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

RE: Reappointment of Captain Wendy L. Morrison of Dickinson, TX to the Board of Trustees Maine Maritime Academy

Dear Mr. President:

This is to inform you that I am today nominating Captain Wendy L. Morrison of Dickinson, TX for reappointment to the Board of Trustees Maine Maritime Academy.

Pursuant to Title 5 §12004-C and Public Law 1941, c. 37, §1, as amended by P&SL 1993, c 27, §1, this reappointment is contingent on the Maine State Senate's confirmation after review by the Joint Standing Committee on Education and Cultural Affairs.

Thank you.

Very truly yours,

S/Janet T. Mills  
Governor

**READ and ORDERED PLACED ON FILE.**

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The Following Communication: S.C. 977

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

February 28, 2020

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

RE: Reappointment of Robert D. Somerville of Fort Lauderdale, FL to the Board of Trustees Maine Maritime Academy

Dear Mr. President:

This is to inform you that I am today nominating Robert D. Somerville of Fort Lauderdale, FL for reappointment to the Board of Trustees Maine Maritime Academy.

Pursuant to Title 5 §12004-C and Public Law 1941, c. 37, §1, as amended by P&SL 1993, c 27, §1, this reappointment is contingent on the Maine State Senate's confirmation after review by the Joint Standing Committee on Education and Cultural Affairs.

Thank you.

Very truly yours,

S/Janet T. Mills  
Governor

**READ and ORDERED PLACED ON FILE**

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The Following Communication: S.C. 978

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

February 28, 2020

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

RE: Reappointment of Miles Unobsky Theeman of Bangor to the Board of Trustees Maine Maritime Academy

Dear Mr. President:

This is to inform you that I am today nominating Miles Unobsky Theeman of Bangor for reappointment to the Board of Trustees Maine Maritime Academy.

Pursuant to Title 5 §12004-C and Public Law 1941, c. 37, §1, as amended by P&SL 1993, c 27, §1, this reappointment is contingent on the Maine State Senate's confirmation after review by the Joint Standing Committee on Education and Cultural Affairs.

Thank you.

Very truly yours,

S/Janet T. Mills  
Governor

**READ and ORDERED PLACED ON FILE.**

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The Following Communication: S.C. 979

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

February 28, 2020

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

RE: Appointment of Wayne Allen Norton of Gorham to the Board of Trustees Maine Maritime Academy

Dear Mr. President:

This is to inform you that I am today nominating Wayne Allen Norton of Gorham for appointment to the Board of Trustees Maine Maritime Academy.

Pursuant to Title 5 §12004-C and Public Law 1941, c. 37, §1, as amended by P&SL 1993, c 27, §1, this appointment is contingent on the Maine State Senate's confirmation after review by the Joint Standing Committee on Education and Cultural Affairs.

Thank you.

Very truly yours,

S/Janet T. Mills  
Governor

**READ and ORDERED PLACED ON FILE.**

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The Following Communication: S.C. 980

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

February 28, 2020

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

RE: Appointment of Ashley A. Porter of Cutler as Student Trustee  
to the Maine Maritime Academy Board of Trustees

Dear Mr. President:

This is to inform you that I am today nominating Ashley A. Porter  
of Cutler for appointment as Student Trustee to the Board of  
Trustees Maine Maritime Academy.

Pursuant to Title 5 §12004-C and Public Law 1941, c. 37, §1, as  
amended by P&SL 1993, c 27, §1, this appointment is contingent  
on the Maine State Senate's confirmation after review by the Joint  
Standing Committee on Education and Cultural Affairs.

Thank you.

Very truly yours,

S/Janet T. Mills  
Governor

**READ and ORDERED PLACED ON FILE.**

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The Following Communication: S.C. 981

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

February 28, 2020

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

RE: Appointment of Paul Mercer of Penobscot to the Board of  
Trustees Maine Maritime Academy

Dear Mr. President:

This is to inform you that I am today nominating Paul Mercer of  
Penobscot for appointment to the Board of Trustees Maine  
Maritime Academy.

Pursuant to Title 5 §12004-C and Public Law 1941, c. 37, §1, as  
amended by P&SL 1993, c 27, §1, this appointment is contingent  
on the Maine State Senate's confirmation after review by the Joint  
Standing Committee on Education and Cultural Affairs.

Thank you.

Very truly yours,

S/Janet T. Mills  
Governor

**READ and ORDERED PLACED ON FILE.**

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The Following Communication: S.C. 982

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

February 27, 2020

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

RE: Appointment of The Honorable William Schneider of Durham  
to the Commission on Governmental Ethics and Election  
Practices

Dear President Jackson:

This is to inform you that I am today nominating Mr. The  
Honorable William Schneider of Durham for appointment to the  
Commission on Governmental Ethics and Election Practices.

Pursuant to Title 1 MRSA §1002, this appointment is contingent  
on the Maine State Senate's confirmation after review by the Joint  
Standing Committee on Veterans and Legal Affairs.

Thank you.

Very truly yours,

S/Janet T. Mills  
Governor

**READ and ORDERED PLACED ON FILE.**

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The Following Communication: S.C. 983

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

February 27, 2020

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

RE: Appointment of Dennis Marble of Hampden to the  
Commission on Governmental Ethics and Election Practices

Dear President Jackson:

This is to inform you that I am today nominating Dennis Marble of  
Hampden for appointment to the Commission on Governmental  
Ethics and Election Practices.

Pursuant to Title 1 MRSA §1002, this appointment is contingent  
on the Maine State Senate's confirmation after review by the Joint  
Standing Committee on Veterans and Legal Affairs.

Thank you.

