

# 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  
Wednesday  
June 30, 2021

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

Prayer by Senator Donna Bailey of York County.

**SENATOR BAILEY:** Thank you, Mr. President. Good morning, colleagues. Happy Budget Day. My wish for all of us today is that we always remember that virtually every aspect of our daily lives is affected in some way by the officials we elect to govern our cities and towns, states and nation. We here are blessed to be some of those very officials. It can be easy to forget how profoundly decisions made in this Chamber affect the lives of others and how they have vested us with their trust and hope. So, as we start our day, I ask you to seek wisdom and charity from whatever source sustains you in your personal faith or spiritual traditions. The work we do here is sometimes very hard but let us always do it with respect for one another and a deep understanding about why we are here. We cannot reflect on this call to service often enough or humbly enough. I would like to conclude by asking for a moment of silence in mournful memory of the four children who were recently killed by a parent or in a violent accident in Maine. Let us always remember that on June 1<sup>st</sup> a 6-month-old baby boy was killed in Brewer. His father has been charged with his death. Five days later, on June 6<sup>th</sup>, a 3-year-old girl was killed in Old Town. Her mother has been charged with her death. On June 17<sup>th</sup> a 4-year-old boy in Franklin died from accidental self-inflicted gun shot wound while in the care of several adult males. One June 20<sup>th</sup> another 4-year-old boy, Maddox Williams, was killed in Stockton Springs. His mother has been charged in his death. So, if you would join me and take a moment of silence for the children. May they rest in peace. Amen.

Pledge of Allegiance led by Senator Bradlee T. Farrin of Somerset County.

Reading of the Journal of Thursday, June 17, 2021.

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.

**THE PRESIDENT:** The Chair would like to recognize some members in the audience for a sentiment that was previously passed earlier in the session. The Secretary will read the order.

Expression of Legislative Sentiment recognizing:

Robert G. Marvinney, of Readfield, on his retirement. Dr. Marvinney served 26 years as State Geologist and Director of the Bureau of Resources and Land Use Planning and 34 years as a geoscientist with the Maine Geological Survey and has produced over 40 years of research on the geology of Maine. He recently co-chaired the Scientific and Technical Subcommittee of the Maine Climate Council, which produced the comprehensive Scientific Assessment of Climate Change and Its Effects in Maine. We extend our appreciation and best wishes.

SLS 196

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

Senator **HICKMAN:** Thank you, Mr. President. I don't take my jacket off for any reason whatsoever unless I have an emergency.

Today is the last day of the fiscal year. It is also the first day that all of us get to see all of the expressions on our faces and so I'm smiling at the fact that my constituent, Dr. Robert Marvinney, has been a stellar example of a State employee and a civil servant for the people of the state of Maine. He is well-respected. His reputation proceeds him. He is a mighty good man. His legacy will be long-standing. I have had the honor of representing him for nine years, going on nine years, eight in the House and now the first year here, and I know that he is with us today. Today is actually his last day of work. He is having his retirement party a little west of here, east of here at Lake George Park. I wanted to go but we are here today to consider the objections of the Governor, so the smoked chicken will just wait for another day. But today I felt like, even though this sentiment was drafted at the end of March, we are here in session and it would be unfortunate if Dr. Marvinney did not get the recognition that he so aptly deserves, right here on the floor of the Maine Senate and so with that I ask my colleagues to join me in extending our thanks for a very long and storied career and, like I said, his legacy will be long-standing, long lasting, and I'm overjoyed that we have the opportunity for these things to come together on one of the hottest, steamiest days of the summer so far. Thank you, Mr. President.

**THE PRESIDENT:** The Chair would advise that Dr. Robert Marvinney, who was the recipient of the sentiment, and his spouse, Cheryl Marvinney, are in the rear of the Chamber. They're from Readfield. Obviously, guests of the good Senator from Kennebec, Senator Hickman. They are joined by a number of their guests. Walter Anderson, Stephen Dickson, Fred Beck, Chunzeng Wang, Henry Berry, Carol White, Judy East, and Donald Hudson. Would Dr. Marvinney and all his guests please rise and accept the greetings of the Maine Senate.

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

**ORDERS**

**Joint Order**

On motion by Senator **KEIM** of Oxford, the following Joint Order:  
S.P. 587

**ORDERED**, the House concurring, that Bill, "An Act To Provide Equal Access to the Benefits of the Maine Food Sovereignty Act," S.P. 306, L.D. 954, 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 were ordered sent down forthwith for concurrence.

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**THE PRESIDENT:** The Chair would also like to call your attention to a Resolution that was passed earlier in the session for a good friend, Rick Erb. The Secretary's going to read the order.

Expression of Legislative Sentiment recognizing:

Richard Erb, of Brunswick, President and Chief Executive Officer of the Maine Health Care Association, who is retiring after 20 years of service. Mr. Erb, who is known for his passion, integrity and humility and has earned the respect of his peers and colleagues, has been a tireless advocate for long-term care residents and staff. We extend our congratulations and best wishes.

SLS 366

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

Senator **TIMBERLAKE:** Thank you, Mr. President and ladies and gentlemen of the Senate. It's with great honor that I stand here today because my friend, Rick Erb, tomorrow retires from the last stop of his career to begin the - the last stop on a career that began right after he graduated from the University of Maine with a Bachelor's Degree in Public Management and became a Town Manager at the age of 21. He certainly paid his dues while serving as CEO in local and county government in Maine and New York for more than 20 years. Folks around here started to see Rick on a regular basis when he was appointed President and CEO of the Maine Health Care Association back in 2001. In the 20 years since, he has been an effective advocate for long-term care facilities in Maine and has always been willing to speak up for their needs, even when doing so may not have been popular with all sides on the issue. On behalf of our caucus, I want to congratulate Rick on his retirement and thank him for his aid and advice over the years because he has given me a lot of it

and wish him all the very best in what he chooses to do with his retirement. Thank you, Rick.

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

Senator **VITELLI:** Thank you, Mr. President. I, too, want to rise and honor Rick Erb's career. He and I first met when we were members of the beta class of Leadership Maine, which was a long time ago. I don't know where they are now but beta class was the second of the Leadership Maine classes and we did all kinds of great leadership training programs together, including the belaying of the ropes, and I can't remember specifically if Rick was on the end of my rope or not but if he was I know I was in good hands and I have been ever since. It's been a delight to work with him on a number of issues and I'm just wishing him the best in his retirement. I assume we'll see him around because he has energy to boot and I don't think he's going to be sitting on a porch rocking anywhere. Thank you very much, Mr. President.

**THE PRESIDENT:** The Chair would like to recognize in the rear of the Chamber a good friend, Rick Erb. It says on here he's from the town of Brunswick but he's the guest today of the Senator from Androscoggin, Senator Timberlake. I'm not quite sure how that works but that's okay. But, seriously, he's the guest of everyone in the Chamber. Would Rick Erb please rise and accept the greetings and congratulations of the Maine Senate.

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Off Record Remarks

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**PAPERS FROM THE HOUSE**

**Non-Concurrent Matter**

An Act To Ensure Parents' Access to Their Minor and Adult Children with Special Needs (EMERGENCY)  
H.P. 739 L.D. 1001

In Senate, June 10, 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-529)**, in **NON-CONCURRENCE**.

Comes from the House, the Minority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "A" (H-636)**.

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

Sent down for concurrence.

**Non-Concurrent Matter**

An Act To Amend Maine's Harness Racing Laws Regarding Race Dates and Pari-mutuel Pools (EMERGENCY)  
H.P. 1200 L.D. 1611

In Senate, June 15, 2021, the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-403) AS AMENDED BY HOUSE AMENDMENT "A" (H-546)** thereto, in concurrence.

Comes from the House, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-403) AS AMENDED BY HOUSE AMENDMENTS "A" (H-546) AND "B" (H-687)** thereto, in **NON-CONCURRENCE**.

On motion by Senator **VITELLI** of Sagadahoc, **TABLED** until Later in Today's Session, pending **FURTHER CONSIDERATION**.

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**Non-Concurrent Matter**

Resolve, Establishing the Commission To Research Effective Strategies and Efficiencies of Legislatures (EMERGENCY)  
S.P. 341 L.D. 1073

In Senate, June 16, 2021, Report **READ** and **ACCEPTED** and Resolve **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-199) AS AMENDED BY SENATE AMENDMENT "A" (S-333)** thereto.

Comes from the House, Report **READ** and **ACCEPTED** and Resolve **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-199)**, in **NON-CONCURRENCE**.

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

Sent down for concurrence.

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**COMMUNICATIONS**

The Following Communication: S.C. 681

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

June 28, 2021

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

RE: Appointment of Timothy R. Schneider, Esquire of Falmouth to the Maine Connectivity Authority Board of Directors

Dear President Jackson:

This is to inform you that I am nominating Timothy R. Schneider, Esquire of Falmouth for appointment to the Maine Connectivity Authority Board of Directors.

Pursuant to P.L. 2021, ch. 364, § 9404 (emergency, effective June 24, 2021), this appointment is contingent on the Maine State Senate's confirmation after review by the Joint Standing Committee on Energy, Utilities and Technology.

Thank you.

Very truly yours,

S/Janet T. Mills  
Governor

**READ and ORDERED PLACED ON FILE.**

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The Following Communication: S.C. 682

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

June 28, 2021

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

RE: Appointment of Robert J. Souza of Durham to the Maine Connectivity Authority Board of Directors

Dear President Jackson:

This is to inform you that I am nominating Robert J. Souza of Durham for appointment to the Maine Connectivity Authority Board of Directors.

Pursuant to P.L. 2021, ch. 364, § 9404 (emergency, effective June 24, 2021), this appointment is contingent on the Maine State Senate's confirmation after review by the Joint Standing Committee on Energy, Utilities and Technology.

Thank you.

Very truly yours,

S/Janet T. Mills  
Governor

**READ and ORDERED PLACED ON FILE.**

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The Following Communication: S.C. 683

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

June 28, 2021

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

RE: Appointment of Michael C. Reed of Palermo to the Maine  
Connectivity Authority Board of Directors

Dear President Jackson:

This is to inform you that I am nominating Michael C. Reed of  
Palermo for appointment to the Maine Connectivity Authority  
Board of Directors.

Pursuant to P.L. 2021, ch. 364, § 9404 (emergency, effective  
June 24, 2021), this appointment is contingent on the Maine State  
Senate's confirmation after review by the Joint Standing  
Committee on Energy, Utilities and Technology.

Thank you.

Very truly yours,

S/Janet T. Mills  
Governor

**READ and ORDERED PLACED ON FILE.**

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The Following Communication: S.C. 684

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

June 28, 2021

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

RE: Appointment of John M. Chandler of Falmouth to the Maine  
Connectivity Authority Board of Directors

Dear President Jackson:

This is to inform you that I am nominating John M. Chandler of  
Falmouth for appointment to the Maine Connectivity Authority  
Board of Directors.

Pursuant to P.L. 2021, ch. 364, § 9404 (emergency, effective  
June 24, 2021), this appointment is contingent on the Maine State  
Senate's confirmation after review by the Joint Standing  
Committee on Energy, Utilities and Technology.

Thank you.

Very truly yours,

S/Janet T. Mills  
Governor

**READ and ORDERED PLACED ON FILE.**

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The Following Communication: S.C. 685

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

June 28, 2021

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

RE: Appointment of Daniel P. Belyea of Vassalboro to the Maine  
Connectivity Authority Board of Directors

Dear President Jackson:

This is to inform you that I am nominating Daniel P. Belyea of  
Vassalboro for appointment to the Maine Connectivity Authority  
Board of Directors.

Pursuant to P.L. 2021, ch. 364, § 9404 (emergency, effective  
June 24, 2021), this appointment is contingent on the Maine State  
Senate's confirmation after review by the Joint Standing  
Committee on Energy, Utilities and Technology.

Thank you.

Very truly yours,

S/Janet T. Mills  
Governor

**READ and ORDERED PLACED ON FILE.**

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The Following Communication: S.C. 686

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

June 28, 2021

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

RE: Appointment of Danielle Louder of Cornville to the Maine  
Connectivity Authority Board of Directors

Dear President Jackson:

This is to inform you that I am nominating Danielle Louder of  
Cornville for appointment to the Maine Connectivity Authority  
Board of Directors.

