

MAINE STATE LEGISLATURE

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

In Senate Chamber
Thursday
June 22, 2023

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

Prayer by Senator Stacy F. Brenner of Cumberland County.

SENATOR BRENNER: Good morning, everyone. As much as I enjoy being with all of you, I am on this second day of summer, missing my farm a little bit, and that work of everyday prayer of having my hands in the soil. I chose a poem today by Marge Piercy, 'To Be of Use.'

The people I love best jump into the work head first, without dallying in the shallows, and swim off with sure strokes almost out of sight. They seem to become natives of that element, the black sleek heads of seals bouncing like half-submerged balls. I love people who harness themselves an ox to a heavy cart, who pull like water buffalo, with massive patience, who strain in the mud and the muck to move things forward, who do what has to be done again and again. I want to be with people who submerge in the task, who go into the fields to harvest and work in a row and pass the bags along who are not parlor generals or field deserters but move in a common rhythm when the food must come in or the fire be put out. The work of the world is as common as mud. Botched, it smears the hands, crumbles to dust. But the thing worth doing well done has a shape that satisfies, clean and evident. Greek amphoras for wine or oil, Hopi vases that held corn, are put in museums, but you know they were made to be used. The pitcher cries for water to carry and a person for work that is real.

Pledge of Allegiance led by Senator Henry L. Ingwersen of York County.

Reading of the Journal of Wednesday, June 21, 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.

Off Record Remarks

REPORTS OF COMMITTEES

House

Ought to Pass As Amended

The Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act to Support the Maine Pediatric and Behavioral Health Partnership Program"

H.P. 152 L.D. 231

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-685).**

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-685).**

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

Bill **READ ONCE.**

Committee Amendment "A" (H-685) **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 COVERAGE, INSURANCE AND FINANCIAL SERVICES** on Bill "An Act to Amend the Workers' Compensation Self-insurance Laws to Allow for the Use of Fronting Companies"

H.P. 886 L.D. 1372

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-682).**

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-682).**

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

Bill **READ ONCE.**

Committee Amendment "A" (H-682) **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 Address Maine's Affordable Housing Crisis"

H.P. 147 L.D. 226

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-673)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-673)**.

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

Bill **READ ONCE**.

Committee Amendment "A" (H-673) **READ** and **ADOPTED**, in concurrence.

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

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

Divided Report

The Majority of the Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act to Strengthen Maine's Elementary and Secondary Education System by Clarifying Purposes and Procedures for Reviews of Schools"

H.P. 916 L.D. 1420

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-581)**.

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 as Amended by Committee Amendment "B" (H-582)**.

Signed:

Senator:

- LIBBY of Cumberland

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 BY COMMITTEE AMENDMENT "A" (H-581)** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-581)**.

Reports **READ**.

Senator **RAFFERTY** of York moved the Senate **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-581)** 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 Cumberland, Senator Libby.

Senator **LIBBY:** Thank you, Mr. President. Men and women of the Senate, I almost did say Mr. Speaker, and that would go back about 30 years, so I'm glad I didn't do that. But it was a very short night for all of us. This is a really important bill. It I think almost - so many of you have town academies that you represent, and this bill subjects those town academies to inspections by the DOE commissioner that are - that nobody minds the inspection. So, the process that in the past, it was a random inspection is - is fine. But what - and also new standards to meet in relation to the Maine Human Rights Act, great. But the part where the DOE commissioner hears from a superintendent from the sending school who may not be real happy about sending somebody to an academy, like, so, for example, let's say, a great athlete or something like that and - or whatever the reason is, this is going to give those superintendents the power to call for an inspection, it will no longer be random and the power to call for that inspection - or somebody from the schoolboard. There's a bit more of a - the process to it, I suspect, we're going to hear from the committee chair shortly here and he'll give you a great rundown, I'm not going to steal his thunder. But just that one piece of the bill I think what we're doing is we're stepping into some areas that have been for a long time kind of left between the districts and is something we as legislators haven't really stepped in there and interfered with and now, you know, the prospects of having significant investigations about, you know, like audits, you name it, of these private academies, when it really should be on a random basis, just makes part of the bill unnecessary. So, I hope that you will support me and vote no against the pending motion. Thank you.

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

Senator **RAFFERTY:** Thank you, Mr. President, and thank you, Senator Libby. I'm just rising to make a point of clarification. Amendment "A" has removed that option, it's removed the superintendent from that - the picture in terms of requesting that review. And it is, in fact, a review, it has to do with the Maine Human Rights Commission and potentially any violations. It's not an auditing process or anything along that line, specifically. But I

just wanted to make that point and appreciate the opportunity to do so. Thank you.

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

Senator **LIBBY:** Well, yeah, but I think it does remove the discretion of the commissioner in determining when these inspections would occur, is my understanding of the current language. And so, I wanted to make sure that, you know, people really understood that there really was no support for this bill. The Maine Principals Association opposed the bill because of some of that part of it, the School Boards Association and the Maine Superintendents Association - well School Boards Association opposed it, Superintendents Association was neither for nor against but had a lot of cautions that they presented to us. Even the DOE didn't take a specific position. Again, I would hope that if you read the testimony that was submitted very closely, I would hope that you'd be willing to support me in opposing the Majority Ought to Pass. Thank you.

THE PRESIDENT: The pending question before the Senate is Acceptance of the Majority Ought to Pass as Amended by Committee Amendment "A" (H-581) Report. A roll call has been ordered. Is the Senate ready for the question?

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#439)

YEAS: Senators: BRENNER, CARNEY, CHIPMAN, CURRY, DUSON, GROHOSKI, HICKMAN, LAWRENCE, NANGLE, PIERCE, RAFFERTY, ROTUNDO, TIPPING, VITELLI, PRESIDENT JACKSON

NAYS: Senators: BAILEY, BALDACCI, BEEBE-CENTER, BENNETT, BLACK, BRAKEY, DAUGHTRY, FARRIN, GUERIN, HARRINGTON, INGWERSEN, LIBBY, LYFORD, MOORE, POULIOT, RENY, STEWART, TIMBERLAKE

EXCUSED: Senators: KEIM, LAFOUNTAIN

15 Senators having voted in the affirmative and 18 Senators having voted in the negative, with 2 Senators being excused, the motion by Senator **RAFFERTY** of York to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-581)** Report, in concurrence, **FAILED**.

Senator **STEWART** of Aroostook moved the Senate **ACCEPT** the Minority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "B" (H-582)** Report, in **NON-CONCURRENCE**.

On motion by Senator **DAUGHTRY** of Cumberland, **TABLED** until Later in Today's Session, pending the motion by Senator **STEWART** of Aroostook to **ACCEPT** the Minority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "B" (H-582)** Report, in **NON-CONCURRENCE**.

Divided Report

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

H.P. 168 L.D. 263

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-683)**.

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

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-683)**.

Reports **READ**.

Senator **BAILEY** 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 Androscoggin, Senator Brakey.

Senator **BRAKEY:** Thank you, Mr. President. I rise in opposition to the pending motion. This is a very troubling bill. What this bill does is it weaponizes certificate of need laws in healthcare, which I've spoken at length about in this Chamber on other legislation as proposed - and proposals to completely repeal certificate of need laws. But it weaponizes certificate of need laws in healthcare to deny transfer of ownership of healthcare facilities to ownership that would not have abortion services available, presumably for philosophical moral reasons. I can't hope but notice, and I think it was noticed by some of the lobbyists for the Catholic dioceses that this seems to be targeted at our Catholic hospitals in the state. Look, I understand the desire to want to make sure that abortion services are available to individuals, but this is not the right way to do it. Discriminating against our Catholic hospitals and telling them that they're not welcome to provide healthcare services in our state after, I mean, a very long history of our Catholic hospitals being partners in helping to provide healthcare for Maine people, I think, is - this is not the right way to do it. And I understand that some might say well, because of certificate of need laws, there is a limit on how many healthcare providers there can be and so we want to make sure within those limits that we make sure that there's access and all that. Well, you know, the alternate is we could just do away with these artificial healthcare monopoly laws, the certificate of need laws that are being used in this proposal, weaponized in this fashion, very inappropriately, and then you wouldn't have to worry about access because there'd be plenty of providers who could come in and provide all sorts of services. If you wanted to go to a provider that didn't offer abortion, you could do that, if you wanted to go to one that did, you could do that, there would be - if we had a real marketplace in healthcare, this wouldn't be a concern. Instead, we're going in the opposite direction, weaponizing certificate of need against our Catholic hospitals. I just think it's wrong, Mr. President, and I hope that we reject this motion. Thank you.

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

Senator **BAILEY:** Thank you, Mr. President. I just wanted to clarify that this only puts into the list of criteria to be looked at when the department is reviewing a certificate of need the affect on the availability of family planning services. The definition of family planning services used in the bill means medically safe and effective sexual and reproductive healthcare and education that enable persons to freely plan their children, avoid unintended pregnancy, and maintain reproductive and sexual health through the provision of contraceptive supplies, contraceptive procedures and related counseling, the prevention and treatment of infertility, appropriate prenatal and obstetric care, and the prevention or treatment of sexually transmitted infections and other services necessary for reproductive and sexual health. Although abortion is certainly part of that, it is much more inclusive. Thank you.

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 (#440)

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

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

EXCUSED: Senators: KEIM, LAFOUNTAIN

21 Senators having voted in the affirmative and 12 Senators having voted in the negative, with 2 Senators being excused, the motion by Senator **BAILEY** of York to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report, in concurrence, **PREVAILED**.

Bill **READ ONCE**.

Committee Amendment "A" (H-683) **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 **TAXATION** on Bill "An Act to Amend the State Tax Laws" (EMERGENCY)
H.P. 1153 L.D. 1808

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-687)**.

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 Not To Pass**.

Signed:

Representative:

LIBBY of Auburn

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-687)**.

Reports **READ**.

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

Bill **READ ONCE**.

Committee Amendment "A" (H-687) **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 **VETERANS AND LEGAL AFFAIRS** on Bill "An Act to Amend the Adult Use Cannabis Laws"

H.P. 1205 L.D. 1880

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-684)**.

