

MAINE STATE LEGISLATURE

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

In Senate Chamber
Thursday
May 4, 2023

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

Prayer by Zen Buddhist Clergy Nancy Hathaway.

MS. HATHAWAY: Please be seated, if you'd like. So, good morning. Honorable Senators chosen by lobstermen and lawyers and educators and businesspeople, all different peoples of the state of Maine. So, you have a big job and I honor - I'm very honored to be here. I grew up down river in Gardiner. It's family week, my brother was here last week - last - yesterday. He served in the Senate a while ago. I - when I was in the sixth grade, I used to come with my girlfriend, my friend, and our fathers worked in the State House, and we would ride the elevators. That was a big deal. So, since that time, I traveled the world and I spent time in the monasteries around the world and five years in a Zen temple, so that's how I became a Zen Buddhist Clergy. A lot of training. So, my life has been very - my adult life, very involved in Zen. I teach at the University of Southern Maine mindfulness, social, and emotional skills to educators, and that's who I am. So, you never know, if you see a child riding the elevator, you know, they may be a future person coming to give a prayer. So, this morning, what comes to me, what's really important to me as I come before you, is our humanity and to connect with our humanness and with each other. We're all - we all have this human condition together, we all have feelings, we all have basic human needs and so I'd like us to - and myself as well - to feel, to take this time right now, because I think you have a lot going on with committees and paperwork, and to take a moment and set that aside and come back right now and feel our life force, this force that's within us, this breath that's breathing. Without having to breathe, we have this breath that's breathing until our last breath, and so often we take it for granted. So, I'd like to encourage us to take a break and feel this - feel this breath. This in breath, this out breath, and we don't even have to take a breath, it's already breathing, so we can just feel it for a few moments, sitting here in the Maine State Senate.

So, as you go through your day today, knowing that this life force is within us, this breath is breathing itself, and what are we seeing, what are we hearing, smelling, tasting, touching, so we are in this - in this life for a few, maybe, who knows how long. So, please touch that place for my benefit and for all of Maine as you make decisions and thank you so much and enjoy your day.

Pledge of Allegiance led by Senator Michael Tipping of Penobscot County.

Reading of the Journal of Wednesday, May 3, 2023.

Doctor of the day, Patrick Connolly, M.D.

Off Record Remarks

Out of order and under suspension of the Rules, on motion by Senator **VITELLI** of Sagadahoc, the following Joint Order:
S.P. 761

ORDERED, the House concurring, that when the Senate and House adjourn, they do so until Tuesday, May 9, 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.

PAPERS FROM THE HOUSE

House Papers

Bill "An Act Regarding Compensation Fees and Related Conservation Efforts to Protect Soils and Wildlife and Fisheries Habitat from Solar and Wind Energy Development and High-impact Electric Transmission Lines Under the Site Location of Development Laws"

H.P. 1206 L.D. 1881

Comes from the House, **REFERRED** to the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** and ordered printed.

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

Resolve, to Create a Pilot Program for Apprenticeships for Inmates

H.P. 1200 L.D. 1875

Resolve, to Create the Council to Transition Long Creek Youth Development Center

H.P. 1203 L.D. 1878

Come from the House, **REFERRED** to the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** and ordered printed.

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

Bill "An Act to Prohibit Offshore Wind Energy Development"
H.P. 1209 L.D. 1884

Comes from the House, **REFERRED** to the Committee on **ENERGY, UTILITIES AND TECHNOLOGY** and ordered printed.

On motion by Senator **LAWRENCE** of York, **REFERRED** to the Committee on **ENERGY, UTILITIES AND TECHNOLOGY** and ordered printed, in concurrence.

Bill "An Act to Reduce the Number of Children Living in Deep Poverty by Adjusting Assistance for Low-income Families"
H.P. 1202 L.D. 1877

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

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

Bill "An Act to Align Laws Governing Crossbow Hunting with Those Governing Archery Hunting"
H.P. 1204 L.D. 1879

Comes from the House, **REFERRED** to the Committee on **INLAND FISHERIES AND WILDLIFE** and ordered printed.

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

Bill "An Act to Enact the Protection of Shared Physical and Digital Property from Warrantless Searches Act"
H.P. 1208 L.D. 1883

Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** suggested and ordered printed.

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

On motion by Senator **BEEBE-CENTER** of Knox, **REFERRED** to the Committee on **JUDICIARY** and ordered printed, in concurrence.

Bill "An Act to Enhance Legislative Participation in the Governor's Use of Emergency Powers"

H.P. 1201 L.D. 1876

RESOLUTION, Proposing an Amendment to the Constitution of Maine to Improve Representation by Simplifying Legislative Redistricting for the Maine House of Representatives

H.P. 1210 L.D. 1885

Come from the House, **REFERRED** to the Committee on **STATE AND LOCAL GOVERNMENT** and ordered printed.

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

Bill "An Act to Increase the Deduction from Income for Pension Benefits"

H.P. 1207 L.D. 1882

Comes from the House, **REFERRED** to the Committee on **TAXATION** and ordered printed.

On motion by Senator **CHIPMAN** of Cumberland, **REFERRED** to the Committee on **TAXATION** and ordered printed, in concurrence.

Bill "An Act to Amend the Adult Use Cannabis Laws"
H.P. 1205 L.D. 1880

Comes from the House, **REFERRED** to the Committee on **VETERANS AND LEGAL AFFAIRS** and ordered printed.

On motion by Senator **HICKMAN** of Kennebec, **REFERRED** to the Committee on **VETERANS AND LEGAL AFFAIRS** and ordered printed, in concurrence.

COMMUNICATIONS

The Following Communication: S.C. 430

STATE OF MAINE ONE HUNDRED AND THIRTY FIRST LEGISLATURE COMMITTEE ON HEALTH AND HUMAN SERVICES

May 1, 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 Sen. Keim of Oxford, to report the following bill Leave to Withdraw:

L.D. 1078 An Act to Increase the Number of Recovery Beds in the State

Sincerely,

S/Sen. Joseph M. Baldacci
Senate Chair

S/Rep. Michele Meyer
House Chair

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

The Following Communication: S.C. 426

**STATE OF MAINE
ONE HUNDRED AND THIRTY FIRST LEGISLATURE
COMMITTEE ON CRIMINAL JUSTICE AND PUBLIC SAFETY**

May 01, 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 Criminal Justice and Public Safety has voted unanimously to report the following bill(s) out "Ought Not to Pass":

- L.D. 1057 An Act to Promote Consumer Protections in the Residential Building Sector by Requiring Contractors and Subcontractors to Supply Evidence of Insurance
- L.D. 1124 An Act Regarding Certification Credentials for the Office of Sheriff
- L.D. 1235 An Act to Provide Compensation to and to Limit Work Hours of Jail Employees
- L.D. 1509 An Act to Amend Certain Provisions of Maine's Drug Laws

This is notification of the Committee's action.

Sincerely,

S/Sen. Anne Beebe-Center
Senate Chair

S/Rep. Suzanne M. Salisbury
House Chair

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

The Following Communication: S.C. 427

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

April 28, 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 Energy, Utilities and Technology has voted unanimously to report the following bill(s) out "Ought Not to Pass":

- L.D. 43 An Act to Reduce the Cost of Electricity by Removing the 100-megawatt Limit on Renewable Resources of Energy
- L.D. 437 An Act to Eliminate the Repeal Provision on Waste-to-energy Renewable Energy Credits
- L.D. 965 An Act to Subsidize Hydroelectric Power
- L.D. 1175 An Act to Provide for the Review and Uniform Application of All Transmission and Distribution Utility Rates
- L.D. 1379 An Act to Combat Unwanted Telephone Solicitations
- L.D. 1489 Resolve, to Capitalize on Opportunities from Newly Revised Federal Renewable Fuels Standards by Studying the Environmental and Economic Benefits of Electric and Steam Generation Facilities Powered by Biomass

This is notification of the Committee's action.

Sincerely,

S/Sen. Mark W. Lawrence
Senate Chair

S/Rep. S. Paige Zeigler
House Chair

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

The Following Communication: S.C. 431

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

May 01, 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 Environment and Natural Resources has voted unanimously to report the following bill(s) out "Ought Not to Pass":

- L.D. 304 An Act to Establish Statewide Standards for Perfluoroalkyl and Polyfluoroalkyl Substances
- L.D. 1058 An Act to Advance Greenhouse Gas Removal as an Economic Development Strategy in Maine
- L.D. 1171 An Act to Raise Funding to Support Waste Reduction, Reuse, Recycling and Composting in Maine
- L.D. 1393 Resolve, to Establish the Commission to Examine Programs and Policies Regarding Natural Resources and Environmental Protection
- L.D. 1470 An Act Regarding Transfers of Land in Resource Protection Areas

This is notification of the Committee's action.

Sincerely,

S/Sen. Stacy Fielding Brenner S/Rep. Lori K. Gramlich
Senate Chair House Chair

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

The Following Communication: S.C. 428

**STATE OF MAINE
ONE HUNDRED AND THIRTY FIRST LEGISLATURE
COMMITTEE ON HEALTH AND HUMAN SERVICES**

May 01, 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 Health and Human Services has voted unanimously to report the following bill(s) out "Ought Not to Pass":

- L.D. 954 An Act to Improve Indoor Air Quality at Child Care Facilities
- L.D. 1037 An Act to Fund Competitive Wages for Direct Support Professionals for Persons with Disabilities
- L.D. 1238 An Act to Require Reporting on the Percentage of Approved Care Being Delivered to Individuals
- L.D. 1250 An Act Regarding Paying Providers Sufficiently, Maintaining Short Waiting Lists and Creating a Cause of Action for Aggrieved Persons in the System of Care for Clients with Intellectual Disabilities or Autism
- L.D. 1485 An Act to Provide Funding for Hospital Security in Aroostook County

This is notification of the Committee's action.

Sincerely,

S/Sen. Joseph M. Baldacci S/Rep. Michele Meyer
Senate Chair House Chair

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

The Following Communication: S.C. 429

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

May 01, 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 Health Coverage, Insurance and Financial Services has voted unanimously to report the following bill(s) out "Ought Not to Pass":

- L.D. 420 An Act to Fund a Health Program for Medical Professionals
- L.D. 1460 An Act to Amend the Laws Governing Certificates of Deposit
- L.D. 1541 An Act to Amend the Laws Relating to the Certificate of Need

This is notification of the Committee's action.

Sincerely,

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

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

The Following Communication: S.C. 432

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

May 01, 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. 571 An Act to Develop Maine's Entry-level Workforce
- L.D. 1206 An Act to Create a Grant Program for Workplace Health and Safety Improvements
- L.D. 1562 An Act to Protect the Retirement of State Employees and Teachers by Establishing Standards for Fiduciary Responsibility
- L.D. 1580 An Act to Help Maine Small Businesses with Increasing Costs by Removing the Annual Cost-of-living Adjustment for the Minimum Wage

This is notification of the Committee's action.

Sincerely,

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

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

The Following Communication: S.C. 425

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

April 28, 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 Taxation has voted unanimously to report the following bill(s) out "Ought Not to Pass":

- L.D. 641 An Act to Combat Hunger by Creating an Income Tax Credit for Businesses Engaged in Food Production for Donations to Qualified Organizations
- L.D. 1135 An Act to Ensure that Carbon Credits Can Be Sold on Forest Land Enrolled in the Maine Tree Growth Tax Law
- L.D. 1176 An Act to Create Municipal Cannabis Revenue Sharing

This is notification of the Committee's action.

Sincerely,

S/Sen. Nicole Grohoski Senate Chair
 S/Rep. Joe Perry House Chair

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

The Following Communication: S.C. 433

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

May 02, 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 Transportation has voted unanimously to report the following bill(s) out "Ought Not to Pass":

- L.D. 135 An Act to Require Manure Bags for Horse-drawn Vehicles
- L.D. 1351 Resolve, to Direct the Department of Transportation to Create a Program to Promote Transit and Transportation Research and Funding
- L.D. 1374 An Act to Improve Driver Safety by Requiring the Completion of a Defensive Driving Course for Certain Violations

This is notification of the Committee's action.

Sincerely,

S/Sen. Ben Chipman
Senate Chair

S/Rep. Lynne A. Williams
House Chair

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

SENATE PAPERS

Bill "An Act to Provide Authorization to Aroostook County to Use the Statewide Radio and Network System"
S.P. 764 L.D. 1889

Presented by President JACKSON of Aroostook.
Cosponsored by Representative THERIAULT of Fort Kent and Senator: STEWART of Aroostook, Representatives: ALBERT of Madawaska, BABIN of Fort Fairfield, GUERRETTE of Caribou. Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.

Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** suggested and ordered printed.

On motion by Senator **VITELLI** of Sagadahoc, **REFERRED** to the Committee on **ENERGY, UTILITIES AND TECHNOLOGY.**

Sent down for concurrence.

Bill "An Act to Clarify the Review and Procurement Process for Nonwires Alternatives"

S.P. 762 L.D. 1887

Presented by Senator GROHOSKI of Hancock.

Bill "An Act to Reduce Electricity Costs for Maine's Consumers and Businesses by Amending the Laws Governing Renewable Resources" (EMERGENCY)

S.P. 763 L.D. 1888

Presented by Senator GROHOSKI of Hancock.
Cosponsored by Representative WARREN of Scarborough and Representative: KESSLER of South Portland.

