

MAINE STATE LEGISLATURE

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Senate Legislative Record
One Hundred and Thirtieth Legislature
State of Maine

Daily Edition

Second Regular Session
beginning January 5, 2022

beginning at Page 1311

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

An Act To Expand Access to Mental Health and Crisis Care for Individuals in Jails and Individuals Experiencing Homelessness
H.P. 1463 L.D. 1968
(H "A" H-1030 to
C "A" H-947)

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

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

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

PAPERS FROM THE HOUSE

Non-Concurrent Matter

An Act To Reorganize the Provision of Services for Infants, Toddlers and Children with Disabilities from Birth to 6 Years of Age and Extend the Age of Eligibility under the Federal Individuals with Disabilities Education Act to 22 Years of Age
H.P. 1531 L.D. 2039
(C "A" H-1031)

In Senate, April 19, 2022, Report "**C**", **OUGHT TO PASS AS AMENDED**, pursuant to Resolve 2021, chapter 106, section 3, **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-1031)**, in **NON-CONCURRENCE**.

Comes from the House, that Body having **INSISTED** on its former action whereby Report "**B**", **OUGHT NOT TO PASS**, pursuant to Resolve 2021, chapter 106, section 3, was **READ** and **ACCEPTED**.

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

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 Expand the Address Confidentiality Program to Victims of Certain Human Trafficking Crimes

S.P. 684 L.D. 1943
(S "A" S-572)

This being an Emergency Measure and 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.

Act

An Act To Implement the Recommendations of the Secretary of State Regarding Notarial Acts

H.P. 1503 L.D. 2023
(S "A" S-576 to C "A" H-983)

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

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

ORDERS OF THE DAY

The Chair laid before the Senate the following Tabled and Later Assigned (4/18/22) matter:

SENATE REPORTS - from the Committee on **JUDICIARY** on Bill "An Act To Restore to the Penobscot Nation and Passamaquoddy Tribe the Authority To Exercise Jurisdiction under the Federal Tribal Law and Order Act of 2010"

H.P. 428 L.D. 585

Report "**A**" - **Ought to Pass as Amended by Committee Amendment "A" (H-1020)** (7 members)

Report "**B**" - **Ought to Pass as Amended by Committee Amendment "B" (H-1021)** (2 members)

Report "**C**" - **Ought to Pass as Amended by Committee Amendment "C" (H-1022)** (2 members)

Report "**D**" - **Ought to Pass as Amended by Committee Amendment "D" (H-1023)** (1 member)

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

Tabled - April 18, 2022 by Senator **CARNEY** of Cumberland

Pending - motion by same Senator to **ACCEPT** Report "**A**", **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-1020)**, in concurrence

(In House, April 15, 2022, Report "**A**", **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-1020)**, **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-1020)**.)

(In Senate, April 18, 2022, Reports **READ**.)

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

Senator **CARNEY:** Thank you, Mr. President. I wish to speak to the pending motion.

THE PRESIDENT: The Senator may proceed.

Senator **CARNEY:** Thank you. Esteemed colleagues of the Senate, I rise to urge your support of the pending Ought to Pass as Amended by Committee Amendment "A" motion on L.D. 585. Tonight, and in light of the late hour, I will focus only on the compelling reason to pass the gaming sections reflected in the legislation before you. Giving exclusive rights for mobile sports gaming to the four federally recognized tribes in Maine is essential to restoring economic self-determination and will give the Wabanaki tribes the resources they need to build schools, to protect public health, and to provide other essential infrastructure and government services to Wabanaki people. Mobile sports gaming will also provide economic stimulus to rural areas of the state. This policy decision is fair and equitable. It is - the Wabanaki tribes previously have been excluded from conducting most forms of gaming in our state and, unlike private entities that currently run gaming operations in Maine, 100% of the profits from mobile sports gaming by the tribes will be used by tribal governments to provide the essential government services that benefit Wabanaki people. It is similar to the Maine lottery, which supports State government programs and services by sending over \$50 million to the State's General Fund each year. L.D. 585, as amended, also allows off-track betting facilities, commercial tracks, and casinos to engage in facility-based sports gaming. This policy decision supports both the harness racing industry and agricultural interests related to it. Similarly, off-track betting facilities, commercial tracks, and casinos are well suited to conduct facility-based sports gaming because of their infrastructure and experience with the conduct of wagering in the state. This balancing among those interests in wagering fairly and reasonably allocates sports gaming to meet the needs of our state. I urge you to support the Majority Ought to Pass as Amended motion.