Signed:

Senators:

HICKMAN of Kennebec
BRENNER of Cumberland

Representatives:

BOYER of Poland
HYMES of Waldo
MALON of Biddeford
RIELLY of Westbrook
RISEMAN of Harrison

RUDNICKI of Fairfield

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

Signed:

Senator:

TIMBERLAKE of Androscoggin

Representative:

MONTELL of Gardiner

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-684) AS AMENDED BY HOUSE AMENDMENT "A" (H-695)** thereto.

Reports **READ**.

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#441)

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

NAYS: Senators: BLACK, CURRY, FARRIN, GUERIN, LIBBY, LYFORD, MOORE, STEWART, TIMBERLAKE

EXCUSED: Senators: DAUGHTRY, KEIM, LAFOUNTAIN

23 Senators having voted in the affirmative and 9 Senators having voted in the negative, with 3 Senators being excused, the motion by Senator **HICKMAN** of Kennebec to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report, in concurrence, **PREVAILED**.

Senate at Ease.

Bill **READ ONCE**.

The Senate was called to order by the President.

Committee Amendment "A" (H-684) **READ**.

House Amendment "A" (H-695) to Committee Amendment "A" (H-684) **READ** and **ADOPTED**, in concurrence.

Committee Amendment "A" (H-684) as Amended by House Amendment "A" (H-695) thereto, **ADOPTED**, in concurrence.

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-684) AS AMENDED BY HOUSE AMENDMENT "A" (H-695)** thereto, in concurrence.

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

Off Record Remarks

RECESSED until 2:00 in the afternoon.

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

Senate

Divided Report

The Majority of the Committee on **LABOR AND HOUSING** on Bill "An Act to Address Unsafe Staffing of Nurses and Improve Patient Care"

S.P. 656 L.D. 1639

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-391)**.

Signed:

Senators:

TIPPING of Penobscot
DAUGHTRY of Cumberland

Representatives:

ROEDER of Bangor
GEIGER of Rockland
GERE of Kennebunkport
MALON of Biddeford
RUSSELL of Verona Island
SKOLD of Portland

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

Signed:

Representatives:

BRADSTREET of Vassalboro
DRINKWATER of Milford
SOBOLESKI of Phillips

Reports **READ**.

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

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 **ENERGY, UTILITIES AND TECHNOLOGY** on Bill "An Act Regarding the Procurement of Energy from Offshore Wind Resources"

S.P. 766 L.D. 1895

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-420)**.

Signed:

Senator:

LAWRENCE of York

Representatives:

ZEIGLER of Montville
BOYLE of Gorham
GEIGER of Rockland
KESSLER of South Portland
RUNTE of York
WARREN of Scarborough

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

Signed:

Senators:

GROHOSKI of Hancock
HARRINGTON of York

Representatives:

BABIN of Fort Fairfield
 DUNPHY of Embden
 FOSTER of Dexter
 PAUL of Winterport

Reports **READ**.

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

Senator **RENY:** Thank you, Mr. President. This is - yeah, this is the right thing. Hi, everyone, colleagues, lovely. So, I do feel like I just need to say, on the record, this is a really tough one for me and I have done a lot of due diligence on this. I - so, as many of you know, I'm the chair for the Marine Resources Committee but on top of that, I both grew up and currently live in a fishing village and I'm surrounded by fishing communities. And the - as I'm sure you all know this, too, the lobster industry has just been through so much the past few years, as my colleagues on Marine Resources in this room know as well. So, this is a really tough one. I am really hesitant to throw anything else at them that could jeopardize their industry or their livelihoods at this point. That being said, Maine's waters stop three miles off the coast. After that, it's federal waters. So, to me, this has come down to a choice of the fact that I know windmills are coming, they're coming whether I want them to or not, and if I have my druthers, I want them to be outside of where most of our lobstermen are fishing, outside of the LMA-1 zone, which is the Lobster Management Area-1, it's managed by NOAA. I do not trust the federal government has our best interests or the lobster industry's best interests at heart and because of that, it's really important, I think, that we support this bill that includes representatives from the lobster industry and from other fisheries on an advisory panel that I have heard from, from lobstermen and from organizations that the work that's been done so far has absolutely been in good faith. On top of that, the research continuing in the research array and those things being brought back to us as a Legislature is really important to me because I have done research on studies that have been out of Scotland, actually, that have to do with the development of lobster carapaces as well - carapi? - I don't know, I'm not a scientist, I'm doing my best here - as well as the behavior of crabs in relation to EMF. I've talked to a lot of scientists at both the Department of Marine Resources as well as people I've hunted down myself or have grown up with that are marine biologists that there's just a lot of questions that are unanswered. So, knowing that we will have people looking into this continuously and we have a future opportunity to interfere if it looks like it could be something really negative for our fisheries, I'm not going to say it gets rid of all of my concerns, but it's a bit of a comfort, it's something. I think it's our best chance to protect our fisheries because the windmills are coming whether we're all ready for them or not. Okay, thank you.

THE PRESIDENT: The Chair recognizes the Senator from Hancock, Senator Grohoski.

Senator **GROHOSKI:** Thank you, Mr. President, and sorry for the delay in pushing my button. I thought there would be some other interested parties on this topic, but I am glad to share my position and, in this case, unlike some of my most recent speeches, I'm not asking anyone to follow my position, I just want to state it for the record. As some of you who have served in here for a couple of years or in the Legislature for a couple years know, or may know, I have been working pretty steadily on how to do offshore wind responsibly in Maine, if we're going to do it at all. Two years ago, I worked with the Representative from Winter Harbor, Representative Faulkingham, and other interested parties to find a way to build a suite of bills that would move us in the right direction, knowing that the direction is happening whether we might want it to or not. And those bills prohibited forever the development of wind in our Maine coastal waters that are within our jurisdiction. One of the bills established a research consortium and made sure that the voices of fishermen were at the table and, also at the time, we established a mechanism to procure clean energy from a research array, so a much smaller site in the ocean that would have, you know, around 12 wind turbines, so that we could determine what are the effects of these turbines on fishing industry, what are the effects on all of the ecosystem what are the effects on other users of the ocean? Certainly, we know that there are many people that use the ocean for different reasons. And so, I was really, really, and still am, proud of that work. I think it was very thoughtful; it was incredible to be able to find compromise and to figure out how to move forward in a really proven way. And, you know, since that time, the research consortium finally did start meeting, I've lost track now, they've had at least one meeting, it might be two, not - not a lot of meetings, but they are meeting and there are great people who are on there trying to make sure that we know what questions we have about wind and we know what are the right research methods to deploy to answer those questions, and we know what else we might need to learn along the way through that process. And I think that's great. The challenge I have with this bill is, as I read it, I do not see a clear way that any of the information that is gained by doing the research array and spending a significant amount of time and talent and expertise to answer questions is going to influence whether or not we go forward with what is presumed in this bill, which I think is around 3,000 megawatts of clean energy, and I'll just let you guys know that's three times what we just approved for Northern Maine Wind for a sense of scale there. So, this is one of the biggest undertakings we've had for clean energy probably ever. And so, I am personally, I think that clean energy in the form of offshore wind may have a role to play. I understand the federal government has strong ambitions and is in a process that I have been a participant in through the Bureau of Ocean Energy Management, and I know that we only have so much of a say, and I really appreciate that there's a lot in this bill that is an opportunity to have a say. However, I still remain concerned that I, with a background in science, and actually watershed management as part of my career, I just don't see how the research interplays with the ongoing procurements and investments that this bill would set in motion. And for that reason, and because of the fact that I represent many, many folks who make their living on the water who are also concerned, and I said to them, and I have said to them all along, I don't know either

what the effects are going to be and that's why we're going to do research. I feel very strongly the research is important and I cannot, at this time, support moving forward with this large of a package without more information or at least clarity on how more information will affect the rollout of this. So, for those people that I represent, for the word that I give them, I'm not going to be able to support the motion today. Thank you.

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

Senator **HARRINGTON:** Thank you, Mr. President. Before I start out, I just encourage everyone to look and Google right now offshore wind in New Jersey and just see what they're dealing with. A quick Google search will yield many results that should terrify a lot of people in this room. This bill was extremely rushed. We just dealt with it, you know, the work session we held on this, we were still in session, jumping back and forth while we worked this bill. It's extremely rushed. As the good Senator from Hancock said, we still have a lot to learn from that research array, that it's still forthcoming, and not to mention that this bill pretty much writes out all of Maine's construction companies that would be capable of doing this good work, whether it be Cianbro, Reed & Reed, they all testified against it because they would be - they're essentially written out of being able to work on this project. So, I think we should go back to the drawing board. Offshore wind probably is coming, but passing it this quickly, with very little forethought, I think is a dangerous precedent. Thank you.

