

MAINE STATE LEGISLATURE

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Legislative Record
House of Representatives
One Hundred and Thirtieth Legislature
State of Maine

Daily Edition

First Special Session

beginning April 28, 2021

beginning at page H-200

ONE HUNDRED AND THIRTIETH LEGISLATURE
FIRST SPECIAL SESSION
9th Legislative Day
Monday, June 14, 2021

The House met according to adjournment and was called to order by the Speaker.

Prayer by Pastor Brian Casey, North Windsor Baptist Church.

National Anthem by Honorable Seth A. Berry, Bowdoinham.

Pledge of Allegiance.

The Journal of Thursday, June 10, 2021 was read and approved.

SENATE PAPERS

Non-Concurrent Matter

Bill "An Act To Serve the Public Interest, Promote Journalism and Save Jobs by Restoring the Sales and Use Tax Exemption for Newspapers"

(H.P. 1078) (L.D. 1462)

Majority (7) **OUGHT NOT TO PASS** Report of the Committee on **TAXATION READ** and **ACCEPTED** in the House on June 9, 2021.

Came from the Senate with the Minority (4) **OUGHT TO PASS AS AMENDED** Report of the Committee on **TAXATION READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-499)** in **NON-CONCURRENCE**.

Representative TERRY of Gorham moved that the House **RECEDE AND CONCUR**.

Representative STETKIS of Canaan **REQUESTED** a roll call on the motion to **RECEDE AND CONCUR**.

More than one-fifth of the members present expressed a desire for a roll call which was ordered.

The SPEAKER: A roll call has been ordered. The pending question before the House is to Recede and Concur. All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 243

YEA - Alley, Andrews, Arford, Babbidge, Bailey, Bell, Berry, Brennan, Brooks, Bryant, Caiazzo, Cardone, Cloutier, Collings, Copeland, Crafts, Craven, Crockett, Cuddy, Dodge, Doudera, Dunphy, Evans, Faulkingham, Fay, Fecteau, Geiger, Gere, Gramlich, Grohoski, Harnett, Hasenus, Hepler, Hymanson, Kessler, Landry, Libby, Lookner, Madigan, Martin J, Martin R, Mathieson, Matlack, McCrea, McCreight, McDonald, Melaragno, Meyer, Millett, Morales, Moriarty, Newman, O'Connell, O'Neil, Osher, Paulhus, Pebworth, Perry, Pierce, Reckitt, Rielly, Roberts, Roeder, Sachs, Salisbury, Sharpe, Sheehan, Stover, Supica, Sylvester, Talbot Ross, Tepler, Thorne, Tucker, Tuell, Warren, White, Williams, Wood, Zager, Zeigler, Mr. Speaker.

NAY - Austin, Bernard, Bickford, Blier, Carlow, Carmichael, Collamore, Connor, Corey, Costain, Dolloff, Downes, Drinkwater, Ducharme, Evangelos, Foster, Gifford, Greenwood, Griffin, Haggan, Hall, Hanley, Harrington, Head, Hutchins, Javner, Johansen, Kinney, Lemelin, Lyford, Lyman, Martin, Mason, Millett, Morris, Nadeau, O'Connor, Ordway, Parry, Perkins, Pickett, Pluecker, Poirier, Prescott, Quint, Riseman, Rudnicki, Sampson, Skolfield, Stanley, Stearns, Stetkis, Theriault, Underwood, Wadsworth, Warren.

ABSENT - Arata, Blume, Bradstreet, Cebra, Dillingham, Doore, Grignon, Kryzak, Perry, Roche, Terry, Tuttle, White.

Yes, 82; No, 56; Absent, 13; Excused, 0.

82 having voted in the affirmative and 56 voted in the negative, with 13 being absent, and accordingly the House voted to **RECEDE AND CONCUR**.

Non-Concurrent Matter

Bill "An Act To Clarify the Law Enforcement Powers of the Bureau of Parks and Lands"

(H.P. 484) (L.D. 657)

Minority (4) **OUGHT NOT TO PASS** Report of the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY READ** and **ACCEPTED** in the House on June 10, 2021.

Came from the Senate with the Majority (9) **OUGHT TO PASS AS AMENDED** Report of the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-518)** in **NON-CONCURRENCE**.

Speaker FECTEAU of Biddeford moved that the House **INSIST**.

The SPEAKER: The Chair recognizes the Representative from Weld, Representative Skolfield.

Representative **SKOLFIELD**: Thank you, Mr. Speaker. I hope that we can override this particular motion. It's important that we do for the people in the parks service and agree with the other Body on this and pass the Majority Report and defeat this motion. The folks in the parks need to have the assurance of this Body that they stand behind them in their efforts to maintain public safety and protect the resource and this bill will allow certain individuals within the parks system to carry out these enforcement measures. It's not designed for every seasonal, short-term Ranger, they will not be doing this, but it's intended to produce a quality experience for folks who visit our State parks, both native Mainers and those who visit us from outside the state. So, I ask of you to turn this measure down. Thank you.

Representative MORRIS of Turner moved that the House **RECEDE AND CONCUR**.

Representative DUNPHY of Old Town moved that the Bill be **TABLED** until later in today's session pending **FURTHER CONSIDERATION**.

Subsequently, Representative DUNPHY of Old Town **WITHDREW** her motion to **TABLE** until later in today's session pending **FURTHER CONSIDERATION**.

The same Representative **REQUESTED** a roll call on the motion to **RECEDE AND CONCUR**.

More than one-fifth of the members present expressed a desire for a roll call which was ordered.

The SPEAKER: The Chair recognizes the Representative from Saco, Representative O'Neil.

Representative **O'NEIL**: Thank you, Mr. Speaker. Mr. Speaker, I'll be brief. I hate to be on the other side of an issue with the Good Representative from Weld. Both of us had a great experience working for our State parks and we're just on different sides of this issue.

I've already spoken on this, but what we requested during the committee process was to go through a more methodical process in which we reviewed incident reports, we saw how far folks were away from a call of a law enforcement and we went through a thorough and methodical conversation process with staff. Because it's really important to me as well to make sure that staff gets the support that they need. We floated that and folks weren't amenable to it. I think this is a hasty, not

methodical way to go about something that needs some more thought and consideration. And something else that I want to add that both the Representative from Weld and I team up on together is that we haven't been investing in our State parks. We've been neglecting them. And this isn't going to help that problem. So, if we're going to put resources toward our State parks, please put them into infrastructure. Thank you, Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Knox, Representative Kinney.

Representative **KINNEY**: Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I wanted to speak on this just to solidify with my good friend and former committee member from Weld, that what this bill is intended to do is to solidify within the department that Park Rangers, the ones who want to, can go through to be able to have their law enforcement responsibilities solidified in Statute. It is something they can do now but they have been neglecting to do it and they've asked for this assistance to be able to solidify that part of what their duties are. And so, I hope that people will follow my light and vote in favor of the pending motion. Thank you.

The SPEAKER: The Chair recognizes the Representative from Dixfield, Representative Pickett.

Representative **PICKETT**: Thank you, Mr. Speaker. I'd like to pose a question through the Chair, if I may?

The SPEAKER: The Member may proceed.

Representative **PICKETT**: Thank you. It's my understanding, and I'd like somebody to answer the question for me, that there are people right now that are being trained right now to do something that we are trying to authorize them the authority to do. So, the question is why would we not give them the authority after we're already in the process of training them to do the job that they're meant to do? That's my question. Thank you, Mr. Speaker.

The SPEAKER: The Representative from Dixfield, Representative Pickett has posed a question to any member who may care to respond. The Chair recognizes the Representative from Warren, Representative Pluecker.

Representative **PLUECKER**: Thank you, Mr. Speaker. The director of the Bureau of Forestry currently has the power to authorize his Park Rangers to do this job. This bill would say that he must authorize his Park Rangers to do this job. And that's the distinction; whether or not we as a Legislature are saying that they must do this, have these law enforcement powers, or if they merely have the ability to have the law enforcement powers if the Executive Branch were to decide to do so. Thank you.

The SPEAKER: The Chair recognizes the Representative from Wilton, Representative Hall.

Representative **HALL**: Thank you, Mr. Speaker. One of the things that was brought out in committee on this was that anyone who is already a Park Ranger is grandfathered, so, they do not have to take this course, but anyone who is going to become a Park Ranger would be required to take this course. And this would be so that if they were assigned to a park, say, I'm going to use, for instance, Mount Blue State Park, which is in Franklin County, if there was an instance there that could be up to an hour to an hour and a half wait time for a deputy to arrive to address what's taking place whereas in other places in the state it may only take, you know, as little as five minutes for a response from a police officer. So, this was what the big difference was in committee and could I also ask for the Clerk to read the Committee Report?

Representative **HALL** of Wilton **REQUESTED** that the Clerk **READ** the Committee Report.

The Clerk **READ** the Committee Report in its entirety.

The SPEAKER: The Chair recognizes the Representative from East Machias, Representative Tuell.

Representative **TUELL**: Thank you, Mr. Speaker. I just rise to ask a question, if I might?

The SPEAKER: The Member may proceed.

Representative **TUELL**: Thank you, Mr. Speaker. So, for those who are having trouble following along with the motions, the motion before us being Recede and Concur, if you are in favor, you would vote green and if you were opposed you vote no or red; is that correct?

The SPEAKER: The Chair would answer in the affirmative. The motion before the House is Recede and Concur.

The SPEAKER: The Chair recognizes the Representative from Presque Isle, Representative Underwood.

Representative **UNDERWOOD**: Thank you, Mr. Speaker and Ladies and Gentlemen of the 130th Legislature. Basically, what this does is puts law enforcement powers in a lot of these state parks and the response time, it cuts down on the response time if there's an incident. Thank you, Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Weld, Representative Skolfield.

Representative **SKOLFIELD**: Thank you, Mr. Speaker. In response to the question raised by the Representative from Dixfield, Representative Pickett, the bureau is training people currently to do this work. They are being given equipment to do this work. They are authorized to do this work except for they haven't been, I take that back; they're not being authorized to do this work. So, it's sort of redundant or confusing for those people to be trained in it, to be put to do it, in many cases, and yet they're not receiving the authorization. And this is the problem that they're facing. They feel that they're caught between a rock and a hard place. Part of their job responsibilities and task statements are to do this work and yet they do not have the authorization from the bureau director to do the work. So, we need to clarify this for them and also clarify it for the bureau director so he has firm understanding of the intent of this Body and the intent of the other Body to proceed effectively. Thank you, Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Auburn, Representative Bickford.

Representative **BICKFORD**: Thank you, Mr. Speaker. Mr. Speaker, I want to remind you and the Body that in hearing the Committee Report, this had broad bipartisan support. I want to repeat that; this had broad bipartisan support in that committee. Thank you.

The SPEAKER: The Chair recognizes the Representative from Penobscot, Representative Hutchins.

Representative **HUTCHINS**: Thank you, Mr. Speaker. I rise in support of the Good Representative Weld and his decades of service to the parks service. He's experienced this many times, he's told me, in the past. But I think what's more important to look at is if you happen to be a member of the public that is at a state park and something is going on that might endanger you or your child, you're going to expect that the people there in uniform can help you. And, if they can't, you really got to question why can't they help me? Thank you.

The SPEAKER: The Chair recognizes the Representative from Saco, Representative O'Neil.

Representative O'NEIL: Thank you, Mr. Speaker. So, I'm going to reiterate that the conversation during the public hearing and the work session was that a more methodical process would be helpful to talk about what law enforcement power means, what it will extend to, whether these individual parks needed them, to talk with staff and stakeholders.

One accommodation that was made that's already been mentioned is that current folks that are full-year employees or managers would be allowed to choose whether they want to be certified as law enforcement or not. And the reason that that was done is because this is controversial among staff.

So, something that I requested was a more methodical process that speaks to staff and stakeholders and sits down with folks from different parks, talks to them about incidents that they have experienced at parks, talks to them about response time with law enforcement and then makes a recommendation about the best way to go forward.

The committee ultimately didn't move forward with that and that's why I'm asking for you to vote this down now. Vote down the Recede and Concur.

And the last thing I want to add in answer to the question is that we did look at this in a previous Legislature and what the department decided to move ahead with was de-escalatory training. And, again, the department made that choice because this is controversial among staff. Thank you.

The SPEAKER: The Chair recognizes the Representative from South Portland, Representative Reckitt.

Representative RECKITT: Thank you, Mr. Speaker, Members of the House. I'm standing here as someone who served on the Academy Board of Trustees for 15 years and was involved in the development and certification of the corrections officers' training program and oversaw the police ones for a long time. And that's an 80-hour course to be a law enforcement officer and I'm certain that that's not what is intended in this bill.

So, for me, it would be very hard to vote to have this happen if I had no clue about what was to be cut out or added on or changed for a training for the Park Rangers. So, I'm asking you to take the same route that the Good Representative from Saco has requested and to wait on this until more investigation can be done. So, I'm asking you to not support this motion. Thank you.

The SPEAKER: A roll call has been ordered. The pending question before the House is to Recede and Concur. All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 244

YEA - Andrews, Austin, Bernard, Berry, Bickford, Blier, Carlow, Carmichael, Cebra, Collamore, Collings, Connor, Corey, Costain, Dolloff, Downes, Drinkwater, Ducharme, Faulkingham, Fecteau, Foster, Gifford, Greenwood, Griffin, Haggan, Hall, Hanley, Harrington, Head, Hutchins, Javner, Johansen, Kinney, Landry, Lemelin, Libby, Lyford, Lyman, Martin J, Martin R, Martin T, Mason, McCrea, Millett, Morris, Nadeau, Newman, O'Connor, Ordway, Parry, Perkins, Pickett, Poirier, Prescott, Quint, Rudnicki, Sampson, Skolfield, Stanley, Stearns, Stetkis, Theriault, Thorne, Tuell, Underwood, Wadsworth, White.