Bill "An Act Regarding the Procurement of Energy from Offshore Wind Resources"

S.P. 766 L.D. 1895

Presented by Senator LAWRENCE of York.
Cosponsored by Representative GERE of Kennebunkport and Senators: BRENNER of Cumberland, CURRY of Waldo, President JACKSON of Aroostook, VITELLI of Sagadahoc, Representatives: DOUDERA of Camden, GEIGER of Rockland, MASTRACCIO of Sanford, RUNTE of York.

On motion by Senator **LAWRENCE** of York, **REFERRED** to the Committee on **ENERGY, UTILITIES AND TECHNOLOGY** and ordered printed.

Sent down for concurrence.

Bill "An Act to Ensure Robust Contracts Between Insurers and Providers by Establishing Dispute Resolution Procedures"
S.P. 765 L.D. 1890

Presented by President JACKSON of Aroostook.

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 Index Workers' Compensation Benefits to the Rate of Inflation"

S.P. 767 L.D. 1896

Presented by Senator NANGLE of Cumberland.
Cosponsored by Senator: TIPPING of Penobscot, Representatives: MALON of Biddeford, ROEDER of Bangor, SKOLD of Portland.
Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.

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

Sent down for concurrence.

ORDERS

Joint Orders

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, **BEEBE-CENTER** of Knox, **BENNETT** of Oxford, **BLACK** of Franklin, **BRAKEY** of Androscoggin, **BRENNER** of Cumberland, **CARNEY** of Cumberland, **CHIPMAN** of Cumberland, **CURRY** of Waldo, **DAUGHTRY** of Cumberland, **DUSON** of Cumberland, **FARRIN** of Somerset, **GROHOSKI** of Hancock, **GUERIN** of Penobscot, **HARRINGTON** of York, **HICKMAN** of Kennebec, **INGWERSEN** of York, **KEIM** of Oxford, **LaFOUNTAIN** of Kennebec, **LAWRENCE** of York, **LIBBY** of Cumberland, **LYFORD** of Penobscot, **MOORE** of Washington, **NANGLE** of Cumberland, **PIERCE** of Cumberland, **POULIOT** of Kennebec, **RAFFERTY** of York, **RENY** of Lincoln, **ROTUNDO** of Androscoggin, **STEWART** of Aroostook, **TIMBERLAKE** of Androscoggin, **TIPPING** of Penobscot, **VITELLI** of Sagadahoc, Representatives: **ABDI** of Lewiston, **ANKELES** of Brunswick, **ARFORD** of Brunswick, **BELL** of Yarmouth, **BOYLE** of Gorham, **BRENNAN** of Portland, **BRIDGEO** of Augusta, **CLOUTIER** of Lewiston, **CLUCHEY** of Bowdoinham, **COLLINGS** of Portland, **COPELAND** of Saco, **CRAFTS** of Newcastle, **CRAVEN** of Lewiston, **CROCKETT** of Portland, **DANA** of the Passamaquoddy Tribe, **DHALAC** of South Portland, **DILL** of Old Town, **DODGE** of Belfast, **DOUDERA** of Camden, **EATON** of Deer Isle, **FAY** of Raymond, **GATTINE** of Westbrook, **GEIGER** of Rockland, **GERE** of Kennebunkport, **GOLEK** of Harpswell, **GRAHAM** of North Yarmouth, **GRAMLICH** of Old Orchard Beach, **HASENFUS** of Readfield, **HEPLER** of Woolwich, **HOBBS** of Wells, **JAUCH** of Topsham, **KESSLER** of South Portland, **KUHN** of Falmouth, **LAJOIE** of Lewiston, **LANDRY** of Farmington, **LaROCHELLE** of Augusta, **LEE** of Auburn, **LOOKNER** of Portland, **MADIGAN** of Waterville, **MALON** of Biddeford, **MASTRACCIO** of Sanford, **MATHIESON** of Kittery, **MATLACK** of St. George, **MEYER** of Eliot, **MILLETT** of Cape Elizabeth, **MILLIKEN** of Blue Hill, **MONTELL** of Gardiner, **MOONEN** of Portland, **MORIARTY** of Cumberland, **MURPHY** of Scarborough, **O'CONNELL** of Brewer, **O'NEIL** of Saco, **OSHER** of Orono, **PAULHUS** of Bath, **PERRY** of Calais, **PERRY** of Bangor, **PLUECKER** of Warren, **PRINGLE** of Windham, **RANA** of Bangor, **RECKITT** of South Portland, **RIELLY** of Westbrook, **RISEMAN** of Harrison, **ROBERTS** of South Berwick, **ROEDER** of Bangor, **RUNTE** of York, **RUSSELL** of Verona Island, **SACHS** of Freeport, **SALISBURY** of Westbrook, **SARGENT** of York, **SAYRE** of Kennebunk, **SHAGOURY** of Hallowell, **SHAW** of Auburn, **SHEEHAN** of Biddeford, **SKOLD** of Portland, **STOVER** of Boothbay, **SUPICA** of Bangor, Speaker **TALBOT ROSS** of Portland, **TERRY** of Gorham, **WARREN** of Scarborough, **WHITE** of Waterville, **WILLIAMS** of Bar Harbor, **WORTH** of Ellsworth, **ZAGER** of Portland, **ZEIGLER** of Montville), the following Joint Order:

S.P. 768

WHEREAS, the Constitution of Maine, Article VI, Section 3 provides for the Justices of the Supreme Judicial Court to render their opinion on important questions of law and upon solemn occasions; and

WHEREAS, it appears to the 131st Legislature that the following are important questions of law and that this is a solemn occasion; and

WHEREAS, the Constitution of Maine, Article IV, Part Third, Section 18 provides the ability of electors to initiate and propose to the Legislature any bill, resolve or resolution and further provides the procedures to be followed by the initiators, including filing the petition for a direct initiative of legislation, addressed to the Legislature, with the Secretary of State within a specified number of days after the convening of a regular session; and

WHEREAS, the Constitution of Maine, Article IV, Part Third, Section 18, Subsection 2 provides that the Legislature must be given the opportunity to act on the measure: "The measure thus proposed, *unless enacted without change by the Legislature at the session at which it is presented*, shall be submitted to the electors together with any...recommendation of the Legislature" [emphasis added]; and further that "[i]f the measure initiated is *enacted by the Legislature without change*, it shall not go to a referendum vote" [emphasis added]; and

WHEREAS, the Constitution of Maine, Article IV, Part Third, Sections 1 and 4 grant the Legislature the exclusive authority to set its own rules of procedure, including such rules establishing the manner in which initiated bills may be presented to the Legislature for consideration; and

WHEREAS, between the convening of the 131st Legislature and March 22, 2023, the Secretary of State certified as valid 4 measures proposed by electors; and

WHEREAS, on February 16, 2023, the Secretary of State transmitted 2 of the measures to the Legislature to be produced by the Office of the Revisor of Statutes as legislative documents for consideration by the Legislature; and

WHEREAS, on March 22, 2023, the Secretary of State transmitted the other 2 measures to the Legislature to be produced by the Office of the Revisor of Statutes as legislative documents for consideration by the Legislature; and

WHEREAS, before any measure thus transmitted was produced as a legislative document and presented to the Legislature, the First Regular Session of the 131st Legislature adjourned on March 30, 2023; and

WHEREAS, prior to its adjournment, the First Regular Session of the 131st Legislature passed a joint order carrying over to a subsequent session of the 131st Legislature "...all matters not finally disposed of at the time of adjournment...in the possession of the Legislature, including working papers and drafts in the possession of nonpartisan staff offices"; and

WHEREAS, among the working papers and drafts in the possession of the nonpartisan staff office the Office of the Revisor of Statutes at the time of adjournment were the 4 measures not yet prepared as legislative documents; and

WHEREAS, the 131st Legislature convened in special session on April 5, 2023; and

WHEREAS, on April 10, 2023, 2 of the measures, as prepared by the Office of the Revisor of Statutes, were transmitted to the Clerk of the House, given Legislative Document numbers, L.D. 1610 and L.D. 1611, and ordered printed by the Clerk of the House with the following statement "Transmitted to the Clerk of the 131st Maine Legislature by the Secretary of State on April 10, 2023 and ordered printed."; and

WHEREAS, these 2 measures were placed on the Advance Journal and Calendar of the House of Representatives and presented to the Legislature on April 11, 2023; and **WHEREAS**, those 2 measures had not previously been printed and presented to the Legislature in either the First Regular Session or the First Special Session of the 131st Legislature; and **WHEREAS**, Rule 401 of the Joint Rules of the 131st Legislature provides that a bill or resolve is not considered to be "in the possession of the Legislature" until "after it is printed"; and **WHEREAS**, on April 11, 2023, the Secretary of State issued 4 proclamations of the Governor proclaiming that an election be held for all 4 measures, calling into question the ability of the Legislature to thereafter consider these measures as provided by the Constitution of Maine, Article IV, Part Third, Section 18, Subsection 2; and **WHEREAS**, there are now questions before the Legislature regarding the constitutionality of those proclamations and the efficacy of any actions the Legislature may take to enact the measures; and **WHEREAS**, as it considers action on the initiated bills, it is important that the Legislature be informed as to the legal questions raised in this order; now, therefore, be it **ORDERED**, the House concurring, that, in accordance with the provisions of the Constitution of Maine, the Senate and the House of Representatives respectfully request the Justices of the Supreme Judicial Court to give their opinion to the Senate and the House of Representatives on the following questions of law:

Question 1. Is the mere transmittal of a measure by the Secretary of State sufficient to constitute "present[ation] to the Legislature" within the meaning of the Constitution of Maine, Article IV, Part Third, Section 18, Subsection 2, notwithstanding that at the time it was transmitted the measure did not exist as a legislative document, had not been printed pursuant to Joint Rule 401, had not appeared on any legislative calendar, and that neither the full House nor full Senate were made aware that the measure was in possession of the Legislature until approximately 53 days after transmittal?

Question 2. If the answer to Question 1 is in the affirmative, did the Constitution of Maine, Article IV, Part Third, Section 18, Subsection 2 preclude the 131st Legislature, as assembled in the First Regular Session, from carrying the measure over for consideration in the First Special Session?

Question 3. If the answer to Question 2 is in the negative, does the Legislature's Constitutional power enumerated in Article IV, Part Third, Section 1 to "make and establish all reasonable laws and regulations for the defense and benefit of the people of this State" include the power to consider and enact the measure into law during the First Special Session?

Question 4. If the answer to Question 3 is in the affirmative and a measure is thus enacted by the First Special Session of the Legislature without change, must the identical measure identified in a Proclamation executed by the Governor on April 7, 2023 "not go to a referendum vote" pursuant to the Constitution of Maine, Article IV, Part Third, Section 18, Subsection 2?

Question 5. If the answer to Question 4 is in the negative, is a bill thus enacted by the First Special Session of the Legislature a competing measure to an identical measure placed on the ballot by proclamation of the Governor on April 7, 2023, as described in the Constitution of Maine, Article IV, Part Third, Section 18, Subsection 2?

The Joint Order was **READ**.

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

Senator **BENNETT:** Thank you, Mr. President. Fellow members of the Senate, I'm grateful that this important measure was read in its entirety before the Senate today. There are large issues at stake here. This Legislature, all Legislatures, have an obligation to defend the peoples' right to petition their government. As you are all aware, there are several initiated bills that have been presented to this Legislature here in our Special Session, our First Special Session of the 131st. These issues are now being heard by our committees, in public hearings. They will be worked as initiated bills, and other bills are done in this process, and the people that put them before us have asked us to consider them. It is a petition to their government, their Legislature, to act. I know there's been a tradition created in recent years where some believe that these should just be sent out to the voters because if we don't act, if we vote against them, or if we want to change them, they will go out to the voters. But that is a backstop to the petition process. It's an important backstop, but these folks across the state who put their signatures to these petitions - 80,000, 100,000 people - are actually asking us, their Legislature, to consider these measures and we have a responsibility to do that. I worry that some who are opposed to some of these measures that are now before us are using the unique circumstances which we find ourselves in by being in Special Session to frustrate this constitutional right the people have to petition us and to frustrate our right and our responsibility as a Legislature to act on these. We should not allow this to happen. So, I'm grateful for the bipartisan, bicameral effort to get this measure before us so that we can go to the court, get clarity on this question. It's critically important not only for this Legislature, this time, and these petitions that have come before us, but to establish this question and the answers to these questions for future Legislatures because petition-gathering, as well know, is an arduous undertaking. It requires lots of volunteered time, thousands of hours. I've been involved with some. I know other members have been involved in some. Hundreds of people organize thousands of signatures, months of strenuous effort to bring measure to this Legislature to be considered and to have, what I consider to be a very strained reading of the Constitution, suggests that that process should be frustrated and we should be denied our chance to act is a wrong that must be righted and this measure, by us passing this Joint Order today and sending these set of questions to the Supreme Judicial Court, will give us the answers we need and the people the justice for the process that they deserve. So, I am grateful for the opportunity to have this before us, and I encourage and expect its passage. Thank you.

The Joint Order was **PASSED**.

Sent down for concurrence.

