

# MAINE STATE LEGISLATURE

The following document is provided by the  
**LAW AND LEGISLATIVE DIGITAL LIBRARY**  
at the Maine State Law and Legislative Reference Library  
<http://legislature.maine.gov/lawlib>



Reproduced from electronic originals  
(may include minor formatting differences from printed original)

Senate Legislative Record  
One Hundred and Thirtieth Legislature  
State of Maine

Daily Edition

First Special Session  
beginning April 28, 2021

beginning at Page 385

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:

**REPORTS OF COMMITTEES**

**Senate**

**Ought to Pass As Amended**

Senator SANBORN for the Committee on **HEALTH COVERAGE, INSURANCE AND FINANCIAL SERVICES** on Bill "An Act To Adopt the Occupational Therapy Licensure Compact"  
S.P. 39 L.D. 31

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-305)**.

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

Bill **READ ONCE**.

Committee Amendment "A" (S-305) **READ** and **ADOPTED**.

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

Sent down for concurrence.

---

Senator SANBORN for the Committee on **HEALTH COVERAGE, INSURANCE AND FINANCIAL SERVICES** on Bill "An Act To Allow a State Employee To Use a Federal Military Health Insurance Program and Reenroll upon Retirement in the State's Group Health Plan"

S.P. 326 L.D. 1036

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-302)**.

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

Bill **READ ONCE**.

Committee Amendment "A" (S-302) **READ** and **ADOPTED**.

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

Sent down for concurrence.

---

Senator SANBORN for the Committee on **HEALTH COVERAGE, INSURANCE AND FINANCIAL SERVICES** on Bill "An Act To

Make Donated Medicines Available to Maine Patients at an Affordable Cost"

S.P. 508 L.D. 1584

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-304)**.

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

Bill **READ ONCE**.

Committee Amendment "A" (S-304) **READ** and **ADOPTED**.

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

Sent down for concurrence.

---

Senator SANBORN for the Committee on **HEALTH COVERAGE, INSURANCE AND FINANCIAL SERVICES** on Bill "An Act To Establish Protections for Private Student Loan Borrowers and a Registry of Lenders"

S.P. 530 L.D. 1645

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-303)**.

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

Bill **READ ONCE**.

Committee Amendment "A" (S-303) **READ** and **ADOPTED**.

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

Sent down for concurrence.

---

Senator CARNEY for the Committee on **JUDICIARY** on Bill "An Act Regarding Remote Participation in Public Proceedings"  
S.P. 40 L.D. 32

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-301)**.

Report **READ**.

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 Penobscot, Senator Guerin.

Senator **GUERIN:** Thank you, Mr. President. Ladies and gentlemen of the Senate, I have been a long-time opponent of remote participation for public officials in public meetings. Given how common remote participation became during the

pandemic, I would like to concede upfront that remote participation is great for the public to be able to engage with their elected officials and their government and the public should continue to have this option going forward but elected officials shouldn't be able to use it as an excuse for staying home to avoid facing the public before a tough vote. It shouldn't become routine in place of showing up to work together. Having served on the Judiciary Committee for six years, I am very aware of the issues related to remote participation.

Thank you for allowing me to briefly share my perspective. In this age of electronic meetings, it is very tempting to open the floodgates of remote participation. I ask you to please pause with me a moment to consider the merits of our current in-person participation model. This is a responsibility when you step forward to make decisions for your fellow citizens. If at the lowest local level, this is a sacred responsibility. The decisions that you make effect other persons' lives. If that person is engaged and wanting to do the process, they should be afforded the right to look you in the eye, thus allowing you to feel the full weight of your responsibility. We all know the feeling of a full public hearing. A heightened sense of responsibility is always evident. Some decisions may seem mundane at first look. However, when viewing the decision through another person's eye the decision may hold great importance. Planning boards and water districts are local entities that have often asked for remote participation. Year in and year out, their meetings may be routine, even boring. But then comes the meeting that is of importance to a citizen or group of citizens. Maybe it's an environmental issue that someone is passionate about. Maybe it's a rate increase. Whatever the case, it's important to the person being represented and they want to look their representative in the eye. They should have that right. My good friend, former-Representative Matt Moonen, and I worked together in opposition to bills similar to the one before us today for several years. We were a great team when we were on the same side. Matt made a wonderful point in talking about remote participation. He pointed out that if remote participation had been allowed for everything except the actual vote that we would never have gotten to know each other and become friends. We would never have become a team that could flip a 10 - 2 committee report. Through sitting next to each other hour after hour, we came to trust each other enough to find common ground on several issues that would have been impossible using remote participation. Individual accountability in attending meetings and personal interacting with other committee or board members and members of the community are essential components to leadership roles in our state on all levels.

I reached out to Representative Moonen's for his current thoughts on the remote participation issue and found that we are still in agreement. To quote Representative Moonen, 'You and I served together for six years on committee and, although we disagreed on many things, the countless hours we spent in committee helped us to develop a friendship and find common ground on a range of issues. If we had always been able to just stay home and vote on Zoom, we might have spent years just reflectively voting against each other. As an observer this session, my perception is that Zoom committees lead to less engagement, more zoning out, and more partisan outcomes because a lot of folks didn't really get to know each other and

just wanted to vote and get off Zoom as quickly as possible.' Matt continues, 'Government works better when officials get to know each other as people, develop trust, have time to stop each other in the hall and chat about something, brainstorm potential solutions and amendments together, etcetera. The point is that technology should be used to make it easier for the public to engage their government, not easier for elected officials to avoid being engaged.' It is an honor and a sacrifice to serve our communities and state. It is also a responsibility that may not always be convenient but that comes with the job. In the last three sessions of the Legislature we have come together in bi-partisan agreement that remote participation is not the best way for decisions to be made. Technology should be used to make it easier for the public to engage their government, not easier for elected officials to avoid being engaged. I urge you to pause today and evaluate the value in in-person participation. If you think our winter of Zoom meetings was the best, most collaborative, most productive year ever then vote for the pending motion, but if you agree with the concept that we are stronger when we work together for the common good please join me in voting against the pending motion.

