

MAINE STATE LEGISLATURE

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**STATE OF MAINE
ONE HUNDRED AND THIRTY-FIRST LEGISLATURE
FIRST REGULAR SESSION
JOURNAL OF THE SENATE**

In Senate Chamber
Thursday
March 16, 2023

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

Prayer by Darrell Newell, Passamaquoddy Tribe at Motahkomikuk.

MR. NEWELL: I greet you good morning. Thank you. It's always nice to be asked to take part in the prayer and ceremony and it's always an honor to be among tribal-state leadership. It's nice to be here. (Prayer in Passamaquoddy) Thank you.

MR. TOMAH: It's customary in our territory to welcome each and every one of you. That custom has been handed down for thousands of years and this welcome is an extension of our ancestors. Our ancestors' voices are speaking today with the delegation that we have here today. The message that we have come today to send is welcome, unity, coming together, solving common problems.

Performance of "Eqanute" (Welcome Song) by Dwayne Tomah, Passamaquoddy Tribe at Sipayik.

Pledge of Allegiance led by Mihko Sabattus, Passamaquoddy Tribe at Indian Township.

Reading of the Journal of Tuesday, March 14, 2023.

Off Record Remarks

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

S.O. 14

ORDERED, that a message be sent to the House of Representatives proposing a Joint Convention of the two branches of the Legislature to be held in the Hall of the House at 10:45 in the morning, for the purpose of reporting on the State of the Tribes in Maine, and extending to The Honorable Clarissa Sabattis, Chief of the Houlton Band of Maliseet Indians; The Honorable Rena Newell, Chief of the Passamaquoddy Tribe at Sipayik; The Honorable Kirk Francis, Chief of the Penobscot Nation; The Honorable Edward Peter Paul, Chief of the Mi'kmaq

Nation; and The Honorable William Nicholas Sr., Chief of the Passamaquoddy Tribe at Motahkomikuk, an invitation to attend the Convention and make such communication as they are pleased to make.

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.

Out of order and under suspension of the Rules, on motion by Senator **VITELLI** of Sagadahoc, the following Joint Order:
S.P. 492

ORDERED, the House concurring, that when the Senate and House adjourn, they do so until Tuesday, March 21, 2023, at 10:00 in the morning, or until the call of the President of the Senate and the Speaker of the House, respectively.

READ and PASSED.

Ordered sent down forthwith for concurrence.

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:

SENATE PAPERS

Resolve, Requiring the Department of Agriculture, Conservation and Forestry to Document, Disclose and Publish All Best Management Practices Regarding the Use of Noise Devices to Control Birds at Orchards (EMERGENCY)
S.P. 477 L.D. 1150

Presented by Senator HICKMAN of Kennebec.
Cosponsored by Representative: HASENFUS of Readfield.

On motion by Senator **INGWERSEN** of York, **REFERRED** to the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** and ordered printed.

Sent down for concurrence.

Bill "An Act to Authorize a General Fund Bond Issue to Recapitalize the School Revolving Renovation Fund"
S.P. 481 L.D. 1185

Presented by Senator INGWERSEN of York.
Cosponsored by Senator PIERCE of Cumberland, Representative WOODSOME of Waterboro and Senators: LIBBY of Cumberland, RAFFERTY of York, Representatives: CARLOW of Buxton, PLUECKER of Warren, WHITE of Waterville, ZEIGLER of Montville.

On motion by Senator **ROTUNDO** of Androscoggin, **REFERRED** to the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** and ordered printed.

Sent down for concurrence.

Bill "An Act to Prohibit COVID-19 Vaccine Mandates for Students Enrolled in Public Institutions of Learning"
S.P. 475 L.D. 1148

Presented by Senator BRAKEY of Androscoggin.
Cosponsored by Representative GREENWOOD of Wales and Senators: KEIM of Oxford, LIBBY of Cumberland, MOORE of Washington, STEWART of Aroostook, TIMBERLAKE of Androscoggin, Representatives: BOYER of Poland, HYMES of Waldo, NESS of Fryeburg.

On motion by Senator **RAFFERTY** of York, **REFERRED** to the Committee on **EDUCATION AND CULTURAL AFFAIRS** and ordered printed.

Sent down for concurrence.

Bill "An Act to Amend the Burden of Proof for Defendants Who Cannot Pay Criminal Restitution"
S.P. 485 L.D. 1189

Presented by Senator BEEBE-CENTER of Knox.
Cosponsored by Senator: DUSON of Cumberland.

On motion by Senator **BEEBE-CENTER** of Knox, **REFERRED** to the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** and ordered printed.

Sent down for concurrence.

Bill "An Act to Protect Inpatient Psychiatric Services in Northern Maine by Preserving the Current Reimbursement Rate"
S.P. 483 L.D. 1187

Presented by President JACKSON of Aroostook.
Cosponsored by Representative THERIAULT of Fort Kent and Senators: BALDACCI of Penobscot, INGWERSEN of York, STEWART of Aroostook, Representatives: ALBERT of Madawaska, BABIN of Fort Fairfield, GUERRETTE of Caribou, Speaker TALBOT ROSS of Portland, UNDERWOOD of Presque Isle.

