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 Thirty-First Legislature

State of Maine

Daily Edition

First Special Session

Beginning April 5, 2023

Beginning with Page S-387

unanimous, that cost money. So that's something that we have to consider. On the other hand, maybe some of those things wouldn't be needed. I don't know the answer to that question, which is why I put -- our committee put this forward, and I wouldn't want to presuppose an outcome. I will let you know that there would be three members from the Senate, three members from the House - of course of both parties - and members appointed by the Governor, one representing business interests, one representing Maine heritage industry interests, a tax policy expert, an expert in tax accounting, somebody representing a nonprofit organization with expertise in taxation, a member representing the interests of small businesses, a public member representing the interests of working families, and the same - that would be appointed by the President - and the same, those last two, by the Speaker. So, I don't think there's any way to really know what would happen, but I do know, and I think we've all been experiencing that it is impossible to get all the work done that you want to get done in one session in this building, so the opportunity is here to look at this in the off session.

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#456)

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

NAYS: Senators: BALDACCI, BENNETT, BLACK, FARRIN, GUERIN, HARRINGTON, LIBBY, MOORE, POULIOT, STEWART, TIMBERLAKE

EXCUSED: Senators: HICKMAN, KEIM, LAWRENCE, RAFFERTY

20 Senators having voted in the affirmative and 11 Senators having voted in the negative, with 4 Senators being excused, the motion by Senator **GROHOSKI** of Hancock to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report, in concurrence, **PREVAILED**.

Bill **READ ONCE**.

Committee Amendment "A" (H-686) **READ** and **ADOPTED**, in concurrence.

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

Divided Report

The Majority of the Committee on **VETERANS AND LEGAL AFFAIRS** on Bill "An Act to Prohibit Campaign Spending by Foreign Governments and Promote an Anticorruption Amendment to the United States Constitution"
I.B. 1 L.D. 1610

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-688)**.

Signed:

Senators:
HICKMAN of Kennebec
BRENNER of Cumberland

Representatives:
SUPICA of Bangor
COLLINGS of Portland
MALON of Biddeford
MONTELL of Gardiner
RIELLY of Westbrook

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
RISEMAN of Harrison
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-688)**.

Reports **READ**.

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

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

THE PRESIDENT: The Chair recognizes the Senator from Hancock, Senator Grohoski.

Senator GROHOSKI: Thank you very much, Mr. President. This is the part of the evening in which I say and now for something completely different. I am really excited that this bill is here before us today. This bill is an initiated bill, you'll see it says I-B on our supplement. And the reason for that is that many, many citizens around the State of Maine, hundreds of them, in fact, spent a good deal of time gathering over 80,000 signatures to ask this Legislature one important question. And that is, do you support the prohibition of foreign governments and foreign government owned businesses from spending money to influence our citizens initiative referendum process? And I think this is a fundamental question, and I'll tell you how I feel. I do not feel that there is any circumstance in which a foreign government should be influencing our elections. And right now, they are prohibited from doing so when those elections are for candidates. That's a federal prohibition. But there's a loophole that allows foreign governments to spend money to tell us -- tell Maine people how we should think and how we should vote in our own referendum process. And I -- that's unacceptable to me, which is why I have worked with many people across the political spectrum to bring this question to this body today. An initiated bill, as you'll see and you heard from the Senator from Oxford, Senator Bennett, earlier today, is a request to the Legislature to act. It has been practice in recent years to just send that question along to voters, to not pick it up, to not do the work that they've asked us to do. But the Maine Constitution says first and foremost, this is a bill that the people brought to us, and so we should treat it like any other bill. Very rarely do we send a question to ballot. We may be doing that in a special circumstance related to the Maine flag, we'll see about that, but for the most part, we do the work here ourselves. And I want to thank the Veterans and Legal Affairs Committee for doing this work and for looking at this bill and recommending that we pass it right here, right now. And I don't know how I could go home to my constituents and say, you know, I'm -- I don't want to see foreign governments spending money in elections, and we know in the polling that 82% of you don't, but we should probably wait till November to be sure about that. I have an idea, why don't we do this now? Why don't we do this now, so that we don't have to see an ungodly amount of foreign government spending to influence the results of this question? If you don't want foreign governments to spend money in elections, vote now on this so that we don't see it about this very question in November. They are the only people that are interested in this, the people who come from foreign governments or who are working for corporations that are owned by foreign governments. Now is the moment to show the people of Maine that we have their interests in mind, that we want to hear their voices, not the voices of governments from away. All the governments are from away, let's be real. Anyhow, I just -- I think this is really important and I have worked on this very hard for many years, with many people, all of whom have said to me please do your jobs in the Legislature and get this on the books. We don't need to weigh in ourselves, we've already weighed in and told you to do this by signing the petitions, getting them certified, it's a very tedious process. So, I hope you will heed the request that has come to us to act on this bill as if it were any other bill. If you support what the bill does, I hope you will vote yes on the motion. Thank you.

