

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

In Senate Chamber  
Thursday  
June 15, 2023

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

Prayer by Senator Russell J. Black of Franklin County.

**SENATOR BLACK:** Thank you for allowing me to have the prayer this morning. I am not Senator Timberlake, as the calendar says, but I found out five minutes ago that I've got to do it, so it'll be short. Let us pray. Thank You for taking care of us as we go through our daily schedules. As we try to finish our work in this session, give us the ability to stay focused on the needs of the people of the State of Maine. Help us to be humble and kind in our actions and our deeds and keep us safe in our journeys to and from. This is what I ask in thy precious name. Amen.

Pledge of Allegiance led by Senator Nicole C. Grohoski of Hancock County.

Reading of the Journal of Wednesday, June 14, 2023.

Doctor of the day, Patrick Connolly, MD.

Off Record Remarks

**PAPERS FROM THE HOUSE**

**Joint Resolutions**

The following Joint Resolution:

H.P. 1291

**JOINT RESOLUTION  
COMMEMORATING THE 80TH ANNIVERSARY OF THE  
STATE YMCA OF MAINE'S MAINE YOUTH AND  
GOVERNMENT PROGRAM**

WHEREAS, the State YMCA of Maine's Maine Youth and Government program is the 4th-oldest program of its type in the United States; and

WHEREAS, at 10:30 a.m. on May 1, 1943, an assembly of participants in the first Maine Youth and Government program was held in the House chamber, and the Youth Speaker of the House Joelle Herbert of Lewiston opened the First Maine Junior Legislature sponsored by the State YMCA of Maine; and

WHEREAS, the session opened with a prayer and closed with Governor Sumner Sewall's addressing the participants, and during the session bills were introduced and assigned to committees, including bills creating youth hostels, requiring x-rays to test for tuberculin cancer, creating Maine's first trade school and developing a Maine youth commission; and

WHEREAS, today, the Maine Youth and Government program provides a unique experience in civic engagement with a 3-day conference in which students participate directly in a simulation of the democratic process; and

WHEREAS, the program develops involved citizens by offering students the opportunity to learn about a wide variety of issues, develop critical thinking skills and articulate their beliefs while engaging constructively with those who hold like and opposing views; and

WHEREAS, participants draft all legislation, serve in all leadership roles and learn about the process of passing legislation and how it is not as simple as it seems; and

WHEREAS, participants in the program learn leadership, experience the legislative process and have a chance to network with other student leaders from around Maine talking about the issues they see facing the State of Maine and its future; and

WHEREAS, in November 2023, the State YMCA of Maine will be celebrating the 80th anniversary of Maine's Youth and Government program; now, therefore, be it

RESOLVED: That We, the Members of the One Hundred and Thirty-first Legislature now assembled in the First Special Session, take this occasion to commemorate the 80th anniversary of the State YMCA of Maine's Maine Youth and Government program.

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

**READ** and **ADOPTED**, in concurrence.

The following Joint Resolution:

H.P. 1292

**JOINT RESOLUTION  
RECOGNIZING FLAG DAY, JUNE 14, 2023**

WHEREAS, Flag Day, which is celebrated on June 14th, commemorates the adoption of the flag of the United States of America on June 14, 1777, by resolution of the Second Continental Congress; and

WHEREAS, President Woodrow Wilson issued a proclamation officially establishing June 14th as Flag Day and, on August 3, 1949, National Flag Day was established by an Act of Congress; now, therefore, be it

RESOLVED: That We, the members of the One Hundred and Thirty-first Legislature now assembled in the First Special Session, pause in our deliberations to encourage the people of the State of Maine to observe Flag Day as the anniversary of the adoption of the official flag of the United States of America.

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

**READ** and **ADOPTED**, in concurrence.

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**COMMUNICATIONS**

The Following Communication: S.C. 630

**STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
SPEAKER'S OFFICE  
AUGUSTA, MAINE**

June 14, 2023

The Honorable Darek M. Grant  
Secretary of the Senate  
3 State House Station  
Augusta, Maine 04333

Dear Secretary Grant:

Pursuant to my authority under House Rule 201.1 (I) (a), I am appointing Representative Abden Simmons of Waldoboro to the Joint Standing Committee on Marine Resources, replacing Representative Lydia Crafts of Newcastle, effective immediately.

Please do not hesitate to contact me if you have any questions regarding this appointment.

Sincerely,

S/Rachel Talbot Ross  
Speaker of the House

**READ** and **ORDERED PLACED ON FILE**.

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The Following Communication: S.C. 629

**STATE OF MAINE  
ONE HUNDRED AND THIRTY FIRST LEGISLATURE  
COMMITTEE ON APPROPRIATIONS AND FINANCIAL  
AFFAIRS**

June 13, 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 Appropriations and Financial Affairs has voted unanimously to report the following bill(s) out "Ought Not to Pass":

L.D. 1607 An Act to Stabilize the Pension Funds of the  
Maine Public Employees Retirement System

This is notification of the Committee's action.

Sincerely,

S/Sen. Margaret R. Rotundo  
Senate Chair

S/Rep. Melanie Sachs  
House Chair

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

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**ORDERS**

**Joint Orders**

Expressions of Legislative Sentiment recognizing:

Leo Delicata, of Portland, on his retirement from Legal Services for the Elderly after 33 years of exceptional service to older Mainers and to the legislative process. Mr. Delicata brought extensive knowledge of a wide range of laws affecting older Mainers, from real estate to tax policy to probate to health care, and many topics in between. Over the last 3 decades, he was appointed by multiple governors to commissions and working groups on which he steadfastly worked to ensure Maine's policies supported older people in meeting their basic needs and living their lives with dignity. He helped shape current law in probate, and protections from elder abuse and financial exploitation, such that all older Mainers can seek justice more expeditiously and securely. He demonstrated to several generations of legislators how a committed but trusted advocate can truly make a difference. We extend our congratulations and best wishes;

SLS 821

Sponsored by Senator DUSON of Cumberland.  
Cosponsored by Senator: CHIPMAN of Cumberland,  
Representatives: BRENNAN of Portland, COLLINGS of Portland,  
CROCKETT 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. Ladies and gentlemen, I rise today to recognize a dear friend and role model, Leo Delicata. After 33 years of advocating and supporting Maine seniors, Leo is retiring from the Legal Services for the Elderly. LSE helps older Mainers when their basic human needs are at stake. Through his dedication, Leo has touched many lives. He has worked diligently to protect Mainers from elder abuse and financial exploitation, to seek justice and to advocate for key policy changes on our behalf, for I am now one of those older Mainers who benefits from his three decades of commitment. In my early years in Maine, I had the opportunity to work with Leo

when I served as the long-term care ombudsman and later as a member of the LSE Board of Directors. I'm incredibly grateful for everything that Leo has done, for his life dedicated to public service. He leaves an incredible and inspiring legacy and will forever be remembered for his contributions to our communities. Thank you, Mr. President.

**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 to offer my congratulations to Leo on his retirement, although I'm going to say he will be very, very missed around this building. As you heard, he's a long-term advocate for older Mainers. When I spoke with him this morning, we were reminiscing that two of the programs or bills that I'm most proud of since I've been in this building, Leo was by my side and helped get those through. The first one being rewriting the probate code, in which I chaired the subcommittee in Judiciary to do that, and Leo came to all the meetings, offering input and advice so that we made sure that we did it correctly. And the other one which took us three terms but, again, Leo was always by my side, and that is the senior property tax relief program that we'll be hearing more about soon, I think, because they're looking to actually expand that program. So, I am very grateful for Leo's sage advice throughout all my time in the Legislature and I hope that he does stay in touch, but that he enjoys his retirement.

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

Senator **ROTUNDO:** Thank you, Mr. President. Colleagues of the Senate, I rise to wish Leo the very best in his retirement and to thank him for his years of service to the people of Maine. Leo has been a fierce and effective advocate on behalf of older Mainers. I always depended upon his expertise and keen mind as we made decisions about budgets and appropriations. We will miss him terribly here in the State House, but his example will continue to inspire us all. Thank you.

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

Senator **CARNEY:** Thank you, Mr. President, and I also rise to celebrate Leo Delicata and his contributions to our state, and especially the work he's done in this building. I first met Leo by telephone, actually, when I was a brand-new House of Representatives member, working on a bill having to do with financial exploitation of older Mainers. And I had - was getting ready for my work - bill public hearing, I had no idea what I was doing, and he very gently and expertly helped me appreciate the importance of having facts and data to present to the committee at the public hearing and really guided me through an issue that was near and dear to his heart and to my heart - financial exploitation - preventing financial exploitation of older Mainers - and really helped me become the legislator I am today. Since that initial interaction, he has weighed in on so many issues that protect older Mainers in our state in the committee work that I've done, and I am grateful on - I am just so grateful to him for his contributions to Maine and especially for his work to stand up for the rights of older Mainers.

The Joint Order was **PASSED**.

Sent down for concurrence.

**THE PRESIDENT:** The Chair is very pleased to recognize in the rear of the Chamber Leo Delicata of Portland. He's the guest today of the Senator from Cumberland, Senator Duson, and the entire Maine Senate. Would he please rise and accept the congratulations of the Maine Senate.

Charlena LaVallee, of Gray, who has received the Girl Scout Gold Award. This is the highest award in Senior Girl Scouting and is given for excellence in skills development, leadership, personal growth and community service. We extend our congratulations and best wishes;

SLS 823

Sponsored by Senator PIERCE of Cumberland.  
Cosponsored by Representatives: ARATA of New Gloucester, GRAHAM of North Yarmouth.

The Joint Order was **READ**.

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

Senator **PIERCE:** Thank you, Mr. President. Ladies and gentlemen of the Senate, we are joined today by Charlena LaVallee of Gray who recently did earn the Gold Award from the Maine Girl Scouts. The Gold Award is the highest honor a Girl Scout can achieve. This prestigious award is earned by a select group of Girl Scouts who demonstrate a high commitment to improving their communities and advocating for lasting change. Charlena's project idea was sparked by her time volunteering at the Fiddlehead School in Gray. She noticed the benefits of education centered on time outdoors and quickly realized that they lacked sufficient outdoor space to support this type of learning, so she got to work. Through this work, she developed strong leadership and communication skills and project management. She was creating the space and ensuring that the area was attractive and entertaining for students to play during recess. She worked with the first-grade class to create an outdoor obstacle course which is now enjoyed by all students. Thank you to Charlena and all of her fellow Girl Scouts who are here today. I appreciate them joining us and wish them the best. Thank you, Mr. President.

The Joint Order was **PASSED**.

Sent down for concurrence.

**THE PRESIDENT:** The Chair is very pleased to recognize in the rear of the Chamber Megan Case, Kasey Jordan, Loreli Young, Charlena LaVallee, Winter Williams, Allison Horton, Rebecca Horton, and McKenna Campbell. They are all from the towns of Gray, Lamoine, Westbrook, Saco, Casco, Springvale, and Washington. The guests today of the Senators from Cumberland, Hancock, York, Lincoln; Pierce, Grohoski, Nangle, Harrington, and Reny, and the entire Maine Senate. Would they please rise and accept the congratulations of the Maine Senate.

Shakeel Mozaffar, of Lincolnville, who volunteers his time as a pilot to fly patients to their medical appointments and who is being presented with Angel Flight's Endeavor Award, which honors volunteer pilots who have made a significant impact on the lives of many people at no cost to the recipient nor reimbursement to the pilot. We extend our congratulations and best wishes;

SLS 841

Sponsored by Senator CURRY of Waldo.  
Cosponsored by Representative: ZEIGLER of Montville.

The Joint Order was **READ**.

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

Senator **CURRY:** Thank you, Mr. President. I rise to speak today in honor of a distinguished constituent of mine from Lincolnville, Maine. Mr. Shakeel Mozaffar recently - I'm sorry - Shakeel Mozaffar. Recently, Mr. Mozaffar was recognized for his incredible service and commitment to helping others by receiving the 2023 Endeavor Award, a distinction honoring volunteer pilots making significant impacts on the - on peoples' lives. Mr. Mozaffar, at 72 years young, is a retired business leader and economist who has devoted his retirement to serving others. Despite his successful career, he found a new purpose in the skies, leveraging his skills as a pilot not for leisure or personal gain, but to provide vital transportation for those in need. He's been doing this for over 27 years. He's been volunteering his time and his skill through the nonprofit Angel Flight Northeast, an organization that facilitates the efforts of pilots like Mr. Mozaffar to provide critical services in our communities. Because of his selfless contribution, Angel Flight NE will receive a \$10,000 donation, further supporting their mission to remove the obstacles of distance for those requiring medical care. Mr. Mozaffar's donated flights not only save lives but also provide essential access to medical care and aid in disaster relief, transport veterans, and contribute to communities nationwide. He has flown in relief efforts across New England and locations as far away as Kentucky, South Dakota, and the Bahamas. His regular flights involves flying children to Boston, down to the Dana Farber Center, giving them access to their chemotherapy treatments and also significantly reducing the stress of a family that would otherwise have an 11-hour drive. While I have just had the pleasure of meeting Mr. Mozaffar, I'm deeply moved by his - I'm sorry - just having met Mr. Mozaffar and his wife, Joan Holmes, I'm deeply moved by his and their selfless dedication to positively impacting the lives of Maine people. I am incredibly honored to represent a citizen of this caliber in the State Senate. His commitment to volunteerism truly embodies the spirit of Maine, the spirit of giving, the spirit of community and to helping out our fellow human beings, often quietly and without recognition. He mentioned to me earlier today that there are eight flights happening - with eight flights happening with Angel Flight NE, no CNN, no press, it's all quietly happening, people taking care of each other. We honor Mr. Mozaffar today with a legislative sentiment acknowledging his immense contributions and the positive impact he's made on so many lives, but more than that, we honor the spirit of selflessness and service he embodies, a spirit we can all emulate.