NAY - Alley, Arford, Babbidge, Bailey, Bell, Brennan, Brooks, Bryant, Caiazza, Cardone, Cloutier, Copeland, Crafts, Craven, Crockett, Cuddy, Dodge, Doudera, Dunphy, Evangelos, Evans, Fay, Geiger, Gere, Gramlich, Grohoski, Harnett, Hasenfus, Hepler, Hymanson, Kessler, Lookner, Madigan, Mathieson, Matlack, McCreight, McDonald, Melaragno, Meyer,

Millett, Morales, Moriarty, O'Connell, O'Neil, Osher, Paulhus, Pebworth, Perry, Pierce, Pluecker, Reckitt, Rielly, Riseman, Roberts, Roeder, Sachs, Salisbury, Sharpe, Sheehan, Stover, Supica, Sylvester, Talbot Ross, Tepler, Tucker, Warren C, Warren S, White, Williams, Wood, Zager, Zeigler, Mr. Speaker.

ABSENT - Arata, Blume, Bradstreet, Dillingham, Doore, Grignon, Kryzak, Perry, Roche, Terry, Tuttle.

Yes, 67; No, 73; Absent, 11; Excused, 0.

67 having voted in the affirmative and 73 voted in the negative, with 11 being absent, and accordingly the motion to **RECEDE AND CONCUR FAILED.**

Subsequently, the House voted to **INSIST.**

Non-Concurrent Matter

Bill "An Act To Make Election Day a State Holiday"

(H.P. 202) (L.D. 286)

Minority (5) **OUGHT TO PASS AS AMENDED** Report of the Committee on **STATE AND LOCAL GOVERNMENT READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-39) AND HOUSE AMENDMENT "A" (H-492)** in the House on June 9, 2021.

Came from the Senate with that Body having **INSISTED** on its former action whereby the Majority (8) **OUGHT NOT TO PASS** Report of the Committee on **STATE AND LOCAL GOVERNMENT** was **READ** and **ACCEPTED** in **NON-CONCURRENCE.**

Speaker FECTEAU of Biddeford moved that the House **INSIST.**

Representative STETKIS of Canaan **REQUESTED** a roll call on the motion to **INSIST.**

More than one-fifth of the members present expressed a desire for a roll call which was ordered.

The SPEAKER: A roll call has been ordered. The pending question before the House is to Insist. All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 245

YEA - Alley, Arford, Babbidge, Bailey, Bell, Berry, Brennan, Brooks, Bryant, Caiazza, Cardone, Cloutier, Collings, Copeland, Crafts, Craven, Crockett, Cuddy, Dodge, Doudera, Dunphy, Evangelos, Evans, Fay, Geiger, Gere, Gramlich, Grohoski, Harnett, Hasenfus, Hymanson, Kessler, Landry, Lookner, Madigan, Martin J, Martin R, Mathieson, Matlack, McCrea, McCreight, McDonald, Melaragno, Meyer, Millett, Morales, Moriarty, O'Connell, O'Neil, Osher, Paulhus, Pebworth, Perry, Pluecker, Reckitt, Rielly, Riseman, Roberts, Roeder, Sachs, Salisbury, Sharpe, Sheehan, Stover, Supica, Sylvester, Talbot Ross, Tepler, Tucker, Warren C, Warren S, White, Williams, Wood, Zager, Zeigler, Mr. Speaker.

NAY - Andrews, Austin, Bernard, Bickford, Blier, Carlow, Carmichael, Cebra, Collamore, Connor, Costain, Dolloff, Downes, Drinkwater, Ducharme, Faulkingham, Fecteau, Foster, Gifford, Greenwood, Griffin, Haggan, Hall, Harrington, Head, Hepler, Hutchins, Javner, Johansen, Kinney, Lemelin, Libby, Lyford, Lyman, Martin, Mason, Millett, Morris, Nadeau, Newman, O'Connor, Ordway, Parry, Perkins, Pickett, Poirier, Prescott, Quint, Rudnicki, Sampson, Skolfield, Stanley, Stearns, Stetkis, Theriault, Thorne, Tuell, Underwood, Wadsworth, White.

ABSENT - Arata, Blume, Bradstreet, Corey, Dillingham, Doore, Grignon, Hanley, Kryzak, Perry, Pierce, Roche, Terry, Tuttle.

Yes, 77; No, 60; Absent, 14; Excused, 0.

77 having voted in the affirmative and 60 voted in the negative, with 14 being absent, and accordingly the House voted to **INSIST**.

Non-Concurrent Matter

Bill "An Act To Provide Transparency Regarding State Contracts during a State of Emergency"

(S.P. 280) (L.D. 729)

Majority (8) **OUGHT NOT TO PASS** Report of the Committee on **STATE AND LOCAL GOVERNMENT READ and ACCEPTED** in the House on June 9, 2021.

Came from the Senate with that Body having **INSISTED** on its former action whereby the Minority (5) **OUGHT TO PASS** Report of the Committee on **STATE AND LOCAL GOVERNMENT** was **READ and ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY SENATE AMENDMENT "A" (S-197)** and **ASKED** for a Committee of Conference in **NON-CONCURRENCE**.

Speaker FECTEAU of Biddeford moved that the House **INSIST**.

Representative STETKIS of Canaan **REQUESTED** a roll call on the motion to **INSIST**.

More than one-fifth of the members present expressed a desire for a roll call which was ordered.

The SPEAKER: A roll call has been ordered. The pending question before the House is to Insist. All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 246

YEA - Arford, Babbidge, Bailey, Bell, Berry, Brennan, Brooks, Bryant, Caiazzo, Cardone, Cloutier, Collings, Copeland, Crafts, Craven, Crockett, Cuddy, Dodge, Doudera, Dunphy, Evangelos, Evans, Geiger, Gere, Gramlich, Grohoski, Harnett, Hasenfus, Hepler, Hymanson, Kessler, Landry, Lookner, Madigan, Martin J, Martin R, Mathieson, Matlack, McCrea, McCreight, McDonald, Melaragno, Meyer, Millett, Morales, Moriarty, O'Connell, O'Neil, Osher, Paulhus, Pebworth, Perry, Pierce, Pluecker, Reckitt, Rielly, Riseman, Roberts, Roeder, Sachs, Salisbury, Sharpe, Sheehan, Stover, Supica, Sylvester, Talbot Ross, Tepler, Tucker, Warren C, Warren S, White, Williams, Wood, Zager, Zeigler, Mr. Speaker.

NAY - Alley, Andrews, Austin, Bernard, Bickford, Blier, Carlow, Carmichael, Cebra, Collamore, Connor, Corey, Costain, Dolloff, Downes, Drinkwater, Ducharme, Faulkingham, Fay, Fecteau, Foster, Gifford, Greenwood, Griffin, Haggan, Hall, Hanley, Harrington, Head, Hutchins, Javner, Johansen, Kinney, Lemelin, Libby, Lyford, Lyman, Martin, Mason, Millett, Morris, Nadeau, Newman, O'Connor, Ordway, Parry, Perkins, Pickett, Poirier, Prescott, Quint, Rudnicki, Sampson, Skolfield, Stanley, Stearns, Stetkis, Theriault, Thorne, Tuell, Underwood, Wadsworth, White.

ABSENT - Arata, Blume, Bradstreet, Dillingham, Doore, Grignon, Kryzak, Perry, Roche, Terry, Tuttle.

Yes, 77; No, 63; Absent, 11; Excused, 0.

77 having voted in the affirmative and 63 voted in the negative, with 11 being absent, and accordingly the House voted to **INSIST**.

Non-Concurrent Matter

Resolve, Regarding Legislative Review of Portions of Chapter 570: Uniform Reporting System for Prescription Drug Price Data Sets, a Major Substantive Rule of the Maine Health Data Organization (EMERGENCY)

(H.P. 7) (L.D. 41)

FAILED of **FINAL PASSAGE** in the House on June 9, 2021.

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY SENATE AMENDMENT "A" (S-244)** in **NON-CONCURRENCE**.

Speaker FECTEAU of Biddeford moved that the House **RECEDE AND CONCUR**.

Representative STETKIS of Canaan **REQUESTED** a roll call on the motion to **RECEDE AND CONCUR**.

More than one-fifth of the members present expressed a desire for a roll call which was ordered.

The SPEAKER: A roll call has been ordered. The pending question before the House is to Recede and Concur. All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 247

YEA - Alley, Arford, Babbidge, Bailey, Bell, Berry, Blier, Brennan, Brooks, Bryant, Caiazzo, Cardone, Carlow, Carmichael, Cloutier, Collings, Copeland, Crafts, Craven, Crockett, Cuddy, Dodge, Doudera, Downes, Dunphy, Evangelos, Evans, Faulkingham, Fay, Foster, Geiger, Gere, Gifford, Gramlich, Grohoski, Harnett, Hasenfus, Hepler, Hymanson, Kessler, Landry, Lookner, Madigan, Martin J, Martin R, Mathieson, Matlack, McCrea, McCreight, McDonald, Melaragno, Meyer, Millett, Morales, Moriarty, O'Connell, O'Neil, Osher, Paulhus, Pebworth, Perkins, Perry, Pierce, Pluecker, Poirier, Reckitt, Rielly, Riseman, Roberts, Roeder, Sachs, Salisbury, Sharpe, Sheehan, Stover, Supica, Sylvester, Talbot Ross, Tepler, Theriault, Tucker, Warren C, Warren S, White, Williams, Wood, Zager, Zeigler, Mr. Speaker.

NAY - Andrews, Austin, Bernard, Bickford, Cebra, Collamore, Connor, Corey, Costain, Dolloff, Drinkwater, Ducharme, Fecteau, Greenwood, Griffin, Haggan, Hall, Hanley, Harrington, Head, Hutchins, Javner, Johansen, Lemelin, Libby, Lyford, Lyman, Martin, Mason, Millett, Morris, Nadeau, Newman, O'Connor, Ordway, Parry, Pickett, Prescott, Quint, Rudnicki, Sampson, Skolfield, Stanley, Stearns, Stetkis, Thorne, Tuell, Underwood, Wadsworth, White.

ABSENT - Arata, Blume, Bradstreet, Dillingham, Doore, Grignon, Kinney, Kryzak, Perry, Roche, Terry, Tuttle.

Yes, 89; No, 50; Absent, 12; Excused, 0.

89 having voted in the affirmative and 50 voted in the negative, with 12 being absent, and accordingly the House voted to **RECEDE AND CONCUR**.

Non-Concurrent Matter

Bill "An Act To Establish the Maine Forest Advisory Board"

(H.P. 1154) (L.D. 1549)

Majority (7) **OUGHT NOT TO PASS** Report of the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY READ and ACCEPTED** in the House on June 10, 2021.

Came from the Senate with the Minority (6) **OUGHT TO PASS AS AMENDED** Report of the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY READ and ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-519)** in **NON-CONCURRENCE**.

Speaker FECTEAU of Biddeford moved that the House **RECEDE AND CONCUR**.

Representative STETKIS of Canaan **REQUESTED** a roll call on the motion to **RECEDE AND CONCUR**.

More than one-fifth of the members present expressed a desire for a roll call which was ordered.

The SPEAKER: A roll call has been ordered. The pending question before the House is to Recede and Concur. All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 248

YEA - Alley, Arford, Austin, Babbidge, Bailey, Bell, Berry, Brennan, Brooks, Caiazzo, Cardone, Cloutier, Collings, Copeland, Crafts, Craven, Crockett, Cuddy, Dodge, Doudera, Evangelos, Evans, Geiger, Gere, Gramlich, Grohoski, Harnett, Hasenfus, Hymanson, Kessler, Lookner, Madigan, Martin J, Martin R, Mathieson, Matlack, McCrea, Melaragno, Millett, Morales, Moriarty, O'Connell, O'Neil, Osher, Paulhus, Pebworth, Pierce, Pluecker, Poirier, Reckitt, Rielly, Riseman, Roeder, Sachs, Salisbury, Sharpe, Sheehan, Stover, Supica, Sylvester, Talbot Ross, Tepler, Warren C, Warren S, Williams, Wood, Zager, Mr. Speaker.

NAY - Andrews, Bernard, Bickford, Blier, Bryant, Carlow, Carmichael, Cebra, Collamore, Connor, Corey, Costain, Dolloff, Downes, Drinkwater, Ducharme, Dunphy, Fay, Fecteau, Foster, Gifford, Greenwood, Griffin, Haggan, Hall, Hanley, Harrington, Head, Hepler, Hutchins, Javner, Johansen, Kinney, Landry, Lemelin, Libby, Lyford, Lyman, Martin, Mason, McCreight, McDonald, Meyer, Millett, Morris, Nadeau, Newman, O'Connor, Ordway, Parry, Perkins, Perry, Pickett, Prescott, Quint, Roberts, Rudnicki, Sampson, Skolfield, Stanley, Stearns, Stetkis, Theriault, Thorne, Tucker, Tuell, Underwood, Wadsworth, White B, White D, Zeigler.

ABSENT - Arata, Blume, Bradstreet, Dillingham, Doore, Faulkingham, Grignon, Kryzak, Perry, Roche, Terry, Tuttle.
Yes, 68; No, 71; Absent, 12; Excused, 0.

