

# 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  
Thursday  
June 17, 2021

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

Prayer by Senator Paul T. Davis, Sr. of Piscataquis County.

Senator **DAVIS**: Good morning. A beautiful day. My day started a little after 4 o'clock this morning, in spite of the fact that I didn't get in until 11 or so, 11:30 or something like that. I get up at that time every morning and I pray for many of you and some days all of you, including you, Mr. President. Let's go to prayer.

Father in Heaven, by Your providence this Body has been entrusted with great responsibility. Help us meet the challenges of these days. Recognizing our need for wisdom, we appeal to You for clear minds and calm spirits. Knowing the weakness of our own nature, we ask for Your blessings of humility and compassion. Free us from the desire for applause and grant us the ability to find unity worthy of the people we represent. Receive our thanksgiving for the opportunities before us to help the people of Maine to live quiet and peaceful lives. Show us how to lead, not as masters but as fellow servants. Wisdom, peace, joy, and Your gifts. Share them with us today. In the name of Jesus we ask. Amen.

Pledge of Allegiance led by Senator Donna Bailey of York County.

Reading of the Journal of Wednesday, June 16, 2021.

Off Record Remarks

**REPORTS OF COMMITTEES**

**House**

**Divided Report**

The Majority of the Committee on **JUDICIARY** on Bill "An Act To Stop Social Media Censorship"

H.P. 1198 L.D. 1609

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  
MORIARTY of Cumberland  
RECKITT of South Portland  
SHEEHAN of Biddeford  
McCREIGHT of Harpswell

The Minority of the same Committee on the same subject reported that the same **Ought 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 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.

**Senate**

**Divided Report**

The Majority of the Committee on **JUDICIARY** on Bill "An Act To Protect Women's Single-sex Shelters"

S.P. 406 L.D. 1238

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

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 "A" (S-346)**.

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

Senator **KEIM:** Good morning. Mr. President and ladies and gentlemen of the Senate, I rise in opposition to the pending motion. This bill would exempt from the definition found in the Maine Human Rights Act of the place of public accommodation, the privately owned and operated facilities that provide emergency shelter to women, or temporary housing for women, who reasonably fear for their safety. It exempts them from that definition by clearly designating that women shelters are not a public accommodation. This bill, L.D. 1238, would allow a shelter to choose the population it wants to serve. If this bill were to pass every shelter in Maine could continue their current policy as they see fit, however this bill would allow shelters that provide adequate assistance and care for every type of person to determine to whom they will offer housing accommodations. It is in the best interest of serving the people of Maine that the State not mandate a one-size-fits-all approach in caring for women who are in desperate need of safe shelter.

There are several points that need to be made. First that the shelter may designate itself as serving women or men. We already acknowledge that discrimination be allowed on the basis of sex. This has always been acceptable practice for readily recognizable reasons. However, with the recent assertions that there are alternative definitions of gender, society has come to a place where we must consider how to allow space for all people. The rights of one group cannot be allowed to supplant or suppress the rights of another. Transgender identifying male-body persons are not women. No matter what term is used in

reference to them, our powers of observation align with biological facts. The vast majority of women served by shelters have been physically - there are women served by shelters that have been physically and sexually abused by males, therefore to many of these survivors male bodies present an instinctual gut reaction of fear. One woman expressed in her complaint to the Human Rights Tribunal of Ontario, Canada, that allowing a male-body transgender into the safety of her home, bedroom, and safe spaces caused her stress, anxiety, rape flashbacks, symptoms of post traumatic stress disorder, and sleep deprivation. The brutal situations women have experienced are far removed from the comfortable locations in which we find ourselves in this moment but we must not allow ourselves the privilege of turning a callous, blind eye to the plight of these women and parrot the narrative of activists who seek to erase a reality. The reality is most homeless women have experienced assorted ugly, humiliating, and life altering experiences. Many are physically and emotionally scarred for life, leaving them so fragile that they certainly are in no place to stand up for themselves against insensitivity policies that would force them to accept their most private spaces be shared by male-bodies.

There are many examples that I could read of situations where women in shelters have felt themselves and have been mistreated at the hands of a transgender. Harassment situations are described in many places but there is one here in Maine as well that did get good publicity described by a shelter worker writing in defense of women anonymously in the Feminist Current and this is what she said. 'One man leered at women and trailed them through the shelter, manifesting the tangible proof of his interest such that women stopped wearing pajamas outside the bed area in order to avoid attracting his roving eye. Another man would wait in the bathroom to be alone with a woman and then proposition her on the off chance that she might be ready to give him sexual favors. We hosted a man who would stare and wink at younger female caseworkers, who would summons his target away from the desk on the pretense of helping him with some invented task and then, when he had cornered her in a more private alcove, invite her to meet him outside the shelter for dates. In another case women complained that a man was watching pornography on his cell phone and visibly masturbating in the bed area at night. On at least three occasions men staying at the woman's shelter threatened to kill women with guns. One man raged at a female staffer insisting that he adhere to shelter rules, stormed into the kitchen during dinner, grabbed a tray of food, and began hurling handfuls of potatoes around the room while yelling that they were all expletives I'm not going to say.' I read these very graphic details because I want our vote to be realistic. These are experiences at a woman's shelter in Maine. Problems do arise when forcing women to be housed with biological men but these are under-recorded because those who admit fear or discomfort are shamed into silence, they're ostracized, and they risk losing the only pride they have, leaving them literally homeless and alone. Why can't we freely allow them to admit their fear and discomfort at being housed with men? Women suffering homelessness are not sacrifices to be made on the altar of gender ideology that would erase and silence them.

In closing, let me again state that this bill creates no mandates on shelters. There are many, if not most, women shelters in Maine who accept people experiencing homelessness based on their gender perceptions. These locations have made their decision. They have, hopefully, adopted policies that will safeguard all their residents and they can continue their services

unaltered. This bill is not about - this bill recognizes that all people deserve a safe place to be but it also recognizes that what is a safe place for one person is not necessarily the safe place for another. I thank you for listening to this this morning and I ask that you reject the pending motion.

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

Senator **CARNEY:** Thank you, Mr. President. This bill does, indeed, allow shelters to choose the population they serve and that's my huge concern with the bill. This legislation would exempt women shelters, full scale, from application of the Maine Human Rights Act. It would legitimize, legalize, all discrimination on many bases. Discrimination based on age would be permitted. Discrimination based on race would be permitted. Discrimination based on religion, physical and mental disability, ancestry, and national origin would all be allowed at women shelters. This legislation arises out of a situation at one shelter. We heard, in our public hearing, testimony from people who work at and utilize women shelters and they spoke to policies and supervision that addressed a lot of challenging situations, including some of the situations that my good colleague from Oxford described. The overly-broad approach of this legislation is harmful and not needed. These issues can be addressed with proper policies and supervision. I would ask that my colleagues vote Ought Not to Pass on this harmful legislation that perpetuates stereotype and allows discrimination, which is actually the very purpose of the Maine Human Rights Act to present. Thank you.

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

Senator **SANBORN:** Thank you, Mr. President. Mr. President, I just want to underscore for this Body exactly what my good friend from Cumberland just said, which is that if we were to pass this bill it would be legal under Maine statute for a shelter to decide that they only wanted to serve white people. It goes that far and, frankly, some of the arguments about what might make women uncomfortable 50 years ago we would have heard that, in fact, Black people, Black women, might make white women uncomfortable. It makes us uncomfortable, probably, for me to say that out loud today but this is what we're talking about. It is already illegal or against the rules of a shelter to engage in sexual harassment inside a shelter, to engage in assault inside of a shelter, or to otherwise break the rules necessary when one lives in very close quarters with other people inside of a shelter situation. That conduct can be dealt with and is dealt with every day by our social services agencies, by our shelters. They do not need to be exempted from public accommodations provisions of the Maine Human Rights statute in order for them to continue to have good order in a nondiscriminatory fashion within their premises. Thank you, Mr. President.

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

Senator **DAUGHTRY:** Thank you, Mr. President. Ladies and gentlemen of the Senate, I rise in strong support of the pending motion. I said this before in a hearing on a prior bill but I wanted to say it again because I know that people are watching this

debate right now. Transwomen are women, transmen are men and, as a sex gendered woman and one in leadership, I wanted to be sure that I started my remarks with this fact on the record and as an ally. The bill is dangerous, hurtful, and, frankly, unconstitutional. My colleagues have already touched upon the fact that the bill is so broad that it would close the doors to, you know, one of our most valuable and crucial aspects of our society for helping people in need. It would allow places and homeless shelters to close their doors not just on this aspect being discussed but on a multitude of things, from race to sex to gender to, frankly, everything that's covered under the Maine Human Rights Act. It just, poof, gets rid of the Maine Human Rights Act when it comes to homeless shelters. In 2015 it was found that 36% of transgender people in Maine have experienced homelessness at some point in their lives. The good Senator from Oxford spoke about, you know, women seeking shelter from violent relationships and needing to find a safe space. The same is true for transgender women. Research shows overwhelmingly, unfortunately, that transgender women have reported experiencing intimate partner violence at more than double the rate of sex gendered women because of their marginalized status. What we're discussing is closing the doors to someone who's simply just trying to find a place to stay, potentially fleeing violence. I also want to add that over 40 Maine social service and advocacy organizations have signed a joint statement in opposition to L.D. 1238, including all eight of Maine's domestic violence resource centers, the Maine Coalition to End Domestic Violence, the Maine Coalition Against Sexual Assault, HOME, Preble Street, the Maine Council of Churches, and the Wabanaki Women's Coalition. Additionally, I said this bill might be unconstitutional. I want to point out that this attempt to authorize discrimination won't work with our federal laws. It, you know, runs in the foul of the Violence Against Women Act and HUD Equal Access rule and the Fair Housing Act also forbid it, as well as our own laws here in Maine. So, I urge you, please do the right thing. We need to make sure that our homeless shelters are there for when you are in a moment of need - we need to make sure that we have a place for everyone to go and that they can feel safe no matter who you are. Thank you.

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

Senator **KEIM:** Thank you, Mr. President. I rise a second time just to clarify. First of all, I would ask the members of this Body if they really believe that it's simply the Maine Human Rights Act acting as oversight of people who already care enough about someone and about the situation of homelessness that they have a shelter that, all of a sudden, absent the Human Rights Act, that these people would discriminate based on all of the other horrendous things that we know they would not. This bill actually deals with an issue that's real and is current. Secondly, federal laws only would apply if States accept federal funds. There's nothing we can do to preempt that and all shelters would have to come under compliance with federal law if they accept federal funds. Secondly, just to underscore what this bill does, it simply makes a shelter a private accommodation. I do not believe that a person running a shelter, once they are a private accommodation, would all of a sudden become racist and mistreating of humankind just because they weren't under the Human Rights Act. That is a disservice to Maine people to consider it to be so.

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

Senator **HICKMAN:** Thank you, Mr. President. I'm feeling a little saucy right now and that's my prerogative and I wasn't planning to speak but I didn't speak yesterday when I ought to have, so I'm going to speak today. As the Senate Chair of Labor and Housing, as the first openly gay African-American to serve in both Chambers of the Legislature, as a former cross-gender performance artist and substitute teacher, and as the owner of a public accommodation, I am the Maine Human Rights Act personified. I have always said I would be a strong voice for those who cry in the dark and the Maine Human Rights Act exists precisely to protect the people behind those voices. So, yea, yesterday, Mr. President, we voted on a bill I presented to clarify that the Maine Human Rights Act explicatively includes protections to gender identity. As a former cross-gender performance artist, who toured the country to present my literary performance piece entitled 'Portraits of a Black Queen' and who was featured in two books authored by Leslie Feinberg, one entitled 'Transgender Warriors: Making History from Joan of Arc to RuPaul' and the other entitled 'Trans Liberation: Beyond Pink or Blue,' it's about time that law is clear that trans people must not be discriminated against in employment, housing, education, or public accommodations, including shelters.

Back in 1993, when I was young and some say pretty, a paragon of androgyny, the cover photo of my book 'Rituals: Poetry and Pose' caught the eye. Leslie Feinberg featured that photo in her book 'Transgender Warriors' under which was this 1996 quote: 'I find that as a cross-gendered artist and person that I have a very big responsibility to myself and to the people who hear and read my work because gender roles can stiffly and, in my opinion, are the basis for all oppression.' I am often seen by people as a 'what's that?' to which I usually respond 'Isn't beautiful enough?' and faces fall and crack and eyebrows may raise and people are left thinking about something that they didn't expect to be thinking about and so I suppose when I go out into the world I carry it all with me and my very presence is for most people a confrontation.'

I will close with this quote from James Baldwin. 'Identity would seem to be the garment with which one covers the nakedness of the self, in which case it is best that the garment be loose, a little like the robes of the desert, through which one's nakedness can be felt and sometimes discerned. This trust in one's nakedness is all that gives one the power to change one's robes.'

Mr. President, I urge you to reject this bill. 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?

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

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The Doorkeepers secured the Chamber.

The Secretary opened the vote.

### ROLL CALL (#415)

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

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

**EXCUSED:** Senator: TIMBERLAKE

23 Senators having voted in the affirmative and 11 Senators having voted in the negative, with 1 Senator being excused, the motion by Senator **CARNEY** of Cumberland to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report **PREVAILED**.

Sent down for concurrence.

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Senate at Ease.

The Senate was called to order by the President.

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### 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 (6/16/21) matter:

SENATE REPORTS - from the Committee on **JUDICIARY** on Bill "An Act To Improve Judicial Branch Facilities in Hancock County" S.P. 548 L.D. 1692

Majority - **Ought to Pass as Amended by Committee Amendment "A" (S-337)** (10 members)

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

Tabled - June 16, 2021 by Senator **BREEN** of Cumberland

Pending - **ADOPTION OF COMMITTEE AMENDMENT "A" (S-337)**

(In Senate, June 16, 2021, on motion by Senator **CARNEY** of Cumberland, Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED**. Committee Amendment "A" (S-337) **READ**.)

Committee Amendment "A" (S-337) **ADOPTED**.

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

Sent down for concurrence.

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The Chair laid before the Senate the following Tabled and Later Assigned (6/16/21) matter:

SENATE REPORTS - from the Committee on **VETERANS AND LEGAL AFFAIRS** on Bill "An Act To Regulate Sports Betting" S.P. 437 L.D. 1352

Report "**A**" - **Ought to Pass as Amended by Committee Amendment "A" (S-343)** (7 members)

Report "**B**" - **Ought to Pass as Amended by Committee Amendment "B" (S-344)** (3 members)

Report "**C**" - **Ought to Pass as Amended by Committee Amendment "C" (S-345)** (2 members)

Report "**D**" - **Ought Not to Pass** (1 members)

Tabled - June 16, 2021 by Senator Luchini of Hancock

Pending - Acceptance of Any Report

(In Senate, June 16, 2021, Reports **READ**.)

Senator **LUCHINI** of Hancock moved the Senate **ACCEPT** Report "**A**", **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (S-343)**.

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

**THE PRESIDENT:** The Chair recognizes the Senator from Senator **LUCHINI** of Hancock.

Senator **LUCHINI:** Thank you, Mr. President. Mr. President, ladies and gentlemen of the Senate, I've moved the Majority, Ought to Pass as Amended, Report out of respect for the Committee's work on this bill and my good friend and colleague from Norridgewock, Senator Farrin. However, I did want to make a few remarks about why I'm strongly opposed to this report. As you can see, there's a few reports on this one. It was a little bit of a mess in Committee.

The Majority and Minority Reports are very similar. They legalize sports wagering here in Maine. They allow the existing brick and mortar facilities to add a sports book. That includes Maine's two casinos, two commercial tracks, five OTBs, and one

for each of the tribes, and they both also legalize on-line wagering and they allow each of those entities that I just listed to have both a physical location as well as an on-line location. But where the two reports differ is this concept of tethering, which I'm sure you've all heard about in the past week. I don't think you can walk down the hallways without getting lobbied on this bill. The reason why I oppose a tethered approach to sports betting is that - for multiple reasons. But under such a model on-line operators would not be allowed to enter Maine's market unless they signed a deal with one of the existing physical locations. So, this deal's often financial in nature. The mobile operator must pay what's known as a market access fee to the gaming industry for the privilege of entering our state and this is a policy that's being driven by the casino industry nationwide. For me, it's the wrong approach for a number of reasons. This works great for the gaming industry but it's bad for our constituents who are going to be out there placing bets. So, the first reason why I oppose this tethering is anti-competitive and anti-free market policy. Under a tethered model, casinos and the gaming industry are the gatekeepers of which on-line providers can enter Maine's market. No technology will be able to operate here in the state of Maine without first signing a deal with a member of Maine's gaming industry, the ten or so people who are given the facility under this legislation. So, that market access fee involves, as I said, paying a hefty fee or revenue share to the entity that they're tethered to, forcing those technology companies to pay their competitors for the privilege of operating here in the state of Maine. So instead of having our Gambling Control Board authorize and license companies, like we would normally do, we let the casino and gaming industry choose which competitors can enter the state and also have those competitors pay them directly. So, the end result is less consumer choice for our constituents and higher operating costs for the on-line platforms, and that cost isn't going to get absorbed by the on-line platforms, it's going to get passed onto the tens of potentially hundreds of thousands of Mainers who want to place bets on their on-line apps and that's going to come in the form of worse pay-outs and worse odds. Obviously, such an anti-business structure is not present in any industry that I'm aware of. We don't require Airbnbs to tether to our existing hotels and inns. We don't require Uber to be tethered to our taxi services and we certainly don't require Amazon to be tethered to our retail businesses. The tethering arrangements and the fees charges to on-line providers ultimately amounts to a subsidy for the current gaming industry players and is paid for by our constituents.

Amazingly, as we worked through these bills, I've heard from dozens of other businesses in Maine who would love to offer sports betting, restaurants and other businesses owners, and they don't care at all about tethering. They just want the opportunity to do this but this bill picks and chooses only a very limited amount of people and it also tethers it to them. So, as a final point of why I oppose this measure, as evidenced across the country, tethering is a tool that's designed by the casino industry to drive people into the casino. Tethering arrangements can allow casinos to access the on-line player databases and influence its content and, as a result, casinos can use that data and use the on-line app to offer credits and payments so that people will go to the casino and play and, as we know, once you get into a casino it's hard to leave, there's higher addictive types of gaming. The Bangor casino, for instance, who strongly supports the tethering approach, spent over \$4 million in 2019 on promotions, trying to get people to walk into the casino and I only

expect that number to grow as tethering arrangements continue. Sports betting is a low margin product for casinos but important to the gaming industry. The betters are young, they are the people who almost never set foot in a casino but they like to bet on-line, and tethering gives them a direct connection to those people, which is their future demographic. I do want to thank the Oxford Casino for being open to discussions and for supporting an untethered approach. I think that's a pretty gutsy play from the casino industry and I support it and appreciate it. So, ultimately, I'll just close by saying I think in designing a sports betting policy we have a choice of what's going to be beneficial to the ten or so companies that may be able to offer sports or we have the choice of doing what's best for the tens of potentially hundreds of thousands of Mainers who are going to be placing bets on it every day. So, for me, that's an easy decision. That's why I'm opposed to this report and support a different measure. Thank you, Mr. President.

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

Senator **BALDACC:** Thank you, Mr. President. I'm rising in support of the Majority Report for a number of very important reasons, both to the City of Bangor and to the State of Maine. First of all, since the Supreme Court overturned the prohibition on sports betting, and allowed individual states to regulate sports, 30 states have legalized sports betting and each and every one of those cases where there is a preexisting bricks and mortar business has chosen tethering. We just - just to remind my good friend, the Senator from Hancock, we just passed a bill within the last ten days to prefer Maine businesses, Maine contractors, to not only buy American but to buy Maine. These are Maine businesses. The whole reason you have tethering is to support people who are in this business. Amazon and others, they are not in a highly regulated gambling business that requires a government license. This is a government license and to say that we're going to allow to be just the wild west and maybe the restaurant next door can have one of these licenses is not a realistic approach. The out-of-state companies are going to, obviously, try to take the field. Bangor has a unique position, and I know I represent District 9 and you focus on other areas, but I just want to share with you my District's unique position. Fifteen years ago, the State of Maine voters, statewide, approved referendums to allow slot machines and then gambling and then casino gambling. We, the City of Bangor, the contracts provide that the revenue received from that casino pays the debt service on the Cross Insurance Center. The Cross Insurance Center is the largest, it's the most highest quality venue, indoor venue, north of Boston. Brand new, University of Maine, concerts. We just had 100,000 people vaccinated at the Cross Insurance Center in Bangor. That was a big public health achievement. That draws hundreds of thousands of people to the Greater Bangor region. The Greater Bangor region comprises of about 155,000 people. The City of Bangor, itself, generates over \$1.2 billion in taxable retail sales. That's more than \$70 million to the State coffers. Portland is only a couple of hundred, \$1.4 billion. So, there's a significant business community and region that's effected. There are 400 jobs at Hollywood Casino, when there isn't a pandemic, and, as I said, it pays the debt service on the Cross Insurance Center. The Cross Center was paid for with zero federal dollars, zero State dollars. It was a \$60 million local bond issue that former-Senator Gratwick and myself and three

other counselors actually signed the bond order in 2012. We still have 20 years left to go but the fact of the matter is it's a huge economic success for the Bangor region and was paid for with zero money from any other source and it also does not go on the property tax. So, I know that Bangor is not your District but the Greater Bangor region affects the state economy as well and is very important.

But I would offer you two other reasons beyond the merely local as to why tethering is important. The first would be accountability. Tying the mobile license to physical locations allows regulators to more closely scrutinize the activities of sports betters and sports betting licensees. The casinos are compliance driven businesses and are already heavily regulated by the Gambling Control Board and the Department of Public Safety. There will be strict protocols in place for these facilities to ensure a safe and responsible betting environment for the citizens of Maine. If, however, there are suspicion of something going wrong, an illegal wager for example or an underage better, the Department can show up at Bangor or Oxford or walk through the door and speak to the managers there. If an untethered mobile license holder is rumored to be not paying out wagers, who do you call and where do you go for answers? There's not going to be any accountability. There's going to be limited ways to police the underage gambling and there's going to be very limited accountability. Despite whatever representations these out-of-state companies may have made to the Veterans and Legal Affairs Committee, the fact of the matter is they're not going to be accountable to anybody in this state. Second, tethering a mobile license to a retail location, such as a casino or an OTB, drives revenue at those facilities, which benefits a host of other parties, including the State of Maine. Although it is true a vast majority of the sports betting market is mobile, as much as 80%, for the minority of people who like to bet in person at a retail sports book they drive up food, beverage sales, hotel stays, and even increase the handle of slots play and table games. The cascade from these plays goes directly to veterans, harness racing, scholarships at the University of Maine and the Community College System, and the Fund for a Healthy Maine, among others. In the Chief Executive's veto message last year, and I would just remind you that the untethered bill which some on the Veterans and Legal Affairs Committee support was the one that was vetoed last year, so for us to do the exact same thing we did before that didn't work, to do that again does not make sense. But that's just one of many reasons why I ask you to vote for the Majority Report. But in the Chief Executive's veto message of a sports betting bill from last year she said in part that Maine needs to examine the experience of other states that have legalized sports betting so that we might gain the benefit of that experience. Since that time, a number of other states have moved forward on sports betting and where they have had a preexisting bricks and mortar, for instance New Hampshire had no preexisting bricks and mortar, but where they have had one they have all required tethered mobile sports betting licenses. Whatever your feelings are towards gaming, I hope that we can all agree that if we're going to open up the state to accept wages on sports we need to do it in the most responsible way possible and the one that protects Maine people and Maine businesses as much as possible. Tethering in the Majority Report is the path that nearly every other state has taken for the reasons I put forward and I appreciate your consideration to vote for the Majority Report.

