

# 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  
Monday  
July 19, 2021

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

Prayer by Senator Stacy F. Brenner of Cumberland County.

**SENATOR BRENNER:** Thank you. Good morning, everyone. Today is the 200<sup>th</sup> day of the year and it's also the 173<sup>rd</sup> anniversary of the Seneca Falls Convention which launched the women's rights movement in the United States and lead, most notably, to the 19<sup>th</sup> Amendment which in August will be 101 years old. The women who organized the conference were Quakers and so I have an infinity for them. There were five of them and they were brought up in Quaker schools and within the faith. I was also a product of Quaker education and my husband, John, and I were married under the care of the Friends Meeting of Portland. So, Quakers believe that there's that of God in all of us and that this can best be accessed through the power of silent worship together in community and so I'm going to ask that we spend a moment in silence together. I don't think you'll indulge me an hour so we'll just do a moment. Meeting usually starts with a query or a quote and ends in fellowship where we shake hands or grasps arms and acknowledge our shared humanity. So, our quote this morning is from Audrey Lord. 'It is not our differences that divide us. It is our inability to recognize, accept, and celebrate those differences.' Thank you.

Pledge of Allegiance led by Senator Stacey K. Guerin of Penobscot County.

Reading of the Journal of Thursday, July 1, 2021.

Off Record Remarks

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

**REPORTS OF COMMITTEES**

**Senate**

**Divided Report**

The Majority of the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** on Bill "An Act To Provide Allocations for the Distribution of State Fiscal Recovery Funds" (EMERGENCY) S.P. 577 L.D. 1733

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-397).**

Signed:

Senators:  
BREEN of Cumberland  
BAILEY of York

Representatives:  
PIERCE of Falmouth  
CARDONE of Bangor  
CLOUTIER of Lewiston  
FAY of Raymond  
HYMANSON of York  
MARTIN of Eagle Lake

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "B" (S-398).**

Signed:

Senator:  
DAVIS of Piscataquis  
Representatives:  
COREY of Windham  
DUCHARME of Madison  
MILLETT of Waterford

Reports **READ.**

Senator **BREEN** of Cumberland moved the Senate **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (S-397)** Report.

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

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

**ROLL CALL (#477)**

YEAS: Senators: BAILEY, BALDACCI, BREEN, BRENNER, CARNEY, CHIPMAN, CLAXTON, CURRY, 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: Senator: LAWRENCE

21 Senators having voted in the affirmative and 13 Senators having voted in the negative, with 1 Senator being excused, the motion by Senator **BREEN** of Cumberland to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (S-397)** Report **PREVAILED**.

Bill **READ ONCE**.

Committee Amendment "A" (S-397) **READ**.

On motion by Senator **BREEN** of Cumberland, Senate Amendment "A" (S-399) to Committee Amendment "A" (S-397) **READ**.

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

**ROLL CALL (#478)**

YEAS: Senators: BAILEY, BALDACCI, BREEN, BRENNER, CARNEY, CHIPMAN, CLAXTON, CURRY, 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: Senator: LAWRENCE

21 Senators having voted in the affirmative and 13 Senators having voted in the negative, with 1 Senator being excused, the motion by Senator **BREEN** of Cumberland to **ADOPT** Senate Amendment "A" (S-399) to Committee Amendment "A" (S-397) **PREVAILED**.

On motion by Senator **BREEN** of Cumberland, Senate Amendment "B" (S-400) to Committee Amendment "A" (S-397) **READ**.

Senate at Ease.

The Senate was called to order by the President.

Senator **BREEN** of Cumberland requested and received leave of the Senate to withdraw her motion to **ADOPT** Senate Amendment "B" (S-400) to Committee Amendment "A" (S-397).

On motion by Senator **VITELLI** of Sagadahoc, the Senate **RECONSIDERED** whereby it **ADOPTED** Senate Amendment "A" (S-399) to Committee Amendment "A" (S-397).

Off Record Remarks

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 (#479)**

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

NAYS: Senators: None

EXCUSED: Senator: LAWRENCE

34 Senators having voted in the affirmative and no Senators having voted in the negative, with 1 Senator being excused, the motion by Senator **BREEN** of Cumberland to **ADOPT** Senate Amendment "A" (S-399) to Committee Amendment "A" (S-397) **PREVAILED**.

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

Senator **BREEN:** Mr. President, men and women of the Senate, apparently I'm okay with numbers but not so good with letters. So, my apologies. That was entirely my mistake and I apologize. So now I would like to present Senate Amendment "B" with a filing number of S-400 to Committee Amendment "A" and move its adoption.

On motion by Senator **BREEN** of Cumberland, Senate Amendment "B" (S-400) to Committee Amendment "A" (S-397) **READ**.

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

**ROLL CALL (#480)**

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

NAYS: Senators: BENNETT, TIMBERLAKE

EXCUSED: Senator: LAWRENCE

32 Senators having voted in the affirmative and 2 Senators having voted in the negative, with 1 Senator being excused, the motion by Senator **BREEN** of Cumberland to **ADOPT** Senate Amendment "B" (S-400) to Committee Amendment "A" (S-397) **PREVAILED**.

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

Senator **DAVIS:** Thank you very much, Mr. President. I'm quite pleased that I wasn't the only one confused this morning, which is probably surprising to most.

On motion by Senator **DAVIS** of Piscataquis, Senate Amendment "C" (S-403) to Committee Amendment "A" (S-397) **READ**.

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

Senator **DAVIS:** Thank you, Mr. President. Colleagues of the Maine State Senate, I rise today to speak on the subject of the amendment that I just offered. I first want to say, many of you have heard the rumors, that there hasn't been a lot of compromise in this amendment. I assure you that is not correct. I will give you a few of them. One of the major things that this amendment does is it increases the transfer of the ARP funds, which is the American Rescue Plan, to the Department of Labor Unemployment Compensation Fund from \$80 million to \$100 million. This is important because, in talking with the Administration and others, if only \$80 million is transferred it could lead to a 20% increase in unemployment rates. Transferring \$100 million, or an extra \$20 million, will make it so that there is no increase in the rates. The number one thing we can do with this money is make sure that the businesses and the job creators of this state who had to lay people off because of the pandemic

are not seeing a crippling rate increase. Another thing the amendment does is to make sure that the \$50 million going into affordable housing does not have strings attached when granting of the bids to build the housing. We do not care if it is a union, non-union, or who they are as long as they meet the standards of the bid document. We want to make sure the funds being spent on affordable housing are being maximized as we all know how desperately needed affordable housing is and we need to stretch every dollar. The taxpayers of the state of Maine deserve this. I have heard from a number of folks who are involved in the affordable housing market and they have advised how this can be done. Opposition is great in the industry, to set aside \$20 million for what they feel is special interests. This amendment leaves in place a number of initiatives that the Administration proposed to help individuals through job training and to help businesses recover from the pandemic. This is to help working families get back to work. As with the budget, I see the spending of the ARP funds as a work in progress. As we learn of things these funds will not cover, or we do not need, we will be back and can use these funds in other places. I ask that you will support this amendment and thank you very much, Mr. President.

Senator **VITELLI** of Sagadahoc moved to **INDEFINITELY POSTPONE** Senate Amendment "C" (S-403) to Committee Amendment "A" (S-397).

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. I just want to speak to the amendment briefly. I just want to reiterate to folks that the purpose of the American Rescue Plan was to rebuild our economy and support quality, good paying jobs that meet high labor standards. In fact, the guidance from the Treasury specifically states Treasury's interim final rule also encourages recipients to ensure that water, sewer, and broadband projects use strong labor standards including project labor agreements. We thought that this should apply to other infrastructure as well, specifically to affordable housing. To compromise, Democrats proposed attaching that language only to a fraction of the funds for construction of affordable housing. The majority of the funds dedicated to construction of affordable housing do not have PLA requirements. Secondly, to the Unemployment Trust Fund, we have no hard evidence that that number will exceed \$80 million. We were - that request did not come from the Administration in the bill and certainly, if that is the case, in the fall that transfer can be amended with a financial order and we would certainly support making the Unemployment Trust Fund whole. To hold harmless small businesses for the increase in unemployment benefits that we've seen, we have voted unanimously for that in the past and we certainly will in the future. Thank you, Mr. President.

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

Senator **TIMBERLAKE:** Thank you, Mr. President. Ladies and gentlemen of the Senate, I rise today in support of the pending amendment and against indefinite postponement. The project

labor agreement portion of this is something that we had a long discussion with and we don't care who it is that bids on this housing. We just want it bid on and the taxpayer's monies go and be spent the best way you can. It shouldn't be over a third of it taken out and spent on a special interest group. Everybody should compete on the same exact playing field. The taxpayers of the state of Maine expect this. If you meet the bid requirements then you should be granted and awarded the bid. It shouldn't be given to a special interest. As far as the \$80 million to \$100 million, we sat with the Chief Executive's staff on Wednesday. They said that the \$80 million that was there would cover anywhere between zero and a 20% increase. We felt that this million dollars was given to the state of Maine so that there wouldn't be an impact to the businesses of the state of Maine. So, we proposed moving the \$20 million in to make it \$100 million so that when it comes out in September, when the Department of Labor comes out with its findings, there won't be a hole and they won't have to raise unemployment taxes on all the businesses in the state of Maine and there isn't any one of us who don't know that about every business in the state of Maine has a hiring sign in front, so there's no reason why this rate would have to go up other than people have chosen not to go back to work at this time. So, I hope you join me in supporting this motion and voting down this pending motion and we can move forward and do something that is bi-partisan that we have worked very diligently to come up with something that we think is fair. So, thank you, Mr. President. Thank you, ladies and gentlemen.

**THE PRESIDENT:** The pending question before the Senate is Indefinite Postponement of Senate Amendment "C" (S-403) to Committee Amendment "A" (S-397). Is the Senate ready for the question?

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

**ROLL CALL (#481)**

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

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 moved to **INDEFINITELY POSTPONE** Senate Amendment "C" (S-403) to Committee Amendment "A" (S-397) **PREVAILED**.

Committee Amendment "A" (S-397) as Amended by Senate Amendments "A" (S-399) and "B" (S-400) thereto, **ADOPTED**.

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

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

**ROLL CALL (#482)**

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

21 Senators having voted in the affirmative and 13 Senators having voted in the negative, with 1 Senator being excused, was **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-397) AS AMENDED BY SENATE AMENDMENTS "A" (S-399) AND "B" (S-400)** thereto.

Sent down for concurrence.

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

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**COMMUNICATIONS**

The Following Communication: S.C. 701

**STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
SPEAKER'S OFFICE  
AUGUSTA, MAINE**

July 8, 2021

Honorable Darek Grant  
Secretary of the Senate  
3 State House Station  
Augusta, ME 04333

Dear Secretary Grant:

Pursuant to my authority under House Rule 201.1 (I) (a), I am appointing Representative Jack Ducharme of Madison to the Joint Standing Committee on Appropriations and Financial Affairs, effective immediately. Representative Ducharme is to fill the vacant seat left as a result of the Honorable Justin Fecteau's resignation.

Please do not hesitate to contact me should you have any questions regarding this appointment.

Sincerely,

S/Ryan M. Fecteau  
Speaker of the House

**READ and ORDERED PLACED ON FILE.**

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The Following Communication: S.C. 702

**STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
SPEAKER'S OFFICE  
AUGUSTA, MAINE**

July 9, 2021

Honorable Darek Grant  
Secretary of the Senate  
#3 State House Station  
Augusta, ME 04333-0003

Dear Secretary Grant:

Pursuant to my authority under House Rule 201.1 (I) (a) and Joint Rule 371, I have appointed Representative Mark Blier of Buxton as a member of the Government Oversight Committee replacing Representative Kathleen Dillingham of Oxford, effective immediately.

Should you have any questions regarding this appointment, please do not hesitate to contact me.

Sincerely,

S/Ryan M. Fecteau  
Speaker of the House

**READ and ORDERED PLACED ON FILE.**

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The Following Communication: S.C. 703

**STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
SPEAKER'S OFFICE  
AUGUSTA, MAINE**

July 14, 2021

Honorable Darek Grant  
Secretary of the Senate  
3 State House Station  
Augusta, ME 04333  
Dear Secretary Grant,

Pursuant to my authority under Resolve 2021, Ch. 59, I am writing to inform you that I am appointing myself, Speaker of the House Ryan Fecteau of Biddeford, to serve on the *Commission To Increase Housing Opportunities in Maine by Studying Zoning and Land Use Restrictions* as a member from the Maine House of Representatives, effective immediately.

Should you have any questions regarding this appointment, please do not hesitate to contact me.

Best,

S/Ryan Fecteau  
Speaker of the House

**READ and ORDERED PLACED ON FILE.**

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The Following Communication: S.C. 704

**STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
SPEAKER'S OFFICE  
AUGUSTA, MAINE**

July 14, 2021

Honorable Darek Grant  
Secretary of the Senate  
3 State House Station  
Augusta, ME 04333

Dear Secretary Grant,

Pursuant to my authority under Resolve 2021, Ch. 59, I have appointed the following to the *Commission To Increase Housing Opportunities in Maine by Studying Zoning and Land Use Restrictions*, effective immediately:

Representative Amy Arata of New Gloucester  
Jeff Lavine of Portland  
Madeline Hill of Bailey Island  
Erin Cooperride of East Boothbay  
Cheryl Golak of Harpswell  
Anthony Jackson of Brewer

Should you have any questions regarding these appointments, please do not hesitate to contact me.

Best,

S/Ryan Fecteau  
Speaker of the House

**READ and ORDERED PLACED ON FILE.**

Please let me know if you have any questions regarding this appointment.

Sincerely,

S/Troy D. Jackson  
President of the Senate

**READ and ORDERED PLACED ON FILE.**

The Following Communication: S.C. 708

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

July 15, 2021

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

Dear Secretary Grant:

Pursuant to my authority under Title 3, MRSA, §227, I am pleased to appoint the following individuals to the Maine-Canadian Legislative Advisory Commission, effective the date of this letter:

Justin Chenette of Saco  
Vincent Frallicciardi of Madawaska

Please let me know if you have any questions regarding this appointment.

Sincerely,

S/Troy D. Jackson  
President of the Senate

**READ and ORDERED PLACED ON FILE.**

The Following Communication: S.C. 709

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

July 15, 2021

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

Dear Secretary Grant:

Pursuant to my authority under Title 1, MRSA, Chapter 13, Section 411, I am pleased to appoint Justin Chenette to the Right to Know Advisory Committee, effective the date of this letter. He will be serving in seat number 13 on the committee, as a representative of the public.

The Following Communication: S.C. 710

**STATE OF MAINE  
ONE HUNDRED AND THIRTIETH LEGISLATURE  
COMMITTEE ON ENERGY, UTILITIES AND TECHNOLOGY**

July 15, 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 Energy, Utilities and Technology has had under consideration the nomination of Timothy R. Schneider, Esquire of Falmouth, for appointment to the Maine Connectivity Authority.

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	Lawrence, M. of York, Vitelli, E. of Sagadahoc
	Representatives	5	Berry, S. of Bowdoinham, Carlow, N. of Buxton, Foster, S. of Dexter, Grohoski, N. of Ellsworth, Wadsworth, N. of Hiram
NAYS		0	
ABSENT		6	Sen. Stewart, T. of Aroostook, Rep. Cuddy, S. of Winterport, Rep. Grignon, C. of Athens, Rep. Kessler, C. of South Portland, Rep. Wood, B. of Portland, Rep. Zeigler, S. of Montville

Seven 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 Timothy R. Schneider, Esquire of Falmouth, for appointment to the Maine Connectivity Authority be confirmed.

Signed,

S/Mark W. Lawrence  
Senate Chair

S/Seth A. Berry  
House Chair

**READ and ORDERED PLACED ON FILE.**

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

Senator **BENNETT:** Thank you, Mr. President. Fellow members of the Senate, we're about to take up the confirmations of a number of members of the Maine Connectivity Authority. The Maine Connectivity Authority, I'll remind the members, is a new authority which is quasi-governmental and will have an independent board and these individuals that are before us today are the ones that the Governor nominated and have been ratified by the Committee on Energy, Utilities, and Technology. They are really an extraordinary group of people, very talented, really a great mix. I did want to just, for the record, say that this board, how it operates, how it deals with this fast-paced requirement that we have in this state to bring broadband to every nook and cranny of our great state, is critical and I'm really pleased that the Chief Executive has acted so promptly after the passage of the emergency legislation, L.D. 1484, to get such a qualified group of people together. I did want to also note though that there is, when you look at the overall group, there are some concerns I have, not on any individual members, but I don't believe there's any person here north of Newport. I think it's really critical, when we're looking at extending broadband to the far corners of Maine, that we have people who are familiar with the far corners of Maine and I noticed a lot of these people have worked across the state but I do think it's notable that there was that issue. I also want - I think the people that have been nominated do underscore another important provision that I think can be amplified in the bi-laws of the Authority and that is about conflicts of interests. As we know, Maine is a small state. We get talented people to join a board like this and, invariably, there's been a history of commercial relationships that need to be accounted for and the legislation dealt with conflicts of interests at one level but I think it's important for this board to, once organized, attend to adopting stronger conflict of interest provisions within its bi-laws. I do think that there's an opportunity with the selection of the critically important position of President, which this board will participate in doing, that we can, perhaps, deal with the issue of geography as well as when this organization, this authority, chooses a treasurer and secretary as well and I hope and trust that these nominees, when confirmed, in this authority will tend to these matters. Thank you very much, Mr. President.

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

Senator **VITELLI:** Thank you, Mr. President. Mr. President, I just want to echo the comments of my good colleague from Oxford. These were an extraordinary group of individuals. I was really pleased at their enthusiasm for undertaking this task and really grateful that they were all willing to step up and take this. They're really creating the job as they go, so they have a lot of work ahead of them. I will say that in terms of the issues that were just raised about geography, which it's true that many of them

currently live in parts of - mostly the southern parts of the state, they all have connections to other areas in the state from where they grew up, the work that they've done, so I felt confident that when they were asked how well they could represent the entire state, in particular some of the rural areas in the state, they all recognized that that was going to be an important part of their job and pointed to some of their own personal experiences growing up in some of the more rural parts of our state. We were also, as a committee, interested in hearing them address their experience on other boards and, in particular, how other boards that they may have been on addressed the issue of conflict of interest and every one of them indicated that they agreed that this is something that a board routinely addresses in their bi-laws or in some other structure that a board takes on and so, again, they were all in a position to reassure us that this was something that they take seriously, that they've had experience with, and that they will bring to their role on this new board. So, I would just suggest that this is a dynamic group of individuals and we should be grateful that they each agreed to step up and it will be fascinating to see them move this process forward in the years to come. Thank you, Mr. President.