Bill "An Act to Establish a Public Health Response to Substance Use"
S.P. 484 L.D. 1188

Presented by Senator BEEBE-CENTER of Knox.
Cosponsored by Representative OSHER of Orono and Senator: DUSON of Cumberland.

Bill "An Act to Implement Work Requirements Under the MaineCare Program"
S.P. 490 L.D. 1194

Bill "An Act to Improve Ferry Service Reliability by Providing Scholarships at the Maine Maritime Academy"
S.P. 466 L.D. 1139

Presented by Senator CURRY of Waldo.
Cosponsored by Representative ZEIGLER of Montville and Senators: BEEBE-CENTER of Knox, GROHOSKI of Hancock, Representatives: MATLACK of St. George, RUSSELL of Verona Island.

Bill "An Act to Ban Monitoring Software Targeting Maine Students"
S.P. 471 L.D. 1144

Presented by Senator TIPPING of Penobscot.
Cosponsored by Senators: BRAKEY of Androscoggin, GROHOSKI of Hancock, Representatives: MILLIKEN of Blue Hill, O'NEIL of Saco.

Presented by Senator STEWART of Aroostook.
Cosponsored by Representative MORRIS of Turner and Senators: BRAKEY of Androscoggin, MOORE of Washington, POULIOT of Kennebec, Representatives: ANDREWS of Paris, BRADSTREET of Vassalboro, JAVNER of Chester.

On motion by Senator **INGWERSEN** of York, **REFERRED** to the Committee on **HEALTH AND HUMAN SERVICES** and ordered printed.

Sent down for concurrence.

Bill "An Act to Address Late Medical Billing by Limiting Hospital Billing to One Year"
S.P. 470 L.D. 1143

Presented by Senator STEWART of Aroostook.

Bill "An Act to Authorize Certain Health Care Professionals to Prescribe Methadone"

S.P. 473 L.D. 1146

Presented by Senator BRAKEY of Androscoggin.
Cosponsored by Representative: BOYER of Poland.

Bill "An Act to Decrease Barriers for Preventive Health Services by Allowing Pharmacy Technicians to Administer Vaccines"

S.P. 478 L.D. 1151

Presented by Senator INGWERSEN of York.
Cosponsored by Representative MEYER of Eliot and Senators: PIERCE of Cumberland, TIPPING of Penobscot, Representatives: BRENNAN of Portland, WHITE of Waterville, ZAGER of Portland.

Bill "An Act Regarding Transparency of Medical Billing"

S.P. 487 L.D. 1191

Presented by Senator BENNETT of Oxford.
Cosponsored by Senators: BAILEY of York, RENY of Lincoln, Representative: PERRY of Calais.

On motion by Senator BAILEY of York, **REFERRED** to the Committee on **HEALTH COVERAGE, INSURANCE AND FINANCIAL SERVICES** and ordered printed.

Sent down for concurrence.

Bill "An Act to Make Long-term Disability Insurance Coverage Available to Public Employees"

S.P. 479 L.D. 1152

Presented by Senator INGWERSEN of York.
Cosponsored by Representative MALON of Biddeford and Senators: DAUGHTRY of Cumberland, TIPPING of Penobscot, Representatives: BRENNAN of Portland, GERE of Kennebunkport, PLUECKER of Warren, SHEEHAN of Biddeford.

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

On motion by Senator BAILEY of York, **REFERRED** to the Committee on **LABOR AND HOUSING**.

Resolve, Directing the Department of Inland Fisheries and Wildlife to Develop a Hunting and Fishing Software Application

S.P. 482 L.D. 1186

Presented by Senator POULIOT of Kennebec.
Cosponsored by Representative PERRY of Bangor and Senator: BLACK of Franklin.

On motion by Senator LAFOUNTAIN of Kennebec, **REFERRED** to the Committee on **INLAND FISHERIES AND WILDLIFE** and ordered printed.

Sent down for concurrence.

RESOLUTION, Proposing an Amendment to the Constitution of Maine to Strengthen the Due Process Rights of Persons Accused by Requiring Notification of Those Rights

S.P. 476 L.D. 1149

Presented by Senator HICKMAN of Kennebec.
Cosponsored by Representative LEE of Auburn and Senators: BAILEY of York, BRAKEY of Androscoggin, CARNEY of Cumberland, DUSON of Cumberland, Representatives: BOYER of Poland, HASENFUS of Readfield, MOONEN of Portland, POIRIER of Skowhegan.

Bill "An Act Regarding the Composition of the Judiciary"

S.P. 488 L.D. 1192

Presented by Senator BENNETT of Oxford.

On motion by Senator CARNEY of Cumberland, **REFERRED** to the Committee on **JUDICIARY** and ordered printed.

Sent down for concurrence.

