

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

In Senate Chamber
Thursday
June 8, 2023

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

Prayer by Senator Joseph E. Rafferty, Jr. of York County.

SENATOR RAFFERTY: Mr. President, ladies and gentlemen of the Senate, support staff, and guests. We arrive here today filled with thanks to our founding leaders, endowed with inalienable rights, along with the responsibilities for ourselves and fellow Mainers. Today and every day let us strive to fill this Chamber with humanity, humility, and hope, honoring past while honing our unique, yet shared, understanding of the future's ever-present call. As we turn to today's business, remind us that we have not come into being to hate or destroy, but rather to praise, to labor, and to love. May we be guided by the light of the Lord, and may we be of the generation that shines that light for all to see. May we be guided by the words of our first President, may the father of all mercies scatter light, not darkness, in our paths, and make all in our several vocations useful here, and in his or her own due time and way, everlastingly happy. Amen.

Pledge of Allegiance led by Senator Glenn C. Curry of Waldo County.

Reading of the Journal of Wednesday, June 7, 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.

Out of order and under suspension of the Rules, on motion by Senator **VITELLI** of Sagadahoc, the following Joint Order:
S.P. 831

ORDERED, the House concurring, that when the Senate and House adjourn, they do so until Monday, June 12, 2023, at 10:00 in the morning, or until the call of the President of the Senate and the Speaker of the House, respectively.

READ and PASSED.

Ordered sent down forthwith for concurrence.

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

Off Record Remarks

PAPERS FROM THE HOUSE

Non-Concurrent Matter

Resolve, to Remove the Prohibition Against Live Plants in State-owned Buildings

S.P. 829 L.D. 2008

In Senate, June 6, 2023, **PASSED TO BE ENGROSSED.**

Comes from the House, **REFERRED** to the Committee on **STATE AND LOCAL GOVERNMENT**, in **NON-CONCURRENCE.**

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

Sent down for concurrence.

Joint Resolution

The following Joint Resolution:

H.P. 1288

**JOINT RESOLUTION
CONDEMNING THE WRONGFUL IMPRISONMENT OF
WALL STREET JOURNAL REPORTER EVAN GERSHKOVICH**

WHEREAS, Wall Street Journal reporter, Bowdoin College alumnus and United States citizen Evan Gershkovich while reporting in Russia was taken into custody on March 29, 2023 in Yekaterinburg and wrongly accused of spying by the Russian government; and

WHEREAS, the White House declared on April 10th that Mr. Gershkovich is being "wrongfully detained," a designation signaling that the United States will devote more resources to the case and that the United States Department of State will lead the effort to free him; and

WHEREAS, Mr. Gershkovich has become the first American journalist to be imprisoned by Russia on fraudulent espionage charges since the Cold War; and

WHEREAS, Russia recently in a closed-door hearing extended the arrest of Mr. Gershkovich by 3 months; and

WHEREAS, the Russian government has not detailed what, if any, evidence has been gathered to support the espionage charges; now, therefore, be it

RESOLVED: That We, the Members of the One Hundred and Thirty-first Legislature now assembled in the First Special Session, on behalf of the people we represent, take this opportunity to condemn the wrongful imprisonment of Evan Gershkovich by the Russian government and to declare our hope that he will be returned safely to his family in America and will be able to continue his work as a journalist.

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

The Joint Resolution was **READ**.

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

Senator **BRAKEY:** Thank you, Mr. President. I saw this Joint Resolution on the calendar last night and I wanted to just offer some words of support in favor of it. You know, both in support of the freedom of Evan Gershkovich and the underlying principle that there are international norms, and no government should imprison journalists, like the Russian government has done with Mr. Gershkovich. For acts of journalism, they accuse him of - they accuse him of and imprison him for espionage. This is not acceptable. It is the - it is right to demand his release. Further, I appreciate knowing that we have the privilege of living in a free country where our federal government sets a good example for the world on these matters and would never do pretty much the exact same thing. For example, when a foreign journalist named Julian Assange published classified videos of drone strikes targeting and killing innocent civilians in Iraq, the Bush Administration set a standard we can all be proud of. Vice President Dick Cheney famously told America, 'we disagree with Mr. Assange and WikiLeaks for publishing this evidence of war crimes, but we respect the freedom of the press and his right to do so.' And when that same journalist published international communications from the national committee of a major political party in this country, demonstrating that party insiders were rigging their presidential nomination process against the campaign of U.S. Senator Bernie Sanders of Vermont, who can forget President Obama's remarks in his farewell address, insisting that even when truths published expose the crimes of people in political power, the rights of journalists like Julian Assange must be respected. Despite reports to the contrary from Yahoo News published in September 2021, I appreciate knowing that the CIA, under Mike Pompeo, never developed plans to kidnap and potentially assassinate this journalist, Julian Assange, when he was seeking asylum from political persecution at the Ecuadorian Embassy in London. I also appreciate knowing that Julian Assange is not facing extradition to the U.S. on the trumped-up charges under the Espionage Act, called by the New York Times and four European news organizations, 'a dangerous precedent that threatens to undermine the First Amendment and the freedom of the press.'

For whatever criticisms I have of the many elected and unelected officials of our own government in Washington DC, one thing is certain; they respect every aspect of the Bill of Rights, especially the freedom of speech and the freedom of the press. They would never engage in censorship, they would never put their opponents on social media blacklists, and they would never persecute journalists like Julian Assange or whistleblowers like Edward Snowden.

So, Mr. President, we can all agree, Russia should free Evan Gershkovich immediately and permit him to come home. And though I doubt the angels among men that occupy the highest offices of our own government would ever violate the freedom of the press in such a manner as Russia has done, I hope that if the unimaginable ever came to pass, we would insist on the same justice and mercy for their political prisoners. After all, how could any foreign government take a resolution from this Body seriously if we insisted on a principle that we did not apply to our own leaders? How could our government be an example - a leader in establishing international norms if those who run that government consider themselves exceptions to those norms? So, Mr. President, sincerely, let's pass this resolution today with hope that Evan Gershkovich is swiftly released and returned safely home to his family, and when we pass this resolution, let's do it not only for him, but also for all imprisoned and persecuted journalists across the world, no matter which country's government is persecuting them. Thank you.

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

COMMUNICATIONS

The Following Communication: S.C. 614

**STATE OF MAINE
ONE HUNDRED AND THIRTY FIRST LEGISLATURE
COMMITTEE ON INLAND FISHERIES AND WILDLIFE**

June 7, 2023

The Honorable Troy Dale Jackson
President of the Senate of Maine
131st Maine State Legislature
State House
Augusta, Maine 04333-0003

Dear Mr. President:

In accordance with 3 M.R.S.A., Section 157, and with Joint Rule 505 of the Maine Legislature, the Joint Standing Committee on Inland Fisheries and Wildlife has had under consideration the nomination of John Neptune of Indian Island, for appointment to the Inland Fisheries and Wildlife Advisory Council.

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

YEAS	Senators	1	LaFountain, D. of Kennebec
	Representatives	8	Landry, S. of Farmington, Cluchey, S. of Bowdoinham, Dill, J. of Old Town, Drinkwater, G. of Milford, Hepler, A. of Woolwich, Mason, R. of Lisbon, Thorne, J. of Carmel, Wood, S. of Greene

NAYS 0
 ABSENT 4 Sen. Black, R. of Franklin,
 Sen. Curry, C. of Waldo,
 Rep. Golek, C. of Harpswell,
 Rep. Woodsome, D. of
 Waterboro

Nine members of the Committee having voted in the affirmative and zero in the negative, it was the vote of the Committee that the nomination of John Neptune of Indian Island, for appointment to the Inland Fisheries and Wildlife Advisory Council be confirmed.

Signed,

S/David P. LaFountain S/Scott Landry
 Senate Chair House Chair

READ and ORDERED PLACED ON FILE.

The President laid before the Senate the following: "Shall the recommendation of the Committee on **INLAND FISHERIES AND WILDLIFE** be overridden?"

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

In accordance with 3 M.R.S.A., Chapter 6, Section 158, and with Joint Rule 506 of the 131st Legislature, the vote was taken by the Yeas and Nays.

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#249)

YEAS: Senators: None
 NAYS: Senators: BAILEY, BALDACCI, BEEBE-CENTER,
 BENNETT, BLACK, BRAKEY, CARNEY, CHIPMAN,
 CURRY, DAUGHTRY, DUSON, FARRIN,
 GROHOSKI, GUERIN, HARRINGTON, HICKMAN,
 INGWERSEN, KEIM, LAFOUNTAIN, LAWRENCE,
 LIBBY, LYFORD, MOORE, NANGLE, PIERCE,
 RAFFERTY, RENY, ROTUNDO, STEWART,
 TIMBERLAKE, TIPPING, VITELLI, PRESIDENT
 JACKSON

EXCUSED: Senators: BRENNER, POULIOT

No Senator having voted in the affirmative and 33 Senators having voted in the negative, with 2 Senators being excused, and none being less than two-thirds of the Membership present and voting, it was the vote of the Senate that the Committee's recommendation be **ACCEPTED** and the nomination of **John Neptune** of Indian Island for appointment to the Inland Fisheries and Wildlife Advisory Council was **CONFIRMED**.

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

The Following Communication: S.C. 613

**STATE OF MAINE
 ONE HUNDRED AND THIRTY FIRST LEGISLATURE
 COMMITTEE ON INLAND FISHERIES AND WILDLIFE**

June 7, 2023

The Honorable Troy Dale Jackson
 President of the Senate of Maine
 131st Maine State Legislature
 State House
 Augusta, Maine 04333-0003

Dear Mr. President:

In accordance with 3 M.R.S.A., Section 157, and with Joint Rule 505 of the Maine Legislature, the Joint Standing Committee on Inland Fisheries and Wildlife has had under consideration the nomination of Roger G. Grant of Ellsworth, for appointment to the Inland Fisheries and Wildlife Advisory Council.

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

YEAS	Senators	1	LaFountain, D. of Kennebec
	Representatives	8	Landry, S. of Farmington, Cluchey, S. of Bowdoinham, Dill, J. of Old Town, Drinkwater, G. of Milford, Hepler, A. of Woolwich, Mason, R. of Lisbon, Thorne, J. of Carmel, Wood, S. of Greene
NAYS		0	
ABSENT		4	Sen. Black, R. of Franklin, Sen. Curry, C. of Waldo, Rep. Golek, C. of Harpswell, Rep. Woodsome, D. of Waterboro

Nine members of the Committee having voted in the affirmative and zero in the negative, it was the vote of the Committee that the nomination of Roger G. Grant of Ellsworth, for appointment to the Inland Fisheries and Wildlife Advisory Council be confirmed.

Signed,

S/David P. LaFountain
Senate Chair

S/Scott Landry
House Chair

READ and ORDERED PLACED ON FILE.

The President laid before the Senate the following: "Shall the recommendation of the Committee on **INLAND FISHERIES AND WILDLIFE** be overridden?"

In accordance with 3 M.R.S.A., Chapter 6, Section 158, and with Joint Rule 506 of the 131st Legislature, the vote was taken by the Yeas and Nays.

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#250)

YEAS: Senators: None

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

EXCUSED: Senators: BRENNER, POULIOT

No Senator having voted in the affirmative and 33 Senators having voted in the negative, with 2 Senators being excused, and none being less than two-thirds of the Membership present and voting, it was the vote of the Senate that the Committee's recommendation be **ACCEPTED** and the nomination of **Roger G. Grant** of Ellsworth for appointment to the Inland Fisheries and Wildlife Advisory Council was **CONFIRMED**.

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

The Following Communication: S.C. 610

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

May 02, 2023

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

Dear President Jackson and Speaker Talbot Ross:

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

L.D. 1225 An Act to Protect Housing by Increasing the Property Tax Fairness Credit

This is notification of the Committee's action.

Sincerely,

S/Sen. Nicole Grohoski
Senate Chair

S/Rep. Joe Perry
House Chair

READ and with accompanying papers ORDERED PLACED ON FILE.

The Following Communication: S.C. 612

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

June 06, 2023

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

Dear President Jackson and Speaker Talbot Ross:

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

L.D. 413 An Act to Require the Department of Transportation to Upgrade Route 1 from Fort Kent to Van Buren

L.D. 861 An Act to Identify the Canadian Pacific Railway Railroad Lines from Hermon Station Through Brownville and Jackman to Quebec and Montreal as a Major Corridor and to Fund a Feasibility Study

This is notification of the Committee's action.

Sincerely,

S/Sen. Ben Chipman
Senate Chair

S/Rep. Lynne A. Williams
House Chair

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

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

ORDERS

Joint Order

An Expression of Legislative Sentiment recognizing:

Hannah Longley, of Litchfield, who received the Sam Cochran Criminal Justice Award from the National Alliance on Mental Illness. The award recognizes exemplary individuals whose work in the criminal justice system has improved the fair and humane treatment of people with mental illness. We extend our congratulations and best wishes;

SLS 748

Sponsored by Senator **TIMBERLAKE** of Androscoggin.
Cosponsored by Representative: **GREENWOOD** of Wales.

The Joint Order was **READ.**

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

Senator **TIMBERLAKE:** Thank you, Mr. President. Ladies and gentlemen of the Senate, I am very happy to recognize my friend and constituent, Hannah Longley. Hannah works at the National Alliance for Mental Illness here in Maine and has just been awarded the national Sam Cochran Criminal Justice Award for outstanding work, leadership, and vision in the criminal justice system on behalf of people living with mental illness. Hannah has worked for NAMI for five years as the Senior Clinical Director of Policy. She has worked in the mobile crisis, worked with youth and law enforcement, has basically dedicated her life to helping those who live with mental illness. She runs the crisis intervention training program, which develops a network of relationships between law enforcement and mental health providers, peers, families, and advocates, effectively produces a community-wide crisis response. Her program is the first doubly certified program in the country.

