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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

Off Record Remarks

RECESSED until 9:30 in the evening.

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

ORDERS OF THE DAY

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

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

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

Pending - **ENACTMENT**, in concurrence

(In Senate, June 14, 2023, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-467)**, in concurrence.)

(In House, June 15, 2023, **PASSED TO BE ENACTED**.)

On further motion by same Senator, the Senate **SUSPENDED THE RULES**.

On further motion by same Senator, the Senate **RECONSIDERED** whereby the Bill was **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-467)**, in concurrence.

On further motion by same Senator, the Senate **SUSPENDED THE RULES**.

On further motion by same Senator, the Senate **RECONSIDERED** whereby it **ADOPTED** Committee Amendment "A" (H-467).

On further motion by same Senator, Senate Amendment "B" (S-502) to Committee Amendment "A" (H-467) **READ** and **ADOPTED**.

On motion by Senator **KEIM** of Oxford, 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. Having served on the Appropriations Committee, I'm still mystified by the intent of this bill and I would -- because of the number of pieces of legislation before us, I'd appreciate it if a member could elucidate and illuminate the underlying focus of this bill. I'm looking at it but its summary is elusive to my understanding. Thank you.

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

Senator **CARNEY**: Thank you, Mr. President, and thank you, colleagues. The purpose of LD 279 is to expand the protection afforded by the Maine Human Rights Act with regard to public entities. So, under the Human Rights Act, there are things called public accommodations which are things like stores and banks and school buildings that serve the public and there are things that are public entities which are publicly owned but maybe wouldn't be open to the public. One example are certain parts of this building, the legislative building. Another example is correctional facilities. And currently the Human Rights Act only allows -- only prohibits discrimination in public entities as opposed to public accommodations with regard to disability discrimination. And so what this legislation would do is it would make the other types of discrimination that are prohibited by the Maine Human Rights applicable in those public entities that are not public accommodations. So, one example could be a person who is a resident in a correctional facility who is being subject to sexual harassment, that person currently doesn't have any avenue of redress under the Maine Human Rights Act but if we passed this legislation, then somebody who is being sexually harassed by a staff person at a correctional facility if they were a resident could bring a claim to remedy that sexual harassment. That's what this legislation would do.

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

Senator **BENNETT**: Thank you, Mr. President. I appreciate that answer. I've heard in the hallways some descriptions of this bill which I didn't think it involved but I wanted clarity on it that suggested that if we pass this bill that women could be housed in male prisons and males could be housed in women prisons and I didn't think that was the intent of this bill. From the Senator's description, it doesn't sound like that would be an impact but if I'm wrong on that, I'd be grateful to hear the answer to that, too. Thank you.

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

Senator **CARNEY**: Thank you, Mr. President. I do not believe that would be the impact of the bill. I think the impact of the bill is to prevent unlawful discrimination, things like sexual harassment.

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

Senator **TIMBERLAKE**: Thank you, Mr. President. And I would also pose a question through the Chair because the Good Senator from Oxford has created a curiosity within me that I don't know as I got a straight answer on. So, I guess I'll ask it as straightforward as I can. So, if someone was identifying -- that was a born gender of a male was identifying as a female and said he wanted to go into the female prison, is there any way this bill would straight-out allow that to happen? Is there a provision or

does everything stop that from happening or could that possibly happen is my question.

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

Senator **CARNEY**: I rise not because I can answer but because I think I can explain why it's not answerable. How issues like that are addressed under the Maine Human Rights Act is very fact specific and so you can't give like a generic answer to that question.

THE PRESIDENT: The pending question before the Senate is Adoption of Committee Amendment "A" (H-467) as Amended by Senate Amendment "B" (S-502). A roll call has been ordered. Is the Senate ready for the question?

The Chair noted the absence of the Senator from Knox, Senator **BEEBE-CENTER**, and the Senator from York, Senator **HARRINGTON**, and further excused the same Senators from today's Roll Call votes.

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#498)

YEAS: Senators: BAILEY, BALDACCI, BENNETT, BRENNER, CARNEY, CHIPMAN, DAUGHTRY, HICKMAN, INGWERSEN, LAFOUNTAIN, LAWRENCE, NANGLE, PIERCE, RAFFERTY, RENY, ROTUNDO, TIPPING, VITELLI, PRESIDENT JACKSON

NAYS: Senators: BRAKEY, KEIM, LIBBY, MOORE, TIMBERLAKE

EXCUSED: Senators: BEEBE-CENTER, BLACK, CURRY, DUSON, FARRIN, GROHOSKI, GUERIN, HARRINGTON, LYFORD, POULIOT, STEWART

19 Senators having voted in the affirmative and 5 Senators having voted in the negative, with 11 Senators being excused, Committee Amendment "A" (H-467) as Amended by Senate Amendment "B" (S-502) thereto, **ADOPTED**, in **NON-CONCURRENCE**.

PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-467) AS AMENDED BY SENATE AMENDMENT "B" (S-502) thereto, in **NON-CONCURRENCE**.

Ordered sent down for concurrence.

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

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

An Act to Establish a Mobile Learning Lab
S.P. 554 L.D. 1389
(C "A" S-97)

Placed on Special Appropriations Table - May 30, 2023, by Senator **ROTUNDO** of Androscoggin

Pending - **ENACTMENT**, in concurrence

(In Senate, May 18, 2023, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-97)**.)

(In House, May 25, 2023, **PASSED TO BE ENACTED**.)

On further motion by same Senator, the Senate **SUSPENDED THE RULES**.

On further motion by same Senator, the Senate **RECONSIDERED** whereby the Bill was **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-97)**.

On further motion by same Senator, the Senate **SUSPENDED THE RULES**.

On further motion by same Senator, the Senate **RECONSIDERED** whereby it **ADOPTED** Committee Amendment "A" (S-97).

On further motion by same Senator, Senate Amendment "A" (S-478) to Committee Amendment "A" (S-97) **READ** and **ADOPTED**.

Committee Amendment "A" (S-97) as Amended by Senate Amendment "A" (S-478) thereto, **ADOPTED**, in **NON-CONCURRENCE**.

PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-97) AS AMENDED BY SENATE AMENDMENT "A" (S-478) thereto, in **NON-CONCURRENCE**.

Ordered sent down for concurrence.

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

An Act to Increase Funding for the Maine School of Science and Mathematics
S.P. 576 L.D. 1458
(C "A" S-193)