MAINE STATE LEGISLATURE

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Beginning with Page S-1

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

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

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

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

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#439)

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

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

EXCUSED: Senators: KEIM, LAFOUNTAIN

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

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

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

Divided Report

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

H.P. 168 L.D. 263

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

Signed:

Senators:
BAILEY of York
RENY of Lincoln

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

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

Signed:

Senator:
BRAKEY of Androscoggin

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

Comes from the House with the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-683)**.

Reports **READ**.

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

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

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

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

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

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

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#440)

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

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

EXCUSED: Senators: KEIM, LAFOUNTAIN

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

Bill **READ ONCE**.

Committee Amendment "A" (H-683) **READ** and **ADOPTED**, in concurrence.

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

Divided Report

The Majority of the Committee on **TAXATION** on Bill "An Act to Amend the State Tax Laws" (EMERGENCY)
H.P. 1153 L.D. 1808

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

Signed:

Senators:
GROHOSKI of Hancock
CHIPMAN of Cumberland
LIBBY of Cumberland