

MAINE STATE LEGISLATURE

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**STATE OF MAINE
ONE HUNDRED AND THIRTIETH LEGISLATURE
FIRST SPECIAL SESSION
JOURNAL OF THE SENATE**

In Senate Chamber
Tuesday
June 15, 2021

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

Prayer by Senator Matthea E. Daughtry of Cumberland County.

Senator **DAUGHTRY**: Thank you, Mr. President. Good morning. A few hours prior to me entering the world in 1987 my great uncle, Reverend Robert Arthur Storer, passed away from this world. Uncle Bob was a Unitarian Universalist Minister, a Minister of the Winchester Unitarian Church in Massachusetts. While I may not have gotten to meet him, I've always taken comfort and solace in his works, specifically in this little book of prayers written by him. I wanted to share one of these prayers with all of us today. It's pertinent to our work in the Legislature and the title is Laws.

Laws, let us recall the laws that operate in the universe, laws that give us the assurance that the world around us is dependable. In spite of variation, accident, and evolution, we recognize with confidence what is unchanging and we are grateful. Let us recall the laws that direct our society, rules that are essential for family living; for living as citizens in our communities, in this country, and on earth. May these laws be fair for all. May they grow out of shared experiences and may they be respected. Let us recall the spiritual laws that transcend all written codes, laws that operate in the hearts of all human beings; laws that speak to the human conscience in terms of charity, kindness, sympathy, and compassion. Help us each day to be strengthened in a way that will increase our acts of generosity and of service and help us to continue to seek better ways of knowing and to be able to act on what we know for sure. Thus, may we honor all members of the human race and ourselves. Amen.

Pledge of Allegiance led by Senator Harold L. Stewart, III of Aroostook County.

Reading of the Journal of Monday, June 14, 2021.

Off Record Remarks

PAPERS FROM THE HOUSE

Non-Concurrent Matter

Resolve, To Provide Additional Funding to Nursing Facilities and Private Nonmedical Institutions for Costs Related to COVID-19 (EMERGENCY)

S.P. 301 L.D. 949
(C "A" S-205)

In Senate, June 8, 2021, Report **READ** and **ACCEPTED** and Resolve **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-205)**.

Comes from the House, Report **READ** and **ACCEPTED** and Resolve **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-205) AS AMENDED BY HOUSE AMENDMENT "A" (H-572)** thereto, in **NON-CONCURRENCE**.

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

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

Senator **BALDACCI**: Thank you, Mr. President. I want to make a few remarks. This is a very important bill for nursing homes and long-term care facilities, for our seniors in general. There are approximately 200 nursing homes in our state with approximately 6,000 beds available for seniors, for skilled nursing care. Reimbursement rates for nursing homes have essentially been unchanged since 2005 and, despite funding challenges and stringent state mandates, Maine has generally one of the lowest rates of deficiency and highest quality of care as determined by federal survey data and by State ombudsman's reports. From 2012 to 2018, ten nursing homes in the state of Maine closed, mostly in rural areas. Even before the pandemic, there was a crisis and a huge challenge facing our nursing homes. This bill - I first want to recognize a couple of people. I want to recognize the leadership of the Senate President. I want to recognize both the Republican and Democratic members of the Health and Human Services Committee. This bill was worked on extensively. It was a product of a unanimous committee report and I think, in terms of what it will do, it will provide an appropriation of \$20 million, and some other monies that may be from the CARES Act or other sources, but it will generate a total of \$96 million to nursing homes and long-term care facilities in our state at a time that it is desperately needed. It is a product of what we all, together, can do to help our citizens. Thank you very much.

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

Senator **DIAMOND**: Thank you, Mr. President. Pertinent to Senate Rule 401.3, I will abstain from any vote on this bill.

THE PRESIDENT: The Chair would advise there's no roll call pending but in the event of one we'll definitely have you abstained.

The Senator from Cumberland, Senator **DIAMOND**, requested and received leave of the Senate to be excused from voting pursuant to Senate Rule 401.3.

On motion by Senator **VITELLI** of Sagadahoc, the Senate **RECEDED** and **CONCURRED**.

Non-Concurrent Matter

An Act To Prohibit Contributions, Expenditures and Participation by Foreign Government-owned Entities To Influence Referenda (EMERGENCY)

S.P. 82 L.D. 194
(C "A" S-125)

In Senate, June 2, 2021, 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-125)**.

Comes from the House, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-125) AND HOUSE AMENDMENT "A" (H-581)**, in **NON-CONCURRENCE**.

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

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

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

Senator **LIBBY:** Thank you, Mr. President. Men and women of the Senate, I rise in opposition to the pending motion. This bill, as you know, is sponsored by my friend from Oxford County, Senator Bennett. It seeks to prohibit entities that have a 10% foreign ownership or greater from participating in referendum. This bill was introduced, as I understand it, in response to Central Maine Power Company and the corridor initiative. It involves Hydro-Quebec. You know, I do - I tried to articulate some of us here, some concerns about this, in respective of Central Maine Power but I do want to make those arguments here before we take this vote. So, when it comes to the corridor projects, I think folks know this is a fairly polarizing issue for many. Most Mainers have probably made up their mind at this point but there is a question on the ballot that's going to decide its fate and should this Body Recede and Concur this bill would have its emergency preamble stripped and so, in best case scenario, it goes into effect probably around October 1st, which is right when absentee ballots are being distributed. So, at that point we, as a state, would be saying that a significant party in this referendum question that's going to be impacted by its results is going to be barred from communicating five weeks before the election is concluded and who's going to be left communicating on this issue. Well, if you look at the Maine Ethics Commission website, it certainly is not the environmental groups that are spending

heavily in this election. It's actually the fossil fuel industry that's spending heavily in this election in opposition to the corridor. Again, this is from the Maine Ethics Commission website. NextEra Energy, a Florida based company, is the top spender for the opposition. NextEra, based in Florida, they're natural gas, nuclear, and oil electricity generator. The number two spender so far, Vista Energy, a Texas concern. They're a nuclear, coal, and natural gas powered electricity producer. Then the final one is Calpine, a Texas based natural gas firm. So, what do these southern entities, why are they so interested in the corridor project? Why are they so interested in that project to bring renewable energy down to Massachusetts? It can't be for environmental reasons. It has to be for monetary reasons. So, looking ahead, if you're looking at this bill, I want you to take a moment and consider a future renewable energy project that, presumably, we all support. It could be an off-shore project. It could be a tidal energy project. We all know that European nations are far more advanced in this technology than American companies are. It's conceivable that there could be a project headed our way where an entity involved has partial foreign ownership and if we pass this law we're going to tell that entity that they can't participate in a potential challenge to their effort and who's going to be left. It's going to be the folks that are set to lose substantially from new renewable energy projects. It's going to be southern fossil fuel companies that are participating in Maine elections telling Maine people what our energy future is going to be about. Those are some of my concerns with the bill. I understand there's enormous inertia. We're likely not going to prevail on this motion but, for the record, I wanted to make these remarks. Thank you, Mr. President.

THE PRESIDENT: The Chair recognizes the Senator from Lincoln, Senator Maxmin.

Senator **MAXMIN:** Thank you, Mr. President. I rise in support of the pending motion. This session we've taken so many steps to remove the undue influence of elections, from preventing corporate campaign contributions and cleaning up our PAC laws to ensuring that running for office is not an opportunity for politicians to enrich themselves. Preventing foreign countries from influencing our elections and our government only seems right. To me, this bill is not about one election or one issue. It's about safeguarding our democracy and ensuring that our election results truly reflect the will of Maine people. Just so folks know that we're not alone; North Dakota, New Hampshire, and Montana have some sort of ban on foreign contributions as of 2019. Four additional states had banned by the end of 2020 and right now Maine is one of seven states, Iowa, New York, Colorado, Hawaii, Massachusetts, and Minnesota, looking to ban foreign contributions in state elections. At the end of the day, I think this bill from the good Senator from Oxford is about making sure that Maine people decide Maine elections, not foreign corporations. Thank you.

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

Senator **BENNETT:** Thank you, Mr. President. Fellow members of the Senate, there is some misunderstanding about this bill. My good friend, the Senator from Androscoggin, referred to it as a bill that would affect foreign corporations. It only affects foreign corporations to the extent that they have significant foreign

government ownership. I support the Recede and Concur motion because I think it helps take this issue away from the corridor issue, which it's been focused on, and it broadens it to recognize that this is a predacious problem that this bill addresses. Over the last 17 months something rotten has happened in Maine. A foreign corporation owned 100% by a foreign government funneled a record smashing amount, well over \$10 million, into a political action committee to influence the outcome of elections here in Maine. This affront to our freedom occurred in plain sight and it needs to stop. That's why I presented this bill and that's why it's before us today. A number of Mainers turned out to testify in support of this bill but there were two groups of note who testified in opposition, Hydro-Quebec, the abuser, and the Maine Chamber of Commerce. While they didn't directly testify, Central Maine Power followed up in a newspaper with a column opposing this bill and others. Their strong opposition is undoubtedly fueled by their desire to make \$3 billion off the corridor, which they know is deeply unpopular and unlikely to stand up to a state-wide vote. Hydro-Quebec's participation in the public hearing was especially ironic given that they refused to appear before any of our regulatory bodies to testify under oath about the NECEC corridor project, which they stand to make \$12.4 billion on. If the project goes through, it would be Hydro-Quebec's largest export contract to date and it would help that state-owned utility reach their goal of doubling their profits by 2030. During questioning, Sophie Brochu, President and CEO of Hydro-Quebec, defended their involvement in our referendum process despite the fact that foreign interference of any sort is illegal in their own referendums. She said, and I quote, 'When we have a referendum in Quebec, or in Canada, it's a really big thing, politically loaded, very heavy, and the impact it can have politically-wise in the country.' By her logic, since our referenda are initiated by the people, they carry less weight and shouldn't be afforded the same protections as Canadian referenda. In testimony, Ms. Brochu also compared Hydro-Quebec, a multi-billion dollar per year corporation, to a duck, saying that by barring their campaign spending here in Maine would be like clipping their wings and setting them in front of a hunting blind. Maine voters, I would argue that a much more appropriate analogy would be an ostrich with its head in the sand, oblivious to reality. Later, Ms. Brochu has claimed that, 'We are accused of interfering in electoral process but it's not an electoral process, it's a commercial process.' Just last month, reported in the Globe and Mail, she's told a parliamentary committee: 'Ultimately, you almost have to play dirty with people playing dirty.' Look, both America and Canada recognize that foreign influence has no place in elections, which are the cornerstone of any democracy. Whether that influence comes from a friendly neighbor or a hostile enemy, it's danger just the same.

While Hydro-Quebec's opposition to this bill was predictable, nothing speaks to the rottenness more than our own State Chamber of Commerce, which supposedly exists to help our own local businesses, using their own political capital as a shell for foreign governments. Last year, the Chamber signed onto the lawsuit to strip Mainers of the right to vote on the NECEC corridor and now they're demanding that we give a bullhorn to a foreign government to drown out the voice of Maine people. According to testimony, the Chamber, the State Chamber, believes that the people of Maine must share their rights and self-determination with foreign governments, which begs the question: how much money does the Maine Chamber of Commerce receive from foreign companies like Hydro-Quebec, Avangrid, and CMP and who are they really serving? The Chamber claims to be the voice

for 5,000 Maine businesses but they're willing to turn a blind eye to the extensive harm the corridor would cause Maine businesses and the renewable energy, bio-mass, logging, and tourism sectors. By the way, the Chamber claims that every member of every local chamber of commerce is a member of the State Chamber even though many of those small Mom and Pop businesses that may be a member of the Lewiston/Auburn Chamber, the Oxford Hills Chamber, like many other Mainers deeply oppose the corridor and foreign involvement in our elections. The Chamber's ongoing efforts to back large foreign-owned corporations over businesses owned and operated by Mainers is deeply misguided and indefensible. David Flanagan, a representative from the least trusted and lowest rated utility in the nation, urged the Veterans and Legal Affairs Committee to reject this bill, claiming that HQ's ability to spend money to influence Maine voters is crucial for 'cross-border collaboration' but the level of spending Mainers have endured feels more like an attempt at cross-border domination in the name of corporate profit. The CMP corridor is not about, as he put it, Canadians offering to peacefully trade with us. It's about Hydro-Quebec's securing an export contract with Massachusetts ratepayers worth \$12.5 billion. Maine is nothing more than an unwilling extension cord in this scenario.

Let me conclude by saying this, opponents falsely claim that this bill aims to muzzle free speech but the bill simply says that a company owned by a foreign government, such as Hydro-Quebec, should not be allowed to electioneer in this state and, to be clear, prohibiting electioneering is not the same as prohibiting speech. Even if this bill passes, and it absolutely should because we have a dangerous loophole that Hydro-Quebec has exposed, they could still publish columns and even run ads about how a powerful, single raindrop supposedly it is in Northern Quebec, but Hydro-Quebec nor any other foreign state-owned entity should be allowed to tell Mainers how to vote in elections that 100,000 Mainers initiated. Instead, opponents want to give foreign government-owned corporations the bullhorn to drown our voices out. Opponents claim that Hydro-Quebec has done everything above board but I will remind you that the Maine Ethics Commission begs to differ. Last year it issued the company the second largest fine ever for spending \$100,000 to influence our election without bothering to report it. That is a major infraction. As foreign interests cannot contribute money to the election of us lawmakers, they ought not to be able to contribute money to the elections to make laws. While it's the Province of Quebec spending money to influence Maine votes today, it could easily be China or Russia exploiting this staggering loophole tomorrow. We cannot allow foreign countries the ability to influence our statutes here in Maine. I urge you to Recede and Concur and enact this bill.

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

Senator LAWRENCE: Thank you, Mr. President. Men and women of the Senate, I rise today very conflicted. I really want to support this bill but it is just plain-out bad law and I understand where this bill is coming from. It's coming from this corridor referendum. I was one of the original opponents to the corridor referendum and I want to vote for this bill but you look at what this bill does. We're going to rue the day we enacted it and I have no doubt we're going to enact it. This bill, at its heart, restricts political speech. I don't agree with Citizens United. I don't agree

corporate speech is political speech, but the U.S. Supreme Court has said that, and what we're doing is saying certain corporations can speak, certain corporations can't speak. I'll give you a bizarre example. If there was a referendum on something dealing with oil or something dealing with gas, you could have a U.S. corporation, whichever you think of, Exxon or whoever, speak but Citco could not because it is a foreign corporation and has government ownership. Not only that, there's the 10% threshold in this. So, if a foreign government owns 10% of a company it can't speak. So, if the Canadian pension fund invests 10% ownership in a Maine company that Maine company is silenced. It's just bad law. It's not well thought through. And I disagree with the good Senator from Oxford. The way participation is worded in this referendum they're not going to be able to at least answer questions about anything if this goes into effect. So, any company that has 10% ownership by a foreign government is restricted from even responding to questions and even talking about a referendum that's coming up. I understand this is what this is intended to get at. I appreciate the goal. I appreciate the goal of stopping the corridor but this is just a bad bill, bad law, bad election law that we're going to rue the day we ever enacted it. Thank you.

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

Senator **SANBORN:** Thank you, Mr. President. I rise only briefly because my good friend from Oxford mentioned that this isn't just about the corridor and I want to explain that I'm going to be voting against the motion because, in fact, it's not just about the corridor. We're likely to have another referendum on consumer owned utilities, and it is a referendum that I actually support, but I think that corporations in Maine that have assets in Maine, that have 400 employees in Maine, ought to be able to defend themselves against having their assets taken and there should be a full and robust discussion when that referendum goes forward. Versant, who owns the electric utility - transition utility in the northern part of the state, is owned by the City of Calgary. So, they would be silenced by this particular bill, were it to be enacted and I think we should have a level playing field. As long as corporations are allowed to participate in our referendum process, we should not be distinguishing between Versant and another company that does not have any part of Calgary City ownership. So, for those reasons, I'll be voting against the pending motion.

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

Senator **LUCHINI:** Thank you, Mr. President. Ladies and gentlemen of the Senate, I rise to support the pending motion which, as we heard, would prohibit contributions from foreign governments or foreign government owned entities from influencing our direct initiatives or people's vetoes. Obviously, foreign interference in our election system has been controversial for some time and, to put it simply, what's best for a foreign government may not be best for Maine's government or Maine people and that's why federal law, since the late '60's and early '70's, has prohibited foreign nations from contributing to candidate elections for all of us, federal, state, and local levels, and then in 2002 this prohibition was broadened even more, prohibiting foreign nationals from contributing to political parties in the United States. The federal law was challenged and upheld in *Bluman vs. the F.E.C.* and was affirmed by the Supreme Court and I'll just

read a little piece from the court. They said, 'We read these cases to set forth a straight-forward principle. It is fundamental to the definition of our national political community that foreign citizens do not have a constitutional right to participate in and, thus, may be excluded from activities of democratic self-government. It follows, therefore, that the United States has a compelling interest for the purposes of the First Amendment analysis in limiting the participation of foreign citizens in activities of democratic self-government and, thereby, preventing foreign influence over the U.S. political process' and further in their decision they said, 'Our holding means, of course, that foreign corporations are likewise barred from making contributions and expenditures prohibited by this law.' Now, this case, obviously, refers to candidates but proponents of this bill feel it applies just the same way to the Citizens Initiative process, that foreign government interference in our - in America's democratic self-government is inappropriate. So, for these reasons, I support the pending motion of Recede and Concur. Thank you, Mr. President.

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

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#347)

YEAS: Senators: BAILEY, BALDACCI, BENNETT, BLACK, BRENNER, CHIPMAN, CLAXTON, CURRY, CYRWAY, DAUGHTRY, DAVIS, DILL, FARRIN, HICKMAN, KEIM, LUCHINI, MAXMIN, MIRAMANT, MOORE, ROSEN, VITELLI, WOODSOME, PRESIDENT JACKSON

NAYS: Senators: BREEN, CARNEY, DIAMOND, GUERIN, LAWRENCE, LIBBY, POULIOT, RAFFERTY, SANBORN, STEWART, TIMBERLAKE

EXCUSED: Senator: DESCHAMBAULT

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

Non-Concurrent Matter

An Act Concerning the Regulation of Air Emissions at Petroleum Storage Facilities (EMERGENCY)

H.P. 119 L.D. 163
(S "A" S-221 to C "A" H-441)

In Senate, June 9, 2021, the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-441) AS AMENDED BY SENATE AMENDMENT "A" (S-221)** thereto, in **NON-CONCURRENCE**.

Comes from the House, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-441) AS AMENDED BY SENATE AMENDMENT "A" (S-221) AND HOUSE AMENDMENT "A" (H-582)** thereto, in **NON-CONCURRENCE**.

On motion by Senator **VITELLI** of Sagadahoc, the Senate **RECEDED** and **CONCURRED**.

Non-Concurrent Matter

Resolve, Directing the Department of Education To Establish the Process for Transitioning the Provision of Early Childhood Special Education Services for Children with Disabilities from 4 Years of Age to under 6 Years of Age from the Regional Child Development Services System to School Administrative Units (EMERGENCY)

H.P. 270 L.D. 386
(C "A" H-506)

In Senate, June 10, 2021, the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-506)**, in concurrence.

Comes from the House, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-506) AS AMENDED BY HOUSE AMENDMENT "A" (H-598)** thereto, in **NON-CONCURRENCE**.

On motion by Senator **VITELLI** of Sagadahoc, the Senate **RECEDED** and **CONCURRED**.

ORDERS OF THE DAY

Out of order and under suspension of the Rules, the Chair laid before the Senate the following Tabled and Later Assigned (3/10/21) matter:

JOINT ORDER - Expression of Legislative Sentiment Recognizing Faye Luppi, of Poland, who received the Peter J. DeTroy III Award from the Campaign for Justice for her dedicated work to prevent domestic violence. We extend our congratulations and best wishes.

SLS 1

Tabled - March 10, 2021 by Senator **CLAXTON** of Androscoggin

Pending - **PASSAGE**

(In Senate, March 10, 2021, **READ**.)

The Joint Order was **READ**.

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

Senator **CLAXTON:** Thank you, Mr. President. Women and men of the Senate, I rise in support of this sentiment recognizing Faye Luppi for her accomplishments. When I first got to know Faye, having met her before, she often drove for me in my first campaign. I didn't know that she was going to lock the doors and school me on domestic violence. That was her agenda. It's her passion and I didn't know at the time either that she was a college professor, so I really got schooled. By the time she ended up driving for me a number of times, I knew a lot more about domestic violence than I ever had before and a good appreciation of the ways that we make a difference in the lives of folks who were impacted by domestic violence. Based on that interaction, she demonstrated incredible patience as I tried to sort through her copious data and her facility with materials. It quickly became apparent that she had a significant passion for this, understanding not only the issue for those who are victims of domestic violence but also for those were the perpetrators and what might be done to help them as we address this issue. Her commitment was also apparent in that she's been a 22-year member of the Chamber of the Cumberland County Violence Intervention Partnership that helps provide free legal aid through six partners. She's been a consultant. She teaches at UMaine Law and she was an Assistant D.A. before. This is one of the people who holds our communities together and serves selflessly and I was delighted to see that she received an award that was referenced earlier in November of 2020. We now just get the opportunity to celebrate this kind of accomplishment and, in recognition of her award, I want to quote from the presentation. I can't improve on the words of Leigh Saufley but I can share her words. 'Faye's persistent, steadfast, and data-based approach to addressing infinite violence has been an incredible resource for Maine, both for the prosecutorial and defense bar and for jurors and many others in the field. All of Faye's work has led to greatly improved communication between and among those groups and agencies with the responsibility for responding to domestic violence. Thanks to her work victims of domestic violence in Maine can reach out to a system that will provide immediate help, transition resources, and very careful lifesaving advise.' Based on those words and the accomplishments, I thought it was important to recognize Faye's contributions and I thank you.

The Joint Resolution was **PASSED**.

Sent down for concurrence.

THE PRESIDENT: The Chair is pleased to recognize in the rear of the Chamber Faye Luppi and her husband, Mark Hyland, and her son, Matt Hyland. They are all from the town of Poland. They are the guests today of the Senator from Androscoggin, Senator Claxton. Would the Senate please rise and give greetings and congratulation to Faye.

Off Record Remarks

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

ORDERS

Joint Orders

Expressions of Legislative Sentiment recognizing:

Hadley Spekke, of Waldoboro, a student at the Center for Teaching and Learning, who placed third in the Grades 3 and 4 Category of the national 2020-2021 Poetry Society of Virginia Student Contest for the poem The First Snow. We extend our congratulations and best wishes;

SLS 360

Sponsored by Senator MAXMIN of Lincoln.
Cosponsored by Representative: EVANGELOS of Friendship.

Josee Winston-Feder, of Edgecomb, a student at the Center for Teaching and Learning, who placed first in the Grades 3 and 4 Category of the national 2020-2021 Poetry Society of Virginia Student Contest for the poem Sister Brook. We extend our congratulations and best wishes;

SLS 361

Sponsored by Senator MAXMIN of Lincoln.
Cosponsored by Representative: STOVER of Boothbay.

Serafina Record, of Boothbay, a student at the Center for Teaching and Learning, who placed second in the Grades 3 and 4 Category of the national 2020-2021 Poetry Society of Virginia Student Contest for the poem Bald Eagle. We extend our congratulations and best wishes;

SLS 362

Sponsored by Senator MAXMIN of Lincoln.
Cosponsored by Representative: STOVER of Boothbay.

The Joint Orders were **READ**.

THE PRESIDENT: The Chair recognizes the Senator from Lincoln, Senator Maxmin.

Senator **MAXMIN:** Thank you, Mr. President. I'm so excited today to recognize three talented young students from my district: Josee Winston-Feder, Serafina Record, and Hadley Spekke.

These three now 5th graders are students at the Center for Teaching and Learning, my alma mater. Together, they recently swept the Grades 3 and 4 Category of the 2020-2021 Poetry Society of Virginia Student Contest, which is a national competition and it's an amazing accomplishment for them. They're making our community proud and I'm so glad that they're here with their families today. Thank you.

The Joint Orders were **PASSED**.

Sent down for concurrence.

THE PRESIDENT: The Chair is very pleased to recognize in the rear of the Chamber Hadley Spekke, Josee Winston-Feder, and Serafina Record. Would they all please stand and get the congratulation of the Maine Senate.

Expression of Legislative Sentiment recognizing:

Fiona Akilo Stawarz, of South Portland, who has received the State's first National Association of Secretaries of State John Lewis Youth Leadership Award for her civic leadership, passion for social justice and commitment to improving the quality of life in her community. We extend our congratulations and best wishes;
SLS 364

Sponsored by Senator CARNEY of Cumberland.
Cosponsored by Representatives: KESSLER of South Portland, MORALES of South Portland, RECKITT of South Portland.

The Joint Order was **READ**.

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

Senator **CARNEY:** Thank you very much, Mr. President. I'd like to welcome our guest today, Fiona Akilo Stawarz and her parents, Elijah Akilo and her mother, Kate Stawarz, and present them with the sentiment.

The Joint Order was **PASSED**.

Sent down for concurrence.

THE PRESIDENT: The Chair is very pleased to recognize in the rear of the Chamber Fiona Akilo Stawarz, Kate Stawarz, and Elijah Akilo. Would they all please - they're all the guests of the Senator from Cumberland, Senator Carney. Would they all please rise and accept the greetings of the Maine Senate.

COMMUNICATIONS

The Following Communication: S.C. 664

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

June 11, 2021

The Honorable Troy Dale Jackson
 President of the Senate of Maine
 130th 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 Veterans and Legal Affairs has had under consideration the nomination of the Honorable John C. Schneck of Bangor, for appointment to the State Liquor and Lottery Commission.

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

YEAS	Senators	1	Luchini, L. of Hancock
	Representatives	7	Caiazza, C. of Scarborough, Corey, P. of Windham, Kinney, M. of Knox, McCreight, J. of Harpswell, Rielly, M. of Westbrook, Supica, L. of Bangor, Wood, B. of Portland
NAYS		0	
ABSENT		5	Sen. Farrin, B. of Somerset, Sen. Hickman, C. of Kennebec, Rep. Dolloff, J. of Milton Township, Rep. Harrington, M. of Sanford, Rep. Tuttle, J. of Sanford

Eight members of the Committee having voted in the affirmative and zero in the negative, it was the vote of the Committee that the nomination of the Honorable John C. Schneck of Bangor, for appointment to the State Liquor and Lottery Commission be confirmed.

Signed,

S/Louis J. Luchini
 Senate Chair

S/Chris Caiazza
 House Chair

READ and ORDERED PLACED ON FILE.

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

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

In accordance with 3 M.R.S.A., Chapter 6, Section 158, and with Joint Rule 506 of the 130th Legislature, the vote was taken by the Yeas and Nays.

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#348)

YEAS: Senators: None

NAYS: Senators: BAILEY, BALDACCI, BENNETT, BLACK, BREEN, BRENNER, CARNEY, CHIPMAN, CLAXTON, CURRY, CYRWAY, DAUGHTRY, DAVIS, DIAMOND, DILL, FARRIN, GUERIN, HICKMAN, KEIM, LAWRENCE, LIBBY, LUCHINI, MAXMIN, MIRAMANT, MOORE, POULIOT, RAFFERTY, ROSEN, SANBORN, STEWART, VITELLI, WOODSOME, PRESIDENT JACKSON

EXCUSED: Senators: DESCHAMBAULT, TIMBERLAKE

No Senator having voted in the affirmative and 33 Senators having voted in the negative, with 2 Senators being excused, and none being less than two-thirds of the Membership present and voting, it was the vote of the Senate that the Committee's recommendation be **ACCEPTED** and the nomination of the Honorable **John C. Schneck** of Bangor for appointment to the State Liquor and Lottery Commission was **CONFIRMED**. The Secretary has so informed the Speaker of the House of Representatives.

The Following Communication: S.C. 665

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

June 11, 2021

The Honorable Troy Dale Jackson
 President of the Senate of Maine
 130th 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 Veterans and Legal Affairs has had under consideration the nomination of the Honorable Kimberly J. Monaghan of Cape Elizabeth, for appointment to the State Liquor and Lottery Commission.

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

YEAS	Senators	1	Luchini, L. of Hancock
	Representatives	7	Caiazzo, C. of Scarborough, Corey, P. of Windham, Kinney, M. of Knox, McCreight, J. of Harpswell, Rielly, M. of Westbrook, Supica, L. of Bangor, Wood, B. of Portland

NAYS 0

ABSENT		5	Sen. Farrin, B. of Somerset, Sen. Hickman, C. of Kennebec, Rep. Dolloff, J. of Milton Township, Rep. Harrington, M. of Sanford, Rep. Tuttle, J. of Sanford
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Eight members of the Committee having voted in the affirmative and zero in the negative, it was the vote of the Committee that the nomination of the Honorable Kimberly J. Monaghan of Cape Elizabeth, for appointment to the State Liquor and Lottery Commission be confirmed.