Joint Resolution

On motion by Senator **VITELLI** of Sagadahoc, under unanimous consent on behalf of President **JACKSON** of Aroostook, the following Joint Resolution:

S.P. 760

**JOINT RESOLUTION
RECOGNIZING APRIL 30, 2023 TO MAY 6, 2023 AS
NATIONAL SMALL BUSINESS WEEK**

WHEREAS, America's strongest economic growth in almost 40 years has been driven by the resilience of our small businesses, which continue to pioneer innovative solutions to our country's greatest challenges and create opportunities for families and workers; and

WHEREAS, small businesses remain the heartbeat of our communities and the American economy, employing more than half of our Nation's workers, inventing and innovating to launch new technologies and create new American-led industries, enriching our Main Streets, making parts and products in America to fuel our supply chains and building our Nation's infrastructure; and

WHEREAS, over 99% of all Maine businesses are small businesses, including loggers and truckers; guides and lodge owners; fishing operations and other businesses on Maine's working waterfronts; restaurants, bakeries and farms of all kinds; manufacturers; artists; and many more; and

WHEREAS, entrepreneurship continues to be one of the best pathways to the American Dream, evidenced by the remarkable small business boom, with more than 10.5 million Americans applying to start a business since January 20, 2021, a number greater than in any other 2-year period in American history; and

WHEREAS, by renewing our commitment to supporting small businesses, we can build a stronger Maine where everyone can succeed, from the bottom up and middle out; and

WHEREAS, the President of the United States has proclaimed National Small Business Week every year since 1963 to highlight the programs and services available to entrepreneurs through the United States Small Business Administration and other government agencies; and

WHEREAS, Maine supports and joins in this national effort to recognize the contributions of small businesses to the American economy and their importance in ensuring that our local communities remain as vibrant tomorrow as they are today; now, therefore, be it

RESOLVED: That We, the Members of the One Hundred and Thirty-first Legislature now assembled in the First Special Session, on behalf of the people we represent, recognize April 30, 2023 to May 6, 2023 as National Small Business Week.

The Joint Resolution was **READ**.

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

Senator **DAUGHTRY**: Thank you, Mr. President. Ladies and gentlemen of the Senate, I rise to speak in strong appreciation and support of the Joint Resolution in front of us. As a small business owner myself, I see every day the elements that are contained and described within this Joint Resolution. As we all know, within our districts, Maine has an incredible amount of small businesses. It literally is the economic backbone of our state. One thing I find interesting is how many small businesses actually flourished during one of the hardest times that our state has faced. During the pandemic, nationwide we saw more people willing to try that idea that had always been stuck in the back of their head, or maybe to switch careers and really figure out where

their passion lies, and I wanted to share a couple of statistics actually from the Maine Small Business Development, the SBDC. They surveyed Maine small business owners and they actually found that the clients that they served included 53% female entrepreneurs, 34% rural entrepreneurs, 30% young entrepreneurs, 12% minority entrepreneurs, and 9% entrepreneurs with disabilities, and 7% were - they served veteran and military connected entrepreneurs. What I think is really important about this being part of our record, and part of our highlighting, is all the services that not only our state and federal government offers but everything that is available through the Small Business Administration and through the Maine SBDC. I, myself, have been able to meet with business advisors who are able to meet with you at no cost for any Mainer who would like advice on a business plan, who would like advice on how to grow their business, maybe they want to look into export, and those statistics are exactly encapsulating everyone who is able to take advantage of these programs. So, just a reminder to everyone that we're very lucky to have these services in Maine, and we're particularly lucky to have those entrepreneurs amongst us.

The Joint Resolution was **ADOPTED**.

Sent down for concurrence.

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

REPORTS OF COMMITTEES

House

Ought to Pass As Amended

The Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** on Resolve, Authorizing the Director of the Bureau of Parks and Lands Within the Department of Agriculture, Conservation and Forestry to Lease Certain Land Within Somerset County

H.P. 860 L.D. 1346

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-96)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-96)**.

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

Resolve **READ ONCE**.

Committee Amendment "A" (H-96) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act to Change the Notification Law for School Truancy" H.P. 408 L.D. 631

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-94)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-94)**.

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

Bill **READ ONCE**.

Committee Amendment "A" (H-94) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **ENVIRONMENT AND NATURAL RESOURCES** on Bill "An Act to Improve Coastal Sand Dune Restoration Projects" H.P. 295 L.D. 478

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-92)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-92)**.

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

Bill **READ ONCE**.

Committee Amendment "A" (H-92) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Divided Report

The Majority of the Committee on **EDUCATION AND CULTURAL AFFAIRS** on Resolve, Directing the Maine Community College System to Study Providing On-campus Housing on All Campuses H.P. 519 L.D. 830

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

Signed:

Senators:
RAFFERTY of York
LIBBY of Cumberland
PIERCE of Cumberland

Representatives:
BRENNAN of Portland
DODGE of Belfast
MILLETT of Cape Elizabeth
MURPHY of Scarborough
SARGENT of York
WORTH of Ellsworth

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

Signed:

Representatives:
BAGSHAW of Windham
LYMAN of Livermore Falls
POLEWARCZYK of Wiscasset
SAMPSON of Alfred

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

Reports **READ**.

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

Resolve **READ ONCE**.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Senate

Ought to Pass As Amended

Senator **RENY** for the Committee on **MARINE RESOURCES** on Bill "An Act to Assist Municipal Shellfish Conservation Programs" S.P. 249 L.D. 581

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-63)**.

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

Bill **READ ONCE**.

Committee Amendment "A" (S-63) **READ** and **ADOPTED**.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Divided Report

The Majority of the Committee on **HEALTH COVERAGE, INSURANCE AND FINANCIAL SERVICES** on Bill "An Act to Protect Maine People from Inflation by Restoring Gold and Silver as Legal Tender"

S.P. 507 L.D. 1270

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-64)**.

Signed:

Senators:

BRAKEY of Androscoggin
RENY of Lincoln

Representatives:

PERRY of Calais
ARFORD of Brunswick
CLUCHEY of Bowdoinham
CYRWAY of Albion
MASTRACCIO of Sanford
MORRIS of Turner
NUTTING of Oakland
PRINGLE of Windham
SWALLOW of Houlton

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

Signed:

Senator:

BAILEY of York

Representative:

MATHIESON of Kittery

Reports **READ**.

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

SECOND READERS

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

House

Bill "An Act to Strengthen Temporary Protections for Children Living in Dwellings with Identified Lead Hazards"
H.P. 15 L.D. 11

Bill "An Act to Improve Access to Children's Behavioral Health Services"
H.P. 52 L.D. 82

Bill "An Act to Authorize the Department of Health and Human Services to License Home-based and Community-based Services for Persons with an Intellectual Disability, Autism Spectrum Disorder or a Related Condition or an Acquired Brain Injury and Define Autism Spectrum Disorder"
H.P. 278 L.D. 449

Bill "An Act to Amend the Membership of the Rare Disease Advisory Council" (EMERGENCY)
H.P. 678 L.D. 1083

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

House As Amended

Bill "An Act to Ensure Release of Relevant Background Investigation Material to Current Employers of Law Enforcement and Corrections Officers"
H.P. 64 L.D. 96
(C "A" H-90)

Bill "An Act Regarding the Terms of Trustees of the Phippsburg Cemetery District"
H.P. 84 L.D. 138
(H "A" H-95)

Bill "An Act to Allow Electronic Distribution of Certain Documents to Municipalities and Electronic Acknowledgment of Receipt of Certain Documents as Acceptable Communications"
H.P. 94 L.D. 153
(C "A" H-85)

Bill "An Act to Establish the Hessel's Hairstreak as the Maine State Butterfly"
H.P. 160 L.D. 239
(C "A" H-87)

Bill "An Act to Support Parents by Providing a Sales Tax Exemption for Diapers"
H.P. 185 L.D. 287
(H "A" H-64 to C "A" H-47)

Bill "An Act Regarding the Qualification of Expert Witnesses in Certain Family Court Actions"
H.P. 343 L.D. 538
(C "A" H-86)

Bill "An Act Concerning Bureau of Motor Vehicles Fees, Fines and Driver's License Reinstatement"
H.P. 361 L.D. 556
(C "A" H-82)

Bill "An Act to Provide Integrated Behavioral Health Services to Sexual Violence Survivors"
H.P. 505 L.D. 816
(C "A" H-81)

Bill "An Act to Allow the Crew Member of a Holder of an Elver Fishing License to Empty an Elver Fyke Net" (EMERGENCY)
H.P. 506 L.D. 817
(C "A" H-89)

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

Sent down for concurrence.

Bill "An Act to Amend the Duties of the Office of Affordable Health Care"
H.P. 570 L.D. 914
(C "A" H-83)

ENACTORS

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

Bill "An Act to Lower the Amount of Seized Currency in a Criminal Asset Forfeiture over Which the Currency May Be Transferred to the Federal Government"
H.P. 609 L.D. 962
(C "A" H-84)

Emergency Measure

An Act to Make Supplemental Allocations from the Highway Fund and Other Funds for the Expenditures of State Government and to Change Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Year Ending June 30, 2023

H.P. 165 L.D. 260
(C "A" H-59)

Resolve, to Establish the Task Force on Accessibility to Appropriate Communication Methods for Deaf and Hard-of-hearing Patients
H.P. 623 L.D. 976
(C "A" H-91)

This being an Emergency Measure and having received the affirmative vote of 35 Members of the Senate, with no Senators having voted in the negative, and 35 being more than two-thirds of the entire elected Membership of the Senate, was **PASSED TO BE ENACTED** and, having been signed by the President, was presented by the Secretary to the Governor for approval.

Bill "An Act to Amend the Laws Regarding Public Sector Bargaining in Public Schools by Providing an Exemption to the Time Limit on Negotiations"
H.P. 690 L.D. 1095
(C "A" H-79)

Bill "An Act to Protect the Environment by Funding Ash Tree Management"
H.P. 734 L.D. 1162
(C "A" H-78)

Emergency Measure

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

An Act to Delay the Repeal of the Law Governing the Sale of Pari-Mutuel Pools for Simulcast Harness Racing
S.P. 132 L.D. 311
(C "A" S-42)

This being an Emergency Measure and having received the affirmative vote of 33 Members of the Senate, with 2 Senators having voted in the negative, and 33 being more than two-thirds of the entire elected Membership of the Senate, was **PASSED TO BE ENACTED** and, having been signed by the President, was presented by the Secretary to the Governor for approval.

Senate

Bill "An Act to Allow the Local Foods Fund for Public Schools to Be Used for Processed and Value-added Maine Food Products"
S.P. 392 L.D. 921

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

Sent down for concurrence.

Emergency Measure

Senate As Amended

An Act to Provide Emergency Aid to Dairy Farmers Affected by the Crisis in Production Costs
H.P. 235 L.D. 384
(C "A" H-53)

Resolve, Directing the Department of Agriculture, Conservation and Forestry to Conduct an Accessibility Study of All Maine State Parks and Historic Sites and to Develop a Plan to Remove Access Barriers
S.P. 407 L.D. 988
(C "A" S-62)

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

Acts

An Act to Amend the Membership Requirements of the State Claims Commission

H.P. 21 L.D. 17
(C "A" H-55)

An Act to Increase the Statutory Fee for Defensive Driving Courses

S.P. 22 L.D. 30
(H "A" H-75)

An Act to Make Corrections to the Maine Insurance Code

S.P. 28 L.D. 36
(C "A" S-38)

An Act to Amend Maine's Endangered and Threatened Species List

H.P. 32 L.D. 57
(C "A" H-66)

An Act Concerning the Membership of the State Emergency Response Commission and Fees for Registering Facilities Required to Report to That Commission

H.P. 63 L.D. 95
(C "A" H-54)

An Act to Clarify Court Jurisdiction of Actions Involving Children Brought Under the Maine Uniform Probate Code

H.P. 82 L.D. 136
(C "A" H-60)

An Act to Update the Procedures for Issuance of Orders Related to Involuntary Hospitalizations

S.P. 213 L.D. 459
(C "A" S-44)

An Act to Provide for an Electronic Permit for the Disposition of Human Remains

H.P. 282 L.D. 465

An Act to Amend the Laws Governing the Membership of the Palliative Care and Quality of Life Interdisciplinary Advisory Council

H.P. 296 L.D. 479
(C "A" H-65)

An Act to Update the Charter of the Lewiston-Auburn Water Pollution Control Authority

H.P. 417 L.D. 640
(C "A" H-71)

An Act to Clarify the Powers of a Conservator to Transfer Property

S.P. 309 L.D. 751
(C "A" S-45)

An Act to Ensure Transparency in the Labeling of Meat as Grass-fed

H.P. 523 L.D. 834
(C "A" H-48)

An Act to Require That Service of a Temporary Protection Order Be Attempted Within 48 Hours from the Issuance of the Order

H.P. 670 L.D. 1034
(C "A" H-69)

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

An Act to Prohibit Certain Open Burning Under a Red Flag Warning and Regulate Recreational Campfires

S.P. 16 L.D. 24
(C "A" S-39)

On motion by Senator **TIMBERLAKE** of Androscoggin, 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" (S-39)**.

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" (S-39).

On further motion by same Senator, Senate Amendment "A" (S-65) to Committee Amendment "A" (S-39) **READ**.