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

Senator **FARRIN:** Thank you, Mr. President. Ladies and gentlemen of the Senate, while I respect my colleague's comments on that, I just also remember that there's also a process piece in this and members of this Body voted for sports betting, mobile sports betting, in our previous session and the process that this bill came forward through excluded Veterans

and Legal Affairs and members from both Chambers, how this process worked forward and we had worked all of this out and this is not a piece about the tribes and fairness. We talked and included the tribes in the previous legislation that we passed through here and I just think there's a whole piece of this whole thing about process that we have ignored. The Chief Executive did not include the people in that process. It happened while we were not in session and as we wonder sometimes why the people of the state of Maine don't always have faith in the work that we do here, it's because of how this piece of this legislation came to be and I will be opposing acceptance of Report "A" and I encourage my members to do that same. Thank you.

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

Senator **KEIM:** Thank you, Mr. President. Ladies and gentlemen of the Senate, it's a late hour to be discussing such a heavy bill but this bill, like many actually that came through the Judiciary Committee this year, really did not get the proper process and, as was mentioned, there is the gaming portion of this bill, which I think everyone has heard about ad nauseum and the process was something that was put together in the VLA Committee with an amendment that worked with everybody, all the stakeholders, and everyone was included in that bill, even the tribes. The process for 585 was more like a backroom deal. It was negotiations over months that excluded the Maine people, excluded transparency, and became what we see here, which was an agreement between basically the Chief Executive and the tribes without a lot of input from the other - from Legislators and the other people in Maine. One of the pieces that didn't get much conversation in our committee, because probably Taxation would have been a better place for this section, is the part to make tax exempt the tribes and I'm going to read to you the Legislative findings and purpose of this bill because it's something I find that I can get behind 100%. It says: the Legislature finds and declares that the changes to the State's tax laws that appear in Part C to H of this act to the State tax laws will do this; improve the economic opportunities available to and welfare of the Penobscot Nation, the Passamaquoddy Tribe, and the Houlton Band of Maliseet Indians and their tribal members; encourage economic development within the tribal lands of the Penobscot Nation, Passamaquoddy, and Houlton Band of Maliseet Indians, the benefits of which will improve not only the tribes and their tribal members but the surrounding communities and the State; will clarify and simplify the application of the State's tax laws as well as to their tribal lands and tribal members in order to reduce the cost of tax compliance to the tribes and their members to reduce the cost of the State administering its tax laws. Reducing taxation will improve economic opportunities for individuals and encourage economic development is true but this should apply to all Mainers. If we want to benefit a certain portion of Maine people we should be benefiting them all. The tribes still get school funding and revenue sharing. They'll still be using the roads and yet they won't be paying into those same things like the rest of Maine people will be. For example, they also are exempted from the forestry excise tax. That helps fight forest fires. That's the reason for that tax. So, their property will still get the coverage and the protection but that will then fall on the backs of the other property - sorry, it's late - that will fall then on the backs of the other owners of large forest tracts. So, the blueberry tax is another piece of it. This law is complex because they will

not be paying tax on the blueberries but they will be sharing in the Blueberry Commission good work that they do to advertise Maine blueberries, which are wonderful, and then also their businesses will be taxed - their blueberry business wouldn't be taxed. The people that work at that blueberry business, if they also live on the land, they won't be taxed. And so we are setting up an unfair economic advantage for some people in Maine that are going to be living and working and doing business, the same exact business side by side, from other people in Maine. So, there are good - there is portions of this bill that I think are very beneficial to tribal/state relations and I wholeheartedly support that, that we have a collaboration, although I will say that it doesn't pass the straight face test that you would have sixteen people from every State agency that would be designated liaison to the tribes and to say that that could be absorbed within existing resources, doesn't really pass the straight face test, but nonetheless I believe it is a good step forward for the state and would be beneficial. But this bill, and all the process of which has sidestepped this Body and most of the Maine people, is not something that I can support and the good ideas in here around tax exemption would help all Maine people and I wish that we were considering something more substantial for everyone and not just for some. Thank you for your time this evening.