A social worker by trade and a passionate advocate by heart, Hannah has been a huge help to me as I try and address the mental health crisis in my district and fix the broken mental health system here in Maine. Hannah lives in Litchfield with her husband and two children. Hannah, I congratulate you on your national award and am very grateful that you are working so hard for us here in Maine. I'm honored to call you a colleague and a friend. Thank you, Hannah.

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

Senator **HARRINGTON:** Thank you, Mr. President. I'd be remiss if I didn't say a few words. I have seen firsthand Hannah's ability to work with law enforcement. I roomed with her husband for a couple of weeks at the Criminal Justice Academy, so I've seen firsthand her innate and wonderful ability to talk individuals off the ledge, having roomed with him for a week. Thanks.

The Joint Order was **PASSED.**

Sent down for concurrence.

THE PRESIDENT: The Chair is very pleased to recognize in the rear of the Chamber Hannah Longley from NAMI Maine and her daughter, Cora or Lora. They are from the town of Litchfield. They are the guests today of the Senator from Androscoggin, Senator Timberlake, and the entire Maine Senate. Would they please rise and accept the congratulations of the Maine Senate.

REPORTS OF COMMITTEES

House

Divided Report

Six members of the Committee on **ENERGY, UTILITIES AND TECHNOLOGY** on Bill "An Act to Comprehensively and Equitably Reform Electricity Rates"

H.P. 347 L.D. 542

Reported in Report "**A**" that the same **Ought to Pass as Amended by Committee Amendment "A" (H-277).**

Signed:

Senator:

LAWRENCE of York

Representatives:

ZEIGLER of Montville

BOYLE of Gorham

GEIGER of Rockland

RUNTE of York

WARREN of Scarborough

Four members of the same Committee on the same subject reported in Report "**B**" that the same **Ought to Pass as Amended by Committee Amendment "B" (H-278).**

Signed:

Senator:

HARRINGTON of York

Representatives:

BABIN of Fort Fairfield

FOSTER of Dexter

PAUL of Winterport

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

Signed:

Senator:
GROHOSKI of Hancock

Representatives:
DUNPHY of Embden
KESSLER of South Portland

Comes from the House with Report "**A**", **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-277)**, READ and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-277)**.

Reports **READ**.

Senator **LAWRENCE** of York moved the Senate **ACCEPT** Report "**A**", **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-277)**, in concurrence.

On further motion by same Senator, **TABLED** until Later in Today's Session, pending the motion by same Senator to **ACCEPT** Report "**A**", **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-277)**, in concurrence.

Divided Report

Nine members of the Joint Select Committee on **HOUSING** on Bill "An Act to Clarify Statewide Laws Regarding Affordable Housing and Accessory Dwelling Units"

H.P. 1095 L.D. 1706

Reported in Report "**A**" that the same **Ought to Pass as Amended by Committee Amendment "A" (H-345)**.

Signed:

Senators:
PIERCE of Cumberland
POULIOT of Kennebec
VITELLI of Sagadahoc

Representatives:
GERE of Kennebunkport
BLIER of Buxton
GATTINE of Westbrook
GOLEK of Harpswell
MORRIS of Turner
RANA of Bangor

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-346)**.

Signed:

Representative:
CAMPBELL of Orrington

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 "C" (H-347)**.

Signed:

Representative:
LOOKNER of Portland

Comes from the House with Report "**A**", **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-345)**, READ and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-345)**.

Reports **READ**.

Senator **PIERCE** of Cumberland moved the Senate **ACCEPT** Report "**A**", **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-345)**, in concurrence.

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#251)

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

NAYS: Senator: TIMBERLAKE

ABSENT: Senator: BRENNER

33 Senators having voted in the affirmative and 1 Senator having voted in the negative, with 1 Senator being excused, the motion by Senator **PIERCE** of Cumberland to **ACCEPT** Report "**A**", **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-345)**, in concurrence, **PREVAILED**.

Bill **READ ONCE**.

Committee Amendment "A" (H-345) **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-345)**, in concurrence.

Off Record Remarks

Senate

Ought to Pass As Amended

Senator BALDACCI for the Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act to Expand Telemonitoring for MaineCare Patients"

S.P. 315 L.D. 757

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-213)**.

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

Bill **READ ONCE**.

Committee Amendment "A" (S-213) **READ** and **ADOPTED**.

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

Sent down for concurrence.

Senator LaFOUNTAIN for the Committee on **INLAND FISHERIES AND WILDLIFE** on Bill "An Act to Clarify and Correct Inland Fisheries and Wildlife Laws"

S.P. 70 L.D. 131

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-216)**.

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

Bill **READ ONCE**.

Committee Amendment "A" (S-216) **READ** and **ADOPTED**.

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

Sent down for concurrence.

Senator LaFOUNTAIN for the Committee on **INLAND FISHERIES AND WILDLIFE** on Resolve, Directing the Department of Inland Fisheries and Wildlife to Develop a Hunting and Fishing Software Application

S.P. 482 L.D. 1186

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-214)**.

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

Resolve **READ ONCE**.

Committee Amendment "A" (S-214) **READ** and **ADOPTED**.

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

Sent down for concurrence.

Senator LaFOUNTAIN for the Committee on **INLAND FISHERIES AND WILDLIFE** on Bill "An Act to Exempt Certain Boat Operators from Having to Become Maine Guides" (EMERGENCY)

S.P. 538 L.D. 1319

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-215)**.

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

Bill **READ ONCE**.

Committee Amendment "A" (S-215) **READ** and **ADOPTED**.

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

Sent down for concurrence.

Senator TIPPING for the Committee on **LABOR AND HOUSING** on Bill "An Act to Examine Hazardous Occupations for Minors"

S.P. 137 L.D. 316

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-217)**.

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

Bill **READ ONCE**.

Committee Amendment "A" (S-217) **READ** and **ADOPTED**.

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

Sent down for concurrence.

Divided Report

The Majority of the Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act Regarding Work Requirements for Able-bodied Adults Without Dependents Under the Supplemental Nutritional Assistance Program"

S.P. 337 L.D. 778

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

Signed:

Senators:

BALDACCI of Penobscot
INGWERSEN of York

Representatives:

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

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

Signed:

Senator:

MOORE of Washington

Representatives:

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

Reports **READ**.

Senator **BALDACCI** of Penobscot moved the Senate **ACCEPT** the Majority **OUGHT NOT TO PASS** Report.

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#252)

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

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

EXCUSED: Senator: BRENNER

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

Sent down for concurrence.

Divided Report

The Majority of the Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act Regarding Visitation Policies for Long-term Care Facilities, Hospice Providers and Hospitals" S.P. 632 L.D. 1601

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

Signed:

Senators:

BALDACCI of Penobscot
INGWERSEN of York

Representatives:

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

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (S-212)**.

Signed:

Senator:

MOORE of Washington

Representatives:

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

Reports **READ**.

Senator **BALDACCI** of Penobscot moved the Senate **ACCEPT** the Majority **OUGHT NOT TO PASS** Report.

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 in opposition to the pending motion. I'm actually the sponsor of this bill, and I put it in on behalf of a constituent who had asked me to do something in the wake of the COVID era, when folks were prohibited from visiting their loved ones in hospitals and in ERs as a result of hospital policy and other policies that remain and, even after it became clear that there were ways that we could, in fact, do that and make it safe, they retained some of those policies. And so, while it is the case that now we've moved on from that time, it would be, I think, of interest to the public to find a way to prevent and come

out ahead of some scenarios where hospitals simply just refuse to come up with anything and, not feeling any pressure from the government to do so, would result in the same circumstance happening all over again during the next pandemic. And this is not to say that, you know, they have to do it in an unsafe way, but find a way to make sure that people can still have contact with their family and their loved ones as they are in a longer stay in the hospital. We know that a lot of folks were dying from things like depression that didn't have to happen, but they were alone and isolated and in a really bad situation there. And certainly, the case with kids as well, I worry about that scenario playing out as well. And so, what this bill seeks to do and why I hope we can pass it is to try to come up with some state mechanism whereby the hospitals can fall back and point to as to why they do need to come up with some type of way to ensure their patients have the ability to be visited by loved ones, at least one person, something to make sure that they are not going to die in a hospital bed, alone, terrified, depressed, and hopefully have a better outcome overall. So, with that, I'd request a Roll Call and hope that you follow my light. Thank you.

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

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

Senator **BALDACC**: Thank you, Mr. President. I just want to indicate to my good friend from Aroostook that I totally understand and sympathize the individual heartfelt concerns of your constituent and probably many of our respective constituents. But to have the State of Maine tell a hospital or a doctor how they're going to handle an individual patient when there are things like patient-doctor confidentiality, there are certain privacy issues in addition to how are they going to manage that individual person's healthcare, I just think would put the State in a bad position to oversee that, and I think that we need to let the doctor and the patient make those decisions hopefully together. And I understand, you know, there are stories and concerns, legitimate concerns about how certain cases might've been handled, but again, I don't think having the State be the overseer of that will be a plus for anyone.

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#253)

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

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

EXCUSED: Senator: BRENNER

19 Senators having voted in the affirmative and 15 Senators having voted in the negative, with 1 Senator being excused, the motion by Senator **BALDACC** of Penobscot to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report **PREVAILED**.

Sent down for concurrence.

Divided Report

The Majority of the Committee on **JUDICIARY** on Bill "An Act to Protect a Woman's Right to Withdraw Consent for an Abortion" S.P. 330 L.D. 771

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

Signed:

Senators:
CARNEY of Cumberland
BAILEY of York

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

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (S-210)**.

Signed:

Senator:
BRAKEY of Androscoggin

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

(Representative DANA of the Passamaquoddy Tribe - of the House - supports the Minority **Ought To Pass as Amended by Committee Amendment "A" (S-210)** Report.)

Reports **READ**.

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

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

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

Senator **BRAKEY:** Thank you, Mr. President. I rise in opposition to the pending motion as the sponsor of this legislation. I will say, first and foremost, I put this bill in hoping that this might be an issue we find some common ground on, on an issue that is often hotly contested. The legislation before us is simultaneously a pro-life bill and a pro-choice bill. Fundamentally, it seeks to protect a woman's right to choose. In recent years, Congresswoman Cori Bush, a Democrat congresswoman from Missouri, shared a personal story about her experience at the age of 19 as a young woman who was the victim of a forced abortion. According to a report in the Washington Examiner, to quote Congresswoman Bush specifically, she said, 'I thought I was ready, and I went in, and I went through all the steps, because it's almost like an assembly line,' Bush recalled in an interview on Firing Line. 'I was helped up onto the table by the nurse, and I lay there, and I started to think well, one, I didn't tell the father that that was about to happen, and I just felt like I needed more time.' Bush wrote about the incident in her recently released book, the Forerunner. It was her second time getting an abortion. She initially believed that the process would be straightforward, having gone through it before, but then she grew uneasy about it and thought she needed more time. In response to her pleas to scrap the operation, Bush said that a nurse refused to listen and instead directed her to calm down, 'the nurse just wouldn't listen to me, and I said no, I'm not ready. And as I'm saying no, they continued to pull the instruments and get everything ready, and they were just like no, calm down, Bush recalled. She says, I was a young, black woman. Multiple times, I felt like it was oh, well, we know better, you don't know what you don't understand, we know better,' she added. Congresswoman Bush is a powerful person today, she can share this story and be taken seriously. But if it happens to her, it has happened to others. This legislation would simply protect a woman's right to withdraw consent at any time before the abortion is performed. It would require an abortion provider to inform a woman of her right to withdraw consent. And on the occasion that that consent is withdrawn, if a woman's decision is not respected, like Congresswoman Cori Bush's decision was not respected, the performance of that abortion would be a felony-level crime, the same as any abortion performed on a mother and her baby without her consent. It's simply about consent. Thank you, Mr. President.

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

Senator **CARNEY:** Thank you, Mr. President. I just rise briefly to speak in support of the pending motion. First of all, my good colleague from Androscoggin did mention that - or did point out that the story of Congresswoman Bush is her story to tell, and the rendition that we heard today is taken out of context. There's much more to the story and, again, she is the one who should be sharing the story with us. With regard to the merits of the bill, I would just like to point out that - and we do have multiple statutes in Maine that require consent, it's actually required for any type of

medical care to be provided, and failure to obtain consent and to practice medicine without the consent of a patient is an assault, it's a Class B crime. If we need some kind of a deterrent, then we already have that available, we have the requirement of consent and we have a deterrent available in law and there's simply no reason for us to pass the proposed measure. I urge you to follow my light.

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

Senator **GUERIN:** Thank you, Mr. President. Ladies and gentlemen of the Senate, this bill is dealing with withdrawing consent. I want to bring that to your attention. If a young woman changes her mind during the procedures, she has already given her consent, but now she's changed her mind, she wants to withdraw her consent. There's not a woman in this Chamber who wouldn't be strong enough to withdraw their consent whether or not the doctor or nurse wanted them to, all of us would be courageous enough to take that stand. But what about a young, perhaps scared, in poverty young woman who changes her mind and doesn't have the confidence that the women in this Chamber have to have their will accomplished but goes instead with the caregiver who is making a profit from the abortion. The caregiver has the incentive to continue because they want the payment. Let's give all women the chance to withdraw consent if they feel it's necessary.

