

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
Wednesday
June 14, 2023

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

Prayer by Senator Donna Bailey of York County.

THE PRESIDENT: The prayer this afternoon is being offered by Senator Donna Bailey of York County. The Senator wants people to know that it is optional if you stand.

Senator **BAILEY:** Thank you, Mr. President, and good afternoon, everyone. So, as many of you know, I'm a proud graduate of Bates College, the class of 1983. And as part of the curriculum at Bates College, we would do something called a short term, which is a six-week intensive course in a particular study. And I had the honor and privilege of doing a short term in my sophomore year of college, a religion short term, in which I went and lived with a community of Shakers in New Gloucester. And it was an experience that affects me to this day, just being totally immersed in this religious community that is so incredibly kind and generous and they taught me the importance of simplicity, the importance of humility, the importance of generosity and love. As some of you may know, kind of the motto that's now associated with Shakers is hands to work and hearts to God. I think that was coined by the documentary - I think it was Ken Burns, that they did on the Shakers on PBS. And I will tell you that during my time living with the community, I got to experience both. My hands to work, I learned how to shear sheep with Brother Arnold, and I can tell you that it's a lot harder than it looks. Sheep do not like getting their hair cut. I learned to bake pies with Sister Francis, who is no longer with us, although my pie crust is not even close to how incredible hers was. And I attribute my lifelong passion for growing my own herbs and drying them to my time pulling weeds in the herb garden at the Shaker community. The hearts to God, I attended worship services which was anywhere from one to two to three times a day, and part of the worship service, there's a lot of singing, and I will share with you for those of you who don't know, I am tone deaf and I can't carry a tune to save my soul. But the Shaker community was so incredibly kind and welcoming that they did two things for me. First of all, they intentionally chose hymns and songs that they thought I would be familiar with, and encouraged me to sing along, which I did, and I will say that it is one of the few times in my life that I sang that, you know, no one gave me the side eye or snickered a little bit. Because, again, I can't sing, but you wouldn't know it, looking at the other members of the Shaker community. So, it was one of the first times in my life, the only times in my life, that I sang, and I actually enjoyed it because of their generosity.

During the pandemic, many of you might remember that these be kind signs started sprouting up everywhere, and as I would see those signs, in my head, I would say be kind like the Shakers, because that's what I experienced living with them was

nothing but kindness. So, I would like to read for you the song that we sang together that will be familiar to all of you, I am sure. Because I'm not as confident that this audience is as kind and forgiving as the Shakers, I will not be singing it. 'Tis the gift to be simple, 'tis the gift to be free. 'Tis the gift come down where we ought to be. And when we find ourselves in the place just right, 'twill be in the valley of love and delight. When true simplicity is gained, to bow and to bend we shan't be ashamed. To turn, turn, will be our delight, till by turning, turning, we come 'round right. So, in closing, my prayer is simply this; be kind like the Shakers. Amen.

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

Reading of the Journal of Tuesday, June 13, 2023.

Off Record Remarks

Senator **MOORE** of Washington requested and received leave of the Senate that members and staff be allowed to remove their jackets for the remainder of this Legislative Day.

PAPERS FROM THE HOUSE

Non-Concurrent Matter

An Act to Establish a Grant Program to Provide for Statewide and Equitable Access to Experiential Science, Technology, Engineering and Mathematics Education

S.P. 528 L.D. 1291
(C "A" S-265)

In Senate, June 12, 2023, on motion by Senator **CURRY** of Waldo, the Minority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-265)**.

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

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

Sent down for concurrence.

COMMUNICATIONS

The Following Communication: S.C. 622

**MAINE SENATE
131st LEGISLATURE
OFFICE OF THE SECRETARY OF THE SENATE**

June 13, 2023

The Honorable Robert B. Hunt
Clerk of the Maine House
131st Maine Legislature
2 SHS
Augusta, Maine 04333

Dear Clerk Hunt,

Please be advised that the President of the Senate appointed the following conferees to the Committee of Conference on the disagreeing action of the two branches of the Legislature on Bill, "An Act to Direct the Maine Criminal Justice Academy to Develop a Nonresidential Law Enforcement Training Program" (H.P. 442) (L.D. 673):

Senator Peggy Rotundo, Androscoggin County
Senator Donna Bailey, York County
Senator Eric Brakey, Androscoggin County

Best Regards,

S/Darek M. Grant
Secretary of the Senate

READ and ORDERED PLACED ON FILE.

The Following Communication: S.C. 624

**STATE OF MAINE
131st LEGISLATURE
OFFICE OF THE PRESIDENT
AUGUSTA, MAINE**

June 13, 2023

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

Dear Secretary Grant,

Pursuant to my authority under Senate Rule 201.3, I have appointed Senator Donna Bailey of York County to the Joint Standing Committee on Judiciary, replacing Senator Jill Duson of Cumberland County.

This appointment is effective the date of this confirmation. Should you have any questions, please do not hesitate to contact me.

Sincerely,

S/Troy Jackson
President of the Senate

READ and ORDERED PLACED ON FILE.

The Following Communication: S.C. 625

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

June 9, 2023

Honorable Troy Dale Jackson, Senate President
Honorable Rachel Talbot Ross, Speaker of the House
131stMaine 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. Chipman of Cumberland, to report the following bill Leave to Withdraw:

L.D. 409 An Act to Improve Pedestrian Safety

Sincerely,

S/Sen. Ben Chipman
Senate Chair

S/Rep. Lynne A. Williams
House Chair

READ and with accompanying papers ORDERED PLACED ON FILE.

The Following Communication: S.C. 626

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

June 9, 2023

Honorable Troy Dale Jackson, Senate President
Honorable Rachel Talbot Ross, Speaker of the House
131stMaine 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. Chipman of Cumberland, to report the following bill Leave to Withdraw:

L.D. 407 An Act to Support Recreational Trails

Sincerely,

S/Sen. Ben Chipman
Senate Chair

S/Rep. Lynne A. Williams
House Chair

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

REPORTS OF COMMITTEES

Senate

Divided Report

The Majority of the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** on Bill "An Act to Protect Maine's Transit Employees"

S.P. 721 L.D. 1796

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-297)**.

Signed:

Senator:

BEEBE-CENTER of Knox

Representatives:

SALISBURY of Westbrook
HASENFUS of Readfield
LOOKNER of Portland
MADIGAN of Waterville
MATHIESON of Kittery
MILLIKEN of Blue Hill

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "B" (S-298)**.

Signed:

Senators:

HARRINGTON of York
LaFOUNTAIN of Kennebec

Representatives:

ARDELL of Monticello
NEWMAN of Belgrade
NUTTING of Oakland
PERKINS of Dover-Foxcroft

Reports **READ**.

On motion by Senator **BEEBE-CENTER** of Knox, the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (S-297)** Report **ACCEPTED**.

Bill **READ ONCE**.

Committee Amendment "A" (S-297) **READ** and **ADOPTED**.

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-297)**.

Sent down for concurrence.

Divided Report

The Majority of the Committee on **TAXATION** on Bill "An Act to Provide a Turnpike Gasoline Fairness Credit for Maine Turnpike Drivers"

S.P. 351 L.D. 792

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

Signed:

Senators:

GROHOSKI of Hancock
CHIPMAN of Cumberland
LIBBY of Cumberland

Representatives:

PERRY of Bangor
CARMICHAEL of Greenbush
CROCKETT of Portland
HASENFUS of Readfield
LAVIGNE of Berwick
MATLACK of St. George
QUINT of Hodgdon
RANA of Bangor
RUDNICKI of Fairfield

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (S-299)**.

Signed:

Representative:

LIBBY of Auburn

Reports **READ**.

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

Sent down for concurrence.

ENACTORS

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

Emergency Measure

An Act to Expand the Use of Funds to Support Land Conservation
S.P. 803 L.D. 1969
(C "A" S-233)

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

This being an Emergency Measure and having received the affirmative vote of 32 Members of the Senate, with no Senators having voted in the negative, and 32 being more than two-thirds of the entire elected Membership of the Senate, was **PASSED TO BE ENACTED** and, having been signed by the President, was presented by the Secretary to the Governor for approval.

Senate at Ease.

The Senate was called to order by the President.

ORDERS OF THE DAY

Unfinished Business

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

The Chair laid before the Senate the following Tabled and Later Assigned (6/13/23) matter:

HOUSE REPORTS - from the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** on Bill "An Act to Ban the Drug Tianeptine" (EMERGENCY)

H.P. 517 L.D. 828

Report "**A**" - **Ought to Pass as Amended by Committee Amendment "A" (H-421)** (9 members)

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

Report "**C**" - **Ought to Pass as Amended by Committee Amendment "B" (H-422)** (1 member)

Tabled - June 13, 2023 by Senator **BEEBE-CENTER** of Knox

Pending - **ACCEPTANCE OF ANY REPORT**

(In House, June 13, 2023, Report "**B**", **OUGHT NOT TO PASS, READ** and **ACCEPTED**.)

On motion by Senator **VITELLI** of Sagadahoc, Bill and accompanying papers **COMMITTED** to the Committee on **HEALTH COVERAGE, INSURANCE AND FINANCIAL SERVICES**, in **NON-CONCURRENCE**.

Sent down for concurrence.

The Chair laid before the Senate the following Tabled and Later Assigned (6/13/23) matter:

SENATE REPORTS - from the Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act Regarding Parental Rights in Education"

S.P. 725 L.D. 1800

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

Minority - **Ought to Pass as Amended by Committee Amendment "A" (S-293)** (5 members)

Tabled - June 13, 2023 by Senator **STEWART** of Aroostook

Pending - motion by Senator **RAFFERTY** of York to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report

(In Senate, June 13, 2023, Reports **READ**.)

On motion by Senator **KEIM** of Oxford, 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, this bill is meant to be responsive to what's been happening here in Maine but across the country as well, where parents are feeling sidelined in regards to education of their children. And it is just making sure that we recognize that parents have the fundamental right to make decisions regarding the upbringing, education, and the wellbeing of their own child. There's nothing in this bill that is pitting educators against parents. In fact, it's just recognizing that each has a very important role. But no matter, the very best teacher out there, time and again, we see that the greatest impact on a child's success in school is their own parent. And so, having an engaged and environmental home support system is really important to how well children do in school. So, this - this shouldn't be a controversial issue, this, you know, parents have a right to know what's being taught to their children, and parents also have a right to know when their children are experiencing a crisis. So, this is really a bill, very -- with a simple focus, which is just to say parents have the right, the fundamental right to the upbringing and the education of their children. And it is needed at

this time for us to reestablish that in law. And I thank you and would ask that you reject the pending motion.

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

Senator **RAFFERTY:** Thank you, Representative - thank you, President Jackson, and Senator Keim, I appreciate your comments, and I just want to make a couple of clarifications because oftentimes in these situations, maybe what we failed to do is informed parents of what their rights actually are, and a lot may or may not know, I'm not sure how much people look at some of the communications that come from school. But in any case, the Maine School Boards Association came out in opposition to this bill, and they basically are not in opposition to the request, what they're in opposition saying that this is redundant. It's already in place. And I'll just kind of go through some of the things that are described in our current statutes that Maine folks - parents do have access to. So, parents have the right to receive communications from school to the extent possible in a language they can understand. Parents in a school identified for support and improvement, the right to be involved in the development of the support and improvement plan for a school to improve student outcomes. Another point, parents have the right to know how their child's school is performing. Another point, parents have children in schools receiving funds under Part A of Title 1, which is most schools in Maine, they have the right to know the professional qualification of teachers and paraprofessionals that teach their child. They have the right to receive information about the level of achievement of their child. They have the right to receive notification that their children have been taught for four or more consecutive weeks by a teacher who does not meet applicable state certification or licensure requirements. Information regarding any state or local education agency - you know, there's so many things that they have the information on policies, the parents of children identified as English learners have the right to receive information with respect to the reasons for the identifications and the level of English proficiency. They have the right to be involved in the development of schoolwide program plan where applicable and for the information contained in such plans to be understandable and in uniform. I have about three more pages of what parent rights are, and I don't want to stand here and reiterate that, but I do believe that schools are open, it's just a case of parents looking in the right place. Are they contacting the right people? I'm not sure. But I believe that our schools are essentially open classrooms, and if you want information or are seeking information, it's there for you. You know, and then there's - I'll end it at that. But thank you, I would again reiterate Ought Not to Pass. Thank you very much.

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 (#322)

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

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

22 Senators having voted in the affirmative and 13 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.

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

REPORTS OF COMMITTEES

House

Ought to Pass As Amended

The Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** on Bill "An Act to Develop and Provide Technical Assistance for Meat Slaughtering and Processing" H.P. 1131 L.D. 1767

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-484)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-484)**.

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

Bill **READ ONCE**.

Committee Amendment "A" (H-484) **READ** and **ADOPTED**, in concurrence.

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

The Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** on Bill "An Act to Improve Pesticides Sales and Use Data Collection and Accessibility by the State" H.P. 1134 L.D. 1770

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-485)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-485)**.

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

Bill **READ ONCE**.

Committee Amendment "A" (H-485) **READ** and **ADOPTED**, in concurrence.

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

The Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act to Provide Career and Technical Education Students with Credit Toward High School Graduation for Work Completed in Career and Technical Education Centers and Regions"
H.P. 269 L.D. 436

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-498)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-498)**.

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

Bill **READ ONCE**.

Committee Amendment "A" (H-498) **READ** and **ADOPTED**, in concurrence.

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

The Committee on **HEALTH AND HUMAN SERVICES** on Resolve, to Expand the Eligibility for and Increase the Number of Hours of Applied Behavior Analysis Services Authorized by the MaineCare Program
H.P. 290 L.D. 473

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-501)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-501)**.

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

Resolve **READ ONCE**.

Committee Amendment "A" (H-501) **READ** and **ADOPTED**, in concurrence.

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

The Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act to Meet the Needs of Individuals with Severe Behavioral Health Diagnoses"
H.P. 563 L.D. 907

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-496)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-496)**.

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

Bill **READ ONCE**.

Committee Amendment "A" (H-496) **READ** and **ADOPTED**, in concurrence.

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

The Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act to Increase the Provision of Children's Behavioral Health Services in Rural Areas and to Provide Support for Families of Children Receiving Services"
H.P. 784 L.D. 1236

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-495)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-495)**.

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

Bill **READ ONCE**.

Committee Amendment "A" (H-495) **READ** and **ADOPTED**, in concurrence.

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

The Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act to Promote Family-centered Interventions for Substance Use Disorder Treatment"
H.P. 935 L.D. 1439

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-494)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-494)**.

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

Bill **READ ONCE**.

Committee Amendment "A" (H-494) **READ** and **ADOPTED**, in concurrence.

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

The Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act to Increase Oral Health Services"

H.P. 1169 L.D. 1837

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-486)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-486)**.

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

Bill **READ ONCE**.

Committee Amendment "A" (H-486) **READ** and **ADOPTED**, in concurrence.

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

The Joint Select Committee on **HOUSING** on Bill "An Act to Create the Whole Home Repairs Program"

H.P. 388 L.D. 611

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-480)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-480)**.

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

Bill **READ ONCE**.

Committee Amendment "A" (H-480) **READ** and **ADOPTED**, in concurrence.

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

The Committee on **INNOVATION, DEVELOPMENT, ECONOMIC ADVANCEMENT AND BUSINESS** on Bill "An Act to Protect Homeowners from Unfair Agreements to Exclusively List Residential Real Estate for Sale"

H.P. 831 L.D. 1306

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-487)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-487)**.

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

Bill **READ ONCE**.

Committee Amendment "A" (H-487) **READ** and **ADOPTED**, in concurrence.

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

The Committee on **LABOR AND HOUSING** on Bill "An Act to Support Family Caregivers by Expanding Family Medical Leave"

H.P. 635 L.D. 999

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-481)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-481)**.

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

Bill **READ ONCE**.

Committee Amendment "A" (H-481) **READ** and **ADOPTED**, in concurrence.

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

The Committee on **TRANSPORTATION** on Bill "An Act to Authorize the Secretary of State to Provide a New General Issue of License Plates"

H.P. 1262 L.D. 1965

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-499)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-499)**.

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

Bill **READ ONCE**.

Committee Amendment "A" (H-499) **READ** and **ADOPTED**, in concurrence.

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

Senate

Ought to Pass As Amended

Senator CARNEY for the Committee on **JUDICIARY** on Bill "An Act to Prevent Retaliatory Evictions"
S.P. 37 L.D. 45

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-303)**.

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

Bill **READ ONCE**.

Committee Amendment "A" (S-303) **READ** and **ADOPTED**.

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

Sent down for concurrence.

Senator HICKMAN for the Committee on **VETERANS AND LEGAL AFFAIRS** on Bill "An Act Regarding Liquor Service by Catering Services for Special Events at Licensed Wineries, Small Wineries, Breweries, Small Breweries, Distilleries and Small Distilleries"

S.P. 543 L.D. 1378

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-302)**.

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

Bill **READ ONCE**.

Committee Amendment "A" (S-302) **READ** and **ADOPTED**.

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

Sent down for concurrence.

Senator HICKMAN for the Committee on **VETERANS AND LEGAL AFFAIRS** on Bill "An Act to Improve Disclosure of Lobbyist Activities"

S.P. 644 L.D. 1627

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-301)**.

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

Bill **READ ONCE**.

Committee Amendment "A" (S-301) **READ** and **ADOPTED**.

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

Sent down for concurrence.

Senator HICKMAN for the Committee on **VETERANS AND LEGAL AFFAIRS** on Bill "An Act to Allow the Adjutant General to Sell the Calais Armory"

S.P. 816 L.D. 1987

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-300)**.

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

Bill **READ ONCE**.

Committee Amendment "A" (S-300) **READ** and **ADOPTED**.

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

Sent down for concurrence.

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

REPORTS OF COMMITTEES

House

Divided Report

The Majority of the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** on Bill "An Act to Require a 72-hour Waiting Period After the Sale of a Firearm"

H.P. 35 L.D. 60

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-438)**.

Signed:

Senators:

BEEBE-CENTER of Knox
LaFOUNTAIN of Kennebec

Representatives:

SALISBURY of Westbrook
LOOKNER of Portland
MADIGAN of Waterville
MATHIESON of Kittery
MILLIKEN of Blue Hill

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

Signed:

Senator:

HARRINGTON of York

Representatives:

ARDELL of Monticello
HASENFUS of Readfield
NEWMAN of Belgrade
NUTTING of Oakland
PERKINS of Dover-Foxcroft

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

Reports **READ**.

On motion by Senator **BEEBE-CENTER** of Knox, **TABLED** until Later in Today's Session, pending **ACCEPTANCE OF EITHER REPORT**.

Divided Report

The Majority of the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** on Bill "An Act to Strengthen Maine Citizens' Second Amendment Rights by Allowing the Discharge of Firearms on Private Property That Is Within 500 Feet of School Property in Certain Circumstances"

H.P. 356 L.D. 551

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

Signed:

Senator:

BEEBE-CENTER of Knox

Representatives:

SALISBURY of Westbrook
HASENFUS of Readfield
LOOKNER of Portland
MADIGAN of Waterville
MATHIESON of Kittery
MILLIKEN of Blue Hill

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (H-463)**.

Signed:

Senators:

HARRINGTON of York
LaFOUNTAIN of Kennebec

Representatives:

ARDELL of Monticello
NEWMAN of Belgrade
NUTTING of Oakland
PERKINS of Dover-Foxcroft

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

Reports **READ**.

On motion by Senator **BEEBE-CENTER** of Knox, **TABLED** until Later in Today's Session, pending **ACCEPTANCE OF EITHER REPORT**.

Divided Report

The Majority of the Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act to Allow Certain School Employees to Carry Firearms on School Property"

H.P. 27 L.D. 52

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

Signed:

Senators:

RAFFERTY of York
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 To Pass**.

Signed:

Senator:

LIBBY of Cumberland

Representatives:

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

MILLETT of Cape Elizabeth
MURPHY of Scarborough
SARGENT of York
WORTH of Ellsworth

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

Reports **READ**.

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

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#323)

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

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

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

Divided Report

The Majority of the Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act to Make Menstrual Products Available in Certain Schools"

H.P. 222 L.D. 348

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-449)**.