The Joint Order was **PASSED**.

Sent down for concurrence.

**THE PRESIDENT:** The Chair is very pleased to recognize in the rear of the Chamber Shakeel Mozaffar and his wife, Joan Holmes. They're both from the town of Lincolnville and they are the guests today of the Senator from Waldo, Senator Curry, and the entire Maine Senate. The Chair would very much like to thank them for their work for the people across the state. Would they please rise and accept the greetings of the Maine Senate.

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Off Record Remarks

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**THE PRESIDENT:** The Chair would advise that we have an Order that we passed earlier in the session that he is going to read because people are in attendance today. So the Secretary is going to read the Order.

Daniel Rabinowitz, of Falmouth, who has attained the high rank and distinction of Eagle Scout. This is the highest award in Scouting and is given for excellence in skills development, leadership, personal growth and community service. We extend our congratulations and best wishes.

SLS 730

The Joint Order was **READ**.

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

Senator **PIERCE:** Thank you, Mr. President. Ladies and gentlemen of the Senate, we are joined today by Daniel Rabinowitz of Falmouth, who recently attained the high rank and distinction of Eagle Scout. As we all know, this is the highest award in scouting and is given for excellence in skills development, leadership, personal growth, and community service. Daniel's Eagle Scout project, for his project, he volunteered with the Falmouth Historical Society to help the upkeep of their large collection of artifacts. He took their digitization project to the next step, he conducted a wall-to-wall inventory of artifacts in the Falmouth Heritage Museum and Barn, photographing each item as he went. He identified nearly 500 artifacts and took about 1300 photographs. The historical society is now transcribing information from his inventory into their database and uploading photographs of the artifacts. Some of these artifacts, such as the milk wagon, are large and the space in the building is cramped, so Daniel enlisted help from his Troop to bring the artifacts outdoors where they could be photographed. Thanks to Daniel, the Falmouth Historical Society has taken a giant step forward in making their collections more accessible to our community. I congratulate him and thank him and his family for being here today. Thank you, Mr. President.

**THE PRESIDENT:** The Chair is very pleased to recognize for his great award, Daniel Rabinowitz and his mother, Julie, the Eagle Scout award. They are from Falmouth and the guests today of the Senator from Cumberland, Senator Pierce, and the entire Maine Senate. Would they please rise and accept the greetings and congratulations of the Maine Senate.

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Off Record Remarks

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**Joint Resolution**

Joint Resolution in Memoriam:

WHEREAS, the Legislature has learned with deep regret of the death of:

The Honorable Christine R. Savage, of Union. Mrs. Savage had a long career of public service. She served as town manager of the Town of Warren, as well as interim town manager in the Town of Camden and the Town of Union, and on the Union Board of Selectmen. She went on to serve in the Maine House of Representatives, from 1994 to 2000, and in the Maine Senate, from 2000 to 2008. Mrs. Savage will be long remembered and sadly missed by her family and friends and all those whose lives she touched;

SLS 835

Sponsored by Senator BEEBE-CENTER of Knox.  
Cosponsored by Senators: BENNETT of Oxford, LIBBY of Cumberland, Representative: PLUECKER of Warren.

The Joint Resolution was **READ**.

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

Senator **BENNETT:** Thank you, Mr. President. Fellow Members of the Senate, Christine Savage was a remarkable person, caring, loving, she devoted much, as you can see by listening to the sentiment, the memoriam, that she devoted much of her professional and personal life to public service. Always commonsensical, always direct, always with a capacity to get right to the heart of the matter. She was a joy to work with and will be sorely missed. The world is a lesser place without her. Thank you, Mr. President.

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

Senator **LIBBY:** Thank you, Mr. President. Men and women of the Senate, one of the tough things about coming back to this place after a 22-year absence is that I keep seeing great colleagues that I worked with who have departed and left us. And I only want to stand to say I offer my deepest condolences to this family. Christine Savage was just an absolutely remarkable person to work with, a joy to know, and somebody that really cared about everybody that was in both Bodies when she worked here. Thank you.

The Joint Resolution was **ADOPTED**.

Sent down for concurrence.

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**REPORTS OF COMMITTEES**

**House**

**Ought to Pass**

The Committee on **TAXATION** on Bill "An Act to Make Revisions to the Tax Increment Financing and Development District Laws" H.P. 754 L.D. 1182

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.

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

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**Ought to Pass As Amended**

The Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act to Create the Public Safety Health and Wellness Reimbursement Fund to Benefit Public Safety Workers and Volunteers"

H.P. 1187 L.D. 1857

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-539)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-539)**.

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

Bill **READ ONCE**.

Committee Amendment "A" (H-539) **READ** and **ADOPTED**, in concurrence.

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

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The Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act to Support College Student Participation as Policy Interns for State Legislators"

H.P. 652 L.D. 1016

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-543)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-543)**.

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

Bill **READ ONCE**.

Committee Amendment "A" (H-543) **READ** and **ADOPTED**, in concurrence.

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

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The Committee on **TAXATION** on Bill "An Act to Increase the Deduction from Income for Pension Benefits"  
H.P. 1207 L.D. 1882

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-531)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-531)**.

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

Bill **READ ONCE**.

Committee Amendment "A" (H-531) **READ** and **ADOPTED**, in concurrence.

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

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The Committee on **TRANSPORTATION** on Bill "An Act to Reduce the Penalty for Operating a Motor Vehicle Under a Suspended License in Certain Situations"  
H.P. 508 L.D. 819

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-540)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-540)**.

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

Bill **READ ONCE**.

Committee Amendment "A" (H-540) **READ** and **ADOPTED**, in concurrence.

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

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**Divided Report**

The Majority of the Committee on **TRANSPORTATION** on Bill "An Act to Enhance Commuter-oriented Rail Service"  
H.P. 382 L.D. 605

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

Signed:

Senator:  
FARRIN of Somerset

Representatives:  
WILLIAMS of Bar Harbor  
ALBERT of Madawaska  
ANKELES of Brunswick  
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-473)**.

Signed:

Senator:  
CHIPMAN of Cumberland

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

Reports **READ**.

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

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**Divided Report**

The Majority of the Committee on **VETERANS AND LEGAL AFFAIRS** on Bill "An Act to Ensure Polling Place Security"  
H.P. 252 L.D. 419

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-509)**.

Signed:

Senators:

HICKMAN of Kennebec  
BRENNER of Cumberland

Representatives:

SUPICA of Bangor  
COLLINGS of Portland  
MALON of Biddeford  
MONTELL of Gardiner  
RIELLY of Westbrook  
RISEMAN of Harrison

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

Signed:

Senator:

TIMBERLAKE of Androscoggin

Representatives:

ANDREWS of Paris  
BOYER of Poland  
HYMES of Waldo  
RUDNICKI of Fairfield

Comes from the House with the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-509)**.

Reports **READ**.

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

Bill **READ ONCE**.

Committee Amendment "A" (H-509) **READ** and **ADOPTED**, in concurrence.

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

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#### Divided Report

The Majority of the Committee on **VETERANS AND LEGAL AFFAIRS** on Bill "An Act to Improve the State's Election Laws by Amending the Laws Relating to Automatic Voter Registration"

H.P. 858 L.D. 1344

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-511)**.

Signed:

Senators:

HICKMAN of Kennebec  
TIMBERLAKE of Androscoggin

Representatives:

SUPICA of Bangor  
BOYER of Poland  
MALON of Biddeford  
RIELLY of Westbrook  
RUDNICKI of Fairfield

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

Signed:

Representative:

ANDREWS of Paris

Comes from the House with the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-511)**.

Reports **READ**.

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

Bill **READ ONCE**.

Committee Amendment "A" (H-511) **READ** and **ADOPTED**, in concurrence.

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

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#### Divided Report

Six Members of the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** on Bill "An Act to Include Possession of Compounds, Mixtures or Substances Containing a Detectable Amount of Certain Scheduled Drugs to Prove the Offense of Unlawful Trafficking of Scheduled Drugs"

H.P. 629 L.D. 994

Reported in Report **"A"** that the same **Ought to Pass as Amended by Committee Amendment "A" (H-439)**

Signed:

Senators:

HARRINGTON of York  
LaFOUNTAIN of Kennebec

Representatives:

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

Six Members of the same Committee on the same subject reported in Report "B" that the same **Ought Not to Pass**.

Signed:

Senator:

BEEBE-CENTER of Knox

Representatives:

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

Comes from the House with Report "B", **OUGHT NOT TO PASS, READ and ACCEPTED**.

Reports **READ**.

On motion by Senator **BEEBE-CENTER** of Knox, Report "A", **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-439) ACCEPTED**, in **NON-CONCURRENCE**.

Bill **READ ONCE**.

Committee Amendment "A" (H-439) **READ and ADOPTED**.

Under suspension of the Rules, **READ A SECOND TIME and PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-439)**, in **NON-CONCURRENCE**.

Sent down for concurrence.

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**Divided Report**

Ten members of the Committee on **JUDICIARY** on Bill "An Act to Amend the Percentage of Votes Needed for an Amendment of a Declaration in the Maine Condominium Act"

H.P. 426 L.D. 657

Reported in Report "A" that the same **Ought Not to Pass**.

Signed:

Senators:

CARNEY of Cumberland  
BRAKEY of Androscoggin

Representatives:

ANDREWS of Paris  
HAGGAN of Hampden  
HENDERSON of Rumford

LEE of Auburn  
MORIARTY of Cumberland  
POIRIER of Skowhegan  
RECKITT of South Portland  
SHEEHAN of Biddeford

Two members of the same Committee on the same subject reported in Report "B" that the same **Ought to Pass as Amended by Committee Amendment "A" (H-520)**.

Signed:

Senator:

BAILEY of York

Representative:

MOONEN of Portland

One member of the same Committee on the same subject reported in Report "C" that the same **Ought to Pass**.

Signed:

Representative:

KUHN of Falmouth

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

Comes from the House with Report "A", **OUGHT NOT TO PASS, READ and ACCEPTED**.

Reports **READ**.

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

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**Divided Report**

Eight members of the Committee on **JUDICIARY** on Resolve, Establishing the Commission to Study the Foreclosure Process  
H.P. 651 L.D. 1015

Reported in Report "A" that the same **Ought Not to Pass**.

Signed:

Senators:

CARNEY of Cumberland  
BAILEY of York

Representatives:

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



Four members of the same Committee on the same subject reported in Report "B" that the same **Ought to Pass as Amended by Committee Amendment "A" (H-518).**

Signed:

Senator:

BRAKEY of Androscoggin

Representatives:

ANDREWS of Paris  
HAGGAN of Hampden  
POIRIER of Skowhegan

One member of the same Committee on the same subject reported in Report "C" that the same **Ought to Pass as Amended by Committee Amendment "B" (H-519).**

Signed:

Representative:

HENDERSON of Rumford

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

Comes from the House with Report "A", **OUGHT NOT TO PASS, READ and ACCEPTED.**

Reports **READ.**

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

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**Divided Report**

Eight members of the Committee on **STATE AND LOCAL GOVERNMENT** on Resolve, to Establish the Committee to Study the Creation of a State Calendar

H.P. 791 L.D. 1243

Reported in Report "A" that the same **Ought to Pass as Amended by Committee Amendment "A" (H-488).**

Signed:

Senators:

NANGLE of Cumberland  
BALDACCI of Penobscot

Representatives:

STOVER of Boothbay  
ABDI of Lewiston  
COPELAND of Saco  
DHALAC of South Portland  
PAULHUS of Bath  
RISEMAN of Harrison

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

Signed:

Representatives:

ADAMS of Lebanon  
POMERLEAU of Standish  
UNDERWOOD of Presque Isle

Two members of the same Committee on the same subject reported in Report "C" that the same **Ought to Pass as Amended by Committee Amendment "B" (H-489).**

Signed:

Senator:

LYFORD of Penobscot

Representative:

GREENWOOD of Wales

Comes from the House with Report "A", **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-488), READ and ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-488).**

Reports **READ.**

On motion by Senator **NANGLE** of Cumberland, Report "A", **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-488), ACCEPTED,** in concurrence.

Resolve **READ ONCE.**

Committee Amendment "A" (H-488) **READ and ADOPTED,** in concurrence.

Under suspension of the Rules, **READ A SECOND TIME and PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-488),** in concurrence.

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

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Senate at Ease.

The Senate was called to order by the President.

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Off Record Remarks

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**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 (6/14/23) matter:

HOUSE REPORTS - from the Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act to Make Menstrual Products Available in Certain Schools"  
H.P. 222 L.D. 348

Majority - **Ought to Pass as Amended by Committee Amendment "A" (H-449)** (9 members)

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

Tabled - June 14, 2023 by Senator **STEWART** of Aroostook

Pending - **ADOPTION OF COMMITTEE AMENDMENT "A" (H-449)**, in concurrence

(In House, June 13, 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-449)**.)

(In Senate, June 14, 2023, on motion by Senator **RAFFERTY** of York, the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED**. **READ ONCE**. Committee Amendment "A" (H-449) **READ**.)

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

Senator **BRAKEY:** Is now the appropriate time to present a Floor Amendment? Alright. Then, Mr. President, I present Senate Amendment "A" with a filing number of S-333 to Committee Amendment "A" and move its adoption and wish to speak to my motion.

On motion by Senator **BRAKEY** of Androscoggin, Senate Amendment "A" (S-333) to Committee Amendment "A" (H-449) **READ**.

