

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

In Senate Chamber
Tuesday
May 23, 2023

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

Prayer by Pastor Scott Campbell of Pleasant Street United Methodist Church of Waterville.

PASTOR CAMPBELL: Let us pray. Good and gracious God, we live in complicated times. The decisions that these, your servants, are called upon to make are never simple and seldom come without a price to be paid. It seems that whatever they decide, some will be pleased while others will be disappointed or angry. Too often, someone will accuse them of bad faith, no matter how sincere their desire to do what is right may be. Such is the tenor of the days in which we live, and so, we come to You this morning with a prayer for strength to face what this day places before us, resolving that though our decisions will inevitably fail to find favor with all, they will never be disappointing to You; that though we may be criticized by others, such a critique will always be the result of our deep desire to faithfully serve the people of our state and never be due to lesser loyalties or smaller devotions; that though we may not always honestly know what is best in every circumstance, we will approach each decision we make as those who bear a sacred trust to serve the common good. Hear our prayer, O' God of all the people. Amen.

Pledge of Allegiance led by Senator Richard A. Bennett of Oxford County.

Reading of the Journal of Thursday, May 18, 2023.

Off Record Remarks

PAPERS FROM THE HOUSE

Non-Concurrent Matter

An Act to Protect Maine People from Inflation by Restoring Gold and Silver as Legal Tender

S.P. 507 L.D. 1270

In Senate, May 16, 2023, on motion by Senator **BAILEY** of York, the Minority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED**.

Comes from the House, the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-64)** in **NON-CONCURRENCE**.

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

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

On motion by Senator **VITELLI** of Sagadahoc, 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 support of the pending motion to Recede and Concur with the House. Despite an 11-2 Majority Report and unanimous adoption from the other Chamber, one might be led to believe by last week's vote that passage of this legislation, which would simply recognize gold and silver as legal tender in the state of Maine, is a hopeless cause in this Chamber. Well, I may be a little naive and foolish, but I don't give up hope easily. If a - if it is a hopeless cause today, perhaps it will not be in the years to come. As the inflation crisis worsens, will we ask ourselves what more we could've done to protect our constituents? Will we remember this one simple protection we could've enacted in state law which imposes on no one, costs not a penny to taxpayer, and, in the words of former Speaker Nutting, has quote, 'absolutely no downside.' To be clear, I do sincerely appreciate the majority of this Body voting last week to pass related legislation that came to us from the Taxation Committee. Should that pass into law, all who voted for it could say they took the inflation crisis seriously and acted to remove an arbitrary government barrier preventing Maine people from accessing sound and honest money to preserve the value of their savings and paychecks. But why, exactly, should we stop just there? I did hear from other Members last week some objections to this legislation. At the moment, I'm not sure I adequately addressed them as well as I could, so I'd like to respond very briefly. Senator Baldacci of Penobscot County asked the Body by what authority we could pass a policy determining what is legal tender in the state of Maine. To provide a more clear and specific answer than I did last week, according to my ACLU Pocket Constitution, that I keep here in my pocket every day, Article I, Section 10, 'says no state shall make anything but gold and silver coin a tender of payments of debts.' It's right here in the U.S. Constitution. So, the better question, you know, the question we were asked is where do we get our authority to recognize gold and silver as legal tender, the better question would be how could institutions sworn to uphold the Constitution have denied the legal tender status of gold and silver for as long as they have. You know, speaking with a banking lobbyist on this legislation last week, he joked to me that Richard Nixon's great sin was not passing an amendment to strike that clause from the U.S. Constitution when he killed the last remnants of the gold standard. Personally, I think Nixon's great sin was handing complete control over our economy over to a bunch of Jekyll Island central bankers by granting them unchecked counterfeiting power over our money supply. Money

is supposed to be - is supposed to function as a store of value. You put value into the economy, you get a certificate that lets you take value out of the economy at a later date. The value of monetary metals in this arrangement is the relatively fixed supply. You can't print a trillion ounces of gold out of thin air. So, if you take payment for your work in gold, for example, you can be relatively assured that you can carry the value of your efforts forward with you into time. Today, under a paper fiat dollar, the Federal Reserve Bank just prints trillions of dollars out of thin air with the press of a button. Inflation financing is how the excesses of our federal government are increasingly funded. But the value of those new dollars come from somewhere. It comes from you, it comes from me, it comes from all of our constituents, their savings and their retirements. Inflation is theft, plain and simple. Think of sound currency versus fiat currency as the difference between organic money and processed money. One comes naturally from the earth, full of intrinsic value, and has nourished the economies of our ancestors for millennia. The other comes artificially processed by a banking cartel with no intrinsic value whatsoever and whose only nourishment to an economy is the rush of a sugar high as easy money leads to false investment booms that always go bust. So, if you support the right to organic food, as many of our colleagues in this Chamber I know do, then I hope that you will support the right to organic money. It's healthy for you and healthy for our economy. But one last argument I just want to quickly address, and I promise you I'm near the end of my remarks, another argument against this legislation last week. Senator Bailey said that the bill is unnecessary because people can already own and use gold and silver and yet, despite constitutional protections, Franklin Delano Roosevelt managed to confiscate the gold of the American people by executive order and it remained illegal for citizens to hold gold for an entire half a century. Now, as the fiat U.S. dollar rapidly declines in value and central bankers openly discuss steering society into a central bank digital currency, is it really such a crazy idea to plant the flag in state statute for the right to keep and bear sound money? Mr. President, in times of inflation, we should all be voting for sound and honest money. I'll be voting to Recede and Concur with the House of Representatives. All are welcome to join me. Thank you. And furthermore, my opinion is the Federal Reserve should be destroyed. Thank you.

THE PRESIDENT: The pending question before the Senate is Recede and Concur. A roll call has been ordered. Is the Senate ready for the question?

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#149)

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

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

EXCUSED: Senators: FARRIN, HICKMAN, LAWRENCE

12 Senators having voted in the affirmative and 20 Senators having voted in the negative, with 3 Senators being excused, the motion by Senator **STEWART** of Aroostook to **RECEDE** and **CONCUR FAILED**.

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

Sent down for concurrence.

Non-Concurrent Matter

An Act to Increase the Transfer Fees on Petroleum Products and Direct the Proceeds to Efficiency Programs for Low-income Energy Consumers and Financial Assistance to Low-income Utility Ratepayers and Prevent Profiteering in and Hoarding of Fuel

H.P. 1223 L.D. 1907

In Senate, May 16, 2023, on motion by Senator **VITELLI** of Sagadahoc, **REFERRED** to the Committee on **INNOVATION, DEVELOPMENT, ECONOMIC ADVANCEMENT AND BUSINESS**, in **NON-CONCURRENCE**.

Comes from the House, that Body having **INSISTED** on its former action whereby the Bill was **REFERRED** to the Committee on **TAXATION**.

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

Non-Concurrent Matter

An Act to Require the Recording of Grand Jury Proceedings
S.P. 207 L.D. 453

In Senate, May 16, 2023, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-29)**.

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

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

House Papers

Bill "An Act to Authorize a General Fund Bond Issue to Invest in Maine's Railroad Infrastructure"

H.P. 1259 L.D. 1957

Comes from the House, **REFERRED** to the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** and ordered printed.

On motion by Senator **ROTUNDO** of Androscoggin, **REFERRED** to the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** and ordered printed, in concurrence.

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.

Bill "An Act to Address the Recent Mill Closure in the Town of Jay by Providing Funds to Offset Property Tax Loss"

H.P. 1256 L.D. 1954

Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** suggested and ordered printed.

Comes from the House, **REFERRED** to the Committee on **TAXATION**.

On motion by Senator **ROTUNDO** of Androscoggin, **REFERRED** to the Committee on **TAXATION** and ordered printed, in concurrence.

Bill "An Act to Require Hospitals and Hospital-affiliated Providers to Provide Financial Assistance for Medical Care"

H.P. 1257 L.D. 1955

Committee on **HEALTH AND HUMAN SERVICES** suggested and ordered printed.

Comes from the House, **REFERRED** to the Committee on **HEALTH COVERAGE, INSURANCE AND FINANCIAL SERVICES**.

On motion by Senator **BALDACCI** of Penobscot, **REFERRED** to the Committee on **HEALTH AND HUMAN SERVICES** and ordered printed, in **NON-CONCURRENCE**.

Sent down for concurrence.

Bill "An Act to Implement a Statewide Public Health Response to Substance Use and Amend the Laws Governing Scheduled Drugs"

H.P. 1266 L.D. 1975

Comes from the House, **REFERRED** to the Committee on **HEALTH AND HUMAN SERVICES** and ordered printed.

On motion by Senator **BALDACCI** of Penobscot, **REFERRED** to the Committee on **HEALTH AND HUMAN SERVICES** and ordered printed, in concurrence.

Bill "An Act to Amend the Laws Governing Optometrists"

H.P. 1258 L.D. 1956

Comes from the House, **REFERRED** to the Committee on **HEALTH COVERAGE, INSURANCE AND FINANCIAL SERVICES** and ordered printed.

On motion by Senator **BAILEY** of York, **REFERRED** to the Committee on **HEALTH COVERAGE, INSURANCE AND FINANCIAL SERVICES** and ordered printed, in concurrence.

Bill "An Act to Update the Growth Management Program Laws"

H.P. 1267 L.D. 1976

Comes from the House, **REFERRED** to the Joint Select Committee on **HOUSING** and ordered printed.

On motion by Senator **PIERCE** of Cumberland, **REFERRED** to the Joint Select Committee on **HOUSING** and ordered printed, in concurrence.

Bill "An Act to Amend the Membership of the Somerset Woods Trustees"

H.P. 1265 L.D. 1968

Comes from the House, **REFERRED** to the Committee on **JUDICIARY** and ordered printed.

On motion by Senator **CARNEY** of Cumberland, **REFERRED** to the Committee on **JUDICIARY** and ordered printed, in concurrence.

Bill "An Act to Support Municipal Franchise Agreements"

H.P. 1264 L.D. 1967

Comes from the House, **REFERRED** to the Committee on **STATE AND LOCAL GOVERNMENT** and ordered printed.

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

Item "An Act to Provide the Mi'kmaq Nation with Sales Tax Revenue for Sales Occurring on Mi'kmaq Nation Territory" H.P. 1260 L.D. 1958

Comes from the House, **REFERRED** to the Committee on **TAXATION** and ordered printed.

On motion by Senator **GROHOSKI** of Hancock, **REFERRED** to the Committee on **TAXATION** and ordered printed, in concurrence.

Bill "An Act to Authorize the Secretary of State to Provide a New General Issue of License Plates" H.P. 1262 L.D. 1965

Comes from the House, **REFERRED** to the Committee on **TRANSPORTATION** and ordered printed.

On motion by Senator **CHIPMAN** of Cumberland, **REFERRED** to the Committee on **TRANSPORTATION** and ordered printed, in concurrence.

Bill "An Act to Allow Candidates for County Office to Participate in the Maine Clean Election Act" H.P. 1263 L.D. 1966

Comes from the House, **REFERRED** to the Committee on **VETERANS AND LEGAL AFFAIRS** and ordered printed.

On motion by Senator **HICKMAN** of Kennebec, **REFERRED** to the Committee on **VETERANS AND LEGAL AFFAIRS** and ordered printed, in concurrence.

Joint Resolutions

The following Joint Resolution:

H.P. 1233

**JOINT RESOLUTION
RECOGNIZING MAY 17, 2023 AS
WORLD NEUROFIBROMATOSIS AWARENESS DAY**

WHEREAS, the Children's Tumor Foundation is observing May 17, 2023 as World Neurofibromatosis Awareness Day to educate the public about this rare genetic disorder; and

WHEREAS, although over 2 million people around the world are living with neurofibromatosis and one in every 3,000 newborns is diagnosed with neurofibromatosis, it is still relatively unknown to the public; and

WHEREAS, neurofibromatosis affects all populations equally, regardless of race, ethnicity or gender; and

WHEREAS, neurofibromatosis causes tumors to grow on nerves throughout the body and also can affect development of the brain, cardiovascular system, bones and skin; and

WHEREAS, the disorder can lead to blindness, deafness, bone abnormalities, disfigurement, learning disabilities, disabling pain and cancer; and

WHEREAS, the Children's Tumor Foundation leads efforts to promote and financially sponsor world-class medical research aimed at finding effective treatments and, ultimately, a cure for neurofibromatosis; and

WHEREAS, the Children's Tumor Foundation is leading the way through innovative and inventive approaches to scientific advancement and improved patient care, revamping systems to accelerate the path from discovery to treatment; and

WHEREAS, the Children's Tumor Foundation works to improve access to quality patient care through its national neurofibromatosis clinic network; and

WHEREAS, the Children's Tumor Foundation provides patient and family support through its information resources, youth programs and community activities; and

WHEREAS, much remains to be done in raising public awareness of neurofibromatosis to help promote early diagnosis, proper management and treatment, prevention of complications and support for research; 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 recognize May 17, 2023 as World Neurofibromatosis Awareness Day.

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

READ and **ADOPTED**, in concurrence.

The following Joint Resolution:

H.P. 1261

**JOINT RESOLUTION
HONORING THE CAMBODIAN NATIONAL DAY OF
REMEMBRANCE**

WHEREAS, beginning in April 1975 and ending in January 1979, between 1,700,000 to 3,000,000 people, approximately 25% of the population, were deliberately and systematically killed in Cambodia in one of the worst human tragedies of the modern era; and

WHEREAS, in 1975, Pol Pot led the Communist guerilla group, the Khmer Rouge, in a large-scale insurgency in Cambodia that resulted in the removal of Cambodians from their homes and into labor camps in an attempt to restructure Khmer society; and

WHEREAS, traditional Khmer culture and society were systematically destroyed, including the destruction of temples, schools, hospitals and other buildings; and

WHEREAS, families were separated in an attempt by the Khmer Rouge to prevent traditional family formation; and

WHEREAS, the Khmer Rouge maintained control by mass public torture, executions and dismantling of the social order; and

WHEREAS, men, women and children were sent to labor camps and forced to do strenuous farm work, and famine and disease became epidemic while medicine and medical care were nonexistent; and

WHEREAS, after the Khmer Rouge regime was overthrown in 1979, thousands of Cambodians fled to refugee camps and approximately 145,149 Cambodians made their way to the United States between 1975 and 1999, with the majority of Cambodians arriving in the early 1980s; and

WHEREAS, despite their tremendous loss, Cambodians and Cambodian Americans have shown courage and resiliency; and

WHEREAS, the memory of those Cambodians who were killed during the Cambodian genocide must never be forgotten and the survivors of the Cambodian genocide should be honored; and

WHEREAS, Cambodian refugees have done much to further successful resettlement for others in the United States, including through mutual assistance associations organized by previously resettled Southeast Asian refugees to help new refugees through the provision of essential social, psychological, cultural, educational and economic services; and

WHEREAS, while remembering and honoring both their traditional culture and their traumatic past, the new generation of Cambodian Americans is contributing to American society in meaningful ways; 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 recognize May 20, 2023 as the Cambodian National Day of Remembrance, a day to remember the Cambodian genocide, which took place from April 1975 to January 1979.

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

READ and **ADOPTED**, in concurrence.

The following Joint Resolution:

H.P. 1268

**JOINT RESOLUTION
CONDEMNING THE HUMAN RIGHTS VIOLATIONS
BEING PERPETRATED AGAINST THE SUDANESE PEOPLE**

WHEREAS, the United Nations Human Rights Council recently opened a special session on the human rights impact of the ongoing conflict between rival military factions in Sudan, with the High Commissioner for Human Rights strongly condemning the wanton violence taking place in the country in which both sides have trampled international humanitarian law, notably the principles of distinction, proportionality and precaution; and

WHEREAS, the Sudanese military launched attacks in densely occupied civilian areas, including airstrikes, causing immense damage and destroying the hopes and rights of millions of people; and

WHEREAS, since April 15, 2023, at least 487 civilians have been killed, notably in Khartoum, El Geneina, Nyala and El Obeid, with the real figure likely being much higher; and

WHEREAS, more than 154,000 people have fled the country and an estimated 700,000 more have been displaced inside the borders of Sudan. Those who have remained in areas affected by the conflict are at continued, severe risk. In Khartoum, clashes between the 2 armed forces, shelling and airstrikes have taken place in heavily populated residential areas, and millions of

people are now struggling to access food, fuel and currency. In parts of Darfur, as well as the Blue Nile and Kordofan regions, the violence between military groups has triggered interethnic clashes; and

WHEREAS, since the onset of hostilities, an alarming number of lives have been lost, and the collapse of basic infrastructure and the disintegration of critical services, including hospitals, has compounded the plight of the population. The pressing situation necessitates an immediate and prolonged cease-fire; 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, pause in our deliberations to condemn the human rights violations being perpetrated against the Sudanese people and express our support for an immediate cease-fire and negotiations to end the conflict and foster the establishment of a government led by civilians.