Signed:

Senators:

RAFFERTY of York
LIBBY of Cumberland
PIERCE of Cumberland

Representatives:

BRENNAN of Portland
DODGE of Belfast

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 AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-449)**.

Reports **READ**.

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

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

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

Senator **DAUGHTRY:** Thank you, Mr. President. Ladies and gentlemen of the Senate, I rise in strong support of the bill in front of you. I was honored to be able to work with - on this bill with the - my great counterpart in the House, Representative Kristen Cloutier. This was also a bill that passed during the last session but due to the fiscal note was not able to go into law. This is something we heard a loud and clear need from administrators, from superintendents, from teachers, but especially from students. If you think about it, toilet paper is free, and you can walk into any bathroom anywhere, and you can access toilet paper. But for those who menstruate, menstrual products are a necessary part of our life and aren't always available. This bill would make sure that those who are in our schools are able to access these menstrual products, which for families in need can be quite expensive and pretty cost prohibitive. I'd urge you all to support this. This has happened in other states. This is something that can be done by local school boards to figure out how best to make it work, how it works within their bathrooms. We want to make sure that that was left up to the different schoolboards and, you know, this is something that is long overdue for our classrooms. Thank you.

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

Senator **STEWART:** Thank you, Mr. President. To be clear, I'm not opposed to menstrual products being available for women who are, you know, in an emergency and, you know, need access

to it, I think that's fine. In fact, that change came about when I was in law school at the University of Maine and we actually used the student activity fee to do that, which again, I had no problem with. Frankly, law school is hard enough as it is, and if something were to come up like that and, you know, somebody needed to access that in an emergency, that's fine. When I read the bill, though, it says that menstrual products would be available in all bathrooms, apparently including boys' bathrooms, and the question I'd like to pose through the Chair is why? Thank you.

THE PRESIDENT: The Senator from Aroostook, Senator Stewart, has posed a question through the Chair to 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 to answer the question that was posed through the Chair. This is something I also wondered about during the dialogue, and we heard a really amazing piece of testimony from a couple of students, but one that really stuck in with me. It was a young man whose little sister had just started menstruating. Her family didn't have the money to be able to afford the menstrual products and he was able to actually go into the bathroom, be able to get them, find a private way for him to bring them back to his sister, and ensure that she had the products that she needed. This is one of the things when you talk to doctors and folks who work in this field, that being able to have them in a discrete area for different people to be able to get them so there isn't that stigma of having to go to the nurse's office, to be able to go different ways, really helps students be able to deal with - with menstruation. So, thank you.

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

Senator **BRAKEY:** Thank you, Mr. President. First, I'll say that living in Auburn, I'm proud to say that a lot of these products are manufactured in my district, so it's something we're proud of in Auburn, a lot of jobs and helping people who - helping people. I did have a question, though, through the Chair, for anyone to answer. I was just going through some of the testimony on this bill, trying to decide which way I'm going on it, and I have the testimony of the Maine Principals Association. They seem to raise a concern. Their testimony was neither for nor against, but in their testimony, they note the bill specifies that the products be placed in all bathrooms. When talking with the MPA legislative committee, 100% of committee members who make these products readily available in all bathrooms have seen the misuse of the products to the point of causing disruption in cleanliness of the school and with student learning. If the bill could be amended to take out grade levels and leave the placement of the free menstrual products up to the individual schools to place them in a safe space for all students, the MPA legislative committee would unanimously support the bill. For these reasons, the MPA is neither for nor against. In the committee process, I don't - it doesn't look like there's an amendment addressing concerns, I guess I'm just wondering in the process, were those concerns addressed in some way? Thank you.

THE PRESIDENT: The Senator from Androscoggin, Senator Brakey, has posed a question through the Chair to anyone who can answer. The Chair recognizes the Senator from York, Senator Rafferty.

Senator **RAFFERTY:** Mr. President. I was rising to speak, not necessarily in response to that question.

THE PRESIDENT: The Senator from Androscoggin, Senator Brakey, has posed a question through the Chair to anyone who can answer. Seeing no one, the Chair recognizes the Senator from York, Senator Rafferty.

Senator **RAFFERTY:** Thank you, Mr. President. I just - I don't recall any specific answer to that question, so I'll - that's why I didn't rise, but - you know, every school in the state is going to be cleaned at the end of the day. And I know, probably in seventh or eighth grade, I can picture Joe Rafferty being one of those knuckleheads that got a big kick out of finding a tampon and chasing one of my friends with it or whipping it down the hallway or something along those lines. That's the reality of school. That's the day-to-day behaviors of school. Some kids throw milk, some kids throw - I mean, we went through a - I can't even remember what it was, but the kids used to flip bottles and try to get them up into the ceiling, all those kind of things we have. But, you know, I'm going to listen to my wife on this one, and she has always told me that if this was a male issue, this bill would've passed last session and would've been funded. But I have three daughters, and fortunately, I even have a granddaughter who's a long way away from this, but I want to approach things with an open mind and make sure - because we're responsible for everyone, okay? And - but there may be instances where somebody needs, you know, I can picture my wife like sending me into a store, you better get in there and get one and get out here in a hurry, you know, those types of things happen to people. But the reality is if they're in the men's room, they're probably going to go unused and we're not going to continue to spend unnecessary money on those products. But if they're in women's room and they're being used, then we have a replacement supply and ultimately, once we have the supply, I don't think that they'll be - it won't cost the same all the time. In Auburn, I would bet if you went knocking on someone's door, they might even supply those for free. But in any case, you know, this is, I think, not my issue, but for the woman - the women in my world, I'll vote to pass it, and I hope you do the same. Thank you.

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

Senator **KEIM:** Thank you. I also have had some fun playing pranks in school and I have a great one with a little ketchup packet, if anyone wants some information on that later. But to the bill at hand, I do have a problem with the bill that it says all bathrooms. And the grade level, you know, makes sense to me, I don't know why we would need to put it in law, the grade level, but we certainly shouldn't be putting it in all bathrooms because we need to leave this up to schools to do what's right in their own locality and if they do have a problem with pranks being played, they don't need law that's holding them accountable to make sure they keep resupplying a stock of tampons in a boy's room where no one needs them. I also feel that this bill is another step in erasing women, because I think very clearly we know that women

menstruate and women need these products, and I am proud to be a woman and to teach my girls about the use and care of their bodies, of which this is part. But to try to erase them in law and make somehow this seem like because one boy happened to want it for his sister, that we should be mandating in law that they're in all boy's bathrooms seems, frankly, ridiculous, and really outside any necessary scope of this. And if the girl happened to be in school and she had these products in her own bathroom, which is what, really, I think all of us would want to support here, then she would have access herself and wouldn't need her brother to get them for her. In that one - in that one case. But absolutely, I support us having these in schools, I think it is important, and it's important to give girls access to these products and would be happy to support a bill that reflected that need rather than the bill before us today. Thank you.

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

Senator **BRENNER:** Thank you, Mr. President. So, I learned about my period by reading a book in the Reagan era. "Are You There, God, It's Me, Margaret" was a very popular book on the banned book list. It talked a lot about puberty, it also talked about early sexuality, and there was a great line in that book that you might remember about increasing your bust. It didn't work for me, but, at any rate, that was how I learned about puberty and my period. In that book, girls used sanitary belts with big fat pads. There's been some great advancements in adhesive technology which many of you, at least some of you in the room might be aware of and you each have your favorite brand that you like, but that adhesive technology has really helped that pad stay in place over the years, it's been really helpful. I say all this because I think it's important for us to normalize what it means to talk about menstruation and what it means to honor the fact that in schools, 44.4% of the folks that will be affected need to be supported when they are finding themselves in the bathroom without anything in their purse. You don't always know, when you're a teenager, your cycles aren't regular. We're talking about the most humiliating thing that can happen to a girl, and she's never going to forget it. That's what this bill is about. And so, that is not an experience you forget easily. Bathrooms are for women, they're also single-sex bathrooms, this bill addresses that, and the vote today is important, but the funding of this bill is even more important. I hope you will consider voting in favor and I hope you will fight for the money to fund the bill. 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 just want to rise to put one thing in context about why it's so important to have these in all the different bathrooms. It's not just about normalizing, but it's also about access. For those of us who have had our periods, we remember the very awkward few moments, and I can remember a bunch of my good friends in high school were guys, and I was stuck in a situation where I didn't know what to do, and one of my guy friends had a car and I had to ask him to go out and buy me some tampons. And one of the ideas behind this was by being able to have them in various different areas, whether they're single-sex stalls or different bathrooms, increases the availability. And why it's so important to fund this and why we need to move

forward is because of the reality of period poverty. A lack of access to period products can make students miss school. It can make them not only feel humiliated, but completely othered. And if you think about it, you know, many of us in this room know what this is like. Years' worth of menstrual products can cost over \$100 a year, and that doesn't even include painkillers, heating pads, and more. At a minimum, the cost of having your period is a minimum of \$4,000 over your life. In Maine, 11.8% of women in Maine aged 18 to 64 live in poverty and that number doesn't even include those under 18 and living in low-income households. We all know, you know, we took great action here in the Senate to provide free universal school meals, we've already seen what an amazing difference that's made in our schools, and this is just the next part. I also want to add one thing that the women in the Senate Majority Office have been working on. This is important for us to take for school, but I also want us to keep in mind what our building says about being friendly and equitable to women. Today, we've been checking all the dispensers throughout the legislative complex. Only one restroom that's available to the public actually had pads and tampons. We were able to find three tampons total, they were from 2007. So, I hope we'll be able to pass this, but I also think we as legislators should recognize and think about what our building is saying to, you know, people when they have their periods when they're in the peoples' house. Thank you.

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

Senator **POULIOT:** Thank you, Mr. President. I just want to rise to speak because I think one thing that happens a lot of times is things get conflated. You know, I would suspect that the majority of the Republican caucus would be in support of making sure that this was in all female bathrooms, all maybe unisex bathrooms, and perhaps for the young brothers or people that are related or even just a friend that in the nurse's office or in the office somewhere that there could be a stock of these that people could go get if they're just trying to help a friend out. So, to me, like, this just is a situation where it feels like there's a push toward trying to put menstrual products in boy's bathrooms as a step toward, you know, making it either unisex bathrooms in all our schools or, you know, gender fluid bathrooms, which is like a divisive thing that we don't need to get hung up on. I'd be all in favor of making sure the resources were available for this - these products. I mean, there's definitely a need for it, but that's really, I think, the underlying issue here, Mr. President, for the people that aren't supporting it. At least, maybe, it's just for me.

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

Senator **LIBBY:** Thank you, Mr. President. As I talked to my caucus this morning, I said I generally don't get involved in this conversation. So, here I am standing up. But I want to explain, I guess, my vote in favor of this, what I think is a good bill. Only three months ago, at my employment, a mother and daughter came to my office kind of in a hurry and they - there was a request. And okay, well, we went to one bathroom, is there another one in the building? I knew there was another one upstairs, but I knew the product wasn't there. And so, for the first time in my life, I wish I had the product in the right-hand drawer of my desk. And that's exactly why I voted for this bill. Thank you.

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

Senator **HICKMAN:** Thank you, Mr. President. I feel compelled to rise to speak on behalf of my neighbor and friend, who has been in this Chamber before to be recognized for his own accomplishments and those of his mother. When he was in high school, he was not known to be a boy. He hadn't let anybody know that yet. But he was a boy who menstruated, and he had an accident which outed him. I think this bill might have spared him quite a bit of embarrassment. Thank you, Mr. President.

THE PRESIDENT: The pending question before the Senate is Acceptance of the Majority Ought to Pass as Amended 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 (#324)

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

NAYS: Senators: BLACK, FARRIN, GUERIN, HARRINGTON, KEIM, LYFORD, POULIOT, TIMBERLAKE

27 Senators having voted in the affirmative and 8 Senators having voted in the negative, the motion by Senator **RAFFERTY** of York to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report, in concurrence, **PREVAILED**.

Bill **READ ONCE**.

Committee Amendment "A" (H-449) **READ**.

On motion by Senator **STEWART** of Aroostook, **TABLED** until Later in Today's Session, pending **ADOPTION** of Committee Amendment "A" (H-449), in concurrence.

Divided Report

The Majority of the Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act to Require a Lunch Period of at Least 30 Minutes for Students and Reduce Food Waste"
H.P. 638 L.D. 1002

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-477)**.

Signed:

Senators:

RAFFERTY of York
LIBBY of Cumberland
PIERCE of Cumberland

Representatives:

BRENNAN of Portland
DODGE of Belfast
LYMAN of Livermore Falls
MILLETT of Cape Elizabeth
MURPHY of Scarborough
SAMPSON of Alfred
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
POLEWARCZYK of Wiscasset

Comes from the House with the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-477)**.

Reports **READ**.

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

Bill **READ ONCE**.

Committee Amendment "A" (H-477) **READ** and **ADOPTED**, in concurrence.

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

Divided Report

The Majority of the Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act to Expand Access to School Construction Funding"

H.P. 911 L.D. 1415

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-476)**.

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 AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-476)**.

Reports **READ**.

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

Bill **READ ONCE**.

Committee Amendment "A" (H-476) **READ** and **ADOPTED**, in concurrence.

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

Divided Report

The Majority of the Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act to Fund Free Health Clinics"
H.P. 733 L.D. 1161

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-440)**.

Signed:

Senators:

BALDACCI of Penobscot
INGWERSEN of York

Representatives:

MEYER of Eliot
CRAVEN of Lewiston
GRAHAM of North Yarmouth
MADIGAN of Waterville
SHAGOURY of Hallowell
ZAGER of Portland

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

Signed:

Senator:

MOORE of Washington

Representatives:

FREDERICKS of Sanford
GRIFFIN of Levant
JAVNER of Chester
LEMELIN of Chelsea

Comes from the House with the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-440)**.

Reports **READ**.

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

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 Washington, Senator Moore.

Senator **MOORE:** Thank you, Mr. President. I just rise briefly just to comment on the fact of this bill. Currently, there is I believe five clinics - free clinics operating throughout the state. I know that they - the network itself has a small staff, but it's a network of 48 volunteers that handle the medical, dental, and mental health provider as well as administrative volunteer. That's really the model of these free health clinics, and so providing \$250,000 each year as a one-time funding for these clinics, I think extends it where we could be using that money for other programs and maybe wait lists or different things throughout the state. So, I rise in opposition to the motion.

THE PRESIDENT: The pending question before the Senate is Acceptance of the Majority Ought to Pass as Amended 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 (#325)

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

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

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

Bill **READ ONCE**.

Committee Amendment "A" (H-440) **READ** and **ADOPTED**, in concurrence.

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

Divided Report

The Majority of the Committee on **INNOVATION, DEVELOPMENT, ECONOMIC ADVANCEMENT AND BUSINESS** on Bill "An Act to Ensure That Businesses Do Not Refuse Payment in Person with Cash"

H.P. 398 L.D. 621

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-470)**.

Signed:

Senator:
GUERIN of Penobscot

Representatives:
COLLAMORE of Pittsfield
LANIGAN of Sanford
LaROCHELLE of Augusta
NESS of Fryeburg
SAYRE of Kennebunk
SMITH of Palermo
WALKER of Naples

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

Signed:

Senators:
CURRY of Waldo
RAFFERTY of York

Representatives:
ROBERTS of South Berwick
CROCKETT of Portland
WHITE of Waterville

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

Reports **READ**.

Senator **CURRY** of Waldo moved the Senate **ACCEPT** the Minority **OUGHT NOT TO PASS** Report, in concurrence.

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#326)

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

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

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

Divided Report

The Majority of the Committee on **INNOVATION, DEVELOPMENT, ECONOMIC ADVANCEMENT AND BUSINESS** on RESOLUTION, Proposing an Amendment to the Constitution of Maine to Eliminate the Diversion of Revenue from Professional and Occupational Licensing Fees

H.P. 1024 L.D. 1579

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

Signed:

Senators:
CURRY of Waldo
RAFFERTY of York

Representatives:
ROBERTS of South Berwick
CROCKETT of Portland
LaROCHELLE of Augusta
SAYRE of Kennebunk
WHITE of Waterville

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (H-453)**.

Signed:

Senator:
GUERIN of Penobscot

Representatives:
COLLAMORE of Pittsfield
NESS of Fryeburg
SMITH of Palermo
WALKER of Naples

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

Reports **READ**.

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

Divided Report

The Majority of the Committee on **INNOVATION, DEVELOPMENT, ECONOMIC ADVANCEMENT AND BUSINESS** on Bill "An Act to Encourage Participation in Maine's Essential Support Workforce Through Access to Higher Education" (EMERGENCY)

H.P. 1107 L.D. 1718

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-450)**.

Signed:

Senators:
CURRY of Waldo
RAFFERTY of York

Representatives:
ROBERTS of South Berwick
CROCKETT of Portland
LaROCHELLE of Augusta
SAYRE of Kennebunk
WHITE of Waterville

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

Signed:

Senator:
GUERIN of Penobscot

Representatives:
COLLAMORE of Pittsfield
LANIGAN of Sanford
NESS of Fryeburg
SMITH of Palermo
WALKER of Naples

Comes from the House with the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-450)**.

Reports **READ**.

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

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 Penobscot, Senator Guerin.

Senator **GUERIN:** Thank you, Mr. Speaker. This is a bill that we looked at in the IDEA committee and the - the members that were opposed to the motion did - are not opposed to helping essential support workers. We know that we need more of them, and they do a wonderful job for us in its difficult position. Using the tax credits - I mean, using the tuition vouchers we felt was not the most effective way of keeping them in their jobs because most - the majority of them do not require college degrees and so in giving them the tuition vouchers, they might be more apt to leave the profession, they could use the tuition vouchers for family members, but we felt that the \$4,000 could be used in different ways to incentivize these people and the work they do.

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

Senator **CURRY:** Thank you, Mr. President. Every once in a while, a bill comes along and you go 'huh, that's an interesting idea,' and this was one of those for me. I appreciate the Representative that brought it before us. It's trying to address the challenge of our workforce who are essential support workers, those who are providing daily assistance to folks who need them, in all sorts of situations, as we know. And what we saw from the pandemic, it was a challenge to recruit folks to work in these fields before the pandemic, and it was even harder after the pandemic. And so, this is an initiative. It funds I believe 54 positions. What it does is it's modeled a little bit - if you're familiar with the AmeriCorps programs, it models the education award that is offered to AmeriCorps members. So, it's similar to that, people do a year of service in the AmeriCorps program, they get this \$5,000 ed award. In this case, if you're working in a direct care service position, you would get a \$4,000 education award. And what is really great about this, it's not necessarily - it could be that it is for the person who is continuing their work and going further in that, but it could also be used for a child, a spouse, a grandchild. And that - I was working with AmeriCorps, so, again, not - this is modeled after, but I was working with AmeriCorps when they instituted that transferability and suddenly, as when I was recruiting AmeriCorps members, I was recruiting a lot of folks who had recently retired. I was recruiting older folks who wanted to be doing a year of service and they're looking at that ed award and they're saying 'I - I could give this to my grandchild, I could give this to my son or daughter who is looking to go to school.' And it was a very attractive thing, and it expanded the number of

people who were considering doing a year of service. And that just struck me with this bill, of we are - we are working with folks, it might be helpful for retention in the field of direct support workers, it might be helpful for people that might be willing to come out of retirement and go back to work, people. It's just a broader range of people that would be willing to - and would consider working in these essential support worker areas. And so, for that reason, I support the measure.

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: The Senator may proceed.

Senator **BENNETT:** Thank you, Mr. President. I heard the good Senator from Waldo, Senator Curry, talk about 54 people being supported and I note the fiscal note is \$500,000 a year after the first year of startup, and I'm wondering - I didn't see anything in the bill that limits the number of people and but the appropriations in the - appear to be limited to \$500,000. So, I'm not one who opposes necessarily the nature of the program, but wondering about how the position - how this program is going to be capped, how people are going to be selected, and why the limitation of a nice round \$500,000 a year? Thank you.

THE PRESIDENT: The Senator from Oxford, Senator Bennett, has posed a series of questions through the Chair to anyone who may answer. The Chair recognizes the Senator from Waldo, Senator Curry.

Senator **CURRY:** Thank you for the question. I think it's a very valid question because if we were looking to do this for all of essential support workers around the state, it would be huge. And so, this is a level of piloting this, it's a level of starting it out, and so it is capped by the number - the amount of funding and the eligibility. It would be capped through the eligibility of the employer and so once we reached that cap, it would be limited.