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

Senator **BRAKEY:** Thank you, Mr. President. This amendment reflects one of the recommendations in testimony from the Maine Principals Association. To reiterate, the MPA expressed concern about the mandate that menstrual products be placed in all bathrooms, with no discretion to the schools. When speaking to their legislative committee, I'll quote again from their testimony, '100% of the committee members who make these products readily available in all bathrooms have seen the misuse of the products to the point of causing disruption in cleanliness of the school and student learning. If the bill could be amended to leave the placement of the free menstrual products up to the individual schools, to place them in a safe space for all students, the MPA would be more supportive of the bill.' As such, this amendment is

simple, it simply strikes out four words - in all school bathrooms. This will ensure that we can provide the resources to schools to ensure that these products are available to any student who needs them, while also ensuring that schools have the flexibility to determine the best manner to do so. Thank you, Mr. President.

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

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

Senator **DAUGHTRY:** Thank you, Mr. President. Men and women of the Senate, I rise again to speak about this bill but in opposition of the amendment before us. I absolutely understand and agree with the passion behind the good Senator from Androscoggin, but I want to make clear even last night, after a long, hungry night for many of us, I was talking to a good friend on my drive home and was talking about this bill and again talking about the clarification between the two bathrooms. And I had another point made to me. My friend, actually, he's a young dad, he just celebrated his birthday, and he was talking about for him an experience that he had in his family of needing to, you know, having a daughter who had just gotten her period and needing to be able to find a menstrual product and in his office they're available in all of the bathrooms. And so, his daughter was with him at work. He was able to go into the bathroom, he was able to get the product, and he was able to help get her through, you know, that scary first time. So, you know, we had a really strong vote on this previously, and I would really like us to stick with our motion. You know, this is a bill about empowering people to take care of folks who are menstruating and about making sure that men can help the women around them as well and I just hope we can stand strong and continue with our vote from yesterday. Thank you.

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

Senator **TIPPING:** Thank you, Mr. President. I didn't speak on this matter yesterday, but my colleague from Androscoggin is encouraging me to talk more on the Floor. So, I'll just say quickly, you know, we talked about a lot of different ways about this bill, and I just want to say very forthrightly that there are trans-men and intersex people that need menstrual products and they should be able to get them in their bathroom. Thank you.

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

Senator **BRAKEY:** Thank you, Mr. President. I just want to respond very briefly. I don't contest - I don't contest that there may be - that there are individuals like Senator Tipping has mentioned. This amendment is not about denying that. This amendment is just about giving discretion and flexibility to schools to determine the best manner to make sure these products are available to any student who needs them. Any student who needs them. Thank you.

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

Senator **DAUGHTRY**: Thank you, Mr. President. Ladies and gentlemen of the Senate, I just want to rise and agree that, you know, we have to have local control, but we also don't want to create discrepancies for students across various zip codes. We heard from, you know, the good Senator who talked about the fact that you never know walking into the bathroom who may need this, and we shouldn't be talking about that, we should be talking about that knowing that you walk into a restroom, and you have everything you need - whether it's hand soap and toilet paper, and hopefully menstrual products as well. But by saying that it can be left up to the individual schools, it creates a patchwork of inequity. I mean, we all hope - I mean, we've all been stuck in a bathroom stall, I'm sure, when there has been no toilet paper, and that is not a great situation to be in. Why shouldn't we be saying that all of our bathrooms in schools should be accessible for all students?

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

Senator **RAFFERTY**: Thank you, Mr. President, and having chaired that committee and heard all of the testimony, if we were going to stop any and all products that might cause some uncleanliness in schools, we'd have to stop eating, milk cartons, all these types of things. I mean, cleaning schools on a daily basis isn't going to change, and whether this product is offered, or we continue with lunches or stop lunches, it's just the way things work in a public school building, or any school building, but I urge us to pass this and thank you.

**THE PRESIDENT**: The pending question before the Senate is Adoption of Committee Amendment "A" (S-333) to Committee Amendment "A" (H-449). A roll call has been ordered. Is the Senate ready for the question?

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

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The Doorkeepers secured the Chamber.

The Secretary opened the vote.

**ROLL CALL (#348)**

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

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

**EXCUSED**: Senator: LAWRENCE

12 Senators having voted in the affirmative and 22 Senators having voted in the negative, with 1 Senator being excused, the motion by Senator **BRAKEY** of Androscoggin to **ADOPT** Senate Amendment "A" (S-333) to Committee Amendment "A" (H-449) **FAILED**.

Committee Amendment "A" (H-449) **ADOPTED**, in concurrence.

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

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The Chair laid before the Senate the following Tabled and Later Assigned (6/14/23) matter:

HOUSE REPORTS - from the Committee on **STATE AND LOCAL GOVERNMENT** on Resolve, to Modify Security Screenings in the State House and Implement Security Screenings in the Burton M. Cross Building  
H.P. 695 L.D. 1100

Majority - **Ought to Pass as Amended by Committee Amendment "A" (H-448)** (7 members)

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

Tabled - June 14, 2023 by Senator **STEWART** of Aroostook

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

(In House, June 14, 2023, the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-448)**.)

(In Senate, June 14, 2023, Reports **READ**.)

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

Senator **BENNETT**: Thank you, Mr. President. Is it appropriate now to propose the amendment or just to accept the report?

**THE PRESIDENT**: The Secretary tells me that at this point there's a roll call that has been requested. The Chair recognizes the Senator from Aroostook, Senator Stewart.

Senator **STEWART**: Thank you, Mr. President. I remove my request for a roll call.

Senator **STEWART** of Aroostook requested and received leave of the Senate to withdraw his request for a Roll Call.

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

Resolve **READ ONCE**.

Committee Amendment "A" (H-448) **READ**.

On motion by Senator **BENNETT** of Oxford, Senate Amendment "A" (S-337) to Committee Amendment "A" (H-448) **READ**.

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

Senator **BENNETT:** Thank you, Mr. President. Fellow members of the Senate, I appreciate your indulgence last evening with my complaints about this legislation before us. The amendment before you ensures that we don't put too much in law that we will come to regret and that leaves the security particulars to those who are responsible for ensuring the security and those who are competent to do so. Simply put, it requires the Commission of Public Safety to implement security screening procedures within the Cross Building that conform to the security screening procedures here in the State House. It's very straightforward, and I encourage your adoption of the amendment. Thank you, Mr. President.

On motion by Senator **BENNETT** of Oxford, Senate Amendment "A" (S-337) to Committee Amendment "A" (H-448) **ADOPTED**.

Committee Amendment "A" (H-448) as Amended by Senate Amendment "A" (S-337) thereto, **ADOPTED**, in **NON-CONCURRENCE**.

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-448) AS AMENDED BY SENATE AMENDMENT "A" (S-337)** thereto, in **NON-CONCURRENCE**.

Sent down for concurrence.

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The Chair laid before the Senate the following Tabled and Later Assigned (6/14/23) matter:

HOUSE REPORT - from the Committee on **TAXATION** on Bill "An Act to Exempt Boats and All-terrain Vehicles Purchased for Qualified Commercial Fishing or Commercial Farming from State Sales Tax"

H.P. 828 L.D. 1303

Report - **Ought to Pass as Amended by Committee Amendment "A" (H-524)**

Tabled - June 14, 2023 by Senator **GROHOSKI** of Hancock

Pending - **ACCEPTANCE OF REPORT**, in concurrence

(In House, June 14, 2023, Report **READ** and **ACCEPTED** and Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-524)**.)

(In Senate, June 14, 2023, Report **READ**.)

Report **ACCEPTED**, in concurrence.

Bill **READ ONCE**.

Committee Amendment "A" (H-524) **READ**.

On motion by Senator **GROHOSKI** of Hancock, Senate Amendment "A" (S-334) to Committee Amendment "A" (H-524) **READ** and **ADOPTED**.

Committee Amendment "A" (H-524) as Amended by Senate Amendment "A" (S-334) thereto, **ADOPTED**, in **NON-CONCURRENCE**.

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-524) AS AMENDED BY SENATE AMENDMENT "A" (S-334)** thereto, in **NON-CONCURRENCE**.

Sent down for concurrence.

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The Chair laid before the Senate the following Tabled and Later Assigned (6/14/23) matter:

An Act to Increase the Number of Children a Family Child Care Provider May Care for Without Having to Be Licensed by the Department of Health and Human Services

S.P. 430 L.D. 1061  
(C "A" S-243)

Tabled - June 14, 2023 by Senator **VITELLI** of Sagadahoc

Pending - **ENACTMENT**, in concurrence

(In Senate, June 12, 2023, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-243)**.)

(In House, June 14, 2023, **PASSED TO BE ENACTED**.)

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 Oxford, Senator Keim.

Senator **KEIM:** Good morning, Mr. President. Ladies and gentlemen of the Senate, I rise in strong support of L.D. 1061 and appreciate its passage here and in the other Body. This is one of the more simple bills that we have considered this session, and I sponsored it, but it wasn't my idea. It came from the Chief Executive and was a change that she made during the pandemic through executive order. This change was made to help families. And thankfully, we're not in a lockdown status any longer, but the landscape on childcare in Maine has not improved, especially in rural Maine, which this bill would specifically help. Aroostook County has the highest deficit in Maine, with 2,561 children needing childcare, with only 1,996 slots available. That leaves 565 children or 22% with no service at all. Penobscot County is a close second, with a deficit of 561 slots, with a gap of 10%. And we could go on and on, every county has a gap. Rural Maine has the most. This bill, which is a small change to increase the

number of children that could be taken care of in an unlicensed home, is a small change from two children to three children. But that would increase childcare capacity by one-third. That is a significant impact on rural Maine. The cost of licensing, and the time and the difficulty to come into compliance is high. We have a 53-page book of rules and regulations that must be followed. This is impractical when we're talking about a homecare setting with fewer children than many Maine families have naturally on their own. It is impractical to expect larger daycare facilities to find economic viability in most rural parts of Maine. It is also unsustainable to expect Maine taxpayers to indefinitely prop up our childcare industry with subsidies. All of us want to keep kids safe. So, you will be happy to know that under the Governor's emergency order, there was no increase in safety incidents for children in these homecare locations. Very surprisingly, in fact, as I did some research on this bill, I looked at the 53-page book of regulations, and I wanted to find out what was the data, what was the conclusive data that would prove why we need to have just two children and not three, and some of the other regulations we have around safety for these - for the childcare industry. And what I found is that there was nothing. There is no conclusive evidence to prove why we should have two instead of three. In fact, Maine is a significant outlier in such a restrictive environment. I think probably what happened is what happens often, is people come with a terrible story and we think, as a legislature, we've got to fix this, and so we have created one rule and regulation upon another until we have really quashed an industry that we so desperately now need. Homecare for our children is really - it's a hometown solution. It's your neighbor, it's your friend's grandmother, the parents are going to go into the home, they're going to know the person that's taking care of their children, and they're going to have sense enough to understand if that situation is good for their children. This bill would increase dramatically childcare that is low cost and very available for rural Maine. So, I would ask for your support of this bill. Thank you.

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

Senator **INGWERSEN:** Thank you, Mr. President. This bill, what it does, is it seeks to amend the current law by increasing to three the number of children a family childcare provider may care for in the provider's home. But it does not include children that already live in the provider's home, families, and you can increase this actual number to four if there are siblings of non-family members coming in. Expanding the number of children of non-family members in an unlicensed childcare facility, it does not consider the number of children who already are there. With this increased ratio, of course, comes greater challenges, comes some greater risks. I personally know this as a grandfather of 12 who's attempted to take care of quite a few children in my own home. It's naturally greater risk, there's a lot more things, a lot more variables to pay attention to. This change does not consider proper emergency exits, the safety of administering medications, CPR/first aid training, or if the provider has a background check. It does not consider if a child being cared for has a disability or a service by an individualized education plan. It does not consider children with life-threatening allergies or medical conditions. It puts children at risk and with no oversight on reporting requirements for injuries or death occurring in such a setting. In an unlicensed facility, this reporting is not required of any problems or injuries. So, we really don't have any accurate data

on this at all. We cannot know the number of incidents that happen in unregulated childcare because they don't have to report it. This also puts a provider at risk, not qualifying for business liability insurance for incidents that may happen on their property. So, certification and licensing protects not only the children, but it protects the provider, too. The solution, I feel, lies in supporting those in pursuit of licensing their own family childcare businesses. Certification fees were waived during the state of emergency, training has been offered free through the Maine Road to Quality Professional Development Network, and Maine has dedicated childcare infrastructure grants to support the opening and expanding of childcare businesses, including family childcare homes. Identifying and supporting license exempt providers towards receiving licensed certification can expand the accessibility of licensed childcare slots and, in return, increase revenue opportunities for these providers. Combine all this with a great childcare bill that's supported by all of us just recently in this Chamber, I believe that we can solve this problem without the possible sacrificing of the safety of our children and toddlers and my grandkids. We can all move forward to a place where all children have quality, affordable access to childcare that not only ensures health and safety but meets the needs of their development. The Office of Child and Family Services has incorporated quality incentives through the Childcare Subsidy Program to support infant care. Opportunities like these provide financial gain for childcare businesses and open the door for high-quality childcare for children. Thank you.