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

READ and **ADOPTED**, in concurrence.

COMMUNICATIONS

The Following Communication: S.C. 521

**STATE OF MAINE
OFFICE OF THE GOVERNOR
AUGUSTA, MAINE**

May 17, 2023

The Honorable Troy Jackson
President of the Senate
3 State House Station
Augusta, Maine 04333

RE: Appointment of Thomas H. Platz of Auburn to the Board of Trustees, Maine Public Broadcasting

Dear President Jackson:

I am pleased to nominate Thomas H. Platz of Auburn for appointment to the Board of Trustees, Maine Public Broadcasting Corporation.

Pursuant to PL 2013, Ch. 367, §3, this appointment is contingent on confirmation by the Maine Senate after review by the Joint Standing Committee on Education and Cultural Affairs.

Thank you.

Very truly yours,

S/Janet T. Mills
Governor

READ and **ORDERED PLACED ON FILE**.

The Following Communication: S.C. 522

**STATE OF MAINE
SUPREME JUDICIAL COURT**

May 16, 2023 DOCKET NO. OJ-23-1

In the Matter of **PROCEDURAL ORDER**
Request for Opinion of the Justices

On May 16, 2023, the Maine State Legislature referred five questions to the Justices of the Supreme Judicial Court, pursuant to Article VI, Section 3 of the Maine Constitution, related to four direct initiatives of voters that the Secretary of State transmitted to the 131st Legislature during its First Regular Session but that the Legislature did not act on during that session.

The Justices hereby invite a representative for each of the Maine Legislature, Governor Mills, the Secretary of State, and the Attorney General, and any other interested person or entity, to submit briefs addressing

1. whether the Questions propounded present a “solemn occasion,” pursuant to article VI section 3 of the Maine Constitution; and
2. the law regarding the Questions propounded.

Any person or entity submitting a brief to the Court must do so by filing two copies of the brief, as described below, with the Executive Clerk of the Supreme Judicial Court, at 205 Newbury Street, Room 139, Portland, Maine 04101, **at or before 4:00 p.m. on May 26, 2023**, and emailing an electronic copy (which need not be signed) in the form of a single text-based pdf file to lawcourt.clerk@courts.maine.gov.

A person’s brief need not be bound but must conform to the requirements of M.R. App. P. 7A(g) (as amended by 2022 Me. Rules 03, effective July 13, 2022) and must comply with the following:

- a. the front cover must be white and must contain the following information:
 - the designation that the matter is “Before the Justices of the Supreme Judicial Court”;
 - the docket number of the matter, OJ-23-1;
 - the title of the matter, “In the Matter of Request for Opinion of the Justices”;
 - the title of the document as a “Brief of” followed by the name of the person or entity filing the brief; and
 - the name, address, and Maine bar number of counsel representing the filer or, if the filer is not represented by counsel, the name and address of the filer; and
- b. the brief may not be longer than 25 pages.

Oral Argument will be held on Wednesday, May 31, 2023, at 9:30 a.m., in Courtroom 7 of the Capital Judicial Center in Augusta.

All filings and orders in this matter can be found, within a reasonable time after filing, on the Court’s website at www.courts.maine.gov/initiatives.

For the Justices,

S/Valerie Stanfill
Chief Justice

READ and ORDERED PLACED ON FILE.

The Following Communication: S.C. 502

**STATE OF MAINE
ONE HUNDRED AND THIRTY FIRST LEGISLATURE
COMMITTEE ON EDUCATION AND CULTURAL AFFAIRS**

May 17, 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 Education and Cultural Affairs has had under consideration the nomination of David M. MacMahon of Poland, for reappointment to the University of Maine System, Board of Trustees.

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	2	Rafferty, J. of York, Libby, J. of Cumberland
	Representatives	9	Brennan, M. of Portland, Bagshaw, B. of Windham, Dodge, J. of Belfast, Lyman, S. of Livermore Falls, Murphy, K. of Scarborough, Polewarczyk, E. of Wiscasset, Sampson, H. of Alfred, Sargent, H. of York, Worth, J. of Ellsworth
NAYS		0	
ABSENT		2	Sen. Pierce, T. of Cumberland, Rep. Millett, R. of Cape Elizabeth

Eleven 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 David M. MacMahon of Poland, for reappointment to the University of Maine System, Board of Trustees be confirmed.

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

Signed,

S/Joseph E. Rafferty
Senate Chair

S/Michael F. Brennan
House Chair

READ and ORDERED PLACED ON FILE.

The President laid before the Senate the following: "Shall the recommendation of the Committee on **EDUCATION AND CULTURAL AFFAIRS** 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 (#150)

YEAS: Senators: None

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

EXCUSED: Senators: FARRIN, LAWRENCE

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 **David M. MacMahon** of Poland for reappointment to the University of Maine System, Board of Trustees was **CONFIRMED**. The Secretary has so informed the Speaker of the House of Representatives.

The Following Communication: S.C. 503

**STATE OF MAINE
ONE HUNDRED AND THIRTY FIRST LEGISLATURE
COMMITTEE ON EDUCATION AND CULTURAL AFFAIRS**

May 17, 2023

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 Education and Cultural Affairs has had under consideration the nomination of Michael H. Michaud of East Millinocket, for reappointment to the University of Maine System, Board of Trustees.

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	2	Rafferty, J. of York, Libby, J. of Cumberland
	Representatives	9	Brennan, M. of Portland, Bagshaw, B. of Windham, Dodge, J. of Belfast, Lyman, S. of Livermore Falls, Murphy, K. of Scarborough, Polewarczyk, E. of Wiscasset, Sampson, H. of Alfred, Sargent, H. of York, Worth, J. of Ellsworth
NAYS		0	
ABSENT		2	Sen. Pierce, T. of Cumberland, Rep. Millett, R. of Cape Elizabeth

Eleven 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 Michael H. Michaud of East Millinocket, for reappointment to the University of Maine System, Board of Trustees be confirmed.

Signed,

S/Joseph E. Rafferty
Senate Chair

S/Michael F. Brennan
House Chair

READ and ORDERED PLACED ON FILE.

The President laid before the Senate the following: "Shall the recommendation of the Committee on **EDUCATION AND CULTURAL AFFAIRS** 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 (#151)

YEAS: Senators: None

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

EXCUSED: Senators: FARRIN, LAWRENCE

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 **Michael H. Michaud** of East Millinocket for reappointment to the University of Maine System, Board of Trustees was **CONFIRMED**.

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

The Following Communication: S.C. 504

**STATE OF MAINE
ONE HUNDRED AND THIRTY FIRST LEGISLATURE
COMMITTEE ON EDUCATION AND CULTURAL AFFAIRS**

May 17, 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 Education and Cultural Affairs has had under consideration the nomination of Patricia A. Riley of Brunswick, for reappointment to the University of Maine System, Board of Trustees.

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 2 Rafferty, J. of York, Libby, J. of Cumberland

Representatives 9 Brennan, M. of Portland, Bagshaw, B. of Windham, Dodge, J. of Belfast, Lyman, S. of Livermore Falls, Murphy, K. of Scarborough, Polewarczyk, E. of Wiscasset, Sampson, H. of Alfred, Sargent, H. of York, Worth, J. of Ellsworth

NAYS 0

ABSENT 2 Sen. Pierce, T. of Cumberland, Rep. Millett, R. of Cape Elizabeth

Eleven 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 Patricia A. Riley of Brunswick, for reappointment to the University of Maine System, Board of Trustees be confirmed.

Signed,

S/Joseph E. Rafferty
Senate Chair

S/Michael F. Brennan
House Chair

READ and ORDERED PLACED ON FILE.

The President laid before the Senate the following: "Shall the recommendation of the Committee on **EDUCATION AND CULTURAL AFFAIRS** 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 (#152)

YEAS: Senators: None

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

EXCUSED: Senators: FARRIN, LAWRENCE

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 **Patricia A. Riley** of Brunswick for reappointment to the University of Maine System, Board of Trustees was **CONFIRMED**.

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

The Following Communication: S.C. 517

**STATE OF MAINE
ONE HUNDRED AND THIRTY FIRST LEGISLATURE
COMMITTEE ON ENVIRONMENT AND NATURAL
RESOURCES**

May 18, 2023

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

Dear President Jackson and Speaker Talbot Ross,

Pursuant to Joint Rule 310, we are writing to notify you that we have approved the request by the bill sponsor Sen. Carney of Cumberland, to report the following bill Leave to Withdraw:

L.D. 29 An Act to Reduce Air Emissions at Petroleum Storage Facilities

Sincerely,

S/Sen. Stacy Fielding Brenner
Senate Chair

S/Rep. Lori K. Gramlich
House Chair

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

The Following Communication: S.C. 518

**STATE OF MAINE
ONE HUNDRED AND THIRTY FIRST LEGISLATURE
COMMITTEE ON ENVIRONMENT AND NATURAL
RESOURCES**

May 18, 2023

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

Dear President Jackson and Speaker Talbot Ross,

Pursuant to Joint Rule 310, we are writing to notify you that we have approved the request by the bill sponsor Sen. Hickman of Kennebec, to report the following bill Leave to Withdraw:

L.D. 1482 An Act to Impose a Moratorium on Open-pit Rock Quarry Excavation (EMERGENCY)

Sincerely,

S/Sen. Stacy Fielding Brenner
Senate Chair

S/Rep. Lori K. Gramlich
House Chair

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

The Following Communication: S.C. 519

**STATE OF MAINE
ONE HUNDRED AND THIRTY FIRST LEGISLATURE
COMMITTEE ON VETERANS AND LEGAL AFFAIRS**

May 18, 2023

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

Dear President Jackson and Speaker Talbot Ross,

Pursuant to Joint Rule 310, we are writing to notify you that we have approved the request by the bill sponsor Sen. Chipman of Cumberland, to report the following bill Leave to Withdraw:

L.D. 1446 Resolve, to Establish the Task Force on Cannabis Hospitality Establishments

Sincerely,

S/Sen. Craig V. Hickman
Senate Chair

S/Rep. Laura Supica
House Chair

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

The Following Communication: S.C. 520

**STATE OF MAINE
ONE HUNDRED AND THIRTY FIRST LEGISLATURE
COMMITTEE ON VETERANS AND LEGAL AFFAIRS**

May 18, 2023

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

Dear President Jackson and Speaker Talbot Ross,

Pursuant to Joint Rule 310, we are writing to notify you that we have approved the request by the bill sponsor Rep. Terry of Gorham, to report the following bill Leave to Withdraw:

L.D. 1851 An Act to Allow Replacement Candidates to Qualify for Certification Under the Maine Clean Election Act

Sincerely,

S/Sen. Craig V. Hickman
Senate Chair

S/Rep. Laura Supica
House Chair

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

The Following Communication: S.C. 509

**STATE OF MAINE
ONE HUNDRED AND THIRTY FIRST LEGISLATURE
COMMITTEE ON EDUCATION AND CULTURAL AFFAIRS**

May 18, 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 Education and Cultural Affairs has voted unanimously to report the following bill(s) out "Ought Not to Pass":

L.D. 1042 An Act to Update Youth Sports Concussion and Injury Prevention Protocols

L.D. 1164 An Act to Continue the Department of Education Diploma Program Related to the COVID-19 Pandemic (EMERGENCY)

This is notification of the Committee's action.

Sincerely,

S/Sen. Joseph E. Rafferty
Senate Chair

S/Rep. Michael F. Brennan
House Chair

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

The Following Communication: S.C. 510

**STATE OF MAINE
ONE HUNDRED AND THIRTY FIRST LEGISLATURE
COMMITTEE ON ENVIRONMENT AND NATURAL
RESOURCES**

May 17, 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 Environment and Natural Resources has voted unanimously to report the following bill(s) out "Ought Not to Pass":

L.D. 1570 An Act to Create the Storm Water Infrastructure Repair and Replacement Fund

L.D. 1723 An Act to Prevent the Automatic Transfer of Permits and Contracts in a Sale of Assets of a Water Export Company Without Review and to Amend the Membership of the Water Resources Planning Committee and the Maine Public Drinking Water Commission

This is notification of the Committee's action.

Sincerely,

S/Sen. Stacy Fielding Brenner
Senate Chair

S/Rep. Lori K. Gramlich
House Chair

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

The Following Communication: S.C. 512

**STATE OF MAINE
ONE HUNDRED AND THIRTY FIRST LEGISLATURE
COMMITTEE ON HEALTH AND HUMAN SERVICES**

May 18, 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 Health and Human Services has voted unanimously to report the following bill(s) out "Ought Not to Pass":

- L.D. 190 An Act to Develop a Long-term Plan to Address Mental Health Needs in Rural Maine
- L.D. 1254 An Act to Provide Coverage and Prior Authorization of Medications and Services During a MaineCare Provider's Enrollment Period
- L.D. 1361 An Act to Implement Best Practices Regarding Children's Behavioral and Mental Health Care
- L.D. 1513 An Act to Improve Intensive Behavioral Health and Public Safety Case Management Services
- L.D. 1521 An Act to Support the Essential Support Workforce by Promoting Enhanced Reimbursement and Benefits and Encouraging Information Sharing
- L.D. 1753 An Act to Establish an Independent Adjudicatory Process Regarding the Department of Health and Human Services

This is notification of the Committee's action.

Sincerely,

S/Sen. Joseph M. Baldacci Senate Chair S/Rep. Michele Meyer House Chair

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

The Following Communication: S.C. 511

**STATE OF MAINE
ONE HUNDRED AND THIRTY FIRST LEGISLATURE
COMMITTEE ON HEALTH COVERAGE, INSURANCE
AND FINANCIAL SERVICES**

May 18, 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 Health Coverage, Insurance and Financial Services has voted unanimously to report the following bill(s) out "Ought Not to Pass":

- L.D. 1191 An Act Regarding Transparency of Medical Billing

This is notification of the Committee's action.

Sincerely,

S/Sen. Donna Bailey Senate Chair S/Rep. Anne C. Perry House Chair

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

The Following Communication: S.C. 516

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

May 10, 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 Inland Fisheries and Wildlife has voted unanimously to report the following bill(s) out "Ought Not to Pass":

- L.D. 58 Resolve, Directing the Commissioner of Inland Fisheries and Wildlife to Establish Seasons That Do Not Overlap for Hunting Bear over Bait and Hunting Bear with Dogs
- L.D. 642 An Act to Protect Young Deer Hunters by Prohibiting Wild Turkey Hunting During Youth Deer Hunting Day
- L.D. 728 An Act to Amend the Bag Limit for Turkey
- L.D. 1062 An Act to Allow a Landowner or Maintainer of Trails to Lethally Remove Nuisance Beaver

This is notification of the Committee's action.

Sincerely,

S/Sen. David P. LaFountain
Senate Chair

S/Rep. Scott Landry
House Chair

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

The Following Communication: S.C. 506

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

May 18, 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 Labor and Housing has voted unanimously to report the following bill(s) out "Ought Not to Pass":

- L.D. 733 An Act to Require an Annual Itemized Statement of Benefits for Public Employees and Retirees
- L.D. 1385 An Act to Amend the Maine Workers' Compensation Act of 1992 Regarding Employee Liability
- L.D. 1831 Resolve, Relating to the Employment of Minors

This is notification of the Committee's action.

Sincerely,

S/Sen. Michael Tipping
Senate Chair

S/Rep. Amy Jean Roeder
House Chair

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

The Following Communication: S.C. 513

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

May 18, 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 Marine Resources has voted unanimously to report the following bill(s) out "Ought Not to Pass":

- L.D. 563 An Act to Assert State Sovereignty over Ocean Waters up to 12 Nautical Miles off the State's Coast
- L.D. 1776 An Act to Allow Citizen Oversight of Department of Environmental Protection and Department of Marine Resources Actions and Rulemaking

This is notification of the Committee's action.