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

Senator **STEWART:** Thank you very much, Mr. President and ladies and gentlemen of the Senate. I am the ranking member on the committee of jurisdiction here but I, unfortunately, had a conflict actually with a board both you and I both serve on. The Aroostook County Community Action Program had an event that day that I needed to be at back home so I wasn't able to be there so you won't see my vote reflected here but I did just want to rise to echo my support for these particular nominations, that I do think they are well qualified based on what I was able to gather for information on them and the feedback I got from the committee and the Republican opposition, I believe that there is a limited amount of opposition, on some of these appointments and that purely comes from the concern that has already been reiterated about the geographic dispersions. So, hopefully, that will be addressed in the future and the Chief Executive can take this as a message to, hopefully, correct that trend and the board can get to work and have a well-balanced representation of our state. Thank you.

The President laid before the Senate the following: "Shall the recommendation of the Committee on **ENERGY, UTILITIES AND TECHNOLOGY** 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.

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

**ROLL CALL (#483)**

YEAS: Senators: None



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

EXCUSED: Senator: LAWRENCE

No Senator having voted in the affirmative and 34 Senators having voted in the negative, with 1 Senator 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 **Timothy R. Schneider**, Esquire of Falmouth for appointment to the Maine Connectivity Authority was **CONFIRMED**.

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

The Following Communication: S.C. 711

**STATE OF MAINE  
ONE HUNDRED AND THIRTIETH LEGISLATURE  
COMMITTEE ON ENERGY, UTILITIES AND TECHNOLOGY**

July 15, 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 Energy, Utilities and Technology has had under consideration the nomination of Robert J. Souza of Durham, for appointment to the Maine Connectivity Authority.

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

YEAS	Senators	1	Vitelli, E. of Sagadahoc
	Representatives	6	Berry, S. of Bowdoinham, Carlow, N. of Buxton, Foster, S. of Dexter, Grohoski, N. of Ellsworth, Wadsworth, N. of Hiram, Wood, B. of Portland

NAYS 0

ABSENT 6 Sen. Lawrence, M. of York, Sen. Stewart, T. of Aroostook, Rep. Cuddy, S. of Winterport, Rep. Grignon, C. of Athens, Rep. Kessler, C. of South Portland, Rep. Zeigler, S. of Montville

Seven 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 Robert J. Souza of Durham, for appointment to the Maine Connectivity Authority be confirmed.

Signed,

S/Mark W. Lawrence Senate Chair S/Seth A. Berry House Chair

**READ and ORDERED PLACED ON FILE.**

The President laid before the Senate the following: "Shall the recommendation of the Committee on **ENERGY, UTILITIES AND TECHNOLOGY** 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.

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

**ROLL CALL (#484)**

YEAS: Senators: None

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

EXCUSED: Senator: LAWRENCE

No Senator having voted in the affirmative and 34 Senators having voted in the negative, with 1 Senator 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 **Robert J. Souza** of Durham for appointment to the Maine Connectivity Authority was **CONFIRMED**.

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

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 Following Communication: S.C. 712

**STATE OF MAINE  
ONE HUNDRED AND THIRTIETH LEGISLATURE  
COMMITTEE ON ENERGY, UTILITIES AND TECHNOLOGY**

July 15, 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 Energy, Utilities and Technology has had under consideration the nomination of Michael C. Reed of Palermo, for appointment to the Maine Connectivity Authority.

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	Lawrence, M. of York, Vitelli, E. of Sagadahoc
	Representatives	6	Berry, S. of Bowdoinham, Carlow, N. of Buxton, Foster, S. of Dexter, Grohoski, N. of Ellsworth, Wadsworth, N. of Hiram, Wood, B. of Portland
NAYS		0	
ABSENT		5	Sen. Stewart, T. of Aroostook, Rep. Cuddy, S. of Winterport, Rep. Grignon, C. of Athens, Rep. Kessler, C. of South Portland, Rep. Zeigler, S. of Montville

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 Michael C. Reed of Palermo, for appointment to the Maine Connectivity Authority be confirmed.

Signed,

S/Mark W. Lawrence  
Senate Chair

S/Seth A. Berry  
House Chair

**READ and ORDERED PLACED ON FILE.**

The President laid before the Senate the following: "Shall the recommendation of the Committee on **ENERGY, UTILITIES AND TECHNOLOGY** 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.

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

**ROLL CALL (#485)**

YEAS: Senators: None

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

EXCUSED: Senator: LAWRENCE

No Senator having voted in the affirmative and 34 Senators having voted in the negative, with 1 Senator 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 **Michael C. Reed** of Palermo for appointment to the Maine Connectivity Authority was **CONFIRMED**.

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

The Following Communication: S.C. 713

**STATE OF MAINE  
ONE HUNDRED AND THIRTIETH LEGISLATURE  
COMMITTEE ON ENERGY, UTILITIES AND TECHNOLOGY**

July 15, 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 Energy, Utilities and Technology has had under consideration the nomination of John M. Chandler of Falmouth, for appointment to the Maine Connectivity Authority.

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

YEAS	Senators	1	Lawrence, M. of York
	Representatives	6	Berry, S. of Bowdoinham, Carlow, N. of Buxton, Cuddy, S. of Winterport, Foster, S. of Dexter, Wadsworth, N. of Hiram, Wood, B. of Portland
NAYS	Senators	0	
	Representatives	2	Grohoski, N. of Ellsworth, Kessler, C. of South Portland
ABSENT		4	Sen. Stewart, T. of Aroostook, Sen. Vitelli, E. of Sagadahoc, Rep. Grignon, C. of Athens, Rep. Zeigler, S. of Montville

Seven members of the Committee having voted in the affirmative and two in the negative, it was the vote of the Committee that the nomination of John M. Chandler of Falmouth, for appointment to the Maine Connectivity Authority be confirmed.

Signed,

S/Mark W. Lawrence                      S/Seth A. Berry  
Senate Chair                              House Chair

**READ and ORDERED PLACED ON FILE.**

The President laid before the Senate the following: "Shall the recommendation of the Committee on **ENERGY, UTILITIES AND TECHNOLOGY** 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.

\_\_\_\_\_  
The Chair noted the absence of the Senator from Kennebec, Senator **POULIOT**, and further excused the same Senator from today's Roll Call votes.

\_\_\_\_\_  
**YEAS**

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

**ROLL CALL (#486)**

YEAS:            Senators: None

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

EXCUSED: Senators: LAWRENCE, POULIOT

No Senator having voted in the affirmative and 33 Senators having voted in the negative, with 2 Senators being excused, and none being less than two-thirds of the Membership present and voting, it was the vote of the Senate that the Committee's recommendation be **ACCEPTED** and the nomination of **John M. Chandler** of Falmouth for appointment to the Maine Connectivity Authority was **CONFIRMED**.

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

\_\_\_\_\_  
The Following Communication:      S.C. 714

**STATE OF MAINE  
ONE HUNDRED AND THIRTIETH LEGISLATURE  
COMMITTEE ON ENERGY, UTILITIES AND TECHNOLOGY**

July 15, 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 Energy, Utilities and Technology has had under consideration the nomination of Danielle Louder of Cornville, for appointment to the Maine Connectivity Authority.

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:

Senators 2 Lawrence, M. of York, Vitelli, E. of Sagadahoc

Representatives 7 Berry, S. of Bowdoinham, Carlow, N. of Buxton, Cuddy, S. of Winterport, Foster, S. of Dexter, Grohoski, N. of Ellsworth, Wadsworth, N. of Hiram, Wood, B. of Portland

NAYS 0

ABSENT 4 Sen. Stewart, T. of Aroostook, Rep. Grignon, C. of Athens, Rep. Kessler, C. of South Portland, Rep. Zeigler, S. of Montville

Nine members of the Committee having voted in the affirmative and zero in the negative, it was the vote of the Committee that the nomination of Danielle Louder of Cornville, for appointment to the Maine Connectivity Authority be confirmed.

Signed,

S/Mark W. Lawrence  
Senate Chair

S/Seth A. Berry  
House Chair

**READ and ORDERED PLACED ON FILE.**

The President laid before the Senate the following: "Shall the recommendation of the Committee on **ENERGY, UTILITIES AND TECHNOLOGY** 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.

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

**ROLL CALL (#487)**

YEAS: Senators: None

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

EXCUSED: Senators: LAWRENCE, POULIOT

No Senator having voted in the affirmative and 33 Senators having voted in the negative, with 2 Senators being excused, and none being less than two-thirds of the Membership present and voting, it was the vote of the Senate that the Committee's recommendation be **ACCEPTED** and the nomination of **Danielle Louder** of Cornville for appointment to the Maine Connectivity Authority was **CONFIRMED**.

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

The Following Communication: S.C. 715

**STATE OF MAINE  
ONE HUNDRED AND THIRTIETH LEGISLATURE  
COMMITTEE ON ENERGY, UTILITIES AND TECHNOLOGY**

July 15, 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 Energy, Utilities and Technology has had under consideration the nomination of Daniel P. Belyea of Vassalboro, for appointment to the Maine Connectivity Authority.

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	Lawrence, M. of York, Vitelli, E. of Sagadahoc
	Representatives	6	Berry, S. of Bowdoinham, Cuddy, S. of Winterport, Foster, S. of Dexter, Grohoski, N. of Ellsworth, Wadsworth, N. of Hiram, Wood, B. of Portland
NAYS		0	
ABSENT		5	Sen. Stewart, T. of Aroostook, Rep. Carlow, N. of Buxton, Rep. Grignon, C. of Athens, Rep. Kessler, C. of South Portland, Rep. Zeigler, S. of Montville

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 Daniel P. Belyea of Vassalboro, for appointment to the Maine Connectivity Authority be confirmed.

Signed,

S/Mark W. Lawrence  
Senate Chair

S/Seth A. Berry  
House Chair

**READ and ORDERED PLACED ON FILE.**

The President laid before the Senate the following: "Shall the recommendation of the Committee on **ENERGY, UTILITIES AND TECHNOLOGY** 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.

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

**ROLL CALL (#488)**

YEAS: Senators: None

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

EXCUSED: Senators: LAWRENCE, POULIOT

No Senator having voted in the affirmative and 33 Senators having voted in the negative, with 2 Senators being excused, and none being less than two-thirds of the Membership present and voting, it was the vote of the Senate that the Committee's recommendation be **ACCEPTED** and the nomination of **Daniel P. Belyea** of Vassalboro for appointment to the Maine Connectivity Authority was **CONFIRMED**.

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

The Following Communication: S.C. 716

**STATE OF MAINE  
ONE HUNDRED AND THIRTIETH LEGISLATURE  
COMMITTEE ON ENERGY, UTILITIES AND TECHNOLOGY**

July 15, 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 Energy, Utilities and Technology has had under consideration the nomination of Carlos Javier Barrionuevo of Georgetown, for appointment to the Maine Connectivity Authority.

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	Lawrence, M. of York, Vitelli, E. of Sagadahoc
	Representatives	6	Berry, S. of Bowdoinham, Carlow, N. of Buxton, Cuddy, S. of Winterport, Grohoski, N. of Ellsworth, Wadsworth, N. of Hiram, Wood, B. of Portland
NAYS	Senators	0	
	Representatives	1	Foster, S. of Dexter
ABSENT		4	Sen. Stewart, T. of Aroostook, Rep. Grignon, C. of Athens, Rep. Kessler, C. of South Portland, Rep. Zeigler, S. of Montville

Eight members of the Committee having voted in the affirmative and one in the negative, it was the vote of the Committee that the nomination of Carlos Javier Barrionuevo of Georgetown, for appointment to the Maine Connectivity Authority be confirmed.

Signed,

S/Mark W. Lawrence  
Senate Chair

S/Seth A. Berry  
House Chair

**READ and ORDERED PLACED ON FILE.**

The President laid before the Senate the following: "Shall the recommendation of the Committee on **ENERGY, UTILITIES AND TECHNOLOGY** 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.

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

**ROLL CALL (#489)**

YEAS: Senators: None

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

EXCUSED: Senator: LAWRENCE

No Senator having voted in the affirmative and 34 Senators having voted in the negative, with 1 Senator 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 **Carlos Javier Barrionuevo** of Georgetown for appointment to the Maine Connectivity Authority was **CONFIRMED**.

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

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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:

**SENATE PAPERS**

Bill "An Act To Clarify Funding for the Office of Affordable Health Care"

S.P. 592 L.D. 1736

Presented by President JACKSON of Aroostook. Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.

Committee on **HEALTH COVERAGE, INSURANCE AND FINANCIAL SERVICES** suggested and ordered printed.

Under suspension of the rules, **READ TWICE** and **PASSED TO BE ENGROSSED**, without reference to a Committee.

Ordered sent down forthwith for concurrence.

Bill "An Act To Clarify the Definition of 'Qualified Investment' for Purposes of the Income Tax Credit for Paper Manufacturing Facility Investment"

S.P. 593 L.D. 1737

Presented by President JACKSON of Aroostook. Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.

Committee on **TAXATION** suggested and ordered printed.

Under suspension of the rules, **READ TWICE** and **PASSED TO BE ENGROSSED**, without reference to a Committee.

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:

**COMMUNICATIONS**

The Following Communication: S.C. 693

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

June 30, 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. 954, *An Act To Provide Equal Access to the Benefits of the Maine Food Sovereignty Act*.

Under the 2017 Maine Food Sovereignty Act, communities may pass local ordinances that allow the direct sale of many food products without State regulatory oversight. These direct producer- to-consumer transactions must occur face-to-face at the site of production. L.D. 954 originally proposed to add plantations and unorganized territories to the entities that may adopt and enact ordinances under the current Act. The Administration recognized the need for this existing Maine law to be applied equally for all residents regardless of where they reside or conduct business within the state. The bill, as initially written, proposed no further substantive changes to the existing Act, and the Administration supported its adoption.

However, the amendment introduced in the House and adopted by both chambers vastly changes the scope of the transactions that would be exempt from state oversight, and deviates from the intent of the 2017 legislation by eliminating the face-to-face site of production requirement. As a result, anyone would be able to sell any food product, except for certain meat and poultry products, anywhere a food sovereignty ordinance has been adopted with no regulatory oversight and no requirement to inform customers that items were produced in an uninspected facility.

Further, L.D. 954 allows the adoption of a Food Sovereignty ordinance at the county-wide level.

Not all foods require inspection in Maine. I strongly support local producers providing healthy foods to their communities. I also believe that all Mainers have a right to healthy, sufficient, and appropriate foods. However, the essential tenets of food sovereignty cannot be entirely divorced from food safety.

A significant portion of the agricultural community has expressed concern that eliminating the existing direct producer-to-consumer definition from the Maine Food Sovereignty Act undermines the ability of consumers to make informed decisions about the safety and quality of the products they are buying. Transactions occurring at the site of production allow the consumer to interact with the producer and make their own judgment about the state of their operation to inform their decision to purchase a product that has not been subject to state inspection. Expanding the reach of these transactions beyond the site of production will allow these foods to enter commerce more broadly, where the consumer may not realize that they are buying an uninspected product, particularly if they are not a resident of the community that has adopted such an ordinance. Notably, there is also no labeling requirement in this bill for these products to convey such information.

I am also concerned that allowing the adoption of county-wide ordinances does not allow for communities to opt out if they wish. This bill places significant public health and food safety responsibilities upon counties and municipalities that may not have the capacity, training, ability, or desire to assume them adequately.

I have heard deep concern from several sectors of the agriculture community and other entities that sell perishable or processed food items about the negative impact that this bill could have on the reputation of Maine's local foods if someone becomes ill from uninspected products.

Licensing an operation generally costs between \$25 and \$50, a nominal amount for the educational and technical assistance services provided by state inspectors. It is inaccurate to suggest that basic food safety education, assistance, and occasional inspection of entrepreneurial food producers by the Department of Agriculture, Conservation and Forestry is holding these businesses back.

Maine's food and farm industry is the backbone of our rural communities, which is why it is crucial to uphold basic food safety standards and keep the current safeguards of the Maine Food Sovereignty Act in place. For these reasons, I return L.D. 954

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

S.P. 306 L.D. 954

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 (#490)**

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

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

EXCUSED: Senator: LAWRENCE

21 Senators having voted in the affirmative and 13 Senators having voted in the negative, with 1 Senator being excused, and 21 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. 705

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

July 12, 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. 1711, *An Act to Enhance Enforcement of Employment Laws*.

Creating a culture of compliance with the law where working women and men are treated with respect and fairness is a goal this Administration shares with this Legislature and with all people of good will. It is a goal that the Attorney General, the Maine Department of Labor (DOL), the Workers Compensation Board and the Maine Human Rights Commission also share. I am proud that the bipartisan budget just passed includes positions and support for the enforcement effort of these agencies.

Individuals who have been harmed by a violation of Maine's employment laws generally have a remedy and the right to have an attorney represent them before these agencies. L.D. 1711, however, would authorize 'private attorneys general' who would file lawsuits not in the name of an individual but in the name of the state, seeking remedies reserved to state government, bypassing many regular administrative procedures, operating without state oversight and collecting attorneys fees for doing what state government does. While the prevalence of binding arbitration clauses in employment contracts may weaken the ability of employees to seek remedies due them, this bill does not address that problem and it actually creates unintended consequences to the public policy of this state.

In Maine it is the Attorney General who represents state agencies and who ensures that our laws are interpreted consistently and in a manner that protects and promotes the public interest and the constitutional rights of citizens. Private attorneys represent the State only in limited circumstances and only with express approval of the Attorney General. Delegating the authority of the state to private individuals or organizations is unconventional and is potentially unlawful. It is for those reasons that entities as diverse as the Professional Logging Contractors of Maine, the Maine Human Rights Commission and organizations representing small businesses all raised serious questions about the bill at the public hearing.