Pursuant to P.L. 2021, ch. 364, § 9404 (emergency, effective  
June 24, 2021), this appointment is contingent on the Maine State  
Senate's confirmation after review by the Joint Standing  
Committee on Energy, Utilities and Technology.

Thank you.

Very truly yours,

S/Janet T. Mills  
Governor

**READ and ORDERED PLACED ON FILE.**

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The Following Communication: S.C. 687

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

June 28, 2021

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

RE: Appointment of Carlos Javier Barrionuevo of Georgetown to  
the Maine Connectivity Authority Board of Directors

Dear President Jackson:

This is to inform you that I am nominating Carlos Javier  
Barrionuevo of Georgetown for appointment to the Maine  
Connectivity Authority Board of Directors.

Pursuant to P.L. 2021, ch. 364, § 9404 (emergency, effective  
June 24, 2021), this appointment is contingent on the Maine State  
Senate's confirmation after review by the Joint Standing  
Committee on Energy, Utilities and Technology.

Thank you.

Very truly yours,

S/Janet T. Mills  
Governor

**READ and ORDERED PLACED ON FILE.**

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The Following Communication: S.C. 688

**STATE OF MAINE  
ONE HUNDRED AND THIRTIETH LEGISLATURE  
COMMITTEE ON AGRICULTURE, CONSERVATION AND  
FORESTRY**

June 25, 2021

The Honorable Troy Dale Jackson  
President of the Senate of Maine  
130th Maine State Legislature  
State House  
Augusta, Maine 04333-0003

Dear Mr. President:

In accordance with 3 M.R.S.A., Section 157, and with Joint Rule  
505 of the Maine Legislature, the Joint Standing Committee on  
Agriculture, Conservation and Forestry has had under  
consideration the nomination of Peter Pray of Millinocket, for  
reappointment to the Maine Land Use Planning Commission.

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

YEAS	Senators	2	Dill, J. of Penobscot, Maxmin, C. of Lincoln
	Representatives	6	O'Neil, M. of Saco, Hall, R. of Wilton, Landry, S. of Farmington, McCrea, D. of Fort Fairfield, Osher, L. of Orono, Underwood, J. of Presque Isle
NAYS		0	
ABSENT		5	Sen. Black, R. of Franklin, Rep. Bernard, S. of Caribou, Rep. Gifford, J. of Lincoln, Rep. Pluecker, B. of Warren, Rep. Skolfield, T. of Weld

Eight members of the Committee having voted in the affirmative  
and zero in the negative, it was the vote of the Committee that the  
nomination of Peter Pray of Millinocket, for reappointment to the  
Maine Land Use Planning Commission be confirmed.

Signed,

S/Jim Dill  
Senate Chair

S/Maggie O'Neil  
House Chair

**READ and ORDERED PLACED ON FILE.**

The President laid before the Senate the following: "Shall the recommendation of the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** be overridden?"

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

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

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The Doorkeepers secured the Chamber.

The Secretary opened the vote.

**ROLL CALL (#457)**

YEAS: Senators: None

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

EXCUSED: Senators: CURRY, LAWRENCE, TIMBERLAKE

No Senator having voted in the affirmative and 32 Senators having voted in the negative, with 3 Senators being excused, and none being less than two-thirds of the Membership present and voting, it was the vote of the Senate that the Committee's recommendation be **ACCEPTED** and the nomination of **Peter Pray** of Millinocket for reappointment to the Maine Land Use Planning Commission was **CONFIRMED**.

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

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

**ORDERS**

**Joint Resolutions**

On motion by Senator **SANBORN** of Cumberland (Cosponsored by Representative **TEPLER** of Topsham and Senator: **BRENNER** of Cumberland, Representatives: **ARFORD** of Brunswick, **BROOKS** of Lewiston, **EVANS** of Dover-Foxcroft, **MATHIESON** of Kittery, **MELARAGNO** of Auburn) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 214.), the following Joint Resolution:

S.P. 585

**JOINT RESOLUTION  
MEMORIALIZING THE FEDERAL GOVERNMENT TO  
ESTABLISH A FEDERAL WAIVER PROCESS  
FOR STATES TO ESTABLISH A  
UNIVERSAL HEALTH CARE PLAN**

**WE**, your Memorialists, the Members of the One Hundred and Thirtieth Legislature of the State of Maine now assembled in the First Special Session, most respectfully present and petition the President of the United States and the United States Congress, as follows:

**WHEREAS**, the current system of health care coverage in the State does not provide universal coverage for all Maine residents; and

**WHEREAS**, health care coverage is often unaffordable and causes financial strain for many Maine residents; and

**WHEREAS**, every person in the State should have access to affordable and high-quality health care; and

**WHEREAS**, there are significant barriers in federal law that affect the ability of individual states to establish a universal health care plan to provide affordable and high-quality health care to all residents; and

**WHEREAS**, these state efforts are also hindered by a lack of federal support and financing to assist states interested in the establishment of a state-based universal health care plan; and **WHEREAS**, proposed legislation was previously introduced in the 116th Congress, H.R. 5010, the State-Based Universal Health Care Act of 2019, and similar legislation is expected to be reintroduced in the 117th Congress that would establish a federal waiver for states interested in establishing a universal health care plan for residents; now, therefore, be it

**RESOLVED**: That We, your Memorialists, on behalf of the people we represent, take this opportunity to respectfully request that the President of the United States and the United States Congress enact legislation to authorize states to obtain a state universal health care waiver; and be it further

**RESOLVED**: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the Honorable Joseph R. Biden, Jr., President of the United States; the President of the United States Senate; the Speaker of the United States House of Representatives; and each Member of the Maine Congressional Delegation.

The Joint Resolution was **READ**.

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

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

Senator **SANBORN**: Thank you, Mr. President. Mr. President, ladies and gentlemen of the Senate, this Joint Resolution calls on the federal government to establish a federal waiver process for states to establish universal health care plans. There are countless different ways that we pay for the costs of healthcare today. It's a crazy quilt system that no one would invent out of whole cloth if we had the chance to start over. States are laboratories of democracy and states should be given the opportunity to innovate and to try to create a healthcare landscape that includes the values of equity, access, and affordability for all because healthcare is a human right. Mr. President, it's impossible for the State of Maine to achieve this goal unless Congress acts to allow us to apply for waivers, for example, to pool the federal funds available, not just through the Affordable Care Act subsidies, through MaineCare expansion, through Medicare, through the VA, and from our large employers who currently use Arisa benefit plans to provide coverage for their employees. What this would allow us to do is to pool all of these healthcare dollars that are already being spent into a system that makes more sense, that is more equitable, that would allow more people to have primary healthcare instead of emergency healthcare. We all want Maine to be a healthier place. We could do so if this legislation, at the federal level, were to pass and Maine, this Chamber, has already acted in L.D. 1045, which becomes law after we adjourn this session, to have a plan to implement these waivers just as soon as they are permitted. So, ladies and gentlemen of the Senate, this is one of the top priorities of every voter in this country, that affordable healthcare would be available to everyone. I can't understand any reason why anyone would press their red button, so I encourage you to vote in favor of this Joint Resolution today. Thank you, Mr. President.

**THE PRESIDENT**: The pending question before the Senate is Adoption of the Joint Resolution. Is the Senate ready for the question?

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

**ROLL CALL (#458)**

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

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

EXCUSED: Senators: CURRY, LAWRENCE

20 Senators having voted in the affirmative and 13 Senators having voted in the negative, with 2 Senators being excused, the Joint Resolution was **ADOPTED**.

Sent down for concurrence.

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All matters thus acted upon 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:

**REPORTS OF COMMITTEES**

**House**

**Divided Report**

Eight members of the Committee on **JUDICIARY** on Bill "An Act To Ban Biological Males from Participating in Women's Sports" H.P. 682 L.D. 926

Reported in Report "**A**" 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

Four members of the same Committee on the same subject reported in Report "**B**" that the same **Ought to Pass as Amended by Committee Amendment "A" (H-730)**.

Signed:

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-731)**.

Signed:

Senator:

KEIM of Oxford

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

Comes from the House with Report "**A**", **OUGHT NOT TO PASS, READ and ACCEPTED**.



Reports **READ**.

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

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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:

### 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 (6/15/21) matter:

SENATE REPORTS - from the Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act To Provide Maine Children Access to Affordable Health Care"

S.P. 158 L.D. 372

Majority - **Ought to Pass as Amended by Committee Amendment "A" (S-97)** (8 members)

Minority - **Ought to Pass as Amended by Committee Amendment "B" (S-98)** (5 members)

Tabled - June 15, 2021 by Senator **VITELLI** of Sagadahoc

Pending - motion by Senator **CARNEY** of Cumberland to **ADOPT** Senate Amendment "A" (S-291) to Committee Amendment "B" (S-98). (Roll Call Ordered)

(In Senate, June 16, 2021, on motion by Senator **CLAXTON** of Androscoggin, the Minority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED**. On motion by Senator **CARNEY** of Cumberland, Senate Amendment "A" (S-291) to Committee Amendment "B" (S-98) **READ**.)

On motion by Senator **CARNEY** of Cumberland, Bill and accompanying papers **COMMITTED** to the Committee on **HEALTH AND HUMAN SERVICES**.

Sent down for concurrence.

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

HOUSE REPORTS - from the Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act To Improve the Health of Maine Residents by Closing Coverage Gaps in the MaineCare Program and the Children's Health Insurance Program"  
H.P. 529 L.D. 718

Majority - **Ought to Pass as Amended by Committee Amendment "A" (H-630)** (8 members)

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

Tabled - June 16, 2021 by Senator **VITELLI** of Sagadahoc

Pending - motion by Senator **CLAXTON** of Androscoggin to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report, in concurrence

(In House, June 15, 2021, the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-630)**.)

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

On motion by Senator **CLAXTON** of Androscoggin, Bill and accompanying papers **COMMITTED** to the Committee on **HEALTH AND HUMAN SERVICES**.

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The Chair laid before the Senate the following Tabled and Later Assigned (6/18/21) matter:

Bill "An Act To Keep All Maine Students Safe by Restricting the Use of Seclusion and Restraint in Schools"

H.P. 1007 L.D. 1373

Tabled - June 18, 2021 by Senator **DAUGHTRY** of Cumberland

Pending - **FURTHER CONSIDERATION**

(In House, June 14, 2021, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-545) AS AMENDED BY HOUSE AMENDMENT "B" (H-729)**.)

(In Senate, June 16, 2021, the Minority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED**, 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.

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

**ROLL CALL (#459)**

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

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

EXCUSED: Senators: CURRY, LAWRENCE

19 Senators having voted in the affirmative and 14 Senators having voted in the negative, with 2 Senators being excused, the motion by Senator **VITELLI** of Sagadahoc to **RECEDE** and **CONCUR PREVAILED**.

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

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On motion by Senator **DAUGHTRY** of Cumberland, the Senate removed from the **SPECIAL STUDY TABLE** the following:

**Emergency Measure**

Resolve, To Reestablish the Commission To Study College Affordability and College Completion

S.P. 108 L.D. 247  
(C "A" S-202)

Tabled - June 10, 2021 by Senator **DAUGHTRY** of Cumberland

Pending - **FINAL PASSAGE**, in concurrence

(In Senate, June 8, 2021, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-202)**.)

(In House, June 9, 2021, **FINALLY PASSED**.)

This being an Emergency Measure and having received the affirmative vote of 22 Members of the Senate, with 11 Senators having voted in the negative, and 22 being less than two-thirds of the entire elected Membership of the Senate, **FAILED FINAL PASSAGE**.

(See action later today.)

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On motion by Senator **DAUGHTRY** of Cumberland, the Senate removed from the **SPECIAL STUDY TABLE** the following:

An Act To Implement the Recommendations of the Committee To Study the Feasibility of Creating Basic Income Security  
H.P. 1192 L.D. 1603  
(C "A" H-495)

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

Pending - **ENACTMENT**, in concurrence

(In Senate, June 10, 2021, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-495)**, in concurrence.)

(In House, June 14, 2021, **PASSED TO BE ENACTED**.)