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

Senator **LAWRENCE:** Thank you, Mr. President. Men and women of the Senate, I appreciate all the comments that have been made, and I guarantee you there is a great amount of forethought given in this bill. In fact, I started this project, I think, to actually draft up a bill nearly a year ago. And my goal was to bring in all the interested parties, environmentalists, labor, social justice, fisheries industry, everybody together to try to work out as many of the issues ahead of time in this - in this bill, and the idea is to set it up so that the Bureau of Energy Management, who's going to be siting these leases and they're going to site them whether we want to buy the energy or not, are going to go to the areas where the maximum number of these issues have been resolved ahead of time. And we've been communicating with them, and they're very impressed by the work we've done. To answer the questions about the research array and it not being considered, this bill very much considers what the information is going to be coming back to the research array, and one of the primary things that the PUC has to consider is environmental impact and what comes back from the consortium in making these procurements. In addition, we, as a Legislature, have the ability at any time, or a future Legislature, to say no, we do not want this energy to come to shore in Maine because of environmental impacts. But as has been said, it's absolutely going to be sited in the Gulf of Maine, my view is up to three to five leases, so what we're trying to do here is, number one, start the process because to do this it's going to take a good ten years before we see any energy coming off of one of these and any one of these energy production wind facilities created, but you have to start the process and you have to show to developers that Maine is ready to do this, and Maine is willing to do this. And in this bill,

we're allowed to do this in conjunction with other states. So, we could to Massachusetts that we had a Northern Maine connector and say if you want to connect with us, we can set up that connection, so bring the power in through Maine and bring it in to Massachusetts, New Hampshire, Connecticut, wherever, and into Maine. And it allows us to meet our climate goals because it's going to be at least, in my opinion, a decade before we really see the impact of this. But these projects, and they're massive, they don't happen in a year or two. They happen through long-term planning. So, we have to begin the process. We have to get it started earlier. We have to show BOEM that we, as the State of Maine, are out in front of these issues and resolving these issues ahead of time. And one of the things we built in this bill and that I spent a lot of time on, with the help of the Senate President, was this tax credit for being outside of LMA-1. And we looked for ways to say if you come into Maine, how can we best protect Maine in this process? And if you locate in the ocean, even if you don't come into Maine, how can we best protect the Maine fisheries and Maine coastline? So, we put in there a number of different things. One of them is if you find a way, developer, to locate outside of LMA-1, which is Lobster Management Area 1, we will pay - give you a tax credit for any additional costs of that. That is the greatest protection we can give the lobstering industry. And I grew up - I live in a heavy lobstering district, I grew up lobstering; I can tell you, you ask a thousand people in the lobstering industry what their opinion is, and you will get a thousand different opinions, and they will never agree with each other. Believe me, it's very hard to get in agreement. But based upon what we saw in the committee and the lack of strong opposition to it, I think we've set it up so out of any state in this country, we are protecting our fisheries industry the best in this bill. The very, very best in this bill. Regarding the labor issues, you know, this - and if you combine this with the construction of the facilities, this has the potential of being another Bath Iron Works in Maine, another Kittery Shipyard in Maine. It's going to have a huge impact for decades on the economic future of the state of Maine. And the advantage of having a project labor agreement - and let me say this on the record, this does not require a project labor agreement. We cannot do that, all we can give is a strong preference for that - but the advantage of these project labor agreements, and if you know anybody working in the building trades, they go from job to job during their career. If they are an iron worker, they're going to probably work for ten, 15, 20 construction companies in their career. They're going to work 17 months here, three months there, eight months there, and what happens is they get little bits of pension from each one of them. Little - not pension, but 401(k) plans or anything else, and they get no benefits when they retire. So, when they reach their 60s and their bodies are broken down from this type of work, they don't have healthcare. What the building trades does is offer a program, a benefit, a health benefit that follows you throughout your career no matter who you work for and allows - and requires that person to contribute to the same retirement plan, the same benefit plan, so that when you retire after 40 years and your body has seen a lot of heavy work, you will have healthcare and you will have a decent pension, and that's what we want to offer Mainers. I hope you all support this motion. Thank you.

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.

QUINT of Hodgdon
RANA of Bangor
RUDNICKI of Fairfield

ROLL CALL (#442)

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

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

EXCUSED: Senators: KEIM, LAFOUNTAIN

20 Senators having voted in the affirmative and 13 Senators having voted in the negative, with 2 Senators being excused, the motion by Senator **LAWRENCE** of York to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report **PREVAILED**.

Bill **READ ONCE**.

Committee Amendment "A" (S-420) **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.

Divided Report

The Majority of the Committee on **TAXATION** on Bill "An Act to Change How the Adult Use Cannabis Excise Tax Is Calculated" S.P. 559 L.D. 1392

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-418)**.

Signed:

Senators:
GROHOSKI of Hancock
CHIPMAN of Cumberland

Representatives:
PERRY of Bangor
CROCKETT of Portland
HASENFUS of Readfield
LAVIGNE of Berwick
MATLACK of St. George

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "B" (S-419)**.

Signed:

Senator:
LIBBY of Cumberland

Representative:
CARMICHAEL of Greenbush

Reports **READ**.

Senator **GROHOSKI** of Hancock moved the Senate **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (S-418)** Report.

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

Senator **BRAKEY:** Thank you, Mr. President. I'd just like to ask a question through the Chair. I'm trying to understand the report and what's in front of us, and I see the bill is phasing out the excise tax and ramping up the sales tax. I'm just trying to understand, is this resulting in a net increase in taxes, net decrease in taxes, is it tax neutral? That's my question. Thank you.

THE PRESIDENT: The Senator from Androscoggin, Senator Brakey, has posed a question through the Chair to anyone who could answer. The Chair recognizes the Senator from Cumberland, Senator Pierce.

Senator **PIERCE:** Thank you, Mr. President. Thank you for the question. This does phase out two-thirds of the excise tax over a two-year period, ramping up a slight increase in sales tax to 12.5 and then 15%, which is actually still the lowest or tied with the lowest in New England states for sales tax on adult use marijuana. Vermont has 15, Massachusetts has 20%. So, when we put this law into place in 2019, we set an excise tax that was set at the time of the price of cannabis. That price has changed over time and it's having an undue burden on our adult use market, so it's time to look at a way to phase that down. This takes care of almost a net neutral amount of money that will be needed to cover just this increase - or decrease in the excise tax for this, but it doesn't completely get rid of the excise tax.

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

Senator **BRAKEY:** Thank you, Mr. President. I know that there's another bill that's been carried over that I wonder if maybe has a better approach to this. I just - I'd like to ask for a Roll Call and I'm just not comfortable supporting this at this time. 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 Chair noted the absence of the Senator from York, Senator **LAWRENCE**, and further excused the same Senator from today's Roll Call votes.

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#443)

YEAS: Senators: BAILEY, BALDACCI, BEEBE-CENTER, BENNETT, BRENNER, CARNEY, CURRY, DAUGHTRY, DUSON, GROHOSKI, GUERIN, HARRINGTON, INGWERSEN, MOORE, NANGLE, PIERCE, RAFFERTY, RENY, ROTUNDO, TIMBERLAKE, TIPPING, VITELLI, PRESIDENT JACKSON

NAYS: Senators: BLACK, BRAKEY, CHIPMAN, FARRIN, HICKMAN, LIBBY, LYFORD, POULIOT, STEWART

EXCUSED: Senators: KEIM, LAFOUNTAIN, LAWRENCE

23 Senators having voted in the affirmative and 9 Senators having voted in the negative, with 3 Senators being excused, the motion by Senator **GROHOSKI** of Hancock to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (S-418)** Report **PREVAILED**.

Bill **READ ONCE**.

Committee Amendment "A" (S-418) **READ** and **ADOPTED**.

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-418)**

Sent down for concurrence.

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

REPORTS OF COMMITTEES

Senate

Ought to Pass Pursuant to Statute

Senator **LAWRENCE** for the Committee on **ENERGY, UTILITIES AND TECHNOLOGY** on Bill "An Act to Address Abandoned Capital Credits Held by Rural Electrification Cooperatives"
S.P. 835 L.D. 2013

Reported that the same **Ought to Pass**, pursuant to the Maine Revised Statutes, Title 35-A, section 1714, subsection 8.

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

Under suspension of the Rules, **READ TWICE** and **PASSED TO BE ENGROSSED**.

Sent down for concurrence.

Ought to Pass As Amended

Senator **CURRY** for the Committee on **INNOVATION, DEVELOPMENT, ECONOMIC ADVANCEMENT AND BUSINESS** on Bill "An Act to Expand Maine's Health Care Workforce by Expanding Educational Opportunities and Providing Tax Credits"

S.P. 722 L.D. 1797

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-417)**.

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

Bill **READ ONCE**.

Committee Amendment "A" (S-417) **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 **HEALTH COVERAGE, INSURANCE AND FINANCIAL SERVICES** on Bill "An Act Regarding Dental Hygienists and Dental Therapists"

H.P. 1026 L.D. 1581

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-698)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-698)**.

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

Bill **READ ONCE**.

Committee Amendment "A" (H-698) **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 Regarding Surplus Lines Insurance Tax"

H.P. 1272 L.D. 1979

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-689)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-689)**.

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

Bill **READ ONCE**.

Committee Amendment "A" (H-689) **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 HICKMAN for the Committee on **VETERANS AND LEGAL AFFAIRS** on Bill "An Act to Provide Parity in State Energy Rate Relief Payments and Tax Exemptions for Maine Cannabis Businesses"

S.P. 678 L.D. 1691

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-422)**.

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

Bill **READ ONCE**.

Committee Amendment "A" (S-422) **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:

ENACTORS

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

Acts

An Act Regarding In-court Appearance Requirements for Persons Authorized to Serve Eviction Notices

H.P. 221 L.D. 347
(C "A" H-657)

An Act to Amend the Laws Governing Damages Awarded for Wrongful Death

H.P. 581 L.D. 934
(C "A" H-652)

An Act to Update the Gambling Laws to Allow Once-annual Game Nights for Eligible Organizations and Registered Political Committees

H.P. 683 L.D. 1088
(C "A" H-648)

An Act Regarding the Provision of Liquor at Taste-testing Events Held at an Off-premises Retail Licensee's Premises

H.P. 718 L.D. 1132
(C "A" H-666)

An Act Directing the Bureau of General Services to Ensure Adequate Air Quality in All State-owned and State-leased Buildings

H.P. 745 L.D. 1173
(C "A" H-668)

An Act to Reduce Maine's Dependence on Fossil Fuels and Carbon Footprint for Energy Production Using Waste Wood Fuel

H.P. 904 L.D. 1408
(H "A" H-663 to C "A" H-636)

An Act Regarding Future Energy Procurements for Renewable Energy Development in Northern Maine

S.P. 792 L.D. 1943
(S "A" S-390 to C "A" S-359)

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

An Act Requiring the State to Pay a Share of a Retired State Employee's or Retired Teacher's Premium for Medicare Part B Under Medicare Advantage

H.P. 79 L.D. 111
(C "A" H-671)

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

An Act Regarding Community-based Services for Youth Involved in the Juvenile Justice System

H.P. 96 L.D. 155
(C "A" H-622)

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

An Act to Expand Health Insurance Options to Child Care Providers

H.P. 938 L.D. 1442
(C "A" H-662)

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

An Act to Provide Economic Justice to Historically Disadvantaged Older Citizens by Amending the Laws Governing the Medicare Savings Program and the Elderly Low-cost Drug Program

H.P. 977 L.D. 1522
(C "A" H-661)

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

An Act to Extend Development District Tax Increment Financing Districts

H.P. 1118 L.D. 1739
(C "A" H-672)

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

An Act to Facilitate the Provision of Medically Appropriate Levels of Care for Clients of Correctional Facilities

H.P. 1193 L.D. 1863
(C "A" H-621)

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

An Act to Modernize Maine's Beverage Container Redemption Law

H.P. 1225 L.D. 1909
(C "A" H-667)

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

Resolve

Resolve, Directing the Office of Tax Policy to Study the Impact of Exempting Certain Nonprofit Organizations from the Sales and Use Tax and the Service Provider Tax

H.P. 43 L.D. 68
(C "A" H-665)

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

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

PAPERS FROM THE HOUSE

Non-Concurrent Matter

An Act to Clarify Licensing Jurisdiction for Manufactured Housing Communities

S.P. 741 L.D. 1825

In Senate, June 21, 2023, the Minority **OUGHT TO PASS** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED**.