Very truly yours,

S/Janet T. Mills  
Governor

**READ and ORDERED PLACED ON FILE.**

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The Following Communication: S.C. 965

**STATE OF MAINE  
ONE HUNDRED AND TWENTY NINTH LEGISLATURE  
COMMITTEE ON VETERANS AND LEGAL AFFAIRS**

February 27, 2020

Honorable Troy Dale Jackson, Senate President  
Honorable Sara Gideon, Speaker of the House  
129th Maine State Legislature  
State House  
Augusta, Maine 04333

Dear President Jackson and Speaker Gideon,

Pursuant to Joint Rule 310, we are writing to notify you that we  
have approved the request by the bill sponsor Rep. Pierce of  
Falmouth, to report the following bill Leave to Withdraw:

L.D. 720 An Act Regarding Maine's Adult Use Marijuana  
Law

Sincerely,

S/Sen. Louis J. Luchini  
Senate Chair

S/Rep. John C. Schneck  
House Chair

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

The Following Communication: S.C. 968

**STATE OF MAINE  
ONE HUNDRED AND TWENTY-NINTH LEGISLATURE  
COMMITTEE ON LABOR AND HOUSING**

February 04, 2020

Honorable Troy Dale Jackson, President of the Senate  
Honorable Sara Gideon, Speaker of the House  
129th Legislature  
State House  
Augusta, Maine 04333

Dear President Jackson and Speaker Gideon:

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

L.D. 1976 An Act To Help Retain School Bus Drivers

This is notification of the Committee's action.

Sincerely,

S/Sen. Shenna Bellows  
Senate Chair

S/Rep. Mike A. Sylvester  
House Chair

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

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The Following Communication: S.C. 969

**STATE OF MAINE  
ONE HUNDRED AND TWENTY-NINTH LEGISLATURE  
COMMITTEE ON LABOR AND HOUSING**

February 19, 2020

Honorable Troy Dale Jackson, President of the Senate  
Honorable Sara Gideon, Speaker of the House  
129th Legislature  
State House  
Augusta, Maine 04333

Dear President Jackson and Speaker Gideon:

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

L.D. 1250 An Act To Prohibit Sexual Harassment as a  
Subject Matter of Mandatory Arbitration in  
Employment Contracts

This is notification of the Committee's action.

Sincerely,

S/Sen. Shenna Bellows  
Senate Chair

S/Rep. Mike A. Sylvester  
House Chair

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

---

The Following Communication: S.C. 970

**STATE OF MAINE  
ONE HUNDRED AND TWENTY-NINTH LEGISLATURE  
COMMITTEE ON LABOR AND HOUSING**

February 05, 2020

Honorable Troy Dale Jackson, President of the Senate  
Honorable Sara Gideon, Speaker of the House  
129th Legislature  
State House  
Augusta, Maine 04333

Dear President Jackson and Speaker Gideon:

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

L.D. 2015     An Act To Provide for Leave from Work for  
Victims of Domestic Violence, Sexual Assault  
or Stalking

This is notification of the Committee's action.

Sincerely,

S/Sen. Shenna Bellows  
Senate Chair

S/Rep. Mike A. Sylvester  
House Chair

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

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The Following Communication: S.C. 971

**STATE OF MAINE  
ONE HUNDRED AND TWENTY NINTH LEGISLATURE  
COMMITTEE ON TRANSPORTATION**

February 24, 2020

Honorable Troy Dale Jackson, President of the Senate  
Honorable Sara Gideon, Speaker of the House  
129th Legislature  
State House  
Augusta, Maine 04333

Dear President Jackson and Speaker Gideon:

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":

L.D. 1987     Resolve, To Exempt Truck Drivers Transporting  
Live Lobsters from Certain Hours-of-service  
Restrictions

This is notification of the Committee's action.

Sincerely,

S/Sen. Bill Diamond  
Senate Chair

S/Rep. Andrew McLean  
House Chair

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

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The Following Communication: S.C. 972

**STATE OF MAINE  
ONE HUNDRED AND TWENTY NINTH LEGISLATURE  
COMMITTEE ON TRANSPORTATION**

February 20, 2020

Honorable Troy Dale Jackson, President of the Senate  
Honorable Sara Gideon, Speaker of the House  
129th Legislature  
State House  
Augusta, Maine 04333

Dear President Jackson and Speaker Gideon:

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":

L.D. 1034     An Act To Provide Revenue To Fix and Rebuild  
Maine's Transportation Infrastructure

This is notification of the Committee's action.

Sincerely,

S/Sen. Bill Diamond  
Senate Chair

S/Rep. Andrew McLean  
House Chair

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



The Following Communication: S.C. 973

**STATE OF MAINE  
ONE HUNDRED AND TWENTY NINTH LEGISLATURE  
COMMITTEE ON VETERANS AND LEGAL AFFAIRS**

February 25, 2020

Honorable Troy Dale Jackson, President of the Senate  
Honorable Sara Gideon, Speaker of the House  
129th Legislature  
State House  
Augusta, Maine 04333

Dear President Jackson and Speaker Gideon:

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

- |           |   |
|-----------|---|
| L.D. 1432 | An Act To Improve the Adult Use Marijuana Laws  |
| L.D. 1444 | An Act To Make the Distance to Schools for Marijuana Establishments Consistent with the Liquor Laws |

This is notification of the Committee's action.

Sincerely,

S/Sen. Louis J. Luchini  
Senate Chair

S/Rep. John C. Schneck  
House Chair

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

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**ORDERS**

**Joint Order**

Expression of Legislative Sentiment recognizing:

Peter Crichton, of Windham, who is stepping down as Auburn City Manager after a 35-year career in municipal and county administration, including for Mars Hill, Lewiston and Cumberland County. We extend our appreciation and best wishes;  
SLS 1096

Sponsored by Senator CLAXTON of Androscoggin.  
Cosponsored by Senator: DIAMOND of Cumberland,  
Representatives: BRYANT of Windham, COREY of Windham,  
SHEATS of Auburn.

The Joint Order was **READ**.