Signed,

S/Louis J. Luchini
Senate Chair

S/Chris Caiazzo
House Chair

READ and ORDERED PLACED ON FILE.

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

In accordance with 3 M.R.S.A., Chapter 6, Section 158, and with Joint Rule 506 of the 130th Legislature, the vote was taken by the Yeas and Nays.

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#349)

YEAS: Senators: None

NAYS: Senators: BAILEY, BALDACCI, BENNETT, BLACK, BREEN, BRENNER, CARNEY, CHIPMAN, CLAXTON, CURRY, CYRWAY, DAUGHTRY, DAVIS, DIAMOND, DILL, FARRIN, GUERIN, HICKMAN, KEIM, LAWRENCE, LIBBY, LUCHINI, MAXMIN, MIRAMANT, MOORE, POULIOT, RAFFERTY, ROSEN, SANBORN, STEWART, VITELLI, WOODSOME, PRESIDENT JACKSON

EXCUSED: Senators: DESCHAMBAULT, TIMBERLAKE

No Senator having voted in the affirmative and 33 Senators having voted in the negative, with 2 Senators being excused, and none being less than two-thirds of the Membership present and voting, it was the vote of the Senate that the Committee's recommendation be **ACCEPTED** and the nomination of the Honorable **Kimberly J. Monaghan** of Cape Elizabeth for appointment to the State Liquor and Lottery Commission was **CONFIRMED**.

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

The Following Communication: S.C. 666

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

June 11, 2021

The Honorable Troy Dale Jackson
President of the Senate of Maine
130th 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 Veterans and Legal Affairs has had under consideration the nomination of the Honorable Stacey A. Fitts of Pittsfield, for appointment to the State Liquor and Lottery Commission.

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

YEAS	Senators	1	Luchini, L. of Hancock
	Representatives	7	Caiazzo, C. of Scarborough, Corey, P. of Windham, Kinney, M. of Knox, McCreight, J. of Harpswell, Rielly, M. of Westbrook, Supica, L. of Bangor, Wood, B. of Portland

NAYS 0

ABSENT		5	Sen. Farrin, B. of Somerset, Sen. Hickman, C. of Kennebec, Rep. Dolloff, J. of Milton Township, Rep. Harrington, M. of Sanford, Rep. Tuttle, J. of Sanford
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Eight members of the Committee having voted in the affirmative and zero in the negative, it was the vote of the Committee that the nomination of the Honorable Stacey A. Fitts of Pittsfield, for appointment to the State Liquor and Lottery Commission be confirmed.

Signed,

S/Louis J. Luchini
Senate Chair

S/Chris Caiazzo
House Chair

READ and ORDERED PLACED ON FILE.

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

In accordance with 3 M.R.S.A., Chapter 6, Section 158, and with Joint Rule 506 of the 130th Legislature, the vote was taken by the Yeas and Nays.

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#350)

YEAS: Senators: None

NAYS: Senators: BAILEY, BALDACCI, BENNETT, BLACK, BREEN, BRENNER, CARNEY, CHIPMAN, CLAXTON, CURRY, CYRWAY, DAUGHTRY, DAVIS, DIAMOND, DILL, FARRIN, GUERIN, HICKMAN, KEIM, LAWRENCE, LIBBY, LUCHINI, MAXMIN, MIRAMANT, MOORE, POULIOT, RAFFERTY, ROSEN, SANBORN, STEWART, VITELLI, WOODSOME, PRESIDENT JACKSON

EXCUSED: Senators: DESCHAMBAULT, TIMBERLAKE

No Senator having voted in the affirmative and 33 Senators having voted in the negative, with 2 Senators being excused, and none being less than two-thirds of the Membership present and voting, it was the vote of the Senate that the Committee's recommendation be **ACCEPTED** and the nomination of the Honorable **Stacey A. Fitts** of Pittsfield for appointment to the State Liquor and Lottery Commission was **CONFIRMED**.

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

The Following Communication: S.C. 667

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

June 11, 2021

The Honorable Troy Dale Jackson
President of the Senate of Maine
130th 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 Veterans and Legal Affairs has had under consideration the nomination of Julie A. Sheehan of South Portland, for reappointment to the State Liquor and Lottery Commission.

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

YEAS	Senators	1	Luchini, L. of Hancock
	Representatives	7	Caiazzo, C. of Scarborough, Corey, P. of Windham, Kinney, M. of Knox, McCreight, J. of Harpswell, Rielly, M. of Westbrook, Supica, L. of Bangor, Wood, B. of Portland
NAYS		0	
ABSENT		5	Sen. Farrin, B. of Somerset, Sen. Hickman, C. of Kennebec, Rep. Dolloff, J. of Milton Township, Rep. Harrington, M. of Sanford, Rep. Tuttle, J. of Sanford

Eight members of the Committee having voted in the affirmative and zero in the negative, it was the vote of the Committee that the nomination of Julie A. Sheehan of South Portland, for reappointment to the State Liquor and Lottery Commission be confirmed.

Signed,

S/Louis J. Luchini
Senate Chair

S/Chris Caiazzo
House Chair

READ and ORDERED PLACED ON FILE.

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

In accordance with 3 M.R.S.A., Chapter 6, Section 158, and with Joint Rule 506 of the 130th Legislature, the vote was taken by the Yeas and Nays.

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#351)

YEAS: Senators: None

NAYS: Senators: BAILEY, BALDACCI, BENNETT, BLACK, BREEN, BRENNER, CARNEY, CHIPMAN, CLAXTON, CURRY, CYRWAY, DAUGHTRY, DAVIS, DIAMOND, DILL, FARRIN, GUERIN, HICKMAN, KEIM, LAWRENCE, LIBBY, LUCHINI, MAXMIN, MIRAMANT, MOORE, POULIOT, RAFFERTY, ROSEN, SANBORN, STEWART, VITELLI, WOODSOME, PRESIDENT JACKSON

EXCUSED: Senators: DESCHAMBAULT, TIMBERLAKE

No Senator having voted in the affirmative and 33 Senators having voted in the negative, with 2 Senators being excused, and none being less than two-thirds of the Membership present and voting, it was the vote of the Senate that the Committee's recommendation be **ACCEPTED** and the nomination of **Julie A. Sheehan** of South Portland for reappointment to the State Liquor and Lottery Commission was **CONFIRMED**.

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

The Following Communication: S.C. 668

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

June 11, 2021

The Honorable Troy Dale Jackson
President of the Senate of Maine
130th 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 Veterans and Legal Affairs has had under consideration the nomination of Elizabeth Fitzgerald of Machiasport, for reappointment to the State Liquor and Lottery Commission.

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

YEAS Senators 1 Luchini, L. of Hancock

Representatives 7 Caiazzo, C. of Scarborough, Corey, P. of Windham, Kinney, M. of Knox, McCreight, J. of Harpswell, Rielly, M. of Westbrook, Supica, L. of Bangor, Wood, B. of Portland

NAYS 0

ABSENT 5 Sen. Farrin, B. of Somerset, Sen. Hickman, C. of Kennebec, Rep. Dolloff, J. of Milton Township, Rep. Harrington, M. of Sanford, Rep. Tuttle, J. of Sanford

Eight members of the Committee having voted in the affirmative and zero in the negative, it was the vote of the Committee that the nomination of Elizabeth Fitzgerald of Machiasport, for reappointment to the State Liquor and Lottery Commission be confirmed.

Signed,

S/Louis J. Luchini
Senate Chair

S/Chris Caiazzo
House Chair

READ and ORDERED PLACED ON FILE.

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

In accordance with 3 M.R.S.A., Chapter 6, Section 158, and with Joint Rule 506 of the 130th Legislature, the vote was taken by the Yeas and Nays.

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#352)

YEAS: Senators: None

NAYS: Senators: BAILEY, BALDACCI, BENNETT, BLACK, BREEN, BRENNER, CARNEY, CHIPMAN, CLAXTON, CURRY, CYRWAY, DAUGHTRY, DAVIS, DIAMOND, DILL, FARRIN, GUERIN, HICKMAN, KEIM, LAWRENCE, LIBBY, LUCHINI, MAXMIN, MIRAMANT, MOORE, POULIOT, RAFFERTY, ROSEN, SANBORN, STEWART, VITELLI, WOODSOME, PRESIDENT JACKSON

EXCUSED: Senators: DESCHAMBAULT, TIMBERLAKE

No Senator having voted in the affirmative and 33 Senators having voted in the negative, with 2 Senators being excused, and none being less than two-thirds of the Membership present and voting, it was the vote of the Senate that the Committee's recommendation be **ACCEPTED** and the nomination of **Elizabeth Fitzgerald** of Machiasport for reappointment to the State Liquor and Lottery Commission was **CONFIRMED**.

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

The Following Communication: S.C. 669

**STATE OF MAINE
ONE HUNDRED AND THIRTIETH LEGISLATURE
COMMITTEE ON JUDICIARY**

June 11, 2021

Honorable Troy Dale Jackson, President of the Senate
Honorable Ryan Michael Fecteau, Speaker of the House
130th Legislature
State House
Augusta, Maine 04333

Dear President Jackson and Speaker Fecteau:

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

L.D. 398 An Act To Implement Recommendations of the Sixth Amendment Center Concerning Indigent Legal Services

This is notification of the Committee's action.

Sincerely,

S/Sen. Anne Carney Senate Chair S/Rep. Thom Harnett House Chair

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

The Following Communication: H.C. 174

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

June 14, 2021

Honorable Darek M. Grant
Secretary of the Senate
130th Maine Legislature
Augusta, Maine 04333

Dear Secretary Grant:

The House voted today to insist on its former action whereby it accepted the Majority Ought Not to Pass Report of the Committee on State and Local Government on Bill "An Act To Provide Transparency Regarding State Contracts during a State of Emergency" (S.P. 280) (L.D. 729)

Sincerely,

S/Robert B. Hunt
Clerk of the House

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

The Following Communication: H.C. 175

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

June 14, 2021

Honorable Darek M. Grant
Secretary of the Senate
130th Maine Legislature
Augusta, Maine 04333

Dear Secretary Grant:

The House voted today to insist on its former action whereby it accepted the Minority Ought to Pass as Amended Report of the Committee on State and Local Government on Bill "An Act To Make Election Day a State Holiday" (H.P. 202) (L.D. 286) and Passage to be Engrossed as Amended by Committee Amendment "A" (H-39) and House Amendment "A" (H-492).

Sincerely,

S/Robert B. Hunt
Clerk of the House

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

REPORTS OF COMMITTEES

House

Ought to Pass As Amended

The Committee on **ENVIRONMENT AND NATURAL RESOURCES** on Resolve, To Authorize Maine as the Nonfederal Sponsor with the United States Army Corps of Engineers for the Shore Damage Mitigation Project in Saco
H.P. 702 L.D. 946

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-585)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-585)**.

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

Resolve **READ ONCE**.

Committee Amendment "A" (H-585) **READ** and **ADOPTED**, in concurrence.

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

The Committee on **HEALTH COVERAGE, INSURANCE AND FINANCIAL SERVICES** on Bill "An Act Regarding Notice by Health Insurance Carriers of Policy Changes"
H.P. 701 L.D. 945

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-578)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-578)**.

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

Bill **READ ONCE**.

Committee Amendment "A" (H-578) **READ** and **ADOPTED**, in concurrence.

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

The Committee on **JUDICIARY** on Bill "An Act Regarding Recording of Witness Interviews"
H.P. 324 L.D. 448

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

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-571)**.

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

Bill **READ ONCE**.

Committee Amendment "A" (H-571) **READ** and **ADOPTED**, in concurrence.

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

The Committee on **JUDICIARY** on Bill "An Act To Amend the Safe Haven Laws"
H.P. 405 L.D. 560

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-570)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-570)**.

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

Bill **READ ONCE**.

Committee Amendment "A" (H-570) **READ** and **ADOPTED**, in concurrence.

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

The Committee on **JUDICIARY** on Bill "An Act To Ensure the Appropriate Allocation of Victim Restitution"
H.P. 602 L.D. 834

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-595)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-595)**.

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

Bill **READ ONCE**.

Committee Amendment "A" (H-595) **READ** and **ADOPTED**, in concurrence.

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

The Committee on **JUDICIARY** on Bill "An Act To Increase the Fees Paid to Sheriffs and Their Deputies for Service of Civil Process Documents"
H.P. 621 L.D. 853

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-594)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-594)**.

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

Bill **READ ONCE**.

Committee Amendment "A" (H-594) **READ** and **ADOPTED**, in concurrence.

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

The Committee on **JUDICIARY** on Bill "An Act To Implement the Recommendations of the Right To Know Advisory Committee"
H.P. 996 L.D. 1345

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-593)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-593)**.

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

Bill **READ ONCE**.

Committee Amendment "A" (H-593) **READ** and **ADOPTED**, in concurrence.

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

Divided Report

The Majority of the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** on Bill "An Act To Protect Firearm Use and Possession Rights during a State of Emergency and Require a Two-thirds Vote by the Legislative Council To Declare or Extend a State of Emergency"
H.P. 971 L.D. 1315

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

Signed:

Senators:
DESCHAMBAULT of York
LAWRENCE of York

Representatives:
WARREN of Hallowell
LOOKNER of Portland

MORALES of South Portland
RECKITT of South Portland
SHARPE of Durham

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (H-583)**.

Signed:

Senator:
CYRWAY of Kennebec

Representatives:
COSTAIN of Plymouth
NEWMAN of Belgrade
PICKETT of Dixfield
PLUECKER of Warren
RUDNICKI of Fairfield

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

Reports **READ**.

Senator **VITELLI** of Sagadahoc moved the Senate **ACCEPT** the Majority **OUGHT NOT TO PASS** Report, in concurrence.

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#353)

YEAS: Senators: BAILEY, BENNETT, BREEN, BRENNER, CARNEY, CHIPMAN, CLAXTON, CURRY, DAUGHTRY, DIAMOND, DILL, HICKMAN, LAWRENCE, LIBBY, LUCHINI, MAXMIN, MIRAMANT, RAFFERTY, SANBORN, VITELLI, PRESIDENT JACKSON

NAYS: Senators: BALDACCI, BLACK, CYRWAY, DAVIS, FARRIN, GUERIN, KEIM, MOORE, POULIOT, ROSEN, STEWART, TIMBERLAKE, WOODSOME

EXCUSED: Senator: DESCHAMBAULT

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 **ACCEPT** the Majority **OUGHT NOT TO PASS** Report, in concurrence, **PREVAILED**.

Divided Report

The Majority of the Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act To Keep All Maine Students Safe by Restricting the Use of Seclusion and Restraint in Schools" H.P. 1007 L.D. 1373

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-545)**.

Signed:

Senators:
RAFFERTY of York
DAUGHTRY of Cumberland

Representatives:
BRENNAN of Portland
CROCKETT of Portland
DODGE of Belfast
McCREA of Fort Fairfield
MILLETT of Cape Elizabeth
SALISBURY of Westbrook

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

Signed:

Senator:
WOODSOME of York

Representatives:
LYMAN of Livermore Falls
ROCHE of Wells
SAMPSON of Alfred
STEARNS of Guilford

Comes from the House with the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-545)**.

Reports **READ**.

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

On motion by Senator **TIMBERLAKE** of Androscoggin, **TABLED** until Later in Today's Session, pending the motion by Senator **RAFFERTY** of York to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report, in concurrence.

Divided Report

The Majority of the Committee on **INNOVATION, DEVELOPMENT, ECONOMIC ADVANCEMENT AND BUSINESS** on Bill "An Act To Require Crane Operators To Be Licensed"

H.P. 145 L.D. 210

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

Signed:

Senators:
CYRWAY of Kennebec
LUCHINI of Hancock

Representatives:
ANDREWS of Paris
AUSTIN of Gray
BERNARD of Caribou
COLLAMORE of Pittsfield
DUCHARME of Madison

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (H-543)**.

Signed:

Senator:
CURRY of Waldo

Representatives:
ROBERTS of South Berwick
BAILEY of Gorham
GEIGER of Rockland
HASENFUS of Readfield
PEBWORTH of Blue Hill

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

Reports **READ**.

On motion by Senator **CURRY** of Waldo, the Majority **OUGHT NOT TO PASS** Report **ACCEPTED**, in concurrence.

Divided Report

The Majority of the Committee on **JUDICIARY** on Bill "An Act To Establish a Fund To Compensate Unjustly Incarcerated Persons" H.P. 352 L.D. 478

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-575)**.

Signed:

Senators:
CARNEY of Cumberland
SANBORN of Cumberland

Representatives:

HARNETT of Gardiner
BABBIDGE of Kennebunk
EVANGELOS of Friendship
MORIARTY of Cumberland
RECKITT of South Portland
SHEEHAN of Biddeford

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "B" (H-576)**.

Signed:

Senator:

KEIM of Oxford

Representatives:

HAGGAN of Hampden
LIBBY of Auburn
POIRIER of Skowhegan
THORNE of Carmel

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

Comes from the House with the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-575)** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-575)**.

Reports **READ**.

Senator **CARNEY** of Cumberland moved the Senate **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-575)** Report, in concurrence.

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#354)

YEAS: Senators: BAILEY, BALDACCI, BREEN, BRENNER, CARNEY, CHIPMAN, CLAXTON, CURRY, DAUGHTRY, DIAMOND, DILL, HICKMAN, LAWRENCE, LIBBY, LUCHINI, MAXMIN, MIRAMANT, RAFFERTY, SANBORN, VITELLI, PRESIDENT JACKSON

NAYS: Senators: BENNETT, BLACK, CYRWAY, DAVIS, FARRIN, GUERIN, KEIM, MOORE, POULIOT, ROSEN, STEWART, TIMBERLAKE, WOODSOME

EXCUSED: Senator: DESCHAMBAULT

21 Senators having voted in the affirmative and 13 Senators having voted in the negative, with 1 Senator being excused, the motion by Senator **CARNEY** of Cumberland to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-575)** Report, in concurrence, **PREVAILED**.

Bill **READ ONCE**.

Committee Amendment "A" (H-575) **READ** and **ADOPTED**, in concurrence.

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-575)**, in concurrence.

Divided Report

The Majority of the Committee on **JUDICIARY** on Bill "An Act To Enhance Tribal-State Collaboration in the Enforcement of Child Support"

H.P. 407 L.D. 562

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-569)**.

Signed:

Senators:

CARNEY of Cumberland
SANBORN of Cumberland

Representatives:

HARNETT of Gardiner
BABBIDGE of Kennebunk
EVANGELOS of Friendship
MORIARTY of Cumberland
RECKITT of South Portland
SHEEHAN of Biddeford

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

Signed:

Senator:

KEIM of Oxford

Representatives:

HAGGAN of Hampden
LIBBY of Auburn
POIRIER of Skowhegan
THORNE of Carmel

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

Comes from the House with the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-569)**.

Reports **READ**.

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

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#355)

YEAS: Senators: BAILEY, BALDACCI, BREEN, BRENNER, CARNEY, CHIPMAN, CLAXTON, CURRY, DAUGHTRY, DIAMOND, DILL, HICKMAN, LAWRENCE, LIBBY, LUCHINI, MAXMIN, MIRAMANT, MOORE, RAFFERTY, SANBORN, VITELLI, PRESIDENT JACKSON

NAYS: Senators: BENNETT, BLACK, CYRWAY, DAVIS, FARRIN, GUERIN, KEIM, POULIOT, ROSEN, STEWART, TIMBERLAKE, WOODSOME

EXCUSED: Senator: DESCHAMBAULT

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

Bill **READ ONCE**.

Committee Amendment "A" (H-569) **READ** and **ADOPTED**, in concurrence.

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

Divided Report

The Majority of the Committee on **JUDICIARY** on Resolve, To Establish the Commission To Create a Plan To Incorporate the Probate Courts into the Judicial Branch

H.P. 530 L.D. 719

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-588)**.

Signed:

Senators:

CARNEY of Cumberland
SANBORN of Cumberland

Representatives:

HARNETT of Gardiner
EVANGELOS of Friendship
MORIARTY of Cumberland
RECKITT of South Portland
SHEEHAN of Biddeford

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

Signed:

Senator:

KEIM of Oxford

Representatives:

HAGGAN of Hampden
LIBBY of Auburn
POIRIER of Skowhegan
THORNE of Carmel

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

Comes from the House with the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-588)**.

Reports **READ**.

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

Resolve **READ ONCE**.

Committee Amendment "A" (H-588) **READ** and **ADOPTED**, in concurrence.

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

Divided Report

The Majority of the Committee on **JUDICIARY** on Bill "An Act To Increase the Value of Property Exempt from Attachment and Execution"

H.P. 542 L.D. 737

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-589)**.

Signed:

Senators:

CARNEY of Cumberland
SANBORN of Cumberland

Representatives:

HARNETT of Gardiner
BABBIDGE of Kennebunk
EVANGELOS of Friendship
MORIARTY of Cumberland
RECKITT of South Portland
SHEEHAN of Biddeford

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

Signed:

Senator:

KEIM of Oxford

Representatives:

HAGGAN of Hampden
LIBBY of Auburn
POIRIER of Skowhegan
THORNE of Carmel

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

Comes from the House with the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-589)**.

Reports **READ**.

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

Bill **READ ONCE**.

Committee Amendment "A" (H-589) **READ** and **ADOPTED**, in concurrence.

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

Divided Report

The Majority of the Committee on **JUDICIARY** on Bill "An Act Regarding Civil Mental Health Evaluations of Former Criminal Defendants"

H.P. 552 L.D. 747

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-586)**.

Signed:

Senators:

CARNEY of Cumberland
SANBORN of Cumberland

Representatives:

HARNETT of Gardiner
BABBIDGE of Kennebunk
CARDONE of Bangor
EVANGELOS of Friendship
McCREIGHT of Harpswell
MORIARTY of Cumberland
RECKITT of South Portland
SHEEHAN of Biddeford

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

Signed:

Senator:

KEIM of Oxford

Representatives:

HAGGAN of Hampden
POIRIER of Skowhegan

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

Comes from the House with the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-586)**.

Reports **READ**.

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

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#356)

YEAS: Senators: BAILEY, BALDACCI, BREEN, BRENNER, CARNEY, CHIPMAN, CLAXTON, CURRY, DAUGHTRY, DIAMOND, DILL, HICKMAN, LAWRENCE, LIBBY, LUCHINI, MAXMIN, MIRAMANT, RAFFERTY, SANBORN, VITELLI, PRESIDENT JACKSON

NAYS: Senators: BENNETT, BLACK, CYRWAY, DAVIS, FARRIN, GUERIN, KEIM, MOORE, POULIOT, ROSEN, STEWART, TIMBERLAKE, WOODSOME

EXCUSED: Senator: DESCHAMBAULT

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

Bill **READ ONCE**.

Committee Amendment "A" (H-586) **READ** and **ADOPTED**, in concurrence.

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

Divided Report

The Majority of the Committee on **JUDICIARY** on Bill "An Act Regarding Probation and Deferred Disposition"
H.P. 609 L.D. 841

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-568)**.

Signed:

Senators:

CARNEY of Cumberland
SANBORN of Cumberland

Representatives:

HARNETT of Gardiner
BABBIDGE of Kennebunk
EVANGELOS of Friendship
MORIARTY of Cumberland
RECKITT of South Portland
SHEEHAN of Biddeford

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

Signed:

Senator:

KEIM of Oxford

Representatives:

HAGGAN of Hampden
LIBBY of Auburn
POIRIER of Skowhegan
THORNE of Carmel

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

Comes from the House with the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-568)**.

Reports **READ**.

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

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

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

Senator **CYRWAY:** Thank you, Mr. President. Ladies and gentlemen of the Senate, this amendment adds Class B crime to deferred dispositions and Class B crime is a very serious crime. It's pretty elevated. When you think about Class B crime it can be aggravated assault, burglary, robbery, sexual assault. These are serious crimes and then when you take it - when we have in place bail, we have probation, we have certain programs that individuals have put in. We have the sexual registry and all kinds of different things that are taken very seriously through the courts and also the facts of the case and when you're talking about drugs, this is a drug situation where they take Class B crime on a drug, which can be heroin, fentanyl, can be cocaine, crack, several harmful drugs. You don't just get to that point just once. You know, they've done it for quite a while to get to that point where they're using it to be a Class B crime. So, when you talk about deferred dispositions it's basically saying the courts are going to say, 'Well, if you try to get treatment,' they can't force you to get treatment, but they can tell you you can try and it's not like being under probation where they keep a thumb on you and then if you don't get caught for the next year it goes away. The crime goes away. When you are up at a Class B crime that's quite a level, a big hurdle. That's a, you know, a Class E crime is six months in jail, up to six months. Class D is up to one year. Class C is a felony which goes up to five years in prison and then when you get to Class B it can be up to, I believe, either ten or twenty years, but I think it's twenty, and then a Class A is attempted murder and that's up to thirty years and then you've got murder, life sentence. So, we're just like three steps from being murder and they're going to go and use this on a deferred disposition. There's accountability and there's also responsibility. We, as Legislators, have to be responsible to people's safety and health and this is not being responsible. This is just being reckless, I think it's reckless. We're following what Portland, Oregon did and, you know what, we've got over 600 deaths this year we're predicted for over-dose and in Portland, Oregon they're murder rate went up 800% in one year because of reckless type things like this. We're being reckless about using - weakening our laws, which we've been a very safe state and we're going to make it worse. Please be responsible in voting no for this. We should oppose it and it should be Ought Not to Pass. Thank you, Mr. President. I really appreciate the time for speaking on this. It is a serious offense. I'm a realist and I'm just common-sense, just trying to let you know that this - I hate to see families destroyed and worry about what my granddaughter's going to face in a few

years. This is really serious. Or my grandson. They're going to be facing their next-door neighbors out using drugs and they can go to the court and get off very easy. In fact, this is just the start. We've got other bills coming that they want to make them just civil offenses and this is where we've got to really put the halt to it, put the brakes on. Thank you.

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

Senator **CARNEY:** Thank you, Mr. President. Mr. President and colleagues of the Senate, I want to provide some additional information, clarification, about L.D. 841 and the Ought to Pass as Amended report. Deferred disposition is not a right and it is an alternative that is taken into account in conjunction with negotiating a plea agreement. The deferred disposition, whether it is even offered, is at the discretion of the prosecutor and when it is offered the offer takes into account the facts that are specific to the defendant and the circumstances. The victim's concerns are also taken into account. Deferred disposition is a plea agreement that provides a sentencing alternative. Requirements that help the person live in compliance with the law, like substance use disorder treatment and refraining from breaking the law, are imposed. This bill would add Class B crimes, as the good Senator from Kennebec said, to those that are eligible for deferred disposition but, again, only at the discretion of the prosecutor with the victim's concerns being taken into account. Passage of this bill will allow people to get treatment, work to support themselves and their families, go to school, and prepare for a better life. I ask you to support the Ought to Pass as Amended report.

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

Senator **LAWRENCE:** Thank you, Mr. President. Men and women of the Senate, I just want to explain from a former prosecutor's perspective why deferred dispositions are an effective tool for prosecution. Not every case that's referred to a D.A. for prosecution is a strong evidence case. Occasionally you get cases, or many times you get cases that we used to say have warts on them, things that make it difficult to prosecute these cases, and you can look at a case and say, 'Okay, I have only a 30% chance of getting a conviction on this or a 20% chance of getting a conviction on this. Do I want to take it to trial and risk the defendant walking free or do I want to work out a disposition where I can get at least some consequences and some control over a defendant?' That's what a deferred disposition allows a prosecutor to do. It provides a new avenue for doing things. It is an extra tool for the prosecutor that actually increases your ability to hold people accountable because what happens with the deferred disposition is you work out a resolution and it's often a good and bad consequence. In order to get a good - in order to get a deferred disposition what the defendant has to do is plead guilty up front. They have to give up their right to trial. They have to admit to the offense. So, if I get a case as a prosecutor going forward and I think I only have a 20% or 30% likelihood of getting a conviction, and the defendant is willing to admit guilt and I don't have to go through a trial, I get a deferred disposition. They have certain conditions. If they fail those conditions, guess what? We don't have to go back to trial. Guilt has been admitted. They've given up their rights to trial and we go directly to sentencing. So,

it's an effective tool for prosecutors to take cases where evidence is not always as strong as you would like but you want to hold - find a way to hold the alleged defendant accountable. Thank you.

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

Senator **CYRWAY:** Thank you, Mr. President. I'm just getting back up because I have listened to my friend, Senator here, and I agree with him on deferred dispositions being a useful tool for lesser crimes but when you get the Class B that's a very serious offense. You don't see that being used in other Class B crimes. This is where we're weakening the laws for one class, or part of the class and not the others and really this deferred disposition is a useful tool if there's not a case but in the drug issues you have the evidence. You do have a case and I talked to all my colleagues, many colleagues, and they all said the same thing. The deferred disposition is being abused in the courts because they don't want to go to trial and so, to me, let's be very careful when we go up to this high status. It endangers the families. You're going to see somebody that's using a harsh drug end up killing themselves because you allowed them to go right back out and this is where we're going to see even higher numbers than what we do right now. We need accountability and we need to get them help and in order to do that you need the courts to get - to at least have a thumb on them when they get to a Class B range. So, thank you, Mr. President.