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

Senator **SANBORN:** Mr. President, I rise briefly because my good friend just told a lot of stories about the Legislature and I wanted to direct the Legislature's attention to the last line of the bill which indicates that this bill does not apply to the Legislature. It does not govern meetings of the Legislature. Instead it would govern public bodies after they choose to adopt a policy and then there are a number of parameters for that policy. What we see in Portland is that remote participation allowed folks with young children to participate in meetings they never would have been able to go to and speak at otherwise. It allowed young folks who may want to serve on our town council or on, importantly, boards, commissions that meet in the evenings to be able to attend their family responsibilities and also engage in their civic responsibilities. We shouldn't have to choose between civic engagement and our families and yet too often that's the choice. Tonight, for me, for all of us, that's the choice and so we are here. L.D. 32 would not change a stitch about what we do here in the Legislature. It doesn't apply to the Legislature. But in our towns and our cities, if those bodies choose to adopt an opportunity for either the public or members or both to participate remotely, there are parameters in this bill that would allow them to go forward and do so. The concern, otherwise, is the Freedom of Access Act and that's the guardrails, that's the State interest to allow for the public to have full transparency into those proceedings and that's why we put the guardrails that we did into L.D. 32. But putting up barriers to public participation because folks can't get to city hall because they have jobs or they have parental responsibilities or caregiver responsibilities is not responsible legislating and I urge us to accept this report.

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

Senator **STEWART**: Thank you very much, Mr. President. Ladies and gentlemen of the Senate, I rise to just address and reassure my colleagues this evening, as this is my bill that I put forward in collaboration with the Maine Municipal Association. Throughout that process, we worked with other stakeholder groups, including the Maine Education Association, specifically so that protections would be built into the bill whereby you couldn't have let's say a local government body, a town council for instance, decide that they were going to go remote without having a way for the public to engage with them. There would have to be those safeguards put in place. I would concur with the remarks from the Senator from Cumberland that, specifically, I think that this will actually increase public participation, given the ability for folks who may not be able to go down to a town or city government meeting. Typically, you know, local governments are meeting in the evening hours when particularly folks that are my age and have families that they need to attend to. They're not able to participate at all unless they can either find someone to watch the kids or bring the kids with them, which is not really an appealing option. So, I actually think that this bill will have the inverse effect of - my seatmates' comments earlier and this is a little bit awkward for us because we're very good friends, but I do think that the net effect will be increased participation in civic engagement at the local level and, again, this does not apply to the Legislative Branch at all and, in fact, I think it's a bit hypocritical that the Legislative Branch has been able to meet remotely for the last year and then we told some of these other local governments, you know, that they're unable to and so I think, for the sake of consistency, that this is the right move to make. So, with that, I would urge that you support the pending motion. Thank you.

**THE PRESIDENT**: The pending question before the Senate is Acceptance of Ought to Pass as Amended Report. Is the Senate ready for the question?

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

#### ROLL CALL (#379)

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

NAYS: Senators: FARRIN, GUERIN

EXCUSED: Senator: DESCHAMBAULT

32 Senators having voted in the affirmative and 2 Senators having voted in the negative, with 1 Senator being excused, the **OUGHT TO PASS AS AMENDED** Report **ACCEPTED**.

Bill **READ ONCE**.

Committee Amendment "A" (S-301) **READ**.

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

Senator **CARNEY**: Thank you, Mr. President. Mr. President, I present Senate Amendment "A" with a filing number of S-308 to Committee Amendment "A" and move its adoption. I wish to speak to my motion very briefly.

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

Senator **CARNEY**: Thank you, Mr. President. I just want to point out to my colleagues in the Senate that the amendment adds an emergency preamble, an emergency clause, to this bill, which I think is important given the pending end of the State of Emergency and the temporary allowances that we adopted in the 129<sup>th</sup> and I would also just like to briefly mention that the committee worked very cooperatively and very hard to create this legislation and I want to give a special expression of gratitude to the Senator from Oxford, Senator Keim, for all her tremendous work on this legislation.

**THE PRESIDENT**: The Chair would advise that I let the Senator from Cumberland present the amendment without actually doing the official presenting of the amendment, which was not her fault but to be official I'm going to, obviously, put it forward. The Senator from Cumberland, Senator Carney, presents Senate Amendment "A" (S-308) to Committee Amendment "A" (S-301) and moves it adoption.

On motion by Senator **CARNEY** of Cumberland, Senate Amendment "A" (S-308) to Committee Amendment "A" (S-301) **READ** and **ADOPTED**.

Committee Amendment "A" (S-301) as Amended by Senate Amendment "A" (S-308) thereto, **ADOPTED**.

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-308) AS AMENDED BY SENATE AMENDMENT "A" (S-301)** thereto.

Ordered sent down forthwith for concurrence.

Senator HICKMAN for the Committee on **LABOR AND HOUSING** on Bill "An Act To Provide That Maine's School Bus Drivers Are Eligible for Unemployment Insurance in Certain Circumstances"

S.P. 486 L.D. 1509

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-292)**.

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

Bill **READ ONCE**.

Committee Amendment "A" (S-292) **READ** and **ADOPTED**.