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

Senator **BALDACCI:** Thank you, and I very much - many of the comments that my good friend from York, Senator from York made, I totally agree with. As somebody who worked on the committee with him through hundreds of bills, I think we've done a lot of work in HHS in terms of promoting childcare and trying to fix this crisis. What the information we got for the department, first of all, there was no evidence - and I understand people like to put out a parade of horrors, but the fact is, there was no actual factual proof. The Department of Human Services has at its discretion, could do studies on the current unlicensed ones, there was no evidence, but these people are still mandated reporters under state law for child abuse, regardless of whether they're licensed or not, and they're still subject to inspections. And I understand. So, the reason I supported this bill, this bill is neither a panacea, okay, it's not a panacea, but it is a small contribution, in my opinion, to helping in small towns, rural areas. The data that we received from the Department of Human Services indicated that Aroostook County, Penobscot County, Washington County were the most severe places for a shortage of childcare workers. In fact, Bangor had the largest gap or largest need for childcare workers of any of the major cities in Maine. So, this isn't an idle issue. I have no illusions that this is going to be a panacea. But this is also not going to be a parade of horrors. I wouldn't support it, there's no evidence to support it, we would be telling you if there was evidence to support it, okay? We have worked on a major childcare bill that we put forward through our committee and President Jackson worked on, and that is a major solution. But I see this as a small, positive step that there's no reason for us not to go forward with, it would put us - and I know people don't like to compare - but New Hampshire has the exact same standard, this was the Governor's exact same standard, so

- and I understand all the concerns, but I just wanted to let you know why that I support the bill.

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

Senator **LIBBY:** Thank you, Mr. President. Men and women of the Senate, I want to thank the Senator from Penobscot for those comments. I think they pertain greatly to my rural district, and one of the things that has always bothered me about this one size fits all type policy is that it doesn't take into account what's going on in rural towns. I represent 13 of them. A lot of my parents are commuting into the more urban areas so that they can conduct their work, so the commutes are long, the time is - is put into it. Now, so, for example, with me, I commuted into a place called the Toddle Inn. If you took a pin, or many pins, and put on a map where those kind of facilities are, you're going to find most of them on the eastern side of the Maine turnpike. And that is the problem. They're not out in my area and - so, the options are things like this. So, we need to expand these ratios. The problems that have been raised by the Senator from York, the good Senator from York, I think maybe we can work on those in other ways, I agree that they are problems, but it's a problem that exists now, it's something that we have to do something about now, and this bill does that. I'm so glad to see this bill here, I'd like to see it - I'd like to see a little bit less of that kind of tight grip that we have on the market than this, but this is good. So, thank you very much, and I hope that you'll support this bill's enactment.

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

Senator **BRAKEY:** Thank you, Mr. President. It's a rare opportunity to rise in agreement with my colleague from Penobscot County. I didn't want to let the opportunity pass. I will say I remember years back when I was in his position as the Senate Chairman for the Health and Human Services Committee, watching a lot of the tangled web of regulations that we have around our childcare industry grow tighter and tighter. And it was always with the best of intentions, always with the best of intentions. But I think to some degree over time we have let the perfect be the enemy of the good and as a result, we have seen our small home-based childcare centers be strangled out of existence. By letting the perfect be the enemy of the good, by wanting things to be to just these completely controlled standards by the State, the result is that we have a situation where instead of having good childcare, instead of perfect childcare, we have no childcare. That's what happens when we let the perfect be the enemy of the good. And I think it's been noted in this body that raising the threshold still has us as an outlier compared to most states in this country. We would still be one of the strictest states in terms of these ratios. So, I think this is a very, very small step forward. But even when we can take a baby step in the right direction, I think we should take it. Thank you, Mr. President.

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

Senator **RENY:** Thank you, Mr. President. I'll be very brief. As many of you know, I have young children and I work with very young children, and I think it is important that we do not minimize the amount of time and effort it takes to care for young children.

We absolutely have a childcare crisis; I completely agree with that. I disagree, though, that it is the result of overregulation, specifically safety regulations for our young children. I do not agree with this bill. I see the reason that we are losing childcare professionals is because we undervalue them, and we underpay them. I don't think this is a step in the right direction, I think this is a step in allowing, through no intention, no purposeful malicious intention, children to be in inherently more dangerous situations rather than attacking the true problem at hand. So, I urge you to vote against this bill.

**THE PRESIDENT:** The pending question before the Senate is Enactment. 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 (#349)

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

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

15 Senators having voted in the affirmative and 20 Senators having voted in the negative, **FAILED ENACTMENT**, in **NON-CONCURRENCE**.

Sent down for concurrence.

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

### PAPERS FROM THE HOUSE

#### Non-Concurrent Matter

An Act to Prohibit Municipal Flavored Tobacco Product Bans on State-licensed Tobacco Retailers

H.P. 431 L.D. 662

In Senate, June 14, 2023, the Majority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED**, in **NON-CONCURRENCE**.

Comes from the House, that Body having **INSISTED** on its former action whereby the Minority **OUGHT TO PASS** Report was **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED**.

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

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**Non-Concurrent Matter**

An Act to Ban the Drug Tianeptine (EMERGENCY)  
H.P. 517 L.D. 828

In Senate, June 14, 2023, Bill **COMMITTED** to the Committee on **HEALTH COVERAGE, INSURANCE AND FINANCIAL SERVICES** in **NON-CONCURRENCE**.

Comes from the House, that Body having **INSISTED** on its former action whereby Report "**B**", **OUGHT NOT TO PASS**, was **READ** and **ACCEPTED**.

On motion by Senator **DAUGHTRY** of Cumberland, the Senate **ADHERED**.

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

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Senate at Ease.

The Senate was called to order by the President.

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Off Record Remarks

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**RECESSED** until 3:00 in the afternoon.

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

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Senator **MOORE** of Washington requested and received leave of the Senate that members and staff be allowed to remove their jackets for the remainder of this Legislative Day.

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

**ENACTORS**

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

**Emergency Measure**

An Act Making Unified Allocations from the Highway Fund and Other Funds for the Expenditures of State Government and Changing Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 2023, June 30, 2024 and June 30, 2025

H.P. 164 L.D. 259  
(S "A" S-332 to C "A" H-505)

**THE PRESIDENT:** The Chair recognizes the Senator from Somerset, Senator Farrin.

Senator **FARRIN:** Thank you, Mr. President. Ladies and gentlemen of the Senate, before we take this vote, I just wanted to take a moment, I know we got some work to go back and forth but, as we heard last night, right, this is the good stuff that we do here. There was a lot of conversations back and forth about sustainable funding for the highway fund and my hat off to my colleague from Androscoggin, Senator Rotundo, who really put a lot of effort into this. My - the Senate Chair for the Transportation Committee, Senator Chipman, who worked tirelessly on this as well, and this is the stuff that we do here under the dome for the good people of the state of Maine. And couldn't do it without everybody and we really have set a bar and set a statement going forward. So, I just want to say thanks to everybody, we're doing some good work here, and everybody should be proud of what we've done. So, thank you very much, Mr. President.

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

Senator **CHIPMAN:** Thank you, Mr. President. I'd like to thank everyone for their support for this budget. It wasn't easy to get to where we are. We started working on this back in March. We went through every line, we had a unanimous vote on every line in the budget, we were able to find through this budget sustainable funding for our buses, which was an issue that we needed to resolve, so we were able to fix that and come to agreement. And in the end, we have a product that will help us leverage, I believe, up to a billion dollars in federal infrastructure funding, which is significant. This is the most significant Highway Budget we've ever passed in the history of the state, and this will result in a tremendous amount of work being done in all of our districts to repair roads and bridges and do the work that we know has been needed for a long, long time. So, this is really, really big, and it's significant, and I want to thank everyone who helped work on it to get us to this point and, most importantly, thank all of you for voting for it. Thank you.

---

The Chair noted the absence of the Senator from York, Senator **BAILEY**, the Senator from Cumberland, Senator **CARNEY**, and the Senator from York, Senator **LAWRENCE**, and further excused the same Senators from today's Roll Call votes.

---

This being an Emergency Measure and having received the affirmative vote of 32 Members of the Senate, with no Senators having voted in the negative, and 32 being more than two-thirds of the entire elected Membership of the Senate, was **PASSED TO BE ENACTED** and, having been signed by the President, was presented by the Secretary to the Governor for approval.

Sent down for concurrence.

---

Senator BAILEY for the Committee on **HEALTH COVERAGE, INSURANCE AND FINANCIAL SERVICES** on Bill "An Act to Protect Patients by Prohibiting Certain Medical Facility Fees" S.P. 720 L.D. 1795

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-335)**.

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

Bill **READ ONCE**.

Committee Amendment "A" (S-335) **READ** and **ADOPTED**.

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

Sent down for concurrence.

---

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

#### ENACTORS

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

#### Emergency Measure

An Act to Authorize Vaccine Administration by Pharmacy Technicians and Reduce Vaccine Administration Training Requirements for Pharmacists

H.P. 555 L.D. 899  
(S "A" S-281 to C "A" H-202)

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

---

This being an Emergency Measure and having received the affirmative vote of 31 Members of the Senate, with no Senators having voted in the negative, and 31 being more than two-thirds of the entire elected Membership of the Senate, was **PASSED TO BE ENACTED** and, having been signed by the President, was presented by the Secretary to the Governor for approval.

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

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

#### REPORTS OF COMMITTEES

##### Senate

##### Ought to Pass As Amended

Senator LAWRENCE for the Committee on **ENERGY, UTILITIES AND TECHNOLOGY** on Bill "An Act to Facilitate the Expansion of Broadband"

S.P. 574 L.D. 1456

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-336)**.

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

Bill **READ ONCE**.

Committee Amendment "A" (S-336) **READ** and **ADOPTED**.

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

Sent down for concurrence.

---

Senator BAILEY for the Committee on **HEALTH COVERAGE, INSURANCE AND FINANCIAL SERVICES** on Bill "An Act to Implement the Recommendations of the Stakeholder Group Convened by the Emergency Medical Services' Board on Financial Health of Ambulance Services"

S.P. 634 L.D. 1602

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-338)**.

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

Bill **READ ONCE**.

Committee Amendment "A" (S-338) **READ** and **ADOPTED**.

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



**Emergency Measure**

An Act Regarding Liquor Service by Catering Services for Special Events at Licensed Wineries, Small Wineries, Breweries, Small Breweries, Distilleries and Small Distilleries

S.P. 543 L.D. 1378  
(C "A" S-302)

This being an Emergency Measure and having received the affirmative vote of 31 Members of the Senate, with no Senators having voted in the negative, and 31 being more than two-thirds of the entire elected Membership of the Senate, was **PASSED TO BE ENACTED** and, having been signed by the President, was presented by the Secretary to the Governor for approval.

**Emergency Measure**

An Act to Amend the Specialty License Plate Laws and Extend the Moratorium on Approval of Specialty License Plates and Remove the Authority of Municipalities to Issue Driver's Licenses

S.P. 738 L.D. 1822  
(C "A" S-288)

This being an Emergency Measure and having received the affirmative vote of 33 Members of the Senate, with no Senators having voted in the negative, and 33 being more than two-thirds of the entire elected Membership of the Senate, was **PASSED TO BE ENACTED** and, having been signed by the President, was presented by the Secretary to the Governor for approval.

**Emergency Resolve**

Resolve, Directing the Department of Education to Develop a Pilot Program to Help Maine Students Avoid Homelessness

S.P. 641 L.D. 1609  
(C "A" S-290)

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

**Mandate**

An Act to Provide Career and Technical Education Students with Credit Toward High School Graduation for Work Completed in Career and Technical Education Centers and Regions

H.P. 269 L.D. 436  
(C "A" H-498)

This being a Mandate, in accordance with the provisions of Section 21 of Article IX of the Constitution, having received the affirmative vote of 34 Members of the Senate, with no Senators having voted in the negative, and 34 being more than two-thirds of the entire elected Membership of the Senate, was **PASSED TO BE ENACTED** and, having been signed by the President, was presented by the Secretary to the Governor for approval.

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

**ENACTORS**

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

**Acts**

An Act to Prevent Retaliatory Evictions

S.P. 37 L.D. 45  
(C "A" S-303)

An Act Regarding Campaign Finance Reports

S.P. 121 L.D. 255  
(C "A" S-271)

An Act to Require Transparency in Public Utility Advertising Expenditures

S.P. 146 L.D. 325  
(S "A" S-284 to C "A" S-155)

An Act Regarding Animals Abandoned by Tenants

H.P. 448 L.D. 679  
(C "A" H-508)

An Act to Improve School Safety and Preparedness Through Comprehensive Health and Safety and Emergency Management Planning

S.P. 384 L.D. 892  
(C "A" S-165)

An Act to Amend the Maine Human Rights Act Regarding Right-to-sue Letters

H.P. 637 L.D. 1001  
(C "A" H-195)

An Act to Protect Homeowners from Unfair Agreements to Exclusively List Residential Real Estate for Sale

H.P. 831 L.D. 1306  
(C "A" H-487)

An Act to Require the Consideration of Restitution to Support a Child Whose Parent Is Killed During the Commission of a Crime

H.P. 967 L.D. 1512  
(C "A" H-468)

An Act to Improve Disclosure of Lobbyist Activities

S.P. 644 L.D. 1627  
(C "A" S-301)

An Act to Protect Employee Freedom of Speech

S.P. 702 L.D. 1756  
(S "A" S-291)

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

S.P. 816 L.D. 1987  
(C "A" S-300)

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

---

An Act to Protect Against Discrimination by Public Entities  
H.P. 177 L.D. 279  
(C "A" H-467)

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

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An Act to Amend the Eligibility Criteria for Creditable Service in the Armed Forces of the United States Under the State Retirement System and to Require Specific Reporting  
H.P. 259 L.D. 426  
(C "A" H-507)

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

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An Act to Create the New Maine Resident Service Coordination Program in the Department of Economic and Community Development

S.P. 346 L.D. 787  
(C "A" S-287)

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

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An Act to Meet the Needs of Individuals with Severe Behavioral Health Diagnoses

H.P. 563 L.D. 907  
(C "A" H-496)

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

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An Act to Support Family Caregivers by Expanding Family Medical Leave

H.P. 635 L.D. 999  
(C "A" H-481)

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

An Act to Fund Free Health Clinics

H.P. 733 L.D. 1161  
(C "A" H-440)

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

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An Act to Expand Access to School Construction Funding  
H.P. 911 L.D. 1415  
(C "A" H-476)

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

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An Act to Promote Family-centered Interventions for Substance Use Disorder Treatment

H.P. 935 L.D. 1439  
(C "A" H-494)

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

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An Act to Fund the Recommendations of the Mountain Division Rail Use Advisory Council

S.P. 568 L.D. 1450  
(C "A" S-289)

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

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An Act to Prevent Dating Partner Abuse by Including Dating Partners in the Scope of Domestic Violence Crimes

S.P. 579 L.D. 1461  
(C "A" S-274)

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

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An Act to Update Criminal Indictment Procedures and Expand the Provision of Counsel to Certain Indigent Defendants

S.P. 642 L.D. 1625  
(C "A" S-221)

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

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An Act to Encourage Participation in Maine's Essential Support Workforce Through Access to Higher Education

H.P. 1107 L.D. 1718  
(C "A" H-450)

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

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An Act to Build Maine's Economy by Supporting Child Care for Working Families

S.P. 690 L.D. 1726  
(C "A" S-266)

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

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An Act to Develop and Provide Technical Assistance for Meat Slaughtering and Processing

H.P. 1131 L.D. 1767  
(C "A" H-484)

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

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An Act to Increase Oral Health Services

H.P. 1169 L.D. 1837  
(C "A" H-486)

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

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An Act to Authorize the Secretary of State to Provide a New General Issue of License Plates

H.P. 1262 L.D. 1965  
(C "A" H-499)

On motion by Senator **CHIPMAN** of Cumberland, placed on the **SPECIAL HIGHWAY TABLE** pending **ENACTMENT**, in concurrence.