Bill "An Act to Ensure a Fair Workweek by Requiring Notice of Work Schedules"

S.P. 486 L.D. 1190

Presented by Senator TIPPING of Penobscot.
Cosponsored by Representative ROEDER of Bangor and Senator: INGWERSEN of York, Representatives: GEIGER of Rockland, GERE of Kennebunkport, SKOLD of Portland.

Bill "An Act to Allow Residents of Low-income Housing to Keep Pets"

S.P. 489 L.D. 1193

Presented by Senator CHIPMAN of Cumberland.
Cosponsored by Representative DOUDERA of Camden and Representatives: HASENFUS of Readfield, RANA of Bangor, SAYRE of Kennebunk.

On motion by Senator TIPPING of Penobscot, **REFERRED** to the Committee on **LABOR AND HOUSING** and ordered printed.

Sent down for concurrence.

Bill "An Act to Create the Southern Maine Coastal Waters Commission"

S.P. 472 L.D. 1145

Presented by Senator BAILEY of York.
Cosponsored by Representatives: COPELAND of Saco, GATTINE of Westbrook, GRAMLICH of Old Orchard Beach, O'NEIL of Saco.

On motion by Senator **RENY** of Lincoln, **REFERRED** to the Committee on **MARINE RESOURCES** and ordered printed.

Sent down for concurrence.

Bill "An Act to Provide That Documents Obtained by Subpoena by the Government Oversight Committee May Be Reviewed by Committee Members and Staff"

S.P. 491 L.D. 1195

Presented by Senator **TIMBERLAKE** of Androscoggin. Cosponsored by Representative **LYMAN** of Livermore Falls and Senator: **KEIM** of Oxford, Representatives: **MILLETT** of Waterford, **MORRIS** of Turner.

On motion by Senator **NANGLE** of Cumberland, **REFERRED** to the Committee on **STATE AND LOCAL GOVERNMENT** and ordered printed.

Sent down for concurrence.

Bill "An Act to Exempt Gold and Silver Coins and Bullion from the State Income Tax"

S.P. 474 L.D. 1147

Presented by Senator **BRAKEY** of Androscoggin. Cosponsored by Representative **UNDERWOOD** of Presque Isle and Senators: **MOORE** of Washington, **TIMBERLAKE** of Androscoggin, Representatives: **HYMES** of Waldo, **LIBBY** of Auburn, **MORRIS** of Turner, **NESS** of Fryeburg, **POMERLEAU** of Standish, **RUDNICKI** of Fairfield.

Bill "An Act to Exempt Certain Prescribed Home Medical Supplies from Sales Tax"

S.P. 480 L.D. 1184

Presented by President **JACKSON** of Aroostook. Cosponsored by Representative **PERRY** of Bangor and Senators: **CHIPMAN** of Cumberland, **LIBBY** of Cumberland.

On motion by Senator **GROHOSKI** of Hancock, **REFERRED** to the Committee on **TAXATION** and ordered printed.

Sent down for concurrence.

Resolve, Directing the Department of Transportation to Allow All-terrain Vehicle Traffic on a Section of Trail in the City of Caribou

S.P. 467 L.D. 1140

Presented by President **JACKSON** of Aroostook. Cosponsored by Representative **THERIAULT** of Fort Kent and Senators: **CHIPMAN** of Cumberland, **FARRIN** of Somerset, **STEWART** of Aroostook, Representatives: **ALBERT** of Madawaska, **BABIN** of Fort Fairfield, **GUERRETTE** of Caribou.

Bill "An Act to Improve Access and System Preservation by Providing Shoulders and Bicycle Lanes on State Roadways Leading to State Parks and Other Significant Destinations"
S.P. 468 L.D. 1141

Presented by Senator **MOORE** of Washington. Cosponsored by Representative **DOUDERA** of Camden and Senators: **CHIPMAN** of Cumberland, **DAUGHTRY** of Cumberland, **GROHOSKI** of Hancock, **TIPPING** of Penobscot.

Bill "An Act to Eliminate Motor Vehicle Registration Fees for Volunteer Firefighters and Volunteer Emergency Medical Services Providers"

S.P. 469 L.D. 1142

Presented by Senator **STEWART** of Aroostook.

On motion by Senator **NANGLE** of Cumberland, **REFERRED** to the Committee on **TRANSPORTATION** and ordered printed.

Sent down for concurrence.

At this point a message was received from the House of Representatives, borne by Representative **TERRY** of Gorham, informing the Senate that the House concurred with the proposition for a Convention of the two branches of the Legislature to be held in the Hall of the House at 10:45 in the morning for the purpose of reporting on the State of the Tribes in Maine and extending to The Honorable **Clarissa Sabattis**, Chief of the Houlton Band of Maliseet Indians; The Honorable **Rena Newell**, Chief of the Passamaquoddy Tribe at Sipayik; The Honorable **Kirk Francis**, Chief of the Penobscot Nation; The Honorable **Edward Peter Paul**, Chief of the Mi'kmaq Nation; and The Honorable **William Nicholas Sr.**, Chief of the Passamaquoddy Tribe at Motahkomikuk, an invitation to attend the Convention and make such communication as they are pleased to make.