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

Senator **STEWART:** Thank you, Mr. President. Ladies and gentlemen of the Senate, a question I'd like to pose to the Chair, would - in hearing the Senator from Cumberland's remarks a minute ago about kind of the redundancy here, I guess I'd like to be pointed in the direction of the statute that would either outline what consent looks like in terms of medical consent. Of course, if you go to the doctor, you know, one of the first things they're going to make you do is sign a consent to treat form. But does consent in that regard operate in the same context as it would, for instance, like with consent for sexual intercourse, which could be withdrawn at any point in time, and if it later is withdrawn that you no longer have consent. Is there a place in Maine Statute that could be pointed out that delineates that dynamic somehow? Because if not, I think that's the crux of the issue. And maybe there is, and I would hope that there is, but if there's not, then I think this bill probably makes sense to address that, that gap. Thank you.

THE PRESIDENT: The Senator from Aroostook, Senator Stewart, has posed a series of questions through the Chair to anyone who may answer. The Chair recognizes the Senator from Cumberland, Senator Carney.

Senator **CARNEY:** Thank you very much, and thanks to my colleague for the question. I would direct everyone in the Chamber to Title 22 of the Maine Statutes, Section 1599-A. It is the Informed Consent to Abortion statute. It's actually the statute that is proposed to be amended by this legislation. It - I can read if you'd all like, or you can read it on your own, but it contains an extensive description of what type of consent is required, including that the healthcare professional has to certify in writing

that the woman gave her informed, written consent freely and without coercion. And then it also contains a statutory definition of informed consent, which requires the healthcare professional to inform the patient in a manner that the healthcare professional's professional judgment is not misleading and will be understood by the patient, including the following - that the patient is pregnant, the number of weeks and probable time of conception, the particular risks associated with pregnancy and abortion and, at the patient's request, other alternative treatments. That is a very extensive consent process that is already required. I feel that the current proposal is establishing a false narrative that there is this desire to force people to have abortions for financial gain, and that is simply not the case. Again, I urge my colleagues to support the pending motion.

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

Senator **HICKMAN:** Thank you, Mr. President. Permission to pose a question through the Chair?

THE PRESIDENT: The Senator from Kennebec, Senator Hickman.

Senator **HICKMAN:** I believe the good Senator from Cumberland earlier said something about there is a statute that makes performing a medical procedure on an individual without their consent a class crime, but I didn't hear the letter of the crime, and I'm wondering if the President - if I can pose that question to the good Senator.

THE PRESIDENT: The Senator from Kennebec, Senator Hickman, poses a question through the Chair. I believe it was Class B. The Chair recognizes the Senator from York, Senator Lawrence.

Senator **LAWRENCE:** Thank you, Mr. President. Men and women of the Senate, it's a Class B, as in boy, crime, punishable by up to ten years in jail. And I will say that we already have the ability to prosecute people, prosecute medical professionals who refuse to abide by their patient's consent or withdrawal of consent. I have seen those types of prosecutions; they occur in the state of Maine. Also, the medical professional would be risking loss of license, also malpractice claims. But I've seen many of these prosecutions go on. We had - we had one with somebody in Corrections who withdrew their consent to something and the medical professional went ahead, and that medical professional was prosecuted. We also have the notorious brain cases, where doctors have taken the brains of people who are deceased without the consent of the family, and those doctors were all prosecuted by the Attorney General's Office. So, I have no doubt that what the - in what the good Senator from Cumberland said, Senator Carney, that we have more than enough in the statute to prosecute anyone who refuses to allow a woman to withdraw their consent for this type of procedure or any type of procedure - or a man who wants to withdraw a consent, we have the ability to prosecute them under the assault statutes.

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

Senator **BRAKEY:** Thank you, Mr. President. I have the statute open in front of me. Thank you to my seatmate, Senator Moore, for loaning me her computer as she was looking it up. It is, for the most part, as Senator Carney has described, the existing statute about consent and what is required for informed consent. Nowhere - I'll note a few things, though. It requires written informed consent freely and without coercion, right? But what happens after an individual signs that paperwork, if they change their mind at that point? There's no requirement in the law under informed consent that as a part of that, the person be notified of their right to withdraw consent and change their mind after that paperwork has been signed. That's all we're adding to this. That as a part of that informed consent process they be notified that they retain the right even after signing the paperwork to change their mind, and that her decision must be legally respected. This doesn't actually change - it's right, there are current - there's current laws in place, performing such a procedure without consent would be a Class B crime. That's actually stricter than what I initially proposed in the bill. But there's no requirement that a woman be given that information so that she knows, particularly someone in situations like Senator Guerin described, someone who maybe is in a vulnerable situation and they don't - are not fully aware of their rights. All we're doing is providing information, requiring that information be provided so that that informed consent is robust. And as to what my good colleague Senator Carney suggested about false narratives, I'm not trying to paint a false narrative here. Perhaps this is very rare, I imagine it probably is very rare. That doesn't mean it doesn't happen, as certain stories have demonstrated. It does happen on - perhaps on rare occasion, but we should protect peoples' rights even in those rare occasions and make sure they have access to all the information about their rights. Thank you, Mr. President.

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

Senator **NANGLE:** Thank you, Mr. President. I'd just like to - we're talking about these consent to treats like they're irrevocable at any time, like, once you've signed the consent to treat, you have no ability to back things up and stop it. I'm looking at Maine Medical Center's outpatient consent to treat. On page three of the four pages, it says, 'I may request in writing to revoke all or part of these authorizations at any time by notifying the outpatient facility, clinic, or practice in writing. I understand that the revocation shall not apply to any disclosures made prior to receiving notice of the revocation.' Now, this is part of their release of medical information, however, it doesn't specify that it is specific to release of information. So, to me, that reads like I can revoke any or all of these authorizations, which includes consent to treat. I think what happened to the congresswoman is probably awful and I also think that that was a much different time. I have never had a medical procedure performed on me without my consent, and I have felt that at any time, I could ask to have the procedure stopped, and I'm just thinking that this is an unnecessary statute. Thank you.

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

Senator **GUERIN:** Thank you, Mr. President. Ladies and gentlemen of the Senate, my good friend, Senator Carney, said there was no financial motivation. Planned Parenthood reported

in their 2020-21 annual report, Planned Parenthood reported \$1.7 billion in income, and over \$2.1 billion in assets. I am certain there are doctors and other caregivers being paid to do abortions and are benefited from that personally. And again, I would say a young woman who does not know all of her procedural rights and has been told calm down, we'll just continue, is really at a disadvantage to a skilled doctor who is being paid to do the procedure.

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

Senator **CARNEY:** Very briefly, I would just like to say that we have also been given incorrect information about Planned Parenthood, which is a 501(c)(3) and spends a significant amount of money providing healthcare to everyone who needs it in a very compassionate way.

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#254)

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

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

EXCUSED: Senator: BRENNER

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

Sent down for concurrence.

ENACTORS

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

Acts

An Act to Strengthen Third-party Liability Requirements for the MaineCare Program

S.P. 51 L.D. 84

An Act to Compensate Tribal Governments for Basic Training for a Law Enforcement Officer Hired by Another Government Agency
H.P. 150 L.D. 229
(C "A" H-242)

An Act to Prohibit Off-trail Operation of a Snowmobile in an Area Closed to Off-trail Operation
S.P. 290 L.D. 732
(C "A" S-136)

An Act to Require the State to Hold a Public Hearing in a Municipality Before the State Constructs a Solar Project in That Municipality
S.P. 293 L.D. 735
(C "A" S-123)

An Act to Establish an Exception to the Hearsay Rule for Forensic Interviews of a Protected Person
S.P. 324 L.D. 765
(C "A" S-115)

An Act to Require and Standardize Labeling of Water Treatment Equipment
S.P. 334 L.D. 775
(C "A" S-132)

An Act Regarding Dental Licensure for Charitable Care
S.P. 348 L.D. 789
(C "A" S-129)

An Act Regarding Licensure in the Field of Emergency Medical Services
S.P. 390 L.D. 919
(C "A" S-137)

An Act to Advance the Maine Retirement Savings Program
S.P. 451 L.D. 1082
(S "A" S-135)

An Act to Require a Disclaimer on Promotional Materials for Medicare, Medicaid and MaineCare Products by Private Entities
S.P. 508 L.D. 1271
(C "A" S-139)

An Act to Extend the Time for Certain Public Utilities Commission Proceedings
S.P. 659 L.D. 1654

An Act to Amend the Kennebunk Sewer District Charter
S.P. 680 L.D. 1693

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

An Act to Support Maine's Farmers in the Development of Sustainable Irrigation
H.P. 141 L.D. 220
(C "A" H-224)

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

An Act to Exempt Nonprofit Land Trusts from Sales Tax
H.P. 464 L.D. 695
(C "A" H-234)

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

An Act to Improve Women's Health and Economic Security by Funding Family Planning Services
S.P. 598 L.D. 1478
(C "A" S-122)

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

An Act to Address Teacher Shortages Through Financial Assistance and Career Advancement Opportunities
S.P. 640 L.D. 1608
(C "A" S-128)

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

Resolves

Resolve, Directing the Department of Inland Fisheries and Wildlife to Study the Effects of Wake Boats on Shoreline Property and the Environment
H.P. 230 L.D. 379
(C "A" H-240)

Resolve, to Update Allowable Limits on Mortuary Trusts for the Purposes of MaineCare Eligibility
S.P. 201 L.D. 446

Resolve, Naming a Pond in Elm Stream Township as Plummer Pond
H.P. 430 L.D. 661
(C "A" H-227)

Resolve, to Study Implementation of a Program to Provide Trauma-informed Training for Law Enforcement Officers at the Maine Criminal Justice Academy
H.P. 536 L.D. 847
(C "A" H-229)

Resolve, Directing the Public Utilities Commission to Initiate a Proceeding to Explore Strategies to Procure Standard-offer Service in a Manner that Promotes the Stability of Residential Standard-offer Rates

S.P. 406 L.D. 987
(C "A" S-127)

Resolve, Directing the Secretary of State to Report on the School Bus Driver Shortage

H.P. 666 L.D. 1030
(C "A" H-223)

Resolve, Directing the Department of Education to Develop and Distribute Guidance for Diploma Options at the Arthur R. Gould School

H.P. 669 L.D. 1033
(C "A" H-244)

Resolve, to Study Expansion of Civics Education and Engagement Through the Secretary of State

H.P. 808 L.D. 1260
(C "A" H-245)

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

Resolve, to Increase Residential Care and Nursing Facility Residents' Personal Needs Allowances Under the MaineCare Program

S.P. 255 L.D. 587
(C "A" S-131)

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

Resolve, to Establish a Stakeholder Group to Inform the Development of a Farm Apprenticeship Pilot Program
H.P. 557 L.D. 901
(C "A" H-225)

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

Resolve, Directing the University of Maine System to Study the Potential Effects of the State's Adopting Permanent Eastern Standard Time or Permanent Eastern Daylight Time
S.P. 408 L.D. 989
(C "A" S-140)

On motion by Senator **ROTUNDO** of Androscoggin, **TABLED** until Later in Today's Session, pending **FINAL PASSAGE**, in concurrence.

Resolve, to Establish the Commission to Study Measures to Improve Safety for Residents of Recovery Residences
H.P. 77 L.D. 109
(C "A" H-230)

SENATE REPORTS - from the Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act to Improve School Safety and Preparedness Through Comprehensive Health and Safety and Emergency Management Planning"
S.P. 384 L.D. 892

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

Majority - **Ought to Pass as Amended by Committee Amendment "A" (S-165)** (8 members)

Minority - **Ought Not to Pass** (5 members)

Senate at Ease.

The Senate was called to order by the President.

Tabled - June 6, 2023 by Senator **STEWART** of Aroostook

Pending - motion by Senator **RAFFERTY** of York to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report

Off Record Remarks

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

ORDERS OF THE DAY

Unfinished Business

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

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

HOUSE REPORTS - from the Committee on **INLAND FISHERIES AND WILDLIFE** on Bill "An Act to Implement the Recommendations of the Department of Inland Fisheries and Wildlife's Report on Boater Safety Education"
H.P. 1152 L.D. 1807

Senator **STEWART:** Thank you, Mr. President. Ladies and gentlemen of the Senate, there's - in reviewing this bill, there's a number of definitions in it which don't seem to actually be all that well-defined. And that was a point of issue for us when we talked about it, well, yesterday, before the bill was tabled, but - and given the significance of this impact here, we really have a lot of concern that it might make more sense for the committee to take another crack at really fleshing out exactly what this bill intends to do, what some of the definitions in there mean. And so, we're hoping that we can have opportunity to do that next session or in a special session. And that was the kind of desire, I guess, of our caucus, is to more thoroughly flesh out what's actually contained in this bill. So, with that, I would move to commit this bill and all its accompanying papers to the Education and Cultural Affairs Committee.

Senator **STEWART** of Aroostook moved the Bill and accompanying papers be **COMMITTED** to the Committee on **EDUCATION AND CULTURAL AFFAIRS**.

Majority - **Ought to Pass** (9 members)

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

Minority - **Ought Not to Pass** (4 members)

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

Tabled - June 6, 2023 by Senator **LAFOUNTAIN** of Kennebec

Pending - **ACCEPTANCE OF EITHER REPORT**

(In House, the Majority **OUGHT TO PASS** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED**.)

Senator **DAUGHTRY:** Thank you, Mr. President. Ladies and gentlemen of the Senate, I will speak just to the motion before us, and hopefully to the bill, which is my bill, after we hopefully defeat this motion. This language did have plenty of time from the committee, and also additionally had been drafted with assistance from the Department of Education. This is something that has been asked for within not only my district but other districts, and I think this is something that will not necessarily benefit from more time when it's clear that this is a simple fix and something that is needed for our schools.