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

Senator **CHIPMAN:** Thank you, Mr. President. I also rise in support of the Majority Report. You know, the Committee work that we do, we often look to see what other states are doing. We don't have this in Maine right now and so, as mentioned by my colleague from Penobscot, what other states are doing is tethering. We've got, I believe, twenty-seven states now that have on-line gaming that's been legalized so far and well over twenty of them have tethering, including New Jersey, West Virginia, Rhode Island, Pennsylvania, Oregon, Nevada, Michigan, Indiana, Iowa, Arkansas, Delaware, Louisiana, Mississippi, Montana, New Mexico, North Carolina, South Dakota, Washington, and New York. There are just a few, I believe two or three, that do not have tethering but have on-line gaming but do not have tethering, and the reason is they don't have bricks and mortar gaming in their state. Tennessee doesn't have any casinos. They have on-line gaming but there's no casinos or bricks and mortar gaming in that state to tether anything to, but if they did they would probably have tethering as well. That's what other states are doing. So that weighs heavily on me.

The second factor that I would like to mention is stakeholders. What do the stakeholders want? As we heard, the Bangor Casino wants this. We also know that commercial harness racing tracks want this, OTBs want this, the fairs want this, the tribes who benefit from this. All of the stakeholders that are involved in gaming right now in the state have basically come together in support of the Majority Report because it benefits bricks and mortar businesses in the state, it benefits businesses on Main Street, it benefits businesses like Winners Sports Pub in my hometown of Brunswick, the owner of which is sitting here behind me. They are hanging by a thread. They were not doing that well economically before COVID, now they're literally struggling to stay in business, and this would help them stay in business. So, I think we should pass the Majority Report, help our brick and mortar businesses here in the state. It's what the stakeholders want. It's what the other states are doing. So, I hope we can come together around this. Thank you.

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

Senator **LUCHINI:** Thank you, Mr. President. Mr. President, ladies and gentlemen of the Senate, apologies for rising a second time. I just wanted to respond to a couple of things that we've heard. First, I just want to acknowledge that this is not the same exact measure that was run last session. This is something that I actually worked on with the Second Floor, just so people are aware of that. Secondly, we've heard a lot about Maine companies. I think we all know that the Bangor Casino and the Oxford Casino aren't Maine companies. They have corporate ownership from out-of-state, so that money leaves the state. It isn't beneficial to Maine companies. There are a few that are, and I don't diminish that, but the two casinos are owned by out-of-state corporations, one of the two commercial tracks is owned by Bangor Casino as well, a couple of the OTBs are owned by an out-of-state resident. We heard about the casinos have often talked about this, the Bangor Casino, I do, again, appreciate Oxford's support, but the Bangor Casino has talked about the potential for losing jobs or losing revenue. There's absolutely no evidence to suggest that the legalization of sports betting will hurt

casinos. In fact, even under an untethered bill, the casino can have a physical location as well as a mobile or on-line license and I'll just quote from the Penn National Gaming representative who came and testified in our committee. He said, 'As for the notion that sports book will cannibalize our existing casino and traditional gaming revenues, the reality is quite the opposite.' So that's directly from the Bangor Casino. So there's no reason to believe that legalizing sports and letting casinos have sports betting will hurt their facilities. In terms of accountability, we would regulate these entities the same way we regulate advance deposit wagering which happens in Maine on-line, the same way we do daily Fantasy Sports. That's by extensive background checks, accountability standards. If you don't have a license anywhere in the country you're not going to get it here. The crimes are exactly the same, you get punished, and these on-line providers know that if you lose a license anywhere you're not going to get licensed pretty much anywhere in the country. So, for those reasons, again, you know, I oppose this motion and apologies for rising a second time but I urge you to oppose this motion. Thank you, Mr. President.

**THE PRESIDENT:** The pending question before the Senate is Acceptance of Report "A", Ought to Pass as Amended by Committee Amendment "A" (S-343). Is the Senate ready for the question?

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

**ROLL CALL (#416)**

**YEAS:** Senators: BAILEY, BALDACCI, BENNETT, BLACK, BRENNER, CHIPMAN, CURRY, CYRWAY, DAUGHTRY, DAVIS, DIAMOND, DILL, FARRIN, KEIM, LAWRENCE, MAXMIN, MIRAMANT, MOORE, ROSEN, STEWART, TIMBERLAKE, WOODSOME, PRESIDENT JACKSON

**NAYS:** Senators: BREEN, CARNEY, CLAXTON, DESCHAMBAULT, GUERIN, HICKMAN, LIBBY, LUCHINI, POULIOT, RAFFERTY, SANBORN, VITELLI

23 Senators having voted in the affirmative and 12 Senators having voted in the negative, the motion by Senator **LUCHINI** of Hancock to **ACCEPT** Report "**A**", **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (S-343)**, **PREVAILED**.

**Bill READ ONCE.**

Committee Amendment "A" (S-343) **READ** and **ADOPTED**.

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-343)**.

Ordered sent down forthwith for concurrence.



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

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

**REPORTS OF COMMITTEES**

**House**

**Divided Report**

The Majority of the Committee on **LABOR AND HOUSING** on Bill "An Act Concerning Climate and Community Investment Projects" H.P. 902 L.D. 1231

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-664)**.

Signed:

Senators:

HICKMAN of Kennebec  
MIRAMANT of Knox

Representatives:

SYLVESTER of Portland  
CUDDY of Winterport  
GERE of Kennebunkport  
PEB WORTH of Blue Hill  
ROEDER of Bangor  
WARREN of Scarborough

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

Signed:

Senator:

GUERIN of Penobscot

Representatives:

BRADSTREET of Vassalboro  
DRINKWATER of Milford  
MORRIS of Turner  
PRESCOTT of Waterboro

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-664)**.

Reports **READ**.

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

**Divided Report**

The Majority of the Committee on **VETERANS AND LEGAL AFFAIRS** on Bill "An Act Regarding the Licensing of Persons To Conduct Advance Deposit Wagering"

H.P. 430 L.D. 587

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

Signed:

Senator:

LUCHINI of Hancock

Representatives:

CAIAZZO of Scarborough  
McCREIGHT of Harpswell  
SUPICA of Bangor  
TUTTLE of Sanford  
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" (H-658)**.

Signed:

Senators:

FARRIN of Somerset  
HICKMAN of Kennebec

Representatives:

DOLLOFF of Milton Township  
KINNEY of Knox

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

Reports **READ**.

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

**Divided Report**

The Majority of the Committee on **VETERANS AND LEGAL AFFAIRS** on Bill "An Act To Clarify the Laws Concerning Off-track Betting Facility Licenses"

H.P. 628 L.D. 860

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

Signed:

Senators:

LUCHINI of Hancock  
HICKMAN of Kennebec

Representatives:

CAIAZZO of Scarborough  
DOLLOFF of Milton Township  
McCREIGHT of Harpswell  
RIELLY of Westbrook  
SUPICA of Bangor  
TUTTLE of Sanford  
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" (H-657).**

Signed:

Senator:

FARRIN of Somerset

Representatives:

COREY of Windham  
HARRINGTON of Sanford  
KINNEY of Knox

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

Reports **READ**.

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

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**Divided Report**

The Majority of the Committee on **VETERANS AND LEGAL AFFAIRS** on Bill "An Act To Ensure Appropriate Oversight of Maine's Medical Marijuana Program" (EMERGENCY)  
H.P. 908 L.D. 1242

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-681).**

Signed:

Senators:

FARRIN of Somerset  
HICKMAN of Kennebec

Representatives:

COREY of Windham  
DOLLOFF of Milton Township  
HARRINGTON of Sanford  
KINNEY of Knox  
SUPICA of Bangor

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

Signed:

Senator:

LUCHINI of Hancock

Representatives:

CAIAZZO of Scarborough  
McCREIGHT of Harpswell  
RIELLY of Westbrook  
TUTTLE of Sanford  
WOOD 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-681).**

Reports **READ**.

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

Bill **READ ONCE**.

Committee Amendment "A" (H-681) **READ** and **ADOPTED**, in concurrence.

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

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**Divided Report**

Seven members of the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** on Bill "An Act To Make Comprehensive Substance Use Disorder Treatment Available to Maine's Incarcerated Population"

H.P. 490 L.D. 663

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

Signed:

Senator:

LAWRENCE of York

Representatives:

WARREN of Hallowell  
LOOKNER of Portland  
MORALES of South Portland  
PLUECKER of Warren  
RECKITT of South Portland  
SHARPE of Durham

Five 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-666).**

Signed:

Senators:

DESCHAMBAULT of York  
CYRWAY of Kennebec

Representatives:

COSTAIN of Plymouth  
NEWMAN of Belgrade  
PICKETT of Dixfield

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

Signed:

Representative:

RUDNICKI of Fairfield

Comes from the House with Report "A", **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-665)**, **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-665)**.

Reports **READ**.

Senator **DESCHAMBAULT** of York moved the Senate **ACCEPT** Report "A", **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-665)**, 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 (#417)**

YEAS: Senators: BAILEY, BALDACCIO, BREEN, BRENNER, CARNEY, CHIPMAN, CLAXTON, CURRY, DAUGHTRY, DESCHAMBAULT, 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

22 Senators having voted in the affirmative and 13 Senators having voted in the negative, the motion by Senator **DESCHAMBAULT** of York to **ACCEPT** Report "A", **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-665)**, in concurrence, **PREVAILED**.

Bill **READ ONCE**.

Committee Amendment "A" (H-665) **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-665)**, 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 **HEALTH AND HUMAN SERVICES** on Bill "An Act To Enhance and Improve the Maine Developmental Services Oversight and Advisory Board and To Establish the Aging and Disability Mortality Review Panel"

H.P. 526 L.D. 716

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

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-660)**.

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

Bill **READ ONCE**.

Committee Amendment "A" (H-660) **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 Resolve, To Give Direct Service Providers Hazard Pay and To Pay Additional COVID-19 Pandemic Costs

H.P. 1085 L.D. 1469

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

Comes from the House with the Report **READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-662)**.

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

Resolve **READ ONCE**.

Committee Amendment "A" (H-662) **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 To Have Maine Join the Interstate Psychology Interjurisdictional Compact To Improve Telehealth Options for Psychologists and Their Patients"  
H.P. 631 L.D. 863

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

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-661)**.

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

Bill **READ ONCE**.

Committee Amendment "A" (H-661) **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 Create Culturally Sensitive Treatment and Recovery Halfway Houses for Immigrants Transitioning out of the Juvenile Justice System"  
H.P. 709 L.D. 963

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-619)**.

Signed:

Senator:  
LAWRENCE of York

Representatives:  
WARREN of Hallowell  
LOOKNER of Portland  
MORALES of South Portland  
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:

Senators:  
DESCHAMBAULT of York  
CYRWAY of Kennebec

Representatives:  
COSTAIN of Plymouth  
NEWMAN of Belgrade  
PICKETT of Dixfield  
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-619) AS AMENDED BY HOUSE AMENDMENT "A" (H-656)** thereto.

Reports **READ**.

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

**ROLL CALL (#418)**

YEAS: Senators: BAILEY, BALDACCI, BREEN, BRENNER, CARNEY, CHIPMAN, CLAXTON, CURRY, DAUGHTRY, DESCHAMBAULT, 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, WOODSOME

EXCUSED: Senator: TIMBERLAKE

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

Bill **READ ONCE**.

Committee Amendment "A" (H-619) **READ**.

House Amendment "A" (H-656) to Committee Amendment "A" (H-619) **READ** and **ADOPTED**, in concurrence.

Committee Amendment "A" (H-619) as Amended by House Amendment "A" (H-656) 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-619) AS AMENDED BY HOUSE AMENDMENT "A" (H-656)** thereto, in concurrence.

**Divided Report**

The Majority of the Committee on **INNOVATION, DEVELOPMENT, ECONOMIC ADVANCEMENT AND BUSINESS** on Bill "An Act To Create the Maine Health Care Provider Loan Repayment Program"

H.P. 979 L.D. 1327

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-694)**.

Signed:

Senators:

- CURRY of Waldo
- LUCHINI of Hancock

Representatives:

- ROBERTS of South Berwick
- BAILEY of Gorham
- 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 Not To Pass**.

Signed:

Senator:

- CYRWAY of Kennebec

Representatives:

- AUSTIN of Gray
- BERNARD of Caribou
- COLLAMORE of Pittsfield
- DUCHARME of Madison

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-694) AS AMENDED BY HOUSE AMENDMENT "A" (H-725)** thereto.

Reports **READ**.

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

Bill **READ ONCE**.

Committee Amendment "A" (H-694) **READ**.

House Amendment "A" (H-725) to Committee Amendment "A" (H-694) **READ** and **ADOPTED**, in concurrence.

Committee Amendment "A" (H-694) as Amended by House Amendment "A" (H-725) 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-694) AS AMENDED BY HOUSE AMENDMENT "A" (H-725)** thereto, in concurrence.

**Divided Report**

The Majority of the Committee on **INNOVATION, DEVELOPMENT, ECONOMIC ADVANCEMENT AND BUSINESS** on Bill "An Act To Establish the Maine Youth Impact Commission"

H.P. 1107 L.D. 1497

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-712)**.

Signed:

Senators:

- CURRY of Waldo
- LUCHINI of Hancock

Representatives:

- ROBERTS of South Berwick
- BAILEY of Gorham
- 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 Not To Pass**.

Signed:

Senator:

- CYRWAY of Kennebec

Representatives:

- ANDREWS of Paris
- AUSTIN of Gray
- BERNARD of Caribou
- DUCHARME of Madison

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-712)**.

Reports **READ**.

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

Bill **READ ONCE**.

Committee Amendment "A" (H-712) **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 Implement the Attorney General's Recommendations on Data Collection in Order To Eliminate Profiling in Maine"  
H.P. 88 L.D. 132

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-705)**.

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

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-705)**.

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 Cumberland, Senator Carney.

Senator **CARNEY:** Thank you, Mr. President. Mr. President and colleagues in the Senate, I just want to rise briefly to give a little information about this legislation. This legislation was initiated by a recommendation of the Attorney General's Office. The Attorney General wishes us to collect in Maine data in order to understand whether we - excuse me, in order to eliminate racial profiling. The Attorney General's Office and the Maine Chief of Police Association would like us - would like this data to be collected because they want to understand whether profiling is a problem within specific police departments and within our state. The only way to get at whether profiling is a problem is to collect the data that will help us understand what is happening on the ground in our state. So, this legislation requires law enforcement officers to collect data on their own perceptions of race, color, ethnicity, and the age of people who are subject to traffic stops. It's performed in other states and they have found the information that they received to be very valuable. The objective here is to understand the forces of overt and subconscious bias that may be operating in our state. Law enforcement agencies want to be able to address any issues that arise and, therefore, excuse me - and I've lost my train of thought so I will just conclude by saying please support the pending motion so that we can collect this data, understand any concerns there are with regards to racial profiling in our state, and address them through changes in policy and the training that our officers receive. Thank you.

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

Senator **BREEN:** Thank you, Mr. President. May I ask, pose a question through the Chair?

**THE PRESIDENT:** The Senator may proceed.

Senator **BREEN:** Thank you, Mr. President. I would ask if the Maine Chiefs of Police Association took a position on this bill and if so what that position was?

**THE PRESIDENT:** The Senator from Cumberland, Senator Breen, has posed a question through the Chair to anyone that may answer. The Chair recognizes the Senator from Cumberland, Senator Carney.

Senator **CARNEY:** Thank you, Mr. President. I can answer the question. Yes, the Maine Chiefs of Police Association testified in support of this legislation. They're very interested to know if there is a problem so that they can take steps to address it.

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

Senator **KEIM**: Thank you, Mr. President. Ladies and gentlemen of the Senate, I rise in opposition to the pending motion. Obviously, no one thinks that racial profiling is acceptable and everyone wants it to be eliminated. However, there are problems with the premise behind this bill, technical issues with this bill, and significant deployment and execution issues. While it assumes that law enforcement making traffic stops are doing so based on driver's characteristics rather than on the operation of the motor vehicle, the vast majority of traffic stops law enforcement do not make any observation whatsoever about the race, ethnicity, gender, etcetera of the operator of the vehicle they are stopping. Even when law enforcement do make any observation about the driver deciding to make a stop, these observations typically do not include the characteristics the bill seeks to collect. Further, neither law enforcement or any other person is qualified to accurately assess someone's race or ethnicity. Mandating officers to apply their subjective observation to determine the parameters of information called for in this bill will actually force officers to engage in the very practice the bill hopes to eliminate. The Maine State Police stopped about over 78,000 vehicles in 2018, over 72,000 vehicles in 2019, and over 44,000 vehicles in 2020. This does not include the over 100,000 commercial motor vehicle stops or the traffic stops made by every local and county law enforcement agencies. According to testimony from the Maine State Police, this bill would add two minutes to each traffic stop. This would require an enormous amount of time for law enforcement and at the expense of not being able to actually collect the information that we really want to get at here. So, yes, this bill does have a nice title, An Act to Implement the Attorney General's Recommendations, but we need to recall that this idea did not originate with the Attorney General. It was required by the 129<sup>th</sup> to come up with a plan and he made a faithful attempt but this bill still is a list of ideas and needs more work. It is a solution that simply will not work out for Maine people the way we assume that it would. 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 (#419)**

**YEAS:** Senators: BAILEY, BALDACCI, BREEN, BRENNER, CARNEY, CHIPMAN, CLAXTON, CURRY, DAUGHTRY, DESCHAMBAULT, 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, WOODSOME

**EXCUSED:** Senator: TIMBERLAKE

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-705) **READ** and **ADOPTED**.

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

**Divided Report**

The Majority of the Committee on **JUDICIARY** on Bill "An Act To Combat the Sexual Exploitation of Minors in Maine" (EMERGENCY)

H.P. 390 L.D. 545

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-702)**.

Signed:

Senators:

CARNEY of Cumberland  
KEIM of Oxford  
SANBORN of Cumberland

Representatives:

HARNETT of Gardiner  
BABBIDGE of Kennebunk  
CARDONE of Bangor  
EVANGELOS of Friendship  
McCREIGHT of Harpswell  
MORIARTY of Cumberland  
POIRIER of Skowhegan  
SHEEHAN of Biddeford

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

Signed:

Representative:

RECKITT of South Portland

(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-702)**.

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-702) **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 Remove Coverage under the MaineCare Program for Abortions Not Covered by Medicaid"

H.P. 553 L.D. 748

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" (H-669)**.

Signed:

Senator:

KEIM of Oxford

Representative:

POIRIER of Skowhegan

(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**.

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

**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 is not - it would not remove abortion access for any woman in Maine. Since 2016 Maine Family Planning has offered telemedicine chemical abortion at all 17 of their statewide locations. The Maine CDC reports that abortions are being performed on women from every single county throughout Maine regardless of zip code. In fact, according to the most recent 2017 figures, published by the Maine CDC, women from 17 different states had their abortions performed right here in Maine, though many of these states have very liberal abortion laws. Additionally, the 2017 Maine CDC reports that three women from Canada also came to Maine for their abortions. Clearly, abortion access in Maine is not an issue. This is precisely what the State of Maine Cumberland County Superior Court found in the 2017 Medicaid / MaineCare lawsuit filed by plaintiffs Maine Family Planning, Planned Parenthood of Northern New England, and Mabel Wadsworth. The defendant, the State of Maine Department of Health and Human Services, prevailed in this law suit. The court decision dated October 24, 2017, Justice Horton writes, 'The plaintiffs have no record of any woman being denied access to abortion services due to her inability to pay.' The law that we changed allowing taxpayer funding of abortion was unnecessary. When we passed this in Maine, it was a radical alteration overturning 40 years of Maine law which prohibits the Maine people's tax dollars paying for abortions, even though there was no data to suggest that any woman has ever been denied an abortion in Maine. In keeping with the amendment, Maine people were already paying for abortions of any MaineCare recipient if her health or life is in danger or for hardship cases in which the pregnancy was a result of rape or incest. When we passed a law that forces every Maine taxpayer to fund elective, non-medically necessary abortion right up to the point of viability for any reason this is an affront to decency and to the deeply held beliefs of Maine people who view life as sacred. Maine people are fair minded and reasonable. This was reflected in a recent survey of registered Maine voters conducted in 2019 which found a majority of Maine voters opposed taxpayer funded abortions, 62% of them were opposed. Additionally, a majority of women opposed taxpayer funded abortions. The policy of taxpayer funded abortions is not in keeping with the values of most Maine people. Do we want our state to be the place where the right of conscience, the religious liberty of our people, is trampled and sacrificed not for need but to a political ideology?

The people of Maine have empowered us with the right to task but we must remember this represents a taking of their very livelihood, their life blood. The term 'taxpayer' is used so often but we can forget the full meaning. Every week Maine people give up their time, their most finite and precious resource, in exchange for a paycheck. As law makers, we've been given the authority to dip into that paycheck but we are entrusted to do so judiciously, with grave consideration on the spending of those dollars. Our decisions should never strip the religious liberty of Maine people through taxation. No Maine person should be forced to have their hard-earned tax dollars used to electively take the life of a living, preborn child, miraculously created in the image of God. I urge you to oppose the pending motion.

**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'd just like to direct our attention to the essence of this legislation. The Ought Not to Pass motion keeps in place the fairness policy that Maine adopted just two years ago. Reproductive healthcare is, and should remain, equally available to Mainers regardless of income and where we get our insurance. Please keep this fairness policy in place and vote Ought Not to Pass on the pending motion. Excuse me, vote in support of the pending Ought Not to Pass motion.

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

Senator **POULIOT**: Thank you, Mr. President. I apologize for not hearing if the good Senator from Oxford requested a roll call. So I do. 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 Penobscot, Senator Guerin.

Senator **GUERIN**: Thank you, Mr. President. Mr. President, ladies and gentlemen of the House, my good friend from York County has often talked on this floor about his dear grandchildren, a new grandchild. I have four beautiful grandchildren, one is less than two months old, and our family, as I'm sure Senator Rafferty's family did, enjoyed the pregnancy sonogram pictures where we could already see the likeness of the granddaughter to her mother. She certainly had her little nose and when she came out there it was, looking just like her Momma. My oldest grandson's father has a little space between his big toe and the next toe and in the sonogram there it was, those perfect little toes with that same genetic space between the toes. Those babies were as much babies in those sonograms as they are dear grandchildren playing in my yard now and if their mother had chosen to end their lives prematurely through abortion I certainly would not have wanted my taxpayer dollars being used for that and if Senator Rafferty's family had chosen to end the life of that precious baby for his family I would not have wanted my tax dollars being used to pay for that killing of that dear child. Thank you, Mr. President.

**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 (#420)

YEAS: Senators: BAILEY, BALDACCI, BREEN, BRENNER, CARNEY, CHIPMAN, CLAXTON, CURRY, DAUGHTRY, DESCHAMBAULT, 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

22 Senators having voted in the affirmative and 13 Senators having voted in the negative, the motion by Senator **CARNEY** of Cumberland to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report, in concurrence, **PREVAILED**.