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An Act to Protect Maine Patients Regarding Hospital Price Transparency

H.P. 600 L.D. 953  
(C "A" H-400)

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

### ROLL CALL (#350)

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

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

13 Senators having voted in the affirmative and 22 Senators having voted in the negative, **FAILED ENACTMENT**, in **NON-CONCURRENCE**.

Sent down for concurrence.

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### Resolves

Resolve, Establishing a Working Group to Maximize Eligibility for Energy Efficiency Programs for Low-income Homeowners  
H.P. 388 L.D. 611  
(C "A" H-480)

Resolve, to Improve the Convenience of Public Restrooms  
H.P. 444 L.D. 675  
(H "A" H-525 to C "A" H-474)

Resolve, Directing the Board of Pesticides Control to Transition to Electronic Submission of Pesticides Sales and Use Data  
H.P. 1134 L.D. 1770  
(C "A" H-485)

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

---

Resolve, to Expand the Eligibility for and Increase the Number of Hours of Applied Behavior Analysis Services Authorized by the MaineCare Program

H.P. 290 L.D. 473  
(C "A" H-501)

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

Resolve, Directing the Department of Education to Study the School Day

H.P. 638 L.D. 1002  
(C "A" H-477)

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

Resolve, to Increase the Provision of Children's Behavioral Health Services in Rural Areas to Provide Support for Families of Children Receiving Services

H.P. 784 L.D. 1236  
(C "A" H-495)

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

Resolve, to Establish the Blue Economy Task Force to Support Maine's Emergence as a Center for Blue Economy Innovation and Opportunity in the 21st Century

S.P. 523 L.D. 1286  
(C "A" S-296)

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

Resolve, Directing the Department of Health and Human Services to Expedite Reimbursement of Long-term Care Facilities

S.P. 593 L.D. 1474  
(C "A" S-292)

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

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

**PAPERS FROM THE HOUSE**

**Non-Concurrent Matter**

Resolve, to Study the Adoption of the Uniform Common Interest Ownership Act (EMERGENCY)

S.P. 667 L.D. 1662  
(C "A" S-306)

In Senate, June 14, 2023, on motion by Senator **CARNEY** of Cumberland, the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-306)**.

Comes from the House, the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-306) AND HOUSE AMENDMENT "A" (H-538)** in **NON-CONCURRENCE**.

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

**Non-Concurrent Matter**

An Act to Exempt Prescription Pet Medications from Sales Tax  
S.P. 676 L.D. 1689  
(C "A" S-327)

In Senate, June 14, 2023, the Minority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-327)**.

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

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

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

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

**ROLL CALL (#351)**

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

NAYS: Senators: BRENNER, GROHOSKI, TIMBERLAKE

EXCUSED: Senator: CARNEY

31 Senators having voted in the affirmative and 3 Senators having voted in the negative, with 1 Senator being excused, the motion by Senator **VITELLI** of Sagadahoc to **INSIST PREVAILED**.

Sent down for concurrence.

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**ORDERS OF THE DAY**

The Chair laid before the Senate the following Tabled and Later Assigned (5/25/23) matter:

SENATE REPORTS - from the Committee on **ENERGY, UTILITIES AND TECHNOLOGY** on Bill "An Act to Eliminate the Energy Efficiency and Renewable Resource Fund"  
S.P. 91 L.D. 187  
(C "A" S-133)

Majority - **Ought to Pass as Amended by Committee Amendment "A" (S-133)** (11 members)

Minority - **Ought to Pass as Amended by Committee Amendment "B" (S-134)** (1 member)

Tabled - May 25, 2023 by Senator **LAWRENCE** of York

Pending - motion by same Senator to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (S-133)** Report

(In Senate, May 25, 2023, Reports **READ**.)

On motion by Senator **LAWRENCE** of York, the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (S-133)** Report **ACCEPTED**.

Bill **READ ONCE**.

Committee Amendment "A" (S-133) **READ** and **ADOPTED**. Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-133)**.

Sent down for concurrence.

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

**REPORTS OF COMMITTEES**

**Senate**

**Divided Report**

The Majority of the Committee on **JUDICIARY** on Bill "An Act to Ensure Legal Representation for Residents Facing Eviction"  
S.P. 151 L.D. 330

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-340)**.

Signed:

Senators:

CARNEY of Cumberland  
BAILEY of York

Representatives:

MOONEN of Portland  
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:

Senator:

BRAKEY of Androscoggin

Representatives:

ANDREWS of Paris  
HAGGAN of Hampden  
HENDERSON of Rumford

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

Reports **READ**.

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

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

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

Senator **TIPPING:** Thank you, Mr. President. Just very quickly on this, this is a relatively simple bill. It allows the tenant to receive notice that they may have ability to attain legal counsel a little earlier when they are served with a notice to quit rather than the forcible detainer. It also makes sure that they know in a court that there is a lawyer of the day present.

**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 (#352)**

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

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

22 Senators having voted in the affirmative and 13 Senators having voted in the negative, the motion by Senator **CARNEY** of Cumberland to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report **PREVAILED**.

Bill **READ ONCE**.

Committee Amendment "A" (S-340) **READ** and **ADOPTED**.

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

Sent down for concurrence.

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**Divided Report**

The Majority of the Committee on **JUDICIARY** on Bill "An Act to Facilitate Communication Between Pro Se Defendants and Assistant District Attorneys"

S.P. 244 L.D. 576

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-339)**.

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.)

Reports **READ**.

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

Bill **READ ONCE**.

Committee Amendment "A" (S-339) **READ** and **ADOPTED**.

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

Sent down for concurrence.

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**Divided Report**

The Majority of the Committee on **JUDICIARY** on Bill "An Act to Amend the Law Governing Special Motions to Dismiss to Include Workplace and Title IX Claims"

S.P. 623 L.D. 1592

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

Signed:

Senators:

CARNEY of Cumberland  
BAILEY of York

Representatives:

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

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

Signed:

Senator:

BRAKEY of Androscoggin

Representatives:

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

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

Reports **READ**.

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

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

Sent down for concurrence.

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**ORDERS OF THE DAY**

On motion by Senator **ROTUNDO** of Androscoggin, the Senate removed from the **SPECIAL APPROPRIATIONS TABLE** the following:

An Act to Reduce Commercial Sexual Exploitation  
H.P. 931 L.D. 1435  
(C "A" H-194)

Placed on Special Appropriations Table - June 15, 2023, by Senator **ROTUNDO** of Androscoggin

Pending - **ENACTMENT**, in concurrence

(In Senate, June 7, 2023, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-194)**, in concurrence.)

(In House, June 12, 2023, **PASSED TO BE ENACTED**).

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 (#353)**

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

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

24 Senators having voted in the affirmative and 11 Senators having voted in the negative, was **PASSED TO BE ENACTED** and, having been signed by the President, was presented by the Secretary to the Governor for approval.

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

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

HOUSE REPORTS - from the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** on Bill "An Act to Remove the Duty of an Individual Exercising Self-defense to Safely Retreat or Abstain from Performing Certain Acts upon Demand"

H.P. 1005 L.D. 1560

Majority - **Ought Not to Pass** (7 members)

Minority - **Ought to Pass as Amended by Committee Amendment "A" (H-261)** (5 members)

Tabled - June 7, 2023 by Senator **BEEBE-CENTER** of Knox

Pending - motion by same Senator to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report, in concurrence

(In House, June 6, 2023, the Majority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED**.)

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

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

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The Chair laid before the Senate the following Tabled and Later Assigned (6/12/23) matter:

SENATE REPORTS - from the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** on Bill "An Act to Impede the Transfer of Firearms to Prohibited Persons"

S.P. 14 L.D. 22

Majority - **Ought to Pass as Amended by Committee Amendment "A" (S-257)** (7 members)

Minority - **Ought to Pass as Amended by Committee Amendment "B" (S-258)** (6 members)

Tabled - June 12, 2023 by Senator **BEEBE-CENTER** of Knox

Pending - **ACCEPTANCE OF EITHER REPORT**

(In Senate, June 12, 2023, Reports **READ**.)

Senator **BEEBE-CENTER** of Knox moved the Senate **ACCEPT** the Minority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "B" (S-258)** Report.

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

Senator **CARNEY:** Thank you, Mr. President. I just want to rise briefly to speak about this bill. This legislation came about as a recommendation made by the Deadly Force Review Panel in its January 2022 report. I want to thank the members of the Criminal Justice and Public Safety Committee for all of their work on the bill. I am fully supportive of the pending motion. I also wanted to especially express gratitude to the hard work that the Deadly Force Review Panel does. I want to explain a little bit about that panel to highlight the importance of this bill. The panel reviews facts related to law enforcement officer uses of deadly force in our state. They don't look for the correctness of the attorney general's investigations, but they really look at the deadly force review reports to look for ways to improve law enforcement response to these difficult public safety calls. The panel reviews and issues a public report of its findings and conclusions for every officer-involved death in the state. It has provided 21 case-specific reports, and they report annually to the Judiciary Committee. Three annual reports have been issued and their recommendations remain incredibly consistent. Basically - I'll just focus on the third annual report. In the third annual report, the panel noted that the cases involving officer-involved shooting that it had reviewed in the three years since its inception, in those cases, the incidents and characteristics of the individuals against whom deadly force was used are consistent. The individuals are white, middle-aged and trending younger males who have mental health and/or substance use issues. They also have firearms or other weapons. They are known in their community to be troubled and often violent. More than half have been involved in domestic violence incidents and more than a third have threatened suicide. The panel acknowledged that mental health concerns were a common factor in these cases. Quoting the panel, 'they are all tragic, with symptoms of underlying gaps in our social safety net. The call to law enforcement is a last resort for families seeking intervention for family members in violent crisis.' The panel's findings show a consistency. Nearly 100% of those involved are white males, 80% have criminal histories, 100% have weapons at hand, three-quarters are in a mental health crisis, 85% are known by their families and friends and neighbors to be violent, half live in rural isolated locations in Maine, more than half were using alcohol, and more than a third were using drugs at the time of the incident, and about half have some connection to domestic violence. In addition, more than a quarter were legally prohibited from possessing arms. And members and colleagues in the Senate, this is exactly what the Deadly Force Review Panel asked us to address, and I'm so grateful that we are addressing it. They recommended that we take action to prevent access to firearms by people who are already prohibited from having them. The panel actually proposed the statutory language, and I also want to thank again the members of Criminal Justice and Senator Harrington, in particular, for helping refine the language. And I'm skipping over in light of the late hour, so just give me a minute, it will be a time saver in the end. So, just a few words about this specific bill. Maine has existing prohibitions against the sale or transfer of firearms, has existing prohibitions against people from possessing firearms if they have been convicted of a felony, if they have been found not criminally responsible by reason of insanity, if they have been subject to a domestic violence restraining order, and people also who are subject to certain types of mental health and

substance use orders, as well as fugitives from justice are not allowed to possess firearms. And what this legislation does is it makes the knowing transfer by one individual to a prohibited person unlawful and a Class D crime. Enforcing this new statute will keep guns out of the hands of people who shouldn't have them and who present dangers not just to themselves and their family members but to the law enforcement officers who respond to these cases and also to bystanders who sometimes are tragically drawn in. And with that, I just urge everyone to support the pending motion, and thank you for your attention.

Senator **BEEBE-CENTER** of Knox moved the Senate **ACCEPT** the Minority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "B" (S-258)** Report.

Bill **READ ONCE.**

Committee Amendment "B" (S-258) **READ** and **ADOPTED.**

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (S-258).**

Sent down for concurrence.