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

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

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

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

Senator **BRAKEY**: Thank you, Mr. President. I thought on this particular motion it might be helpful to read the actual fiscal detail and notes statements in the fiscal note, which says that this bill requires a school comprehensive health and safety and emergency management plan approved by a schoolboard to meet nationally recognized practices. Sounds all right so far. These plans were identified as a potential unfunded State mandate in Public Law 2021, Chapter 464. As no definition of nationally recognized practices is provided in this bill, it is unclear whether additional cost will be imposed on local school administrative units. So, in the fiscal note, it's saying this might be an unfunded mandate, but we honestly don't have enough information to even know if it's an unfunded mandate. It just seems like there's something half-baked about this, if even OFPR can't figure it out enough to draft a definitive fiscal note on whether or not this is an unfunded mandate or not. I know that there's often a lot of debate about concept drafts, and whether we should have concept drafts or not, but certainly I think the hope is when a concept draft does go to a committee, it doesn't come out feeling still like a concept draft by the time it gets to the floor, and we're asked to vote on it. So, if even OFPR can't quite figure this one out, it seems that there are some questions that still need to be answered before this is ready for a vote on the Floor. Thank you, Mr. President.

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

Senator **RAFFERTY**: Thank you, Mr. President. I believe the term that has been confusing, and I questioned it myself, was nationally recognized practice. I believe that's what the matter may be. If it's not, I'd like to know otherwise. But the reality is when I asked about the nationally recognized practice, I was told that those don't currently exist, so the deferral would be to local best practices in that situation. And I'll give you an example. This fall, there was a call-in at Sanford Vocational Center in terms of an emergency that ultimately turned out to be a false alarm, so to speak. However, the response the next day was to bring in all the leadership of the emergency teams throughout York County, I know, at least, I don't know that there were other counties involved or not, but the reality is they kind of reviewed what happened and made plans and rectified situations. I wasn't - I saw it happening, but I wasn't part of that process, I just knew that it was going on, but know that, obviously, emergency situations in schools are an important matter, and we do want to have it right. So, the most important thing is that best practices exist and I know that, throughout the state, the schools are working together. Together, we want consistency, and that's an important thing. We had a number of bills around school security come to the committee this year, but I am comfortable with the language that exists and believe that the automatic go-to will be to best practices. Thank you.

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

Senator **LIBBY**: Thank you, Mr. President. Request a Roll Call and I'd like to speak to my motion. Is there a Roll Call already? Thank you, thank you, misinformation, my fault. I'd like to speak, though.

THE PRESIDENT: A roll call has been ordered.

Senator **LIBBY**: Thank you, thank you. Misinformation, my fault. I'd like to speak though. Men and women of the Senate, I think everything I've heard from all speakers I generally agree with. All I ask is that there is this and then there are two others, I want to know is it a mandate or isn't it? I want to know that. And if it's not there, and I don't know that, you can't expect me to vote one way or another. And I need to inform my caucus when we have these issues in front of us, and it's difficult for me to inform my caucus if I don't know if it's a mandate or not, so that's all I ask. It's why it's tabled in the first place. And I have no issue with the content, I want to know if it's a mandate or not. It's unclear. I don't think it's our fault, it's the way it's written here, I think the way it's written was poor. And there are two other bills, at least, maybe more, that I know of that are written unclearly, I can't tell if they're mandates or not. Thank you, Mr. President.

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

Senator **DAUGHTRY**: Thank you, Mr. President. Ladies and gentlemen of the Senate, I rise to address one point made by the good Senator from Androscoggin. This was never a concept draft. What's before us is a fully drafted bill. I still think we're only allowed to direct our comments to the commit motion in front of us; once we get past this motion, I'm happy to tell you about the process of this bill and how it is grounded in sound science. Additionally, I want to add if there's frustration with the fiscal note, we as legislators do not draft the fiscal note. This is why we have the incredible, you know, Office of Fiscal and Policy Review, that is an OFPR issue. You know this is not something that is from the bill. So, if we as legislators have questions, of which, you know, I've had many on education bills as well as in other jurisdictions as well, that is something that is meant for their office, but not about the content of the bill.

THE PRESIDENT: The pending question before the Senate is the motion to Commit this bill and all accompanying papers back to Education. 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 (#255)

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

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

EXCUSED: Senator: BRENNER

13 Senators having voted in the affirmative and 21 Senators having voted in the negative, with 1 Senator being excused, the motion by Senator **STEWART** of Aroostook to **COMMIT** the Bill and accompanying papers to the Committee on **EDUCATION AND CULTURAL AFFAIRS FAILED**.

The pending question before the Senate was the motion by Senator **RAFFERTY** of York to 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 Cumberland, Senator Daughtry.

Senator **DAUGHTRY:** Thank you, Mr. President. Ladies and gentlemen of the Senate, I rise in support of the pending motion. I want to give a little bit of background on this bill. First off, the idea in front of you actually came to me from the Superintendent of Schools at MSAD 75 in the fall of 2022, from Steve Connolly, who reached out about the required school safety drills and, in light of what's been going on in our schools, wanted to have an update on what type of trainings occurs, that they are not only nationally recognized but that administrators have all the resources and tools they need to be able to tailor these drills to what their local district needs, but grounded in sound science. So, this was sort of the beginning of the conversation. The 2022 version that we are discussing is making it so it's not just fire drills, that we're looking at, you know, lockdown, evacuation, shelter in place, but that we also are making sure that when we are doing things that are disturbing to just talk about. Thinking about our schools or, frankly, the legislature potentially not being safe is something that is really unnerving. So, when we're talking about teaching not only our, you know, staff but also our students what to do in the worst-case scenario, you need to be, you know, grounding it in sound practices. Additionally, it also came out of the November 15, 2022 school shooting hoax, which impacted Brunswick High School in my district. After Steve's email, I contacted the Department of Education to see how the Legislature could help ensure that Maine's schools are best prepared for a school shooting that isn't a hoax, or any other emergency. I met with Courtney Belolan from the Department of Education and Jonathan Shapiro from the Maine School Safety Center. During that meeting, we discussed how guidelines around evacuation and other safety drills are outlined in Rules, Chapter 125. The specifics for these rules are based in national fire code, and the implementation of evacuation and safety drills is controlled by local municipalities in collaboration with local school administrative units. Because of the many examples of highly collaborative public safety department and SAU partnerships around the state, we agreed there wasn't a need for this legislation to specify that certain types of emergency drills be required for all schools. Instead we did, however, decide to work on legislation that would address the comprehensive health and safety and emergency management plan statute. As currently written, the statute does not offer any parameters around the expectations of a comprehensive safety plan. L.D. 892 includes overall level - would provide clarification on the standards and raise the overall level of safety preparedness in Maine schools. In particular, L.D. 892 adds language specifying that the school's

comprehensive safety plan meets nationally recognized practices and works collaboratively with appropriate stakeholders. It also adds a school safety designee who has oversight regarding school safety to be the schoolboard's comprehensive safety plan steering community, building in local control as well as having a person who is in charge of working with all of this. In wake of school shooting hoaxes and many other emergencies, several lawmakers have bills that have been going through our system, but this one in front of us, I need to once again state, came from educators asking for a response seeing that they did not have the tools they need, and it was also drafted with the Department of Education as well as with the Maine School Safety Center. If you are not familiar with the Maine School Safety Center, I really urge you to look into the incredible work that they do, and I urge you again to support this motion. This was written by the people who do this work, which most of us sitting in this Chamber aren't those professionals. We should listen to them when they ask for something, and that's what this bill is.

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

Senator **BENNETT:** Thank you, Mr. President. Fellow Members of the Senate, I think this is a great bill, and I congratulate the Senator from Cumberland, Senator Daughtry, for her work in crafting it and building support for it. And I would like to support it and plan to support it. The question for me, having been asked to attend a Board of Director's meeting for my local school district this past Monday night where, in a rather unanimous voice, they said, 'would you stop the unfunded mandates.' And I said, 'well, my understanding is that we don't have unfunded mandates anymore, unless they are passed with the supermajority.' I think Senator Lawrence and a few other members may have been with me back in the early '90s in the Legislature when we actually passed the Constitutional Amendment that protected the local units of government from unfunded mandates being passed unless they were recognized as such and received a two-thirds vote of the Legislature. My worry, candidly, is that if we go ahead and pass this bill with the lack of specificity about whether this is a mandate or not, and without necessarily the requisite vote that the Constitution now requires, that, in fact, this good law may be ignored by school districts who say we're not going to support - we're not going to do this because it's an unfunded mandate. And I think it's worthy of actually resolving this issue, and if it is, I don't know what the cost might be associated with it, but I think it would be beneficial when the vote comes - not now, but on enactment - to know what the standard is, the threshold is, for ensuring that this bill takes effect, as is the hope by the sponsor and the rest of us who support it, to know actually whether it's going to be something that needs to be followed. So, it's a bit of a mountain out of a mole hill, as far as I'm concerned, because the benefits of this bill, I think, are something that we all support, which is getting to an improved condition of safety in our schools in the wake of a lot of tragedies and horrible realities that relate to dangers in our schools across this country and perhaps in this state. So, I'm prepared to vote for this bill now, but I do think we would be doing the people of Maine and ourselves a disservice if we did not resolve this question adequately about whether or not this bill should get a two-thirds vote under our mandate provision of our Constitution. Thank you.

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

Senator **LIBBY:** Thank you. The Senator from Oxford was very articulate in describing the problem is the definition in the bills that we look at that are the directives. They define what we are asking schools, in this case, to do. So, if we provide them a directive, then - and it's our responsibility to pay for it, then we should pay for it. And that's the key piece here was that some of the definitions were a little bit vague and it caused there to be a lack of there being identification of whether or not this was a mandate. So, at some point, and there are two or three other bills that are like this, and at some point, it's incumbent upon us to clear that part of it up. And so, I hope they understand that again, the content of this bill, I couldn't ask more from a legislator, put a bill together like this, it's excellent. And it's not the legislator's fault that the bill is in this condition, but we either - it's kind of like saying all right, well, you know, I've got bills, I'm not going to pay for them. We either are going to pay for them or it's going to be a mandate and they're going to know that. We shouldn't be leaving that up to the local districts to determine whether it's a mandate or not because, if they're following the directives here, they're actually going to take some action, that time is going to cost money, now they say it's a mandate and now they don't have to do it. So, it really - if it were clearer, it would just - I think it would help a great deal. Thank you, Mr. President.

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

Senator **DAUGHTRY:** Thank you, Mr. President. Ladies and gentlemen of the Senate, I do want to clarify there is one portion that is a mandate that's an existing mandate that's already in law. We are mandated in our schools to have these types of safety drills. What the bill in front of you is doing is providing clarification of existing mandate that's already on the books, that the school drills need to be based on nationally based practices. Additionally, what I'm hearing is it sounds like the good Senators and I who have been going back and forth might have a potential date with OFPR. So, keeping that in mind, I love spending company with them, and you know how much we all love discussing fiscal notes, so I move we table this bill until later in today's session.

On motion by Senator **DAUGHTRY** of Cumberland, **TABLED** until Later in Today's Session, pending the motion by Senator **RAFFERTY** of York to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report.

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

SENATE REPORTS - from the Committee on **LABOR AND HOUSING** on Bill "An Act to Provide Uniform Protections from Retaliation for Maine Workers in Connection with the Exercise of Rights Protected Under the Laws Governing Employment Practices"

S.P. 326 L.D. 767

Majority - **Ought to Pass as Amended by Committee Amendment "A" (S-149)** (7 members)

Minority - **Ought Not to Pass** (3 members)

Tabled - June 6, 2023 by Senator **STEWART** of Aroostook

Pending - motion by Senator **TIPPING** of Penobscot to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#256)

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

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

EXCUSED: Senator: BRENNER

21 Senators having voted in the affirmative and 13 Senators having voted in the negative, with 1 Senator being excused, the motion by Senator **TIPPING** of Penobscot to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report **PREVAILED**.

Bill **READ ONCE**.

Committee Amendment "A" (S-149) **READ** and **ADOPTED**.

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

Sent down for concurrence.

The Chair laid before the Senate the following Tabled and Later Assigned (6/7/23) matter:

HOUSE REPORTS - from the Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act to Establish the School Meal Equipment and Program Improvement Fund"
H.P. 755 L.D. 1183

Majority - **Ought to Pass as Amended by Committee Amendment "A" (H-272)** (8 members)

Minority - **Ought Not to Pass** (5 members)

Tabled - June 7, 2023 by Senator **STEWART** of Aroostook

Pending - motion by Senator **RAFFERTY** of York to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report, in concurrence (Roll Call Ordered)

(In House, June 6, 2023, 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-272).**)

Senate at Ease.

The Senate was called to order by the President.

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#257)

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

NAYS: Senators: None

EXCUSED: Senator: BRENNER

34 Senators having voted in the affirmative and no Senators having voted in the negative, with 1 Senator being excused, the motion by Senator **RAFFERTY** of York to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report, in concurrence, **PREVAILED.**

Bill **READ ONCE.**

Committee Amendment "A" (H-272) **READ** and **ADOPTED**, in concurrence.