THE PRESIDENT: The pending question before the Senate is Acceptance of the Majority Ought to Pass as Amended 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 (#327)

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

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

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

Bill **READ ONCE**.

Committee Amendment "A" (H-450) **READ** and **ADOPTED**, in concurrence.

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

Divided Report

The Majority of the Committee on **JUDICIARY** on Bill "An Act to Protect Against Discrimination by Public Entities"
H.P. 177 L.D. 279

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-467)**.

Signed:

Senators:
CARNEY of Cumberland
BAILEY of York

Representatives:
MOONEN of Portland
KUHN of Falmouth
LEE of Auburn
MORIARTY of Cumberland
RECKITT of South Portland
SHEEHAN of Biddeford

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

Signed:

Senator:
BRAKEY of Androscoggin

Representatives:
ANDREWS of Paris
HAGGAN of Hampden
HENDERSON of Rumford
POIRIER of Skowhegan

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

Comes from the House with the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-467)**.

Reports **READ**.

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

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#328)

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

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

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

Bill **READ ONCE**.

Committee Amendment "A" (H-467) **READ** and **ADOPTED**, in concurrence.

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

Divided Report

The Majority of the Committee on **JUDICIARY** on Bill "An Act to Hold School Employees Civilly Liable for Failure to Notify Parents Regarding Medical Issues of Students Under 18 Years of Age" H.P. 906 L.D. 1410

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

Signed:

Senators:
CARNEY of Cumberland
BAILEY of York

Representatives:
MOONEN of Portland
KUHN of Falmouth
LEE of Auburn
MORIARTY of Cumberland

POIRIER of Skowhegan
RECKITT of South Portland
SHEEHAN of Biddeford

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (H-464)**.

Signed:

Senator:
BRAKEY of Androscoggin

Representatives:
ANDREWS of Paris
HAGGAN of Hampden
HENDERSON of Rumford

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

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

Reports **READ**.

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

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

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

Senator **CARNEY:** Thank you, Mr. President. I rise briefly to speak in support of the pending motion. There are two very concerning aspects to this bill and I just want my colleagues to understand the sort of fundamental legal problems with it as well as the impact it would have on teachers in our state. First, this bill would violate existing federal and state laws that provide Maine students with age-appropriate confidentiality if a student seeks counseling, treatment for mental health concerns, and some other types of medical care. We all know that not all children are safe in their homes and the existing laws that allow children to speak with school counselors and social workers, seek treatment for substance use disorder, and receive family planning services allow them to get the medical help they need from qualified professionals. This bill would cut off an important safety net for those most vulnerable students. Second, this bill gives a parent the right to sue a school employee - so, a teacher, any other student - any other school staff member - for the parent's actual compensatory and punitive damages, injunctive relief, attorney's fees, and costs. So, that's individual, personal liability. In doing so, it runs counter to the protections that are ordinarily provided to public employees under the Maine Tort Claims Act. This extreme individual personal liability will drive teachers and school staff out of our schools and from our state during this time of great need for educators and school staff. No policy justifies treating Maine's

students and staff this harshly, and I urge you to support the pending motion.

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

Senator **BRAKEY:** Thank you, Mr. President. I'm rising briefly to speak to the motion, which I'm not in support of the Ought Not to Pass motion. I would note that if we reject the Ought Not to Pass motion, there is a committee amendment that we could vote on, which did narrow the scope of the bill to just prohibiting giving out prescription or nonprescription drugs, medical devices, or referrals to health professionals without parental notice, with an exemption for emergency situations. And in regards to the civil liability, that was removed from the committee amendment. 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 (#329)

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

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

24 Senators having voted in the affirmative and 11 Senators having voted in the negative, the motion by Senator **CARNEY** of Cumberland to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report, in concurrence, **PREVAILED**.

Divided Report

The Majority of the Committee on **JUDICIARY** on Bill "An Act to Require Restitution for a Child Whose Parent Is Killed by a Drunk Driver"

H.P. 967 L.D. 1512

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-468)**.

Signed:

Senators:
CARNEY of Cumberland
BRAKEY of Androscoggin

Representatives:

MOONEN of Portland
HENDERSON of Rumford
KUHN of Falmouth
LEE of Auburn
MORIARTY of Cumberland
RECKITT of South Portland
SHEEHAN of Biddeford

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

Signed:

Senator:
BAILEY of York

Representatives:

ANDREWS of Paris
HAGGAN of Hampden
POIRIER of Skowhegan

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

Comes from the House with the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-468)**.

Reports **READ**.

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

Bill **READ ONCE**.

Committee Amendment "A" (H-468) **READ** and **ADOPTED**, in concurrence.

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

Divided Report

The Majority of the Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act to Restore Legislative Oversight of Rulemaking"

H.P. 234 L.D. 383

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-443)**.

Signed:

Senators:
BALDACCI of Penobscot
LYFORD of Penobscot

Representatives:

ADAMS of Lebanon
GREENWOOD of Wales
POMERLEAU of Standish
UNDERWOOD of Presque Isle

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

Signed:

Senator:

NANGLE of Cumberland

Representatives:

STOVER of Boothbay
COPELAND of Saco
DHALAC of South Portland
RISEMAN of Harrison

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

Reports **READ**.

On motion by Senator **NANGLE** of Cumberland, the Minority **OUCHT NOT TO PASS** Report **ACCEPTED**, in concurrence.

Divided Report

The Majority of the Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act to Prohibit Municipal Flavored Tobacco Product Bans on State-licensed Tobacco Retailers" H.P. 431 L.D. 662

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

Signed:

Senators:

NANGLE of Cumberland
BALDACCI of Penobscot
LYFORD of Penobscot

Representatives:

STOVER of Boothbay
COPELAND of Saco
DHALAC of South Portland
PAULHUS of Bath
RISEMAN of Harrison

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

Signed:

Representatives:

ADAMS of Lebanon
GREENWOOD of Wales

POMERLEAU of Standish
UNDERWOOD of Presque Isle

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

Reports **READ**.

On motion by Senator **NANGLE** of Cumberland, the Majority **OUCHT NOT TO PASS** Report **ACCEPTED**, in **NON-CONCURRENCE**.

Sent down for concurrence.

Divided Report

The Majority of the Committee on **STATE AND LOCAL GOVERNMENT** on Resolve, to Modify Security Screenings in the State House and Implement Security Screenings in the Burton M. Cross Building

H.P. 695 L.D. 1100

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-448)**.

Signed:

Senators:

NANGLE of Cumberland
BALDACCI of Penobscot

Representatives:

STOVER of Boothbay
ABDI of Lewiston
COPELAND of Saco
DHALAC of South Portland
PAULHUS of Bath

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

Signed:

Senator:

LYFORD of Penobscot

Representatives:

ADAMS of Lebanon
GREENWOOD of Wales
POMERLEAU of Standish
UNDERWOOD of Presque Isle

Comes from the House with the Majority **OUCHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-448)**.

Reports **READ**.

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

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 Bennett.

Senator **BENNETT:** Thank you, Mr. President. Fellow members of the Senate, this bill does more than what I thought it did originally when I heard about it, which is to provide security at the Cross Building similar to the security we have through the magnetometers here in the State House. In fact, if you read the bill, it does a couple of things which are troubling. One is - and I'll just read from the bill so that you have the facts - requires all individuals entering the Burton M. Cross Building to undergo security screening, including a pass through a stationary magnetometer, to allow any packages or personal belongings to be passed through a package screening device, etcetera. It also requires Capitol Police officers conducting security screenings in the Burton M. Cross Building to prioritize the security screening of a legislator, legislative employee, or any other individual who presents a valid access card or credential identifying the individual, etcetera. All - everybody, that means legislators, legislative staff, everybody is going to have to get screened through the magnetometer and there will be a prioritization. So, when loads of people are out there waiting to testify on bills, what you're going to have is this very uncomfortable circumstance where you've got a long line of ordinary citizens here to testify, present their ideas to the Legislature, and certain people, including those sitting in these chamber desks right now, are going to - all of us will have this uncomfortable thing of cutting the line. This is what this bill calls for. I don't think this is intentional, maybe it is, but there's serious problems with it. Furthermore, I want to point out that the fiscal note points out this, and I'll quote, 'the Department of Administrative and Financial Services, Bureau of General Services, currently engage in a multi-year process to make large-scale security upgrades to the Burton M. Cross Building. A security study has been completed, an architect has been selected to assist with implementing security screening, and funding for an addition to the building for the purpose of security screening is included in the Governor's proposed biennial budget.' I think this is premature, at best. I think we should pause on this, and we should really wait before we pass this bill and make sure we know what we're doing and what this bill is actually - the writing of this bill is going to entail not only for members of the public, but for the rest of us on busy days in the Legislature. And I would encourage a pause on this bill, and so I'm going to be voting against it in the hopes that if it does pass, then the prevailing motion passes that we look at amending this bill so that it actually will work a lot better than it's written. Thank you very much, Mr. President.

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

Senator **NANGLE:** Thank you, Mr. President. I just want to address that in talking with the Chief of Capitol Police - if I could remember his name right now - this could be implemented today.

They could set up a screening process for the Cross Building today, relative to either a general or a specific threat. This is merely a resolve to ensure that there is some screening process. I think we could certainly amend it if the need be, but I also have a commitment from the Chief that we would be not delayed in any way. It's possible they would have a separate entrance for us, so, just to keep that in mind. Thank you.

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

Senator **CARNEY:** Thank you, Mr. President. I just wish to briefly address my colleagues. I don't know how many of you have been in a legislative hearing in a committee room where members of the public have been screaming at you, calling you very derogatory names, and making veiled threats. That's happened to me this session with regard to a couple of different bills. And while I respect the concerns that the good Senator from Oxford raised, my fear - well, I will just say that I was very pleased that those committee hearings were taking place in a room where members of the public had to pass through security screening. It was a real comfort to me, a little bit on my own behalf, of course, but especially for the nonpartisan staff who, you know, they - it is their job to be in those rooms, and I think that we need to keep - keep everyone in this building safe, and everyone in Cross Building safe. And so, I would urge you to support the pending motion.

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

Senator **BALDACC:** Thank you, Mr. President. I just want to briefly also address the remarks of my good friend from Oxford. We go through the screening right now. We get into the State House, it's the same thing, it's no different. And we're not just protecting the lives of legislators, this is going to protect the lives of the members of the public who attend these hearings, the legislators, the staff. I understand your concerns, I don't like security more than is needed, but we're not imposing anything that's any different than what we are already doing here at the State House. And I think the people in the Cross Building are just as valuable as the people in this building and they deserve protection, and I think that it's - this is a very appropriate action and this is very much in the public safety, not just of legislators, but of the members of the public who attend these hearings as well.

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

Senator **BENNETT:** Thank you, Mr. President. Fellow members of the Senate, I fear that some of my comments may have been misconstrued. I am not speaking against security for people in the Cross Building. I am speaking about the language of this bill which says that every person must pass through a magnetometer. There was testimony at the hearing, I understand, that there will be one entrance to the Cross Building and every person will have to go through that entrance through a magnetometer, which is different from this building now where certain people, legislators, other individuals are given a pass which they can use in order to get through expeditiously in a separate line. We're talking about one magnetometer where

people are - everybody's going to go through, yet certain denizens of this building will have the right to cut the line. I don't know about you, but I want the security, but I also don't want to be put in a position where I'm going to be saying excuse me, excuse me, excuse me, and while people are going through, waiting to go in, there will be a lot of legislators (INAUDIBLE). I'm not opposed to the intentions of this bill; I just don't think that the flow has been properly thought through. And no, there is not going to be any latitude by the Capitol Police when this bill is passed. That is what the language says. Everyone must pass through a magnetometer. So, when I woke up this morning, the last thing I thought I'd be talking about is this bill, but I read it, and I am concerned about it, and I really think maybe we should just pause before we quickly enact it so that we can provide security. Part of security is providing people a comfort that they are being treated well and respectfully, and I worry about what this will do when we actually enact this bill and try to implement it. Thank you very much.

Senate at Ease.

The Senate was called to order by the President.

On motion by Senator **STEWART** of Aroostook, **TABLED** until Later in Today's Session, pending the motion by Senator **NANGLE** of Cumberland to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report, in concurrence. (Roll Call Ordered)

Senate

Divided Report

The Majority of the Committee on **JUDICIARY** on Bill "An Act to Amend the Laws Regarding Violations of Condition of Release" S.P. 567 L.D. 1449

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-307)**.

Signed:

Senators:

CARNEY of Cumberland
BAILEY of York
BRAKEY of Androscoggin

Representatives:

MOONEN of Portland
HENDERSON of Rumford
KUHN of Falmouth
LEE of Auburn
MORIARTY of Cumberland
RECKITT of South Portland
SHEEHAN of Biddeford

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

Signed:

Representatives:

ANDREWS of Paris
HAGGAN of Hampden
POIRIER of Skowhegan

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

Reports **READ**.

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

Bill **READ ONCE**.

Committee Amendment "A" (S-307) **READ** and **ADOPTED**.

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

Sent down for concurrence.

Divided Report

The Majority of the Committee on **JUDICIARY** on Resolve, to Study the Adoption of the Uniform Common Interest Ownership Act (EMERGENCY)

S.P. 667 L.D. 1662

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-306)**.

Signed:

Senators:

CARNEY of Cumberland
BAILEY of York

Representatives:

MOONEN of Portland
KUHN of Falmouth
LEE of Auburn
MORIARTY of Cumberland
SHEEHAN of Biddeford

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

Signed:

Senator:

BRAKEY of Androscoggin

Representatives:

ANDREWS of Paris
HAGGAN of Hampden
HENDERSON of Rumford
POIRIER of Skowhegan
RECKITT of South Portland

(Representative DANA of the Passamaquoddy Tribe - of the House - supports the Minority **Ought Not To Pass** Report.)

Reports **READ**.

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

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

Senator **STEWART:** Thank you, Mr. President. I'm going to stand here for just about four seconds, and that is all, thank you.

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

Senator **BRAKEY:** Thank you, Mr. President, and thank you to Senator Stewart for his standing around for a few seconds. So, I rise in opposition to the pending motion, not in particular because I'm particularly opposed to the content of the bill, which deals with looking at uniform common -the Uniform Common Interest Ownership Act, laws related to condominiums and homeowners associations, I believe. And if it sounds like I'm a little confused on the purpose of the bill, it's because we got no testimony on this bill - no testimony for the bill, no testimony against the bill, no testimony neither for nor against the bill. The bill's sponsor, I'm sure he is very busy with work in other committees, but we didn't hear from the bill's sponsor at the public hearing or at the work session. And so, I'm a little - I was just a little confused by the process of how we got a bill to this point without really hearing from the public in support - in support of it or hearing from the bill's sponsor, even, in terms of why it was necessary. So, I can't in good confidence, vote to pass a bill when I haven't even really heard the case in the committee process or up to this point for why we should pass this bill. So, for that reason, I will be opposed to the motion. Thank you.

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

Senator **CARNEY:** Hi, I'll just - thank you, Mr. President, I just want to speak briefly. This bill came up quite late at the session, when many of us were pulled in a lot of different directions. However, it came up at the same time that we were dealing with a couple of other bills related to common interest ownership situations. And also, as I recall, the work session did involve some input from other stakeholders as well as, I believe, the bill's sponsor. I'm not remembering exactly clearly those moments, but I believe that was the case, and I would just ask that you vote in favor of the pending motion. These problems with commonly owned property do arise, and if there is a way that we can give predictability and certainty and stability to Maine homeowners and help them avoid conflict with neighbors and litigation, then I think

that we should explore that, and that's exactly what this bill will let us do. Thank you.

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

THE PRESIDENT: The pending question before the Senate is Acceptance of the Majority Ought to Pass as Amended Report. A roll call has been ordered. Is the Senate ready for the question?

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#330)

YEAS: Senators: BAILEY, BALDACCI, BEEBE-CENTER, BENNETT, BRENNER, 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, STEWART, TIMBERLAKE

EXCUSED: Senator: POULIOT

23 Senators having voted in the affirmative and 11 Senators having voted in the negative, with 1 Senator being excused, the motion by Senator **CARNEY** of Cumberland to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report, in concurrence, **PREVAILED**.

Bill READ ONCE.

Committee Amendment "A" (S-306) **READ** and **ADOPTED**, in concurrence.

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

Sent down for concurrence.

Divided Report

The Majority of the Committee on **JUDICIARY** on Resolve, to Establish the Commission to Study the Constitution of Maine
S.P. 740 L.D. 1824

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

Signed:

Senator:
CARNEY of Cumberland

Representatives:
MOONEN of Portland
HAGGAN of Hampden
HENDERSON of Rumford
KUHN of Falmouth
MORIARTY of Cumberland
POIRIER of Skowhegan
RECKITT of South Portland
SHEEHAN of Biddeford

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (S-305)**.

Signed:

Senators:
BAILEY of York
BRAKEY of Androscoggin

Representatives:
ANDREWS of Paris
LEE of Auburn

(Representative DANA of the Passamaquoddy Tribe - of the House - supports the Majority **Ought Not To Pass** Report.)

Reports **READ**.

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

Divided Report

The Majority of the Committee on **VETERANS AND LEGAL AFFAIRS** on Bill "An Act to Fund Adult Intellectual Disability and Autism Spectrum Disorder Services by Eliminating Certain Tax Funding from the Maine Clean Election Fund"
S.P. 585 L.D. 1466

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

Signed:

Senators:
HICKMAN of Kennebec
BRENNER of Cumberland

Representatives:
SUPICA of Bangor
COLLINGS of Portland

MALON of Biddeford
MONTELL of Gardiner
RIELLY of Westbrook

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (S-304)**.

Signed:

Senator:
TIMBERLAKE of Androscoggin

Representatives:
ANDREWS of Paris
BOYER of Poland
HYMES of Waldo
RISEMAN of Harrison
RUDNICKI of Fairfield

Reports **READ**.

On motion by Senator **HICKMAN** of Kennebec, the Majority **OUGHT NOT TO PASS** Report **ACCEPTED**.

Sent down for concurrence.

Divided Report

Seven members of the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** on Bill "An Act to Ensure Safer Communities by Increasing the Punishment for Crimes Involving Fentanyl"
S.P. 405 L.D. 986

Reported in Report **"A"** that the same **Ought Not to Pass**.

Signed:

Senator:
BEEBE-CENTER of Knox

Representatives:
SALISBURY of Westbrook
HASENFUS of Readfield
LOOKNER of Portland
MADIGAN of Waterville
MATHIESON of Kittery
MILLIKEN of Blue Hill

Four members of the same Committee on the same subject reported in Report **"B"** that the same **Ought to Pass as Amended by Committee Amendment "A" (S-313)**.

Signed:

Representatives:
ARDELL of Monticello
NEWMAN of Belgrade
NUTTING of Oakland
PERKINS of Dover-Foxcroft

One member of the same Committee on the same subject reported in Report "C" that the same **Ought to Pass as Amended by Committee Amendment "B" (S-314)**.

Signed:

Senator:
HARRINGTON of York

Reports **READ**.

Senator **BEEBE-CENTER** of Knox moved the Senate **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 Somerset, Senator Farrin.

Senator **FARRIN:** Mr. President, ladies and gentlemen of the Senate, we've had some interesting conversations this afternoon already and I'm going to ask each one of your indulgence as I try to make it through talking to you about this particular bill. I brought this forward after losing my 26-year-old daughter on the 27th of July of last year. And I had my head buried in the sand, like I think many folks do in this state, with what we're dealing with with this fentanyl. It's not a drug, it's a manmade poison that is killing an entire generation - 716 Mainers last year, and we're on track for over 750 this year. And believe me, I've had to step outside of my comfort zones on a lot of fronts. I truly believe that this is a pronged approach. We've got to educate our children. We're falling down in that. I have a 14-year-old grandson that during Halloween when there was news about these multi-colored pills of fentanyl going around and I said 'are you talking about this in your school? And my wife's reached out to a number of superintendents, we've been in contact with the Department of Education, we have to educate our children.