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

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#### Divided Report

The Majority of the Committee on **JUDICIARY** on Bill "An Act To Examine and Amend the Conditions of Release and Probation" H.P. 612 L.D. 844

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

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-704)**.

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. Good afternoon, again. So, the first issue with the bill in front of us at the moment is that it appears here with almost no proper legislative process. At the initial public hearing the committee was presented with a concept draft that had no language. At a subsequent, artificial, public hearing, held on May 27, only a few entities were allowed to speak on this bill to the committee. This bill represents legislative process sloppily completed with little value given to the weight of what we do here. We create laws that should improve the lives of Maine people.

The result of this bill needs work. This bill, regardless of the good intent that it seeks to address, is irresponsibly before us. The bill severely limits the authority of the court to impose bail conditions which not only support public safety but also recognizes that the defendant has the ability to stay out of trouble and improve his or her life. We should be looking to expand options for the court to consider each case and each defendant individually and not limit them. 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 (#421)**

YEAS: Senators: BAILEY, BALDACCI, BREEN, BRENNER, CARNEY, CHIPMAN, CLAXTON, CURRY, DAUGHTRY, DESCHAMBAULT, 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

22 Senators having voted in the affirmative and 13 Senators having voted in the negative, 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-704) **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 Ensure Women Are Informed of Abortion Pill Reversal"  
H.P. 619 L.D. 851

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" (H-670)**.

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.)

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

Reports **READ**.

Senator **CARNEY** of Cumberland 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 PRESIDENT:** The Chair recognizes the Senator from Cumberland, Senator Carney.

Senator **CARNEY**: Thank you, Mr. President and colleagues of the Senate. I just rise briefly to observe that there is no legitimate State policy that justifies forcing a healthcare provider to give false and dangerous information to her patient. I urge my colleagues to support the pending Ought Not to Pass motion.

**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. According to the American Medical Association, informed consent to medical treatment is fundamental in both ethics and law. Patients have the right to receive complete information and ask questions about recommended treatments to that they can make well-considered decisions about their care. Successful communication in the patient-physician relationship fosters trust and support shared decision making. This bill amends the abortion informed consent laws that require healthcare professionals to tell the pregnant woman that they may - that it may be possible to reverse the effects of an abortion inducing drug with medication and treatment. Some women who take Mifepristone, a progesterone receptor antagonist, in order to terminate their pregnancy change their minds and desire to stop the medical abortion process. Opponents to this bill insist that it's impossible, and even dangerous, to reverse the effects of an abortion inducing drug. A study published in issue of Law and Medicine Volume 33 No. 1 - 2018 says differently. This was an observational case series of 754 patients who decided to attempt to reverse the medical abortion process after taking Mifepristone but before taking the second drug in the protocol Misoprostol. The study followed the patients who were given progesterone in an effort to reverse the effects and conducted statistical analysis to determine the efficacies of different protocols compared to a control survival rate derived from the literature. The results showed that intramuscular progesterone and high dose oral progesterone were the most effective with a reversal rate of 64% and 68% respectively. There was no apparent increased risk of birth defects. The study concluded that the reversal of the effects of Mifepristone using progesterone is safe and effective. Progesterone is a naturally occurring hormone produced by the corpus luteum and by the placenta and is essential for maintenance of the maternal fetal interface of pregnancy. It has been used safely in pregnancy for over 50 years. The American Society of Reproductive Medicine states that no long-term risks have been identified when progesterone is used in pregnancy. The FDA has given progesterone a category B rating in pregnancy, in contrast to synthetic progestins.

L.D. 851 will ensure that women will have the ability - will be able to have full, informed consent when contemplating taking an abortion inducing drug protocol. Please reject the motion and support informed consent.

**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 (#422)

**YEAS**: Senators: BAILEY, BALDACCI, BENNETT, BREEN, BRENNER, CARNEY, CHIPMAN, CLAXTON, CURRY, DAUGHTRY, DESCHAMBAULT, 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

23 Senators having voted in the affirmative and 12 Senators having voted in the negative, the motion by Senator **CARNEY** of Cumberland to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report, in concurrence, **PREVAILED**.

## Divided Report

The Majority of the Committee on **JUDICIARY** on Bill "An Act To Conform State Funding to the Federal Hyde Amendment Limiting Funding for Some Abortion Services"

H.P. 671 L.D. 915

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" (H-671)**.

Signed:

Senator:

KEIM of Oxford

Representative:

POIRIER of Skowhegan

(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**.

Senator **CARNEY** of Cumberland 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 PRESIDENT:** The Chair recognizes the Senator from Oxford, Senator Keim.

Senator **KEIM:** Thank you, Mr. President. It is my great fortune to speak again in favor of life and I will just be reading a short note that was written by a constituent of mine, that she sent to me. 'I'm opposed to this bill and I ask - no, I'm in favor of this bill and I ask that you vote yes. This is not what taxpayer funds should be used for. I hold that abortion is murder. I do not want to contribute to the murder of innocent babies. Sincerely, Kathleen.' I urge you to reject the pending motion.

**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 (#423)**

YEAS: Senators: BAILEY, BALDACCI, BREEN, BRENNER, CARNEY, CHIPMAN, CLAXTON, CURRY, DAUGHTRY, DESCHAMBAULT, 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

22 Senators having voted in the affirmative and 13 Senators having voted in the negative, the motion by Senator **CARNEY** of Cumberland to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report, in concurrence, **PREVAILED**.

#### **Divided Report**

The Majority of the Committee on **JUDICIARY** on Bill "An Act To Amend the Maine Bail Code Regarding Certain Conditions of Release and the Maine Criminal Code Regarding Warrantless Arrests"

H.P. 812 L.D. 1134

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-703)**.

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-703)**.

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 (#424)**

YEAS: Senators: BAILEY, BALDACCI, BREEN, BRENNER, CARNEY, CHIPMAN, CLAXTON, CURRY, DAUGHTRY, DESCHAMBAULT, 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

22 Senators having voted in the affirmative and 13 Senators having voted in the negative, 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-703) **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 Prohibit Discrimination in Housing Based on a Person's Participation in a Rental Assistance Program"  
H.P. 858 L.D. 1180

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

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-673)**.

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. Surprisingly, I rise in opposition to the pending motion. This bill amends the Maine Human Rights Act to include as prohibited acts the discrimination against a tenant because the tenant participates in federal, state, or local tenant-based rental assistance programs. The bill would dictate that apartment owners, which are private businesses, take on these tenants whether the landlord wants to participate in the program or not. We already have a housing crisis and this will only serve to increase it. Rather than passing down government mandates, we should be incentivizing landlords to take on these tenants and if landlords do not want to participate in the programs we should find out why and fix the program so that they do. The bill is a short-sighted attempt to bolster up a government program that needs work and the immediate benefit will be outweighed by long-term negative consequences. I ask you to oppose the pending motion.

**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 (#425)

**YEAS:** Senators: BAILEY, BALDACCI, BREEN, BRENNER, CARNEY, CHIPMAN, CLAXTON, DAUGHTRY, LAWRENCE, LIBBY, MAXMIN, RAFFERTY, SANBORN, VITELLI

**NAYS:** Senators: BENNETT, BLACK, CURRY, CYRWAY, DAVIS, DESCHAMBAULT, DIAMOND, DILL, FARRIN, GUERIN, HICKMAN, KEIM, LUCHINI, MIRAMANT, MOORE, POULIOT, ROSEN, STEWART, TIMBERLAKE, WOODSOME, PRESIDENT JACKSON

14 Senators having voted in the affirmative and 21 Senators having voted in the negative, the motion by Senator **CARNEY** 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.

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

**Divided Report**

The Majority of the Committee on **JUDICIARY** on Resolve, Directing the Permanent Commission on the Status of Racial, Indigenous and Maine Tribal Populations To Examine Restorative Justice

H.P. 897 L.D. 1226

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-701)**.

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

(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-701)**.

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-701) **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 Certain Medical Providers To Administer Ultrasounds and Provide Information to Certain Pregnant Patients"

H.P. 900 L.D. 1229

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

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 "A" (H-672)**.

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 Not To Pass** Report.)

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

Reports **READ**.

Senator **CARNEY** of Cumberland moved the Senate **ACCEPT** the Majority **OUGHT NOT TO PASS** 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. I rise in opposition to the pending motion. This bill has been significantly amended and only requires that a healthcare practitioner who provides information to a pregnant woman considering - consenting to abortion that they also inform her that her - at her request, an ultrasound may be administered. I believe as we consider bills about all healthcare decisions that the ultimate goal should be ministering to the needs of the mother of the unborn child, the father, and the family and the ensure that the outcome is ultimately the best possible and the most informed. The foundation of making an educated and successful decision is to be fully informed and cognitive of as many facts as possible and that is an ultrasound when a woman is pregnant and to simply have one offered to her does not interfere with anyone's right to choose. Thank you, Mr. President.

**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 (#426)**

YEAS: Senators: BAILEY, BALDACCI, BENNETT, BREEN, BRENNER, CARNEY, CHIPMAN, CLAXTON, CURRY, DAUGHTRY, DESCHAMBAULT, 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

23 Senators having voted in the affirmative and 12 Senators having voted in the negative, the motion by Senator **CARNEY** of Cumberland to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report, in concurrence, **PREVAILED**.

**Divided Report**

The Majority of the Committee on **JUDICIARY** on Bill "An Act To Provide Funding for the Maine Civil Legal Services Fund"  
H.P. 978 L.D. 1326

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-706)**.

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-706)**.

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-706) **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 Due Process in Asset Seizure"  
H.P. 1002 L.D. 1368

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

Signed:

Senators:  
CARNEY of Cumberland  
SANBORN of Cumberland

Representatives:

HARNETT of Gardiner  
BABBIDGE of Kennebunk  
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-685)**.

Signed:

Senator:

KEIM of Oxford

Representatives:

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

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

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

Reports **READ**.

Senator **CARNEY** of Cumberland moved the Senate **ACCEPT** the Majority **UGHT NOT TO PASS** Report, in concurrence.

At the request of Senator **BENNETT** of Oxford a Division was had. 22 Senators having voted in the affirmative and 13 Senators having voted in the negative, the motion by Senator **CARNEY** of Cumberland to **ACCEPT** the Majority **UGHT NOT TO PASS** Report, in concurrence, **PREVAILED**.

**Divided Report**

The Majority of the Committee on **JUDICIARY** on Bill "An Act To Increase Protections for Option Contracts for the Purchase of Real Property or Rent-to-own Real Property"

H.P. 1014 L.D. 1380

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

Signed:

Senator:

KEIM of Oxford

Representative:

POIRIER of Skowhegan

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

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

Reports **READ**.

Senator **CARNEY** of Cumberland moved the Senate **ACCEPT** the Majority **UGHT 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 PRESIDENT:** The Chair recognizes the Senator from Oxford, Senator Keim.

Senator **KEIM:** Thank you, Mr. President. I rise briefly in opposition to the pending motion. This rather complex bill deals with rent-to-own contracts that are rarely used in the state but when they do they are generally providing housing to low income people that have issues with their credit and this is a way for - this is a housing bill and if we vote in favor of the pending motion we are reducing the availability for people of low income to get into homes. Thank you.

**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 (#427)**

YEAS:

Senators: BAILEY, BALDACCI, BREEN, BRENNER, CARNEY, CHIPMAN, CLAXTON, CURRY, DAUGHTRY, DESCHAMBAULT, 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

22 Senators having voted in the affirmative and 13 Senators having voted in the negative, the motion by Senator **CARNEY** of Cumberland to **ACCEPT** the Majority **OUGHT TO PASS** Report, in concurrence, **PREVAILED**.

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

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

Off Record Remarks

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 Provide for Remote Notarization" H.P. 1033 L.D. 1399

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

Signed:

Senators:  
CARNEY of Cumberland  
KEIM of Oxford  
SANBORN of Cumberland

Representatives:  
HARNETT of Gardiner  
BABBIDGE of Kennebunk  
EVANGELOS of Friendship  
HAGGAN of Hampden  
MORIARTY of Cumberland  
POIRIER of Skowhegan  
RECKITT of South Portland  
SHEEHAN of Biddeford  
THORNE of Carmel

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

Signed:

Representative:  
LIBBY of Auburn

(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-709)**.

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-709) **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 Improve Accountability in Asset Seizure and Forfeiture Reporting" H.P. 1109 L.D. 1499

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  
HAGGAN of Hampden  
MORIARTY of Cumberland  
POIRIER of Skowhegan  
RECKITT of South Portland  
SHEEHAN of Biddeford  
THORNE of Carmel

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (H-710)**.

Signed:

Representatives:  
EVANGELOS of Friendship  
LIBBY of Auburn

(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.

**Divided Report**

The Majority of the Committee on **JUDICIARY** on Bill "An Act To Strengthen Protections against Civil Asset Forfeiture"  
H.P. 1125 L.D. 1521

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

Signed:

Senators:

CARNEY of Cumberland  
SANBORN of Cumberland

Representatives:

HARNETT of Gardiner  
BABBIDGE of Kennebunk  
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-711)**.

Signed:

Senator:

KEIM of Oxford

Representatives:

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

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

Comes from the House with 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-711)**.

Reports **READ**.

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

**Divided Report**

The Majority of the Committee on **JUDICIARY** on Bill "An Act To Limit Access to Juvenile Case Records and Protect the Confidentiality of Juvenile History Record Information"  
H.P. 1247 L.D. 1676

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-691)**.

Signed:

Senators:

CARNEY of Cumberland  
KEIM of Oxford  
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:

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-691)**.

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-691) **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 Protect the Constitutional Rights of Indigent Defendants"  
H.P. 1254 L.D. 1685

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-692)**.

Signed:

Senators:

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  
MORIARTY of Cumberland  
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 "B" (H-693)**.

Signed:

Senator:

CARNEY of Cumberland

(Representative NEWELL of the Passamaquoddy Tribe - of the House - supports the Majority **Ought To Pass as Amended by Committee Amendment "A" (H-692)** Report.)

Comes from the House with the Majority **UGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-692)** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-692)**.

Reports **READ**.

Senator **CARNEY** of Cumberland moved the Senate **ACCEPT** the Majority **UGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-692)** 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.

Same Senator requested and received leave of the Senate to withdraw his request for a Roll Call.

On motion by Senator **CARNEY** of Cumberland, the Majority **UGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-692)** Report **ACCEPTED**, in concurrence.

Bill **READ ONCE**.

Committee Amendment "A" (H-692) **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-692)**, in concurrence.

**Divided Report**

The Majority of the Committee on **JUDICIARY** on Bill "An Act To Implement a Geographically Limited Public Defender Office"  
H.P. 1255 L.D. 1686

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-700)**.

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 **UGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-700)**.

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-700) **READ** and **ADOPTED**, in concurrence.

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

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

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**Divided Report**

The Majority of the Committee on **JUDICIARY** on Bill "An Act To Improve the Provision of Indigent Legal Services" (EMERGENCY)

H.P. 1256 L.D. 1687

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

Signed:

Senators:

- CARNEY of Cumberland
- KEIM of Oxford
- SANBORN of Cumberland

Representatives:

- HARNETT of Gardiner
- BABBIDGE of Kennebunk
- CARDONE of Bangor
- HAGGAN of Hampden
- McCREIGHT of Harpswell
- MORIARTY of Cumberland
- 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 "B" (H-708)**.

Signed:

Representative:

- EVANGELOS of Friendship

Comes from the House with the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-707)** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-707)**.

Reports **READ**.

Senator **CARNEY** of Cumberland moved the Senate **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-707)** Report, in concurrence.

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

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

Senator **KEIM:** Thank you, Mr. President. Ladies and gentlemen of the Senate, I rise in strong support of the pending motion, just to let you know that I can do that. I think if anyone has been aware and read the papers of the good reporting that's been done on the issue that has unfolded with our indigent legal service system in Maine. They recognize the real need to add further support to that system and this bill does it. It's the work of a lot of hours, the Judiciary Committee listening to testimony, and sifting through different asks and, you know, lots of things are needed and wanted and we pared it down to what we believe is a good start. We're definitely not there yet but it is a good start and this is a constitutional obligation that we have, as a state, to fund indigent legal services. So, I wanted to stand in strong support, especially speaking to any members that happen to be on the Appropriations Committee, that we are very prevalently hoping for funding for this bill. 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?

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

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The Doorkeepers secured the Chamber.

The Secretary opened the vote.

**ROLL CALL (#428)**

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, STEWART, TIMBERLAKE, VITELLI, WOODSOME, PRESIDENT JACKSON

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 **CARNEY** of Cumberland to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-707)** Report, in concurrence, **PREVAILED**.

Bill **READ ONCE**.

Committee Amendment "A" (H-707) **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-707)**, in concurrence.

**Divided Report**

The Majority of the Committee on **LABOR AND HOUSING** on Bill "An Act To Require Coverage for Female Firefighters Facing Reproductive System Cancer"

H.P. 148 L.D. 213

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-140)**.

Signed:

Senators:

RAFFERTY of York  
MIRAMANT of Knox

Representatives:

SYLVESTER of Portland  
CUDDY of Winterport  
GERE of Kennebunkport  
PEBORTH of Blue Hill  
PRESCOTT of Waterboro  
ROEDER of Bangor  
WARREN of Scarborough

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

Signed:

Senator:

GUERIN of Penobscot

Representatives:

BRADSTREET of Vassalboro  
DRINKWATER of Milford  
MORRIS of Turner

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-140) AND HOUSE AMENDMENT "B" (H-686)**.

Reports **READ**.

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

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

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

**ROLL CALL (#429)**

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

NAYS: Senators: None

EXCUSED: Senator: GUERIN

34 Senators having voted in the affirmative and no Senators having voted in the negative, with 1 Senator being excused, the motion by Senator **HICKMAN** of Kennebec to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report, in concurrence, **PREVAILED**.

Bill **READ ONCE**.

Committee Amendment "A" (H-140) **READ** and **ADOPTED**, in concurrence.

House Amendment "B" (H-686) **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-140) AND HOUSE AMENDMENT "B" (H-686)**, in concurrence.

**Divided Report**

The Majority of the Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act To Require County Governments To Coordinate with Municipalities To Create Plans To Address Homelessness"

H.P. 956 L.D. 1300

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-699)**.

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  
PAULHUS of Bath

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

Signed:

Representatives:

DOWNES of Bucksport  
GREENWOOD of Wales  
HEAD of Bethel  
RISEMAN of Harrison  
TUELL of East Machias

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-699)**.

Reports **READ**.

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

Bill **READ ONCE**.

Committee Amendment "A" (H-699) **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 **TAXATION** on Bill "An Act To Reauthorize a 3 Percent Tax on Income over \$200,000 To Lift All Maine Workers out of Poverty"

H.P. 361 L.D. 498

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-612)**.

Signed:

Senators:

CHIPMAN of Cumberland  
LIBBY of Androscoggin

Representatives:

TERRY of Gorham  
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 Not To Pass**.

Signed:

Senator:

POULIOT of Kennebec

Representatives:

BICKFORD of Auburn  
CARMICHAEL of Greenbush  
HANLEY of Pittston  
KRYZAK of Acton

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

Reports **READ**.

Senator **CHIPMAN** of Cumberland moved the Senate **ACCEPT** the Minority **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 PRESIDENT:** The Chair recognizes the Senator from Kennebec, Senator Pouliot.

Senator **POULIOT:** Thank you, Mr. President. So, I know there was some discussion last night as to whether one of the bills would lead to a tax increase but this bill is definitely a tax increase. So, I would encourage members of this Body to accept the pending motion. Thank you, Mr. President.

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

**ROLL CALL (#430)**

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

NAYS: Senators: CHIPMAN, DESCHAMBAULT

33 Senators having voted in the affirmative and 2 Senators having voted in the negative, the motion by Senator **CHIPMAN** of Cumberland to **ACCEPT** the Minority **OUGHT NOT TO PASS** Report, in concurrence, **PREVAILED**.

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-713)**.

Reports **READ**.

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

Senator **BENNETT** of Oxford requested a Division.

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

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

Senate at Ease.

The Senate was called to order by the President.

**Divided Report**

The Majority of the Committee on **VETERANS AND LEGAL AFFAIRS** on Bill "An Act To Create Gaming Equity and Fairness for the Native American Tribes in Maine"

H.P. 399 L.D. 554

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-713)**.

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

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

Signed:

Senator:

FARRIN of Somerset

Representatives:

DOLLOFF of Milton Township  
HARRINGTON of Sanford  
KINNEY of Knox

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

**ROLL CALL (#431)**

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

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

22 Senators having voted in the affirmative and 13 Senators having voted in the negative, the motion by Senator **LUCHINI** of Hancock to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report, in concurrence, **PREVAILED**.

Bill **READ ONCE**.

Committee Amendment "A" (H-713) **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**

Nine members of the Committee on **ENVIRONMENT AND NATURAL RESOURCES** on Bill "An Act To Support and Improve Municipal Recycling Programs and Save Taxpayer Money" H.P. 1146 L.D. 1541

Reported in Report "**A**" that the same **Ought to Pass as Amended by Committee Amendment "A" (H-605)**.

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

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

Signed:

Representatives:

HANLEY of Pittston  
JOHANSEN of Monticello  
O'CONNOR of Berwick

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-606)**.

Signed:

Representative:

TUELL of East Machias

Comes from the House with Report "**A**", **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-605)**, READ and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-605) AS AMENDED BY HOUSE AMENDMENT "A" (H-714)** thereto.

Reports **READ**.

Senator **BRENNER** of Cumberland moved the Senate **ACCEPT** Report "**A**", **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-605)**, 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 Cumberland, Senator Brenner.

Senator **BRENNER:** Thank you, Mr. President. I rise in strong support of the Majority Report on L.D. 1541 and I would like to thank my Senate colleague on the Environment and Natural Resources Committee from Oxford County for his work on this bill. I would also like to thank the Maine Department of Environmental Protection for their considerable work over the past two years in helping develop the proposal now before us. The DEP staff hosted stakeholder sessions around Maine in 2019 to gather input for the draft bill which initially was presented by the DEP Commissioner in January of last year. This legislation also benefited from briefings by technical experts who presented to the committee last year and I greatly appreciate the input from municipal officials, businesses, and Maine residents who testified in support of the bill. Nearly 30 towns in Maine have adopted resolutions endorsing a product stewardship program like this one for packaging waste. When China decided to stop accepting contaminated recycling from the U.S. it sent ripple effects through our municipal recycling programs. Ultimately, it was a good thing because it exposed the fundamental flaws with sending our trash all over the world. It was a wake-up call that we need to do better exporting recycling markets closer to home and encourage producers of packaging to make less packaging, more recyclable packaging, and use recycled content to support the recycling market. L.D. 1541 will go a long way to do just that and will help support recycling programs statewide that are struggling more than ever under the endless and growing weight of packaging waste that has become part of our on-line retail economy. This bill will help save money for Maine taxpayers and increase recycling rates. We know this because similar programs exist in more than 40 jurisdictions around the world, some of which have been in place for decades. The out-of-state multi-billion dollar corporations that are voicing concerns for this bill here in Maine like Amazon, Unilever, Proctor and Gamble, and Kraft fully comply with programs like this one elsewhere in the world, including most of Canada and all of Europe. At least 500 consumer brands that do business in Maine already participate in Canada's recycling programs through EPR for packaging laws like that that would be created through L.D. 1541. If those companies participate in programs like this around the world they can do it here in Maine as well.