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

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On motion by Senator **DAUGHTRY** of Cumberland, the Senate removed from the **SPECIAL STUDY TABLE** the following:

**Emergency Measure**

Resolve, To Place a Temporary Moratorium on the Approval of Any New Motor Vehicle Registration Plates and Initiate a Registration Plate Working Group

S.P. 511 L.D. 1618  
(C "A" S-254)

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

Pending - **FINAL PASSAGE** in concurrence

(In Senate, June 14, 2021, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-254)**, in concurrence.)

(In House, June 14, 2021, **FINALLY PASSED**.)

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

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

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On motion by Senator **DAUGHTRY** of Cumberland, the Senate removed from the **SPECIAL STUDY TABLE** the following:

Resolve, To Establish the Commission To Create a Plan To Incorporate the Probate Courts into the Judicial Branch  
H.P. 530 L.D. 719  
(C "A" H-588)

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

Pending - **FINAL PASSAGE**, in concurrence

(In Senate, June 15, 2021, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-588)**, in concurrence.)

(In House, June 15, 2021, **FINALLY PASSED**.)

**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**

**Joint Order**

The following Joint Order:

H.P. 1297

ORDERED, the Senate concurring, that Bill, "An Act To Expand Recovery Services to Persons on Probation," H.P. 626, L.D. 858, 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.

Senate at Ease.

The Senate was called to order by the President.

Off Record Remarks

**RECESSED** until the sound of the bell.

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

Off Record Remarks

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

**REPORTS OF COMMITTEES**

**House**

**Ought to Pass As Amended**

The Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** on Bill "An Act Making Unified Appropriations and Allocations for the Expenditures of State Government, General Fund and Other Funds and Changing Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 2021, June 30, 2022 and June 30, 2023"

H.P. 156 L.D. 221

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-735)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-735)**.

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

Bill **READ ONCE**.

Committee Amendment "A" (H-735) **READ** and **ADOPTED**, in concurrence.

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

Senator **FARRIN:** Thank you, Mr. President. Ladies and gentlemen of the Senate, just a brief comment on L.D. 221. Obviously, we voted to move this along and we still got some budget work to do and I just want to bring to the Body's attention, and my colleagues here, that during the Supplemental Budget I stood up and talked about our veterans. I still think there's some work to be done. Specifically, there were three bills, and worked with Senator Luchini on some of those, making a mental health program permanent for our veterans. We received word that the Department of Health and Human Services is able to absorb that and that program is going to be ongoing. We still have funding to do for the Maine Veteran's Home, which serves all of our veterans across the state, and specifically with the growth in the state government employee piece, there's a bill that has to do with two veterans' services offices and I think that we, as a Body, and the Veteran's Caucus and others that between now and the time that we leave on the 19<sup>th</sup>, and we come back, that those are items that we all should work together and try to address those two concerns. So, with that being said, thank you for all the hard work that members of the Appropriations Committee have done on this and I just think that that's something that - those two issues are something that we should talk about before we leave here. So, thank you very much.

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Senate at Ease.

The Senate was called to order by the President.

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

Senator **BREEN:** Thank you, Mr. President. Men and women of the Senate, I have almost nothing original to say about a bi-partisan budget. We all know there's great stuff in this that some of us love and there's some stuff in it that some of us don't like. I do want to say that I'm extremely grateful for Senator Davis' hard work over the last bunch of weeks. Unlike most committees in this Body, our work ramped up on May 14<sup>th</sup>, not down, and then we had two straight weeks of session days where our committee couldn't do much of anything. So, we had a huge workload. I want to thank Senator Bailey and Senator Davis. I want to thank Republican leadership for making it clear that they supported the work of the committee. There are a couple of original things. We are finally reaching 55% on the State portion of General Purpose Aid to Education. We are getting back to 5% revenue sharing which will help cities and towns across and property taxpayers all over Maine. We are funding for the first time the Land For Maine's Future program without borrowing money but in the budget and we are changing the cascade to give a much needed stream of revenue for the Department of Transportation for their roads and bridges. There's a whole lot of other good stuff, including rebuilding the Centers for Disease Control and our public health infrastructure after a pandemic that none of us saw coming and all of us want to put in the rearview mirror. There's another big provision in this that has to do with returning money to taxpayers in Maine but I'm going to yield that topic to my good friend and Senator from Piscataquis, Senator Davis. A unanimous committee vote sends a great signal, I hope, to this Body and to people all over Maine that bi-partisanship is alive and well and it lives in the Maine Legislature. Thank you, Mr. President.

**THE PRESIDENT:** The Chair recognizes the Senator from Piscataquis, Senator Davis.

Senator **DAVIS:** Thank you, Mr. President. Good morning, everybody. I, first off, want to thank Senator Breen for her kind words and for the leadership that she has shown in this whole process. It, as she said, we all didn't get everything we wanted to say the very least but we all got something that we did want and that is important. What is more important, in my mind, is this is the way the process is supposed to work. Everyone is supposed to be involved in one way or another and we certainly were in this issue today. I also certainly recognize Senator Bailey and thank her for being there and the votes and being my seatmate on the horseshoe. It's always pleasant to talk to you. I can't speak

today without speaking favorably of my colleague in the other Body, Representative Millett, and his expertise and wisdom that was involved in all of this. As I said, there's much to like for all of us and I believe there's a little for most of us not to like. Senator Breen spoke about the money going back to the fellows and to some it's not a lot of money, \$300, but I guarantee you folks that I can take you places in Piscataquis County where \$300 is a lot of money and to be getting it just before Christmas it will make a better Christmas for some of the people that I represent and I believe that would be true probably for everybody but especially my good friends in Northern Maine and you too, Mr. President. As I said, it is a lot to like. Some of the things that we should like are the Homestead Exemption, 3% a year until it's fully refunded to the State - to the towns, excuse me. Five percent on revenue sharing, this coming year it will be 4.5% and then it will go to 5%. Harass your local people a little bit, make them pass it down to the taxpayers. Make them listen. Have them go talk to your people. A bunch of you are going to be campaigning next year. Tell them to call the town council, say 'Hey, reduce our money. Reduce our taxes. You're getting extra money. You don't need to spend it.' It'll work if you do it. Again, Mr. President, I believe this is all done in an excellent manner and the way it's supposed to be and the way government is supposed to work and my compliments again. Thank you very much.

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

Senator **DIAMOND:** Thank you, Mr. President. Ladies and gentlemen of the Senate, I would say that who of us back in March thought that we would reach this level of partisanship, working together, coming together, doing the hard work. Who of us? I wouldn't. I've got to admit and I'm so grateful for the work that's been done by this committee. It's a delicate walk. I've been there. I walked through it and I know exactly how hard it is. Don't forget, it's not just the thirteen members of the committee that has to agree. You've got ten others in leadership that have to agree. That's a huge hurdle. It's not easy to get done but both sides have to agree it must be done and this budget, we've gone through it, you've gone through it, you see that everybody does get something but all of it is for the people of the state of Maine. Contrary to what we hear in this environment, around the country, around Maine, how divided, how partisanship is ruling the day, this committee has just proven that not to be true. So, I want to say thank you, thank you to Senator Davis for all he's done. Thank you to Senator Bailey and for the leadership and Senate Chair Senator Breen from Cumberland. You did some things that nobody thought you could do, all of you together. So, now we're on our way and I really just think we all need to understand how hard and how difficult it is to bring that crew of 23 people and then the Governor all together. So, we have something we can be proud of. Thank you very much to those who worked hard and I think we can go home now and talk about a lot of good things. Thank you, Mr. President.

**THE PRESIDENT:** The pending question before the Senate is Passage to be Engrossed. Is the Senate ready for the question?

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

**ROLL CALL (#460)**

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

NAYS: Senators: FARRIN, GUERIN, POULIOT

EXCUSED: Senator: CURRY

31 Senators having voted in the affirmative and 3 Senators having voted in the negative, with 1 Senator being excused, was **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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Out of order and under suspension of the Rules, the Senate considered the following:

**ORDERS**

**Joint Resolution**

On motion by Senator **VITELLI** of Sagadahoc, under unanimous consent on behalf of President **JACKSON** of Aroostook (Cosponsored by Speaker FECTEAU of Biddeford), the following Joint Resolution:

S.P. 586

**JOINT RESOLUTION  
EXPRESSING THE HOPE FOR A SWIFT CONCLUSION  
TO NEGOTIATIONS WITH THE MAINE SERVICE  
EMPLOYEES ASSOCIATION**

**WHEREAS**, the State, in conjunction with the Maine Service Employees Association, engaged The Segal Group, Inc. to conduct a comprehensive market assessment of the State's executive branch jobs; and  
**WHEREAS**, the study covered market data reflective of 10 public sector employers as well as New England private sector market data, including base pay ranges and compensation practices; and  
**WHEREAS**, the study found that the State's base pay is consistently below the market average at the pay range minimum, midpoint and maximum, with the gap ranging from 13 percent to 17 percent of the overall market average; and  
**WHEREAS**, the Maine Service Employees Association, Local 1989 of the Service Employees International Union, represents more than 12,000 Maine workers; and  
**WHEREAS**, the contract renewal process for these workers is currently underway, and there is an opportunity for the pay gap to be addressed; now, therefore, be it

**RESOLVED:** That We, the Members of the One Hundred and Thirtieth Legislature now assembled in the First Special Session, on behalf of the people we represent, take this opportunity to express our hope for a swift conclusion to the negotiations with Local 1989 of the Service Employees International Union and our hope that progress is made on closing the pay gap highlighted in the recent study.

The Joint Resolution was **READ**.

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

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

Senator **POULIOT:** Thank you, Mr. President. You know, there was a number of Resolution requests that were put before the Legislative Council and we were told at that time - from members of our own caucus, Senator Bennett had one, and we were told at that time there wasn't time in putting these forward and I don't understand why the Legislature is asserting itself in private, you know, bargaining agreements that are going on, Mr. President. It just seems inappropriate and for that reason I will not be supporting this motion. Thank you.

**THE PRESIDENT:** The Chair would advise that I don't believe there was any time that any member was told that they couldn't put a Resolution in. There was an Order that you couldn't have unlimited co-sponsors. The Chair recognizes the Senator from Kennebec, Senator Hickman.

Senator **HICKMAN:** Thank you, Mr. President. Mr. President, women and men of the Senate, I rise in strong support of the hope and the aspirations that are expressed in this Joint Resolution. So, I have to disagree with my colleague, the good Senator from Kennebec as well, that the Legislature is not in this moment inserting itself into a process. We are using what we can do here, which is anything we want pretty much, to express an aspiration. Maine state employees are often overworked and underpaid. Yet, throughout this pandemic they showed up in the most difficult circumstances to keep our government running and ensure Maine families and seniors can access the resources they need. As an employer, the way our state treats public employees ought to set the standard in labor relations yet the reality has been we continue to fall short. An independent study found that Maine state employees earn 12% to 17% less than their private sector counterparts for the exact same work. I find this disgraceful. If this is how we treat our civil servants how can we expect to attract smart, passionate, and hardworking Mainers to these roles or expect the extraordinary professionals currently working in our state government to remain where they are? I have the great pleasure of representing a large number of State employees, always have. They have dedicated their lives to the people of the state. We honored one earlier, Dr. Robert G. Marvinney. Many of these State employees are actually my personal friends and so I know they're unparalleled commitment to this state, even when they complain about their work conditions, which they do on a regular basis to me. I would be remiss if I did not speak out on their behalf, Mr. President. You surprised me when you asked me to be the Chair of the Labor

Committee and, in that role, it would be silly of me not to say that if we're going to treat - if we want employees of any employer to be treated well that Maine, as a State employer, needs to lead by example. So today is the last day of the State Employee's contract. I believe it's time for a swift resolution to these negotiations and I want the contract to be fair. That is my hope. That is my aspiration and so I ask the Chief Executive to work with Maine State employees and their representatives to come up with a contract that represents the dignity of Maine workers and reflects our Maine values. We cannot continue to play games with the livelihoods of more than 12,000 people who ensure that we have one of the best states, if not the best state, in the nation. Thank you, Mr. President.

**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, each of us in this Chamber represent dozens of businesses and non-profits who are desperate for employees. All of these businesses and non-profits are wishing they could pay more to reward and retain their employees. Many of the non-profits have asked us to increase state funding to help them with pay and benefit increases to attract and retain employees. Maine State employees have a very active union representing them in their quest for higher pay and better benefits. These decisions should be made at the negotiating table and should not jump to the front of the line, ahead of the many other business and non-profit employees whose taxes pay the State worker salaries. Please join me in voting against the pending motion.