68 having voted in the affirmative and 71 voted in the negative, with 12 being absent, and accordingly the motion to **RECEDE AND CONCUR FAILED**.

Subsequently, the House voted to **INSIST**.

Non-Concurrent Matter

Bill "An Act To Ensure Parents' Access to Their Minor and Adult Children with Special Needs" (EMERGENCY)
(H.P. 739) (L.D. 1001)

Majority (9) **OUGHT NOT TO PASS** Report of the Committee on **HEALTH AND HUMAN SERVICES READ and ACCEPTED** in the House on June 10, 2021.

Came from the Senate with the Minority (4) **OUGHT TO PASS AS AMENDED** Report of the Committee on **HEALTH AND HUMAN SERVICES READ and ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-529)** in **NON-CONCURRENCE**.

On motion of Representative DUNPHY of Old Town, **TABLED** pending **FURTHER CONSIDERATION** and later today assigned.

COMMUNICATIONS

The Following Communication: (S.C. 662)

**MAINE SENATE
130TH LEGISLATURE**

June 10, 2021
Honorable Ryan Fecteau
Speaker of the House
2 State House Station
Augusta, ME 04333-0002
Dear Speaker Fecteau:

In accordance with 3 M.R.S.A. §158 and Joint Rule 506 of the 130th Maine Legislature, please be advised that the Senate today confirmed the following nominations:

Upon the recommendation of the Committee on Education and Cultural Affairs:

To the Maine School for Marine Science, Technology, Transportation and Engineering, Board of Trustees:

- Christine G. Boone of Stockton Springs, for appointment
- Michael S. Flanagan of Thomaston, for reappointment
- Eric P. Jergenson of Stockton Springs, for reappointment
- Stacey S. Keefer of Union, for appointment
- Melissa E. Landon of Portland, for appointment
- Almon D. Rivers of Searsport, for reappointment

To the Maine School of Science and Mathematics, Board of Trustees:

- Timothy R. Beaulieu of Hollis, for appointment
- Craig Cunningham of Kennebunk, for appointment
- Yoosuf S. Siddiqui of Easton, for appointment

To the School Board of the Maine Educational Center for the Deaf and Hard of Hearing and the Governor Baxter School for the Deaf:

- Michelle Ames of Portland, for reappointment
- Roxanne Baker of Cape Elizabeth, for reappointment
- Lisette Belanger of Portland, for reappointment
- Jamie Guerrette of Presque Isle, for appointment
- Corda L. Kinzie of Readfield, for reappointment
- Terry Morrell of Gorham, for reappointment
- Michael Pulsifer of Cape Elizabeth, for reappointment
- Elizabeth A. Seal of Lisbon Falls, for appointment
- Sandra K. Wood of Portland, for appointment

To the State Board of Education:

- Paulette Bonneau of Biddeford, for appointment
- Joshua Taft Leinwand of Yarmouth, for appointment

To the University of Maine System, Board of Trustees:

- Sven Bartholomew of Brewer, for reappointment
- The Honorable Emily Ann Cain of Orono, for reappointment

Best Regards,
S/Darek M. Grant
Secretary of the Senate

READ and ORDERED PLACED ON FILE.

By unanimous consent, all matters having been acted upon were **ORDERED SENT FORTHWITH**.

REPORTS OF COMMITTEE

Divided Reports

Majority Report of the Committee on **INNOVATION, DEVELOPMENT, ECONOMIC ADVANCEMENT AND BUSINESS** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-245)** on Bill "An Act To Create the Small Business Capital Savings Account Program"
(S.P. 537) (L.D. 1650)

Signed:
Senators:

CYRWAY of Kennebec
LUCHINI of Hancock

Representatives:

ANDREWS of Paris
AUSTIN of Gray
BERNARD of Caribou
COLLAMORE of Pittsfield

DUCHARME of Madison

Minority Report of the same Committee reporting **Ought Not to Pass** on same Bill.

Signed:

Senator:

CURRY of Waldo

Representatives:

ROBERTS of South Berwick

BAILEY of Gorham

GEIGER of Rockland

HASENFUS of Readfield

PEBWORTH of Blue Hill

Came from the Senate with the Minority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED**.

READ.

On motion of Representative ROBERTS of South Berwick, the Majority **Ought to Pass as Amended** Report was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (S-245)** was **READ** by the Clerk and **ADOPTED**.

Under suspension of the rules the Bill was given its **SECOND READING WITHOUT REFERENCE** to the Committee on **Bills in the Second Reading**.

Under further suspension of the rules the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (S-245)** in **NON-CONCURRENCE** and sent for concurrence.

Majority Report of the Committee on **STATE AND LOCAL GOVERNMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-234)** on Bill "An Act To Establish the Maine Buy American and Build Maine Act"

(S.P. 461) (L.D. 1411)

Signed:

Senators:

BALDACCI of Penobscot

CLAXTON of Androscoggin

Representatives:

MATLACK of St. George

BRYANT of Windham

COPELAND of Saco

DOORE of Augusta

PAULHUS of Bath

RISEMAN of Harrison

Minority Report of the same Committee reporting **Ought Not to Pass** on same Bill.

Signed:

Senator:

ROSEN of Hancock

Representatives:

DOWNES of Bucksport

GREENWOOD of Wales

HEAD of Bethel

TUELL of East Machias

Came from the Senate 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" (S-234) AS AMENDED BY SENATE AMENDMENT "A" (S-247) thereto.

READ.

Representative MATLACK of St. George moved that the House **ACCEPT** the Majority **Ought to Pass as Amended** Report.

Representative TUELL of East Machias **REQUESTED** a roll call on the motion to **ACCEPT** the Majority **Ought to Pass as Amended** Report.

More than one-fifth of the members present expressed a desire for a roll call which was ordered.

The **SPEAKER**: The Chair recognizes the Representative from East Machias, Representative Tuell.

Representative **TUELL**: Thank you, Mr. Speaker. I'm going to apologize in advance for giving what could be a very long and tedious speech. With that, I thank you, Mr. Speaker, for the opportunity today. I want to begin with some remarks that were offered by Anya Trundy of the Department of Administrative and Financial Services regarding this piece of legislation because I think it's important that folks understand what they're voting on. Ms. Trundy, during her public hearing testimony, writes thus; LD 1411 consists of two components, the buy American component which requires the manufactured goods used in the construction of public works projects or purchased by state agencies must be manufactured in the United States and the build Maine component, which establishes in-state preference for Maine contractors and vendors. Although updates have been made to the bill from previous versions that came before past legislatures, DAFS remains opposed to the bill on a fundamental level. DAFS is concerned that the buy American component of this legislation will result in higher project bids than previously. The number of projects that the Bureau of General Services can undertake is inversely proportionate to the cost of each project. The committee is aware of the deferred maintenance to our State building and the limited resources currently dedicated to capital repairs. In addition, the work required to comply with the buy American provisions of this bill are significant and cannot be absorbed by existing staff, which is important, I may add, in reference to the bill as presented before us.

In recent years, the planning and construction division of BGS has been reduced from seven to five licensed professionals who are currently responsible for more than 400 ongoing projects for state agencies as well as responding to myriad building issues that have arisen due to the COVID-19 situation. Compliance with the buy American provision would require research of which products are manufactured in the U.S. This would be a full-time endeavor on large projects involving tens of thousands of components. Obtaining a waiver as provided in the legislation would also necessitate significant research to determine and demonstrate the inclusion of U.S. manufactured goods would increase project costs by an unreasonable amount. Now, the build Maine provision, Ms. Trundy writes, procurement laws and regulation provides a legal, ethical, and predictable framework which balances the state's desire to get the best value for its dollars while ensuring that the process is fair and open to the maximum number of participants. Maine's procurement laws and regulations uphold a closed bid process that makes awards on a straightforward, objective basis, offers aggrieved parties recourse through a well-established, expedient appeals process and provides the public with accountability and transparency. To the contrary, LD 1411 inserts subjectivity into the procurement process, would call the fairness of the process into question, generating increased appeals and then establish a drawn-out appeals

process. Based upon our analysis of the state's actual construction contracts and procurement of services and goods, it is difficult to see how this bill would substantially grow the number of successful Maine contractors and vendors without jeopardizing quality or increasing cost. Updating statistics that Ms. Trundy provided last spring in her testimony to last year's bill, a review of construction contracts awarded by the Bureau of General Services in FY 20 revealed that 97.6% of the total spend was awarded to 62 companies with an established presence in Maine. The remaining 2.4% of the total spend was split among six out-of-state companies, five of which provided highly specialized equipment or services not available through Maine companies. In the only instance in which a Maine company lost out to an out-of-state company, their bid came in 30% higher than the low bid. This year, we also expanded our review to the state's procurement of services and goods. In 2020, 113 RFPs were issued, 52 awards were made to Maine bidders and 45 awards went to out-of-state bidders. For the remaining 16, bids were received from Maine bidders but ultimately the agency decided not to make an award. In addition, the Division of Procurement Services issued 19,056 other procurement documents; purchase orders, service contracts, etcetera, to Maine businesses as compared to 18,921 issued to non-Maine businesses. We are keeping more than 50% of our spending right here in Maine. When that isn't possible, it is because the out-of-state vendors offered the best value, a combination of quality of product and/or service in price. Given procurement volume, we are unable to look back and know in many instances the product could not be obtained from a Maine business.

Maine-based contractors and vendors have proven themselves more than competitive. They are capable of performing the work, offer quality services and goods, and more often than not, their bids come in cheaper than their competitors. They are winning the state's contracts fair and square without us stacking the deck in their favor. The opportunity to match provision of this bill states that if an in-state contractor submits a bid that is substantially higher than other submitted bids, the department shall give that in-state contractor the opportunity to match the lowest bid submitted. First, it is problematic that substantially similar and substantially higher are completely subjective, undefined terms. Second, the department doesn't believe that allowing in-state contractors another bite at the apple when they've significantly priced themselves out of competition with their initial bid is fair. It provides them an opportunity to undercut their out-of-state counterparts after bids have been opened. It isn't soliciting bids in good faith and is a practice that will draw appeals and lawsuits. We must question if the in-state contractor can match the lowest bid, why wasn't their bid substantially similar in the first place? Or, conversely, to match the low bid, will they now have to cut corners to cut costs? The grievance investigation mediation process as also laid out in this legislation conflicts with the appeals process already in place under 5 M.R.S.A. Section 1749 for public improvements and Section 1825-E for purchasing. Particularly, in comparison to the existing public improvements appeal process which can take as little as 10 days, the grievance investigation mediation process set forth in LD 1411 is protracted.

Additionally, LD 1411 tasks the Attorney General with investigating complaints brought by an aggrieved in-state bidder and allows the Attorney General to act as a mediator between the in-state bidder and the state. This would seem to create a conflict given that the office of the Attorney General represents the state, thus denying the agency full benefit of their counsel.

Alternative to establishing preference, the Division of Procurement Services has surveyed their counterparts in other states. It is true that many other states have preferences established in their statutes. In many instances, the state only goes so far as to give preferences to the in-state bidder in the event of a tie bid. Maine, similarly, already has a tied bid provision in Statute, Title 26, Section 1301. Some states go further and award a percentage or points-based advantage for targeted business profiles, though I'm not aware of any state that employs the opportunity to match approach proposed in 1411. Some states give preferences to resident-owned businesses while some states additionally or alternatively have preferences that advantage minority-owned, women-owned, veterans-owned or small-owned small businesses. Especially as states attempt to increase diversity, equity, and inclusion among their contractors and vendors, states are moving away from percentage or points-based preferences and looking to alternative approaches that better address the systemic inequalities that cause certain groups to be disadvantaged by the procurement process. A handful of states are currently engaged in studies that, one, identify the types of disadvantaged business enterprises that states desire to lift up and, two, determine where in the procurement process they are being excluded. Are they consistently in the hunt for state contracts? Are they not winning bids because their costs aren't competitive? Are they not winning bids because they don't meet the qualifications? Or are they failing to compete for contracts because they're not correctly submitting complete bids? Are they not submitting bids because of a barrier we're unaware of? Are they not submitting bids because the public advertisements of RFPs aren't reaching them? A percentage or points-based preference doesn't do anything to address the latter situations where disadvantaged business enterprises are left out of procurement opportunities.

Meanwhile, in the former situations, a percentage or points-based preference could give way to a problematic result in which a lesser-qualified contractor or high bid prevails, raising questions of fairness. The desire to harness the state's purchasing power and reinvest our tax dollars into the Maine and American economy is laudable but creating a subjective in-state preference for Maine bidders is not the best solution. Considering all of the issues we've identified, DAFS respectfully asks the committee to recommend LD 1411 Ought Not to Pass. I also have with me some testimony from the Honorable Peter Mills, who is the head of the Maine Turnpike Authority, and I'll read from that for a bit, with your indulgence.

Twenty-five years ago, Mr. Mills writes, 25 years ago, Maine adopted the following law to prohibit states from competing unfairly on price in the awarding of public contracts when out-of-state contractors are bidding. It reads; Section 5 M.R.S.A. 1825-B reads the state shall add a percent interest to the bid of a non-resident bidder equal to the percent, if any of the reference given to that bidder in the state in which the bidder resides. Thirty-seven states have passed identical laws. This means that if any other states discriminate against a Maine contractor on price, we will do the same as theirs. As a result, we have a standoff here. No one on that list discriminates against anyone else. This is important to Maine contractors who frequently win contracts in other states, much to the benefit of Maine people who work for them. LD 1411 would discriminate in another way. If an out-of-state contractor submits a winning bid, then all the Maine bidders are allowed to reopen their bids and put in a price to match the one that came from another state. Which Maine contractor will get the work is a question not answered by the bill. If this bill passes, one thing is likely; other

states and provinces will pass antidiscrimination measures on bidding as was done 25 years ago against price discrimination. If Maine persists in discriminating, we will be the only state whose contractors are unable to get work beyond our borders. Maine will lose a pointless war.

