

MAINE STATE LEGISLATURE

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Senate Legislative Record
One Hundred and Thirtieth Legislature
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beginning at Page 1

REPORTS OF COMMITTEES

Senate

Divided Report

The Majority of the Committee on **HEALTH COVERAGE, INSURANCE AND FINANCIAL SERVICES** on Bill "An Act To Establish the COVID-19 Patient Bill of Rights" (EMERGENCY) S.P. 29 L.D. 1

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-16)**.

Signed:

Senators:

SANBORN of Cumberland
BRENNER of Cumberland

Representatives:

TEPLER of Topsham
ARFORD of Brunswick
BROOKS of Lewiston
EVANS of Dover-Foxcroft
MATHIESON of Kittery
MELARAGNO of Auburn

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "B" (S-17)**.

Signed:

Senator:

STEWART of Aroostook

Representatives:

BLIER of Buxton
CONNOR of Lewiston
MORRIS of Turner
QUINT of Hodgdon

Reports **READ**.

On motion by Senator **SANBORN** of Cumberland, the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (S-16)** Report **ACCEPTED**.

Bill **READ ONCE**.

Committee Amendment "A" (S-16) **READ**.

On motion by Senator **STEWART** of Aroostook, Senate Amendment "C" (S-22) to Committee Amendment "A" (S-16) **READ**.

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

Senator **STEWART:** Thank you, Mr. President. Men and women of the Senate, I rise today to present this Senate Amendment to

L.D. 1, which has become known as the COVID Patient Bill of Rights. There's been a number of discussions at the committee level and here today in session with my colleagues across the aisle and we've come to a point of mutual agreement and just to sort of share with folks the position of my caucus is really that the biggest issue with the bill to begin with was with the title and that, from our perspective, a Bill of Rights is supposed to be protecting you from the government and enumerating what things the government can't do to you. So the common ground we were able to find in this regard is specifically baked into this amendment, saying essentially that when there is a State of Emergency that the government cannot get between you and your medical provider for important things like providing healthcare services, and specifically surgeries, and dictate that they are non-essential services. I know that I certainly have had a number of constituents who, throughout the course of the pandemic and the Executive Orders that followed suit, had really a lot of problems with that component in the Executive Orders and it's something that I think, and I appreciate, my colleagues on the other side of the aisle being willing to recognize that need and work here to address it and fix it because I do think it's something that's going to benefit all of Maine. With that, I appreciate the support of this Body and would yield at that. Thank you, Mr. President.

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

Senator **SANBORN:** Thank you, Mr. President. I just wanted to speak as well in support of the amendment and in support of the bill itself. I think one of the things that this shows is that when we do work together, listen to each other, and work together to really refine the language, we can come to a place where we can get bi-partisan agreement on how to deal with COVID. One of the things that this bill does that I'm extremely proud of is that it goes beyond the Governor's Emergency Orders in terms of the protections that it will give Mainers with regard to not receiving surprise bills for COVID tests. It's something that I've heard from my constituents about, thinking that their COVID test was going to be covered by their insurance and then finding that it wasn't. For some reason that they failed to understand and that, really frankly, was not legal, but because there is some gray area in terms of medical necessity right now as to whether the COVID test will be covered. Insurance companies are just routinely denying that coverage when they can and so this bill will really tighten up the language and goes beyond the Governor's Executive Orders to ensure that Mainers can feel comfortable getting COVID tests and, thereby, keeping all of us safe by ensuring that they know if they're infected and can take appropriate quarantine and isolation measures. So, I am pleased that we were able to find an agreement on this bill and I'm very proud of the work that we did and I urge you to follow my light.

On motion by Senator **STEWART** of Aroostook, Senate Amendment "C" (S-22) to Committee Amendment "A" (S-16) **ADOPTED**.

On motion by Senator **BENNETT** of Oxford, Senate Amendment "B" (S-21) to Committee Amendment "A" (S-16) **READ**.

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

Senator **BENNETT**: Thank you, Mr. President. When I read the title of this bill I was heartened that this bill would address the many anxieties Maine people have about the loss of decision making, the loss of freedom, the loss of personal sovereignty that the pandemic has brought upon them. I've heard from many constituents on the particular concern that this amendment addresses, that they may be forced or coerced through a mandate or penalization to receive the COVID vaccine. I support taking vaccines but I do not support requiring people to do so. If you share that view, I would encourage you to support this amendment. Thank you.

Senator **DAUGHTRY** of Cumberland moved to **INDEFINITELY POSTPONE** Senate Amendment "B" (S-21) to Committee Amendment "A" (S-16).

On motion by Senator **POULIOT** of Kennebec, 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 Brenner.

Senator **BRENNER**: Thank you, Mr. President. Thank you, Senate colleagues. I just want to speak to the amendment. We had great robust discussions at HCIFS about this bill and, for me, this is really a bill about public health. This is a bill about expanding capacity for anybody who needs a test to get a test without any concern about a financial barrier and we want to be able to fully open our economy and in order to do that we need robust testing and we need access to the vaccine without any limitations. We did not discuss any kind of mandate for the vaccine and we did not discuss adding that into this bill. I feel like there is room for that discussion, but I believe that we have already moved beyond that in terms of the place and the public hearing space during the time that we had the bill hearing. So, I feel like we should address that but at a different time. So, I move that we not have that amendment be part of this bill. Thank you.

THE PRESIDENT: The pending question before the Senate is Indefinite Postponement of Senate Amendment "B". Is the Senate ready for the question?

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#57)

YEAS: Senators: BAILEY, BALDACCI, BREEN, BRENNER, CARNEY, CHIPMAN, CLAXTON, CURRY, DAUGHTRY, DESCHAMBAULT, DIAMOND, HICKMAN, LAWRENCE, LIBBY, LUCHINI, MAXMIN, RAFFERTY, SANBORN, VITELLI, PRESIDENT JACKSON

NAYS: Senators: BENNETT, BLACK, CYRWAY, DAVIS, DILL, FARRIN, GUERIN, MIRAMANT, MOORE, POULIOT, ROSEN, STEWART, WOODSOME

EXCUSED: Senators: KEIM, TIMBERLAKE

20 Senators having voted in the affirmative and 13 Senators having voted in the negative, with 2 Senators being excused, the motion by Senator **DAUGHTRY** of Cumberland to **INDEFINITELY POSTPONE** Senate Amendment "B" (S-21) to Committee Amendment "A" (S-16) **PREVAILED**.

Committee Amendment "A" (S-16) as Amended by Senate Amendment "C" (S-22) thereto, **ADOPTED**.

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

On motion by Senator **SANBORN** 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 (#58)

YEAS: Senators: BAILEY, BALDACCI, BENNETT, BLACK, BREEN, BRENNER, CARNEY, CHIPMAN, CLAXTON, CURRY, CYRWAY, DAUGHTRY, DAVIS, DESCHAMBAULT, DIAMOND, DILL, FARRIN, GUERIN, HICKMAN, LAWRENCE, LIBBY, LUCHINI, MAXMIN, MIRAMANT, MOORE, POULIOT, RAFFERTY, ROSEN, SANBORN, STEWART, VITELLI, WOODSOME, PRESIDENT JACKSON

NAYS: Senators: NONE

EXCUSED: Senators: KEIM, TIMBERLAKE

No Senators having voted in the affirmative and 33 Senators having voted in the negative, with 2 Senators being excused, was **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-16) AS AMENDED BY SENATE AMENDMENT "C" (S-22)** thereto.

Ordered sent down forthwith for concurrence.

Senate at Ease.

The Senate was called to order by the President.

Off Record Remarks

RECESSED until the sound of the bell.

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