Sincerely,

S/Sen. Cameron deGrasse Reny
Senate Chair

S/Rep. Allison Hepler
House Chair

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

The Following Communication: S.C. 515

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

May 17, 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. 1328 An Act to Fund a Public Defender's Office Through a Tax on University Endowment Income

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. 507

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

May 17, 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. 1025 An Act to Improve Maine's Economy by Changing the Hours of Operation for Oversize Loads (EMERGENCY)
- L.D. 1566 Resolve, to Establish the Task Force to Recommend Strategies to Achieve the Goal of Eliminating Traffic Fatalities and Serious Injuries
- L.D. 1711 An Act to Provide for Safe Roadway Construction Design Criteria

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.**

The Following Communication: S.C. 508

**STATE OF MAINE
ONE HUNDRED AND THIRTY FIRST LEGISLATURE
COMMITTEE ON VETERANS AND LEGAL AFFAIRS**

May 17, 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 Veterans and Legal Affairs has voted unanimously to report the following bill(s) out "Ought Not to Pass":

- L.D. 1391 An Act to Limit Cannabis Cultivation Licenses to Protect the Cannabis Market
- L.D. 1585 An Act to Amend Maine's Cannabis Laws to Protect Small and Medium-sized Cultivators
- L.D. 1765 An Act Authorizing the Governor to Enter into Interstate Agreements Regarding the Cannabis Industry

This is notification of the Committee's action.

Sincerely,

S/Sen. Craig V. Hickman
Senate Chair

S/Rep. Laura Supica
House Chair

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

The Following Communication: S.C. 514

**STATE OF MAINE
ONE HUNDRED AND THIRTY FIRST LEGISLATURE
COMMITTEE ON VETERANS AND LEGAL AFFAIRS**

May 18, 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 Veterans and Legal Affairs has voted unanimously to report the following bill(s) out "Ought Not to Pass":

- L.D. 34 An Act to Require a Person to Show Photographic Identification for the Purpose of Voting

- L.D. 1500 An Act to Strengthen Maine's Elections by Requiring Video Monitoring of Drop Boxes and Amending the Laws Regarding Voter Rolls and Absentee Voting Envelopes
- L.D. 1604 RESOLUTION, Proposing an Amendment to the Constitution of Maine to Extend the Time That a Signature on a Petition for a Direct Initiative of Legislation Is Valid
- L.D. 1811 An Act to Clarify Required Political Committees 24-hour Reports

This is notification of the Committee's action.

Sincerely,

S/Sen. Craig V. Hickman S/Rep. Laura Supica
 Senate Chair House Chair

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

The Following Communication: S.C. 505

**OFFICE OF THE EXECUTIVE DIRECTOR
LEGISLATIVE COUNCIL**

May 18, 2023

Honorable Troy D. Jackson
President of the Senate
131st Maine Legislature
Augusta, Maine 04333

Dear President Jackson:

I am notifying you that, pursuant to 12 MRSA §683-A, I have forwarded to the Joint Standing Committee on Agriculture, Conservation and Forestry the following nomination made to the Maine Land Use Planning Commission by the Somerset County Commissioners on May 18, 2023:

Gwendolyn Hilton of Starks

The County asks that this nomination be considered to fill the four-year term that begins on July 29, 2023, which is scheduled to be filled by Somerset County.

Pursuant to 12 MRSA 683-A, this appointment is subject to confirmation by the Maine Senate after review by the committee having jurisdiction over conservation matters.

Sincerely,

S/Suzanne M. Gresser
Executive Director

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

The Following Communication: S.C. 523

**STATE OF MAINE
OFFICE OF THE STATE AUDITOR**

May 12, 2023

Honorable Members of the Legislative Council for the 131st Legislature;

Honorable Janet T. Mills
Governor of the State of Maine

I am pleased to submit the State of Maine Management Letter for the fiscal year ended June 30, 2022. During our audit of the State of Maine, we became aware of matters that offer opportunities for our government to improve its operations. Recommendations regarding these matters accompany this Management Letter as "management letter comments."

This publication of our Management Letter includes two sections: management letter comments previously issued in relation to the Annual Comprehensive Financial Report (ACFR) audit; and management letter comments newly issued in relation to the Single Audit. Management letter comments related to the ACFR audit were separately issued on January 17, 2023, and are included in this report to provide the reader with a comprehensive set of our recommendations.

Please feel free to contact me with questions you may have. Like you, we are committed to improving our State government for the benefit of our citizens. Healthy discussion of the problems found and solutions considered are part of a dialogue that aims at improvement. I welcome your thoughts and inquiries about these matters.

Respectfully submitted,

S/Matthew Dunlap, CIA
State Auditor

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

SENATE PAPERS

Bill "An Act to Authorize Removal of Requirements of Forest Certification Systems from the State's Forest Management Plans"
S.P. 814 L.D. 1985

Presented by President JACKSON of Aroostook.

Resolve, to Modify the Deed for a Parcel of Property in the Town of Carrabassett Valley to Allow for Workforce Housing
S.P. 818 L.D. 1989

Presented by Senator BLACK of Franklin.
Cosponsored by Representative SOBOLESKI of Phillips.
Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.

On motion by Senator **INGWERSEN** of York, **REFERRED** to the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** and ordered printed.

Sent down for concurrence.

Bill "An Act Regarding Appropriations and Allocations to Support the State of Maine"

S.P. 811 L.D. 1982

Presented by President JACKSON of Aroostook.

On motion by Senator **ROTUNDO** of Androscoggin, **REFERRED** to the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** and ordered printed.

Sent down for concurrence.

Bill "An Act to Provide Critical Matching Funds for Child Care Services on the Northern Maine Community College Campus"
S.P. 817 L.D. 1988

Presented by Senator STEWART of Aroostook.
Cosponsored by Representative UNDERWOOD of Presque Isle and Senator: President JACKSON of Aroostook, Representatives: ALBERT of Madawaska, ARDELL of Monticello, BABIN of Fort Fairfield, GUERRETTE of Caribou, QUINT of Hodgdon, SWALLOW of Houlton, THERIAULT of Fort Kent.
Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.

On motion by Senator **RAFFERTY** of York, **REFERRED** to the Committee on **EDUCATION AND CULTURAL AFFAIRS** and ordered printed.

Sent down for concurrence.

Bill "An Act Relating to Net Energy Billing and Distributed Solar and Energy Storage Systems"

S.P. 815 L.D. 1986

Presented by Senator LAWRENCE of York.
Cosponsored by Representative ZEIGLER of Montville.

On motion by Senator **GROHOSKI** of Hancock, **REFERRED** to the Committee on **ENERGY, UTILITIES AND TECHNOLOGY** and ordered printed.

Sent down for concurrence.

Bill "An Act to Implement Critical Reforms to the Department of Environmental Protection Outlined in the State COVID-19 Reopening Plan"

S.P. 822 L.D. 1997

Presented by Senator STEWART of Aroostook.
Cosponsored by Representatives: FAULKINGHAM of Winter Harbor, TERRY of Gorham.
Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.

Committee on **ENVIRONMENT AND NATURAL RESOURCES** suggested and ordered printed.

On motion by Senator **BRENNER** of Cumberland, **REFERRED** to the Committee on **INNOVATION, DEVELOPMENT, ECONOMIC ADVANCEMENT AND BUSINESS**.

Sent down for concurrence.

Bill "An Act to Extend and Expand the Loring Job Increment Financing Fund"

S.P. 810 L.D. 1981

Presented by President JACKSON of Aroostook.
Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.

Bill "An Act to Provide for Increased Academic Research by Allowing the Gathering of Data or Statistics by Telephone"
S.P. 819 L.D. 1994

Presented by Senator GROHOSKI of Hancock.

On motion by Senator **CURRY** of Waldo, **REFERRED** to the Committee on **INNOVATION, DEVELOPMENT, ECONOMIC ADVANCEMENT AND BUSINESS** and ordered printed.

Sent down for concurrence.

Bill "An Act to Bolster Maine's Workforce and Economy by Increasing Assistance for Parents Pursuing Education and Employment and by Indexing Unemployment Benefits to the Unemployment Rate"

S.P. 820 L.D. 1995

Presented by Senator STEWART of Aroostook.
Cosponsored by Senators: BALDACCI of Penobscot, MOORE of Washington, Representatives: BABIN of Fort Fairfield, JAVNER of Chester.
Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.

On motion by Senator **TIPPING** of Penobscot, **REFERRED** to the Committee on **LABOR AND HOUSING** and ordered printed.

Sent down for concurrence.

Bill "An Act to Establish the Maine Buy American and Build Maine Act"

S.P. 812 L.D. 1983

Presented by President JACKSON of Aroostook.

On motion by Senator **NANGLE** of Cumberland, **REFERRED** to the Committee on **STATE AND LOCAL GOVERNMENT** and ordered printed.

Sent down for concurrence.

Bill "An Act to Improve Election Laws and Notarial Laws"

S.P. 809 L.D. 1980

Presented by Senator HICKMAN of Kennebec.
Submitted by the Secretary of State pursuant to Joint Rule 204.

Bill "An Act to Allow Golf Courses to Obtain a License to Conduct Off-premises Catering"

S.P. 813 L.D. 1984

Presented by President JACKSON of Aroostook.

Bill "An Act to Allow the Adjutant General to Sell the Calais Armory"

S.P. 816 L.D. 1987

Presented by Senator MOORE of Washington.
Cosponsored by Representative PERRY of Calais.
Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.

On motion by Senator **HICKMAN** of Kennebec, **REFERRED** to the Committee on **VETERANS AND LEGAL AFFAIRS** and ordered printed.

Sent down for concurrence.

Bill "An Act to Regulate Synthetic Hemp-derived Cannabinoids"

S.P. 821 L.D. 1996

Presented by Senator PIERCE of Cumberland.
Cosponsored by Senators: DAUGHTRY of Cumberland, KEIM of Oxford, VITELLI of Sagadahoc, Representatives: ARATA of New Gloucester, CLOUTIER of Lewiston, Speaker TALBOT ROSS of Portland, TERRY of Gorham.
Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.

Committee on **VETERANS AND LEGAL AFFAIRS** suggested and ordered printed.

On motion by Senator **HICKMAN** of Kennebec, **REFERRED** to the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY**.

Sent down for concurrence.

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

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

SENATE PAPERS

Bill "An Act to Transfer the Arch Hangar at the Former Loring Air Force Base to the Loring Air Museum"

S.P. 823 L.D. 1998

Presented by President JACKSON of Aroostook.

On motion by Senator **CURRY** of Waldo, **REFERRED** to the Committee on **INNOVATION, DEVELOPMENT, ECONOMIC ADVANCEMENT AND BUSINESS** and ordered printed.

Sent down for concurrence.

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

ORDERS

Joint Order

Expression of Legislative Sentiment recognizing:

Annemarie Orth, of Portland, a Spanish teacher at Casco Bay High School and a world languages specialist for Portland Public Schools, who was named Language Teacher of the Year by Educators for a Multilingual Maine. We extend our congratulations and best wishes;

SLS 519

Sponsored by Senator DUSON of Cumberland.
Cosponsored by Senator: CHIPMAN of Cumberland,
Representatives: BRENNAN of Portland, COLLINGS of Portland, LOOKNER of Portland, MOONEN of Portland, SKOLD of Portland, Speaker TALBOT ROSS of Portland, ZAGER of Portland.

The Joint Order was **READ**.

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

Senator **DUSON:** Thank you, Mr. President and Members of the Senate. At this year's Educators for a Multilingual Maine Conference, Annemarie Orth of Casco Bay High School was awarded the 2023 Language Teacher of the Year Award. Since joining the Portland Public Schools in 2004, she has mentored teachers, taught master classes, presented at world language conferences, and has become a member of the Maine Department of Education's World Language Council. She is an advocate for multilingualism in schools throughout the state. Her work has extended much farther than these accomplishments. She is an inspirational and transformational teacher at Casco Bay High School. She has positively impacted the lives of many students throughout the years she has taught in Portland. Educators are the backbone of our community and, we - and as our state continues to diversify, multilingualism is becoming ever more present and important. I'm truly grateful for the heart and passion that Annemarie has brought to the table both inside and outside of the classroom. Thank you.

The Joint Order was **PASSED**.

Sent down for concurrence.

THE PRESIDENT: The Chair is very pleased to recognize in the rear of the Chamber Annemarie Orth and her husband, Dan. They are from the city of Portland and the guests today of the Senator from Cumberland, Senator Duson, and the entire Maine Senate. Would they please rise and accept the greetings and congratulations of the Maine Senate.

REPORTS OF COMMITTEES

House

Change of Committee

The Committee on **TAXATION** on Bill "An Act to Improve, Protect and Defend the Individual Civil Right to Bear Arms Through Exemption of Firearms and Ammunition from Taxation"
H.P. 406 L.D. 629

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **REFERRED** to the Committee on **INLAND FISHERIES AND WILDLIFE**.

Report **READ** and **ACCEPTED** and the Bill **REFERRED** to the Committee on **INLAND FISHERIES AND WILDLIFE**, in concurrence.

Ought to Pass

The Committee on **HEALTH COVERAGE, INSURANCE AND FINANCIAL SERVICES** on Bill "An Act Regarding Limits on Medication in Vending Machines"
H.P. 1040 L.D. 1615

Reported that the same **Ought to Pass**.

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

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

Bill **READ ONCE**.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **VETERANS AND LEGAL AFFAIRS** on Bill "An Act to Increase the Number of Mature Plants Allowed for the Home Cultivation of Cannabis"

H.P. 360 L.D. 555

Reported that the same **Ought to Pass**.

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

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

Bill **READ ONCE**.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Ought to Pass As Amended

The Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** on Resolve, to Authorize the Conveyance of Real Property to the Capitol Area Recreation Association
H.P. 486 L.D. 797

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-144)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-144)**.

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

Resolve **READ ONCE**.

Committee Amendment "A" (H-144) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** on Bill "An Act to Strengthen Maine's Agriculture, Food and Forest Economy by Funding the Maine Agriculture, Food and Forest Products Investment Fund and Amending Related Provisions of Law"

H.P. 1068 L.D. 1670

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-145)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-145)**.

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

Bill **READ ONCE**.

Committee Amendment "A" (H-145) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** on Bill "An Act to Update Provisions of the Department of Corrections Laws Regarding Operation and Administration of Jails, Women's Services and Juvenile Detention"

H.P. 8 L.D. 4

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-141)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-141)**.

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

Bill **READ ONCE**.

Committee Amendment "A" (H-141) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** on Bill "An Act to Transfer Responsibility for Administering the Maine Uniform Building and Energy Code from the Department of Public Safety, Office of the State Fire Marshal to the Department of Professional and Financial Regulation"

H.P. 128 L.D. 207

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-150)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-150)**.

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

Bill **READ ONCE**.

Committee Amendment "A" (H-150) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **INLAND FISHERIES AND WILDLIFE** on Bill "An Act to Add Gray Squirrels to the Species List for the Open Training Season for Hunting Dogs"

H.P. 336 L.D. 531

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-146)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-146)**.

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

Bill **READ ONCE**.

Committee Amendment "A" (H-146) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **INLAND FISHERIES AND WILDLIFE** on Bill "An Act Regarding Low Success Rates for Moose Hunting"

H.P. 520 L.D. 831

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-148)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-148)**.

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

Bill **READ ONCE**.

Committee Amendment "A" (H-148) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **JUDICIARY** on Bill "An Act to Clarify the Process for Admission to the Bar on Motion"
H.P. 169 L.D. 264

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-160)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-160)**.

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

Bill **READ ONCE**.

Committee Amendment "A" (H-160) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **TAXATION** on Bill "An Act to Establish Municipal Cost Components for Unorganized Territory Services to Be Rendered in Fiscal Year 2023-24" (EMERGENCY)
H.P. 833 L.D. 1308

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-159)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-159)**.

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

Bill **READ ONCE**.

Committee Amendment "A" (H-159) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Divided Report

The Majority of the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** on Bill "An Act to Facilitate Stakeholder Input Regarding Forest Policy in Maine"
H.P. 628 L.D. 993

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-143)**.

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

Comes from the House with the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-143)** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-143)**.

Reports **READ**.

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

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#153)

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

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

EXCUSED: Senators: FARRIN, LAWRENCE

23 Senators having voted in the affirmative and 10 Senators having voted in the negative, with 2 Senators being excused, the motion by Senator **INGWERSEN** of York to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report, in concurrence, **PREVAILED**.

Bill **READ ONCE**.

Committee Amendment "A" (H-143) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Divided Report

The Majority of the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** on Bill "An Act to Make It a Crime Not to Report a Death"

H.P. 72 L.D. 104

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
MATHIESON of Kittery
MILLIKEN of Blue Hill
NEWMAN of Belgrade

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (H-140)**.