In supporting this bill last year, the sponsor told of a Massachusetts contractor who was awarded public work in Maine even though this bid was \$1 million more than the bid of a contractor from Aroostook. It is not clear why current law did not protect the Aroostook contractor. The award to the higher bidder is unexplainable unless the low bid was disqualified or not comparable. If that is the case, LD 1411 would not change the results. The other part of this bill would require Maine public agencies to verify that manufactured goods including iron, cement, and steel used or supplied in the performance of the contract or any subcontract must be manufactured in the United States. Many things that are built from iron, cement, or steel are heavy. Because it costs money to transport over long distances, the chances are good that they will be made in America, anyway. It is not worth the trouble, delay and red tape of tracking down the origin. If the project is at all complicated, like a school building, a university dormitory, or a toll system, it is humanly impossible to track where everything comes from. Most buildings today include telephones, TVs, intercoms, heat pumps, cameras, appliances, computers, 5G internet and HVAC controls. If a contractor takes pains to ensure that each of the brands is from an American company, he is not protected. If any component; a diode, transistor, switch, motor, capacitor, sensor, dial, screen, battery, or single two-by-four comes from another country, then the builder may violate the Statute and be debarred from public work for two years, even if the foreign component is made by an American company. There is no way for the most conscientious contractor to comply with this law in today's world. The U.S. government wisely forbids the states from spending federal money on a project whereby any such law applies.

In the four years from January 2016 through December 2019, the turnpike conducted 54 competitive bids and awarded \$278.7 million in capital construction work. Of these 54 projects, they received 161 bids. Ninety-seven percent of the bids came from Maine contractors. Out-of-state contractors bid on only five projects. On one bridge repair, the Massachusetts bidder was the highest of six bids, the work was awarded to Reed & Reed, who was a million dollars lower on a 1.8-million-dollar job. The total amount awarded to out-of-state contractors was 5.7 million, or 2% of the total work awarded to those in those four years. For some work, like bridge painting, we know of no contractors in Maine or New England who will bid. All of these statistics are drawn from a stack of bid tab files retained in the office of the executive director. They are believed to be comprehensive but a few jobs may have been inadvertently omitted. Preparing the bids themselves represents a huge commitment of time by the construction industry. The turnpike is grateful to those contractors for supporting a competitive environment in which to award public work with integrity. And, lastly, Mr. Speaker, I would add into that that as has been noted by both of those testimonies, this bill has some really serious problems with it and that is why many of us who do support American made and Maine businesses have some real problems with this legislation and will be voting against it. And, sufficed to say, I forgot whether I asked for a Roll Call, but if I did not, I do at this time.

The SPEAKER: The Chair recognizes the Representative from Westbrook, Representative Rielly.

Representative **RIELLY**: Mr. Speaker, I rise today in support of the motion. We need to do more to support American businesses and Maine workers.

In my hometown of Westbrook, we have a factory that produces the only 100 percent American made and union-made t-shirt in the country. During the pandemic, the same cloth to make the shirts were turned into facemasks. Buying American not only supports our workers and communities, but provides us with the infrastructure to respond to crises. I urge you to support this bill. Thank you, Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from St. George, Representative Matlack.

Representative **MATLACK**: Thank you, Mr. Speaker. Mr. Speaker, this bill provides that any item or purchase order over \$5,000 must be manufactured in the United States. This is to guarantee that the manufacturers abide by basic rules of workplace safety, child labor, and environmental protection which is not guaranteed when the product is created outside of this country. There is a 10% preference to Maine businesses so that Maine businesses are on an equal footing with other businesses outside this State. This bill provides a clear definition of manufactured goods and manufacturing in the United States. This is a commonsense bill that creates Maine jobs. Thank you.

The SPEAKER: The Chair recognizes the Representative from South Portland, Representative Kessler.

Representative **KESSLER**: Thank you, Mr. Speaker. May I ask a question about the current motion?

The SPEAKER: The Member may proceed.

Representative **KESSLER**: I see that there is also a Senate Amendment. I was wondering if we are also voting on that particular amendment?

The SPEAKER: The pending question is the Acceptance of the Majority Ought to Pass as Amended Report. The Senate Amendment will be a question should this Report be adopted. A roll call has been ordered. The pending question before the House is Acceptance of the Majority Ought to Pass as Amended Report. All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 249

YEA - Alley, Arford, Babbidge, Bailey, Bell, Berry, Brennan, Brooks, Bryant, Caiazzo, Cardone, Carlow, Cloutier, Collings, Copeland, Crafts, Craven, Crockett, Cuddy, Dodge, Doudera, Dunphy, Evangelos, Evans, Fay, Geiger, Gere, Gramlich, Grohoski, Harnett, Hasenfus, Hepler, Hymanson, Kessler, Landry, Lookner, Madigan, Martin J, Martin R, Mathieson, Matlack, McCrea, McCreight, McDonald, Melaragno, Meyer, Millett, Morales, Moriarty, Newman, O'Connell, O'Neil, Osher, Paulhus, Pebworth, Perry, Pierce, Pluecker, Prescott, Reckitt, Rielly, Riseman, Roberts, Roeder, Sachs, Salisbury, Sharpe, Sheehan, Stover, Supica, Sylvester, Talbot Ross, Tepler, Tucker, Warren C, Warren S, White, Williams, Wood, Zager, Zeigler, Mr. Speaker.

NAY - Andrews, Austin, Bernard, Bickford, Blier, Carmichael, Cebra, Collamore, Connor, Corey, Costain, Dolloff, Downes, Drinkwater, Ducharme, Faulkingham, Fecteau, Foster, Gifford, Greenwood, Griffin, Haggan, Hall, Hanley, Harrington, Head, Hutchins, Javner, Johansen, Kinney, Kryzak, Lemelin, Libby, Lyford, Lyman, Martin, Mason, Millett, Morris, Nadeau, O'Connor, Ordway, Parry, Perkins, Pickett, Poirier, Quint, Rudnicki, Sampson, Skolfield, Stanley, Stearns, Stetkis, Theriault, Thorne, Tuell, Underwood, Wadsworth, White.

ABSENT - Arata, Blume, Bradstreet, Dillingham, Doore, Grignon, Perry, Roche, Terry, Tuttle.

Yes, 82; No, 59; Absent, 10; Excused, 0.

82 having voted in the affirmative and 59 voted in the negative, with 10 being absent, and accordingly the Majority **Ought to Pass as Amended** Report was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (S-234)** was **READ** by the Clerk.

Senate Amendment "A" (S-247) to **Committee Amendment "A" (S-234)** was **READ** by the Clerk and **ADOPTED**.

Committee Amendment "A" (S-234) as Amended by Senate Amendment "A" (S-247) thereto was **ADOPTED**.

Under suspension of the rules the Bill was given its **SECOND READING WITHOUT REFERENCE** to the Committee on **Bills in the Second Reading**.

Under further suspension of the rules the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (S-234) as Amended by Senate Amendment "A" (S-247)** thereto in concurrence.

Majority Report of the Committee on **TAXATION** reporting **Ought Not to Pass** on Bill "An Act To Stabilize Property Taxes for Individuals 65 Years of Age or Older Who Own a Homestead for at Least 10 Years"

(S.P. 126) (L.D. 290)

Signed:

Senator:

CHIPMAN of Cumberland

Representatives:

TERRY of Gorham
COLLINGS of Portland
GRAMLICH of Old Orchard Beach
MATLACK of St. George
PERRY of Bangor
SACHS of Freeport

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (S-222)** on same Bill.

Signed:

Senator:

POULIOT of Kennebec

Representatives:

BICKFORD of Auburn
CARMICHAEL of Greenbush
HANLEY of Pittston
KRYZAK of Acton

Came from the Senate with the Minority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-222)**.

READ.

On motion of Representative SACHS of Freeport, the Minority **Ought to Pass as Amended** Report was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (S-222)** was **READ** by the Clerk and **ADOPTED**.

Under suspension of the rules the Bill was given its **SECOND READING WITHOUT REFERENCE** to the Committee on **Bills in the Second Reading**.

Under further suspension of the rules the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (S-222)** in concurrence.

Majority Report of the Committee on **VETERANS AND LEGAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-210)** on Bill "An Act Regarding Campaign Finance Reform"

(S.P. 467) (L.D. 1417)

Signed:

Senators:

LUCHINI of Hancock
HICKMAN of Kennebec

Representatives:

CAIAZZO of Scarborough
McCREIGHT of Harpswell
RIELLY of Westbrook
SUPICA of Bangor
TUTTLE of Sanford
WOOD of Portland

Minority Report of the same Committee reporting **Ought Not to Pass** on same Bill.

Signed:

Senator:

FARRIN of Somerset

Representatives:

COREY of Windham
DOLLOFF of Milton Township
HARRINGTON of Sanford
KINNEY of Knox

Came from the Senate 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" (S-210) AS AMENDED BY SENATE AMENDMENT "A" (S-233)** thereto.

READ.

Representative CAIAZZO of Scarborough moved that the House **ACCEPT** the Majority **Ought to Pass as Amended** Report.

Representative KINNEY of Knox **REQUESTED** a roll call on the motion to **ACCEPT** the Majority **Ought to Pass as Amended** Report.

More than one-fifth of the members present expressed a desire for a roll call which was ordered.

The **SPEAKER**: The Chair recognizes the Representative from Auburn, Representative Libby.

Representative **LIBBY**: Thank you, Mr. Speaker. I rise in opposition to the pending motion. Maine people have a variety of ways to make their voices heard in state government including, but certainly not limited to, by voting, testifying on legislation, calling or emailing their legislators, running for office themselves or donating of their time and treasure in support of a candidate. LD 1417 would silence select voices by removing the ability of Maine businesses to contribute to a PAC or candidate. I do appreciate that the amendment has added labor unions to the bill as organizations that cannot donate to candidates or PACs along with businesses, but this Body should not be in the position of silencing any Maine people. Please follow my light and allow Maine citizens to continue to be heard.

The SPEAKER: The Chair recognizes the Representative from Paris, Representative Andrews.

Representative **ANDREWS**: Thank you, Mr. Speaker. I'd like to second the thoughts of the Representative from Auburn. This bill violates the First Amendment. It shows explicit favoritism to the backers of one end of the political spectrum and not the other. I'm not questioning anyone's motives; I'm just stating fact. Thank you.

The SPEAKER: A roll call has been ordered. The pending question before the House is Acceptance of the Majority Ought to Pass as Amended Report. All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 250

YEA - Alley, Arford, Babbidge, Bailey, Bell, Berry, Blume, Brennan, Brooks, Bryant, Caiazzo, Cardone, Cloutier, Collings, Copeland, Crafts, Craven, Crockett, Cuddy, Dodge, Doudera, Dunphy, Evangelos, Evans, Fay, Geiger, Gere, Gramlich, Grohoski, Harnett, Hasenfus, Hepler, Hymanson, Kessler, Landry, Lookner, Madigan, Martin J, Martin R, Mathieson, Matlack, McCreight, McDonald, Melaragno, Meyer, Millett, Morales, Moriarty, O'Connell, O'Neil, Osher, Paulhus, Pebworth, Perry, Pierce, Pluecker, Reckitt, Rielly, Riseman, Roberts, Roeder, Sachs, Salisbury, Sharpe, Sheehan, Stover, Supica, Sylvester, Talbot Ross, Tepler, Tucker, Warren C, Warren S, White, Williams, Wood, Zager, Zeigler, Mr. Speaker.

NAY - Andrews, Austin, Bernard, Bickford, Blier, Carlow, Carmichael, Cebra, Collamore, Connor, Corey, Costain, Dolloff, Downes, Drinkwater, Ducharme, Faulkingham, Fecteau, Foster, Gifford, Greenwood, Griffin, Haggan, Hall, Hanley, Harrington, Head, Hutchins, Javner, Johansen, Kinney, Kryzak, Lemelin, Libby, Lyford, Lyman, Martin, Mason, Millett, Morris, Nadeau, Newman, O'Connor, Ordway, Parry, Perkins, Pickett, Poirier, Prescott, Quint, Rudnicki, Sampson, Skolfield, Stanley, Stearns, Stetkis, Theriault, Thorne, Tuell, Underwood, Wadsworth, White.

ABSENT - Arata, Bradstreet, Dillingham, Doore, Grignon, Perry, Roche, Terry, Tuttle.

Yes, 80; No, 62; Absent, 9; Excused, 0.

80 having voted in the affirmative and 62 voted in the negative, with 9 being absent, and accordingly the Majority **Ought to Pass as Amended** Report was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (S-210)** was **READ** by the Clerk.

Senate Amendment "A" (S-233) to **Committee Amendment "A" (S-210)** was **READ** by the Clerk and **ADOPTED**.

Committee Amendment "A" (S-210) as Amended by Senate Amendment "A" (S-233) thereto was **ADOPTED**.

Under suspension of the rules the Bill was given its **SECOND READING WITHOUT REFERENCE** to the Committee on **Bills in the Second Reading**.