**THE PRESIDENT PRO TEM:** The Chair recognizes the Senator from Androscoggin, Senator Claxton.

Senator **CLAXTON:** Thank you, Mr. President and men and women of the Chamber. I rise to recognize Peter Crichton for his contributions over the years in multiple different settings. He was born in Mars Hill. He survived being in a large family and his wife, Jennifer, is here with one of his daughters, Sarah. He's been actively involved in local politics, or local government, at the municipal or county level for over 30 years, 35. He began his career in municipal government by attending town meetings with his father, starting at age 8. That's when the hook was set. Later on he got his Masters in Public Administration from the University of Maine Orono and, as a key determinant of his future, he did an internship with Senator Edmond Muskie in Washington D.C. His first paid administrative position was as Mars Hill's first Economic Community Development Director. He then worked as the County Manager for Cumberland County for 18 years. He was the Superintendent of Administration for Lewiston Public Works and the Assistant City Administrator for Lewiston for 10 years. He is currently stepping away from a job he's occupied for the last 3 years, that of Auburn's Town Manager and Chief Cheerleader and has done an admirable job in both of those roles and it's under that role that I got to know him a little bit. He serves on the Muskie School of Public Service on the Board of Visitors. He helped with the Gray Comprehensive Town Plan in 2003. He's a past President of the Maine Town, City, and County Management Association and a Board of Director member for UpLift L/A, a Chamber of Commerce support for rising leaders in our community. He's also on the Legislative Policy Committee at the Maine Municipal Association and he's not at all afraid to reach out to his local legislator. Current Mayor characterized his wisdom, spirit of collaboration, fair and determined leadership, and vision for Auburn, having brought civility back to local government and helped transform this community. I've given him several opportunities to share inside information and each time he's skillfully and smoothly deflected those queries. The consummate professionalism he has brought to his job over the last 30 years is admirable and he's one of those people who are part of the glue that holds communities together. I'm pleased that he and Jennifer and Sarah can join us today as he's recognized for his significant service. Thank you, Mr. President.

**THE PRESIDENT PRO TEM:** The Chair recognizes the Senator from Aroostook, Senator Carpenter.

Senator **CARPENTER:** Thank you, Mr. President. Ladies and gentlemen of the Senate, it's a little bit awkward in a sense that I'm standing here today to praise somebody who, as he retires from all the service that Senator Claxton just related, in fact, was a high school student working on my first political campaign in beautiful downtown Mars Hill where I think there are 16 Democrats at last count. I just want Southern Maine to appreciate the fact that we loaned Peter to you for all those many years and if you look around at the movers and shakers of Cumberland County and York County and Kennebec County many of them their roots go back to Aroostook County. I just want you to know that we're perfectly happy to loan you those folks. Unfortunately, as with Ms. Crichton and his family, they've decided to stay in Southern Maine. Found out this morning in the caucus that he knew more people in the caucus than I knew. But again, my congratulations to Peter and Jennifer and Sarah. They have a daughter named Emily that I have not met. But a wonderful career and well deserved accolades. Thank you.

**THE PRESIDENT PRO TEM:** The Chair recognizes the Senator from Cumberland, Senator Diamond.

Senator **DIAMOND:** Thank you, Mr. President. Ladies and gentlemen of the Senate, you've heard most of the things about Peter Crichton, why he has always been celebrated the way we are now. But Peter was a County Manager in Cumberland County. His career really took off when he moved to Windham in that position and I think that was probably the best decision he ever made. As County Manager, though, he was there, I believe maybe the first County Manager we had in Cumberland County. I'm not positive. I think it might have been the first, second, I knew that. So happened though, he was there during a very difficult time, a time of trying to find funding for various things, such as the jails and other sorts of things. He was right in the middle of a lot of controversy. But one of the things he always was able to do was to teach the rest of us how to be calm, cool, and collected and to maintain respect for each other and I remember Peter for that for sure. He's also, by the way, you know that we're having the bicentennial parade this year in Auburn and Lewiston and for the past several months Peter's been playing a key role in organizing that huge, huge event. So I was pleased to hear he wouldn't be leaving his position until June 30. That's good news for all of us and I want to thank Peter for all he's done for Cumberland County, thank him for all he's done for Androscoggin County and also thank him for moving to Windham. Thank you very much.

The Joint Order was **PASSED**.

Sent down for concurrence.

**THE PRESIDENT PRO TEM:** The Chair is pleased to recognize in the rear of the Chamber Peter Crichton; his wife, Jennifer; and their daughter, Sarah; of Windham. The Auburn City Town Manager. They are the guests today of the Senator from Androscoggin, Senator Claxton. Would they please rise and get the greetings from the Senate.

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## REPORTS OF COMMITTEES

### House

#### Divided Report

The Majority of the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** on Bill "An Act To Determine the Need To Increase the Number of Forensic Emergency and Crisis Beds"  
H.P. 938 L.D. 1295

Reported that the same be **REFERRED** to the Committee on **HEALTH AND HUMAN SERVICES**.

Signed:

Senators:  
DESCHAMBAULT of York  
CARPENTER of Aroostook  
ROSEN of Hancock

Representatives:

WARREN of Hallowell  
BEEBE-CENTER of Rockland  
COOPER of Yarmouth  
COREY of Windham  
MORALES of South Portland  
PICKETT of Dixfield  
RECKITT of South Portland

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

Signed:

Representative:  
JOHANSEN of Monticello

Comes from the House with the Majority Report **READ** and **ACCEPTED** and the Bill **REFERRED** to the Committee on **HEALTH AND HUMAN SERVICES**.

Reports **READ**.

On motion by Senator **DESCHAMBAULT** of York, the Majority Report **ACCEPTED** and the Bill **REFERRED** to the Committee on **HEALTH AND HUMAN SERVICES**, in concurrence.

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### Senate

#### Ought to Pass

Senator GRATWICK for the Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act To Consolidate Certain Reporting Requirements of the Department of Health and Human Services"

S.P. 727 L.D. 2054

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

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

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

Sent down for concurrence.