Let me be straight, there is no evidence from other countries of any discernable impact by these policies on consumer prices. Here in Maine, taxpayers pay about \$16 million each year to recycle and dispose of packaging waste. Because of the mounting cost of managing packaging waste many municipalities have been forced to scale back or eliminate their recycling programs. The corporations like Amazon that send boxes inside boxes wrapped with bubble wrap on top of bubble wrap pay nothing for the growing volume of waste they create so they have no incentive to design less wasteful packaging or to ensure that the packaging can be recycled. This bill is a proven solution to help Maine towns. That's why it's supported by the Maine Municipal Association. Importantly, this program can help Maine finally reach its long established 50% recycling goal established in 1989, with the goal of reaching it by the year 2000. But 20 years have passed and we're still falling far short of achieving our 50% recycling rate. Many towns support this solution to save taxpayer money and ensure that the producers of packaging waste help address the disposal and recycling of the waste they generate. The bill will help ensure that producers of packaging materials have an incentive to produce less wasteful packaging that easily and profitably be managed by Maine cities and towns. A program



like this will help protect Maine municipalities when global recycling markets are unfavorable. Maine taxpayers currently are footing the bill for a problem that they did not create. If you care about Maine taxpayers, if you want to help Maine people participate in recycling programs, and if you believe that some of the largest consumer brands on the planet should be held responsible for managing their waste here in Maine as they are in jurisdictions around the world then I urge you to vote for this bill. Thank you.

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

Senator **BREEN:** Thank you, Mr. President. Mr. President, Maine's taxpayers pay more than \$16 million per year to recycle packaging materials. This money is breaking municipal budgets all over the state and the problem is getting worse due to shifts in the market for these materials. In my district, the impact of recycling on local budgets is staggering. In Gray, a town of just over 8,000 people with a \$6.5 million budget, almost 11% of the town's resources are spent on recycling. In order to keep the program operating and to boost its 14% recycling rate, producers should contribute an amount commensurate with the recyclability of their products. There's a sense of urgency to this bill. Municipalities need to know that help is on the way, that their recycling programs will be sustainable. Mainers increasingly want to know what we're doing about plastic in the water. Consumers want better options than single use containers that will be with us for thousands of years after we're gone and there is an intense lobbying effort underway to try to convince us that producers should not bear any responsibility. The Legislature has done great work recently to keep harmful plastics and other materials out of our environment. While I believe these measures should have been taken up generations ago, before we reached this point, the policies put forth in L.D. 1541 will benefit Maine on many fronts and I think it's better late than never. 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, I've got a number of concerns about this bill, including a question that I'll shortly pose through the Chair, but my biggest concern stems from the fact that I have a number of businesses within my district that I believe will be impacted by this. So, I'd like to pose a question through the Chair. What will the effect on Maine businesses be in terms of the actual dollar amount that they will be now forced to contribute, to anybody who can answer.

**THE PRESIDENT:** The Senator from Aroostook, Senator Stewart, has posed a question through the Chair to anyone that may answer. The Chair recognizes the Senator from Cumberland, Senator Brenner.

Senator **BRENNER:** Thank you, Mr. President. Maine businesses that make over \$5 million will be exempt from the program to start and they will be phased in slowly until we reach a \$2 million point. If we were to look at the figures for what it would cost Maine businesses, it breaks down based on the type of product - the type of packaging they use for their product and the

tonnage and the volume. There's a handy chart that I'm happy to share with you if you would like more detail, but it depends on the packaging that they're using.

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

Senator **BENNETT:** Thank you, Mr. President. Friends and colleagues of the Senate, as the lead Senate co-sponsor of this bill, I rise to support the pending motion. I believe the policy that will be put in place by this bill will save Maine taxpayers and municipalities money by shifting the disposal and recycling costs, estimated at \$20 million or so, for packaging waste to the manufacturers, where these costs belong. As many of you are aware and as my esteemed colleague, the Senate Chair from Cumberland, indicated, Maine towns and taxpayers are having difficulty maintaining their recycling programs. As she said, Maine has never reached the goal of recycling 50% set back in 1989. In fact, right now our recycling rate is only about 36% and it's declining. Meanwhile, disposal volumes are increasing. Part of the reason for this is the ever-growing volume of packaging waste connected with on-line retail, much of which is not readily recyclable. We've all heard the complaints. I campaigned at the transfer stations last fall and people are wondering what do I do with this stuff? Why isn't it recyclable and why are we paying money for it and, by the way, where is it going? Maine taxpayers can't keep up with the rising cost of recycling and the market volatility. Now, our towns are not to blame. They are at the receiving end of packaging waste and they have no control over it. Towns have no influence on the type of or the volume of packaging used by the manufacturers but they do have to pay disposal costs for everything that ends up in the waste stream.

This bill simply is designed to fix this problem. It would place responsibility for covering the cost of recycling with the companies responsible for the packaging. This is fair for Maine people and it's the right thing to do for Maine municipalities. This is a proven solution that's been in place, as you've heard, for many years in over 40 countries, including across much of Canada and all of Europe. We probably should have put this policy into place years ago but we have not, in large part, because of the opposition of many of the very corporations that sell products here in Maine that already participate, they already participate today in similar programs abroad. Companies like 3M, Kellogg's, Kimberly Clark, Proctor and Gamble, Nestle, and PepsiCo, all members of the industry group for packaging manufacturers called AMERIPEN, which testified against this bill even though all of these companies participate in programs like this in the Canadian Provinces and elsewhere, as do 500 other brands like Amazon, Apple, Dell, Sony, Frito-Lay's, Microsoft, Panasonic, and the list goes on. We need to call out this false narrative we've heard being pushed by out-of-state multi-national corporations that this type of program somehow raises costs for consumers. No credible study supports this claim. In fact, the opposite is true. A study of real-world data in Canada showed that there is no correlation between jurisdictions with or without policies that require packaging manufacturers to help fund recycling and disposal costs. In fact, opponents of this bill are literally spending millions of dollars to stop this program. Now if they were simply to pass on these costs to their consumers why would they be doing so?

I'd like to directly address some of the false claims being made that this bill could affect the cost of consumer goods. First,

the so-called study that grabbed some attention recently that's the basis for these claims was written by a researcher who has received hundreds of thousands of dollars from Clorox Canada to support his work. Clorox, as you've heard, is part of a trade group called AMERIPEN which is, as I said, comprised of multi-billion dollar corporations working to defeat this bill. Although these corporations participate in programs like this one in those other places, they don't want to play by the same rules here in Maine. By the way, the study was not peer reviewed. It doesn't cite a single source. Has typos and erroneous math. Also, the author admitted to the Portland Press Herald that there actually isn't any evidence that extender producer responsibility policies increased the cost of consumer goods. No evidence. This is exactly what a separate analysis by consulting firm known as RRS concluded. Looking at real-world product prices in provinces across Canada, they found no evidence or correlation between EPR policies and the price of consumer goods. None. Just this week we received a letter from a group of University of Maine researchers, who are members of the Materials Management Research Group at the University's Mitchell's Center for Sustainability Solutions. These Maine researchers were highly critical of the paper being used by opponents to this bill and they criticized the author's lack of transparency, lack of citations, and lack of peer review. Corporations have fought against this type of legislation for years because it requires them to internalize the cost of recycling their packaging rather than sticking those costs on taxpayers, Maine taxpayers. For those concerned about the impact on small business, the bill includes exemptions for those with annual revenue less than \$2 million or generating less than one ton of packaging a year and for non-profits it exempts those with annual revenue less than \$5 million for the first three years. That constitutes about 60% of Maine businesses. This bill correctly targets the largest corporations that are responsible for the bulk of these materials.

By passing this bill into law we also will take a big step towards improving the recycling rate in Maine. In the countries with programs like this recycling rates are very high, about 70% in some cases, double what we're experiencing in Maine. There's no question why we cannot do the same thing, have the same results, here in Maine. This policy is a proven solution to more fairly distribute the cost of waste disposal and recycling between taxpayers and those who produce the waste. It creates the right incentives for corporations to design their packaging to be recyclable and minimize packaging where possible and we will increase our recycling rate and Maine people will have increased confidence that recyclable materials are, in fact, being recycled. I ask you to please support the pending question. Thank you.

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

Senator **TIMBERLAKE:** Thank you, Mr. President and ladies and gentlemen of the Senate. I've been at a - the good Senator from Oxford and I have a lot of conversations along the way and I respect his passion and his love for what he's doing. I have some real concerns and I - the problem with this bill, I think, at this point in time is it's not ready for prime time and unless we had the amendment, and I hear there's a possibility of one coming on but we can't talk about what could happen, it would be hard for me to support this bill in its present position because I think we've just got done disposing of a bill, bill number 808, which repealed the law that did a similar thing to this, not exactly like this but similar

to this, in the last session with the pesticide container bill and we passed a law that we thought we had a good idea and everybody thought it was a great idea but we didn't have it figured out and we couldn't figure out how we could collect these fees and collect these taxes. This bill has the exact same problem. If Company A sends a, and I'll pick on the Walmart Distribution Center or the Hannaford Distribution Center, sends a load of a product to South Portland Maine's Hannaford Distribution Center and Company A doesn't have a clue with what store it's going to. They just know it's going to the Hannaford Distribution Center. The Hannaford Distribution Center in South Portland, Maine will distribute to Maine, Southern New Hampshire, Western Massachusetts, and Vermont. Now Company A only has to pay the bill on what's distributed in Maine. Company A doesn't have a clue what Hannaford or Walmart or any other distributor sends that product to because they don't send them a record and say we sent so many cases of this here and so many cases of that there because this bill doesn't provide for that. This bill, until it had major substantive rules put in it, this bill got reviewed, came back to us for final vote, is a poor written bill. It's just not ready yet and so at this point in time I can't support it in its present form. Maybe if we could get to a point where we could figure it all out before we voted on it, which would create the major substantive rules, I could get there but in its current form we're opening up something that I can't see any possible way of how it's enforceable and, for those reasons, I won't be supporting the current motion. Thank you.

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

Senator **CYRWAY:** Thank you, Mr. President. Ladies and gentlemen of the Senate, I like this idea. I think a lot of work's been done on it and I think it's something necessary but I'm kind of with Senator Timberlake that we don't have the impact study to see what it really is going to cost, we'll say, for the blueberry market or for Huhtamaki. I have Huhtamaki in my area and I have 600 workers, almost 700 workers, there and there's 50 Huhtamaki's throughout the United States and if there's a cost that goes up they can just say we're pulling them out and we're putting them in a different state because this is costing us too much and I could lose 600 jobs right there in my district and I'm very concerned about that. For me to just push a button and not know what the impact is going to be, I don't think that's being responsible for all my people that are working at Huhtamaki and so I think Senator Bennett and the other good Senators that have been working on this, I think it's great but I don't think it's ready, like the other Senator Timberlake. I think that I'd like to see some facts and some figures and how it's going to impact. When they said that it's not going to be any impact to the businesses but then they take taxpayer money that's going to save taxpayer money and it shifts it to the purchaser and to the businesses, then there's a question. What money is going to be shifted and that's a big concern to me and so I just don't - I think there's a responsibility I have in my district that I can't vote for this because of that reason. Thank you, Mr. President.

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

Senator **MOORE**: Thank you, Mr. President. I just want to comment that the wild blueberry industry is quite concerned about this bill and, with Washington County being one of the largest wild blueberry producers in the state, I felt it was very important to stand up and share their concerns with this. They do mention a time when the Governor and the Department of Agriculture, Conservation and Forestry have identified Maine's heritage industries as a target for investment to stir growth and recovery. This bill will hurt our most successful wild blueberry businesses and will impose a significant barrier to those aiming for growth. Today they actually are responsible, our wild blueberry farms and businesses produce 50 to 100 million pounds of wild blueberries annually and contribute an estimated \$250 million to the state's economy annually. The wild blueberry industry is a cultural icon of Maine that creates opportunities in some of the state's most rural counties. Statistically, reviewing the bill itself, it increases costs for Maine consumers by 3.91% to 5.57%, or an additional \$31.94 to \$43.74, per month in grocery bills for the average family of four. It requires that producers also pay for disposal costs, if passed as drafted. It would cost consumers 5.27% to 7.51% more, or \$41.05 to \$58.96, per month for the average family of four. It requires every single product in Maine to be registered with the State DEP and requires that retailers police their shelves. As currently proposed, it provides municipalities with funding for disposal, or landfilling of packaging, not just for recycling. They do agree that it should include major substantive rules and legislative oversight in meeting both criteria for requiring major substantive rules, specifically require the exercise of significant agency discretion or interpretation in drafting because of the subject matter anticipated impact are reasonably expected to result in a significant increase in the cost of doing business. It also creates a massive government-run program where the DEP is responsible for rulemaking on rates and fees paid to and from producers. This would result in non-market based rates being set and fewer incentives for improved recycling infrastructure in Maine. Maine deserves legislation that actually improves the recycling system and does not simply shift costs to producers and consumers without proper stakeholder input and oversight. I urge you to vote Ought Not to Pass on this motion. Thank you.

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

Senator **CHIPMAN**: Thank you, Mr. President. We are surrounded by plastic packaging and there's no escaping from it. As somebody who cares greatly for our environment, I take great care to minimize my personal impact on the planet. I care a lot about the environment. In fact, environmental issues are what got me involved in politics many years ago. Recently my partner bought an item on-line. It was actually a food item that did not need to be refrigerated but it came in a very large box. It was an item very small, came in a very large box and it was packed with cold storage packaging all around it, as if it had to be refrigerated. I think there was some mistake, maybe, by who was sending it but, at any rate, there was a huge amount of packaging. It was not recyclable and the packaging filled - there was enough packaging to fill an entire trash bag for one item that was shipped through FedEx. So, that's just one experience that's happening all across the state. We don't ask for piles of packaging when we go shopping or order something on-line but it's forced upon us. I think this bill will change that. So, I hope you will support the pending motion.

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

Senator **GUERIN**: Thank you, Mr. President. Mr. President, ladies and gentlemen of the Senate, my good friend, Senator Moore, raised the question of the blueberry industry and I just wanted to add to that the Potato Board also had some great concerns about this bill. In addition to representing the dairy farmers I told you about last night, I do have a large potato farm in my district and I know, Mr. President, you do have many potato farmers and just wanted to point out the fact that they are concerned about this bill.

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

Senator **SANBORN**: Thank you, Mr. President. I rise briefly in support of this motion. I own a manufacturing business here in Maine and, frankly, I hope that by the time the rules are done with this the rules will apply to us, given the gross receipts rules that are in the bill. But I rise because my industry has actually been part of an extended producer responsibilities scheme for decades. Maine led the way in imposing the bottle bill. I'm not a fan of the bottle bill and I've made that very clear on this floor but part of the reason I'm not a fan is because it actually hurts our municipalities. It removes some of the most recyclable waste from the waste stream, costing municipalities more to dispose of the rest, and so I am voting for this bill in great hope that we may someday be able to fold it all together, have one concept for how we engage in extended producer responsibility for packaging and put the cost of disposing of the packaging that we use as manufacturers in the right place, not just for producers of beverages but for producers of all sorts of things that need to be packaged. Thank you, Mr. President.

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

Senator **BRENNER**: Thank you, Mr. President. I appreciate the opportunity to rise again. I just wanted to address the expense issue one more time for businesses. For example, a business that packages blueberries in paperboard boxes would spend \$145.62 per ton of paperboard boxes. There're 19,000 boxes in a ton. So, I just wanted to offer that.

**THE PRESIDENT**: The pending question before the Senate is Acceptance of Report "A", Ought to Pass as Amended by Committee Amendment "A" (H-605). Is the Senate ready for the question?

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

**ROLL CALL (#432)**

**YEAS:** Senators: BAILEY, BALDACCI, BENNETT, BREEN, BRENNER, CARNEY, CHIPMAN, CLAXTON, CURRY, DAUGHTRY, DESCHAMBAULT, 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

23 Senators having voted in the affirmative and 12 Senators having voted in the negative, the motion by Senator **BRENNER** of Cumberland to **ACCEPT** Report "A", **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-605)**, in concurrence, **PREVAILED**.

Bill **READ ONCE**.

Committee Amendment "A" (H-605) **READ**.

On motion by Senator **DILL** of Penobscot, Senate Amendment "A" (S-330) to Committee Amendment "A" (H-605) **READ**.

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

Senator **DILL:** Thank you, Mr. President. This amendment requires the Department of Environmental Protection to adopt major substantive rules instead of routine technical rules as the committee amendment necessary to implement, administer, and enforce the stewardship program for packaging and this puts the bill back - that language puts it back to the same place the bill last year was at when we actually had to get done because of COVID. So, 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 Cumberland, Senator Brenner.

Senator **BRENNER:** Thank you, Mr. President. I rise in opposition to the amendment for a couple of reasons that I want to bring to your attention. Requiring program rules be major substantive means that the Legislature must approve them rather than the Board of Environmental Protection. This means that it's the last gasp attempt for wealthy multi-national corporations with deep pockets to apply lobbyist pressure and prevent the program from getting on its feet. There's been a ton of public stakeholder process for L.D. 1541 so far. The Committee specifically deliberated about this. We were satisfied by an increased opportunity for public and stakeholder involvement in the rules. One section, as amended in the House, will have the major substantive rules be a portion of the bill. It pertains to exemptions for federally regulated packages like pesticide containers and containers that have childproof proofing. Program aspects that are decided through routine technical rule in the bill include producer payment schedules, what is considered readily

recyclable, how to group similar municipalities, process for determining municipal reimbursement payments, setting of program goals, how audits of waste streams will be done. These are appropriate and okay to be done through routine technical DEP rulemaking. Thank you.

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

Senator **TIMBERLAKE:** Thank you, Mr. President. And with that proposal for the amendment that's before us, I can support this amendment because it puts it back to get the review and bring the bill back in a form that we all get to vote on and we know exactly what we're voting on and exactly how it's going to be implemented in the future. I think it's the way good public policy should be done and I will be supporting this motion and I urge you to - I encourage you to join me.

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

Senator **WOODSOME:** Thank you, Mr. President. I've been a long-time supporter of recycling. I worked very hard back in, what was it the '70's, when we passed the bottle bill. I've been on the recycling committee in my home town. I want to support a bill here. I don't know which one I'm going at. I need more information on this amendment. Why should we wait another year? How is this amendment going to benefit the industries in Maine, Aroostook County, Penobscot, Kennebec, whatever? I mean, we talk and talk and talk. We put taxes and fees on tires. I mean, it seems everything we do gets wasted somehow in bureaucracy. So, I'm asking why should this amendment be better than the previous bill? I just need information. Thank you.

**THE PRESIDENT:** The Senator from York, Senator Woodsome, has posed a question through the Chair to anyone who may answer. The Chair recognizes the Senator from Aroostook, Senator Stewart.

Senator **STEWART:** Thank you, Mr. President. I have an answer to that question. The long and short of it is that routine technical rules mean that a bunch of bureaucrats who are unelected and unaccountable are going to be the ones who are doing the rulemaking and actually implementing the process. As opposed to major substantive, which means that elected folks, who have to go home and be accountable to those businesses in Aroostook County and those constituents in Aroostook County, are going to be the ones who actually have the final say on what the program actually looks like and how it rolls out. That's how I answer that question.

**THE PRESIDENT:** The pending question before the Senate is Adoption of Senate Amendment "A" (S-330) to Committee Amendment "A" (H-605). Is the Senate ready for the question?

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

**ROLL CALL (#433)**

YEAS: Senators: BLACK, CLAXTON, CYRWAY, DAVIS, DESCHAMBAULT, DIAMOND, DILL, FARRIN, GUERIN, HICKMAN, KEIM, LUCHINI, MOORE, POULIOT, ROSEN, STEWART, TIMBERLAKE, VITELLI, WOODSOME, PRESIDENT JACKSON

NAYS: Senators: BAILEY, BALDACCI, BENNETT, BREEN, BRENNER, CARNEY, CHIPMAN, CURRY, DAUGHTRY, LAWRENCE, LIBBY, MAXMIN, MIRAMANT, RAFFERTY, SANBORN

20 Senators having voted in the affirmative and 15 Senators having voted in the negative, the motion by Senator **DILL** of Penobscot to **ADOPT** Senate Amendment "A" (S-330) to Committee Amendment "A" (H-605), **PREVAILED**.

On motion by Senator **VITELLI** of Sagadahoc, **TABLED** until Later in Today's Session, pending **ADOPTION** of Committee Amendment "A" (H-605) as Amended by Senate Amendment "A" (S-330) thereto, **NON-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 Regarding Remote Participation in Public Proceedings  
S.P. 40 L.D. 32  
(S "A" S-308 to C "A" S-301)

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

This being an Emergency Measure and having received the affirmative vote of 33 Members of the Senate, with 1 Senator having voted in the negative, and 33 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 Implement the Recommendations of the Maine Juvenile Justice System Assessment and Reinvestment Task Force

H.P. 391 L.D. 546  
(C "A" H-616)

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

**Emergency Measure**

An Act Regarding Telehealth Regulations  
S.P. 50 L.D. 791  
(S "A" S-284 to C "A" S-280)

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

This being an Emergency Measure and having received the affirmative vote of 32 Members of the Senate, with no Senators 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 Measure**

An Act To Ensure the Provision of Appropriate Personal Protective Equipment to Firefighters  
H.P. 911 L.D. 1245  
(C "A" H-610)

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

**Emergency Measure**

An Act To Establish the Southern Aroostook County Emergency Medical Services Authority  
S.P. 554 L.D. 1699  
(C "A" S-269)

This being an Emergency Measure and having received the affirmative vote of 33 Members of the Senate, with no Senators having voted in the negative, and 33 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 Correct Inconsistencies, Conflicts and Errors in the Laws of Maine

H.P. 1279 L.D. 1730  
(C "A" H-646)

This being an Emergency Measure and having received the affirmative vote of 33 Members of the Senate, with no Senators having voted in the negative, and 33 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.

**Mandate**

An Act To Promote Transparency in Nonconsensual Towing and Roadside Assistance

H.P. 899 L.D. 1228  
(C "A" H-652)

Comes from the House, **FAILED ENACTMENT.**

This being a Mandate, in accordance with the provisions of Section 21 of Article IX of the Constitution, having received the affirmative vote of 19 Members of the Senate, with 14 Senators having voted in the negative, and 19 being less than two-thirds of the entire elected Membership of the Senate, **FAILED ENACTMENT**, in concurrence.