**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 and adoption of this Joint Resolution. I just want to share a couple of things, building upon what the good Senator from Kennebec County said before me. As you know, employees throughout the Executive Branch earn on average about 15% less than their peers in Maine and throughout New England. When you adjust for regional pay differences, it can be even more stark. For example, accountants are underpaid in the Executive Branch by 20% to 33%, 24% for chemists, civil engineers who literally keep our bridges and our roads together and make sure that when we're traveling here to this State House that everything's in line are looking on average at 20% to 25% less. Maintenance mechanics 31%. Correctional officers 16% and correctional Captains 26% lower. To give you an idea of this, often times you can find a job in a similar market for a minimum pay of \$15 an hour, such as many big box stores we're discussing. But laborers for the Department of Transportation start at \$13.21 an hour. Office assistants for the Department of Health and Human Services start at \$12.84 an hour. Park rangers, who literally make sure we get to enjoy some of the best parts of our state, start at \$13.78 an hour and assistant park rangers start at \$12.15 an hour. How are we able to recruit the best folks when we can't pay them what we should be doing and many, many of the workers that we're discussing are the essential face of this state. These are the folks who have been on the frontline of this pandemic, who have been working day in and day out to make

sure that our state parks stay open, our doors stay open, that our roads stay cleared. I really hope that there's a way that we can move forward on this and, you know, stand in strong solidarity with our essential employees. This would, you know, impact over 9,000 workers so I encourage you all to follow my light and that we can stay together and say that this needs to be done for Maine employees.

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

Senator **DESCHAMBAULT:** Thank you, Mr. President. When you're fourth in line everything's been said but I do want to thank you, specifically, President Jackson, and Speaker Fecteau, for this Joint Resolution for a swift conclusion to negotiations with the Maine Service Employee Association. Now, I am not the going to speak about pay raises or of the level of pay that they receive or working conditions or fighting for what is right so they can do a better job for all our citizens. My words, however, are directed to our employees. As you know, I am a retired state employee and instead of saying 43 years I'll say five decades. I was first employed when there was no union. It was an association and there was no collective bargaining. You had to anticipate on July 1<sup>st</sup> what you were going to get for a raise and it usually was whatever was left in the budget and sometimes that was a 1% or 2% raise. During that time, I also was a chapter officer in my job and I was voted Director of MSCA. Hence, I was twice a member of collective bargaining and know full well how agonizing this role can be. I am whole heartedly in support of the fine work, and I believe all of us are, of our state employees. I support and encourage both sides to negotiate in good faith. When you're negotiating everybody talks about good faith. As stated, today is the employee's last day of their contract, their existing contract, and that is why I proudly wear this pin in solidarity that this is their last day of the contract and to continue negotiating in good faith and stay strong.

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

Senator **POULIOT:** Thank you, Mr. President. I usually don't rise a second time but I just want to set the record clear. There was a vote in Legislative Council about a Resolution being moved forward by the good Senator from Oxford around a climate dividend and that was voted down by the majority members of the Legislative Council, including yourself, Mr. President. So to say that there was no vote on that is absolutely not true. To me, it just seems like a statement's trying to be made here under the specter of negotiations that are going on and I think it's unfair that this has been able to move forward when other pieces haven't been able to move forward. Thank you, Mr. President.

**THE PRESIDENT:** The Chair would advise that the good Senator from Kennebec is right, that there was a Resolution from the Senator from Oxford, Senator Bennett, that was voted down but the rules are that any time the Legislature asks Congress, the President, something like that has to go to the Legislative Council and that's why that bill or Resolution went to the Council and was voted down and I voted against it. I would advise the Body that just today the Senator from Cumberland, Senator Sanborn, had a Resolution for healthcare for all, I'm paraphrasing, but she did not have to come to the Council for her bill because it's a Resolution

that comes before this and is not asking the President or Congress. I'd also advise that it wasn't too long ago we had a bill for realtors, a Resolution for realtors, which I'm sure you remember, that also didn't have to go to the Council and I supported because I believe in realtors. This Resolution is one for state workers. It's squarely in our purview. It did not have to go before the Council because it doesn't ask the President, Congress, anyone from D.C. to do anything. It asks for a Resolution to a protracted dispute over a fair contract. That is why the Resolution is before us today.

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

### ROLL CALL (#461)

**YEAS:** Senators: BAILEY, BALDACCI, BREEN, BRENNER, CARNEY, CHIPMAN, CLAXTON, 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

**EXCUSED:** Senator: CURRY

21 Senators having voted in the affirmative and 13 Senators having voted in the negative, with 1 Senator being excused, the motion by Senator **VITELLI** of Sagadahoc on behalf of President **JACKSON** of Aroostook to **ADOPT 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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### COMMUNICATIONS

The Following Communication: S.C. 679

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

June 23, 2021

The 130th Legislature of the State of Maine  
State House  
Augusta, Maine

Dear Honorable Members of the 130th Legislature:

By the authority vested in me by Article IV, Part Third, Section 2 of the Constitution of the State of Maine, I am hereby vetoing L.D. 194, *An Act to Prohibit Contributions, Expenditures, and Participation by Foreign Government-owned Entities to Influence Referenda*.

L.D. 194 would prohibit businesses and other entities in which a foreign government has an ownership interest of at least 10% from making contributions or expenditures to influence a citizen referendum, or from otherwise participating in the referendum process. I object to this bill as a matter of both policy and law.

As an initial matter, L.D. 194's definition of those entities subject to its prohibitions is broad, and would reach dozens of businesses that we regard as very much part of the fabric of the Maine community. Entities with direct foreign investment employ thousands of Mainers. They include Stratton Lumber, Woodland Pulp and Paper, Backyard Farms, McCain Foods, and Sprague Energy, to name just a few. Legislation that could bar these entities from any form of participation in a referendum is offensive to the democratic process, which depends on a free and unfettered exchange of ideas, information, and opinion. Such limitations on what the Supreme Court has called "core political speech" are also highly suspect as a constitutional matter. See, e.g., *Meyer v. Grant*, 486 U.S. 415; *First National Bank of Boston v. Bellotti*, 435 U.S. 765 (1978).

Even more troubling is this bill's potential impact on Maine voters. Government is rarely justified in restricting the kind of information to which the citizenry should have access in the context of an election, and particularly a ballot initiative. L.D. 194 would deprive voters of information and opinion from those entities covered by its prohibitions during the referendum process. The theory is that what these entities have to say is categorically inappropriate for consideration; that it is somehow tainted, should be declared "interference," and that voters must be shielded from it. That is a theory I reject. The Supreme Court has been sharply critical of legislation that "restrict(s) what the people may hear," calling it "highly paternalistic." *Bellotti*, 435 U.S. at 792 n. 31. If L.D. 194 were to become law, I question whether it could survive constitutional challenge. But more fundamentally, I trust Maine voters to sort through competing views as they consider how to cast their vote in any referendum, and I see no need for state government to protect them from information coming from any particular source, in accordance with our already robust disclosure requirements.

For these reasons, I return L.D. 194 unsigned and vetoed, and I urge the Legislature to sustain this veto.

Sincerely,

S/Janet T. Mills  
Governor

**READ and ORDERED PLACED ON FILE.**

The accompanying Bill:

An Act To Prohibit Contributions, Expenditures and Participation by Foreign Government-owned Entities To Influence Referenda  
S.P. 82 L.D. 194

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

Senator **BENNETT:** Thank you, Mr. President. Fellow members of the Senate, as we know, this bill originated due to a foreign corporation, owned 100% by a foreign government, funneling a record smashing amount, well over \$10 million, to sway an election outcome here in Maine. This affront to our freedom occurred in plain sight and needs to stop. That's why I introduced L.D. 194. That's why it received an 11-2 Ought to Pass report in committee and that's why it landed on the Chief Executive's desk with commanding margins in both this Body and the other. Yet last week the Governor vetoed the bill and sent this message to the Legislature. The Governor's letter is full of misinformation and rife with inept legal citations. She's wrong on the policy and she's wrong on the law. One wonders if she or her staff actually read the bill.

Here are the facts. L.D. 194 passes, if it passes, Maine would join seven other states that already ban foreign nations from participating in referendum elections. California, Colorado, Maryland, Nevada, North Dakota, South Dakota, and Washington ban foreign governments, foreign corporations, or both from spending to influence referendum elections and this year at least six other states have introduced legislation provisions similar to do the same. By the way, most every other country, including our neighbor to the north, forbids foreign governments interference in their elections. But Governor Mills said she finds this bill, and I quote from her letter, 'Offensive to the democratic process.' In the veto letter she cites five businesses that she says are, 'Very much part of the fabric of the Maine community,' saying that the bill's broad description of who it limits would include these businesses. This is simply, purely, and demonstrably wrong. None of these businesses operating in Maine come anywhere near meeting the not-so-broad one sentence definition included in the bill. Two of them are publicly traded companies while the other three are owned by families, not governments. We called the companies and asked them to be sure. It was Stratton Lumber, which Fontaine family of Quebec. There's Woodland Pulp and Paper, owned by a publicly traded investment firm. Backyard Farms owned by the Mastronardi family of Ontario. McCain Foods, owned by the McCain family of New Brunswick, and Sprague Energy, which is a publicly traded master-limited partnership. Despite the Chief Executive's misinformation in this statement, L.D. 194 specifically targets foreign governments and government-owned entities not privately held or publicly traded companies. Likewise, the legal citations in the veto letter all deal with cases involving foreign corporations, not foreign governments. Barring foreign governments and corporations owned by them from spending to influence referendum elections is plainly constitutional. There's a sheet on your desk that I submitted and distributed that will give more information. In fact, federal law has long barred foreign nations, including foreign governments, from spending to influence federal, state, and local candidate elections, such as elections for Governor or Legislator. The U.S. Supreme Court cases striking down other restrictions related to referendum elections do not apply to L.D. 194. Now we all know what the Governor's opposition is about. This bill closes a glaring loophole in Maine law that is allowing Hydro-Quebec, a

Canadian Crown corporation, to undermine our elections in order to deceive Maine voters to allow a \$12 billion project that will destroy our forests and wreck Maine businesses. In fact, the CEO of Hydro-Quebec said last month, and I quote, 'We are accused of interfering in an electoral process but it is not an electoral process, it's a commercial process.' Sadly, with this veto, the Governor is approving tens of millions of dollars in spending from foreign governments washing into our elections. This foreign-funded bullhorn of disinformation seeks to drown out the voices of Maine people and will buy push-polls, attack ads, social media disinformation, all with the aim of putting foreign government's interests ahead of Mainers. While it's the Province of Quebec spending money to influence Maine voters today, it could very easily be China or Russia exploiting this staggering loophole tomorrow. We cannot allow foreign countries the ability to influence our statutes here in Maine. So, I urge all of you to override the Governor's veto and make this bill Maine law. Thank you, Mr. President.

The President laid before the Senate the following: "Shall this Bill become law notwithstanding the objections of the Governor? In accordance with Article IV, Part Third, Section 2 of the Constitution, the vote will be taken by the Yeas and Nays. A vote of yes will be in favor of overriding the veto of the Governor. A vote of no will be in favor of sustaining the veto of the Governor."

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

**ROLL CALL (#462)**

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

**NAYS:** Senators: BREEN, CARNEY, CYRWAY, DIAMOND, GUERIN, LAWRENCE, LIBBY, POULIOT, ROSEN, SANBORN, STEWART, TIMBERLAKE

**EXCUSED:** Senator: CURRY

22 Senators having voted in the affirmative and 12 Senators having voted in the negative, with 1 Senator being excused, and 22 being less than two-thirds of the members present and voting, it was the vote of the Senate that the veto of the Governor be **SUSTAINED.**

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

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The Following Communication: S.C. 680

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



June 25, 2021

The 130th Legislature of the State of Maine  
State House  
Augusta, Maine

Dear Honorable Members of the 130th Legislature:

By the authority vested in me by Article IV, Part Third, Section 2 of the Constitution of the State of Maine, I am hereby vetoing L.D. 125, *An Act To Prohibit the Aerial Spraying of Glyphosate and Other Synthetic Herbicides for the Purpose of Silviculture*.