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#357)

YEAS: Senators: BAILEY, BALDACCI, BREEN, BRENNER, CARNEY, CHIPMAN, CLAXTON, CURRY, DAUGHTRY, DIAMOND, DILL, HICKMAN, LAWRENCE, LIBBY, LUCHINI, MAXMIN, MIRAMANT, RAFFERTY, SANBORN, VITELLI, PRESIDENT JACKSON

NAYS: Senators: BENNETT, BLACK, CYRWAY, DAVIS, FARRIN, GUERIN, KEIM, MOORE, POULIOT, ROSEN, STEWART, TIMBERLAKE, WOODSOME

EXCUSED: Senator: DESCHAMBAULT

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

Bill READ ONCE.

Committee Amendment "A" (H-568) **READ** and **ADOPTED**, in concurrence.

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

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

Divided Report

The Majority of the Committee on **JUDICIARY** on Bill "An Act To Protect Teachers' Privacy While Delivering Remote Instruction" H.P. 632 L.D. 864

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-596)**.

Signed:

Senators:

- CARNEY of Cumberland
- SANBORN of Cumberland

Representatives:

- HARNETT of Gardiner
- BABBIDGE of Kennebunk
- EVANGELOS of Friendship
- HAGGAN of Hampden
- MORIARTY of Cumberland
- RECKITT of South Portland
- SHEEHAN of Biddeford

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

Signed:

Senator:

- KEIM of Oxford

Representatives:

- LIBBY of Auburn
- POIRIER of Skowhegan
- THORNE of Carmel

Comes from the House with the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-596)**.

Reports **READ**.

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

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

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

Senator **KEIM:** Thank you, Mr. President. I rise in opposition to the pending motion. This bill would allow schools to determine who is authorized to share and record remote classroom sessions under the guise of privacy. This bill would elevate teachers to a class of public servants more protected from scrutiny than most others. Transparency is of utmost importance in every profession, including teaching. If a teacher is not comfortable or willing to let the parents record or transmit instruction that the students are receiving it brings a serious question as to why. We should not make rules that hinder transparency, otherwise we open up avenues for mistreatment of students and mistrust of teachers and schools. Teachers rights should not supersede parental rights. We had a lot of parents speak in opposition or offer testimony in opposition to this bill and also the Maine Press Association. In this bill also, as a parent records and transmits the child's instructions, that parent would be fined \$200 to \$500. Public schools are just that, they are public. Just like police officers and other agents of the State, when public tax dollars pay salaries the public deserves full transparency. If adopted, this bill will remove an entire realm of taxpayer funded government activity from public review. A vote for transparency in public education would be a vote against the pending motion. Thank you, Mr. President.

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

Senator **CARNEY:** Thank you very much, Mr. President. This bill doesn't shield video and audio from remote learning from people viewing it. It simply requires somebody who wants to reuse or redistribute audio or video recording of remote instruction from a public or private school to get the permission of the school first. It's really just filling in a gap between in-person instruction where the permission of a school is required and remote instruction. Some people have been using clips of remote instruction to misrepresent and attack teachers on social media. This legislation does not prevent people from accessing recordings of remote instruction for any legitimate purpose. It simply prevents them from retransmitting them. I ask my colleagues to support the pending Ought to Pass as Amended motion.

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

Senator **KEIM:** Just to clarify, it does allow exactly that. It allows that the school can authorize when or when a person may not share any recorded instruction. So, the entity that you may want to oversee is allowed to tell you you may not. Thank you.

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

Senator **SANBORN:** Thank you, Mr. President. I just rise briefly to say that as a former teacher I think that it's important to realize that teachers should be able to have the context of their presentation and their teaching fully understood rather than a gotcha game on social media and, therefore, I will be supporting the Majority Report. Thank you.

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#358)

YEAS: Senators: BAILEY, BALDACCI, BREEN, BRENNER, CARNEY, CHIPMAN, CLAXTON, CURRY, DAUGHTRY, DIAMOND, DILL, HICKMAN, LAWRENCE, LIBBY, LUCHINI, MAXMIN, MIRAMANT, RAFFERTY, SANBORN, VITELLI, PRESIDENT JACKSON

NAYS: Senators: BENNETT, BLACK, CYRWAY, DAVIS, FARRIN, GUERIN, KEIM, MOORE, POULIOT, ROSEN, STEWART, TIMBERLAKE, WOODSOME

EXCUSED: Senator: DESCHAMBAULT

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

Bill **READ ONCE**.

Committee Amendment "A" (H-596) **READ** and **ADOPTED**, in concurrence.

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

Divided Report

The Majority of the Committee on **JUDICIARY** on Bill "An Act To Bring Gender Parity to Corporate Boards"
H.P. 878 L.D. 1200

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

Signed:

Senators:
CARNEY of Cumberland
SANBORN of Cumberland

Representatives:
HARNETT of Gardiner
BABBIDGE of Kennebunk
EVANGELOS of Friendship
MORIARTY of Cumberland
RECKITT of South Portland
SHEEHAN of Biddeford

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

Signed:

Senator:
KEIM of Oxford

Representatives:
HAGGAN of Hampden
LIBBY of Auburn
POIRIER of Skowhegan
THORNE of Carmel

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

Comes from the House with the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-573)**.

Reports **READ**.

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

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

Senator **KEIM:** Thank you, Mr. President. Mr. President, I find this type of legislation to be insulting. If as a woman I am placed on a board I don't want it to be because I am simply female. This will not change underlying discrimination but what this type of legislation does is it brings into question the validity of every placement of a woman in an elevated position. Women should not be tokens and that's what this legislation creates. I urge you to support - I urge you to oppose the pending motion. Thank you.

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

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

Senator **BENNETT:** Thank you, Mr. President. Request permission to pose a question through the Chair to anyone who may wish to respond.

THE PRESIDENT: The Senator may proceed.

Senator **BENNETT:** Thank you. How many companies, publicly traded companies, in Maine would be affected by this proposal?

THE PRESIDENT: The Senator from Oxford, Senator Bennett, has posed a question through the Chair to anyone that may answer. The Chair recognizes the Senator from Sagadahoc, Senator Vitelli.

Senator **VITELLI**: Thank you, Mr. President. I'm not able to answer the question but I would like to make a few remarks in support of this legislation if I may. Back in 1995, yes, I'm that old, I attended the International United Nations Women's Conference in Beijing and at that time many nations, at the request of their women population, were advocating to have greater parity of women's representation on boards of all kinds. Subsequently, the nation of South Africa set a goal of having 50% of all their board members be women so gender parity, indeed. This is a small step forward for that. While I agree with my colleague that women should not be seen as tokens, I think it is important that we, as a Body and as a state, set gender parity goals and aspirations for equal representation so that all of our voices can be heard in corporate boardrooms and in other places. Thank you, Mr. President.

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

Senator **CYRWAY**: Thank you, Mr. President. Ladies and gentlemen of the Senate, there was a discussion in Waterville about the same thing and many found that the problem was that everybody has different professions and some are better than others in those professions. For example, like in schools you generally have more women because they are more (unintelligible) with the kids as parents, as mothers, and they tend to do better teaching and there's a lot more demand - I mean more women tend to go for that job than men. Farming, it's very physical and you tend to have more male farmers, not always but you do. Football players, whatever. But anyways, the things is that what came out of it is that, basically, they felt what you was best in is what you should go for and if it's corporate situation where you're better suited for it than that's what you should go for and not because of gender but for what you are best in and that's what I feel is the reason I will oppose this. Thank you.

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

Senator **CARNEY**: Thank you, Mr. President. I'd also like to point out another feature of this legislation. So, what it really does is it increases transparency as to whether a publicly traded corporation has established gender parity and so it requires on the annual report that a publicly traded corporation would file an indication as to how many female directors are on the board of directors and then an indication as to whether it has the minimum goal of female directors. So, this is a great law because it provides additional information and transparency and it will help investors who are considering whether to buy stocks of these publicly traded corporations. It will give them information about whether there's gender parity on the board of the corporation. I ask my colleagues to support the Ought to Pass as Amended motion.

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

Senator **BENNETT**: Thank you, Mr. President. I wish I had received an answer to my question. This bill is narrowly focused on publicly traded companies that are organized under Maine corporation law. In California there's been a similar measure to this which applies to all corporations that are headquartered in

California but, as we know, most publicly traded companies are, in fact, incorporated under the laws of Delaware and so the question I have pertains to the front part of this bill. It's a legitimate question which is: how many companies are actually affected by virtue of being incorporated in Maine and being publicly traded? I support the second part of the bill where there is disclosure. I think it's good information. I think, frankly, the information is available without penalties making the bill - making it more effective. I think that information in a publicly traded corporation is already available. I don't have any problem though with the second part of the bill. The challenge with this bill is really that it is focused on this tiny little group and I just wonder, really, how many companies are involved. I'd really like an answer to that question. Thank you.

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

Senator **DAUGHTRY**: Thank you, Mr. President. Ladies and gentlemen of the Senate, I had not intended rising but I heard some comments about what roles are best for people based on gender and I just wanted to weigh in that when we're discussing anything ranging from the board of a publicly traded company to all of us sitting here, some of these roles that we're discussing may not have been open to folks based on their gender because the doors may have been completely barred and the bill in front of us, the measure in front of us, seeks to make sure that those doors are open and that everyone has a fair chance and that we have equal representation. Now, I can't answer the question from the good Senator from Oxford County but I will say if you take a quick peek and put into Google 'amount of women on publicly traded companies,' specifically on Fortune 500 companies, you'll see the number is miniscule. So, if we really want to see that we're going to be, you know, liking up with other countries in making sure that women and all folks have a chance at, you know, making a difference, and having their voices heard, the least we can ask for is gender parity because for so long folks like myself and many others have been kept out of these positions and these roles solely because of their gender.

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

Senator **CARNEY**: Thank you, Mr. President. I rise to provide a non-answer but an explanation to our colleague from Oxford. The Maine Secretary of State's Office does not require on annual reporting for a corporation that the corporation indicate whether or not it is publicly traded. So that information - so we don't have a way of counting or answering that question right now. That is one of the additions to the annual report filing requirement that will be added should this measure be passed and then we'll be able to answer the question.

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

Senator **BALDACCI**: Thank you. I would just try to indicate to my colleague from Oxford that Husson University has a stock index of the top 25 or 30 companies which are mostly public, have some connection to Maine. That might be one of the more reliable places to look but it's probably in the 25 to 30 range.

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#359)

YEAS: Senators: BAILEY, BALDACCI, BREEN, BRENNER, CARNEY, CHIPMAN, CLAXTON, CURRY, DAUGHTRY, DIAMOND, DILL, HICKMAN, LAWRENCE, LIBBY, LUCHINI, MAXMIN, MIRAMANT, RAFFERTY, SANBORN, VITELLI, PRESIDENT JACKSON

NAYS: Senators: BENNETT, BLACK, CYRWAY, DAVIS, FARRIN, GUERIN, KEIM, MOORE, POULIOT, ROSEN, STEWART, TIMBERLAKE, WOODSOME

EXCUSED: Senator: DESCHAMBAULT

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

Bill **READ ONCE**.

Committee Amendment "A" (H-573) **READ** and **ADOPTED**, in concurrence.

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

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

Divided Report

The Majority of the Committee on **JUDICIARY** on Bill "An Act To Ensure Judicial Discretion in Sentencing"
H.P. 959 L.D. 1303

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-574)**.

Signed:

Senators:
CARNEY of Cumberland
KEIM of Oxford
SANBORN of Cumberland

Representatives:
HARNETT of Gardiner
BABBIDGE of Kennebunk
EVANGELOS of Friendship
MORIARTY of Cumberland
RECKITT of South Portland
SHEEHAN of Biddeford

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

Signed:

Representatives:
HAGGAN of Hampden
LIBBY of Auburn
POIRIER of Skowhegan
THORNE of Carmel

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

Comes from the House with the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-574)**.

Reports **READ**.

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

Bill **READ ONCE**.

Committee Amendment "A" (H-574) **READ** and **ADOPTED**, in concurrence.

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

Divided Report

The Majority of the Committee on **JUDICIARY** on Bill "An Act To Support Survivors of Sex Trafficking and Exploitation"
H.P. 1071 L.D. 1455

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-587)**.

Signed:

Senators:
CARNEY of Cumberland
SANBORN of Cumberland

Representatives:

HARNETT of Gardiner
BABBIDGE of Kennebec
EVANGELOS of Friendship
MORIARTY of Cumberland
RECKITT of South Portland
SHEEHAN of Biddeford

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

Signed:

Senator:

KEIM of Oxford

Representatives:

HAGGAN of Hampden
POIRIER of Skowhegan
THORNE of Carmel

Comes from the House with the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-587)**.

Reports **READ**.

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

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

Senator **CYRWAY:** Thank you, Mr. President. Ladies and gentlemen of the Senate, I have concerns about legalization of prostitution and when I first came here there was a big, big push about let's take care of sex trafficking and so we really did and we really made stronger laws and whatever and then now it's gotten to the point where they think that it's okay to sell yourself and I know in trafficking, in the code, the criminal code, trafficking means buy, sell, or trade and when we're looking at selling is okay. It's not a crime but just the buying is on sex trafficking. I have concerns with that. When we have the drug culture, they don't want buying being a problem but they say the seller is the problem. So, we have a conflict of trafficking definition and so I'm really concerned about, you know, it seems like the facts don't matter anymore. We just do a whim thing that we think that would help somebody and we all care about helping people. This isn't the situation. The situation is we really want to get them help and in order to do that we have several ways. I was in committee listening to a police officer down in Lewiston area and he's doing some wonderful things and they're doing some things where they don't have to charge the person and that's great but the charges are tools and we get into, you know, trying to support the survivors, I agree with that. But I think, at the same token, we have to be very careful how we deal with this because I think we're getting to the point where we're not making accountability again and we're going to cause more harm to the people that get caught into the whirlwind of this scenario and we're not dealing with it in a good way because if we don't have the tools we can't

help them and so I'm opposed to this, this amendment, and I think that we should have Ought Not to Pass. We've been doing some wonderful things. It's very few in the sex trafficking that actually get charged. In fact, there're ways that they actually do get help and the charge gets dropped. So, let's try to continue what we've been doing and maybe come up with some other ideas rather than doing away with the crime and I think that this really is going to be harmful more than it's helpful for our society. Thank you, Mr. President.

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

Senator **CARNEY:** Thank you very much, Mr. President. L.D. 1455 is actually a really simple bill. It does two things to help support survivors of sex trafficking. The first is that it changes the affirmative defense in the statute to a simple defense. What that means, my colleagues, is that the person who is trafficked, that is the person who's sold, does not any longer bear the burden of proving a defense to the charge of the crime. The second thing is it broadens the defense a little bit so that engaging in prostitution in order to prevent serious economic hardship or a threat to another person are included in the defense that one can raise if one is charged with prostitution. The simple bill that provides very important support for survivors of sex trafficking and I ask that you support the pending motion.

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

Senator **CYRWAY:** Thank you, Mr. President. My understanding is that they can sell themselves, they can advertise, and it would not even prevent pimps from even selling them and advertising them and this is very harmful and I would hate to think that one of my family members, and I could not do anything, I couldn't even call the police to have them, you know, try to get them out of the situation. I think that this is really setting up people to fail and young girls, women, that would like to get out of it can't because there are some threats out there that they will not change and also the drug culture that's doing it for money. This really takes away from helping them. So, I really - there again, I'm being realistic and I'm trying to be thoughtful for our families out there and we're putting them in serious harms way. Thank you, Mr. President.

THE PRESIDENT: The pending question before the Senate is acceptance of the Majority Ought to Pass as Amended report. If you are in favor you'll be voting yes. If you are opposed you will be voting no. Is the Senate ready for the question? Apparently, no roll call. Is it now the pleasure of the Senate to accept the Majority Ought to Pass as Amended Report?

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

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

Senator **DAUGHTRY:** Thank you, Mr. President. Ladies and gentlemen of the Senate, I just rise briefly to say that this bill is an important measure to making sure that folks who are victims of

sex trafficking and exploitation don't fear the ramifications of being able to come forward and seek help. Too often, nationwide, it's happened here in Maine, it's happened across our nation, that folks who are in this situation are really concerned about coming forward because they, too, are concerned that they will spend the rest of their days locked up for a crime that they were forced into. So, I think this is a great bill and I think it's a great first step. Thank you.

THE PRESIDENT: For what purpose does the member rise, having spoken twice already?

Senator **CYRWAY:** I just wanted to make a quick stand on that.

THE PRESIDENT: Does the member want to speak for a third time? Hearing no objections, you may proceed.

Senator **CYRWAY:** Thank you, Mr. President. I just know that I asked the question to public safety, how often that we actually do get crimes from these sex offenses and from prostitution and very, very, very few that they even have records for the last ten years. But it can be a tool even to just get them in to get the help and that's what this tool does. It's not to prosecute and that's what everybody has this myth, that this is evil. That we're the police that's going to try to put them away. That's not the case. We are trying to get them help and that's why this is important not to take that away because once you do then there's no recourse for what that police officer can do to help them and, you know, so many people think that police are out there to do harm to people because they have authority. Well, the authority is just trying to help and that's what we all get in the profession for. So, I thank you, Mr. President, for that time.

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#360)

YEAS: Senators: BAILEY, BALDACCI, BENNETT, BLACK, BREEN, BRENNER, CARNEY, CHIPMAN, CLAXTON, CURRY, DAUGHTRY, DAVIS, DIAMOND, DILL, FARRIN, HICKMAN, LAWRENCE, LIBBY, LUCHINI, MAXMIN, MIRAMANT, MOORE, POULIOT, RAFFERTY, ROSEN, SANBORN, TIMBERLAKE, VITELLI, WOODSOME, PRESIDENT JACKSON

NAYS: Senators: CYRWAY, GUERIN, KEIM, STEWART

EXCUSED: Senator: DESCHAMBAULT

30 Senators having voted in the affirmative and 4 Senators having voted in the negative, with 1 Senator being excused, the motion by Senator **CARNEY** of Cumberland to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report, in concurrence, **PREVAILED**.

Bill **READ ONCE**.

Committee Amendment "A" (H-587) **READ** and **ADOPTED**, in concurrence.

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

Divided Report

The Majority of the Committee on **JUDICIARY** on Bill "An Act To Expand Tenant Representation on Boards of Directors of Nonprofit Housing Organizations"

H.P. 1195 L.D. 1606

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-567)**.

Signed:

Senators:

CARNEY of Cumberland
SANBORN of Cumberland

Representatives:

HARNETT of Gardiner
BABBIDGE of Kennebunk
CARDONE of Bangor
EVANGELOS of Friendship
McCREIGHT of Harpswell
MORIARTY of Cumberland
RECKITT of South Portland
SHEEHAN of Biddeford

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

Signed:

Senator:

KEIM of Oxford

Representatives:

HAGGAN of Hampden
POIRIER of Skowhegan

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

Comes from the House with the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-567)**.

Reports **READ**.

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

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#361)

YEAS: Senators: BAILEY, BALDACCI, BREEN, BRENNER, CARNEY, CHIPMAN, CLAXTON, CURRY, DAUGHTRY, DIAMOND, DILL, HICKMAN, LAWRENCE, LIBBY, LUCHINI, MAXMIN, MIRAMANT, RAFFERTY, SANBORN, VITELLI, PRESIDENT JACKSON

NAYS: Senators: BENNETT, BLACK, CYRWAY, DAVIS, FARRIN, GUERIN, KEIM, MOORE, POULIOT, ROSEN, STEWART, TIMBERLAKE, WOODSOME

EXCUSED: Senator: DESCHAMBAULT

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

Bill **READ ONCE**.

Committee Amendment "A" (H-567) **READ** and **ADOPTED**, in concurrence.

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

Divided Report

Seven members of the Committee on **JUDICIARY** on Bill "An Act Regarding the Issuance of a Birth Certificate Following a Gender Marker Change"

H.P. 623 L.D. 855

Reported in Report "**A**" that the same **Ought to Pass**.

Signed:

Senators:

CARNEY of Cumberland
SANBORN of Cumberland

Representatives:

HARNETT of Gardiner
BABBIDGE of Kennebunk
EVANGELOS of Friendship
RECKITT of South Portland
SHEEHAN of Biddeford

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

Signed:

Senator:

KEIM of Oxford

Representatives:

HAGGAN of Hampden
LIBBY of Auburn
POIRIER of Skowhegan
THORNE of Carmel

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 "A" (H-592)**.

Signed:

Representative:

MORIARTY of Cumberland

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

Reports **READ**.

Senator **CARNEY** of Cumberland moved the Senate **ACCEPT** Report "**A**", **OUGHT TO PASS**, in concurrence.

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

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

Senator **KEIM**: Thank you, Mr. President. I rise in opposition to the pending motion. A birth certificate is, as the name states, a record of live birth. L.D. 855 would allow a new birth certificate to be issued after a gender marker change, not only for an adult but also with the request of a parent on behalf of a minor. The newly issued birth certificate may not be marked as amended despite the fact that filing a new birth certificate with a change of gender will not change anyone's DNA. I absolutely stand for parental rights, as I have put in bills about that before, but this decision to change the gender of a minor child is not one that a parent should have authority to make on behalf of their children. I urge you to vote against the pending motion.

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

Senator **CARNEY**: Thank you very much, Mr. President. I want to agree with almost everything that my colleague from Oxford said except that this is not about whether a parent can or can't change the gender of a child. It's really about whether a person's birth certificate matches their gender identity and for many people that's a really important value to have, to be able to have the official record of your birth match your gender identity. I certainly

appreciate that and I urge my colleagues to support the pending motion.

THE PRESIDENT: The pending question before the Senate is Acceptance of Report "A", Ought to Pass. Is the Senate ready for the question?

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#362)

YEAS: Senators: BAILEY, BALDACCI, BREEN, BRENNER, CARNEY, CHIPMAN, CLAXTON, CURRY, DAUGHTRY, DIAMOND, DILL, HICKMAN, LAWRENCE, LIBBY, LUCHINI, MAXMIN, MIRAMANT, RAFFERTY, SANBORN, VITELLI, PRESIDENT JACKSON

NAYS: Senators: BENNETT, BLACK, CYRWAY, FARRIN, GUERIN, KEIM, MOORE, POULIOT, ROSEN, STEWART, WOODSOME

EXCUSED: Senators: DAVIS, DESCHAMBAULT, TIMBERLAKE

21 Senators having voted in the affirmative and 11 Senators having voted in the negative, with 3 Senators being excused, the motion by Senator **CARNEY** of Cumberland to **ACCEPT** Report "A", **OUGHT TO PASS**, in concurrence, **PREVAILED**.

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

Divided Report

Seven members of the Committee on **JUDICIARY** on Bill "An Act To Reduce the Burden on Courts and Promote the Resolution of Civil Cases"

H.P. 838 L.D. 1160

Reported in Report "A" that the same **Ought to Pass as Amended by Committee Amendment "A" (H-590)**.

Signed:

Senators:
CARNEY of Cumberland
SANBORN of Cumberland

Representatives:
HARNETT of Gardiner
BABBIDGE of Kennebunk
EVANGELOS of Friendship
RECKITT of South Portland
SHEEHAN of Biddeford

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

Signed:

Senator:
KEIM of Oxford

Representatives:
HAGGAN of Hampden
LIBBY of Auburn
POIRIER of Skowhegan
THORNE of Carmel

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-591)**.

Signed:

Representative:
MORIARTY of Cumberland

(Representative NEWELL of the Passamaquoddy Tribe - of the House - supports the Report "A", **Ought To Pass as Amended by Committee Amendment "A" (H-590)**.)

Comes from the House with Report "A", **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-590)**, READ and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-590)**.

Reports **READ**.

Senator **CARNEY** of Cumberland moved the Senate **ACCEPT** Report "A", **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-590)**, in concurrence.

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

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

Senator **KEIM:** Thank you, Mr. President. Ladies and gentlemen of the Senate, I just wanted to let you know that we had all insurance companies come and speak in opposition to this bill and state that it would cause an increase in premium rates and one testified, in fact, that medical paid coverage in auto insurance would increase 13% with the passage of this bill, so I would encourage you to consider that and your constituents as you take this vote. Thank you.

THE PRESIDENT: The pending question before the Senate is Acceptance of Report "A", Ought to Pass as Amended by Committee Amendment "A" (H-590). Is the Senate ready for the question?

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#363)

YEAS: Senators: BAILEY, BALDACCI, BREEN, BRENNER, CARNEY, CHIPMAN, CLAXTON, CURRY, DAUGHTRY, DIAMOND, DILL, HICKMAN, LAWRENCE, LIBBY, LUCHINI, MAXMIN, MIRAMANT, RAFFERTY, SANBORN, VITELLI, PRESIDENT JACKSON

NAYS: Senators: BENNETT, BLACK, CYRWAY, FARRIN, GUERIN, KEIM, MOORE, POULIOT, ROSEN, STEWART, WOODSOME

EXCUSED: Senators: DAVIS, DESCHAMBAULT, TIMBERLAKE

21 Senators having voted in the affirmative and 11 Senators having voted in the negative, with 3 Senators being excused, the motion by Senator **CARNEY** of Cumberland to **ACCEPT** Report "A", **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-590)**, in concurrence, **PREVAILED**.

Bill **READ ONCE**.

Committee Amendment "A" (H-590) **READ** and **ADOPTED**, in concurrence.

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-590)**, in concurrence.

Divided Report

Nine members of the Committee on **VETERANS AND LEGAL AFFAIRS** on Bill "An Act To Require Election Transparency and Audits"

H.P. 833 L.D. 1155

Reported in Report "A" that the same **Ought to Pass as Amended by Committee Amendment "A" (H-530)**.

Signed:

Senators:
LUCHINI of Hancock
HICKMAN of Kennebec

Representatives:
CAIAZZO of Scarborough
COREY of Windham
McCREIGHT of Harpswell
RIELLY of Westbrook

SUPICA of Bangor
TUTTLE of Sanford
WOOD of Portland

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" (H-531)**.

Signed:

Representatives:
DOLLOFF of Milton Township
KINNEY of Knox

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

Signed:

Senator:
FARRIN of Somerset

Representative:
HARRINGTON of Sanford

Comes from the House with Report "A", **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-530)**, **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-530) AS AMENDED BY HOUSE AMENDMENT "A" (H-597)** thereto.

Reports **READ**.

Senator **LUCHINI** of Hancock moved the Senate **ACCEPT** Report "A", **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-530)**, in concurrence.

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 (#364)

YEAS: Senators: BAILEY, BALDACCI, BENNETT, BLACK, BREEN, BRENNER, CARNEY, CHIPMAN, CLAXTON, CURRY, CYRWAY, DAUGHTRY, DIAMOND, DILL, FARRIN, GUERIN, HICKMAN, KEIM, LAWRENCE, LIBBY, LUCHINI, MAXMIN, MIRAMANT, MOORE, POULIOT, RAFFERTY, ROSEN, SANBORN, STEWART, VITELLI, WOODSOME, PRESIDENT JACKSON

NAYS: Senators: None

EXCUSED: Senators: DAVIS, DESCHAMBAULT, TIMBERLAKE

32 Senators having voted in the affirmative and no Senators having voted in the negative, with 3 Senators being excused, the motion by Senator LUCHINI of Hancock to **ACCEPT** Report "A", **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-530)**, in concurrence, **PREVAILED**.

Bill **READ ONCE**.

Committee Amendment "A" (H-530) **READ**.

House Amendment "A" (H-597) to Committee Amendment "A" (H-530) **READ** and **ADOPTED**, in concurrence.

Committee Amendment "A" (H-530) As Amended by House Amendment "A" (H-597) thereto, **ADOPTED**, in concurrence.

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-530) AS AMENDED BY HOUSE AMENDMENT "A" (H-597)** thereto, in concurrence.

Senate

Ought to Pass As Amended

Senator DESCHAMBAULT for the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** on Bill "An Act To Establish the Southern Aroostook County Emergency Medical Services Authority"

S.P. 554 L.D. 1699

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-269)**.

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

Bill **READ ONCE**.

Committee Amendment "A" (S-269) **READ** and **ADOPTED**.

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

Sent down for concurrence.

Senator DESCHAMBAULT for the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** on Bill "An Act To Amend the Laws Prohibiting Teachers, Employees and Other Officials from Engaging in Sexual Activity with Students"

S.P. 549 L.D. 1715

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-270)**.

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

Bill **READ ONCE**.

Committee Amendment "A" (S-270) **READ** and **ADOPTED**.

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

Sent down for concurrence.