**Acts**

An Act To Facilitate Maine's Climate Goals by Encouraging Use of Electric Vehicles

H.P. 245 L.D. 347  
(C "A" H-651)

An Act To Protect Maine's Drivers from Pretextual Traffic Stops

H.P. 301 L.D. 417  
(C "A" H-623)

An Act Regarding School Discipline for Maine's Youngest Children

H.P. 348 L.D. 474  
(C "A" H-599)

An Act To Allow for Fair Restitution by Providing That Restitution Includes the Cost of Analysis of Suspected Illegal Drugs If the Defendant Was Convicted of Trafficking and Was Motivated by Profit

H.P. 351 L.D. 477  
(C "A" H-607)

An Act To Advance Energy Storage in Maine

S.P. 213 L.D. 528  
(C "A" S-314)

An Act To Amend the Maine Criminal Code

S.P. 223 L.D. 536  
(C "A" S-295)

An Act To Provide Access to Justice for Victims of Child Sexual Abuse

H.P. 432 L.D. 589  
(C "A" H-602)

An Act To Ensure That Children Receive Behavioral Health Services

H.P. 473 L.D. 642  
(C "A" H-649)

An Act To Create the Insulin Safety Net Program

S.P. 260 L.D. 673  
(C "A" S-278)

An Act To Increase Prescription Drug Pricing Transparency

S.P. 274 L.D. 686  
(C "A" S-255)

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  
(C "A" H-604)

An Act To Promote Oversight of and Competitive Parity among Video Service Providers

H.P. 676 L.D. 920  
(H "A" H-635 to C "A" H-528)

An Act Regarding Courts' Authority To Protect Children When a Parent Has Been Awarded Sole Parental Rights and Responsibilities

H.P. 765 L.D. 1030  
(C "A" H-650)

An Act Concerning the Unannounced Execution of Search Warrants

H.P. 771 L.D. 1043

An Act To Support Universal Health Care

H.P. 773 L.D. 1045  
(C "A" H-626)

An Act Authorizing the Attorney General To Enter into Contingent Fee Agreements

S.P. 403 L.D. 1236  
(C "A" S-274)

An Act To Provide Greater Access to Treatment for Serious Mental Illness by Restricting Prescription Drug Utilization Management by an Insurance Carrier

S.P. 420 L.D. 1268  
(C "A" S-313)

An Act To Protect Maine Electricity Customers from Threats of Disconnection in the Wintertime

H.P. 980 L.D. 1328  
(C "A" H-637)

An Act To Clarify the Authority of the Department of Health and Human Services during a Public Health Emergency

H.P. 995 L.D. 1344  
(C "A" H-631)

An Act To Increase the Protection of Children from Domestic Abuse and Violence

S.P. 458 L.D. 1408  
(C "A" S-294)

An Act To Conform State Law to the Peer-to-Peer Car Sharing Program Model Act

S.P. 470 L.D. 1420  
(C "A" S-287)

An Act Regarding the Review of Law Enforcement Use of Deadly Force

H.P. 1095 L.D. 1480  
(C "A" H-601)

An Act Regarding Travel Insurance in the Maine Insurance Code

S.P. 506 L.D. 1563  
(C "A" S-271)

An Act To Increase Privacy and Security by Regulating the Use of Facial Surveillance Systems by Departments, Public Employees and Public Officials

H.P. 1174 L.D. 1585  
(C "A" H-620)

An Act To Remove Punishments for Sex Selling and Decrease Demand by Increasing Penalties for Sex Buying

H.P. 1181 L.D. 1592  
(C "A" H-624)

An Act To Facilitate Children's Testimony in Certain Sex Crime Cases

H.P. 1201 L.D. 1612  
(C "A" H-653)

An Act To Create the Maine Clean Energy and Sustainability Accelerator

H.P. 1230 L.D. 1659  
(C "A" H-629)

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  
(C "A" H-615)

An Act To Amend Certain Provisions of Maine's Drug Laws

H.P. 1246 L.D. 1675  
(C "A" H-627)

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  
(C "A" S-270)

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

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

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

S.P. 49 L.D. 120  
(C "A" S-275)

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

An Act To Allow the Reduction of a MaineCare Lien

H.P. 337 L.D. 461  
(C "A" H-600)

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

An Act To Protect School Employees from Workplace Bullying

S.P. 294 L.D. 880  
(C "A" S-276)

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

An Act To Provide Funding To Support the Permanent Commission on the Status of Racial, Indigenous and Tribal Populations and To Establish Staffing for the Commission

H.P. 768 L.D. 1034  
(S "A" S-298 to C "A" H-410)

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

An Act To Promote a Circular Economy through Increased Post-consumer Recycled Plastic Content in Plastic Beverage Containers

H.P. 1083 L.D. 1467  
(C "A" H-622)

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

An Act To Improve Investigations of Child Sexual Abuse

H.P. 1100 L.D. 1486  
(C "A" H-611)

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

An Act To Protect Oral Health for Children in Maine  
H.P. 1111 L.D. 1501  
(C "A" H-618)

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

An Act To Establish the Maine Forest Advisory Board  
H.P. 1154 L.D. 1549  
(S "A" S-268 to C "A" H-519)

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

An Act To Support Children's Healthy Development and School Success  
S.P. 533 L.D. 1712  
(C "A" S-293)

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

An Act To Promote Individual Retirement Savings through a Public-Private Partnership  
S.P. 515 L.D. 1622  
(C "A" S-312)

**THE PRESIDENT:** The Chair recognizes the Senator from Sagadahoc, Senator Vitelli.

Senator **VITELLI:** Thank you, Mr. President. In regards to Item 7-42, I would like to offer these remarks.

**THE PRESIDENT:** The Senator may proceed.

Senator **VITELLI:** Thank you, Mr. President. Colleagues in the Senate, I rise in support of this pending bill. Almost two years ago to the day I retired from a 38 year career at New Ventures Maine where I dedicated myself to helping Mainers gain financial security by helping them go back to school, start a small business, or get a good paying job. While helping others towards a more sustainable future, I was adding to my own. Upon my retirement, I was able to draw on retirement savings which I built through my employer-sponsored program. Except for once a year, I barely had to think about that because the funds were taken out of every paycheck and there they were. Now I am able to draw on that, my Social Security, and to continue to earn my immense salary here at the Legislature.

I'm lucky. Most Mainers do not have enough saved for retirement and are not positioned to have the kind of stable and relaxing retirement they envisioned for themselves. One-third of Mainers over 65 rely only on Social Security for their income but with an average monthly benefit of just \$1,100 this isn't enough to get by. We all want Mainers to be self-sufficient, to have the tools and the resources they need to be independent during their retirement. The data tells us that the best way to help people

build their own retirement savings is to give them the opportunity to save through their employers. In fact, you're 15 times more likely to save for retirement if your employer offers a plan but Maine is a small business state and these plans can be costly and complicated to implement for small employers, disadvantaging them in the competition for talent.

L.D. 1622, the Work and Save Bill, presents a solution to help working Mainers put aside their own money for their retirement. The program works like this: employers who don't offer their own retirement savings plan will facilitate a deduction for their employees, safely, securely, and simply straight from their paycheck. Employers cannot contribute to the plan. They merely ensure the facilitation of the employee's contribution. The deducted funds go into an IRA where they grow over time, following participants from job to job until that person is ready to retire. The savings account belongs to the individual and the plan is automatic and opt out to simplify and streamline the savings process and to make it easier and more likely that people will save. When Mainers have the tools to save their own money for their retirement we all benefit. Workers can have the retirement they want. Small businesses have more tools to attract and retain workers. The taxpayer saves money when retired Mainers don't need to rely on public programs to make their ends meet.

Estimates show that if Mainers aged 65 to 79, there are a few of us in this room in that category, had just \$1,000 in additional retirement income each year it would save Maine taxpayers up to \$15.6 million annually. The Work and Save plan is a simple, common sense tool we can give to Maine workers and small businesses.

I want to thank the co-sponsors, my co-sponsors, especially my colleague Senator Stewart, who is here somewhere; the committee members who worked with me over the years, the AARP members who are throughout our state; and many many other advocates who have been working on this bill for well over six years. I ask that you follow my light and make this program available to everyone in the state of Maine so that they can retire and have a great after-work life as I am able to do. Thank you very much.

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

An Act To Create the Pine Tree Power Company, a Nonprofit Utility, To Deliver Lower Rates, Reliability and Local Control for Maine Energy Independence

H.P. 1269 L.D. 1708  
(C "A" H-640)

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

#### Resolves

Resolve, To Create the Family Caregiver Grant Pilot Program  
H.P. 209 L.D. 296  
(C "A" H-621)



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

Resolve, To Improve Behavioral Health Care for Children  
H.P. 312 L.D. 432  
(C "A" H-655)

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

Resolve, Establishing the Commission To Research and Recommend Solutions for Regional and Municipal Planning  
H.P. 322 L.D. 446  
(C "A" H-639)

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

Resolve, To Eliminate the Asset Test for the Supplemental Nutrition Assistance Program  
H.P. 538 L.D. 727  
(C "A" H-632)

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

Resolve, Establishing the Commission To Study the Impact of Various Types of Taxes on Various Populations in the State  
H.P. 1122 L.D. 1514  
(C "A" H-643)

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

Resolve, To Compensate Certain Department of Corrections Employees and Department of Health and Human Services Employees for Hazardous Work  
H.P. 1252 L.D. 1683  
(C "A" H-625)

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

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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 **HEALTH COVERAGE, INSURANCE AND FINANCIAL SERVICES** on Bill "An Act To Maximize Health Care Coverage for the Uninsured through Easy Enrollment in the MaineCare Program or in a Qualified Health Plan in the Marketplace"

H.P. 1024 L.D. 1390

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-684)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-684)**.

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

Bill **READ ONCE**.

Committee Amendment "A" (H-684) **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 Provide the Right to Counsel for Juveniles and Improve Due Process for Juveniles"

H.P. 224 L.D. 320

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

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-698)**.

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

Bill **READ ONCE**.

Committee Amendment "A" (H-698) **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 the Statute of Limitations for Injuries or Harm Resulting from Perfluoroalkyl and Polyfluoroalkyl Substances"

H.P. 261 L.D. 363

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-690)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-690)**.

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

Bill **READ ONCE**.

Committee Amendment "A" (H-690) **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 Align the Preconviction and Post-conviction Discretionary Deductions for Time Served"

H.P. 593 L.D. 788

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-689)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-689)**.

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

Bill **READ ONCE**.

Committee Amendment "A" (H-689) **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 Discontinue the Use of the Terms 'Handicap,' 'Handicapped' and 'Hearing Impaired' in State Laws, Rules and Official Documents"

H.P. 987 L.D. 1336

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-688)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-688)**.

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

Bill **READ ONCE**.

Committee Amendment "A" (H-688) **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 **LABOR AND HOUSING** on Bill "An Act To Remove Barriers to Accessory Dwelling Units and Allow Accessory Dwelling Units where Single-family Houses Are Allowed"

H.P. 968 L.D. 1312

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-608)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-608) AS AMENDED BY HOUSE AMENDMENT "A" (H-697)** thereto.

Report **READ**.

Senator **POULIOT** of Kennebec moved to **TABLE** until Later in Today's Session, pending **ACCEPTANCE OF THE REPORT**, in concurrence.

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

**ROLL CALL (#434)**

YEAS: Senators: BENNETT, BLACK, CYRWAY, DAVIS, DESCHAMBAULT, KEIM, MOORE, POULIOT, ROSEN, STEWART, TIMBERLAKE, WOODSOME

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

EXCUSED: Senator: FARRIN

12 Senators having voted in the affirmative and 22 Senators having voted in the negative, with 1 Senator being excused, the motion by Senator **POULIOT** of Kennebec to **TABLE** until Later in Today's Session, pending **ACCEPTANCE OF THE REPORT**, in concurrence, **FAILED**.

Report **ACCEPTED**, in concurrence.

Bill **READ ONCE**.

Committee Amendment "A" (H-608) **READ**.

House Amendment "A" (H-697) to Committee Amendment "A" (H-608) **READ** and **ADOPTED**, in concurrence.

Committee Amendment "A" (H-608) as Amended by House Amendment "A" (H-697) 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-608) AS AMENDED BY HOUSE AMENDMENT "A" (H-697)** thereto, in concurrence.

30 Senators having voted in the affirmative and 4 Senators having voted in the negative, with 1 Senator being excused, the motion by Senator **DAUGHTRY** of Cumberland to **RECEDE** and **CONCUR PREVAILED**.

Sent down for concurrence.

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

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

**PAPERS FROM THE HOUSE**

**Non-Concurrent Matter**

An Act To Provide Equal Access to the Benefits of the Maine Food Sovereignty Act

S.P. 306 L.D. 954

In Senate, May 19, 2021, Report **READ** and **ACCEPTED** and Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-88)**.

Comes from the House, Report **READ** and **ACCEPTED** and Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-88) AS AMENDED BY HOUSE AMENDMENT "A" (H-722)** thereto, in **NON-CONCURRENCE**.

**Non-Concurrent Matter**

HOUSE REPORTS - from 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

Majority - **Ought to Pass as Amended by Committee Amendment "A" (H-609)** (8 members)

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

In Senate, June 15, 2021, the Minority **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 Majority **OUGHT TO PASS AS AMENDED** Report was **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED**.

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

**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 am opposed to this motion. As we discussed previously on this bill, this change would result in an effect whereby health insurance rates would increase for those on the market for the benefit of those who are smokers who would then see a decrease in their health insurance plans. So, it would be a subsidization on the backs of those engaging in that behavior, which has explicitly been carved out previously and would not be public policy and not the best interest of the majority of our constituents. So, for those reasons, I am opposed to this motion and would request that this Body stick by its previous vote that we had earlier on this bill and would request a roll call. Thank you.

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

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

Senate at Ease.

The Senate was called to order by the President.

Senator **DAUGHTRY** of Cumberland moved the Senate **RECEDE** and **CONCUR**.

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 Doorkeepers secured the Chamber.

The Secretary opened the vote.

**ROLL CALL (#435)**

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

NAYS: Senators: CYRWAY, STEWART, TIMBERLAKE, WOODSOME

EXCUSED: Senator: FARRIN

Senator **SANBORN**: Thank you, Mr. President. Mr. President, some information on why we need to pass this bill. I ran an estimate for a 64 year old couple from Aroostook County with income just over the cut-off for MaineCare, which means they don't have a lot of disposable income and are highly unlikely to go their primary care doctors. If they don't smoke, Mr. President, they will owe \$6.40 a month for their premiums for a Silver Plan on the Maine marketplace. If they do smoke they will owe \$810.46 a month. They will go uninsured. They will show up at the emergency room and we will pay for their healthcare when they get lung cancer anyway. But we will not do it through the negotiated rates that insurance companies are able to provide given the federal subsidies that they would otherwise be entitled to. Instead we'll just do it purely through charity care, which costs all of us more. We need to pass this bill because we're paying for these costs anyway and people are not getting the resources that they need to quit because they don't have access to affordable healthcare. The numbers are clear. The impact is clear. This is a simple thing that we can do. It will maximize the federal dollars coming into the state to help us offset our healthcare costs and it will maximize the chance that people quit smoking, get healthcare, and are able to be healthy members of our society. Thank you, Mr. President.

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

Senator **CLAXTON**: Thank you, Mr. President and members of the Senate. I'd just like to share a little bit of some current medical knowledge. Actually in the last 15 years it's become appreciated that we screen cat scans or screening MRIs. You can find the lung cancer in high risk patients before it becomes inoperable, incurable, and with that intervention we save ourselves a lot of money because without it people wait until they have symptoms, at which point it's too late to make a difference. They use lots of resources in the hospital, getting lots of expensive therapy. It's a lot better, as we've discovered, for any number of diseases to A: to do prevention and B: to recognize that this is a disease. This isn't a choice. They didn't wake up at 16 and decide to become addicted to cigarettes until they were 66. They got addicted when their brain was immature. It's a disease that's hard to shake for a lot of people and the average is between close to seven times to quit and if you grew up in a household where there's smokers it's more than that. So, this is part of an attempt to control the overall cost of medical care in the state by promoting prevention and sharing the risk because we're all, as was mentioned by Senator Sanborn, we're already paying for the uncompensated care for the person who shows up in the most expensive place to get healthcare in our system. Thank you, Mr. President.

Senator **POULIOT** of Kennebec moved to **TABLE** until Later in Today's Session, pending the motion by Senator **VITELLI** of Sagadahoc to **RECEDE** and **CONCUR**.

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

**ROLL CALL (#436)**

**YEAS**: Senators: BENNETT, BLACK, CYRWAY, DAVIS, GUERIN, KEIM, MOORE, POULIOT, ROSEN, STEWART, TIMBERLAKE, WOODSOME

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

**EXCUSED**: Senator: FARRIN

12 Senators having voted in the affirmative and 22 Senators having voted in the negative, with 1 Senator being excused, the motion by Senator **POULIOT** of Kennebec to **TABLE** until Later in Today's Session, pending the motion by Senator **VITELLI** of Sagadahoc to **RECEDE** and **CONCUR FAILED**.

The motion before the Senate was the motion by Senator **VITELLI** of Sagadahoc to **RECEDE** and **CONCUR**.

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

**ROLL CALL (#437)**

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

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

**EXCUSED**: Senator: FARRIN

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

Sent down for concurrence.

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

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**Non-Concurrent Matter**

Resolve, To Create the Working Group To Design Jail Resource Navigator Services for Maine County Jails

H.P. 747 L.D. 1009  
(C "A" H-218)

In Senate, June 8, 2021, **FINALLY PASSED**, in concurrence.

In House, June 16, 2021, **RECALLED** from the Governor's Desk, pursuant to Joint Order H.P. 1287.

Comes from the House, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-218) AS AMENDED BY HOUSE AMENDMENT "A" (H-667)** thereto in **NON-CONCURRENCE**.

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

**Non-Concurrent Matter**

SENATE REPORTS - from the Committee on **JUDICIARY** on Bill "An Act To Provide Campground Owners Limited Civil Liability from the Inherent Risks of Camping"

S.P. 316 L.D. 986

Majority - **Ought Not to Pass** (7 members)

Minority - **Ought to Pass as Amended by Committee Amendment "A" (S-322)** (6 members)

In Senate, June 16, 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" (S-322)**.

Comes from the House, the Majority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED**, in **NON-CONCURRENCE**.

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

Sent down for concurrence.

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

**PAPERS FROM THE HOUSE**

**Joint Orders**

The following Joint Order:

H.P. 1291

ORDERED, the Senate concurring, that Bill, "An Act To Strengthen the Individualized Education Program Process," H.P. 397, L.D. 552, 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.

The following Joint Order:

H.P. 1292

ORDERED, the Senate concurring, that Bill, "An Act To Include within the Definitions of "Public Employee" and "Judicial Employee" Those Who Have Been Employed for Less Than 6 Months," H.P. 580, L.D. 775, 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.

Off Record Remarks

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

**RECESSED** until 7:00 in the evening.

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

**ORDERS OF THE DAY**

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

An Act To Create the Pine Tree Power Company, a Nonprofit Utility, To Deliver Lower Rates, Reliability and Local Control for Maine Energy Independence

H.P. 1269 L.D. 1708  
(C "A" H-640)

Tabled - June 17, 2021 by Senator **POULIOT** of Kennebec

Pending - **ENACTMENT**, in concurrence.

(In Senate, June 16, 2021, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-640)**, in concurrence

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

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 (#438)**

YEAS: Senators: BAILEY, BALDACCIO, BENNETT, BRENNER, CARNEY, CHIPMAN, CURRY, DAUGHTRY, HICKMAN, LAWRENCE, LUCHINI, MAXMIN, MIRAMANT, RAFFERTY, SANBORN, VITELLI, PRESIDENT JACKSON

NAYS: Senators: BLACK, BREEN, CLAXTON, CYRWAY, DAVIS, DESCHAMBAULT, DIAMOND, DILL, FARRIN, GUERIN, KEIM, LIBBY, MOORE, POULIOT, ROSEN, STEWART, TIMBERLAKE, WOODSOME

17 Senators having voted in the affirmative and 18 Senators having voted in the negative, **FAILED ENACTMENT**, in **NON-CONCURRENCE**.

Sent down for concurrence.

\_\_\_\_\_

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

HOUSE REPORTS - from the Committee on **ENVIRONMENT AND NATURAL RESOURCES** on Bill "An Act To Support and Improve Municipal Recycling Programs and Save Taxpayer Money"

H.P. 1146 L.D. 1541

Report "A", **Ought to Pass as Amended by Committee Amendment "A" (H-605)** (9 members)

Report "B", **Ought Not to Pass** (3 members)

Report "C", **Ought to Pass as Amended by Committee Amendment "B" (H-606)** (1 member)

Tabled - June 17, 2021 by Senator **VITELLI** of Sagadahoc

Pending - **ADOPTION** of Committee Amendment "A" (H-605) as Amended by Senate Amendment "A" (S-330) thereto, **NON-CONCURRENCE**

(In House, June 16, 2021, Report "A", **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-605)**, **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-605) AS AMENDED BY HOUSE AMENDMENT "A" (H-714)** thereto.)

(In Senate, June 17, 2021, Reports **READ**. Report "A", **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-605)**, in concurrence, **READ** and **ACCEPTED**. Bill **READ ONCE**. Committee Amendment "A" (H-605) **READ**. On motion by Senator **DILL** of Penobscot, Senate Amendment "A" (S-330) to Committee Amendment "A" (H-605) **READ** and **ADOPTED**.)

Senator **VITELLI** of Sagadahoc moved the Senate **RECONSIDER** whereby it **ADOPTED** Senate Amendment "A" (S-330) to Committee Amendment "A" (H-605).

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 **GUERIN**: Thank you, Mr. President. Mr. President, ladies and gentlemen of the Senate, just one piece of information I thought you might want to have before you vote on this. In talking with the Governor's Office tonight, they are in favor of the bill amendment. So, if you want something to pass, this is my words and not theirs, and don't want it vetoed, the bill amendment is your best option.

**THE PRESIDENT**: The Chair would advise that members can't use the Governor's Office as a way to influence the legislation. The pending question before the Senate is Reconsideration of Adoption of Senate Amendment "A" (S-330) to Committee Amendment "A" (H-605). Is the Senate ready for the question?

\_\_\_\_\_

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

\_\_\_\_\_

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

**ROLL CALL (#439)**

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

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

EXCUSED: Senator: SANBORN

20 Senators having voted in the affirmative and 14 Senators having voted in the negative, with 1 Senator being excused, the motion by Senator **VITELLI** of Sagadahoc to **RECONSIDER** whereby the Senate **ADOPTED** Senate Amendment "A" (S-330) to Committee Amendment "A" (H-605) **PREVAILED**.

Senator **VITELLI** of Sagadahoc moved to **INDEFINITELY POSTPONE** Senate Amendment "A" (S-330) to Committee Amendment "A" (H-605).

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 (#440)**

YEAS: Senators: BAILEY, BALDACCI, BENNETT, BREEN, BRENNER, CARNEY, CHIPMAN, CLAXTON, CURRY, DAUGHTRY, DESCHAMBAULT, HICKMAN, LAWRENCE, LIBBY, MAXMIN, MIRAMANT, RAFFERTY, VITELLI, PRESIDENT JACKSON

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

EXCUSED: Senator: SANBORN

19 Senators having voted in the affirmative and 15 Senators having voted in the negative, with 1 Senator being excused, the motion by Senator **VITELLI** of Sagadahoc to **INDEFINITELY POSTPONE** Senate Amendment "A" (S-330) to Committee Amendment "A" (H-605) **PREVAILED**.

House Amendment "A" (H-714) to Committee Amendment "A" (H-605) **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 Doorkeepers secured the Chamber.

The Secretary opened the vote.

**ROLL CALL (#441)**

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

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

EXCUSED: Senator: SANBORN

22 Senators having voted in the affirmative and 12 Senators having voted in the negative, with 1 Senator being excused, House Amendment "A" (H-714) to Committee Amendment "A" (H-605) **ADOPTED**, in concurrence.