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

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

HOUSE REPORTS - from the Committee on **ENERGY, UTILITIES AND TECHNOLOGY** on Bill "An Act to Clarify the Public Utilities Commission's Authority to Consider the Impact on Low-income Residential Ratepayers When Setting Rates" H.P. 923 L.D. 1427

Majority - **Ought to Pass as Amended by Committee Amendment "A" (H-276)** (11 members)

Minority - **Ought Not to Pass** (2 members)

Tabled - June 7, 2023 by Senator **LAWRENCE** of York

Pending - motion by Senator **VITELLI** of Sagadahoc to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report, in concurrence

(In House, June 6, 2023, 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-276).**)

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

Senator **LAWRENCE:** Thank you, Mr. President. Men and women of the Senate, the good Senator from Aroostook, Senator Stewart, asked me - asked a series of questions regarding this bill, and I provided him that information, but I wanted to put it on the record for anybody at his - everybody for at his request. His question was this provision is in a provision of the statute dealing with the low-income energy assistant program, LIAP. And the question was: doesn't the PUC already have authority to do this? The answer is no. LIAP is a program where you apply for it if you're behind in your bill, you have to be behind in your bill, and then you apply for the program and you receive assistance. What this bill does is allow the PUC the discretion to do in its rate setting a one-time kind of assistance to low-income ratepayers when rates are going up. And the public advocate who asked for this bill requested that of the PUC during a rate proceeding and the PUC said it didn't have authority to consider that, so this makes it clear that the PUC has the authority to consider whether or not it wants to do that. Thank you.

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

Bill **READ ONCE.**

Committee Amendment "A" (H-276) **READ** and **ADOPTED**, in concurrence.

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

The Chair laid before the Senate the following Tabled and Later Assigned (6/7/23) matter:

SENATE REPORT - from the Committee on **VETERANS AND LEGAL AFFAIRS** on Bill "An Act to Amend the Laws Governing Political Action Committees Relating to Union, Business and Nonprofit Organizations"

S.P. 284 L.D. 726

Report - **Ought to Pass as Amended by Committee Amendment "A" (S-186)**

Tabled - June 7, 2023 by Senator **HICKMAN** of Kennebec

Pending - **ACCEPTANCE OF REPORT**

(In Senate, June 7, 2023, Report **READ**.)

Senator **HICKMAN** of Kennebec moved the Senate **ACCEPT** the **OUGHT TO PASS AS AMENDED** Report.

Senator **BENNETT** of Oxford requested a Roll Call.

THE PRESIDENT: The Chair wants to clarify that it's a straight Ought to Pass Report, not amended.

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

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

Senator **HICKMAN:** Thank you, Mr. President. The committee report is an Ought to Pass as Amended by Committee Amendment "A". It is not a straight Ought to Pass Report, just to clarify. 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 (#258)

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

NAYS: Senators: BENNETT, CHIPMAN, GROHOSKI, RENY, TIPPING

EXCUSED: Senator: BRENNER

29 Senators having voted in the affirmative and 5 Senators having voted in the negative, with 1 Senator being excused, the motion by Senator **HICKMAN** of Kennebec to **ACCEPT** the **OUGHT TO PASS AS AMENDED** Report **PREVAILED**.

Bill **READ ONCE**.

Committee Amendment "A" (S-186) **READ**.

On motion by Senator **HICKMAN** of Kennebec, Senate Amendment "A" (S-227) to Committee Amendment "A" (S-186) **READ**.

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

Senator **GROHOSKI:** Thank you very much, Mr. President, and thank you, colleagues, for the opportunity to speak. I just wanted to say that while I didn't support the previous motion because I don't support repealing the efforts of the 130th Legislature to prohibit corporate contributions to candidates and leadership PACS, I do support the notion that we should continue to work on this problem. I respect that the committee was unable to find a statutory fix for some of the challenges that the previous work done by this Legislature put into place and so I am grateful that, with this amendment, we will continue the conversation. We will ask the Ethics Commission and the Attorney General's office to do the work to help us fix this problem in statute so that we can continue to remove the corrosive influence that money has in politics and make sure that our constituents understand that we work for them and not for corporations. And I feel that we know that but I want to make sure the public has the full confidence that the Legislature works for the people that it represents. So, I am pleased to support this amendment and continue this conversation with you all in the next session.

On motion by Senator **HICKMAN** of Kennebec, Senate Amendment "A" (S-227) to Committee Amendment "A" (S-186) **ADOPTED**.

Committee Amendment "A" (S-186) as Amended by Senate Amendment "A" (S-227), thereto, **ADOPTED**.

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-186) AS AMENDED BY SENATE AMENDMENT "A" (S-227)**, thereto.

Sent down for concurrence.

The Chair laid before the Senate the following Tabled and Later Assigned (6/7/23) matter:

SENATE REPORTS - from the Committee on **ENERGY, UTILITIES AND TECHNOLOGY** on Bill "An Act to Amend the Net Energy Billing Laws to Require Net Energy Billing Credits to be Nonlapsing"

S.P. 226 L.D. 509

Majority - **Ought to Pass as Amended by Committee Amendment "A" (S-202)** (8 members)

Minority - **Ought Not to Pass** (5 members)

Tabled - June 7, 2023 by Senator **STEWART** of Aroostook

Pending - motion by Senator **LAWRENCE** of York to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report

(In Senate, June 7, 2023, Reports **READ**.)

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

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

Senator **HICKMAN:** Thank you, Mr. President. I want to read into the record that this is my bill. It was presented to me at the request of a constituent and as the committee is the prerogative is to take a vehicle and use it for what the committee deems appropriate if the committee doesn't necessarily agree with the original bill. So, that is the case here, but because I put this bill on behalf of my constituent, I will be voting against the pending motion. Thank you, Mr. President.

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#259)

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

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

EXCUSED: Senator: BRENNER

20 Senators having voted in the affirmative and 14 Senators having voted in the negative, with 1 Senator 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-202) **READ** and **ADOPTED**.

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

Sent down for concurrence.

The Chair laid before the Senate the following Tabled and Later Assigned (6/7/23) matter:

SENATE REPORTS - from the Committee on **ENERGY, UTILITIES AND TECHNOLOGY** on Resolve, to Provide Legislative Approval of Northern Maine Transmission Infrastructure

S.P. 395 L.D. 924

Majority - **Ought to Pass as Amended by Committee Amendment "A" (S-203)** (9 members)

Minority - **Ought Not to Pass** (4 members)

Tabled - June 7, 2023 by Senator **VITELLI** of Sagadahoc

Pending - motion by Senator **LAWRENCE** of York to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report

(In Senate, June 7, 2023, Reports **READ**.)

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

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

Senator **BRAKEY:** Thank you, Mr. President. I rise in opposition today to the pending motion. I'll be honest, there's a part of me that wishes there was more time to thoughtfully consider the full implications of this proposal for this Northern Maine transmission corridor, which would be - which would be connecting a lot of wind power to the grid. My concern is our growing reliance as a state on unreliable forms of energy. I understand the romantic notions associated with kind of wind and solar power. It's a nice idea, it's a romantic idea, even, the idea that we're pulling electricity out of these naturally occurring phenomenon, the wind blowing, the sun shining. And there's certainly a place in our energy portfolio for all those things, but I'm also a little concerned that we're caught in the grip of a bad romance with these forms of energy.

The problem with wind power, and being so reliant on wind power, is two factors; it's intermittent and it's non-dispatchable. And so, as an intermittent form of energy, simply, it can't run continuously, and is non-dispatchable, when it runs, it runs on its own timeframe, not ours. And so, when we're looking for different forms of energy that can serve both as the baseload needs for Maine people and as the variable loads for Maine people, it doesn't really fit into either of those categories. Great baseload forms of energy include things that can run continuously like hydro and nuclear. For our variable needs, things that can turn on and off like - like fossil fuels, which I know have certain effects we'd like to get rid of but that's partly why fossil fuels are so desirable is because they can be turned on and off on a dime,

whereas things like wind power cannot. The wind blows when it blows, and not necessarily when we need it, and it throws a lot of chaos onto the grid. And because we can't depend on it, we actually have to build completely parallel backup infrastructure for the times when the sun's not shining and the wind's not blowing.

Now, advocates of these forms of energy, I think, often have a - I think paint a rosy future where we're going to have the battery technology to - in order to store energy as it's being generated, in order to be able to use when we actually need it. But that infrastructure doesn't exist. From what I hear from many people in the industry on the realistic possibility of having that battery technology to make these forms of energy reliable is that, you know, we might be looking at, you know, more than a hundred years before we could have that kind of capacity. And so, I worry as we have made policy decisions, one after another, to move towards these unreliable forms of energy. We're seeing that manifest in higher electricity costs for the Maine people and, I mean, right now our electricity costs, I'm sure we've all been feeling them and our constituents have been feeling them, it's not good. And I've not heard any real good argument that this project is going to lower electricity costs for Maine people; in fact, I think as we grow increasingly reliant on these unreliable forms of energy, there's reasons to suspect electricity costs for our constituents will go even higher. So, until such a day that we have that battery technology or fully dispatchable industries that can turn on and off on a dime like - like bitcoin mining, I will say, is a good match for wind power, but we don't really have that in Maine to any - a real industrial degree - though some states are actually recognizing it's actually a very good match. But until we have something that's actually a good match as far as storage capacity or the capacity to have industries that turn on and off on a dime to respond to the availability of its electricity, it seems like - I worry that we're going down the primrose path. We are being - I think we're being caught up a little bit in the romance of the idea of wind and solar while ignoring the practical reality of what this potentially means for the ratepayers of our state. I'll leave it there. I have grave concerns. If there was more time to consider full implications, maybe I'd be in a different place if some of those concerns could be addressed, but as of today, I can't support this. Thank you.

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

Senator **GROHOSKI:** Thank you, Mr. President, and colleagues of the Senate. There's a lot I could say about the previous speech, but every bill stands on its own and in the Energy Committee, we're doing a lot of work on the other topics you mentioned, and we may debate those at the future - in the future, such as energy storage. But I wanted to stand up for another reason, which is that, as many of you know, I opposed the CMP corridor, and I still do, and I am not here to debate that line today, but I did want to discuss with you all and with the public why I think this line is different. The CMP corridor was a project that had minimal benefit for Maine. CMP and Hydro-Quebec proposed the project, not the Maine Legislature, whereas, indifferently, the Northern Maine Renewable Energy Development Act, which this line is a result of, is a legislative initiative to develop clean power in Maine for the use of Maine people. In the case of the CMP corridor, Maine did not ask for it to be built. We didn't get to choose the route. We had almost no say and, to me, it felt like it was foisted upon us. This line is different. The

Legislature, on behalf of the people we represent, asked for our Public Utilities Commission to determine if this line could be built cost effectively to connect wind resources in Northern Maine to the New England grid. So, we asked for it to run from Aroostook to the grid and to connect in Central Maine. We required it to transmit only new Maine renewables, not power from Canada. We specified its size and how we wanted to see benefits maximized and impacts minimized. We did not handpick a developer. We required competition and careful selection, and we did require cost reduction efforts, including allowing regional purchases of this energy that would reduce costs of the project to Mainers. Unlike with the CMP corridor, the developer will present a preferred route and alternative routes for the public and our regulators to weigh in on. There will be a lot of opportunity for Mainers to give input on the route, and not just at what I think can be intimidating and very formal meetings held at the Public Utilities Commission and the Department of Environmental Protection.

When this bill was introduced, I had a lot of trepidation about supporting it. However, I have concluded that the very fact that this line was a product of legislation puts it in a very different category than the CMP corridor. Therefore, I think the requirement for legislative approval of transmission lines, which was established by the citizens' vote against the CMP corridor, was quite likely not intended to affect lines like this one. I also think the people of Maine should be welcomed into the next steps for this line, which is why I negotiated with others to have additional public participation even before the permitting process begins. And I want everyone here to know that the developer, LS Power, has agreed to the following. Providing a cost-benefit analysis of this project and public disclosure of the cost as soon as it is allowed to do so by our Public Utilities Commission, holding at least six informational public meetings in communities along the proposed routes. These have to be selected with the travel challenges that we all know well here in Maine in consideration and also with remote participation options. The public has to be engaged in evaluating the route and selecting the route and they will use, much to my delight, participatory mapping techniques, which is part of my career as a GIS specialist, so I was pleased with that. They will provide documentation of public meetings and public comment to the regulatory agencies so that the agencies can see if those were taken into account. They will share further opportunities to participate with the public so that people know when there are more meetings and how to be present at the PUC or the DEP if they'd like to. They are going to have to notify every local and regional elected official and any travel leaders that are anywhere within the region of the proposed routes, and they've committed to a very robust notification process including direct mail, social media advertising, and things like that that we're all pretty well accustomed to here. So, the PUC will hold the developer to those commitments that it has made to the Legislature and the public, and for that reason, and for the reasons I spoke to before, I think this line is very different than the CMP corridor.