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 Carney.

Senator **CARNEY:** Thank you, Mr. President. I just want to provide some additional information about the process. So, this bill did receive a lot of process in the Judiciary Committee. We had two very extensive public hearings, one in May of 2021 and another in February of 2022. We conducted four work sessions that, as I recall, were very long work sessions where we carefully discussed and reviewed this bill. I think all of the documentation related to those are on the L.D. file under the Judiciary Committee web page if people are interested in seeing how extensive the process was. We also did receive a request from the VLA Committee to meet with the Judiciary Committee and to provide us their feedback and insight on the contents of L.D. 585. We accepted that invitation and were very, actually, pleased to receive that request. We invited them to join our committee and we had a robust discussion. I think the bottom line is that, you know, there are just two different policy choices to be made here and L.D. 585 makes a policy choice that will provide economic self-determination to the Wabanaki tribes. On that note, I wanted to also reflect on the concerns about the tax exemptions. These tax exemptions aren't lifting tax burdens from Wabanaki people. They are actually freeing up tax resources to go to the tribal governments to run the tribal court systems, public health services, and other essential public services that are not funded by State tax funds. Thank you.

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

Senator **POULIOT:** Thank you, Mr. President. As a Republican lead on the Tax Committee, I don't recall a single conversation about this bill. There's a substantial amount of impact on tax

policy in the State of Maine and I feel that that part of the process was just not had. For that reason, I can't support this measure. Thank you, Mr. President.

THE PRESIDENT: The pending question before the Senate is Acceptance of Report "A", Ought to Pass as Amended by Committee Amendment "A" (H-1020). Is the Senate ready for the question?

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#791)

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

NAYS: Senators: BENNETT, BLACK, CYRWAY, DAVIS, FARRIN, GUERIN, KEIM, POULIOT, STEWART, TIMBERLAKE, WOODSOME

23 Senators having voted in the affirmative and 11 Senators having voted in the negative, the motion by Senator **CARNEY** of Cumberland to **ACCEPT** Report "A", **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-1020)**, in concurrence, **PREVAILED**.

Bill **READ ONCE**.

Committee Amendment "A" (H-1020) **READ**.

On motion by Senator **CARNEY** of Cumberland, Senate Amendment "B" (S-577) to Committee Amendment "A" (H-1020) **READ**.

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

Senator **CARNEY:** Thank you, Mr. President. I just wish to express thanks and to recognize the Senator from Penobscot, Senator Baldacci, for his work on this amendment.

On motion by Senator **CARNEY** of Cumberland, Senate Amendment "B" (S-577) to Committee Amendment "A" (H-1020) **ADOPTED**.

On motion by Senator **FARRIN** of Somerset, Senate Amendment "C" (S-579) to Committee Amendment "A" (H-1020) **READ**.

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

Senator **FARRIN:** Thank you, Mr. President. Ladies and gentlemen of the Senate, this amendment strips the mobile gaming portion from L.D. 585 and I offer this to the Body to have the discussion about how important the mobile gaming piece is to the entire citizenship of the state of Maine and not to have, and to

use the words of my colleague from Bangor, that's right, Senator Baldacci, who talked about how bad it was to have exclusivity and I also want to shine some light on this. You know, I mentioned earlier about how the people of the state of Maine look at what happens down here and this is a prime example. We had previous legislation that we agreed upon as a majority that is still within our grasp and the Chief Executive, through those deals and through what happened with Judiciary and what's happened in this Body in the last few days, has picked apart what we all agreed to as a Body and have pitted us against each other to do what's best, not only for the tribes but for the citizens of the state of Maine, and how we oversee mobile sports betting and moving it forward. So, while we can support the other pieces of 585, I ask for your support on Amendment "C" which would remove the sports betting piece of 585 and we can deal with that on its own instead of packaging things altogether and not have a poison pill. Thank you, Mr. President.

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 Kennebec, Senator Hickman.