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

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

On motion by Senator **BENNETT** of Oxford, the Senate **INSISTED** and **ASKED FOR A COMMITTEE OF CONFERENCE**.

Sent down 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 Ban the Video Hosting Service TikTok on All State-owned Devices (EMERGENCY)

H.P. 643 L.D. 1007
(C "A" H-570)

In Senate, June 16, 2023, Report **READ** and **ACCEPTED** and Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-570)**, in concurrence.

Comes from the House, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-570) AS AMENDED BY HOUSE AMENDMENT "A" (H-647)** thereto, in **NON-CONCURRENCE**.

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

Senator **VITELLI** of Sagadahoc requested a Roll Call.

Senate at Ease.

The Senate was called to order by the President.

THE PRESIDENT: In regards to L.D. 1007, after extensive, extensive discussion, the Senator from Aroostook has moved the Recede and Concur motion, which we think is appropriate. The Chair recognizes the Senator from Kennebec, Senator Hickman.

Senator **HICKMAN:** Thank you, Mr. President. So, the House Amendment that I have in front of me, I believe, says by inserting after the following, TikTok, which is where we ban it, except as necessary for life, health, safety, or investigative purposes in accordance with a policy adopted by a state agency. So, Mr. President, if I may pose a question through the Chair, on what planet does TikTok help with life, health, safety, and investigative purposes?

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

Senator **STEWART:** Thank you, Mr. President. I rise to answer the question. If folks have ever heard the expression much ado about nothing, I think that's really what we're talking about here, that it's a technical thing. If for instance the State Police were investigating an incident and they had to - or investigating someone - let's say somebody posted a video of them engaging in a crime on TikTok, that would be carved out by this Floor amendment in the House. And it's not meant to be a controversial thing, but I think that's where they're going with this, that like - or if somebody was missing and, lo and behold, they made a video of them on TikTok, again, the State Police is the agency that comes to mind here that would be using a State owned device to then, you know, access it. I don't think they're going to be posting any videos or anything like that, but. Thank you.

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

Senator **HICKMAN:** Thank you, Mr. President. I appreciate that answer, except that that's not what it says. That's not what it says. It says by a policy adopted by a state agency, and since this was put on on the Floor of the other Body and it's had no discussion, I just don't actually understand - this seems more than

a technical amendment to me, it seems substantive. And I'm not exactly sure that I can support the substance, so I request a Roll Call.

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

On motion by Senator **BENNETT** of Oxford, **TABLED** until Later in Today's Session, pending the motion by Senator **STEWART** of Aroostook to **RECEDE** and **CONCUR**. (Roll Call Ordered)

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

PAPERS FROM THE HOUSE

Non-Concurrent Matter

An Act to Reform the School Budget Referendum Process by Limiting the Circumstances in Which Referenda Occur
H.P. 1127 L.D. 1748

In Senate, June 21, 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-638)**.

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

Non-Concurrent Matter

An Act to Increase Adoption of Solar Power in Maine
H.P. 780 L.D. 1232

In Senate, June 21, 2023, on motion by Senator **LAWRENCE** of York, 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-603)**.

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

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 **VETERANS AND LEGAL AFFAIRS** on Bill "An Act to Ensure Efficiency in Petitions Reviewed by the Secretary of State by Clarifying Deadlines Related to Those Petitions"

H.P. 154 L.D. 233

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-613)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-613)**.

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

Bill **READ ONCE**.

Committee Amendment "A" (H-613) **READ** and **ADOPTED**, in concurrence.

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

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

REPORTS OF COMMITTEES

Senate

Pursuant to Public Law

Senator HICKMAN for the Committee on **VETERANS AND LEGAL AFFAIRS** on Bill "An Act Regarding Spirits Price Regulation"

S.P. 836 L.D. 2014

Reported that the same be **REFERRED** to the Committee on **VETERANS AND LEGAL AFFAIRS**, pursuant to Public Law 2021, chapter 622, section 6.

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

Bill and accompanying papers **REFERRED** to the Committee on **VETERANS AND LEGAL AFFAIRS**.

Sent down for concurrence.

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

RECESSED until 4:30 in the afternoon.

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

Senate

Divided Report

The Majority of the Committee on **ENERGY, UTILITIES AND TECHNOLOGY** on Bill "An Act Relating to Net Energy Billing and Distributed Solar and Energy Storage Systems"

S.P. 815 L.D. 1986

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-421)**.

Signed:

Senators:

LAWRENCE of York
GROHOSKI of Hancock

Representatives:

ZEIGLER of Montville
BOYLE of Gorham
GEIGER of Rockland
KESSLER of South Portland
RUNTE of York
WARREN of Scarborough

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

Signed:

Senator:

HARRINGTON of York

Representatives:

BABIN of Fort Fairfield
DUNPHY of Embden
FOSTER of Dexter
PAUL of Winterport

Reports **READ**.

Senator **LAWRENCE** 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 PRESIDENT: The Chair recognizes the Senator from Hancock, Senator Grohoski.

Senator **GROHOSKI:** Thank you very much, Mr. President. Better late than never with the button, I find. Good afternoon, I think almost good evening, colleagues. I'm glad to be here with you, as always, and glad to talk about an important issue that all of our constituents are facing, and that is just the cost of living and the cost of energy as part of the cost of living and part of the cost of energy are things that are out of our control, things like the cost of natural gas. But other things are within our control, and it pains me greatly to say that part of what is costing our ratepayers, the people that we serve, money right now is a program that we expanded significantly in the first year that I was in office, and I supported a bill at that time that really was a response to a lack of forward progress on clean energy. And I am very concerned, personally and on behalf of my coastal communities that I represent, about the impacts of climate change. And so, I have been working in here, as solidly and as steadily as I can, to help with our clean energy transition. And so, five years ago, I voted for a bill that has gone, in my opinion, much too far in the wrong direction. And the reason that I say that is because we know, and we have proven in this state, that we can develop clean energy, and we can do it in a way that actually saves ratepayers money. We have done that through grid scale, very, very large solar fields, and wind and other investments. But on the flipside of that, we have also made some foolish decisions which the net energy billing program has drastically expanded. I now have come to the conclusion, based on numbers, that we have gone too far. And so, I do regret the vote that I made five years ago, and I am here to tell you that I am working very hard to protect the ratepayers and to make sure that we don't do any further damage and, in fact, apply the precautionary principle of slowing down the hemorrhaging that's happening and ensuring that we don't keep going forward doing what we're doing until we're sure of what the actual impact of that is. So, I don't know if you all saw the press release from the Maine Public Utilities Commission last week, but I have some numbers to share with you. The Public Utilities Commission, using data that was provided by the utilities about every single community solar project and other net energy bill project that has already been built, ones that they expect to come online within the next year, they used that data because they have access to it to determine what is the cost of that for ratepayers and they found that they are going to have to apply, starting July 1, a \$135 million cost increase to the people that we serve and the businesses that need affordable energy to stay open. So, you can do the math in however way you want to do it, but the truth of the matter is rates are going up. If you live in CMP territory, for an average residence, your constituent is going to get a \$6 increase. Where I live, it's going to be \$9 a month. In northern Maine, \$5.50 a month. That's real money that is leaving peoples' pockets starting July 1. I don't care what we do today, that's happening, and so I want to make sure that it doesn't keep happening to that extent. We need to stop this. And I have to tell you guys something, it could've been a lot worse. Those numbers are lower because of the investments we have made in large-scale renewable energy. We know that we can build solar in this state at five cents a kilowatt hour, maybe even less in some cases - we've seen that in bids - and community solar is costing us closer to 20 cents a kilowatt hour. These numbers just don't add up. I am not opposed to clean energy, what I'm opposed to is being foolish with ratepayer dollars. I feel very