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

Senator **TIMBERLAKE:** Thank you, Mr. President. Ladies and gentlemen of the Senate, I'm really sorry about doing this, but I just - I felt that after I looked at this, this was kind of an important issue. I don't know if it's a rural Maine thing or just an all-over Maine thing, but - and I have been a firefighter for 37 years, so I really respect the department and what was going on. But when I read 3-foot fire pit is what we was adopting before you had to get a permit, it started to concern me because I know that, for those of you who don't know, my family, we own a hardware store, we sell fire pits, and the majority of our fire pits come in at 39" to somewhere around 42" that we're selling at the retail level. Now, they say, you know, it measures as a 3-foot pit, but we all know that if we have a person that's doing the inspecting that's having a bad day, he might decide that it's over 36" with the fire and he could do something. Now, I don't believe the department is going to do that, I believe that, but I think we ought to fix the law. It's a very simple amendment that just changes the diameter from 3 feet to 4 feet, because in rural Maine, you throw a 4-foot log on, I know that the good President has maybe cut a 4-foot - couple 4-foot logs in his life along the way and it just - it's a way to simplify

it and make people better. I know in my own - in my own family, of about three fire pits we have at our houses that sometimes on a Friday or Saturday night or whatever, we'll have a small fire and they're all over 3 feet in diameter, so I'm really trying to just make something - simplify something. I'm not trying to be hard to get along with, I really aren't, I know you don't believe me sometimes but it is the truth. But this is just - we call things commonsense around here, we did a budget that was commonsense, and this is kind of a commonsense motion on my behalf to straighten this out for the people of the State of Maine. So, I would just ask that you really give it some thought and try to support it. Thank you.

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

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

Senator **BLACK:** Thank you, Mr. President and members of the Body. Since this was voted on in this Chamber, some of us have heard from constituents with the same problem that my good friend from Androscoggin has, that their commercial fire pits are larger than the 3-foot diameter, and quite a number of them are sold that way, and I believe from the testimony, as I said on the committee, that the issue was that the Forest Rangers needed a dimension sufficient to be able to enforce a law of not getting a permit. People would say well, they have - you know, you probably heard about this backyard fires that got 50 pallets piled on them and they're burning debris and brush and the Forest Ranger comes up and he says 'you don't have a permit for it' and the person will say well, 'here's my hot dog stick and my marshmallow, this is, you know, a recreational fire.' So, they needed some kind of dimension and the 3-foot diameter came from the National Firefighters Association nationwide as the average that they came up with. But there's a lot of - I know there's a lot of people in the state of Maine, in rural Maine, that 3-foot would be really tight for them using their recreational fires. So, I would think that the 4-foot would be a good compromise. Thank you very much.

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

Senator **CURRY:** Thank you, Mr. President. I stand in opposition to this amendment. I've spoken to both Chief Forest Ranger Robby Gross and with Chief William St. Michel, Executive Director of the Maine Fire Chiefs. This is not a small amendment. I know when we get to numbers, sometimes three - four looks very similar to three, but it's actually an increasing of the fire size by two and a half times. A fire 3-foot by 3-foot is going to be 7 cubic feet. A fire that is 4-foot by 4-foot is going to be 16.75 cubic feet. It's a massively bigger fire. So, it's not a small, it's not a commonsense next step, it is a two and a half times larger than what the fire service and our fire professionals say is what is - what is necessary. Beyond that point, you can still get - you can still have your fire. I am a great fan of bonfires. I love bonfires. They're wonderful. It's very easy to get a fire permit for a bonfire. It's an online, it's free, you can - if you're not able to get online, you can call your fire warden. It's very simple. Bonfires are a wonderful thing. We need - as the good Senator mentioned, we need a definition that is - that separates campfires from bonfires

and debris fires because there's a distinct difference in risk, not, you know, distinct difference in risk in these fires going elsewhere, going beyond your property, going and starting forest fires. We are in an age of climate change, and we are in an age of extreme weather, and our fire service is preparing ourselves for that. The national standard, the NFPA that was mentioned, is a standard that we need to - has a 3-foot diameter and I suggest - and I - and for this reason, I oppose the amendment. Thank you very much.

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

Senator **GUERIN:** Thank you, Mr. President. Mr. President, ladies and gentlemen of the Senate, this week is the Small Business Week we were celebrating and many of Maine's hotels and inns have fire pits and campgrounds for groups that would be smaller than the yellow circle even at the 4-foot diameter and I think that this is another burden we're putting on our small businesses in Maine that have already purchased the standard fire ring. I have one of the standard fire rings in my backyard which would exceed the 3 feet. So, I think it's a small change. This is a rural state with campfire tradition, and I think that this small change to accommodate what is available commercially is a good idea.

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

Senator **FARRIN:** Thank you, Mr. President. Ladies and gentlemen of the Senate, it seems like this is an issue that we're spending an awful lot of time haggling over, and I don't want to downplay that, but my good colleague from Waldo mentioned Chief Robby Gross and I've been going back and forth with the Chief this morning about this. I have a relationship with the service, I retired as a Captain for 17 years on the local fire department, and just told him, you know, what we have, that 4-foot log that people cut to and the things that they do, and he was pretty adamant, as my colleague mentioned, that they really wanted to stick with that language, and I told him we were going to have this amendment and it was going to turn into, it seems like, a partisan issue. I don't know how 4-foot or 3-foot logs are the partisan issue, but only in Augusta, and his response back, and I just got this from him, and he says it's more important about the safety measures and the pieces that are put into there and, you know, so I don't know if that sways anybody's thoughts or whatever, but if we mention what the Chief had to say, I think, you know, that weighs a little bit on there when we hear those comments during the testimony and everything else. So, the language piece, the safety piece, and the permit piece and the notification stuff is all stuff that does not want to be touched, but is open to the 4-foot piece. So, I'd just throw that out there for peoples' knowledge.

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

Senator **TIMBERLAKE:** Thank you, Mr. President. I just - I was surprised when the good Senator from Waldo had said that it was two and a half times as big because I'm pretty good at math, so - but I went back and looked and it's only 12.56 to go to a 4-foot circumference circle versus 7.06 for a 6-foot - I mean, for a 3-foot

circumference circle. But that not being the point, the point is it's a very small change. When you and I sit here and look at our desk and we look and we say it's 3 feet to here and we're going to add 6" on to each side and then all the commercial fire pits that they buy in the stores and around, they don't have to worry, and I don't think the fire department is coming out to do it and as I said, I served 37 years as a firefighter. I was a Captain, I was an Assistant Chief. I've done all these things, and I want to support these guys, and it's about the safety. I don't think anybody really cares, as far as the department goes, whether it's three or four, they just want something to set that stops these huge, big bonfires that people are calling them that. So, I'd just ask you to really think, please support it, because I hate to see this turn so partisan. Thank you.

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

Senator **KEIM:** Thank you, Mr. President. I just wanted to mention that often, when we come to a floor debate, there's new information - not often, but every once in a while - there's new information that comes to us, and for me it was new information to find out that fire rings are commercially widely available at 4 feet, and I think that we may be accidentally tripping Maine people up when, in my mind, when I'm having an outdoor fire, it's that I have walls around it and that makes it a campfire, and I'm not going to think 3 feet, 4 feet. As just a regular Maine person out having, you know, a backyard fire. I've got 4 acres of land back there and the difference is so minor. I'm just afraid that we are going to be tripping up people who are not going to be aware that they're breaking the law by having their regular campfire outside. So, I would ask that we would take that in consideration because that is new information for me. It's not something I had considered because, of course, I wasn't on that - I wasn't on that committee that heard this bill, nor heard that type of comment previously. Thank you.

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

Senator **CURRY:** Thank you, Mr. President, for permission to speak on the matter a second time. So, it's an interesting thing in the Legislature, the things you have to research. So, last night, I'm researching 'how do you measure the volume of a fire.' Was it a cylinder? Was it a cone? I decided to go with a cone. If we thought it was a cylinder, then it's three times - it's more than three times the size. If it's a cone, then it's two and a half times, or 2.37 times the size. So, that's the math behind it, and I did plug it into a calculator because I wasn't trusting my own math. So, thank you, the good Senator from Androscoggin, for that question. I did want to bring up one other point regarding this, is none of this is about the size of the ring. You can perfectly - you can create a ring on the floor, you could have the outside of that blue - that blue ring, that's fine. It's the size of the fire. It's the size of the fire, and the challenge here is when you're at 4 feet, boy, that's a really good size to put pallets in, or it's a really good size to put your whole dry Christmas tree in, and suddenly you're also into a debris - a debris fire. So, it's not only - it's not only that we're increasing it by two and a half times, it's that we're getting to the level where people are starting to use it as a debris fire. It started as a campfire and then it became, well, we can burn that thing that we want to burn now, and now we're having significant

fire danger issues. I can tell you that I have continued to, ever since the understanding of this amendment has come forward, I have continued to get - have people contacting me from the Maine Fire Chiefs, from the Fire Services Commission, and the Forest Service, all in opposition to this amendment. Thank you.

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

Senator **INGWERSEN:** Thank you, Mr. President. Mr. President, I was part of the chair of the Ag committee when we heard this bill and we listened to the Forest Service, we listened to Fire Chiefs, and they were all unanimously in support of setting this limit which matches the National Fire Protection Association dimensions. The big concern here is that to go bigger, to go with 4 feet, it would contribute to encouraging debris burning without a permit, which is the problem here in the state, especially with climate change and continuing droughts. If you want to go bigger than that, if you want to start throwing pallets in, which are 4 feet, if you want to start throwing half sheets of plywood and do - everybody wants to do that, you simply apply online for a burning permit. Not always easy to get, I will admit, but it informs the fire departments in our area, which are stressed out to begin with, that there's a fire going on and we can go ahead and get that permit. The department is committed to a prevention and education program, committed to educating the public on the idea of recreational campfires, and I also just wanted to mention that the State Fire Marshal's Office has a definition in that they actually define a recreational fire and it's the same as the National Fire Protection Association's. So, this brings consistency to us and hopefully we'll get a lot of good education on this as well from the Forest Service. So, thank you very much and I hope you'll all vote against this measure.

THE PRESIDENT: The pending question before the Senate is Adoption of Senate Amendment "A" (S-65) to Committee Amendment "A" (S-39). A roll call has been ordered. Is the Senate ready for the question?

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#119)

YEAS: Senators: BALDACCI, BENNETT, BLACK, BRAKEY, FARRIN, GUERIN, HARRINGTON, HICKMAN, KEIM, LIBBY, LYFORD, MOORE, POULIOT, STEWART, TIMBERLAKE, PRESIDENT JACKSON

NAYS: Senators: BAILEY, BEEBE-CENTER, BRENNER, CARNEY, CHIPMAN, CURRY, DAUGHTRY, DUSON, GROHOSKI, INGWERSEN, LAFOUNTAIN, LAWRENCE, NANGLE, PIERCE, RAFFERTY, RENY, ROTUNDO, TIPPING, VITELLI

16 Senators having voted in the affirmative and 19 Senators having voted in the negative, the motion by Senator **TIMBERLAKE** of Androscoggin to **ADOPT** Senate Amendment "A" (S-65) to Committee Amendment "A" (S-39) **FAILED**.

PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-39), in concurrence.

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

An Act to Fund Climate-related Service Work
H.P. 88 L.D. 142
(C "A" H-51)

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

An Act to Support Research, Education and Outreach Efforts at the University of Maine Cooperative Extension Tick Laboratory
H.P. 657 L.D. 1021
(C "A" H-74)

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

An Act Regarding a Seat Belt Exemption for Persons with a Medical Condition
H.P. 370 L.D. 575
(C "A" H-56)

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

Resolves

Resolve, to Direct the Public Utilities Commission to Consider Methods to Educate Customers About Electricity Supply
H.P. 44 L.D. 69
(C "A" H-72)

Resolve, Directing Maine Emergency Medical Services to Convene a Stakeholder Group to Explore Emergency Medical Services Career Pathways and Educational Opportunities in the State
S.P. 110 L.D. 244
(C "A" S-35)

Resolve, Directing the Department of Environmental Protection to Examine Regulatory Requirements for Outdoor Wood Boilers
S.P. 181 L.D. 400
(C "A" S-46)

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

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.

Off Record Remarks

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 (4/13/23) matter:

SENATE COMMUNICATION - SECRETARY OF STATE - the transmittal letter for the four proclamations referring the initiative petitions certified by the Secretary of State to the electors at the statewide election to be held on November 7, 2023
S.C. 317

Tabled - April 13, 2023 by Senator **BENNETT** of Oxford

Pending - **PLACEMENT ON FILE**

(In Senate, April 13, 2023, **READ**.)

ORDERED PLACED ON FILE.

The Chair laid before the Senate the following Tabled and Later Assigned (4/13/23) matter:

SENATE COMMUNICATION - OFFICE OF THE GOVERNOR - proclaim that an election shall be called for Tuesday, November 7, 2023, so that "An Act To Require Voter Approval of Certain Borrowing by Government-controlled Entities and Utilities and to Provide Voters More Information Regarding that Borrowing" may be submitted to the people of this State for a referendum vote.
S.C. 318

Tabled - April 13, 2023 by Senator **BENNETT** of Oxford

Pending - **PLACEMENT ON FILE**

(In Senate, April 13, 2023, **READ.**)

ORDERED PLACED ON FILE.

The Chair laid before the Senate the following Tabled and Later Assigned (4/13/23) matter:

SENATE COMMUNICATION - OFFICE OF THE GOVERNOR - proclaim that an election shall be called for Tuesday, November 7, 2023, so that "An Act Regarding Automotive Right to Repair" may be submitted to the people of this State for a referendum vote.