Under further suspension of the rules the Bill was **PASSED TO BE ENGROSSED** as **Amended by Committee Amendment "A" (S-210) as Amended by Senate Amendment "A" (S-233)** thereto in concurrence.

Majority Report of the Committee on **JUDICIARY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-562)** on Bill "An Act To Change the Standard for Assessing Risk of Serious Harm"

(H.P. 590) (L.D. 785)

Signed:

Senators:

CARNEY of Cumberland
KEIM of Oxford
SANBORN of Cumberland

Representatives:

HARNETT of Gardiner
BABBIDGE of Kennebunk
EVANGELOS of Friendship
MORIARTY of Cumberland
RECKITT of South Portland
SHEEHAN of Biddeford

Minority Report of the same Committee reporting **Ought Not to Pass** on same Bill.

Signed:

Representatives:

HAGGAN of Hampden
LIBBY of Auburn
POIRIER of Skowhegan
THORNE of Carmel

Representative NEWELL of the Passamaquoddy Tribe - of the House - supports the Majority **Ought to Pass as Amended by Committee Amendment "A" (H-562)** Report.

READ.

Representative HARNETT of Gardiner moved that the House **ACCEPT** the Majority **Ought to Pass as Amended** Report.

The SPEAKER: The Chair recognizes the Representative from Hampden, Representative Haggan.

Representative **HAGGAN**: Thank you, Mr. Speaker, Ladies and Gentlemen of the House. We should as a state apply the highest form of standard for involuntary incarceration. This bill will expand the definition of likelihood of serious harm. The amendment to this bill revises the standard for a law enforcement officer to take a person into personal custody. Current law is based on the law enforcement officers having probable cause to believe that a person may be mentally ill and because of that condition, presents a threat of imminent and substantial physical harm to the person or to another person. This amendment changes that standard to the law enforcement officers having probable cause to believe that a person is mentally ill and due to that condition the person poses a likelihood of serious harm.

Testimony in committee went as such; that the bill raises constitutional concerns, involuntary commitments involve a balance between the individual's constitutional liberty interests and the government's interest in protecting both individuals and the public. The U.S. Supreme Court has found that mental illness alone is insufficient to deprive an individual of this liberty and there is no constitutional basis for confining such persons involuntarily if they are a dangerous to themselves or someone else. As mentioned earlier, as a state, we should apply the highest form of standard for involuntary incarceration and this bill doesn't do that. Thank you.

The SPEAKER: The Chair recognizes the Representative from Bangor, Representative Cardone.

Representative **CARDONE**: Thank you, Mr. Speaker. As the sponsor of this bill, I rise to disagree with my good friend, the Representative from Hampden, as to the scope and operation of this bill. This bill involves involuntary commitments whereby someone who may be mentally ill is taken to a hospital or

emergency room for an evaluation. All this committee amendment does is align two different standards that are currently in the bill and make the standard the same. Right now, in order for a police officer to take someone into custody for a mental health evaluation, the police officer has to believe that there's probable cause to present a threat of imminent and substantial harm to that person or to other persons. That standard is different from the standard that a mental health professional uses to evaluate whether or not someone poses a serious risk of harm. And there are several pieces to that second standard. I'm not going to review them here on the floor, but there are several pieces. All this bill does is take away the language of that police officer standard and say that the police officer has to have probable cause to believe that the standard referred to elsewhere in the bill can be met. It's just aligning the two standards. That's all it does, it doesn't apply two different standards any longer to two different situations involving the same person and their same state of mind. In order to make the bill clearer, make the standards clearer, and to allow police officers to act using the same standards as mental health officials in dealing with persons who may be mentally ill. I'd ask that you follow my light and pass this bill.

Representative HAGGAN of Hampden **REQUESTED** a roll call on the motion to **ACCEPT** the Majority **Ought to Pass as Amended** Report.

More than one-fifth of the members present expressed a desire for a roll call which was ordered.

The SPEAKER: The Chair recognizes the Representative from Skowhegan, Representative Poirier.

Representative **POIRIER**: Thank you, Mr. Speaker, and I do rise in opposition to the pending motion. Disability Rights and the ACLU both testified in opposition to this bill. The Department of Health and Human Services also testified with concerns about the constitutionality of the bill. This bill allows a person's treatment history and behavior to be used to determine the likelihood of serious harm when recommending hospitalization. In the case of *Addington v. Texas* in 1979, the court has held that due process requires clear and convincing evidence as a standard of proof in civil proceedings. This brings into question the constitutionality of the likelihood of serious harm provision in this bill. This bill ultimately allows a person to be committed based on concerns of years past. To put it plainly, if a person was suicidal five years ago and exhibited signs of depression now, this bill would allow involuntary hospitalization based on that suicidal thought five years ago, even if they're not technically suicidal now. Think about that. The fiscal impact of this bill is not clear, either. We have no way to predict how many people could be hospitalized, but for easy math's sake, one person hospitalized is \$1,522.50 per day. If a person is hospitalized for a full year, that's \$555,712.50 per year per person. So, I ask you to join me and oppose the pending motion.

The SPEAKER: The Chair recognizes the Representative from Bangor, Representative Cardone.

Representative **CARDONE**: Thank you again, Mr. Speaker. I rise to respond to the remarks given by the Good Representative from Skowhegan. With all due respect, those remarks are relevant and accurate to the original bill as that bill was posed. The bill went through a significant amendment by the committee and an amendment that was worked on by the Disability Rights Center and was worked on also by the mental health providers. And, ultimately, those two groups came together, came to a consensus, and offered what we now have before us as a committee amendment that was adopted by the committee. Thank you, Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Bangor, Representative Roeder.

Representative **ROEDER**: Thank you, Mr. Speaker. I rise in support of this bill. I co-sponsored it and just wanted to share a little bit of personal information. This particular bill, even as amended, had it been in effect in my home state where my cousin fell through the cracks, my great-aunt might have been saved. She was murdered by her son, who was not caught by the system. He fell through the cracks and, as such, his life and my great-aunt's life were ruined, and that's why I decided to co-sponsor this bill and still support it. Thank you.

The SPEAKER: A roll call has been ordered. The pending question before the House is Acceptance of the Majority Ought to Pass as Amended Report. All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 251

YEA - Alley, Arford, Babbidge, Bailey, Bell, Berry, Blume, Brennan, Brooks, Bryant, Caiazzo, Cardone, Cloutier, Collings, Copeland, Crafts, Craven, Crockett, Cuddy, Dodge, Doudera, Dunphy, Evangelos, Evans, Fay, Geiger, Gere, Gramlich, Grohoski, Harnett, Hasenfus, Hepler, Hymanson, Kessler, Landry, Lookner, Madigan, Martin J, Martin R, Mathieson, Matlack, McCreia, McCreight, McDonald, Melaragno, Meyer, Millett, Morales, Moriarty, Newman, O'Connell, O'Neil, Osher, Paulhus, Pebworth, Perry, Pierce, Pluecker, Reckitt, Rielly, Riseman, Roberts, Roeder, Sachs, Salisbury, Sharpe, Sheehan, Stover, Supica, Sylvester, Talbot Ross, Tepler, Tucker, Warren C, Warren S, White, Williams, Wood, Zager, Zeigler, Mr. Speaker.

NAY - Andrews, Austin, Bernard, Bickford, Blier, Carlow, Carmichael, Cebra, Collamore, Connor, Corey, Costain, Dolloff, Downes, Drinkwater, Ducharme, Faulkingham, Fecteau, Foster, Gifford, Greenwood, Griffin, Haggan, Hall, Hanley, Harrington, Head, Hutchins, Javner, Johansen, Kinney, Kryzak, Lemelin, Libby, Lyford, Lyman, Martin, Mason, Millett, Morris, Nadeau, O'Connor, Ordway, Parry, Perkins, Pickett, Poirier, Prescott, Quint, Rudnicki, Sampson, Skolfield, Stanley, Stearns, Stetkis, Theriault, Thorne, Tuell, Underwood, Wadsworth, White.

ABSENT - Arata, Bradstreet, Dillingham, Doore, Grignon, Perry, Roche, Terry, Tuttle.

Yes, 81; No, 61; Absent, 9; Excused, 0.

81 having voted in the affirmative and 61 voted in the negative, with 9 being absent, and accordingly the Majority **Ought to Pass as Amended** Report was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (H-562)** was **READ** by the Clerk and **ADOPTED**.

Under suspension of the rules the Bill was given its **SECOND READING WITHOUT REFERENCE** to the Committee on **Bills in the Second Reading**.

Under further suspension of the rules the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (H-562)** and sent for concurrence.

Majority Report of the Committee on **TAXATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-564)** on Bill "An Act To Combat Hunger by Creating a Tax Credit of 10 Percent of Wholesale Market Prices up to \$5,000 Annually for Businesses Engaged in Food Production for Donations of Food to Tax-exempt Organizations"

(H.P. 183) (L.D. 262)

Signed:
Senators:

CHIPMAN of Cumberland
LIBBY of Androscoggin

Representatives:

TERRY of Gorham
COLLINGS of Portland
GRAMLICH of Old Orchard Beach
MATLACK of St. George
PERRY of Bangor
SACHS of Freeport

Minority Report of the same Committee reporting **Ought Not to Pass** on same Bill.

Signed:

Representatives:

BICKFORD of Auburn
CARMICHAEL of Greenbush
HANLEY of Pittston
KRYZAK of Acton

READ.

On motion of Representative SACHS of Freeport, the Majority **Ought to Pass as Amended** Report was **ACCEPTED**. The Bill was **READ ONCE**. **Committee Amendment "A" (H-564)** was **READ** by the Clerk and **ADOPTED**.

Under suspension of the rules the Bill was given its **SECOND READING WITHOUT REFERENCE** to the Committee on **Bills in the Second Reading**.

Under further suspension of the rules the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (H-564)** and sent for concurrence.

By unanimous consent, all matters having been acted upon were **ORDERED SENT FORTHWITH**.

CONSENT CALENDAR

First Day

In accordance with House Rule 519, the following items appeared on the Consent Calendar for the First Day:

(S.P. 424) (L.D. 1318) Bill "An Act To Increase High School Graduation Rates for Students Experiencing Education Disruption" Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-246)**

(H.P. 1273) (L.D. 1718) Bill "An Act To Establish the Accidental Drug Overdose Death Review Panel" (EMERGENCY) Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass**

(H.P. 200) (L.D. 284) Bill "An Act To Provide That Inspections of New Motor Vehicles Are Valid for 2 Years" Committee on **TRANSPORTATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-566)**

(H.P. 967) (L.D. 1311) Bill "An Act Regarding the State Employee Health Commission" Committee on **HEALTH COVERAGE, INSURANCE AND FINANCIAL SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-565)**

(H.P. 1170) (L.D. 1573) Bill "An Act To Implement the Recommendations of the Commission To Study Long-term Care Workforce Issues" (EMERGENCY) Committee on **HEALTH**

AND HUMAN SERVICES reporting **Ought to Pass as Amended by Committee Amendment "A" (H-563)**

Under suspension of the rules, Second Day Consent Calendar notification was given.

There being no objection, the Senate Paper was **PASSED TO BE ENGROSSED as Amended** in concurrence and the House Papers were **PASSED TO BE ENGROSSED** or **PASSED TO BE ENGROSSED as Amended** and sent for concurrence.

By unanimous consent, all matters having been acted upon were **ORDERED SENT FORTHWITH**.

ENACTORS

Emergency Measure

An Act To Repeal the Pesticide Container Fee and the Tick Laboratory and Pest Management Fund
(S.P. 141) (L.D. 808)
(C. "A" S-217)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 112 voted in favor of the same and 2 against, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

Emergency Measure

An Act To Protect Data Privacy and Security in Elections
(H.P. 672) (L.D. 916)
(C. "A" H-513)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 100 voted in favor of the same and 17 against, and accordingly the Bill **FAILED PASSAGE TO BE ENACTED** and was sent to the Senate.

Emergency Measure

An Act Regarding Winter Maintenance on Private Roads in the Town of Windham
(H.P. 1278) (L.D. 1723)
(H. "A" H-526 to C. "A" H-503)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 106 voted in favor of the same and 7 against, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

Emergency Measure

An Act To Create the Belgrade Water District
(H.P. 1281) (L.D. 1731)
(C. "A" H-517)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 110 voted in favor of the same and 0 against, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

Emergency Measure

Resolve, Directing the Department of Education and the Department of Health and Human Services To Study a Centralized Billing Process for Developmental and School-based Services Covered by the MaineCare Program and Other Insurers and Report on Updates to the Child Find Process
(H.P. 91) (L.D. 135)
(C. "A" H-496)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 107 voted in favor of the same and 3 against, and accordingly the Resolve was **FINALLY PASSED**, signed by the Speaker and sent to the Senate.

Emergency Measure

Resolve, Directing the Department of Education To Develop a Plan for the Provision of Early Intervention Services
(H.P. 176) (L.D. 255)
(C. "A" H-504)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 103 voted in favor of the same and 11 against, and accordingly the Resolve was **FINALLY PASSED**, signed by the Speaker and sent to the Senate.

Emergency Measure

Resolve, Directing the Department of Education To Establish the Process for Transitioning the Provision of Early Childhood Special Education Services for Children with Disabilities from 4 Years of Age to under 6 Years of Age from the Regional Child Development Services System to School Administrative Units
(H.P. 270) (L.D. 386)
(C. "A" H-506)

Was reported by the Committee on **Engrossed Bills** as truly and strictly engrossed.

Representative DUNPHY of Old Town **REQUESTED** a roll call on **FINAL PASSAGE**.