strongly that the bill in front of us is making an attempt to slow that increase on our constituents' bills, on our own bills, but it does not go far enough. For example, it has an opportunity for people that have built community solar farms to move from the very lucrative place that they're in now to a much less lucrative place through a competitive bid. I love competitive bids, I think that's the smart way to do it and it's how we should've done it from the start. I take part of the blame for that. It's going to have this option, but the PUC doesn't even have to run the procurement, the language is completely permissive. And if they do run the procurement, there's really not a lot to compel people to get into it, other than the nervousness that we provide, as a Legislature, just existing and having these debates. I think that we could provide a much stronger compulsion for people to get into what would be a significant rate saving for our constituents, but this bill doesn't do that. I really wish I could say that it went far enough, and I wish that we could've worked on this in committee more, but quite frankly, it came out a day before we voted on it and it was worked on by stakeholders, yes it was, but a bunch of stakeholders who are the most cost sensitive users we have in this state said to me and to others and to the stakeholder group this didn't - this isn't going far enough, and we're not going to be protected. We have data from a family-owned potato processing company in Northern Maine that, because of the rate increases that were just approved, starting July 1 and for the next year they are paying \$218,000 per year, and that is just for the NEB program. That's not the entirety of that section of the bill, but that is the 70-ish percent that is attributable to the program that we're debating today. And I don't know how we can expect people to keep putting food on the table and businesses to stay open and employ Mainers if we're just throwing money out willy-nilly. And I know that was no one's intention, it was not my intention, but it is what happened, and I think it needs to stop. I've been thinking about this a lot and working on it a lot, and I just want to let you all know, I think we have a fundamental failure of policymaking that happens in the Energy, Utilities, and Technology Committee, and that is we make decisions without knowing the impact of cost to ratepayers. Every other committee in this building, basically, has to have OFPR look at the fiscal impact of our decisions. But because the Energy, Utilities, and Technology Committee does not take money from the General Fund, but instead takes it from ratepayers, we just make decisions based on what we're told by the people who come to our committee and tell it to us. There is no nonpartisan professional staff who helps us figure this out, and so we don't always get it right. I'm fully convinced, as I'm sure you can tell, that we didn't get it right four years ago. I appreciate that two years ago, we made some changes that have really slowed what was going to happen if we hadn't, and I know that was hard for some folks, and we're coming back again, but we keep coming back because every time we make a change it's not enough. The data shows that this is still an incredibly expensive program. And so, I am asking you all, you know, I think you can see on the supplement that I was originally in support of this bill. I happen to also be in support of a different bill that's much stricter and, truthfully, it was because I didn't really like either, but because we had no time to discuss this in committee, I said you know, I'm going to vote for both, and I'm going to keep working, and that is what I've been doing right along since that committee vote. And so, today, I am going to vote no on this bill and, unfortunately, I don't have anything else to offer you all today, but there will be other opportunities to vote yes on something that really puts in

some - some helpful cost containment mechanisms but also respects that people who have put solar on their rooftops can keep doing that, people who have already made investments significantly in projects that they're building, those will be able to move forward but with cost containment, ideally. There are - it's not a full, you know, pulling the rug out from everyone, but what it is is something sensible that's really going to make a difference for the people we serve. Last night, I talked to you all about a \$60 million increase, now I'm talking to you about something that's double that. And I was really heartened by the fact that many, many of you responded to the fact that we are the people that can make decisions that affect the bottom line for the families and businesses we represent, and we have the opportunity again here today. And so, I want to thank you again for your time and for considering what is a challenging policy issue, and I hope that you will follow my vote on this. Thank you.

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

Senator **HARRINGTON:** Thank you, Mr. President. I had a speech prepared, but for the sake of brevity and bipartisanship, I will just say ditto to my good colleague from Hancock.

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

Senator **LAWRENCE:** Thank you, Mr. President. Men and women of the Senate, I rise to disagree with the Senator from Hancock, Senator Grohoski. Net energy billing is not a mistake, it was never a mistake. It's a program designed to work well. It is a program that has developed, or has unexpected developments, in the economy that nobody could've predicted at the time it was adopted. We face a critical question here, whether we try to improve this program, whether we try to get this program to work better on behalf of our constituents, or we pull the rug out from underneath this program. We pull the rug out from underneath this program, every one of us has constituents who have signed up to save 15% on their electric bills. Those projects begin to go away. They lose that savings. And these are not just individuals, they are businesses, schools, nonprofits, who have signed up to make - get the savings under this program. Nobody could've predicted what's gone on with natural gas in this country. Nobody could've predicted the level of the amount of investment that has wanted to be done in the state of Maine, and that's both a good thing but something we've addressed before. This bill does many good things to address this. What it does, it allows us to take advantage of federal money to offset those costs to our ratepayers, to create essentially a new program to move storage into, into with the net energy billing that allow us to take advantage of that. It cures an error that the PUC is doing and that nobody expected the PUC to do. The PUC has taken an antiquated law called stranded costs and try to apply this to net energy billing. Stranded cost was never intended to be applied to net energy billing and of course you get a negative result when you do that, and that was what was done on this initial process. What this bill does, it says to the PUC you not only have to include the cost, but you have to also include the benefits that offset the costs in making what the transmission and distribution utilities are going to get reimbursed. And it also provides stability to the program in a way that allows people who are in net energy billing program, and we've capped the people who are in net

energy billing and that was done in the last legislature, it allows them to convert their contracts into more stable contracts. In other words, they don't have to deal with a fluctuation in price. And the good Senator from Hancock, Senator Grohoski, is quoting the prices at their highest. At the time we adopted this program they were half of that. And if they go down there again these net energy billing companies are going to lose that amount of money. And this says you can go to the PUC, you can opt out of the net energy billing program, you can get into a program that guarantees you a certain amount of reimbursement that will allow you to meet your contractual obligations. And that's what they want, and we've heard from the net energy billing community and the developers that this is what they want, they want that stability going forward. They don't want the Legislature to keep coming back and revisiting this and have them put their investments in jeopardy. A lot of these - well, all of them go for financing. And if you go for financing, if you've ever gone to financing on a business project, you will find out that if you can't guarantee your revenue stream you're going to get charged a much higher interest rate, and that's what's happening with these projects. The carrot is is that they get out of the net energy billing program, they no longer have a variable reimbursement rate and they can get much lower rates in their financing, which will help save ratepayers money going forward. We need a reasonable solution. We don't need a solution that pulls the rug out from under our constituents and people invested in the net energy program and invested in the savings that they're going to get. What isn't being discussed here, and we're just looking at the numbers that CMP and Versant have put forward, and I will say, you know, one of the problems with stranded costs is they're looking forward three years, and I questioned this, and I said why are you looking forward three years, why are you not looking at what has actually happened? Well, nobody has asked that question before. Well, why isn't the public advocate asking that question? Why aren't other people asking these questions? Why does it take the Legislature to ask these questions? And that's why we're making the changes that need to be made. It's done on projections that nobody knows if they're going to be fulfilled or not. This says you have to do things on really what takes place in the energy marketplace. So, I would encourage you to support it, it's a great way to keep this program functioning, and save the ratepayers money down the road. Thank you.

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

Senator **BRAKEY:** Thank you, Mr. President. I don't mean to wade too much into this debate, I think that what's been said by Senator Grohoski and Senator Harrington speaks for me and my feelings. I just wanted to correct the record on one thing. I heard the good Senator Lawrence say that no one could've predicted this. I just want to note in a veto letter by he who shall not be named, Paul LePage, in L.D. 1504 in 2017, he said that net energy billing would subsidize, quote, 'the cost of solar panels at the expense of the elderly and poor who can least afford it.' So, some people predicted it. Thank you.

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

Senator **VITELLI**: Thank you, Mr. President. Thank you, men and women of the Senate. I rise in strong support of this legislation and proposal that is before us. As a former member of the Energy, Utility, and Technology Committee, I learned a couple things about this very complex area of policy. Having set ourselves on a path towards cleaner energy, cleaner air, moving away from the fossil fuels that have caused so much damage to our environment, takes patience, persistence, and practicality. So, my philosophy developed, as I started to understand what some of the issues are as we move in this direction, that this is a very dynamic universe. There are changes happening all the time, in all facets - whether it's in the technology or in the marketplace, and as we've seen recently, in global conditions, that all have an impact on how and when we can move forward towards our clean energy goals. But we have to keep moving forward. So, that was my - one of my first guiding principles, is that we have to figure out how to keep taking steps forward towards achieving our goals, towards establishing more solar, more wind, more clean energy, and at the same time, try to avoid predictable pitfalls. They're not all predictable. I think that's been pointed out. You can't always know what the future will bring. But you need to apply some reasoning to what is possible to expect. And then, at the same time, you need to be prepared for change and adapt, and that's what this bill is doing. It is helping us to adapt a program that has been effective, that has moved us forward, but clearly needs updating and changing given the current circumstances. That's just the nature of this world of electricity and energy in general. So, let's keep going forward. Let's adopt a program that will, I believe, keep us out of the worst of the pitfalls and that will move us towards our goals. So, I would ask that you support this and follow my light. Thank you.

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

Senator **STEWART**: Thank you, Mr. President. Ladies and gentlemen of the Senate, I rise, as my good colleague from Sagadahoc County mentioned, as a former member of the EUT Committee. And oh, what fun we did have there. You know, one of the things that we did try to address previously around net energy billing, when I was on the EUT Committee, was this recognition that because of the price of natural gas, for some reason, we're now going to increase the subsidy substantially in the renewables market. And again, this is a finite universe, right, money doesn't just fall out of anywhere, it comes from the ratepayers, and so the net effect of that is that the ratepayers are then on the hook. And I really have to commend my colleague from Hancock who also is, in a different capacity, but we've got quite an alumni class from the 130th EUT committee that's here today, and you know, look, I was in the House at the time when net energy billing came along the first time, I voted against it then, but that doesn't mean that I'm opposed to all renewables. In fact, I worked with you, Mr. President, on a way to try to move some type of renewable program forward because it made sense. Monetarily, it made sense. Financially, it made sense. They had gone out and they had gotten the financing, and they locked it in at a rate that was competitive. That's the most important piece here is that just because it's renewables doesn't mean that it has to be overly expensive. And I appreciate the principles that were laid out by my colleague from Sagadahoc. I think, you know, lining those up and trying to use those as a way to guide yourself into making decisions in the Legislature makes a lot of sense. I

don't see it enough and my hat's off to you for doing that. But the one thing that was missing there, in my opinion, is what's the impact to the ratepayer and is there a better way that we could be going about doing the same thing that we're seeking. And if what we're seeking is a shift away from fossil fuels and more renewable energy, this isn't the way to do it. This program doesn't make sense in that regard, and I don't think it made sense originally, I don't think it makes sense now. We've made some progress and kind of nibbled around the edges, but it needs to be changed. And I can't talk about some of the other changes that are coming because they're in a different bill, that's fine, but I will say about this bill is that the voluntary nature of it will not have the desired effect of lowering costs to ratepayers. It's not going to. It's pure speculation. I know we're going to just rely on the word of the solar industry here that they're just going to voluntarily move to this new program at a fixed rate and, by the way, not a lower, but a fixed rate, that's a problem. Now, here's some context if you - you know, to put these figures on the record here, if you were to go out and bid grid scale competitive solar, you're looking at a rate of four and a half to five cents. Instead, we're going to go through this program for 4.99 or less megawatts of solar all over the place - that also is challenging for the grid and costs more there, but I'll put a pin in that for now - and that's going to be done at a rate of 20 cents. What the heck are we doing? And who is voluntarily going to leave that scheme that we set up at a rate that's four or five times what they would get if they went out and bid competitively. It's simply not going to happen, and so I would just push back on this notion that if we just pass this bill, you're going to be able to go home and tell your constituents and tell those seniors and tell those others that are on fixed income and all the talking points that politicians love to use, right, you can't hold this bill up and say that you're saving them anything. You can't. We've got to get away from this voluntary model. There's a different fix coming. I'd implore you to do the homework that our colleague from Hancock has done here. Put the work in, dig into this issue. It's complicated, it's tough, I know. It doesn't mean that you're opposed to renewables if you don't vote for this. That is not the takeaway. But it does mean that you're willing to look at renewables done right, and that, more than anything, more than any other principle, ought to be what this Legislature becomes known for, that ought to be what we all strive for is doing this process, this shift, the right way. Thank you, Mr. President.