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The Chair laid before the Senate the following Tabled and Later Assigned (6/14/23) matter:

HOUSE REPORTS - from the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** on Bill "An Act to Require a 72-hour Waiting Period After the Sale of a Firearm"  
H.P. 35 L.D. 60

Majority - **Ought to Pass as Amended by Committee Amendment "A" (H-438)** (7 members)

Minority - **Ought Not to Pass** (6 members)

Tabled - June 14, 2023 by Senator **BEEBE-CENTER** of Knox

Pending - **ACCEPTANCE OF EITHER REPORT**

(In House, June 13, 2023, the Minority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED.**)

(In Senate, June 14, 2023, Reports **READ.**)

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



Senator **HARRINGTON**: Thank you, Mr. President. Ladies and gentlemen of the Senate, I don't want to mess that up today. I have a lot of concerns with this bill. L.D. 60 delays Second Amendment rights by imposing a three-day waiting period before an individual may receive a firearm that they lawfully purchase. There is no evidence to show causation between waiting periods and reduction of violent crime and suicides. Instead, this simply denies someone the ability to buy a firearm for urgent self-defense. Lastly, this bill includes firearms designated to hunt. Why would we deny someone the ability to purchase a firearm, contribute to Maine's economy, and use it while here on a weekend to hunt? Why would we impose waiting periods on individuals who already lawfully own a firearm? Please reject this arbitrary restriction and oppose this bill. Thank you.

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

Senator **CARNEY**: Thank you, Mr. President, and thank you, colleagues of the Senate, for your attention today. I rise in support of the pending motion. Every day in our country, 120 people die because of gun violence. This is a devastating statistic and our challenge as legislators is to help our friends, colleagues, and communities understand the impacts of gun violence has on everyone, help them understand the causes, what the causes of gun violence in our community look like, and then to work together to reduce gun violence in our communities and in our state. What does gun violence in Maine look like? Most often, gun violence in Maine relates to death by suicide. In 2020 and 2021, over 85% of the firearm related deaths were suicide. Most of those who died were middle-aged people living in rural Maine. Piscataquis, Somerset, Franklin, and Washington County are the top - the counties with the top four rates of suicide involving firearms in our state. But in each year, about 10% of the people are not middle-aged but are younger people, 24 and younger, and indeed Maine's teen suicide rate is much higher than the national average at 8.3 per 100,000 teenagers, versus the United States which is just 6.9. Creating a buffer between someone having a suicidal crisis and access to a gun can be the difference between life and death. This brief delay creates a window for intervention by family, friends, and healthcare providers, helping to prevent impulsive decisions that can have severe and irreversible consequences for Maine people and their families. Often, gun violence in Maine is domestic violence. Here, firearms are the primary method abusers use to kill their current or former intimate partners, accounting for 62% of all intimate partner violence homicides between 2020 - excuse me, between 2000 and 2019. Maine's Homicide Review Panel has recommended that bystanders who become aware that victims have acquired firearms should know - I think I'm going to skip this section of my remarks - again, in light of the time - and just conclude by saying that a waiting period is a really important impediment to people who are experiencing mental health crisis, and that L.D. 60 will reduce gun violence in Maine. I want to thank you for listening with an open mind today and for exercising the care I know you bring to your work in the Senate every day.

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

Senator **POULIOT**: Thank you, Mr. President. You know, this is definitely a really pressing issue not just here in Maine but around the country. However, I think sometimes the solutions that we bring forward, though well intentioned, don't really get at the root cause of the issue. You know, the challenge that we're facing in America, sadly, is one of mental health. And putting in place bills like this are not going to change that fact. I heard in the good Senator from Cumberland's remarks that this might give time for family or other people to intervene. However, I can't really picture a world in which someone who might do that would be triggered to become involved in becoming part of the solution to the problem, Mr. President. So, I think that what we could do collectively as a Body, together, is work to help address that issue, which is sadly claiming the lives of so many people across this country and in our state, Mr. President. Secondly, the penalties in the bill really, in my opinion, don't really amount to much to dissuade folks from making these sales. Unless I'm missing something, I understand that a seller who violates this would have a fine of \$200 and not more than \$500 for the first offense and then after the first offense, if they're found to have been in violation of it at one time before, a \$500 fine or not more than a thousand. And so, you know, I could see some folks out there probably just saying hey, you know, just like they do on the highway when they go past the speed limit. It's a risk they're taking and willing to pay it. Hopefully nobody would do that but, you know, these penalties don't seem to really be something that would dissuade folks from doing this. So, I think that this is certainly an issue that deserves a lot more discussion or that we might look at ways to make background checks more robust plus any of the gun advocates wince out there, maybe that's a good approach to take. I just don't think it's the right solution to the problem, Mr. President. Thank you.

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

#### ROLL CALL (#354)

YEAS: Senators: BAILEY, BEEBE-CENTER, BRENNER, CARNEY, CHIPMAN, DAUGHTRY, DUSON, INGWERSEN, LAWRENCE, PIERCE, ROTUNDO

NAYS: Senators: BALDACCI, BENNETT, BLACK, BRAKEY, CURRY, FARRIN, GROHOSKI, GUERIN, HARRINGTON, HICKMAN, KEIM, LAFOUNTAIN, LIBBY, LYFORD, MOORE, NANGLE, POULIOT, RAFFERTY, RENY, STEWART, TIMBERLAKE, TIPPING, VITELLI, PRESIDENT JACKSON

11 Senators having voted in the affirmative and 24 Senators having voted in the negative, the motion by Senator **BEEBE-CENTER** of Knox to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report, in **NON-CONCURRENCE, FAILED**.

The Minority **OUGHT NOT TO PASS** Report **ACCEPTED**, in concurrence.

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The Chair laid before the Senate the following Tabled and Later Assigned (6/14/23) matter:

HOUSE REPORTS - from the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** on Bill "An Act to Strengthen Maine Citizens' Second Amendment Rights by Allowing the Discharge of Firearms on Private Property That Is Within 500 Feet of School Property in Certain Circumstances"  
H.P. 356 L.D. 551

Majority - **Ought Not to Pass** (7 members)

Minority - **Ought to Pass as Amended by Committee Amendment "A" (H-463)** (6 members)

Tabled - June 14, 2023 by Senator **BEEBE-CENTER** of Knox

Pending - **ACCEPTANCE OF EITHER REPORT**

(In House, June 13, 2023, the Majority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED**.)

(In Senate, June 14, 2023, Reports **READ**.)

Senator **BEEBE-CENTER** of Knox moved the Senate **ACCEPT** the Majority **OUGHT NOT TO** 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 (#355)**

YEAS: Senators: BRENNER, CARNEY, CHIPMAN, DAUGHTRY, DUSON, GROHOSKI, PIERCE, ROTUNDO

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

8 Senators having voted in the affirmative and 27 Senators having voted in the negative, the motion by Senator **BEEBE-CENTER** of Knox to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report, in concurrence, **FAILED**.

The Minority **OUGHT TO PASS AS AMENDED** Report **ACCEPTED**, in **NON-CONCURRENCE**.

Bill **READ ONCE**.

Committee Amendment "A" (H-463) **READ** and **ADOPTED**.

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

Ordered sent down forthwith for concurrence.

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The Chair laid before the Senate the following Tabled and Later Assigned (6/14/23) matter:

SENATE REPORTS - from the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** on Bill "An Act to Enhance Certain Penalties for Possession of Firearms by Prohibited Persons"

S.P. 250 L.D. 582

Majority - **Ought to Pass as Amended by Committee Amendment "A" (S-318)** (9 members)

Minority - **Ought to Pass as Amended by Committee Amendment "B" (S-319)** (4 members)

Tabled - June 14, 2023 by Senator **BEEBE-CENTER** of Knox

Pending - **ACCEPTANCE OF EITHER REPORT**

(In Senate, June 14, 2023, Reports **READ**.)

On motion by Senator **BEEBE-CENTER** of Knox, the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (S-318)** Report **ACCEPTED**.

Bill **READ ONCE**.

Committee Amendment "A" (S-318) **READ** and **ADOPTED**.

Under suspension of the Rules, **READ A SECOND TIME**.

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

Senator **BRAKEY:** Thank you, Mr. President. I just have a technical concern about one part of the language in this bill, and I wonder if we might table this for a later Floor Amendment.

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Senate at Ease.

The Senate was called to order by the President.

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**PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-318)**.

Sent down for concurrence.

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

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

The President took a seat on the Floor.

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

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The Chair laid before the Senate the following Tabled and Later Assigned (6/12/23) matter:

An Act to Ensure Fair and Timely Payment in the Harvesting of Forest Products

S.P. 750 L.D. 1849  
(C "A" S-191)

Tabled - June 12, 2023 by Senator **DAUGHTRY** of Cumberland

Pending - **ENACTMENT**, in concurrence

(In Senate, June 7, 2023, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-191).**)

(In House, June 12, 2023, **PASSED TO BE ENACTED.**)

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

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

Senator **JACKSON:** Thank you, Madame President, and ladies and gentlemen of the Senate. We've had this bill for a while now and I was waiting for amendments for the other ones and - but I wanted to come down and speak on this. And I know some people probably groan over that, but this is, obviously, an issue that I care about very much and I wanted to just explain it a little bit. You know, in this Chamber, you meet people, or outside here you meet people, and sometimes you don't ever really know the history of someone or anything like that. You know, I ended up, you know, my - what I consider my father-in-law, when I ended up getting into labor issues in the logging industry and staged a demonstration back in '98, you know, he'd been my father-in-law for a number of years, and I had no idea that he was an officer in the Maine Woodsmen Association back in the early '70s and had staged a number of labor issues of his own. And that's kind of the way it is in the logging industry. You don't really hear about those things too much because people sometimes don't want to get out there, you know, to the extent, and I understand that quite a lot better now than I did back then. But one of the things that I found interesting about this debate was that my good friend, former colleague, Senator Mike Carpenter, actually proposed something that should've been really meaningful in this state back in 1983.

And I've passed out the actual Floor debate legislative records, it was in the Senate March 15, 1984. And I want to - I'm going to read that today to put it back into the record, what, 40-some years later. The other thing that I found interesting about that that I didn't know, and I know I'm going down my own memory lane here, is that the former Senator from this Chamber and House Rep from this Chamber, Raynold Theriault, was one of the people that spoke passionately on the House side during this period, and that was really surprising to me - not that he did, but I just had never heard about that. You know, I met Senator Theriault back in the seventh grade. He ended up being a long-term sub for me in St. Francis Elementary School. He was a state Senator at that time, and it was out of session and he, you know, he was there for months. He was actually the gentleman that organized the first time that me and a bunch of the other eighth graders ever went to fly in a plane in Frenchville. We gave him a hard time. I remember Senator Rafferty talking about all the tough things he did back in his time, I really wish I hadn't been quite the kid I was to Senator Theriault back then. But what I found interesting about that, or not interesting, what I really hold dear now is that Senator Theriault was a Democrat from Fort Kent in a time that being a Democrat in Fort Kent was the only way to get elected. And he was down here for a long time, and somewhere along the line he got very frustrated with politics. And I know that feeling, too, and he switched and became a Republican in an area that you just couldn't do that back then, and he lost his next election. And I always had great admiration for that - not that he lost, but that, you know, he was willing to - he was willing to go out on something he believed a lot about. And years later, whenever I decided to run - and of course, people know the whole story, I've been everything - but at the time that I really got a chance to deal with him a lot more, I was unenrolled. And I hadn't been elected and I was trying to get elected, and he was just like so supportive, it wasn't even funny. And I had been through this whole logging scrape and everybody in the area knew about it, and he did, too, but he never did bring it up, how involved he was down here on these issues during that period and, you know, unfortunately, now, he's passed and I don't have the ability to talk to him about it, but I find it very striking that somebody 40 years ago, you know, dealt with this, and here I am standing here today and probably in the same scenario as he was. But what I also - when you read the testimony, I mean, what the bill was was the period was where people were doing what we referred to as butt scale or stick scale, meaning that every individual tree had to be sized and there was a scale, a chart, that gave you what you would get for pay for that individual size tree. And it was a challenge for so many reasons to get paid that way, and there was a lot of ability to get shortchanged in scale like that. And so, the idea over time was to go to a weight scale. And that, too, became challenging because people would cut wood, and it would sit there forever and ever and ever, and they wouldn't get paid for it. And when it was sitting there, it would dry out, and that meant that you lost money because you were losing weight, and you were paid on a weight scale. And so, the bill that they were trying to enact during that time, Senator Carpenter and Representative Theriault and others, was what we refer to, some people refer to it as 14-day rule, others refer to it as 15-day rule, but what it means is after 14 days, on the 15<sup>th</sup> day, you can ask for a butt scale. Meaning that your wood is drying out and instead of going on weight, you can ask for a scale so that you can get paid, even though the scale system is not awesome, or it can be messed around with, you can get paid on the scale system. And that is what we have in effect