More than one-fifth of the members present expressed a desire for a roll call which was ordered.

On further motion of the same Representative, **TABLED** pending **FINAL PASSAGE** and later today assigned. (Roll Call Ordered)

Acts

An Act To Support the Trades through a Tax Credit for Apprenticeship Programs
(S.P. 102) (L.D. 241)
(C. "A" S-238)

An Act To Set a Minimum Wage for School Support Staff
(H.P. 539) (L.D. 734)
(C. "A" H-135)

An Act Regarding Sentencing Options for a Person Convicted of a Crime Committed While Serving a Term of Imprisonment
(S.P. 109) (L.D. 801)
(C. "A" S-242)

An Act To Improve Affordable Housing Options and Services To Address Homelessness
(S.P. 305) (L.D. 953)
(C. "A" S-237)

An Act To Create an Access to Justice Income Tax Credit
(H.P. 724) (L.D. 978)
(C. "A" H-497)

An Act To Support Arrearage Management Programs through Unused Kilowatt-hour Credits Derived from Net Energy Billing Arrangements
(H.P. 763) (L.D. 1025)
(C. "A" H-509)

An Act To Reduce Property Taxes for Maine Residents
(S.P. 339) (L.D. 1071)
(C. "A" S-235)

An Act To Support the Continued Access to Solar Energy and Battery Storage by Maine Homes and Businesses
(S.P. 361) (L.D. 1100)
(C. "A" S-229)

An Act To Improve Access to HIV Prevention Medications
(S.P. 378) (L.D. 1115)
(C. "A" S-239)

An Act To Require Vehicle Safety within the Funeral Industry
(H.P. 889) (L.D. 1214)
(C. "A" H-516)

An Act To Add a Faculty Member and Nonfaculty Staff Member to the Board of Trustees of the University of Maine System
(H.P. 919) (L.D. 1253)
(C. "A" H-508)

An Act Regarding Controlled Entry Areas within Retail Marijuana Stores
(H.P. 1050) (L.D. 1434)
(C. "A" H-514)

An Act To Provide Fairness in Communications from Pharmacy Benefits Managers
(H.P. 1066) (L.D. 1450)
(C. "A" H-493)

An Act To Provide Climate Change Transition Assistance for Maine's Energy-intensive Businesses
(H.P. 1159) (L.D. 1554)
(C. "A" H-510)

An Act To Strengthen Maine's Agriculture, Food and Forest Economy
(H.P. 1162) (L.D. 1565)
(C. "A" H-520)

An Act To Investigate Perfluoroalkyl and Polyfluoroalkyl Substance Contamination of Land and Groundwater
(H.P. 1189) (L.D. 1600)
(C. "A" H-494)

An Act To Implement the Recommendations of the Committee To Study the Feasibility of Creating Basic Income Security
(H.P. 1192) (L.D. 1603)
(C. "A" H-495)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed, **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

Resolves

Resolve, Directing the Board of Pesticides Control To Gather Information Relating to Perfluoroalkyl and Polyfluoroalkyl Substances in the State

(H.P. 185) (L.D. 264)
(C. "A" H-522)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed, **FINALLY PASSED**, signed by the Speaker and sent to the Senate.

By unanimous consent, all matters having been acted upon were **ORDERED SENT FORTHWITH**.

The following items were taken up out of order by unanimous consent:

UNFINISHED BUSINESS

The following matter, in the consideration of which the House was engaged at the time of adjournment Thursday, June 10, 2021, had preference in the Orders of the Day and continued with such preference until disposed of as provided by House Rule 502.

HOUSE DIVIDED REPORT - Majority (9) **Ought Not to Pass** - Minority (4) **Ought to Pass as Amended by Committee Amendment "A" (H-229)** - Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** on Bill "An Act To End the Maine Information and Analysis Center Program"

(H.P. 938) (L.D. 1278)

TABLED - June 2, 2021 (Till Later Today) by Representative WARREN of Hallowell.

PENDING - **ACCEPTANCE OF EITHER REPORT**.

Representative WARREN of Hallowell moved that the House **ACCEPT** the Minority **Ought to Pass as Amended Report**.

Representative PICKETT of Dixfield **REQUESTED** a roll call on the motion to **ACCEPT** the Minority **Ought to Pass as Amended Report**.

More than one-fifth of the members present expressed a desire for a roll call which was ordered.

The SPEAKER: The Chair recognizes the Representative from East Dixfield, Representative Pickett.

Representative **PICKETT**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House, I rise in opposition to the pending motion. I'd like to start by asking the following questions. Are Maine people, its institutions and communities safer when law enforcement and public safety agencies are less informed? If police agencies fail to collaborate and cooperate with one another and are unable to put pieces of information from multiple sources and weave them all together to develop significant indicators of criminalistic intent, are we safer as a state? Do you expect law enforcement officers to partner together in an effort to proactively police, resulting in the prevention of crime in our communities or wait until it's too late and respond after the devastation has already occurred? After the tragic events of September 11, 2001, the 9/11 Commission Report recognized a commission gap between law enforcement agencies and a lack of effective information-sharing efforts. Fusion centers like the MIAC were created to fill that gap. They play a significant role in supporting both criminal and terroristic investigations due to their ability to act as a conduit between various law enforcement partners. By not communicating developing information with each other on that day, and for years before, law enforcement and government agencies

neglected to identify the emerging threat. Had they communicated clearly with each other and shared developing information, they could have detected and possibly prevented the attack. As a result, fusion centers were created to serve a critical role in identifying, investigating, analyzing and sharing emerging threat-related information in an efficient and effective manner.

Every state in the country has at least one fusion center. The fusion centers are part of an important nationwide information-sharing network that ensures a variety of threats affecting Mainers are communicated quickly and efficiently. If Maine were to lose its fusion center, it would set Maine back decades by losing the ability to receive and share that information. We would become siloed, cut off from the rest of the country. Said another way, Mr. Speaker, Maine's network would go dark. Additionally, we would weaken the entire safety net by eliminating a critical piece of the nationwide network. Any chain is only as strong as its weakest link. Please don't forget to remember that some of the terrorists that executed the attack on the Twin Towers on that fateful day traveled through Maine. Public safety is improved when law enforcement, public safety and private sector partners share information and communicate frequently. History has taught us that attacks such as the 9/11 terrorist attacks can occur where there is a failure to share information. Many times, failures by the public safety and government agencies to adequately prevent and respond to violence and crime can be traced to a breakdown in information sharing and a lack of communication. This information-sharing process is crucial to ensuring that those charged with protecting our communities have the best, most recent intelligence. The concept of information sharing is not new in law enforcement and public safety. It builds upon a time-tested concept that has been used by Maine law enforcement agencies to keep Maine safe. This information-sharing process is vital to ensuring that those charged with protecting our communities are better informed so our citizens and institutions will be better protected. Significant progress has been made since 9/11 on the sharing of information between federal, state, county and local law enforcement agencies. Our committee has had an opportunity to extensively review MIAC's operations, policies, procedures and the budget through various work sessions and public hearings. The Department of Public Safety has answered all of our questions and have provided all records that we have requested. We've not seen any evidence to support the claims others are making. The MIAC operates under multiple layers of federal and state oversight and regulation to include annual privacy audits. Its activities are overseen by an advisory board comprised of members from the private sector, Attorney General's office, law enforcement, emergency management and Homeland Security community. Much of what has been said about MIAC is simply not true, Mr. Speaker. We've heard from others telling stories about activities occurring in other states, but not Maine. Claims have also been made based on lawsuits alleging the illegal collection and storage of data. Those claims have been dismissed in federal court. We should not be basing public decisions that will jeopardize public safety on incorrect information.

Another complaint raised was that the MIAC monitored incident groups of people on their social media platforms, infringing on their rights. The truth, however, is that MIAC simply assisted law enforcement operations surrounding the demonstrations and protests that were occurring around our great state that led to multiple burglaries and the destruction of property in some of our cities. Some of the same groups were part of the national protests that led to murder of officers and

other citizens and the immeasurable massive destruction of property. Did not we expect law enforcement to be prepared to ensure the safety of the demonstrators who were exercising their rights? As a former police chief, I was expected to plan for the safety of the public during any events, whether it was a parade in town or a protest. In an effort to properly execute my duties, I needed information. Things like the number of attendees, where they would be located, if roads needed to be closed and traffic rerouted, what the duration of the event might be and certainly if there were any indicators that there may be groups with opposing viewpoints. My job was to protect the public and without any information, I would not be able to meet that end. Don't we expect our law enforcement to be able to properly plan for the safety of an event? We would be the first ones to criticize law enforcement, Mr. Speaker, if there was a demonstration of 10,000 people with extremely opposing viewpoints that broke out into a melee resulting in injuries, death, and the destruction of property and we later found out that law enforcement were aware that the protest was to occur but only assigned a lone patrol officer to that event. At the public hearing on this bill, there was a broad support for the MIAC from a variety of agencies at the federal, state, local and private level. They talked about the importance of this unit, for the public safety. These agencies included Maine Sheriff's Association, Maine Chiefs of Police Association, Maine Warden Service, Adjutant General Farnham, Maine's Homeland Security advisor, Federal Bureau of Investigation, Maine Emergency Management Agency and the MIAC advisory board by unanimous approval of the members. By all accounts, our State is one of the safest in the country, with one of the lowest crime rates. We value our way of life. This is due in large part to the professionalism and the hard work of our law enforcement agencies in Maine communicating and sharing information. MIAC is an important part of that process, Mr. Speaker. Some are advocating that we take funding from the MIAC and spend on other programs. We can all agree on the importance of increased access and resources for social services like substance abuse disorder services and mental health treatment. However, these approaches must be done in combination with, not at the expense of, public safety. We should not be digging one hole to fill another, Mr. Speaker. I ask that you consider what is right for Maine and the people who live, visit and work here. Please ask yourself again whether Maine people and its communities are safer when law enforcement is less informed.

I'd like to read one incident of what MIAC has done here in Maine. Individuals contemplating criminal activity will often engage in observed behaviors reasonably indicative of crime, many times posting this online via various social media platforms for the public to see. When these behaviors are reported from the community or members of the public in the form of suspicious activity or tips and leads, they must be properly analyzed and shared when appropriate. Often, individual pieces of standalone information may seem relatively benign but when brought together with other relevant information by trained analysts, it paints a much clearer picture of a criminal intent. As a project of its national threat assessment center, the U.S. Secret Service analyzed 67 plots to commit school shootings that were averted and it found that in 63 of those plots, 94% the students had shared their plans with someone and nearly half had documented their ideas in writing it online. Please, Mr. Speaker, follow my light and reject this motion so that MIAC can continue to help preserve our way of life in Maine by making sure our police agencies are informed and have the tools to do their job. Thank you, Mr. Speaker, and I ask to have the Clerk read the report

Representative PICKETT of Dixfield **REQUESTED** that the Clerk **READ** the Committee Report.

The Clerk **READ** the Committee Report in its entirety.

The **SPEAKER**: The Chair recognizes the Representative from Augusta, Representative Fecteau.

Representative **FACTEAU**: Mr. Speaker, Ladies and Gentlemen of the House, I first wish to begin by saying that I fully believe that the State of Maine has the nation's greatest law enforcement officers. The problems and scourges in the rest of the nation often do not trickle into our great state. That is in part due to our fantastic state, county and municipal police officers. The sharing of domestic intelligence for imminent threats and interdiction can be a wonderful thing. This allows international police agencies to share information with our border patrol agents and municipal officers, for example, to conduct serious public safety missions. However, this is one small portion of the national fusion center mission. Our State resources are being used as collection agents for the globalized databasing of the activities of law-abiding Americans. I love our State police and law enforcement, but they are not in control of the ship, and to no fault of their own. This ship is steered by our nation's surveillance state, whose mission is unconstitutional, in my opinion. The creation of fusion centers by the federal government's redundant department of redundancy, also known as the Department of Homeland Security, is a schizophrenic and paranoid relic of the surveillance globalists who ushered in the greatest attack on our nation's Fourth Amendment to include the national ID, Patriot Act and TSA. And, moreover, the Department of Homeland Security purposefully incentivized these fusion centers and set them up without the same checks and balances that U.S. Congress is afforded with similar classified activities. Congress has classified briefings on sensitive materials but the feds have not afforded us the same. When I spoke with the Representative from Hallowell months ago and then with a constituent, I said I wasn't interested in ending MIAC but I was interested in similar oversight that I just mentioned. But what I found out is that our State does not have the authority to grant federal clearances to ensure there is an appropriate oversight at the state echelon of responsibility.

As an avid Ron Paul supporter in 2012, I was perhaps placed on a watchlist by a fusion center. That's because a Missouri fusion center tied Ron Paul supporters and libertarians to the modern militia movements which suggested the supporter group was filled with violent, anti-government extremists. Another fusion center concluded that student groups at historically black colleges were breeding grounds of terrorism. All of this was and is rubbish. This Red Scare type of paranoia creates environments where lawful activities of Americans can be collected, catalogued and even acted upon. And I speak today with at least some authority. I was an intelligence analyst during my time in the U.S. Army where I deployed twice to Iraq and held a very high security clearance and we tracked everyone and everything in a fusion style center. But, let me be clear, the collection, databasing, and the use of actionable intelligence on non-Americans is something I fully support. We tracked lots of targets that kept U.S. interests safe without compromising American constitutional liberties. What I don't support is a perversion of Executive Order 12333 by President Ronald Reagan, EO-12333 separated intelligence authorities and helped protect Americans from similar East German-style domestic spying. That Executive Order is still used and referenced today. Some will construe this as a police matter; it is not. This is a matter of U.S. intelligence on Americans without appropriate oversight. There are nuggets of police matters shared with local fusion centers in exchange for the collection

and dissemination of domestic intelligence data to unknown agencies and departments. Until our federal government respects our right to proper government oversight, I cannot support a wing of the intelligence apparatus to possibly be used on every day, law-abiding Mainers. Bring this Body a bill of that nature and I'll support it immediately. Thank you.