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:

COMMUNICATIONS

The Following Communication: S.C. 177

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

March 9, 2023

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

**THE STATE OF MAINE
131ST LEGISLATURE
AUGUSTA, MAINE**

Dear Secretary Grant:

Pursuant to my authority under House Rule 201.1 (I) (a), I have appointed Representative Allison Hepler of Woolwich to the Joint Standing Committee on Inland Fisheries and Wildlife, effective immediately.

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

Sincerely,

S/Rachel Talbot Ross
Speaker of the House

READ and ORDERED PLACED ON FILE.

The Following Communication: S.C. 178

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

March 9, 2023

The Honorable Darek Grant
Senate Secretary
3 State House Station
Augusta, Maine 04333

Dear Secretary Grant:

Pursuant to my authority under House Rule 201.1 (I) (a), I have appointed Representative Shelley Rudnicki of Fairfield as the Republican Lead on the Joint Standing Committee on Veterans' and Legal Affairs replacing Republican Lead Representative John Andrews of Paris, effective immediately.

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

Sincerely,

S/Rachel Talbot Ross
Speaker of the House

READ and ORDERED PLACED ON FILE.

The Following Communication: S.C. 152

February 17, 2023

Chief Edward Peter Paul
Mi'kmaq Nation

Chief Clarissa Sabattis
Houlton Band of Maliseet Indians

Chief William J. Nicholas, Jr.
Passamaquoddy Tribe at Motahkomikuk

Chief Rena Newell
Passamaquoddy Tribe at Sipayik

Chief Kirk Francis
Penobscot Indian Nation

Dear Chiefs:

It is our pleasure to invite you to visit the Legislature on Thursday, March 16, to attend a Joint Convention to be held in the Hall of the House of Representatives at 10:45 a.m. for the purposes of reporting on the State of the Tribes in Maine.

We look forward to hearing from you and understand that each of you will address the Joint Convention for 10 minutes or less.

Thank you for your consideration and we look forward to your acceptance of this invitation.

Sincerely,

S/Troy D. Jackson
President of the Senate

S/Rachel Talbot Ross
Speaker of the House

cc: Darek M. Grant, Secretary of the Senate
Robert B. Hunt, Clerk of the House

READ and ORDERED PLACED ON FILE.

The Following Communication: S.C. 153

**THE STATE OF MAINE
131ST LEGISLATURE
AUGUSTA, MAINE**

March 1, 2023

The Honorable Janet T. Mills
Governor, State of Maine
#1 State House Station
Augusta, Maine 04333
Dear Governor Mills:

We are pleased to invite you to a Joint Session of the 131st Maine Legislature on Thursday, March 16th for the State of the Tribes Address in the House Chamber, at 10:45 am.

We look forward to hearing from you.

Sincerely,

S/Troy D. Jackson S/Rachel Talbot Ross
President of the Senate Speaker of the House

Cc: Darek M. Grant, Secretary of the Senate
Rob Hunt, Clerk of the House

READ and ORDERED PLACED ON FILE.

The Following Communication: S.C. 186

**CHIEF WILLIAM J. NICHOLAS SR.
PASSAMAQUODDY TRIBE AT MOTAHKOMIKUK**

March 1, 2023

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

Dear President Jackson and Speaker Talbot Ross,

Thank you for the invitation to address the Legislature on the State of the Tribes on Thursday, March 16, 2023. I look forward to attending and speaking at the Joint Convention.

Sincerely,

S/Chief William J. Nicholas Sr.
Passamaquoddy Tribe - Indian Township

READ and ORDERED PLACED ON FILE.

The Following Communication: S.C. 187

**CHIEF RENA NEWELL
PASSAMAQUODDY TRIBE AT SIPAYIK**

March 1, 2023

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

Dear President Jackson and Speaker Talbot Ross,

Thank you for the invitation to address the Legislature on the State of the Tribes on Thursday, March 16, 2023. I look forward to attending and speaking at the Joint Convention.

Sincerely,

S/Chief Rena Newell

READ and ORDERED PLACED ON FILE.

The Following Communication: S.C. 188

**CHIEF EDWARD PETER PAUL
MI'KMAQ NATION**

March 1, 2023

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

Dear President Jackson and Speaker Talbot Ross,

Thank you for the invitation to address the Legislature on the State of the Tribes on Thursday, March 16, 2023. I look forward to attending and speaking at the Joint Convention.

Sincerely,

S/Edward Peter Paul
Tribal Chief

READ and ORDERED PLACED ON FILE.

The Following Communication: S.C. 189

**CHIEF CLARISSA E. SABATTIS
HOULTON BAND OF MALISEET INDIANS**

March 1, 2023

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

The Honorable Rachel Talbot Ross
Speaker of the House
3 State House Station Augusta, Maine 04333

Dear President Jackson and Speaker Talbot Ross,

On behalf of the Houlton Band of Maliseet Indians, I would like to thank you for the invitation to address the Legislature on the State of the Tribes on Thursday, March 16, 2023. I feel that this is just another step forward to a stronger relationship between the Wabanaki Tribes and the State of Maine. I appreciate the request and the effort that it has taken to plan for this address. I look forward to attending and speaking at the Joint Convention.

