# MAINE STATE LEGISLATURE

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# Senate Legislative Record

## One Hundred and Thirty-First Legislature

## State of Maine

## Daily Edition

## First Special Session

Beginning April 5, 2023

Beginning with Page S-387

**THE PRESIDENT**: The pending question before the Senate is Acceptance of the Minority 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 (#404)**

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

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

EXCUSED: Senator: KEIM

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

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**Divided Report**

The Majority of the Committee on **JUDICIARY** on Bill "An Act to Reduce Barriers to Housing by Prohibiting Tenant Application Fees"

H.P. 460 L.D. 691

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-595)**.

Signed:

Senators:
CARNEY of Cumberland
BAILEY of York

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

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

Signed:

Senator:
BRAKEY of Androscoggin

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

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

Comes from the House with the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-595)**.

Reports **READ**.

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

Bill **READ ONCE**.

Committee Amendment "A" (H-595) **READ** and **ADOPTED**, in concurrence.

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

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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.

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**Divided Report**

The Majority of the Committee on **JUDICIARY** on Bill "An Act to Protect the Reproductive Freedom of Maine People by Preempting the Field of Abortion Regulation"

H.P. 857 L.D. 1343

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-279)**.

Signed:

Senators:
CARNEY of Cumberland
BAILEY of York
BRAKEY of Androscoggin

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

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

Signed:

Representatives:
HAGGAN of Hampden
HENDERSON of Rumford
POIRIER of Skowhegan

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

Comes from the House with the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-279)**.

Reports **READ**.

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

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

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

Senator **BRAKEY**: Thank you, Mr. President. I just very briefly wanted to note on this bill, this is one of the - well, one of the bills on abortion that I've actually joined my Democratic colleagues on on the Majority Report. I just wanted to share some clarity on what this bill does. This bill provides that the entire field of legislation concerning abortion is preempted by the State. Similar to how the State has preemption around firearm laws, this would also apply it to abortion laws. And I just will say, I think regardless of an individual's personal feelings on the big picture of abortion and what the individual policy should be, I do think it's appropriate that those decisions be made at the State level and that we don't have a patchwork of laws across the state of municipalities trying to set their own laws about when it's appropriate and when it's not appropriate. I will say I did appreciate that the committee in addressing, I think, some questions and concerns that came up in the committee amendment that's before us now, the committee amendment clarifies that the bill is intended to prohibit a municipality or other political subdivision of the state from adopting any order, ordinance, rule, or regulation concerning the regulation of a person's decision to terminate a pregnancy or concerning the provision of abortion. So, this doesn't - this doesn't override zoning policies or things like that that might come into play, it's specifically - it's narrow to that. So, 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 (#405)**

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

NAYS: Senators: BLACK, FARRIN, GUERIN, LYFORD, STEWART, TIMBERLAKE

EXCUSED: Senator: KEIM

28 Senators having voted in the affirmative and 6 Senators having voted in the negative, with 1 Senator being excused, the motion by Senator **CARNEY** of Cumberland to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report, in concurrence, **PREVAILED**.

Bill **READ ONCE**.

Committee Amendment "A" (H-279) **READ** and **ADOPTED**, in concurrence.

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

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**Divided Report**

The Majority of the Committee on **JUDICIARY** on Bill "An Act to Advance Justice in Sentencing by Amending the Laws Governing the Maine Criminal Justice Sentencing Institute and Increasing Funding for Meetings of the Institute"

H.P. 990 L.D. 1535

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-600)**.

Signed:

Senators:
CARNEY of Cumberland
BAILEY of York

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

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