Enabling private attorneys to conduct litigation in the name of the State, while taking positions and advocating for outcomes that the Attorney General and DOL may not support, would lead to damaging and conflicting precedents that undermine the public interest in the coherent and consistent administration of these important laws, as Attorney General Frey conveyed when testifying in opposition to this bill.

Given the expanded enforcement capability provided in the recent budget, this bill appears both problematic and unnecessary.

For these reasons, I return L.D. 1711 unsigned and vetoed, and I urge the Legislature to sustain this veto.

Respectfully,

S/Janet T. Mills  
Governor

**READ and ORDERED PLACED ON FILE.**

The accompanying Bill:

An Act To Enhance Enforcement of Employment Laws  
S.P. 525 L.D. 1711

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 (#491)**

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

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

EXCUSED: Senator: LAWRENCE

19 Senators having voted in the affirmative and 15 Senators having voted in the negative, with 1 Senator being excused, and 19 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.

The Following Communication: S.C. 706

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

July 13, 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. 677, *An Act to Improve Public Sector Labor Relations by Amending the Laws Governing Arbitration under Certain Public Employees Labor Relations Laws*.

This Legislature and this Administration have taken bold steps to support our hard working public employees, supporting funding 55% state funding for public schools, enacting a \$40,000 minimum salary for teachers, increasing revenue sharing for our municipalities, and successfully negotiating and approving seven collective bargaining agreements in record time in my first year in office.

However, this bill, authorizing binding arbitration, delegates the power of the purse to unelected officials, no matter how those individuals are selected. Binding arbitration also presupposes a failure of good faith negotiations and is an extraordinary remedy that I do not believe is warranted at this time.

L.D. 677 would amend Maine's public employees labor relations acts covering municipal, county, and other public entities, the University of Maine System, Maine Maritime Academy, the Community College System, as well as the executive, legislative, and judicial branches of State government. This bill would empower independent arbitrators to make final and binding determinations with respect to the expenditure of public funds for *salaries* of State employees, and, under certain circumstances, the *salaries, pensions, and insurance* of all other public employees in Maine. The bill would defer the submission of cost items reached through arbitration to the legislative session in the fiscal year after a contract is ratified.

Salaries, pensions, and insurance comprise a significant portion of most operating budgets. Decisions regarding how to spend taxpayer dollars should remain in the hands of the citizens of Maine and their elected representatives. Turning over this responsibility to arbitrators runs counter to the principles of representative democracy. Private arbitrators are not elected and have no public accountability. It is for these reasons that Maine has repeatedly rejected this approach to labor relations in the public sector,

L.D. 677 differs in certain respects from a bill I vetoed in the 129<sup>th</sup> Legislative Session (L.D. 1177), but the amendments do not alleviate my concerns. This bill changes the way the arbitrator is selected by calling for the creation of a panel of arbitrators selected by the Governor, and then directing labor and management each to choose an arbitrator, who in turn select a neutral arbitrator. The premise, however, remains unchanged. An arbitrator, no matter how chosen, is still a third-party outsider, neither elected nor beholden to the taxpayers or to the greater public. L.D. 677 also attempts to mitigate the immediate budgetary impacts of an arbitrator's decision by requiring that the public employer budget any increased costs no later than the next budget cycle, therefore pushing those costs into a future budget. Deferring these increased costs into a future budget is bad public policy, as elected officials know their current revenue status, but cannot anticipate what the future might bring. The consequences of these decisions could create a need for increased revenues and impact the delivery of public services.

Public employers and bargaining agents are required by law to negotiate in good faith. In the event a public employer and union are not able to reach agreement at the bargaining table, Maine's labor laws help the parties find an acceptable middle ground through the use of mediation, fact finding, and arbitration. If either party fails to bargain in good faith or refuses to participate in these statutory procedures in good faith, the Maine Labor Relations Board holds the parties accountable.

The existing statutory framework for bargaining is fair, balanced, and it works. The people of Maine expect their elected officials to make final decisions on the expenditure of public funds. To delegate those decisions to arbitrators who are not accountable to taxpayers would run counter to that public responsibility.

For these reasons, I return L.D. 677 unsigned and vetoed, and I urge the Legislature to sustain this veto.

Respectfully,

S/Janet T. Mills  
Governor

**READ and ORDERED PLACED ON FILE.**

The accompanying Bill:

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

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

Senator **MIRAMANT:** Thank you, Mr. President. Colleagues in the Senate, this seems to be a pattern of not addressing some of the problems that we have, in this case, that our State workers are already restricted from striking. They also are subject to binding arbitration in the terms of the administration enforcing the contract on them when it comes to matters of pay. So, this is like sending people into a fight with their arms handcuffed behind them and saying, 'Go for it but you're really going to make a difference with what you say.' The other side's listening, you know. Hurt them with your words but, ultimately, they can beat you to a pulp and they know that going in and we just saw that with another situation where we decided that, even though we're supposed to be the folks who listen to our constituents and our communities and then stand up when we hear something that's not working, we have agencies that are supposed to stand up, that we're supposed to over-see, we just watched this with the PUC. They've been ineffective to rein in the problems of our utilities or our pseudo-utilities that have become monopolies by economic efforts and so we kind of step back and say, or some of us, some of us writing some of these letters, say, 'Oh, no. We can't do anything about this. We're powerless. You know, you might give power to the wrong people.' Well, the people who are powerless deserve some power. State employees will use it wisely. They're represented wisely. When they go to negotiate a contract, they want a fair contract. They already understand that they get some job security by being a State employee because

even when the economy is down the government has to keep running. It doesn't mean that if the government has bungled their budget they won't be on, suddenly, a two or three week or month lay-off even though they've taken less pay because they know that they've got a pretty secure job. So, they're very responsible. In fact, they're kind - the folks that I am amazed at some times, that they put up with some of the conditions, but they do get some good people to work with and we get some great folks working with us here. So, to have anything that ties their hands when we assume good faith negotiations and we create a farce where they don't have the tools to do it or any other way that we're supposed to be protecting our people, Mr. President, to me, that's just unfair and we're not doing our job and I think we need to do our job now and tell our Chief Executive that there's a reason that we passed this bill and we don't need her voice in this. This is wrong. 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."

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

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The Doorkeepers secured the Chamber.

The Secretary opened the vote.

**ROLL CALL (#492)**

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

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

EXCUSED: Senators: DILL, LAWRENCE

19 Senators having voted in the affirmative and 14 Senators having voted in the negative, with 2 Senators being excused, and 19 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.

The Following Communication: S.C. 707

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

July 13, 2021

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

Dear Honorable Members of the 130th Legislature:

Under 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. 1411, *An Act to Establish the Maine Buy American and Build Maine Act*.

L.D. 1411 would require that all contracts for the construction, reconstruction, alteration, repair, improvement or maintenance of a public building or public work made by a state agency, board, commission or institution contain a provision that any manufactured good valued over \$5000 be manufactured in the United States. The bill also requires that if an in-state contractor submits a bid that is similar to but substantially higher than other submitted bids, the public agency shall give the in-state contractor a preference of 10 percent.

The provisions of this bill are problematic for several reasons.

First, the Federal Highway Administration (FHWA) strictly prohibits the use of in-state preferences in the selection of contractors, labor, and materials, FHWA's Contract Manual stating that "State transportation agency (STA) shall not impose any requirement or enforce any procedure which requires the use of, or provides a price differential in favor of contractors, labor, articles or materials produced within the State." L.D. 1411 would jeopardize a source of substantial federal funding and significantly impede our ability to repair and upgrade our public infrastructure.

Allowing the bill to become law would also create confusion in the bidding process and pose other serious financial consequences. Maine's contractors are not land-locked and often rely on work outside the state. Many states have adopted reciprocal laws, so that a 10 percent advantage for Maine businesses in Maine would result in a 10 percent *disadvantage* when Maine companies compete for bids out-of-state. This bill would therefore harm the very same Maine contractors it proposes to favor, many of whom are already struggling with increased materials costs and labor shortages.

Like most states, Maine already offers preference to Maine-based companies in two ways:

1) tie-bid preference, and 2) reciprocal preference. The tie-bid preference favors the in- state bidder in the event of a tie-bid. In the event of another state applying an in-state preference that works against a Maine business, then the reciprocal preference requires Maine to apply the same preference against that state's businesses when they bid on Maine State contract. These

preferences are legal under federal law and widely-used across many states.

Existing preferences are working in Maine. Because of these existing preferences and strong competitive bids by Maine companies, more than 90 percent of State contracts are awarded to Maine-based companies. In fact, the Maine Department of Transportation reports that, on average, 93 percent of their work is awarded to Maine firms, and the Bureau of General Services reports that in FY20 97.6 percent of the total spent was awarded to 62 companies with an established presence in Maine.

Maine work is going to Maine firms. And based upon an analysis of the State's actual construction contracts and procurement of services and goods, it is difficult to see how this bill would substantially grow the number of successful Maine contractors and vendors without jeopardizing quality or increasing costs. Finally, it goes without saying that it is virtually impossible to determine the exact origin of each component of each "article, material or supply" valued over \$5,000 purchased by a public agency, whether a vehicle, heat pump, ventilation equipment, engine, camera or plow attachment.

Finally, this bill had a substantial fiscal note that included General Fund appropriations of \$252,784 in fiscal year 2021-22 and \$260,873 in fiscal year 2022-23 for two Planning and Research Associate I positions in the Bureau of General Services (BGS) Division of Planning/Design/Construction and two Procurement Analyst I positions in the BGS Division of Procurement Services. The fiscal note was deleted by a floor amendment which stated simply that the added responsibilities required by the bill would have to be accomplished "within existing resources." This amendment was unrealistic and fiscally irresponsible, rendering the bill even more unacceptable despite its bright sounding title.

For the above reasons, I return L.D. 1411 unsigned and vetoed. I urge the Legislature to sustain it.

Respectfully,

S/Janet T. Mills  
Governor

**READ and ORDERED PLACED ON FILE.**

The accompanying Bill:

An Act To Establish the Maine Buy American and Build Maine Act  
S.P. 461 L.D. 1411

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 (#493)**

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

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

**EXCUSED:** Senator: LAWRENCE

19 Senators having voted in the affirmative and 15 Senators having voted in the negative, with 1 Senator being excused, and 19 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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**ORDERS**

**Joint Resolutions**

On motion by Senator **VITELLI** of Sagadahoc, under unanimous consent on behalf of President **JACKSON** of Aroostook (Cosponsored by Senators: BAILEY of York, BALDACCI of Penobscot, BENNETT of Oxford, BLACK of Franklin, BREEN of Cumberland, BRENNER of Cumberland, CARNEY of Cumberland, CHIPMAN of Cumberland, CLAXTON of Androscoggin, CURRY of Waldo, CYRWAY of Kennebec, DAUGHTRY of Cumberland, DAVIS of Piscataquis, DESCHAMBAULT of York, DIAMOND of Cumberland, DILL of Penobscot, FARRIN of Somerset, GUERIN of Penobscot, HICKMAN of Kennebec, KEIM of Oxford, LAWRENCE of York, LIBBY of Androscoggin, LUCHINI of Hancock, MAXMIN of Lincoln, MIRAMANT of Knox, MOORE of Washington, RAFFERTY of York, ROSEN of Hancock, SANBORN of Cumberland, STEWART of Aroostook, TIMBERLAKE of Androscoggin, VITELLI of Sagadahoc, WOODSOME of York, Representatives: ALLEY of Beals, ANDREWS of Paris, ARATA of New Gloucester, ARFORD of Brunswick, AUSTIN of Gray, BABBIDGE of Kennebunk, BAILEY of Gorham, BELL of Yarmouth, BERNARD of Caribou, BERRY of Bowdoinham, BICKFORD of Auburn, BLIER of Buxton, BLUME of York, BRADSTREET of Vassalboro, BRENNAN of Portland, BROOKS of Lewiston, BRYANT of Windham, CAIAZZO of Scarborough, CARDONE of Bangor, CARLOW of Buxton, CARMICHAEL of Greenbush, CEBRA of Naples, CLOUTIER of Lewiston, COLLAMORE of Pittsfield, COLLINGS of Portland, CONNOR of Lewiston, COPELAND of Saco, COREY of Windham, COSTAIN of Plymouth, CRAFTS of Newcastle, CRAVEN of Lewiston, CROCKETT of Portland, CUDDY of Winterport, DILLINGHAM of Oxford, DODGE of Belfast, DOLLOFF of Milton Township, DOORE of Augusta, DOUDERA of Camden, DOWNES of Bucksport, DRINKWATER of Milford, DUCHARME of Madison,

DUNPHY of Old Town, EVANGELOS of Friendship, EVANS of Dover-Foxcroft, FAULKINGHAM of Winter Harbor, FAY of Raymond, FECTEAU of Augusta, Speaker FECTEAU of Biddeford, FOSTER of Dexter, GEIGER of Rockland, GERE of Kennebunkport, GIFFORD of Lincoln, GRAMLICH of Old Orchard Beach, GREENWOOD of Wales, GRIFFIN of Levant, GRIGNON of Athens, GROHOSKI of Ellsworth, HAGGAN of Hampden, HALL of Wilton, HANLEY of Pittston, HARNETT of Gardiner, HARRINGTON of Sanford, HASENFUS of Readfield, HEAD of Bethel, HEPLER of Woolwich, HUTCHINS of Penobscot, HYMANSON of York, JAVNER of Chester, JOHANSEN of Monticello, KESSLER of South Portland, KINNEY of Knox, KRYZAK of Acton, LANDRY of Farmington, LEMELIN of Chelsea, LIBBY of Auburn, LOOKNER of Portland, LYFORD of Eddington, LYMAN of Livermore Falls, MADIGAN of Waterville, MARTIN of Eagle Lake, MARTIN of Sinclair, MARTIN of Greene, MASON of Lisbon, MATHIESON of Kittery, MATLACK of St. George, McCREA of Fort Fairfield, McCREIGHT of Harpswell, McDONALD of Stonington, MELARAGNO of Auburn, MEYER of Eliot, MILLETT of Waterford, MILLETT of Cape Elizabeth, MORALES of South Portland, MORIARTY of Cumberland, MORRIS of Turner, NADEAU of Winslow, NEWELL of the Passamaquoddy Tribe, NEWMAN of Belgrade, O'CONNELL of Brewer, O'CONNOR of Berwick, O'NEIL of Saco, ORDWAY of Standish, OSHER of Orono, PARRY of Arundel, PAULHUS of Bath, PEBWORTH of Blue Hill, PERKINS of Oakland, PERRY of Calais, PERRY of Bangor, PICKETT of Dixfield, PIERCE of Falmouth, PLUECKER of Warren, POIRIER of Skowhegan, PRESCOTT of Waterboro, QUINT of Hodgdon, RECKITT of South Portland, RIELLY of Westbrook, RISEMAN of Harrison, ROBERTS of South Berwick, ROCHE of Wells, ROEDER of Bangor, RUDNICKI of Fairfield, SACHS of Freeport, SALISBURY of Westbrook, SAMPSON of Alfred, SHARPE of Durham, SHEEHAN of Biddeford, SKOLFIELD of Weld, STANLEY of Medway, STETKIS of Canaan, STOVER of Boothbay, SUPICA of Bangor, SYLVESTER of Portland, TALBOT ROSS of Portland, TEPLER of Topsham, TERRY of Gorham, THERIAULT of China, THORNE of Carmel, TUCKER of Brunswick, TUELL of East Machias, TUTTLE of Sanford, UNDERWOOD of Presque Isle, WADSWORTH of Hiram, WARREN of Hallowell, WARREN of Scarborough, WHITE of Mars Hill, WILLIAMS of Bar Harbor, WOOD of Portland, ZAGER of Portland, ZEIGLER of Montville), the following Joint Resolution:

S.P. 591

**JOINT RESOLUTION  
TO REAFFIRM THE IMPORTANCE OF  
MAINTAINING THE MAINE SCHOOL OF SCIENCE  
AND MATHEMATICS IN THE TOWN OF LIMESTONE**

**WHEREAS**, the Maine School of Science and Mathematics was founded by the Maine Legislature in 1995; and  
**WHEREAS**, the Maine Legislature intended for the school to be located in Limestone and to provide high-achieving high school students with an intensive curriculum emphasizing science and mathematics; and  
**WHEREAS**, the school has thrived at its current location and earned distinction as the first-ranked public high school in Maine and the 2nd-ranked public high school in the United States according to U.S. News and World Report in 2019; and  
**WHEREAS**, the school also earned distinction as the 2nd-ranked magnet school in the United States in 2019; and

**WHEREAS**, the Town of Limestone, located in Aroostook County, provides the school's students access to a unique and beautiful natural landscape, kind and hard-working neighbors and a community with a rich history that includes diverse cultural influences; and

**WHEREAS**, the school offers the best of educational opportunities for students from across the United States and around the world and provides enormous economic and cultural advantages to the people of Aroostook County; 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, reaffirm the importance of maintaining the Maine School of Science and Mathematics in the Town of Limestone.

**READ and ADOPTED.**

Sent down for concurrence.

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Senate at Ease.

The Senate was called to order by the President.

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**ORDERS OF THE DAY**

**Unfinished Business**

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

The Chair laid before the Senate the following Tabled and Later Assigned (6/17/21) matter:

An Act To Protect Farm Workers by Allowing Them To Organize for the Purpose of Collective Bargaining  
H.P. 107 L.D. 151  
(C "A" H-679)

Tabled - June 17, 2021 by Senator **DAUGHTRY** of Cumberland

Pending - **ENACTMENT**, in concurrence

(In Senate, June 16, 2021, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-679)**, in concurrence.)

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

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

Senator **DESCHAMBAULT** of York who would have voted NAY requested and received leave of the Senate to pair her vote with Senator **LAWRENCE** of York who would have voted YEA.

**ROLL CALL (#494)**

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

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

PAIRED: Senators: DESCHAMBAULT, LAWRENCE

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

Sent down for concurrence.

\_\_\_\_\_

The Chair laid before the Senate the following Tabled and Later Assigned (6/30/21) matter:

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

Tabled - June 30, 2021 by Senator **DAUGHTRY** of Cumberland

Pending - **ENACTMENT**, in concurrence

(In Senate, June 17, 2021, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-664)**, in concurrence.)

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

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

\_\_\_\_\_

Senate at Ease.

The Senate was called to order by the President.