Senator SANBORN for the Committee on **HEALTH COVERAGE, INSURANCE AND FINANCIAL SERVICES** on Bill "An Act Regarding Travel Insurance in the Maine Insurance Code"

S.P. 506 L.D. 1563

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-271)**.

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

Bill **READ ONCE**.

Committee Amendment "A" (S-271) **READ** and **ADOPTED**.

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

Sent down for concurrence.

Divided Report

The Majority of the Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act To Protect School Employees from Workplace Bullying"

S.P. 294 L.D. 880

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-276)**.

Signed:

Senators:

RAFFERTY of York
DAUGHTRY of Cumberland

Representatives:

BRENNAN of Portland
CROCKETT of Portland
DODGE of Belfast
McCREA of Fort Fairfield
MILLETT of Cape Elizabeth
SALISBURY of Westbrook

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

Signed:

Senator:

WOODSOME of York

Representatives:

LYMAN of Livermore Falls
ROCHE of Wells
SAMPSON of Alfred
STEARNS of Guilford

Sent down for concurrence.

Reports **READ**.

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

Bill **READ ONCE**.

Committee Amendment "A" (S-276) **READ** and **ADOPTED**.

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

Sent down for concurrence.

Divided Report

The Majority of the Committee on **HEALTH COVERAGE, INSURANCE AND FINANCIAL SERVICES** on Bill "An Act To Lower Health Care Costs through the Establishment of the Office of Affordable Health Care"

S.P. 49 L.D. 120

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-275)**.

Signed:

Senators:

SANBORN of Cumberland
BRENNER of Cumberland

Representatives:

TEPLER of Topsham
ARFORD of Brunswick
BROOKS of Lewiston
EVANS of Dover-Foxcroft
MATHIESON of Kittery
MELARAGNO of Auburn

Divided Report

The Majority of the Committee on **ENVIRONMENT AND NATURAL RESOURCES** on Bill "An Act To Establish a Stewardship Program for Packaging"

S.P. 474 L.D. 1471

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

Signed:

Senators:

BRENNER of Cumberland
BENNETT of Oxford
CARNEY of Cumberland

Representatives:

TUCKER of Brunswick
BELL of Yarmouth
BLUME of York
DOUDERA of Camden
GRAMLICH of Old Orchard Beach
ZEIGLER of Montville

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

Signed:

Senator:

STEWART of Aroostook

Representatives:

BLIER of Buxton
CONNOR of Lewiston
MORRIS of Turner
QUINT of Hodgdon

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (S-277)**.

Signed:

Representatives:

HANLEY of Pittston
JOHANSEN of Monticello
O'CONNOR of Berwick
TUELL of East Machias

Reports **READ**.

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

Divided Report

The Majority of the Committee on **HEALTH COVERAGE, INSURANCE AND FINANCIAL SERVICES** on Bill "An Act To Create the Insulin Safety Net Program"

S.P. 260 L.D. 673

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-278)**.

Signed:

QUINT of Hodgdon

Senators:

SANBORN of Cumberland
BRENNER of Cumberland

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "B" (S-281)**.

Representatives:

TEPLER of Topsham
ARFORD of Brunswick
BROOKS of Lewiston
EVANS of Dover-Foxcroft
MATHIESON of Kittery
MELARAGNO of Auburn

Signed:

Representative:
ARFORD of Brunswick

Reports **READ**.

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "B" (S-279)**.

On motion by Senator **SANBORN** of Cumberland, the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (S-280)** Report **ACCEPTED**.

Bill **READ ONCE**.

Signed:

Committee Amendment "A" (S-280) **READ**.

Senator:

STEWART of Aroostook

On motion by Senator **SANBORN** of Cumberland, Senate Amendment "A" (S-284) to Committee Amendment "A" (S-280) **READ** and **ADOPTED**.

Representatives:

BLIER of Buxton
CONNOR of Lewiston
MORRIS of Turner
QUINT of Hodgdon

Committee Amendment "A" (S-280) as Amended by Senate Amendment "A" (S-284) thereto, **ADOPTED**.

Reports **READ**.

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-280) AS AMENDED BY SENATE AMENDMENT "A" (S-284)** thereto.

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

Ordered sent down forthwith for concurrence.

Divided Report

The Majority of the Committee on **HEALTH COVERAGE, INSURANCE AND FINANCIAL SERVICES** on Bill "An Act Regarding Telehealth Regulations"

S.P. 50 L.D. 791

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-280)**.

Signed:

Senators:

SANBORN of Cumberland
BRENNER of Cumberland

Representatives:

TEPLER of Topsham
BLIER of Buxton
BROOKS of Lewiston
CONNOR of Lewiston
EVANS of Dover-Foxcroft
MATHIESON of Kittery
MELARAGNO of Auburn
MORRIS of Turner

Divided Report

The Majority of the Committee on **HEALTH COVERAGE, INSURANCE AND FINANCIAL SERVICES** on Bill "An Act To Adopt the Peer-to-Peer Car Sharing Program Model Act"

S.P. 470 L.D. 1420

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-287)**.

Signed:

Senators:

SANBORN of Cumberland
BRENNER of Cumberland
STEWART of Aroostook

Representatives:

BLIER of Buxton
CONNOR of Lewiston
EVANS of Dover-Foxcroft
MATHIESON of Kittery
MORRIS of Turner
QUINT of Hodgdon

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "B" (S-288)**.

Signed:

Representatives:

TEPLER of Topsham
ARFORD of Brunswick
BROOKS of Lewiston
MELARAGNO of Auburn

Reports **READ**.

On motion by Senator **SANBORN** of Cumberland, the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (S-287)** Report **ACCEPTED**.

Bill **READ ONCE**.

Committee Amendment "A" (S-287) **READ** and **ADOPTED**.

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-287)**

Sent down for concurrence.

Divided Report

The Majority of the Committee on **HEALTH COVERAGE, INSURANCE AND FINANCIAL SERVICES** on Bill "An Act To Clarify the Deferral of the Pooled Market and Link Small Employer Clear Choice to Pooling in the Made for Maine Health Coverage Act"

S.P. 570 L.D. 1725

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

Signed:

Senators:

SANBORN of Cumberland
BRENNER of Cumberland

Representatives:

TEPLER of Topsham
ARFORD of Brunswick
BROOKS of Lewiston
EVANS of Dover-Foxcroft
MATHIESON of Kittery
MELARAGNO of Auburn

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (S-285)**.

Signed:

Senator:

STEWART of Aroostook

Representatives:

BLIER of Buxton
CONNOR of Lewiston
MORRIS of Turner
QUINT of Hodgdon

Reports **READ**.

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

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

Senator **STEWART:** Thank you very much, Mr. President. Ladies and gentlemen of the Senate, I rise in opposition to the pending motion. This bill would affectively change the baseline as it seeks to implement the clear choice pooling program that was originally enacted two years ago by the previous legislature. So, the Minority Report - I should also note that the difference here between the positions on the bill stems around that. The other component that deals with pushing the date out is fine by our side's perspective but in disregarding MGARA and the existence of that program which seeks to help keep rates on the market lower, it will necessarily be moving the baseline, the net effect of which will be that rates will be going up and that is the opposition that our side has with this bill. We would encourage you to vote against the pending motion to move on to a different report which will stay in concurrence with the deal that was struck two years ago around a similar issue and not result in health insurance costs increasing for Maine people on the market. So, please follow my light. Thank you.

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

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

Senator **SANBORN:** Thank you, Mr. President. It's almost like a law of physics that health insurance rates will always go up and my good friend from Aroostook reminds us of that every time he tells us to vote against a bill but in this particular case what happens, bizarrely, is that individual market rates went down far, far more. Double digit decline in Maine, individual rates last year. Kind of stunning. But what happened at the same time is that small group market rates kept going up and it's crushing Maine's small businesses and it's causing them, frankly, to drop coverage because they are not mandated for the most part to provide coverage to their employees and so the whole concept behind the merge market, which we passed just one year ago, the whole concept was that we would blend the risk pools of the small group market and individual market and it turns out that the individual market is a healthier market right now than the small group market. It's never before happened in Maine but that was the case but thanks to the Affordable Care Act and thanks to the market dynamics of what's going on today, in part MGARA, that's what's happening and the merger of these two markets would

allow us to extend the benefit of the reinsurance program through MGARA to Maine's small businesses which desperately need this help. I urge you to vote Ought to Pass.

THE PRESIDENT: The pending question before the Senate is Acceptance of the Majority Ought to Pass Report. Is the Senate ready for the question?

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#365)

YEAS: Senators: BAILEY, BALDACCI, BREEN, BRENNER, CARNEY, CHIPMAN, CLAXTON, CURRY, DAUGHTRY, DIAMOND, DILL, HICKMAN, LAWRENCE, LIBBY, LUCHINI, MAXMIN, MIRAMANT, RAFFERTY, SANBORN, VITELLI, PRESIDENT JACKSON

NAYS: Senators: BENNETT, BLACK, CYRWAY, FARRIN, GUERIN, KEIM, MOORE, POULIOT, ROSEN, STEWART, WOODSOME

EXCUSED: Senators: DAVIS, DESCHAMBAULT, TIMBERLAKE

21 Senators having voted in the affirmative and 11 Senators having voted in the negative, with 3 Senators being excused, the motion by Senator **SANBORN** of Cumberland to **ACCEPT** the Majority **OUGHT TO PASS** Report **PREVAILED**.

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

Sent down for concurrence.

Divided Report

The Majority of the Committee on **JUDICIARY** on Bill "An Act Authorizing the Attorney General To Enter into Contingent Fee Agreements"

S.P. 403 L.D. 1236

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-274)**.

Signed:

Senators:

CARNEY of Cumberland
SANBORN of Cumberland

Representatives:

HARNETT of Gardiner
BABBIDGE of Kennebunk
EVANGELOS of Friendship
MORIARTY of Cumberland
RECKITT of South Portland
SHEEHAN of Biddeford

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

Signed:

Senator:

KEIM of Oxford

Representatives:

HAGGAN of Hampden
LIBBY of Auburn
POIRIER of Skowhegan
THORNE of Carmel

Reports **READ**.

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

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

Senator **CARNEY:** Thank you, Mr. President. Just briefly, this bill gives Maine the option to use private counsel on a contingency basis to remedy the harm that our people and our state has suffered. Whether you are reading the newspaper at your kitchen table or casting votes in this Chamber, you know that prescription medications like opioids and chemicals like PFAS are costing us. Mainers have lost their lives to opioid use disorder and their farms to PFAS. Our state is paying for healthcare and to decontaminate well water. This bill will help us pursue legal claims and recover those costs that our state has incurred without any financial risk. I urge my colleagues to support the pending motion.

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

Bill **READ ONCE**.

Committee Amendment "A" (S-274) **READ** and **ADOPTED**.

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

Sent down for concurrence.

Divided Report

The Majority of the Committee on **JUDICIARY** on Bill "An Act Regarding the Parental Right To Direct the Health Care of Children"

S.P. 405 L.D. 1292

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

Signed:

Senators:

CARNEY of Cumberland
SANBORN of Cumberland

Representatives:

HARNETT of Gardiner
BABBIDGE of Kennebunk
CARDONE of Bangor
EVANGELOS of Friendship
McCREIGHT of Harpswell
MORIARTY of Cumberland
RECKITT of South Portland
SHEEHAN of Biddeford

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (S-272)**.

Signed:

Senator:

KEIM of Oxford

Representatives:

HAGGAN of Hampden
POIRIER of Skowhegan

(Representative NEWELL of the Passamaquoddy Tribe - of the House - supports the Majority **Ought Not To Pass** Report.)

Reports **READ**.

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

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

Senator **KEIM:** Thank you, Mr. President. I would like to speak in opposition to the pending motion. This bill would set in statute and thereby offer a greater level of protection to the parent's right to direct the health care of their own children. This bill prohibits physical examinations, surgical procedures, vaccine administrations, and drug prescriptions for a minor without parent or guardian permission and also prohibits a physician's orders not to resuscitate or to withhold artificial life sustaining procedures or to withhold artificial nutrition or hydration. Parents have a fundamental right to direct the upbringing, education, and care of their children. In the absence of clearly defined statute, we leave the possibility open to medical professionals and the Department of Health and Human Services to supersede parent's rights. This bill is meant to portray legislative intent that parents be given first and highest consideration in the healthcare decisions made for their children. We should recognize that parents have the duty and the right to make the decisions they believe to be best for their child. There have been many eye-opening examples of where this fundamental right is being eroded here in Maine and across the nation. One such example was well documented by the Portland Press Herald in the horrifying story of four-year old Jaxen Steimlosk where health professionals and HHS caseworkers surmised that Jaxen's parents were guilty of medical child abuse and, without any court findings, the doctors' remote

added into Jaxen's medical files, began making it difficult for Jaxen to get proper medical attention and, unbeknownst to Jaxen's parents, in fact one doctor treating Jaxen initiated what is called patient aligned care team and put themselves in charge. They further intervened when Jaxen's parents sought emergency medical treatment at Maine Med for an infection, telling the emergency room docs to send Jaxen home untreated and forced Jaxen's mother to then drive her critically ill child to Mass General Hospital for treatment.

Well the healthcare industry came out in opposition to this bill because they said that to consider parental rights is already current practice, however we heard from many Maine parents, testifying about issues with healthcare decisions being made without their consent. This bill has some of the greatest involvement of any of our public hearings in the Judiciary Committee. Parents in Maine want further protection of their right to direct the healthcare of their own children. It is parents who suffer the biggest impact of their child's disease or illness and it is they who will be hurt the most by their child's death or negative health outcomes that can affect them for life. Parents are the greatest stakeholders in the lives of their minor children and good parents will urgently seek the best health outcomes for their children through all available channels. It is for that reason parents, who naturally have their children's best interest at heart, should be given the highest deference in medical decision-making. This issue is too important to leave it as a policy decision of healthcare providers. We should step up and create statute that protects parental rights. Maine parents are urging us to do so. I ask you to vote against the pending motion.

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

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

Senator **CARNEY:** Thank you, Mr. President. I'd just like to add a little more information to this discussion this afternoon. Maine has a long established and comprehensive set of statutes concerning the medical treatment of minors. In addition to the standard of care, there are a number of statutes that actually give minors the right to consent to treatment and give minors some confidentiality rights. It's unclear to me whether this bill seeks to change those rights or to reinstate a parent's or guardian's access to and control over a minor's healthcare decisions. This legislation, I feel, would add uncertainty and confusion to what is already clearly stated in existing laws and I ask my colleagues to support the Ought Not to Pass motion.

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

Senator **SANBORN:** Thank you, Mr. President. I just rise briefly to note that informed consent is already the standard of care and is required by our licensing boards. There are, as my good friend from Cumberland indicated, some exceptions where minors can actually give that consent and in other cases minors can't give that consent and so the parents would have to consent. Informed consent is already our law. We don't need this one. Thank you.

THE PRESIDENT: The pending question before the Senate is Acceptance of the Majority Ought Not to Pass Report. Is the Senate ready for the question?

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#366)

YEAS: Senators: BAILEY, BALDACCI, BREEN, BRENNER, CARNEY, CHIPMAN, CLAXTON, CURRY, CYRWAY, DAUGHTRY, DIAMOND, DILL, LAWRENCE, LIBBY, LUCHINI, MAXMIN, RAFFERTY, SANBORN, VITELLI, PRESIDENT JACKSON

NAYS: Senators: BENNETT, BLACK, FARRIN, GUERIN, HICKMAN, KEIM, MIRAMANT, MOORE, POULIOT, ROSEN, STEWART, WOODSOME

EXCUSED: Senators: DAVIS, DESCHAMBAULT, TIMBERLAKE

20 Senators having voted in the affirmative and 12 Senators having voted in the negative, with 3 Senators being excused, the motion by Senator **CARNEY** of Cumberland to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report **PREVAILED**.

Sent down for concurrence.

Divided Report

The Majority of the Committee on **JUDICIARY** on Bill "An Act To Support Health Care Providers during State Public Health Emergencies"

S.P. 469 L.D. 1419

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

Signed:

Senators:

CARNEY of Cumberland
KEIM of Oxford
SANBORN of Cumberland

Representatives:

HARNETT of Gardiner
BABBIDGE of Kennebunk
CARDONE of Bangor
EVANGELOS of Friendship
HAGGAN of Hampden
McCREIGHT of Harpswell
POIRIER of Skowhegan
RECKITT of South Portland
SHEEHAN of Biddeford

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (S-273)**.

Signed:

Representative:

MORIARTY of Cumberland

(Representative NEWELL of the Passamaquoddy Tribe - of the House - supports the Majority **Ought Not To Pass** Report.)

Reports **READ**.

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

Sent down for concurrence.

Divided Report

Four members of the Committee on **HEALTH COVERAGE, INSURANCE AND FINANCIAL SERVICES** on Bill "An Act To Protect Maine Consumers from Unsupported Price Increases on Prescription Medicines by Creating an Independent Review Process"

S.P. 262 L.D. 675

Reported in Report **"A"** that the same **Ought to Pass as Amended by Committee Amendment "B" (S-290)**.

Signed:

Representatives:

ARFORD of Brunswick
BROOKS of Lewiston
EVANS of Dover-Foxcroft
MELARAGNO of Auburn

Four members of the same Committee on the same subject reported in Report **"B"** that the same **Ought to Pass as Amended by Committee Amendment "A" (S-289)**.

Signed:

Senators:

SANBORN of Cumberland
BRENNER of Cumberland

Representatives:

TEPLER of Topsham
MATHIESON of Kittery

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

Signed:

Senator:

STEWART of Aroostook

Representatives:
BLIER of Buxton
CONNOR of Lewiston
MORRIS of Turner

Reports **READ**.

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

Divided Report

Four members of the Committee on **HEALTH COVERAGE, INSURANCE AND FINANCIAL SERVICES** on Bill "An Act To Prevent Excessive Prices for Prescription Drugs"
S.P. 380 L.D. 1117

Reported in Report "**A**" that the same **Ought to Pass as Amended by Committee Amendment "B" (S-283)**.

Signed:

Representatives:
ARFORD of Brunswick
BROOKS of Lewiston
EVANS of Dover-Foxcroft
MELARAGNO of Auburn

Four members of the same Committee on the same subject reported in Report "**B**" that the same **Ought to Pass as Amended by Committee Amendment "A" (S-282)**.

Signed:

Senators:
SANBORN of Cumberland
BRENNER of Cumberland

Representatives:
TEPLER of Topsham
MATHIESON of Kittery

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

Signed:

Senator:
STEWART of Aroostook

Representatives:
BLIER of Buxton
CONNOR of Lewiston
MORRIS of Turner

Reports **READ**.

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

ENACTORS

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

Emergency Resolve

Resolve, To Require the Department of Administrative and Financial Services and the Department of Public Safety To Develop Short-term and Long-term Plans for Security Screenings in the Burton M. Cross Building and the State House
H.P. 1242 L.D. 1671
(C "A" H-525)

Comes from the House, **FAILED FINAL PASSAGE**.

On motion by Senator **BREEN** of Cumberland, placed on the **SPECIAL APPROPRIATIONS TABLE** pending **FINAL PASSAGE**, in **NON-CONCURRENCE**.

Acts

An Act To Improve Information Sharing by Criminal Justice Agencies with Government Agencies Responsible for Investigating Child or Adult Abuse
H.P. 24 L.D. 58
(C "A" H-548)

An Act To Help Maine Students Catch Up and Keep Up by Providing Remedial and Compensatory Assistance in Response to Education Disruption
H.P. 238 L.D. 334
(C "A" H-544)

An Act To Expand the Disciplinary Authority of the Board of Trustees of the Maine Criminal Justice Academy
H.P. 368 L.D. 505
(C "A" H-535)

An Act Concerning Records of the Employment of Law Enforcement Officers and Corrections Officers
H.P. 418 L.D. 573
(C "A" H-549)

An Act To Ensure Equity in Petitions for Rulemaking under the Maine Administrative Procedure Act
H.P. 488 L.D. 661
(C "A" H-534)

An Act Regarding the Maine Criminal Code and a Period of Suspension under the Motor Vehicle Statutes
H.P. 523 L.D. 710
(C "A" H-538)

An Act To Allow State Vehicles Assigned to Certain Maine
Emergency Management Agency Employees To Be Used for
Commuting

H.P. 568 L.D. 763
(C "A" H-550)

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

An Act To Increase the Availability of Mental Health Services for a
Defendant Who Has Been Found Incompetent To Stand Trial

H.P. 574 L.D. 769
(C "A" H-537)

An Act To Establish Separate Prosecutorial Districts in Downeast
Maine

H.P. 188 L.D. 272
(C "A" H-547)

An Act To Divert Young Adults from the Adult Criminal Justice
System

H.P. 615 L.D. 847
(C "A" H-551)

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

An Act To Expand the Crime of Violation of Privacy To Include
Observing or Photographing Images Inside a Private Place That
Would Not Ordinarily Be Visible Outside That Place

H.P. 759 L.D. 1021
(C "A" H-552)

An Act To Stabilize Property Taxes for Individuals 65 Years of
Age or Older Who Own a Homestead for at Least 10 Years

S.P. 126 L.D. 290
(C "A" S-222)

An Act To Protect the Rights of Certain Incarcerated Individuals

H.P. 772 L.D. 1044
(C "A" H-553)

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

An Act Regarding Unauthorized Possession of a Firearm in a
Correctional Facility or Jail

H.P. 848 L.D. 1170
(C "A" H-533)

An Act To Establish and Promote a System of Safe Disposal of
Expired Marine Flares

H.P. 377 L.D. 514
(C "A" H-539)

An Act To Curtail No-knock Warrants

H.P. 849 L.D. 1171
(C "A" H-536)

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

An Act To Implement the Recommendations of the Right To
Know Advisory Committee Concerning Fees Charged for
Responding to Public Records Requests

H.P. 997 L.D. 1346

An Act Regarding Campaign Finance Reform

S.P. 467 L.D. 1417
(S "A" S-233 to C "A" S-210)

An Act To Serve the Public Interest, Promote Journalism and
Save Jobs by Restoring the Sales and Use Tax Exemption for
Publications

H.P. 1078 L.D. 1462
(C "A" H-499)

An Act To Update and Eliminate References in Statute to
Selectmen and Overseers of the Poor

H.P. 1126 L.D. 1522
(C "A" H-512)

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

An Act To Provide Pathways to Rehabilitation, Reentry and
Reintegration

H.P. 1182 L.D. 1593
(C "A" H-556)

An Act To Support All-terrain Vehicle Trail Improvement

H.P. 1084 L.D. 1468
(C "A" H-559)

An Act To Require Consideration of Climate Impacts by the Public
Utilities Commission and To Incorporate Equity Considerations in
Decision Making by State Agencies

H.P. 1251 L.D. 1682
(C "A" H-541)

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

An Act To Strengthen Statewide Mental Health Peer Support, Crisis Intervention Mobile Response and Crisis Residential Services

H.P. 1175 L.D. 1586
(C "A" H-527)

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

An Act To Establish the Maine Buy American and Build Maine Act
S.P. 461 L.D. 1411
(S "A" S-247 to C "A" S-234)

Senator **BREEN** of Cumberland moved the Bill and accompanying papers be placed on the **SPECIAL APPROPRIATIONS TABLE** pending **ENACTMENT**, in concurrence.

On motion by Senator **VITELLI** of Sagadahoc, **TABLED** until Later in Today's Session, pending the motion by Senator **BREEN** of Cumberland to place on the **SPECIAL APPROPRIATIONS TABLE** pending **ENACTMENT**, in in concurrence.

An Act To Require That Private Schools That Enroll 60 Percent or More Publicly Funded Students Meet Certain Requirements
H.P. 1243 L.D. 1672
(C "A" H-463)

Senator **BENNETT** of Oxford moved the Bill and accompanying papers be **INDEFINITELY POSTPONED**, in **NON-CONCURRENCE**.

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#367)

YEAS: Senators: BAILEY, BALDACCI, BENNETT, BLACK, CYRWAY, DAVIS, GUERIN, KEIM, LUCHINI, MAXMIN, MIRAMANT, POULIOT, ROSEN, STEWART, TIMBERLAKE, WOODSOME

NAYS: Senators: BREEN, BRENNER, CARNEY, CHIPMAN, CLAXTON, CURRY, DAUGHTRY, DIAMOND, DILL, FARRIN, HICKMAN, LAWRENCE, LIBBY, MOORE, RAFFERTY, SANBORN, VITELLI, PRESIDENT JACKSON

EXCUSED: Senator: DESCHAMBAULT

16 Senators having voted in the affirmative and 18 Senators having voted in the negative, with 1 Senator being excused, the motion by Senator **BENNETT** of Oxford to **INDEFINITELY POSTPONE** the Bill and accompanying papers **FAILED**.

The motion before the Senate was Passage to be Enacted, in concurrence.

On motion by Senator **BENNETT** of Oxford, 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 (#368)

YEAS: Senators: BREEN, BRENNER, CARNEY, CHIPMAN, CLAXTON, CURRY, DAUGHTRY, DIAMOND, DILL, HICKMAN, LAWRENCE, LIBBY, MOORE, RAFFERTY, SANBORN, VITELLI, PRESIDENT JACKSON

NAYS: Senators: BAILEY, BALDACCI, BENNETT, BLACK, CYRWAY, DAVIS, FARRIN, GUERIN, KEIM, LUCHINI, MAXMIN, MIRAMANT, POULIOT, ROSEN, STEWART, TIMBERLAKE, WOODSOME

EXCUSED: Senator: DESCHAMBAULT

17 Senators having voted in the affirmative and 17 Senators having voted in the negative, with 1 Senator being excused, **FAILED ENACTMENT**, in **NON-CONCURRENCE**.

Senator **LIBBY** of Androscoggin moved to **TABLE** until Later in Today's Session, pending **ENACTMENT**, in concurrence.

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

Senator **BENNETT:** What is pending currently on this item?

THE PRESIDENT: Nothing is pending. It failed enactment.

Senator **BENNETT:** Point of order, Mr. President. What are we tabling?

Senator **BENNETT** of Oxford rose to a **POINT OF ORDER** as to whether the motion to Table until Later in Today's Session was Out of Order.

Senate at Ease.

The Senate was called to order by the President.

THE PRESIDENT: So, after much consulting, the motion to Table is out of order. The bill will go to the House.

THE CHAIR RULED THE MOTION TO TABLE UNTIL LATER IN TODAY'S SESSION OUT OF ORDER.

Sent down for concurrence.

Resolves

Resolve, Regarding Legislative Review of Portions of Chapter 570: Uniform Reporting System for Prescription Drug Price Data Sets, a Major Substantive Rule of the Maine Health Data Organization

H.P. 7 L.D. 41
(S "A" S-244)

Resolve, Regarding the Storage of Consumer Fireworks

H.P. 133 L.D. 180
(C "A" H-557)

Resolve, To Study Incentives for Residential Fire Sprinkler Systems

H.P. 998 L.D. 1364
(C "A" H-554)

Resolve, To Develop a Plan To Close the Long Creek Youth Development Center and Redirect Funding to Community Integration Services for Adjudicated Youth

H.P. 1239 L.D. 1668

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

Resolve, Establishing the Commission To Study Fair, Equitable and Competitive Tax Policy for Maine's Working Families and Small Businesses To Enable the Implementation of the State's 10-year Economic Development Strategy

H.P. 712 L.D. 966
(C "A" H-560)

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

Resolve, To Change the Educational Requirements of Behavioral Health Professionals Providing Services for Children

H.P. 1040 L.D. 1424
(H "A" H-532 to C "A" H-288)

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

Resolve, Directing the Maine Arts Commission To Create a Program for Public Art Recovery Grants

H.P. 1163 L.D. 1566
(C "A" H-561)

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

Resolve, To Replace Certain Stigmatizing Language in the Maine Revised Statutes with Respectful Language

H.P. 1177 L.D. 1588
(C "A" H-555)

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

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

Senate at Ease.

The Senate was called to order by the President.

HELD MATTER

HOUSE REPORTS - from the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** on Bill "An Act To Amend Maine's Harness Racing Laws Regarding Race Dates and Pari-mutuel Pools" (EMERGENCY)

H.P. 1200 L.D. 1611

Majority - **Ought to Pass as Amended by Committee Amendment "A" (H-403)** (11 members)

Minority - **Ought Not to Pass** (2 members)

(In House, June 10, 2021, the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-403) AS AMENDED BY HOUSE AMENDMENT "A" (H-546)** thereto.)

(In Senate, June 14, 2021, the Majority **OUGHT TO PASS AS AMENDED** Report **FAILED**. Subsequently, the Minority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED**, in **NON-CONCURRENCE**.)

Senator **BLACK** of Franklin moved the Senate **RECONSIDER** whereby it **ACCEPTED** the Minority **OUGHT NOT TO PASS** Report, in **NON-CONCURRENCE**.