We have to do better on the recovery piece. People that need help need help, whether it's beds - I've learned about medical induced treatment, I've had lots of discussions with folks that - way outside of my comfort zone. And I know that's something that I have to do, and we have to do. And this piece here about increasing it - and one of the things, and I - respectfully, all the way around, is going to say there's laws already on the books, that's one of the things I heard in the work session. And you'll notice that there's a couple different amendments that go along with this. One talks about the electronic communication piece, which during the work session, representatives in the Attorney General's Office said that would be kind of nice to have in the toolbox. So, I tried to open this thing up all across the way because we all have to do a better job as parents, as neighbors, as legislators. Hey, listen, we've got an opioid taskforce. During the pandemic, we shut the state down and we saw briefings everyday about how many people were getting vaccinated, how many beds were open. We're losing two Mainers a day, folks, and we're having, I know, some serious discussions in here, but I'm telling you, right now, I truly believe we need to send a message, and this is one piece of it. It is not the cure, by any stretch of the imagination. It's got to be across

the board. And I'm going to leave you with this, because this is about all I got in the tank. I hope regardless of how you hit the buttons on this that the first thing you do when you wake up in the morning is not think about what you could have done better if it affects you directly or when you close your sleep at night. Because I miss Hailey every day. Thank you, Mr. President.

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

Senator **VITELLI:** Thank you, Mr. President. I don't have personal experience with this issue, but I am moved by what I just heard from my colleague, who does. And I know from listening to my constituents throughout my district that this issue is a big concern, and particularly when it affects our children, who don't always have access to the information and, as we've heard before, some of us, that in our youth, we've done some pretty stupid, silly things. Fortunately, we're all here in this room, so obviously, we didn't pay the ultimate consequence. So, given that, without knowing a lot, this is not my wheelhouse, but I understand that this is an issue that we need to address as a community, as a Legislature. So, I am going to say, Mr. President, that I'm inclined to vote against the motion before us and hope that we can come to one of the other compromises before us in Report "B", possibly Report "C", but I think Report "B", as I understand it, would get us part of the way to a better solution. Thank you, Mr. President.

THE PRESIDENT: 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 (#331)

YEAS: Senators: BAILEY, BEEBE-CENTER, BRAKEY, CHIPMAN, DUSON, HICKMAN

NAYS: Senators: BALDACCI, BENNETT, BLACK, BRENNER, CARNEY, CURRY, DAUGHTRY, FARRIN, GROHOSKI, GUERIN, HARRINGTON, INGWERSEN, KEIM, LAFOUNTAIN, LAWRENCE, LIBBY, LYFORD, MOORE, NANGLE, PIERCE, POULIOT, RAFFERTY, RENY, ROTUNDO, STEWART, TIMBERLAKE, TIPPING, VITELLI, PRESIDENT JACKSON

6 Senators having voted in the affirmative and 29 Senators having voted in the negative, the motion by Senator **BEEBE-CENTER** of Knox to **ACCEPT Report "A", OUGHT NOT TO PASS, FAILED**.

On motion by Senator **FARRIN** of Somerset, Report "**B**", **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (S-313), ACCEPTED**.

Bill **READ ONCE**.

Committee Amendment "A" (S-313) **READ** and **ADOPTED**.

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-313)**, in concurrence.

Sent down for concurrence.

Divided Report

Five members of the Committee on **JUDICIARY** on Bill "An Act to Promote Water Conservation and Water Quality and Create Habitat for Wildlife, Including Pollinator Species, by Protecting Low-impact Landscaping"

S.P. 266 L.D. 649

Reported in Report **"A"** that the same **Ought to Pass as Amended by Committee Amendment "A" (S-311)**.

Signed:

Senators:

- CARNEY of Cumberland
- BRAKEY of Androscoggin

Representatives:

- KUHN of Falmouth
- MORIARTY of Cumberland
- SHEEHAN of Biddeford

Four members of the same Committee on the same subject reported in Report **"B"** that the same **Ought to Pass as Amended by Committee Amendment "B" (S-312)**.

Signed:

Senator:

- BAILEY of York

Representatives:

- MOONEN of Portland
- LEE of Auburn
- RECKITT of South Portland

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

Signed:

Representatives:

- ANDREWS of Paris
- HAGGAN of Hampden
- HENDERSON of Rumford
- POIRIER of Skowhegan

(Representative DANA of the Passamaquoddy Tribe - of the House - supports Report **"A" Ought To Pass as Amended by Committee Amendment "A" (S-311)**.)

Reports **READ**.

Senator **CARNEY** of Cumberland moved the Senate **ACCEPT** Report **"B"**, **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "B" (S-312)**.

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

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

Senator **DAUGHTRY:** Thank you, Mr. President. Men and women of the Senate, I rise to explain a little bit about this bill, and I will try and be brief. First and foremost, this bill is about ensuring the rights of private property owners and doing the right thing for the birds, the bees, and the environment as a whole. How often do we as a legislative Body get a chance to vote for both of these items? This bill came from several different aspects from groups like Maine Audubon who have been working towards creating wildlife friendly plants and plantings in our state, as well as from the state horticulturist, who's worked with different aspects and who has testified on various things about green plantings. But really, one of the major drivers in it was in Maryland, where a similar law became the first one to say that a state cannot -- became the first state to limit homeowner control over ecofriendly yards. And the bill that's before us is modeled on that landmark legislation from Maryland. Our grass turf lawns are ecological dead zones or deserts that require excessive water, fertilizers, and pesticides. Last year, for the first time since 2017, my hometown of Brunswick suffered a major clam die-off. One factor was the runoff of lawn fertilizers and pesticides which contributed to the death of four acres of softshell clams in Maquoit Bay. Lawn fertilizers and pesticides that contain nitrogen and phosphorus run off into our water and they cause algae blooms. When the algae die and decompose, the oxygen levels drop dramatically and choke out other marine life, including shellfish seedlings. Across the district of mine in Freeport and Harpswell, they experienced similar clam die-offs. In Brunswick, alone, the shellfish industry is worth \$13 million, but not if the clams are dead. In addition to the threat that the grass turf lawns pose to Brunswick and Maine's shellfish industry, grass turf lawns are causing bird, insect, and wildlife populations to plummet. Pollinator friendly gardens and lawns can help counteract the negative impact that human activity pollination habitat destruction have had on these species. Some homeowners are already planting native plants and creating conservation corridors that provide sustenance to local and migratory butterflies, birds, and bees. We have some around the State House currently, as well. But what if homeowner associations which govern nearly 74 people nationwide, including nearly a quarter of all Mainers, continue to try and restrict native plant landscapes? It's an ongoing threat and balance of how do you, you know, figure out how best to make sure that we are creating pollinator friendly landscapes. I know this is something that I've done myself and I've actually seen in my neighborhood that our lawn, which is made up of several different native species, has been able to survive droughts while my neighbors' lawns have not fared as well. When we think about the droughts that we've been facing, we aren't going to be able to wish our way out of our reality, and looking at creating green zones like this bill would enable, would really help. Just last year, eight of our 16 counties, over half of the state, experienced severe drought. We all know farmers that

have lost their crops and homeowners have watched their wells run dry. In Washington County, some wild blueberry farms lost 60% of their yield, and the majority of dry wells were reported in Cumberland, York, Lincoln, and Kennebec Counties. As the effects of this, including drought, become more severe, we need to start taking reasonable steps to conserve our most precious resource - water. If we choose between maintaining grass turf lawns or having enough water for Maine farmers to irrigate their fields, and Mainers to have wells on their land, then I will always choose farmers and homeowners every single time.

Another reason for my commitment to this measure is because it came to my awareness because it impacts one of my good friends who lives in a home governed by a homeowner's association. She's just had her first child, a little daughter, and she wants to create a front yard that's not only good for the bees, but also full of kid-safe plants. Unfortunately, that's not allowed in her neighborhood. She mentioned that it isn't just the mandate for grass turf that frustrates her, but also the cost associated with maintaining it. She reminded me that we both grew up with lawns that had patches of different green things, and we kept it mowed perfectly, but they had different varieties within them. In Maine, we have an opportunity to ensure that homeowner associations cannot tell private property owners what to do and require specific types of grass that oftentimes deplete biodiversity, reduce pollinator populations, and require fertilizers and pesticides. Let's not wait for a lawsuit to happen like it did in Maryland, when we can change our state law to allow for these pollinator friendly gardens and lawns and help save the native bees. Thank you.

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

Senator **BRAKEY:** Thank you, Mr. President. I rise in opposition to the pending motion, not because I disagree with the substance of what the good Senator from Cumberland, Senator Daughtry, has said. In fact, I think that many of the points she makes about the value of low-impact landscaping are very valuable, which is why my name is attached to an alternate Ought to Pass Report. But I have to oppose this report, Report "B", which is in front of us, because it is an overreach. Report "B" goes too far in the fact that it would not just change what agreements can be had in homeowners' associations going forward, it would retroactively go back and nullify existing - existing agreements in homeowners associations that are currently standing. And that, I think, just goes too far in nullifying existing contracts. So, I can't support that, and I would encourage members of this Body to reject the pending motion and if you like the underlying idea, there is - there are other reports available that we could move forward on. 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 do want to rise and thank the good Senator from Androscoggin for his support, and I love being in the position of having two strong reports. What I do understand, and I am not a real estate lawyer, and I do know we do have some in our midst, so maybe they can better explain this, that the question between the two reports is whether it just looks forward or whether it's retroactive. It sounds like it wouldn't nullify the homeowners' existing agreements but instead would say when it

comes specifically to the landscape portion, not the entire agreement. So, just wanted to make that clear.

THE PRESIDENT: The pending question before the Senate is Acceptance of Report "B", Ought to Pass as Amended by Committee Amendment "B" (S-312). 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 (#332)

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

NAYS: Senators: BENNETT, BLACK, BRAKEY, CURRY, FARRIN, GUERIN, HARRINGTON, 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 **CARNEY** of Cumberland to **ACCEPT** Report "**B**", **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "B" (S-312)**, **PREVAILED**.

Bill **READ ONCE**.

Committee Amendment "B" (S-312) **READ** and **ADOPTED**.

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (S-312)**.

Sent down for concurrence.

Divided Report

Seven members of the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** on Bill "An Act to Provide Funding for Positions in the Penobscot County Sheriff's Office"
S.P. 314 L.D. 756

Reported in Report "**A**" that the same **Ought to Pass as Amended by Committee Amendment "A" (S-308)**.

Signed:

Senators:
BEEBE-CENTER of Knox
HARRINGTON of York

Representatives:

SALISBURY of Westbrook
ARDELL of Monticello
HASENFUS of Readfield
MADIGAN of Waterville
PERKINS of Dover-Foxcroft

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

Signed:

Representatives:

LOOKNER of Portland
MATHIESON of Kittery
MILLIKEN of Blue Hill

Two members of the same Committee on the same subject reported in Report "C" that the same **Ought to Pass as Amended by Committee Amendment "B" (S-309)**.

Signed:

Senator:

LaFOUNTAIN of Kennebec

Representative:

NUTTING of Oakland

One member of the same Committee on the same subject reported in Report "D" that the same **Ought to Pass as Amended by Committee Amendment "C" (S-310)**.

Signed:

Representative:

NEWMAN of Belgrade

Reports **READ**.

On motion by Senator **BEEBE-CENTER** of Knox, Report "A", **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (S-308), ACCEPTED**.

Bill **READ ONCE**.

Committee Amendment "A" (S-308) **READ** and **ADOPTED**.

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-308)**.

Sent down for concurrence.

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

REPORTS OF COMMITTEES

Senate

Divided Report

The Majority of the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** on Bill "An Act to Enhance Certain Penalties for Possession of Firearms by Prohibited Persons"
S.P. 250 L.D. 582

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-318)**.

Signed:

Senators:

HARRINGTON of York
LaFOUNTAIN of Kennebec

Representatives:

SALISBURY of Westbrook
ARDELL of Monticello
HASENFUS of Readfield
MADIGAN of Waterville
NEWMAN of Belgrade
NUTTING of Oakland
PERKINS of Dover-Foxcroft

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "B" (S-319)**.

Signed:

Senator:

BEEBE-CENTER of Knox

Representatives:

LOOKNER of Portland
MATHIESON of Kittery
MILLIKEN of Blue Hill

Reports **READ**.

On motion by Senator **BEEBE-CENTER** of Knox, **TABLED** until Later in Today's Session, pending **ACCEPTANCE OF EITHER REPORT**.

Divided Report

The Majority of the Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act to Ensure That a Teacher Who Participates in the Prevention of Dangerous Behavior Is Protected Under a Collective Bargaining Agreement"
S.P. 770 L.D. 1898

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-317)**.

Signed:

Senators:

RAFFERTY of York
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:

Senator:

LIBBY of Cumberland

Representatives:

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

Reports **READ**.

Senator **RAFFERTY** of York moved the Senate **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** 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 Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#333)

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

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

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

Bill **READ ONCE**.

Committee Amendment "A" (S-317) **READ** and **ADOPTED**.

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

Sent down for concurrence.

Divided Report

The Majority of the Committee on **TAXATION** on Bill "An Act to Phase Out the Insurance Premium Tax on Annuities" S.P. 683 L.D. 1720

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-316)**.

Signed:

Senators:

GROHOSKI of Hancock
LIBBY of Cumberland

Representatives:

PERRY of Bangor
CARMICHAEL of Greenbush
HASENFUS of Readfield
LAVIGNE of Berwick
LIBBY of Auburn
MATLACK of St. George
QUINT of Hodgdon
RANA of Bangor
RUDNICKI of Fairfield

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

Signed:

Senator:

CHIPMAN of Cumberland

Reports **READ**.

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

Bill **READ ONCE**.

Committee Amendment "A" (S-316) **READ** and **ADOPTED**.

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

Sent down for concurrence.

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

Senate at Ease.

The Senate was called to order by the President.

Off Record Remarks

RECESSED until 6:30 in the evening.

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

Off Record Remarks

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

REPORTS OF COMMITTEES

Senate

Ought to Pass As Amended

Senator BALDACCI for the Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act to Amend the Law Governing MaineCare Coverage of Chiropractic Treatment"
S.P. 260 L.D. 592

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-320)**.

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

Bill **READ ONCE**.

Committee Amendment "A" (S-320) **READ** and **ADOPTED**.

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

Sent down for concurrence.

Senator GROHOSKI for the Committee on **TAXATION** on Bill "An Act to Exempt All Youth Development Nonprofit Organizations from Sales Tax and the Service Provider Tax"
S.P. 701 L.D. 1755

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-315)**.

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

Bill **READ ONCE**.

Committee Amendment "A" (S-315) **READ** and **ADOPTED**.

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

Sent down for concurrence.

Senator HICKMAN for the Committee on **VETERANS AND LEGAL AFFAIRS** on Bill "An Act Regarding Campaign Finance and Lobbying Disclosure and Enforcement of Income Source Reporting Requirements"

S.P. 647 L.D. 1630

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-322)**.

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

Bill **READ ONCE**.

Committee Amendment "A" (S-322) **READ** and **ADOPTED**.

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

Sent down for concurrence.

Senator HICKMAN for the Committee on **VETERANS AND LEGAL AFFAIRS** on Bill "An Act to Allow Golf Courses to Obtain a License to Conduct Off-premises Catering"
S.P. 813 L.D. 1984

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-323)**.

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

Bill **READ ONCE**.

Committee Amendment "A" (S-323) **READ** and **ADOPTED**.

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

Sent down for concurrence.

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

REPORTS OF COMMITTEES

House

Ought to Pass As Amended

The Committee on **JUDICIARY** on Bill "An Act Regarding Animals Abandoned by Tenants"

H.P. 448 L.D. 679

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-508)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-508)**.

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

Bill **READ ONCE**.

Committee Amendment "A" (H-508) **READ** and **ADOPTED**, in concurrence.

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

The Committee on **LABOR AND HOUSING** on Bill "An Act to Amend the Eligibility Criteria for Creditable Service in the Armed Forces of the United States Under the State Retirement System"
H.P. 259 L.D. 426

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-507)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-507)**.

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

Bill **READ ONCE**.

Committee Amendment "A" (H-507) **READ** and **ADOPTED**, in concurrence.

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

The Committee on **TAXATION** on Bill "An Act to Exempt Boats and All-terrain Vehicles Purchased for Qualified Commercial Fishing or Commercial Farming from State Sales Tax"
H.P. 828 L.D. 1303

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-524)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-524)**.

Report **READ**.

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

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

ENACTORS

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

Acts

An Act to Allow Game Wardens to Transfer Retirement Service, Allow Certain Employees of Participating Local Districts to Purchase Service Credit and Allow Transfer of Membership from the State Employee Retirement Plan to Another Plan
S.P. 134 L.D. 313
(C "A" S-280)

An Act to Support the Safe Use of Bicycles and Roller Skis
S.P. 210 L.D. 456
(C "A" S-283)

An Act Regarding Investigations of Out-of-home Child Abuse and Neglect
H.P. 312 L.D. 495
(C "A" H-459)

An Act to Improve Conditions for People Living in Recovery Residences by Requiring Approved Discharge and Transfer Policies
H.P. 374 L.D. 597
(C "A" H-460)

An Act to Ensure Consumer Protection from Resale Ticket Vendors
H.P. 446 L.D. 677
(C "A" H-452)

An Act to Require the Maine State Housing Authority to Report to the Legislature on the Housing Opportunities for Maine Fund
S.P. 333 L.D. 774
(C "A" S-253)

An Act to Require Direct Wine Shippers to Comply with Maine Beverage Container Laws
H.P. 535 L.D. 846
(C "A" H-430)

An Act Regarding Undesignated Ready-to-use Glucagon Rescue Therapies in Schools
S.P. 364 L.D. 867
(C "A" S-264)

An Act to Extend the Protections of the Maine Civil Rights Act to Actions That Cause Emotional Distress or Fear of Violence
S.P. 365 L.D. 868
(C "A" S-275)

An Act to Extend the Time Allowed Between a Regional School Unit Budget Meeting and a Budget Validation Referendum
 H.P. 658 L.D. 1022
 (C "A" H-456)

An Act Regarding the Bureau of Motor Vehicles
 S.P. 441 L.D. 1072
 (C "A" S-282)

An Act to Require Supervised Lenders or Mortgage Loan Servicers to Notify Private Mortgage Insurance Consumers of Their Rights Under the Federal Homeowners Protection Act of 1998
 S.P. 449 L.D. 1080
 (C "A" S-245)

An Act to Amend the Laws Regarding Real Property Investment by Credit Unions
 S.P. 514 L.D. 1277
 (C "A" S-246)

An Act to Make Permanent the Submission of Certain Reports Concerning Child Welfare to the Legislature
 S.P. 542 L.D. 1325
 (C "A" S-248)

An Act Regarding the Composition of the Budget Advisory Committee and the Finality of the Budget in the Franklin County Budget Process
 H.P. 864 L.D. 1350
 (C "A" H-432)

An Act to Impose an Expanded Prohibition on Lobbying for Former Executive Branch Employees
 H.P. 871 L.D. 1357
 (C "A" H-429)

An Act to Amend Limits on the Direct Shipment of Wine
 H.P. 885 L.D. 1371
 (C "A" H-431)

An Act to Regulate Insurance Carrier Prior Authorization Requirements for Rehabilitative and Habilitative Services
 S.P. 548 L.D. 1383
 (C "A" S-272)

An Act to Increase Transparency Regarding Certain Drug Pricing Programs
 S.P. 562 L.D. 1395
 (C "A" S-269)

An Act to Provide a Private Support Organization for the Maine Maritime Academy
 S.P. 620 L.D. 1556
 (C "A" S-263)

An Act to Amend the Laws Governing Consumer-owned Water Utilities
 S.P. 660 L.D. 1655
 (C "A" S-259)

An Act to Allow Student Representation Within the Governance of the University of Maine System
 S.P. 661 L.D. 1656
 (C "A" S-241)

An Act to Define "Consent" and Amend the Law Governing Certain Sexual Offenses
 S.P. 662 L.D. 1657
 (C "A" S-256)

An Act to Advance the National HIV/AIDS Strategy in Maine by Broadening HIV Testing
 H.P. 1115 L.D. 1736
 (C "A" H-417)

An Act Regarding Insurance Coverage for Diagnostic and Supplemental Breast Examinations
 H.P. 1168 L.D. 1836
 (C "A" H-418)