The SPEAKER: The Chair recognizes the Representative from Paris, Representative Andrews.

Representative **ANDREWS**: Thank you, Mr. Speaker. George Orwell wrote in his most famous work; thought crime was not a thing that could be concealed forever. You might dodge it successfully for a while or even years but sooner or later they were bound to get you. The year may be 2021 but we continue to find ourselves moving towards a perpetual Orwellian 1984. The Maine Information and Analysis Center is evidence of that. Americans were not meant to live in a cage bound by their own government, to only exist to pay taxes and be spied upon in the name of security. The Bill of Rights restricts government power and its endless quests for expansion. In fact, the first, third, fourth and fifth amendments all protect Americans' inherent right to privacy. Furthermore, the Ninth Amendment doubles down on Americans' right to privacy even outside of the constitution. Quote, the enumeration in a constitution of certain rights shall not be construed to deny or disparage others retained by the people.

Americans' right to privacy are explicitly clear and fundamental. They always have been and that has not changed. Having a state-run mass surveillance operations center whose activities can neither be confirmed nor denied is a danger to all of our civil rights. We must push back and keep government power in check. We do not need illegal databases of law-abiding gun owners. Let me say that again, Mr. Speaker; we do not need illegal databases of law-abiding gun owners or secret data collection of citizens living within the law. Most importantly, security should never be weaponized against American citizens. It must never be a binary choice between liberty or security. Because if it is, then we shall have neither. Federal, state, and local government agencies working together to amass surveillance, data mine, and track social media traffic against unaware and lawful citizens is wrong. It's illegal and dangerously close to, you show me the man, I'll show you the crime ethos of the dark days of Stalinism. On top of that, why is the Maine Information and Analysis Center feeding this intelligence to corporations and their executives? Especially when that intelligence, oftentimes illegally collected, is on potential political opponents. Opponents who are exercising their First Amendment freedoms of association and free speech only to have them usurped by the omnipotent surveillance state. I urge you to follow my light and add your voice to protect our sacred liberty, privacy, and American birthright to be secure in our persons, houses, papers, effects and against unreasonable searches. Thank you, Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Presque Isle, Representative Underwood.

Representative **UNDERWOOD**: Thank you, Mr. Speaker and Ladies and Gentlemen of the 130th Legislature. Everybody in this room should ask themselves one question; is this an attempt to defund our police force? Thank you, Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Friendship, Representative Evangelos.

Representative **EVANGELOS**: Thank you, Mr. Speaker, Men and Women of the House. I rise in support of the pending motion. The Good Representative from Dixfield is partially right; these fusion centers were created around the country to combat

the threat the country was potentially going to experience from foreign-based terrorism. However, the fusion centers have suffered from serious mission creep and last year the Criminal Justice Committee and the Judiciary Committee held joint hearings in reference to that and we questioned Commissioner Sauschuck extensively about that and to an extent he told us about the mission creep and the different legal activities which had come under scrutiny. So, what started out as a good effort to protect the country has now morphed into questionable intelligence and spying activities against legally-protected activities. And what are those rights? The right to peaceably assemble and redress our grievances. The guaranteed Fourth Amendment protection rights against unreasonable search and seizures. And who did the fusion center turn its attention to in engaging of these activities? The Seeds of Peace, a group of children from Palestine and Israel, peace activists who are simply demonstrating against war, and folks who were legally demonstrating against the powerline in Western Maine. That's just a few. And, you know, but for a state trooper and a research organization who came forward and revealed these activities to all of us, we wouldn't know today. So, you know, it boils down to something, what Benjamin Franklin said; what kind of a country do you want to live in? And the Representative from Paris is right, you know, this is something out of George Orwell and this is not the kind of society that Americans stand for. So, I'm urging all of you to support the pending motion. Thank you, Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from East Machias, Representative Tuell.

Representative **TUELL**: Thank you, Mr. Speaker. I rise in opposition to this whole motion and support my good friend from Dixfield, who is a lifelong officer who's been dedicated to protecting and serving our State through every phase and every fad and every generation that has come forward in the last several decades. I think there are many officers out there who are frustrated, tired, questioning, disheartened by some of the things they're hearing in this building and around the state and beyond. So, I just want to say that I don't wish to be associated with that and will be opposing the motion before us. Thank you, Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Sanford, Representative Harrington.

Representative **HARRINGTON**: Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I rise in opposition to the pending motion. After 9/11, I think we all said never forget and I think this legislation is a clear indication that we are starting to forget what can happen if we don't share information. I personally see the MIAC bulletins every day at the start of my shift and I'm hearing a lot of conspiracy theories here, but by and large we basically share pictures of criminal suspects or vehicles that were used in a crime to try to identify. You know, my department has 24 people, you know, with these bulletins, you know, we've become basically one police department for information sharing and it's very critical. I've used it to help solve cases, my department has used it many times to solve cases. To compare this to George Orwell, I think is laughable and thank you, Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Winter Harbor, Representative Faulkingham.

Representative **FAULKINGHAM**: Thank you, Mr. Speaker. I rise in support of the pending motion and thank God for the courage of the state police whistleblower who revealed the inappropriate activity of MIAC. I wanted to point out that this bill has a \$1.8 billion de-appropriation for a fiscal note. So not

only is this a fiscally responsible bill, but it is morally and constitutionally right to pass this motion.

The SPEAKER: The Chair recognizes the Representative from Hallowell, Representative Warren.

Representative **WARREN**: Thank you, Mr. Speaker. Mr. Speaker, Women and Men of the House, let me be clear; we must invest in public safety. We all want our communities to be safe. But it is also our job, it is our responsibility to decide when not to spend our constituents' hard-earned tax dollars on initiatives that are wasteful. Mr. Speaker, the Criminal Justice and Public Safety Committee along with the Judiciary Committee has spent hours, literally hours, trying to ascertain what the MIAC does to make Mainers safer. We got a long list of what the MIAC doesn't do, but no metric to measure its effectiveness. When the director, Lieutenant Johnston, was asked publicly, and I quote; what service does the center provide that other agencies don't already do? Lieutenant Johnston deferred to the other agencies to answer the question. He said, and I quote; I think that question is better asked of the people we partner with and we try to serve on a daily basis, the law enforcement agencies that utilize us, the public and private sector entities that we partner with, unquote. To my way of thinking, recipients of Maine government funding better be able to prove to taxpayers that what they are doing is worth the money. Said another way; if you are a public safety agency that cannot answer the question of how you create public safety, you shouldn't receive government dollars.

There also exists three other troubling words in Lieutenant Johnston's response; private sector entities. Why are we using Maine citizens' hard-earned dollars to pay the state police to gather data on those citizens? Citizens who are not committing crimes, citizens who are not even suspected of committing crimes, and then take that information and report it to private sector corporate executives. As has been widely reported and talked about here, a Maine State Trooper is suing the MIAC and its supervisors. He states that he was demoted after he told his bosses that the MIAC was illegally collecting and maintaining data, including a gun registry and information on citizens lawfully protesting. Or, said another way, Mainers expressing their First Amendment freedoms. Among other allegations, the Maine State Trooper says that the MIAC illegally gathered and kept information gleaned from social media about Maine citizens who legally protested against CMP's proposed transmission corridor. Shortly after those allegations came to light, there was a very large data breach and it included the trove of documents that was MIAC's email distribution list. Through the data breach, we learned that the MIAC sends intelligence reports to corporate executives and security officials at major corporations or interests or operations in Maine including Avangrid, Central Maine Power's parent company, Exxon Mobile, Bath Iron Works, Emera Maine, Smith and Wesson, Nestle Waters North America, Sinclair Research, Verizon, Sprague Energy, Irving Oil, Maine Medical Center, Portland Pipeline Company, Lockheed Martin and the list goes on.

Why are we billing Maine taxpayers to pay our State police to collect information and report it to corporations? Do you think that your constituents would think that that's a good use of their money? Last summer during our joint hearings with the Judiciary Committee, former Senator and now Maine Secretary of State Shenna Bellows asked Public Safety, Commissioner Sauschuck, quote, what percentage of the fusion center time is being spent collecting information on groups that have never been involved in criminal activity? Commissioner Sauschuck answered, and I quote, I don't have specific percentages on their work product. We can try to drill down on that. And I don't know

about you, Mr. Speaker, but I really wanted that answer to be an unequivocal zero percent. I wanted Commissioner Sauschuck to tell all of us present, 26 lawmakers present, that we're trying to get a handle on this, I wanted him to say that zero percent of the time was spent collecting information on Maine citizens that have never been involved in criminal activity and I bet all of our constituents wanted that too.

Finally, Mr. Speaker, Maine lawmakers are not alone in our interest in the fusion center. Under the leadership of Republican Senator Tom Coburn, the permanent subcommittee on investigations spent two years examining federal support of fusion centers and evaluating the resulting counterterrorism intelligence. The subcommittee's investigation included interviewing dozens of current and former federal, state, and local officials, reviewing more than a year's worth of intelligence reporting from the fusion centers, conducting a nationwide survey of fusion centers, and examining thousands of pages of financial records and grant documentation. The subcommittee found, and I quote, the fusion centers forwarded intelligence of uneven quality, oftentimes shoddy, rarely timely, sometimes endangering citizens' civil liberties and Privacy Act protections, occasionally taken from already published public sources and, more often than not, unrelated to terrorism. Mr. Speaker, let's not continue to waste our taxpayers' hard-earned dollars on wasteful programs. I ask that folks in this chamber follow my light. Thank you.

The SPEAKER: A roll call has been ordered. The pending question before the House is Acceptance of the Minority Ought to Pass as Amended Report. All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 252

YEA - Alley, Andrews, Arford, Babbidge, Bailey, Bell, Berry, Blume, Brennan, Brooks, Bryant, Cloutier, Collamore, Collings, Copeland, Crafts, Craven, Crockett, Cuddy, Dodge, Doudera, Dunphy, Evangelos, Evans, Faulkingham, Fay, Fecteau, Geiger, Gere, Gramlich, Greenwood, Grohoski, Hanley, Harnett, Hasenhus, Hepler, Hutchins, Hymanson, Kessler, Landry, Lemelin, Libby, Lookner, Madigan, Martin, Mathieson, Matlack, McCrea, McCreight, McDonald, Melaragno, Meyer, Millett, Morales, Moriarty, Nadeau, O'Connor, O'Neil, Osher, Paulhus, Peabworth, Perry, Pierce, Pluecker, Quint, Reckitt, Rielly, Riseman, Roberts, Roeder, Sachs, Salisbury, Sampson, Sheehan, Stanley, Stover, Supica, Sylvester, Talbot Ross, Tepler, Thorne, Warren C, Warren S, Williams, Wood, Zager, Zeigler, Mr. Speaker.

NAY - Austin, Bernard, Bickford, Blier, Caiazza, Cardone, Carlow, Carmichael, Cebra, Connor, Corey, Costain, Dolloff, Downes, Drinkwater, Ducharme, Foster, Gifford, Griffin, Haggan, Hall, Harrington, Head, Javner, Johansen, Kinney, Kryzak, Lyford, Lyman, Martin J, Martin T, Mason, Millett, Morris, Newman, O'Connell, Ordway, Parry, Perkins, Pickett, Poirier, Prescott, Rudnicki, Sharpe, Skolfield, Stearns, Stetkis, Theriault, Tucker, Tuell, Underwood, Wadsworth, White B, White D.

ABSENT - Arata, Bradstreet, Dillingham, Doore, Grignon, Perry, Roche, Terry, Tuttle.

Yes, 88; No, 54; Absent, 9; Excused, 0.

88 having voted in the affirmative and 54 voted in the negative, with 9 being absent, and accordingly the Minority **Ought to Pass as Amended Report was ACCEPTED.**

The Bill was **READ ONCE. Committee Amendment "A" (H-229)** was **READ** by the Clerk and **ADOPTED.**

Under suspension of the rules the Bill was given its **SECOND READING WITHOUT REFERENCE** to the Committee on **Bills in the Second Reading.**

Under further suspension of the rules the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (H-229)** and sent for concurrence.

By unanimous consent, all matters having been acted upon were **ORDERED SENT FORTHWITH**.

The SPEAKER: The Chair recognizes the Representative from Kennebunk, Representative Babbidge, who wishes to address the House on the record.

Representative **BABBIDGE**: Thank you, Mr. Speaker. With the exception of Roll Call 231, regarding Roll Calls 227 to 242, including LD 1668, LD 449, LD 95, LD 1621, LD 553, LD 334, LD 1682, LD 1346, LD 1255, LD 847, LD 1100, 1115, and LD 1071; I would have voted yea. Regarding Roll Call 231, LD 1611, I would have voted nay. Thank you, Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Farmington, Representative Landry, who wishes to address the House on the record.

Representative **LANDRY**: Thank you, Mr. Speaker. Mr. Speaker and Men and Women of the House, in reference to Roll Call No. 231, on LD 1611, had I been present, I would have voted yea.

The SPEAKER: The Chair recognizes the Representative from Windham, Representative Corey.