Woliwon,

S/Chief Clarissa E. Sabattis

READ and ORDERED PLACED ON FILE.

The Following Communication: S.C. 190

**CHIEF KIRK E. FRANCIS
PENOBSCOT INDIAN NATION**

March 1, 2023

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

Dear President Jackson and Speaker Talbot Ross,

Thank you for the invitation to address the Legislature on the State of the Tribes on Thursday, March 16, 2023. I look forward to attending and speaking at the Joint Convention. Thank you both for the opportunity to discuss the issues our Tribal Nations face and how we can better position both our governments to work together to resolve them and build on the successes we have had.

Sincerely,

S/Kirk E. Francis, Chief
Penobscot Nation

READ and ORDERED PLACED ON FILE.

The Following Communication: S.C. 195

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

March 13, 2023

Honorable Troy Jackson
Senate President
3 State House Station
Augusta, ME 04333

Honorable Rachel Talbot Ross
Speaker of the House
2 State House Station
Augusta, ME 04333

Dear President Jackson and Speaker Talbot Ross:

Thank you for inviting me to the State of the Tribes address before a Joint Session of the 131st Maine Legislature. Regretfully, I am unable to attend the address.

I care for the health, welfare, opportunity, prosperity, and future of the Wabanaki people, just as I care for every person in Maine. We have different histories, but today we call this beautiful place we know as Maine our home. I look forward to the ongoing discussions between my Administration, the Wabanaki people, and the State Legislature, and to continuing our work together to make real progress on behalf of the Wabanaki people and all people of Maine.

Sincerely,

S/Janet T. Mills
Governor

READ and ORDERED PLACED ON FILE.

The Following Communication: S.C. 193

**STATE OF MAINE
ONE HUNDRED AND THIRTY FIRST LEGISLATURE
COMMITTEE ON TAXATION**

March 9, 2023

The Honorable Troy Dale Jackson
President of the Senate of Maine
131st 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 Taxation has had under consideration the nomination of Douglas Kelley Young, Esquire of Portland, for reappointment to the Maine Board of Tax Appeals.

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:

The Following Communication: S.C. 183

**STATE OF MAINE
ONE HUNDRED AND THIRTY FIRST LEGISLATURE
COMMITTEE ON JUDICIARY**

March 9, 2023

Honorable Troy Dale Jackson, Senate President
Honorable Rachel Talbot Ross, Speaker of the House
131st Maine State Legislature
State House
Augusta, Maine 04333

Dear President Jackson and Speaker Talbot Ross,

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

LD. 836 An Act to Codify Forfeiture by Wrongdoing as an Exception to the Rule Against Hearsay

Sincerely,

S/Sen. Anne Carney Senate Chair S/Rep. Matt Moonen House Chair

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

The Following Communication: S.C. 185

**STATE OF MAINE
ONE HUNDRED AND THIRTY FIRST LEGISLATURE
COMMITTEE ON MARINE RESOURCES**

March 9, 2023

Honorable Troy Dale Jackson, Senate President
Honorable Rachel Talbot Ross, Speaker of the House
131st Maine State Legislature
State House
Augusta, Maine 04333

Dear President Jackson and Speaker Talbot Ross,

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

L.D. 851 An Act to Clarify That Maine Holds Title to Its Intertidal Lands

Sincerely,

S/Sen. Cameron deGrasse Reny Senate Chair S/Rep. Allison Hepler House Chair

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

The Following Communication: S.C. 179

**STATE OF MAINE
ONE HUNDRED AND THIRTY-FIRST LEGISLATURE
COMMITTEE ON AGRICULTURE, CONSERVATION AND FORESTRY**

March 8, 2023

Honorable Troy Dale Jackson, President of the Senate
Honorable Rachel Talbot Ross, Speaker of the House
131st Legislature
State House
Augusta, Maine 04333

Dear President Jackson and Speaker Talbot Ross:

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

L.D. 562 An Act to Ensure Maine Residents Have Priority Access to State Park Campsites

L.D. 634 An Act to Allow Open Burning in the Snow Without a Permit

L.D. 644 An Act to Include Cats in the Laws Governing Animal Trespass

This is notification of the Committee's action.

Sincerely,

S/Sen. Henry Ingwersen Senate Chair S/Rep. Bill Pluecker House Chair

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

The Following Communication: S.C. 180

**STATE OF MAINE
ONE HUNDRED AND THIRTY FIRST LEGISLATURE
COMMITTEE ON HEALTH COVERAGE, INSURANCE AND FINANCIAL SERVICES**

March 8, 2023

Honorable Troy Dale Jackson, President of the Senate
Honorable Rachel Talbot Ross, Speaker of the House
131st Legislature
State House
Augusta, Maine 04333

**STATE OF MAINE
ONE HUNDRED AND THIRTY FIRST LEGISLATURE
COMMITTEE ON LABOR AND HOUSING**

Dear President Jackson and Speaker Talbot Ross:

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

L.D. 368 An Act Regarding Circumstances Under Which an Automobile Insurer May Decline to Renew a Policy

This is notification of the Committee's action.