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

An Act to Allow Death by Suicide to Be Considered a Death While in the Line of Duty
 H.P. 272 L.D. 439
 (C "A" H-455)

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

An Act to Ensure Transparent and Accountable Temporary Nurse Agencies
 S.P. 205 L.D. 451
 (C "A" S-247)

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

An Act to Increase Availability and Security of Election Information on Government Websites
 S.P. 245 L.D. 577
 (C "A" S-252)

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

An Act to Address Student Hunger and Nutrition Through Expanded Access to Free Milk in Schools
S.P. 465 L.D. 1128
(C "A" S-236)

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

An Act to Balance Renewable Energy Development with Natural and Working Lands Conservation
H.P. 775 L.D. 1227
(C "A" H-437)

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

An Act to Provide Information to Parents Involved in the Child Protective Services System and Ensure Funding in the Child Protective Services Contingency Fund
H.P. 777 L.D. 1229
(C "A" H-469)

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

An Act to Provide Reimbursement for the Health Care Expenses of All Retired Law Enforcement, Corrections and Search and Rescue Dogs
H.P. 782 L.D. 1234
(C "A" H-454)

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

An Act to Streamline Income Verification Requests for Income Supplementation and Assistance Programs
S.P. 519 L.D. 1282
(C "A" S-279)

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

An Act to Increase the State Minimum Wage to \$15 Per Hour
H.P. 890 L.D. 1376
(C "A" H-178)

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

An Act Regarding Penalties for Early Retirement for Certain Members of the Maine Public Employees Retirement System
H.P. 954 L.D. 1499
(C "A" H-397)

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

An Act to Prohibit the Sale of Tobacco Products in Pharmacies and Retail Establishments Containing Pharmacies
H.P. 1003 L.D. 1558
(C "A" H-425)

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

An Act to Provide Critical Matching Funds for Child Care Services on the Northern Maine Community College Campus
S.P. 817 L.D. 1988
(C "A" S-240)

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

An Act to Increase the Number of Children a Family Child Care Provider May Care for Without Having to Be Licensed by the Department of Health and Human Services
S.P. 430 L.D. 1061
(C "A" S-243)

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

Resolves

Resolve, to Study the Establishment of a Substance Use Disorder Hotline
H.P. 103 L.D. 162
(C "A" H-428)

Resolve, to Assess, Develop, Implement and Fund the Reuse of Existing Facilities at Dorothea Dix Psychiatric Center
S.P. 356 L.D. 859
(C "A" S-268)

Resolve, to Establish a Plan for Adding a 3rd Option for Gender on State Forms

H.P. 589 L.D. 942
(C "A" H-196)

Resolve, Directing the Commissioner of Economic and Community Development to Convene an Advisory Council to Improve the State's 10-year Economic Development Strategy

H.P. 758 L.D. 1198
(C "A" H-451)

Resolve, Directing the Department of Education and the Maine Municipal Bond Bank to Amend Their Rules Regarding the Maine School Facilities Finance Program and the School Revolving Renovation Fund

S.P. 591 L.D. 1472
(C "A" S-238)

Resolve, Regarding the Status of Federal Grant Applications or Money Secured for the Funding of a Sexual Assault Kit Tracking Pilot Program

S.P. 605 L.D. 1484
(C "A" S-235)

Resolve, to Study the Establishment of a Public Option Health Benefit Plan

H.P. 1186 L.D. 1856
(C "A" H-401)

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

Resolve, to Review MaineCare Reimbursement for Electronic Consultation Services

S.P. 168 L.D. 361
(C "A" S-254)

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

Resolve, to Establish a Pilot Project to Provide Transportation to Medically Managed Withdrawal Sites

H.P. 626 L.D. 979
(C "A" H-458)

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

Resolve, to Require the Department of Health and Human Services to Provide Additional Reimbursement to Maine Veterans' Homes

S.P. 404 L.D. 985
(C "A" S-244)

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

Resolve, to Design and Implement a Community-based Model of Care for Adolescent Mental Health

H.P. 830 L.D. 1305
(C "A" H-457)

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

Resolve, to Provide Grants to Promote Innovative Learning Strategies

H.P. 965 L.D. 1510
(C "A" H-413)

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

Resolve, Directing the Maine-Canadian Legislative Advisory Commission and the New England and Eastern Canada Legislative Commission to Examine Restoring Passenger Rail from Boston to Montreal

S.P. 312 L.D. 754
(C "A" S-239)

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

Off Record Remarks

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

REPORTS OF COMMITTEES

Senate

Divided Report

The Majority of the Committee on **HEALTH COVERAGE, INSURANCE AND FINANCIAL SERVICES** on Bill "An Act to Ensure Health Care for All Maine Residents"

S.P. 150 L.D. 329

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-321)**.

Signed:

Senators:

BAILEY of York
RENY of Lincoln

Representatives:

PERRY of Calais
ARFORD of Brunswick
CLUCHEY of Bowdoinham
MASTRACCIO of Sanford
MATHIESON of Kittery
PRINGLE of Windham

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

Signed:

Senator:

BRAKEY of Androscoggin

Representatives:

CYRWAY of Albion
MORRIS of Turner
NUTTING of Oakland
SWALLOW of Houlton

Reports **READ**.

Senator **BAILEY** of York moved the Senate **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** 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 Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#334)

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

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

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

Bill **READ ONCE**.

Committee Amendment "A" (S-321) **READ** and **ADOPTED**.

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

Sent down for concurrence.

Divided Report

The Majority of the Committee on **VETERANS AND LEGAL AFFAIRS** on Bill "An Act to Require Disclosure for Communications Paid for Using Maine Clean Election Act Funding"

S.P. 349 L.D. 790

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

Signed:

Senators:

HICKMAN of Kennebec
BRENNER of Cumberland

Representatives:

SUPICA of Bangor
COLLINGS of Portland
MALON of Biddeford
MONTELL of Gardiner
RIELLY of Westbrook
RISEMAN of Harrison

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (S-324)**.

Signed:

Senator:

TIMBERLAKE of Androscoggin

Representatives:

ANDREWS of Paris
BOYER of Poland
HYMES of Waldo
RUDNICKI of Fairfield

Reports **READ**.

Senator **HICKMAN** of Kennebec 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 York, Senator Harrington.

Senator **HARRINGTON:** Thank you, Mr. President. Ladies and gentlemen of the House, I put this bill in, I just - did I say House? Some habits die hard, I did spend a handful of years down there.

Ladies and gentlemen of the Senate, I submitted this legislation, for me, more or less about transparency. I think we owe it - especially with the expansion of Clean Elections - to let the people know how their money is being spent. We all have to put a disclaimer at the bottom during campaign season, paid for and authorized by. Many folks, regardless of running traditional or publicly financed, use paid for and authorized by the candidate. I think that's misleading to the people of Maine, and with senate races in the upwards of \$70,000 of taxpayer money being used to fund these races, I think we owe it to them to be transparent and tell them that these expenditures - the mail, the signs, bumper stickers - are being paid for using their money, and that's all this bill seeks to do. Regardless of where you stand, and most people, regardless of party, do run publicly financed, and I think there's a lot of merits to it, they should have no problem defending why they chose to run that way, and I would appreciate your support and vote against this motion. 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 (#335)

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

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

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

Sent down for concurrence.

Divided Report

The Majority of the Committee on **VETERANS AND LEGAL AFFAIRS** on Bill "An Act to Prohibit the Maine National Guard from Combat Deployment Absent an Act of the United States Congress"

S.P. 423 L.D. 1054

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

Signed:

Senators:
HICKMAN of Kennebec

BRENNER of Cumberland
TIMBERLAKE of Androscoggin

Representatives:
SUPICA of Bangor
MALON of Biddeford
MONTELL of Gardiner
RIELLY of Westbrook
RISEMAN of Harrison
RUDNICKI of Fairfield

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (S-325)**.

Signed:

Representatives:
ANDREWS of Paris
BOYER of Poland
COLLINGS of Portland
HYMES of Waldo

Reports **READ**.

Senator **HICKMAN** of Kennebec moved the Senate **ACCEPT** the Majority **OUGHT NOT TO PASS** Report.

THE PRESIDENT: The Chair recognizes the Senator from Androscoggin, Senator Timberlake. The Chair is in error. The Chair recognizes the Senator, I'm sorry, the other Senator from Androscoggin, Senator Brakey. I'm sorry.

Senator **BRAKEY:** It happens. We look very much alike. I request a roll call and wish to speak to the motion.

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

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

Senator **BRAKEY:** Mr. President, friends, Mainers, countrymen, lend me your ears. I rise in opposition to the pending motion and in favor of the underlying bill, commonly known as Defend the Guard. As members of this 131st Maine Legislature, we are asked to answer major and minor questions of policy. Minor questions, however, require a deeper reflection on history, how liberty and justice are constrained by the status quo and the future consequences of change. Today, I would like to ask this Body a major question and argue for its answer. Twelve years ago, State Representative Aaron Libby, an apple farmer from Waterboro, posed this question to the Maine Legislature. That was the first time in the Union this legislation was brought forward. When it came to the House Floor in a minority report, only seven members of the House answered yes. It never made it to the Floor of the Senate. Today, I'm hoping that what has been learned in the last dozen years will lead us to a different answer.

In the aftermath of 20 years of undeclared forever wars, in which National Guardsmen have accounted for 45% of troops on the ground, condemned locally and nationally by veterans organizations like the American Legion. This question is being asked more frequently in State Houses across the Union. Just recently, the Arizona State Senate voted to endorse this measure. In nearly two dozen other states, it is being actively posed and considered. The question is this: after generations of foreign warfare since the end of World War II, unchecked by the explicitly required separation of powers between the Legislative and Executive Branches of our general government, should our state withdraw consent for the deployment of our state National Guardsmen into foreign wars that lack the proper constitutional authorization of a congressional declaration of war?

Today, I stand here on behalf of many military veterans from Maine and across the states who have asked me to stand and fight for them to make the case for yes. So, let's begin with the problem. I believe we all know, at very least on a gut level, there is something wrong with how our brothers and sisters in uniform are being treated by Washington DC. They swear an oath to the Constitution the same way we do, except that theirs comes with danger to life and limb, and to fulfill their vows, they go wherever and fight whomever they are commanded. They leave their families behind for deployments halfway across the world. Some never come home. Many who do, return with physical and invisible scars. According to the USO, veteran suicide rates in the post-9/11 era are the highest ever recorded, twice that of the general population, and four times higher than deaths during military operations. No matter what movies may convey to young minds, war is not glorious, there is a price paid by our soldiers and their families and it must not be demanded casually. That is why the national American Legion itself, the largest veteran's organization in the country, has repeatedly demanded an end to the undeclared forever wars. And yet, after 20 years, Congress takes no practical action.

Sergeant Aaron Rollins, former Commander of the local American Legion Post in Madison, spoke during the recent public hearing about his service across two tours in Iraq. He described how two of his fellow Maine Guardsmen were killed before his eyes while on patrol in a foreign country where they never should've been in the first place. Sergeant Rollins demanded the Committee uphold their oaths of office by voting to bring our Maine Guardsmen home from these unconstitutional wars. And he is right that these wars are unconstitutional. We can acknowledge the human flaws of our U.S. Constitution's framers, but they were wise to distrust power unchecked by democratic accountability, especially in matters of war. James Madison, the architect of the document, wrote, quote, the Constitution supposes what the history of all government demonstrates, that the executive is the branch of power most interested in war and most prone to it. It has accordingly, with studied care, vested the question of war to the Legislature. That is why Article I, Section 8, gives the power to declare war to Congress, not to the federal Executive Branch. And yet, for 81 years, since the end of World War II, Congress has not declared war even once. This should imply peaceful times. Instead, our country has undergone four generations of arbitrary and unrelenting warfare through Asia, Central America, Northern Africa, the Middle East, and now on to Eastern Europe. So commonplace today that it has become background noise in American life for those not directly connected to military service. Without declarations of war, our representatives are never accountable for the mission. When

members of Congress never sign their names, they have plausible deniability with the electorate. Even as they take campaign contributions from weapon manufacturers to keep the war machine running on autopilot. We only need to look at the Afghanistan Papers to see the disaster this has wrought. In the longest war in American history, top military brass admitted behind closed doors there was never a clear mission or established victory conditions. In their own words, the war was a self-licking ice cream cone. It became a payday for private interests supplying the effort. The war existed to perpetuate itself. The war was a racket. These last two decades in this and many other wars across the Middle East, including Iraq and Syria, the Guardsmen of the 50 states have served as the backbone, accounting for nearly half of active military forces. They have been taken away from standing ready for domestic emergencies, like they could be here, perhaps in the housing crisis, we could be putting them to work building houses for people, a real domestic crisis that we have. They've been sent away for foreign combat missions of too little apparent importance for Congress to directly declare.

So, it must be asked, on whose authority? The same Article that granted Congress the authority to declare war granted also to Congress the authority to call forth the National Guard. It reads, Congress shall have the power to provide for calling forth the militia to execute the laws of the Union, suppress insurrections, and repel invasions. Today, among other nations, our Guardsmen are being used for an indefinite occupation of Syria. How does this fit within the terms set out in Article I, Section 8? To suppress an insurrection? The mission in Syria was to foment insurrection for the purpose of regime change, going so far as to arm Al-Qaeda insurgents who became the ISIS forces our troops later had to fight against. To repel an invasion? Syria is a sovereign country, and our military was not invited. If there is an invasion, we are definitely not repelling it. To execute the laws of the Union? What laws? There is no declaration of war against Syria. Instead, the legal justification for war rests on two constitutionally unsound authorizations for the use of military force, commonly called AUMFs, from the early 2000s, in which Congress attempted to transfer open-ended authority to decide matters of war to the Executive Branch under the Bush Administration. But even those AUMFs never envisioned invading Syria and arming Al-Qaeda forces in a civil war for regime change. One of the AUMFs was specifically passed for the purpose of eradicating Al-Qaeda, not giving them weapons, and yet the war goes on under its supposed authority all the same.

When Washington war hawks first proposed invading Syria, there was national outrage. An AUMF resolution was sent to Congress on Syria, but it never came up for a vote. Elected officials were terrified of the political blowback from signing their names to another regime change war after the disasters in Iraq and Libya. But in 2014, our troops, including our Guardsmen, were sent in, anyway, and they remain there today. For 81 years, Congress has abandoned its constitutional obligations to declare war, and so it falls to the states, the ratifying bodies of the Constitution that created our federal government, to take up the charge of Daniel Webster, the 19th century U.S. Secretary of State, and a New England man, who declared, very prophetically, 'it will be the solemn duty of state governments to protect their own authority over their own militia and to interpose between their citizens an arbitrary power wielded by the federal government.' In short, that is exactly what Defend the Guard accomplishes,

interposing our state between the citizens and the federal government to enforce the clear terms of the Constitution in regards to overseas combat deployments for our Guardsmen.

Now, let me take a moment to respond to a few arguments we heard in the public hearing and work session against this legislation which we might be hearing again this evening. Opponents did not contest that Congress has failed to uphold their responsibility, nor did they make any effort to argue these wars are constitutionally authorized. Instead, we were regularly reminded that Maine Guardsmen swear two oaths, to both the Maine and U.S. Constitutions. While true, this insinuation seems to be that illegal orders violating two constitutions are somehow better than those that only violate one. When considered aloud, I find it hard to find sense in this. Another argument made by opponents, however, requires some examination. They argue that passing Defend the Guard could jeopardize federal funding. First, I have to state bluntly, I do not believe there is any acceptable price tag for the lives of our service members lost in illegal wars halfway across the world, with no mission or American purpose. As Sergeant Aaron Rollins asked me after the hearing, after listening to these arguments, he said to me, would they say this to the mothers of my fallen comrades? Would they tell them the deaths of their sons were worth it because the state got a few million dollars out of the deal? That's what he had to say about it. That being the case, I can understand why members of this Body wanting to understand the full implications of this legislation will consider the threat to federal money among all the important questions involved in making such a decision. That is why, for the sake of argument, please allow me to break down the intangibility of this threat.

According to an opinion drafted in conjunction with the West Virginia ACLU - and by the way, the Maine ACLU supports this legislation - this claim conflates the requirements of the rules of Title 32 with the rules of Title 10. To summarize their opinion briefly, the claim is conflating Title 32, in which Guardsmen are activated under the authority of the Governor, with Title 10 in which Guardsmen are federalized and activated under the authority of the President. Under Title 32, there is authority for forfeiture of federal benefits for failure to comply with the requirements of the title, but authorization for deployment into foreign war zones exists in Title 10, not Title 32. According to the letter, the fact that the argument of federal funding is even being made is a, 'demonstration of the way in which authority has slowly been usurped by the federal Executive Branch, which is the very issue this legislation seeks to remedy.' Further, Section 108 of the U.S. Code actually protects against any sudden retaliation, requiring the President to, quote, give the State a timeframe in which to remedy the failure to comply with Title 32. 'Even if a state did not yield, the President still has discretion to determine if and how much funding might be withdrawn.' The opinion goes on to additionally note the political - the practical political reality of how unpopular it would be for a President to defund a state's National Guard, especially if it is due to an unwillingness from that President to simply go to Congress and get a declaration of war. Finally, the legislation specifically states that nothing in the bill would prohibit the Governor from deploying the National Guard for Title 32 missions, making this a paper tiger threat even more impractical and unlikely.

But another hypothetical legal path for taking away funding from our Maine National Guard would be de-appropriation from Congress. First, when has Congress ever cut military spending? Not in our lifetimes. Second, do we really believe that our U.S.

Senator Susan Collins, one of the highest-ranking members of the Senate Appropriations Committee is going to support funding cuts that would impact the Maine National Guard's ability to respond to real domestic emergencies like floods, fires, COVID-19, and the rest, but that argument doesn't pass the straight face test. With these legal and political realities, opponents finally rested on the possibility that unelected bureaucrats at the Pentagon may gradually propose allocating less money to Maine in the future and more to other states than they otherwise would have. Even if that were the case, this argument presupposes that Maine would be alone in passing Defend the Guard legislation. As a total outlier, they could suggest - could suggest Maine could be singled out by the Pentagon for our isolated rebellion against sending our Guardsmen into unconstitutional warfare. This assumption could've been taken seriously 12 years ago, but not today. In 2011, when former Maine State Representative Aaron Libby of Waterboro was the only lawmaker in America farsighted enough to bring forward this legislation, that may have been the case. But what began in Maine has spread across the states. In 2023, nearly two dozen states are actively considering Defend the Guard legislation and as I noted earlier, the legislation recently passed in the Arizona State Senate. I understand why some may be afraid of being among the first to right this wrong, but someone has to lead to empower other states to follow. That is why I believe it is Maine's job to lead, as it says in our state motto. As one in a broad coalition of states, we will not be so easily bullied. To restate the question, after 81 years of wars with no declaration, should Maine insist on the restoration of constitutional order by requiring members of Congress to go on record with their votes before our Maine Guardsmen's boots hit the ground in a foreign battlefield? I say yes. I say that we have a duty to our men and women in uniform and to our own oaths of office to ensure that this era of unaccountable forever wars does not in fact last forever. Please join me along with the hundreds of Maine people who signed petitions and sent thousands of emails, by rejecting this motion and adopting the bipartisan Minority Report from the Veterans and Legal Affairs Committee to Defend the Guard. Thank you, Mr. President.

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

Senator **FARRIN:** Thank you, Mr. President. Ladies and gentlemen of the Senate, I promise you, I do not have pages of notes, so I'm going to - I was taking some notes while my good colleague from Androscoggin was talking, and I just feel the need to set the record straight, in my view, on a few points. First of all, those that don't know, I spent almost 30 years wearing the nation's uniform between active duty and guard and deployed to Iraq in '08 and the Horn of Africa in '09 and retired before I got into this as the high enlisted member of the Maine Air National Guard. So, I got a little background about the Guard and how we operate, and what we do, even though it's been nine years and I'm a little bit removed. And I will say this, I am not afraid to look at this issue and to talk about it, and I think that some folks that make the comments that if you don't agree with this that you're being disrespectful to those brothers and sisters-in-arms that have lost their lives and paid the ultimate sacrifice we talked about. I sat in, I heard this the last session, I sat in and provided testimony, and I listened to some of the folks, and I heard constitutional scholars from Idaho and Texas and from the Tenth Amendment Center and some other folks that were trying to push

this through. I didn't any court case, I didn't hear where this has been challenged. Our members of our Army and Air National Guard raise their hand and defend two constitutions. And to imply that because your opinion is that it violates the Constitution, your opinion is not the one that's cast in stone. The men and women that serve our all-volunteer force, have been - the training that they get, the tankers sitting on the flight line up in Bangor that have a federal mission that we get that from, and the training that goes along with it, we don't have - they're not trained to build houses, they're trained for national emergencies and to defense. We have our - our Guard Members are part of the strategic defense of the United States of America. We were an operational - we were a reserve component 20 years ago, and since 9/11, with some of the drawdown, the Guard has become an operational force, and our members are proud to wear that uniform, and they're proud of the service that they give to both the state and the federal government.