today, that's what they passed, was the 15-day rule, and that you can get a licensed state scaler to come in and scale your wood and get paid in a timely manner. And back then, there's a gentleman all the way down from York County and he was so appropriately named, it's funny, his name was Senator Wood, I don't know who that is, but Senator Wood spoke on the Senate Floor about this 15-day rule and he said 'it has come to my attention an incident that the rest of the Senate and, for that matter, the whole state should be aware of. Last Friday was a historic day in the Legislature, and that was the first time that I have seen a number of people that actually work in the woods come down here to testify on the wood measurement bill. It was not the lobbyists, it was not the large paper companies that for too long controlled the system in this state, but actually the people that go in there, fell the trees, twitch them out, yard them, that are here to testify on the wood measurement bill. These are the people that face the environmental elements in the woods and then face the economic elements of not knowing exactly what it is that they're getting paid for. They have no benefits, they have no pension, they have no health insurance, and they came to Augusta because we are their Body of last resort for the people. And I would like to share with you a letter that I received from one of the wives of the workers that came down. Quote, we want to express our gratitude to you for supporting improvements in the wood measurement law. For many years now, the small guy, the logger, has been taken over the coals by the paper companies. Every time that we spoke for what we believe was right, we were labeled as troublemakers. For the first time, at the committee hearing Friday, we felt that some of our problems were really being heard and it was encouraging. Our livelihood depends on a method that we understand, a scale method that we understand, and verify we need strong penalties for companies that do not obey the law. The only thing that we are asking is an honest day's pay for an honest day's work. Unquote. And during that hearing, it came to our attention that one of these people, one of the workers that testified at the previous hearing, had been visited by the company after he testified. And I have not been able to ascertain the nature of the visit, but the implication was that it was to intimidate as a Body, and I find that reprehensible. These people are citizens like the rest of us and they have the right to offer their testimony without fear of economic reprisals by the companies they work for. If that action is still going on by these companies, I would urge them to cease and desist immediately.' Well, that is like déjà vu all over again. You read that and it reminds me of everything that I know and everything I've ever gone through in my life. But what I also found interesting about that testimony was that Kay Evans, who was then the Director of Bureau of Public Services, Department of Agriculture, Food and Rural Resources, has a whole thing here that I provided that she, too, is speaking in favor of this wood measurement law. The department that actually has to enforce it is going to speak in favor of it back then. Well, flash-forward 40 years and, you know, this is something that during the time that I was on the Ag committee, I mean, we had people come in and talk about this, no one asked for this wood measurement, no one asked for this stick scale. And why is that? Maybe it's because of the things that Mr. Wood talked about 40 years previously, that people felt that they'd be intimidated, that they might be blacklisted. But what I do know is that over the last two years, because of the high price of fuel, people that took it for years and years by waiting to get paid, waiting sometimes up to a year to get paid, decided that they couldn't wait anymore because they couldn't afford to have

their fuel bill continue the way it was, or they couldn't get fuel delivered anymore, and all of a sudden, people started calling me and asking me what they could do. And I said well, the 15-day rule. Let's call the department, ask the department to come out and stick scale your wood. You'll get paid something, anyways, there will be some record from a legitimate licensed state scaler that you'll get paid. And what did I find from that when I called? Well, we never heard that law. Well, you never heard of the law, what do you mean? We never heard of anything like that. So, I send the entire statute to the department. Well, we don't know anything about that, that doesn't - and then I talked to the people in the attorney general's office, they don't know anything about it, either. So, there's a law that 40 years ago, people came down here and fought for to try and help get paid, and here today, it doesn't work. I mean, people don't even know about it, or people won't enforce it.

So, the bill that we have in front of us is a direct result of the fact that people wanted to get paid, just paid, for their wood. The rates are awful, but at least get paid for what they did. And you can't turn to your government to actually do that. You can't turn to anyone here to get help and 40 years ago, Mr. Wood talked about people being intimidated. Why is it any different today, when you know that the government's not going to help you? So, this bill that we're hopefully going to enact here shortly is something that actually says that well, not only do you have the right to do this, but within 30 days, the landowners have to pay you. And what we found out in the committee hearing, which I thought was really striking, too, was there's already a law that if you're the landowner and you're working for them and you're doing stumps where you have to pay them, there's a law that says you have to pay them in 45 days. But the heck with the logger. Don't matter. And I just find that so infuriating that, you know, they could come here and argue for them to get paid but nobody else should have that same benefit. So, this law, all it does is it says within 30 days, they have to come up with a way to pay you. I mean, most businesses have that same type of scenario, they'll send out a payment or a record for somebody that does a service to get paid. Be it a tax accountant, be it a lawyer, you know, be it a plumber, whatever, electrician, people get paid. That's how the world works. When you do the service, you get paid. And so, that's what this bill does. It also has a provision in there that the department that 40 years ago was checked - was tasked with doing scales if somebody asks for it will go out and do random spot checks so that maybe we could just keep people honest, you know, on guard that they'll go out and do a couple so that landowners know that there is somebody at least keeping a little bit of an eye on it. And so, I'm hoping that people are going to vote for this today. You know, I've heard in this Chamber a lot about foreign influence. Well, this is an issue right here of massive foreign influence in the logging industry. I've heard people - people have asked me well, what are we going to do? What are we going to do? I need - I need help in this Chamber, I need help to get paid, I need help to get paid, you know, for my logging, for my wood. Well, I would say that starting with a law that says that you should get paid within 30 days would be a start to actually getting paid. And then I've had other people talk to me about how they've had people pick them up, pick them up when their snowmobiles broke down and heard the stories about how they were getting shafted in the industry. So, you know, it seems like we all know what's going on, there's a law here that has been enacted, a lot of people came down here and put themselves on the line, put themselves in the hall, you know,

showed their head, got up out of the - picked their head up out of the mud and said you know what, could you at least pay us the poor wages that we're getting when we actually do do the work for you, and still, people are saying well, no, this is too hard, this is something that you can't do, that we shouldn't do. And I just find that just incredible that in this day and age, it is still a problem. Forty years later, still a problem, just to get paid for your hard work. I don't understand. I don't know what occupation would allow this to happen other than the logging industry. So, with that, I hope that we can get a 35-nothing report on this enactment. Here we go.

**THE PRESIDENT PRO TEM:** The Chair recognizes the Senator from Franklin, Senator Black.

Senator **BLACK:** Thank you, Madame President, and like I said this morning before the prayer, I'll be brief. But I agree wholeheartedly with what the Senate President and my fellow logger from Aroostook County has said in a lot of aspects. The problem with this bill is the department is already scaling wood for loggers when there is an issue on a limited basis. What this bill calls for is a mass increase of scaling roadside wood which would be stick scaled. Wood today is sold by weight, and there would be no scales there to weigh the wood, you would have to haul the wood - to be paid in full for the wood, you would have to haul it to a laydown yard or a mill to have a scale by weight. A hundred percent true that if the wood sits there, the logger and the landowner are losing money because the wood is drying out. But there's a lot of conditions that create problems in the logging industry - mother nature, weather, mud season, mill closures. Right now, we're in a downturn and the paper mills are not taking the wood they took a year ago. And so, we have an overstock inventory of wood already cut. I have friends that can't get tickets now because the mills are full. And so that wood has got to set somewhere. In order to be paid for it in full, you would have to take it to a landing where there was a scale to weigh it. You could go in and stick scale a load here and there, but it doesn't do the justification that I think our Senate President is looking for. I think there are solutions. The department hasn't had any complaints, we had one logger from Aroostook County testify on this bill about it, and though the Professional Logging Association did come in and had concerns about it and there are problems, but I don't think this bill is the solution. I don't think it's going to cure - I think we're going to be looking back, if we pass this bill today, we're going to be looking back a year or two from now and saying this bill doesn't do what we're really looking for. So, I encourage you to vote this down and we go back to the table and come up with a better solution for this. Thank you.

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

Senator **JACKSON:** Thank you, Madame President. Ladies and gentlemen of the Senate, thank you, my friend - colleague from Franklin, Senator Black, but there is no table. You know, show me where the table is for loggers in this state. There certainly has not been one for far too long and there is no - I mean, the only person that's brought any legislation here to this Chamber or the House Chamber to ever make any improvements for loggers in this was me, and I'm about ready to leave here. So, I don't know where the table has been, and I certainly don't know where it'll go next, but what I do know is that what the Senator from Franklin,

Senator Black, said about the landowner losing weight? Well, that's not really accurate. The landowner that has the mill actually benefits, it's to his advantage to let it sit there and dry out. And that's the problem is that if you are a mill owner, which many of the large industrial landowners are, then sitting - wood sitting and drying is to their benefit. And no offense or anything, but I think the Senator is wrong in his interpretation. I mean, after 30 days, it's up to the landowner to come up with some way to pay you. There's some agreement to pay you as opposed to you having to sit and just wait. And that could be a bunch of different ways, but it doesn't have to be a stick scale, what it has to be is that then they're obligated to pay you. And who - who is actually more able to set on something like that? The landowner? The large landowner? Or the little, small contractor that's got all the risk, all the cost, has done all the work, I mean, who - if somebody has to be the one that waits because of all those issues that Senator Black brought up, then who should? I mean, again, when you've done the service, that's the service, then you should get paid for it, and there's a way - there's always a way to figure that out, but there isn't unless somebody forces these people to do it, and that is what the department should be doing, and Senator Black brought that up, I - I imagine the Department of Weights and Measures with a phone sitting there that they get the calls in on for loggers that has been dusty for 40 years because no one will, and you know what? Because I had two people, one of them actually testified at the hearing that actually got on the Zoom and actually put his head out there in front of all these people and the department told him that they didn't know anything about the law. So, why would anyone else ever call and ask for a stick scale by the department? I mean, when they told - and look, I am not full of myself, they told the Senate President of Maine they didn't know what they were doing, they didn't know anything about the law. I had to send it to them. So, what do you think it's going to be for anyone else in this state that actually calls, doesn't know state government, and that exactly is how it went for two of the people that I represent, they couldn't get the department to go out and do the scale. What I'm hoping is the department will do a couple two, three, four a year so that people understand. It's just like the State Police out here on the interstate. Now, we all know that there's hundreds of people a day that are speeding, when the State Police goes and catches two or three, what happens, people slow down. That's what we need. We need somebody with enforcement to get out there and say that there is a law that we are going to enforce and if you ask for a state scale, then you're going to get it. And right now, that's not the case.

**THE PRESIDENT PRO TEM:** The Chair recognizes the Senator from Franklin, Senator Black.

Senator **BLACK:** Thank you, Madame President, and sorry to stand twice, but just a correction. I believe you'll find that the majority, though in different parts of the state it is different, in some parts of the state like Aroostook County, there are huge landowners who own mills, but in most of the state, the landowners are not mill operators. So, if the wood dries out, unless it's saw logs, if the wood dries out, they're taking - you know, they're losing money when it goes across the scales. This is basically putting the state government into a private contract between landowners and loggers, and the department's testimony was that they did not have the manpower to do this, and they felt that it was a civil situation, not something that should be in

statutes. But, you know, that's where the department was. Thank you.

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

Senator **POULIOT:** Thank you, Madame President Pro Tem, who will be Madam President in the future for real. I did want to rise and speak, I didn't intend to speak about this bill today, but the Good Senate President brought up a - something that I feel compelled to share with the Body. Last winter, I did get to go out snowmobiling one time, and I was on about mile 95 and my sled just completely died. Luckily, I had a friend with me who was able to get a rope tied up to the front and we got hauled out to Route 11 up in Eagle Lake, which is in the Senate President's district. And happened to be right next to Corriveau Artic Cat, which was kind of convenient because my friend went over to the Artic Cat dealer and got him to get a forklift out and pick up the snowmobile and bring it down to a trailer, and it was actually a trailer of his neighbor, who happened to be up there dropping off his snowmobile at the time. Only a story you'd hear in the County. And we put the snowmobile on this trailer that was the neighbor of my friend, and he gave me a ride back down to his house. And this gentleman's name is Paul Smart, maybe he'll have an opportunity to hear this, I very much appreciated the opportunity to meet Mr. Smart that day, and he was very gracious, as many people in the County are. But I did get talking to him about his business, which is a commercial logger, and his logging work over the years in the woods. And I said, you know, what's it like to be a logger up here? Because the only point of view I really have is that of Troy Jackson. And he's like it's tough, you know, we have to buy certain equipment, and we get certain tracts of land to have to deal with and then we have these huge payments on the equipment and we're kind of under the thumb of the place where we're bringing the wood, you know? And I just looked at this guy who I know gets up and works twice as hard as I ever will in my life, and thinking to myself how do these folks continue this way of life? I mean, it just doesn't really seem sustainable. So, I can't really speak to the merits of the bill as well as the Good Senator from Franklin, per se, but when I hear stories like that, like stories of Mr. Smart, it's really hard to side with the department on a bill when you're hearing that people are having a hard time getting paid out there doing these jobs. So, for that reason, I'll be supporting this motion. Thank you, Madame President Pro Tem.

**THE PRESIDENT PRO TEM:** The pending question before the Senate is Enactment. A roll call has been ordered. Is the Senate ready for the question?

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

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The Doorkeepers secured the Chamber.

The Secretary opened the vote.

**ROLL CALL (#356)**

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

**NAYS:** Senators: BLACK, BRAKEY, FARRIN, HARRINGTON, KEIM, LYFORD, MOORE, STEWART, TIMBERLAKE

**EXCUSED:** Senator: GUERIN

25 Senators having voted in the affirmative and 9 Senators having voted in the negative, with 1 Senator being excused, was **PASSED TO BE ENACTED** and, having been signed by the President Pro Tem, was presented by the Secretary to the Governor for approval.

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The Chair laid before the Senate the following Tabled and Later Assigned (6/8/23) matter:

SENATE REPORTS - from the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** on Bill "An Act to Support Maine Loggers' and Truckers' Right to Work in Maine by Improving Labor Standards"

S.P. 758 L.D. 1874

Majority - **Ought to Pass as Amended by Committee Amendment "A" (S-232)** (7 members)

Minority - **Ought Not to Pass** (6 members)

Tabled - June 8, 2023 by Senator **INGWERSEN** of York

Pending - **ACCEPTANCE OF EITHER REPORT**

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

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

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

**THE PRESIDENT PRO TEM:** The Chair recognizes the Senator from Franklin, Senator Black.

Senator **BLACK:** Thank you, Madame President. This bill before us, 1874, is a bill that is about certification of forest products. And no matter who you are, if you're selling forest products today, in order to sell them, they have to be certified, and we have Sustainable Forest Initiative and we have Forest Stewardship Council that certifies as third-party certification. And in order to sell wood, you have to have these certifications to certify that the wood that you're selling is sustainable and green. And this is not

a state issue, this is a global issue. And if this bill would pass, would go through, there would be a possibility that we would lose our certification on Bureau of Parks and Public Land, which the wood sales from that land pays for the operation of the department. And as far as the labor standards that are mentioned in this, the State already supports strong labor standards in which the third-party certifiers would not be involved in. So, I would ask that you would vote against this motion.