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#369)

YEAS: Senators: BENNETT, BLACK, BRENNER, CYRWAY, DAVIS, DIAMOND, DILL, FARRIN, GUERIN, KEIM, MAXMIN, MIRAMANT, MOORE, POULIOT, ROSEN, STEWART, TIMBERLAKE, WOODSOME

NAYS: Senators: BAILEY, BALDACCI, BREEN, CARNEY, CHIPMAN, CLAXTON, CURRY, DAUGHTRY, HICKMAN, LAWRENCE, LIBBY, LUCHINI, RAFFERTY, SANBORN, VITELLI, PRESIDENT JACKSON

EXCUSED: Senator: DESCHAMBAULT

18 Senators having voted in the affirmative and 16 Senators having voted in the negative, with 1 Senator being excused, the motion by Senator **BLACK** of Franklin to **RECONSIDER** whereby the Senate **ACCEPTED** the Minority **OUGHT NOT TO PASS** Report, in **NON-CONCURRENCE, PREVAILED**.

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

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#370)

YEAS: Senators: BENNETT, BLACK, BRENNER, CYRWAY, DAVIS, DIAMOND, DILL, FARRIN, GUERIN, KEIM, MAXMIN, MIRAMANT, MOORE, POULIOT, ROSEN, STEWART, TIMBERLAKE, WOODSOME

NAYS: Senators: BAILEY, BALDACCI, BREEN, CARNEY, CHIPMAN, CLAXTON, CURRY, DAUGHTRY, HICKMAN, LAWRENCE, LIBBY, LUCHINI, RAFFERTY, SANBORN, VITELLI, PRESIDENT JACKSON

EXCUSED: Senator: DESCHAMBAULT

18 Senators having voted in the affirmative and 16 Senators having voted in the negative, with 1 Senator being excused, the motion by Senator **BLACK** of Franklin to **ACCEPTED** the Minority **OUGHT TO PASS AS AMENDED** Report, in concurrence, **PREVAILED**.

Bill **READ ONCE**.

Committee Amendment "A" (H-403) **READ**.

House Amendment "A" (H-546) to Committee Amendment "A" (H-403) **READ** and **ADOPTED**, in in concurrence.

Committee Amendment "A" (H-403) as Amended by House Amendment "A" (H-546) thereto, **ADOPTED**, in concurrence.

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-403) AS AMENDED BY HOUSE AMENDMENT "A" (H-546)** thereto, in concurrence.

HELD MATTER

HOUSE REPORTS - from the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** on Bill "An Act To Amend the Child Endangerment Laws To Include Certain Unauthorized Access to a Loaded Firearm"

H.P. 564 L.D. 759

Majority - **Ought to Pass as Amended by Committee Amendment "A" (H-292)** (8 members)

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

(In House, June 10, 2021, the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-292)**.)

(In Senate, June 14, 2021, the Minority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED**, in **NON-CONCURRENCE**.)

On motion by Senator **LIBBY** of Androscoggin, the Senate **RECONSIDERED** whereby it **ACCEPTED** the Minority **OUGHT NOT TO PASS** Report, in **NON-CONCURRENCE**.

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

Senator **VITELLI** of Sagadahoc rose to a **POINT OF ORDER** regarding L.D. 1611 and if the Senate can vote twice on the same motion.

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 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 (6/8/21) matter:

HOUSE REPORT - from the Committee on **ENERGY, UTILITIES AND TECHNOLOGY** on Resolve, To Facilitate the Modernization and Streamlining of the Utility Pole Attachment Process
H.P. 894 L.D. 1219

Report - **Ought to Pass as Amended by Committee Amendment "A" (H-417)**

Tabled - June 8, 2021 by Senator **LAWRENCE** of York

Pending - **ACCEPTANCE OF REPORT**

(In House, June 7, 2021, Report **READ** and **ACCEPTED**.)

(In Senate, June 8, 2021, Report **READ**.)

Report **ACCEPTED**, in concurrence.

Resolve **READ ONCE**.

Committee Amendment "A" (H-417) **READ**.

On motion by Senator **SANBORN** of Cumberland, Senate Amendment "A" (S-306) to Committee Amendment "A" (H-417) **READ** and **ADOPTED**.

Committee Amendment "A" (H-417) as Amended by Senate Amendment "A" (S-306) thereto, **ADOPTED**, in **NON-CONCURRENCE**.

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-417) AS AMENDED BY SENATE AMENDMENT "A" (S-306)** thereto, in **NON-CONCURRENCE**.

Ordered sent down forthwith for concurrence.

The Chair laid before the Senate the following Tabled and Later Assigned (6/8/21) matter:

HOUSE REPORTS - from the Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act To Provide Funding To Support the Permanent Commission on the Status of Racial, Indigenous and Maine Tribal Populations"
H.P. 768 L.D. 1034

Majority - **Ought to Pass as Amended by Committee Amendment "A" (H-410)** (12 members)

Minority - **Ought Not to Pass** (1 member)

Tabled - June 8, 2021 by Senator **BALDACCI** of Penobscot

Pending - **ACCEPTANCE OF EITHER REPORT**

(In House, June 7, 2021, the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-410)**.)

(In Senate, June 8, 2021, Reports **READ**.)

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

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

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#371)

YEAS: Senators: **BAILEY, BALDACCI, BENNETT, BLACK, BREEN, BRENNER, CARNEY, CHIPMAN, CLAXTON, CURRY, DAUGHTRY, DIAMOND, DILL, HICKMAN, LAWRENCE, LIBBY, LUCHINI, MAXMIN, MIRAMANT, POULIOT, RAFFERTY, ROSEN, SANBORN, STEWART, VITELLI, WOODSOME, PRESIDENT JACKSON**

NAYS: Senators: **CYRWAY, GUERIN, KEIM, MOORE**

EXCUSED: Senators: **DAVIS, DESCHAMBAULT, FARRIN, TIMBERLAKE**

27 Senators having voted in the affirmative and 4 Senators having voted in the negative, with 4 Senators being excused, the motion by Senator **BALDACCI** of Penobscot to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report, in concurrence, **PREVAILED**.

Bill **READ ONCE**.

Committee Amendment "A" (H-410) **READ**.

On motion by Senator **BALDACCI** of Penobscot, Senate Amendment "A" (S-298) to Committee Amendment "A" (H-410) **READ** and **ADOPTED**.

Committee Amendment "A" (H-410) as Amended by Senate Amendment "A" (S-298) thereto, **ADOPTED**, in **NON-CONCURRENCE**.

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-410) AS AMENDED BY SENATE AMENDMENT "A" (S-298)** thereto, in **NON-CONCURRENCE**.

Ordered sent down forthwith for concurrence.

The Chair laid before the Senate the following Tabled and Later Assigned (6/13/13) matter:

An Act Regarding the Outdoor Release or Abandonment of Balloons

H.P. 761 L.D. 1023
(C "A" H-137; S "B" S-232
to C "A" H-137)

Tabled - June 14, 2021 by Senator **BREEN** of Cumberland

Pending - **ENACTMENT**, in concurrence

(In Senate, June 10, 2021, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-137) AS AMENDED BY SENATE AMENDMENT "B" (S-232)**, thereto.)

(In House, June 10, 2021, **PASSED TO BE ENACTED**.)

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

The President requested the Sergeant-At-Arms escort the Senator from Sagadahoc, Senator **VITELLI**, to the rostrum where she assumed the duties as President Pro Tem.

The President took a seat on the Floor.

The Senate was called to order by President Pro Tem **ELOISE A. VITELLI** of Sagadahoc County.

The Chair laid before the Senate the following Tabled and Later Today Assigned matter:

An Act To Prevent Excessive Prices for Prescription Drugs
S.P. 380 L.D. 1117

Report "A" - **Ought to Pass as Amended by Committee Amendment "B" (S-283)** (4 members)

Report "B" - **Ought to Pass as Amended by Committee Amendment "A" (S-282)** (4 members)

Report "C" - **Ought Not to Pass** (4 members)

Tabled - June 15, 2021 by Senator **SANBORN** of Cumberland

Pending - **ACCEPTANCE OF ANY REPORT**

(In Senate, June 15, 2021, Reports **READ**.)

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

Senator **SANBORN:** With regard to L.D. 1117, Madame President?

THE PRESIDENT PRO TEM: Correct.

Senator **SANBORN** of Cumberland moved the Senate **ACCEPT Report "A", OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "B" (S-283)**.

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

Senator **BENNETT:** Thank you, Madame President. Maybe my ears are playing tricks on me but I heard the Senator from Cumberland say Report "A" amended by Committee "B"?

THE PRESIDENT PRO TEM: The Report being presented is to accept the Report "A" Ought to Pass as Amended. It appears on the board Ought to Pass as Amended. The Chair recognizes the Senator from Aroostook, Senator Stewart.

Senator **STEWART:** Thank you, Madame Chair. I would request a roll call and I believe that the board reflects a different Ought to Pass. It should read, if I am correct, Accept Report "A" Ought to Pass by Committee Amendment "B", if it matches up with the report.

Senate at Ease.

The Senate was called to order by President Pro Tem Vitelli.

THE PRESIDENT PRO TEM: So, we'll try to explain the confusion here. There is an amended copy of this report that you should have received and the correct reference is now I believe on the board. The motion was to Accept Report "A" with Committee Amendment "B".

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 PRO TEM: The Chair recognizes the Senator from Aroostook, Senator Jackson.

Senator **JACKSON**: Thank you, Madame President. Ladies and gentlemen of the Senate, certainly sorry to drop this one on you, Madame President. Especially with the corrected copy and all that, but you're doing a great job trying to figure it out.

Ladies and gentlemen of the Senate, a number of bills coming up here in a row that, you know, I think are very important. I'm only going to speak on the first one but please know the rest of them I support very much. This morning I was thinking about it, whenever we were starting out with the calendar, the very first bill, not the first one but the second one, 1-2. We had a spirited debate about the corridor and the contribution ban and I was thinking a lot about that and listened to the idea of a foreign nation coming in and taking over our elections and, regardless of how that went or the issues there, I couldn't help but think about how much that meant actually for this debate, in my opinion. Foreign nation can come in and take over an issue as important, in my opinion, as prescription drug coverage or health coverage because that is exactly what has happened in this country for years, and years, and years. You know, when I was growing up health insurance really wasn't that big a deal, in my opinion. A lot of people had it. It was very cheap and as time went on, with the big pharmaceuticals started to advertise, started to have corporate control, a monopoly system into, you know, prescription drugs in this country, health insurance and prescription drug coverage, you know, has gone completely out of reach for far too many people and it really is just a humongous scam on American taxpayers that we have a system that people are completely locked into big pharma being able to charge whatever they want. I got to think that everyone in this room has heard the horror stories from constituents because, I mean, I don't know if there isn't a couple of weeks or more that I hear from, consistently, throughout my entire time in the Legislature. Some of them, well they're all heartbreaking, but some of them are just incredibly hard to walk away from without feeling like 'what am I doing here, if I can't help these people that have voted for me?' What are we all doing here, as a state, if we can't help these people that voted for us? What I know is that the industry has D.C. locked completely up to where nothing, and I believe in my lifetime, is ever going to happen. If we don't take these issues on as a state, and states have tried multiple times, we've tried multiple times, to do something meaningful then it will never ever be solved and people will continue the downwards spiral of not having good, quality, affordable healthcare. You know, the stories that we heard over the last couple of sessions, I mean, are countless but one of the ones that sticks out to me from those hearings was a young woman from Limestone who spoke. She received difficult news. News that 1 in 8 women in this country will get at some point in their lives. She had breast cancer. When she arrived at her very first chemotherapy appointment she learned how much the treatment would cost her first thought, her first thought, was: 'Oh my God, I'm going to die just because I can't afford these medications.' Let that sink in for a minute. Just for a minute. What that person must feel like, that doesn't have health insurance, doesn't have prescription drug coverage, and they're not thinking about what it's going to mean to try to get that coverage. Their thought is that they're not to be able to get the coverage and they're going to die because of it. The cost of lifesaving medication or treatment should never feel like a death sentence to people, yet I know, and you know, and let's not kid each other, that the reality for far too many Maine families and seniors is that is exactly what the case is today. Over and over big pharma has proven that they don't need a

reason to jack up drug prices. They do it because they can and Maine patients are the only ones that pay the price for that. One in seven Mainers reported skipping treatment and care due to cost before the pandemic and it's likely it has only gotten worse during that time.

Well, this bill, L.D. 1117, An Act to Prevent Excessive Prices for Prescription Drugs, would protect Mainers from price drug gouging, the outrageous overnight prescription drug price hikes that often grab headlines. It prohibits excessive price increases for generic and off-patent prescription drugs sold here in Maine. The amended bill requires the Maine Health Data Organization to notify the Attorney General of excessive price increases prohibited by the bill and the Attorney General would then investigate the allegations and, if there is evidence of that, penalize the pharmaceutical companies found in violation of the law. The very day that this bill was being voted on it came in that between September and December of 2019 53 generic drugs hit MHDO's price increase threshold and packed on an estimated 24,518 Mainers who rely on these medications. The average price increase was 190.27% and the total cost for these price increases were approximately \$3.4 million. Now, it's going to be said that we should collect more information, we should wait and get more information, we should set up an office that's coming up, which I appreciate and agree on also, but, ladies and gentlemen of the Senate, how much more information do you have to get before you know that we have a major problem in this country and in the state? I don't need to wait any longer to know that my constituents are crying out for help and at the public hearing we heard those heartbreaking stories, the real consequences of those high priced prescription drugs. Bonnie Deane from Appleton put the pain her family has gone through trying to get her son medication he needs for Crohns disease in simple terms. What I want you to understand is that it doesn't matter whether you're blue collar, you're a millionaire, or you're on welfare, if you're really sick and you need a drug like Remicade to survive you're going to lose everything and there's something wrong with that. I don't want any one else to ever go through what we continue to go through.

You know, I looked around as we were standing up here in anticipation of this. It's a great view. I don't really ask that any of you ever try it, but it's a great view sitting up there and watching all the members. What I was thinking about is that the last time I talked about this in this Chamber I don't believe, other than the President Pro Tem, I don't believe any of you were in here. But why this is so important to me, personally, is because I can't escape it.

You know, I've had friends that have passed away on this issue. I've heard the stories from countless constituents. You know, in my personal experience, I had a really good friend that went to work one morning in the logging industry, had his co-workers bring him out. He left St. Francis, Maine and drove to Fort Kent because he didn't feel well and before he got in Fort Kent his car went off the road and he rolled over and died. He was 26-years old, with a very young daughter, and he was the picture of good health. His skin looked good. I mean, he looked like he was healthy but he had a major heart attack at 26-years old. All by himself. Driving himself to the hospital, which was a tragedy but what we found out after was that he'd been there a couple of times before and didn't have health insurance, didn't have any prescription drug coverage, and he'd been sent home saying that he had acid reflux. They told him to get some Mylanta or something. He didn't even get the good stuff. The reason why

that's so important is that road to Fort Kent to Allagash, if any of you have been there, Route 161 there's only one way in and one way out and there's a cross on that road that every time I come down here and every time I go home I have to drive by it. So, for 18 years I saw that cross for Ryan Kelley and I haven't made any difference for people like him, for anyone like him, and it's a constant reminder of my failure, our failure, I'm sorry, to do anything meaningful on this. So, this morning when I woke up and four different pills for my heart, the medication that I take daily so I can go here to work, preside over the Senate and advocate on behalf of my constituents, it really is not lost on me that the only reason I can afford my lifesaving medication is because of the good government-sponsored health insurance I get from serving in this Body as a State employee. The only reason I can afford my medication is because the hardworking people in my district placed their faith and trust in me to represent them here in Augusta and I know that big pharma's going to do everything in their power to block these bills from becoming laws. Newspaper advertisements, Facebook, radio ads, and, trust me, after this next year during the election you'll get some of those radio ads against you. I certainly do. If we're successful, they're going to turn then to the courts because they have an unlimited bank roll to make sure that they keep their grip on this industry. These companies and their corporate shareholders have more money than any of us can ever begin to understand. They have high priced lawyers all over this country waiting in the wind to challenge any hint of progress in the courts and they don't have just one lobbyist, they hire all the lobbyists. You can look around, you certainly could before, and if you don't think I'm accurate wait until, if we pass this, the rush that's going to go down to the House. But Maine people didn't send us here to back down when things get tough or to bow under pressure. They sent us here to stand up and fight because they don't have the money and power for high priced lawyers and lobbyists. All they have is their story and us as their elected officials. I can tell you, personally, again. The argument is that we're going to get sued. Pharma always argues that they're going to sue us. It's going to put people in a tough spot. Taxpayers are going to be on the record. But I can't - I mean, I just don't understand how we wouldn't want to do something that actually gives them a chance to lower prescription drugs because I think our constituents, Republican or Democratic or Independent, across this state are screaming out for help in this regard. I mean, something like this should be so simple, in my opinion. Okay, maybe it is. The Attorney General came in and said 50 - 50. Honestly, I think that's pretty good odds when you're going up against pharma. I think that's exceptionally good odds because they have so much that they can throw at you that a simple 50 - 50 opportunity would be 100% in my opinion because I know that our constituents have zero chance of having good, quality, affordable prescription drugs if we don't do this and, ladies and gentlemen of the Senate, I've said this before and I mean it wholeheartedly, there is nothing more embarrassing to me in my life than talking to somebody back in my district about this issue that is begging me for help and I'm standing there with government-sponsored healthcare. It is the most embarrassing thing that I've ever witnessed in my life, ever had happened to me, that they need healthcare, I have it because they gave it to me and I can't give it to them. So, I really wish that people would consider what this is actually going to mean just for a chance, just for a chance for people. So, I'll leave you with this. It's been a long time, I understand, but I do get emotional about this. Katherine Begin of Waterville lost her son through insulin

rationing because a drug like insulin has been around for over 50 years and they still are going to raise prices, exorbitant amounts, even though it's been on the market for years and years and there's absolutely no reason for it, but Katherine says, 'The last four years I felt really guilty. I wished I had just taken him but I couldn't make him get in the car. I wish I could have saved him but then I realized it wasn't my fault and it wasn't Nick's fault. It wasn't his fault that he couldn't afford his insulin. It cost about \$5 to make a vial of insulin but they could sell it for more money than the average person could afford and they could sell it for \$38 in Canada. Why don't they do that here?' Mainers need to pass L.D. 1117, along with the rest of the bills coming up and the entire healthcare package. I don't believe it's enough for us to pass one bill here or there, say we'll make due later on, we'll try something. Ladies and gentlemen, if we don't do something today many of us, including me, will be dead and gone before there'll actually be any real, meaningful thing happen here. I believe that these bills are a vital part of lowering the prescription drugs in the state and in this country.

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

Senator **SANBORN:** Thank you, Madame President. My good friend from Aroostook and I agree on the problem. We agree on the magnitude of the problem and we agree on the goal. That's a lot of agreement. Indeed, I believe every person in this Chamber today agrees on those things and all of us have heartrending stories that we could tell just like my friend from Aroostook's memories that he shared with us today. I dedicate myself every day when I walk into this building to helping Mainers afford their healthcare. We have not done nothing. We have done a lot and we will continue to do a lot. In fact, I have committed myself, and I've said this many times, that we will pull on every lever available to us as a state. Madame President, I'm not going to be voting for this report today because my legal training and my own duty as a legislator tells me that this is not the policy and it's not within our power, as a state. So, I just wanted to let the Body know why it is that I'm not listed on this report, now that we've got it sorted out which report is which, and it is my hope that we can move on to another report because I don't believe that this report can help Mainers because I don't believe it's within our power to enact the policies that are contained within the report. Thank you, Madame President.

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

Senator **BALDACCI:** Thank you, Madame President. I rise in support of the pending motion. I was elected here by people who one of their number one issues is healthcare, prescription drug prices. I think the facts recited about the price inflation is a burden on all of our constituents and to say that we tried to do something and really haven't is going to ring hollow to the people in our districts. So, I support this. I understand and respect the reasons that my good friend from Cumberland has given but the fact of the matter is that there are other instances where the State of Maine attacks price gouging in order to either relieve a bottleneck or to help consumers or to deal with an emergency situation. We've spent all several months talking about the emergency powers of the state government as a whole. The fact of the matter is that states can control prices when they are

affecting, in a severe way, consumers or the markets or creating a dangerous condition. So, I understand there will probably be litigation but the fact of the matter is that this is not a course that we can stay on. The Congress, unfortunately, has not done anything on this issue. It's left to state legislatures at this point to put together a patchwork, but we need to do the best that we can and we need to fight for our constituents. We need to fight for consumers. We need to fight for what is right. I have long believed that healthcare is a human right, that every single person deserves and is entitled to that because we are all created equal. I believe strongly in the passage of this report because I think we need to put forward our strongest case and we need to tell the pharmaceutical companies that we are going to stand up for the people of Maine. Thank you.

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

Senator **HICKMAN:** Thank you, Madame President. Women and men of the Senate, I rise in support of the pending motion. As a former health professional who has confronted two deadly pandemics in my lifetime, I know that equal access to preventative and lifesaving healthcare is a fundamental right. The Corona virus pandemic has revealed beyond all doubt that it's beyond time we renegotiate our contracts with one another as a society. It's just not okay that our healthcare system values some lives more than others. If we all have a right to life, liberty, and the pursuit of happiness than we must also have a right to our own bodily health and wellbeing. No illness, whether chronic or catastrophic, should force a person into bankruptcy. In the special election, I heard over and over again about these astronomically high costs of prescription drugs for chronic illnesses and I was told I'd better come in here and do something about it. Since it was a special election, I knew that this slate of bills was before the Legislature and I made it clear that if I were elected I would vote for them. The Constitution of the State of Maine gives the Legislature police power, plenary power. The Legislature can pass any law it wants on any subject any which way it likes, period. If the courts, the third branch of government, decides down the road in a challenge that what we have done flies in the face of the Constitution then they will tell us so. Until then the Attorney General of the State of Maine will defend this law if it goes into the books. I believe we must allow the Office of the Attorney General to do its job and defend this law when we put it in the books by voting for it today and when it comes back for enactment. Thank you, Madame President.

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

Senator **CURRY:** Thank you, Madame President. I wasn't planning on speaking to this but I feel moved. I am in support of the motion. I have, like many of you, I have my own stories related to health access. For me, two years ago I found myself shopping at the hardware store, looking for a tackle box so that I could help my mother organize my father's medicine. The lifesaving drugs that he takes we just couldn't handle in the little medicine kits that they sell and those drugs I'm so appreciative of because it has maintained his life and his quality of life. He retired from a Fortune 500 company. He has outstanding health insurance and I can see what privilege looks like in terms of access that he gets and I know that that is not commonly held

around the state. The drugs that he is able to have I am so thankful for but I know that we struggle to have - for everyone to have those. When I first campaigned in 2012 this was the number one issue and I went away from politics and I campaigned last year and it was the number one issue. It's amazing what people will tell you when you're running for office. That was my learning in 2012. I heard stories that I never heard before. I'm not telling you anything new here. You've heard those same stories and they are powerful. But I was so frustrated and so offended that we no longer or that nothing had changed in those years, from 2012 to 2020, and that the same stories were out there and so, for that reason, I will be voting in support of the pending motion. Thank you very much.

THE PRESIDENT PRO TEM: The pending question before the Senate is Acceptance of Report "A", Ought to Pass as Amended by Committee Amendment "B" (S-283). Is the Senate ready for the question?

Senate at Ease.

The Senate was called to order by President Pro Tem Vitelli.

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 (#372)

YEAS: Senators: BAILEY, BALDACCI, BENNETT, BREEN, BRENNER, CARNEY, CHIPMAN, CLAXTON, CURRY, CYRWAY, DAUGHTRY, DAVIS, DIAMOND, DILL, HICKMAN, JACKSON, LAWRENCE, LIBBY, LUCHINI, MAXMIN, MIRAMANT, RAFFERTY, PRESIDENT PRO TEM VITELLI

NAYS: Senators: BLACK, FARRIN, GUERIN, KEIM, MOORE, POULIOT, ROSEN, SANBORN, STEWART, TIMBERLAKE, WOODSOME

EXCUSED: Senator: DESCHAMBAULT

23 Senators having voted in the affirmative and 11 Senators having voted in the negative, with 1 Senator being excused, the motion by Senator **SANBORN** of Cumberland to **ACCEPT** Report **"A", OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "B" (S-283), PREVAILED.**

Bill READ ONCE.

Committee Amendment "B" (S-283) **READ** and **ADOPTED.**

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (S-283)**.

Sent down for concurrence.

The Chair laid before the Senate the following Tabled and Later Today Assigned matter:

An Act To Protect Maine Consumers from Unsupported Price Increases on Prescription Medicines by Creating an Independent Review Process

S.P. 262 L.D. 675

Report **"A" - Ought to Pass as Amended by Committee Amendment "B" (S-290)** (4 members)

Report **"B" - Ought to Pass as Amended by Committee Amendment "A" (S-289)** (4 members)

Report **"C" - Ought Not to Pass** (4 members)

Tabled - June 15, 2021 by Senator **SANBORN** of Cumberland

Pending - **ACCEPTANCE OF ANY REPORT**

(In Senate, June 15, 2021, Reports **READ**.)

Senator **SANBORN** of Cumberland moved the Senate **ACCEPT Report "A", OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "B" (S-290)**.

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 PRO TEM: The Chair recognizes the Senator from York, Senator Rafferty.

Senator **RAFFERTY:** Thank you, Madame President. Madame President, ladies and gentlemen of the Senate, I rise to speak in favor of the pending motion. Certainly, we all understand the impact that COVID-19 has had and emphasize the need for legislative action to be taken to address our healthcare system in Maine and across the country. Mainers are ready for action and the bill before us is a real step in the right direction. The cost of medication is over 250% higher here in the United States than over 20 other countries. While federal action is needed, Mainers have never been one to sit around and wait for the problems to be solved in D.C. and, as Legislators, we are representatives of the people of Maine and we owe it to them to step up. Waiting for change simply won't cut it. L.D. 675 fines pharmaceutical companies that cannot publicly provide justification for increases on their drug prices. Too often these companies give phony or inadequate explanations for price hikes. This bill would make sure companies that increase their prices without good cause will face fines and it is clear that big pharma companies only speak the language of the dollar and this bill gives us and the people of Maine a voice to speak back. No one should have to suffer just because they can't afford medication they need. No one should

have to choose between paying for food or rent or gas for their car or paying for their prescription drugs. Big pharmaceutical companies who profit off price gouging and hurting every day people need to be held accountable and I ask that you follow my light and vote in favor of this motion. Thank you.

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

Senator **CLAXTON:** Thank you, Madame Pro Tem and members of the Senate. I rise to speak to a bill that I was a sponsor on. I feel like David trying to figure out which stone will go through the armor of Goliath and I don't apologize for continuing to look for the right stone. This is not a new fight for me. It's new in this role but I started this battle when I was in medical school 100 years ago and it's still an issue and I'm just doing it in a different format now. It was a struggle finding medications for people who needed them then. It was the issue that surprised me about how prominent it was to a certain extent when I was out knocking at doors and how freely people were willing to share their struggles about the access to the medicines that they needed. I don't fault pharma. They wake up in the morning and their job is to make money. That's what they do. That's like telling a duck not to swim. But we can push back, and I've been looking for ways to push back since I got here, to at least be on record with pharma that it's time for them to look at things differently in terms of how things are done in Maine. I regard it as a badge of honor that my bill has been featured on multiply full-page ads from pharma. So, here's to success. That's a step but not an adequate step. There's more to be done. I understand there will be more to be done in the future but this felt like a reasonable next step to me, which is why I was willing to sponsor it. So, I ask for your support for this motion and your continued commitment to working to make medicines much more accessible for those who need them in Maine. Thank you.

THE PRESIDENT PRO TEM: The pending question before the Senate is Acceptance of Report "A", Ought to Pass as Amended by Committee Amendment "B" (S-290). Is the Senate ready for the question?

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#373)

YEAS: Senators: BAILEY, BALDACCI, BENNETT, BREEN, BRENNER, CARNEY, CHIPMAN, CLAXTON, CURRY, CYRWAY, DAUGHTRY, DAVIS, DIAMOND, DILL, HICKMAN, JACKSON, LAWRENCE, LIBBY, LUCHINI, MAXMIN, MIRAMANT, MOORE, RAFFERTY, PRESIDENT PRO TEM VITELLI

NAYS: Senators: BLACK, FARRIN, GUERIN, KEIM, POULIOT, ROSEN, SANBORN, STEWART, TIMBERLAKE, WOODSOME

EXCUSED: Senator: DESCHAMBAULT

24 Senators having voted in the affirmative and 10 Senators having voted in the negative, with 1 Senator being excused, the motion by Senator **SANBORN** of Cumberland to **ACCEPT** Report **"A", OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "B" (S-290), PREVAILED.**

Bill **READ ONCE.**

Committee Amendment "B" (S-290) **READ** and **ADOPTED.**

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (S-290).**

Sent down for concurrence.