THE PRESIDENT: The Chair recognizes the Senator from Hancock, Senator Grohoski.

Senator **GROHOSKI**: Thank you, Mr. President. I really appreciate this debate, and I think this is a really important part of serving in the Legislature, so I thank you for that. I just wanted to add a few things which, for me, are guiding principles in the transition to clean energy. We have heard in our committee from Efficiency Maine Trust that for every dollar peoples' costs go up, it is measurably harder for them to convince people to make choices like installing heat pumps. If we are going to make this transition work, people have to feel that it is in their best interest. And I'll tell you what, when we hear that net energy billing, this particular compensation mechanism for this particular type of clean energy is driving up costs that much, that really erodes peoples' support for the work we're trying to do, and I think that is dangerous, and I think we need to really turn it around because if we're going to make this work, we need to have the support of the

people that we represent, and I worry that we are teetering, because of the calls that I get from people who have been supportive of this work historically. This is happening that peoples' minds are changing because - I appreciate that the Senator from Sagadahoc said we need to move forward, but what I'm asking everyone here is at what cost. We know we can do this affordably, and if we can bring rates back into control, people are going to feel a lot more confident buying things like heat pumps or electric vehicles. They're not going to do that if they think their rates are going up every six months. Right now, there's uncertainty out there, the uncertainty is for the people that we serve. And yes, there's uncertainty for people who are trying to develop clean energy and a lot of them are doing good work that I support, but this is a bridge too far and, honestly, I hope that people in that community and in that industry can see that when we have the most generous program of its type in the country, that that isn't going to work for a state like Maine forever. And this is a program that was created by government, so there was uncertainty from the beginning about getting involved. It's not a natural market that we created. I just want to finish with a philosophy that I have about how you get clean energy to lower income people at an affordable way. We do that not by sending them \$100 Visa cards in the mail, not by telling them you can get 15% off if you want to read this contract and you feel safe in doing so, you know, and people are asking me well, I'm getting 15% off, where does that come from? I'll leave you to figure that out when we talk about the \$135 million price tag that's about to happen a couple days from now. The way that we help everyone get clean energy is we build it as affordably as possible, we know that when we build it affordably it actually brings rates down, that's what we need to be doing, and then we need to be building more of that kind of clean energy so that it touches every single person in this state - not the people that, you know, are able to - and have the resources to make it happen for themselves personally. So, once again, I ask you to think very hard about who you're in here representing. And if you're questioning that and you have a little time here before you push your button, I did deliver an op-ed from AARP that is worth a read. And I'm pointing that out because these are some of the most cost sensitive people in the state, and we need to - I feel that I need to be doing more to work for them, and I know everyone here is trying - I'm not trying to insinuate that they're not - but I think this bill is not enough. Thank you.

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

Senator **BALDACCI:** Thank you, Mr. President. I just want to ask or maybe some rhetorical questions first, but if we don't go forward with this, we're undermining the solar industry. We're also undermining people who have existing contracts, we're undermining commercial investment in renewable energies. I don't know how that serves our interests. And when I'm asked who am I representing, who are we representing, going back to my constituents, we're - my constituents are concerned about the future, about renewable energy, about a cleaner environment, and how we get there. And it's very rich that, you know, it's been mentioned the prior administration's veto message, I would point out the prior administration totally tanked offshore wind off the coast of Washington County that would've invested hundreds of millions of dollars in the state of Maine and brought clean, renewable energy to Maine, but we won't - I don't want to go back to the past. The future is that not passing this bill means we

throw uncertainty into the renewable energy market. And there may be better solutions, there may be better things we can work on, but the last thing we need to do is to throw uncertainty into something that is a primary goal for all of us and has been successful in promoting a renewable energy market.

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

Senator **VITELLI:** Thank you, Mr. President. I just wanted to rise again in response also to the question that was posed by my colleague in terms of who I represent. One of my constituents is Bath Iron Works, and they're a pretty important economic driver not just for my district but for the state as a whole, and they are very engaged in the solar industry and have contracts to - with companies to provide them with the energy they need to keep going and to employ all of the people not just in my district but throughout the state, frankly. So, I want to represent their interests and it's partly with them in mind, plus all the other constituents who I've heard from in the last few weeks, who want to make sure that solar is preserved and the contracts that they're dependent on are going to move forward and be there to provide them the energy they need. So, again, I would ask you to support this motion.

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

Senator **TIMBERLAKE:** I find it interesting - and good afternoon, or is it evening yet, Mr. President, ladies and gentlemen of the Senate. I find it interesting that we stand here debating this, and my seatmate talks about the people that made investments and where we're at, but I look at around my district and I watch what's happened and when solar was first coming out, everybody was trying to get their feet into solar or whatever and putting solar everywhere. And now, I look at the towns surrounding around me and every one of them is putting up a moratorium on solar panels because they don't think they look good, they don't think they're efficient, they know it's costing them money. But the thing that I - I listen to all this is but as I also ride around my district, I don't see solar panels on elderly housing, people that are living in very low income, I only see solar panels on people that are usually very successful. And I look at all the things that we do in this building this year, when we talk about affecting business, the laws that we're passing that are tearing down businesses within this state, it really baffles me because what we're doing to small business - and I can look around my community, because I've heard from almost every country store and every little store of what it's costing them now for electricity, and it's all because of net energy billing. It's - that's where it all comes. I'm one of the lucky ones because I guess I'm one of the ones who could say that when we passed the bill in the Senate, I said it was a bad idea. Mr. President, I think if you remember that day, you looked at the board and I was the only red light on the board, and you looked back at me about three times. Because we knew then that the government can't buy our way out, and now we got people that we're worried about that could totally afford buying these solar panels and putting them on their properties, and I hear all the time, the wealthy, well, they made a business decision, it's hurting the people of the state of Maine, we need to protect the people that we represent. And the people are, in my opinion, everybody we represent, but the ones that need our help the most are the

elderly and those that are living on a very fixed income. They're not paying their bills - and I think heat pumps are efficient. I put them in my house. I don't have any solar panels, we put some on one of our farms over in Harrison, but I just - I don't think continuing down this path is the way to go. So, stop and think about what you're saying and what you're doing if you continue to support 20 cent a kilowatt electricity. Because it should only be costing us four or five cents. But by supporting this net energy billing, we're driving up the cost to every house in the state of Maine and every small business, every Mom-and-Pop store in our rural communities. Sure, the big conglomerates like BIW and so forth, they can - that's because the government's sending them money and going to keep them afloat, anyway, they're not going anywhere. But the little Mom-and-Pop stores who aren't getting that money and the little grocery stores around and the restaurants, they're paying this bill. Hannaford, Walmart, Shaw's, those guys aren't paying the bill, they're going to survive. It's the little people that we need to think about. So, as you're going to make this vote, you think about how that's going to affect what you're doing to the people of the state of Maine. Thank you.

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

Senator **HARRINGTON:** Thank you, Mr. President. Well, I was going to bite my tongue, but now a lot's been said since the first speech. Let's be very clear about what this bill is. This bill was put forward as a pretend measure to address the elephant in the room that is net energy billing, a massive problem facing the people of Maine and ratepayers in Maine. This bill was written by the solar industry, by and large, and effectively does nothing. And it won't do really any harm if we pass this, but I do hope, without discussing future legislation, there will be other bills to come forward that will hopefully actually address this problem. So, like I said, this bill won't - this bill isn't going to cause a whole lot of harm, but I hope that as other legislation comes forward, we can actually do something to address net energy billing and we'll still have another shot at that this session, but furthermore, I keep hearing about investment and business who have invested in Maine, and I would draw your attention to what the public advocate that I had distributed, and let's look at where net energy billing, community solar project investments are going: Texas, Canada, Massachusetts, Colorado, Vermont, Paris, France, Tokyo, Japan, Germany, Rhode Island, Virginia, New Zealand, Germany, more to Japan, San Francisco, California, more to Vermont, Minnesota, more to Massachusetts, New Hampshire, New York, Colorado, some more to Germany, some more to Pennsylvania, some more to New York, all on the backs of our ratepayers. So, I really hope that regardless of the outcome of this, that when we do have a shot at really addressing net energy billing this session, that you really stop and think because all summer long, after we adjourn here, you're going to be getting calls from ratepayers, I can't be the only one in this room getting calls from ratepayers, our constituents, that are getting raked over the coals by this program, that we can actually address it this session. Thank you.