On the issue of price, the Public Utilities Commission agreed to the request of the wind project developer, which is different than the line developer, that the price for both the wind and the line could not be made public until we see if the entirety of the line's capacity can be used. So, LS Power is not allowed to share the complete details of that, of their bid, but we do know that the PUC had a process that accounted - used robust competition and got us the very lowest price possible. We know the estimated

cost to be borne by the average Maine residential ratepayer would be about a dollar per month over the first ten years of the project. And on the other side of that equation, not accounted for in that one dollar, is the following benefits. There will be jobs during construction, especially in Northern Maine, where I know that many of us support and want to see more jobs. There will be property tax revenue for communities. This will be a fixed cost energy supply, not subject to the issues that we've seen with supply chain and geopolitical conflict that we get from fossil fuels, so we know what the cost is, which is not something we can say about fossil fuels at this time. And the way that the market works with the ISO New England grid, having additional renewables on the grid will place downward pressure on electricity prices in the region. So, on the one side is a dollar a month, on the other side are benefits that I think quite possibly will account for more than a dollar a month in savings to Maine people. And in good news, the bid that we got was submitted before the recent inflation changes we've seen and is locked in through the end of this month. So, I think now is an appropriate time to act. I think new renewable power for Maine, for Maine people primarily that has been competitively bid with the route, generally influenced by this Legislature, and able to be refined by Maine people and Maine agencies is a good thing for Maine, I think we're setting a much better course than what we've seen with previous proposals, and that is why I'm going to be supporting the pending motion. And I hope I answered many of the questions that Senator Stewart - or the Senator from Aroostook, presented to us yesterday in my words. 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, and I thank the Senator from Hancock for those excellent comments on the bill. She's answered most of the questions. But I do want to answer a couple of the questions or comments from the Senator from Androscoggin, Senator Brakey. I'd encourage him, I haven't seen him very much in the EUT Committee, so I'd encourage him to spend some time in the EUT Committee, because I can assure him there's no romance in the EUT Committee. We are a very dour group, we are not a romantic group, and we don't believe in renewable energy as a romantic idea. In fact, and many of the points he raised about the intermittent power could be answered very easily. All power is intermittent. Coal power is intermittent, nuclear power is intermittent, oil-based power is intermittent. Oftentimes, they go offline and we have no control over that, and the grid has no control of that, ISO New England has no control of that, none of the people receiving the power has any control over that and they have to find other sources of energy, and that's what ISO New England does and how our grid works. So, all power is intermittent. We know going in what this power is going to produce and kind of the schedule it's going to produce it on. And the good news is solar has a different intermittent schedule than wind has a different intermittent schedule. Often, wind produces more power when the sun is not out, and solar produces more power when the sun is out. But the good answer is, and we talked about battery and battery technology is coming on tremendously fast, and probably by the time this project ever gets developed battery technology is going to be far and ahead of where it is today, and that short-term storage. But the good answer is we have a great long-term storage, and that's

hydroelectric. Hydroelectric is the perfect battery for our renewable energy strategy. The difficulty was, and it was touched on by the good Senator from Hancock, Senator Grohoski, was not - is not the problem that hydropower is bad, but the way the LePage Administration brought the corridor to us without public input resulted in a large public outcry against that corridor. And I'm convinced if it had not been done that way, if we had gotten good public input and we had been able to bring some of this power into Maine, we would have it here in Maine. And we do need it in our power strategy in the future and this is the way to reach carbon-free energy, and it's a way to get rid of intermittent carbon-based power. Thank you.

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

Senator **VITELLI:** Thank you, Mr. President. Men and women of the Senate, I rise as an unabashed romantic and in strong support of this legislation. The good Senator from York has given some of the details that underlie my romanticism in terms of wind and solar energy and hydrogen in our energy future, which is going to be based in clean energy produced here in Maine. We are a self-reliant state. We have the sun, we have the wind, we have the water, we can become energy self-reliant. And if that's not a romantic notion, I don't know what is. I also stand here as a strong believer in our innovation, our entrepreneurship, and our creativity in resolving both the short- and the long-term needs for storing energy in ways that allow us to continue to heat our homes and light our world. I encourage all of you to find that romance in yourself and vote to support this legislation. Thank you, Mr. President.

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

Senator **HICKMAN:** Thank you, Mr. President. Whenever I appear before the Energy, Utilities, and Technology Committee, I feel like I am flunking calculus. I can't - I don't understand what the committee does, so I won't say that it's romantic, it's just absolutely confusing to me. But I did want to put a little piece of history to wind power as a very powerful, powerful form of energy. And it has to do with how it helped to advance the slave trade. And you say why is that relevant? Well, the Dutch, as early as 1500, were using windmills to move water off of farmland because it was under the sea level, so they could raise crop to feed themselves. Then it was determined that those same windmills could cut wood. And so, they put all the windmills in the Netherlands to work cutting wood to build the ships that fueled the slave trade. And so, wind is very powerful. Very powerful. So, for those who don't think we need it in our portfolio, I can say that we do, and maybe we can use wind power to saw wood in the County, I don't know, but that is where it comes from, it comes from the Netherlands, and I had to say it because that's where my husband comes from, and he told me I must stand and tell the truth about their history. Thank you, Mr. President.

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

Senator **BRAKEY:** Thank you, Mr. President. I just want to say I'm all for a little bit of romance and a little bit of flirtation with some of these alternative forms of energy. I'm just thinking

before we get married, we better make sure it's a good, long-term match, because the consequences will be with us for a long time. And I think that we've had some bad marriages that we're currently working through right now with certain forms of energy that we're paying for right now when it comes to things like net energy billing, and I think there's a growing recognition that mistakes have been made in the past in terms of not fully understanding the long-term consequences of and falling into potential wishful thinking about some of these - what some call these green forms of energy. Myself, personally, like, I'd love to - I'd love for us to be having a romance with nuclear power. I'd love to be exploring kind of marriage to a nuclear power as a way that we can support kind of baseload energy needs of our state. I'd love that conversation to be happening, and I don't see that conversation happening. I know that many in the energy field who are advocates for moving away from fossil fuels and towards green forms of energy say this, you know, that's something we could actually do with existing technology that doesn't rely on the promise of storage technology that always seems to be right around the corner but never quite here, so that's something we could do that would actually move us in a good, clean direction with reliable energy. So, all right, I'll leave it there. I would - I would say to the good Senator from - well, the good Senator Lawrence, that, you know, I hope they find some more romance in the Energy Committee. I'm sure it's always, well, good feelings there. Thank you, Mr. President.

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

Senator **HARRINGTON:** Thank you, Mr. President. You know, I feel like a little bit of déjà vu right now. Back in 2019, you know, we had the solar bill that we were going to masterfully expand, and we didn't quite know what the effect was going to be, and now we're seeing with net energy billing that was a bad idea. I think we're seeing history repeat itself a little bit here. We haven't even cleaned up that mess yet. And in my eight years in this building, I have never been to a public hearing where fewer questions have been able to be answered than on this public hearing. It was question after question, we got to pass it to figure out what's in it, and I just do not think that's a way to govern, and I'm afraid that, you know, we're eager to get this done. I'm not going to get into the merits of whether or not wind and solar are good forms of energy, it just - I do feel that we are repeating history right now, we should not pass legislation until we know exactly what it does, and I feel like once the cat's out of the bag, which is what this bill's going to - when it passes, we're going to be looking down the road in a few years that this was not a good decision potentially and let's get all the facts in line and then vote on it when we know exactly what it's going to do. And until then, I would urge you to vote against this motion. Thank you.

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

The President took a seat on the Floor.

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

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

Senator **JACKSON:** Thank you, ladies and gentlemen of the Senate. I listened to the discussion here and while I appreciate, obviously, the debate, I think that, you know, sometimes it's probably better not to get up and say things that you might not be sure about as opposed to just waiting and letting other people speak. But I think that in this case here, this is something that has been looked at a lot by a lot of different people. The idea that we should give it more time or that, you know, by doing this, the cat's going to be out of the bag, I find, I guess, disingenuous. The issue here is that, for as long as I've been alive, people have talked about a transmission line to Aroostook County. And through time everyone that ever dealt with it said, 'well, it's too expensive, you can't do it, it'll be harmful for ratepayers.' And that has been the continuing discussion that I've heard throughout my entire life. In the area that I live in that has, you know, unlimited forest fiber resources, when, you know, our biomass plants started getting less and less competitive, the biggest problem was that you couldn't get the power out because we didn't have a transmission line, and those facilities had to close. And now we have places all over Aroostook County and, you know, Northern Maine, that can't get rid of fiber. I mean, I read a story this morning about down here where people are talking about Sappi and ND Paper not buying as much fiber and how effective it's being to loggers more in this area. Well, we've been like that forever in my area. We haven't been able to get rid of fiber, and a big part of the reason - that low-grade fiber, and a big part of the reason is because we don't have a transmission line to even build the efficient biomass plant to get that power out. This line gives us at least an opportunity, gives us an opportunity to go further another time to get power out. But if we don't start, you know, I mean, we'll never - it'll be, you know, my son's behind me here, it's his birthday today, I was going to announce that, you know, he'll be 55 years old and talking about a Northern Maine transmission line. And, you know, the reason, like, sometimes things all come together. I wasn't really totally against the Clean Energy Connect, I mean, I thought we had issues with it, I thought that - I do feel different about hydro, that it is something that I support. I actually support nuclear, too, and the good Senator from Androscoggin, I've actually worked at a nuclear plant, so I have a different interest in that than a lot of people. But what we have in front of us is wind power in Aroostook County and if you talk to anyone that actually understands this issue, and that is not so much me, but if you talk to anyone who understands wind, they'll tell you that Aroostook County has some of the best wind resources in the entire nation. I mean, it's - everyone knows that. And what has held us up forever is the fact that we didn't have a transmission line. I mean, the wind blows at night, it blows in the winter where other places don't, they have that more intermittent back and forth. Aroostook County is way ahead of that. I mean, and that is why the opportunity for lower cost power with this project is a possibility. And like I said, you know, the fact that the Clean Energy Connect went the way that it did, you know, wasn't my hope or anything like that, but it opened up this space for something different, and that's why we went forward with law to help across this Chamber and across the other Chamber, Senator Stewart and others, you know, we were able to work on this and

come up with a proposal. But so much so, because there is so much concern about power, the cost of power, and possibly some of our mistakes in the past, that we wrote in the legislation that said that the PUC had to protect ratepayers. Now, that's not always like that. The other procurements, you know, we've directed the PUC to go after a particular power because that's what we wanted at the time and maybe didn't actually consider as much the ratepayer. But in this case, we told the PUC that, you know, you're not going to provide a contract or go out for a contract if the ratepayers aren't protected. So, we know going into this vote today that ratepayers are going to get a better deal than what they have right now, a significantly better deal. And on top of that, you know, because of the Clean Energy Connect, I believe, you know, the good Senator from Hancock, Senator Grohoski, put in a bill that said that any transmission line had to come before the Legislature for approval. That's why we're standing here today. Okay, I could be - but before last session, we didn't have to have legislative approval. So, we're standing here today having that opportunity to debate this issue. You know, it's a simple majority because LNS has already told us that it won't be going across any public - and if it does, if for whatever reason it had to change, it has to come back to the Legislature. So, in my mind, I mean, everything here is a good opportunity. I mean, we get a chance to get low-cost power in a time that, you know, people are struggling with high cost. We get a lot of opportunity in Aroostook County that has had, you know, challenges of, you know, opportunity, jobs, you know, creating more people coming in. I mean, we're talking to people now that have, you know, stayed away from Aroostook County for years because of this problem, and it's a chance to attract a lot of people back to the County that we've sorely been missing for a long time, and I think that's a good thing. And then in the end, you know, it's something that the Legislature is actually having the opportunity to debate here today and know full-fledged, you know, what we're going to have, and if it isn't what we expected, then it has to come back to the Legislature. So, I really don't see - I don't even see the romance in this. I don't care about the romance, this just makes good sense. If it's less money than ratepayers are paying, the people in Maine are going to be provided this energy, the people in Maine are going to be building these facilities and the transmission line, having that opportunity, bringing people to Maine, bringing people to Aroostook County and, you know, in the end, I don't understand why anyone would be in opposition to this, especially when the law was written in a way to make sure that it protects ratepayers. So, with that, I hope people do come along and do the right thing and not let other issues get in the way of their clarity.

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

Senator **STEWART:** Thank you very much, Madame President. Ladies and gentlemen of the Senate. I know that so often the legislative record is referred to by other entities, particularly in state government and adjudicatory proceedings and things of that nature, and so I - what I'd like to do now is just make clear for the record that the intent here, the legislative intent here, is not to raise costs. And as the PUC is adjudicating this issue, when it eventually comes back, please do not accept the proposal if it raises cost. I would agree with the assessment done by the Senator from Hancock that while on the one hand there is - there is a cost associated with building transmission, but that benefit

overall that you get from locally sourced, consistent rates that are locked in and at a substantial amount is going to offset whatever that added cost is of the bill. Now, if that doesn't happen, don't go forward. Do the right thing. Protect ratepayers. That's their job, they should do that, and I want them to do that. But if it does shake out, and I believe that it will, by all means, move forward. I think this is going to be a really big deal, I think this is going to be a really big deal for Aroostook County, and I also have to say that I completely, completely understand any reservation from anybody in this room because they haven't shared the number yet. And we're being put in a really tough position here, but I do think at the end of the day it's going to be the right thing to do, and I owe Senator Bennett a dollar for using that expression. I just want to make clear for the record's sake, I think, here, that that is the intent here. That we can have our cake and eat it, too, and this is a really great example, I think, of that. A long-term strategic move for the state of Maine to insulate us from what's happening outside of the state that we so often can't control, but if it doesn't shake out that way, then we won't support it. Thank you, Madame President.