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

The Chair laid before the Senate the following Tabled and Later Today Assigned matter:

An Act To Lower Health Care Costs through the Establishment of the Office of Affordable Health Care

S.P. 49 L.D. 120

Majority - **Ought to Pass as Amended by Committee Amendment "A" (S-275)** (8 members)

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

Tabled - June 15, 2021 by Senator **SANBORN** of Cumberland

Pending - **ACCEPTANCE OF EITHER REPORT**

(In Senate, June 15, 2021, Reports **READ.**)

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

Bill **READ ONCE.**

Committee Amendment "A" (S-275) **READ** and **ADOPTED.**

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

Sent down for concurrence.

The Chair laid before the Senate the following Tabled and Later Today Assigned matter:

An Act To Create the Insulin Safety Net Program

S.P. 260 L.D. 673

Majority - **Ought to Pass as Amended by Committee Amendment "A" (S-278)** (8 members)

Minority - **Ought to Pass as Amended by Committee Amendment "B" (S-279)** (5 members)

Tabled - June 15, 2021 by Senator **SANBORN** of Cumberland

Pending - **ACCEPTANCE OF EITHER REPORT**

(In Senate, June 15, 2021, Reports **READ.**)

Senator **SANBORN** of Cumberland moved the Senate **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (S-278)** Report.

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

Senator **SANBORN:** Thank you, Madame President. Ladies and gentlemen of the Senate, there were a number of comments earlier about insulin and I just wanted to highlight that I think that this is an exceptional program. We're drawing on a model that is in place in Minnesota and it is a program that will allow folks who either have insurance that has a very high copay or no insurance at all to be able to obtain insulin that they can't afford so that we don't continue to have stories about Moms who couldn't save their kids who had diabetes. It also builds on the good work that we did in prior sessions to help people access insulin and it may be a model that we can continue to expand to other types of lifesaving medicines. It's within our power, as a state, to proceed with L.D. 673 and I urge you to accept this report.

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

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

Senator **BREEN:** Thank you, Madame President. Men and women of the Senate, I must confess that when the family who requested this bill first approached me I was very reticent because I had not had a lot of experience in the world of health insurance coverage, policy, and that arena at all where this bill would go. So, the first thing I want to do is thank the committee members who worked the bill and brought their extraordinary expertise and experience to the issue. Secondly, I just want to let folks know, very simply, what this bill does. It provides 30-day emergency supply of insulin for \$35 and pharmacists will be able to dispense the medication and the pharmacists will then bill the pharmaceutical companies, so it's once a year. It's only once every 12 months that someone would be eligible for this emergency supply. The gist of it is to make sure that that person has the medication they need in a pinch and that they can get the help they need through the Board of Pharmacy to get enrolled in an insurance program. So, again, I want to thank the committee for all of its work. I want to thank the many families who came and advocated for this bill, shared their very personal stories. It's really been an honor to work with them. Thank you.

THE PRESIDENT PRO TEM: The pending question before the Senate is Acceptance of the Majority Ought to Pass as Amended by Committee Amendment "A" (S-278) Report. Is the Senate ready for the question?

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#374)

YEAS: Senators: BAILEY, BALDACCI, BENNETT, BLACK, BREEN, BRENNER, CARNEY, CHIPMAN, CLAXTON, CURRY, CYRWAY, DAUGHTRY, DAVIS, DIAMOND, DILL, FARRIN, GUERIN, HICKMAN, JACKSON, KEIM, LAWRENCE, LIBBY, LUCHINI, MAXMIN, MIRAMANT, MOORE, POULIOT, RAFFERTY, ROSEN, SANBORN, STEWART, TIMBERLAKE, WOODSOME, PRESIDENT PRO TEM VITELLI

NAYS: Senators: None

EXCUSED: Senator: DESCHAMBAULT

34 Senators having voted in the affirmative and no Senators having voted in the negative, with 1 Senator being excused, the motion by Senator **SANBORN** of Cumberland to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (S-278)** Report **PREVAILED**.

Bill **READ ONCE**.

Committee Amendment "A" (S-278) **READ** and **ADOPTED**.

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-278)**.

Sent down for concurrence.

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 Sagadahoc, Senator **VITELLI**, to her seat on the Floor.

The Senate was called to order by the President.

The Chair laid before the Senate the following Tabled and Later Assigned (6/14/2021) matter:

SENATE REPORTS - from the Committee on **HEALTH COVERAGE, INSURANCE AND FINANCIAL SERVICES** on Bill "An Act To Increase Prescription Drug Pricing Transparency" S.P. 274 L.D. 686

Majority - **Ought to Pass as Amended by Committee Amendment "A" (S-255)** (8 members)

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

Tabled - June 14, 2021 by Senator **VITELLI** of Sagadahoc

Pending - **ACCEPTANCE OF EITHER REPORT**

(In Senate, June 14, 2021, Reports **READ**.)

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

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

Senator **SANBORN:** Thank you, Mr. President. I'll just note for this Body that in order for us to have the data that we need for some of the other bills that we have enacted or we have - many members of this Body have voted in favor of today it is imperative that we also enact this bill and I just wanted to point that out for the Body. This bill would make some changes to our prescription drug transparency law that was passed two years ago and those changes are required in order for us to be able to have the specific information that would be necessary to implement some of the other bills that we discussed here today. Thank you.

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

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

Senator **STEWART:** Thank you, Mr. President. Ladies and gentlemen of the Senate, I rise in opposition to the pending motion. One of the effects that this bill will have is collecting data on what are called drug families and what that will mean is that companies that are manufacturing drugs in the same drug family that have done nothing wrong will be required to comply with the same reporting mechanisms that we're going to be putting in place with this bill and there will be substantial compliance efforts that will to be undertaken for those companies, even though they haven't tripped any triggers. They'll still be beholden to those same requirements and that will necessarily lead to cost increases in those very same prescription drugs which we are trying to not raise the prices on. So, that is the justification for the opposition to the pending motion. Thank you.

THE PRESIDENT: The Chair recognizes the Senator from Sagadahoc, Senator Vitelli.

Senator **VITELLI:** Thank you, Mr. President. Mr. President, colleagues in the Senate, I rise in support of this pending motion. We've heard that even before the pandemic Mainers were struggling to afford their medications. In 2017, three in ten Maine residents age 19 to 64 reported struggling - reported that they stopped taking a medication as prescribed due to the cost. Leaving prescriptions unfilled, skipping, or rationing doses, or otherwise not taking medication as prescribed can be dangerous and even deadly. This is a tragedy that when we learn of it

happening to a stranger in the news, it is devastating when it happened to us, our loved ones, or our neighbors. I know I've also heard from constituents, family, and friends about the struggle to afford life sustaining medication. I've also heard from them when the price of their medication suddenly changes and they can't access the information to understand why. Even in the best of times our healthcare system can be difficult to navigate and understand and a lack of transparency, often intentional, is frequently to blame. I want to thank the committee and all of my colleagues for sharing our determination to push back and to address this issue of rising drug costs. Here in Maine we have made significant strides in collecting data about the price of prescription drugs and what contributes to increases. The sun is coming out now and that's exactly what we've been trying to do in terms of shining a light on this issue. L.D. 686 would further clarify and focus the Maine Health Data Organization's ability to request data, streamline the reporting process, and make the information more accessible to the public. Mainers are the ones who rely on this medication and they're the ones who are paying the prices for these drugs. They deserve access to this information. Shining a light on these price increases is the best way that we can make informed policy decisions to combat outrageous prices. It's one of our primary tools needed to prioritize the health of Mainers, not the profit margins of drug companies. Without this information, we are unable to act. At the federal level, this obstruction has worked for far too long but here in Maine we have the opportunity to put an end to it. I ask for your support and please follow my light on this bill. Thank you, Mr. President.

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#375)

YEAS: Senators: BAILEY, BALDACCI, BENNETT, BLACK, BREEN, BRENNER, CARNEY, CHIPMAN, CLAXTON, CURRY, CYRWAY, DAUGHTRY, DAVIS, DIAMOND, DILL, FARRIN, GUERIN, HICKMAN, KEIM, LAWRENCE, LIBBY, LUCHINI, MAXMIN, MIRAMANT, MOORE, POULIOT, RAFFERTY, ROSEN, SANBORN, TIMBERLAKE, VITELLI, WOODSOME, PRESIDENT JACKSON

NAYS: Senator: STEWART

EXCUSED: Senator: DESCHAMBAULT

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

Bill **READ ONCE**.

Committee Amendment "A" (S-255) **READ** and **ADOPTED**.

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

Sent down for concurrence.

Senate at Ease.

The Senate was called to order by the President.

Off Record Remarks

RECESSED until 7:00 in the evening.

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

Off Record Remarks

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 **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act Regarding School Discipline for Maine's Youngest Children"

H.P. 348 L.D. 474

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-599)**.

Signed:

Senators:
RAFFERTY of York
DAUGHTRY of Cumberland

Representatives:
BRENNAN of Portland
CROCKETT of Portland
DODGE of Belfast
HEPLER of Woolwich
McCREA of Fort Fairfield
MILLETT of Cape Elizabeth
SALISBURY of Westbrook

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

Signed:

Senator:

WOODSOME of York

Representatives:

LYMAN of Livermore Falls

ROCHE of Wells

STEARNS of Guilford

Comes from the House with the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-599)**.

Reports **READ**.

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

Bill **READ ONCE**.

Committee Amendment "A" (H-599) **READ** and **ADOPTED**, in concurrence.

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

Divided Report

The Majority of the Committee on **HEALTH COVERAGE, INSURANCE AND FINANCIAL SERVICES** on Bill "An Act To Eliminate Insurance Rating Based on Age, Geographic Location or Smoking History and To Reduce Rate Variability Due to Group Size"

H.P. 828 L.D. 1150

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-609)**.

Signed:

Senators:

SANBORN of Cumberland

BRENNER of Cumberland

Representatives:

TEPLER of Topsham

ARFORD of Brunswick

BROOKS of Lewiston

EVANS of Dover-Foxcroft

MATHIESON of Kittery

MELARAGNO of Auburn

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

Signed:

Senator:

STEWART of Aroostook

Representatives:

BLIER of Buxton

CONNOR of Lewiston

MORRIS of Turner

QUINT of Hodgdon

Comes from the House with the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-609)**.

Reports **READ**.

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

On motion by Senator **TIMBERLAKE** of Androscoggin, 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 Sanborn.

Senator **SANBORN:** Thank you, Mr. President. I just rise briefly to let the Senate know that the title of this bill has been changed and its scope has been significantly narrowed by the committee so that it now becomes a three-year phase out of the surcharge for smokers. We no longer allow medical underwriting in our insurance pricing model. The only medical condition that we allow to influence the price of your insurance is whether you're addicted to tobacco or not and it is the position of the American Cancer Society and all the research shows that when we deprive tobacco users, who often are also highly correlated with poverty, when we deprive them of access to health insurance we deprive them of access to the primary care services that they would need in order to quit smoking and deprive them from the early interventions that we would need in order to keep their cancers from costing us a lot of money and so the American Cancer Society does not support tobacco ratings and has been a strong proponent of repealing the 50% surcharge that's currently permitted in our law related to tobacco use. I urge you to join with me in eliminating this last vestige of medical underwriting in our insurance market. Thank you.

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

Senator **STEWART:** Thank you very much, Mr. President. Ladies and gentlemen of the Senate, earlier today my friend and colleague from Cumberland mentioned the fact that I talk about actions that this Body takes with regard to raising rates and that's exactly what we're talking about here. You are going to see health insurance rates go up for those that don't smoke and lead otherwise healthy lives in other regards so that the ones that do smoke will have lower insurance rates. Just to be clear about what we're voting on, that is essentially all this bill does at this point. We are going to be increasing the rates on our constituents

so that those that smoke will have lower rates. Thank you, and I request a - has a roll call been ordered?

THE PRESIDENT: Yes.

Senator **STEWART:** Thank you.

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#376)

YEAS: Senators: BAILEY, BREEN, BRENNER, CARNEY, CLAXTON, DAUGHTRY, DIAMOND, LAWRENCE, LIBBY, LUCHINI, MAXMIN, MIRAMANT, RAFFERTY, SANBORN, VITELLI, PRESIDENT JACKSON

NAYS: Senators: BALDACCI, BENNETT, BLACK, CHIPMAN, CURRY, CYRWAY, DAVIS, DILL, FARRIN, GUERIN, HICKMAN, KEIM, MOORE, POULIOT, ROSEN, STEWART, TIMBERLAKE, WOODSOME

EXCUSED: Senator: DESCHAMBAULT

16 Senators having voted in the affirmative and 18 Senators having voted in the negative, with 1 Senator being excused, the motion by Senator **SANBORN** of Cumberland 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.

Divided Report

The Majority of the Committee on **JUDICIARY** on Bill "An Act To Allow the Reduction of a MaineCare Lien"

H.P. 337 L.D. 461

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-600)**.

Signed:

Senators:

CARNEY of Cumberland
SANBORN of Cumberland

Representatives:

HARNETT of Gardiner
BABBIDGE of Kennebunk

EVANGELOS of Friendship
MORIARTY of Cumberland
RECKITT of South Portland
SHEEHAN of Biddeford

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

Signed:

Senator:

KEIM of Oxford

Representatives:

HAGGAN of Hampden
LIBBY of Auburn
POIRIER of Skowhegan
THORNE of Carmel

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

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

Reports **READ**.

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

On motion by Senator **TIMBERLAKE** of Androscoggin, 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 Oxford, Senator Keim.

Senator **KEIM:** Thank you, Mr. President. Ladies and gentlemen of the Senate, this bill will increase litigation by making it more lucrative for lawyers' cases where a person insured through MaineCare and whose medical expenses would eat up most of any viable settlement offer. So, let's be clear who the winner is here, the lawyers who want to help their clients fight for more money but who would not touch their case if they did not have the ability to deplete the MaineCare claim for reimbursement for the medical care that they have received. While this bill is a boon to lawyers, this bill will increase costs to Maine taxpayers as they have to absorb the cost of increased litigation through DHHS, increased staff time through DHHS, and an increase in the cost to fund MaineCare as MaineCare recipients pay lawyers and other parties portions of the money that should rightly pay for the healthcare they have received and that was paid for by taxpayers. I urge you to vote against the pending motion.

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

Senator **CARNEY**: Thank you very much, Mr. President. I would just like to share with my colleagues in the Senate that this bill could actually increase State revenue from recoveries on Medicaid liens. It only really applies if the - in the resolution of a case the State actually recovers benefits that it had already paid out and then, at that point, with the money going back to satisfy the Medicaid lien, what happens is that pro-rated amount of the attorney's fees would be withheld from the payment to compensate the lawyer for the work the lawyer did to bring the money back to the State and reimburse the lien.

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#377)

YEAS: Senators: BAILEY, BALDACCI, BREEN, BRENNER, CARNEY, CHIPMAN, CLAXTON, CURRY, DAUGHTRY, DIAMOND, DILL, HICKMAN, LAWRENCE, LIBBY, LUCHINI, MAXMIN, MIRAMANT, RAFFERTY, SANBORN, VITELLI, PRESIDENT JACKSON

NAYS: Senators: BENNETT, BLACK, CYRWAY, DAVIS, FARRIN, GUERIN, KEIM, MOORE, POULIOT, ROSEN, STEWART, TIMBERLAKE, WOODSOME

EXCUSED: Senator: DESCHAMBAULT

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

Bill **READ ONCE**.

Committee Amendment "A" (H-600) **READ** and **ADOPTED**, in concurrence.

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

Divided Report

The Majority of the Committee on **JUDICIARY** on Bill "An Act To Provide Consistency Regarding Persons Authorized To Conduct Examinations for Emergency Involuntary Commitment and Post-admission Examinations"

H.P. 636 L.D. 868

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-604)**.

Signed:

Senators:

CARNEY of Cumberland
SANBORN of Cumberland

Representatives:

HARNETT of Gardiner
BABBIDGE of Kennebunk
LIBBY of Auburn
MORIARTY of Cumberland
RECKITT of South Portland
SHEEHAN of Biddeford

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

Signed:

Representatives:

EVANGELOS of Friendship
HAGGAN of Hampden
POIRIER of Skowhegan
THORNE of Carmel

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

Comes from the House with the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-604)**.

Reports **READ**.

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

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

Senator **POULIOT**: Thank you, Mr. President, and I apologize to the Body for taking a little while to get in here to vote. Thank you for keeping that open. I request a roll call.

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

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

Senator **CARNEY**: Thank you, Mr. President. I just want to let my colleagues in the Senate know that this bill addresses kind of a pressing issue. There is a shortage in getting evaluations done for people who potentially need admission to or discharge from a hospital for a mental illness and it is really important that we provide additional qualified people under our statutes to perform the preadmission and discharge examinations and so this bill simply changes the requirement that a physician or licensed psychologist do those exams to a medical practitioner can do

those exams and that medical practitioner is defined as specific classes of medical care providers who are qualified and trained to perform these types of assessments, including physician assistants, clinical nurse specialists, and nurse practitioners, and I urge my colleagues to join me in addressing this critical need and supporting the motion Ought to Pass as Amended.

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

Senator **KEIM:** Thank you, Mr. President. Ladies and gentlemen of the Senate, I am concerned at the lowering of standards because what we're talking about here is taking away a person's civil liberties. This is an involuntary commitment that we're talking about and I would like to read to you a very brief testimony from the Executive Director of the Sportsman's Alliance of Maine testifying in opposition to L.D. 868. 'This legislation proposes lowering standards as it relates to which medical professional's opinion will be used to determine admission and discharge from a psychiatric hospital. The requirement now states that a physician or a psychologist must make the determination. The proposed change would include medical practitioners, which is a defined term including physician's assistant, a certified psychiatric nurse or specialist, a certified nurse practitioner, or clinical psychologist. Those persons represent a less stringent requirement than the current requirement for a medical doctor. This lowered standard could prove to be very damaging, especially when it comes to a person's personal liberties. It makes the determination of someone's dangerousness easier on the State. The more stringent requirement should stay, keeping the determination to a higher standard.'

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#378)

YEAS: Senators: BAILEY, BALDACCI, BREEN, BRENNER, CARNEY, CHIPMAN, CLAXTON, CURRY, DAUGHTRY, DIAMOND, DILL, HICKMAN, LAWRENCE, LIBBY, LUCHINI, MAXMIN, MIRAMANT, RAFFERTY, SANBORN, VITELLI, PRESIDENT JACKSON

NAYS: Senators: BENNETT, BLACK, CYRWAY, DAVIS, FARRIN, GUERIN, KEIM, MOORE, POULIOT, ROSEN, STEWART, TIMBERLAKE, WOODSOME

EXCUSED: Senator: DESCHAMBAULT

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

Bill **READ ONCE**.

Committee Amendment "A" (H-604) **READ** and **ADOPTED**, in concurrence.

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

Divided Report

The Majority of the Committee on **JUDICIARY** on Bill "An Act To Require Uniform Adherence to Internal Revenue Service Guidelines by Maine Nonprofit Organizations"
H.P. 643 L.D. 887

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

Signed:

Senators:

CARNEY of Cumberland
KEIM of Oxford
SANBORN of Cumberland

Representatives:

HARNETT of Gardiner
BABBIDGE of Kennebunk
EVANGELOS of Friendship
LIBBY of Auburn
MORIARTY of Cumberland
RECKITT of South Portland
SHEEHAN of Biddeford

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (H-603)**.

Signed:

Representatives:

HAGGAN of Hampden
POIRIER of Skowhegan
THORNE of Carmel

(Representative NEWELL of the Passamaquoddy Tribe - of the House - supports the Majority **Ought Not To Pass** Report.)

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

Reports **READ**.

On motion by Senator **CARNEY** of Cumberland, the Majority **OUGHT NOT TO PASS** Report **ACCEPTED**, 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 **CRIMINAL JUSTICE AND PUBLIC SAFETY** on Bill "An Act To Ensure the Provision of Adequate Personal Protective Equipment to Firefighters Who Are Women" (EMERGENCY)

H.P. 911 L.D. 1245

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-610)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-610)**.

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

Bill **READ ONCE**.

Committee Amendment "A" (H-610) **READ** and **ADOPTED**, in concurrence.

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

The Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** on Bill "An Act To Improve Investigations of Child Sexual Abuse" H.P. 1100 L.D. 1486

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-611)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-611)**.

Report **READ**.

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

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

Report **ACCEPTED**, in concurrence.

Bill **READ ONCE**.

Committee Amendment "A" (H-611) **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:

ENACTORS

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

Emergency Measure

An Act To Amend the Maine Pharmacy Act
S.P. 11 L.D. 4
(C "A" S-256)

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

Emergency Measure

An Act To Establish the Maine Connectivity Authority
S.P. 477 L.D. 1484
(C "A" S-248)

This being an Emergency Measure and having received the affirmative vote of 32 Members of the Senate, with 1 Senator having voted in the negative, and 32 being more than two-thirds of the entire elected Membership of the Senate, was **PASSED TO BE ENACTED** and, having been signed by the President, was presented by the Secretary to the Governor for approval.

Emergency Resolve

Resolve, To Place a Temporary Moratorium on the Approval of Any New Motor Vehicle Registration Plates and Initiate a Registration Plate Working Group

S.P. 511 L.D. 1618
(C "A" S-254)

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

Mandate

An Act To Increase High School Graduation Rates for Students Experiencing Education Disruption

S.P. 424 L.D. 1318
(C "A" S-246)

Comes from the House, **FAILED ENACTMENT**.

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

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

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

PAPERS FROM THE HOUSE

Non-Concurrent Matter

HOUSE REPORTS - from the Committee on **LABOR AND HOUSING** on Bill "An Act To End At-will Employment"
H.P. 398 L.D. 553

Report "A" - **Ought to Pass as Amended by Committee Amendment "A" (H-481)** (6 members)

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

Report "C" - **Ought to Pass as Amended by Committee Amendment "B" (H-482)** (2 members)

In Senate, June 14, 2021, on motion by Senator **HICKMAN** of Kennebec, Report "B", **OUGHT NOT TO PASS, READ and ACCEPTED**, in **NON-CONCURRENCE**.

Comes from the House, that Body having **INSISTED** on its former action whereby Report "C", **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "B" (H-482)**, was **READ and ACCEPTED** and the Bill **PASSED TO BE ENGROSSED**.

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

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 **CRIMINAL JUSTICE AND PUBLIC SAFETY** on Bill "An Act To Amend the Maine Criminal Code"
S.P. 223 L.D. 536

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-295)**.

Signed:

Senators:
DESCHAMBAULT of York
LAWRENCE of York

Representatives:
WARREN of Hallowell
COSTAIN of Plymouth
LOOKNER of Portland
MORALES of South Portland
NEWMAN of Belgrade
PICKETT of Dixfield
PLUECKER of Warren
RECKITT of South Portland
SHARPE of Durham

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

Signed:

Senator:
CYRWAY of Kennebec

Representative:
RUDNICKI of Fairfield

Reports **READ**.

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

On motion by Senator **POULIOT** of Kennebec, the Senate **RECONSIDERED** whereby it **ACCEPTED** the Majority **OUGHT TO PASS AS AMENDED** Report.

At the request of same Senator a Division was had. 29 Senators having voted in the affirmative and 4 Senators having voted in the negative, the motion by Senator **LAWRENCE** of York to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report **PREVAILED**.

Bill **READ ONCE**.

Committee Amendment "A" (S-295) **READ and ADOPTED**.

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

Sent down for concurrence.

Divided Report

The Majority of the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** on Bill "An Act To Increase the Protection of Children from Domestic Abuse and Violence"
S.P. 458 L.D. 1408

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-294)**.

Signed:

MADIGAN of Waterville
MELARAGNO of Auburn
PERRY of Calais
STOVER of Boothbay
ZAGER of Portland

Senators:

DESCHAMBAULT of York
CYRWAY of Kennebec
LAWRENCE of York

Representatives:

WARREN of Hallowell
COSTAIN of Plymouth
LOOKNER of Portland
MORALES of South Portland
NEWMAN of Belgrade
PICKETT of Dixfield
PLUECKER of Warren
RECKITT of South Portland
SHARPE of Durham

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

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

Signed:

Representatives:

CONNOR of Lewiston
GRIFFIN of Levant
JAVNER of Chester

Reports **READ**.

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

Signed:

Bill **READ ONCE**.

Representative:

RUDNICKI of Fairfield

Committee Amendment "A" (S-293) **READ** and **ADOPTED**.

Reports **READ**.

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

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

Sent down for concurrence.

Bill **READ ONCE**.

Committee Amendment "A" (S-294) **READ** and **ADOPTED**.

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

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

REPORTS OF COMMITTEES

Senate

Ought to Pass As Amended

Sent down for concurrence.

Senator SANBORN for the Committee on **HEALTH COVERAGE, INSURANCE AND FINANCIAL SERVICES** on Bill "An Act To Adopt the Occupational Therapy Licensure Compact"
S.P. 39 L.D. 31

Divided Report

The Majority of the Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act To Support Children's Healthy Development and School Success"

S.P. 533 L.D. 1712

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-293)**.

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-305)**.

Signed:

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

Senators:

CLAXTON of Androscoggin
BALDACCI of Penobscot
MOORE of Washington

Bill **READ ONCE**.

Committee Amendment "A" (S-305) **READ** and **ADOPTED**.

Representatives:

MEYER of Eliot
CRAVEN of Lewiston

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

Sent down for concurrence.

Senator SANBORN for the Committee on **HEALTH COVERAGE, INSURANCE AND FINANCIAL SERVICES** on Bill "An Act To Allow a State Employee To Use a Federal Military Health Insurance Program and Reenroll upon Retirement in the State's Group Health Plan"

S.P. 326 L.D. 1036

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-302)**.

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

Bill **READ ONCE**.

Committee Amendment "A" (S-302) **READ** and **ADOPTED**.

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

Sent down for concurrence.

Sent down for concurrence.

Senator CARNEY for the Committee on **JUDICIARY** on Bill "An Act Regarding Remote Participation in Public Proceedings"
S.P. 40 L.D. 32

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-301)**.

Report **READ**.

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

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

Senator SANBORN for the Committee on **HEALTH COVERAGE, INSURANCE AND FINANCIAL SERVICES** on Bill "An Act To Make Donated Medicines Available to Maine Patients at an Affordable Cost"

S.P. 508 L.D. 1584

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-304)**.

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

Bill **READ ONCE**.

Committee Amendment "A" (S-304) **READ** and **ADOPTED**.

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

Sent down for concurrence.

Senator **GUERIN:** Thank you, Mr. President. Ladies and gentlemen of the Senate, I have been a long-time opponent of remote participation for public officials in public meetings. Given how common remote participation became during the pandemic, I would like to concede upfront that remote participation is great for the public to be able to engage with their elected officials and their government and the public should continue to have this option going forward but elected officials shouldn't be able to use it as an excuse for staying home to avoid facing the public before a tough vote. It shouldn't become routine in place of showing up to work together. Having served on the Judiciary Committee for six years, I am very aware of the issues related to remote participation.

Thank you for allowing me to briefly share my perspective. In this age of electronic meetings, it is very tempting to open the floodgates of remote participation. I ask you to please pause with me a moment to consider the merits of our current in-person participation model. This is a responsibility when you step forward to make decisions for your fellow citizens. If at the lowest local level, this is a sacred responsibility. The decisions that you make effect other persons' lives. If that person is engaged and wanting to do the process, they should be afforded the right to look you in the eye, thus allowing you to feel the full weight of your responsibility. We all know the feeling of a full public hearing. A heightened sense of responsibility is always evident. Some decisions may seem mundane at first look. However, when viewing the decision through another person's eye the decision may hold great importance. Planning boards and water districts are local entities that have often asked for remote participation. Year in and year out, their meetings may be routine, even boring. But then comes the meeting that is of importance to a citizen or group of citizens. Maybe it's an environmental issue that someone is passionate about. Maybe it's a rate increase. Whatever the case, it's important to the person being represented and they want to look their representative in the eye. They should have that right. My good friend, former-Representative Matt Moonen, and I worked together in opposition to bills similar to the one before us today for several years. We were a great team when we were on the same

Senator SANBORN for the Committee on **HEALTH COVERAGE, INSURANCE AND FINANCIAL SERVICES** on Bill "An Act To Establish Protections for Private Student Loan Borrowers and a Registry of Lenders"

S.P. 530 L.D. 1645

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-303)**.

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

Bill **READ ONCE**.

Committee Amendment "A" (S-303) **READ** and **ADOPTED**.

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

side. Matt made a wonderful point in talking about remote participation. He pointed out that if remote participation had been allowed for everything except the actual vote that we would never have gotten to know each other and become friends. We would never have become a team that could flip a 10 - 2 committee report. Through sitting next to each other hour after hour, we came to trust each other enough to find common ground on several issues that would have been impossible using remote participation. Individual accountability in attending meetings and personal interacting with other committee or board members and members of the community are essential components to leadership roles in our state on all levels.