Signed:

Senator:

HARRINGTON of York

Representatives:

ARDELL of Monticello
NUTTING of Oakland
PERKINS of Dover-Foxcroft

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

Reports **READ**.

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

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, I rise today in opposition to the pending motion. I'm going to ask for a Roll Call in a minute here, but I just wanted to share the background on this bill. It comes by way of a former constituent of mine, a current constituent of yours, Mr. President, over in Fort Fairfield and a tragedy that happened with their family where, unfortunately, their daughter passed away and for an extended period of time, the circumstances around here are pretty dark and unfortunate, but the other individuals who knew her and were around her did nothing. She had passed as a young girl and the others in the house, for whatever reason, whether it be they were on drugs or other things they were worried about, did not see it in their best interest, I guess, to report that this young lady had passed away and, as a result, her body sat there and, finally, their parents went in and found her and, obviously, contacted the police and there was a report done up, and as a result of all of that, they - it came to light that there was nothing in statute that would compel any of those other individuals to actually report that there was a dead body in their house, that they were in the same vicinity, they obviously knew that she had passed, and nothing to compel them to do really anything. And so, her family and - in her memory, brought this bill forward to try to make a change in our laws to compel some action, that if you do come across a dead body, that you would be required to report that. It's not insinuating that there's anything else that, you know, you would have to do, but - and certainly with all of the Good Samaritan Laws that we have on our books at this point, I can't for the life of me think of any reason why somebody would not report that but, unfortunately, that's exactly what happened. And the long and the short of it is, if we want to prevent a situation like that from happening again, we need to make some change in our statute, and this bill seeks to do just that. So, with that, Mr. President, I would request a Roll Call and I would request that this Body follow my light in opposition to the pending motion. 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 Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#154)

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

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

EXCUSED: Senators: FARRIN, LAWRENCE

21 Senators having voted in the affirmative and 12 Senators having voted in the negative, with 2 Senators being excused, the motion by Senator **BEEBE-CENTER** of Knox to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report, in concurrence, **PREVAILED**.

Divided Report

The Majority of the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** on Bill "An Act to Protect Officials and Participants at Sporting Events"

H.P. 896 L.D. 1401

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

Signed:

Senators:

BEEBE-CENTER of Knox
HARRINGTON of York
LaFOUNTAIN of Kennebec

Representatives:

SALISBURY of Westbrook
ARDELL of Monticello
HASENFUS of Readfield
LOOKNER of Portland
MATHIESON of Kittery
MILLIKEN of Blue Hill
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 "A" (H-149)**.

Signed:

Representative:

NEWMAN of Belgrade

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

Reports **READ**.

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

Divided Report

The Majority of the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** on Bill "An Act to Support Public Health by Protecting Certain Activities Conducted Under Comprehensive Community Drug Checking Initiatives"

H.P. 1124 L.D. 1745

Reported that the same be **REFERRED** to the Committee on **HEALTH AND HUMAN SERVICES**.

Signed:

Senators:

BEEBE-CENTER of Knox
LaFOUNTAIN of Kennebec

Representatives:

SALISBURY of Westbrook
HASENFUS of Readfield
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:

ARDELL of Monticello

Comes from the House with the Majority Report **READ** and **ACCEPTED** and the Bill **REFERRED** to the Committee on **HEALTH AND HUMAN SERVICES**.

Reports **READ**.

On motion by Senator **BEEBE-CENTER** of Knox, the Majority Report **ACCEPTED** and the Bill **REFERRED** to the Committee on **HEALTH AND HUMAN SERVICES**, in concurrence.

Divided Report

The Majority of the Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act Regarding Special Education Funding for So-called Minimum Receiver School Administration Units"

H.P. 95 L.D. 154

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-153)**.

Signed:

Senators:

RAFFERTY of York
LIBBY of Cumberland
PIERCE of Cumberland

Representatives:

BRENNAN of Portland
DODGE of Belfast
LYMAN of Livermore Falls
MILLETT of Cape Elizabeth
MURPHY of Scarborough
SAMPSON of Alfred
SARGENT of York
WORTH of Ellsworth

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

Signed:

Representatives:

BAGSHAW of Windham
POLEWARCZYK of Wiscasset

Comes from the House with the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-153)** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-153)**.

Reports **READ**.

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

Bill **READ ONCE**.

Committee Amendment "A" (H-153) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Divided Report

The Majority of the Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act to Create a Green Schools Coordinator in the Department of Education"

H.P. 389 L.D. 612

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-155)**.

Signed:

Senators:

RAFFERTY of York
PIERCE of Cumberland

Representatives:

BRENNAN of Portland
DODGE of Belfast
MILLETT of Cape Elizabeth
MURPHY of Scarborough
SARGENT of York
WORTH of Ellsworth

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

Signed:

Senator:

LIBBY of Cumberland

Representatives:

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

Comes from the House with the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-155)** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-155)**.

Reports **READ**.

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

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#155)

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

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

EXCUSED: Senators: FARRIN, LAWRENCE

21 Senators having voted in the affirmative and 12 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** Report, in concurrence, **PREVAILED**.

Bill **READ ONCE**.

Committee Amendment "A" (H-155) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Divided Report

The Majority of the Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act to Implement Pilot Programs with Publicly Funded Day Care and Early Childhood Education" H.P. 453 L.D. 684

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-154)**.

Signed:

Senators:

- RAFFERTY of York
- LIBBY of Cumberland
- PIERCE of Cumberland

Representatives:

- BRENNAN of Portland
- DODGE of Belfast
- LYMAN of Livermore Falls
- MILLETT of Cape Elizabeth
- MURPHY of Scarborough
- SARGENT of York
- WORTH of Ellsworth

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

Signed:

Representatives:

- BAGSHAW of Windham
- POLEWARCZYK of Wiscasset
- SAMPSON of Alfred

Comes from the House with the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-154)** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-154)**.

Reports **READ**.

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

Bill **READ ONCE**.

Committee Amendment "A" (H-154) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Divided Report

The Majority of the Committee on **INNOVATION, DEVELOPMENT, ECONOMIC ADVANCEMENT AND BUSINESS** on Bill "An Act to Prohibit Minimum Usage or Tank Rental Fees for Certain Propane Customers" H.P. 73 L.D. 105

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

Signed:

Senators:

- CURRY of Waldo
- GUERIN of Penobscot

Representatives:

- COLLAMORE of Pittsfield
- LANIGAN of Sanford
- NESS of Fryeburg
- SMITH of Palermo
- WALKER of Naples
- WHITE of Waterville

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (H-152)**.

Signed:

Representatives:

- ROBERTS of South Berwick
- CROCKETT of Portland
- LaROCHELLE of Augusta
- SAYRE of Kennebunk

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

Reports **READ**.

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

Divided Report

The Majority of the Committee on **INNOVATION, DEVELOPMENT, ECONOMIC ADVANCEMENT AND BUSINESS** on Bill "An Act to Amend the Social Work Education Loan Repayment Program" H.P. 409 L.D. 632

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-156)**.

Signed:

Senators:

- CURRY of Waldo
- RAFFERTY of York

Representatives:

ROBERTS of South Berwick
COLLAMORE of Pittsfield
CROCKETT of Portland
LANIGAN of Sanford
LaROCHELLE of Augusta
SAYRE of Kennebunk
WHITE of Waterville

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

Signed:

Senator:

GUERIN of Penobscot

Representatives:

NESS of Fryeburg
SMITH of Palermo
WALKER of Naples

Comes from the House with the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-156)** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-156)**.

Reports **READ**.

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

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

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

Senator **GUERIN:** Thank you, Mr. President. Ladies and gentlemen of the Senate, I stand in opposition to this bill today because I don't feel it is enough bang for the buck - \$500,000 with only 25 applicants being able to receive the reimbursement - and I think we can come up with a better plan.

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 (#156)

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

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

EXCUSED: Senators: FARRIN, LAWRENCE

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

Bill **READ ONCE**.

Committee Amendment "A" (H-156) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Divided Report

The Majority of the Committee on **INNOVATION, DEVELOPMENT, ECONOMIC ADVANCEMENT AND BUSINESS** on Bill "An Act to Support Community-based Volunteer Organizations"

H.P. 435 L.D. 666

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-151)**.

Signed:

Senators:

CURRY of Waldo
RAFFERTY of York

Representatives:

ROBERTS of South Berwick
LaROCHELLE of Augusta
SAYRE of Kennebunk
WALKER of Naples
WHITE of Waterville

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

Signed:

Senator:

GUERIN of Penobscot

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

Comes from the House with the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-151)** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-151)**.

Reports **READ**.

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

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

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

Senator **GUERIN:** Thank you, Mr. President. Ladies and gentlemen of the Senate, this bill was to create a new position in state government to help community-based volunteer organizations apply as nonprofits. Maine has a great group that doesn't cost the taxpayers anything, it's called the Maine Association of Nonprofits, and they have said they are willing to help people get started in filing their nonprofit for that status. What's the fiscal note on this one? Starting in fiscal year 23-24, it's \$109,623, and that increases incrementally up to 2026/27 fiscal year to \$159,074 a year. And we already have the Maine Association of Nonprofits who can do the same work for nothing. Thank you.

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

Senator **CURRY:** Thank you, Mr. President. This position - this is a position that is proposed within the Maine Commission for Community Service, which is an amazing entity within state government, formerly located within the State Planning Office. It is an entity that you might be familiar manages our AmeriCorps programs, but what they really do is focus on strengthening our communities and, oftentimes, where state government, where municipal government, where the initiatives fall down, our nonprofits pick up and our volunteer sector picks up, and we - we have a tremendous benefit from that in when our volunteers can be serving and meeting the public good. And so, for that reason, I would recommend supporting this motion. Thank you very much.

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 (#157)

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

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

EXCUSED: Senators: FARRIN, LAWRENCE

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

Bill **READ ONCE**.

Committee Amendment "A" (H-151) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Divided Report

The Majority of the Committee on **INNOVATION, DEVELOPMENT, ECONOMIC ADVANCEMENT AND BUSINESS** on Bill "An Act to Amend the Laws Governing the Foreign Credentialing and Skills Recognition Revolving Loan Program"

H.P. 741 L.D. 1169

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-157)**.

Signed:

Senators:
CURRY of Waldo
GUERIN of Penobscot
RAFFERTY of York

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

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "B" (H-158)**.

Signed:

Representatives:

- COLLAMORE of Pittsfield
- LANIGAN of Sanford
- NESS of Fryeburg
- SMITH of Palermo
- WALKER of Naples

Comes from the House with the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-157)** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-157)**.

Reports **READ**.

Senator **CURRY** of Waldo moved the Senate **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-157)** Report, in concurrence.

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

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

Senator **GUERIN:** Thank you, Mr. President. Ladies and Gentlemen of the Senate, first of all, I want to admit I made an error. You will see my name under those Ought to Pass Report, and when I signed the jacket, I got that wrong, I meant to be on the other report. So, just for the record, I am opposed to this motion. There was a loan program available to immigrants up to \$700 and with the idea that they would have to repay it. The motion now is it's moving up to \$1,000 and they don't have to repay it. I think there are many people in Piscataquis County who would like some help with their expenses in increasing their education and mobility issues, unable to get to a job. About the time we heard this bill, I was talking to a constituent who said she had been saving four years to pay for her son's driver's ed, and one of the things that is covered under this grant to people that are moving here is driver's education and I'd prefer to have the money go in the pocket of my constituent who's saving diligently for her child's driver's ed. Thank you.

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

Senator **CURRY:** Thank you, Mr. President. I am in support of this motion because it is a pro-business, it is a pro-workforce, it is a pro-healthcare bill. This is - what this is allowing us to do is to quickly, as quick as possible, get folks who have moved here the credentials evaluated that they've already - that they've already earned elsewhere, to go through the steps that are necessary to get them in a position to work in our healthcare sectors, in our workforce, in our trades, and, so, this is at a time that we need every worker possible, this is an investment in our workforce and I would recommend and propose that you support me.

THE PRESIDENT: The pending question before the Senate is Acceptance of the Majority Ought to Pass as Amended by Committee Amendment "A" (H-157) 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 (#158)

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

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

EXCUSED: Senators: FARRIN, LAWRENCE

21 Senators having voted in the affirmative and 12 Senators having voted in the negative, with 2 Senators being excused, the motion by Senator **CURRY** of Waldo to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-157)** Report, in concurrence, **PREVAILED**.

Bill **READ ONCE**.

Committee Amendment "A" (H-157) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Divided Report

The Majority of the Committee on **JUDICIARY** on Resolve, to Study the Impact of Divorce, Child Support Issues and Custody Issues on Children, Parents, Health, Poverty and Housing Insecurity

H.P. 660 L.D. 1024

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

Signed:

Senators:

- CARNEY of Cumberland
- BAILEY of York

Representatives:

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

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (H-164)**.

Signed:

Senator:

LYFORD of Penobscot

Representatives:

ANDREWS of Paris
HAGGAN of Hampden
POIRIER of Skowhegan

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

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

Reports **READ**.

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

Divided Report

The Majority of the Committee on **JUDICIARY** on Bill "An Act to Implement the Recommendations of the Right To Know Advisory Committee Concerning Time Estimates for Responding to Public Records Requests"

H.P. 768 L.D. 1208

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-161)**.

Signed:

Senators:

CARNEY of Cumberland
BAILEY of York
BRAKEY of Androscoggin

Representatives:

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

SHEEHAN of Biddeford

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

Signed:

Representative:

ANDREWS of Paris

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

Comes from the House with the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-161)** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-161)**.

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-161) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Divided Report

The Majority of the Committee on **JUDICIARY** on Bill "An Act to Develop a Pilot Program to Provide Legal Representation to Families in the Child Protection System"

H.P. 788 L.D. 1240

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

Signed:

Senators:

CARNEY of Cumberland
BRAKEY of Androscoggin

Representatives:

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

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (H-163).**

Signed:

Senator:

BAILEY of York

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

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

Reports **READ**.

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

Divided Report

The Majority of the Committee on **JUDICIARY** on Bill "An Act to Implement the Recommendations of the Right To Know Advisory Committee Concerning Records of Disciplinary Actions Against Public Employees"

H.P. 892 L.D. 1397

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-162).**

Signed:

Senators:

CARNEY of Cumberland
BAILEY of York
BRAKEY of Androscoggin

Representatives:

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

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

Signed:

Representatives:

ANDREWS of Paris
HAGGAN of Hampden
POIRIER of Skowhegan

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

Comes from the House with the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-162)** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-162).**

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-162) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Divided Report

The Majority of the Committee on **TAXATION** on Bill "An Act to Phase Out the Income Tax"

H.P. 524 L.D. 835

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

Signed:

Senators:

GROHOSKI of Hancock
CHIPMAN of Cumberland
LIBBY of Cumberland

Representatives:

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

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (H-142).**

Signed:

Representatives:

LIBBY of Auburn
QUINT of Hodgdon
RUDNICKI of Fairfield

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

Reports **READ**.

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

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

THE 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 a co-sponsor of the legislation which seeks to establish a pathway to phase out the income tax in the state of Maine. A few quick points I will make. First, as we all know, many states have no income tax, and the sky is not falling there. In fact, some of the states with no income tax are seeing some of the fastest economic growth in this country. I hear often from proponents of the income tax that it is a desirable tax because it is a progressive tax. However, I would note that those arguments fall short when you consider the fact that the richest residents of Maine pay zero income tax because they're rich enough to own a home in another state where they spend six months and a day, avoiding the Maine income tax. So, the income tax falls disproportionately on working and middle-class Maine people who can't afford a second home in Florida. And as far as the practicality of phasing out the income tax over five years, some have noted that this accounts for 40% of state revenue. That's true. If we were to eliminate the income tax tomorrow, we would have to go all the way back to the stone age of the 2017/2018 biennial budget. We've grown state spending by 80% since I left the Senate in 2018. If we were to eliminate the income tax, we could just scale back to where we were just a few short years ago and all of our constituents could enjoy much more prosperity and the dignity of keeping the money that they earn and using it as they see fit to help themselves, their families, and their neighbors. Thank you, 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 (#159)

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

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

EXCUSED: Senators: FARRIN, LAWRENCE

22 Senators having voted in the affirmative and 11 Senators having voted in the negative, with 2 Senators being excused, the motion by Senator **GROHOSKI** of Hancock to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report, in concurrence, **PREVAILED**.