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#### Ought to Pass As Amended

Senator DILL for the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** on Bill "An Act To Penalize Violators of Wood Shipment and Quarantine Laws"  
S.P. 575 L.D. 1726

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-412)**.

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

Bill **READ ONCE**.

Committee Amendment "A" (S-412) **READ** and **ADOPTED**.

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

Sent down for concurrence.

---

Senator LUCHINI for the Committee on **VETERANS AND LEGAL AFFAIRS** on Bill "An Act To Amend the Laws Governing the Maine Veterans' Memorial Cemetery System"  
S.P. 668 L.D. 1926

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-411)**.

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

Bill **READ ONCE**.

Committee Amendment "A" (S-411) **READ** and **ADOPTED**.

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

Sent down for concurrence.

---

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

## SECOND READERS

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

### House

Bill "An Act To Amend the Maine Uniform Probate Code"  
H.P. 1334 L.D. 1863

Resolve, To Name Bridge 3880 in the Town of Dresden the Veterans Memorial Bridge  
H.P. 1342 L.D. 1876

Bill "An Act To Require Forest Rangers To Be Trained at the Maine Criminal Justice Academy" (EMERGENCY)  
H.P. 1389 L.D. 1945

Bill "An Act Regarding Driver's License Suspensions for Nondriving Violations"  
H.P. 1397 L.D. 1953

Bill "An Act To Extend Arrearage Management Program Requirements for Transmission and Distribution Utilities for One Year"  
H.P. 1434 L.D. 2013

Bill "An Act To Eliminate the Requirement That Municipalities Retain Paper Copies of Certain Vital Statistics Records"  
H.P. 1451 L.D. 2040

Resolve, Authorizing Certain Land Transactions by the Department of Agriculture, Conservation and Forestry, Bureau of Parks and Lands  
H.P. 1459 L.D. 2048

Resolve, Regarding Legislative Review of Portions of Chapter 27: Standards for Pesticide Applications and Public Notification in Schools, a Major Substantive Rule of the Department of Agriculture, Conservation and Forestry, Board of Pesticides Control (EMERGENCY)  
H.P. 1470 L.D. 2069

Resolve, Regarding Legislative Review of Portions of Chapter 26: Standards for Indoor Pesticide Applications and Notification for All Occupied Buildings Except K-12 Schools, a Major Substantive Rule of the Department of Agriculture, Conservation and Forestry, Board of Pesticides Control (EMERGENCY)  
H.P. 1471 L.D. 2070

Resolve, Regarding Legislative Review of Portions of Chapter 311: Portfolio Requirement, a Major Substantive Rule of the Public Utilities Commission (EMERGENCY)  
H.P. 1482 L.D. 2081

Resolve, Regarding Legislative Review of Portions of Chapter 28: Notification Provisions for Outdoor Pesticide Applications, a Major Substantive Rule of the Department of Agriculture, Conservation and Forestry, Board of Pesticides Control (EMERGENCY)  
H.P. 1483 L.D. 2082

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

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### House As Amended

Bill "An Act Regarding Access to Lobster Licenses"  
H.P. 29 L.D. 28  
(C "A" H-686)

Bill "An Act To Amend the Greater Augusta Utility District Charter"  
H.P. 341 L.D. 432  
(C "A" H-684)

Bill "An Act To Improve the Laws Regarding Discontinued and Abandoned Roads"  
H.P. 1028 L.D. 1415  
(C "A" H-691)

Bill "An Act To Increase Access to Justice and Maine's Rural Lawyer Workforce by Expanding Student Attorney Practice Opportunities"

H.P. 1330 L.D. 1859  
(C "A" H-690)

Bill "An Act To Make Changes to the So-called Dig Safe Law" (EMERGENCY)

H.P. 1358 L.D. 1892  
(C "A" H-685)

Bill "An Act To Prohibit, Except in Emergency Situations, the Performance without Consent of Pelvic Examinations on Unconscious or Anesthetized Patients"

H.P. 1392 L.D. 1948  
(C "A" H-688)

Bill "An Act To Provide Support Services for Military Members Transitioning to Civilian Life in Maine"

H.P. 1396 L.D. 1952  
(C "A" H-687)

Bill "An Act To Expand Tax Increment Financing To Include Adult Care Facilities and Services and Certain Child Care Facilities"

H.P. 1402 L.D. 1958  
(C "A" H-695)

Bill "An Act Making Technical Changes to the Maine Tax Laws"

H.P. 1429 L.D. 2008  
(C "A" H-693)

Resolve, Authorizing the State Tax Assessor To Convey the Interest of the State in Certain Real Estate in the Unorganized Territory

H.P. 1433 L.D. 2012  
(C "A" H-694)

Resolve, Regarding Legislative Review of Portions of Chapter 100: Enforcement Procedures, a Major Substantive Rule of the Maine Health Data Organization (EMERGENCY)

H.P. 1479 L.D. 2078  
(C "A" H-689)

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

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**Senate**

Bill "An Act To Amend the Law Governing Maximum Length Limits for Truck Tractor Semitrailers"

S.P. 707 L.D. 2005

**READ A SECOND TIME and PASSED TO BE ENGROSSED.**

Sent down for concurrence.

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**Senate As Amended**

Bill "An Act To Encourage the Development of Broadband Coverage in Rural Maine"

S.P. 498 L.D. 1563  
(C "A" S-405)

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

Sent down for concurrence.

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

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The President Pro Tem requested the Sergeant-At-Arms escort the Senator from Aroostook, Senator **JACKSON**, to the rostrum where he resumed his duties as President.

The Sergeant-At-Arms escorted the Senator from York, Senator **FOLEY**, to his seat on the floor.

The Senate was called to order by the President.

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**THE PRESIDENT:** The Chair would like to recognize the Senator from York, Senator Foley, for his excellent job today. It looked like he had been doing this for a long, long time. Very comfortable. I expected the hammer was going to swing a little bit harder but other than that I was very, very impressed with your skill and workmanship and, you know, it was an honor to allow you the privilege today and, seriously, I think the Senate should, obviously, give the Senator a round of applause for his great work today and great work throughout the session.