L.D. 125 would ban the aerial application of glyphosate and other synthetic herbicides for the purpose of silviculture, including reforestation, regeneration or vegetation control after any timber harvest. This bill does not ban herbicides, such as glyphosate; rather it focuses only on one method of application.

There are widespread concerns about the chemical glyphosate and whether the aerial application of herbicides is performed safely and responsibly. Responding to these concerns, the Agriculture, Conservation and Forestry Committee's majority report on L.D. 125 (which passed 9-4) focused on expanding buffers and setbacks to further protect waterbodies, wetlands, wildlife habitat, and other natural resources. It also proposed additional setbacks around residential property. I support this approach and will be issuing an Executive Order directing the Maine Forest Service and the Board of Pesticide Control to institute additional specific safeguards to further limit aerial application of herbicides, consistent with best practices and state policy.

I cannot, however, support L.D. 125's blanket prohibition. I note that at the request of the 129th Legislature, the Board of Pesticide Control authorized an independent assessment of Maine's pesticide use regulations concerning aerial application by industrial forest management companies. The independent auditor, SCS Global Services, reported: "no evidence was gathered during the course of the verification audit to contradict the following overall conclusion: The State of Maine regulatory framework, within which aerial application of herbicides in forest operations takes place, is functioning as designed."

The aerial application of herbicides in forest management is extremely limited. In 2018, the acreage treated amounted to less than five percent of the total annual forest acres harvested statewide. And, in the last 30 years, Maine has seen an 82 percent reduction in acres treated.

Forest landowners strive to maximize growth and yield of their forest at a time when consumers are hungry for wood products. They work under tight margins, are susceptible to erratic weather patterns, and are constantly looking at ways to improve yields and maintain a healthy and sustainable product for generations to come. For Maine's large forest landowners seeking to improve the growth of desirable tree species and control competition of undesirable species, such as disease-prone beech, limited spraying of herbicides is an integral tool. Moreover, researchers at the University of Maine have identified increasing the density of spruce plantations as one of the most effective and efficient ways to sequester carbon. These plantations cannot be established

unless weeds and other competition are controlled, which is impossible without targeted herbicide treatments.

Spraying for site preparation is conducted once or twice over the course of a 40- to 60-year rotation of a forest stand. It is applied with careful thought, planning, and consideration. It is applied under strict adherence to practices that account for weather conditions, wind direction and speed, rate of application, and the location of streams, brooks, and other water bodies.

Banning aerial application, however, would force landowners to conduct ground application, which is manually intensive, has a potential for greater site disturbance and soil compaction, and may require multiple applications with higher and more dangerous concentrations levels to achieve the same level of effectiveness.

The environmental concerns associated with aerial application need to be balanced with the goal of decarbonization and the legitimate needs of silviculture enterprises. This bill, the minority report of the Committee, fails to achieve that balance.

For these reasons, I return LD 125 unsigned and vetoed, and I urge the Legislature to sustain this veto.

Sincerely,

S/Janet T. Mills  
Governor

**READ and ORDERED PLACED ON FILE.**

The accompanying Bill:

An Act To Prohibit the Aerial Spraying of Glyphosate and Other Synthetic Herbicides for the Purpose of Silviculture  
S.P. 58 L.D. 125

The President laid before the Senate the following: "Shall this Bill become law notwithstanding the objections of the Governor? In accordance with Article IV, Part Third, Section 2 of the Constitution, the vote will be taken by the Yeas and Nays. A vote of yes will be in favor of overriding the veto of the Governor. A vote of no will be in favor of sustaining the veto of the Governor."

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

**ROLL CALL (#463)**

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

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

EXCUSED: Senator: CURRY

18 Senators having voted in the affirmative and 16 Senators having voted in the negative, with 1 Senator being excused, and 18 being less than two-thirds of the members present and voting, it was the vote of the Senate that the veto of the Governor be **SUSTAINED**.

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

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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 **APPROPRIATIONS AND FINANCIAL AFFAIRS** on Bill "An Act To Authorize General Fund Bond Issues To Improve Transportation and National Guard Infrastructure and To Promote the Conservation of Land, Working Waterfronts, Water Access and Outdoor Recreation"

H.P. 1265 L.D. 1702

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-737)**.

Signed:

Senators:

BREEN of Cumberland  
BAILEY of York  
DAVIS of Piscataquis

Representatives:

PIERCE of Falmouth  
ARATA of New Gloucester  
CARDONE of Bangor  
CLOUTIER of Lewiston  
COREY of Windham  
FAY of Raymond  
HYMANSON of York  
MARTIN of Eagle Lake  
MILLETT of Waterford

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

Signed:

Representative:

FECTEAU of Augusta

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-737)**.

Reports **READ**.

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

Bill **READ ONCE**.

Committee Amendment "A" (H-737) **READ** and **ADOPTED**, in concurrence.

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

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

Senator **BREEN:** Thank you, Mr. President. Men and women of the Senate, I wanted to advise everybody, in case you were not present at caucus, that the bill has been amended to include only \$100 million for transportation. All the other measures that were in the bond have been stripped from the bill. In addition, the baseline of the budget, as proposed, already has debt service for an amount larger than this, so by passing this bond we will not be changing our General Fund spending at all. That's already in the baseline. Just want to clarify. Thank you for that, Mr. President.

The Bill was **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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Senate at Ease.

The Senate was called to order by the President.

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Off Record Remarks

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**RECESSED** until 3:00 in the afternoon.

After Recess 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

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)

In Senate, June 18, 2021, **FAILED ENACTMENT**, in **NON-CONCURRENCE**.

Comes from the House, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-640) AS AMENDED BY HOUSE AMENDMENT "B" (H-738)** thereto, in **NON-CONCURRENCE**.

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

(See action later today.)

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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 Reestablish Parole

H.P. 610 L.D. 842

In Senate, June 17, 2021, Report "**C**", **OUGHT NOT TO PASS**, **READ** and **ACCEPTED**, in **NON-CONCURRENCE**.

In House, June 17, 2021, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-717)**, in **NON-CONCURRENCE**.)

In Senate, June 18, 2021, on motion by Senator **VITELLI** of Sagadahoc, **INSISTED**.

Comes from the House, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-717) AS AMENDED BY HOUSE AMENDMENT "A" (H-736)** thereto, in **NON-CONCURRENCE**.

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

##### Non-Concurrent Matter

An Act To Prevent Increased Heating Fuel, Natural Gas, Gasoline and Diesel Fuel Pricing in Maine by Prohibiting Adoption of Rules Limiting Greenhouse Gas Emissions

H.P. 1108 L.D. 1498  
(C "A" H-435)

In Senate, June 9, 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-435)**, in **NON-CONCURRENCE**.

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

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

On further motion by same Senator, **TABLED** until Later in Today's Session, pending the motion by same Senator to **INSIST**.

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Senate at Ease.

The Senate was called to order by the President.

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#### HELD MATTER

Bill "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)

(In Senate, June 18, 2021, **FAILED ENACTMENT**, in **NON-CONCURRENCE**.)

(In House, June 30, 2021, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-640) AS AMENDED BY HOUSE AMENDMENT "B" (H-738)** thereto, in **NON-CONCURRENCE**.

(In Senate, June 30, 2021, on motion by Senator **VITELLI** of Sagadahoc, the Senate **RECEDED** and **CONCURRED**.)

On motion by Senator **DAUGHTRY** of Cumberland, the Senate **RECONSIDERED** whereby it **RECEDED** and **CONCURRED**.

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

Senator **DIAMOND** of Cumberland who would have voted NAY requested and received leave of the Senate to pair his vote with Senator **CURRY** of Waldo who would have voted YEA.

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

Senator **BENNETT:** Thank you, Mr. President. Just a reminder that what we're voting on here is Recede and Concurring with the improved version of this bill. Even if you're questionable about the bill, this measure accepts the amendment from the other Body, which actually makes it clear that the property taxes will be paid by this entity. So, I just encourage you to keep that in mind as you vote.

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

Senator **STEWART**: Thank you very much, Mr. President. Ladies and gentlemen of the Senate, I'm rising in opposition to the pending motion. As you'll recall from the last time we were here, some number of days ago, that this Body rejected this proposal and they did so because they felt it was in a poor fashion at the time. I understand that there has been an amendment in the other Body. However, that amendment does not make a bad bill any better. This is still a bad piece of legislation. What we're still talking about is a socialist takeover of two private companies in the state of Maine. All this amendment seeks to do is essentially bribe municipalities by overpaying the valuation of what their municipal revenues would have been from these two utilities. In my opinion, this is done in incredibly poor taste. It's done in the cloak - under the guise of darkness, at the last second. You know, the kerfuffle that happened down in the other end of House as we were trying to adjourn in the middle of the night when we were last here I think speaks to that. It's a desperate attempt to make a bad bill a little less bad but that doesn't mean that we should support it in this Body and so I would request that you follow my light and reject the pending motion. Thank you.

**THE PRESIDENT**: The Chair recognizes the Senator from Knox, Senator Miramant.

Senator **MIRAMANT**: Thank you, Mr. President. Colleagues of the Senate, I think the characterization was made that people voted a certain way from something they didn't understand. They voted very different ways from what it appeared in the bill to be saying something that we had already thought we figured out. The payment in lieu of taxes was supposed to be part of it. It was overlooked but never meant to go forward without it. So, we remedied that with this amendment. The other is that when we're sent here by the people it's for so many different reasons but one of them is to rein in bad actors, whether they're criminal bad actors or drugs or theft or whatever. When there's repeated attempts by the regulatory agencies, such as the PUC and the Public Advocate, to take care of some pretty bad behaviors from some bad actors, and I can list many but I'll stick with the two that this would represent, the two power pseudo-utilities, that they have been fined. They have been admonished. They have been called-out year after year to correct bad behavior that puts them at the bottom of the list of utilities, whether they be investor owned, consumer owned, whatever format. They fall to the bottom. Other people say, 'Really? Your power is off all that much. Something you rely on so strongly in these bad winters. This kind of stuff.' When does it fall to the people that are elected to do something about it? That's why it gets to this point. Nobody wants to take them over. What we want is reliable service that we are paying dearly for, more than most people pay in this country, and nobody seems to be able to do anything. This is how we do it. This is how we step up and say, 'You're right, our regulatory agencies' been useless.' The power companies are not going to correct themselves. We need to do something. This is the something and if we need to adjust it to make it work. So, we're correcting a situation that's gotten really bad. This is how we do it. It's not a last-ditch effort at anything. It's a way to make it work well. Thank you.

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

Senator **HICKMAN**: Thank you, Mr. President. Mr. President, may I pose a question through the Chair?

**THE PRESIDENT**: The Senator from Kennebec, Senator Hickman, can go ahead.

Senator **HICKMAN**: Thank you, Mr. President. Does the good representative from Aroostook consider the running of our liquor industry by the State a socialist take-over?

**THE PRESIDENT**: The Senator from Kennebec, Senator Hickman, has posed a question through the Chair to anyone who can answer. The Chair recognizes the Senator from Aroostook, Senator Stewart.

Senator **STEWART**: Thank you, Mr. President. I would have deferred to you on that one but I figured I should rise. Candidly, what we're talking about is you're trying to compare the three tiered system with a socialist take-over of two privately owned companies who are not going to be able to have a choice in this. I don't understand how you could conflate the two. They're quite different processes and in Maine we deregulated some 20 years ago. You've got generators who have to, basically, contract with the utilities to move the electrons around on the grid and they own that infrastructure and they are responsible for maintaining that infrastructure and, you know, it comes down on your bill in three different parts for that reason. Are you trying to say that the way the three tiered system is synonymous with a complete removal of these other players in the middle of this process and that the State is going to jump in and buy them all out and they won't have any say at all in what happens with the infrastructure that they own? I am not sure if I could pose that question through the Chair, maybe, but since we're here.

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

Senator **HICKMAN**: Thank you, Mr. President. I'm not comparing anything. I'm just wondering, since we graduated from a government take-over to a socialist take-over, language is important and when I just looked up, briefly, in the Google, socialist take-over all I see is fearmongering. So, if the government running an industry is a socialist take-over, I asked the question, the government runs the liquor industry in the state of Maine. Full stop. I haven't heard anyone complain about that being a socialist take-over nor have I heard anyone complain too much about their ability to get liquor when they want it. So, I'm just wondering if the government runs the liquor industry is that a socialist take-over of the State or not?