Divided Report

The Majority of the Committee on **TRANSPORTATION** on Bill "An Act to Protect Vehicle Buyers by Limiting Vehicle Document Preparation Fees"

H.P. 416 L.D. 639

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

Signed:

Senators:

CHIPMAN of Cumberland
FARRIN of Somerset

Representatives:

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

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (H-52)**.

Signed:

Representative:

ANKELES of Brunswick

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

Reports **READ**.

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

Senate

Ought to Pass

Senator BALDACCI for the Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act to Ensure Access to Federally Approved Opioid Overdose-reversing Medication"
S.P. 692 L.D. 1728

Reported that the same **Ought to Pass**.

Report **READ** and **ACCEPTED**.
Bill **READ ONCE**.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Senator NANGLE for the Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act to Amend the Legislative Membership of the Hancock County Budget Advisory Committee" (EMERGENCY)

S.P. 385 L.D. 893

Reported that the same **Ought to Pass**.

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

Bill **READ ONCE**.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Ought to Pass As Amended

Senator ROTUNDO for the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** on Bill "An Act to Amend the Laws Regarding Signature Requirements on Issuance of General Fund Bonds"

S.P. 318 L.D. 760

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-110)**.

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

Bill **READ ONCE**.

Committee Amendment "A" (S-110) **READ** and **ADOPTED**.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Senator BEEBE-CENTER for the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** on Bill "An Act to Amend the Maine Juvenile Code"

S.P. 31 L.D. 39

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-112)**.

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

Bill **READ ONCE**.

Committee Amendment "A" (S-112) **READ** and **ADOPTED**.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Senator CARNEY for the Committee on **JUDICIARY** on Bill "An Act to Ensure Access by Parties and Attorneys to Records in Child and Adult Protection Proceedings"

S.P. 332 L.D. 773

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-109)**.

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

Bill **READ ONCE**.

Committee Amendment "A" (S-109) **READ** and **ADOPTED**.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Senator CHIPMAN for the Committee on **TRANSPORTATION** on Bill "An Act to Provide Self-service Motor Vehicle Services in Rural and Other Areas"

S.P. 557 L.D. 1390

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-113)**.

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

Bill **READ ONCE**.

Committee Amendment "A" (S-113) **READ** and **ADOPTED**.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Divided Report

The Majority of the Committee on **ENERGY, UTILITIES AND TECHNOLOGY** on Bill "An Act to Add Electric Bicycles to the Electric Vehicle Rebate Program"

S.P. 122 L.D. 256

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-114)**.

Signed:

Senators:

LAWRENCE of York
GROHOSKI of Hancock

Representatives:

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

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

Signed:

Senator:

HARRINGTON of York

Representatives:

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

Reports **READ**.

Senator **GROHOSKI** of Hancock moved the Senate **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report.

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 Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#160)

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

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

EXCUSED: Senators: FARRIN, LAWRENCE

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

Bill **READ ONCE**.

Committee Amendment "A" (S-114) **READ** and **ADOPTED**.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Divided Report

The Majority of the Committee on **ENVIRONMENT AND NATURAL RESOURCES** on Resolve, Directing the Department of Environmental Protection to Review Its Environmental Permitting Laws

S.P. 225 L.D. 508

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-118)**.

Signed:

Senators:

BRENNER of Cumberland
CARNEY of Cumberland

Representatives:

GRAMLICH of Old Orchard Beach
BELL of Yarmouth
BRIDGEO of Augusta
CAMPBELL of Orrington
DOUDERA of Camden
HOBBS of Wells
O'NEIL of Saco

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

Signed:

Senator:

LYFORD of Penobscot

Representatives:

SCHMERSAL-BURGESS of Mexico
SOBOLESKI of Phillips
WOODSOME of Waterboro

Reports **READ**.

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

Bill **READ ONCE**.

Committee Amendment "A" (S-118) **READ** and **ADOPTED**.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Divided Report

The Majority of the Joint Select Committee on **HOUSING** on Bill "An Act to Increase Affordable Housing Development" S.P. 624 L.D. 1593

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

Signed:

Senators:

- PIERCE of Cumberland
- POULIOT of Kennebec
- VITELLI of Sagadahoc

Representatives:

- GERE of Kennebunkport
- BLIER of Buxton
- CAMPBELL of Orrington
- GATTINE of Westbrook
- GOLEK of Harpswell
- MORRIS of Turner
- RANA of Bangor

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (S-111)**.

Signed:

Representative:

- LOOKNER of Portland

Reports **READ**.

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

Sent down for concurrence.

Divided Report

The Majority of the Committee on **VETERANS AND LEGAL AFFAIRS** on Bill "An Act to Improve Signature Requirements for Candidates by Allowing Unenrolled Voters to Sign Petitions for Party Candidates"

S.P. 539 L.D. 1320

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

Signed:

Senators:

- HICKMAN of Kennebec
- BRENNER of Cumberland
- TIMBERLAKE of Androscoggin

Representatives:

- SUPICA of Bangor
- MALON of Biddeford

- MONTELL of Gardiner
- RIELLY of Westbrook
- RISEMAN of Harrison
- RUDNICKI of Fairfield

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

Signed:

Representatives:

- ANDREWS of Paris
- BOYER of Poland
- COLLINGS of Portland
- HYMES of Waldo

Reports **READ**.

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

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

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

Senator **KEIM:** Thank you, Mr. President. I just wanted to point out that this seems not really to make sense. If we're going to allow unenrolled voters to vote in our primaries, then they also ought to be able to sign a petition for a candidate. So, I would be supporting the Ought to Pass motion on this bill. Thank you.

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#161)

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

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

EXCUSED: Senators: FARRIN, LAWRENCE

20 Senators having voted in the affirmative and 13 Senators having voted in the negative, with 2 Senators being excused, the motion by Senator **HICKMAN** of Kennebec to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report **PREVAILED**.

Sent down for concurrence.

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

Divided Report

Seven members of the Committee on **JUDICIARY** on Bill "An Act to Permit Recordings of a Protected Person to Be Admissible in Evidence"

S.P. 324 L.D. 765

Reported in Report "**A**" that the same **Ought to Pass as Amended by Committee Amendment "A" (S-115)**.

Signed:

Senators:

CARNEY of Cumberland
BAILEY of York

Representatives:

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

Three members of the same Committee on the same subject reported in Report "**B**" that the same **Ought to Pass as Amended by Committee Amendment "B" (S-116)**.

Signed:

Representatives:

ANDREWS of Paris
HAGGAN of Hampden
HENDERSON of Rumford

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" (S-117)**.

Signed:

Representative:

LEE of Auburn

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

Representative:

POIRIER of Skowhegan

(Representative DANA of the Passamaquoddy Tribe - of the House - supports Report "**A**", **Ought To Pass as Amended by Committee Amendment "A" (S-115)**.)

Reports **READ**.

SECOND READERS

The Committee on **Bills in the Second Reading** reported the following:

House

Resolve, Regarding Legislative Review of Chapter 12: Transportation of Human Remains, a Major Substantive Rule of the Department of Professional and Financial Regulation, Maine State Board of Funeral Service (EMERGENCY)

H.P. 225 L.D. 374

Resolve, to Require the Department of Inland Fisheries and Wildlife to Develop a Plan for Communication Regarding Certain Municipal Regulation

H.P. 308 L.D. 491

Resolve, Regarding Legislative Review of Portions of Chapter 119: Motor Vehicle Fuel Volatility Requirements, a Late-filed Major Substantive Rule of the Department of Environmental Protection (EMERGENCY)

H.P. 1064 L.D. 1652

READ A SECOND TIME and **PASSED TO BE ENGROSSED**, in concurrence.

House As Amended

Bill "An Act to Require an Annual Financial Audit of a Private School Approved for Tuition Purposes"

H.P. 68 L.D. 100
(C "A" H-120)

Resolve, Regarding Legislative Review of Portions of Chapter 2: Hearing Procedures and Portions of Chapter 3: Maine Clean Election Act and Related Provisions, Major Substantive Rules of the Commission on Governmental Ethics and Election Practices (EMERGENCY)

H.P. 242 L.D. 391
(C "A" H-130)

Bill "An Act to Reclassify Certain Offenses Under the Inland Fisheries and Wildlife Laws and Increase the Efficiency of the Criminal Justice System"

H.P. 261 L.D. 428
(C "A" H-124)

Bill "An Act to Provide Translation Services for Hospital Patients"

H.P. 263 L.D. 430
(C "A" H-121)

Bill "An Act to Prohibit Marriage of Any Person Under 18 Years of Age"

H.P. 276 L.D. 443
(C "A" H-88)

Bill "An Act to Allow the Deferral of a Moose Hunting Permit If More than One Permit Is Awarded Within the Same Household"

H.P. 298 L.D. 481
(C "A" H-119)

Bill "An Act to Provide Natural Organic Reduction Facilities for Maine Residents for the Conversion of Human Remains to Soil"

H.P. 341 L.D. 536
(C "A" H-129)

Bill "An Act to Provide Substance Use Disorder Counseling for MaineCare Members with an Acquired Brain Injury"

H.P. 344 L.D. 539
(C "A" H-138)

Bill "An Act to Establish Peer Respite Centers for Adults with Mental Health Challenges in Maine"

H.P. 345 L.D. 540
(C "A" H-137)

Bill "An Act to Allow Clerks to Issue Absentee Ballots After the 3rd Business Day Before Election Day to Voters Who Have a Nonphysical Disability and Voters Who Support a Person with a Disability"

H.P. 552 L.D. 886
(C "A" H-133)

Resolve, to Establish the Commission Regarding Foreign-trained Physicians Living in Maine (EMERGENCY)

H.P. 584 L.D. 937
(C "A" H-128)

Bill "An Act Concerning Sexual Orientation and Gender Identity Data Collection in Health Care Facilities"

H.P. 603 L.D. 956
(C "A" H-127)

Bill "An Act to Align the Automobile Title Requirements with Those of Antique Automobiles"

H.P. 613 L.D. 966
(C "A" H-135)

Resolve, to Establish a Pilot Project to Improve Access to Credit for Low-income Individuals

H.P. 703 L.D. 1107
(C "A" H-134)

Bill "An Act to Require All Candidates for Any State or County Office to Follow the Same Rules for Submission of Signatures Regarding Deadlines and the Number of Signatures"

H.P. 704 L.D. 1108
(C "A" H-57)

Resolve, to Reduce Barriers to Recovery from Addiction by Expanding Eligibility for Targeted Case Management Services

H.P. 750 L.D. 1178
(C "A" H-136)

Bill "An Act to Authorize Municipalities to Allow Firefighters to Have Increased Lighting on Their Personal Vehicles"

H.P. 821 L.D. 1296
(C "A" H-139)

Bill "An Act to Address Food Insecurity and Support Local Agriculture"

H.P. 1037 L.D. 1612
(C "A" H-126)

READ A SECOND TIME and PASSED TO BE ENGROSSED AS AMENDED, in concurrence.

Senate

Bill "An Act to Amend the Tax Credit for Major Business Headquarters Expansions Regarding Employees' Location and Time of Hire for Purposes of the Credit"

S.P. 531 L.D. 1313

READ A SECOND TIME and PASSED TO BE ENGROSSED.

Sent down for concurrence.

Senate As Amended

Bill "An Act to Amend the Statutory Balance Limit on the Finance Authority of Maine's Loan Insurance Reserves"

S.P. 38 L.D. 46
(C "A" S-106)

Bill "An Act to Provide for the 2023 and 2024 Allocations of the State Ceiling on Private Activity Bonds" (EMERGENCY)

S.P. 88 L.D. 184
(C "A" S-105)

Bill "An Act to Ensure Safe Access to Schools by Implementing Interlocking Door Controller Technology"

S.P. 104 L.D. 204
(C "A" S-107)

Bill "An Act to Improve Educator Certification Response Times"

S.P. 156 L.D. 335
(C "A" S-101)

Bill "An Act to Clarify the Provision of Notice of Proposed Rate Increases to Public Utility Customers"

S.P. 195 L.D. 414
(C "A" S-108)

READ A SECOND TIME and PASSED TO BE ENGROSSED AS AMENDED.

Sent down for concurrence.

Bill "An Act to Expand Good Samaritan Protections for Naloxone Hydrochloride Administration"

S.P. 421 L.D. 1052
(C "A" S-103)

On motion by Senator **BRENNER** of Cumberland, the Senate **SUSPENDED THE RULES.**

On further motion by same Senator, the Senate **RECONSIDERED** whereby it **ADOPTED** Committee Amendment "A" (S-103).

On further motion by same Senator, Senate Amendment "A" (S-124) to Committee Amendment "A" (S-103) **READ.**

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

Senator **STEWART:** Thank you, Mr. President. Just to clarify, could the - two points of clarity. At what stage within the amendment process that we're working towards are we in right now and, second, if the sponsor could explain the amendment, that would be beneficial, I think, for everybody. Maybe we're not at that point yet, so I apologize.

Senate at Ease.

The Senate was called to order by the President.

THE PRESIDENT: The Chair would advise this very fruitful discussion up here, the amendment that's the good Senator from Cumberland is putting forward is a technical amendment to fix an error that the Revisor's Office caught in the bill. Is it now the pleasure of the Senate to Adopt Senate Amendment "A" to Committee Amendment "A"?

On motion by Senator **BRENNER** of Cumberland, Senate Amendment "A" (S-124) to Committee Amendment "A" (S-103) **ADOPTED.**

Committee Amendment "A" (S-103) as Amended by Senate Amendment "A" (S-124) thereto, **ADOPTED.**

PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-103) AS AMENDED BY SENATE AMENDMENT "A" (S-124) thereto.

Sent down for concurrence.

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

Senator **INGWERSEN:** Thank you, Mr. President. Mr. President, today we honor the life of Ralph Jacques, a man who left an indelible mark on the Biddeford community and touched the lives of countless individuals. Ralph Jacques' unwavering dedication

to education in his community, his love for his family, and his infectious enthusiasm for life will forever be cherished by those who had the privilege of knowing him. For over three decades, Ralph graced the halls of Biddeford High School as a beloved math teacher. With passion and expertise, he imparted knowledge upon generations of students, instilling in them a deep appreciation for the beauty and logic of mathematics. As department head, Ralph's leadership fostered a nurturing learning environment, leaving an enduring impact on both his colleagues and his pupils. Perhaps one of his most pioneering accomplishments was the establishment of the first school computer lab in the area, providing students with invaluable skills that would help shape their future. Beyond the classroom, Ralph's summers were spent alongside his brother at the cherished Clam Shack in Kennebunkport. As customers turned into friends, Ralph's warm smile and friendly demeanor made every visit a joyful experience. The Clam Shack became more than just a workplace, it was a gathering place for his loved ones. Ralph reveled in the opportunity to work closely with his wife, his children, his nieces, nephews, and friends, creating enduring memories. After retiring from teaching in Biddeford and bidding a farewell to the Clam Shack, Ralph embarked on a new chapter in his life. He found fulfillment in his retirement job at Vic's Appliances in Saco, where his passion for connecting with people continued to shine brightly. Today, as we mourn the loss of Ralph Jacques, let us remember him as man whose love, kindness, and devotion knew no bounds. Ralph's legacy will live on through the lives he touched and the lessons he imparted, reminding us all to embrace each day with enthusiasm, compassion, and a zest for learning.

THE PRESIDENT: The Chair would like to recognize in the rear of the Chamber the family of Ralph Jacques. They are from the city of Biddeford and they are the guests today of the Senator from York, Senator Ingwersen, and the entire Maine Senate. Would they please rise and accept the condolences of the Maine Senate.

ENACTORS

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

Acts

An Act to Ensure Accountability for Workplace Sexual Harassment and Sexual Assault by Removing Certain Intentional Torts from Workers' Compensation Exemptions

H.P. 28 L.D. 53
(C "A" H-110)

An Act to Require That Insurance Companies Notify Insured Persons over 65 Years of Age Regarding Coordination of Benefits with Medicare Part B

H.P. 206 L.D. 308
(C "A" H-108)

An Act to Provide Equal Educational Opportunity by Adopting Rules Ensuring Nondiscrimination on the Basis of Protected Class Status in Educational Institutions
H.P. 306 L.D. 489

Resolve, Directing the Bureau of Alcoholic Beverages and Lottery Operations to Study Paying Bonuses to Agents for Selling Certain Winning Lottery Tickets
S.P. 459 L.D. 1125
(C "A" S-69)

An Act to Prohibit the Use of Personal Watercraft on Keyes Pond in the Town of Sweden
H.P. 314 L.D. 497
(C "A" H-99)

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

An Act to Require That Motor Vehicles Be Clear of Snow and Ice When Operated on Public Ways
H.P. 327 L.D. 522
(C "A" H-106)

Resolve, to Convene a Driver Education Working Group to Evaluate Hardships to Underserved Populations and Low-income Families
H.P. 760 L.D. 1200
(C "A" H-105)

An Act to Allow the Reinstatement of Certain Commercial Driver's Licenses
S.P. 269 L.D. 652
(C "A" S-70)

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

An Act to Place Restrictions on Candidate Speech and Clothing, Buttons and Other Items at Voting Places
S.P. 376 L.D. 879
(C "A" S-74)

Senate at Ease.