I was just a Camp Chamberlain the weekend before last for the Outstanding Warrior and Airmen of the Year ceremony. And while you might get some of those emails from some folks that are disgruntled with some things, talk to the folks that are actually serving in our Army and Air National Guard today. They're some of the proudest, brightest - and we've done some great things, right? Tuition assistance for them, we've done those things for them. And I think you'd really need to listen to those folks. A couple other comments that was made, life member of the American Legion, life member of the VFW, and when I hear those organizations named that they support this concept, let's set the record straight for those that were here last session. When that was brought up, we reached out to the American Legion and talked to them, and they did send a Joint Resolution to Congress about the forever wars, that Congress should do their job. That is an accurate statement. They did not defend the Defend the Guard bill. They did not support that. Because if we truly care about Congress doing their jobs, we shouldn't be singling out our soldiers and airmen in the Air National Guard and Army National Guard. We should be talking about our reservists, and we should be talking about the people on active duty as well. They all wear the uniform and make the same sacrifices. So, if we want Congress to do their job, Mr. President, they should do it for all of our military members, and not put our Guard Members at a disadvantage. American Legion Post #39 was mentioned. That happened to be my post when this came up a few years back, and when the misrepresentation of what the American Legion was doing, it caused a hubbub in the State - hubbub, I haven't heard that word in a day. It caused a little disruption. And so, I got involved with that, and that's when this Chamber and the House Chamber passed a Joint Resolution to Congress about the forever wars. And we passed that along and sent it along. So, some of the - how we skew some of the stories and facts or whatever bother me from that standpoint. I am proud of every member that wears the uniform, and I think that this bill does a disservice for a small minority of a special interest that is trying to promote their message and not support the men and women that wear the uniform. Thank you, Mr. President.

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

Senator **TIMBERLAKE:** Thank you, Mr. President, and ladies and gentlemen of the Senate. First of all, I'd like to thank every service member that's ever served in the military. I never did, and

I'm very proud of everybody that has served. I want to start off by saying if you want to know how to grow apples in the State of Maine, you probably want to talk to me, because my family and I are pretty darn good at it. We've been doing it for eight generations. And when it comes to talking about defending - this bill about defending the Guard, well, I talked to the good Senator from Somerset, Senator Farrin, and I talked to the General. And I'm going to read you a little bit of what the General told me, because these people know about what the Guard is all about. And it says - and this is from General Farnham - 'I'm here today to testify in opposition to 1054, the Act to Prohibit the Maine National Guard from Combat Deployment Absent of the Act of the United States Congress. L.D. 1054 is nearly identical to L.D. 1285 that was unanimously voted out Ought Not to Pass in committee in 2021. I am just as opposed today as I was in 2021. It was problematic for both the Maine National Guard and the National Guard enterprise in all 54 states, territories, and District of Columbia.' The national group - a national group is trying to limit the use of the National Guard, in Title 10 status, to only those missions in which Congress has issued a declaration of war. Last year, there were attempts in 31 states, with none succeeding to date. The group believes that if states adopt the legislation, Congress would be forced to act. It is General Farnham's concern and belief that the state would risk a loss of federal units and equipment, as passage of this legislation would be seen by the Department of Defense as unwillingness by the State to uphold the federal obligation required by the dual oaths taken by the National Guard Members. It puts at risk the Guard's standing as a primary combat reserve of the U.S. Air Force and the U.S. Army. It is the status that leads to the funding of nearly 3,000 members of the Maine National Guard and our equipment, including the ten KC-135 air refueling aircraft in Bangor. This represents over \$130 million in federal payroll alone to the State of Maine. In my military position, I don't weigh in on political issues between the Executive and Legislative Branches of government, but as a citizen, I do understand the frustration of the way the declaration of war and authorization for the use of force and authority for combat operations navigate at the federal level. Senator Collins and King to the end of some of the old authorizations that there is - this is where the debate belongs is with them. This legislation is dangerous for the entire National Guard. I am now one of more - one of the more senior adjutant generals in the country and have the opportunity to sit on several committees, working groups, and conversations with every senior active component and the Department of Defense officials. I believe increasing the role of the Guard is the most effective way to meet the requirements of the National Defense Strategy. The opposing argument is always the misinformation notation that the Guard is not accessible in times of need. This is not true, the General says. However, passage of this legislation, even in one state, adds to that narrative. Therefore, even though the legal teams in most states believe this legislation is unconstitutional and unenforceable with the respect to the President's powers to federalize and mobilize the National Guard, it still poses a danger. The backlash could result in the state's National Guard seeing their federal mission moved to a reserve component or another state viewed as more accessible by the Department of Defense.' And he thanks us and goes on and says he's willing to answer any questions. What he's saying is, folks, this is dangerous for the State of Maine and our National Guard. I hope you vote with me on the pending motion of Ought Not to Pass. The two experts have spoken.

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

Senator **BALDACC:** Thank you, Mr. President. I rise in support of the position articulated by my seatmate and by Senator Farrin. Bangor is the home of the largest contingent of National Guard in the state. It's an integral part of our community, it is an integral part of emergency response and many - and many areas across Maine, but particularly in northern and eastern Maine. As you may or may not remember, during the first Gulf War, Bangor was characterized as the most patriotic city in America because we welcomed home one and a half million troops, personally welcomed home, community groups, people, we shook hands and greeted the troops. There's a museum there and a dedication, but there's a large contingent of Air National Guard there.

I want to thank Senator Farrin for his service, and I also want to join the remarks of Senator Timberlake regarding the service of all men and women who have served in our Armed Forces. This legislation is not only dangerous, it would undercut the morale, it would undercut the efforts of General Farnham, who has - who really has done an exceptional job, regardless of party or anything else, he has done an exceptional job really in terms of leadership and improving the Guard. I did want to make a couple remarks in terms of history, and I do respect the comments and the remarks and the principles of the Senator from Androscoggin. I think that his comments regarding the wars and regarding the use of power, I understand and respect those principles, and I think they're worthy of discussion. But I think in terms of our ability, the fact is, the President of the United States is the Commander-in-Chief. That is in the Constitution. That can't be - that can't be abrogated by the state of Maine or any other state. I would note, and I think the Senator from Androscoggin and I share a common affection for Thomas Jefferson and for James Madison, but it was Jefferson who, when he became President, sent the Navy to Libya to deal with the pirates. He didn't wait around for Congress. And his Secretary of State was James Madison. So, I think that when you look at the - and just going back 30 years, Governor Brennan tried to prevent the Guard from going to Central America, and the Reagan Administration was able to quickly put an end to that, because ultimately - and I understand, we all may have different opinions about what should happen, but the President is the Commander-in-Chief, and the troops - these troops are performing important state and national functions and I would urge my colleagues to accept the Majority Ought Not to Pass Report.

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

Senator **BRAKEY:** Thank you. I've spoken plenty, I'll be very brief, I just want to respond to a few points. First, to the good Senator from Penobscot who referenced Jefferson sending - going after the Barbary Pirates. It's my understanding of history Jefferson acted under the authority of letters of mark and reprisal, which are specifically - which is a specific provision not used so much these days but is a specific provision in the U.S. Constitution. So, it's not my understanding that he went around congressional authority and acted unilaterally. And while the President may be the Commander-in-Chief, we live in a democratic constitutional republic, not an empire. The President

is not - he's not the emperor. The founders were very specific in separating the power to wage war from the power to declare war. And I know that that line has gotten very fuzzy in the last 80 years, and especially in the last 20 years, but that is -- but there is a line that has to be maintained. It's implicit in our oath. And finally, I will say, there was a remark made about this legislation could damage the morale of our soldiers. I suppose - the morale of our soldiers now is not very good. Our military is demoralized. I mean, look at recruitment rates across the country. And it's not because of Defend the Guard legislation, it's because of undeclared forever wars, where people come home and tell me that they don't know why they were over there. They never knew what the mission was. It was never articulated. And it's become increasingly clear there never was a clear mission. The Afghanistan Papers made it clear, there was no mission, no clear mission, no victory conditions, no end in sight. The war was the point. The war continued for its own sake so that people could profit off of it at the expense of our men and women in uniform. I understand this is a difficult piece of legislation, you know, it's a major question I'm putting before this Body and I know it puts us all in an uncomfortable position to vote on something like this, but the fact is that Congress won't do it, they've abdicated their authority, and so it falls to us. And so, I just - I guess I just want to plead with you. I know there are a lot of bills that come before this Body and I've brought my fair share of bills in front of this Body, I will admit it, and I've spoken on plenty of them, but this is - I just think this one gets to the core. I think this is - who's going to stand up for them? Congress won't stand up for them, so we have to. 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 (#336)

YEAS: Senators: BAILEY, BALDACC, BEEBE-CENTER, BENNETT, BLACK, BRENNER, CARNEY, CHIPMAN, CURRY, DAUGHTRY, DUSON, FARRIN, GROHOSKI, GUERIN, HARRINGTON, HICKMAN, INGWERSEN, KEIM, LAFOUNTAIN, LAWRENCE, LIBBY, LYFORD, MOORE, NANGLE, PIERCE, POULIOT, RAFFERTY, RENY, ROTUNDO, STEWART, TIMBERLAKE, TIPPING, VITELLI, PRESIDENT JACKSON

NAYS: Senator: BRAKEY

34 Senators having voted in the affirmative and 1 Senator having voted in the negative, the motion by Senator **HICKMAN** of Kennebec to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report **PREVAILED**.

Sent down for concurrence.

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

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

ENACTORS

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

Emergency Measure

An Act Regarding Clearance for Occupancy Under the Lead Poisoning Control Act

S.P. 602 L.D. 1481
(S "A" S-278 to C "A" S-249)

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

This being an Emergency Measure and having received the affirmative vote of 32 Members of the Senate, with no Senators having voted in the negative, and 32 being more than two-thirds of the entire elected Membership of the Senate, was **PASSED TO BE ENACTED** and, having been signed by the President, was presented by the Secretary to the Governor for approval.

Emergency Measure

An Act to Support Outdoor Education by Establishing the Outdoor School for All Maine Students Program

S.P. 732 L.D. 1817
(S "A" S-261 to C "A" S-192)

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

Emergency Measure

An Act to Amend the Membership of the Maine-Canadian Legislative Advisory Commission and the New England and Eastern Canada Legislative Commission

S.P. 788 L.D. 1939
(C "A" S-285)

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

Emergency Resolve

Resolve, to Install a Suicide Barrier on the Penobscot Narrows Bridge

S.P. 454 L.D. 1120
(C "A" S-234)

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

Emergency Resolve

Resolve, to Designate the Route 15 Bridge Located in the Town of Kenduskeag the William S. Pullen Bridge

S.P. 749 L.D. 1848

This being an Emergency Measure and having received the affirmative vote of 32 Members of the Senate, with no Senators having voted in the negative, and 32 being more than two-thirds of the entire elected Membership of the Senate, was **FINALLY PASSED** and, having been signed by the President, was presented by the Secretary to the Governor for approval.

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

REPORTS OF COMMITTEES

Senate

Divided Report

The Majority of the Committee on **TAXATION** on Bill "An Act to Support Municipal Public Safety by Increasing State-Municipal Revenue Sharing to 7 Percent"

S.P. 429 L.D. 1060

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

Signed:

Senator:

GROHOSKI of Hancock

Representatives:

PERRY of Bangor
CARMICHAEL of Greenbush
CROCKETT of Portland
HASENFUS of Readfield
MATLACK of St. George
RANA of Bangor

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (S-326)**.

Signed:

Senators:

CHIPMAN of Cumberland
LIBBY of Cumberland

Reports **READ**.

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

Sent down for concurrence.

Divided Report

The Majority of the Committee on **TAXATION** on Bill "An Act to Exempt Prescription Pet Medications from Sales Tax"
S.P. 676 L.D. 1689

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

Signed:

Senators:

GROHOSKI of Hancock
LIBBY of Cumberland

Representatives:

CARMICHAEL of Greenbush
HASENFUS of Readfield
LAVIGNE of Berwick
MATLACK of St. George
QUINT of Hodgdon
RUDNICKI of Fairfield

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (S-327)**.

Signed:

Senator:

CHIPMAN of Cumberland

Representatives:

PERRY of Bangor
CROCKETT of Portland
RANA of Bangor

Reports **READ**.

Senator **GROHOSKI** of Hancock moved the Senate **ACCEPT** the Majority **OUGHT NOT TO PASS** Report.

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

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

Senator **CHIPMAN:** Thank you, Mr. President. Men and women of the Senate, our pets are members of our family, and when they get older, their prescription medications can be very expensive. The sales tax charged on those prescriptions can really add up. I have constituents who have told me they spend \$2-300 a month on prescription medications to keep their pets alive, and they asked me to submit this bill because the sales tax can really be enormous over the course of the year. So, we're not talking about pet food, we're not talking about treats, or even over-the-counter medications, but simply prescription medications needed to keep pets, which are our family members, alive. This is absolutely necessary. Our prescription medications are not subject to sales tax and neither should these prescription medications, so I ask you to please join me in voting against this motion, so we can move on and accept the Ought to Pass as Amended by Committee Amendment "A" Report. 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 Chair noted the absence of the Senator from Somerset, Senator **FARRIN**, and further excused the same Senator from today's Roll Call votes.

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#337)

YEAS: Senators: BLACK, BRENNER, DUSON, GROHOSKI, GUERIN, KEIM, PIERCE, RAFFERTY, RENY, STEWART, TIMBERLAKE, TIPPING, VITELLI

NAYS: Senators: BAILEY, BALDACCI, BEEBE-CENTER, BENNETT, BRAKEY, CARNEY, CHIPMAN, CURRY, DAUGHTRY, HARRINGTON, HICKMAN, INGWERSEN, LAFOUNTAIN, LAWRENCE, LIBBY, LYFORD, MOORE, NANGLE, POULIOT, ROTUNDO, PRESIDENT JACKSON

EXCUSED: Senator: FARRIN

13 Senators having voted in the affirmative and 21 Senators having voted in the negative, with 1 Senator being excused, the motion by Senator **GROHOSKI** of Hancock to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report **FAILED**.

The Minority **OUGHT TO PASS AS AMENDED** Report **ACCEPTED**.

The Senate was called to order by the President.

Bill **READ ONCE**.

Committee Amendment "A" (S-327) **READ** and **ADOPTED**.

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

Sent down for concurrence.

Divided Report

The Majority of the Committee on **VETERANS AND LEGAL AFFAIRS** on Bill "An Act to Eliminate Unconstitutional Restrictions on Access to Cannabis by Removing Certain Restrictions on Medical Use and Personal Use and to Recognize Cannabis and Hemp as Food Protected as a Right Under the Constitution of Maine"

S.P. 673 L.D. 1686

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

Signed:

Senators:

HICKMAN of Kennebec
BRENNER of Cumberland
TIMBERLAKE of Androscoggin

Representatives:

SUPICA of Bangor
ANDREWS of Paris
COLLINGS of Portland
HYMES of Waldo
MALON of Biddeford
MONTELL of Gardiner
RIELLY of Westbrook
RISEMAN of Harrison
RUDNICKI of Fairfield

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (S-328)**.

Signed:

Representative:

BOYER of Poland

Reports **READ**.

On motion by Senator **HICKMAN** of Kennebec, the Majority **OUGHT NOT TO PASS** Report **ACCEPTED**.

Sent down for concurrence.

Senate at Ease.

Off Record Remarks

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

REPORTS OF COMMITTEES

House

Divided Report

The Majority of the Committee on **TRANSPORTATION** on Bill "An Act Making Unified Allocations from the Highway Fund and Other Funds for the Expenditures of State Government and Changing Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 2023, June 30, 2024 and June 30, 2025" (EMERGENCY)

H.P. 164 L.D. 259

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-505)**.

Signed:

Senator:

FARRIN of Somerset

Representatives:

ALBERT of Madawaska
CRAFTS of Newcastle
MASON of Lisbon
O'CONNELL of Brewer
PARRY of Arundel
THERIAULT of Fort Kent
WHITE of Waterville
WHITE of Guilford

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "B" (H-506)**.

Signed:

Senators:

CHIPMAN of Cumberland
NANGLE of Cumberland

Representatives:

WILLIAMS of Bar Harbor
ANKELES of Brunswick

Comes from the House with the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-505)** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-505)**.

Reports **READ**.

On motion by Senator **CHIPMAN** of Cumberland, Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-505)** Report **ACCEPTED**, in concurrence.

Bill **READ ONCE**.

Committee Amendment "A" (H-505) **READ**.

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

Senator **ROTUNDO:** Thank you, Mr. President. I present Senate Amendment "A" with a filing number of S-332 to Committee Amendment "A" and move it's adoption and wish to speak to my motion.

On motion by Senator **ROTUNDO** of Androscoggin, Senate Amendment "A" (S-332) to Committee Amendment "A" (H-505) **READ**.

THE PRESIDENT: The Senator may proceed.

Senator **ROTUNDO:** Thank you, Mr. President. Men and women of the Senate, I'm presenting an amendment to the committee amendment to L.D. 259. My amendment tightens up and simplifies the committee's initiative to provide funds to Maine's Highway Fund while honoring the intent of the Transportation Committee to provide sustainable funding for the fund's future. As we know, the Highway Fund budget is insolvent due to a combination of many factors. Recently, the Transportation Committee took action to help provide ongoing funding for the Highway Fund by utilizing 50% of the sales tax on automobiles and automobile parts and allocating that revenue to the Highway Fund. The intent of the Transportation Committee was to fix the persistent problem of funding our highway budget. I applaud their efforts and believe this minor alteration respects the committee's intention, while removing barriers to its implementation by making it more friendly to our small business owners and less burdensome for the State to enforce. It meets the critical need of making sure the Highway Fund is solvent so that we can keep 2,400 state employees employed as of July 1st. The tax on automobile parts from Part I of the committee amendment presents a logistical problem for the many small businesses in Maine, who would have to develop a system of itemizing car parts in order to separate them from the myriad other items they sell. The amendment I offer eliminates this administrative burden to our small businesses and to our state that the original committee amendment creates. It creates that 40% of the revenue from the sales tax collected on the sales of automobiles and 40% of the sales and use tax collected by the Bureau of Motor Vehicles be transferred to the Highway Fund, which results in an allocation of \$101.8 million in fiscal year 2024 and \$104.1 million in fiscal year 2025 to the Department of Transportation for capital projects. My amendment actually provides more revenue for the Highway Fund than the original committee amendment. I encourage you please to support this amendment. We are all eager to see the work of DOT go forward and to make sure that the wonderful workers in DOT remain employed as of July 1st. Thank you very much, Mr. President.

On motion by Senator **ROTUNDO** of Androscoggin, Senate Amendment "A" (S-332) to Committee Amendment "A" (H-505) **ADOPTED**.

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

Senator **BENNETT:** Thank you, Mr. President. Fellow members of the Senate, I don't want this moment to pass unnoticed for the dramatic difference it's going to make going into the future biennia for the future and the sustainability of the Highway Fund. This is an amazing thing that we're all doing here tonight, led by the bipartisan majority on the Transportation Committee, who - many of whom have been working for years to draw attention to this - not just a looming, an actual insolvency in the Highway Fund, as the Senator from Androscoggin, Senator Rotundo, just alluded to. We've been papering over this with false - false paper from the General Fund for far too long, we've been borrowing against the General Fund for a hundred million dollars. We used transcap money, which have been - which is borrowing against futures of the Highway Fund that we've been bailing out with General Fund money. This cannot stand and, in fact, by 2030, all the major auto dealers are telling us they're not going to be making internal combustion automobiles anymore, we're going electric, and we need to solve this problem and the gas tax is not going to be doing it for us, and I applaud this Legislature for grappling with this issue now, putting us on a road to sustainability for the highway fund, and recognizing that this future is just - if we don't act now, it's only going to get worse, we need to act, and I applaud all of those involved in bringing this to reality. Thank you, Mr. President.