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

Senator **STEWART**: Thank you, Mr. President. I would say what you're comparing there is apples and, I don't know, basketballs because one is a utility, one has been identified by state government as necessary. The other is liquor. I mean, if you're trying to say that everybody needs liquor then yah, okay, sure. Maybe some in this Chamber do, I don't know. But I will say that, you know, if you're really trying to compare those two, and by the way there is an agency called the Public Utilities Commission.

The government does say, and essentially runs, the utilities because they can't operate outside of the box that the PUC and this Chamber puts them in. Really, actually, you know, under a similar sort of sub-set of what, you know, regulatory requirements exist around the liquor industry. That doesn't mean that the government is going to own every grocery store that sells liquor. In fact, it's quite the opposite. We've taken a step back from that and said, you know, we're going to have a process whereby which you can provide that product to, you know, willing customers. But these are very different things. Again, I'm very confused why we're trying to conflate the two.

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

Senator **TIMBERLAKE:** Well, imagine this. I can actually stand up here and smile without a mask on and address this. See we've heard PUC, Versant, CMP, liquor, and fearmongering. The PUC is not doing its job. That's a government run agency. Oh, and I should have added, 'Hi everybody, and I'm from the government and I'm here to help.' That should scare the ever-loving out of all of you. The PUC hasn't done its job. Versant is getting punished for not as much bad behavior as CMP. I don't think that's fair. I don't think there's anything about this bill that's fair. I don't think there's anything about anything here, Mr. President, that's being proposed that's fair. It's not ready for prime time. I don't know what liquor had to do with this but when someone said fearmongering I guess, yes, this is fearmongering. It scares me right to death. I have more fear about the government starting to take over different businesses and different organizations in the state of Maine. Do we really want to be thinking about where our country's headed, where our freedoms are headed, where we're about to go? I've had four different mayors approach me in the last two or three days, stating how this new amendment is not a fix to the bill. It's not ready. Mayors from big cities who you would think who don't really vote my side of the aisle. They're not ready for this. This isn't ready. I hope you join me in voting this down. You know, somebody asked me in the halls if I was going to vote for this and I said, 'Well, when the devil freezes over I'll vote for it,' and last I knew we was in climate change and the climate was warming up and so I didn't think that was probably going to happen today and I don't think it's going to be any different now. I hope all of you think about where this is headed with our freedoms and you own your company and the government deciding that you're not doing a good job so we're going to come over and take it over. We're going to do Walmart next? You going to do Hannaford? Where does it stop? It starts but never stops. Where does it stop? Please join me in voting no.

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

Senator **BENNETT:** Thank you, Mr. President. Freedoms. The freedom of a foreign company to extract rents from our people that we're here to represent. This is a natural monopoly, both of these two companies. They have to operate as such. You don't want everybody building poles and wires down your street. This is about competence, functioning, and actual performing the job for the people that we represent. The two incumbent investor-owned utilities, controlled by foreign companies and foreign governments, have failed at that. They have no incentive to

provide the kind of service under the existing rules and laws and under the capital market structure under which they are organized. I don't blame them for that but that's the way it is and the PUC has absolutely no ability, as its currently structured, to hold them ultimately accountable and that's what this bill does. It has a finding on page 1 about the lack of performance of these investor-owned utilities and they failed and it provides an avenue for the people of Maine to be better served. It's well-considered. COUs are the law of the land in about a third of this country. The state of Nebraska has COUs and that's not exactly a socialist state. It's run by Republicans, Conservatives. We have part of our own state that is governed and served by consumer-owned utilities, 97 communities. They don't have the kind of outages, the kind of reliability problems, or the kinds of elevated rates that CMP and Versant charge and it's time that we hold them accountable. This bill is well-considered. The last I checked it's daylight. It's been daylight throughout this debate for the last three years. It's time to get this bill on the Governor's desk and move it forward so the people of this state can control their energy future. Thank you, Mr. President.

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

Senator **CYRWAY:** Thank you, Mr. President. Ladies and gentlemen of the Senate, I hear both sides and I kind of understand both sides but, you know, growing up my father had a situation where they wanted to take some of his land, eminent domain, and it puts chills up my spine every time I hear that and that's what this is, eminent domain. It's a taking without choice. That's not freedom to me. We talk about out-of-country entities or we've got oil companies that we - are we going to take them eminent domain from Iran or Iraq or whatever? What are we going to do about our corridor? Are we going to take Massachusetts and say we own the corridor now, because Massachusetts is going to own that corridor. You know that. I'm just saying this, to me, is a PUC situation, which we should be putting our first objective to find out what the problem is and why it's not being dealt with properly. You know, so I'm saying that, like Senator Timberlake said, we're not ready for this. We really need to look at what the cause is instead of just pointing fingers and saying, 'Okay, let's take them over,' because I think that's not the answer. I think we've got to find out because we're going to end up going to the PUC again because we're going to have the same issue even if we take it over. We still have to be held responsible in getting the job done. So, I think that would be the first step and then go from there but I'm just not an eminent domain fan and that's why I would oppose this bill. Thank you, Mr. President.

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

Senator **BALDACCI:** Thank you, Mr. President. I just wanted to say a couple of things that are focused on facts and not feelings or political hyperbole. First of all, the first fact is that the ultimate decision is going to rest with the people of the state of Maine. We are not creating the publicly-owned utility. The people of Maine are going to consider it. They are the ultimate sovereign and they will consider it, as they should, at the ballot box. So, voting against this is a vote against letting the people decide. Fact number two, Bangor and most of Eastern Maine has Versant.

Versant is owned by the City of Calgary. It is already a socialist, if you will, utility. So, I don't know if you can have a socialist take-over of a socialist agency, but the fact is, fact three, is that both of these companies are foreign-owned. So, by having local control, and having the money in Maine, is not socialist take-over. It is really not only economic common sense but economic patriotism. So, I'm more than happy to vote in support of this with my colleagues, to send it to the people, the ultimate sovereign of this state, and let the people decide. Thank you.

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

Senator **CLAXTON:** Thank you, Mr. President. I was a little confused earlier on when the good Senator from Aroostook referenced 120%. My understanding is that was part of House Amendment 734 and is not part of this vote to Recede and Concur. Am I correct on that?

**THE PRESIDENT:** The good Senator from Androscoggin, Senator Claxton, has posed a question definitely through the Chair to somebody else that can answer. The Chair recognizes the Senator from Androscoggin, Senator Libby.

Senator **LIBBY:** Thank you, Mr. President. Men and women of the Senate, I rise to try to answer the question posed by my colleague from Androscoggin. We're considering a bill that's been amended by the House and the House accepted House Amendment 738, 738 is the House Amendment that was accepted. This is the amendment that strikes the language from the original Committee Amendment regarding payments in lieu of taxes and instead subjects this new entity, should it be enacted by the people, subjects this entity to local property taxes. So, for myself, I gave brief remarks on this bill a few days ago. Lewiston being a pretty significant recipient of property tax from CMP, it was, I think, a real concern that it just would not make the cuts. So, by adopting this amended version from the House this new consumer-owned utility would be subject to property tax. For me, that addresses concerns around tax increment financing districts. It addresses concerns around revenue sharing, general purpose aid to education, tax abatement, assessment, and a number of issues that the municipal community expressed to us over the course of reviewing this bill. So, given the amendment that's here, I still think there are some risks going down this path but I think one of the large concerns that several of us had have been addressed by this amendment. Thank you, Mr. President.

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

**ROLL CALL (#464)**

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

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

PAIRED: Senators: CURRY, DIAMOND

18 Senators having voted in the affirmative and 15 Senators having voted in the negative, with 2 Senators having paired their votes, 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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**ORDERS OF THE DAY**

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

An Act To Prevent Increased Heating Fuel, Natural Gas, Gasoline and Diesel Fuel Pricing in Maine by Prohibiting Adoption of Rules Limiting Greenhouse Gas Emissions

H.P. 1108 L.D. 1498  
(C "A" H-435)

Tabled - June 30, 2021 by Senator **VITELLI** of Sagadahoc

Pending - motion by same Senator to **INSIST**

(In Senate, June 9, 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-435)**, in **NON-CONCURRENCE**.)

(In House, June 30, 2021, that Body **INSISTED** on its former action whereby the Majority **OUGHT NOT TO PASS** Report was **READ** and **ACCEPTED**.)

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 (#465)**

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

34 Senators having voted in the affirmative and no Senators having voted in the negative, with 1 Senator being excused, the motion by Senator **VITELLI** of Sagadahoc to **INSIST PREVAILED**.

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

**PAPERS FROM THE HOUSE**

**Non-Concurrent Matter**

Resolve, To Improve the Individualized Education Program Process

H.P. 397 L.D. 552  
(C "A" H-247)

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

In House, June 30, 2021, **RECALLED** from the Governor's Desk, pursuant to Joint Order (H.P. 1292).

Comes from the House, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-247) AS AMENDED BY HOUSE AMENDMENT "A" (H-739)** thereto, in **NON-CONCURRENCE**.

On motion by Senator **VITELLI** of Sagadahoc, the Senate **RECEDED** 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 Prohibit Offshore Wind Power Development in Territorial Waters and Submerged Lands of the State  
S.P. 512 L.D. 1619  
(S "A" S-351 to C "A" S-316)

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

**Acts**

An Act To Facilitate Maine's Climate Goals by Encouraging Use of Electric Vehicles  
H.P. 245 L.D. 347  
(S "A" S-340 to C "A" H-651)

An Act To Amend the Law Regarding Advance Health Care Directives  
H.P. 822 L.D. 1144  
(C "A" H-720; S "A" S-353)

An Act To Strengthen Protections against Civil Asset Forfeiture  
H.P. 1125 L.D. 1521  
(C "A" H-711)

An Act To Enhance Enforcement of Employment Laws  
S.P. 525 L.D. 1711  
(C "A" S-347; S "A" S-350)

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

An Act To Regulate Sports Betting  
S.P. 437 L.D. 1352  
(H "A" H-732 to C "A" S-343)

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

An Act Concerning Climate and Community Investment Projects  
H.P. 902 L.D. 1231  
(C "A" H-664)

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

An Act To Keep All Maine Students Safe by Restricting the Use of Seclusion and Restraint in Schools  
H.P. 1007 L.D. 1373  
(H "B" H-729 to C "A" H-545)

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 Androscoggin, Senator Timberlake.

Senator **TIMBERLAKE:** Thank you, Mr. President and ladies and gentlemen of the Senate. I'm sorry to rise here but this bill is a very concerning bill to me. The amendment that was put on it doesn't fix this bill. It didn't make it into a better bill. I've talked to the people that are running Murphy Homes. This has a potential of this costing the State of Maine a lot of money by sending kids out of the state. Teachers are very very concerned. This is - I can't even believe we're here. I mean, I listened to, and I'll just be up front, my sister, Representative Lyman. Thirty-seven years a teacher. Loves her kids. Loved everything about it. As I told you once before, spent two or three weeks without any sleep because she thinks she's failing the children. The point I didn't understand because I'm not a teacher, I'm an old fashion farm boy, and I couldn't understand it but I got more telephone calls around this bill from teachers, principals, superintendents, and all of them saying how bad this bill is and I hope you will join me this afternoon in voting this down. This is not going to help our children. These children with special needs need to have this and the teachers and the instructors in these schools need these rules to help them and actually keep our kids much safer and the kids around them. So, you know, I kind of almost beg of you to please join me in voting this down this afternoon. This is not a good bill.

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

Senator **RAFFERTY:** Thank you, Mr. President. I respect the concerns expressed by Senator Timberlake but I rise in support of this bill. Initially, I do believe that this was an extremely emotional bill. It was a difficult bill to work through our committee and it might be the most amended bill that we have processed as a committee and I know that the sponsor has worked extremely hard and diligently to express all those concerns. The concerns we're talking about have to do with seclusion. Seclusion will not be changed in this bill. So, the only change that this bill is asking for is that we remove the use of restraint utilizing a prone position which, as we have seen, I think, nationwide that that is not exactly a good position to use. It's resulted in a lot of injury and, in some cases, death in different environments. So, I am speaking in terms of the seclusion piece. It was questionable. That is what's able to be used. I have been an educator. I've heard from other educators. Talked to people across the state. Some of these private institutions that are for-profit and their use of seclusion is important to them. That's why seclusion has been put back into the bill by amendment. So, I urge you to support this bill. I think it is the right direction for us to be moving in although, wholeheartedly, I would like to, down the road, work to eliminate seclusion but that's just a personal want of mine but that is not what's in this bill. We're dealing with a prone position being removed along with any potential mechanical restraints or otherwise, not used by anyone to our knowledge anyway. So, again, I rise in support and ask you to support the bill as well. 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 just have a question: why we are not going by the Principal's Association recommendations? If anybody can answer that.