\_\_\_\_\_

On motion by Senator **VITELLI** of Sagadahoc, **TABLED** until Later in Today's Session, pending **ENACTMENT**, in concurrence. (Roll Call Ordered)

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

Resolve, To Create the Criminal Records Review Committee  
H.P. 408 L.D. 563  
(C "A" H-297)

Tabled - June 9, 2021 by Senator **DAUGHTRY** of Cumberland

Pending - **FINAL PASSAGE**, in concurrence

(In Senate, June 7, 2021, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-297)**, in concurrence.)

(In House, **FINALLY PASSED**.)

Same Senator moved the Senate **SUSPEND THE RULES**.

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

\_\_\_\_\_

Senate at Ease.

The Senate was called to order by the President.

\_\_\_\_\_

On motion by Senator **VITELLI** of Sagadahoc, **TABLED** until Later in Today's Session, pending motion by same Senator to **SUSPEND THE RULES**. (Roll Call Ordered)

\_\_\_\_\_

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

Resolve, To Create the Commission To Examine Reestablishing Parole  
H.P. 610 L.D. 842  
(H "A" H-736, H "B" H-743  
to C "A" H-717)

Tabled - July 2, 2021 by Senator **DAUGHTRY** of Cumberland

Pending - **FINAL PASSAGE**, in concurrence

(In Senate, June 30, 2021, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-717) AS AMENDED BY HOUSE AMENDMENTS "A" (H-736) AND "B" (H-743)** thereto, in concurrence.)

(In House, **FINALLY PASSED**.)

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

\_\_\_\_\_

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

\_\_\_\_\_  
Senate at Ease.

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:

**PAPERS FROM THE HOUSE**

**Non-Concurrent Matter**

An Act To Provide Allocations for the Distribution of State Fiscal Recovery Funds

S.P. 577 L.D. 1733  
(S "A" S-399; S "B" S-400  
to C "A" S-397)

In Senate, July 19, 2021, the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (S-397)** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-397) AS AMENDED BY SENATE AMENDMENTS "A" (S-399) AND "B" (S-400)** thereto.

Comes from the House, the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (S-397)** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-397) AS AMENDED BY SENATE AMENDMENTS "A" (S-399) AND "B" (S-400) AND HOUSE AMENDMENT "A" (H-745)** thereto, in **NON-CONCURRENCE**.

On motion by Senator **BREEN** of Cumberland, the Senate **RECEDED** from whereby the Bill was **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-397) AS AMENDED BY SENATE AMENDMENTS "A" (S-399) AND "B" (S-400)** thereto.

On further motion by same Senator, the Senate **RECEDED** from whereby it **ADOPTED COMMITTEE AMENDMENT "A" (S-397) AS AMENDED BY SENATE AMENDMENTS "A" (S-399) AND "B" (S-400)** thereto.

On further motion by same Senator, Senate Amendment "D" (S-405) to Committee Amendment "A" (S-397) **READ**.

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

Senator **BREEN:** Mr. President, men and women of the Senate, I thank you for your indulgence of this amendment. There are a number of programs in L.D. 1733 that aim to increase our healthcare workforce and in the current iteration of the bill it names nursing homes and hospitals and what we're adding here are federally qualified health centers because they also are an important part of our infrastructure all over the state and they will be able to benefit from these workforce development efforts in L.D. 1733. Thank you very much.

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

Senator **TIMBERLAKE:** Thank you, Mr. President. Ladies and gentlemen of the Senate, I still can't support the bill because it still has special interest groups in it and it's still not funding unemployment benefits at the level it should. So, I would request a roll call.

**THE PRESIDENT:** Does the Senator from Androscoggin, Senator Timberlake, want a roll call on the amendment for FDHCs or on the...

Senator **TIMBERLAKE:** Nope.

On motion by Senator **BREEN** of Cumberland, Senate Amendment "D" (S-405) to Committee Amendment "A" (S-397) **ADOPTED**.

House Amendment "A" (H-745) to Committee Amendment "A" (S-397) **READ** and **ADOPTED**, in concurrence.

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

**ROLL CALL (#495)**

YEAS: Senators: BAILEY, BALDACCI, BREEN, BRENNER, CARNEY, CHIPMAN, CLAXTON, CURRY, 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: Senator: LAWRENCE

21 Senators having voted in the affirmative and 13 Senators having voted in the negative, with 1 Senator being excused, **PASSED TO BE ENGROSSED AS AMENDED BY PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-397) AS AMENDED BY SENATE AMENDMENTS "A" (S-399); "B" (S-400) AND "D" (S-405) AND HOUSE AMENDMENT "A" (H-745) thereto, in NON-CONCURRENCE.**

Ordered sent down forthwith for concurrence.

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

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

**ENACTORS**

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

**Resolve**

Resolve, To Create the Commission To Develop a Paid Family and Medical Leave Benefits Program

S.P. 501 L.D. 1559  
(C "A" S-142; S "A" S-360  
to S. "A" S-356)

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

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

**PAPERS FROM THE HOUSE**

**Non-Concurrent Matter**

RESOLUTION, Proposing an Amendment to the Constitution of Maine Regarding Early Voting

H.P. 423 L.D. 580  
(C "A" H-95)

In Senate, July 2, 2021, **FINALLY PASSED**, in **NON-CONCURRENCE**.

Comes from the House, that Body having **INSISTED** on its former action whereby the RESOLUTION **FAILED FINAL PASSAGE**.

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:** Yes, thank you, Mr. President. May I pose a question?

**THE PRESIDENT:** The Senator from Kennebec can pose his question.

Senator **HICKMAN:** If the Senate Recedes and Concurs we will be agreeing with the House of Representatives to kill this Constitutional Amendment for early voting?

**THE PRESIDENT:** The Chair would answer in the affirmative.

Senator **HICKMAN:** Thank you, Mr. President. I will oppose the motion.

\_\_\_\_\_  
Senate at Ease.

The Senate was called to order by the President.

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

**ROLL CALL (#496)**

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

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

EXCUSED: Senator: LAWRENCE

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

Senator VITELLI of Sagadahoc moved the Senate INSIST.

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

Senator STEWART: Thank you, Mr. President. Question. Procedurally, was this not an Enactment on a Constitutional Amendment that would have required two-thirds? Is that correct?

THE PRESIDENT: On a regular vote for a Constitutional Amendment requires two-thirds but, obviously, a roll call can be asked for at any time.

Senator STEWART: I don't know if I want to do that. I guess what I'm asking is where that previous vote is not a two-thirds vote in favor of that enactment is that not mean that there is a failure to achieve that threshold on the previous vote? Final passage, right?

THE PRESIDENT: So, the House had not Enacted and we were Recede and Concur with them and we didn't do that either.

Senator STEWART: I won't ask for a roll call. If somebody does that's fine.

THE PRESIDENT: To be honest, pretty much at this point anything we do is going to kill the bill. So, the pending motion before the Senate is the Insist motion. Is this the pleasure of the Senate?

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

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. 1298

JOINT RESOLUTION RECOGNIZING CLEAN ENERGY'S IMPORTANCE TO MAINE'S INFRASTRUCTURE AND ECONOMIC FUTURE

WHEREAS, the State has a proud history advancing Maine's clean energy sector to support infrastructure developments and other key industries; and

WHEREAS, Maine can continue to expand in-state energy production by taking advantage of opportunities in clean energy, thereby expanding and diversifying our economic base while achieving 100 percent renewable energy by 2050; and

WHEREAS, clean energy is part of America's energy future and includes not only generation from renewable sources but also upgrades to technologies and energy storage; and

WHEREAS, Maine can invest in our energy infrastructure to include affordable, efficient battery storage technologies; and

WHEREAS, over 11,900 Maine citizens are currently employed in the clean energy sector; and

WHEREAS, further bipartisan infrastructure investments and the advancement of clean energy innovation on the federal level will help spur economic development and new business growth, creating future-facing jobs for hard-working Maine citizens while supporting stronger, more vibrant and increasingly cleaner communities; now, therefore, be it

RESOLVED: That We, the Members of the One Hundred and Thirtieth Legislature now assembled in the First Special Session, on behalf of the people we represent, take this opportunity to recognize the value of clean energy, including the promise of abundant job opportunities, economic growth, energy independence, consumer choice, lower energy prices and a cleaner environment; and be it further

RESOLVED: That we recognize that clean energy generation from all renewable sources plays an important role in Maine's diverse energy portfolio and that investing in clean energy infrastructure is of fundamental importance to the long-term health of our roads, bridges, electrical grid, cybersecurity, economy and quality of life.

Comes from the House, READ and ADOPTED.

READ and ADOPTED, in concurrence.

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

PAPERS FROM THE HOUSE

Non-Concurrent Matter

An Act To Include within the Definitions of "Public Employee" and "Judicial Employee" Those Who Have Been Employed for Less Than 6 Months

H.P. 580 L.D. 775 (C "A" H-191)

In Senate, June 8, 2021, PASSED TO BE ENACTED in concurrence.

In House, June 19, 2021, RECALLED from the Governor's Desk, pursuant to Joint Order H.P. 1292.

Comes from the House, Bill COMMITTED to the Committee on LABOR AND HOUSING, 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:

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

**COMMUNICATIONS**

The Following Communication: H.C. 211

**STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
SPEAKER'S OFFICE  
AUGUSTA, MAINE**

July 19, 2021

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

Dear Secretary Grant:

House Paper 1154, Legislative Document 1549, "An Act To Establish the Maine Forest Advisory Board," having been returned by the Governor, together with objections to the same, pursuant to Article IV, Part Third, Section 2 of the Constitution of the State of Maine, after reconsideration, the House proceeded to vote on the question: "Shall this Bill become a law notwithstanding the objections of the Governor?"

71 voted in favor and 62 against, and accordingly it was the vote of the House that the Bill not become a law and the veto was sustained.

House Paper 1269, Legislative Document 1708, "An Act To Create the Pine Tree Power Company, a Nonprofit Utility, To Deliver Lower Rates, Reliability and Local Control for Maine Energy Independence," having been returned by the Governor, together with objections to the same, pursuant to Article IV, Part Third, Section 2 of the Constitution of the State of Maine, after reconsideration, the House proceeded to vote on the question: "Shall this Bill become a law notwithstanding the objections of the Governor?"

68 voted in favor and 65 against, and accordingly it was the vote of the House that the Bill not become a law and the veto was sustained.

Sincerely,

S/Jennifer E. McGowan  
Ass't Clerk of the House

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

**PAPERS FROM THE HOUSE**

**Non-Concurrent Matter**

An Act To Protect Farm Workers by Allowing Them To Organize for the Purpose of Collective Bargaining

H.P. 107 L.D. 151  
(C "A" H-679)

In Senate, July 19, 2021, **FAILED ENACTMENT**, in **NON-CONCURRENCE**.

Comes from the House, that Body having **INSISTED** on its former action whereby the Bill was **PASSED TO BE ENACTED**.

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

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

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

Senator **DESCHAMBAULT:** Mr. President, pursuant to Senate Rule 401.6 I have agreed to pair my vote on L.D. 151 with the Senator from York, Senator Lawrence. I will be voting Nay on this roll call.

**THE PRESIDENT:** The Senator from York, Senator Deschambault, has agreed to pair her vote with the Senator from York, Senator Lawrence, on the roll call vote for L.D. 151. The votes will be recorded as such by the Secretary. The Chair recognizes the Senator from Androscoggin, Senator Timberlake.

Senator **TIMBERLAKE:** Thank you, Mr. President. Just getting some clarification here. We're on a Recede and Concur motion so that means the House has said that we want this motion to pass the bill that we had originally voted down. Is that correct?

**THE PRESIDENT:** Earlier this morning we had, or this afternoon or whatever it was, we had this in the Senate, failed to Enact. Went down in non-concurrence. The House Insisted and sent it back to us and so now we would be in the motion to Recede and Concur with the House to pass this bill.

Senator **TIMBERLAKE:** So, if I want to stay with my regular vote I would vote red against this bill? I just wanted to make sure we clarified that.

**THE PRESIDENT:** That's why I waited for you to ask for the roll call. I'm not trying to slide one by.

Senator **DESCHAMBAULT** of York who would have voted NAY requested and received leave of the Senate to pair her vote with Senator **LAWRENCE** of York who would have voted YEA.

**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 (#497)**

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

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

**PAIRED:** Senators: DESCHAMBAULT, LAWRENCE

17 Senators having voted in the affirmative and 16 Senators having voted in the negative, 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.

\_\_\_\_\_  
Senate at Ease.

The Senate was called to order by the President.

**ORDERS OF THE DAY**

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

Resolve, To Create the Criminal Records Review Committee  
H.P. 408 L.D. 563  
(C "A" H-297)

Tabled - June 19, 2021 by Senator **VITELLI** of Sagadahoc

Pending - motion by same Senator to **SUSPEND THE RULES** (Roll Call Ordered)

(In Senate, June 7, 2021, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-297)**, in concurrence.)

(In House, **FINALLY PASSED**.)

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

**ROLL CALL (#498)**

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

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

**EXCUSED:** Senator: LAWRENCE

24 Senators having voted in the affirmative and 10 Senators having voted in the negative, with 1 Senator being excused, the motion by Senator **VITELLI** of Sagadahoc to **SUSPEND THE RULES PREVAILED**.

On motion by Senator **VITELLI** of Sagadahoc, the Senate **RECONSIDERED** whereby the Bill was **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-297)**, 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-297), in concurrence.

On further motion by same Senator, Senate Amendment "A" (S-357) to Committee Amendment "A" (H-297) **READ** and **ADOPTED**.

Committee Amendment "A" (H-297) as Amended by Senate Amendment "A" (S-357) thereto, **ADOPTED**, in **NON-CONCURRENCE**.

**PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-297) AS AMENDED BY SENATE AMENDMENT "A" (S-357)** thereto, in **NON-CONCURRENCE**.

Ordered sent down for concurrence.

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

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

Tabled - July 19, 2021 by Senator **VITELLI** of Sagadahoc

Pending - **ENACTMENT**, in concurrence (Roll Call Ordered)

(In Senate, June 17, 2021, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-664)**, in concurrence.)

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

On motion by Senator **HICKMAN** of Kennebec, 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-664)**, 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-664), in concurrence.

On further motion by same Senator, Senate Amendment "A" (S-404) to Committee Amendment "A" (H-664) **READ**.

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

Senator **HICKMAN:** Thank you, Mr. President. This amendment clarifies the definition of assisted project in the original committee amendment to ensure that electrical generation of 2 megawatts or more for which at least \$50,000 in State assistance is provided. It also directs the Public Utilities Commission, in conducting a solicitation and selecting Class 1-A resources for contracts pursuant to statutory provisions governing renewable portfolio standard procurement, to also consider whether an entity is employee-owned, included but not limited to an entity that offers stock ownership plans. The amendment also excludes certain projects from the provision in the committee amendment concerning climate and community investment projects and adds an effective date of January 1, 2022 in order to deal with any confusion about the effect of this bill being retroactive. Thank you, 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 Doorkeepers secured the Chamber.

The Secretary opened the vote.

**ROLL CALL (#499)**

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

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

EXCUSED: Senator: LAWRENCE

17 Senators having voted in the affirmative and 17 Senators having voted in the negative, with 1 Senator being excused, the motion by Senator **HICKMAN** of Kennebec to **ADOPT FAILED**.

Senator **HICKMAN** of Kennebec moved the Bill and accompanying papers be **COMMITTED** to the Committee on **LABOR AND HOUSING**, in **NON-CONCURRENCE**.

On motion by Senator **VITELLI** of Sagadahoc, **TABLED** until Later in Today's Session, pending the motion by Senator **HICKMAN** of Kennebec to **COMMIT** the Bill and accompanying papers to the Committee on **LABOR AND HOUSING**, in **NON-CONCURRENCE**.

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Off Record Remarks

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

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

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Off Record Remarks

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

**PAPERS FROM THE HOUSE**

**House Paper**

Bill "An Act To Fund Collective Bargaining Agreements with Executive Branch Employees" (EMERGENCY)  
H.P. 1299 L.D. 1735

Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** suggested and ordered printed.

Comes from the House, under suspension of the Rules, **READ TWICE** and **PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "A" (H-744)**, without reference to a Committee.

Under suspension of the Rules, **READ TWICE**, without Reference to a Committee.

House Amendment "A" (H-744) **READ**.

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

**ROLL CALL (#500)**

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

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

**EXCUSED:** Senator: LAWRENCE

23 Senators having voted in the affirmative and 11 Senators having voted in the negative, with 1 Senator being excused, Committee Amendment "A" (H-744) **ADOPTED**, in concurrence.

**PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-744)**, in concurrence.

Ordered sent forthwith.

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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:

**Acts**

An Act To Clarify the Definition of "Qualified Investment" for Purposes of the Income Tax Credit for Paper Manufacturing Facility Investment

S.P. 593 L.D. 1737

**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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An Act To Clarify Funding for the Office of Affordable Health Care  
S.P. 592 L.D. 1736

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 Aroostook, Senator Stewart.

Senator **STEWART:** Thank you very much, Mr. President. Ladies and gentlemen of the Senate, I rise because this is one of the two bills this morning that was passed out of the Senate floor without a public hearing and so to avoid some confusion, hopefully this is confusion, the fiscal note that's associated with this bill in particular I believe is around \$600,000 and I'm wondering where that funding is coming from and if anybody can explain why that wasn't a part of the Appropriations process during the previous negotiations that we had in regards to the Supplemental Budget and why is this coming up as a stand-alone now with what appears to be a hefty fiscal note outside of that traditional process. That can be posed through the Chair, however the Chair recommends, to answer that question. Thanks.

**THE PRESIDENT:** The Senator from Aroostook, Senator Stewart, has posed a number of questions through the Chair and I'll at least take the first swipe at it. The Appropriations members did vote on this bill and funding was included in there out of an OSR. Chris Nolan from OFPR called me, I don't know, sometime in the middle of last week and said that they had inadvertently dropped the funding going to the bill. They had actually included the funding and it went into the General Fund but they didn't transfer to actually fund the bill. You can check with Mr. Nolan but he said it was an honest mistake on their part and at that point the only way to fix the bill was to run a new bill to clarify that and that's what the bill before you today is, just fixing the transfer that Appropriations members did vote on when they ran the table. The Chair recognizes the Senator from Cumberland, Senator Breen.