Committee Amendment "A" (H-505) as Amended by Senate Amendment "A" (S-332) thereto, **ADOPTED**, in **NON-CONCURRENCE**.

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-505) AS AMENDED BY SENATE AMENDMENT "A" (S-332)** thereto, in **NON-CONCURRENCE**.

Sent down for concurrence.

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

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

PAPERS FROM THE HOUSE

Non-Concurrent Matter

An Act to Protect Maine Patients Regarding Hospital Price Transparency

H.P. 600 L.D. 953

In Senate, June 13, 2023, on motion by Senator **BAILEY** of York, the Majority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED**, in **NON-CONCURRENCE**.

Comes from the House, that Body having **INSISTED** on its former action whereby the Minority **OUGHT TO PASS AS AMENDED** Report was **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-400)**.

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

Senator **STEWART** of Aroostook moved the Senate **RECEDE** and **CONCUR**.

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#338)

YEAS: Senators: **BENNETT, BLACK, BRAKEY, CURRY, DAUGHTRY, DUSON, FARRIN, GUERIN, HARRINGTON, INGWERSEN, KEIM, LAFOUNTAIN, LAWRENCE, LIBBY, LYFORD, MOORE, POULIOT, ROTUNDO, STEWART, TIMBERLAKE, VITELLI**

NAYS: Senators: **BAILEY, BALDACCI, BEEBE-CENTER, BRENNER, CARNEY, CHIPMAN, GROHOSKI, HICKMAN, NANGLE, PIERCE, RAFFERTY, RENY, TIPPING, PRESIDENT JACKSON**

21 Senators having voted in the affirmative and 14 Senators having voted in the negative, the motion by Senator **STEWART** of Aroostook to **RECEDE** and **CONCUR PREVAILED**.

Non-Concurrent Matter

An Act to Replace Certain Stigmatizing Language in the Maine Revised Statutes, Titles 22, 25 and 34-A with Respectful Language

H.P. 1104 L.D. 1715

In Senate, June 13, 2023, the Minority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED**, in **NON-CONCURRENCE**.

Comes from the House, that Body having **INSISTED** on its former action whereby the Majority **OUGHT TO PASS AS AMENDED** Report was **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-395)**.

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

Non-Concurrent Matter

Resolve, to Improve the Convenience of Public Restrooms
H.P. 444 L.D. 675
(C "A" H-474)

In Senate, June 13, 2023, Report **READ** and **ACCEPTED** and Bill **PASSED TO BE ENGROSSED**, in concurrence.

Comes from the House, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-474) AS AMENDED BY HOUSE AMENDMENT "A" (H-525)** thereto, in **NON-CONCURRENCE**.

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

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

Off Record Remarks

RECESSED until the sound of the bell.

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

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

REPORTS OF COMMITTEES

House

Divided Report

The Majority of the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** on Bill "An Act to Require Reporting and Training About Domestic Terrorism Threats"

H.P. 610 L.D. 963

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

Signed:

Senators:

BEEBE-CENTER of Knox
HARRINGTON of York
LaFOUNTAIN of Kennebec

Representatives:

SALISBURY of Westbrook
ARDELL of Monticello
HASENFUS of Readfield
LAJOIE of Lewiston
NEWMAN of Belgrade
NUTTING of Oakland
PERKINS of Dover-Foxcroft

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

Signed:

Representatives:

LOOKNER of Portland
MATHIESON of Kittery
MILLIKEN of Blue Hill

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

Reports **READ**.

On motion by Senator **BEEBE-CENTER** of Knox, the Majority **OUGHT NOT TO PASS** Report **ACCEPTED**, in concurrence.

Divided Report

The Majority of the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** on Bill "An Act to Remove Restrictions in the Provisions of Law Relating to No-knock Warrants" H.P. 682 L.D. 1087

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

Signed:

Senators:

BEEBE-CENTER of Knox
LaFOUNTAIN of Kennebec

Representatives:

SALISBURY of Westbrook
HASENFUS of Readfield
LOOKNER of Portland
MADIGAN of Waterville
MATHIESON of Kittery
MILLIKEN of Blue Hill

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (H-523)**.

Signed:

Senator:

HARRINGTON of York

Representatives:

ARDELL of Monticello
NEWMAN of Belgrade
NUTTING of Oakland
PERKINS of Dover-Foxcroft

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

Reports **READ**.

On motion by Senator **BEEBE-CENTER** of Knox, the Majority **OUGHT NOT TO PASS** Report **ACCEPTED**, in concurrence.

Senate

Divided Report

The Majority of the Committee on **ENVIRONMENT AND NATURAL RESOURCES** on Bill "An Act to Increase the Beneficial Reuse of Construction and Demolition Debris" S.P. 276 L.D. 718

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-330)**.

Signed:

Senators:

BRENNER of Cumberland
CARNEY of Cumberland
LYFORD of Penobscot

Representatives:

GRAMLICH of Old Orchard Beach
BELL of Yarmouth
BRIDGEO of Augusta
CAMPBELL of Orrington
DOUDERA of Camden
HOBBS of Wells
SCHMERSAL-BURGESS of Mexico
SOBOLESKI of Phillips
WOODSOME of Waterboro

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "B" (S-331)**.

Signed:

Representative:

O'NEIL of Saco

Reports **READ**.

On motion by Senator **BRENNER** of Cumberland, the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (S-330)** Report **ACCEPTED**.

Bill **READ ONCE**.

Committee Amendment "A" (S-330) **READ** and **ADOPTED**. Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-330)**.

Sent down for concurrence.

Divided Report

The Majority of the Committee on **TAXATION** on Bill "An Act to Lower the State's Individual Income Tax"
S.P. 655 L.D. 1638

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

Signed:

Senators:

GROHOSKI of Hancock
CHIPMAN of Cumberland
LIBBY of Cumberland

Representatives:

PERRY of Bangor
CARMICHAEL of Greenbush
CROCKETT of Portland
HASENFUS of Readfield
LAVIGNE of Berwick
MATLACK of St. George
RANA of Bangor
RUDNICKI of Fairfield

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (S-329)**.

Signed:

Representatives:

LIBBY of Auburn
QUINT of Hodgdon

Reports **READ**.

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

Sent down for concurrence.

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

REPORTS OF COMMITTEES

House

Divided Report

The Majority of the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** on Resolve, to Establish the Commission to Recommend Cost-effective, Safe, Administrable and Healthful Programs to Reduce Violence in Prisons and Jails (EMERGENCY)

H.P. 995 L.D. 1543

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-504)**.

Signed:

Senator:

BEEBE-CENTER of Knox

Representatives:

SALISBURY of Westbrook
HASENFUS of Readfield
LOOKNER of Portland
MADIGAN of Waterville
MATHIESON of Kittery
MILLIKEN of Blue Hill

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

Signed:

Senator:

HARRINGTON of York

Representatives:

ARDELL of Monticello
NEWMAN of Belgrade
NUTTING of Oakland
PERKINS of Dover-Foxcroft

Comes from the House with the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-504) AND HOUSE AMENDMENT "A" (H-537)**.

Reports **READ**.

On motion by Senator **BEEBE-CENTER** of Knox, the Majority **OUGHT TO PASS AS AMENDED** Report **ACCEPTED**, in concurrence.

Resolve **READ ONCE**.

Committee Amendment "A" (H-504) **READ** and **ADOPTED** in concurrence.

House Amendment "A" (H-537) **READ** and **ADOPTED** in concurrence.

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-505) AND HOUSE AMENDMENT "A" (H-537)**, in concurrence.

Divided Report

The Majority of the Joint Select Committee on **HOUSING** on Bill "An Act to Foster Stable and Affordable Home Ownership in Mobile Home Parks by Amending the Laws Relating to the Sale of Mobile Home Parks"

H.P. 1239 L.D. 1931

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-527)**.

Signed:

Senators:

PIERCE of Cumberland
VITELLI of Sagadahoc

Representatives:

GERE of Kennebunkport
GATTINE of Westbrook
GOLEK of Harpswell
LOOKNER of Portland
RANA of Bangor
STOVER of Boothbay

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

Signed:

Senator:

POULIOT of Kennebec

Representatives:

BLIER of Buxton
BRADSTREET of Vassalboro
CAMPBELL of Orrington
MORRIS of Turner

Comes from the House with the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-527)**.

Reports **READ**.

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

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 Kennebec, Senator Pouliot.

Senator **POULIOT:** Thank you, Mr. President. In the Housing Committee, the Joint Select Committee on Housing, this session has been really great. We spent a lot of time getting to know each other through going to various sites, learning about different approaches to housing, and one of the sites that we went to, actually, was in southern Maine on Route 1, to look at a manufactured housing complex that was down there. The owners of this facility really keep it in great shape, everything is just the way that you would want it to be in terms of a place you'd want to live. And now, we have a situation if this bill is to pass, where these owners, if they decided that they wanted to sell, would have to go through a long, drawn-out process to see if that would be sold first to the people who are living in the park. And I can kind of understand where this is coming from because people are concerned that you might have investors that would swoop in, buy mobile home parks, and then push people out. The reality is, we're really not seeing any evidence of that occur in the state of Maine. And now, what's going to happen is it's going to reduce the likelihood that people are interested in exploring the purchase of these parks to keep them going and keeping them in good condition so that people can live. I have, actually, one of a handful of the resident-owned parks in my district and, unfortunately, they've not been able to capitalize themselves in a way that really creates a great environment. If you pull in, Mr. President, sometime when you're, you know, not at the end of the day, and you've got time on your hands, maybe, you'd be really, like, blown away. I mean, it's like a third-world country. The condition of the roads are pretty rough, and the driveway around, it's just not really appealing. And I think it's in part because they just haven't been able to set up the right financial resources to get things kind of looking better in the park and versus you going to this other park where it's got, you know, well-resourced, well-capitalized, and kind of a vested interest in making sure the asset, if you will, is one that people can kind of pick up and run with it if they want to from an investment perspective just lends itself better to keeping it in better condition. And so, I think that this bill was well-intentioned, for sure, but right now, there is in state law, you know, a requirement that if the park is going to change from being a park to something else that notice needs to be given to the residents, and I suggested in committee that we should seek to give more robust notice to residents of when a sale is going to occur. But this is really a bridge too far, because it says you must give the residents of the park essentially a right of first refusal to buy the park, and then give them an extended period of time to try to figure out if they can become an entity that can then get the financing that could then maybe close on the park, which really kind of delays things significantly and makes it more of a challenge for us to attract more people to our state to build these places where we need people to live at affordable rates. So, while well-intentioned, I don't think that the time is now for this bill, because we're in a crisis and this does absolutely nothing to add additional inventory to the rolls, Mr. President. Thank you.

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

Senator **PIERCE:** Thank you, Mr. President, and thank you to the good Senator, and the work on our committee has been great and we've done a lot of good work together. I just want to clarify a few

things. So, what this does for people who are living in manufactured housing, if the owner decides to sell, they need to notify the people that live there, and then it gives the people that live in that community 60 days to decide if they'd like to organize themselves in order to be able to purchase the property. Within that 60 days, the owner just needs to negotiate in good faith in that time, give them time to decide if they want to do that and organize themselves. If at the end of the 60 days, an offer is presented, the owner of the property does not have to accept that offer, they just had to have been at the table giving that option. If they do decide to accept that offer, that starts the clock for the financing, but they've entered into an offer together. So, this is a way for people who have lived a long time in these manufactured housing communities, have a way to organize themselves and not - not have to turn it over to a different owner should they choose to do that and should the owner of the property choose to accept their offer. So, I hope you'll follow my light, I think this is a great way to keep people in their housing and give them their own autonomy over what happens to them. Thank you.

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

Senator **BENNETT:** Thank you, Mr. President. Fellow members of the Senate, I believe this bill is a solution in search of a problem, but let me tell you what the real problem is. I worked for five years in the manufactured housing industry, which used to flourish, in Oxford, Maine, where I live. It employed - in the small town of Oxford, employed 1,000 people directly in the manufactured housing industry. We had six manufacturing plants in the neighborhood that made mobile and modular homes. We had a large number of retailers, we had developers, and we had manufactured housing communities. And the tragedy is that with the financial housing crisis, the housing crisis and the financial meltdown in 2008, it struck that industry immensely hard, and there's no recovery. The manufacturer that I used to work for, Burlington Homes, was empty for years. Oxford Homes just down the street, empty for years. We used to employ a hundred people at each one of those facilities. You know what's in them now? Marijuana plants. This is what has become of the manufactured housing industry. It was destroyed and it's - a bill like this does not help it resuscitate. We have a cluster of people - of capabilities of talent in my town, in my area, that could be resuscitated, and my hope is that while we, this Legislature, is thinking about housing, we really think about the true affordable housing, good quality homes made in Maine that can help meet our housing crisis. I attended with Commissioner Johnson and some other members of the administration I attended a meeting with some of the - with the last remaining manufacturer, KBS Homes in South Paris, Maine, and there's a hope there that we can rekindle this industry. But measures like this drive capital away from wanting to invest in this business. I have heard of - I mean, the manufacturing housing community of folks, the folks that own these mobile home parks, most of them, like the one that Senator Pouliot referred to, have been in the family for three or four generations. These are like long-lasting family businesses who are very close with the folks that live there. And this is - it's been a really tough road for them. This bill is going to make it much tougher, it's going to make home ownership, in my view, even farther away from too many people. So, I encourage you to vote against the pending motion. Thank you.

THE PRESIDENT: The Chair recognizes the Senator from Lincoln, Senator Reny.

Senator **RENY:** Thank you, Mr. President. I've actually a lot of - randomly enough, I've done a fair amount of research on manufactured housing parks as well as resident-owned communities throughout the past few months. My district is home to actually the first resident-owned community in the entire state, it's actually in Waldoboro, of all places. And when I speak to those residents, as well as the residents in the other resident-owned communities in my district, they are happy with their situation. When their sewer or water is broken, they go directly to the people who can help get it fixed, and they live in that community. They are not absentee landlords. They - I mean, they still have the same sort of conflicts that arise when you live very, very close to other people, but it doesn't have to do with the management of the park. So, to me, this bill is about preserving the affordable housing that we do have in this state. Manufactured housing parks are typically lived in by older Mainers, by people with disabilities, by young families that have low incomes. These are really important and vital pieces of our communities and the big issue to me isn't - isn't these Mom-and-Pop sort of operations that own these housing parks, those are great, often they live on premises or nearby, you know, they care about - about their properties and upkeep and all of that. To me, the big problem is the large out-of-state real estate investors who are coming in and swooping these properties up. Often, they are raising the rents immediately and sometimes dramatically, which is taking affordable housing out of our market. On top of that, after they raise rents, they typically can sell it off, and then they don't even pay capital gains tax because they're rich and sneaky and funnel it into other investments. There was a resident - not a resident owned, pardon me, it must be getting late - there was a manufactured housing park in this state that was owned by a small family and they wanted to retire and, gosh darn it, they should be able to. And they sold to a larger out-of-state investment - investors, and those people immediately raised the rent that same month, and then the next month, I believe they paid \$800,000 for that resident-owned community, the very next month, they offered the residents the chance to buy the community for themselves, put them in touch with the people to help them figure out how to do it, and then sold it to those same community members for \$1.5 million. To me, this bill is improving lives, giving people the chance to own the property that they live on, and it's preserving that - the desperately needed affordable housing that we already have in our communities. Since 2020, 70% of our manufactured housing parks that have sold have gone to out-of-state large real estate investors. Seventy percent. This is a big deal and could help a lot. I fully support the Majority Ought to Pass as Amended Report.

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

Senator **HICKMAN:** Thank you, Mr. President. I rise in support of the pending motion. The Commission to Study Increasing Housing Opportunities in Maine, which convened last summer and fall, had 18 recommendations. I'm having a bit of a déjà vu moment because I felt like I read from this before at the beginning of session on another matter. But recommendation number nine says the commission unanimously recommends that the Legislature examine the feasibility of giving tenants the right of

first refusal in cases where a landlord puts a tenant-occupied building or mobile home park on the market for sale. Commission members recognize that selling a tenant-occupied building or mobile home park has been used a mechanism to evict tenants. The commission understands that these transactions are often complex, and right of first refusal may not work in many cases. However, the commission strongly supports protecting tenant's rights. Furthermore, in the interests of finding a category of cases where right of first refusal might be effectively implemented, the commission believes it is worth examining the feasibility of providing tenants with the right of first refusal. Sixteen members voted in favor of that. This bill seems to be an implementation of that recommendation. And those voting in favor on the commission were yours truly, Representative Roeder, the House Chair, Senator Pouliot, Ryan Neale, John Egan, Heather Spaulding, Patrick Clancy, Erin Cooperrider, Lado Ladoka, Katherine McGovern, Erik Jorgensen, Paul McKee, Rebecca Graham, Gregory Payne, Jason Shedlock, Nancy Smith, and only Representative Joshua Morris was absent from that vote. Thank you, Mr. President.

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

Senator **NANGLE:** Thank you, Mr. President. I just want to chime in. My family owned a trailer park for more than 50 years. We recently sold it. In Massachusetts, you're required to give the opportunity of first refusal to the tenants so that they can buy the land that their home is on. They've invested money in that home, and to have it sold out from under them to an out-of-state investment group that, first of all, their whole interest is just wringing as much money out of those people that they can. They foreclose on the trailers after one or two late payments, after they've doubled the rent, and some of these trailers have been in that location for 30, 20-30 years. I'm sure Senator Bennett can attest to that once you've sat a mobile home or a modular home on a pad for 30 years, moving them is not an easy process. They do not hold up. And that was one of the problem with our - our park. We sold - we sold the park to the residents. They matched the price from one of these investor companies, an organization helped them - a nonprofit organization helped them get their financing, get everything together, they now own their homes. When you foreclose on a trailer or a mobile home for nonpayment of rent the homeowner is either on the hook to remove the trailer, remove the home, or just abandons it, and they've lost all of the equity and all of the - they've lost their home, for which now they're starting out with zero equity and they're starting over from scratch. This is a good bill. It doesn't require the property owner to accept the park's offer, they are - the tenant's offer, which in retrospect, I think it should, and it protects the people who have lived there for 20 or 30 years and lets them keep their home. Thank you.

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

Senator **POULIOT:** Thank you, Mr. President. I heard Kennebec earlier and I just stood up, I was so excited. So, a couple things. First, if you read the bill, it's actually asking for something illegal to be done, which is unfortunate. In Section 2 of Part 1 notice, it requires that an acceptable - an offer that's received be given to the tenants. And our fiduciary duty to our clients as realtors

prohibits us from sharing the details of an offer with any other party other than our client. And so, what this bill would be asking us to do, if a real estate agent is involved, which in many cases there will be one involved, is a violation of our code of ethics and would put us in a really difficult position to do our job. So, unfortunately, I just cannot move forward with passing a law that would then put other people who have professional licenses from the State of Maine in jeopardy of violating their code of ethics and being able to do what they need to do to get the property sold. So, I did propose an amendment to the sponsor of this bill, it seemed like things were going fine, and then there were some other people who were interested that didn't think that it was then going to go far enough, but I was like we really should be giving a notice to the people in these parks, give them a heads up, allow them to come to the table and compete. And so, what I had proposed, which would - which didn't go anywhere, which maybe could still go somewhere if people in charge wanted it to, was to say hey, why don't we make it so that an offer cannot be accepted for 60 days and that a notice be given that that's happening, you know, that there has been offer received, and that people wait, you know, but to give - to afford the tenants a right of first refusal, which I did in the commission think was a good idea and still think it's a good idea, without any kind of compensation for that right of first refusal, which is normally what happens when you have an option to buy something, just didn't seem to be fair. And frankly, this aspect of the bill makes it impossible to support. Thank you, Mr. President.

THE PRESIDENT: The pending question before the Senate is Acceptance of the Majority Ought to Pass as Amended 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 (#339)

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

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

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

Bill **READ ONCE**.