Committee Amendment "A" (H-605) as Amended by House Amendment "A" (H-714) thereto, **ADOPTED**, in concurrence.

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

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 (#442)**

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

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

EXCUSED: Senator: SANBORN

22 Senators having voted in the affirmative and 12 Senators having voted in the negative, with 1 Senator being excused, was **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-605) AS AMENDED BY HOUSE AMENDMENT "A" (H-714)** thereto, in concurrence.

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

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

On motion by Senator **VITELLI** of Sagadahoc, the following Joint Order:

S.P. 583

Ordered, the House concurring, that when the Senate and House adjourn, they do so until the call of the President of the Senate and the Speaker of the House, respectively.

**READ and PASSED.**

Ordered sent down forthwith for concurrence.

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

**PAPERS FROM THE HOUSE**

**Joint Resolutions**

The following Joint Resolution:

H.P. 1293

**JOINT RESOLUTION  
COMMEMORATING THE ONE-YEAR ANNIVERSARY  
OF THE DEATH OF GEORGE FLOYD**

WHEREAS, May 25, 2021 marked the one-year anniversary of the death of George Floyd, an African American man who was murdered while in police custody as a result of pervasive and systemic racism that cannot be dismantled without, among other things, proper redress in the courts; and

WHEREAS, George Floyd was a man who was a respected member of his community, a caring man with a generous heart and a loving son and father; and

WHEREAS, on the anniversary of his death, the family of George Floyd commemorated his death as a "Day of Enlightenment" in the hope that the world would come together and understand the plight of all Americans in their pursuit of equal justice under the law; and

WHEREAS, African Americans in the United States are disproportionately the victims of shootings, choke holds and other uses of excessive force by law enforcement officers; and

WHEREAS, the use of excessive force during an arrest or investigatory stop constitutes an unreasonable seizure under the 4th Amendment to the United States Constitution, which guarantees the right of every person in the United States to be free from unreasonable searches and seizures at the hands of law enforcement officers; and

WHEREAS, the use of excessive force during a period of pretrial detention constitutes the deprivation of due process under the 5th and 14th Amendments to the United States Constitution, which guarantee the right of every person in the United States to be free from arbitrary interference with the liberty of that person at the hands of law enforcement officers; and

WHEREAS, the use of excessive force during a term of imprisonment constitutes the use of cruel and unusual punishment under the 8th Amendment to the United States Constitution, which guarantees the right of every person in the United States to be free from cruel and unusual punishment at the hands of law enforcement officers; and

WHEREAS, Section 1979 of the Revised Statutes of the United States, which is also codified as 42 United States Code, Section 1983 and which is derived from the first section of the Act of April 20, 1871, commonly known as and referred to in this preamble as "the Civil Rights Act of 1871," makes liable "every person," including a police officer, corrections officer or other law enforcement officer, who, under color of law, deprives another person of civil rights; and

WHEREAS, the intent of the United States Congress in enacting the Civil Rights Act of 1871 was to hold state and local law enforcement officers accountable for intimidating, harming and murdering African American people in the United States after the Civil War; and

WHEREAS, the United States Government has established itself as a government of laws and not of men but will cease to be so if it does not furnish a viable remedy for all civil rights violations; now, therefore, be it

RESOLVED: That We, the Members of the One Hundred and Thirtieth Legislature now assembled in the First Special Session, pause in our deliberations to express the Legislature's strong disapproval of the use of excessive force; and be it further

RESOLVED: That We commemorate the one-year anniversary of the death of George Floyd and extend to all his family and friends our deepest condolences.

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

**READ** and **ADOPTED**, in concurrence.

The following Joint Resolution:

H.P. 1294

**JOINT RESOLUTION  
TO RECOGNIZE THE OBSERVANCE OF  
JUNETEENTH ON JUNE 19, 2021**

WHEREAS, for 154 years, Juneteenth National Freedom Day, also known as Emancipation Day, Emancipation Celebration, Freedom Day, Juneteenth Independence Day and Juneteenth, has been one of the most recognized African-American holiday observances in the United States; and

WHEREAS, Juneteenth commemorates the day freedom was proclaimed to all slaves in the South by Union General Gordon Granger, on June 19, 1865 in Galveston, Texas, more than 2 1/2 years after the signing of the Emancipation Proclamation by President Abraham Lincoln; and

WHEREAS, Juneteenth commemorates the determination of the first people from Africa, approximately 11,500,000 of whom survived the awful voyages across the Atlantic and who were brought to this country and enslaved in chattel slavery and whose descendants served as slaves for 200 years before the horrific institution of chattel slavery was abolished; and

WHEREAS, Juneteenth is the oldest known celebration commemorating the end of chattel slavery in the United States; and

WHEREAS, over 130 years after the Emancipation Proclamation and after years of informal annual celebration, Juneteenth was finally officially recognized in 1997 as Juneteenth Independence Day in America by the President of the United States and the United States Congress in the first session of the 105th Congress with bipartisan cooperation in Senate Joint Resolution 11 and House Joint Resolution 56; and

WHEREAS, "Until All are Free, None are Free" is an oft-repeated maxim that can be used to highlight the significance of the end of the era of chattel slavery in the United States; and

WHEREAS, the National Juneteenth Observance Foundation is working to make Juneteenth, what many people consider to be America's 2nd Independence Day Observance, a national holiday and to recognize this country's movement towards a "One America"; and

WHEREAS, Juneteenth will become an official state holiday in Maine in 2022; and

WHEREAS, it is important to recognize the historical significance of Juneteenth in order to advance racial equity, human dignity and justice; 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, recognize the observance



of Juneteenth on June 19, 2021, support the National Juneteenth Holiday Campaign and encourage people in our State to participate in Juneteenth observances.

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

**READ** and **ADOPTED**, in concurrence.

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**COMMUNICATIONS**

The Following Communication: H.C. 178

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

June 17, 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 RESOLUTION, Proposing an Amendment to the Constitution of Maine To Require the Popular Election of Maine Constitutional Officers (S.P. 288) (L.D. 874) Failed Passage to be Engrossed as Amended by Committee Amendment "A" (S-108).

Sincerely,

S/Robert B. Hunt  
Clerk of the House

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

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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. 1295

ORDERED, the Senate concurring, that Bill, "An Act To Update the Classification of Service Employees," H.P. 1103, L.D. 1489, 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.

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

**REPORTS OF COMMITTEES**

**House**

**Divided Report**

The Majority of the Committee on **JUDICIARY** on Bill "An Act To Establish Resentencing Units in the Attorney General's Office and All Maine Prosecutorial Districts"

H.P. 930 L.D. 1270

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-724)**.

Signed:

Senator:

SANBORN of Cumberland

Representatives:

HARNETT of Gardiner  
CARDONE of Bangor  
EVANGELOS of Friendship  
McCREIGHT of Harpswell  
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:

Senators:

CARNEY of Cumberland  
KEIM of Oxford

Representatives:

BABBIDGE of Kennebunk  
HAGGAN of Hampden  
MORIARTY of Cumberland  
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-724)**.

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 (#443)**

YEAS: Senators: BAILEY, BREEN, BRENNER, CHIPMAN, CLAXTON, DAUGHTRY, DESCHAMBAULT, DILL, HICKMAN, LAWRENCE, LIBBY, LUCHINI, MAXMIN, MIRAMANT, RAFFERTY, VITELLI, PRESIDENT JACKSON

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

EXCUSED: Senator: SANBORN

17 Senators having voted in the affirmative and 17 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, **FAILED**.

The motion before the Senate was **ACCEPTANCE** of 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.

Senator **STEWART** of Aroostook moved to **TABLE** until Later in Today's Session, pending **ACCEPTANCE** of the Minority **OUGHT NOT TO PASS** Report, 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 (#444)**

YEAS: Senators: BLACK, CYRWAY, DAVIS, FARRIN, GUERIN, KEIM, MOORE, ROSEN, STEWART, TIMBERLAKE, WOODSOME

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

EXCUSED: Senator: SANBORN

11 Senators having voted in the affirmative and 23 Senators having voted in the negative, with 1 Senator being excused, the motion by Senator **STEWART** of Aroostook to **TABLE** until Later in Today's Session, pending **ACCEPTANCE** of the Minority **OUGHT NOT TO PASS** Report, in **NON-CONCURRENCE**, **FAILED**.

The motion before the Senate was **ACCEPTANCE** of the Minority **OUGHT NOT TO PASS** Report, in **NON-CONCURRENCE**. A Roll Call had been ordered.

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

**ROLL CALL (#445)**

YEAS: Senators: BENNETT, BLACK, CARNEY, CLAXTON, CURRY, CYRWAY, DAVIS, DESCHAMBAULT, DIAMOND, FARRIN, GUERIN, KEIM, LUCHINI, MOORE, POULIOT, ROSEN, STEWART, TIMBERLAKE, WOODSOME

NAYS: Senators: BAILEY, BALDACCI, BREEN, BRENNER, CHIPMAN, DAUGHTRY, DILL, HICKMAN, LAWRENCE, LIBBY, MAXMIN, MIRAMANT, RAFFERTY, VITELLI, PRESIDENT JACKSON

EXCUSED: Senator: SANBORN

19 Senators having voted in the affirmative and 15 Senators having voted in the negative, with 1 Senator being excused, 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 Resolve, Directing the Department of Agriculture, Conservation and Forestry To Identify Places with Offensive Names and Methods of Changing Those Names

H.P. 1180 L.D. 1591

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-719)**.

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  
POIRIER of Skowhegan  
THORNE of Carmel

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-719)**.

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-719) **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 **LABOR AND HOUSING** on Bill "An Act To Extend Family Medical Leave to Hourly School Employees"

H.P. 668 L.D. 912

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-723)**.

Signed:

Senators:

HICKMAN of Kennebec  
MIRAMANT of Knox

Representatives:

SYLVESTER of Portland  
CUDDY of Winterport  
GERE of Kennebunkport  
PEBworth of Blue Hill

ROEDER of Bangor  
WARREN of Scarborough

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

Signed:

Senator:

GUERIN of Penobscot

Representatives:

DRINKWATER of Milford  
PRESCOTT of Waterboro

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-723)**.

Reports **READ**.

Senator **HICKMAN** of Kennebec 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 (#446)**

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

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

EXCUSED: Senator: SANBORN

20 Senators having voted in the affirmative and 14 Senators having voted in the negative, with 1 Senator being excused, the motion by Senator **HICKMAN** of Kennebec to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report, in concurrence, **PREVAILED**.

Bill **READ ONCE**.

Committee Amendment "A" (H-723) **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 **LABOR AND HOUSING** on Bill "An Act To Require Responsible Contracting Practices for Public Construction Projects"

H.P. 1217 L.D. 1633

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-726)**.

Signed:

Senators:

HICKMAN of Kennebec  
MIRAMANT of Knox

Representatives:

SYLVESTER of Portland  
CUDDY of Winterport  
GERE of Kennebunkport  
ROEDER of Bangor  
WARREN of Scarborough

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

Signed:

Senator:

GUERIN of Penobscot

Representatives:

BRADSTREET of Vassalboro  
DRINKWATER of Milford  
MORRIS of Turner  
PEBORTH of Blue Hill  
PRESCOTT of Waterboro

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-726)**.

Reports **READ**.

Senator **HICKMAN** of Kennebec 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 Penobscot, Senator Guerin.

Senator **GUERIN:** Thank you, Mr. President. Mr. President, ladies and gentlemen of the Senate, would you like to know what

went on in the Labor Committee regarding this bill? I'd be happy to tell you. Many Maine based contractors testified on the devastating effects of L.D. 1633 and what those effects would have on Maine based businesses. Mark Curtis from Gorham's Sand and Gravel testified in opposition to the bill saying, 'I've worked in the construction industry my entire life and it isn't easy to imagine that elected leaders in my state would pass a law that would prevent a local company from working on public projects. It's clear and without question that this law discriminates against the majority of Maine's construction firms. When public agencies are wondering if they will have enough bidders this will minimize who can bid. This bill is filled with language that only supports one business model and less than 10% of the entire industry. As a small business, this looks like an effort to hand work over to large out-of-state firms associated with organized labor unions. By voting for this you are shutting out the vast majority of Maine's construction workforce and I wonder how you can vote for a policy that hurts existing businesses that have operated here for a very long time. But this is a fairness issue. Right now, union and non-union companies can compete on a level playing field. I don't blame union organizers for looking for a way to carve out work for their members but I hope, as elected leaders, you would reject an effort to shut out all but a few companies from bidding.'

This bill is a good example of a solution looking for a problem. To pass this bill is to say that there are serious deficiencies in how Maine's construction industry currently operates. While introducing this bill the sponsor said, 'We have an obligation as a state government to have the highest standards, even while costs are going up. That doesn't mean we can cut corners by not paying people adequately, by not monitoring our worksites, by not having proper environmental and safety hazards, and by workers not having the proper training.' This implies that the work currently being done by our Maine contractors is substandard. This is simply not true. To vote on this bill is to say to the work being done by Maine construction companies like Cianbro and R.J. Grondin are not safe. A yes vote on this bill is to say that the construction crews working for CPM and Gorham Sand and Gravel are not qualified. To vote yes on this bill is to say that the employees of Sargent Corporation and Reed & Reed are underpaid. Every single one of the companies mentioned above testified in opposition to the bill.

The industry has told us that to pass this bill will drive up the cost of doing business. Maine DOT, Maine Turnpike Authority, Maine School Management Association, Association of General Contractors, and DAFS all oppose this bill, stating that it would increase construction costs. Between the burdensome paperwork, the lengthy review process that will delay the start of work by as much as 90 days from the time a contract is awarded, and the fact that 85% of Maine's construction industry currently does not operate under PLAs.

You know how many people provided testimony in favor of this bill? Three, one of which was from Massachusetts, representing the International Union of Operating Engineers Local 4. We looked Robert Burr up. Between Mr. Burr and the other top eight earners working to represent this union they made a combination of \$1.9 million a year. Maine is not Massachusetts and we shouldn't allow their high-priced lobbyists to dictate the business model a construction company in Maine must follow in order to bid on projects here. This suggested law may be well intentioned but it is completely unnecessary and will be seen by public contractors as punitive harassment. Because the

paperwork alone will cost them both time and money, those costs will translate into higher bids for public work, the same work they are competently doing now, or it may mean they won't bid at all if they have alternative private work. The public will pay more for roads and for schools. Maine life will be more complicated than it should be and nothing will be gained. Peter Mills, from the Maine Turnpike Authority, testified, 'This suggested law may be well intentioned but it is completely unnecessary and will be seen by public contractors as punitive harassment. Because the paperwork alone will cost them both time and money, those costs will translate into higher bids for public work. The public will pay more for roads and for schools. Maine life will be more complicated than it should be and nothing will be gained.' Please join me in preserving Maine jobs by voting in opposition to the pending motion.

**THE PRESIDENT:** The Chair recognizes the Senator from Somerset, Senator Farrin.

Senator **FARRIN:** Thank you, Mr. President. Colleagues here in the Senate, I apologize if I repeat some of the comments made by my good colleague from Penobscot, I got it. This bill will be a challenge for every contractor in Maine. First, we have a short season of peak construction that falls between spring mud season and a slow-down before we see frost set into the ground. Thanksgiving has been the unofficial date when most paving plants start to close. In the middle of peak construction there is also a work window where companies must adhere to environmental regulations and stay out of the water. It's a tightrope and scheduling challenge. Under this proposal issuance of a contract will be delayed by public comment period. Why? In 2021, the Maine DOT construction advertisement plan has 182 projects. Delaying the issuance of contracts for 21 days will not help the timeline to get our infrastructure built. If there is a challenge during the appeal process it extends the time. As a member of the Transportation Committee, Maine DOT has many projects over \$10 million in their 3-year work plan. These projects are currently performed by qualified Maine companies that would not meet this bill's project labor agreement requirement. The requirement in Part B of the bill for the State to use project labor agreements for large-scale construction projects could increase state and local costs of major construction projects, including capital school construction and transportation projects. If fewer companies are able to meet the requirements the success of the companies doing these projects who employ Maine people is dependent on the ability to bid and perform the type of work that Maine DOT advertises. L.D. 1633 would limit their ability to do so and limit the number of contractors able to bid on projects. Competition breeds better prices.

In addition to the public review period, the bill requires a contractor to submit all of their subcontractors for certification within 7 days of the intent to award. Today, if you call for a fix at your home you might find a plumber to answer and if they answer you might try to find another one to get another quote, but when you decide to hire someone they might not be able to - may not be available or may be - might be busy. Imagine trying to comply with this law in 7 days for dozens and dozens of subcontractors. On a recent toll improvement project, the general contractor had more than 70 subcontractors. Prevailing wage on State jobs already addresses worker pay. In Kennebec County alone the heavy division minimum wage for equipment operators is \$66.35 an hour. \$138,000 annually. The construction flagger rate is set

at \$29.37 an hour. So, why are we singling construction? Why are so many bills aimed at our construction industry? Construction jobs pay well. Four out of five of the most numerous construction occupations have higher medium pay than the medium of all employees in the state in 2019.

I could continue for a long time on the many aspects of this bill that would cripple the State's procurement process but one last item. Another major labor agreement. You're sending a message that you believe that Maine's current construction workforce is not responsible and that is not the case. Today, when you flip on your switch, you have lights. You turn on your faucet, you have clean water. You drive up the highway on safe roads. We need to spend more money on them. But those hard-working companies, those skilled workers, don't deserve this bill. Finally, what is the fiscal note on the project? According to the bill, all Maine DOT projects would flow through the Bureau of General Services and require a review by DFAS and compliance, of course, would be in the hands of procurement agencies. Maine DOT has a robust pre-qualification process for contractors that address the requirements outlined in the bill relating to bonding, defaulting on a project, certification, not being convicted of a crime, etcetera. These pre-qualification processes ensure open competitive bidding as well as qualified and safety conscious contractors. By having all projects reviewed first by DFAS it will significantly delay construction contracts, which will greatly impact the amount of work that will be accomplished during the short construction season we have in Maine. In addition to slowing down the process and potentially jeopardizing the success of Maine companies, according to DFAS several changes in Part A of the bill will increase the cost of construction projects that receive State funds, specifically allowing the public to protest a contract or subcontractor before a bid is awarded may deter contractors from bidding, reducing competition and raising total bid amounts. Again, competition breeds better prices. This bill includes General Fund appropriations of \$437,744 in the fiscal year 2021 and \$447,912 in fiscal year 2023 to the Bureau of General Services. Of that, \$120,000 in each fiscal year is for anticipated increase in fees paid to the Attorney General for any litigation or appeals made under the new selection process. This bill is complicated and, simply put, not needed. It is bad for the agencies, bad for municipalities, and bad for the taxpayers of Maine. 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 (#447)**

YEAS: Senators: BALDACCI, BREEN, CHIPMAN, DAUGHTRY, LAWRENCE, LIBBY, MIRAMANT, RAFFERTY, VITELLI, PRESIDENT JACKSON

NAYS: Senators: BAILEY, BENNETT, BLACK, BRENNER, CARNEY, CLAXTON, CURRY, CYRWAY, DAVIS, DESCHAMBAULT, DIAMOND, DILL, FARRIN, GUERIN, HICKMAN, KEIM, LUCHINI, MAXMIN, MOORE, POULIOT, ROSEN, STEWART, TIMBERLAKE, WOODSOME

EXCUSED: Senator: SANBORN

10 Senators having voted in the affirmative and 24 Senators having voted in the negative, with 1 Senator being excused, the motion by Senator HICKMAN of Kennebec to ACCEPT the Majority OUGHT TO PASS AS AMENDED Report, in concurrence, FAILED.

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

Sent down for concurrence.

**Divided Report**

Six members of the Committee on CRIMINAL JUSTICE AND PUBLIC SAFETY on Bill "An Act To Make Possession of Scheduled Drugs for Personal Use a Civil Penalty" H.P. 713 L.D. 967

Reported in Report "A" that the same Ought to Pass as Amended by Committee Amendment "A" (H-727).

Signed:

Representatives:

- WARREN of Hallowell
LOOKNER of Portland
MORALES of South Portland
PLUECKER of Warren
RECKITT of South Portland
SHARPE of Durham

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

Signed:

Senator:

CYRWAY of Kennebec

Representatives:

- COSTAIN of Plymouth
NEWMAN of Belgrade
PICKETT of Dixfield
RUDNICKI of Fairfield

Two members 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-728).

Signed:

Senators:

- DESCHAMBAULT of York
LAWRENCE of York

Comes from the House with Report "A", OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-727), READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-727).

Reports READ.

On motion by Senator DESCHAMBAULT of York, Report "C", OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "B" (H-728), ACCEPTED, in NON-CONCURRENCE.

Bill READ ONCE.

Committee Amendment "B" (H-728) READ.

On motion by Senator LAWRENCE of York, Senate Amendment "A" (S-348) to Committee Amendment "B" (H-728) READ.

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

Senator POULIOT: Mr. President, maybe I'm the only one but I haven't seen Senate Amendment "A". Could we read the amendment please?

Senate at Ease.

The Senate was called to order by the President.

On motion by Senator VITELLI of Sagadahoc, TABLED until Later in Today's Session, pending the motion by Senator LAWRENCE of York to ADOPT Senate Amendment "A" (S-348) to Committee Amendment "B" (H-728).

**Divided Report**

Eight members of the Committee on JUDICIARY on Bill "An Act To Amend the Laws Governing Post-conviction Review in Order To Facilitate the Fair Hearing of All Newly Discovered Evidence" H.P. 20 L.D. 54

Reported in Report "A" that the same Ought to Pass as Amended by Committee Amendment "A" (H-715).

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

Four members of the same Committee on the same subject reported in Report "B" that the same **Ought to Pass as Amended by Committee Amendment "B" (H-716)**.

Signed:

Senator:

KEIM of Oxford

Representatives:

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 Not to Pass**.

Signed:

Representative:

HAGGAN of Hampden

(Representative NEWELL of the Passamaquoddy Tribe - of the House - supports Report "A", **Ought To Pass as Amended by Committee Amendment "A" (H-715)**.)

Comes from the House with Report "A", **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-715)**, READ and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-715)**.

Reports **READ**.

On motion by Senator **CARNEY** of Cumberland, Report "A", **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-715)**, **ACCEPTED**, in concurrence.

Bill **READ ONCE**.

Committee Amendment "A" (H-715) **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-715)**, in concurrence.

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

**REPORTS OF COMMITTEES**

**House**

**Divided Report**

Seven members of the Committee on **JUDICIARY** on Bill "An Act To Reestablish Parole"

H.P. 610 L.D. 842

Reported in Report "A" that the same **Ought to Pass as Amended by Committee Amendment "A" (H-717)**.

Signed:

Senators:

CARNEY of Cumberland  
KEIM of Oxford  
SANBORN of Cumberland

Representatives:

HARNETT of Gardiner  
BABBIDGE of Kennebunk  
LIBBY of Auburn  
MORIARTY of Cumberland

Three members of the same Committee on the same subject reported in Report "B" that the same **Ought to Pass as Amended by Committee Amendment "B" (H-718)**.

Signed:

Representatives:

EVANGELOS of Friendship  
RECKITT of South Portland  
SHEEHAN of Biddeford

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

Signed:

Representatives:

HAGGAN of Hampden  
POIRIER of Skowhegan  
THORNE of Carmel

(Representative NEWELL of the Passamaquoddy Tribe - of the House - supports Report "A", **Ought To Pass as Amended by Committee Amendment "A" (H-717)**.)