Senator **BREEN:** Thank you, Mr. President. In short, I would summarize what you said, which is that this Body did appropriate the funding but we didn't quite get the language right and it was a mistake on the part of OFPR. They alerted us last week and this is the fix to make the language match up with the money that we already passed.

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

Senator **STEWART:** Thank you, Mr. President. So, just to confirm, this fiscal note was part of the package that was agreed upon and funded through, I presume, Senate Democrat's allocation of whatever the Special Appropriations funded and if that's the affirmative I may ask to approach with Leadership to discuss the possibility of removing a roll call, if that is in fact the case.

**THE PRESIDENT:** Would Leadership please approach. The Chair recognizes the Senator from Kennebec, Senator Pouliot.

Senator **POULIOT:** Thank you, Mr. President. I want to remove the roll call, save the walk up there.

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

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

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

**PAPERS FROM THE HOUSE**

**Joint Resolution**

The following Joint Resolution:

H.P. 1301

**JOINT RESOLUTION  
RECOGNIZING THE NATIONAL DAY OF  
THE COWBOY ON JULY 24, 2021**

WHEREAS, the National Day of the Cowboy 501(c)(3) nonprofit organization and its volunteers work to establish in all 50 states in perpetuity the National Day of the Cowboy, which honors pioneer heritage and cowboy culture on the 4th Saturday every July; and

WHEREAS, the National Day of the Cowboy nonprofit organization contributes to the preservation of America's cowboy culture and pioneer heritage so that the history and culture that the National Day of the Cowboy honors can be shared and perpetuated for the public good through education, the arts, literature, celebrations, gatherings, rodeos and other community activities; and

WHEREAS, in 2006, Arizona Governor Janet Napolitano became the first governor to issue a National Day of the Cowboy proclamation, and since then many governors have issued National Day of the Cowboy proclamations and many states have established the National Day of the Cowboy in perpetuity; and

WHEREAS, the National Day of the Cowboy flag flies in 36 states and 6 countries and, as well as being celebrated annually in nearly every state in America, the National Day of the Cowboy has been celebrated with events held in Lebanon, England, Italy, Canada and Wales; and

WHEREAS, the National Day of the Cowboy celebrations are now hosted at numerous museums across the country, including the Eiteljorg Museum, Booth Museum, American Quarter Horse Museum, Chisholm Trail Heritage Center, Flint Hills Discovery Center, Autry Museum of the American West, North Dakota Cowboy Hall of Fame and National Cowboy Hall of Fame, to name a few; now, therefore, be it

RESOLVED: That We, the Members of the One Hundred and Thirtieth Legislature now assembled in the First Special Session, on behalf of the people we represent, take this opportunity to recognize the National Day of the Cowboy on July 24, 2021.

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

The Joint Resolution was **READ**.

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

Senator **DIAMOND:** Thank you, Mr. President. Ladies and gentlemen of the Senate, I just want to say that this is probably one of the more important things we've done today and I don't know who did it but I think it's time that Maine joined the other 24 states and become part of celebration. Thank you very much for the opportunity.

The Joint Resolution was **ADOPTED**, in concurrence.

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

Senate at Ease.

The Senate was called to order by the President.

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

**ENACTORS**

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

**Act**

An Act To Provide Allocations for the Distribution of State Fiscal Recovery Funds

S.P. 577 L.D. 1733  
(H "A" H-745, S "A" S-399,  
S "B" S-400; S "D" S-405  
to C "A" S-397)

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 (#501)**

YEAS: Senators: BAILEY, BALDACCI, BREEN, BRENNER, CARNEY, CHIPMAN, CLAXTON, CURRY, 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: Senator: LAWRENCE

21 Senators having voted in the affirmative and 13 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.

**Resolve**

Resolve, To Create the Criminal Records Review Committee  
H.P. 408 L.D. 563  
(S "A" S-357 to C "A" H-297)

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 (#502)**

YEAS: Senators: BAILEY, BALDACCI, BREEN, BRENNER, CARNEY, CHIPMAN, CLAXTON, CURRY, 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: Senator: LAWRENCE

21 Senators having voted in the affirmative and 13 Senators having voted in the negative, with 1 Senator being excused, was **FINALLY PASSED** 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.

\_\_\_\_\_  
Off Record Remarks  
\_\_\_\_\_

Senate at Ease.

The Senate was called to order by the President.

**ORDERS OF THE DAY**

Senator **DAVIS** of Piscataquis moved the Senate remove from the **SPECIAL APPROPRIATIONS TABLE** the following:

An Act To Establish Separate Prosecutorial Districts in Downeast Maine

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

Placed on the Special Appropriations Table - June 15, 2021 by Senator **BREEN** of Cumberland

Pending - **ENACTMENT**, in concurrence

(In Senate, June 14, 2021, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-547)**, in concurrence.)

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

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

**ROLL CALL (#503)**

YEAS: Senators: BALDACCI, BLACK, CHIPMAN, CYRWAY, DAVIS, DILL, FARRIN, GUERIN, KEIM, LUCHINI, MOORE, POULIOT, ROSEN, STEWART, TIMBERLAKE, WOODSOME

NAYS: Senators: BAILEY, BENNETT, BREEN, BRENNER, CARNEY, CLAXTON, CURRY, DAUGHTRY, DESCHAMBAULT, DIAMOND, HICKMAN, LIBBY, MAXMIN, MIRAMANT, RAFFERTY, SANBORN, VITELLI, PRESIDENT JACKSON

EXCUSED: Senator: LAWRENCE

16 Senators having voted in the affirmative and 18 Senators having voted in the negative, with 1 Senator being excused, the motion by Senator **DAVIS** of Piscataquis to **REMOVE** the Bill and accompanying papers from the **SPECIAL APPROPRIATIONS TABLE FAILED**.

\_\_\_\_\_  
Off Record Remarks  
\_\_\_\_\_

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

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

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

The President took a seat on the Floor.

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

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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 Fund Collective Bargaining Agreements with Executive Branch Employees (EMERGENCY)

H.P. 1299 L.D. 1735  
(H "A" H-744)

In Senate, July 19, 2021, **PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "A" (H-744)**, in concurrence.

Comes from the House, **PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENTS "A" (H-744) AND "B" (H-749)**, in **NON-CONCURRENCE**.

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

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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:

**ORDERS**

**Joint Resolution**

On motion by Senator **BENNETT** of Oxford, the following Joint Resolution:

S.P. 594

**JOINT RESOLUTION  
EXPRESSING THE SENSE OF THE LEGISLATURE  
REGARDING THE USE OF PUBLIC LAND  
LEASED BY THE STATE**

**WHEREAS**, in order to protect state park land, public lots and other real estate held by the State for conservation or recreation purposes, in November 1993 Maine voters amended the

Constitution of Maine, Article IX, Section 23 to affirm that "State park land, public lots or other real estate held by the State for conservation or recreation purposes and designated by legislation implementing this section may not be reduced or its uses substantially altered except on the vote of 2/3 of all the members elected to each House", thereby requiring a vote of 2/3 of all the members elected to each House of the Legislature to approve any substantial alteration in the use of that state park land, public lots or other real estate held by the State for conservation or recreation purposes; and

**WHEREAS**, the Department of Agriculture, Conservation and Forestry, Bureau of Parks and Lands in December 2014 leased to Central Maine Power Company, or "CMP," a right-of-way that is a 300-foot-wide, approximately one-mile-long transmission corridor across public reserved lands in West Forks Plantation and in Johnson Mountain Township; and

**WHEREAS**, the clearing and placement of large transmission towers and lines on a 300-foot-wide right of way bisecting constitutionally protected and unique public reserved lands for an approximately one-mile-long strip of land is a substantially different use of these public lands; and

**WHEREAS**, in contravention of the Constitution of Maine and the implementing statute, the Maine Revised Statutes, Title 12, section 598-A, the Legislature was not afforded an opportunity to review or approve the lease to CMP of the above-mentioned public reserved lands in West Forks Plantation and in Johnson Mountain Township, which will substantially alter designated public reserved lands; and

**WHEREAS**, in February 2020 the Joint Standing Committee on Agriculture, Conservation and Forestry unanimously supported L.D. 1893, as amended, in order to adopt findings that the public lands lease for the so-called New England Clean Energy Connect project constituted a substantial alteration requiring legislative approval and thus violated the Constitution of Maine, Article IX, Section 23; and

**WHEREAS**, following the adjournment of the 129th Legislature, the Bureau of Parks and Lands began renegotiating the above-mentioned lease and an amended and restated lease was signed on June 23, 2020; and

**WHEREAS**, on March 29, 2021, the Joint Standing Committee on Agriculture, Conservation and Forestry, on a vote of 12-1, sent a letter to the Commissioner of Agriculture, Conservation and Forestry and the Director of the Bureau of Parks and Lands stating that the amended and restated lease between the Bureau of Parks and Lands and CMP was renegotiated, amended and signed without any communication or outreach to the Legislature, and again memorialized the committee's findings that any lease of public lots or other real estate designated under the Maine Revised Statutes, Title 12, section 598-A to CMP described in Public Utilities Commission Docket No. 2017-00232 constitutes a substantial alteration of the uses of such real estate under the Constitution of Maine, Article IX, Section 23 and accordingly requires the approval of the amended and restated lease by a vote of 2/3 of all the members elected to each House of the Legislature; and

**WHEREAS**, on May 18, 2021, the Joint Standing Committee on Agriculture, Conservation and Forestry, on a 12-1 vote, sent an additional letter to the Commissioner of Agriculture, Conservation and Forestry and the Director of the Bureau of Parks and Lands, further emphasizing the committee's finding that the above-mentioned lease and amended and restated lease constitute a substantial alteration and that the Constitution of Maine, the

highest source of law on the matter, unambiguously requires that a substantial alteration of public lands requires legislative approval; 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, express our sense in accordance with the Constitution of Maine, that the lease provided to CMP to cross the public reserved lands in West Forks Plantation and in Johnson Mountain Township constitutes a substantial alteration of those lands, requiring a 2/3 vote of all the members elected to each House of the Legislature.

The Joint Resolution was **READ**

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

Senator **BENNETT:** Thank you, Madame President. In 1993, I was on the Conference Committee of the Legislature while serving in the other Body that drafted the Constitutional Amendment, that was ratified by 73% of Maine voters that November, that became Article IX Section 23. This provision guarantees that when there is a transfer, a sale, or substantial alter of the use of public lands it must be a two-thirds vote of the Legislature. For years since then, through Independents, Republicans, and Democratic administrations, the Bureau of Parks and Lands have routinely brought these matters to us, the Legislature, for the two-thirds vote. Land swaps, sales, utility crossings most typically. In the absence of rules, the Executive has always leaned to the side of respecting the Legislature's role in adhering to this constitutional provision. However, there's one project that seems exempt from routine, from custom, from established constitutional norms through two administrations. That, of course, is the CMP corridor. Last Friday, I attended oral arguments relating to the lands case before Justice Michaela Murphy and at one point she made an astonishing statement and I quote. She said, 'That is certainly the concern of the court because of recognition that I think the court has made that the Legislature's supposed to be a Constitutional Partner and have the final say in these lands, but it seems that there was a concerted effort to keep the Legislature in the dark both times.' She's talking about the two leases. Justice Murphy acknowledged what we all know. The Legislature has been prevented from exercising our constitutional and statutory responsibilities. In recent weeks, I, along with several other Legislators, have visited the site and personally observed the destruction and know what could happen to the public lands. This project will certainly constitute a substantial alteration. Others will attest to this as well.

The Resolution before us today, while not changing law or invoking the mandate, will make a clear statement of the Legislature's understanding of the application of Article IX Section 23 to the CMP corridor. This Joint Resolution is our chance to reclaim our constitutional responsibilities demanded of us by the people of Maine 28 years ago. It gives us the responsibility to make an unambiguous statement about the handling of these leases by the Executive Branch and our insistence that it be done right. I urge your support for this Joint Resolution. Madame President, I request the yeas and nays.

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

**THE PRESIDENT PRO TEM:** The Chair recognizes the Senator from Franklin, Senator Black.

Senator **BLACK:** Thank you, Madame President. I rise in support of this Resolution. As a member of the ACF Committee, I have seen two different Administrations ignore our request to bring this substantial alteration of our public lands to the Legislature as the Constitution asks for and calls for. On behalf of the people of Maine a vote needs to be taken. I can attest that there will be substantial alteration having been on the public lands two weeks ago and seen that corridor cutting going on and the clearing that's being done. This 150 foot clear-cut between the heritage trout ponds will warm the water and destroy the heritage fishing that we are here to protect. Thank you.

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

Senator **MAXMIN:** Thank you, Madame President. I also rise in support of this Resolution. I wanted to say that the Agriculture, Conservation, and Forestry Committee, both last session and this session, have sent letters to the Administration expressing that we have found this piece of parcel to have experienced a substantial alteration and this is saying that the Legislature agrees with that.

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

Senator **STEWART:** Thank you very much, Madame President. Ladies and gentlemen of the Senate, you know, when looking through this Resolution and looking at what the Constitution actually says, it is, in fact, silent on what a change actually is, which leads one to wonder what that actually means in our law and if one were to think about that, and look at the precedent, what it really means is that the Director of the Department at that time can interpret what a change is, and I believe that actual legal jargon is substantial alteration which is the term I should have used. What we're trying to do here, with this document in front of us, is say 'No, no, no. We're not going to do that any more,' or actually that's not even what we're doing here. What we're doing here is passing a Resolution which would say this is the intent of the Legislature except the Legislature's supposed to write laws. This isn't a law. In fact, this has no statutory binding whatsoever. So, why are we passing this? Well, I would speculate that it may have something to do with how we want a different Body of state government to interpret our laws but we don't want to change the law. No, no. We're not going to change the law. We're going to specifically call out one project that we happen to disagree with and set a precedent without actually changing the law and really muddy things up for the courts. You know, I get concerned about attempts like this because I live in a place, and in a county, that has a number of pieces of property that are owned by the state yet leased to individuals for things that they are intending to do when they enter into these arrangements like building camps, for instance, out in the unorganized territories and other parts. I've been to those places and I've fished in those places and what we're essentially doing here would be to say we're just going to



pass a Joint Resolution at some point and, in fact, one could argue that this Resolution would set a precedent that if you had a lease for a parcel of land and it said this is for a camp for 99 years and there's already a camp right next door, that this area may be riddled with camps, but we don't like that camp and because we don't like that camp, even though it's adjacent to an even bigger camp right next door, we're now going to take away the right to use that land even though we had a deal with the state. It's really no difference than what we're talking about in this project where you've got a parcel of land in question which specifically relates to the land here. There's already an existing transmission line there. The lease was for a transmission line to be built on. There was a process that was followed seven years ago. Now, you may not like CMP, I don't. I think they're a bad operator. I've said that on the floor of the Senate many times. You've heard me say it. You may not like the corridor for whatever reasons you may or may not have. But the point is that this precedent that is being set by this document and what we're trying to do, who we're trying to influence in the other Branches that we're trying to say 'You acted inappropriately and we're going to have this other Branch hold you accountable, but we're not going to change the law. We're not going to do our actual job.' Right, Madame President. That makes too much sense. So, here we are. I've got another piece of paper right behind it that says we're about to adjourn. I can only speculate on the motivations of those that are pushing this forward but it may have something to do with the fact that down the hall they sustained a veto from the Chief Executive that...

**THE PRESIDENT PRO TEM:** The Chair recognizes the Senator from Oxford, Senator Bennett. For what purpose does the member rise?

Senator **BENNETT:** I rise to raise a point of personal privilege. The member is speculating upon the motives of a Senator.

**THE PRESIDENT PRO TEM:** The Chair would encourage members not to speculate on the motives of members.

Senator **STEWART:** Understood, Madame President. I'm speculating on the motive of the special interest groups who are supportive of such a measure that would be in front of us, not the motives of the individual who is putting it forward but the special interest groups associated with it. I should have clarified. I apologize.

So, with that, Madame Speaker, I'm sorry, Madame President, I would urge this Body to reject the pending motion and not muddy this issue up any more than it needs to be. There's a process that needs to be followed, otherwise the State is going to be viewed as a bad actor and a bad negotiator on a multitude of other issues that this opens Pandora's box for. If folks want to change the law I recommend that they put a bill in to do so and we'll have that debate when it is proper and in front of us at that time. Thank you.

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

Senator **MIRAMANT:** Thank you, Madame President Pro Tem and members of the Senate. Since the beginning of the process when this corridor was announced and the permitting began, the towns and people of the state have stood up and said we want this process followed, that there's some monitoring and proper

oversight by the Body that's been deemed appropriately empowered to do so, that's this Legislative Body, both houses and all houses of it, all bodies of it. But the law does not need to be changed. What this Resolution does is point out that we have been charged with a duty. We were charged a long time ago with that duty and it seems as if it got lost in the woods as the company that's like the Hydra myth has come through in multiple directions and, as I pointed out this morning, the Body that's supposed to oversee them and protect those who are not up to the fight, who haven't got the tools to go against something like the Hydra, have this Body that's been empowered to do so get on it. In my frustration about a couple of recent actions that seemed to leave behind the folks that need to be protected, here a little later, just before we adjourn, someone is standing up to point out we already have a law. That law needs to be followed and the process is being brought to the courts to make sure that it is and we're just saying here's the law, pay attention, and do what you're supposed to do, and I appreciate that and I will absolutely support this Resolution. Thank you, Madame President.

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

Senator **HICKMAN:** Thank you, Madame President, women and men of the Senate. I read from Chapter 202, Designated Lands, Section 598, Definitions, subsection 5, into the record because my colleague doesn't think that the law says what it says. Substantially altered in the use of designated lands means changed as to significantly alter physical characteristics in a way that frustrates the essential purpose for which the land is held by the State. The essential purposes of State parks, historic sites, public access sites, facilities for boats and the Allagash Wilderness Waterway are the protection, management, and improvement of these properties for public recreation, conservation, scenic values, nature appreciation, historic preservation and interpretation, public access, and related purposes. The essential purposes of public reserved and non-reserved lands are the protection, management, and improvement of these properties for multiple use objectives established in Section 1847. The essential purposes of lands acquired through the Land for Maine's Future Board that are not held by the Department of Inland Fisheries and Wildlife or by the Department of Agriculture, Conservation, and Forestry are the protection, management, and improvement of those lands for recreation, conservation, farming, open space, plant and animal habitat, scenic values, public access, and related purposes. The essential purposes of State-owned wildlife management areas and game farms are the protection, management, and improvement of those properties for fish and wildlife habitat and propagation, hunting, trapping, fishing, recreation, propagation and harvesting of forests and other natural products, and related purposes.