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**REPORTS OF COMMITTEES**

**Senate**

**Divided Report**

The Majority of the Committee on **VETERANS AND LEGAL AFFAIRS** on Bill "An Act To Amend the Laws Governing Activities at or near the Polls on Election Day"

S.P. 655 L.D. 1903

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-409).**

Signed:

Senators:

LUCHINI of Hancock  
HERBIG of Waldo

Representatives:

SCHNECK of Bangor  
ACKLEY of Monmouth  
COOPER of Yarmouth  
DOLLOFF of Rumford  
HICKMAN of Winthrop  
HUBBELL of Bar Harbor  
McCREIGHT of Harpswell

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "B" (S-410).**

Signed:

Senator:

CYRWAY of Kennebec

Representatives:

ANDREWS of Paris  
HANINGTON of Lincoln  
STROM of Pittsfield

Reports **READ.**

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

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**Divided Report**

The Majority of the Committee on **VETERANS AND LEGAL AFFAIRS** on Bill "An Act To Amend Certain Laws Governing Elections"

S.P. 656 L.D. 1904

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-408).**

Signed:

Senators:

LUCHINI of Hancock  
HERBIG of Waldo

Representatives:

SCHNECK of Bangor  
ACKLEY of Monmouth  
COOPER of Yarmouth  
DOLLOFF of Rumford  
HICKMAN of Winthrop  
HUBBELL of Bar Harbor  
McCREIGHT of Harpswell  
STROM of Pittsfield

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

Signed:

Senator:

CYRWAY of Kennebec

Representatives:

ANDREWS of Paris  
HANINGTON of Lincoln

Reports **READ.**

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

Bill **READ ONCE.**

Committee Amendment "A" (S-408) **READ** and **ADOPTED.**

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

Sent down for concurrence.

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**Divided Report**

The Majority of the Committee on **VETERANS AND LEGAL AFFAIRS** on Bill "An Act To Clarify Certificate of Approval Requirements under the State's Liquor Laws"

S.P. 738 L.D. 2089

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-407).**

Signed:

Senators:

LUCHINI of Hancock  
CYRWAY of Kennebec  
HERBIG of Waldo

Representatives:

SCHNECK of Bangor  
ACKLEY of Monmouth  
COOPER of Yarmouth  
DOLLOFF of Rumford  
HANINGTON of Lincoln  
HICKMAN of Winthrop  
HUBBELL of Bar Harbor  
McCREIGHT of Harpswell  
STROM of Pittsfield

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

Signed:

Representative:

ANDREWS of Paris

Reports **READ.**

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

Bill **READ ONCE**.

Committee Amendment "A" (S-407) **READ** and **ADOPTED**.

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

Sent down for concurrence.

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#### Pursuant to Resolve

Senator **LUCHINI** for the Committee on **VETERANS AND LEGAL AFFAIRS** on Bill "An Act To Correct Errors, Inconsistencies and Conflicts in and To Revise the State's Liquor Laws"

S.P. 766 L.D. 2131

Reported that the same be **REFERRED** to the Committee on **VETERANS AND LEGAL AFFAIRS**, pursuant to Resolve, chapter 15, section 3.

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

Bill and accompanying papers **REFERRED** to the Committee on **VETERANS AND LEGAL AFFAIRS**.

Sent down for concurrence.

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#### ENACTORS

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

#### Emergency Measure

An Act To Amend the Unemployment Compensation Laws

S.P. 658 L.D. 1911  
(C "A" S-388)

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

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**THE PRESIDENT:** The Chair would like to announce in the rear of the Chamber the Bonney Eagle Wrestling Team is here and the Chair would like to call on the Senator from Cumberland, Senator Diamond.

Senator **DIAMOND:** Thank you, Mr. President. Ladies and gentlemen of the Senate, Bonney Eagle High School is back. As you remember, they were here a few weeks ago, the Bonney Eagle High School Girls Cross Country Team. They won 6 out of the last 8 State Championships. The Bonney Eagle High School Football Team won 7 out of the last 15 State Championships. Now the Wrestling Team is here. The Wrestling Team with the Frost Family. Every member of this team qualified for the State Finals. That's pretty impressive. Yet two of them won State Championships. Even more impressive, the two that won State Championships are brothers. Caden Frost, who is a sophomore, and Cam Frost, who is a sophomore. The two that won the State Championships are Caden, the sophomore, and Colby, the 11<sup>th</sup> grader. So it's amazing how all this came together. Now, there are two more Frost members. As I mentioned, Caleb, I didn't mention his name yet but Caleb Frost is a graduate of Bonney Eagle High School and he's now the Assistant Coach and, just to make it more interesting, by the way, Cam and Caden are twins. So you see the Frost family has really done a wonderful job helping that wrestling team but I do not want to forget, nor do I not want to mention, with a high degree of pride that we have in the entire team and how they support each other and how they represent the school in such a magnificent way and I know that the parents and the community all support them strongly, which is why they've done so well, and of course the Coaches. The Coaches Josh Lund, Greg Gonyea, and, again, Caleb Frost. Oh, there's one more thing. Colby Frost, Caden Frost, and Cam Frost have recently all qualified to compete in the New England Finals this weekend. So, I want to say to the team and to the coaches, your community's proud of you, your parents are proud of you, the coaches are proud of all of you, and now the entire Maine Legislature is proud of you. So thank you very much for, again, making the light shine on Bonney Eagle High School. We really appreciate all your efforts and thank you for being here today. Thank you, Mr. President.

**THE PRESIDENT:** In the rear of the Chamber, the Bonney Eagle High School Wrestling Team. Would the State Senate please rise and give congratulations.