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

Senator BENNETT: Thank you, Mr. President, Fellow Members of the Senate. As the Good Senator from Hancock, Senator Grohoski, said, the voters of Maine who initiated this bill are respectfully asking us as a Legislature to pass LD 1610 outright. We in this Legislature have the right, we indeed have the responsibility to protect our elections from the foreign governments who seek to disrupt our democracy. As a citizens initiative, LD 1610 is sponsored by the voters of Maine. In 2022, November, the campaign submitted the signatures of over 80,000 Mainers to our Secretary of State, who subsequently certified the petitions. Now, this Legislature has the opportunity to pass the initiative outright or as a backstop to send it, as you've heard, to the ballot. Free and fair elections are the foundation of our country and our state, and we have the responsibility to ensure that they are conducted of, by, and for the people. Unfortunately, foreign government spending and dark money special interest groups threaten our core institutions. These factions are spending an unprecedented amount of money to influence our elections, and it gets worse and worse by the year. The voters I talk to and I've heard from have had enough. This measure will protect Maine's elections from foreign government interference and dark money special interest groups. While foreign governments are not permitted to contribute to candidate campaigns, the Federal Elections Commission recently ruled two years ago next month that it has no jurisdiction over this area of state and municipal referendum campaigns, which creates a dangerous loophole that allows foreign government spending in these campaigns unless explicitly prohibited by state law. Most states that have an initiative referendum process have closed this loophole already. This initiative before us gives Mainers the opportunity to make Maine one of this growing number of states and municipalities to close that loophole and ban foreign government spending in referendums. The bill also affirms Maine's support for an anti-corruption amendment to the United States Constitution. It directs Maine congressional delegation to advance such an amendment that would allow for reasonable campaign fundraising and spending limits in Maine and across the country. And it charges the Maine Ethics Commission to report annually on the progress made by Maine's delegation, an important accountability measure. Now, as you may recall, we had to ask for a solemn occasion of the supreme judicial court to get clarity on the question of whether or not hearings could even be held, and the Legislature could even act on this measure that the voters brought to us. Let's face the facts, opponents of this initiative are few, they're foreign, and they're financially unfettered. They have already managed to sew confusion into the very process by which Maine voters can affect our laws, requiring that solemn occasion, and we cannot let them succeed. It's worthy to note that in the two hours of public testimony before the Veterans and Legal Affairs Committee on this measure, dozens of Maine people spoke in favor, and the only opponents were businesses owned by foreign governments. There is significant and overwhelming public

support for this measure. In a February poll, 82% of Mainers - Maine voters answered yes to the question do you want to prohibit foreign governments and foreign government influenced entities from spending money to influence Maine elections? That number includes 91% of Republicans, 83% of Democrats, and 82% of Independents. Friends, it's time for us to respond with affirmation to the people of this great State of Maine to close this loophole, to rid our elections of foreign government interference and to fix our broken campaign finance system. This is our opportunity right here with this vote today this evening. I implore you to vote with the Majority Ought to Pass Report. 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'd like to pose a question through the Chair.

THE PRESIDENT: The Senator from Cumberland may proceed.

Senator DAUGHTRY: I'm just wondering -- this is something that I'm still very much on the fence about and was wondering has this ever been done before? I'm wondering what the Legislature has chosen to do with ballot measures for the last decade. Would this be setting a new precedent or is this something that has happened with other measures as well?

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

Senator CHIPMAN: Thank you, Mr. President, Men and Women of the Senate. This has been done before. The last instance I'm aware of was the opportunity Maine tax credit that was submitted to the Legislature - the signatures were collected, and the Legislature liked the idea, it was very popular - and put it into law without putting it on the ballot. I believe that was in 2007.

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#457)

YEAS: Senators: BAILEY, BALDACCI, BEEBE-CENTER, BRAKEY, BRENNER, CARNEY, CHIPMAN, CURRY, DUSON, GROHOSKI, INGWERSEN, LAFOUNTAIN, MOORE, NANGLE, RENY, ROTUNDO, TIPPING, VITELLI

NAYS: Senators: BLACK, DAUGHTRY, FARRIN, GUERIN, HARRINGTON, LAWRENCE, LIBBY, LYFORD, PIERCE, POULIOT, STEWART, TIMBERLAKE, PRESIDENT JACKSON

EXCUSED: Senators: HICKMAN, KEIM, RAFFERTY

19 Senators having voted in the affirmative and 13 Senators having voted in the negative, with 3 Senators being excused, the motion by Senator **BRENNER** of Cumberland to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report, in concurrence, **PREVAILED**.

Bill **READ ONCE**.

Committee Amendment "A" (H-688) **READ** and **ADOPTED**, in concurrence.

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

Divided Report

Eight members of the Committee on **JUDICIARY** on Bill "An Act to Require Parental Approval for Public School Employees to Use a Name or Pronoun Other than a Child's Given Name or Pronoun Corresponding to the Gender on the Child's Birth Certificate"
H.P. 447 L.D. 678

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

Three members of the same Committee on the same subject reported in Report **"B"** that the same **Ought to Pass as Amended by Committee Amendment "A" (H-677)**.

Signed:

Representatives:
HAGGAN of Hampden
HENDERSON of Rumford
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-678)**.