S.C. 319

Tabled - April 13, 2023 by Senator **BENNETT** of Oxford

Pending - **PLACEMENT ON FILE**

(In Senate, April 13, 2023, **READ.**)

ORDERED PLACED ON FILE.

The Chair laid before the Senate the following Tabled and Later Assigned (4/13/23) matter:

SENATE COMMUNICATION - OFFICE OF THE GOVERNOR - proclaim that an election shall be called for Tuesday, November 7, 2023, so that "An Act To Prohibit Campaign Spending by Foreign Governments and Promote an Anticorruption Amendment to the United States Constitution" may be submitted to the people of this State for a referendum vote.

S.C. 320

Tabled - April 13, 2023 by Senator **BENNETT** of Oxford

Pending - **PLACEMENT ON FILE**

(In Senate, April 13, 2023, **READ.**)

ORDERED PLACED ON FILE.

The Chair laid before the Senate the following Tabled and Later Assigned (4/13/23) matter:

SENATE COMMUNICATION - OFFICE OF THE GOVERNOR - proclaim that an election shall be called for Tuesday, November 7, 2023, so that "An Act To Create the Pine Tree Power Company, a Nonprofit, Customer-owned Utility" may be submitted to the people of this State for a referendum vote.

S.C. 321

Tabled - April 13, 2023 by Senator **BENNETT** of Oxford

Pending - **PLACEMENT ON FILE**

(In Senate, April 13, 2023, **READ.**)

ORDERED PLACED ON FILE.

The Chair laid before the Senate the following Tabled and Later Assigned (5/3/23) matter:

SENATE REPORTS - from the Committee on **HEALTH COVERAGE, INSURANCE AND FINANCIAL SERVICES** on Bill "An Act to Exempt Nonprofit Agricultural Membership Organizations from Insurance Requirements"

S.P. 388 L.D. 896

Majority - **Ought Not to Pass** (8 members)

Minority - **Ought to Pass** (5 members)

Tabled - May 2, 2023 by Senator **RENY** of Lincoln

Pending - **ACCEPTANCE OF EITHER REPORT**

Senator **BAILEY** of York moved the Senate **ACCEPT** the Majority **OUGHT NOT TO PASS** 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 PRESIDENT: The Chair recognizes the Senator from Aroostook, Senator Stewart.

Senator **STEWART:** Thank you, Mr. President. Ladies and gentlemen of the Senate, I'll be brief. This is my bill, and I don't have anything necessarily prepared in terms of remarks. For some folks, it will be a repeat of a bill that I sponsored two years ago, and the title is fairly straightforward. Essentially, what we are working towards here is the creation of what are called Farm Bureau plans in order to be able to cover people that otherwise are slipping through the cracks in Maine by allowing them to purchase a product that would act very similar to insurance from an organization like the Farm Bureau - hence, the name. The whole point here is that we have a swath of people who are otherwise healthy, working age, have families, a lot of them are farmers or work in the agriculture sector, they could work in one of our heritage industries like fishing or forestry as well, and insurance on the traditional marketplace is priced too high for them and so they end up, effectively, not having the ability to purchase that, but they are also are making too much money to be able to qualify for any sort of subsidy and so they're, essentially, stuck between a rock and a hard place. These folks would be tasked with looking at the plan before they purchased it, so you might hear arguments from opponents that say things like well, there's no consumer protection. That's not true. They can review the plan, they can decide whether or not that fits their needs, and then if it does, great, they can buy it, if it doesn't, they can move on or continue to be uninsured, which I think is something that we all don't want to see. So, I would urge that this Body reject the pending motion in exchange for the other one. I

think we can make a little progress here in Maine and find an attractive alternative that's also affordable for Maine families and particularly those that work in those heritage industries. 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'd like to make a few comments and then pose a question through the Chair in the very end. As someone who used to buy all the health insurance for their employees through Farm Bureau years ago, it was a great policy, a great plan, and a real affordable way for the farmers in the state of Maine to be able to insure their employees and give their employees good insurance. Our family farm still offers insurance to our employees, and still does it, but I know an awful lot of farms in the state of Maine who don't, because they can't afford to do it in today's world and environment, and the Farm Bureau offered a much better policy. I'm going to talk about Farm Bureau, it's not the only one that's out there, but I'm going to talk about it because it's something I know about. The Farm Bureau offered a really good policy for our employees. It was affordable for the farmer, it was a better policy than any of my employees got today under the current insurance system that we have set up today, and what we're doing by not passing this bill to allow this to happen is we're punishing the employees that are working for these farmers throughout the state because there are some very viable plans out there and they are protected. We went for years and years under the Farm Bureau plan, until all this insurance crap took place a few years ago, and ever since then the employees that work on our farm and our family members have never had as good of insurance as we had back then, and we're paying four times as much for it - actually, about five times as much today. I just think by letting this happen, I don't see how you do any harm, that you're now allowing all these little farm - small farms in the state of Maine who have joined co-ops like the Farm Bureau, would allow them a way to combine their resources to buy this insurance economically. So, I ask that you oppose the pending motion at this point in time, and the question I pose through the Chair is: I would like to know the reason why they wouldn't want to support an organization like the Farm Bureau to not offer insurance, who's been around for 160 years or better, to support the farming industry and our farming communities in the state of Maine, and the logging industry, too?

THE PRESIDENT: The Senator from Androscoggin, Senator Timberlake, poses a question through the Chair to anyone who may answer. The Chair recognizes the Senator from York, Senator Bailey.

Senator **BAILEY:** Thank you, Mr. President. In response to the question, I would respond this is not insurance. You may or may not have noticed that when the good Senator from Aroostook talked about this that he called it a product, and he called it a product because this is not insurance. It is a product and it's out of the Tennessee Farm Bureau, it's not a Maine Farm Bureau, so it's not what the good Senator from Androscoggin had before when he had insurance through the Farm Bureau. This is a product that they offer where they simply pick out the healthiest people and accept them into their product, but that person has absolutely no protections. There's no consumer protections,

there's no Insurance Bureau protection. If they have, for example, a dispute with the Tennessee Farm Bureau, they would have no recourse in Maine. They would have nowhere to complain if they had a dispute about a claim, you know, like now if you have a dispute about a claim, you can file a complaint with the Maine Bureau of Insurance. None of those protections would be available. So, that is in response to your question. The reason we rejected this is because it really does not offer anything helpful to those folks who are struggling to find insurance. I will tell you what this committee did do is recommended and connected the head of the Maine Farm Bureau with the Consumers for Affordable Healthcare so that they can help and work together to educate those folks who do feel like they're falling through the cracks so that they will know what their options are. Thank you, Mr. President.

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

Senator **TIMBERLAKE:** Thank you, Mr. President, and I'm sorry for rising twice. I've done it twice today and that's - we're going to have to stop this. I thank the good Senator for her response, and I understand where she's - where it's coming from. I'm going to very politely disagree under the situation. Being knowing about the Tennessee law, knowing about how it works, probably under the current law they wouldn't accept me because I wouldn't be a good health risk for them, but they would accept my daughter, my son-in-law, and many other of our employees on the farm who would be able to have a better insurance coverage and a better policy. I would say that we ought to try something new. You know, we always stand in this Body and always are looking at different options to try different things, and I'm looking - this is not a partisan issue, this is not - I'm saying to you this is your chance to try something new. Let's give it a chance for a year or two and see if it works. If it doesn't work, we can always take it away, but if we never give something a chance to work and never give, you know, somebody a bite of the apple, a chance to get there, then we're never going to know if it worked or didn't. We're just going to say it didn't. I say let's give this a chance. Let's let the Farm Bureau, or whatever organization that wants to do this for their thing, and let them insure some of these people at less rate. I just - it's an opportunity for us to be changers to the people of the State of Maine, and especially in rural Maine, and I just ask you to oppose the pending motion and let's give it a try for a year. What can it hurt? It might even work. We might all be wicked happy at the end of the day. So, please, seriously, I'm asking you folks from the bottom of my heart to give this a try. Just once.

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

Senator **BENNETT:** Thank you, Mr. President. Request permission to pose a question through the Chair?

THE PRESIDENT: So moved.

Senator **BENNETT:** Thank you, Mr. President. To anyone who may be able to respond, I was looking at the bill before us and it's not clear that this is a pilot. I'm wondering what is the limitation - I understand that there's limitation on what organization can sell this insurance product, but it doesn't seem clear if there's any limitations about to whom they can sell it. Is it just limited to

people in the agricultural sector or could they sell it to any Maine resident? Thank you, Mr. President.

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

Senator **STEWART:** Thank you, Mr. President. I rise to answer the good member's question. So, the way that - if this bill were to pass, an organization like the Maine Farm Bureau, but could be a different organization as well, could be one around loggers, could be one around fishermen, their membership are the people who you would then be able to sell that product to. Hopefully that answers the question.

THE PRESIDENT: The pending question before the Senate is Acceptance of the Majority Ought Not to Pass Report. A roll call has been ordered. Is the Senate ready for the question?

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#120)

YEAS: Senators: BAILEY, BALDACCI, BEEBE-CENTER, BENNETT, CARNEY, CHIPMAN, CURRY, DAUGHTRY, DUSON, GROHOSKI, HICKMAN, INGWERSEN, LAFOUNTAIN, LAWRENCE, NANGLE, PIERCE, RAFFERTY, RENY, ROTUNDO, TIPPING, VITELLI, PRESIDENT JACKSON

NAYS: Senators: BLACK, BRAKEY, FARRIN, GUERIN, HARRINGTON, KEIM, LIBBY, LYFORD, MOORE, POULIOT, STEWART, TIMBERLAKE

EXCUSED: Senator: BRENNER

22 Senators having voted in the affirmative and 12 Senators having voted in the negative, with 1 Senator being excused, the motion by Senator **BAILEY** of York to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report **PREVAILED**.

Sent down for concurrence.

The Chair laid before the Senate the following Tabled and Later Assigned (5/2/23) matter:

SENATE REPORTS - from the Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act Requiring a Referendum to Restore the Former Maine Flag"

S.P. 438 L.D. 1069

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

Minority - **Ought to Pass as Amended by Committee Amendment "A" (S-52)** (6 members)

Tabled - May 2, 2023 by Senator **NANGLE** of Cumberland

Pending - **ACCEPTANCE OF EITHER REPORT**

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

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

Senator **BRAKEY:** Thank you, Mr. President, and colleagues of the Maine Senate. I rise in support of the - well, actually, I rise in opposition to the motion - actually, I rise in support of the report that Senator Nangle is on, the Ought to Pass Report on L.D. 1069, An Act Requiring a Referendum to Restore the Former Maine Flag. As we all knocked doors across our districts this past campaign season, it would be fair to wonder if the 1901 Maine flag, featuring a simple green pine tree and a blue North Star on a yellow background, had already been restored as the official flag of the State of Maine. It's pretty much everywhere. The flag is currently flying over many Maine homes of our constituents and emblazoned on so much Maine swag that people wear to demonstrate their pride in our state and our identity as Maine people. It's no wonder why so many have spontaneously adopted our former flag in place of the official - the current official flag of the state. The pine tree flag is simple, iconic, and distinct, with elegant simplicity and without a single word, it says Maine, the Pine Tree State. While the current official flag of our state is beautiful in its own right, as is the State Seal it displays, it also lacks in certain regards. If you were to line up all the flags of the 50 states side by side, several would stand out. The Lone Star State, for example, stands out with a simple flag with a single star. But then you would also notice that so many of these flags tend to blend together, all the same, the State Seal on a blue background, one after another. Now, before I proceed, let me be clear that, while I personally support restoring the former flag as the iconic symbol of our state, I'm not asking the members of this Body to make that decision. What stands as the flag of our state is a question that speaks to who we are as an entire Maine people. As such, I am personally uncomfortable with a select group of only 186 making that decision when we could easily involve the entire Maine people in this question of our collective identity. That is why this legislation proposes a referendum on the November ballot to let the Maine people decide. That referendum would propose restoring the pine tree flag as the official flag of Maine and reclassifying our current flag as the State Seal flag. So, if you like your flag, you can keep your flag. As far as referendums go, I don't anticipate any big money coming in to influence the question. I don't anticipate this being a question that divides Maine people along partisan lines. I anticipate one of the friendliest referendums, least influenced by special interests, that we've seen in our lifetimes.