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

Senator **BENNETT:** Thank you, Madame President. Fellow members of the Senate, thank you for the dollar, the Senator from Aroostook. This is a difficult issue because I actually have a lot of faith in the people who are pushing for this locally. The passion is well-founded, the need is there. My concern about this stems from the fact that the people of Maine have asked us, told us, that they want our review of these projects, and they want us to vote and make a decision. And as far as I can see, this is that point at which we have to make this decision. And as the Senator from Aroostook said, I find that regrettable because there are two pieces of information, for me, that are - we do not have sufficient information on. One is the route and the other are the rates. And there are benefits beyond, you know, lower energy costs, so I wouldn't be dogmatic and say, you know, that even if this ends up costing a little bit more than other alternatives, the lack of volatility, the stability in those rates may not make it still worthy of pursuit. But embedded in that is this notion of trust us. Trust the PUC, trust the developers, trust their lobbyists, we've got it covered. Well, the people of Maine have been burned. They were burned by the CMP corridor, wherever its origins, and they don't trust the PUC. They don't trust the utility structure and the folks running utilities across the state. They don't trust the lobbyists that work for them. And I have to say, I share their skepticism. And I would be very supportive of keeping an open mind on this. I would be supportive of coming back, because this is a very important issue. It's important not only for the people of Northern Maine but for all of our collective energy future. I would be supportive of coming back when those - that information is more fully developed, which might be even later this summer, and having a special session of this Maine Legislature, with better understanding of those two critical pieces of information, in order to move this forward. But as I understand it, this - we're not going to have this come back to the Legislature. This is the vote contemplated by the referendum that people supported. And if that is the case, I cannot right now lend my support to it because of the lack of information about those two critical pieces of information. And I regret that, because I do think this is very important, and it may turn out that my vote isn't particularly

needed, anyway, but I do think to honor the process the people lay before us. They did not want us to delegate that position of trust to the PUC, to the lobbyists, to the developers. They wanted us as legislators to be fully informed, as informed as possible, and I'm not quite there yet. So, for that reason, I regrettably will be voting against the report here in hopes that more information will be forthcoming. Thank you.

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

Senator **GROHOSKI:** Thank you very much, Madame President. I will be brief, because I don't want to be here debating all the way till the end of the day. However, I did want to make it clear and to correct my bad behavior over here in the corner, that the reason we are having this vote today is because the citizens' initiative that was supported at the ballot box against the CMP corridor had in it a provision for legislative approval of transmission lines. It did not have anything to do with a bill that I had on a similar topic that was vetoed. So, I just wanted to correct that on the record that we're not here because of me, we're here because of the people of Maine, which is a good thing. But I did want to specify that I circulated that petition. I believe in it, I voted for it, but I think it could've benefited from a little more clarity in the section on what do we mean by legislative approval. When should it happen? What did we need to know first? Is it for lines that are coming from CMP or Versant, is it for lines that the Legislature already approved? None of those details are in there, so we are left here to make a judgment call. And I respect everyone who's making the judgment call that they make, and the one that I have come to after a lot of work and thought on this issue is that that legislative approval really, for me, I think, is about projects that Maine people otherwise had no say in, and this project, whereby it came from the Legislature and came from the Maine people, is one that they have had a say in already. We wouldn't be here if the Legislature hadn't initiated this process. So, that is why I am comfortable with the interpretation of that requirement, but I also respect that other people may have come to other interpretations. That all being said, I do hope to see this pass, because I do think this is really important for Northern Maine, and I think it's a key part of our plans to transition away from fuels that are coming from far away that we have no control of, if we can get them, what they cost, what that means for the people that we serve. So, I am interested in this more secure and local energy generation, and I hope that if you're able to vote in support, that you will.

THE PRESIDENT PRO TEM: 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 Oxford, Senator **KEIM**, and further excused the same Senator from today's Roll Call votes.

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#260)

YEAS: Senators: BAILEY, BALDACCI, BEEBE-CENTER, CARNEY, CHIPMAN, CURRY, DAUGHTRY, DUSON, GROHOSKI, HICKMAN, INGWERSEN, JACKSON, LAFOUNTAIN, LAWRENCE, MOORE, NANGLE, PIERCE, POULIOT, RAFFERTY, RENY, ROTUNDO, STEWART, TIPPING, PRESIDENT PRO TEM ELOISE A. VITELLI

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

EXCUSED: Senators: BRENNER, KEIM

24 Senators having voted in the affirmative and 9 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**.

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

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

The Senate was called to order by the President.

Bill READ ONCE.

Committee Amendment "A" (S-203) **READ** and **ADOPTED**.

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

Sent down for concurrence.

The Chair laid before the Senate the following Tabled and Later Assigned (6/7/23) matter:

HOUSE REPORTS - from the Committee on **JUDICIARY** on Bill "An Act to Ensure an Incarcerated Individual's Right to Make Free Telephone Calls Protected by Attorney-Client Privilege" H.P. 386 L.D. 609

Majority - **Ought to Pass as Amended by Committee Amendment "A" (H-192)** (9 members)

Minority - **Ought Not to Pass** (4 members)

Tabled - June 7, 2023 by Senator **STEWART** of Aroostook

Pending - motion by Senator **BAILEY** of York to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report, in concurrence

(In House, June 7, 2023, 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-192).**)

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

Bill **READ ONCE**.

Committee Amendment "A" (H-192) **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.

Off Record Remarks

RECESSED until the sound of the bell.

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

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

REPORTS OF COMMITTEES

Senate

Divided Report

The Majority of the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** on Bill "An Act to Protect Minors from Exploitation by Adults for Violation of Privacy"
S.P. 54 L.D. 115

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-223).**

Signed:

Senators:

BEEBE-CENTER of Knox
HARRINGTON of York
LaFOUNTAIN of Kennebec

Representatives:

SALISBURY of Westbrook
HASENFUS of Readfield
LAJOIE of Lewiston
LOOKNER of Portland
MATHIESON of Kittery
MILLIKEN of Blue Hill
NEWMAN of Belgrade
NUTTING of Oakland
PERKINS of Dover-Foxcroft

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "B" (S-224).**

Signed:

Representative:

ARDELL of Monticello

Reports **READ**.

On motion by Senator **BEEBE-CENTER** of Knox, the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (S-223)** Report **ACCEPTED**.

Bill **READ ONCE**.

Committee Amendment "A" (S-223) **READ** and **ADOPTED**.

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-223).**

Sent down for concurrence.

Divided Report

The Majority of the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** on Bill "An Act to Prevent False Reporting Leading to Evacuation, Shutdown or Lockdown"
S.P. 186 L.D. 405

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-220).**

Signed:

Senators:

BEEBE-CENTER of Knox
HARRINGTON of York
LaFOUNTAIN of Kennebec

Representatives:

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

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

Signed:

Representative:

MILLIKEN of Blue Hill

Reports **READ.**

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

Bill **READ ONCE.**

Committee Amendment "A" (S-220) **READ** and **ADOPTED.**

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

Sent down for concurrence.

Divided Report

The Majority of the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** on Bill "An Act to Amend the Laws Governing the Crime of Endangering the Welfare of a Child and to Create the Crime of Aggravated Endangering the Welfare of a Child" S.P. 319 L.D. 761

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

Signed:

Senators:

BEEBE-CENTER of Knox
LaFOUNTAIN of Kennebec

Representatives:

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

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (S-222).**

Signed:

Senator:

HARRINGTON of York

Representatives:

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

Reports **READ.**

Senator **BEEBE-CENTER** of Knox moved the Senate **ACCEPT** the Majority **OUGHT NOT TO PASS** Report.

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

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

Senator **BALDACCI:** Thank you, Mr. President, and ladies and gentlemen of the Senate. I rise in opposition to the pending motion. I was requested - I was asked by the Maine Prosecutors Association to submit this bill. So, just some background. Their current - there has been, for many years, a crime of endangering the welfare of a child. It is limited to a misdemeanor. It has been used in hundreds of cases and it's - the maximum penalty is a misdemeanor. What this bill is designed to do is that only in those cases where the result is death or serious injury of a child should it be considered a felony. I would note that a misdemeanor does not allow probation, and I would also note that last year, according to state reports, 90 children in this state had ingestions of at least the materials in their body that required medical intervention. Seven of them were from fentanyl, but there were other drugs that they should not have had access to. There is a disturbing increase statewide in the number of children who overdose on illicit drugs, like fentanyl, made accessible to the child by a parent or caregiver. These can result in death or very near-death experiences. A child who suffers a fentanyl overdose is unable to breathe on their own, requires breathing assistance to survive, including at times lethargy, lifelessness, seizure behavior, vomiting, and loss of consciousness. Survival is often the result of timely administration of Narcan. If an overdosing child does not receive Narcan on time, and suffers a fatal overdose, that person responsible can be exposed to murder or manslaughter charges. But if the child is only seriously injured, then it would still be dealt with as a misdemeanor, which has maximum potential penalty is up to less than a year in jail, but there's also no opportunity for probation. So, I, as the Senate Chair for HHS, we have dealt with, passed probably literally hundreds of bills to improve the situation of families, to improve the situation of children in jeopardy. So, I come at this not from a perspective of wanting to increase the legal burdens on people, I come from a perspective that there's a problem, we need to try to fix it, and by fixing it, try to save some lives. That's how I come to it. And I ask you to join me, because I think this will send a positive message and, in my experience, I've been practicing law for 30 - it'll be 32 years in October, and I'm only 39 years old, so I

don't know how that all worked out, but - I was lucky. But no, in that time, I've represented thousands of people in criminal defense cases, I've represented some people who have been charged with this successfully, but I think that, you know, this is what is needed as a public servant, as somebody representing constituents in terms of the public safety. And from what I've read and understand, both in my work in HHS and as an attorney and as a citizen, I strongly feel that this will help send a positive message, and I appreciate your time.

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

Senator **TIPPING:** Thank you, Mr. President. I absolutely understand the good intent of this bill and the intent of my fellow Senator from Penobscot County. I just wanted to say as someone who's sat on the Government Oversight Committee over this session and heard just heartbreaking and awful cases of child death, as we've reviewed them, including one in my district, including one where exposure happened at a playground where my own 9-year-olds play, that there are very broad and very systemic problems in this state that are threatening the lives of children. And I worry that this bill would exacerbate those. There was testimony at the public hearing from the coalition to - for victims of domestic violence, and they testified that, 'though not the intention, this bill would criminalize victims of domestic violence for being victims.' They warned that, 'failure to protect bills like this one, which criminalizes caregivers, predominantly women, for consciously disregarding a risk to their child has led to incarcerating domestic violence victims for not leaving,' or I would say escaping, 'an abusive partner.' The Maine Children's Alliance also came out against this bill and in very strong terms said that they worried it would harm children instead of helping. They said that when we show publicly and entertain policy proposals to further criminalize these challenging situations for families, we underscore that the fear and the stigma - we underscore that fear and stigma and perpetuate a system where parents are afraid, rather than encouraged to seek help. This makes children less safe. So, I want to stand for the Majority Report, and I want to stand for what I believe is the best interest of Maine children. Thank you.

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

Senator **BALDACC:** Thank you, Mr. President. I appreciate the comments of my good friend from Penobscot, Senator Tipping, but I just wanted to address a couple things. I spoke at the committee, and I said much of the same thing I said here, and I asked is there a single episode where this has imprisoned somebody because of domestic violence, because they were the victims of domestic violence. I haven't seen a case, they didn't produce any cases, there hasn't been a case offered to us, a case example. This is not used to penalize victims of domestic violence. This is used to make - to have parents wake up and realize certain behaviors are dangerous and protect children. But not only in my time practicing law, but in speaking to the committee and whatever was produced, I understand there may be an ideological bias by some groups, but I have to deal with the practical realities sometimes, and I would note that as Senate Chair of HHS, we have passed a lot of good bills to address these issues. So, I don't see this - this is not - I don't look at this in a

vacuum, but this is one piece of a bigger puzzle, and I just ask you to join me in that vote. Thank you.

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

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#261)

YEAS: Senators: BAILEY, BEEBE-CENTER, CHIPMAN, DUSON, GROHOSKI, INGWERSEN, RAFFERTY, RENY, ROTUNDO, TIPPING, VITELLI

NAYS: Senators: BALDACC, BENNETT, BLACK, BRAKEY, CARNEY, CURRY, FARRIN, GUERIN, HARRINGTON, HICKMAN, LAFOUNTAIN, LAWRENCE, LIBBY, LYFORD, MOORE, NANGLE, PIERCE, POULIOT, STEWART, TIMBERLAKE, PRESIDENT JACKSON

EXCUSED: Senators: BRENNER, DAUGHTRY, KEIM

11 Senators having voted in the affirmative and 21 Senators having voted in the negative, with 3 Senators being excused, the motion by Senator **BEEBE-CENTER** of Knox to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report **FAILED**.

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

Bill **READ ONCE**.

Committee Amendment "A" (S-222) **READ** and **ADOPTED**.

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

Sent down for concurrence.

Divided Report

The Majority of the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** on Bill "An Act to Update Criminal Indictment Procedures and Expand the Provision of Counsel to Certain Indigent Defendants"

S.P. 642 L.D. 1625

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-221).**

Signed:

Senator:
BEEBE-CENTER of Knox

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

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

Signed:

Senators:
HARRINGTON of York
LaFOUNTAIN of Kennebec

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

Reports **READ.**

Senator **BEEBE-CENTER** of Knox moved the Senate **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report.

On motion by Senator **VITELLI** of Sagadahoc, **TABLED** until Later in Today's Session, pending the motion by Senator **BEEBE-CENTER** of Knox to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report.

Divided Report

The Majority of the Committee on **HEALTH COVERAGE, INSURANCE AND FINANCIAL SERVICES** on Bill "An Act to Require Private Insurance Coverage for Donor Breast Milk" S.P. 126 L.D. 267

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-226).**

Signed:

Senators:
BAILEY of York
RENY of Lincoln

Representatives:
PERRY of Calais
ARFORD of Brunswick

CLUCHEY of Bowdoinham
CYRWAY of Albion
MASTRACCIO of Sanford
MATHIESON of Kittery
MORRIS of Turner
NUTTING of Oakland
PRINGLE of Windham
SWALLOW of Houlton

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

Signed:

Senator:
BRAKEY of Androscoggin

Reports **READ.**

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

Bill **READ ONCE.**

Committee Amendment "A" (S-226) **READ** and **ADOPTED.**

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

Sent down for concurrence.