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

Senator **BRAKEY:** Thank you, Mr. President. This is what it feels like to be caught in a bad romance, as I think we discussed

in a previous bill, and the long-term consequences of committing to something before we know what the consequences are. I just wanted to touch briefly on one thing - and look, I - while I'm not a novice an energy policy, I'm certainly not as well-versed as those who have been on this committee in recent years. But I just wanted to raise one thing, I keep hearing this word contracts, and I could be wrong, but I know we had a conversation with the public advocate, who mentioned we're not talking about contracts, there are no contracts, there are - there's a sentence or two in state statute which this is based upon. So, as I understand it, if we were to make changes, we're not invalidating any contracts, we're just changing the state law, which is what we do all the time. So, if we - anyway, I just want to take issue with that characterization because I don't believe that's accurate. Thank you.

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

Senator **LAWRENCE:** Thank you, Mr. President. I just apologize, I need to rise to correct several inaccuracies. First of all, this bill was not drafted by the solar industry, this bill was drafted by me. I'm the one who came up with the ideas in this bill and it's because we didn't have people who are supposed to be out there advocating for us, coming up with these ideas about how to solve this problem. We didn't have the public advocate questioning what was going on and finding a better way to do it. So, this bill was not drafted by the solar industry. I'm the one who came up with the ideas in this bill and sat down and got the stakeholders together and said you need to put this and get this to work. And I had to go to the solar industry and say you have to give up, you have to give up something, and they did. But let me tell you, I can guarantee you - and first of all, on the idea of contract, these are absolutely involved contracts. Anyone putting in one of these net energy billing projects probably enters into between ten to 20 contracts - with developers, with landowners, with consumers, with everything. I'm going to give you a little bit of math. You know, you had a little bit of math saying this is going to put \$5 or \$6 on an electric bill. If the average electric bill for a low-income homeowner is \$100 a month and they can save 15% on this program, that takes \$15 off their bill. And that's why this community solar was created, so just not the wealthy people could get access to this 15% savings, so every single one of your constituents could sign up and get that \$15 off their monthly bill. Finally, it is a voluntary program because I guarantee you, if you make it mandatory, Statoil is what will happen again. They will withdraw the investment from Maine. They will also, the same people are invested in grid scale solar, they're not going to want to invest in Maine if Maine changes the terms midstream, so grid scale solar will be negatively affected by this. I can guarantee you; it's going to create more uncertainty. Thank you.

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

Senator **STEWART:** Thank you, Mr. President. Ladies and gentlemen of the Senate, I rise because I feel prompted to respond to the comments from the previous speaker about the public advocate in particular. And I really take issue with his characterization of what happened here. The cold, hard reality is there was not going to be anything like this put forward until finally the Legislature and, in particular, the EUT Committee decided to

actually listen to the public advocate, who has been for - since his swearing in, his confirmation from this Body - been railing about the need to do something specifically with regard to this program. And to now sit here today, after we put forward this ruse of a fix, and characterize him as somebody who hasn't been doing his job, that is insane, Mr. President. That is wrong, and it is, frankly, a lie. And I'm not going to just sit here while we play this game and act like this is some solution we should hold up as an actual fix to benefit ratepayers. He has been doing his job, we haven't. And that is a fact, and I'm not going to sit here and stand for more of that mischaracterization of that office and the work that they've been doing. They have been representing the public well, and I'm glad that we have them there. Thank you, Mr. President.

THE PRESIDENT: The Chair would remind Members not to impugn the motives of others. 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 (#444)

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

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

EXCUSED: Senators: KEIM, LAFOUNTAIN

20 Senators having voted in the affirmative and 13 Senators having voted in the negative, with 2 Senators being excused, the motion by Senator **LAWRENCE** of York to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report **PREVAILED**.

Bill **READ ONCE**.

Committee Amendment "A" (S-421) **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 **JUDICIARY** on Bill "An Act to Amend the Laws Regarding the Mi'kmaq Nation"
H.P. 1045 L.D. 1620

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-699)**.

Signed:

Senators:

CARNEY of Cumberland
BAILEY of York
BRAKEY of Androscoggin

Representatives:

MOONEN of Portland
ANDREWS of Paris
HAGGAN of Hampden
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:

Representative:

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-699)**.

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 Androscoggin, Senator Brakey.

Senator **BRAKEY:** Thank you, Mr. President. I just did not want this historic occasion to go by without it being remarked on. I think that this is a remarkable piece of legislation that has been a bipartisan collaboration, not just between members of the Judiciary Committee, but also with the Executive Branch, the Attorney General, and of course, the - I'm always trying to make sure I get the pronunciation right - the - because it's not Mi'kmaq anymore, the Mi'kmaq Nation. I know they have been - they are

one of our four federally recognized tribes in the state, but they have not had state recognition over the decades since the 1980 settlement. There was an effort in 1989 to have state recognition that was not successful, so it's been - it's been several decades coming. But I know that the Chief is here with us in the room today, and I just want to remark I think this is a historic occasion and I'm glad that we're at this point that we can proceed forward and take action on something that's long past due. So, thank you to all the members of the Judiciary Committee that we worked on this and I look forward to voting in support of the motion and I request a Roll Call. 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 Somerset, Senator **FARRIN**, and the Senator from Androscoggin, Senator **TIMBERLAKE**, and further excused the same Senators from today's Roll Call votes.

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#445)

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

NAYS: Senators: None

EXCUSED: Senators: FARRIN, KEIM, LAFOUNTAIN, TIMBERLAKE

31 Senators having voted in the affirmative and no Senators having voted in the negative, with 4 Senators 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" (H-699) **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 Complete and Implement the Comprehensive Review of the Classification and Compensation System for Executive Branch Employees" H.P. 1184 L.D. 1854

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-669)**.

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 "B" (H-670)**.

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-669)** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-669)**.

Reports **READ**.

On motion by Senator **NANGLE** of Cumberland, the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-669)** Report **ACCEPTED**, in concurrence.

Bill **READ ONCE**.

Committee Amendment "A" (H-669) **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-669)**, in concurrence.

Divided Report

Seven members of the Committee on **JUDICIARY** on Bill "An Act to Increase the Liability of Parents and Legal Guardians for Damage by Children"

H.P. 85 L.D. 139

Reported in Report "A" that the same **Ought to Pass as Amended by Committee Amendment "A" (H-693)**.

Signed:

Senators:

CARNEY of Cumberland
BAILEY of York

Representatives:

MOONEN of Portland
KUHN of Falmouth
MORIARTY of Cumberland
RECKITT of South Portland
SHEEHAN of Biddeford

Five members of the same Committee on the same subject reported in Report "B" that the same **Ought to Pass**.

Signed:

Senator:

LYFORD of Penobscot

Representatives:

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

One member of the same Committee on the same subject reported in Report "C" that the same **Ought to Pass as Amended by Committee Amendment "B" (H-694)**.

Signed:

Representative:

LEE of Auburn

(Representative DANA of the Passamaquoddy Tribe - of the House - supports Report "A", **Ought To Pass as Amended by Committee Amendment "A" (H-693)**.)

Comes from the House with Report "A", **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-693)**, **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-693)**.

Reports **READ**.

On motion by Senator **CARNEY** of Cumberland, Report "A", **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-693)**, **ACCEPTED**, in concurrence.

Bill **READ ONCE**.

Committee Amendment "A" (H-693) **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-693)**, in concurrence.

Divided Report

Eleven members of the Committee on **JUDICIARY** on Bill "An Act Regarding the Maine Indian Tribal-State Commission"

H.P. 1078 L.D. 1679

Reported in Report "A" that the same **Ought to Pass as Amended by Committee Amendment "A" (H-680)**.

Signed:

Senators:

CARNEY of Cumberland
BAILEY of York
BRAKEY of Androscoggin

Representatives:

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

One member of the same Committee on the same subject reported in Report "B" that the same **Ought to Pass as Amended by Committee Amendment "B" (H-681)**.

Signed:

Representative:

LEE of Auburn

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

Signed:

Representative:

POIRIER of Skowhegan

(Representative DANA of the Passamaquoddy Tribe - of the House - supports the Report "A", **Ought To Pass as Amended by Committee Amendment "A" (H-680)**.)

Comes from the House with Report "**A**", **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-680)**, **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-680)**.

Reports **READ**.

On motion by Senator **CARNEY** of Cumberland, Report "**A**", **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-680)**, **ACCEPTED**, in concurrence.

Bill **READ ONCE**.

Committee Amendment "A" (H-680) **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-680)**, in concurrence.

ORDERS OF THE DAY

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

Bill "An Act to Ban the Video Hosting Service TikTok on All State-owned Devices" (EMERGENCY)

H.P. 643 L.D. 1007
(C "A" H-570)

Tabled - June 22, 2023, by Senator **BENNETT** of Oxford

Pending - motion by Senator **STEWART** of Aroostook to **RECEDE** and **CONCUR** (Roll Call Ordered)

(In Senate, June 16, 2023, Report **READ** and **ACCEPTED** and Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-570)**, in concurrence.)

(In House, June 22, 2023, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-570) AS AMENDED BY HOUSE AMENDMENT "A" (H-647)** thereto, in **NON-CONCURRENCE**.)

On motion by Senator **VITELLI** of Sagadahoc, **TABLED** until Later in Today's Session, pending motion by Senator **STEWART** of Aroostook to **RECEDE** and **CONCUR** (Roll Call Ordered)

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:

Constitutional Amendment

RESOLUTION, Proposing an Amendment to the Constitution of Maine to Align the Proceedings for Circulating Written Petitions for People's Vetoes and Direct Initiatives with Federal Law
S.P. 597 L.D. 1477
(C "A" S-394; S "A" S-408)

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

Emergency Measure

An Act to Address Maine's Affordable Housing Crisis
H.P. 147 L.D. 226
(C "A" H-673)

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

Emergency Measure

An Act to Support the Maine Pediatric and Behavioral Health Partnership Program
H.P. 152 L.D. 231
(C "A" H-685)

This being an Emergency Measure and having received the affirmative vote of 33 Members of the Senate, with no Senators having voted in the negative, and 33 being more than two-thirds of the entire elected Membership of the Senate, was **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 Promote Fairness in the Taxation of Adult Use Cannabis
S.P. 549 L.D. 1384
(C "A" S-402)

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

Emergency Measure

An Act to Expand Maine's High-quality Early Learning and Care for Children by Increasing Public Preschool Opportunities in Communities
S.P. 724 L.D. 1799
(C "A" S-395)

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

Emergency Measure

An Act to Amend the State Tax Laws
H.P. 1153 L.D. 1808
(C "A" H-687)

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

Emergency Measure

An Act to Enact the Maine Indian Child Welfare Act
S.P. 804 L.D. 1970
(C "A" S-413)

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

Senator **BRAKEY:** Thank you, Mr. President. I just want to remark - before this historic bill kind of passes today, I wanted to remark on another bipartisan accomplishment of the Judiciary Committee and I wanted to give thanks and praise to my colleague, Senator Bailey, who is the sponsor of this legislation. She brought this forward when there was concern about the U.S. Supreme Court potentially overturning the national Indian Child Welfare Act and wanting to codify in the state law those same protections. And I'm very proud that we were able to have a unanimous report on this and proceed forward to where it is today. And so, when we vote today, I ask that we do it by the yeas and nays.