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#### Emergency Measure

An Act To Reduce Financial Burdens on Small Water Utilities

H.P. 1442 L.D. 2032

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

## Acts

An Act To Clarify Lobbyist Reporting Requirements and Simplify Registration Requirements for State Employees Who Lobby on Behalf of a State Department or Agency

S.P. 639 L.D. 1867  
(C "A" S-389)

An Act To Amend the Laws Regarding the Reserve Funds of Certain School Organizational Structures

H.P. 1366 L.D. 1918  
(C "A" H-681)

An Act To Ensure an Efficient Contracting Process for the Department of Health and Human Services

H.P. 1461 L.D. 2057

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

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An Act To Support Emergency Shelter Access for Persons Experiencing Homelessness in Maine

H.P. 1363 L.D. 1909  
(C "A" H-680)

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

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## ORDERS OF THE DAY

### Unfinished Business

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

The Chair laid before the Senate the following Tabled and Later Assigned (2/4/20) matter:

Bill "An Act To Improve Consistency within the Maine Human Rights Act"

H.P. 1218 L.D. 1703  
(C "A" H-643; S "A" S-349;  
H "A" H-654)

Tabled - February 4, 2020 by Senator **LIBBY** of Androscoggin

Pending - **CONSIDERATION**

(In Senate, June 20, 2019, **PASSED TO BE ENACTED** in concurrence.)

(**RECALLED** from the Governor's Desk, pursuant to Joint Order (H.P. 1426).

(In House, **PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "C" (H-665) in NON-CONCURRENCE.**)

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

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

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

Senator **GUERIN:** Thank you, Mr. President. Mr. President, ladies and gentlemen of the Senate, I ask my fellow Senators to recall the childhood folktale, the Emperor's New Clothes. Wikipedia tells us that the Emperor's New Clothes is a short tale written by Danish author, Hans Christian Andersen, about two weavers who promised an Emperor a new set of clothes that they say is invisible to those who aren't fit for their positions, stupid, or incompetent, while in reality they make no clothes at all, making everyone believe that the clothes are invisible to them. When the Emperor parades before his subjects in his new clothes no one dares to say that they do not see any suits of clothes on him for fear that they will be seen as stupid. Does that sound familiar? Finally a child cries out, 'But he isn't wearing anything at all.'

A few weeks ago the members of this Chamber celebrated with a Joint Resolution recognizing National Girls and Women Day in Sports. This year of celebrating women suffrage, we must not take a step back in women's rights regarding participation in competitive sports. As clearly as the child saw the truth in the Emperor's New Clothes, we must see the truth that God created us male and female and the fact that genetic males have an unfair advantage in competition with genetic females in women sports competitions. The issue of fairness is evident for all to see. Please join me in protecting all women's rights to fair athletic competition by voting red on the pending motion.

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

Senator **KEIM:** Thank you, Mr. President. I rise today to speak in opposition to L.D. 1703. Sometimes legislation comes in front of us that, while we may agree with in intent, we find that it has unintended consequences. This is one such bill. When we create laws, we cannot only consider them narrowly, according to how we wish or envision them to be used. The true impact of laws comes in how they will be litigated. Aspects of the law in front of us today, L.D. 1703, are being litigated around the country. There are aspects of this law that will hurt Maine people and we should balance the need for all Maine people in Maine to be equally respected and ensure their constitutional freedoms. This bill is difficult because in it we see the rights of two people groups in opposition to each other and it requires that we discern the intersection. We have to decide where the lines are drawn and we cannot do so without careful consideration of consequences. This bill further establishes non-discrimination laws that were created as far back as 2005, but no one at that time recognized the issues that these can currently cause and are causing around the nation. Each one of us here absolutely upholds a person's right to gainful and decent employment, free

of unjust discrimination, and also every person's right to services that address their needs for health and safety.

In this Body, we wholeheartedly support non-discrimination to ensure that everyone's rights are protected. However, the designation that is further outlined in L.D. 1703 creates difficult situations in the area of athletic competition as you just heard. Will it be fair to expect biological females to compete against female identifying genetic males? We see a case in Connecticut with high school track athletes taking this very issue to court. Two transgender female high school runners take the top spots from women. This flies in the face of equal opportunity and erases the advances we have made through the federal Title 9 for women to have competitive athletics. With lack of gender criteria shelters, women shelters for abused women, would also be required to house those vulnerable, sometimes traumatized women with biological men. This bill further establishes policies that are being currently battled in court. This equal opportunity requirement is fundamentally unfair to girls who participate in sports and can be further spread to other areas that effect women specifically. As elected officials, we have a duty to protect the privacy, safety, and dignity of all citizens, not pass laws that protect less than 1% of people at the expense of the 99%. We must stand up for women. We cannot create laws that will force them to accept vulnerable situations where they can be mistreated.

L.D. 1703 also contains a decidedly unconstitutional component because it penalizes the free exercise of religion by stipulating that religious institutions are only exempted from this statute if they receive no public funds. Religious organizations have the same right to participate and have the same right of access to any government program as all other organizations. Government cannot discriminate against an organization because of their religious views or in any way hamper their ability to live out their faith. To do so violates the Constitution under free exercise of religion. What would constitute public funding? How could this be litigated? Could it be police protection or fire response? Could it be community improvement grants or historical restoration funds for some of the churches in our towns? The Supreme Court recently ruled 7 - 2 in the Trinity Lutheran Preschool case that Missouri could not discriminate against the school because they were a religious organization and they said that they were allowed the same right to participate in public offerings as any other institution. L.D. 1703 is in direct opposition to that Supreme Court ruling. Government cannot dictate what religious beliefs or views are orthodox or acceptable, nor can it be allowed to discriminate against those of faith. Religious freedom cannot be compromised or sold and that is why we should consider this exemption unacceptable.