Senator **HICKMAN:** Thank you, Mr. President. Women and men of the Senate, with all due respect to my colleague and Republican lead on the Veterans and Legal Affairs Committee, the good Senator from Somerset, I would like to read into the record a letter from the tribal Chiefs to the Judiciary Committee dated March 15, 2022. 'Dear members of the Joint Standing Committee on the Judiciary. As the Chiefs of the Wabanaki Nations, we feel compelled to respond to some of the attacks on the portion of the proposed amendment to L.D. 585 that would legalize sports betting in Maine. The sports betting portion of the amendment to L.D. 585 was developed after thoroughly reviewing the record related to the pending L.D. 1352 and after researching and communicating with representatives of entities conducting mobile sports betting in every state where federally recognized Indian tribes exist. This included discussions with entities who partner with members of the Sports Betting Alliance and other critics of the proposed amendment. The sports betting portion of the proposed amendment to L.D. 585 uses the protective regulatory provisions of L.D. 1352 as its foundation. The amendment then revises L.D. 1352's list of eligible sports betting operators to ensure that the market for both facility and mobile sports betting can accommodate the entities being authorized to conduct the activity, adds additional regulation and oversight by the State to mobile sports betting, and addresses constitutional concerns that existed with L.D. 1352. The Wabanaki Nations worked with Governor Janet Mills to develop a fair and responsible approach for legalizing sports betting in the state that focuses on governments, tribal governments, being the primary licensees of mobile sports betting while allowing entities who currently conduct wagering activities to be able to obtain retail or in-person facility licenses. Our research shows that focusing on tribal governments for new gaming markets will provide the most benefits to the regional rural economies in the state. To be clear, nothing in the proposed amendment harms the existing casinos, which enjoys tens of millions of dollars in annual profit from monopoly of casino-style gaming and there has been no evidence presented to show any potential harm to any existing casinos,

commercial tracks, or off-track betting facilities. This is because the debate is over access to a new gaming market and not impacts to existing gaming businesses. Sports betting is a new gaming market and Maine has never taken an open market approach that allows any or everyone to enter such a market. That is evident in the fact that there are only two casinos in Maine, no casinos operated by any of the Wabanaki Nations, and limited commercial tracks and off-track betting facilities. The proposed amendment to L.D. 585 continues Maine's tradition of limited access to new gaming markets but focused access to the new sports betting market on tribal governments and other smaller entities such as off-track betting facilities that have been unable to conduct casino-style gaming. Regional economies in rural Maine will be the greatest beneficiaries of legalized sports betting in the state under the proposed amendment. This is because the revenues received by tribal governments from sports betting will be invested back into government services, programs, economic development, and infrastructure. Devoting revenues to these purposes will create jobs and directly enhance the economies of Penobscot, Washington, and Aroostook Counties. The Wabanaki Tribal Governments directly provide law enforcement, healthcare, road and utility infrastructure, housing, education, and other essential governmental services to thousands of rural Mainers every day. Commercial casinos do not. The open market approach contemplated in L.D. 1352 would allow a few large corporations and private individuals to dominate benefits from the new market of sports betting. The Wabanaki Nations were not going to benefit from L.D. 1352's legalization of sports betting. The Wabanaki Nations were not consulted on the provisions of that bill and there was clearly no incentive for any of the existing mobile vendors to communicate or build relationships with the Wabanaki Nations, and they didn't. L.D. 1352 was merely going to allow a select few mobile vendors to quickly enter Maine's mobile sports betting market and to cannibalize the market to the exclusion of the other entities authorized to access that market. Maine is a small gaming market. That is one reason why the State has long allowed only two casinos to exist and why those casinos have long opposed tribal gaming. Given that, there is no reason to believe that the so-called open market approach contemplated in 1352 would benefit all the entities authorized to access the market. It clearly would not. The proposed amendment focuses on authorizing the four Wabanaki Nations as licensees for mobile sports betting and the existing entities that conduct wagering activities to obtain licenses for in-person retail sports betting. The language of the amendment initially focused on off-track betting facilities obtaining facility licenses because we were still conducting outreach to determine how many commercial track licenses were still in use within the state and the status of particular entities. The Wabanaki Nations support the inclusion of commercial tracks, including Hollywood Casino Raceway Bangor and Oxford Casino for facility licenses to conduct retail, in-person sports betting. The inclusion of these entities will directly benefit the two casino operators in Maine. Critics of this amendment are disgruntled because they were hoping to monopolize the mobile sports betting market. Draft Kings, one of the Sports Betting Alliance's members, has successfully done just that in New Hampshire and this amendment provides a more equitable and responsible approach to the sports betting market in Maine. To be clear, the critics will be able to access the new sports betting market in Maine. They will simply have to partner with one of the Wabanaki Nations or with an off-track betting facility, commercial track, or casino in