**THE PRESIDENT:** The Senator from Kennebec, Senator Cyrway, has posed a question through the Chair to anyone who may answer. The Chair recognizes the Senator from York, Senator Rafferty.

Senator **RAFFERTY:** Thank you, Mr. President. Sir, to be honest with you, it's difficult for me to remember who was for and who was against and who stood in-between but I do know that the Department feels that this bill is usable, can work with all these amendments we've made. The Autism Society, along with their experts, so I look at the experts and the Department of Education, the experts in the Autism Society telling us this is now workable. When we made that amendment, when that amendment was made in terms of the seclusion, it made it more workable. I have not heard anyone opposed to this since that amendment became attached to this bill. Maybe you have. I know initially I was bombarded. I didn't sleep well either because it just didn't sit well with me but I struggle when I envision those seclusions but, again, it's a method that we're using today. This bill does nothing to take that option away but I think the prone position is what I am envisioning we're going to take that off that table and that's what this bill does. I, again, urge you to support the bill. Thank you.

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

Senator **WOODSOME:** Thank you, Mr. President. I'm very surprised to hear my fellow seatmate here say that the Department of Education has come out in support of this. I worked very closely with them and I have not heard a word of approval or saying this is a good bill. So, I question that approval but not necessarily what Joe's saying here.

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

Senator **TIMBERLAKE:** Thank you, Mr. President and ladies and gentlemen of the House, Senate, whatever.

**THE PRESIDENT:** Let's be sure. It makes a difference.

Senator **TIMBERLAKE:** I'm not sure some days. To answer part of the question, in the conversations I've had in the last two or three days with the Chief Executive's Office and with two or three principals and with Murphy Homes, they do not feel that they are supporting this. They are still not supporting this and so I just ask you to take the people that are working with it and the experts in the field and, last time I knew, the Education Department wasn't totally onboard with this either. So, I just, I ask that you really consider what you're about to vote on. I think this is a bad bill and if we need to bring it up again next year and revisit the whole thing but I think this is the possibility for this to go really bad and go south. So, it's at the end of session. It should go away.



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

Senator **DAUGHTRY:** Thank you, Mr. President. Ladies and gentlemen of the Senate, I know this is, I think, the third time we've discussed this bill in front of this Body and I want to echo that I've lost count of how many times we've discussed this important matter in front of the Education Committee and in front of the Legislature, as a whole. I was first elected nine years ago, so that would make it the 126<sup>th</sup> Maine Legislature, and this is something that has come up time and time again because it is crucial and key to not only protect our students, our children, as well as our educators. It's also key that we adapt to find the best way possible to educate our students in a safe and protected manner and correct particular practices that have been shown to have strong ramifications on a child's educational success. I can tell you that the bill in front of you did not come from nowhere. This came from many, many different conversations with practitioners, with educators, with students, with parents, with advocates, with everyone involved. This is something that has been heard time and time again and the bill's sponsor worked incredibly diligently to try to find an amendment that starts the ball rolling and really works to keep our students and our educators safe. The Education Committee worked really hard to get to this point. I really urge you to support the strong work of this amendment and I can tell you this is something - this is not the end of the conversation. It's merely strengthening the beginning, taking an important first step to protect our children and make sure educators have the tools that they need. Please follow my light.

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

#### ROLL CALL (#466)

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

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

EXCUSED: Senator: CURRY

19 Senators having voted in the affirmative and 15 Senators having voted in the negative, with 1 Senator being excused, was **PASSED TO BE ENACTED** and, having been signed by the President, was presented by the Secretary to the Governor for approval.

**Act**

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  
(C "A" S-215; H "A" H-584)

Comes from the House **FAILED ENACTMENT**.

On motion by Senator **BREEN** of Cumberland, placed on the **SPECIAL APPROPRIATIONS TABLE** pending **ENACTMENT**, in **NON-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:

#### ENACTORS

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

#### Emergency Measure

An Act Making Unified Appropriations and Allocations for the Expenditures of State Government, General Fund and Other Funds and Changing Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 2021, June 30, 2022 and June 30, 2023

H.P. 156 L.D. 221  
(C "A" H-735)

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 (#467)

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

NAYS: Senators: GUERIN, POULIOT

EXCUSED: Senator: CURRY

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.

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Senate at Ease.

The Senate was called to order by the President.

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### HELD BILL

Resolve, To Reestablish the Commission To Study College Affordability and College Completion (EMERGENCY)  
S.P. 108 L.D. 247  
(C "A" S-202)

(In House, June 9, 2021, **FINALLY PASSED**.)

(In Senate, June 30, 2021, **FAILED FINAL PASSAGE**, in **NON-CONCURRENCE**.)

On motion by Senator **WOODSOME** of York the Senate **RECONSIDERED** whereby the Bill **FAILED FINAL PASSAGE**, in **NON-CONCURRENCE**.

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

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

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### ORDERS OF THE DAY

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

An Act To Preserve Deer Habitat

H.P. 288 L.D. 404  
(C "A" H-254)

Tabled - June 8, 2021 by Senator **BREEN** of Cumberland

Pending - **ENACTMENT**, in concurrence

(In Senate, June 3, 2021, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-254)**, in concurrence.

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

On motion by Senator **BLACK** of Franklin, 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-254)**, 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-254), in concurrence.

On further motion by same Senator, Senate Amendment "B" (S-354) to Committee Amendment "A" (H-254) **READ** and **ADOPTED**.

Committee Amendment "A" (H-254) as Amended by Senate Amendment "B" (S-354) thereto, **ADOPTED**, in **NON-CONCURRENCE**.

**PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-254) AS AMENDED BY SENATE AMENDMENT "B" (S-354)** thereto, in **NON-CONCURRENCE**.

Ordered sent down forthwith for concurrence.

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All matters thus acted upon 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:

### ENACTORS

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

### Bond Issue

An Act To Authorize a General Fund Bond Issue To Improve Transportation

H.P. 1265 L.D. 1702  
(C "A" H-737)

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 (#468)**

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

NAYS: Senator: POULIOT

EXCUSED: Senator: CURRY

This being a Bond Authorization Act, in accordance with the provisions of Section 14 of Article IX of the Constitution, 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 Members present and voting, was **PASSED TO BE ENACTED** and, having been signed by the President, was presented by the Secretary to the Governor for approval.

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

**PAPERS FROM THE HOUSE**

**Joint Resolution**

The following Joint Resolution:

H.P. 1296

**JOINT RESOLUTION  
MEMORIALIZING THE PRESIDENT OF  
THE UNITED STATES AND THE UNITED STATES  
CONGRESS TO FIX THE  
SO-CALLED FAMILY GLITCH IN THE  
FEDERAL AFFORDABLE CARE ACT**

WE, your Memorialists, the Members of the One Hundred and Thirtieth Legislature of the State of Maine now assembled in the First Special Session, most respectfully present and petition the President of the United States and the United States Congress, as follows:

WHEREAS, under the federal Affordable Care Act, individuals receive subsidies to reduce premium costs for health plans purchased through the marketplace and, in addition, the lowest-income enrollees are eligible for cost-sharing reductions that lower deductibles and copayments; and

WHEREAS, the so-called "family glitch" in the federal Affordable Care Act prohibits family members from enrolling in marketplace plans with lower premiums and cost sharing if one member of the family has an offer of affordable employer coverage, which is currently defined as affordable if the premium is less than 9.83% of family income; and

WHEREAS, family members are barred from receiving subsidies in the marketplace even if the cost of family coverage offered by the employer is above 9.83% of family income; and

WHEREAS, an April 2021 analysis by the Kaiser Family Foundation estimates that 5.1 million Americans are affected by this provision, including 34,000 residents of Maine; and

WHEREAS, this provision restricts these residents from receiving subsidies and cost-sharing reductions so that they can access affordable and high-quality health care coverage; and

WHEREAS, proposals to fix the "family glitch" are under consideration by the President of the United States and the United States Congress; now, therefore, be it

RESOLVED: That We, your Memorialists, on behalf of the people we represent, take this opportunity to respectfully request that the President of the United States and the United States Congress fix the "family glitch" in the federal Affordable Care Act through administrative action, if permitted, or through the enactment of legislation; and be it further

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the Honorable Joseph R. Biden, Jr., President of the United States; the President of the United States Senate; the Speaker of the United States House of Representatives; and each Member of the Maine Congressional Delegation.

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

The Joint Resolution was **READ**.

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

Senator **SANBORN:** Thank you, Mr. President. I rise briefly on behalf of the committee, the Health Coverage, Insurance, and Financial Services Committee, to just describe this major issue that we are going to have to resolve if the federal government does not do so, which is called the Family Glitch. It's been a problem in the Affordable Care Act since its passage. It's expensive for the federal government to fix it but this is one of the primary barriers standing in the way of Mainers being able to obtain affordable coverage. It arises this way, which is to say that if your employer pays for your health insurance or some portion of your health insurance such that that health insurance for you costs less than 9.83% of your income then no matter how much it costs to cover your spouse or your kids they are not eligible for any subsidizes on the Affordable Care Act marketplace. We heard stories in our committee about folks who had gotten a divorce because of the family glitch. If they were divorced they could each access health insurance. Ladies and gentlemen of the Senate, we should not live in a country where you have to get divorced in order to access healthcare. Please join with me in sending this message to Congress, that we have to fix the family glitch and we have to do it on a federal level and we need to do it now. Thank you.

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

Senator **STEWART:** Thank you very much, Mr. President. Ladies and gentlemen of the Senate, I appreciate the remarks of my colleague from Cumberland and I appreciate this Resolution coming forward. I feel like this is the right avenue to approach to

fix this problem. In fact, that was where the Republican opposition on previous efforts came from, because this really needs to be fixed in D.C. and so I appreciate the sponsor bringing this forward. I echo her remarks and fully support this measure. 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 pending question before the Senate is Adoption. Is the Senate ready for the question?

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

#### ROLL CALL (#469)

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

34 Senators having voted in the affirmative and no Senators having voted in the negative, with 1 Senator being excused, the Joint Resolution was **ADOPTED**, in 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 Limit Reincarceration for Persons on Probation  
H.P. 626 L.D. 858  
(H "A" H-683 to C "A" H-678)

In Senate, June 17, 2021, **PASSED TO BE ENACTED**, in concurrence.

In House, June 30, 2021, **RECALLED** from the Governor's Desk, pursuant to Joint Order (H.P. 1297).

Comes from the House, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-678) AS AMENDED BY HOUSE AMENDMENTS "A" (H-683) AND "B" (H-741)** thereto, 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.

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

Senator **CARNEY:** Thank you, Mr. President. I just want to speak very briefly to the pending motion to let people know what is going on with the House Amendments. The House Amendments, in substance, amend the bill in order to remove the need for a fiscal note and essentially what the bill now does is provide that when a probation officer has probable cause to believe a person has violated a condition of probation that is not itself a crime the probation officer may, instead of commencing a revocation proceeding, offer the person the opportunity to participate in a public restitution or treatment program within the community and that graduated sanctions rather than incarceration would apply if that condition is violated. There is a second House Amendment that also provides that if the probation officer feels that there is a significant risk to the safety of others that cannot be managed through a non-custodial response the probation officer can pursue eradication proceedings. Thank you very much.

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

Senator **POULIOT:** Mr. President, in case those in the Chamber are wondering, I get these really great lists of bills that I'm supposed to roll call from our wonderful staff and I actually mixed up the list from the good Senator from Sagadahoc, her list of bills she was going to run, so I'm roll calling those that I don't even need to roll call. So, I remove my request for a roll call, Mr. President. Thank you.