Madame President, as you may know, I have Chaired the Agriculture, Conservation, and Forestry Committee from the House in the 129<sup>th</sup> Legislature. Our committee, at that time, passed unanimously, in committee, a bill, L.D. 1893, which is actually in the Joint Resolution, "Whereas in February of 2020 the Joint Standing Committee on Agriculture, Conservation and Forestry unanimously supported L.D. 1893, as amended, in order to adopt findings that the public lands lease for the so-called New England Clean Energy Connect project constituted a substantial alteration requiring legislative approval and thus violated the

Constitution of Maine, Article IX, Section 23,' and then COVID came and we adjourned and the Administration renegotiated the public lands deal behind our backs when we had made it very clear that it wasn't supposed to do that, and there was testimony from the then-Bureau Director that had he been in office at the time that the original lease was negotiated he would have described it as a substantial alteration as well. So, I encourage folks to actually read the law and read the Resolution to understand what we're doing here. Public lands belong to us, the people of the state. They don't belong to anybody else. They are ours and if we are going to substantially alter their use for any reason whatsoever, Madame President, it is up to us, according to the Constitution and statute, to grant that change with a two-thirds vote. Did not happen here. Has not happened yet. Will probably never happen. But that's the law and we broke it and that's what this Resolution recognizes and I strongly support it and if anybody can't read I suggest you try because it's in the law and it's in the Constitution and that's why we're here with this Joint Resolution on our last day of session and in this Regular Special Session of the Legislature, Madame President.

**THE PRESIDENT PRO TEM:** 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 (#504)**

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

NAYS: Senators: GUERIN, KEIM, LIBBY, POULIOT, STEWART, TIMBERLAKE

EXCUSED: Senator: LAWRENCE

28 Senators having voted in the affirmative and 6 Senators having voted in the negative, with 1 Senator 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:

**COMMUNICATIONS**

The Following Communication: S.C. 689

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

June 29, 2021

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

Dear Honorable Members of the 130th Legislature:

By the authority conferred by Article IV, Part Third, Section 2 of the Constitution of the State of Maine, I am hereby vetoing LD 675, *An Act to Protect Maine Consumers from Unsupported Price Increases on Prescription Medications*.

The high price of prescription drugs is an enormous problem for consumers in the State of Maine and nationally. It is unconscionable that lifesaving medications are often unavailable or difficult to access due to their cost. I have worked hard as Governor to expand health coverage to more Maine citizens - through MaineCare expansion, development of the State-based Marketplace for individual coverage, and reforms to make coverage more affordable for small businesses - thus increasing insurance coverage for prescription drugs. In my first year in office I restored the Maine Low-Cost Drugs for the Elderly and Disabled Program to cover an additional 1,800 Maine seniors. Additionally, I have supported a number of bills that shine a light on pricing practices of pharmaceutical companies so that the public and purchasers are more aware of drug pricing, as well as a bill to create the Prescription Drug Affordability Board, and bills to better regulate pharmacy benefit managers.

This bill is one five bills that comprised the *Making Health Care Work for Maine* package. Of these five, I was pleased to sign two into law (LDs 673 and 686), while a third, LD 120, which I support, is on the Special Appropriations Table. On LD 675, which received a divided report in the Health Coverage, Insurance and Financial Services Committee, I was prepared to support the Amendment advanced by the Committee Chairs. I remain committed to working with the Legislature to address these important issues in a way that will ultimately be legal and, as a result, allow us to make real and meaningful change for the people we represent, a goal I know we all share.

I commend the sponsor and supporters of LD 675 for bringing further attention to the high price of prescription medications. Unfortunately, I believe this bill, along with LD 1117, would not survive Constitutional scrutiny, would invite costly and protracted litigation, and, even if unexpectedly upheld in court, would not have the intended effect of significantly lowering the price of medication for Maine citizens.

LD 675 aims to prohibit "unsupported price increases" of prescription drugs.<sup>1</sup> As structured, the bill requires the Maine Prescription Drug Affordability Board (MPDAB) to identify a list of up to 12 drugs with unsupported price increases based on

data identified in the Maine Health Data Organization (MHDO) annual report. This list of medications must then be reported to the State Treasurer in order to collect fines from the manufacturers. The Attorney General can also bring an action on behalf of the Treasurer whereby the Superior Court may issue an order to collect these fines, which would be placed into a fund to offset Attorney General's costs of enforcing the law. It would not be until 2027-28 that the bill proposes any of this fund might be used to benefit consumers or to offset health care costs to consumers.

This bill, and its complex structure, will undoubtedly invite litigation based on several potential Constitutional claims. First, because the bill applies state consequences (fines) to out-of-state prices, the bill is vulnerable to a challenge based on the dormant Commerce Clause, which precludes states from regulating transactions that occur wholly outside their borders.<sup>2</sup> Moreover, because the bill applies to both generic and *patented* drugs, the State may also be vulnerable to claims related to patent preemption. A Washington D.C. law prohibiting drug manufacturers from selling patented drugs for "excessive prices" (defined as prices paid by other high income countries) was overturned by the U.S. Court of Appeals for the Federal Circuit based on patent preemption - specifically that Congress has the exclusive authority to balance the interests between innovation and access to the patented medications.<sup>3</sup> Unfortunately, this legislation encounters the same fundamental problem.

I believe it is critical that the Federal government pass legislation to address the national concern of drug pricing and that the Federal government is best positioned to help our citizens achieve benefit from real and lasting drug pricing reforms. In particular, the federal government could use its purchasing power through the Medicare program, to negotiate prices of medications on behalf of seniors, for instance.

Whether as District Attorney, Attorney General, or as Governor, I have never shied away from a legal battle that I knew was right and that would benefit the people of Maine. This is not such an occasion. The risks associated with this legislation are high, and the potential reward is low.

In the meantime, for the reasons set forth above, I return LD 675 unsigned and vetoed and urge the Legislature to sustain this action.

Sincerely,

S/Janet T. Mills  
Governor

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<sup>1</sup> To identify an "unsupported price increase" LD 675 relies on data collected and reported on MHDO that meets the notification requirements of Title 22 section 8732:

- A. Increased the wholesale acquisition cost of a brand-name drug by more than 20% per pricing unit;
- B. Increased the wholesale acquisition cost of a generic drug that costs at least \$10 per pricing unit by more than 20% per pricing unit; or

C. Introduced a new drug for distribution in this State when the wholesale acquisition cost is greater than the amount that would cause the drug to be considered a specialty drug under the Medicare Part D program.

LD 675 then in section 2036 (l)(B) further requires that the MPDAB use the data from MDHO to determine a list of drugs by: Reviewing the report regarding prescription drug pricing under paragraph A and determining which drugs had price increases greater than the medical Consumer Price Index plus 2%; Determining which drugs identified under subparagraph (1) had the largest net price increases in the past year; Considering manufacturer data regarding any factors or reasoning in the price increases for the manufacturer's drugs in the past year; Reviewing all relevant clinical literature regarding the drugs under consideration; and Finalizing a list of 12 or fewer of the drugs that increased in price in the preceding calendar year without any support for that increase.

<sup>2</sup> Healy v. Beer Inst., 491 U.S. 324 (1989).

<sup>3</sup> BIO v. District of Columbia, 496 F.3d 1362 (2007).

#### **READ and ORDERED PLACED ON FILE.**

The accompanying Bill:

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

S.P. 262 L.D. 675

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

Senator **JACKSON:** Thank you, Madame President. Ladies and gentlemen of the Senate, I wanted to get up just for a moment. It's been a long day, and I'm sure by this time I've upset many of the people that could have possibly voted for this override, but I still think it's important. We just had a debate about the Legislature, the Senate, being the constitutional partner on legislative matters, which I agree with, and this is another one that I think is really important. You know, we've had a number of vetoes today and had a number of vetoes the past couple of weeks. Most of them, I believe all of them, I didn't get up and speak on because, even though a large amount of them were my bills, because they are disagreements between the Legislature and the Governor's Office about policy and, to be honest too, there really wasn't probably the votes to get them over the line. But this issue here, basically we're told that we shouldn't be supporting this legislation basically because it's going to invite lawsuits, it's going to invite Big Pharma to take us on, and that's going to cause the State to have to defend it. I disagree. I don't disagree that they're going to take us on. I know they're going to take us on. They take us on every time that an issue like this comes up because it's the only opportunity that they have. They're wrong on this issue every time. The fact that they're able to charge obscene prices for these medications and hide behind it's the law, it's their ability, the Legislature can't do this, I don't believe is a good enough argument. I think, obviously at this point, I mean we've heard all year that the Legislature had to do

their job, the Legislature had to not do the Governor's bidding and all that. I think this is a perfect example of the time when the Legislature should exert itself because I know that you all hear this issue across your districts, that prescription drug coverage is, basically, killing the people that we, you know, are supposed to be representing and the argument that we're going to be sued and it's going to cost money, I mean, just this week it was announced that the State is receiving \$20 million for opioid manufacturers because they, once again, did something unbelievably wrong to the American public by putting a drug out that was extremely addictive, lying about it, and having thousands, if not millions, of people die from it. We're not dealing with good actors here and, at the very least, I believe that we should be able to take that \$20 million, and it was argued that \$2 million would be the cost for us to defend either one of these bills that we're coming up with right now in this over-turn, this veto override. So, we have the \$20 million that's coming from lawsuits against Big Pharma. I think we have the money right there to try and defend these bills and at least send a signal across the state of Maine that we do care about the obscene cost of prescription drugs and we do care about our constituents being able to get a low-cost medication. So, I think after the debate we just heard, with the decision, the announcement this week that we're going to get \$20 million coming, I think everything's right to finally send one of these bills back down to the second floor and assert our right as legislators to fight for our constituents and give them the opportunity to have a win against an organization that has done nothing good for the American public as far as prices, as far as making sure that everyday people had the ability to get low-cost prescription drugs. So, I would ask that the Legislature, we're really close on both these, I think on one of them we did have, I would ask that the Maine Senate stay. Some of you that voted against it, think about what it means going back to your constituents, you know, looking them in the face, as far as that you did something for prescription drug coverage. You certainly can't argue that we can't defend this, that we don't have the money to defend this. I think the Attorney General's Office actually does have, now more than ever, the opportunity to defend it. I'm not going to say that we're going to win but we're definitely going to have the ability to try and that's more than they have right now.

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

Senator **CLAXTON:** Thank you, Madame Chair Pro Tem and colleagues in the Senate. I rise as the sponsor of L.D. 675 to contest only another portion of the letter from the Governor wherein it states that the risk is high and the potential reward is low. I think the risk is quite manageable, as has been pointed out by my good colleague from Aroostook, and I also think the potential reward is not low but substantial if you're one of the people that has to pay for expensive medication. If we can do anything to help our constituents with the cost of medical care this is the most accessible piece in terms of doing something to help them. Not too many of your constituents, or their families, are not impacted by the cost of medications and, if we use available resources and the energies of a very active Attorney General, I think we can make a difference in the cost of medicine to the people who most need our help. So, based on that, I would urge my colleagues to vote in support of overriding this veto. Thank you.

The President Pro Tem 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 (#505)**

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

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

**EXCUSED:** Senator: LAWRENCE

20 Senators having voted in the affirmative and 14 Senators having voted in the negative, with 1 Senator being excused, and 20 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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At this point a message was received from the House of Representatives, borne by Representative DUNPHY of Old Town, informing the Senate that the House had transacted all business before it and was ready to Adjourn Without Day.

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The Following Communication: S.C. 690

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

June 29, 2021

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

Dear Honorable Members of the 130th Legislature:

By the authority conferred by Article IV, Part Third, Section 2 of the Constitution of the State of Maine, I am hereby vetoing LD 1117, *An Act To Prevent Excessive Prices for Prescription Drugs*.

The high price of prescription drugs is an enormous problem for consumers in the State of Maine and nationally. It is unconscionable that lifesaving medications are often unavailable or difficult to access due to their cost. I have worked hard as Governor to expand health coverage to more Maine citizens - through MaineCare expansion, development of the State-based Marketplace for individual coverage, and reforms to make coverage more affordable for small businesses - thus increasing insurance coverage for prescription drugs. In my first year in office I restored the Maine Low-Cost Drugs for the Elderly and Disabled Program to cover an additional 1,800 Maine seniors. Additionally, I have supported a number of bills that shine a light on pricing practices of pharmaceutical companies so that the public and purchasers are more aware of drug pricing, as well as a bill to create the Prescription Drug Affordability Board, and bills to better regulate pharmacy benefit managers.

This bill is one five bills that comprised the *Making Health Care Work for Maine* package. Of these five, I was pleased to sign two into law (LDs 673 and 686), while a third, LD 120, which I support, is on the Special Appropriations Table. On LD 1117, which received a divided report in the Health Coverage, Insurance and Financial Services Committee, I was prepared to support the Amendment advanced by the Committee Chairs. I remain committed to working with the Legislature to address these important issues in a way that will ultimately be legal and, as a result, will allow us to make real and meaningful change for the people we represent, a goal I know we all share.

I commend the sponsor and supporters of LD 1117 for bringing further attention to the high price of prescription medications. Unfortunately, I believe this bill, along with LD 675, would not survive Constitutional scrutiny, would invite costly and protracted litigation, and, even if unexpectedly upheld in court, would not have the intended effect of significantly lowering the price of medication for Maine citizens.

The laudable goal of LD 1117 is to prohibit excessive price increases of generic or off-patent prescription drugs, a goal I wholeheartedly share. Under this legislation, a price increase of such drugs would be deemed excessive when, adjusted for inflation using the Consumer Price Index, the increase exceeds 20 percent of the wholesale acquisition cost per pricing unit of the preceding calendar year, so long as the cost of the drug is at least \$10 per pricing unit. As structured, the bill would require the Maine Health Data Organization to notify the Attorney General of any such price increases. The Attorney General could then seek an order from the Superior Court to compel the production of records to restrain or enjoin a violation, to restore money to consumers, to assess civil penalties of up to \$30,000 per day, and provide for any other relief.

This bill, with its complex structure, appears to be crafted in an attempt to avoid the Constitutional flaws that resulted in a similar law being invalidated in Maryland. When Maryland passed a law (H.B. 631) prohibiting manufacturers and wholesale distributors from price gouging - defined as an unconscionable increase in price of generic or off-patent prescription drugs - the statute was

successfully challenged as a violation of the Commerce Clause of the U.S. Constitution.<sup>1</sup> The problem with the Maryland law and LD 1117 is that both attempt to regulate transactions that occur outside of the states' borders.<sup>2</sup>

Furthermore, the Maryland law, like LD 1117, applied only to medications available for sale in the state. Ultimately, however, the out-of-state manufacturers are liable for the price increase, based on the terms of these dealings with out-of-state wholesalers. It was this attempt at extra-territorial regulation that the Fourth Circuit Court of Appeals found to be a Commerce Clause violation. The Court specifically held that the law could not be applied to situations in which both parties to a transaction are located out of state.<sup>3</sup> LD 1117 is fundamentally structured in the same way, and, as a result, would likely meet the same end in court and Maine people would shoulder the costs of the legal challenge. Even if this bill were ultimately upheld in court, it focuses only on off-patent generic drugs, which are much less expensive than their brand-name counterparts, this bill would do little to lower costs for those it purports to serve.

I believe it is critical that the Federal government pass legislation to address the national concern of drug pricing and that the Federal government is best positioned to help our citizens achieve benefit from real and lasting drug pricing reforms. In particular, the federal government could use its purchasing power through the Medicare program, to negotiate prices of medications on behalf of seniors, for instance.

Whether as District Attorney, Attorney General, or as Governor, I have never shied away from a legal battle that I knew was right and that would benefit the people of Maine. This is not such an occasion. The risks associated with this legislation are high, and the potential reward is low.

In the meantime, for the reasons set forth above, I return LD 1117 unsigned and vetoed and urge the Legislature to sustain this action.

Sincerely,

S/Janet T. Mills  
Governor

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<sup>1</sup> *Ass 'n for Accessible Meds. v. Frosh*, 887 F.3d 664, (4<sup>th</sup> Cir. 2018), cert. denied, 139 S. Ct. 1168.

<sup>2</sup> The Maryland law was also challenged on the grounds that its definition of price gouging was unconstitutionally vague. On this issue, LD 1117's specific but complex process for determining what constitutes an excessive price increase would likely make the bill more defensible. The court never reached the vagueness issue in its review of the Maryland law, resolving the case instead on basis of the Commerce Clause violation, which is also the fundamental problem that remains with LD 1117.

<sup>3</sup> *Ass 'n for Accessible Meds. v. Frosh*, 887 F.3d at 671.

**READ and ORDERED PLACED ON FILE.**

The accompanying Bill:

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

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

Senator **HICKMAN:** Thank you, Madame President. In my in-box at 3:11 pm today, 'Dear Senator Hickman. Would you please explain to me the reason the Governor vetoed the bill that would have helped lower the cost of prescription drugs? I saw no mention of a reason in the newspaper nor heard any explanation on the local TV news. The cost of too many prescription drugs is way out of line. Too many people cannot afford \$500 to \$700 for a 30 day supply of needed medication. Even with Single Care bringing down the cost to perhaps \$200 to \$250 a month, needed medication may be still out of reach cost-wise for far too many people. I support the Governor but, as a retired nurse, I find that particular veto wrong and unacceptable to me. Thank you.' I could not agree more with my constituent.

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

Senator **DILL:** Thank you, Madame President. I'm going to be real brief. My daughter was just diagnosed with a life-threatening illness and, to be very simple, her medication is \$1,500 a month. She has some insurance but we're yet to figure out how much it's going to cost her. She has to be on this, we were told, the rest of her life. She's in her early 30's. We hope it's a long one. Thank you.