An Act to Allow the Disclosure of Death Certificate Data to Hospitals and Health Care Practitioners
S.P. 401 L.D. 982
(C "A" S-66)

The Senate was called to order by the President.

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

Off Record Remarks

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

An Act to Make Maine Schools Safer and Healthier by Increasing the Maximum Debt Service Limit
H.P. 178 L.D. 280
(C "A" H-109)

Senator **PIERCE:** Thank you so much, Mr. President. I have some guests here who were down in the House earlier today - the family of Kevin Farnham, who - yeah, Fahrman - sorry - now that you said it, I know, I'm so sorry - who are here today. I wasn't prepared to speak, so I apologize, but Kevin passed away a few weeks ago and was known, and revealed, as the Valentine Bandit that went around Maine and put the red hearts everywhere and brightened up everyone's life from that. It was a well-kept secret for 44 years, I believe, and with the passing of him, it was revealed, and I just want to say thank you to the family and to Kevin for that loveliness that happened all the time and especially if you're down in the southern part of Maine. And I'm sad to have to introduce them today because of the circumstance, but I appreciate them being here and letting us all recognize them as well. So, thank you.

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

THE PRESIDENT: The Chair is very honored to recognize in the rear of the Chamber Sierra Fahrman and Patty Urban, the family of Kevin Fahrman, the Valentine's Day Bandit. They are from the city of Falmouth and they are the guests today of the Senator from Cumberland, Senator Pierce, and the entire Maine Senate. Would they please rise and accept the condolences of the Maine Senate.

An Act to Fund Consultation Services to Ensure Affordable Health Care for Maine Residents and to Provide Targeted Outreach to Ensure Affordable Health Care for Maine Farmers
S.P. 446 L.D. 1077
(C "A" S-76)

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

Resolves

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

PAPERS FROM THE HOUSE

House Papers

Bill "An Act to Enact the Reentry Success and Earned Time Act"
H.P. 1271 L.D. 1978

Comes from the House, **REFERRED** to the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** and ordered printed.

On motion by Senator **BEEBE-CENTER** of Knox, **REFERRED** to the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** and ordered printed, in concurrence.

Bill "An Act to Expand Home Visiting Services and Provide for Reimbursement Under the MaineCare Program for Perinatal Doula Services and Midwifery Services"
H.P. 1276 L.D. 1993

Comes from the House, **REFERRED** to the Committee on **HEALTH AND HUMAN SERVICES** and ordered printed.

On motion by Senator **BALDACCI** of Penobscot, **REFERRED** to the Committee on **HEALTH AND HUMAN SERVICES** and ordered printed, in concurrence.

Bill "An Act Regarding Surplus Lines Insurance Tax"
H.P. 1272 L.D. 1979

Bill "An Act to Ensure the Equitable Treatment of Military Retirement Plan Income"
H.P. 1277 L.D. 1999

Bill "An Act to Change the Taxation of Rental Tangible Personal Property to Make It Consistent with the Predominant Method in Other States' Rental Industry Laws for Sales and Use Tax"
H.P. 1278 L.D. 2000

Come from the House, **REFERRED** to the Committee on **TAXATION** and ordered printed.

On motion by Senator **GROHOSKI** of Hancock, **REFERRED** to the Committee on **TAXATION** and ordered printed, in concurrence.

Bill "An Act Regarding Gubernatorial Primary Elections"
H.P. 1274 L.D. 1991

Bill "An Act to Legalize Historical Horse Racing and Electronic Beano to Allow Maine Gaming Licensees and Federally Recognized Indian Tribes to Compete with Other Gaming States"
H.P. 1275 L.D. 1992

Come from the House, **REFERRED** to the Committee on **VETERANS AND LEGAL AFFAIRS** and ordered printed.

On motion by Senator **HICKMAN** of Kennebec, **REFERRED** to the Committee on **VETERANS AND LEGAL AFFAIRS** and ordered printed, in concurrence.

ORDERS OF THE DAY

Unfinished Business

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

The Chair laid before the Senate the following Tabled and Later Assigned (5/11/23) matter:

HOUSE REPORTS - from the Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act to Protect Birds and Wildlife in the Construction and Maintenance of Public Buildings"
H.P. 439 L.D. 670

Majority - **Ought to Pass as Amended by Committee Amendment "A" (H-102)** (7 members)

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

Tabled - May 11, 2023 by Senator **VITELLI** of Sagadahoc

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

(In House, May 9, 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-102).**)

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

Bill **READ ONCE**.

Committee Amendment "A" (H-102) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Chair laid before the Senate the following Tabled and Later Assigned (5/16/23) matter:

HOUSE REPORTS - from the Committee on **EDUCATION AND CULTURAL AFFAIRS** on Resolve, Regarding Legislative Review of Chapter 117: Rule Regarding the Duties of School Counselors and School Social Workers, a Major Substantive Rule of the Department of Education (EMERGENCY)

H.P. 245 L.D. 394

Majority - **Ought to Pass** (8 members)

Minority - **Ought to Pass as Amended by Committee Amendment "A" (H-115)** (5 members)

Tabled - May 16, 2023 by Senator **RAFFERTY** of York

Pending - motion by same Senator to **ACCEPT** the Majority **OUGHT TO PASS** Report, in concurrence

(In House, May 11, 2023, the Majority **OUGHT TO PASS** Report **READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED**.)

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

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

Senator **LIBBY:** Thank you, Mr. President. I rise to ask the members of this Body to oppose the pending motion. First, let's just kind of review, maybe, what the process is here. We're reviewing Chapter 117 rule, and it outlines the standards for professional qualifications and duties of school counselors and social workers, including the appropriate roles and use of time. Back in 2019, the Maine Legislature and the - with the Governor's approval, passed a law that established the roles of school counselors and school social workers. Within that law, there is one particular part that I have - I want to call out as something that most people have great exception to, and it is privileged communication. So, privileged communication, and this is in both current law and the rulemaking, which didn't really change anything, just restated, that a 'school counselor or social worker may not be required, except as provided by this section, to divulge or release information gathered during a counseling relation with a client or with a parent, guardian, or person or agency having the legal custody of a minor client. Counseling relation and the information resulting from it shall be kept confidential.' So, then, in the rules, we find that there's a statement made that there should be confidentiality between children and a school counselor or a social worker. Let me first discuss the reality of this relationship and then I'm going to talk about its legality. The reality is this, some student comes and talks to a social worker or guidance counselor one day and the guidance counselor may have concerns about that student. The student's upset, the student can't focus, student has gone through an issue that has caused them great concern and so, under these new rules, the guidance counselor has a confidential conversation with that student. Well, the reality is this, that student might have some kind of a medical diagnosis, a medical diagnosis that has not been shared with the school counselor, has not been shared with the school social worker, something that is protected by HIPAA. So, the parents show up at a school meeting with a

guidance counselor and they say - this is what happens in the meetings - they say 'is there anything else?' The teacher will say 'is there anything else we need to know?' and the parent will say nothing, because they don't have to, because HIPAA protects that. So, there could be all kinds of issues with this student that both the school counselor and the school social worker have no idea about, and that's where the parent comes in. The parent does know this, so if there's an episode at school, it's of critical importance that the social worker or school counselor now share that information with the parent. They are not to take the place of the parent. I'm not just saying that, the Supreme Court has ruled on it. The Supreme Court has ruled on this issue. A parent is not just in custody of a student or their child, they are in charge of their education. They're in charge of it and there is an exception in the law on this confidentiality issue. There is an exception, and the exception is if the student is under extreme duress or they're in danger - that's in current law - then that must - that information must be shared with the parent. So, when rulemaking came along, I thought we were going to learn about some more guardrails, we were going to have additional rules fill in to tell us when and when shouldn't a school counselor or a school psychologist have confidential conversations with a student and I think what's tough about this is that this currently, as I think all of you know, a lawsuit against the State of Maine because of a confidential conversation and then not just information but directions on okay, well, this is what the student should do, without the consent of the parent. That is exactly what happened. I'm not going to go into details on that case, I think it's inappropriate. But who is to judge? The counselor? These are people that - you must remember them, they were guidance counselors - guidance counselors, remember the guidance counselor? We're now asking them to have privileged conversations with students. That's a lot more responsibility. Are we going to pay them for it? How - I don't know how we can possibly take the position to pass these rules, because they didn't give us any guidance on these circumstances. For example, what if the student has a major drug issue? What if it's a serious drug? Does the school counselor or the - do they share that with the parent? We have no guidance from these rules. No guidance at all, and that's the social worker. Understand this, the school social worker gets to see the student a couple of times a year. The parent sees them every day and the Supreme Court has said as long as the parent is carrying out their duties, and there is that family relationship between the parent and the student, the parent is involved. I mean, you can't blame people outside of this Body for thinking that there is some kind of nefarious movement going on. Now, what - on what do I base that on? Here's the rulemaking. So, in the rulemaking, there were nine people in favor of this rule, and there were hundreds in opposition. People ask me, Mr. President, what's the difference between the '90s when you were here before and today. The difference is the agencies make no adjustment after - they just take - they take the testimony and they ignore it. This - I've got a stack of testimony here and I think if I read it, you know exactly what - you know what it says. That's the difference, Mr. President, is that the agencies must've gotten more power, because they don't have to pay any attention to any of the testimony. They just categorize it, there's four or five categorizes - categories here, excuse me, and the category in favor is nine people, all the rest opposed. And then we had the public hearing in the Joint Standing Committee for Education and Cultural Affairs and another army of people came and opposed. Why are they opposed? They're parents.

They expect to be able to raise their child and provide them an education. They expect to be involved in their problems and they expect to try to help bring those problems to a resolution. They don't expect to be excluded. Excluded? That's what this rulemaking does, it excludes them. That's what the 2019 law does and, honestly, we - we should be calling for a solemn occasion, because it - our duty here in looking at the criteria for rulemaking, our duty as legislators is - there's A through H. And the very first one: Has the agency exceeded the scope of its authority in approving the rule? Well, yes, it has. Yes, it has. The Supreme Court has said so. Are we going to ignore them? The role of the parent. So, yeah, I mean, here's the problem - again, back to HIPAA. Parent comes in, the poor student has some kind of malady, mental health issue, whatever it is, the parent comes in and, of course, they don't share that. They're worried about the stigma that's going to be created if they - if they share it, and, so, they don't because it's their right not to share that. Now, the school counselor and the school social worker is in the ideal position to make a bad decision about that student because they don't have the medical diagnosis. So, this is a lose-lose proposition. It's a loser as we - as it pertains to rulings from the Supreme Court, and it's a loser as it pertains to trying to do the best we can for students that are under severe mental health and emotional pressures. We know that. We've done the - we've seen the surveys, we've looked at the - we've examined the cases in multiple committees that we all serve on. This rule is not the answer. It is not the answer. In fact, it's going to make the problem a lot worse. I wouldn't want to go back to my constituents and say yes, I supported confidentiality between a school counselor and my son or my daughter - and I have one of each. Gosh darn it, my son is a freshman at Bonny Eagle High School, and I'm blessed because he seems to be pretty well adjusted. But we're - I'm very familiar, having been close to both of my students' journeys through elementary school, middle school, high school. One's in public school, one's in private school. I'm very familiar with this. And I'm an educator, and I have worked at the high school level for Sanford High School as a math teacher. So, I've seen all of this. I've seen the way it works and the schools are doing a great job. This will not help, this will hurt. Why are we doing it? I cannot figure it out. I've looked at this, I've looked at this, I've looked at this. We cannot govern to the exception. There are students whose parents haven't played a role in their lives. They're in jail, they're in drug rehab, there are a few like that. The majority of the parents that are out there, it's an extreme majority, the majority of these parents have a loving, caring relationship with their child, and they deserve to have all of the information about some - so, some student on the bus to school watches - watches a pet get run over by the school bus and now they're having a terrible time of it, and they don't say anything about that. What's the school psychologist or school social worker supposed to do? Make a judgment about something they know nothing about and keep it confidential? If you can't tell, I've got a passion about this. This is wrong. This is absolutely the incorrect way of dealing with the majority of children. Now, there's a minority of children who, as I said, they've got serious issues and their parents have taken their role for granted. That is a minority and there needs - I expected in rulemaking, Mr. President, that we get guidelines for that, so there's an exception and, in fact, I expected - the one thing I especially expected was the thing that we're all required to do if our child wants to have an aspirin at school, we're required to sign a form, opt in or opt out, I don't care which one. We're

required to sign a form for almost everything they do, yet here, every parent is not going to be able to opt into this program? Really? Hey, look, I don't represent the moral majority, but we've got to start thinking about what we're doing here, because these children, they need both, right? The children that are the exceptions, that have the parents that haven't been there for them, they're the ones that need this. They're the ones. So, right idea, let's - we need to go back to rulemaking, and we need those - we need those guardrails. We need the specifics. And it's funny, you know, when I ask the DOE, I don't know if they can do that.

It's hard for me, I mean, like, I've been removed a lot of years since I've been teaching in a high school and it's hard for me to remember these things. So, every single day before I come here, including today, I have a half an hour conversation, like I did today and yesterday and the day before, with my wife who teaches special ed at the elementary school level, and we have gone over and over and over this, whether this should happen. And just because your heart is in the right place, just because it's in the right place, doesn't mean that we pass a one size fits all that governs all children in the schools. We need to be specific, we need to be surgical, we need to use our brains. We need to know when the agency has exceeded its scope of authority and we need to act on it. So, I am imploring each and every single one you to oppose the Majority Ought to Pass because this will allow this rulemaking to be codified and we're going to have to live with it, and I don't - there will be - there will be all kinds of consequences to these rules. There's - there's - I mean, there's medical consequences, there's psychological consequences, there's political consequences. There are consequences to doing this and one of the things that I really am struggling with in the 131st is that if you had a bill or rulemaking early in the session, you had a pretty good chance of getting it through. If you got one late in the session, we're pushing it through as fast as we can. And this rule right here requires deliberation. It requires time. It requires consideration. That's what we're here for. So, I'm really, I'm asking you, would you mind - I guess I'm referring to, honestly, the agency, but would the DOE mind if I'm involved in my son's life? Would you mind? I expect to be. I don't know of any problems that he has now, but if he has some, I want to be alerted and I want to be a part of the solution. Don't you? Don't we? It makes such little sense to me. I mean, if you think about Maslow's Hierarchy of Needs, you know, right at the very bottom of Maslow's, right? Safety. Somebody is putting a roof over the head of these kids. Somebody is caring for them. And there's a different familial relationship between, you know, parents that are raising their kids and grandparents, and the courts have ruled on that, too. But if you're a parent, and you're a parent in good standing, you will be included. There will be a lawsuit. Why are we doing this? You will be included in helping to provide for the health and welfare and education of your child.