order to access sports betting. We appreciate the Committee's work on this matter and your continued respect for the treatment of the Wabanaki Nations as governments. We ask the Committee prioritize consideration of the proposed amendment to L.D. 585 so that we can begin the process of bringing economic opportunities to rural Maine and tribal communities. Sincerely, Kirk E. Francis, Chief, Penobscot Nation. Clarissa Sabattis, Chief, Houlton Band of Maliseet Indians. Maulian Dana, Chief, Passamaquoddy Tribe, Pleasant Point. William Nicholas, Sr., Chief, Passamaquoddy Tribe, Indian Township. Charlie Peter Paul, Chief, Aroostook Band of Micmac Indians.'

Mr. President, I urge this Body to support the tribal governments seated with us here today and vote this amendment down. Thank you, Mr. President.

THE PRESIDENT: The pending question before the Senate is Adoption of Senate Amendment "C" (S-579) to Committee Amendment "A" (H-1020). Is the Senate ready for the question?

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#792)

YEAS: Senators: BENNETT, BLACK, CYRWAY, DAVIS, FARRIN, GUERIN, KEIM, POULIOT, STEWART, TIMBERLAKE, WOODSOME

NAYS: Senators: BAILEY, BALDACCI, BREEN, BRENNER, CARNEY, CHIPMAN, CLAXTON, CURRY, DAUGHTRY, DESCHAMBAULT, DIAMOND, DILL, HICKMAN, LAWRENCE, LIBBY, MAXMIN, MIRAMANT, MOORE, RAFFERTY, ROSEN, SANBORN, VITELLI, PRESIDENT JACKSON

11 Senators having voted in the affirmative and 23 Senators having voted in the negative, the motion by Senator **FARRIN** of Somerset to **ADOPT** Senate Amendment "C" (S-579) to Committee Amendment "A" (H-1020) **FAILED**.

On motion by Senator **CHIPMAN** of Cumberland, Senate Amendment "D" (S-580) to Committee Amendment "A" (H-1020) **READ**.

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

Senator **CHIPMAN:** Thank you, Mr. President. Men and women of the Senate, as you may recall, about a year ago we came together and passed L.D. 1352. That bill was a Majority Report out of the Committee on Veterans and Legal Affairs. That bill passed under the hammer unanimously in the House and that bill passed with 22 votes here in the Senate. That bill would become law right now if it wasn't sitting on the Appropriations Table. Under that bill, all of the major operators and stakeholders came together. The off-track betting facilities, casinos, fairs, harness racing industry came together on the sports betting bill that benefited everybody. It benefited all those entities and it benefited the tribes. It allotted revenue to everybody. It allowed everybody to have access to an on-line sports mobile betting license. Only 20% of the business of sports betting is conducted

in-person, so the retail licenses that everybody would be able to get under this bill 585 is only 20% of the business, so it does help some but it doesn't help that much. Eighty percent of the business from mobile sports betting is conducted on-line and that's really where the revenue is. So, what I'm trying to do with this amendment is pass something that benefits everybody, to take the language from L.D. 1352 and swap it out with the language in this bill for the gaming piece only, but also to provide some additional revenue to our tribes. So, this amendment would help everybody but it helps the tribes the most. For instance, under this amendment no commercial operator can launch a mobile sports betting app until a tribe is granted a license or one year after the effective date, whichever is sooner. This ensures that no one has a head start over the tribes. Six percent of the tax revenue from all mobile sports betting operators other than the tribes will go to the tribes and provides only a 10% tax rate on mobile sports betting for just the tribes. All other commercial gaming operators would pay 16% on mobile sports wagering. This means a better deal for the tribes and a better deal for the State. So, I think that by passing this amendment, which I hope you will vote with me to do, we will be helping the off-track better facilities, the fairs, harness racing industry, the farms that are supported by them, and the tribes, who all need our support. This amendment accomplishes all of that and it's a win win for everyone. So, I hope you will join me in voting yes. Thank you.