The President Pro Tem 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 (#506)**

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

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

**EXCUSED:** Senator: LAWRENCE

20 Senators having voted in the affirmative and 14 Senators having voted in the negative, with 1 Senator being excused, and 20 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:

**PAPERS FROM THE HOUSE**

**Joint Order**

The following Joint Order:

H.P. 1302

**ORDERED**, the Senate concurring, that the following specified matters be held over to any special or regular session of the 130th Legislature:

**Agriculture, Conservation and Forestry**

H.P. 127, L.D. 174 - An Act To Implement the Recommendations of the Ending Hunger by 2030 Advisory Group

H.P. 154, L.D. 219 - An Act To Enhance the Agricultural Marketing Loan Fund by Establishing a Variable Interest Rate for Loans and To Allow Participants in the Maine Farms for the Future Program To Borrow at That Rate

S.P. 177, L.D. 471 - An Act To Require Legislative Approval for Certain Leases of Public Lands

S.P. 201, L.D. 493 - An Act To Allow Custom Slaughterhouses To Produce Cuts of Meat To Be Sold Commercially in the State

H.P. 429, L.D. 586 - An Act To Amend the Laws Governing Agriculture, Conservation and Forestry

H.P. 541, L.D. 736 - An Act To Enhance the Ecological Reserve System

H.P. 624, L.D. 856 - An Act To Balance Renewable Energy Development with Natural and Working Lands Conservation

S.P. 343, L.D. 1075 - An Act To Protect Public Lands

**Appropriations and Financial Affairs**

S.P. 10, L.D. 3 - An Act To Authorize a General Fund Bond Issue for Maintenance and Improvement of Maine National Guard Facilities

S.P. 28, L.D. 21 - An Act To Authorize a General Fund Bond Issue To Provide a New Dormitory Facility at the Maine School of Science and Mathematics

H.P. 8, L.D. 42 - An Act Making Certain Supplemental Appropriations and Allocations and Changing Certain Provisions of the Law Necessary to the Proper Operations of State Government

H.P. 15, L.D. 49 - An Act To Authorize a General Fund Bond Issue To Invest in Infrastructure To Address Sea Level Rise

H.P. 16, L.D. 50 - An Act To Authorize a General Fund Bond Issue To Invest in Housing for Persons Who Are Homeless

H.P. 41, L.D. 75 - An Act To Authorize a General Fund Bond Issue To Replace and Repair Bureau of Forestry Aircraft

H.P. 89, L.D. 133 - An Act To Authorize a General Fund Bond Issue To Invest in Fire Stations

H.P. 106, L.D. 150 - An Act To Authorize a General Fund Bond Issue To Fund Hazardous Substance Site Cleanups

S.P. 73, L.D. 169 - An Act To Authorize a General Fund Bond Issue To Stimulate Investment in Innovation by Maine Businesses To Produce Nationally and Globally Competitive Products and Services

H.P. 128, L.D. 175 - An Act To Authorize a General Fund Bond Issue To Create and Enhance Regional Homeless Shelters

H.P. 134, L.D. 181 - An Act To Authorize a General Fund Bond Issue To Complete the Renovation of a Wharf and Bulkhead in Portland for Marine Research

H.P. 153, L.D. 218 - An Act To Authorize a General Fund Bond Issue To Accelerate Weatherization Efforts in the State

S.P. 101, L.D. 240 - An Act Making Certain Appropriations and Allocations and Changing Certain Provisions of the Law Necessary to the Proper Operations of State Government

H.P. 211, L.D. 298 - An Act To Authorize a General Fund Bond Issue To Fund Capital Improvements and Equipment for Career and Technical Education Centers and Regions To Prepare Students To Join Maine's Workforce

S.P. 129, L.D. 304 - An Act To Make Certain Supplemental Appropriations and Allocations and Changing Certain Provisions of the Law Necessary to the Proper Operations of State Government

H.P. 231, L.D. 327 - An Act To Return Surplus Money to Maine Taxpayers

H.P. 233, L.D. 329 - An Act To Amend the Laws Governing the Issuance of Bonds

S.P. 146, L.D. 339 - An Act To Amend the Laws Governing the Issuance of Bonds

S.P. 155, L.D. 370 - An Act To Authorize a General Fund Bond Issue To Upgrade and Replace Infrastructure of the Maine Public Broadcasting Corporation

S.P. 157, L.D. 371 - An Act To Make Adjustments to General Fund Appropriations Related to the Supplemental Budget

S.P. 159, L.D. 373 - An Act To Authorize a General Fund Bond Issue To Invest in Maine's Railroad Infrastructure

H.P. 268, L.D. 384 - An Act To Authorize a General Fund Bond Issue To Fund the Transition from a Fossil Fuel-based to an Electrical Energy Economy

H.P. 342, L.D. 466 - An Act To Authorize a General Fund Bond Issue To Support a Climate Center at the Gulf of Maine Research Institute

H.P. 355, L.D. 481 - An Act To Propose a General Fund Bond Issue To Train Workers in High-demand Sectors and Support the State's 10-year Economic Plan Goal of Increasing Wages by 10 Percent

H.P. 380, L.D. 517 - An Act To Authorize a General Fund Bond Issue To Promote the Construction of Energy-efficient Affordable Homes and the Adaptive Reuse, Repair and Weatherization of Existing Homes for Low-income Seniors

H.P. 499, L.D. 687 - An Act To Authorize a General Fund Bond Issue To Promote the Conservation of Land, Working Waterfronts, Water Access and Outdoor Recreation

H.P. 514, L.D. 702 - An Act To Authorize a General Fund Bond Issue To Recapitalize the School Revolving Renovation Fund

H.P. 586, L.D. 781 - An Act To Strengthen Maine's Economy

H.P. 715, L.D. 969 - An Act To Authorize a General Fund Bond Issue for the Construction of a Convention Center in Portland, Improvements to the Augusta Civic Center and a Competitive Grant Program for Capital Improvements to Public Venues across the State

S.P. 313, L.D. 983 - An Act To Authorize a General Fund Bond Issue To Promote Land Conservation, Working Waterfronts, Water Access and Outdoor Recreation

S.P. 318, L.D. 987 - An Act To Authorize a General Fund Bond Issue for the Portland Harbor Commercial Revitalization Project's Confined Aquatic Disposal Cell and Dredging Projects

H.P. 799, L.D. 1084 - An Act To Authorize a General Fund Bond Issue To Create Energy-efficient and Affordable Homes for Maine People

H.P. 801, L.D. 1086 - An Act To Authorize a General Fund Bond Issue To Upgrade Customs Facilities at the Portland International Jetport and the Bangor International Airport To Promote International Tourism and Commerce

S.P. 355, L.D. 1094 - An Act To Authorize a General Fund Bond Issue To Reduce Homeowner and Municipal Energy Bills through Increased Efficiency and Weatherization Projects

S.P. 356, L.D. 1095 - An Act To Authorize a General Fund Bond Issue To Purchase 4 Nursing Simulators for Use by the University of Maine System and the Maine Community College System

S.P. 402, L.D. 1235 - An Act To Authorize a General Fund Bond Issue To Connect Maine with a World-class Internet Infrastructure

H.P. 1090, L.D. 1475 - An Act To Authorize a General Fund Bond Issue for Targeted Food Processing Infrastructure

H.P. 1130, L.D. 1526 - An Act To Authorize a General Fund Bond Issue To Strengthen University of Maine System Workforce Education and Innovation

H.P. 1186, L.D. 1597 - An Act To Authorize a General Fund Bond Issue To Strengthen Maine's Health Care Workforce

S.P. 521, L.D. 1637 - An Act To Authorize a General Fund Bond Issue To Provide Funds for Maine To Meet the State's Carbon Reduction Goals by Supporting the Use of Biofuels

S.P. 532, L.D. 1647 - An Act To Authorize a General Fund Bond Issue To Provide Funds for Infrastructure Projects across the State and To Direct the Department of Environmental Protection To Establish a State Infrastructure Adaptation Fund and Predevelopment Assistance Program

S.P. 553, L.D. 1698 - An Act To Authorize a General Fund Bond Issue To Create a Public-Private Partnership To Create Biomass Energy Facilities in Aroostook County and To Connect Aroostook County to ISO New England

### **Criminal Justice and Public Safety**

H.P. 350, L.D. 476 - An Act To Provide Licensed Assisted Living and Nursing Facilities Levels of Care for Incarcerated Persons

H.P. 508, L.D. 696 - An Act To Prohibit Solitary Confinement in Maine's Corrections System

H.P. 561, L.D. 756 - An Act Regarding Criminal Services for Juveniles

H.P. 832, L.D. 1154 - An Act To Improve the Safety of Prisoners and Jail Staff by Limiting Work Hours of Jail Employees

H.P. 853, L.D. 1175 - An Act To Prohibit Excessive Telephone, Video and Commissary Charges in Maine Jails and Prisons

H.P. 963, L.D. 1307 - An Act To Restrict the Sale, Purchase and Use of Fireworks in the State

S.P. 430, L.D. 1348 - An Act To Limit the Decibel Level of Fireworks Near Working Farms

H.P. 1062, L.D. 1446 - An Act To Aid Municipalities in the Issuance of Concealed Handgun Permits

H.P. 1063, L.D. 1447 - An Act To Require Training in Racial Issues, Racial Justice and Social Issues at the Maine Criminal Justice Academy and To Establish Additional Requirements for Law Enforcement Officers and Candidates

H.P. 1094, L.D. 1479 - An Act To Make Certain Traffic Infractions Secondary Offenses

H.P. 1114, L.D. 1504 - An Act To Enhance Use of Critical Incident Stress Management Teams for Firefighters

H.P. 1157, L.D. 1552 - An Act To Provide Reentry Services to Persons Reentering the Community after Incarceration

H.P. 1193, L.D. 1604 - An Act To Reclassify Certain Offenses under the Inland Fisheries and Wildlife Laws and Motor Vehicle Laws and Increase the Efficiency of the Criminal Justice System

H.P. 1225, L.D. 1654 - An Act To Stabilize State Funding for County Corrections

H.P. 1276, L.D. 1721 - An Act Regarding Dignity for Women in Correctional Facilities

### **Education and Cultural Affairs**

H.P. 129, L.D. 176 - An Act To Facilitate a Grade 9 to 16 School Project

S.P. 121, L.D. 270 - An Act To Amend the Regional Adjustment Index To Ensure School Districts Do Not Receive Less than the State Average for Teacher Salaries

S.P. 267, L.D. 680 - Resolve, To Reestablish the Task Force To Study the Creation of a Comprehensive Career and Technical Education System

S.P. 392, L.D. 1206 - An Act Regarding the Terms of Office of the Director of the Maine State Museum Commission, the State Librarian and the Director of the Maine Arts Commission

S.P. 393, L.D. 1207 - An Act To Maintain the Current Level of Education Funding

H.P. 1023, L.D. 1389 - An Act To Improve Maritime Education in Maine

H.P. 1216, L.D. 1632 - An Act To Update the Laws Regarding the Maine Educational Center for the Deaf and Hard of Hearing and the Governor Baxter School for the Deaf

S.P. 572, L.D. 1727 - An Act Concerning Sexual Misconduct on College Campuses

### **Energy, Utilities and Technology**

H.P. 48, L.D. 82 - Resolve, To Provide for Participation of the State in the Planning and Negotiations for the Atlantic Loop Energy Project

H.P. 123, L.D. 170 - An Act Pertaining to Transmission Lines Not Needed for Reliability or Local Generation



H.P. 222, L.D. 318 - An Act To Provide More Options to Maine Electric Service Customers and Support Maine's Climate Goals

S.P. 143, L.D. 337 - An Act Regarding Energy, Utilities and Technology

S.P. 248, L.D. 634 - An Act To Cap the Value of Contracts for Renewable Resources and Distributed Generation Resources

S.P. 270, L.D. 682 - An Act To Ensure the Viability of the Northern Maine Electric Transmission Grid

H.P. 509, L.D. 697 - An Act To Enhance the Energy Security of Maine Residents

H.P. 608, L.D. 840 - An Act To Prevent Power Line Electrocutations

H.P. 764, L.D. 1026 - An Act To Update the Regulation of Public Utility Monopolies

S.P. 348, L.D. 1079 - Resolve, To Review the Effects of the Deregulation of Maine Utilities

S.P. 368, L.D. 1107 - An Act To Create Needed Broadband Infrastructure in Rural Maine through the Establishment of a Satellite-based Broadband Grant Program

H.P. 880, L.D. 1202 - An Act To Establish a Wood-fired Combined Heat and Power Program

S.P. 432, L.D. 1350 - An Act To Expand Maine's Clean Energy Economy

S.P. 459, L.D. 1409 - An Act Regarding High-impact Electric Transmission Lines

H.P. 1119, L.D. 1511 - An Act To Finance Distribution Investments at the Lowest Cost to Customers and To Encourage Utility Performance

S.P. 456, L.D. 1579 - An Act To Transition State and Local Motor Vehicle Fleets to 100 Percent Zero-emission Vehicles

H.P. 1176, L.D. 1587 - An Act To Remove the Municipal Ordinance Exemption for the Development of Nonessential Transmission Lines

H.P. 1218, L.D. 1634 - An Act To Create the Maine Generation Authority

### **Environment and Natural Resources**

H.P. 180, L.D. 259 - An Act To Improve Solid Waste Management

S.P. 263, L.D. 676 - An Act To Reclassify Part of the Androscoggin River to Class B

H.P. 634, L.D. 866 - An Act Concerning Advanced Refrigeration Technology

H.P. 1045, L.D. 1429 - An Act To Implement the Most Time-sensitive Recommendations of the Maine Climate Council

H.P. 1136, L.D. 1532 - An Act To Protect Maine's Air Quality by Strengthening Requirements for Air Emissions Licensing

H.P. 1205, L.D. 1616 - An Act To Ensure That Municipalities and Multimunicipal Regions of Every Size and Capacity Have Guidance on Climate Adaptation and Resilience Strategies for Policy, Implementation and Investment Decision Support

S.P. 523, L.D. 1639 - An Act To Protect the Health and Welfare of Maine Communities and Reduce Harmful Solid Waste

### **Health and Human Services**

H.P. 241, L.D. 343 - An Act To Set Aside Funds from Federal Block Grants for Certain Communities

S.P. 158, L.D. 372 - An Act To Provide Maine Children Access to Affordable Health Care

H.P. 277, L.D. 393 - An Act To Amend the Laws Regarding Health and Human Services

S.P. 220, L.D. 533 - An Act To Expand the Statewide Voluntary Early Childhood Consultation Program

S.P. 246, L.D. 632 - An Act To Facilitate the Conversion of Children's Private Nonmedical Institutions to Qualified Residential Treatment Programs as Required by Federal Law

H.P. 529, L.D. 718 - 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. 635, L.D. 867 - An Act To Prohibit Mandatory COVID-19 Vaccinations for 5 Years To Allow for Safety Testing and Investigations into Reproductive Harm

H.P. 788, L.D. 1059 - An Act To Provide Substance Use Disorder Treatment to Adolescents

H.P. 795, L.D. 1080 - Resolve, Directing the Department of Health and Human Services To Update the Rights of Recipients of Mental Health Services

H.P. 1044, L.D. 1428 - An Act To Increase the Availability of Nasal Naloxone in Community Settings

H.P. 1127, L.D. 1523 - An Act To Establish the Trust for a Healthy Maine

H.P. 1171, L.D. 1574 - An Act To Ensure Support for Adults with Intellectual Disabilities or Autism with High Behavioral Need

S.P. 496, L.D. 1582 - An Act To Enact the Maine Psilocybin Services Act

H.P. 1197, L.D. 1608 - An Act To Expand the MaineCare Program To Cover All Citizens of the State

H.P. 1258, L.D. 1693 - An Act To Advance Health Equity, Improve the Well-being of All Maine People and Create a Health Trust

H.P. 1264, L.D. 1701 - An Act To Establish a Managed Care Program for MaineCare Services

H.P. 1277, L.D. 1722 - An Act To Ensure Access to All Paths to Recovery for Persons Affected by Opioids Using Money Obtained through Litigation against Opioid Manufacturers

S.P. 574, L.D. 1729 - Resolve, To Assess the Feasibility of the Production of Insulin in Maine

#### **Health Coverage, Insurance and Financial Services**

H.P. 317, L.D. 441 - An Act To Expand Adult Dental Health Insurance Coverage

S.P. 186, L.D. 482 - An Act Regarding Pet Insurance

H.P. 492, L.D. 665 - An Act To Promote Better Dental Care for Cancer Survivors

S.P. 57, L.D. 794 - An Act To Maintain Maine's System of Therapeutic Foster Care for Children through the Creation of a Nonprofit Risk Indemnification Trust

H.P. 741, L.D. 1003 - An Act To Improve Outcomes for Persons with Limb Loss

H.P. 874, L.D. 1196 - An Act Regarding Targets for Health Plan Investments in Primary Care and Behavioral Health

S.P. 417, L.D. 1266 - An Act To Improve the Value of Dental Insurance

S.P. 428, L.D. 1331 - An Act To Make Individual and Small Group Health Insurance More Affordable in Certain High-premium Counties

S.P. 443, L.D. 1357 - An Act To Require Private Insurance Coverage for Postpartum Care

H.P. 1079, L.D. 1463 - An Act To Make Health Care Coverage More Affordable for Working Families and Small Businesses

H.P. 1144, L.D. 1539 - An Act To Provide Access to Fertility Care

S.P. 518, L.D. 1628 - An Act To Exempt Nonprofit Agricultural Membership Organizations from Insurance Requirements

S.P. 520, L.D. 1636 - An Act To Reduce Prescription Drug Costs by Using International Pricing

S.P. 558, L.D. 1706 - An Act To Require Appropriate Coverage of and Cost-sharing for Generic Drugs and Biosimilars

#### **Inland Fisheries and Wildlife**

H.P. 82, L.D. 116 - An Act To Allow the Commissioner of Inland Fisheries and Wildlife To Authorize the Hunting of Antlerless Deer without a Permit in Certain Areas

H.P. 278, L.D. 394 - An Act To Protect Maine's Loons and Other Wildlife in the Issuance of a Permit To Hold a Regatta, Race or Boat or Water-ski Exhibition

H.P. 462, L.D. 626 - An Act To Clarify Temporary Mooring Privileges for Moorings on Inland Waters