I don't stand up here very often and have long speeches. I try to limit them. But for goodness sakes, this - the rule is - it's like a reprint of the 2019 law, there's very little - the rulemaking wasn't even part of the - you know, it's just, okay, well, we'll just reprint the fact that we're going to allow guidance counselors and school social workers to have these secret conversations with children. I just don't think that the DOE did their job. I mean, I would implore - and I think - again, I work with two of the finest Senators, who are in this Chamber right now, on the Education and Cultural Affairs Committee, and I have enjoyed the service with them, and I know their heart is in the right place, I know,

because I've been sitting with them every single day for the last several months - well, never on Friday, but most of - many other days, never on Friday. And I have enjoyed it. But I - I'm saying to them and to you, I expect to be included in my children's upbringing and if they have been confronted with somebody that's offering them drugs and if they have made a mistake - and God knows we all make them - would you please mind letting me know? If they've been bullied in school, would you please mind letting me know? Even if they have lice, would you mind letting me know? Because that hasn't been happening lately. What is that all about? We used to send them home, now we keep them in the school. I don't get it. That's not in good health. I really want you to think this one through. This is a - this is a critical decision that we're making here. I don't think that it - I don't - I'm not that type of person that thinks that somebody is carrying out an agenda, I think this is a completely nonpartisan issue. We need to care for our kids. If we don't adopt these rules, so if you oppose this, then there is another option, Ought to Pass as Amended, with the amendment being the rule is not adopted. But if you oppose this, then the DOE can go back to the drawing board and try to give us a little bit to go on here. Telling us that school psychologists and social workers are going to treat adults the same way as children and children the same way as adults in their scope of practice is absolutely unacceptable, at least to me. That is not the way the world works, and we have centuries of practice that backs me up on this issue. What is this rush to change? What is it? I mean, I - it's a struggle for me. I mean, most - most of - I'm looking at one right now, most of the testimony really was extreme, talking about how this is a brazen misuse of power and all this stuff. I haven't said a bit of that here, I'm just saying that you know as well as I do, and so does the Governor's office and the DOE as well, that we're really talking about a certain few students that do have a family problem that aren't being raised by a family that are out there maybe even living on the streets, who knows, there's all kinds of situations out there, as you know. We're not talking about parents that have been doing their job and working their tail off to bring up their kids so that they'll be successful. We're not talking about them, but the rule is. So, until I see rules that A: meet the intentions of the U.S. Supreme Court and B: provide some guardrails, I'm not going to support it, and I hope that you don't as well. Thank you very much, Mr. President.

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

Senator **RAFFERTY:** Thank you, Mr. President. Ladies and gentlemen of the Senate, I rise in support of L.D. 394. It is a Resolve, and it regards a legislative review of Chapter 117. And as you heard from the good Senator Libby, he's summarized the rule in Chapter 117 clearly, and then as we get into the section that involves privileged communication, he went through that, but there is a section there that was left out. So, in terms of a counseling relation and information resulting from it be kept confidential consistent with the professional obligations of the counselor or social worker. Exceptions to that requirement center around emergency measure when the client's condition requires others to assume responsibility for the client or where there is clear and imminent danger to the client or others. The Senator clearly was passionate, he spoke from his heart, and I will do the same, because I am passionate about kids and, for me, I believe that these counseling sessions allow a child to speak freely in an

atmosphere that creates a safe place where a child can confide in an adult. There's nothing in this legislation that prohibits that kid, that student, from going home and talking to his mom and dad. There's not a thing in here that says that. And I hope that these parents that see their kids every day are having these difficult conversations with their children. Education, from my perspective, is a team effort. Schools can't be successful without parents, parents can't be successful without teachers, and, most importantly, the kid in the middle needs help from both. But this offers that child a safe place to confide and a result and I don't know a single counselor that at some point in their conversations, like I have had many, many, many conversations with students over the years that reveal to me something that their struggling with at the time. But the comeback and the encouragement and best practice always is 'have you had this conversation at home?' Have you had this conversation at home. And when the kid comes back, maybe they don't, but they keep hearing that question and, hopefully at some point in time, at some point in time, they will have that conversation, because that is encouraged. It is not a place that encourages secrets, it is a place that a kid can come in and say nobody's going to know about this till I, till me, till I personally let them know, because I can confide in this person. We had a long public hearing, and I will admit, as the Senator alluded, that most of the - most of the testimony was against the passage. But I think that that's common in a lot of our bills. We've seen that throughout this session in a number of committees. The rule itself is not controversial. The section around the confidentiality and the privileged information, that's what's at the center of what parents and what and when parents should know relating to what a student conveys to the counselor in a (INAUDIBLE) way. The rule is what we've had in place and is current practice. There's nothing new, no added to - no added privileges. Nothing's been added at all, what counselors can or cannot do. School social workers and school counselors are trained in confidential matters. They have a license and an obligation to follow that rule of confidentiality with your children or grandchildren. If they don't, they can lose their license. Best practices center around how we can share information that centers around a sensitive nature. Counselors and social workers will encourage, as I mentioned, communications between students and parents. At no time do they go out of their way to prevent those communications. Counselors and social workers understand best practices of confidentiality and those practices run current throughout Maine and the country and I urge you to support L.D. 394 and thank you for listening.

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

Senator **TIMBERLAKE:** Thank you, Mr. President. Ladies and gentlemen of the Senate, I encourage each and every one of you, before you vote for this bill, to go spend about two hours with my sister, Representative Lyman, who spent 36 years as a teacher, because I got my ears blistered for at least eight about how bad a bill this is. This is a young lady that always put her kids and teaching before anything else she did. It had nothing to do with politics. She wasn't even involved with politics. But my sister, after this hearing, who sits on the Education Committee now, cried, literally cried, for three solid days because this bill is going to affect relationships between parents and children. And I listened to her, and she made sense in every single word that she

said. And there's a reason that we call our children minors, because that's what they are. And there's a reason that we're called parents, because we're in charge of those minors. We ask ourselves today, in our spot that we're in, where have we gone wrong? You know, we all look around and say, you know, society's changed, we've changed, where have we gone wrong? I say one of the things - places that we've gone wrong, Mr. President, is when we don't think parents have the right to know what their children are doing. Mr. President, I grew up in the '70s. Now, there are some things that I did that was a good thing that the school told my parents about because it did nothing but make me into a better man and a better person, and it shouldn't've been kept from them. I have brothers and sisters that grew up in the '70s and '80s, and there were things that they needed - that my parents needed to be told about them also. Most of us sitting in this room have things that we probably wish the schools wouldn't've called our parents and told us about but, in the long haul, it was a good thing they did, because our parents loved us, took us in and did the things that we needed to do. Because the parents are the ones who know what their child has been through, how they've got to where they are. You know, I grew up in the '70s and I'll tell you right flat out, my mother and father got divorced when I was in the fifth grade and there was a scandal in our town and I had to live through it, you know, basically swapped wives between my godparents and my parents. I'm telling you that on the floor, this is how much it means. And my parents knew that, so when they come back when we was having problems, some of us kids, they knew what was happening. I would not want a guidance counselor not telling my parents what were happening in my life. Because things happen and they need to know. God forgive me for anyone that gets between me and my family, and that goes for a counselor, because my family is first to me. Anybody that knows me in this Chamber knows that. Knows that nothing comes before my family and I don't think a guidance counselor is the right trained professional to keep information away from what my daughter went through when she was in high school or what my grandchildren have gone through. I'm sorry, but they're not that trained a professional. I don't think I have - you have the right to do that to me, and this bill does that. This bill is wrong.

Parents, we heard, I'm going to disagree with what was said. Parents can be successful without a teacher, because they are their teachers. They grew up your whole life with your parents being your teacher. Everything that I think about today that I've learned is something either my grandparents or my dad or my stepdad or my mom or my stepmom taught me. It's not so much what the school taught me. They taught me how to add two and two together, and I can do my math, but my life experiences was taught to me by the heritage of my family. But a teacher cannot be successful without the help of a parent and if the parent doesn't know what's happening there's no way can that student be successful. People, this is a bad bill. It's plain, outright a bad bill the way it's wrote. We need to stop this; we need to move in the right direction. I ask you to please vote down the pending motion. And this is personal to me, I did listen to my sister, a teacher of 36 years, who loved her kids more than anybody else that I know, voted Teacher of the Year many years in a row within her district and within her county. So, I believe in it, in her, so please vote this down. Thank you.

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

Senator **RENY:** Thank you, Mr. President. I would like to take this opportunity to push back against some of the incorrect assumptions that have been thrown around this room. So, I am both a school counselor and a parent of students in public schools. I think I'll start with a little bit of history about what this profession actually is. Many of you have - well, I've heard it, people referring to guidance counselors. This profession did start out as guidance counselors. It was actually back in the '50s and '60s, the government was really worried about the Russians making it to the moon and sputnik, so what they did was they created a guidance counselor. It was somebody that had to take two courses, and the whole purpose of them was to funnel kids into math and science, quite frankly, because we wanted to win. My job is not that. It has evolved immensely over the decades. I have a Master's of Science in School Counseling that included a 600-hour internship in public schools at a variety of ages. Our job is not to keep secrets with kids. I am an educator, I teach classes. In all of my classrooms, I typically work in K-8 schools, though I have worked at the high school level as well. I do teach social-emotional learning, and what that means is - it's not all feelings, although with kindergartners, it kind of is because learning how to control those feelings is what helps them be successful and be able to learn in the classroom from their teachers. So, sometimes there's - there is some feelings work around understanding what it is and how to handle them, which I have been practicing throughout this so far. There are other skills that need to be learned, things around setting goals, how to attain those goals, skills for learning like listening, paying attention, proper notetaking, how to get your homework done at home, problem solving, because there are many, many problems both in school and out of school and when you give kids these skills, it's amazing, because you can see them using it years later and it helps them be in a place where they can learn. The good Senator brought up Maslow's Hierarchy of Needs, which I am a big believer in. So, when kids are not feeling safe, whether due to people at school or outside of school, if they are in their amygdala, they're in their limbic system, they are not in their frontal cortex, and they are not able to access their learning. So, another part of my job is doing small groups, small counseling groups, with a variety of students, helping get the skills that they need. Typically, it's around anger management, maybe it's around executive functioning or executive skills is what they're called these days. And parents are always aware, always aware if their child is participating in a small group and have the option to opt them out. Any sort of lessons that I would do that could be considered controversial - because we come from a variety of different backgrounds, some families are comfortable with certain topics and some families do not want them taught at school, and I'm okay with that, you can opt your student out if I am having guest speakers from, say, New Hope, which is an organization that prevents domestic violence. Come middle school, I have lessons centered around sexual harassment. I'm not sure if you realize - or I'm sure many of you do, especially if you have students, but puberty hits while they're in school and sexual harassment is - legally, is something that could happen in school or in the workplace and it's important that kids know the boundaries. Those sorts of lessons and the objectives of them are always shared with parents. Always. They are always encouraged to go home and talk to their parents about what they've learned.

I am a professional, and so are the other people in my

position. We have a strict code of ethics. It's very strict. We legally cannot be sharing information about students with other people as well. I keep confidence for my parents just as much as I keep confidence for my kids. It's been mentioned that if a student is in a bad position, because we all know that many of us are wonderful parents, but not everybody has the skills or the ability and sometimes they are in tough, dangerous situations. It's been insinuated, in my opinion, please correct me if I'm wrong, that we don't need confidentiality because if a student tells a school counselor, a teacher, a bus driver, any mandated reporter that something very bad is happening at home, we immediately have to report to DHHS. That is true. That is also not how kids work, in my experience. I've been doing this for several years. Students who are in situations like this do not immediately come to you and bare their soul and tell you all the details you need to know in order for CPS to be able to get involved and to keep them safe. What they do is they start with small things. It could be something little like 'my parent was really mean to me this weekend.' We need to have the discretion to keep that confidentiality for those students, so they feel safe enough to come back and let us know when it's something real, when it's something big, and it's something scary. This job is not about hurting kids, it is not about cutting parents out, education is a team sport. Parents and schools need to be working together for the best of their students. Confidentiality with social workers and with school counselors is not a new thing. It's been like this for years and years and years. This has very recently become politicized. And if you want to get parents really upset and scared, go ahead, tell them their kids are in danger and there's nothing they can do about it. That will get you all the possible testimony you would need.

I've also heard mention - well, that court case is in my district. It's not just my district, it's in the school system that my students attend, and I just want to put out there right now that due to laws and due to the ethics, we have heard precisely one side of the story. I do not have this whole story, and neither does a single person in this room, because it has not been put out there. When we're talking about kids, especially our own and others, I think it makes sense that we're all getting a little bit passionate about it, but I want to put out there we are on the same team. Supporting kids is bipartisan, and studies show again and again, social-emotional learning and access to mental health services supports kids and gets them to the place they need to be and able to access their education. That's all for now.

THE PRESIDENT: The pending question before the Senate is Acceptance of the Majority Ought 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 (#162)

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

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

EXCUSED: Senators: FARRIN, LAWRENCE

21 Senators having voted in the affirmative and 12 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** Report, in concurrence, **PREVAILED**.

Bill READ ONCE.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Chair laid before the Senate the following Tabled and Later Assigned (5/16/23) matter:

SENATE REPORTS - from the Committee on **HEALTH COVERAGE, INSURANCE AND FINANCIAL SERVICES** on Bill "An Act to Allow Credit and Debit Card Surcharges" S.P. 541 L.D. 1324

Majority - **Ought Not to Pass** (10 members)

Minority - **Ought to Pass as Amended by Committee Amendment "A" (S-95)** (2 members)

Tabled - May 16, 2023 by Senator **DAUGHTRY** of Cumberland

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

(In Senate, May 16, 2023, motion by Senator **BAILEY** of York to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report **FAILED**. Subsequently, on motion by Senator **DAUGHTRY** of Cumberland, the Senate **RECONSIDERED** whereby the Majority **OUGHT NOT TO PASS** Report **FAILED**.)

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

Senator **STEWART:** Thank you, Mr. President. Just to remind folks of the posture of where this bill is, and I'll request a Roll Call in just a minute here, but this is a bill that had passed initial - initial round of votes here in the Senate, under - well, we had rejected this report one time before, it was then reconsidered and tabled, and so I just want to remind folks, I know we've had a lot of debate today and may not be - we may be running low on caffeine at this point, so, I just wanted to remind everybody that we've had the debates and whatnot on this bill and the merits of it before and I hope that we can once again adopt the Ought - reject the Ought Not to Pass - I haven't had enough coffee, clearly, for crying out loud - reject this motion in lieu of the Minority Report as we were on track to do here a few days ago. And with that, I would request a Roll Call. Thank you, Mr. President.

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

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

Senator **BAILEY:** Thank you, Mr. President. Men and women of the Senate, I rise in favor of the pending motion and just wanted to remind Members what it would mean if this surcharge or, as I like to call it, this credit card tax, were to pass. This credit card tax could apply to all sales transactions, meaning any transactions involving any goods and services. And I just want to run down some of the goods and services that could be affected by this credit card tax. Grocery staples - bread, milk, baby formula, cereal - heating oil and heating wood, gas for your home and your car, bibles, medicines, all prescription drugs could be subject to this credit card tax, prosthetic devices, crutches, wheelchairs, diabetic supplies, bait sold to commercial fishermen, residential electricity, motor vehicles sold to amputee veterans, snowmobiles, ATVs, residential water, vehicle adaptive equipment, menstrual products, firearm safety devices, services, healthcare, including hospital care, doctors, dentists, optometrists, audiologists, physical therapists, chiropractors, occupational therapists, behavioral health services, lawyers, accountants, car repairs, childcare, veterinarians, and funeral services. The above list of goods and services is by no means exhaustive of what could be subject to the new credit card tax, but they represent goods and services currently not subject to state sales tax but could be subject to this new credit card tax if this bill were to pass. As a reminder, this Body also recently voted to exempt diapers and gold and silver from state sales tax, but they too would be subject to the new credit card tax. Who will this adversely affect the most? First, older Mainers on fixed incomes who already can't afford their daily expenses and have - and are having to decide whether to buy food or medicine or oil to heat their homes. Adding this additional credit card tax on goods and services will push many over the edge. Secondly, Maine working families. According to Mainers for Working Families, 78% of Mainers live paycheck to paycheck, and 20% say they can't afford their prescription medications. Adding a credit card tax on top of the already high prices for consumer goods and services will be enough to push these families over the edge. Third, those living on the margins. About one-third of Mainers struggle to pay their basic living expenses, and many turn to their credit card to cover the gap. This new credit card tax will add to those on the margins having to pay even more for their basic living expenses, further putting this behind. I would ask you to support this motion. Thank you, Mr. President.

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

Senator **BRAKEY:** Thank you, Mr. President. Speaking as a member of the committee, I oppose the pending motion. I just want to push back a little bit on the idea that this is a tax. You know, I don't know of many taxes that I have the freedom to opt out of. Usually, when the government imposes a tax on us, we've all got no choice but to pay it, but in this case, the fees that are being imposed are already being imposed. It's being imposed on the business and the business, in many cases, when they're able to - they're not always able to, as Senator Timberlake has pointed

out - but when they're able to, those - the consumer is still paying this because it results in rising prices for everyone. So, all this does is adds a little transparency and also gives people options. If you want to do that transaction that's under \$10 and the business says boy, we can't afford the swipe fee, so we're prohibiting transactions under \$10, now suddenly, as a consumer, I would have the option to use a credit card for purchases under \$10 and just pay the swipe fee for it. That could be an added convenience to me. Or I can just choose to use cash and not be forced to subsidize those who use credit cards who are - not only are we subsidizing those who use credit cards when we pay cash by paying elevated prices but literally, with those credit cards, people are getting bonuses back that are kind of taken right out of the - well, right out of the revenues earned by the business and also, you know, is forcing higher prices for cash payers. So, I reject the idea that this is a tax, though I certainly welcome opposition to all taxes from other members of this Body. Thank you very much, Mr. President.