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 Cumberland, Senator Carney.

Senator **CARNEY:** Thank you, Mr. President and colleagues of the Senate. I just wish to speak briefly in opposition to the pending motion. I don't think that this amendment helps the tribes. Essentially, what it does is it takes away a very valuable economic benefit of exclusive mobile sports gaming and - from the tribes and instead gives 6% of the revenue from the profits of other corporations made to the tribes. In essence, what you're doing is you're taking away the promise of economic self-determination that Committee Amendment "A", Report "A", gives to the Wabanaki Nations and you're replacing it with making the nations once again dependent on others for income. I think that we have consistently voted - the majority of us have consistently voted in favor of economic self-determination for the tribes and I just ask that you continue to support the Wabanaki Nations in this way. Thank you.

THE PRESIDENT: The pending question before the Senate is Adoption of Senate Amendment "D" (S-580) to Committee Amendment "A" (H-1020). Is the Senate ready for the question?

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#793)

YEAS: Senators: BLACK, CHIPMAN, CYRWAY, DAVIS, FARRIN, GUERIN, KEIM, MOORE, POULIOT, ROSEN, STEWART, TIMBERLAKE, WOODSOME

NAYS: Senators: BAILEY, BALDACCI, BENNETT, BREEN, BRENNER, CARNEY, CLAXTON, CURRY, DAUGHTRY, DESCHAMBAULT, DIAMOND, DILL, HICKMAN, LAWRENCE, LIBBY, MAXMIN, MIRAMANT, RAFFERTY, SANBORN, VITELLI, PRESIDENT JACKSON

13 Senators having voted in the affirmative and 21 Senators having voted in the negative, the motion by Senator **CHIPMAN** of Cumberland to **ADOPT** Senate Amendment "D" (S-580) to Committee Amendment "A" (H-1020) **FAILED**.

Committee Amendment "A" (H-1020) as Amended by Senate Amendment "B" (S-577) 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-1020) AS AMENDED BY SENATE AMENDMENT "B" (S-577)** thereto, in **NON-CONCURRENCE**.

Ordered sent down forthwith for concurrence.

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

Senate at Ease.

The Senate was called to order by the President.

Off Record Remarks

RECESSED until 11:00 in the evening.

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

Off Record Remarks

ORDERS OF THE DAY

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

An Act To Regulate the Use of Biometric Identifiers
H.P. 1450 L.D. 1945

Tabled - April 19, 2022 by Senator **BENNETT** of Oxford

Pending - motion by same Senator to **RECEDE** from whereby the Bill was **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-1017)**, in **NON-CONCURRENCE**

(In Senate, April 18, 2022, on motion by Senator **CARNEY** of Cumberland, Report "**A**", **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-1017)**, **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-1017)**, in **NON-CONCURRENCE**.)

(In House, April 15, 2022, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (H-1018) AS AMENDED BY HOUSE AMENDMENT "A" (H-1036)** thereto, in **NON-CONCURRENCE**.

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 Bennett.

Senator **BENNETT:** Thank you, Mr. President. I made the motion to Recede so that we could put the bill in a posture where it can be perfected and amended. Thank you.

THE PRESIDENT: The pending question before the Senate is to Recede from Passage to be Engrossed as Amended by Committee Amendment "A" (H-1017). Is the Senate ready for the question?

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#794)

YEAS: Senators: BAILEY, BENNETT, BLACK, BRENNER, CHIPMAN, DAUGHTRY, DESCHAMBAULT, DIAMOND, DILL, FARRIN, GUERIN, HICKMAN, KEIM, MAXMIN, MIRAMANT, MOORE, RAFFERTY, TIMBERLAKE, WOODSOME

NAYS: Senators: BALDACCI, BREEN, CARNEY, CLAXTON, CURRY, CYRWAY, DAVIS, LAWRENCE, LIBBY, POULIOT, ROSEN, SANBORN, STEWART, VITELLI, PRESIDENT JACKSON

19 Senators having voted in the affirmative and 15 Senators having voted in the negative, the motion by Senator **BENNETT** of Oxford to **RECEDE** from whereby the Bill was **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-1017)**, in **NON-CONCURRENCE**, **PREVAILED**.