H.P. 1234, L.D. 1663 - An Act To Improve Boating Safety on Maine Waters

Innovation, Development, Economic Advancement and Business

S.P. 161, L.D. 812 - An Act To Provide Student Loan Debt Relief

H.P. 648, L.D. 892 - An Act To Implement the Recommendations of the Governor's Economic Recovery Committee

H.P. 669, L.D. 913 - An Act To Enact the Maine Data Collection Protection Act

H.P. 675, L.D. 919 - An Act To Advance Maine's Economic Growth by Investing in Innovative, Next-generation Technology and Research

H.P. 846, L.D. 1168 - An Act To License Operators of Personnel Hoists

S.P. 547, L.D. 1691 - An Act To Require Licensing for Certain Mechanical Trades

H.P. 1259, L.D. 1694 - An Act To Create the Maine Redevelopment Land Bank Authority

#### **Judiciary**

H.P. 163, L.D. 233 - An Act To Provide Electronic Access to Confidential Juror Information

H.P. 242, L.D. 344 - RESOLUTION, Proposing an Amendment to the Constitution of Maine To Explicitly Prohibit Discrimination Based on the Sex of an Individual

H.P. 354, L.D. 480 - An Act To Establish a Presumption of Entitlement to Counsel for a Person Who Is the Subject of an Adult Guardianship, Conservatorship or Other Protective Arrangement Proceeding

H.P. 428, L.D. 585 - An Act To Restore to the Penobscot Nation and Passamaquoddy Tribe the Authority To Exercise Jurisdiction under the Federal Tribal Law and Order Act of 2010

S.P. 237, L.D. 598 - An Act To Prohibit Discrimination in Employment and School Based on Hair Texture or Hairstyle

S.P. 156, L.D. 811 - An Act To Protect the Reproductive Rights and Freedoms of Maine People

H.P. 629, L.D. 861 - Resolve, Directing the Department of Health and Human Services to Contract for Assessments for Involuntary Hospitalizations

H.P. 659, L.D. 903 - An Act To Enact the Uniform Foreign-country Money Judgments Recognition Act

H.P. 662, L.D. 906 - An Act To Provide Passamaquoddy Tribal Members Access to Clean Drinking Water

H.P. 728, L.D. 982 - An Act To Protect against Discrimination by Public Entities

S.P. 336, L.D. 1068 - An Act To Restrict Access to Weapons Pursuant to Court Order in Cases of Harassment

H.P. 893, L.D. 1218 - Resolve, To Require the Attorney General To Provide an Update on Maine's Implementation of the Federal Law Called "Savanna's Act"

H.P. 966, L.D. 1310 - An Act Regarding Criminal Records

H.P. 1133, L.D. 1529 - RESOLUTION, Proposing an Amendment to the Constitution of Maine To Create a Right to Privacy

H.P. 1165, L.D. 1568 - An Act To Implement the Recommendations of the Task Force on Changes to the Maine Indian Claims Settlement Implementing Act

S.P. 492, L.D. 1581 - An Act To Require Telecommunications Companies To Divulge Location Information to Law Enforcement When Necessary To Respond to a 9-1-1 Call or Locate a Person in Danger

H.P. 1210, L.D. 1626 - An Act Implementing the Recommendations of the Task Force on Changes to the Maine Indian Claims Settlement Implementing Act

H.P. 1236, L.D. 1665 - An Act To Amend AN ACT to Implement the Maine Indian Claims Settlement Concerning Land Acquisition and Criminal Jurisdiction

S.P. 551, L.D. 1696 - An Act To Clarify and Recodify Maine's Protection from Abuse Statutes

S.P. 573, L.D. 1728 - An Act To Provide Assistance to Law Enforcement Officers To Allow Them To Protect the Residents of the State

### **Labor and Housing**

H.P. 130, L.D. 177 - An Act To Improve Labor Laws for Workers in Maine

H.P. 160, L.D. 225 - An Act Regarding the Treatment of Vacation Time upon the Cessation of Employment

H.P. 336, L.D. 460 - An Act To Amend Certain Employment Laws To Help Front-line and Other Workers

H.P. 339, L.D. 463 - An Act To Better House Maine Residents

H.P. 340, L.D. 464 - An Act To Change Certain Labor Laws

H.P. 344, L.D. 468 - An Act To Amend the Laws Governing Labor and Housing

H.P. 393, L.D. 548 - An Act Regarding Penalties for Early Retirement for Certain Members of the Maine Public Employees Retirement System

H.P. 400, L.D. 555 - An Act To Expand the Rights of Public Sector Employees

H.P. 443, L.D. 607 - An Act To Restore Overtime Protections for Maine Workers

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

H.P. 599, L.D. 831 - An Act To Aid Workforce Development

H.P. 654, L.D. 898 - An Act To Provide Incentives to Unemployed Workers To Become Part of the Caregiver Workforce

H.P. 663, L.D. 907 - An Act Concerning State Pension Funds and Climate Change

S.P. 408, L.D. 1240 - Resolve, To Review Barriers to Regional Solutions for Housing Choices

H.P. 1244, L.D. 1673 - An Act To Create a Comprehensive Permit Process for the Construction of Affordable Housing

S.P. 568, L.D. 1724 - An Act To Create a Logging Dispute Resolution Board and To Require Proof of Ownership Documents To Be Available within 14 Days of Request

### **Marine Resources**

H.P. 275, L.D. 391 - An Act To Amend the Laws Regarding Marine Resources

### **State and Local Government**

S.P. 167, L.D. 379 - An Act To Establish the Maine State Cemetery Commission

H.P. 267, L.D. 383 - An Act Concerning Small Wireless Facilities in Maine

H.P. 292, L.D. 408 - An Act To Amend the Laws Regulating the Operation of the Legislature

H.P. 627, L.D. 859 - An Act To Allow Municipalities To Use Ranked-choice Voting in Municipal Elections

H.P. 651, L.D. 895 - An Act To Make Necessary Changes to State Law

H.P. 865, L.D. 1187 - RESOLUTION, Proposing an Amendment to the Constitution of Maine Amending the Pardon Powers of the Governor

H.P. 1121, L.D. 1513 - An Act To Require the Maintenance of a Discontinued Public Road That Provides the Sole Access to One or More Residences

H.P. 1199, L.D. 1610 - An Act To Promote Equity in Policy Making by Enhancing the State's Ability To Collect, Analyze and Apply Data

H.P. 1229, L.D. 1658 - An Act To Increase Campaign Finance Transparency and Accountability in Municipal Elections

### **Taxation**

H.P. 46, L.D. 80 - An Act To Provide Critical Communications for Family Farms, Businesses and Residences by Strategic Public Investment in High-speed Internet and Broadband Infrastructure

H.P. 192, L.D. 276 - An Act To Improve and Update Maine's Tax Laws

S.P. 134, L.D. 308 - An Act To Promote Research and Development in the State by Increasing and Marketing the Research Expense Tax Credit

H.P. 276, L.D. 392 - An Act To Amend the Tax Laws

H.P. 308, L.D. 428 - An Act To Prevent Tax Haven Abuse

S.P. 190, L.D. 484 - An Act To Change Maine's Tax Laws

S.P. 70, L.D. 798 - An Act To Improve the Educational Opportunity Tax Credit

S.P. 335, L.D. 1067 - An Act To Institute a State Tax Amnesty Program To Increase General Revenue Collections

H.P. 807, L.D. 1129 - An Act Relating to the Valuation of Retail Sales Facilities

H.P. 834, L.D. 1156 - An Act To Reduce Errors in Employment Tax Increment Financing Benefits

H.P. 873, L.D. 1195 - An Act To Increase Funding to Qualifying Municipalities by Sharing Adult Use Marijuana Sales and Excise Tax Revenue

H.P. 950, L.D. 1289 - An Act To Cut Property Taxes for Maine Residential Homeowners

H.P. 985, L.D. 1334 - An Act To Promote Economic Development through Increased Film Incentives

H.P. 988, L.D. 1337 - An Act To Increase Affordable Housing and Reduce Property Taxes through an Impact Fee on Vacant Residences

S.P. 455, L.D. 1406 - An Act To Encourage Relocation to Rural Maine

H.P. 1039, L.D. 1423 - An Act To Prevent and Reduce Tobacco Use by Ensuring Adequate Funding for Tobacco Use Prevention and Cessation Programs and by Raising the Tax on Tobacco Products and To Provide Funding To Reduce Disparities in Health Outcomes Based on Certain Factors

H.P. 1249, L.D. 1678 - An Act To Support Child Care Providers and School Readiness through Tax Credits

S.P. 545, L.D. 1689 - An Act To Ensure Equity in the Clean Energy Economy by Providing a Limited Tax Exemption for Certain Clean Energy Infrastructure Projects

H.P. 1267, L.D. 1704 - An Act To Change the Exclusion Amount under the Estate Tax and Provide Additional Funding for the Housing Opportunities for Maine Fund

H.P. 1283, L.D. 1732 - An Act To Amend the Sales Tax Exemption for Nonprofit Housing Development Organizations

### **Transportation**

H.P. 294, L.D. 410 - An Act To Provide Funding for the Reconstruction of Route 161 from Fort Kent to Caribou

S.P. 61, L.D. 796 - An Act To Restrict Sales of Catalytic Converters Removed from Motor Vehicles

H.P. 655, L.D. 899 - An Act To Protect Privacy and Security at the Bureau of Motor Vehicles

### **Veterans and Legal Affairs**

H.P. 305, L.D. 421 - An Act To Increase the Number of Plants a Medical Marijuana Caregiver May Cultivate

H.P. 327, L.D. 451 - An Act To Remove the Party Designation from Return Envelopes for Absentee Ballots for the General Election

H.P. 455, L.D. 619 - An Act To Allow Christine Pratt To Be Buried at the Southern Maine Veterans Cemetery

S.P. 444, L.D. 1358 - An Act To Provide for the Direct Shipment of Spirits to Consumers

S.P. 528, L.D. 1643 - An Act To Correct Errors, Inconsistencies and Conflicts in and To Revise the State's Liquor Laws

S.P. 571, L.D. 1726 - An Act To Increase Transparency in Political Communications

; and be it further

**ORDERED**, that all matters on the Special Appropriations Table not finally disposed of be held over on the Special Appropriations Table to any special or regular session of the 130th Legislature; and be it further

**ORDERED**, that all matters on the Special Study Table tabled by the Legislative Council be held over on the Special Study Table to any special or regular session of the 130th Legislature; and be it further

**ORDERED**, that all matters on the Special Highway Table not finally disposed of be held over on the Special Highway Table to any special or regular session of the 130th Legislature; and be it further

**ORDERED**, that the following specified matters, which are tabled in the Senate or the House of Representatives, be held over to any special or regular session of the 130th Legislature:

S.P. 196, L.D. 489 - RESOLUTION, Proposing an Amendment to the Constitution of Maine To Establish a Right to a Healthy Environment

H.P. 419, L.D. 574 - An Act To Clarify the Maine Food Sovereignty Act

H.P. 711, L.D. 965 - An Act Concerning Nondisclosure Agreements in Employment

H.P. 1155, L.D. 1550 - An Act To End the Sale of Flavored Tobacco Products

H.P. 1223, L.D. 1652 - An Act To Build a Child Care System by Recruiting and Retaining Maine's Early Childhood Educators Workforce

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

**READ** and **PASSED**, in concurrence.

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

**ENACTORS**

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

**Act**

An Act To Fund Collective Bargaining Agreements with Executive Branch Employees

H.P. 1299 L.D. 1735  
(H "A" H-744; H "B" H-749)

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

Ordered sent forthwith.

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

**ORDERS**

**Senate Order**

On motion by Senator **BREEN** of Cumberland, the following Senate Order:

S.O. 20

Ordered, that a message be sent to Governor Janet T. Mills informing her that the Senate is ready to Adjourn Without Day, and invite her to attend and make such communications as pleases her.

**READ** and **PASSED**.

The Chair appointed the Senator from Cumberland, Senator **BREEN**, to deliver the message to the Governor. The Senator was escorted to the Governor's Office.

Subsequently, the Senator from Cumberland, Senator **BREEN**, reported that she had delivered the message with which she was charged.

On motion by Senator **DAUGHTRY** of Cumberland, the following Senate Order:

S.O. 21

Ordered, that a message be sent to the House of Representatives informing that Body that the Senate is ready to Adjourn Without Day.

**READ** and **PASSED**.

The Chair appointed the Senator from Cumberland, Senator **DAUGHTRY**, to deliver the message to the House of Representatives. The Senator was escorted to the House of Representatives.

Subsequently, the Senator from Cumberland, Senator **DAUGHTRY**, reported that she had delivered the message with which she was charged.

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

Senator **POULIOT:** Thank you. So, many of you probably had the pleasure of getting to know Mal Leary with Maine's Public Broadcasting Network. Mal was just a really tremendous guy who recently retired and we tried to bring Mal up here during the last time we were in session but, in typical Mal fashion, he's like, 'No, I'm not coming. I don't want to be recognized.' But I just couldn't go without putting something on the record to recognize this great guy that we had an opportunity - many of us had an opportunity to

work with. So, Mal Leary was a lifelong journalist. He grew up in Veazie and traveled one town over to study Political Science at UMaine in Orono. He has said that during his long career he learned that local government did not work at all the way professors and text books lead him to believe. Isn't that true. Given his years of experience, UMaine might do well to offer him a job teaching classes in government and media. Mal's worked as both a reporter and editor in broadcast and in print in both Washington, D.C. and here in Maine. He's won numerous awards for his reporting on state government issues and politics. Mal began his journalism career in Maine in the mid-1970s, I think back when Senator Diamond first started his political career, as print reporter for the old United Press International wire service. He became Maine Public Radio's State House Bureau Chief in 1995, left in 2000 to run the Capitol News Services that he created until 2012, then returned to the Maine Public, and he's been covering politics for the network ever since. Mal and his microphone have been a constant presence at the State House media events for decades now and his absence at those occasions will be very noticeable. We wish Mal a happy, fulfilling retirement and many happy hours away from the State House with his wife, Susan, their three grown children and their grandchildren. Mal, thank you for your fair and professional coverage. All the best. Thank you, Madame President.

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

Senator **DIAMOND:** Thank you, Madame President. I request unanimous consent to address the Senate on the Record.

**THE PRESIDENT PRO TEM:** Please proceed.

Senator **DIAMOND:** Thank you, Madame President. Ladies and gentlemen of the Senate, just a word about Mal. If you didn't know him, he was the old time journalist. He had no agenda. He would push you hard for answers and he would not let you snowball him in any way. But on the other side of it, you didn't have to worry about him coming at you and snipping at you and reading about it either in the paper or listening to it on the radio or television. He was, as they say, the best at what he did. We're going to miss him. I think journalism will miss him because what he brought with him is genuine, professional reporting and I'm happy he's retiring and enjoying his retirement but I just want to say we all will miss him, whether we knew him or not. We'll miss the kind of reporting that Mal did. Thank you.

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Senate at Ease.

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

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

Senator **JACKSON:** Thank you, Madame President. While we're waiting for the Chief Executive, I, obviously, am not up at the rostrum. It's just the way it worked out. But I do want to take an

opportunity before we adjourn without day to truly, truly thank the members of the Senate. Democrats and Republicans alike. This, obviously, has been an extremely challenging session with COVID. Serving at the Civic Center, having the zoom conferences for committees, and then even getting back in the building. You know, I found myself in some places with some members from both sides that I absolutely did not want to be in. Found myself in some places that I wasn't very proud of myself. But regardless for that, I definitely am sorry. But despite any of our differences, and I know, you know, people have many differences with my beliefs and that's okay, I truly, truly love serving in this building, love serving with all 34 of you. You know, I enjoy the knowledge that I've gained from each and every one of you. The differences that we have in our opinions, the experiences that you've brought to the table that I had no idea of, it has been really one of the great joys in my life. Getting better educated across the state and across this country while serving with all of you and so tonight when we end, while there obviously are going to be things that we'll remember that were hard and upsetting, you know, I would certainly love to go away from here with the knowledge that we'll come back and pick things up and try and do better and you can have my assurance that I definitely want to do better with each and every one of you. Again, until we see each other, I could only hope that you have the best break for you and your family and truly, truly be safe and sound and I really look forward to seeing you all very shortly.

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The Honorable Janet T. Mills, Governor of the State of Maine, entered and addressed the Senate.

**GOVERNOR MILLS:** Madame President Pro Tem, it's a pleasure to be here. Long day, many long days, and isn't it great to be among people and shaking hands and hugging again and Maine has come through. Maine is the safest state in the nation and the nation is the safest place in the world, so I think Maine is the safest place in the world thanks to the courage, perseverance, and patience of Maine people who cooperated during the 16-month long pandemic and who came together and abided by the rules and helped keep everybody safe. So, I'm happy to be here and happy that you're all here and in this room, masked or unmasked, but feeling safe again. Maine not only has the lowest crime rate in the country, we have one of the highest vaccination rates in the country, one of the lowest case rates in the country, one of the lowest death rates in the country, one of the lowest hospitalization rates in the country, and it's because of the good work we did together for many, many tiring months in this state and we came through for Maine people and you have come through for Maine people. The budget you passed with 55% for education. Finally, a historic first. Five percent revenue sharing. Finally, again, making promises and keeping promises to the Maine people. A nearly billion dollar American Rescue Plan bill that you just passed. You know, we came through this health-wise. We came through this in so many respects and now our economy is turning around and you've been helping there turning the economy around, getting people back on their feet. Maine families, Maine businesses small and large, Maine working people are back on their feet and we're going to go forward with this bill and so many other things you've done to help every Maine person, every Maine family succeed and every child succeed and be able to stay in a state that they love and we all

love and make their way here, get a good education and find a career that they love and raise their own families here. Thank you so much for sharing the heart and soul of Maine people in this Body. I know it's tough work but we've done a lot for Maine people this session and I can't thank you enough. So, have a good rest of your summer and take some time off. Thank you again.

The Governor withdrew from the Senate Chamber.

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Senate at Ease.

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

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Off Record Remarks

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On motion by Senator **DIAMOND** of Cumberland, the Honorable **ELOISE A. VITELLI**, President Pro Tem of the Senate, declared the First Special Session of the 130<sup>th</sup> Legislature, **ADJOURNED SINE DIE** at 8:18 in the evening.