Beyond that, Mr. President, I'd like to speak personally to what the pine tree flag means to me. When I look at that flag, I think of our history as a state and what the pine tree has meant for Maine's role in the formation of our country. I think of - personally, I think most distinctly of the Battle of Machias, the first naval battle of the American Revolution. When the shot heard round the world at Lexington and Concord was heard by the people of Maine in Machias, they swore to stop selling their pine trees to the British. This was a significant sacrifice. The people of Machias depended on the lumber trade and the British military was their primary buyer. But they would not sell to those who would seek to deprive their fellow New Englanders of their lives and their liberties. It turns out the British needed those Maine pine trees for the construction of their barracks in Boston and masts for their ships, so they did not take the decision in Machias lightly. Three British ships arrived off the shore of Machias before too long, two trade vessels and one warship - carrots and a stick - seeking to compel the resumption of trade for those Maine pine trees. Those Maine people found themselves confronted by well-armed, uniformed men, and the most powerful Navy in the history of the world up to that date and time. It would have been easy to buckle under the pressure, but they did not. Instead of giving in, those Mainers, led by the local Sons of Liberty, grabbed their axes and pitchforks and charged the ships. British pistols were fired, but it was all over before the British Naval men could load a second round, finding themselves surrounded by sheer numbers of angry Maine people. Those brave Mainers, in defense of their pine trees, had won the first naval battle of the American Revolution. They commandeered those British ships, renaming one of them the Machias Liberty, and formed the beginnings of a Maine Navy that would attack British supply lines, seize more ships, and frustrate their imperial efforts throughout the war. The British hated Machias so much that they came back for revenge. This time, however, they found that colonial Maine people had banded together with native Maine people in the name of their mutual independence, and standing together, they repelled that Imperial Navy for a second time, just as today's tribal leaders described during the State of the Tribes address we all attended earlier this year. Unable to defeat the united people of Maine in Machias, the British took their frustrations out on another coastal Maine community. I'm sorry to inform my colleagues, Senator Chipman and Senator Duson, that they burned Portland to the ground. But throughout the war for independence, the symbol of the pine tree stood for our defiance of the British and the quest for true liberty. That is why the same pine tree that adorns the 1901 Maine flag adorned the Appeal to Heaven flags that flew on the ships of General George Washington's revolutionary navy. So, when I look at the Maine pine tree flag, I think of that time in our history when we were all united in common cause, native and colonial Mainers together, in defense of life, liberty, and the pursuit of happiness. Mr. President, that is what that flag means to me. I hope this Body will give the Maine people the opportunity to vote and decide the question of whether to restore our original flag, the Maine pine tree flag, as the official flag of Maine, by voting for the Ought to Pass - well, by voting against this motion and voting for the Ought to Pass Report that Senator Nangle, our colleague, voted for in committee. Thank you for your time and consideration. I hope you'll vote no on the pending motion.

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

Senator **NANGLE:** Thank you, Mr. President. I want to rise and speak in favor of the motion. We did discuss this and I did support sending this to referendum. However, in reconsidering this, I think this is a decision that the Legislature is capable to make - capable of making. We do have a number of bills coming, other flag bills coming before us, and, at that time, we can debate this further. As you know, elections have fiscal notes, and this one would have a \$172,000 fiscal note should we choose to send this to referendum, which would be something that I think would be unnecessary if this Legislature took up this motion on their own. Thank you.

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

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

Senator **STEWART:** Thank you, Mr. President. Ladies and gentlemen of the Senate, I just - in hearing my colleague's remarks from Cumberland, I think earlier today we moved forward on a number of different referendums that we'll be hearing later this year. I don't think it would be quite as costly to send this question out to the people. However, I do think actually the bigger cost is going to be implicated if we actually do move forward in changing over our state flag and, unilaterally decide to do so without any input from the public, because then we're going to have to go buy new flags all over the state and change different logos and different designs that we have and whatnot. So, when I think about cost - and believe me, I'm a pretty conservative guy when it comes to that sort of thing - I actually think that the issue would be more costly if we just simply move forward with this without any input from the people, and if that's what the people decide to do, then I'm all for it, that's great. But I think input from them is important before we undertake this mission. Thank you.

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

Senator **BRAKEY:** Thank you, Mr. President. I apologize for rising a second time. I just want to highlight that this legislation specifically puts it on the November ballot, which was - which came from conversations I had with the Secretary of State, that the November ballot would make the most sense in order to avoid extra costs. I think that that fiscal note perhaps assumes that this would be the only referendum on the ballot, but I think we would only experience that cost if this was the only referendum and there were not other referendums - I doubt that will be the case - or if there were so many referendums and then this would put it onto another page, we needed a fresh page on the ballot for it. I don't think that will - I think that's unlikely. So, thank you, Mr. President, I hope folks will oppose the pending motion.

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

Senator **NANGLE:** Thank you, Mr. President. Thank you for allowing me to rise again. Yes, the fiscal note is based on having to go to another page on the ballot. We do have a number of things already on the ballot, so going to a second page could be a reality, and then, as far as the cost of changing over from one flag

to another, OFPR indicated in their cost calculation of changing the flag, I think on another bill, that it could be - all of this could be absorbed within existing resources and as they replace flags. In my experience in maintaining a flag at the Department of Public Safety, a state flag lasted about six months before it had to be changed out because it was tattered and torn. Maybe it was the hurricane force winds that seemed to blow through there on a daily basis, but I think that changing over the flag to the new flag could be something that could be phased in over a period of time. Thank you.

THE PRESIDENT: The pending question before the Senate is Acceptance of the Majority Ought Not to Pass Report. A roll call has been ordered. Is the Senate ready for the question?

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#121)

YEAS: Senators: BAILEY, BALDACCI, BEEBE-CENTER, BLACK, CARNEY, CHIPMAN, CURRY, DAUGHTRY, DUSON, GROHOSKI, GUERIN, HICKMAN, INGWERSEN, LAFOUNTAIN, LAWRENCE, NANGLE, PIERCE, RAFFERTY, RENY, ROTUNDO, TIMBERLAKE, TIPPING, VITELLI, PRESIDENT JACKSON

NAYS: Senators: BENNETT, BRAKEY, FARRIN, HARRINGTON, KEIM, LIBBY, LYFORD, MOORE, POULIOT, STEWART

EXCUSED: Senator: BRENNER

24 Senators having voted in the affirmative and 10 Senators having voted in the negative, with 1 Senator being excused, the motion by Senator **NANGLE** of Cumberland to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report **PREVAILED**.

Sent down for concurrence.

Off Record Remarks

The Chair laid before the Senate the following Tabled and Later Assigned (5/3/23) matter:

HOUSE REPORT - from the Committee on **LABOR AND HOUSING** on Bill "An Act to Require Compliance with Natural or Agricultural Resource Protection Ordinances"

H.P. 29 L.D. 54

Report - **Refer to the Committee on HOUSING**

Tabled - May 3, 2023 by Senator **TIPPING** of Penobscot

Pending - **ACCEPTANCE OF REPORT**, in concurrence

(In House, May 2, 2023, Report **READ** and **ACCEPTED** and Bill **REFERRED** to the Joint Select Committee on **HOUSING**.)

(In Senate, May 3, 2023, Report **READ** and **ACCEPTED** and Bill **REFERRED** to the Joint Select Committee on **HOUSING**, in concurrence. On motion by Senator **TIPPING** of Penobscot, **RECONSIDERED** whereby Report was **ACCEPTED** and Bill **REFERRED** to the Joint Select Committee on **HOUSING**.)

On motion by Senator **TIPPING** of Penobscot, Report **REJECTED** and the Bill **REFERRED** to the Committee on **ENVIRONMENT AND NATURAL RESOURCES**, in **NON-CONCURRENCE**.

Sent down for concurrence.

The Chair laid before the Senate the following Tabled and Later Assigned (5/3/23) matter:

SENATE REPORTS - from the Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act to Prohibit COVID-19 Vaccine Mandates for Students Enrolled in Public Institutions of Learning"

S.P. 475 L.D. 1148

Majority - **Ought Not to Pass** (8 members)

Minority - **Ought to Pass as Amended by Committee Amendment "A" (S-61)** (5 members)

Tabled - May 3, 2023 by Senator **STEWART** of Aroostook

Pending - motion by Senator **RAFFERTY** of York to **ACCEPT** the Majority **OUGHT NOT TO PASS** 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 PRESIDENT: The Chair recognizes the Senator from Androscoggin, Senator Brakey.

Senator **BRAKEY:** Thank you, Mr. President. I rise to oppose the pending motion because the events of the last several years, including the government policies mandated and imposed on the Maine people in violation of our rights and liberties, many still in place today, must be rectified. In regard to this particular legislation, which concerns whether students at taxpayer-funded educational institutions can be subject to mandates that compel the injection of a vaccination that is only approved by the FDA under emergency use authorization, just as the COVID-19 vaccine was imposed on the Maine people, the evidence always contradicted the public health arguments for COVID-19 vaccination mandates. While the Chief Executives of our federal and state governments were ordering Maine people fired from their jobs and kicked out of school for refusing the jab, world-renowned epidemiologists were blacklisted and censored for highlighting evidence that undermined the scientific basis for their mandates. A public health decision, by definition, requires a public externality. If an individual health decision does not

materially impact the health of others, then it is a private health decision and a matter of personal choice that should be decided by the person, ideally in consultation with their own chosen and trusted physician. Every day the public health establishment continues blurring the line between these two categories of public health and personal health is another day that trust in the public health establishment continues to erode among the Maine and the American public. In the two terms I served as Senate Chairman for the Health and Human Services Committee, in the era before COVID-19, the policy debates around mandates for traditional vaccination always centered around arguments relating to herd immunity. Proponents for mandates in schools argued that forced vaccination was necessary to avoid falling herd immunity rates which could facilitate the spread of particular viruses. Personally, I've always been a supporter of traditional vaccination, but never forced vaccination. Not only does compulsion violate principles of bodily autonomy and human rights, I also have deep concerns about the unchecked profit incentives created by federal laws which exempt pharmaceutical companies from liability when their vaccines harm people, especially when paired with state and governmental mandates that ignore all risk and strip away all choice. That said, I could always, at very least, understand the logic underlying herd immunity arguments for mandates regarding traditional vaccines. That is why much of the public has historically acquiesced to those policies. Now, to justify the COVID-19 vaccine mandates, President Joe Biden and Dr. Anthony Fauci made all the same claims we heard in traditional vaccination campaigns. Despite weak supporting evidence, we were told the vaccinations would confer immunity to both infection and transmission. Those who refused, including those with natural immunity from a previous infection, were vilified as grandma killers and plague spreaders. On the basis of this scapegoating, American people across all sectors of society were fired from their jobs and kicked out of school. By some estimates, Maine lost between 5% and 10% of our healthcare workforce to the mandate. Men and women who had been heroes just a year before were summarily dismissed. Our service members in the U.S. military were discharged and lost access to the retirements they worked years for and across Maine's public universities, until very recently, COVID vaccination became a condition of enrollment. While all this was happening in 2021, censored and blacklisted skeptics pointed to studies indicating that, one, natural immunity provided more robust protection than vaccine-conferred immunity and, two, COVID vaccines were not demonstrating effective protection against person-to-person transmission. For example, a study from Qatar found that vaccinated individuals were up to 95% safer from severe disease after vaccination. That's all well and good, that's great. But protection against infection and transmission was short lived. Immunity began to diminish after five weeks, after 20 weeks the vaccinated were as likely to become infected and transmit the virus as the unvaccinated. On the basis of that study, Dr. Jay Bhattacharya, an epidemiologist at Stanford University and one of the three authors of the Great Barrington Declaration, a man who was blacklisted like Galileo for publicly undermining a narrative that was as settled as the sun revolving around the Earth, he concluded that COVID vaccination did not contribute to herd immunity. From this conclusion, Dr. Bhattacharya asserted the obvious, COVID-19 vaccination is a matter of personal, not of public health. As the measurable benefits rest primarily with the individual, not society, government officials have, and never had, any greater moral authority to

mandate COVID vaccination than they have to mandate chemotherapy. These are decisions for the individual to decide in consultation with their own physician. As time went on, it became increasingly clear and accepted that Dr. Bhattacharya was right. COVID vaccination did not stop infection, it did not stop transmission, but mandate proponents simply shifted the goalposts, never acknowledged their false claims, and kept these mandates largely in place. Still, the question of mandatory vaccination looms over our schools. This legislation, L.D. 1148, would prohibit public institutions of learning from mandating vaccinations under emergency use authorization on students. As written, this bill is targeted at postsecondary institutions. COVID vaccination mandates overstep the bounds of public health, violating human rights to bodily autonomy with no material benefit to the public health, lacking even the positive externalities of herd immunity used to justify traditional vaccination requirements. These mandates should be opposed at all levels of policymaking. I hope you will vote to prohibit this from ever happening again by rejecting the pending motion. Thank you for your time and consideration.

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

Senator **RAFFERTY:** Thank you, Mr. President. Ladies and gentlemen of the Senate, I will keep my remarks brief, knowing that there is nothing I can say that is going to change anyone's mind in this room or your stance in terms of vaccines. I believe that the vaccines are one of those philosophical differences that former Senate President Charlie Pray was referring to in his welcome back address yesterday to the Senate. I will state, however, that the vaccination requirements for schools serve as safeguards for our children and the school community. By making sure that they are protected when they get to school where potential for vaccine-preventable disease transmission is higher. I will also remind us that in 2020, Maine voters rejected the vaccine mandate being overturned, with 71.5% voting in support of the vaccines. Now, the results remain clear. I urge you to vote Ought Not to Pass on these bills and thank you for your time.

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

Senator **BRAKEY:** I apologize for rising a second time, Mr. President. I think my good colleague, the Chairman of the Education Committee, referenced a referendum and referenced the broad question of vaccination mandates. I just want to highlight that this is not speaking to the broad question of vaccination mandates in schools, but to the very narrow question of emergency use authorization vaccine mandates, vaccinations that have not gone through the traditional FDA approval process, which many found themselves subject to, and I guess I would like to ask a question through the Chair. What was the basis of that mandate? Does anyone in this Body assert that COVID-19 vaccination is effective at stopping infection and transmission? And if not, what is the basis for forcing people to get these vaccines that do not contribute to herd immunity or public health?