Divided Report

The Majority of the Committee on **HEALTH COVERAGE, INSURANCE AND FINANCIAL SERVICES** on Bill "An Act to Charter a Maine State Bank That Accepts Deposits and Issues Gold Currency Celebrating Maine's Heritage" S.P. 652 L.D. 1635

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

Signed:

Senators:
BAILEY of York
RENY of Lincoln

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

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (S-225)**.

Signed:

Senator:
BRAKEY of Androscoggin

Reports **READ**.

Senator **RENY** of Lincoln moved the Senate **ACCEPT** the Majority **OUGHT NOT TO PASS** Report.

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

Senator **STEWART:** Thank you very much, Mr. President. Ladies and gentlemen of the Senate, Senator Brakey, who is the sponsor of the bill, is up in Judiciary. I know he has a very passionate debate and convincing floor speech he's going to deliver on this. So with that, I move that this item be tabled until later in today's session.

On motion by Senator **STEWART** of Aroostook, **TABLED** until Later in Today's Session, pending the motion by Senator **RENY** of Lincoln to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report.

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

REPORTS OF COMMITTEES

Senate

Ought to Pass As Amended

Senator BEEBE-CENTER for the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** on Bill "An Act to Require Proper Storage of Forensic Exam Evidence"
S.P. 649 L.D. 1632

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-218)**.

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

Bill **READ ONCE**.

Committee Amendment "A" (S-218) **READ** and **ADOPTED**.

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

Sent down for concurrence.

Senator BALDACCI for the Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act to Address the Shortfalls of the Current Resource Parents' Bill of Rights Policy"
S.P. 262 L.D. 594

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-228)**.

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

Bill **READ ONCE**.

Committee Amendment "A" (S-228) **READ** and **ADOPTED**.

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

Sent down for concurrence.

Senator BALDACCI for the Committee on **HEALTH AND HUMAN SERVICES** on Resolve, to Establish the Blue Ribbon Commission to Design a Plan for Sustained Investment in Preventing Disease and Improving the Health of Maine Communities (EMERGENCY)
S.P. 685 L.D. 1722

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-229)**.

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

Resolve **READ ONCE**.

Committee Amendment "A" (S-229) **READ** and **ADOPTED**.

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

Sent down for concurrence.

Senator BALDACCI for the Committee on **HEALTH AND HUMAN SERVICES** on Resolve, to Increase Transparency and Evaluate Emergency Response Through a COVID-19 Review Commission (EMERGENCY)
S.P. 726 L.D. 1801

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-230)**.

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

Resolve **READ ONCE**.

Committee Amendment "A" (S-230) **READ** and **ADOPTED**.

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

Sent down for concurrence.

Senator RENY for the Committee on **MARINE RESOURCES** on Bill "An Act Regarding Marine Finfish Aquaculture"
S.P. 794 L.D. 1951

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-219)**.

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

Bill **READ ONCE**.

Committee Amendment "A" (S-219) **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:

ORDERS

Joint Order

On motion by Senator **VITELLI** of Sagadahoc, under unanimous consent on behalf of Senator **BAILEY** of York, the following Joint Order:

S.P. 832

ORDERED, the House concurring, that Bill, "An Act to Authorize Vaccine Administration by Pharmacy Technicians and Reduce Vaccine Administration Training Requirements for Pharmacists," H.P. 555, L.D. 899, and all its accompanying papers, be recalled from the Governor's desk to the Senate.

READ and **PASSED**.

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 **EDUCATION AND CULTURAL AFFAIRS** on Resolve, Regarding Legislative Review of Portions of Chapter 33: Rules Governing Physical Restraint and Seclusion, a Major Substantive Rule of the Department of Education (EMERGENCY)
H.P. 244 L.D. 393

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

Comes from the House with the Report **READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-391)**.

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

Resolve **READ ONCE**.

Committee Amendment "A" (H-391) **READ** and **ADOPTED**, in concurrence.

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

The Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act to Address Educational Technician Shortages in Public Schools by Establishing an Alternative Certification Pathway"
H.P. 880 L.D. 1366

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-392)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-392)**.

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

Bill **READ ONCE**.

Committee Amendment "A" (H-392) **READ** and **ADOPTED**, in concurrence.

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

The Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act to Repeal and Replace the Charter of the Boothbay-Boothbay Harbor Community School District"
H.P. 1149 L.D. 1786

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-393)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-393)**.

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

Bill **READ ONCE**.

Committee Amendment "A" (H-393) **READ** and **ADOPTED**, in concurrence.

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

The Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act to Require Substance Use Disorder to Be Disclosed as a Cause of Death on Death Certificates"

H.P. 149 L.D. 228

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-380)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-380)**.

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

Bill **READ ONCE**.

Committee Amendment "A" (H-380) **READ** and **ADOPTED**, in concurrence.

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

The Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act to Establish Substance Use Disorder Treatment Centers"

H.P. 1106 L.D. 1719

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-390)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-390)**.

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

Bill **READ ONCE**.

Committee Amendment "A" (H-390) **READ** and **ADOPTED**, in concurrence.

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

The Committee on **LABOR AND HOUSING** on Bill "An Act to Standardize Service Credit Qualifications for State Retirees"

H.P. 74 L.D. 106

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-376)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-376)**.

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

Bill **READ ONCE**.

Committee Amendment "A" (H-376) **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

Divided Report

The Majority of the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** on Bill "An Act to Support Maine Loggers' and Truckers' Right to Work in Maine by Improving Labor Standards"

S.P. 758 L.D. 1874

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-232)**.

Signed:

Senators:

INGWERSEN of York
HICKMAN of Kennebec

Representatives:

PLUECKER of Warren
HEPLER of Woolwich
JAUCH of Topsham
OSHER of Orono
SHAW of Auburn

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

Signed:

Senator:

BLACK of Franklin

Representatives:

COSTAIN of Plymouth
CRAY of Palmyra
GUERRETTE of Caribou
HALL of Wilton
JACKSON of Oxford

ROLL CALL (#262)

Reports **READ**.

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

Divided Report

The Majority of the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** on Bill "An Act to Allow Detention of Juveniles for Certain Acts"

S.P. 77 L.D. 148

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

Signed:

Senator:
BEEBE-CENTER of Knox

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

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (S-231)**.

Signed:

Senators:
HARRINGTON of York
LaFOUNTAIN of Kennebec

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

Reports **READ**.

Senator **BEEBE-CENTER** of Knox moved the Senate **ACCEPT** the Majority **OUGHT NOT TO PASS** Report.

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

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

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

EXCUSED: Senators: BRENNER, DAUGHTRY, KEIM

17 Senators having voted in the affirmative and 15 Senators having voted in the negative, with 3 Senators being excused, the motion by Senator **BEEBE-CENTER** of Knox to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report **PREVAILED**.

Sent down for concurrence.

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

REPORTS OF COMMITTEES

Senate

Ought to Pass As Amended

Senator **INGWERSEN** for the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** on Bill "An Act to Expand the Use of Funds to Support Land Conservation" (EMERGENCY) S.P. 803 L.D. 1969

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-233)**.

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

Bill **READ ONCE**.

Committee Amendment "A" (S-233) **READ** and **ADOPTED**.

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

Sent down for concurrence.

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

Senate at Ease.

The Senate was called to order by the President.

ORDERS OF THE DAY

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

HOUSE REPORTS - from the Committee on **HEALTH COVERAGE, INSURANCE AND FINANCIAL SERVICES** on Bill "An Act to Charter a Maine State Bank That Accepts Deposits and Issues Gold Currency Celebrating Maine's Heritage" S.P. 652 L.D. 1635

Majority - **Ought Not to Pass** (12 members)

Minority - **Ought To Pass as Amended by Committee Amendment "A" (S-225)** (1 member)

Tabled - June 8, 2023 by Senator **STEWART** of Aroostook

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

(In Senate, June 8, 2023, Reports **READ**.)

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

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

Senator **BRAKEY:** Thank you, Mr. President. I rise in opposition to the pending Ought Not to Pass motion and support of the underlying bill. That said, I know that the lopsided committee report which, to be honest, I'm not unfamiliar with being on the other side of a supermajority report out of HCIFS and I very much respect all my colleagues on this matter, and I appreciate they took the time to consider this proposal, suggests to me that like many proposals regarding our state's disposition toward monetary policy, this proposal may be ahead of its time. The particular circumstances we find ourselves in, however, as all our constituents live under the thumb of the creature from Jekyll Island, the Federal Reserve Bank and its central bankers, generating mass inflation through currency debasement and counterfeiting as well as federal bullying of one of our largest agricultural industries, compels me to make the case for this legislation.

So, like the State of North Dakota, I propose we establish a Maine State Bank. Unlike the State of North Dakota, however, this legislation is drafted in its own unique way to address specific problems and act upon specific opportunities. The Maine State Bank proposed here would serve three primary functions, as a retail depository institution accepting deposits from people and legal businesses, as a mint for gold coinage, celebrating our state's heritage, and the world's first gold-backed state-issued cryptocurrency, and as a currency exchange.

As a retail depository institution, unlike many private banks and credit unions currently operating in our state which operate with fractional reserves, the Maine State Bank would be required to operate with full reserves. That means every dollar or unit of currency deposited will remain at the bank, the bank will not issue loans. As such, bank runs would be impossible provided legal reserve requirements are maintained and federal deposit insurance would not be necessary. Instead of issuing loans, the bank would fund operations by charging fees on transactions and deposits and would not require any taxpayer subsidy.

Now, while many persons and businesses would be interested in utilizing the depository function of the bank for the added security of a full reserve system, it will be, and many who testified suggested it would be a particular interest to those in Maine with limited access to traditional banking services. This in particular includes Maine's cannabis businesses and our state's largest and fastest growing agricultural industry, which are explicitly authorized in this legislation to make deposits. Maine has led the country in nullifying federal cannabis prohibition with the second oldest medical cannabis program in the country, but we have never established an effective means to escape the effects of federal prohibition on banking services. From conversations with members of the -- our financial services community, the primary obstacles seem to be two points of leverage from the federal government over our private institutions. The first, the ability to pull charters from federally chartered institutions and, second, the ability to yank away federal deposit insurance. But this proposed legislation circumvents both of those federal barriers, granting access to deposit and checking services. Because it would have no need for a federal charter, it would have no need for deposit insurance, and third, because it would be a state bank, it would enjoy access to our state's sovereign immunity granting an extra degree of legal protection from federal interference. For those reasons, we heard testimony in favor of this legislation from a number of cannabis businesses desperate for access to banking. So, for underserved communities in need of banking services or for any person or entity willing to pay a premium for the added security of a full reserve bank, the Maine State Bank would serve as a depository institution for the Maine people. Further, in times of high inflation like those we live in today, access to sound money that retains value is of particular value and importance. The Maine State Bank would facilitate access to sound money by minting gold coinage and bullion, all celebrating Maine's heritage in various denominations by weight. What might that look like? Imagine a 1-ounce gold coin commemorating the Battle of Machias or one featuring our Maine lobstermen pulling traps from the sea. These coins would have national and international demand, like all gold coins from trusted mints, and would sell the Maine brand wherever they go. But most important, increasing the access to physical gold helps better insulate our Maine economy from the waves of inflation that continue rolling over us. Without savings and assets that retain value, currency manipulation in Washington D.C. will continue siphoning away the savings of the Maine people unchecked. In addition to minting gold coinage and bullion, the Maine State Bank would be authorized to hold gold reserves as the basis to issue a blockchain based cryptocurrency tokens redeemable for gold at a fixed rate.

In the 19th century, the U.S. dollar was redeemable for gold at a fixed rate of one gold ounce for a 20-dollar paper note. This would operate like the 19th century gold standard but with 21st century technology - a digital token instead of a paper note. This

digital token secured by blockchain and backed by gold would come with many benefits. Unlike many other cryptocurrencies with freely fluctuating values due to its convertibility to gold, the value of this coin would be pegged to the market price of gold. And in the parlance of cryptocurrency, this would be called a stable coin. Unlike gold, however, it could be transferred instantaneously across the world without an intermediary and be infinitely divisible into units of small value.

Finally, the Maine State Bank would be authorized to act as a currency exchange. For a fee, members of the public would be able to exchange denominations on one currency for another. And that's the short summary of the functions of this proposed bank. I just want to say inflation has really - I know we all recognize it, I know we're all hearing it from our constituents, that inflation is robbing us. It's robbing the Maine people, it's robbing them of their savings and their paychecks, and I know to some, this may seem like a radical proposal and, I'll be honest, it's a pretty radical proposal, I don't expect it to pass today. But I do bring it forward in the spirit of innovation, in the spirit of looking for ways that we as Maine people can assert our independence, our sovereignty, and protecting our constituents from really what is, in the grand scheme of our country, a status quo we've become used to in our generations but was not the status quo in this country for much of our history, with a central bank in control of our entire financial system. So, to those - I'm sure many members of the Body will be voting in favor of the Ought Not to Pass Report, I respect that, if you do not support the legislation, I just ask you to really consider going forward what can we do to protect our constituents from the currency debasement taking place in this country, what can we do to help our legal businesses access banking services when they are being bullied by the federal government, this is one idea, and I'll be voting to support it. Thank you very much, Mr. President.

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#263)

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

NAYS: Senators: BRAKEY, LYFORD

EXCUSED: Senators: BRENNER, DAUGHTRY, KEIM

30 Senators having voted in the affirmative and 2 Senators having voted in the negative, with 3 Senators being excused, the motion by Senator **RENY** of Lincoln to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report **PREVAILED**.

Sent down for concurrence.

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

Off Record Remarks

On motion by Senator **VITELLI** of Sagadahoc, **ADJOURNED**, pursuant to the Joint Order, until Monday, June 12, 2023 at 10:00 in the morning.