Committee Amendment "A" (H-527) **READ** and **ADOPTED**, in concurrence.

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

Divided Report

The Majority of the Committee on **JUDICIARY** on RESOLUTION, Proposing an Amendment to Article X of the Constitution of Maine Regarding the Publication of Maine Indian Treaty Obligations
H.P. 48 L.D. 78

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-479)**.

Signed:

Senators:

CARNEY of Cumberland
BAILEY of York

Representatives:

MOONEN of Portland
ANDREWS of Paris
HAGGAN of Hampden
HENDERSON of Rumford
KUHN of Falmouth
LEE of Auburn
MORIARTY of Cumberland
POIRIER of Skowhegan
RECKITT of South Portland
SHEEHAN of Biddeford

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

Signed:

Senator:

LYFORD of Penobscot

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

Comes from the House with the Majority **OUGHT TO PASS AS AMENDED Report READ and ACCEPTED** and the RESOLUTION **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-479)**.

Reports **READ**.

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

Resolution **READ ONCE**.

Committee Amendment "A" (H-479) **READ and ADOPTED**, in concurrence.

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

Divided Report

The Majority of the Committee on **JUDICIARY** on Bill "An Act to Amend the Maine Bail Code"

H.P. 824 L.D. 1299

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

Signed:

Senators:

CARNEY of Cumberland
BAILEY of York
BRAKEY of Androscoggin

Representatives:

MOONEN of Portland
KUHN of Falmouth
LEE of Auburn
MORIARTY of Cumberland
RECKITT of South Portland
SHEEHAN of Biddeford

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (H-517)**.

Signed:

Representatives:

ANDREWS of Paris
HAGGAN of Hampden
HENDERSON of Rumford
POIRIER of Skowhegan

(Representative DANA of the Passamaquoddy Tribe - of the House - supports the Majority **Ought Not To Pass Report**.)

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

Reports **READ**.

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

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#340)

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

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

25 Senators having voted in the affirmative and 10 Senators having voted in the negative, the motion by Senator **CARNEY** of Cumberland to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report, in concurrence, **PREVAILED**.

Comes from the House with the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-514)**.

Reports **READ**.

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

Resolve **READ ONCE**.

Committee Amendment "A" (H-514) **READ** and **ADOPTED**, in concurrence.

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

Divided Report

The Majority of the Committee on **JUDICIARY** on Resolve, to Reestablish the Criminal Records Review Committee
H.P. 1047 L.D. 1622

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-514)**.

Signed:

Senators:
CARNEY of Cumberland
BAILEY of York
BRAKEY of Androscoggin

Representatives:
MOONEN of Portland
ANDREWS of Paris
KUHN of Falmouth
LEE of Auburn
MORIARTY of Cumberland
POIRIER of Skowhegan
RECKITT of South Portland
SHEEHAN of Biddeford

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

Signed:

Representatives:
HAGGAN of Hampden
HENDERSON of Rumford

(Representative DANA of the Passamaquoddy Tribe - of the House - supports the Minority **Ought Not To Pass** Report.)

Divided Report

The Majority of the Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act to Require State Agencies to Complete the Rulemaking Process Within One Year of a Legislative Directive to Adopt Rules"
H.P. 539 L.D. 850

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-490)**.

Signed:

Senators:
BALDACCI of Penobscot
LYFORD of Penobscot

Representatives:
ADAMS of Lebanon
GREENWOOD of Wales
POMERLEAU of Standish
UNDERWOOD of Presque Isle

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

Signed:

Senator:
NANGLE of Cumberland

Representatives:
STOVER of Boothbay
COPELAND of Saco
DHALAC of South Portland
RISEMAN of Harrison

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

Reports **READ**.

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

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#341)

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

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

19 Senators having voted in the affirmative and 16 Senators having voted in the negative, the motion by Senator **NANGLE** of Cumberland to **ACCEPT** the Minority **OUGHT NOT TO PASS** Report, in concurrence, **PREVAILED**.

Divided Report

The Majority of the Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act to Authorize a Recall Election for a School Board Member"

H.P. 697 L.D. 1102

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

Signed:

Senators:

NANGLE of Cumberland
BALDACCI of Penobscot

Representatives:

STOVER of Boothbay
ABDI of Lewiston
COPELAND of Saco
DHALAC of South Portland
PAULHUS of Bath
RISEMAN of Harrison

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (H-442)**.

Signed:

Representatives:

ADAMS of Lebanon
GREENWOOD of Wales
POMERLEAU of Standish
UNDERWOOD of Presque Isle

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

Reports **READ**.

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

Divided Report

The Majority of the Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act to Clarify Term Limitations for Legislators, Constitutional Officers and the State Auditor"
H.P. 722 L.D. 1136

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-491)**.

Signed:

Senators:

NANGLE of Cumberland
BALDACCI of Penobscot

Representatives:

STOVER of Boothbay
ABDI of Lewiston
COPELAND of Saco
DHALAC of South Portland
RISEMAN of Harrison

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "B" (H-492)**.

Signed:

Senator:

LYFORD of Penobscot

Representatives:

ADAMS of Lebanon
GREENWOOD of Wales
POMERLEAU of Standish
UNDERWOOD of Presque Isle

Comes from the House with the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-491)** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-491)**.

Reports **READ**.

On motion by Senator **NANGLE** of Cumberland, the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-491)** Report **ACCEPTED**, in concurrence.

Bill **READ ONCE**.

Committee Amendment "A" (H-491) **READ** and **ADOPTED**, in concurrence.

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-491)**, in concurrence.

Divided Report

The Majority of the Committee on **STATE AND LOCAL GOVERNMENT** on RESOLUTION, Proposing an Amendment to the Constitution of Maine to Require Constitutional Officers to Be Elected by Statewide Election

H.P. 832 L.D. 1307

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

Signed:

Senator:
NANGLE of Cumberland

Representatives:
STOVER of Boothbay
ABDI of Lewiston
COPELAND of Saco
DHALAC of South Portland
RISEMAN of Harrison

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (H-444)**.

Signed:

Senators:
BALDACCI of Penobscot
LYFORD of Penobscot

Representatives:
ADAMS of Lebanon
GREENWOOD of Wales
POMERLEAU of Standish

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

Reports **READ**.

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

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 Penobscot, Senator Baldacci.

Senator **BALDACCI:** Good evening, Mr. President. So, we've debated this before, prior sessions, but let me just first say this is to take - if you vote for this, this allows the people of this state to decide whether this is what they want. That's the first thing. The second thing is that it is 2023. We have a Jeffersonian Constitution, we became a state in 1820, we vested much power in the Legislature. Okay? It is 2023, it is not 1823. So, we - I understand the arguments, and I've heard the arguments well, it's money and politics and it's going to make it really confusing and why - you know, okay, well, we are elected and we have elections for each of us, and for the Governor and a whole bunch of other people under that system. So - and I supported with many Senators here campaign finance reform and other things that would improve the process. But the fact of the matter is, the people of the state of Maine have a right to decide the officers for these positions. For us to keep this as some sort of vested right is a nice thing for us, but it doesn't make sense in the 21st century. I only ask this Chamber to consider letting your constituents decide this issue. That's how important it is, and they have a right to decide this issue. And I don't think it should be a Democratic or Republican issue, it should be about small 'D' democracy and about running a system of government that's consistent with being in the 21st century and not the 17th century. Okay? We're - this is one of those major vestiges of the colonial post-Revolutionary period. This is how we limited the Executive power. It is time to let the people decide, and I will keep - as long as I am elected or reelected to this Chamber, I'm going to keep pushing this issue, because it shouldn't matter what party you're in. Thank you.

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

Senator **NANGLE:** Thank you, Mr. President. I urge you to support the Ought Not to Pass motion. We had testimony from the constitutional - some of the Constitutional Officers, and they made great points. First of all, one of the points was that potentially there is a lot of money that would be poured into the Constitutional Officer elections, including corporations who might choose a - the Attorney General that suits them best. The other thing is, is so once we do elect an Attorney General or an auditor, suddenly, they're not doing their jobs because they're campaigning for their next term. They're fundraising, they're campaigning, and I think that the Legislature is empowered to make those decisions, and the people vote for us and then trust us to make the right decision on who should be these candidates. Thank you.

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

Senator **BALDACCI:** Thank you, and I agree on many things with my good friend from Cumberland, but I would just point out 46 states in this country have an Attorney General that's not elected by the Legislature. Most of them are popularly elected. I

find it hard to believe that they are able to run above-board elections or, if they're not, there are rules and laws. Somehow, we think we're in a separate universe than the rest of the world. You talk to people out on the street about this, you talk to people - homeowners, voters, taxpayers, they think it's ridiculous. I mean, that's why this should go to referendum, because the people will decide, and everybody here that doesn't think it's a good idea can put their arguments out there and we can have what America's supposed to be about, a fair and open and vigorous debate. But the fact of the matter is, there are two choices, you could either let the people decide or you can continue to vest the power solely here among a handful of people.

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

Senator **TIMBERLAKE:** Well, my seatmate, the good Senator from Penobscot, said everything I wanted to say the way he said it, so I should've turned my light off.

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

Senator **BAILEY:** Thank you, Mr. President. I just have two words - Ken Paxton. 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 (#342)

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

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

19 Senators having voted in the affirmative and 16 Senators having voted in the negative, the motion by Senator **NANGLE** of Cumberland to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report, in concurrence, **PREVAILED**.

Divided Report

The Majority of the Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act Regarding Incarcerated Individuals and Legislative Apportionment"

H.P. 1093 L.D. 1704

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-446)**.

Signed:

Senators:

NANGLE of Cumberland
BALDACCI of Penobscot

Representatives:

STOVER of Boothbay
ABDI of Lewiston
COPELAND of Saco
DHALAC of South Portland
GREENWOOD of Wales
POMERLEAU of Standish
RISEMAN of Harrison
UNDERWOOD of Presque Isle

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

Signed:

Representative:

ADAMS of Lebanon

Comes from the House with the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-446)**.

Reports **READ**.

Senator **NANGLE** of Cumberland moved the Senate **ACCEPT** the Minority **OUGHT NOT TO PASS** Report, in **NON-CONCURRENCE**.

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#343)

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

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

20 Senators having voted in the affirmative and 15 Senators having voted in the negative, the motion by Senator **NANGLE** of Cumberland to **ACCEPT** the Minority **OUGHT NOT TO PASS** Report, in **NON-CONCURRENCE, PREVAILED**.

Sent down for concurrence.

Divided Report

The Majority of the Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act to Restore Balanced Powers During a State of Emergency"

H.P. 1192 L.D. 1862

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

Signed:

Senators:

NANGLE of Cumberland
BALDACCI of Penobscot

Representatives:

STOVER of Boothbay
ABDI of Lewiston
COPELAND of Saco
DHALAC of South Portland
PAULHUS of Bath
RISEMAN of Harrison

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (H-447)**.

Signed:

Senator:

LYFORD of Penobscot

Representatives:

ADAMS of Lebanon
GREENWOOD of Wales
POMERLEAU of Standish
UNDERWOOD of Presque Isle

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

Reports **READ**.

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

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#344)

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

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

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

Divided Report

The Majority of the Committee on **TAXATION** on Bill "An Act to Prohibit the Taxation of Drinking Water"

H.P. 41 L.D. 66

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

Signed:

Senators:

GROHOSKI of Hancock
CHIPMAN of Cumberland

Representatives:

PERRY of Bangor
CROCKETT of Portland
HASENFUS of Readfield
MATLACK of St. George
RANA of Bangor

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (H-500)**.

Signed:

Senator:

LIBBY of Cumberland

Representatives:

CARMICHAEL of Greenbush
LAVIGNE of Berwick
QUINT of Hodgdon
RUDNICKI of Fairfield

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

Reports **READ**.

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

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#345)

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

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

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

On motion by Senator **VITELLI** of Sagadahoc, the Senate **RECONSIDERED** whereby it **ACCEPTED** the Majority **OUGHT NOT TO PASS** Report, in concurrence.

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

Senator **LIBBY:** Mr. President, men and women of the Senate, I'm a long-time basketball player, and when you're shooting one at the buzzer, you get this little, like, a red light around the backboard and you can tell whether or not you've taken the shot and if it's good or not, and I can honestly say I'm not sure if I hit my button in time. So, I want to thank you for - all of you, for reconsidering and allowing me to speak, and I will do my best to keep it brief. I'm going to be honest when I say that I don't think that water should be taxed in Maine. And so, it's taxed at 5% in a store, if you're in an eating establishment, I believe it's 7%. The thing about water is it is a staple. So, you know, the feeling is that as a category, it should join those staples that we currently don't tax. I feel strongly that, you know, the sales tax just in general is kind of a regressive tax. In other words, if, you know, like, you're taxing a luxury good and you don't want to pay the tax, don't buy the luxury good. But water isn't really a luxury good. Water is a necessity; we all need it. So, I really feel like we could make a great statement here and we could add water to the list of products that are staples. And I think everyone in Maine will look at it and say yup, we agree with that, and we appreciate it. And when you've got a \$10 billion budget, we're looking at a fiscal note of \$2.1 in 2023 and 5.3 million 24/25. I think that that is a reasonable cost. Thank you very much.

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

Senator **GROHOSKI:** Thank you very much, Mr. President, and good evening, colleagues in the Senate. I just wanted to use this opportunity to give a public service announcement, which is that yes, the sales tax is regressive. However, it is good to know for you and your constituents that we have a sales tax fairness credit to help with this problem, and that is something that people should apply for, whether they have other reasons to file their income taxes or not in order to recoup up to \$300 of money to help folks. I would also like people to know that a fun fact I learned the Taxation Committee is that sales tax is the most stable revenue stream that there is, so while we don't love it and it is regressive, it does have a benefit for long-term planning for our budget. And finally, I would say, that there's a lot of drinking water in the state of Maine that is not taxed, such as water that comes to your home from a public system or that you might have delivered to your house in large bottles. This taxation, which is generating about \$5.5 million in revenue, is for the luxury to have your water put in a plastic bottle and used for convenience. If I felt that anyone had been hospitalized because of their being a sales tax on bottled water, then I certainly would have supported this bill, but I came to the conclusion, as did many of my colleagues, that this did not rise to the necessity of a sales tax exemption, which we do for things like bread and milk. 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 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 (#346)

YEAS: Senators: BAILEY, BALDACCI, BEEBE-CENTER, BENNETT, BRENNER, 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

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

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

REPORTS OF COMMITTEES

House

Divided Report

The Majority of the Committee on **TAXATION** on Bill "An Act to Fund the Protection and Restoration of Riparian and Estuarine Ecosystems and to Impose an Excise Tax on Certain Bottled Water Operators"

H.P. 544 L.D. 854

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

Signed:

Senator:

LIBBY of Cumberland

Representatives:

PERRY of Bangor
 CARMICHAEL of Greenbush
 CROCKETT of Portland
 HASENFUS of Readfield
 LAVIGNE of Berwick
 LIBBY of Auburn
 MATLACK of St. George
 QUINT of Hodgdon
 RUDNICKI of Fairfield

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (H-475)**.

Signed:

Senators:

GROHOSKI of Hancock
 CHIPMAN of Cumberland

Representative:

RANA of Bangor

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

Reports **READ**.

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

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

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

Senator **GROHOSKI:** Thank you very much, Mr. President, and now for something completely different but still about water. Good evening, and I wanted to let you know that I'm standing tonight to speak against the pending motion that I know I just

made. The legislation in front of us would establish a sustainable funding source for the Land for Maine's Future program to continue our work protecting waters, coasts, shorelines, and riverbanks that enhance our lives and support the ecosystems that we rely on. To achieve this objective, the bill proposes a taxation system on the commercial extraction of water. It applies to bottling companies that exceed an annual volume of 1.5 million gallons. I hope you will agree that Maine is truly fortunate to possess an extraordinary abundance of fresh water. While many places around the world are experiencing water scarcity and droughts, Maine's climate and geography provide us with healthy surplus each year. At this time, the bill would only impact a single large-scale global company which is owned by private equity investors from outside the state. However, considering the increasing demand for bottled drinking water in the United States, which happens to grow by 7% annually, it seems very likely that other major operators will seek to extract water from Maine in the near future. I am fully convinced that, in the coming decades, we will be recognized as a global hub for drinking water, much like Saudi Arabia is known for its oil resources. Therefore, it would be wise for us to act prudently and prepare now for the rapid development of this largely untapped asset. This legislation would recoup a small portion of the value generated by this industry for the betterment of Maine's environment. The people of Maine, through our state government, bear the cost of environmental protections and land conservation efforts that ensure that we have a quality of water that can be extracted and sold by commercial bottlers. Hence, I think it is reasonable for these businesses to contribute to the preservation of the very resource they extract from the ground. During the public hearing, the Taxation Committee received feedback from numerous employees and industry representatives who expressed concerns about the proposed tax of, at that time, 5 cents per gallon. They rightly pointed out that such a tax could jeopardize hundreds of valuable jobs in Maine. Therefore, in response, the bill's sponsor amended the bill, after consulting with industry experts, to reduce the proposed tax by 90%, to a mere half-cent per gallon. This adjustment would raise \$5 million per year to protect Maine's lands and water, an investment that will also safeguard the water bottling industry itself. If you agree that commercial water extractors should be partners in conserving the resources that they benefit from, I hope you'll join me in voting against the pending motion. Thank you.

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

Senator **LIBBY:** Thank you, Mr. President. Men and women of the Senate, such a pleasure to serve with Senator Grohoski on this Taxation Committee. And we don't happen to be on the same side on this one, but there were a lot of employees that came from one single company, Poland Spring, and they were concerned about their jobs, and rightly so. I mean, that was - that was a scary bill at 5 cents and it's no longer there and thank goodness for that, but it's still - .5 cents a gallon and you take that, and you dedicate it, so you got a dedicated but unrelated, right? Dedicated revenue but unrelated issue. We'll talk about water, I guess. But this is something that not only does it target a company but, you know, one thing that we found out in the testimony was that you have four times more water evaporating from Sebago Lake in the month of July than is extracted by this company. And they're a great company. You talk about a

company that employs a lot of people in Maine. Yeah, they're no longer a Maine company, they're owned by - well, I'll leave it, that's already been explained to you, but they still are one of our great employers. I've worked with a company over the years, I think I've mentioned on the Floor of the Senate that I worked on their TIF in the Hollis plant. I don't - I just don't think - I definitely appreciate the need to protect our ecosystems and there are some great, heartfelt reasons to support that part of the bill, it's the other part of the bill, it's the part where 'where do you get the money?' that it doesn't really - it shouldn't be dedicated like this, just in my opinion. And also, in the opinion of I think it was the majority of Democrats on the committee and all Republicans. Thank you so much.

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 (#347)

YEAS: Senators: BAILEY, BALDACCI, BENNETT, BLACK, BRAKEY, CURRY, DAUGHTRY, DUSON, FARRIN, GUERIN, HARRINGTON, INGWERSEN, KEIM, LIBBY, LYFORD, MOORE, PIERCE, POULIOT, STEWART, TIMBERLAKE, VITELLI, PRESIDENT JACKSON

NAYS: Senators: BEEBE-CENTER, BRENNER, CARNEY, CHIPMAN, GROHOSKI, HICKMAN, LAWRENCE, NANGLE, RAFFERTY, RENY, ROTUNDO, TIPPING

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

Divided Report

The Majority of the Committee on **TRANSPORTATION** on Bill "An Act to Authorize an Interim Use Trail on the Berlin Subdivision Rail Corridor"

H.P. 130 L.D. 209

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

Signed:

Senator:
FARRIN of Somerset

Representatives:
WILLIAMS of Bar Harbor
ALBERT of Madawaska
ANKELES of Brunswick
CRAFTS of Newcastle
MASON of Lisbon

O'CONNELL of Brewer
PARRY of Arundel
THERIAULT of Fort Kent
WHITE of Waterville
WHITE of Guilford

The Minority of the same Committee on the same subject reported that the same be **REFERRED** to the Committee on **TRANSPORTATION**.

Signed:

Senator:
CHIPMAN of Cumberland

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

Reports **READ**.

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

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

Off Record Remarks

On motion by Senator **VITELLI** of Sagadahoc, **ADJOURNED** until Thursday, June 15, 2023 at 10:00 in the morning.