Comes from the House with Report "B", **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "B" (H-718)**, READ and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (H-718)**.

Reports **READ**.

Senator **CARNEY** of Cumberland moved the Senate **ACCEPT** Report "B", **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "B" (H-718)**, in concurrence.

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

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

Senator **BALDACCI:** Ya, just briefly. I would just urge my members to vote Ought Not to Pass or against this motion. This bill is really not ready for prime time and needs a lot more work before it's approved.

**THE PRESIDENT:** The pending question before the Senate is Acceptance of Report "B", Ought to Pass as Amended by Committee Amendment "B" (H-718). Is the Senate ready for the question?

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

**ROLL CALL (#448)**

YEAS: Senators: BAILEY, CHIPMAN, DAUGHTRY, DILL, HICKMAN, MAXMIN, MIRAMANT

NAYS: Senators: BALDACCI, BENNETT, BLACK, BREEN, BRENNER, CARNEY, CLAXTON, CURRY, CYRWAY, DAVIS, DESCHAMBAULT, DIAMOND, FARRIN, GUERIN, KEIM, LAWRENCE, LIBBY, LUCHINI, MOORE, POULIOT, RAFFERTY, ROSEN, STEWART, TIMBERLAKE, VITELLI, WOODSOME, PRESIDENT JACKSON

EXCUSED: Senator: SANBORN

7 Senators having voted in the affirmative and 27 Senators having voted in the negative, with 1 Senator being excused, the motion by Senator **CARNEY** of Cumberland to **ACCEPT** Report "B", **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "B" (H-718)**, in concurrence, **FAILED**.

On motion by Senator **VITELLI** of Sagadahoc, Report "C", **OUGHT NOT TO PASS, ACCEPTED**, in **NON-CONCURRENCE**.

Sent down for concurrence.

**Divided Report**

Seven members of the Committee on **JUDICIARY** on Bill "An Act To Amend the Law Regarding Advance Health Care Directives" (EMERGENCY)

H.P. 822 L.D. 1144

Reported in Report "A" that the same **Ought to Pass as Amended by Committee Amendment "A" (H-720)**.

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

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-721)**.

Signed:

Representative:  
BABBIDGE of Kennebunk

(Representative **NEWELL** of the Passamaquoddy Tribe - of the House - supports Report "A", **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-720)**.)

Comes from the House with Report "A", **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-720)**, READ and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-720)**.

Reports **READ**.

Senator **CARNEY** of Cumberland moved the Senate **ACCEPT** Report "A", **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-720)**, 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 Penobscot, Senator Baldacci.

Senator **BALDACCI:** I would just urge my colleagues to support the Majority Report on this. This is really a Grandmother/Grandfather friendly bill because it will allow the remote signature for power of attorney and the power of attorney in the state of Maine is somebody to handle your affairs and your healthcare decisions. It will make life a little bit easier for families who have - are in very difficult situations in terms of making sure that their loved ones are - their wishes are respected. So, this is really about respecting the rights of our seniors.



**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 would actually make ripe for abuse of seniors because it removes the guardrails and allows someone in seclusion to be signing these very important orders and it also removes liability from the hospital. So, this is actually a detrimental bill and to remove guardrails around something that's so important and the necessary safeguards could actually endanger our seniors.

**THE PRESIDENT:** The pending question before the Senate is Acceptance of Report "A", Ought to Pass as Amended by Committee Amendment "A" (H-720). Is the Senate ready for the question?

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

**ROLL CALL (#449)**

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

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

EXCUSED: Senator: SANBORN

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** Report **"A", OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-720)**, in concurrence, **PREVAILED**.

Bill **READ ONCE**.

Committee Amendment "A" (H-720) **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-720)**, in concurrence.

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

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

**ENACTORS**

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

**Emergency Measure**

An Act To Combat the Sexual Exploitation of Minors in Maine  
H.P. 390 L.D. 545  
(C "A" H-702)

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

**Emergency Measure**

An Act To Continue Temporary Modification of Certain In-person Notarization and Acknowledgement Requirements and Developing Permanent Implementation of Remote and Online Notarization

H.P. 1033 L.D. 1399  
(C "A" H-709)

This being an Emergency Measure and having received the affirmative vote of 33 Members of the Senate, with 1 Senator having voted in the negative, and 33 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 Improve the Provision of Indigent Legal Services  
H.P. 1256 L.D. 1687  
(C "A" H-707)

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

**Emergency Resolve**

Resolve, To Establish the Proportional Fines Commission  
H.P. 1213 L.D. 1630  
(C "A" H-668)

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

Senator **DAUGHTRY** of Cumberland moved to place on the **SPECIAL STUDY TABLE** pending **FINAL PASSAGE**, in **NON-CONCURRENCE**.

Senate at Ease.

The Senate was called to order by the President.

**Mandate**

An Act To Require Coverage for Female Firefighters Facing Reproductive System Cancer

H.P. 148 L.D. 213  
(C "A" H-140; H "B" H-686)

This being a Mandate, in accordance with the provisions of Section 21 of Article IX of the Constitution, 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 Adopt the Occupational Therapy Licensure Compact

S.P. 39 L.D. 31  
(C "A" S-305)

An Act To Provide the Right to Counsel for Juveniles and Improve Due Process for Juveniles

H.P. 224 L.D. 320  
(C "A" H-698)

An Act Regarding the Statute of Limitations for Injuries or Harm Resulting from Perfluoroalkyl and Polyfluoroalkyl Substances

H.P. 261 L.D. 363  
(C "A" H-690)

An Act To Clarify Funding for Civil Legal Services

S.P. 189 L.D. 483  
(C "A" S-320)

An Act To Create Gaming Equity and Fairness for the Native American Tribes in Maine

H.P. 399 L.D. 554  
(C "A" H-713)

An Act To Protect Maine Consumers from Unsupported Price Increases on Prescription Medicines

S.P. 262 L.D. 675  
(C "B" S-290)

An Act To Align the Preconviction and Post-conviction Discretionary Deductions for Time Served

H.P. 593 L.D. 788  
(C "A" H-689)

An Act To Improve the Investigation and Prosecution of Cases That Involve Vulnerable Road Users

S.P. 208 L.D. 821  
(S "A" S-296 to C "A" S-186)

An Act To Limit Reincarceration for Persons on Probation

H.P. 626 L.D. 858  
(H "A" H-683 to C "A" H-678)

An Act To Have Maine Join the Interstate Psychology Interjurisdictional Compact

H.P. 631 L.D. 863  
(C "A" H-661)

An Act To Protect Taxpayers in the Privatization of Services and To Establish the State Procurement Review Committee

S.P. 289 L.D. 875  
(C "A" S-309)

An Act To Amend State Laws Relating to Net Energy Billing and the Procurement of Distributed Generation

H.P. 692 L.D. 936  
(S "A" S-326 to C "A" H-638)

An Act To Authorize Expanded Deferred Disposition Requirements

S.P. 309 L.D. 957  
(C "A" S-331)

An Act To Ensure Culturally Informed Programs and Services for Adjudicated Juveniles in the Custody of the Department of Corrections

H.P. 709 L.D. 963  
(H "A" H-656 to C "A" H-619)

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  
(C "A" S-302)

An Act To Clarify the Rule-making Authority of the Supreme Judicial Court Concerning Electronic Records and Filing

S.P. 357 L.D. 1096

An Act To Prevent Excessive Prices for Prescription Drugs

S.P. 380 L.D. 1117  
(C "B" S-283)

An Act To Amend the Maine Bail Code Regarding Certain Conditions of Release

H.P. 812 L.D. 1134  
(C "A" H-703)

An Act To Create the Maine Health Care Provider Loan Repayment Program

H.P. 979 L.D. 1327  
(H "A" H-725 to C "A" H-694)

An Act To Discontinue the Use of the Terms "Handicap," "Handicapped" and "Hearing Impaired" in State Laws, Rules and Official Documents

H.P. 987 L.D. 1336  
(C "A" H-688)

An Act To Increase Protections for Option Contracts for the Purchase of Real Property or Rent-to-own Real Property

H.P. 1014 L.D. 1380

An Act To Require the Use of Homelessness Crisis Protocols by Law Enforcement Agencies

H.P. 1093 L.D. 1478  
(C "A" H-663)

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

An Act To Amend the Victim Services Laws To Define "Restorative Justice"

H.P. 1206 L.D. 1617  
(C "A" H-676)

An Act To Enhance and Improve the Maine Developmental Services Oversight and Advisory Board and To Establish the Aging and Disability Mortality Review Panel

H.P. 526 L.D. 716  
(C "A" H-660)

An Act To Establish Protections for Private Student Loan Borrowers and a Registry of Lenders

S.P. 530 L.D. 1645  
(C "A" S-303)

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

An Act To Limit Access to Juvenile Case Records and Protect the Confidentiality of Juvenile History Record Information

H.P. 1247 L.D. 1676  
(C "A" H-691)

An Act To Create the Crime of Aggravated Sex Trafficking of a Person 14 Years of Age or Younger

S.P. 162 L.D. 813  
(C "A" S-324)

An Act To Improve Consistency in Terminology and within the Maine Human Rights Act

S.P. 544 L.D. 1688  
(C "A" S-323)

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

An Act To Amend the Bail Code

H.P. 1266 L.D. 1703  
(C "A" H-677)

An Act To Examine and Amend the Conditions of Release and Probation

H.P. 612 L.D. 844  
(C "A" H-704)

An Act To Require Prompt and Effective Use of the Renewable Energy Resources of Northern Maine

S.P. 563 L.D. 1710  
(S "A" S-339 to C "A" S-325)

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

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

An Act To Implement the Attorney General's Recommendations on Data Collection in Order To Eliminate Profiling in Maine

H.P. 88 L.D. 132  
(C "A" H-705)

An Act To Establish a Conviction Integrity Unit in Maine

H.P. 933 L.D. 1273  
(C "A" H-674)

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

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

An Act To Make Comprehensive Substance Use Disorder Treatment Available to Maine's Incarcerated Population

H.P. 490 L.D. 663  
(C "A" H-665)

An Act To Require County Governments To Coordinate with Municipalities To Create Plans To Address Homelessness

H.P. 956 L.D. 1300  
(C "A" H-699)

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

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

An Act To Establish a Statewide Electronic Warrant System

S.P. 266 L.D. 679  
(C "A" S-315)

An Act To Remove Barriers to Accessory Dwelling Units and Allow Accessory Dwelling Units where Single-family Houses Are Allowed

H.P. 968 L.D. 1312  
(H "A" H-697 to C "A" H-608)

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

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

An Act To Provide Funding for the Maine Civil Legal Services Fund

H.P. 978 L.D. 1326  
(C "A" H-706)

An Act To Make Donated Medicines Available to Maine Patients at an Affordable Cost

S.P. 508 L.D. 1584  
(C "A" S-304)

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

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

An Act To Maximize Health Care Coverage for the Uninsured through Easy Enrollment in the MaineCare Program or in a Qualified Health Plan in the Marketplace

H.P. 1024 L.D. 1390  
(C "A" H-684)

An Act To Help Seniors and Certain Persons with Disabilities Remain in Their Homes by Providing for the Deferral of Property Taxes

S.P. 522 L.D. 1638  
(C "A" S-335)

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

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

An Act To Ensure Access to and Availability of Violence Intervention Services To Reduce Domestic Violence in Maine

S.P. 478 L.D. 1491  
(C "A" S-318)

An Act To Support Working Families through Outreach and Education about Tax Credits for Persons of Low Income

S.P. 538 L.D. 1651  
(C "A" S-299)

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

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

An Act To Expand Youth-led Perspectives in Economic and Workforce Development through the Maine Development Foundation's Realize Maine Network

H.P. 1107 L.D. 1497  
(C "A" H-712)

An Act To Protect the Constitutional Rights of Indigent Defendants

H.P. 1254 L.D. 1685  
(C "A" H-692)

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

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

An Act To Provide That Maine's School Bus Drivers Are Eligible for Unemployment Insurance

S.P. 486 L.D. 1509  
(C "A" S-292)

An Act To Implement a Geographically Limited Public Defender Office

H.P. 1255 L.D. 1686  
(C "A" H-700)

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

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

An Act To Establish the Maine Workforce, Research, Development and Student Achievement Institute

S.P. 490 L.D. 1517  
(C "A" S-329)

An Act To Revitalize Maine's Paper Industry through the Establishment of an Income Tax Credit for Paper Manufacturing

S.P. 566 L.D. 1713  
(C "A" S-300)

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

Resolve, Establishing the Commission To Study the Role of Water as a Resource in the State of Maine  
H.P. 1166 L.D. 1569  
(C "A" H-644)

An Act To Authorize a Monument to the Victims of and First Responders to COVID-19

S.P. 386 L.D. 1123  
(C "A" S-334)

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

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

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

An Act To Protect Farm Workers by Allowing Them To Organize for the Purpose of Collective Bargaining

H.P. 107 L.D. 151  
(C "A" H-679)

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**PAPERS FROM THE HOUSE**

**Non-Concurrent Matter**

An Act Relating to Personnel Working in Public Safety  
H.P. 806 L.D. 1128

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.

Majority - **Ought to Pass as Amended by Committee Amendment "A" (H-340)** (7 members)

On motion by Senator **DAUGHTRY** of Cumberland, **TABLED** until Later in Today's Session, pending **ENACTMENT**, in concurrence. (Roll Call Ordered)

Minority - **Ought to Pass as Amended by Committee Amendment "B" (H-341)** (6 members)

**Resolves**

Resolve, Directing the Permanent Commission on the Status of Racial, Indigenous and Maine Tribal Populations To Examine Restorative Justice

H.P. 897 L.D. 1226  
(C "A" H-701)

In Senate, June 16, 2021, the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-340)** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-340)**, in **NON-CONCURRENCE**.

Comes from the House, that Body having **INSISTED** on its former action whereby the Minority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "B" (H-341)** Report was **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (H-341)**.

Resolve, To Convene a Working Group To Study Possible Solutions for Families Facing Emergency Child Custody Situations

S.P. 446 L.D. 1577  
(C "A" S-336)

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

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

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

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**REPORTS OF COMMITTEES**

**House**

**Ought to Pass**

Resolve, To Provide Add-on Payments for Ambulance Services Reimbursed by the MaineCare Program and To Increase Reimbursement Rates for Physical Therapy and Occupational Therapy under the MaineCare Program

H.P. 1085 L.D. 1469  
(C "A" H-662)

The Committee on **TAXATION** on Bill "An Act To Clarify Certain Provisions Regarding the Marijuana Excise Tax" (EMERGENCY)  
H.P. 639 L.D. 871

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

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.

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Senate at Ease.

The Senate was called to order by the President.

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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 **JUDICIARY** on Bill "An Act To Prohibit Discrimination in Housing Based on a Person's Participation in a Rental Assistance Program" H.P. 858 L.D. 1180

Majority - **Ought to Pass as Amended by Committee Amendment "A" (H-673)** (10 members)

Minority - **Ought Not to Pass** (3 members)

In Senate, June 17, 2021, the Minority **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 Majority **OUGHT TO PASS AS AMENDED** Report was **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED**.

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

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

**COMMUNICATIONS**

The Following Communication: H.C. 179

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

June 17, 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 Resolve, To Facilitate the Modernization and Streamlining of the Utility Pole Attachment Process (H.P. 894) (L.D. 1219) was Passed to be Engrossed as Amended by Committee Amendment "A" (H-417).

Sincerely,

S/Robert B. Hunt  
Clerk of the House

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

The Following Communication: H.C. 180

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

June 17, 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 RESOLUTION, Proposing an Amendment to the Constitution of Maine To Require the Popular Election of Maine Constitutional Officers (S.P. 288) (L.D. 874) Failed Passage to be Engrossed as Amended by Committee Amendment "A" (S-108).

Sincerely,

S/Robert B. Hunt  
Clerk of the House

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

The Following Communication: H.C. 181

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

June 17, 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 Judiciary on Bill "An Act To Provide Campground Owners Limited Civil Liability from the Inherent Risks of Camping" (S.P. 316) (L.D. 986)

Sincerely,

S/Robert B. Hunt  
Clerk of the House

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

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

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Senate at Ease.

The Senate was called to order by the President.

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Off Record Remarks

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

**PAPERS FROM THE HOUSE**

**Non-Concurrent Matter**

An Act To Limit Qualified Immunity of Law Enforcement Officers in Maine Civil Rights Act Claims  
S.P. 466 L.D. 1416

Majority - **Ought to Pass as Amended by Committee Amendment "A" (S-338)** (10 members)

Minority - **Ought Not to Pass** (3 members)

In Senate, June 16, 2021, the Minority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED**.

Comes from the House, 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-338)** in **NON-CONCURRENCE**.

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

Sent down for concurrence.

---

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

**REPORTS OF COMMITTEES**

**House**

**Divided Report**

The Majority of the Committee on **JUDICIARY** on Bill "An Act To Eliminate Qualified Immunity for Police Officers"  
H.P. 149 L.D. 214

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

Signed:

Senators:

CARNEY of Cumberland  
KEIM of Oxford  
SANBORN of Cumberland

Representatives:

BABBIDGE of Kennebunk  
CARDONE of Bangor  
HAGGAN of Hampden  
McCREIGHT of Harpswell  
MORIARTY of Cumberland  
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" (H-680)**.

Signed:

Representatives:

HARNETT of Gardiner  
EVANGELOS of Friendship

(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.

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

**ORDERS**

**Joint Order**

On motion by Senator **LAWRENCE** of York, the following Joint Order:

S.P. 584

ORDERED, the House concurring, that Bill, "An Act To Facilitate Maine's Climate Goals by Encouraging Use of Electric Vehicles," H.P. 245, L.D. 347, and all its accompanying papers, be recalled from the Governor's desk to the Senate.

**READ** and **PASSED**.

Sent down for concurrence.

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

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Off Record Remarks

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**RECESSED** until the sound of the bell.

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

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**ORDERS OF THE DAY**

The Chair laid before the Senate the following Tabled and Later Assigned (6/16/21) matter:

SENATE REPORT - from the Committee on **ENERGY, UTILITIES AND TECHNOLOGY** on Bill "An Act To Establish a Moratorium on Offshore Wind Power Projects in Maine's Territorial Waters" (EMERGENCY)

S.P. 512 L.D. 1619

Report - **Ought to Pass as Amended by Committee Amendment "A" (S-316)**

Tabled - June 16, 2021 by Senator **VITELLI** of Sagadahoc

Pending - **ADOPTION OF COMMITTEE AMENDMENT "A" (S-316)**

(In Senate, June 16, 2021, Report **READ** and **ACCEPTED**. Committee Amendment "A" (S-316) **READ**)

On motion by Senator **LAWRENCE** of York, Senate Amendment "A" (S-351) to Committee Amendment "A" (S-316) **READ** and **ADOPTED**.

Committee Amendment "A" (S-316) as Amended by Senate Amendment "A" (S-351) thereto, **ADOPTED**.

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-316) AS AMENDED BY SENATE AMENDMENT "A" (S-351)** thereto.

Ordered sent down forthwith for concurrence.

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

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

HOUSE REPORTS - from the Committee on **LABOR AND HOUSING** on Bill "An Act Concerning Climate and Community Investment Projects"

H.P. 902 L.D. 1231

Majority - **Ought to Pass as Amended by Committee Amendment "A" (H-664)** (8 members)

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

Tabled - June 17, 2021 by Senator **HICKMAN** of Kennebec

Pending - **ACCEPTANCE OF EITHER REPORT**

(In House, June 16, 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-664)**.)

(In Senate, June 17, 2021, Reports **READ**.)

Senator **HICKMAN** of Kennebec 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 Somerset, Senator **FARRIN**.

Senator **FARRIN:** Thank you, Mr. President. Ladies and gentlemen of the Senate, in the report strengthening Maine's Clean Energy Economy, published by the Governor's Energy Office, the pathway to build and meet our aggressive energy goals was outlined. In the document the Chief Executive said, "The global threat of climate change looms large over the future of our state, eclipsed only by the determination to combat it and create good paying jobs to boot. Over the past two years, through bold actions and bi-partisan policy making, we have seen the clean energy economy begin to blossom in Maine. We have proven Maine as a leader, forging the path to a clean energy future built by good paying, green collar jobs in innovative industries. Now more than ever we can't lose sight of that future



and the steps it will take to get us there.' Let me read that again, over the past two years, through bold action and bi-partisan policy making. This bill is not bi-partisan. I don't think you have to be in the construction industry or a related field to recognize that Maine will be challenged to meet our goals if we do not leverage all of our available resources. We have reputable, experienced, and safety-oriented companies working together on projects throughout Maine. Union and non-union firms work side by side. This bill creates an unreasonable standard. This isn't the prevailing wage. This is forced adoption of union policies if a company wants to bid on projects. Some will tell you this isn't a mandate. How can that be? How can a 30% credit for the developer if they choose a project labor agreement? Also included in the report, according to a 2019 energy survey, Maine has approximately 14,000 workers in clean energy fields with 8,900 working in energy efficiency alone. Clean energy jobs offer meaningful pathways for workers without advanced degrees. Nationally, these jobs offer median hourly wages 25% higher than in most areas, as well as competitive retirement and health insurance benefits. This doesn't require government intervention. Time and time again, we keep hearing about a livable wage but this bill does more than that and it requires union approval of the labor force. It provides a way for unions to collect dues and never have to pay those benefits to the workers. How can Maine expect to reach our energy goals in the fast approaching timeline if we reduce the number of bidders? Just think about that for a moment. Construction workers in Maine are paid competitive wages. Not only do we have a state minimum wage and prevailing wage for the majority of public works that sets additional rates for wages, now this Body is considering an additional payment of union dues by non-union workers. That would be the same as asking union workers to contribute to open shop retirement plans. This bill will reduce bidders and it will reduce our ability as a state to meet our energy goals. It doesn't make sense. Please follow my light on this bill.

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

Senator **GUERIN:** Thank you, Mr. President. Ladies and gentlemen of the Senate, arguably there is no greater construction expert alive today in the state of Maine than Pete Vigue. He began his career at Cianbro as a laborer in the crew 51 years ago. At that time, they had 150 team members working for the company. Today Pete is company Chairman of this 100% employee-owned, open-shop company with 4,000 owners who self-perform construction services in 41 states across the U.S. They remain based in Pittsfield, Maine and have offices throughout Maine and the United States. He spoke to the Labor Committee on behalf of the Associated Builders and Contractors of Maine, Associated General Contractors of Maine, and the Maine Aggregate Association. Together these construction associations represent 551 Maine member companies and approximately 37,000 Maine construction workers. Together, united, they are in opposition to L.D. 1231. The Governor set - the Chief Executive set a very aggressive climate carbonization goal for the state of Maine. According to the Maine Climate Council's report issued last December, the chief goal of the Maine Won't Wait report is to achieve carbon neutrality by 2045.