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

Senator **JACKSON:** Thank you, Madame President. Ladies and gentlemen of the Senate, I support the pending motion and if you liked the last one, you're going to love this one. So, I disagree again with my good Senator from Franklin, Senator Black. What we have in this country is certification standards. There's one called SFI, Sustainable Forestry Initiative, and that certification is an industry one that is designed - it's run by the industry, and that's fine, you know, they can have their own certification. And then the other major one that the state has currently is the Forest Stewardship Council. And that's a certification that is third party but they have other people actually come and do the audits on them to try and stay nonbiased. Now, the FSC one that the state has does have rather rigorous labor standards. And when I talk about labor standards, I know that many of you think well, that's union. Well, that's not the case in the logging industry, although I am unabashed union supporter. What we're talking about with labor standards is not only employees that have to have good standards, but the contractors. You know, Maine is one of the - I think Maine is actually the only state that the Legislature felt that there was such a power imbalance in this state that we allow contractors to be able to collectively bargain together, overriding the Sherman Act under federal law. I mean, that act actually allows the State whenever the State believes that there's such an imbalance, then contractors can actively get together and collectively bargain, talk about price in a room, and we do that in the agricultural field of farming and we do it in fishing, too, probably very much for the same reasons. But these two standards that the State has are more than anything designed to say that the State is managing their lands well. You do not have to have these certifications to sell wood to any mill. I mean, I've been in the logging industry my entire life, and you can sell wood to anyone. I don't think Senator Black or Senator Timberlake is SFI or FSC certified, and they sell wood. I've sold wood last summer, I mean, I've never even been asked. But the two standards are designed for people to feel good about the land, the product. For people that don't, you know, live and work in the industry, to feel like these lands are being managed very high quality, sustainable, and stuff like that. And so, I think whenever you get one of these or whenever - I think it's important that they do have rigorous standards in them, and they do have rigorous labor standards. I mean, you're basically slapping a sticker on something and telling people that you can be rest assured that this product came from a certified sustainable forest, that the people that did the work were paid well, adequately, and had health benefits, had, you know, insurance, were treated well. That's what you're buying at Lowes or Home Depot when you see that FSC or SFI sticker on a two-by-four. And for me - this is obviously, again, I'm very biased on this subject, but I'm a State Senator, as all the rest of you are, too, so we are in effect the State. And so, whenever the State actually puts a label onto their

lands, I mean, I think we are involved in that, too. I mean, we're telling our constituents that the State has well managed lands. And so, I think it's important that those standards are rigorous, and people feel that they can count on them. And so, the bill that we have before us is to make sure that when the State goes out to get a certification, that it has rigorous labor standards for the independent contractors that cut and haul the wood. And I think that's appropriate. I want to be able to tell the people that I represent, the people that are buying wood here in Maine, that that lumber off of state land is well documented that it's sustainable and the people that cut it were well treated. And I don't believe that's the case with SFI. I do not believe that's - I don't think that it's even - I mean, it could be sustainable, I don't believe that, it could be, but what I don't think is that there's any rigorous - I know there's no rigorous labor standards there. I mean, they provide you a number that goes to the actual landowners' trade association. And in committee, you know, we talked about this, I mean, it's not always, you know, you're here for a long time, you meet people, you get to know them, and you may be vehemently disagreeing with them on an issue but overall, you like them. And that's the way it was for me in the committee. You know, Pat Strauch is the Director of the Maine Forest Products Council, he's, you know, he does his job, and I respect that, and I always disagree with him. But what I think is really incredible to me, and I said this, too, is that every time that I've brought a bill to the committee, the Forestry Department has opposed it. Every time. No matter, you know, what it is. And not only do they oppose it, I mean, they work behind the scenes, you know, to kill it. And I guess that's okay, too, because that's state government. What I don't think is right is that we are telling - we're lying to the people in the state of Maine and across the country that these certifications mean that people that work in the industry are being treated well if that sticker is on there. I vehemently disagree with that. And when you go, like I said, and it says, you know, if you have any problems, call this 800 number. Well, that 800 number goes to the Forest Products Council, who's the person - the people that are actually coming in and lobbying against all these bills to help loggers. I mean, so much so that when we did do the collective bargaining bill two years previously, all these people lined up, all these lobbyists lined up, and spoke, you know, vehemently against collective bargaining. So, how can you stand in front of anyone and say that we are in favor of fair labor standards, when you actually come to the state government and work incredibly hard to kill those labor standards. I mean, you can't, it just doesn't pass the straight-face test. It just doesn't. And when you, like I said, why would anyone call that number when it's actually the people that are giving you the hard time to begin with? I mean, that's just ridiculous, I mean, so what we also found out in this, which was incredible to me, and I thanked people that helped me see the light, the State actually pays the Forest Products Council, which then comes in and lobbies against these bills. Now, they're not paying them to lobby against the bills, I'm sure, but I've never seen a situation where the State actually goes out and pays a trade association that actually lobbies, you know, in - however in their favor. That, I don't think is right, either. I mean, and I said this in committee, too, if that is the case, then why doesn't the State join the AFL-CIO? Why doesn't the State join the Augusta Elks Club? Why doesn't the State join the Fort Kent Rotary Club? I mean, why - why is it okay for them to spend a lot of money, I think it's up there \$8,000 a year, for them to hire a lobbyist that actually comes in and, you know, works against some of these issues. I just find that

incredible that that's allowed, and this bill would not allow that anymore, that the State could not be involved with a trade association that has a paid lobbyist that lobbies in front of the committee or in front of the government.

I think that is appropriate, regardless of what you think about fair labor standards. I don't think that the State should be involved in those type of deals. And that is what we have in front of us to make sure that they have fair labor standards, that the state - the people in the state, the people in this country know that when you see that sticker that you know that you are buying quality, that you are buying something that you can - that we, all of us, can stand behind. So, I'm hoping that people will support this bill because I just don't think that, again, that it's fair, I think it's something that, you know, it's a lie that's being perpetrated on the consumers, and again, I don't think that the State should be in an association that actually does lobby either way against any of these bills, and I'm sure you wouldn't, either, if it's an issue that's important to you.

**THE PRESIDENT PRO TEM:** The Chair recognizes the Senator from Franklin, Senator Black.

Senator **BLACK:** Thank you, Madame President. Just to correct the record, in order to sell wood in the state of Maine, landowners have to be certified. They have to have certification. I had a contract with a local paper company, and I had to get my land certified before I could sell the wood, with a third party. And I believe that is true for all land to get certification. So, this is really two issues, I mean, a certification of wood and a labor issue. We're mixing the two and we're jeopardizing the sale of land, of wood, off from State of Maine land, which could jeopardize our parks and public land. They lose their certification; it is going to hurt - probability eliminate - their ability to sell wood. Thank you.

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

**ROLL CALL (#357)**

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

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

EXCUSED: Senator: GUERIN

23 Senators having voted in the affirmative and 11 Senators having voted in the negative, with 1 Senator being excused, the motion by Senator **INGWERSEN** of York to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report **PREVAILED**.

Bill **READ ONCE**.

Committee Amendment "A" (S-232) **READ**.

Senator **INGWERSEN** of York moved to **INDEFINITELY POSTPONE** Committee Amendment "A" (S-232).

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Senate at Ease.

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

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On motion by Senator **JACKSON** of Aroostook, **TABLED** until Later in Today's Session, pending the motion by Senator **INGWERSEN** of York to **INDEFINITELY POSTPONE** Committee Amendment "A" (S-232).

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**RECESSED** until the sound of the bell.

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

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**ORDERS OF THE DAY**

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

An Act to Support Maine Loggers' and Truckers' Right to Work in Maine by Improving Labor Standards  
S.P. 758 L.D. 1874

Tabled - June 15, 2023 by Senator **JACKSON** of Aroostook

Pending - motion by Senator **INGWERSEN** of York to **INDEFINITELY POSTPONE** Committee Amendment "A" (S-232)

(In Senate, June 15, 2023, on motion by Senator **INGWERSEN** of York, the Majority **OUGHT TO PASS AS AMENDED** Report **ACCEPTED**. **READ ONCE**. Committee Amendment "A" (S-232) **READ**.)

On motion by Senator **INGWERSEN** of York, Committee Amendment "A" (S-232) **INDEFINITELY POSTPONED**.

Under suspension of the Rules, **READ A SECOND TIME**.

On motion by Senator **JACKSON** of Aroostook, Senate Amendment "A" (S-341) **READ**.



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

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

Senator **JACKSON:** Thank you, Madame President. Ladies and gentlemen of the Senate, I will try and be brief, I know that's hard for me at times, but this is the last thing in front of us, so I understand. The amendment before you, I think, describes exactly what I was talking about. I will say that during that day we had the previous bill, the timely and fair payment bill, and then this bill right after. I had an awesome time in committee that day, and I want to thank all the members of the Ag committee for it. But on this bill, whenever the committee decided to support that the State should have fair labor standards, that was what they enacted. And so, the amendment before you actually defines what those fair labor standards are, so it's very clear. And we took these fair labor standards, actually, from the FSC certification. So, when people say that the State is going to lose both its certifications, that is inaccurate, because these labor standards actually came out of the FSC, so the State is actually already certified FSC, and these are their labor standards. And as far as the other certification, the State - I mean, that certification could actually start adopting labor standards that are rigorous and actually mean something, so we wouldn't have to lose those ones, either. But in addition to that, again, I vehemently disagree that you do not have to be certified to sell your wood to many, many mills across the state, if not all. And where the State of Maine has a large part of their acreage in northern Aroostook County, the biggest mills in that area are the Blanchet Lumber Co and Maibec, and neither one of those asks for certification for most of the people that I know, including myself. So, that is just a red herring that the State won't be able to sell their wood. But on top of that, they're already going to continue to have the FSC certification, so they'll at least have one certification to continue to sell their wood. And the other piece that's in this, besides the labor standards, is a piece that I talked about that it does not require - the certification cannot require payment to a trade association that's registered with the Commission on Governmental Ethics and Election Practices. So, that trade association can't have a registered lobbyist. I mean, sometimes, you have things just work out where you see something that's like there, you know, we had that bill previously about the fair labor standards, the Forest Products Council was against it, which is fine, again, like I said, I'm not debating peoples' feelings or beliefs on these issues, but when there was a caucus ordered to talk about that bill, the lobbyists went right out and went right around and joined the caucus of the caucus that voted against the bill for fair labor standards. And that was just previous to this bill coming up. So, I actually brought that up in the committee hearing. I mean, I said ask yourself - ask yourself if it's accurate that they asked for - they have fair labor standards, when the previous bill that we dealt with was actually talking about fair and timely payment, which is at the heart of a fair labor standard, and they just asked you as State Senators and State Representatives to vote against that. How can you say that they're in favor of fair labor standards when they just - they just asked you to vote against it? And so, I think in this case here, that the State should not be involved in these cases. I actually think this saves the State money, so it should have a positive

fiscal note on it instead, and so I'm hoping that members will agree that the State should not be in an organization that lobbies on either side of any of these issues in here. So, with that, I'm hoping people will support the amendment.

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

Senator **BENNETT:** Thank you, Madame President, fellow members of the Senate. I'm not unsympathetic to the intentions behind this amendment or behind this bill. I just am looking at the amendment and I'm trying to square it on the fly with the FSC standards and, you know, information even in the digital age being somewhat imperfect, I'm looking at these and - and it doesn't - the FSC, I understand, has core labor principles that - and provisions that they look for while they assess companies. And some of these appear to be in line with those, but some of them do not, and although I appreciate the attempt to provide definition, there's some here that don't really look like they're well defined. I say this because I had the privilege of running for a number of years a company in Maine, a world-class company that actually assembled data and certified standards for companies globally. And we had 60 employees in Portland, Maine, and actually a few elsewhere, where we assembled this data and looked at these - we had to look very carefully at standards because the people that we were providing our information to were making very important decisions about, you know, whether companies were actually complying. And I don't know enough about the FSC process to comment too much, but just a quick research here suggests that I don't know how carefully this really does align with all of the provisions of FSC, and particularly the grievance resolution and compensation for damages provision, adequate and effective training, implementation of legal occupational health and safety practices. Obviously, good things to have, but I don't know if it really aligns with the FSC and I worry that if it doesn't, FSC may not even be available as an alternative. So, I appreciate that, I just raise those concerns, and thank you.

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

Senator **JACKSON:** Very quickly, FSC spoke in favor of the bill.

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

Senator **POULIOT:** I have talked about this before in this Body and I guess now would be a good time. I, too, am not unsympathetic to the words from President Jackson, I'm certainly in support of the last bill that came forward. However, this is a very substantial change to the legislation which hasn't in and of itself as an amendment had a public vetting or a public hearing or an opportunity for any entity to speak in favor of it, and for that reason, I will not be supporting this motion. Thank you.

**THE PRESIDENT PRO TEM:** The pending question before the Senate is Adoption of Senate Amendment "A" (S-341). 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 (#358)**

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

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

EXCUSED: Senator: GUERIN

23 Senators having voted in the affirmative and 11 Senators having voted in the negative, with 1 Senator being excused, the motion by Senator **JACKSON** of Aroostook to **ADOPT** Senate Amendment "A" (S-341) **PREVAILED**.

**PASSED TO BE ENGROSSED AS AMENDED BY SENATE AMENDMENT "A" (S-341).**

Ordered sent down for concurrence.

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

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Off Record Remarks

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On motion by Senator **JACKSON** of Aroostook, **ADJOURNED** until Friday, June 16, 2023 at 10:00 in the morning in memory of and lasting tribute to the Honorable Christine R. Savage of Union.