Sincerely,

S/Sen. Donna Bailey S/Rep. Anne C. Perry
Senate Chair House Chair

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

The Following Communication: S.C. 181

**STATE OF MAINE
ONE HUNDRED AND THIRTY FIRST LEGISLATURE
COMMITTEE ON JUDICIARY**

March 9, 2023

Honorable Troy Dale Jackson, President of the Senate
Honorable Rachel Talbot Ross, Speaker of the House
131st Legislature
State House
Augusta, Maine 04333

Dear President Jackson and Speaker Talbot Ross:

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

L.D. 578 RESOLUTION, Proposing an Amendment to the Constitution of Maine Concerning the Publication of Maine Indian Treaty Obligations

This is notification of the Committee's action.

Sincerely,

S/Sen. Anne Carney S/Rep. Matt Moonen
Senate Chair House Chair

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

The Following Communication: S.C. 182

March 8, 2023

Honorable Troy Dale Jackson, President of the Senate
Honorable Rachel Talbot Ross, Speaker of the House
131st Legislature
State House
Augusta, Maine 04333

Dear President Jackson and Speaker Talbot Ross:

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

L.D. 635 An Act to Allow a Retired Law Enforcement Officer to Serve as a School Resource Officer Without Affecting That Officer's Retirement Benefits (EMERGENCY)

This is notification of the Committee's action.

Sincerely,

S/Sen. Michael Tipping S/Rep. Amy Jean Roeder
Senate Chair House Chair

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

The Following Communication: S.C. 194

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

March 10, 2023

Honorable Troy Dale Jackson, President of the Senate
Honorable Rachel Talbot Ross, Speaker of the House
131st Legislature
State House
Augusta, Maine 04333

Dear President Jackson and Speaker Talbot Ross:

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

L.D. 561 An Act to Require a Military Service Member's Agent with Power of Attorney to Be Legally Responsible for Paying Bills During the Member's Deployment

This is notification of the Committee's action.

Sincerely,

S/Sen. Craig V. Hickman
Senate Chair

S/Rep. Laura Supica
House Chair

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

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

ORDERS

Joint Order

Expression of Legislative Sentiment recognizing:

Adam Ayan, of Westbrook, who was nominated for Best Engineered Recording, Non Classical for his work on Father John Misty's "Chloe and the Next 20th Century" at the 65th annual GRAMMY Awards. We extend our congratulations and best wishes;

SLS 225

Sponsored by Senator DUSON of Cumberland.
Cosponsored by Representatives: GATTINE of Westbrook, RIELLY of Westbrook, SALISBURY of Westbrook.

The Joint Order was **READ**.

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

Senator **DUSON:** Thank you, Mr. President. Ladies and gentlemen of the Senate, I rise to recognize the incredible achievements of an award-winning artist, Adam Ayan, and accompanying him in the Chamber today is wife, Allison. Every year the Grammy's come to our homes to showcase the incredible work of A-list musical artists. This past year, at the 65th Annual Grammy's, three Mainers were nominated for awards and one of those talented people was Adam. On April 8, 2022, Chloe and the Next 20th Century was released, a folk-jazz-swing album by Father John Misty and engineered by Adam, and you do have to kind of rock when you say the name. His incredible work on this album earned him a spot in the nominations. In addition to the nomination, I'm here to present him with a - I'm pleased to present him with a sentiment to award the hours spent in the studio behind a soundboard, helping the artist's vision become a reality. The arts industry in Maine consists of a plethora of talented people who enrich our state through creation and innovation. Their devotion to their craft is deserving of recognition. Adam's talent and creativity are an invaluable part of this thriving art scene. I'm proud to stand today and honor his accomplishments.

The Joint Order was **PASSED**.

Sent down for concurrence.

THE PRESIDENT: The Chair is very pleased to recognize in the rear of the Chamber Adam Ayan and his wife, Allison. They are from the city of Portland. They are the guests today of the Senator from Cumberland, Senator Duson. Would they please rise and accept the greetings and congratulations of the Maine Senate.

Off Record Remarks

PAPERS FROM THE HOUSE

House Papers

Bill "An Act to Reduce the Burden of Asset Recovery on Family Caregivers"

H.P. 715 L.D. 1130

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

Comes from the House, **REFERRED** to the Committee on **HEALTH AND HUMAN SERVICES**.

On motion by Senator **CARNEY** of Cumberland, **REFERRED** to the Committee on **HEALTH AND HUMAN SERVICES** and ordered printed, in concurrence.

Bill "An Act to Create a Seasonal Gas Tax Exemption and Rate"
H.P. 688 L.D. 1093

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

Comes from the House, **REFERRED** to the Committee on **TRANSPORTATION**.