So L.D. 1703 would threaten charitable services here in Maine that are undertaken by faith-based organizations. It could force these charitable services to either violate their principles or stop providing the public benefit services that they currently do. For instance, there is the Catholic Charities of Maine and they do receive public funds. There is a Christian school in Bangor that sends its teachers to government sponsored training to equip them for the care of students with special needs. We know that we need more people to care for students with special needs, not fewer. There is a Christian camp in Northern Maine that serves low income young people and it gives them a rural Maine camp experience, but this camp receives state subsidy for providing these young people with meals. There's also a faith-based homeless shelter called New Hope Women's Shelter in Somerset

County, which is one of the poorest counties in Maine. This shelter offers women and their young children a place to regain their lives and offers parenting, nutrition, recovery classes, along with mentoring and case managers. However, New Hope coordinates their services with the State in order to serve the women that they have there and this provision would allow that they be sued. These are just a few of the faith-based organizations that serve our communities.

With these law changes in L.D. 1703, we don't change current law. What we do, however, is we vote that we agree with the underlying policy and then we leave some of most vulnerable people, female athletes, transgender children, to battle this out in court and we push religious organizations who undertake charitable work in all of our communities open to lawsuits where their valuable resources would be wasted in court fighting these laws that we have the option today to change and to send this back to committee and get the law right. L.D. 1703 is a step in crystalizing an extreme interpretation of the law that does not benefit Maine people. In closing I will say that the Chair of the Judiciary Committee definitely heard these concerns, was open to discussion, and I am grateful for being heard. I wish today that we were instead sending this back to committee because I do not believe that we should be passing this today. We should be looking for solutions that protect vulnerable people of Maine and that we, ourselves, take on the difficult conversation even though this isn't clear cut and we don't shift it out to the courts and to the vulnerable people to have to fight there. So I urge you to follow my light. Thank you.

**THE PRESIDENT:** The Chair recognizes the Senator from Arostook, Senator Carpenter.

Senator **CARPENTER:** Thank you, Mr. President. Those of you who don't know it, yesterday I went over to the Veterans Administration and had my hearing checked and I may not have gotten this completely accurate but I believe my friend, the Senator from Oxford, just said this does not change existing law. Let me empathize that. This does not change existing law, L.D. 1703. It gets confusing because what they did in the drafting process was they collapsed a number of categories of existing law, moved them to a different section and, therefore, if you look at the original bill, all the underlining which we are trained to believe or understand is new stuff and new stuff is, in fact, old stuff just moved to a different section and, therefore, it had to be underlined. The mixture of private and public monies issues with religious organizations has been in the law since, I believe, 2009. We had a meeting with the Christian Civic League, Catholic Diocese of Portland, and the Executive Director of the Maine Human Rights Commission and her legal counsel at which time they acknowledged that these cases have come before the Commission before and they have always ruled that they weren't an exception, if you will, to the clergy exemptions, the clerical exemptions, if the primary focus of the entity is religious-based. That I thought was very satisfactory and it was very satisfactory to the Christian Civic League and to the Diocese of Portland, the two primary lobbying organizations here who lobby on behalf, or advocate on behalf, of religious entities. As far as the athletic issue, there is nothing in this law that's new. There's nothing in this law that suggests that it will overturn the carefully crafted policy put together by the Maine Principal's Association with regard to single-sex sports. Their rules are there. They have been there for a number of years. They have not expressed to



us, to me or anybody else as far as I know, that there was any concern by them that this was somehow going to overturn their law. I'm just going to read a statement here that I thought was important to put on the record. There has been consisting concerns raised by the Catholic Diocese and the Christian Civic League regarding the passage of L.D. 1703 with regard to those mixing of the faith-based organizations and the public partnerships, if you will. Because of the meeting we had with the staff of the Maine Human Rights Commission, we foresaw that the impact of L.D. 1703 might effect that but when it was pointed out that this was existing law and that these kinds of mix-use cases have come before the Human Rights Commission in the past and have not been taken up by the Commission because they were primarily faith-based entities, those entities that advocate on behalf of churches, were comfortable. It's not going to change anything. If people want to change the law with regard to the mix-use issues then they should bring forward legislation and do so. This vehicle's not going to do it, no matter what you do with it today, but it's not going to change existing law and it's not going to overturn or effect in any way the Maine Principal's Association. The one change that it does is gender identity, today, included in the definition of sexual orientation. It pulls gender identity out of that and has it as a stand-alone issue. That's all it does. It's in the law today. We just make it stand alone. We bring it out to stand alone. Other than that, I would request that this recodification of existing law that you follow my light. Thank you.

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

Senator **KEIM:** Thank you, Mr. President. One other aspect of this bill, and I would agree with my colleague on Judiciary that, as I said, this doesn't change current law but I disagree with the underlying premise for reasons stated and when it was enacted no one foresaw what is currently being litigated around the country. But one other issue with this bill that doesn't seem to pass the straight face test with me is that this bill was held back because Section 16 needed to be removed and Section 16 would have included public entities under the discrimination law. So, in fact, Section 16 would have meant possibly that our jails and our prisons would also, and whatever public entities that this law could have been deemed to encompass, now has been pulled out of the law. So if we are assuming that churches and private organizations and schools and everyone else should have these discrimination laws, why also wouldn't we want public entities to as well? Thank you.

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

Senator **BELLOWS:** Thank you, Mr. President. Ladies and gentlemen of the Senate, I was one of the advocates of Maine's anti-discrimination law in 2005 and I just want it clear for the record that the voters were well aware of all of the implications of passing a non-discrimination law at that time and did so. This law has been in place, passed by the voters, approved by the voters in 2005 and has not led to litigation. The law before us, essentially, is an errors and omissions bill with one exception, that being the exception around pregnancy discrimination because the one substantive piece that this does is prohibit discrimination against pregnant women, which I think is laudable and

noncontroversial goal. But the rest of the bill is simply to clean up and restatement of existing law that was upheld by the voters and has not been subject to undue litigation in the last 15 years. Thank you.

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

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**THE PRESIDENT:** The pending question before the Senate is Recede and Concur. Is the Senate ready for the question?