Regardless of your perspective about climate change, this goal will be a tremendous accomplishment if met. Mr. Vigue said that one of the biggest things he has learned in his 51 years in the

industry is that the only way we can meet a goal is if we work together. We cannot afford to divide ourselves and, unfortunately, L.D. 1231 is more dividing than it is uniting. At Cianbro, their success is a result of working together with others. Every meeting room in their company across the U.S. has a placard that reads 'No one is smarter than all of us.' Although they choose to perform their work open-shop and they believe in the free enterprise system, they do not discriminate. Today they have union subcontractors who work side by side with them in their projects here in the state of Maine. The current model works and is successful. Why? Because they have a common goal and a common understanding. These associations and the Maine companies they represent believe in the free enterprise system. Ask yourselves, why would we require a PLA? Shouldn't all contractors have the right to bid these work opportunities and the successful contractor perform the work based on their own philosophy, regardless if they are open-shop or union? Isn't that inclusiveness? L.D. 1231's attempt at requiring or incentivizing PLAs for government subsidized energy projects is not benefiting the state of Maine. It is not inclusive and, in fact, it discriminates. PLAs are nothing more than a wedge that will continue to divide us. We are one Maine. We must continue to work together, side by side, as we do today. 'This is the Maine I know and that I'm proud to call home,' Pete Vigue said, 'Not one that discriminates and divides. When we work together we all win. When we begin to divide and exclude Maine companies from work opportunities the workforce will come out from out-of-state, taking away Maine jobs from Maine citizens and earnings from those putting the work in place will leave the state with these employees who came here to work. Ultimately, the consumer pays more. Are these the outcomes that we are looking for?' So, that's the thought from those in Maine's construction industry. This bill will hurt Maine's own construction companies and unfairly advantages giant out-of-state companies.

Additionally, there are unintended consequences for other industries. Dana Doran, the Executive Director of the Professional Logging Contractors of Maine, spoke on these unintended consequences. You might ask why his organization is strongly in opposition to this bill since their membership is not directly impacted by a project labor agreement for the construction of a new facility? The Professional Logging Contractors answered that by saying that they are strongly opposed to this legislation because it will have unintended consequences that go far beyond project labor agreements. If wood energy projects are put at risk because of the labor mandate then so are the jobs in logging and trucking as a result. If a project isn't built because of this legislation then no additional wood needs to be harvested or trucked in the future and no additional jobs might be retained or added in the future. If that's the unintended consequence then it's easy to see why they are opposed to this legislation. Please do not put Maine workers' jobs in jeopardy. Please join me in supporting Maine companies and their employees by voting against the pending motion. Thank you.

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

Senator **HICKMAN:** Thank you, Mr. President. Mr. President, men and women of the Senate, according to page 72 of the Strength in Maine's Clean Energy Economy Plan, it highlights the importance of encouraging efforts to target the creation of these

high-quality jobs through strategies that pair job quality standards with clean energy investments. Some of these may include prevailing wages, project labor agreements, safety and health protections, community benefit agreements, registered apprentices' utilization, and local hire provisions. Domestic concept requirements, guarantees of components, and contracting with Maine workers and businesses can also assist in building local supply chain opportunities. These, and other related requirements, should be considered when developing clean energy projects and relevant policies. That follows Maine's overall climate change and economic development goals.

In regards to a 30% bonus, I don't read the amendment that way, Mr. President. The part of law that this bill seems to amend, actually amends, is in the competitive procurement statute under Title 35A. All it adds are eight more considerations that the PUC can use when determining the weight of the 30% that must be given to those projects that give benefits to the economy. Currently, that's what goes on today. The bill says it may consider whether a request for proposal has been entered into with a project labor agreement. Further, it says all contractors and subcontractors may compete for contracts and subcontracts on the project without regard to whether they are otherwise parties to collective bargaining agreements. So, in plain language, there is no 'shall.' It's a consideration that the PUC may consider when awarding the contract. L.D. 1231 also provides opportunities for disadvantaged communities to access these projects through training opportunities. It directs the Maine Department of Labor to adopt rules to encourage the hiring of people traditionally under-represented in these jobs: Native Americans, people of color, women, and veterans. It seems to me, Mr. President, that if we are going to have the clean energy future that we have promised ourselves, we strive for, this bill gives us that task. Let us do all that we can to ensure that we train a diverse workforce and build a strong Maine economy that works for all people of all backgrounds. Thank you, Mr. President.

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

Senator **LAWRENCE:** Thank you, Mr. President. Men and women of the Senate, let's make one thing perfectly clear about this bill and this amendment, nothing in this amendment requires a project labor agreement for building renewable energy. In fact, it's very clear in the state law that 70% of the consideration is supposed to be the effect on ratepayers and then 30% is supposed to be the effect on Maine's economy and it said it may consider factors regarding this and it said 'including but not limited to' and lists eight different factors, one of which is a project labor agreement so the PUC can consider whether the business is Maine-based, whether it has employee benefits. It can consider all different kinds of things, but one of the things it may consider is whether or not it has a PLA that guarantees benefits to employees. There's nothing that requires a PLA. There's nothing that even gives a competitive advantage to companies with PLA. It just says the PUC may consider a PLA in a development project as part of the economic impact on the state of Maine. Thank you.

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

Senator **BALDACCI:** Thank you, Mr. President. I rise in support of this bill. One of the biggest economic challenges that the state of Maine faces is the shortage of skilled workers. This bill really provides us an opportunity to use our resources wisely and creatively and building a stronger economy by encouraging more job training, more skilled crafts workers. So, if you talk to any business people they will tell you that we have a shortage in skilled labor. We need to do things like this bill that's very creative in terms of improving the skills of our workers. So, I'm very happy to support this and look forward to seeing the positive results this will have on our economy.

**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?

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

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The Doorkeepers secured the Chamber.

The Secretary opened the vote.

**ROLL CALL (#450)**

**YEAS:** Senators: BAILEY, BALDACCI, BREEN, BRENNER, CARNEY, CHIPMAN, CLAXTON, CURRY, DAUGHTRY, DESCHAMBAULT, HICKMAN, LAWRENCE, LIBBY, MAXMIN, MIRAMANT, RAFFERTY, PRESIDENT JACKSON

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

**EXCUSED:** Senators: DILL, SANBORN

17 Senators having voted in the affirmative and 16 Senators having voted in the negative, with 2 Senators being excused, the motion by Senator **HICKMAN** of Kennebec to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report, in concurrence, **PREVAILED**.

**Bill READ ONCE.**

Committee Amendment "A" (H-664) **READ** and **ADOPTED**, in concurrence.

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

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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:

HOUSE REPORT - from the Committee on **VETERANS AND LEGAL AFFAIRS** on Bill "An Act Regarding the Licensing of Persons To Conduct Advance Deposit Wagering"  
H.P. 430 L.D. 587

Majority - **Ought Not to Pass** (6 members)

Minority - **Ought To Pass as Amended by Committee Amendment "A" (H-658)** (4 members)

Tabled - June 17, 2021 by Senator **LUCHINI** of Hancock

Pending - **ACCEPTANCE OF EITHER REPORT**

(In House, June 16, 2021, the Majority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED**.)

(In Senate, June 17, 2021, Reports **READ**.)

Senator **LUCHINI** of Hancock 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 (#451)**

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

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

EXCUSED: Senators: DILL, SANBORN

18 Senators having voted in the affirmative and 15 Senators having voted in the negative, with 2 Senators being excused, the motion by Senator **LUCHINI** of Hancock to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report, in concurrence, **PREVAILED**.

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

HOUSE REPORTS - from the Committee on **JUDICIARY** on Bill "An Act To Strengthen Protections against Civil Asset Forfeiture"  
H.P. 1125 L.D. 1521

Majority - **Ought Not to Pass** (7 members)

Minority - **Ought To Pass as Amended by Committee Amendment "A" (H-711)** (6 members)

Tabled - June 17, 2021 by Senator **CARNEY** of Cumberland

Pending - **ACCEPTANCE OF EITHER REPORT**

(In House, June 16, 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-711)**.)

(In Senate, June 17, 2021, Reports **READ**.)

Senator **CARNEY** of Cumberland moved the Senate **ACCEPT** the Minority **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 (#452)**

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

NAYS: Senators: None

EXCUSED: Senators: DILL, SANBORN

33 Senators having voted in the affirmative and no Senators having voted in the negative, with 2 Senators being excused, the motion by Senator **CARNEY** of Cumberland to **ACCEPT** the Minority **OUGHT TO PASS AS AMENDED** Report, in concurrence, **PREVAILED**.

Bill **READ ONCE**.

Committee Amendment "A" (H-711) **READ** and **ADOPTED**, in concurrence.

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

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

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The following proceedings were conducted after 12:01a.m., Friday, June 18, 2021.

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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 **LABOR AND HOUSING** on Bill "An Act To Enhance Enforcement of Employment Laws" S.P. 525 L.D. 1711

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-347)**.

Signed:

Senators:

HICKMAN of Kennebec  
MIRAMANT of Knox

Representatives:

SYLVESTER of Portland  
CUDDY of Winterport  
GERE of Kennebunkport  
PEBWORTH of Blue Hill  
ROEDER of Bangor  
WARREN of Scarborough

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

Signed:

Senator:

GUERIN of Penobscot

Representatives:

BRADSTREET of Vassalboro  
DRINKWATER of Milford  
MORRIS of Turner

Reports **READ**.

Senator **HICKMAN** of Kennebec 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 Penobscot, Senator Guerin.

Senator **GUERIN:** Thank you, Mr. President. Mr. President, ladies and gentlemen of the Senate, to quote the Maine State Chamber, 'The breath, the novelty of the proposed legislation makes it difficult to capture all of the objections to the bill. Boiled down, the bill would create a process by which the State would confer the power of the State on individuals and entities to function essentially as vigilantes, seeking out any violation of many of the State's employment rights, including the Human Rights Act, based on a mere allegation, who could then leverage the alleged violation into causes of action purportedly on behalf of more than one employee for financial and political gain. Almost all of the underlying employment statutes currently authorize the Attorney General, the Department of Labor, or the Maine Human Rights Commission to intervene or investigate an alleged violation of the employment statute, including the Maine Human Rights Act. The Chamber is unaware of any data that suggests that the Office of the Attorney General or the Department of Labor or the Maine Human Rights Commission has failed or otherwise been unwilling to fulfill its responsibilities in this area. There is no data to suggest that there is an enforcement problem or that such private enforcement actions are necessary. Despite the lack of evidence or problem, the bill proposes to empower unions and other non-governmental agencies to essentially take over the power of the Attorney General, the Commissioner of Labor, and/or the Executive Director of the Maine Human Rights Commission.'

L.D. 1711 is a very radical bill. There is a long established and very successful jurisprudence on employment matters that has worked out successfully. L.D. 1711 is not a tweak of that jurisprudence. It is a change allowing unions and others to take over the process instead of the members of the Executive Branch, being accountable to you and the voters. Maine's Attorney General and the Department of Labor both testified in opposition to this bill. Please join them in opposing this legislation by voting against the pending motion.

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

Senator **HICKMAN:** Thank you, Mr. President. I rise in support of the pending motion. I'd like to share a letter. 'To the Senate. We, the undersigned 20 members of the Maine Small Business Coalition, respectfully urge the Legislature to vote yea on L.D. 1711. As you know, small businesses are the backbone of Maine's economy. We comprise 99% of all businesses in the state and we employ almost 57% of the state's private workforce. As small business owners, we create a sense of community with each other and we play an integral role in creating regenerative local economies in towns across the state. The COVID-19 pandemic has shined the spotlight on how important small businesses are to our communities and the Maine economy. However, with large corporations profiting from the pandemic while we continue to make sacrifices and fight for survival, the scale has been tilted even more in favor of big business. Large corporations have flexed their muscles by flouting worker safety,

stealing wages, engaging in discriminatory practices, and utilizing forced arbitration agreements in employment contracts, stripping employees of the ability to enforce protections in court. Not only does this harm workers, especially women and people of color, but it also harms the small business community by putting us at a competitive disadvantage. The Maine Department of Labor and the Maine Attorney General's Office have talented, hard-working staff but not enough resources to prosecute every law breaking company or protect every whistleblower. This creates an environment where the cost of running a responsible business increases and bad actors reap rewards for noncompliance. In effect, the business landscape becomes a race to the bottom. Law suits by employees who are victims of workplace violations such as wage theft or sexual harassment are an important tool to hold bad actors accountable. Allowing employees to come forward without fear of retaliation will help create a more level playing field for all businesses. As small business owners, we take pride in serving people in our neighborhoods and fellow local businesses. We also take pride in employing people from our communities. We strive to do right by our employees. Please do not let the adage 'no good deed goes unpunished' remain the status quo in our state's business landscape. Vote yea on this bill and help provide better protections for Maine's workforce and the small business community. Signed by 20 small business owners all across the state, from Ellsworth to Farmington, Bar Harbor, Rockport, Bath, Lewiston, and Norridgewock.' Thank you, Mr. President.

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

Senator **BALDACCI:** Thank you, Mr. President. I rise in support of this measure. We have passed important laws to protect people but what happens when there is no protection, when the State doesn't act, when there is no day in court? What this law provides is that everybody should have their day in court. It's a basic American premise. So, it's not vigilantism when the entire procedure has to be adjudicated in a court of law by all the same rules. This will allow us to vigorously enforce our existing laws. It will help protect employees. It will help create a level playing field. It will help Maine people be treated fairly. So, I ask you to support this bill. 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 (#453)**

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

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

**EXCUSED:** Senator: SANBORN

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

Bill **READ ONCE**.

Committee Amendment "A" (S-347) **READ** and **ADOPTED**.

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

On motion by Senator **BAILEY** of York, Senate Amendment "A" (S-350) **READ** and **ADOPTED**.

**PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-347) AND SENATE AMENDMENT "A" (S-350).**

Ordered sent down forthwith for concurrence.

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

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

**PAPERS FROM THE HOUSE**

**Non-Concurrent Matter**

An Act To Keep All Maine Students Safe by Restricting the Use of Seclusion and Restraint in Schools  
H.P. 1007 L.D. 1373

Majority - **Ought to Pass as Amended by Committee Amendment "A" (H-545)** (8 members)

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

In Senate, June 16, 2021, the Minority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED**, in **NON-CONCURRENCE**.

Comes from the House, that Body having **RECEDED**. Subsequently, the Bill was **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-545) AS AMENDED BY HOUSE AMENDMENT "B" (H-729)** thereto, in **NON-CONCURRENCE**.

Senator **DAUGHTRY** of Cumberland moved to **TABLE** until Later in Today's Session, pending **FURTHER CONSIDERATION**.

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 (#454)**

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

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

EXCUSED: Senator: SANBORN

21 Senators having voted in the affirmative and 13 Senators having voted in the negative, with 1 Senator being excused, the motion by Senator **DAUGHTRY** of Cumberland to **TABLE** until later in today's session pending **FURTHER CONSIDERATION PREVAILED**.

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 Medical Use of Marijuana Act  
H.P. 908 L.D. 1242  
(C "A" H-681)

This being an Emergency Measure and having received the affirmative vote of 32 Members of the Senate, with 2 Senators 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.

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

**Acts**

An Act To Amend the Child Endangerment Laws To Include Certain Unauthorized Access to a Loaded Firearm  
H.P. 564 L.D. 759  
(S "A" S-297 to C "A" H-292)

An Act To Provide Equal Access to the Benefits of the Maine Food Sovereignty Act  
S.P. 306 L.D. 954  
(H "A" H-722 to C "A" S-88)

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

An Act To Create the Maine Rental Assistance and Guarantee Program  
H.P. 347 L.D. 473  
(S "A" S-286 to C "A" H-488)

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

An Act To Improve Judicial Branch Facilities in Hancock County  
S.P. 548 L.D. 1692  
(C "A" S-337)

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

An Act To Phase Out Insurance Rating Based on Smoking History  
H.P. 828 L.D. 1150  
(C "A" H-609)

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 (#455)**

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

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

EXCUSED: Senator: SANBORN

22 Senators having voted in the affirmative and 12 Senators having voted in the negative, with 1 Senator being excused, was **PASSED TO BE ENACTED** and, having been signed by the President, were presented by the Secretary to the Governor for approval.

#### Resolve

Resolve, To Create the Working Group To Design Jail Resource Navigator Services for Maine County Jails

H.P. 747 L.D. 1009  
(H "A" H-667 to C "A" H-218)

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

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

#### PAPERS FROM THE HOUSE

##### Non-Concurrent Matter

An Act To Improve Public Sector Labor Relations by Amending the Laws Governing Arbitration under Certain Public Employees Labor Relations Laws

S.P. 264 L.D. 677

Majority - **Ought to Pass as Amended by Committee Amendment "A" (S-215)** (8 members)

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

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" (S-215)**.

Comes from the House, 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-215) AND HOUSE AMENDMENT "A" (H-584)**, in **NON-CONCURRENCE**.

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

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.

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

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The Doorkeepers secured the Chamber.

The Secretary opened the vote.

#### ROLL CALL (#456)

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

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

EXCUSED: Senators: DILL, SANBORN

20 Senators having voted in the affirmative and 13 Senators having voted in the negative, with 2 Senators being excused, the motion by Senator **VITELLI** of Sagadahoc to **RECEDE** and **CONCUR PREVAILED**.

##### Non-Concurrent Matter

An Act To Regulate Sports Betting

S.P. 437 L.D. 1352

Report **"A" - Ought to Pass as Amended by Committee Amendment "A" (S-343)** (7 members)

Report **"B" - Ought to Pass as Amended by Committee Amendment "B" (S-344)** (3 members)

Report **"C" - Ought to Pass as Amended by Committee Amendment "C" (S-345)** (2 members)

Report **"D" - Ought Not to Pass** (1 members)

In Senate, June 17, 2021, Report **"A"**, **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (S-343)**, **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-343)**.

Comes from the House, Report **"A"**, **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (S-343)**, **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-343) AS AMENDED BY HOUSE AMENDMENT "A" (H-732)** thereto, in **NON-CONCURRENCE**.

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

---

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 Law Regarding Advance Health Care Directives

H.P. 822 L.D. 1144  
(C "A" H-720)

Comes from the House, **FAILED ENACTMENT.**

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

Senator **CARNEY:** Thank you, Mr. President. Mr. President, I believe that there is a Senate Amendment on this.

On motion by Senator **CARNEY** of Cumberland, the Senate **RECONSIDERED** whereby the Bill was **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-720)**, in concurrence.

On further motion by same, Senate Amendment "A" (S-353) **READ.**

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

Senator **CARNEY:** Colleagues of the Senate, I just wanted to let everyone know that this simply removes the Emergency preamble and Emergency clause. Thank you.

On motion by Senator **CARNEY** of Cumberland, Senate Amendment "A" (S-353) **ADOPTED.**

**PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-720) AND SENATE AMENDMENT "A" (S-353)**, in **NON-CONCURRENCE.**

Ordered sent down forthwith for concurrence.

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

\_\_\_\_\_  
**Acts**

An Act To Amend the Laws Governing Post-conviction Review in Order To Facilitate the Fair Hearing of All Newly Discovered Evidence

H.P. 20 L.D. 54  
(C "A" H-715)

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

An Act To Extend Family Medical Leave to Hourly School Employees

H.P. 668 L.D. 912  
(C "A" H-723)

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

**Resolve**

Resolve, Directing the Department of Agriculture, Conservation and Forestry To Identify Places with Offensive Names and Methods of Changing Those Names

H.P. 1180 L.D. 1591  
(C "A" H-719)

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

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

**PAPERS FROM THE HOUSE**

**Non-Concurrent Matter**

An Act To Reestablish Parole

H.P. 610 L.D. 842

Report **"A" - Ought to Pass as Amended by Committee Amendment "A" (H-717)** (7 members)

Report **"B" - Ought to Pass as Amended by Committee Amendment "B" (H-718)** (3 members)

Report **"C" - Ought Not to Pass** (3 members)

In Senate, June 17, 2021, Report **"C"**, **OUGHT NOT TO PASS, READ** and **ACCEPTED**, in **NON-CONCURRENCE.**

Comes from the House, that Body having **RECEDED.** Subsequently, Report **"A"**, **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-717)**, was **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-717)**, in **NON-CONCURRENCE.**

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

Sent down for concurrence.



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

Senate at Ease.

The Senate was called to order by the President.

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

**RECALLED FROM GOVERNOR'S DESK**

An Act To Facilitate Maine's Climate Goals by Encouraging Use of Electric Vehicles

H.P. 245 L.D. 347  
(C "A" H-651)

(In Senate, June 17, 2021, **PASSED TO BE ENACTED**, in concurrence.)

(**RECALLED** from the Governor's Desk, pursuant to Joint Order (S.P. 584), in concurrence.)

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

On further motion by same Senator, the Senate **SUSPENDED THE RULES**.

On further motion by same Senator, the Senate **RECONSIDERED** whereby the Bill was **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-651)**, in concurrence.

On further motion by same Senator, the Senate **SUSPENDED THE RULES**.

On further motion by same Senator, the Senate **RECONSIDERED** whereby it **ADOPTED** Committee Amendment "A" (H-651), in concurrence.

On further motion by same Senator, Senate Amendment "A" (S-340) to Committee Amendment "A" (H-651) **READ**.

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

Senator **LAWRENCE:** Thank you, Mr. President. Men and women of the Senate, this is a simple amendment that sets a date for the PUC to set the rate structure for the electric vehicle charging stations. It's a technical amendment asked for and worked out with the PUC and I hope you will adopt it. Thank you.

On motion by Senator **LAWRENCE** of York, Senate Amendment "A" (S-340) to Committee Amendment "A" (H-651) **ADOPTED**.

Committee Amendment "A" (H-651) as Amended by Senate Amendment "A" (S-340) thereto, **ADOPTED**, in **NON-CONCURRENCE**.

**PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-651) AS AMENDED BY SENATE AMENDMENT "A" (S-340)** thereto, in **NON-CONCURRENCE**.

Ordered sent down forthwith for 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:

**Act**

An Act To Encourage Research To Support the Maine Offshore Wind Industry

S.P. 142 L.D. 336  
(C "A" S-317)

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

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

**PAPERS FROM THE HOUSE**

**Non-Concurrent Matter**

An Act To Require Responsible Contracting Practices for Public Construction Projects

H.P. 1217 L.D. 1633

In Senate, June 17, 2021, the Minority **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 Majority **OUGHT TO PASS AS AMENDED** Report was **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-726)**.

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

**Non-Concurrent Matter**

An Act To Establish Resentencing Units in the Attorney General's Office and All Maine Prosecutorial Districts  
H.P. 930 L.D. 1270

In Senate, June 17, 2021, the Minority **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 Majority **OUGHT TO PASS AS AMENDED** Report was **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-724)**.

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

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 Clarify Certain Provisions Regarding the Marijuana Excise Tax  
H.P. 639 L.D. 871

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.

**Act**

An Act To Support and Improve Municipal Recycling Programs and Save Taxpayer Money  
H.P. 1146 L.D. 1541  
(H "A" H-714 to C "A" H-605)

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

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

**COMMUNICATIONS**

The Following Communication: H.C. 182

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

June 17, 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 to Pass as Amended Report of the Committee on Judiciary on Bill "An Act To Limit Qualified Immunity of Law Enforcement Officers in Maine Civil Rights Act Claims" (S.P. 466) (L.D. 1416) and Passage to be Engrossed as Amended by Committee Amendment "A" (S-338).

Sincerely,

S/Robert B. Hunt  
Clerk of the House

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

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

Off Record Remarks

Senate at Ease.

The Senate was called to order by the President.

Off Record Remarks

On motion by Senator **VITELLI** of Sagadahoc, **ADJOURNED**, pursuant to the Joint Order, until the Call of the President of the Senate and the Speaker of the House.