On motion by Senator **GROHOSKI** of Hancock, **REFERRED** to the Committee on **TRANSPORTATION** and ordered printed, in concurrence.

Joint Resolution

The following Joint Resolution:

H.P. 699

**JOINT RESOLUTION
RECOGNIZING MARCH 8, 2023 AS INTERNATIONAL
WOMEN'S DAY**

WHEREAS, International Women's Day has been celebrated since 1911; and

WHEREAS, Maine women have contributed greatly to the State's, the country's and the world's history; and

WHEREAS, those Maine women include Frances Perkins, the first woman appointed to the United States Cabinet; Margaret Chase Smith, the first woman to serve in both the United States House of Representatives and the United States Senate; Olympia Snowe, the first woman to serve in both chambers at both the state and federal levels; Edna St. Vincent Millay, a Pulitzer Prize-winning poet; Cornelia "Fly Rod" Crosby, the first registered Maine guide; Samantha Smith, an international peace advocate; Gail Laughlin, the first woman in Maine to practice law; Dorothea Dix, a nurse and advocate for the mentally ill; Frannie Peabody, an HIV/AIDS activist; Judith Isaacson, a Holocaust survivor and educator; Mary Low, one of the first American women to receive a Bachelor of Arts degree; Elizabeth Russell, a groundbreaking geneticist; Florence Whitehouse, a suffragist, activist and novelist; Rena Newell, currently serving as Chief of the Passamaquoddy Tribe; Rachel Talbot Ross, the first African American woman to serve as Speaker of the Maine House of Representatives; Valerie Stanfill, currently serving as Chief Justice of the Maine Supreme Judicial Court; and Janet T. Mills, the first woman in Maine to serve as Attorney General of Maine and the first woman to serve as Governor of Maine; and

WHEREAS, according to the Center for American Women and Politics, in 2023 a record 32.7% of the 7,386 seats in the 99 state legislative chambers in the United States are currently held by women, including 44.1% of the seats in the Maine Legislature; and

WHEREAS, Maine is one of 16 states with a woman serving as a presiding officer of its Legislature; now, therefore, be it

RESOLVED: That We, the Members of the One Hundred and Thirty-first Legislature now assembled in the First Regular Session, on behalf of the people we represent, take this opportunity to recognize the contributions of Maine women throughout our history, the ongoing march toward gender equality, both in Maine and around the world, and the designation of March 8, 2023 as International Women's Day.

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

READ and **ADOPTED**, in concurrence.

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

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.

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

ORDERS

Joint Resolutions

Joint Resolutions in Memoriam:

WHEREAS, the Legislature has learned with deep regret of the death of:

The Honorable Mabel Desmond, of Mapleton. Mrs. Desmond had a decades-long career as a teacher at several schools, including as a faculty member at the University of Maine at Presque Isle. She served as a four-term state representative, from 1994 to 2002, representing the towns of Mapleton, Castle Hill, Ashland, Washburn, Wade, Woodland and New Sweden, and chaired the Maine Education Research Institute Task Force from 1998 to 2002. Her support of Governor Angus King's Maine Learning Initiative, better known as the Laptop Project, helped lead to every seventh-grade and eighth-grade student in Maine having their own laptop to use during their school years. She served on the Maine State Board of Education from 2007 to 2010. She was an active and leading member of Delta Kappa Gamma Society, an international organization promoting personal and professional growth for women educators and excellence in education. She served as secretary, treasurer and president for the University of Maine at Presque Isle Alumni Association, was a member of the Maine Education Association and the National Education Association and served as county president of the Aroostook Retired Educator's Association. She received the University of Maine at Presque Isle Alumni Service Award, the State Leader in Education Award and the Legislator of the Year Award, as well as the Maine Education Association - Retired County Leadership Award. Mrs. Desmond will be long remembered and sadly missed by her family and friends and all those whose lives she touched;

SLS 223

Sponsored by President JACKSON of Aroostook.
Cosponsored by Senator: STEWART of Aroostook,
Representative: ARDELL of Monticello.

The Joint Resolution was **READ**.

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, until I sit down here, I hadn't really thought of the fact that Senator Stewart wasn't here today. Senator Stewart had actually reached out to me whenever Mabel - we heard Mabel had passed away and expressed to me how much he thought of her also and that, I believe, one of her grandsons was a good friend of his and he knew her quite well and I believe Senator Stewart actually got the chance to go to the viewing hours, visiting hours, or the funeral. So, I think, unfortunately he's not here today, but I know Senator Stewart would certainly share his great appreciation for Mabel. I just wanted to get a chance to get up and rise because she was a tremendous lady, somebody that I didn't have a chance to serve with here. Didn't even know her really until I got into the Legislature but, after a couple of years of being here, ended up meeting her at her home in Mapleton, a great big home in