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

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

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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 Resolve

Resolve, Establishing the Commission To Research Effective Strategies and Efficiencies of Legislatures  
S.P. 341 L.D. 1073  
(S "A" S-333 to C "A" S-199)

Senator **BAILEY** of York moved the Bill and accompanying papers be placed on the **SPECIAL APPROPRIATIONS TABLE** pending **FINAL PASSAGE**, in concurrence.

Same Senator requested and received leave of the Senate to withdraw her motion to place the Bill and accompanying papers on the **SPECIAL APPROPRIATIONS TABLE** pending **FINAL PASSAGE**, in concurrence.

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

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

An Act To Amend Maine's Harness Racing Laws Regarding Race Dates and Pari-mutuel Pools (EMERGENCY)  
H.P. 1200 L.D. 1611

Tabled - June 30, 2021 by Senator **VITELLI** of Sagadahoc

Pending - **FURTHER CONSIDERATION**

(In Senate, June 15, 2021, the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-403) AS AMENDED BY HOUSE AMENDMENT "A" (H-546)** thereto, in concurrence.)

(In House, June 18, 2021, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-403) AS AMENDED BY HOUSE AMENDMENTS "A" (H-546) AND "B" (H-687)** thereto, 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.

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

#### ROLL CALL (#470)

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

NAYS: Senators: **BAILEY**, **BREEN**, **CARNEY**, **CHIPMAN**, **LUCHINI**, **SANBORN**

EXCUSED: Senator: **CURRY**

28 Senators having voted in the affirmative and 6 Senators having voted in the negative, with 1 Senator being excused, the motion by Senator **VITELLI** of Sagadahoc to **RECEDE** and **CONCUR PREVAILED**.

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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 Relating to Fair Chance in Employment  
H.P. 845 L.D. 1167  
(C "A" H-305)

In Senate, June 9, 2021, **PASSED TO BE ENACTED**, in concurrence.

In House, June 30, 2021, **RECALLED** from the Governor's Desk, pursuant to Joint Order (H.P. 1288).

Comes from the House, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-305) AS AMENDED BY HOUSE AMENDMENT "A" (H-742)** thereto, 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.

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

Senator **HICKMAN:** Thank you, Mr. President. I'd just like to let the Senate know that the House Amendment changed and clarified the Committee Amendment about when and how a perspective employee's criminal history can be discussed with the interviewer. Thank you, Mr. President.

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

**ROLL CALL (#471)**

YEAS: Senators: BAILEY, BALDACCI, BREEN, BRENNER, CARNEY, CHIPMAN, CLAXTON, 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, TIMBERLAKE, WOODSOME

EXCUSED: Senator: CURRY

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**.

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

Off Record Remarks

**RECESSED** until the sound of the bell.

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

Off Record Remarks

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 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  
(H "B" H-738 to C "A" H-640)

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 Cumberland, Senator **DIAMOND**, and the Senator from Penobscot, Senator **DILL**, and further excused the same Senators from today's Roll Call votes.

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

**ROLL CALL (#472)**

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

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

EXCUSED: Senators: CURRY, DIAMOND, DILL

18 Senators having voted in the affirmative and 14 Senators having voted in the negative, with 3 Senators being excused, was **PASSED TO BE ENACTED** and, having been signed by the President, was presented by the Secretary to the Governor for approval.

**Resolve**

Resolve, To Improve the Individualized Education Program Process

H.P. 397 L.D. 552  
(H "A" H-739 to C "A" H-247)

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

**RECESSED** until the sound of the bell.

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

Off Record Remarks

**ORDERS OF THE DAY**

The Chair laid before the Senate the following Tabled and Later Assigned (6/18/21) matter:

HOUSE REPORTS - from 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

Report "**A**" - **Ought to Pass as Amended by Committee Amendment "A" (H-727)** (6 members)

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

Report "**C**" - **Ought to Pass as Amended by Committee Amendment "B" (H-728)** (2 members)

Tabled - June 18, 2021 by Senator **VITELLI** of Sagadahoc

Pending - motion by Senator **LAWRENCE** of York to **ADOPT** Senate Amendment "A" (S-348) to Committee Amendment "B" (H-728)

(In House, June 17, 2021, 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)**.)

(In Senate, June 18, 2021, Reports **READ**, on motion by Senator **DESCHAMBAULT** of York, Report "**C**", **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "B" (H-728)**, **READ** and **ACCEPTED**, in **NON-CONCURRENCE**. On motion by Senator **LAWRENCE** of York, Senate Amendment "A" (S-348) to Committee Amendment "B" (H-728) **READ**.)

Senator **LAWRENCE** of York requested and received leave of the Senate to withdraw his motion to **ADOPT** Senate Amendment "A" (S-348) to Committee Amendment "B" (H-728).

On further motion by same Senator, Senate Amendment "C" (S-359) to Committee Amendment "B" (H-728) **READ**.

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

Senator **LAWRENCE:** Thank you, Mr. President. This amendment amends the second step. The first step would remain as a civil violation of 100 violations or referral to a treatment program. The second step would be a fine of up to \$200 and referral to a treatment program. The third violation - the third offence would be a criminal offence. Thank you.

On motion by Senator **LAWRENCE** of York, Senate Amendment "C" (S-359) to Committee Amendment "B" (H-728) **ADOPTED**.

Committee Amendment "B" (H-728) as Amended by Senate Amendment "C" (S-359) thereto, **ADOPTED**, in **NON-CONCURRENCE**.

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

Senator **CYRWAY:** Thank you, Mr. President. Permission to speak on this.

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

Senator **CYRWAY:** Thank you, Mr. President. Ladies and gentlemen of the Senate, I wanted to speak on this bill just because I have concerns for it. So, I kind of wrote to the Governor about my concerns and this Act to Make Possession of Scheduled Drugs for Personal Use a Civil Penalty, you know, was brought to my attention because I'm a lifelong advocate for drug avoidance and not only as an educator but because I have witnessed the human toll substance abuse disorder has on our children and communities. That said, I know from experience that encounters with law enforcement are often the path for connecting individuals with treatment and Maine lacks widespread availability of these services. It is the incentive of criminal charges that force individuals into treatment. A fine alone is not enough of a deterrent or incentive. The theory proposed by L.D. 967 assumes that decriminalization alone will stem the harms of drug use and relies on voluntary choices between fines and treatment. The fine amounts are simply not enough to incentivize an individual to pursue voluntary treatment. We know from the ways law enforcement has created diversion programs regionally there are not enough providers in communities statewide. While incarceration is not an answer to the drug epidemic, we lack availability of addiction related health services to support Mainers, regardless of where they live currently. The path to decriminalization proposed by a pending Senate Amendment to L.D. 967 is more palatable but still doesn't provide more services. It creates a greater demand for them. Individuals are waiting for treatment that is not available to them are far more likely to die of an overdose. This is happening now to individuals released from our jails, where there are no services in the communities they return to, or individuals who are weeks for caseworkers to connect with them. They're 80 times more likely to die of a drug overdose and this statistic is even higher amongst females. Governor Mills and I touched a little on the Vermont model when we were on Zoom coffee meeting a few months ago and Vermont created a panel of individuals who are tasked with exploring each scheduled substance to determine a truly appropriate weight amount for a personal use as consumed and keeps tough on trafficking and mandates treatment, coupled with a hub and spoke model of treatment services. These supports need to be in place from Moxie to Meddybemps before we throw out the current drug court model. If L.D. 967 passes it's nearly impossible for officers that will have a harder time justifying the use of drug recognition experts to test the impairment. I really want you to consider to our state the harm we can do by approving this bill. I know you share my concerns for the Maine citizens and making sure that we are supporting them in the best possible way. As always, I'm available and I'm willing to do what I can to help our communities and the drug culture and try to help stop this but this isn't the way. Thank you, Mr. President.

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

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

Senator **TIMBERLAKE**: He gives me one job to do and then he questions the way I do it. I request a roll call, Mr. President.

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 Penobscot, Senator Baldacci.

Senator **BALDACC**: Thank you, Mr. President. I also rise to indicate my opposition to this particular bill. I understand it's well-meaning and well-intentioned and I support some of the goals that are associated with it, but I think that it needs a lot more work. It should be referred back to the committee. It needs to be further vetted with judges and law enforcement and communities. We are in the middle of an opioid epidemic and I agree that we need to enlarge the world of restorative justice. I think we have taken huge steps in this Senate to do that, both with nearly \$200 million in treatment programs as well as modifying some current structures of our criminal justice system. The passage of deferred disposition law, I think, on a bi-partisan basis that gives prosecutors broad discretion to assess each case and determine who should - what avenues they should go down and whether they should have treatment or whether they need other forms of dealing with the situation. A \$200 fine is not dealing with the situation and then making further - after the first or second making the remainder Class C crimes, and I am not one that often makes this kind of statement, but in my opinion is like a free pass and I understand it's well-intentioned. I've worked as a city counselor. Bangor is one of those cities, like many others, that have been hard hit by opioid and I've talked to both - I've been on patrol with the police and I've talked to our judges, I've talked to people in the community. So, I don't feel like I'm stepping out of place here but I seriously think that there are serious flaws with this approach. I think it needs to be further worked on. Decriminalization of some of these drugs makes sense but having a blanket decriminalization and then really having, at no point, punitive measures when treatment fails, and treatment will fail, and I do applaud all of those but we do not live in a perfect world. We're all imperfect. We're all flawed. Treatment is going to take time. Treatment needs to be an answer. I think we put our money where our mouth is but passing this bill is not ready for prime time. I think it could do more damage than it will do good. Thank you.

**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. There is nothing free about substance use disorder to those who suffer from it. Nothing free at all. No one who is addicted to anything that harms them will ever be given a free pass by anyone, Mr. President. This amendment to this bill does not decriminalize drugs. This bill, this amendment to this bill, decriminalizes addiction. This amendment decriminalizes addiction. It does not decriminalize drugs and the people of Maine and law enforcement officers on the ground in Maine need us to pass this bill. Thank you, Mr. President.

**THE PRESIDENT**: The pending question before the Senate is Passage to be Engrossed as Amended by Committee Amendment "B" (H-728) as Amended by Senate Amendment "C" (S-359) thereto. Is the Senate ready for the question?

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

### ROLL CALL (#473)

**YEAS**: Senators: BAILEY, BREEN, BRENNER, CARNEY, CHIPMAN, DAUGHTRY, HICKMAN, LAWRENCE, LIBBY, MAXMIN, MIRAMANT, POULIOT, SANBORN, VITELLI

**NAYS**: Senators: BALDACC, BENNETT, BLACK, CLAXTON, CYRWAY, DAVIS, DESCHAMBAULT, FARRIN, GUERIN, KEIM, LUCHINI, MOORE, RAFFERTY, ROSEN, STEWART, TIMBERLAKE, WOODSOME, PRESIDENT JACKSON

**EXCUSED**: Senators: CURRY, DIAMOND, DILL

14 Senators having voted in the affirmative and 18 Senators having voted in the negative, with 3 Senators being excused, **PASSAGE TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (H-728) AS AMENDED BY SENATE AMENDMENT "C" (S-359) thereto, in NON-CONCURRENCE, FAILED.**

Sent down for concurrence.

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

### ENACTORS

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

### Acts

An Act To Limit Reincarceration for Persons on Probation  
H.P. 626 L.D. 858  
(H "A" H-683; H "B" H-741 to  
C "A" H-678)

An Act To Amend Maine's Harness Racing Laws Regarding Race Dates and Pari-mutuel Pools  
H.P. 1200 L.D. 1611  
(H "A" H-546; H "B" H-687 to  
C "A" H-403)

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



An Act Relating to Fair Chance in Employment

H.P. 845 L.D. 1167  
(H "A" H-742 to C "A" H-305)

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 (#474)**

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

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

EXCUSED: Senators: CURRY, DIAMOND, DILL

20 Senators having voted in the affirmative and 12 Senators having voted in the negative, with 3 Senators being excused, was **PASSED TO BE ENACTED** and, having been signed by the President, was presented by the Secretary to the Governor for approval.

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

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Off Record Remarks

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Senate at Ease.

The Senate was called to order by the President.

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Off Record Remarks

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On motion by Senator **VITELLI** of Sagadahoc, **ADJOURNED** until Thursday, July 1, 2021 at 3:00 in the afternoon.