I reached out to Representative Moonen's for his current thoughts on the remote participation issue and found that we are still in agreement. To quote Representative Moonen, 'You and I served together for six years on committee and, although we disagreed on many things, the countless hours we spent in committee helped us to develop a friendship and find common ground on a range of issues. If we had always been able to just stay home and vote on Zoom, we might have spent years just reflectively voting against each other. As an observer this session, my perception is that Zoom committees lead to less engagement, more zoning out, and more partisan outcomes because a lot of folks didn't really get to know each other and just wanted to vote and get off Zoom as quickly as possible.' Matt continues, 'Government works better when officials get to know each other as people, develop trust, have time to stop each other in the hall and chat about something, brainstorm potential solutions and amendments together, etcetera. The point is that technology should be used to make it easier for the public to engage their government, not easier for elected officials to avoid being engaged.' It is an honor and a sacrifice to serve our communities and state. It is also a responsibility that may not always be convenient but that comes with the job. In the last three sessions of the Legislature we have come together in bi-partisan agreement that remote participation is not the best way for decisions to be made. Technology should be used to make it easier for the public to engage their government, not easier for elected officials to avoid being engaged. I urge you to pause today and evaluate the value in in-person participation. If you think our winter of Zoom meetings was the best, most collaborative, most productive year ever then vote for the pending motion, but if you agree with the concept that we are stronger when we work together for the common good please join me in voting against the pending motion.

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

Senator **SANBORN:** Mr. President, I rise briefly because my good friend just told a lot of stories about the Legislature and I wanted to direct the Legislature's attention to the last line of the bill which indicates that this bill does not apply to the Legislature. It does not govern meetings of the Legislature. Instead it would govern public bodies after they choose to adopt a policy and then there are a number of parameters for that policy. What we see in Portland is that remote participation allowed folks with young children to participate in meetings they never would have been able to go to and speak at otherwise. It allowed young folks who may want to serve on

our town council or on, importantly, boards, commissions that meet in the evenings to be able to attend their family responsibilities and also engage in their civic responsibilities. We shouldn't have to choose between civic engagement and our families and yet too often that's the choice. Tonight, for me, for all of us, that's the choice and so we are here. L.D. 32 would not change a stitch about what we do here in the Legislature. It doesn't apply to the Legislature. But in our towns and our cities, if those bodies choose to adopt an opportunity for either the public or members or both to participate remotely, there are parameters in this bill that would allow them to go forward and do so. The concern, otherwise, is the Freedom of Access Act and that's the guardrails, that's the State interest to allow for the public to have full transparency into those proceedings and that's why we put the guardrails that we did into L.D. 32. But putting up barriers to public participation because folks can't get to city hall because they have jobs or they have parental responsibilities or caregiver responsibilities is not responsible legislating and I urge us to accept this report.

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

Senator **STEWART:** Thank you very much, Mr. President. Ladies and gentlemen of the Senate, I rise to just address and reassure my colleagues this evening, as this is my bill that I put forward in collaboration with the Maine Municipal Association. Throughout that process, we worked with other stakeholder groups, including the Maine Education Association, specifically so that protections would be built into the bill whereby you couldn't have let's say a local government body, a town council for instance, decide that they were going to go remote without having a way for the public to engage with them. There would have to be those safeguards put in place. I would concur with the remarks from the Senator from Cumberland that, specifically, I think that this will actually increase public participation, given the ability for folks who may not be able to go down to a town or city government meeting. Typically, you know, local governments are meeting in the evening hours when particularly folks that are my age and have families that they need to attend to. They're not able to participate at all unless they can either find someone to watch the kids or bring the kids with them, which is not really an appealing option. So, I actually think that this bill will have the inverse effect of - my seatmates' comments earlier and this is a little bit awkward for us because we're very good friends, but I do think that the net effect will be increased participation in civic engagement at the local level and, again, this does not apply to the Legislative Branch at all and, in fact, I think it's a bit hypocritical that the Legislative Branch has been able to meet remotely for the last year and then we told some of these other local governments, you know, that they're unable to and so I think, for the sake of consistency, that this is the right move to make. So, with that, I would urge that you support the pending motion. Thank you.

THE PRESIDENT: The pending question before the Senate is Acceptance of Ought to Pass as Amended Report. Is the Senate ready for the question?

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#379)

YEAS: Senators: BAILEY, BALDACCI, BENNETT, BLACK, BREEN, BRENNER, CARNEY, CHIPMAN, CLAXTON, CURRY, CYRWAY, DAUGHTRY, DAVIS, DIAMOND, DILL, HICKMAN, KEIM, LAWRENCE, LIBBY, LUCHINI, MAXMIN, MIRAMANT, MOORE, POULIOT, RAFFERTY, ROSEN, SANBORN, STEWART, TIMBERLAKE, VITELLI, WOODSOME, PRESIDENT JACKSON

NAYS: Senators: FARRIN, GUERIN

EXCUSED: Senator: DESCHAMBAULT

32 Senators having voted in the affirmative and 2 Senators having voted in the negative, with 1 Senator being excused, the **OUGHT TO PASS AS AMENDED** Report **ACCEPTED**.

Bill **READ ONCE**.

Committee Amendment "A" (S-301) **READ**.

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

Senator **CARNEY:** Thank you, Mr. President. Mr. President, I present Senate Amendment "A" with a filing number of S-308 to Committee Amendment "A" and move its adoption. I wish to speak to my motion very briefly.

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

Senator **CARNEY:** Thank you, Mr. President. I just want to point out to my colleagues in the Senate that the amendment adds an emergency preamble, an emergency clause, to this bill, which I think is important given the pending end of the State of Emergency and the temporary allowances that we adopted in the 129th and I would also just like to briefly mention that the committee worked very cooperatively and very hard to create this legislation and I want to give a special expression of gratitude to the Senator from Oxford, Senator Keim, for all her tremendous work on this legislation.

THE PRESIDENT: The Chair would advise that I let the Senator from Cumberland present the amendment without actually doing the official presenting of the amendment, which was not her fault but to be official I'm going to, obviously, put it forward. The Senator from Cumberland, Senator Carney, presents Senate Amendment "A" (S-308) to Committee Amendment "A" (S-301) and moves it adoption.

On motion by Senator **CARNEY** of Cumberland, Senate Amendment "A" (S-308) to Committee Amendment "A" (S-301) **READ** and **ADOPTED**.

Committee Amendment "A" (S-301) as Amended by Senate Amendment "A" (S-308) thereto, **ADOPTED**.

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-308) AS AMENDED BY SENATE AMENDMENT "A" (S-301)** thereto.

Ordered sent down forthwith for concurrence.

Senator HICKMAN for the Committee on **LABOR AND HOUSING** on Bill "An Act To Provide That Maine's School Bus Drivers Are Eligible for Unemployment Insurance in Certain Circumstances"

S.P. 486 L.D. 1509

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-292)**.

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

Bill **READ ONCE**.

Committee Amendment "A" (S-292) **READ** and **ADOPTED**.

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

Sent down for concurrence.

Senator CHIPMAN for the Committee on **TAXATION** on Bill "An Act To Support Working Families through Outreach and Education about Tax Credits for Persons of Low Income"

S.P. 538 L.D. 1651

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-299)**.

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

Bill **READ ONCE**.

Committee Amendment "A" (S-299) **READ** and **ADOPTED**.

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

Sent down for concurrence.

Senator CHIPMAN for the Committee on **TAXATION** on Bill "An Act To Increase Workforce Skills for the Revitalization of Maine's Paper Industry through the Establishment of an Income Tax Credit for Paper Manufacturing Workforce Training"

S.P. 566 L.D. 1713

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-300)**.

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

Bill **READ ONCE**.

Committee Amendment "A" (S-300) **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:

ORDERS

Joint Order

On motion by Senator **BREEN** of Cumberland, the following Joint Order:

S.P. 580

ORDERED, the House concurring, that Bill, "Resolve, To Ensure That Community Mental Health Service Providers Can Access Pandemic Stimulus Funds," S.P. 85, L.D. 197, and all its accompanying papers, be recalled from the Governor's desk to the Senate.

READ and **PASSED**.

Sent down for concurrence.

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

REPORTS OF COMMITTEES

Senate

Divided Report

The Majority of the Committee on **VETERANS AND LEGAL AFFAIRS** on Bill "An Act To Ensure Equitable Taxation of Off-track Betting Facilities"

S.P. 390 L.D. 1205

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

Signed:

Senators:

LUCHINI of Hancock
HICKMAN of Kennebec

Representatives:

COREY of Windham
KINNEY of Knox
McCREIGHT of Harpswell
RIELLY of Westbrook

SUPICA of Bangor
WOOD of Portland

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (S-307)**.

Signed:

Senator:

FARRIN of Somerset

Representatives:

CAIAZZO of Scarborough
DOLLOFF of Milton Township
HARRINGTON of Sanford
TUTTLE of Sanford

Reports **READ**.

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

Sent down for concurrence.

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

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

PAPERS FROM THE HOUSE

Non-Concurrent Matter

HOUSE REPORTS - from the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** on Bill "An Act To End the Maine Information and Analysis Center Program"
H.P. 938 L.D. 1278

Majority - **Ought Not to Pass** (9 members)

Minority - **Ought to Pass as Amended by Committee Amendment "A" (H-229)** (4 members)

In Senate, June 14, 2021, the Majority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED**, in **NON-CONCURRENCE**.

Comes from the House, that Body having **INSISTED** on its former action whereby the Minority **OUGHT TO PASS AS AMENDED** Report was **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED**.

On motion by Senator **DAUGHTRY** of Cumberland, the Senate **INSISTED**.

Non-Concurrent Matter

HOUSE REPORTS - from the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** on Bill "An Act To Protect the Firearm Use and Possession Rights of Maine Citizens during an Emergency" (EMERGENCY)

H.P. 781 L.D. 1052

Majority - **Ought Not to Pass** (8 members)

Minority - **Ought to Pass** (5 members)

In Senate, June 14, 2021, the Minority **OUGHT TO PASS** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED**, 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**.

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

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

REPORTS OF COMMITTEES

House

Ought to Pass

The Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** on Bill "An Act Concerning the Unannounced Execution of Search Warrants"

H.P. 771 L.D. 1043

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

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

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

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

Ought to Pass As Amended

The Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** on Bill "An Act To Allow for Fair Restitution by Providing That Restitution Does Not Include the Cost of Analysis of Suspected Illegal Drugs"

H.P. 351 L.D. 477

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-607)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-607)**.

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

Bill **READ ONCE**.

Committee Amendment "A" (H-607) **READ** and **ADOPTED**, in concurrence.

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

The Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** on Bill "An Act To Increase Privacy and Security by Prohibiting the Use of Facial Surveillance by Certain Government Employees and Officials"

H.P. 1174 L.D. 1585

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-620)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-620)**.

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

Bill **READ ONCE**.

Committee Amendment "A" (H-620) **READ** and **ADOPTED**, in concurrence.

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

The Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act To Protect Oral Health for Children in Maine"

H.P. 1111 L.D. 1501

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-618)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-618)**.

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

Bill **READ ONCE**.

Committee Amendment "A" (H-618) **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

Divided Report

The Majority of the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** on Bill "An Act To Implement the Recommendations of the Maine Juvenile Justice System Assessment and Reinvestment Task Force" (EMERGENCY) H.P. 391 L.D. 546

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-616)**.

Signed:

Senators:

DESCHAMBAULT of York
CYRWAY of Kennebec

Representatives:

WARREN of Hallowell
COSTAIN of Plymouth
MORALES of South Portland
NEWMAN of Belgrade
PICKETT of Dixfield
PLUECKER of Warren
RECKITT of South Portland
RUDNICKI of Fairfield
SHARPE of Durham

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

Signed:

Representative:

LOOKNER of Portland

Comes from the House with the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-616)**.

Reports **READ**.

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

Bill **READ ONCE**.

Committee Amendment "A" (H-616) **READ** and **ADOPTED**, in concurrence.

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

Divided Report

The Majority of the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** on Bill "An Act To Improve Access to Medical Care for and Expand the Rights of Adult Clients of State Correctional Facilities"

H.P. 1245 L.D. 1674

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-615)**.

Signed:

Senators:

DESCHAMBAULT of York
LAWRENCE of York

Representatives:

WARREN of Hallowell
COSTAIN of Plymouth
LOOKNER of Portland
MORALES of South Portland
NEWMAN of Belgrade
PICKETT of Dixfield
PLUECKER of Warren
RECKITT of South Portland
SHARPE of Durham

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

Signed:

Senator:

CYRWAY of Kennebec

Representative:

RUDNICKI of Fairfield

Comes from the House with the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-615)**.

Reports **READ**.

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

Bill **READ ONCE**.

Committee Amendment "A" (H-615) **READ** and **ADOPTED**, in concurrence.

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

Divided Report

The Majority of the Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act To Require a Course Regarding the United States Constitution and the Constitution of Maine To Be Taught to High School Seniors"

H.P. 864 L.D. 1186

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

Signed:

Senators:

- RAFFERTY of York
- DAUGHTRY of Cumberland
- WOODSOME of York

Representatives:

- BRENNAN of Portland
- CROCKETT of Portland
- DODGE of Belfast
- LYMAN of Livermore Falls
- McCREA of Fort Fairfield
- MILLETT of Cape Elizabeth
- ROCHE of Wells
- SALISBURY of Westbrook
- STEARNS of Guilford

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (H-613)**.

Signed:

Representative:

- SAMPSON of Alfred

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

Reports **READ**.

On motion by Senator **RAFFERTY** of York, the Majority **OUGHT NOT TO PASS** Report **ACCEPTED**, in concurrence.

Divided Report

The Majority of the Committee on **TAXATION** on Bill "An Act To Establish a Sales Tax Holiday To Help Maine Businesses Affected by the COVID-19 Pandemic"

H.P. 1015 L.D. 1381

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

Signed:

Senators:

- CHIPMAN of Cumberland
- LIBBY of Androscoggin
- POULIOT of Kennebec

Representatives:

- TERRY of Gorham
- CARMICHAEL of Greenbush
- GRAMLICH of Old Orchard Beach
- MATLACK of St. George
- SACHS of Freeport

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (H-614)**.

Signed:

Representatives:

- BICKFORD of Auburn
- COLLINGS of Portland
- KRYZAK of Acton

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

Reports **READ**.

Senator **VITELLI** of Sagadahoc moved the Senate **ACCEPT** the Majority **OUGHT NOT TO PASS** Report, in concurrence.

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#380)

YEAS: Senators: BAILEY, BENNETT, BLACK, BREEN, BRENNER, CARNEY, CHIPMAN, CLAXTON, CURRY, DAUGHTRY, DIAMOND, DILL, LAWRENCE, LIBBY, LUCHINI, MAXMIN, MIRAMANT, RAFFERTY, SANBORN, VITELLI, PRESIDENT JACKSON

NAYS: Senators: BALDACCI, CYRWAY, DAVIS, FARRIN, GUERIN, HICKMAN, KEIM, MOORE, POULIOT, ROSEN, STEWART, TIMBERLAKE, WOODSOME

EXCUSED: Senator: DESCHAMBAULT

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 **ACCEPT** the Majority **OUGHT NOT TO PASS** Report, in concurrence, **PREVAILED**.

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 **STATE AND LOCAL GOVERNMENT** on RESOLUTION, Proposing an Amendment to the Constitution of Maine To Allow the Citizens of the State To Elect the Secretary of State, Treasurer of State and Attorney General

H.P. 756 L.D. 1018

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

Signed:

Senators:

BALDACCI of Penobscot
CLAXTON of Androscoggin
ROSEN of Hancock

Representatives:

MATLACK of St. George
BRYANT of Windham
COPELAND of Saco
DOORE of Augusta
DOWNES of Bucksport
HEAD of Bethel
PAULHUS of Bath
RISEMAN of Harrison
TUELL of East Machias

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (H-255)**.

Signed:

Representative:

GREENWOOD of Wales

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

Reports **READ**.

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

Divided Report

The Majority of the Committee on **STATE AND LOCAL GOVERNMENT** on RESOLUTION, Proposing an Amendment to the Constitution of Maine To Provide for the Popular Election of the Attorney General

H.P. 785 L.D. 1056

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

Signed:

Senators:

BALDACCI of Penobscot
CLAXTON of Androscoggin
ROSEN of Hancock

Representatives:

MATLACK of St. George
BRYANT of Windham
COPELAND of Saco
DOORE of Augusta
DOWNES of Bucksport
PAULHUS of Bath
RISEMAN of Harrison
TUELL of East Machias

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (H-204)**.

Signed:

Representatives:

GREENWOOD of Wales
HEAD of Bethel

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

Reports **READ**.

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

Divided Report

The Majority of the Committee on **STATE AND LOCAL GOVERNMENT** on RESOLUTION, Proposing an Amendment to the Constitution of Maine To Provide for the Popular Election of the Secretary of State

H.P. 786 L.D. 1057

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

Signed:

Senators:

BALDACCI of Penobscot
CLAXTON of Androscoggin
ROSEN of Hancock

Representatives:

MATLACK of St. George
BRYANT of Windham
COPELAND of Saco
DOORE of Augusta
DOWNES of Bucksport
PAULHUS of Bath
RISEMAN of Harrison
TUELL of East Machias

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (H-295).**

Signed:

Representatives:

GREENWOOD of Wales
HEAD of Bethel

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

Reports **READ**.

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

Divided Report

The Majority of the Committee on **STATE AND LOCAL GOVERNMENT** on RESOLUTION, Proposing an Amendment to the Constitution of Maine To Provide for the Popular Election of the Treasurer of State

H.P. 787 L.D. 1058

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

Signed:

Senators:

BALDACCI of Penobscot
CLAXTON of Androscoggin
ROSEN of Hancock

Representatives:

MATLACK of St. George
BRYANT of Windham
COPELAND of Saco
DOORE of Augusta
DOWNES of Bucksport
PAULHUS of Bath
RISEMAN of Harrison
TUELL of East Machias

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (H-212).**

Signed:

Representatives:

GREENWOOD of Wales
HEAD of Bethel

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

Reports **READ**.

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

Divided Report

Six members of the Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act To Let the Citizens of the State Choose Their State Auditor"

H.P. 755 L.D. 1017

Reported in Report **"A"** that the same **Ought Not to Pass**.

Signed:

Senator:

CLAXTON of Androscoggin

Representatives:

MATLACK of St. George
BRYANT of Windham
COPELAND of Saco
DOORE of Augusta
PAULHUS of Bath

Four members of the same Committee on the same subject reported in Report **"B"** that the same **Ought to Pass as Amended by Committee Amendment "A" (H-258).**

Signed:

Senator:

ROSEN of Hancock

Representatives:

DOWNES of Bucksport
GREENWOOD of Wales
TUELL of East Machias

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-259).**

Signed:

Senator:

BALDACCI of Penobscot

Comes from the House with Report **"A"**, **OUGHT NOT TO PASS**, **READ** and **ACCEPTED**.

Reports **READ**.

On motion by Senator **BALDACCI** of Penobscot, Report **"A"**, **OUGHT NOT TO PASS**, **ACCEPTED**, in concurrence.

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

ENACTORS

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

Emergency Measure

An Act To Implement the Recommendations of the Commission To Study Long-term Care Workforce Issues
H.P. 1170 L.D. 1573
(C "A" H-563)

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

Emergency Measure

An Act To Establish the Accidental Drug Overdose Death Review Panel
H.P. 1273 L.D. 1718

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 Change the Standard for Taking a Person into Protective Custody
H.P. 590 L.D. 785
(C "A" H-562)

An Act To Retroactively Grant Sick Leave Days to Public School Employees Affected by COVID-19
H.P. 731 L.D. 993
(C "A" H-333; S "A" S-262)

An Act Regarding the State Employee Health Commission
H.P. 967 L.D. 1311
(C "A" H-565)

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

An Act To Combat Hunger by Creating an Income Tax Credit of up to \$5,000 Annually for Businesses Engaged in Food Production for Donations to Tax-exempt Organizations
H.P. 183 L.D. 262
(C "A" H-564)

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

An Act To Strengthen the Ability of Public Employers and Teachers' Unions To Negotiate
H.P. 325 L.D. 449
(H "A" H-540)

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

An Act To Amend the Laws Governing Unemployment Compensation
S.P. 507 L.D. 1564
(S "A" S-243 to C "A" S-223)

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

Resolves

Resolve, Directing the Maine Public Employees Retirement System To Study and Report on How Statewide Retirement Systems Affected by the Windfall Elimination Provision and Government Pension Offset Can Cooperate on Solutions
S.P. 148 L.D. 341
(S "A" S-251 to C "A" S-203)

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

Resolve, To Study Maine's Motor Vehicle Inspection Program
H.P. 200 L.D. 284
(C "A" H-566)

On motion by Senator **DIAMOND** of Cumberland, placed on the **SPECIAL HIGHWAY TABLE** pending **FINAL PASSAGE**, in concurrence.

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

PAPERS FROM THE HOUSE

Joint Order

The following Joint Order:
H.P. 1287

ORDERED, the Senate concurring, that Bill, "Resolve, To Create a Health Care Ombudsman Position To Serve in Maine's County Jails," H.P. 747, L.D. 1009, and all its accompanying papers, be recalled from the Governor's desk to the House.

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

READ and **PASSED**, in concurrence.

REPORTS OF COMMITTEES

Senate

Divided Report

The Majority of the Committee on **ENERGY, UTILITIES AND TECHNOLOGY** on Bill "An Act To Advance Energy Storage in Maine"

S.P. 213 L.D. 528

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-314)**.

Signed:

Senators:

LAWRENCE of York
VITELLI of Sagadahoc

Representatives:

BERRY of Bowdoinham
CUDDY of Winterport
GROHOSKI of Ellsworth
KESSLER of South Portland
WOOD of Portland
ZEIGLER of Montville

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

Signed:

Senator:

STEWART of Aroostook

Representatives:

CARLOW of Buxton
FOSTER of Dexter
WADSWORTH of Hiram

Reports **READ**.

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

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

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

REPORTS OF COMMITTEES

Senate

Divided Report

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 **ENVIRONMENT AND NATURAL RESOURCES** on Bill "An Act To Promote a Circular Economy through Increased Post-consumer Recycled Plastic Content in Plastic Beverage Containers"

H.P. 1083 L.D. 1467

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-622)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-622)**.

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

Bill **READ ONCE**.

Committee Amendment "A" (H-622) **READ** and **ADOPTED**, in concurrence.

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

The Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act To Provide a Tax Credit for Family Caregivers"

H.P. 209 L.D. 296

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-621)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-621)**.

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

Bill **READ ONCE**.

Committee Amendment "A" (H-621) **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:

The Majority of the Committee on **ENERGY, UTILITIES AND TECHNOLOGY** on Bill "An Act To Advance Energy Storage in Maine"

S.P. 213 L.D. 528

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-314)**.

Signed:

Senators:

LAWRENCE of York
VITELLI of Sagadahoc

Representatives:

BERRY of Bowdoinham
CUDDY of Winterport
GROHOSKI of Ellsworth
KESSLER of South Portland
WOOD of Portland
ZEIGLER of Montville

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

Signed:

Senator:

STEWART of Aroostook

Representatives:

CARLOW of Buxton
FOSTER of Dexter
WADSWORTH of Hiram

Reports **READ**.

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

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

THE PRESIDENT: The Chair recognizes the Senator from Sagadahoc, Senator Vitelli.

Senator **VITELLI:** Thank you, Mr. President. Mr. President, colleagues in the Senate, I rise in strong support of the pending motion. As co-chair of the Commission to Study the Economic, Environmental, and Energy Benefits of Energy Storage to the Maine Electricity Industries, one of the longest titles of any commission ever in 2019, I came to understand how important energy storage technology is going to be to all of us as we strive to meet our energy and climate goals. Energy storage technology will help improve user experience for Maine consumers of electricity in terms of both cost and reliability. Both individual consumers and all ratepayers pay more under our current system, which is not well equipped to manage peaks in demand. By using energy storage technology, we can store excess power and reduce the inefficiencies that occur between peaks and valleys in the demand. An increase in reliability also compliments

many of Maine's environmental goals. Many renewable energy sources, such as wind and solar, generate electricity variably. Energy storage technology can capture the excess power generated when the wind is blowing or the sun is shining and allow us to discharge that stored energy when needed at a later time. Committing to energy storage technology is no longer an option. As the Commission concluded in their report, 'If the State fails to move forward with the small steps suggested in this report to promote energy storage development in Maine ratepayers will pay the price of this inaction.' The Legislature needs to seize this opportunity and pass this bill to strengthen our energy storage infrastructure, to increase our storage capacity, and to create incentives for investment in energy storage technology. Maine is currently trailing other New England states in developing policy that encourages energy storage. Further inaction will leave Maine ratepayers farther behind. Clearly, energy storage is a necessary part of Maine's energy future. While this bill is just a first step, it is an important first step towards that future. I urge you to follow my light. 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 just to, for the benefit of the record, I believe that we've had a previous debate around a similar issue in this Chamber already so I won't go into the details but I will just rise to voice the concerns of the Minority, which are that advancing this type of program will have a negative impact on ratepayers as it will, necessarily, increase the cost to the ratepayers. So, that is the basis for our opposition to the bill and the pending motion. Thank you.

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#381)

YEAS: Senators: BAILEY, BALDACCI, BENNETT, BREEN, BRENNER, CARNEY, CHIPMAN, CLAXTON, CURRY, DAUGHTRY, DIAMOND, DILL, HICKMAN, LAWRENCE, LIBBY, LUCHINI, MAXMIN, MIRAMANT, RAFFERTY, SANBORN, VITELLI, PRESIDENT JACKSON

NAYS: Senators: BLACK, CYRWAY, DAVIS, FARRIN, GUERIN, KEIM, MOORE, POULIOT, ROSEN, STEWART, TIMBERLAKE, WOODSOME

EXCUSED: Senator: DESCHAMBAULT

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

Bill **READ ONCE**.

Committee Amendment "A" (S-314) **READ** and **ADOPTED**.

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

Sent down for concurrence.

Divided Report

The Majority of the Committee on **HEALTH COVERAGE, INSURANCE AND FINANCIAL SERVICES** on Bill "An Act To Provide Greater Access to Treatment for Serious Mental Illness by Prohibiting an Insurance Carrier from Requiring Prior Authorization or Step Therapy Protocol"

S.P. 420 L.D. 1268

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-313)**.

Signed:

Senators:

SANBORN of Cumberland
BRENNER of Cumberland
STEWART of Aroostook

Representatives:

ARFORD of Brunswick
BLIER of Buxton
BROOKS of Lewiston
CONNOR of Lewiston
EVANS of Dover-Foxcroft
MATHIESON of Kittery
MORRIS of Turner
QUINT of Hodgdon

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

Signed:

Representatives:

TEPLER of Topsham
MELARAGNO of Auburn

Reports **READ**.

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

Bill **READ ONCE**.

Committee Amendment "A" (S-313) **READ** and **ADOPTED**.

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

Sent down for concurrence.

Divided Report

The Majority of the Committee on **HEALTH COVERAGE, INSURANCE AND FINANCIAL SERVICES** on Bill "An Act To Promote Individual Retirement Savings through a Public-Private Partnership"

S.P. 515 L.D. 1622

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-312)**.

Signed:

Senators:

SANBORN of Cumberland
BRENNER of Cumberland
STEWART of Aroostook

Representatives:

TEPLER of Topsham
ARFORD of Brunswick
BLIER of Buxton
BROOKS of Lewiston
CONNOR of Lewiston
EVANS of Dover-Foxcroft
MATHIESON of Kittery
MELARAGNO of Auburn

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

Signed:

Representatives:

MORRIS of Turner
QUINT of Hodgdon

Reports **READ**.

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

Bill **READ ONCE**.

Committee Amendment "A" (S-312) **READ** and **ADOPTED**.

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

Sent down for concurrence.

Divided Report

The Majority of the Committee on **INNOVATION, DEVELOPMENT, ECONOMIC ADVANCEMENT AND BUSINESS** on Bill "An Act To Enhance Private Property Protections Using Modern Technology"

S.P. 497 L.D. 1583

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

Signed:

Senators:

CURRY of Waldo
CYRWAY of Kennebec

Representatives:

ROBERTS of South Berwick
AUSTIN of Gray
BAILEY of Gorham
BERNARD of Caribou
COLLAMORE of Pittsfield
GEIGER of Rockland
HASENFUS of Readfield
PEBWORTH of Blue Hill

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (S-310)**.

Signed:

Representative:

ANDREWS of Paris

Reports **READ**.

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

Sent down for concurrence.

Divided Report

The Majority of the Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act To Protect Taxpayers in the Privatization of Services and To Establish the State Procurement Review Committee"

S.P. 289 L.D. 875

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-309)**.

Signed:

Senators:

BALDACCI of Penobscot
CLAXTON of Androscoggin

Representatives:

MATLACK of St. George
BRYANT of Windham
COPELAND of Saco
DOORE of Augusta
PAULHUS of Bath
RISEMAN of Harrison

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

Signed:

Senator:

ROSEN of Hancock

Representatives:

DOWNES of Bucksport
GREENWOOD of Wales
HEAD of Bethel
TUELL of East Machias

Reports **READ**.