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

#### ROLL CALL (#408)

**YEAS:** Senators: BELLOWS, BREEN, CARPENTER, CARSON, CHENETTE, CHIPMAN, CLAXTON, DESCHAMBAULT, DIAMOND, DILL, DOW, GRATWICK, HERBIG, LAWRENCE, LIBBY, LUCHINI, MILLETT, MIRAMANT, POULIOT, SANBORN H, SANBORN L, VITELLI, PRESIDENT JACKSON

**NAYS:** Senators: BLACK, CYRWAY, DAVIS, FARRIN, FOLEY, GUERIN, HAMPER, KEIM, MOORE, ROSEN, TIMBERLAKE

**EXCUSED:** Senators: WOODSOME

23 Senators having voted in the affirmative and 11 Senators having voted in the negative, with 1 Senator being excused, the motion by Senator **CARPENTER** of Aroostook to **RECEDE** and **CONCUR**, **PREVAILED**.

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The Chair laid before the Senate the following Tabled and Later Assigned (2/18/20) matter:

**SENATE REPORTS** - from the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** on Bill "An Act To Create Certain Recreational Opportunities on State-owned Land" S.P. 390 L.D. 1270

Majority - **Ought Not to Pass** (11 members)

Minority - **Ought to Pass** (2 members)

Tabled - February 18, 2020 by Senator **DILL** of Penobscot

Pending - motion by same Senator to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report

The Majority **OUGHT NOT TO PASS** Report **ACCEPTED**.

Sent down for concurrence.

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

**PAPERS FROM THE HOUSE**

**House Papers**

Bill "An Act To Support Farmland Preservation by Allowing the Siting of Solar Energy Installations on Land Enrolled in the Farm and Open Space Tax Law Program"

H.P. 1517 L.D. 2127

Comes from the House, **REFERRED** to the Committee on **TAXATION** and ordered printed.

On motion by Senator **LIBBY** of Androscoggin, **REFERRED** to the Committee on **TAXATION** and ordered printed, in concurrence.

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**Pursuant to Statute  
Department of Agriculture, Conservation and Forestry**

The **Department of Agriculture, Conservation and Forestry**, pursuant to the Maine Revised Statutes, Title 5, section 8072 and approved for introduction by a majority of the Legislative Council asked leave to report that the accompanying Resolve, Regarding Legislative Review of Chapter 348: On Farm Raising, Slaughter and Processing of Less Than 1,000 Ready-to-Cook Whole Poultry Carcasses, a Late-filed Major Substantive Rule of the Department of Agriculture, Conservation and Forestry (EMERGENCY)

H.P. 1518 L.D. 2128

Be **REFERRED** to the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** and ordered printed pursuant to Joint Rule 218.

Comes from the House with the Report **READ** and **ACCEPTED** and the Resolve **REFERRED** to the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** and ordered printed pursuant to Joint Rule 218.

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

**REFERRED** to the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** and ordered printed pursuant to Joint Rule 218, in concurrence.

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**Pursuant to Statute  
Office of the Treasurer of State**

The **Office of the Treasurer of State**, pursuant to the Maine Revised Statutes, Title 5, section 8072 and approved for introduction by a majority of the Legislative Council asked leave to report that the accompanying Resolve, Regarding Legislative Review of Chapter 104: Certain Payments Not Immediate, a Late-filed Major Substantive Rule of the Office of the Treasurer of State (EMERGENCY)

H.P. 1521 L.D. 2132

Be **REFERRED** to the Committee on **STATE AND LOCAL GOVERNMENT** and ordered printed pursuant to Joint Rule 218.

Comes from the House with the Report **READ** and **ACCEPTED** and the Resolve **REFERRED** to the Committee on **STATE AND LOCAL GOVERNMENT** and ordered printed pursuant to Joint Rule 218.

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

**REFERRED** to the Committee on **STATE AND LOCAL GOVERNMENT** and ordered printed pursuant to Joint Rule 218, in concurrence.

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

**REPORTS OF COMMITTEES**

**House**

**Pursuant to Joint Order**

The Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** on Bill "An Act Relating To Food, Food Additives or Food Products Containing Hemp or Cannabidiol Derived from Hemp" (EMERGENCY)

H.P. 1519 L.D. 2129

Reported that the same be **REFERRED** to the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY**, pursuant to Joint Order, H.P. 1502.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **REFERRED** to the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY**.

Report **READ** and **ACCEPTED**, in concurrence.  
Bill and accompanying papers **REFERRED** to the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY**, in concurrence.

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**Pursuant to Resolve**

The Committee on **INLAND FISHERIES AND WILDLIFE** on Bill "An Act To Fund Maine's Recreational Trails"

H.P. 1520 L.D. 2130

Reported that the same be **REFERRED** to the Committee on **INLAND FISHERIES AND WILDLIFE**, pursuant to Resolve, chapter 35, section 1.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **REFERRED** to the Committee on **INLAND FISHERIES AND WILDLIFE**.

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

Bill and accompanying papers **REFERRED** to the Committee on **INLAND FISHERIES AND WILDLIFE**, in concurrence.

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

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Off Record Remarks

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

Senator **MILLETT:** Thank you, Mr. President. I rise this morning, unfortunately, to ask all of us to take a moment to send healing prayers and thoughts for Emma Frost, age 7, who was injured in a drive-by shooting last Friday and for her family and her community. I would ask as well that you think of Ryan Townsend who was injured and shot in the parking lot of Scarborough's Walmart; Regina Hall Long who was injured; and Jennifer Flynn and Samuel Powers who were both killed in Machias as a result of a rampage in early February; Vincent Coppin Jr., 18 of West Paris, who was shot in the chest and injured in January; Jordan Johnson, 22 of Gardiner, who was killed in January; and all of those who have committed suicide by gun these first several months of 2020 including a Cape Elizabeth High School student just two days ago. Thank you, Mr. President.

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On motion by Senator **LIBBY** of Androscoggin, **ADJOURNED** until Thursday, March 5, 2020 at 10:00 in the morning.