Mapleton for such a small lady to take care of but what a force and what a just a unbelievable person to know. I don't know how many of you are in campaigns but I typically like to get out and go around. After a while those conversations that you have in doors probably do energize me but any time that I knew I was going to Mapleton I was excited because I knew I'd have a chance to stop and see Mabel. You know, I had two unbelievably great grandmothers but if I didn't have those two great grandmothers Mabel would be the person I would want for my grandmother. She was just like unbelievably nice. You know, really thought to think about you and ask things that I didn't know she would know about me. Sitting at her kitchen table having conversations about whatever was going on in the world was just like a pleasure, a gift really, something that, you know, unfortunately I won't have that opportunity any more with her, but having those times is something that I am going to treasure and I'm just incredibly sorry that she's not here with us anymore. Her service to the State of Maine, I believe, is incredible and I believe Senator Rotundo can speak better to that, but there's few people that I've met that would just make you feel incredibly good and I don't think I've ever - I mean a bad word was never said about Mabel Desmond because she was incredibly beautiful lady and someone that I that the State is certainly going to miss.

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

Senator **ROTUNDO:** Thank you, Madame President and colleagues of the Senate. I rise today to pay tribute to Mabel Desmond. I served with her when I first got to the Senate many years ago and we worked together on the Education and Cultural Affairs Committee. She became an important role model for me. She had the greatest of integrity and the highest standards of excellence. She was completely dedicated to the people that she served and I was always amazed that she would spend her weekdays here in Augusta and then go home and spend the weekend traveling around her enormous district to meet with constituents and to take care of their needs. She was so dedicated and so conscientious and we are all better off for the work that she did while she was here. I miss her terribly and the great work that she did lives on in the lives of the people of Maine. We're very grateful to her. Thank you.

The Joint Resolution was **ADOPTED**.

Sent down for concurrence.

REPORTS OF COMMITTEES

House

Change of Committee

The Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** on Bill "An Act to Permit Emergency Funding for Food Banks When a State of Emergency Is Declared"
H.P. 55 L.D. 87

Reported that the same be **REFERRED** to the Committee on **STATE AND LOCAL GOVERNMENT**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **REFERRED** to the Committee on **STATE AND LOCAL GOVERNMENT**.

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

REFERRED to the Committee on **STATE AND LOCAL GOVERNMENT**, in concurrence.

Pursuant to Resolve

The Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act to Amend the Membership of the Rare Disease Advisory Council" (EMERGENCY)

H.P. 678 L.D. 1083

Reported that the same be **REFERRED** to the Committee on **HEALTH AND HUMAN SERVICES**, pursuant to Resolve 2021, chapter 177, section 8.

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

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

Bill and accompanying papers **REFERRED** to the Committee on **HEALTH AND HUMAN SERVICES**, in concurrence.

Ought to Pass

The Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** on Bill "An Act to Remove the Requirement for Wild Blueberry Transportation Permits" (EMERGENCY)

H.P. 183 L.D. 285

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

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

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

Bill **READ ONCE**.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Senate

Ought to Pass

Senator CURRY for the Committee on **INNOVATION, DEVELOPMENT, ECONOMIC ADVANCEMENT AND BUSINESS** on Bill "An Act to Update the Maine State Grant Program" (EMERGENCY)

S.P. 24 L.D. 32

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

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

Bill **READ ONCE**.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

SECOND READERS

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

House

Bill "An Act to Simplify an Assessment Notice Requirement Under Department of Labor Laws"

H.P. 18 L.D. 14

Bill "An Act to Provide Revenue for Property Tax Relief and Capital Infrastructure Projects"

H.P. 107 L.D. 166

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

Senate

Bill "An Act to Allow the Commissioner of Transportation to Reduce Speed Limits at Construction Sites with Input from Municipalities and Utilities"

S.P. 23 L.D. 31

Bill "An Act to Authorize the Deorganization of Drew Plantation" (EMERGENCY)

S.P. 41 L.D. 49

Resolve, to Name a Bridge in the Town of Canaan After Staff Sergeant Richard Gerald Salsbury

S.P. 152 L.D. 331

Bill "An Act to Clarify Coverage for Retired County and Municipal Law Enforcement Officers and Municipal Firefighters Under the State Employer Group Health Plan"

S.P. 169 L.D. 362

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

Sent down for concurrence.

ENACTORS

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

Acts

An Act to Amend the Laws Governing Storm Water Management to Provide an Exemption for Trails for Hiking and Other Similar Activities

H.P. 137 L.D. 216

An Act to Raise from 12 to 24 the Annual Limit on the Number of Public Events and Meals Nonprofit Organizations May Have That Are Exempt from Certain Rules and Regulations

H.P. 155 L.D. 234

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

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

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

The Sergeant-At-Arms escorted the Senator from Sagadahoc, Senator **VITELLI**, to her seat on the Floor.

The Senate was called to order by the President.

At this point the Senate retired to the Hall of the House where a Joint Convention was formed.

Following the Joint Convention the Senate was called to order in the Senate Chamber by the President.

Off Record Remarks

On motion by Senator **STEWART** of Aroostook, **ADJOURNED** until Tuesday, March 21, 2023 at 10:00 in the morning in memory of and lasting tribute to the Honorable Mabel Desmond of Mapleton.