THE PRESIDENT: The Senator from Androscoggin, Senator Brakey, has posed a series of questions through the Chair for anyone who may answer. The Chair recognizes the Senator from Cumberland, Senator Daughtry.

Senator **DAUGHTRY:** Thank you, Mr. President. Ladies and gentlemen of the Senate, I rise in part to answer the question from the good Senator from Androscoggin. I want to remind folks that the bill in front of us is not discussing, you know, a general mandate. It's specific, narrow, as the bill's sponsor has said, about postsecondary institutions. The mandates that were put in place were in institutions where you had folks living together but, specifically, we heard from folks that this is about, you know, colleges and public institutions being able to have this for folks who are working in an allied health program, such as nursing, and complete much of their schooling participating in a clinical or hospital setting that might have that on their own private businesses grounds. Additionally, I want to remind folks that certain versions and presentations of the COVID-19 vaccine have now received full federal Food and Drug Administration approval. Prohibiting vaccines under emergency use authorization will not prohibit the COVID-19 vaccine as the title of this bill suggests is the intent of the bill.

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

Senator **GUERIN:** Thank you, Mr. President. Ladies and gentlemen of the Senate, last week I accompanied Speaker Talbot Ross on a listening tour of the Piscataquis County, which I represent. In the small town of Monson, which is located in the great north woods on the way to Greenville, we were all surprised to learn that so many parents had withdrawn their children from school that the town of Monson had lost its state education funding and was facing a budget shortfall. I asked if the state-imposed vaccine mandate had been a factor. The answer was absolutely. Let's let families make their own informed decisions related to vaccine use and get our children back to school. Thank you.

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

Senator **NANGLE:** Thank you, Mr. President. I would just like to reiterate what my good friend, Senator Daughtry, said that the vaccine currently does have full approval and in speaking to representatives of both the community college and receiving emails because my daughter is enrolled at the University of Maine, there is no longer a mandate to be vaccinated at UMaine or in the community colleges. So, this bill is probably closing the gate after the horse has already gotten out and, again, the high-density situations that go on in learning institutions such as this do see a benefit. The role of the vaccine was not to prevent the transmission, but the role of the vaccine was to diminish the transmission and as well as diminish the seriousness of the health issues that could be borne by the patient. The number of deaths since the vaccine has come out has reduced greatly. I remember watching TV and there was a constant count on the TV, marking the number of deaths. I think that that's no longer a news story and that's a good thing. So, I support the Majority Ought Not to Pass Report.

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

Senator **PIERCE:** Thank you, Mr. President. I rise to speak also to this bill in favor of the motion Ought Not to Pass, and as a reminder and a highlight for the Chamber, this bill is about the University of Maine System, the Maine Community College System, and the Maine Maritime Academy. All of these institutions have their individual boards and representatives that are there to make decisions about the health and wellbeing of their campuses and their students and it should - the decisions around these things in emergency situations or otherwise should rest with those boards, and I feel strongly that I hope you'll follow my light of Ought Not to Pass. Thank you.

THE PRESIDENT: The pending question before the Senate is Acceptance of the Majority Ought Not to Pass Report. A roll call has been ordered. Is the Senate ready for the question?

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#122)

YEAS: Senators: BAILEY, BALDACCI, BEEBE-CENTER, BRENNER, CARNEY, CHIPMAN, CURRY, DAUGHTRY, DUSON, GROHOSKI, INGWERSEN, LAFOUNTAIN, LAWRENCE, NANGLE, PIERCE, RAFFERTY, RENY, ROTUNDO, TIPPING, VITELLI, PRESIDENT JACKSON

NAYS: Senators: BENNETT, BLACK, BRAKEY, FARRIN, GUERIN, HARRINGTON, HICKMAN, KEIM, LIBBY, LYFORD, MOORE, POULIOT, STEWART, TIMBERLAKE

21 Senators having voted in the affirmative and 14 Senators having voted in the negative, the motion by Senator **RAFFERTY** of York to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report **PREVAILED**.

Sent down for concurrence.

The Chair laid before the Senate the following Tabled and Later Assigned (5/3/23) matter:

SENATE REPORTS - from the Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act to Protect Education Access by Prohibiting a Mandate for Schoolchildren for a COVID-19 Vaccine or a Vaccine Under an Emergency Use Authorization" S.P. 366 L.D. 869

Report "**A**" - **Ought Not to Pass** (8 members)

Report "**B**" - **Ought to Pass** (4 members)

Report "**C**" - **Ought to Pass as Amended by Committee Amendment "A" (S-60)** (1 member)

Tabled - May 3, 2023 by Senator **STEWART** of Aroostook

Pending - motion by Senator **RAFFERTY** of York to **ACCEPT** Report "**A**", **OUGHT NOT TO PASS**

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

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

Senator **KEIM:** Thank you, Mr. President. Ladies and gentlemen of the Senate, it's an honor today for me to stand up and be standing for Maine parents and for medical freedom in support of this bill and against the pending motion. Maine law currently states that the Director of Department of Health and Human Services shall adopt rules necessary for the immunization of students. DHHS is tasked with establishing the rules of immunization requirements for each disease, school recordkeeping and reporting, and the procedures for the exclusion of non-immunized students from school. This bill would amend current law to state that DHHS may not add to the list of required vaccines any that are under temporary FDA emergency use authorization. While the COVID vaccine was not mandated for schoolchildren in K-12, it was mandated for older students. It is not a stretch to imagine that state governing Bodies, who thought it fine to mandate an emergency use vaccine on an 18-year-old in college, would also manage it for an 18-year-old in high school. This change is common sense. We should not now, nor any time in the future, force parents to choose between an education for their children or an untested vaccine. Mainers in large numbers are vaccinated for COVID. But in direct contrast, the vast majority of Maine parents did not choose the untested COVID vaccine for their children. Current law gives government and Big Pharma greater rights over the bodies of our children than parents. Neither should ever be trusted with this much power and this one change puts at least some guardrails on that law. Government has proven untrustworthy in this pandemic by colluding with nongovernment social media companies to suppress the voices of tens of thousands of people who have had vaccine reactions, which we now know, through testimony given to Congress and through the release of the Twitter files. Government has proven untrustworthy in this pandemic by covering up that they were, in fact, funding the Gain of Function research that helped create the COVID virus and covered up its Wuhan origins. Government has proven untrustworthy in this pandemic. When an attempt to build public support for COVID-19 vaccines, the FDA repeatedly promised full transparency and reaffirmed many times its commitment to transparency yet, when documentation of the vaccine research was requested, sought to keep the documents secret for 75 years. How transparent is that? It is these same documents the FDA used to conduct an intense, and I quote, intense, robust, and thorough analysis of the COVID vaccine trials to assure the public that the Pfizer vaccine was safe and effective. Somehow, the FDA was able to review and approve for emergency use the vaccine based on that thorough review that took them only 108 days, and yet when asked to share those same documents, over 450,000 pages, when asked to share those documents with the public, the FDA claimed it needed over 20,000 days to do so. The government has proven untrustworthy in this pandemic because key

government vaccine decision makers were receiving monetary incentives from the vaccine. As we now know, the National Institutes of Health and Anthony Fauci received and hid \$350 million in royalties from the COVID vaccines. Under these circumstances, the federal government also granted immunity to Big Pharma for the EUA vaccines. Americans, if injured, cannot sue anyone to pay for the damages. Federal government funding helped create this disease, granted immunity to Big Pharma, licensed a product with incomplete testing that financially benefitted decision makers, and then aggressively sought broad mandates. The government needs extensive oversight and accountability and should never be allowed to unequivocally make healthcare decisions for our children. Big Pharma also should not be allowed to make healthcare decisions for our children. It was not long ago that the fight against Big Pharma's overreach was more broadly agreed upon in the political parties. Somehow, now, since the scare of a pandemic, we have attributed to them goodhearted and altruistic motives that they do not have. To remind us of this, let's review the Johnson & Johnson baby powder fiasco. In 2018, an investigation uncovered that Johnson & Johnson knew for decades that asbestos, a known carcinogen, lurked in its baby powder and other cosmetic talc products. The company did not stop selling its talc baby powder in the United States and Canada until May 2020, in part due to what the company then called misinformation and unfounded allegations about talc-based product, and then, in a maneuver to protect its wealth from lawsuits over these cancer claims, Johnson & Johnson split its business into a new division to offload these liabilities and to protect the parent company's wealth, and instead they bankrupted the new company, leaving the people they harmed without any financial recourse. This is the same Johnson & Johnson we trust with an emergency use vaccine? That is totally fine to trust them, as long as it's personal choice. And then we have to look at Pfizer, which has been involved in countless lawsuits. Pfizer is an outstanding example of a pharmaceutical company that puts profits ahead of patient welfare even when those patients are children. In 2009, Pfizer gave 200 Nigerian children an experimental anti-meningitis drug, Trovan. The drug caused the death of 11 children, while the rest were left with disabilities such as deafness, blindness, paralysis, and brain damage. Pfizer agreed to pay \$75 million as compensation, which resulted in the dropping of a \$6.5 billion lawsuit filed by the Nigerian federal government. Also in 2009, Pfizer paid \$2.3 billion, the largest healthcare fraud settlement in the history of the Department of Justice, to resolve criminal and civil liability arising from the illegal and fraudulent promotion of pharmaceutical products, even when scientific studies had proven that these certain drugs were actually ineffective. In a statement about the 2009 Department of Justice case which took four years to investigate, Mike Loucks, acting U.S. Attorney for the District of Massachusetts, stated that Pfizer violated the law over an extensive time period. Furthermore, at the very same time, Pfizer was in our office negotiating and resolving the allegations of criminal conduct by its subsidiary. Pfizer was, itself, in other operations violating those very same laws and I continue to quote, 'Pfizer demonstrates blatant and continued disregard of the law.' As you can see from the lawsuits cited, Pfizer has also repeatedly given monetary discounts to incentivize hospitals to buy their drugs and pay kickbacks to healthcare providers to induce them to prescribe drugs to patients. I could not sum up the impacts of Pfizer's code of conduct any better than is stated by Tony West, DOJ's Assistant Attorney General for the Civil

Division. Illegal conduct and fraud by pharmaceutical companies puts the public health at risk and corrupts medical decisions by healthcare providers. Just remember, all of this was before COVID, and a rushed and mandated vaccine from which Pfizer will never have any culpability. And we can't leave out Moderna. Moderna is being sued by multiple small pharmaceutical research firms for patent infringement. Their legal defense against this is very telling. It is that the U.S. Government is responsible and should be blamed because they created confusion by requiring drug companies to create and deliver the vaccine in an emergency and rushed manner. These are the same companies who created our emergency use authorization COVID vaccines. Big Pharma has an important role to play in finding solutions to the illnesses that plague humanity. However, they should never be allowed full reign to create drugs that are then forced on the populace while at the same time being shielded from responsibility for harm by the federal government. We are the ones that should balance that power. What was not predicted at the time of L.D. 798 that was passed into the law, the law that removed vaccine exemptions, was this unprecedented worldwide pandemic and a rushed COVID-19 vaccine that was given emergency use authorization and mandated widely. Thankfully, the COVID-19 vaccine was not mandated in Maine for K-12 schoolchildren, but we have seen ourselves come very close to it with a mandate on our college-aged children. In future, Maine's schoolchildren of all ages could be forced to take untested pharmaceuticals. The day of the public hearing on this bill, and others regarding vaccine mandates, was filled with stories as hundreds brought testimony of the real-life example of how a single law change, one that dismantled the freedom of all people by removing their right of conscience objection to medical intervention, has impacted countless lives, stripping them of their ability to pursue education, careers, and their dreams. The bill before us now would not undo much of that harm, but would only ensure that emergency use authorization vaccines would not be mandated for education in the future.

Had this bill been in effect prior to the COVID pandemic, it would have had significant impact on my own family. My youngest daughter, who chose not to have the COVID vaccine, was forced out of school at the University of Maine, lost a whole year of credits in the forced transfer to another university, was forced to sit out of school a whole year. The set of circumstances has cost her probably \$60,000 in costs and lost wages. My soon-to-be son-in-law from Sweden was also severely affected as a full scholarship student athlete hockey player at the University of Maine. Emil Westerlund has played hockey his whole life, since the time he was three years old, and this was the dream of his life, to play hockey, and he was kicked off the team not for not taking the first injection, but for not taking a booster, and he had solid reasons to refuse the booster. They are that Sweden no longer recommends this vaccine at all for his age group. Sweden's federal agency, that acts much like our own CDC, advised against getting a booster for at least six months after having the actual COVID illness and, at the time, Emil Westerlund had just gotten over a COVID illness. His own mother, a doctor in Sweden, had an adverse reaction to the booster and told all three of her children that they should not get a second shot because she was worried about the impact to their health. All of this was relayed to the school and yet that was not an acceptable excuse. This was a booster, not the first shot. A career that was worked for and hoped for was taken away by the allowance of a mandate for an unproven emergency use authorization vaccine.