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

Senator **TIMBERLAKE:** Mr. President, ladies and gentlemen of the Senate, I don't know why I bother to stand. It's really something to -. I - I'm going to push back a little harder than the other Good Senator from Androscoggin. This is not a tax. It's no money goes to the government, nobody's -- no money is sent to the government, this is not a tax. This is a fee that would be imposed by a business if - if - they decided they wanted to do it. Only if they decided, it's the business's choice. It's personal choice. It's called freedom. If you believed that the price of credit card fees are built in to every item sitting on the shelf, then you believe all the items that the Good Senator listed previously has a credit card fee built into it. So, you would also should believe, then, that if you impose this law, those prices should come down. And if you decided to pay cash, then you would pay less money and you would save money. I know of multiple businesses within my local area that no longer take credit cards, they have an ATM machine sitting outside that you put your ATM in and then you get your cash to pay them if you don't have cash in your pocket. This in no way is a tax. To say it is a tax is a lie. It's a fee. It's only a fee if the owner of the establishment decides they want to impose it. There will be some that do, and there will be some that don't. You'll have a choice to whether you want to do business with that vendor or not. But all of those businesses who are accepting credit cards today don't have a choice. They have a choice of not accepting and we've seen that happening in our area now. But you're going to pay between 2 and 5%, maybe 1.5 if you're really big, percent fee on every transaction you do. This is about choice to the vendor, and if you believe that because of this, those prices are built in, you should also believe that the product that you're about to buy is going to be about 2-5% cheaper, because that's the way it's been proposed to you today. This is not a tax. It's not a tax in any form, shape, nor matter. Thank you very much. Please vote against it.

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

Senator **GUERIN:** Thank you, Mr. President. There's no tax involved here, it's a swipe fee, and the swipe fee is being charged by the International Banking Community. That's who's getting the

money, is the big banks, and it's nothing that local businesses is doing - is proposing to do to you, it's just an issue of fairness. This bill would allow retailers and merchants and other entities that accept debit and credit cards to add a surcharge to cover the fee that is charged currently by the International Banking Community. That's who's getting the money, not our small businesses. As small businesses are dealing with rampant inflation and increased labor costs, and increasing swipe fees, it's time for Maine to level the playing field. Visa said there are five other states that don't have this ability already for their small businesses. So, we are such far outliers. Think about that. Forty-five other states are allowing small businesses to recoup this. They're allowing them to, they're not forcing them to. If it makes you more competitive not to do it, you may choose not to do it, but that small store in my district, where he said keep the coffee, just don't come back again because it's costing me more in credit card fees than giving you the coffee, should be allowed to recoup that money and currently Maine state government agencies, the counties, every town and city, quasi-municipal operations, the Justice Department, the University of Maine, Maine Community College System, Maine Maritime Academy are all recouping that fee, and we're not calling it a tax when they do it. We know it's just fair that the local person can come in and pay with cash or a check, it's what I do when I register my vehicles up at the town office. One day, I forgot to bring a check, I - I drove back to the office to save the credit card swipe fee and Mainers will have that option to do that, they can pay cash, they don't have to pay the credit card fee. Hey, let's help Maine businesses and stick it to those international banks. Let's take that credit card fee away from them by paying cash. Thank you.

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

Senator **KEIM:** Thank you, Mr. President. Ladies and gentlemen of the Senate, I just so happened to get an email from a constituent of mine who owns a store in Buckfield and she may have sent an email to others about this because she just happened to contact me within, I think, a day of us voting on this and I said you know, we're actually discussing that right now. So, I just - I just want to bring it to a very hometown market in Buckfield. There's not a store for miles around and they offer a real service to their community by staying open and offering groceries and for them, it's razor-thin margins and this helps for them to offer a cost to, you know, some of the customers that are coming in to pay cash but if the people that want the convenience of a credit card, this helps them stay open, this helps them provide people with a very needed service in rural Maine. So, it's really about the Mom and Pops, as you've heard already. We already allow it for state government, it's kind of backwards reasoning to think that state government should be allowed to charge a fee that we will not allow small Mom and Pops to do when they have less ability to recoup expenses than government, who can just simply raise taxes. Thank you.

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

Senator **POULIOT:** Thank you, Mr. President. I rose to speak about this last time, and I will again, for a couple reasons. Since I first got into the Maine State Legislature, you know, financial literacy and access to financial literacy education has been

something really important to me. When I was a kid, my mom went back to college, and we had to move in with my grandparents while she did that. It was great that we had their support, but I'll never forget the one day that she came home and said, 'hey, we're getting an apartment, a place to live, you know, our voucher was approved' because she had got a housing voucher, and so, we moved out of my grandparents' house and into this house, actually, over here on Spring Street. And we had been there for probably about a year and it was like really early in the morning and I remember hearing this beeping noise in the driveway. And I looked out the driveway and there was a tow truck backing into the driveway, and it was a flatbed tow truck, and it was there to pick up my mom's car because my mom had to file bankruptcy and they were repossessing her car and that memory is still with me to this day, Mr. President. You know, I don't care about this bill because of businesses, you know, I could - they can figure it out, Mr. President. But the reality is that it's fairly - you know, it's well known that less affluent people have more of a challenge already. And what's happening right now with the system the way it is, is that people who are more affluent, that have access to good credit - I'm fortunate, you know, I think that I had gone through different things after that and was really a - really, all my life been driven to make sure that if I have children someday, they're never going to have to see a tow truck backing in the driveway to pick up my vehicle because we can't afford to pay the bills, and I don't begrudge my mother at all, Mr. President. She just never learned these skills, you know? And unfortunately, it's tough, because we're here in the Legislature and I think we all care about people who don't have as much means, but the reality is there are chances like this that we have to say hey, enough is enough, we're not going to continue on this path, and if we don't stand up and do this, you know, who will?

At one point, there was a Federal Reserve Bank of Boston study that was done, and it said merchant fees and reward programs - and when I say merchant fees, I mean the fees that the merchants are paying for this - generate an implicit monetary transfer to credit card users from non-card or cash users because merchants generally do not set differential prices for card users to recoup the cost and fees as a reward. On average, each cash-using household pays \$151 to card-using households and each card-using household receives \$1,482 from every cash user every year. Because credit card spending and rewards are positively correlated with household income, the payment instrument transfer also induces a regressive transfer from low income to high income households in general. On average, and after accounting for rewards paid to households by banks, the lowest income households - 20,000 or less annually - pays \$23, and the highest income household - 153,000 or more - receives \$756 every year. We build and calibrate a model of consumer payment choice to compute the effects of merchant fees and card rewards on consumer welfare, reducing merchant fees and card rewards would likely increase consumer welfare. So, Mr. President, the reality is we live in a system that none of us of the 35 members in this Chamber can change, but right now, as I mentioned last time, I know of an instance right here in Augusta where there is a business owner who is paying \$5,000 to \$6,000 in fees and he's like 'look, you know, it would be great if we didn't have this, because then I wouldn't have to increase my prices, or then I could increase my wages to my employees.' But instead, what's happening is that I, Matt Pouliot, with an 800 credit score, get like \$3,000 a year from Bank of America check in the mail just because I used my card, you know, and I pay it off every month,

whereas there's a lot of people out there who don't have that ability to do that, they don't get the benefit, except they're paying more. So, for me, this isn't about, like, trying to help out a business at all. They'll figure it out. It's really, truly about helping the consumer, because at the end of the day, the majority of folks are not in a position to be able to pay off their credit card debt every month. They end up carrying balances and they end up becoming a slave to the lender and I don't think anybody in this Chamber is in favor of slavery, but by making policy measures in favor of perpetuating this practice, Mr. President, unfortunately, we unintentionally are keeping people in bondage, and we are unintentionally causing those who do not have access to these kinds of resources more money, and I want to point out this study was done over 13 years ago, Mr. President, so the numbers have only gotten worse. Thank you.

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

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

THE PRESIDENT: The Senator may proceed.

Senator **CURRY:** My question is, if any member can answer the question, is it currently legal for business to discount any transaction if it is done in cash?

THE PRESIDENT: The Senator from Waldo, Senator Curry, has posed a question through the Chair to anyone who may answer. The Chair recognizes the Senator from York, Senator Bailey.

Senator **BAILEY:** Thank you, Mr. President. I rise to answer the question and make some other brief comments. So, in response to the good Senator's question, yes, currently under Maine law, a business can offer a cash discount, so that is allowed, and I'd just like to talk a little bit about other options that businesses currently have. Of course, as was mentioned, no business is required to accept credit cards, no business is required to accept any certain credit card, so many businesses do choose to accept some credit cards, not other credit cards. I know a lot of businesses, for example, don't accept American Express or Discover cards because their fees tend to be higher. Businesses also can shop around. There are currently multiple credit card processing companies that offer very different rates and depending on your type of business, one may be better for your business than the others. As the Good Senator from Androscoggin noted, some businesses in my community that don't accept credit cards actually have an ATM in their store and they actually make a little money on those ATMs. Businesses can offer a cash discount. I'm not sure why businesses don't choose to do that. For example, the Good Senator from Penobscot mentioned bidding out jobs and you can bid out jobs giving a cash price and a credit card price.

I would also like to just note that this is not limited to small businesses. Any business of any size could impose this fee. So, it would include businesses like Walmart, Hannaford, Walgreens, Target, Home Depot, Cabela's, etcetera. So, ironically, the net effect if this were to pass would be that a store like Walmart would not only be able to force you to do your own self-checkout, but they would charge you to do it.

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 (#163)

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

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

EXCUSED: Senators: FARRIN, LAWRENCE

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 NOT TO PASS** Report **PREVAILED**.

Sent down for concurrence.

The Chair laid before the Senate the following Tabled and Later Assigned (5/16/23) matter:

SENATE REPORTS - from the Committee on **JUDICIARY** on Bill "An Act to Improve Family Court Procedure"
S.P. 248 L.D. 580

Report "**A**" - **Ought to Pass as Amended by Committee Amendment "A" (S-84)** (9 members)

Report "**B**" - **Ought to Pass as Amended by Committee Amendment "B" (S-85)** (3 members)

Report "**C**" - **Ought Not to Pass** (1 member)

Tabled - May 16, 2023 by Senator **STEWART** of Aroostook

Pending - motion by Senator **CARNEY** of Cumberland to **ACCEPT** Report "**A**", **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (S-84)** (Roll Call Ordered)

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#164)

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

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

EXCUSED: Senators: FARRIN, LAWRENCE

22 Senators having voted in the affirmative and 11 Senators having voted in the negative, with 2 Senators being excused, the motion by Senator **CARNEY** of Cumberland to **ACCEPT** Report "A", **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (S-84), PREVAILED.**

Bill **READ ONCE.**

Committee Amendment "A" (S-84) **READ** and **ADOPTED.**

ASSIGNED FOR SECOND READING LATER IN TODAY'S SESSION.

The Chair laid before the Senate the following Tabled and Later Assigned (5/18/23) matter:

Bill "An Act to Remove the Confidentiality of the Transportation of Hazardous Materials by Railroad Companies" (EMERGENCY)
H.P. 1245 L.D. 1937

Tabled - May 18, 2023 by Senator **DAUGHTRY** of Cumberland

Pending - motion by Senator **CHIPMAN** of Cumberland to **REFER** to the Committee on **TRANSPORTATION**, in **NON-CONCURRENCE**

(Committee on **TRANSPORTATION** suggested and ordered printed.)

(In House, May 16, 2023, **REFERRED** to the Committee on **JUDICIARY.**)

Senator **CHIPMAN** of Cumberland requested and received leave of the Senate to withdraw his motion to **REFER** to the Committee on **TRANSPORTATION**, in **NON-CONCURRENCE.**

On further motion by same Senator, **REFERRED** to the Committee on **JUDICIARY** and ordered printed, in concurrence.

The Chair laid before the Senate the following Tabled and Later Assigned (5/18/23) matter:

HOUSE REPORTS - from the Committee on **HEALTH COVERAGE, INSURANCE AND FINANCIAL SERVICES** on Bill "An Act to Increase Transparency of and Lower Health Care Costs"

H.P. 680 L.D. 1085

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

Minority - **Ought to Pass** (5 members)

Tabled - May 18, 2023 by Senator **BAILEY** of York

Pending - **ACCEPTANCE OF EITHER REPORT**

(In House, May 16, 2023, the Majority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED.**)

On motion by Senator **BAILEY** of York, the Minority **OUGHT TO PASS** Report **ACCEPTED**, in **NON-CONCURRENCE.**

Bill **READ ONCE.**

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Chair laid before the Senate the following Tabled and Later Assigned (5/18/23) matter:

HOUSE REPORTS - from the Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act to Ensure That the Will of the Voters Is Reflected in Interim Appointments of United States Senators"

H.P. 713 L.D. 1117

Majority - **Ought to Pass** (6 members)

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

Tabled - May 18, 2023 by Senator **NANGLE** of Cumberland

Pending - motion by same Senator to **ACCEPT** the Majority **OUGHT TO PASS** Report, in concurrence

(In House, May 16, 2023, the Majority **OUGHT TO PASS** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED.**)

Senator **NANGLE** of Cumberland requested and received leave of the Senate to withdraw his motion to **ACCEPT** the Majority **OUGHT TO PASS** Report, in concurrence.

Same Senator moved the Senate **ACCEPT** the Minority **OUGHT NOT TO PASS** Report, in **NON-CONCURRENCE.**

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

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

Senator **BRAKEY**: Thank you, Mr. President. I rise in opposition to the pending motion and in support of the underlying legislation which has already passed the other Chamber with a bipartisan majority, and I certainly hope that we will do the same today. It's a pretty simple idea. When a vacancy occurs in the U.S. Senate, should the Governor be able to have free reign in picking whomever that Governor would like or should that Governor be bound by the democratic process in which the Senator who left that seat was elected in? So, if a Democrat Senator resigns, or is otherwise leaves the seat vacant and there is a Republican Governor, that Republican Governor would have to pick a Democrat to fill that spot. And the same if it was a Republican Senator or even an unenrolled Senator, as we certainly have one here in the state of Maine. So, it's a simple idea, I oppose the pending motion, and hope the Body will join us and join the other chamber in passing this legislation. Thank you.

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

Senator **BALDACCI**: Thank you. I would urge support of the minority, I mean - yeah, the - accept the Minority Ought Not to Pass Report. The bill would exclude two-thirds of the state of Maine from consideration, depending on who the Governor is. The Governor should have authority to appoint the best person for the job to represent the state of Maine. That is the Governor's job, and that person can be voted on within a two-year period, usually they would be up for reelection within a relatively short amount of time. So, I would urge adoption of the Minority Ought Not to Pass Report.

THE PRESIDENT: The pending question before the Senate is Acceptance of the Minority Ought 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 Franklin, Senator **BLACK**, and the Senator from Androscoggin, Senator **TIMBERLAKE**, and further excused the same Senators from today's Roll Call votes.

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#165)

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

NAYS: Senators: BENNETT, BRAKEY, GROHOSKI, GUERIN, HARRINGTON, KEIM, LIBBY, LYFORD, MOORE, POULIOT, STEWART

EXCUSED: Senators: BLACK, FARRIN, LAWRENCE, TIMBERLAKE

20 Senators having voted in the affirmative and 11 Senators having voted in the negative, with 4 Senators being excused, the motion by Senator **NANGLE** of Cumberland to **ACCEPT** the Minority **OUGHT NOT TO PASS** Report, in **NON-CONCURRENCE, PREVAILED**.

Sent down for concurrence.

The Chair laid before the Senate the following Tabled and Later Assigned (5/18/23) matter:

Bill "An Act to Reauthorize Maine's New Markets Tax Credit Program"

S.P. 808 L.D. 1974

Tabled - May 18, 2023 by Senator **STEWART** of Aroostook

Pending - motion by Senator **GROHOSKI** of Hancock to **REFER** to the Committee on **TAXATION**

(Committee on **TAXATION** suggested and ordered printed.)

On motion by Senator **GROHOSKI** of Hancock, **REFERRED** to the Committee on **TAXATION** and ordered printed.

Sent down for concurrence.

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

Off Record Remarks

On motion by Senator **VITELLI** of Sagadahoc, **ADJOURNED** until Thursday, May 25, 2023 at 10:00 in the morning.