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

Bill **READ ONCE**.

Committee Amendment "A" (S-309) **READ** and **ADOPTED**.

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

Sent down for concurrence.

Divided Report

The Majority of the Committee on **TAXATION** on Bill "An Act To Excuse Certain Marketplace Sellers and Facilitators for Failing To Collect and Remit Sales and Use Taxes on Ammunition Sales"
S.P. 449 L.D. 1362

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

Signed:

Senators:

CHIPMAN of Cumberland
LIBBY of Androscoggin

Representatives:

TERRY of Gorham
BICKFORD of Auburn
COLLINGS of Portland
GRAMLICH of Old Orchard Beach
MATLACK of St. George
PERRY of Bangor
SACHS of Freeport

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (S-311)**.

Signed:

Senator:

POULIOT of Kennebec

Representatives:

HANLEY of Pittston
KRYZAK of Acton

Reports **READ**.

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

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#382)

YEAS: Senators: BAILEY, BALDACCI, BREEN, BRENNER, CARNEY, CHIPMAN, CLAXTON, CURRY, DAUGHTRY, DIAMOND, DILL, HICKMAN, LAWRENCE, LIBBY, LUCHINI, MAXMIN, MIRAMANT, RAFFERTY, SANBORN, VITELLI, PRESIDENT JACKSON

NAYS: Senators: BENNETT, BLACK, CYRWAY, DAVIS, FARRIN, GUERIN, KEIM, MOORE, POULIOT, ROSEN, STEWART, TIMBERLAKE, WOODSOME

EXCUSED: Senator: DESCHAMBAULT

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

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 **ENERGY, UTILITIES AND TECHNOLOGY** on Bill "An Act To Promote Oversight of and Competitive Parity among Video Service Providers" H.P. 676 L.D. 920

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-528)**.

Signed:

Senators:
LAWRENCE of York
VITELLI of Sagadahoc

Representatives:
BERRY of Bowdoinham

CUDDY of Winterport
GROHOSKI of Ellsworth
KESSLER of South Portland
WOOD of Portland
ZEIGLER of Montville

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

Signed:

Senator:
STEWART of Aroostook

Representatives:
CARLOW of Buxton
FOSTER of Dexter
WADSWORTH of Hiram

Comes from the House with the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-528) AS AMENDED BY HOUSE AMENDMENT "A" (H-635)** thereto.

Reports **READ**.

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

Senator **STEWART** of Aroostook requested a Roll Call.

On motion by Senator **BENNETT** of Oxford, **TABLED** until Later in Today's Session, pending the motion by Senator **LAWRENCE** of York to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report, in in concurrence. (Roll Call Requested)

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:

PAPERS FROM THE HOUSE

Non-Concurrent Matter

HOUSE REPORTS - from the Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act To Require Instruction on the History of Genocide and the Holocaust" H.P. 150 L.D. 215 (C "A" H-243)

Majority - **Ought Not to Pass** (8 members)

Minority - **Ought to Pass as Amended by Committee Amendment "A" (H-243)** (5 members)

In Senate, June 14, 2021, the Minority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-243)** 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**.

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

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

ORDERS

Joint Resolution

On motion by Senator **BAILEY** of York (Cosponsored by Representative **TUELL** of East Machias and Senators: **BRENNER** of Cumberland, **CURRY** of Waldo, **HICKMAN** of Kennebec, **MAXMIN** of Lincoln, **MOORE** of Washington, **RAFFERTY** of York, **VITELLI** of Sagadahoc, Representative: **FAY** of Raymond), the following Joint Resolution:

S.P. 581

JOINT RESOLUTION RECOGNIZING JUNE 15, 2021 AS WORLD ELDER ABUSE AWARENESS DAY

WHEREAS, throughout the United States, 10,000 people a day are turning 65 years of age; and
WHEREAS, one in 10 Americans 60 years of age and older experiences abuse each year; and
WHEREAS, at least \$2,900,000,000 is taken from older adults each year due to financial abuse and exploitation; and
WHEREAS, abuse, neglect and exploitation of older adults in the United States are often unidentified and unreported because of an inability to report or a fear of reporting; and
WHEREAS, older adults who are abused are 3 times more likely to die earlier than older adults of the same age who are not abused; and
WHEREAS, Maine's seniors are valued members of society, and it is our collective responsibility to ensure that they live safe lives; and
WHEREAS, seniors should be treated with respect and dignity to enable them to continue to serve as leaders, mentors, volunteers and active members of society; and
WHEREAS, combating abuse and empowering the elderly will help improve the quality of life and independence of all seniors across the State; and
WHEREAS, we are all responsible for building safer communities for Maine's seniors by reporting elder abuse and neglect when we suspect it; and
WHEREAS, the welfare of seniors is in the best interest of all citizens and adds to the well-being of all our communities; now, therefore, be it

RESOLVED: That We, the Members of the One Hundred and Thirtieth Legislature now assembled in the First Special Session, on behalf of the people we represent, take this opportunity to recognize June 15, 2021 as World Elder Abuse Awareness Day and the importance of raising awareness of elder abuse and the promotion of better understanding of the cultural, social, economic and demographic issues that may contribute to the growing incidence of elder abuse.

READ and **ADOPTED**.

Sent down for concurrence.

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

ORDERS OF THE DAY

The Chair laid before the Senate the following Tabled and Later Assigned (6/2/21) matter:

SENATE REPORTS - from the Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act To Provide Maine Children Access to Affordable Health Care"

S.P. 158 L.D. 372

Majority - **Ought to Pass as Amended by Committee Amendment "A" (S-97)** (8 members)

Minority - **Ought to Pass as Amended by Committee Amendment "B" (S-98)** (5 members)

Tabled - June 2, 2021 by Senator **CLAXTON** of Androscoggin

Pending - **ACCEPTANCE OF EITHER REPORT**

(In Senate, June 2, 2021, Reports **READ**.)

On motion by Senator **CLAXTON** of Androscoggin, the Minority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "B" (S-98)** Report **ACCEPTED**.

Bill **READ ONCE**.

Committee Amendment "B" (S-98) **READ**.

On motion by Senator **CARNEY** of Cumberland, Senate Amendment "A" (S-291) To Committee Amendment "B" (S-98) **READ**.

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

Senator **CARNEY**: Thank you, Mr. President. Mr. President and esteemed colleagues of the Senate, thank you for your consideration of the pending motion to adopt Senate Amendment "A". I ask you to support An Act to Provide Maine Children Access to Affordable Health Care. The goal of L.D. 372 is to give

Maine children the same access to pediatric healthcare as children in our neighboring New England states. The Federal Children's Health Insurance Program funds specific health coverage for kids with family income up to 300% of the federal poverty level. Vermont, New Hampshire, Massachusetts takes full advantage of the available federal funds. In fact, 19 states take full advantage of the federal match. Maine only covers children with incomes up to 213% of the federal poverty level. If the floor amendment to the Minority Report is enacted, L.D. 372 will raise eligibility to 300% of the federal poverty level and bring into our state \$12 million in federal healthcare money. Our children, healthcare providers, and rural hospitals will benefit greatly from this legislation. Maine's share of the coverage, \$4 million, will be match with three times that amount in federal funds. An additional 10,000 Maine children will receive regular pediatric care, dental care, vision, mental health, and other necessary care. We know CHIP and MaineCare have significant measurable benefits because they've been studied for over 50 years. The data shows that children who receive CHIP and Medicaid have higher reading scores in 4th grade, higher high school graduation rates, and are more likely to go to college, are less likely to have heart disease and other medical conditions in adulthood, and even pay more income tax as adults. L.D. 372 will relieve the burden working families face when trying to purchase health insurance. Climbing costs mean that even parents with employer-sponsored insurance can no longer afford their share of premiums. The numbers are shocking. Nationally, families with employer plans have seen health costs rise by 67% in the last decade while wages only grew by 31%. For families without insurance, a sick or injured child can lead to medical debt that causes severe financial hardship or even bankruptcy. Children without insurance often don't have a regular doctor, lose out on preventative care, and are at a higher risk for misdiagnosis of serious health conditions. Giving children healthcare coverage through CHIP lets working parents put their income towards savings, towards improved housing, towards childcare and education instead of paying for private insurance. Colleagues, I urge you to support the pending floor amendment. This will give more than 10,000 uninsured Maine children regular pediatric, dental, vision, mental health, and other care. It will relieve the burden on working families and help parents keep their kids healthy and it will bring vital federal healthcare dollars to our state to support providers and hospitals. Our children, our healthcare system, and our state need these federal dollars. Let's not leave them on the table.

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

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

Senator **MOORE:** Thank you, Mr. President. I do have a question that I'd like to pose to the President that perhaps can be answered by the Floor Amendment. Our initial bill covered non-citizen children as far as being eligible that were not eligible for MaineCare coverage and I'm just wanting to verify whether this Senate Amendment does still cover the non-citizen children? Thank you.

THE PRESIDENT: The Senator from Washington, Senator Moore, has posed a question through the Chair for anyone who can answer. The Chair recognizes the Senator from Cumberland, Senator Brenner.

Senator **BRENNER:** Thank you, Mr. President. I don't have an answer for the question but I do have a few words about the bill. Mr. President and colleagues of the Senate, I rise to speak in favor of L.D. 372. CHIP, or as it is called in Maine, Cub Care, is designed for working families. Two weeks ago, my heart was bursting with goodness after the floor speeches by the good Senators from Cumberland and Kennebec who passionately spoke about their concerns for the welfare of children who had been subjected to trauma and I also share that concern. What we know is that children who are subjected to adverse childhood experiences, or ACES as they are commonly referred to, have a far greater prevalence of trauma induced health concerns, even from a young age. For children who have a high ACES score, regular visits to see their healthcare provider is a crucial piece to long-term wellness, trust in the health care system, and an opportunity for discussion about effective and healthy coping strategies. This bill, in its intent to match the federal government's qualification limit of 300% of the poverty level, means that a family of four making under \$79,500 annually will qualify. Based on the benefits package offered to State Senators, this means that for a legislator, like myself, who currently uses the healthcare plan to cover my family, I would realize a savings of \$187 a month or \$2,245 per year. This is income that I would pay taxes on. I could save for college tuition and I could use to pay for summer camp. Colleagues, I implore you to follow the thread here between your deep well of concern for children and expand it to regular well child visits, the ability to access care when your child is sick, and the importance of establishing an on-going relationship with the healthcare system for as many of Maine's children as possible. I urge you to tuck your ideology aside and recognize that the free market approach to access and affordability for healthcare is far from being realized and that for Maine to leave federal money on the table when we have a real opportunity to leverage dollars and actual benefits for Maine's children is a bargain we cannot afford to lose. If it's children that you care about, then this is a moment to vote your conscience. I want to say that just one more time. If it's children that you care about, then this is a moment to vote your conscience. Please extend your support to Maine's working families and Maine children and vote in favor of L.D. 372. Thank you.

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

Senator **SANBORN:** Thank you, Mr. President. I rise to give a slightly different perspective on this bill, which is that we struggled in my committee to try and sell something called the Family Glitch. This is where you can get health insurance from your employer but your employer only subsidizes the employee portion of the premiums and the child portion of the premiums, to add your child in, is just patently unaffordable for you at the 300% or less of the poverty level and the problem is that if you go over to the market place and try and just buy individual coverage for your child you are ineligible for the subsidizes that you should be eligible for based on your income due to something in federal law called the Family Glitch. If we expand MaineCare in the way that it's proposed before us today, we will be leveraging federal dollars

to help us fill part of the hole left by the Family Glitch and we'll be helping Maine families and Maine small businesses that really struggle to subsidize more than just the employee coverage for their employees. Thank you.

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

Senator **POULIOT:** Thank you, Mr. President. I hadn't intended to rise to speak on this, however, as the former co-Chair of the Children's Caucus, I definitely care about kids. It's part of the reason why I supported the bill to expand access to good nutrition in our schools. However, I spoke to the sponsor of this bill and, you know, explained to her that covering non-citizens when we have hundreds of Mainers waiting on wait lists to get care that the need in nursing homes across the state was just really a non-starter for me and probably our caucus. But having voted for MaineCare expansion when I was in the House and having many sleepless nights as a result of that, I definitely think that we ought to be doing what we can to pull down federal resources, particularly as a state like Maine where most of those dollars aren't actually our dollars, they're not really anyone's dollars, just printed on a printing machine somewhere dollars, but they're coming from states that have a lot more resources than us so I'd be for that. Perhaps, maybe, someone might want to consider tabling the bill and not doing that but, for me, having non-citizens in this legislation when other Mainers are being left in the dust is just really a non-starter. So, I don't want that to be taken as non-support for this program or certainly not by the members of this Body as non-support for Maine's children but it's just not workable in its current form. Thank you, Mr. President.

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

Senator **CLAXTON:** Thank you, Mr. President. I'd like to attempt to answer the question from the good Senator from Washington, and parts of Hancock, County and for Senator Pouliot. The changes that were made in "B" stripped out a bunch of those concerning language about non-citizens. That's gone. The language in S-291 references specifically matching dollars for federally qualifying individuals. Cub Care. If you're a citizen without papers, and you're not on immigration pathway, you would not qualify. So, by implication, we are not covering folks who wouldn't qualify by federal standards. So, I think that eliminates, in my mind and my reading of this, the particular question that you raised, Senator Pouliot, and that you raised, Senator Moore, directed to the Chair, sorry.

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

Senator **CARNEY:** Thank you, Mr. President. I would like to try to address the question from the Senator from Washington as well as the Senator from Kennebec. So, what the bill, if we adopted the amendment, what would happen is that the status quo with regard to children who are currently receiving, or eligible for, CHIP and Medicaid would be maintained with regard to citizenship status. The thing that would change as a result of the amendment is that the eligibility would go up to 300% of poverty and, in addition, would cover 19 and 20-year olds. You'll notice that the fiscal note has been reduced and so, to me, that indicates

that some children who would have been covered by the original bill will go without healthcare coverage but I think it also indicates that the concern that some members of this Body may be feeling have, to some extent, been addressed by the amendment and I don't know, I haven't dug deep into exactly who will win and who will lose as a result of the amendment but I do think that some - the impact is that some children will not have the coverage that they would have had under the original bill and so I hope that addresses your concern and, again, I think that the important thing here is that we have this opportunity, this incredible opportunity, to leverage federal funds that apply to children and that give them the healthcare that they and their working parents need and I would urge you to support the amendment.

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

On motion by Senator **VITELLI** of Sagadahoc, **TABLED** until Later in Today's Session, pending the motion by Senator **CARNEY** of Cumberland to **ADOPT** Senate Amendment "A" (S-291) to Committee Amendment "B" (S-98). (Roll Call Ordered)

The Chair laid before the Senate the following Tabled and Later Assigned (6/7/21) matter:

SENATE REPORTS - from the Committee on **TRANSPORTATION** on Bill "An Act To Improve the Investigation and Prosecution of Cases That Involve Vulnerable Road Users" S.P. 208 L.D. 821

Majority - **Ought Not to Pass** (12 members)

Minority - **Ought to Pass as Amended by Committee Amendment "A" (S-186)** (1 member)

Tabled - June 7, 2021 by Senator **DIAMOND** of Cumberland
Pending - **ACCEPTANCE OF EITHER REPORT**

(In Senate, June 7, 2021, Reports **READ**.)

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

Bill **READ ONCE**.

Committee Amendment "A" (S-186) **READ**.

On motion by Senator **DIAMOND** of Cumberland, Senate Amendment "A" (S-296) to Committee Amendment "A" (S-186) **READ** and **ADOPTED**.

Committee Amendment "A" (S-186) as Amended by Senate Amendment "A" (S-296) thereto, **ADOPTED**.

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-186) AS AMENDED BY SENATE AMENDMENT "A" (S-296)** thereto.

Ordered sent down forthwith for concurrence.

Senate at Ease.

The Senate was called to order by the President.

The Chair laid before the Senate the following Tabled and Later Today Assigned matter:

An Act To Promote Oversight of and Competitive Parity among Video Service Providers

H.P. 676 L.D. 920

Majority - **Ought to Pass as Amended by Committee Amendment "A" (H-528)** (8 members)

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

Tabled - June 15, 2021 by Senator **BENNETT** of Oxford

Pending - the motion by Senator **LAWRENCE** of York **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report, in concurrence (Roll Call Requested)

(In House, June 15, 2021, the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-528) AS AMENDED BY HOUSE AMENDMENT "A" (H-635)** thereto.)

(In Senate, June 15, 2021, Reports **READ**.)

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

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

Senator **LAWRENCE:** Thank you, Mr. President. I felt like after the last speaker on this bill I had to get up and say something because I looked up at the ceiling and I expected the tiles to come falling down. I expected the sky to start falling in and I was reminded of the story of Chicken Little because this bill is really just an acorn, a small chunk of what it was to start off with and the real issue, the real issue here, that raises concern is that this puts, allows, the PUC to oversee municipal video service franchising agreements. Some states have a statewide contract for cable providers and there's one contract all across the state. The State of Maine, for whatever reason, went down the track of having one municipal contract for each municipality and that puts the municipality in a very weak position when compared to the cable companies. So, what this bill does is allow the PUC to oversee and enforce those contracts. That's really what is at dispute here. It's a relatively small amount of oversight but it gives your municipalities strength in dealing with the cable companies and I just ask you, how many of you have heard

complaints from municipalities or complaints from your constituents about the cable service contract and the ability to enforce it? This bill is meant to resolve that problem and I urge you to support it.

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

Senator **WOODSOME:** Thank you, sir. I'd like to echo what Senator Lawrence has said. This has been a perennial problem with municipalities and I would urge you to support my twenty and I just feel that Chicken Little, as Senator Lawrence has referred to, has struck again. Thank you.

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

Senator **STEWART:** Thank you, Mr. President. While some of my colleagues might feel that a tax increase on streaming services is not a big deal, I would submit to you that that's the wrong position for this Chamber to take. If you want to increase taxes on streaming services we can support this, sure, but I'd bet if you ask your constituents what they would want you to do they'd say something else. Now, we can poke fun at each other and, you know, call each other names on the floor of the Senate as if that somehow was going to make this problem of a bill go away but it's not. This is a problem. This is government overreach at its finest. This is bad government. If we want to make light of that we can but I've heard you say on the floor before, Mr. President, that you don't want to be a part of a Body that behaves in such a way and neither do I. This doesn't make any sense to me and I bet if you really think about what's in the best interest of your constituents you'd settle on that same outcome. This is bad government and we should not be supporting it. Thank you.

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

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

THE PRESIDENT: The Senator from Androscoggin may proceed.

Senator **TIMBERLAKE:** I think I've heard about three different things here in the last few minutes and the question I pose is: is this raising a tax? Is this a tax increase or is this a fee increase or however we want to call it? Is there an increase in fee involved in this bill?

THE PRESIDENT: The Senator from Androscoggin, Senator Timberlake, has posed a question through the Chair, definitely, to anyone who can answer. The Chair recognizes the Senator from York, Senator Lawrence.

Senator **LAWRENCE:** Thank you, Mr. President. And the simple answer to that question is yes. There is a fee involved in this. It is not the fee that this bill started out with. This fee the PUC has said amount to 5¢, five pennies, on people's bill a month and when we talk about, you know, do people want a fee increase, you know, I actually asked someone, a senior citizen in my

district, how they would feel about paying 5¢ a month to allow the municipality greater regulation and greater oversight of their cable service provider's contract and they say that's nothing. For 60¢ a year, it's worthwhile.

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

Senator **KEIM:** Thank you, Mr. President. Ladies and gentlemen of the Senate, it's late and I apologize in a way for getting up and talking about this bill but I am very supportive of local access, television. I think that it's a really important part of our communities and one that we need to support because it truly is a free speech platform and anyone can get on there and it's also local. It's what local people think and it's a way to connect with people in ways that don't necessarily pay bills but it is really good for our communities. However, I am concerned about the bill in front of us. I'm concerned that the fee is actually getting four employees at the PUC. My preference is that we submit this back to committee and that we would work on this further. I want to support a bill that supports the local access TV stations and the one in front of us now I am afraid to say that I can't support but would love the opportunity to do so. Thank you.

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

Senator **BREEN:** Thank you, Mr. President. Having served at the local level, like a lot of our colleagues here in this Body, and served in the municipal world, we know that municipalities are vastly overmatched by cable companies when it comes to negotiating contracts on a town-by-town basis. This assistance at the PUC attempts to level that mismatch so that municipalities who represent ratepayers and taxpayers can have the assistance of the PUC, all its expertise, all of its capacity, in trying to negotiate favorable terms for our communities, for cable subscribers, all over the state. I can tell you when the municipalities go up against the cable companies the differential is a lot more than 60¢ per household. So, I think this is an excellent investment for consumers, subscribers, and municipalities in all the communities that we represent.

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

Senator **STEWART:** Thank you, Mr. President. I rise to answer the question from the Senator from Androscoggin County that was posed earlier in regards to the fee. The 60¢ per year fee is just one component. It is not the entire fee that will be assessed. There's an additional hidden fee that would be assessed by allowing local access channel operators to pass along the capital cost that they would be in control of at that point and what you've actually done with this bill is remove the local governments that are elected and accountable to the people and you've put it in control of the local operator, the local access channel, and so there's less accountability, that we've just heard was important. There's less input, that we just heard is significant. There's less of that and there's a potential for even more cost shifted to the consumer. I want to be clear about that. That is what we're talking about. Again, this is bad government, bad accountability, and it's going to increase fees beyond what was previously stated. Thank you.

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#383)

YEAS: Senators: BAILEY, BALDACCI, BREEN, BRENNER, CARNEY, CHIPMAN, CLAXTON, CURRY, DAUGHTRY, DIAMOND, DILL, LAWRENCE, LIBBY, LUCHINI, MAXMIN, MIRAMANT, RAFFERTY, SANBORN, VITELLI, WOODSOME, PRESIDENT JACKSON

NAYS: Senators: BENNETT, BLACK, CYRWAY, DAVIS, FARRIN, GUERIN, HICKMAN, KEIM, MOORE, POULIOT, ROSEN, STEWART, TIMBERLAKE

EXCUSED: Senator: DESCHAMBAULT

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

Bill READ ONCE.

Committee Amendment "A" (H-528) **READ.**

House Amendment "A" (H-635) to Committee Amendment "A" (H-528) **READ** and **ADOPTED**, in concurrence.

Committee Amendment "A" (H-528) as Amended by House Amendment "A" (H-635) thereto, **ADOPTED**, in concurrence.

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-528) AS AMENDED BY HOUSE AMENDMENT "A" (H-635)** thereto, 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 **ENERGY, UTILITIES AND TECHNOLOGY** on Bill "An Act To Facilitate the Recycling of Clean Energy Equipment"

H.P. 656 L.D. 900

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

Signed:

Senators:

LAWRENCE of York
STEWART of Aroostook
VITELLI of Sagadahoc

Representatives:

CARLOW of Buxton
CUDDY of Winterport
GROHOSKI of Ellsworth
KESSLER of South Portland
WADSWORTH of Hiram
WOOD of Portland
ZEIGLER of Montville

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (H-617)**.

Signed:

Representative:

FOSTER of Dexter

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

Reports **READ**.

On motion by Senator **LAWRENCE** of York, the Majority **OUGHT NOT TO PASS** Report **ACCEPTED**, in concurrence.

Divided Report

The Majority of the Committee on **JUDICIARY** on Bill "An Act To Provide Access to Justice for Victims of Child Sexual Abuse"
H.P. 432 L.D. 589

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-602)**.

Signed:

Senators:

CARNEY of Cumberland
SANBORN of Cumberland

Representatives:

HARNETT of Gardiner
BABBIDGE of Kennebec
MORIARTY of Cumberland
RECKITT of South Portland
SHEEHAN of Biddeford

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

Signed:

Senator:

KEIM of Oxford

Representatives:

HAGGAN of Hampden
LIBBY of Auburn
POIRIER of Skowhegan
THORNE of Carmel

Comes from the House with the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-602)**.

Reports **READ**.

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

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

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

Senator **KEIM:** Thank you, Mr. President. Ladies and gentlemen of the Senate, I'd like to share a few facts about this bill because the title is about providing justice and all of us want to provide justice, but Maine already provides justice for victims of child sexual assault. Over 20 years ago Maine abolished any statute of limitations for civil claims arising out of child sexual assault. This applied to any claim not already time barred. The only claims barred in Maine are currently more than 34 years old, claims that arose around 1986 or 1987 or earlier. Maine already provides more opportunities for bringing claims for child sexual assault than any other state, including Massachusetts. Reviving previously barred claims violates principles of justice and fundamental fairness. Wrongfully accusing an innocent descendant of child sexual assault is no less unjust than denying compensation to a deserving victim. Current Maine law provides balance by permitting all but the oldest claims for child sexual assault. Perpetrators are likely deceased or incapacitated so their employers, Maine churches, camps, private schools, or youth organizations will bear the burden of civil lawsuits. In most cases, these entities will have knowledge of the sexual abuse that occurred and no witnesses or evidence to defend against these old claims. Undefendable claims with potentially great exposure will make insurance coverage unavailable or unaffordable. Many of the organizations sued as a result of this revival legislation will go bankrupt. This legislation is also unlikely - is likely unconstitutional under Maine law. Maine law is clear that a civil defendant has a vested right and a statute of limitations once the prescribed time has completely run and barred the action. The A.G.'s Office said at the work session that any passage of this legislation will be subject to constitutional change under due process. Passing L.D. 589 will thus give false hope to victims of very old claims and risk revictimization when these cases are dismissed as unconstitutional by the law court. Thank you for your consideration of rejecting the pending motion. Thank you.

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

Senator **CARNEY:** Thank you very much, Mr. President and colleagues of the Senate. I just want to speak briefly. The good Senator from Oxford raises a good point about aging evidence and I just want to remind the members of this Body that the problems with missing evidence applies equally to both victims and perpetrators of child sexual abuse. This statute would bring justice to a very small group of people who might still be impacted by child sexual abuse who wish to bring claims forward. It is a really important step for us to take in order to bring justice to these people who have been affected by very significant and hurtful behavior and I ask that you join me in helping to prevent further abuse, promote healing, and allow these individuals to pursue their claims should they choose. I also did want to mention that the Attorney General felt that the constitutional challenge would be very defensible in this case. Thank you.

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

Senator **DIAMOND:** Thank you, Mr. President. Ladies and gentlemen of the Senate, I'll be brief but this bill does more than maybe we realize. This bill sends the message that the State of Maine is serious. You abuse a child, and even if you did it 40 years ago, this message coming from this bill is you can't hide, you can't hide behind a calendar, you can't hide behind anything because we're coming at you and I'm really pleased and proud that this bill reached this Senate in the way that it has with this kind of a report. It's very important. We need to have a reputation that this is not going to be acceptable and there's no place for you to hide.

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#384)

YEAS: Senators: BAILEY, BALDACCI, BENNETT, BLACK, BREEN, BRENNER, CARNEY, CHIPMAN, CLAXTON, CURRY, CYRWAY, DAUGHTRY, DIAMOND, DILL, HICKMAN, LAWRENCE, LIBBY, LUCHINI, MAXMIN, MIRAMANT, MOORE, RAFFERTY, ROSEN, SANBORN, VITELLI, WOODSOME, PRESIDENT JACKSON

NAYS: Senators: DAVIS, FARRIN, GUERIN, KEIM, POULIOT, STEWART, TIMBERLAKE

EXCUSED: Senator: DESCHAMBAULT

27 Senators having voted in the affirmative and 7 Senators having voted in the negative, with 1 Senator being excused, the motion by Senator **CARNEY** of Cumberland to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report, in concurrence, **PREVAILED**.

Bill **READ ONCE**.

Committee Amendment "A" (H-602) **READ** and **ADOPTED**, in concurrence.

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

Divided Report

The Majority of the Committee on **JUDICIARY** on Bill "An Act Regarding the Review of Law Enforcement Use of Deadly Force" H.P. 1095 L.D. 1480

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-601)**.

Signed:

Senators:
CARNEY of Cumberland
SANBORN of Cumberland

Representatives:
HARNETT of Gardiner
BABBIDGE of Kennebunk
CARDONE of Bangor
EVANGELOS of Friendship
McCREIGHT of Harpswell
MORIARTY of Cumberland
RECKITT of South Portland
SHEEHAN of Biddeford

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

Signed:

Senator:
KEIM of Oxford

Representatives:
HAGGAN of Hampden
POIRIER of Skowhegan

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

Comes from the House with the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-601)**.

Reports **READ**.

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

Bill **READ ONCE**.

Committee Amendment "A" (H-601) **READ** and **ADOPTED**, in concurrence.

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

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

Off Record Remarks

On motion by Senator **VITELLI** of Sagadahoc, **ADJOURNED** until Wednesday, June 16, 2021 at 10:00 in the morning.