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 Enactment. A roll call has been ordered. Is the Senate ready for the question?

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#446)

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

NAYS: Senators: None

EXCUSED: Senators: DAUGHTRY, KEIM, LAFOUNTAIN

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.

An Act Regarding Training for Corrections Officers
S.P. 34 L.D. 42
(C "A" S-392)

An Act to Ensure Access to Family Planning Services
H.P. 168 L.D. 263
(C "A" H-683)

An Act to Amend the Portfolio Requirements for Class II Resources and Require Money Collected from Alternative Compliance Payments to Be Used for Financial Assistance
H.P. 250 L.D. 399
(S "A" S-405 to C "A" H-639)

An Act Regarding Private Ways and Private Roads
S.P. 215 L.D. 461
(C "A" S-399)

An Act to Improve Maine's System for Protecting Sixth Amendment Rights
S.P. 236 L.D. 565
(C "A" S-386)

An Act to Increase the Notice Period for Rent Increases of 10 Percent or More
H.P. 470 L.D. 701
(S "A" S-407 to C "A" H-561)

An Act to Clarify Required Disclosure of Personally Identifying Information for Certain Nominating Petitions
S.P. 393 L.D. 922
(S "A" S-409 to C "A" S-345)

An Act to Amend the Workers' Compensation Self-insurance Laws to Allow for the Use of Fronting Companies
H.P. 886 L.D. 1372
(C "A" H-682)

An Act to Implement the Recommendations of the Committee To Ensure Constitutionally Adequate Contact with Counsel
S.P. 635 L.D. 1603
(C "A" S-387)

An Act to Ensure Equity in Career and Technical Education Staffing Support Ratios Across Varied Regions of the State
S.P. 791 L.D. 1942
(C "A" S-393)

An Act to Amend the Adult Use Cannabis Laws
H.P. 1205 L.D. 1880
(H "A" H-695 to C "A" H-684)

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

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

Resolve

An Act to Provide Equitable Tax Treatment to State-licensed Cannabis Businesses

S.P. 432 L.D. 1063
(C "A" S-400)

Resolve, to Direct the Department of Transportation to Implement the Recommendations of the Mountain Division Rail Use Advisory Council

S.P. 185 L.D. 404
(C "A" S-346)

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

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

An Act to Clarify the Criminal Statutes with Regard to Assaults on Emergency Medical Services Persons

S.P. 453 L.D. 1119
(C "A" S-360)

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

REPORTS OF COMMITTEES

House

Divided Report

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

The Majority of the Committee on **JUDICIARY** on Bill "An Act Regarding State Recognition of Native American Tribes"
H.P. 210 L.D. 336

An Act to Improve Ferry Service Reliability by Providing Scholarships at the Maine Maritime Academy

S.P. 466 L.D. 1139
(C "A" S-406)

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

Signed:

Senators:

CARNEY of Cumberland
BAILEY of York

Representatives:

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

An Act to Establish a Grant Program to Promote Biomanufacturing and Biotechnology Development

S.P. 595 L.D. 1475
(C "A" S-401)

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (H-691)**.

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

Signed:

Senator:

BRAKEY of Androscoggin

Representatives:

HAGGAN of Hampden

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**.

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

Divided Report

The Majority of the Committee on **JUDICIARY** on Bill "An Act to Prohibit Profiling and to Strengthen Civil Rights in Maine" H.P. 1038 L.D. 1613

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-692)**.

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.)

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-692)**.

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#447)

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

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

EXCUSED: Senators: DAUGHTRY, KEIM, LAFOUNTAIN, TIPPING

19 Senators having voted in the affirmative and 12 Senators having voted in the negative, with 4 Senators 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" (H-692) **READ** and **ADOPTED**, in concurrence.

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

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

REPORTS OF COMMITTEES

Senate

Ought to Pass As Amended

Senator CHIPMAN for the Committee on **TRANSPORTATION** on Bill "An Act to Establish the Weighing Point Preclearance Program"

S.P. 573 L.D. 1455

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-424)**.

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

Bill **READ ONCE**.

Committee Amendment "A" (S-424) **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

Senate

Pursuant to Joint Order

Senator LAWRENCE for the Committee on **ENERGY, UTILITIES AND TECHNOLOGY** on Bill "An Act to Implement Recommendations of the Distributed Generation Stakeholder Group"

S.P. 838 L.D. 2016

Reported that the same be **REFERRED** to the Committee on **ENERGY, UTILITIES AND TECHNOLOGY**, pursuant to Joint Order, S.P. 747.

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

Bill and accompanying papers **REFERRED** to the Committee on **ENERGY, UTILITIES AND TECHNOLOGY**.

Sent down for concurrence.

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

REPORTS OF COMMITTEES

Senate

Ought to Pass Pursuant to Constitution

Senator CARNEY for the Chief Justice of the Supreme Judicial Court on Resolve, Approving the 2023 Draft and Arrangement of the Constitution of Maine Made by the Chief Justice of the Supreme Judicial Court and Providing for Its Publication and Distribution (EMERGENCY)

S.P. 837 L.D. 2015

Reported that the same **Ought to Pass**, pursuant to the Constitution of Maine, Article X, Section 6.

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

Under suspension of the Rules, **READ TWICE** and **PASSED TO BE ENGROSSED**.

Sent down for concurrence.

ORDERS OF THE DAY

Unfinished Business

The following matter 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 (6/21/23) matter:

HOUSE REPORTS - from the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** on Bill "An Act to Reclassify Certain Offenses Under the Motor Vehicle Laws and Increase the Efficiency of the Criminal Justice System"

H.P. 262 L.D. 429

Majority - **Ought to Pass as Amended by Committee Amendment "A" (H-337)** (7 members)

Minority - **Ought to Pass as Amended by Committee Amendment "B" (H-338)** (6 members)

Tabled - June 21, 2023 by Senator **BEEBE-CENTER** of Knox

Pending - **ACCEPTANCE OF EITHER REPORT**

(In House, June 21, 2023, the Minority **UGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "B" (H-338)** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (H-338)**.)

Senate at Ease.

The Senate was called to order by the President.

(In Senate, Reports **READ**.)

On motion by Senator **STEWART** of Aroostook, the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-337)** Report **ACCEPTED**, in **NON-CONCURRENCE**.

Bill **READ ONCE**.

Committee Amendment "A" (H-337) **READ** and **ADOPTED**.

Under suspension of the Rules, **READ TWICE** and **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-337)**, in **NON-CONCURRENCE**.

Ordered sent down forthwith for concurrence.

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

Bill "An Act to Ban the Video Hosting Service TikTok on All State-owned Devices" (EMERGENCY)

H.P. 643 L.D. 1007
(C "A" H-570)

Tabled - June 22, 2023, by Senator **VITELLI** of Sagadahoc

Pending - motion by Senator **STEWART** of Aroostook to **RECEDE** and **CONCUR** (Roll Call Ordered)

(In Senate, June 16, 2023, Report **READ** and **ACCEPTED** and Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-570)**, in concurrence.)

(In House, June 22, 2023, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-570) AS AMENDED BY HOUSE AMENDMENT "A" (H-647)** thereto, in **NON-CONCURRENCE**.)

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#448)

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

NAYS: Senators: None

EXCUSED: Senators: KEIM, LAFOUNTAIN

33 Senators having voted in the affirmative and no Senators having voted in the negative, with 2 Senator being excused, the motion by Senator **STEWART** of Aroostook to **RECEDE** and **CONCUR PREVAILED**.

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

HOUSE REPORT - from the Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act to Strengthen Maine's Elementary and Secondary Education System by Clarifying Purposes and Procedures for Reviews of Schools"
H.P. 916 L.D. 1420

Majority - **Ought to Pass as Amended by Committee Amendment "A" (H-581)** (8 members)

Minority - **Ought To Pass as Amended by Committee Amendment "B" (H-582)** (5 members)

Tabled - June 22, 2023, by Senator **DAUGHTRY** of Cumberland

Pending - motion by Senator **STEWART** of Aroostook to **ACCEPT** the Minority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "B" (H-582)** Report, in **NON-CONCURRENCE**

(In House, June 21, 2023, the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-581)** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-581)**.)

(In Senate, June 22, 2023, Reports **READ**. The motion by Senator **RAFFERTY** of York to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-581)** Report, in concurrence, **FAILED**.)

Senator **STEWART** of Aroostook requested and received leave of the Senate to withdraw his motion to **ACCEPT** the Minority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "B" (H-582)** Report, in **NON-CONCURRENCE**.

On further motion by same Senator, the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-581)** Report **ACCEPTED**, in concurrence.

Bill **READ ONCE**.

Committee Amendment "A" (H-581) **READ**.

On motion by Senator **RAFFERTY** of York, Senate Amendment "A" (S-427) to Committee Amendment "A" (H-581) **READ** and **ADOPTED**.

Committee Amendment "A" (H-581) as Amended by Senate Amendment "A" (S-427) 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-581) AS AMENDED BY SENATE AMENDMENT "A" (S-427)** thereto, in **NON-CONCURRENCE**.

Sent down for 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 Friday, June 23, 2023 at 10:00 in the morning.