Parents and their students should never have to choose between an emergency use authorization vaccine and formal education. In the context of education, Maine's vaccine law is creating a second class of citizens - those who choose their right of conscience over the right to education. Without long-term safety and efficacy data, it is unethical to allow any medical treatment to be mandated. Without knowing the real-world efficacy of the COVID-19 vaccine, it was impossible to understand the actual risk-benefit analysis. It is time to be proactive in our law. We don't know what the next healthcare crisis will be, but we do know that Maine parents will want to preserve their right to be the decisionmakers for the healthcare choices for their children. Maine children should never be pawns in the greedy schemes of Big Pharma or the political powerplays of our government. Parents must not be forced to choose between education for their children and an experimental drug for their children, not with the COVID-19 vaccine nor any future emergency use authorization vaccine. We don't know what the future holds, but another pandemic is easily envisioned. Maine must provide protections in law that show we have our eyes wide open to the serious limitations of the medical industry and the government. We must enact laws that recognize the value of education, while protecting parents' rights to direct the healthcare of their children. Maine people should not be forced to trust Big Pharma or the government with healthcare decisions. Medical freedom, especially for children, has not historically been a partisan issue. To protect the wellbeing of Maine people, we must come together on this issue once again. I urge this Body to reject the pending motion and put in place this commonsense and limited safeguard for the people of Maine. Thank you.

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

Senator **BALDACCI:** Thank you, Mr. President. I feel the need to rise on several counts. First, as a graduate of the University of Maine, in 1987 they required us to show proof of all of our vaccinations. That was almost 40 years ago. I don't think anything has changed significantly. And I don't trust Big Pharma, either, so I'm hoping that our Republican colleagues will join us in legislation to control prices that they charge consumers. That would be the best way to show Big Pharma that the public interest is - should be in control. But when there is something - there is something that can be - that is just as dangerous as a deadly virus and that is putting out vast misinformation about the source of the virus and about the vaccine. I have listened to Dr. Shah, like we all have. I have seen him in the Health and Human Services committee meetings. He has been questioned rigorously. He has answered our questions. But the fact is, we have seen the results. The vaccine has saved - has saved tens of millions of lives, and it's not me that's saying that, that is a direct quote from Donald Trump last year, former President of the United States. But I agree, the vaccine has saved millions of lives and when we put out misinformation or statements that are - only serve to scare people without facts, we're not doing a justice to the people of Maine and we're not serving our citizens well. I see serving our citizens well by making sure they are protected in a deadly situation. It is the equivalent of going to battle against an enemy and you - everyone has to pitch in, and everyone did as Americans. But I'm not going to stand for further disinformation about the vaccine or about the source of it because I think that only endangers the future of public health in Maine. Thank you.

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

Senator **TIPPING:** Thank you, Mr. President, and I acknowledge the Senator from York's note about there being deep and philosophical divisions here. I just wanted to note that that hadn't always been the case. Vaccines didn't used to be a partisan issue. They are the greatest public health intervention ever developed. They have saved more lives, including of children, than anything else in the history of medicine. Underlying the debate here today has been the spread of false and dangerous conspiracy theories that have led to some of the most damaging divisions in our politics. When the Maine people, a few years ago, were able to vote on broad vaccine requirements, 73% voted in favor and supported vaccine protections. So, the people's veto of a bill sponsored by my brother, the former Representative, and he still gets protest despite not being in the Legislature. Last year, members of the Three Percenters militia had an armed protest outside of his house where his young daughters were. I will be standing with the people of Maine. I will be standing against division and conspiracy theories. I will be standing with our healthcare providers and our public health experts and for the health of my children, and I will be voting in favor of the Majority Report. Thank you.

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

Senator **BRAKEY:** Thank you, Mr. President. A few things I'd just like to respond to. First, I'd like to note in this legislation, this legislation not only prohibits the mandate of emergency use authorization vaccinations, it also prohibits, specifically, the COVID-19 vaccination. So, on - being mandated. So, for those who suggested, perhaps, that previous legislation didn't go far enough in specifically targeting the COVID-19 vaccine, well, here you go, here's a bill that does go that far. I'd like to, you know, recall something I remember from years back here in this Body when the Maine Senate led, along with the House of Representatives, led in passing legislation called Right to Try legislation, where we said - we were the first state in New England to pass this, it went on to become a federal law. We said that something that had not passed the full FDA approval process but could help someone save their life, and it's something that's experimental, that government should get out of the way and let people make a personal choice in trying that to save their own life. I supported that measure. I think it was a great measure, I think that has saved lives. Letting people make a choice for themselves whether or not to try an experimental pharmaceutical product. But it seems like sometimes in government, we get caught between these two extremes. We never settle on freedom. We either have to ban something or mandate it on people, rather than just letting people make their own choices in consultation with their own physicians and, so, while I certainly appreciate the COVID-19 vaccination was made available under emergency use authorization, and I think that it should've been available to people, it should've been something that people had a choice in, regarding. Now, I'll also note that we heard in previous comments that the purpose of these mandates was not stopping infection and transmission of COVID-19, but I think this kind of goes back to what I referenced earlier about the ever-shifting goalposts. Sometimes, I feel like I'm living in 1984, where

we're told to not trust our own memories and to just trust whatever is being told to us right now about what actually happened. But I remember - I remember specifically the President of the United States, public health officials, including Dr. Anthony Fauci, I remember, in fact, even Rachel Maddow on MSNBC telling us the mandates were necessary because if you get the vaccine you will be immune to infection and transmission. That was not true. I will be generous and say that they were mistaken, but it was not true, and the goalpost has shifted time and time again to avoid admitting the terrible, egregious mistake, we'll call it, that has been perpetrated on the Maine people and the American people. I also want to say, as a final note, because I know there's been some talk about misinformation, disinformation. First of all, it is not misinformation that there was Gain of Function research at the Wuhan Lab funded with U.S. tax dollars. That has been thoroughly explored and facts have come out about that in congressional testimony, so that is not misinformation, though it is somewhat besides the point of this legislation. But one thing that was suppressed was something - we talk about misinformation, disinformation, there's another kind of information that is being - has been suppressed, the call it mal-information. Mal-information is not information that is not true, it is information that is true but is considered bad information because it undermines the narrative that is being pushed in the moment, like side effects that some people have experienced, including heart conditions, from these vaccinations when individuals have expressed their own experiences on social media and it's come out through the Twitter files that those things are being suppressed, not because that person's experience isn't true, but because it could promote vaccine hesitancy. True information being suppressed because it would run against the narrative. That is not how a free society is supposed to work and so just in the question of misinformation being brought up, I thought that should be mentioned. I think I've responded to the points I wanted to respond to here. I'll just close by saying it's deeply saddening to me what - the extent of the tyranny that we have run the Maine people through and the American people through over these last several years, this being just one policy, one manifestation of that. Some days, these last couple years, I woke up and I just I didn't even recognize my country, I didn't recognize my state, and this legislation presents an opportunity to turn the corner, turn the page, and say we've learned the lesson, we will not do that ever again.

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

Senator **DAUGHTRY:** Thank you, Mr. President. Ladies and gentlemen of the Senate, I rise in support of the pending motion before us. This Chamber, and specifically my caucus, has voted many times to hold pharma accountable. Oftentimes, it's been all of us together and, like the good Senator from Oxford rose, there are a lot of concerns about Big Pharma. From prior bills to lower prescription drug costs to pressing to hold these companies accountable, I think we can all agree strongly that we need to stop corporate greed that hurts our wallets and hurts our health. But this bill is not that. Looking at the bill in front of us, I want everyone to look at the title. Although it is titled An Act to Protect Education Access for School Children, this is specifically about colleges, and I do have to say that I think many college students would bristle at being referred to as schoolchildren. Also, I want to remind folks that's been said on the bill before and on the bill in

front of us, that in order to have schoolchildren have an immunization added to their schedule, they need to go through a major substantive rule change, one that would require full legislative approval according to 20-A MRSA Section 6359, subsection 6. It's a fun read if anyone wants some before lunch. The Maine CDC has taken no steps to add COVID-19 as a required vaccine for the upcoming 2023/24 school year for postsecondary schools or elementary or secondary schools. COVID-19 vaccines are not substantially different from other vaccines and should not be preemptively prohibited. The current statute, and I'm reading from testimony from the Maine CDC, allows for colleges and universities to implement immunization requirements more stringent than what is currently required by law. Students entering into an allied health program, as I said before, may be required to have such vaccinations as required by their workplace. Additionally, I want to add to this, as someone who lives with an immune system issue and a high-risk family member, I urge the Senator from Androscoggin to read up on immune systems and immunity. No method is perfect, nothing is bulletproof, even a natural infection. It's about trying to do what we can to prevent the worst outcome, which is death. Which the elephant in the room is worldwide from COVID-19, there have been over 6,921,614 deaths. In the U.S. alone, at the last count, there have been 1,130,662 deaths from COVID-19, higher than almost any other disease or cause and, finally, what I have to say is I know it can be hard. I'm not rising to dispute that this is a tough decision for many. Many have adverse reactions to vaccines and, frankly, many other things as well. But I want to remind folks that we often try to center ourselves on the voice of the Maine people, and 72%, the voice of Maine, cast their ballots in supporting and maintaining our current vaccine laws. Over 281,750 Mainers voted against exemptions for vaccines in our secondary schools and the same goes for postsecondary. I urge you to strongly support the motion in front of you.

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

Senator **GUERIN:** Thank you, Mr. President. Ladies and gentlemen of the Senate, let me remind my pro-choice friends; my body, my choice.

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

Senator **BRAKEY:** I'll be very brief, Mr. President. I just want to say that referendum that is being referred to was one before we were ever talking about COVID vaccination with an entirely new technology of mRNA technology. It's a different technology. I'm not going to go into the pros and cons of it. I think that there's actually many very promising things about - that are coming out about the potential use of mRNA vaccination technology, but I do think it's a red herring to point to a referendum that was voted on before we were ever talking about COVID vaccination and we were ever talking about this new emergency use authorization - these emergency use authorization vaccines. Right? That referendum, when people went out to vote, they were thinking about the traditional vaccines that have existed and we've been dealing with for a very long time. This is something different. In fact, you know, as some scientists suggest, it's almost a bit of a misnomer to put them both under the same umbrella and calling them the same thing. They operate on the human body in very

different ways. So, I think it is a red herring to continue pointing to that referendum and saying that that was a referendum on the COVID vaccine, when the COVID vaccine did not exist. Thank you.

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

Senator **DAUGHTRY:** Thank you, Mr. President. Ladies and gentlemen of the Senate, I rise to remind this Body that mRNA technology was discovered in 1960. It has been worked on numerous different vaccines, including within rabies in both human and animals. One of the reasons it took so long for this 'new technology' to hit was one of the major scientists behind it was a woman and, when she would regularly present at science conventions, her research was discounted because of her gender. This is not new technology. In fact, I think it's the advent of science. It has a historical record, and it's amazing seeing this technology step forward in response to a global pandemic.

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

Senator **KEIM:** Mr. President, after my previous speech on the measure before us, there was a lot of talk of misinformation and disinformation, so I'd like to pose a question through the Chair. What in my testimony is misinformation or disinformation, if anyone would care to answer?

THE PRESIDENT: The Senator from Oxford, Senator Keim, has posed a series of questions through the Chair for anyone who may answer. The pending question before the Senate is Acceptance of Report "A", Ought Not to Pass. A roll call has been ordered. Is the Senate ready for the question?

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#123)

YEAS: Senators: BAILEY, BALDACCI, BEEBE-CENTER, BRENNER, CARNEY, CHIPMAN, CURRY, DAUGHTRY, DUSON, GROHOSKI, INGWERSEN, LAFOUNTAIN, LAWRENCE, NANGLE, PIERCE, RAFFERTY, RENY, ROTUNDO, TIPPING, VITELLI, PRESIDENT JACKSON

NAYS: Senators: BENNETT, BLACK, BRAKEY, FARRIN, GUERIN, HARRINGTON, HICKMAN, KEIM, LIBBY, LYFORD, MOORE, POULIOT, STEWART, TIMBERLAKE

21 Senators having voted in the affirmative and 14 Senators having voted in the negative, the motion by Senator **RAFFERTY** of York to **ACCEPT** Report "A", **OUGHT NOT TO PASS PREVAILED.**

Sent down for concurrence.

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

On motion by Senator **VITELLI** of Sagadahoc, **ADJOURNED**, pursuant to the Joint Order, until Tuesday, May 9, 2023, at 10:00 in the morning, or until the call of the President of the Senate and the Speaker of the House.

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

PAPERS FROM THE HOUSE

House Papers

Bill "An Act to Make Student Transfer Agreements Renew Automatically Except in Certain Circumstances"
H.P. 1213 L.D. 1892

Comes from the House, **REFERRED** to the Committee on **EDUCATION AND CULTURAL AFFAIRS** and ordered printed.

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

Senator **RAFFERTY:** Thank you, Mr. President. This is a little easier reason to rise. In any case, I moved the reading of item 1-1 be dispensed with and that this matter be referred to the Committee on Education and Cultural Affairs in concurrence.

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

Bill "An Act to Support Maine Businesses Through a Child Care Tax Credit and a Pass-through Entity Tax"
H.P. 1212 L.D. 1891

Bill "An Act to Allow a Municipality to Impose a Fee on Short-term Rentals for the Benefit of That Municipality"
H.P. 1214 L.D. 1893

Bill "An Act to Establish a Home Heating Income Tax Deduction"
H.P. 1215 L.D. 1894

Come from the House, **REFERRED** to the Committee on **TAXATION** and ordered printed.

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

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

Off Record Remarks