Representative **COREY**: Thank you, Mr. Speaker. I need to record a vote, too, or how I would have voted. I missed my first vote in seven years. Anyways, on Roll Call 245, which was --

The SPEAKER: The Member will defer. Is the Member wishing to request unanimous consent to address the House on the record?

Representative **COREY**: Yes.

The SPEAKER: The Representative from Windham, Representative Corey has requested unanimous consent to address the House on record. Hearing no objection, The Member may proceed on record.

Representative **COREY**: As I said, I'm completely flustered. First vote I've missed in like seven years, so, on Roll Call No. 245, LD 286, I would have voted nay.

The following items were taken up out of order by unanimous consent:

UNFINISHED BUSINESS

The following matter, in the consideration of which the House was engaged at the time of adjournment Thursday, June 10, 2021, had preference in the Orders of the Day and continued with such preference until disposed of as provided by House Rule 502.

SENATE REPORT - **Ought to Pass as Amended by Committee Amendment "A" (S-205)** - Committee on **HEALTH AND HUMAN SERVICES** on Resolve, To Restore the MaineCare Nursing Facility COVID-19 Temporary Rate Increase (EMERGENCY)

(S.P. 301) (L.D. 949)

- In Senate, Unanimous **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Resolve **PASSED TO**

BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-205).

TABLED - June 9, 2021 (Till Later Today) by Representative DUNPHY of Old Town.

PENDING - **ACCEPTANCE OF COMMITTEE REPORT.**

Subsequently, the Unanimous Committee Report was **ACCEPTED.**

The Resolve was **READ ONCE.** **Committee Amendment "A" (S-205)** was **READ** by the Clerk.

Representative MEYER of Eliot **PRESENTED House Amendment "A" (H-572)** to **Committee Amendment "A" (S-205)**, which was **READ** by the Clerk and **ADOPTED.**

Committee Amendment "A" (S-205) as Amended by House Amendment "A" (H-572) thereto was **ADOPTED.**

Under suspension of the rules the Resolve was given its **SECOND READING WITHOUT REFERENCE** to the Committee on **Bills in the Second Reading.**

Under further suspension of the rules the Resolve was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (S-205) as Amended by House Amendment "A" (H-572)** thereto in **NON-CONCURRENCE** and sent for concurrence.

By unanimous consent, all matters having been acted upon were **ORDERED SENT FORTHWITH.**

HOUSE DIVIDED REPORT - Majority (7) **Ought Not to Pass** - Minority (6) **Ought to Pass as Amended by Committee Amendment "A" (H-543)** - Committee on **INNOVATION, DEVELOPMENT, ECONOMIC ADVANCEMENT AND BUSINESS** on Bill "An Act To Require Crane Operators To Be Licensed"

(H.P. 145) (L.D. 210)

TABLED - June 10, 2021 (Till Later Today) by Representative ROBERTS of South Berwick.

PENDING - Motion of same Representative to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report.

Subsequently, the Majority **Ought Not to Pass** Report was **ACCEPTED** and sent for concurrence.

By unanimous consent, all matters having been acted upon were **ORDERED SENT FORTHWITH.**

An Act To Prohibit Contributions, Expenditures and Participation by Foreign Government-owned Entities To Influence Referenda (EMERGENCY)

(S.P. 82) (L.D. 194)

(C. "A" S-125)

TABLED - June 10, 2021 (Till Later Today) by Representative DUNPHY of Old Town.

PENDING - **PASSAGE TO BE ENACTED.**

On motion of Representative GROHOSKI of Ellsworth, the rules were **SUSPENDED** for the purpose of **RECONSIDERATION.**

On further motion of the same Representative, the House **RECONSIDERED** its action whereby the Bill was **PASSED TO BE ENGROSSED.**

The same Representative **PRESENTED House Amendment "A" (H-581)** which was **READ** by the Clerk and **ADOPTED.**

The SPEAKER: The Chair recognizes the Representative from Ellsworth, Representative Grohoski.

Representative **GROHOSKI**: Thank you, Mr. Speaker, Colleagues of the House. I just wanted to inform you that this amendment simply strikes out the emergency preamble and the emergency clause on this bill and nothing more. Thank you.

Representative STETKIS of Canaan **REQUESTED** a roll call on **PASSAGE TO BE ENGROSSED as Amended by Committee Amendment "A" (S-125) and House Amendment "A" (H-581)**.

More than one-fifth of the members present expressed a desire for a roll call which was ordered.

The SPEAKER: The Chair recognizes the Representative from Canaan, Representative Stetkis.

Representative **STETKIS**: Thank you, Mr. Speaker, Men and Women of the House. As I said prior on this bill, this is a jobs-killer. In the future, any businesses that are looking to come to the State of Maine to do business, they're going to see the actions of this Legislature that, you know, we want your business, we want you to create jobs here, but we don't want you to have a voice in our process. Please follow my light and defeat this message.

The SPEAKER: The Chair recognizes the Representative from Dexter, Representative Foster.

Representative **FOSTER**: Thank you, Mr. Speaker. I'd like a pose a question, if I could, through the Speaker?

The SPEAKER: The Member may proceed.

Representative **FOSTER**: Thank you, Mr. Speaker. I'm wondering if anyone who is familiar with this bill can answer the question on whether Sappi, which is a South African-owned company with mills both in Skowhegan and in Westbrook in the State of Maine and a couple others in the country, if they in fact may have 10% ownership of the company by the South African government, including any possible pension plan investments. Thank you, Mr. Speaker.

The SPEAKER: The Representative from Dexter, Representative Foster has posed a question to any member who may care to respond. The Chair recognizes the Representative from Ellsworth, Representative Grohoski.

Representative **GROHOSKI**: Thank you, Mr. Speaker and Fellow House Colleagues. I won't repeat my speech from last week but I would remind people that this bill is not about just companies, it is about foreign government-owned companies and that ownership must be greater than 10%, it could be up to 100%. So, I just wanted to be clear about that and, unfortunately, I didn't have time to Google the situation with Sappi but if they are owned by the South African government, I hope you would agree with me that they should not be interfering in our referendum questions by paying for electioneering. Thank you.

The SPEAKER: A roll call has been ordered. The pending question before the House is Passage to be Engrossed as Amended by Committee Amendment "A" (S-125) and House Amendment "A" (H-581). All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 253

YEA - Alley, Andrews, Arford, Babbidge, Bailey, Bell, Berry, Blume, Brennan, Brooks, Bryant, Carlow, Collings, Copeland, Corey, Crafts, Craven, Crockett, Cuddy, Dodge, Doudera, Dunphy, Evangelos, Evans, Fay, Fecteau, Geiger, Gere, Gramlich, Grohoski, Hall, Harnett, Hasenfus, Hepler, Hymanson, Kessler, Kinney, Kryzak, Landry, Lookner, Madigan, Martin J, Martin R, Mathieson, Matlack, McCrea, McCreight, McDonald, Melaragno, Meyer, Millett, Morales, Moriarty,

O'Connell, O'Neil, Osher, Paulhus, Pebworth, Perry A, Perry J, Pierce, Pluecker, Poirier, Reckitt, Rielly, Riseman, Roberts, Roeder, Sachs, Salisbury, Sharpe, Sheehan, Stover, Supica, Sylvester, Talbot Ross, Tepler, Tuell, Tuttle, Warren C, Warren S, White, Williams, Wood, Zager, Zeigler, Mr. Speaker.

NAY - Austin, Bernard, Bickford, Blier, Caiazzo, Cardone, Carmichael, Cloutier, Collamore, Connor, Costain, Dolloff, Downes, Drinkwater, Ducharme, Foster, Gifford, Greenwood, Griffin, Haggan, Hanley, Harrington, Head, Hutchins, Javner, Johansen, Lemelin, Libby, Lyford, Lyman, Mason, Millett, Morris, Nadeau, Newman, O'Connor, Ordway, Parry, Perkins, Pickett, Prescott, Quint, Rudnicki, Sampson, Skolfield, Stanley, Stearns, Stetkis, Theriault, Thorne, Tucker, Underwood, Wadsworth, White.

ABSENT - Arata, Bradstreet, Cebra, Dillingham, Doore, Faulkingham, Grignon, Martin, Roche, Terry.

Yes, 87; No, 54; Absent, 10; Excused, 0.

87 having voted in the affirmative and 54 voted in the negative, with 10 being absent, and accordingly the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (S-125) and House Amendment "A" (H-581)** in **NON-CONCURRENCE** and sent for concurrence.

By unanimous consent, all matters having been acted upon were **ORDERED SENT FORTHWITH**.

An Act Concerning the Regulation of Air Emissions at Petroleum Storage Facilities (EMERGENCY)

(H.P. 119) (L.D. 163)

(S. "A" S-221 to C. "A" H-441)

TABLED - June 10, 2021 (Till Later Today) by Representative DUNPHY of Old Town.

PENDING - **PASSAGE TO BE ENACTED**. (Roll Call Ordered)

On motion of Representative TUCKER of Brunswick, the House **RECONSIDERED** its action whereby **Committee Amendment "A" (H-441)** was **ADOPTED**.

The same Representative **PRESENTED House Amendment "A" (H-582) to Committee Amendment "A" (H-441)** which was **READ** by the Clerk.

The SPEAKER: The Chair recognizes the Representative from Brunswick, Representative Tucker.

Representative **TUCKER**: This House Amendment strips the emergency title and clause. It does not change the substance of the bill. The bill concerns the regulation of air emissions at petroleum storage facilities. It improves testing and monitoring of emissions using methods used in other states and with more up-to-date technology. As I said, today's House Amendment is simply to strip the emergency clause.

Subsequently, **House Amendment "A" (H-582) to Committee Amendment "A" (H-441)** was **ADOPTED**.

Committee Amendment "A" (H-441) as Amended by House Amendment "A" (H-582) thereto was **ADOPTED**.

The Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (H-441) as Amended by House Amendment "A" (H-582)** thereto in **NON-CONCURRENCE** and sent for concurrence.

By unanimous consent, all matters having been acted upon were **ORDERED SENT FORTHWITH**.

HOUSE DIVIDED REPORT - Report "A" (9) **Ought to Pass as Amended by Committee Amendment "A" (H-530)** - Report "B" (2) **Ought to Pass as Amended by Committee Amendment "B" (H-531)** - Report "C" (2) **Ought Not to Pass** - Committee on **VETERANS AND LEGAL AFFAIRS** on Bill "An Act To Require Election Transparency and Audits"

(H.P. 833) (L.D. 1155)

TABLED - June 10, 2021 (Till Later Today) by Representative CAIAZZO of Scarborough.

PENDING - **ACCEPTANCE OF ANY REPORT.**

Representative CAIAZZO of Scarborough moved that the House **ACCEPT** Report "A" **Ought to Pass as Amended.**

The Bill was **READ ONCE.** **Committee Amendment "A" (H-530)** was **READ** by the Clerk.

Representative GROHOSKI of Ellsworth **PRESENTED House Amendment "A" (H-597) to Committee Amendment "A" (H-530),** which was **READ.**

The **SPEAKER:** The Chair recognizes the Representative from Ellsworth, Representative Grohoski.

Representative **GROHOSKI:** Thank you, Mr. Speaker and my Colleagues in the House. I appreciate the opportunity to speak in support of the pending motion. Public confidence in our elections is of the utmost importance and must be earned, not taken for granted. I personally have great confidence in the election process in Maine because I have worked full days at the polls, hand counted ballots, observed recounts, and done a great deal of research into our systems in order to answer my own and my constituents' questions. It is to our credit that here in Maine we have paper ballots and a robust chain of custody and security system to protect them. Our clerks and their staff take their work very seriously and I am grateful to them for the long days and nights they put in to ensure our elections are successful.

Not all citizens are as aware of how an election works, how they can get involved, and what to do if they have questions or concerns. Thus, the legislation in front of this Body includes components designed to improve citizen understanding of election procedures as well as the process for collecting and using public feedback about elections in Maine. It is important that the State provide easily accessible and understandable information to citizens who may hear conflicting information about how elections work or wonder just how exactly we do things here in Maine compared to other states. It is also critical that the State pilot and prepare for post-election audits that limit the risk of inaccurately certifying an election. Routine audits of any system are important to ensuring that it works as designed, identifying opportunities for improvement, and detecting any abnormalities. Post-election audits are a critical tool that allow election officials to identify and correct tabulation errors, whether those errors are introduced by a malicious actor or by an inadvertent human or technical error.

I am not suggesting that there is something concerning in particular to root out, I am just a big believer in gathering baseline data and making iterative improvements to systems, and elections are no exception to that. Maine has always been a leader in election practice but is one of only six states with no audit provision. We're behind the curve on this. Three states already mandate newer risk-limiting audit methods, with another seven states moving in this direction. It is time for Maine to join them. Because a robust post-election audit requires more than just a visual examination of paper ballots, this bill also introduces procedures to audit the election process including a system of citizen oversight to ensure that elections throughout the state are conducted uniformly and in accordance with state law. Our democracy rests on both the accuracy of our elections and

public confidence in our election results. This bill includes provisions to identify and correct any tabulation errors as well as provisions to enhance transparency. I hope you will agree this amendment will strengthen and protect our elections here in Maine and that this is an investment worth making and join me in supporting the pending motion.

Subsequently, **House Amendment "A" (H-597) to Committee Amendment "A" (H-530)** was **ADOPTED.**

Committee Amendment "A" (H-530) as Amended by House Amendment "A" (H-597) thereto was **ADOPTED.**

Under suspension of the rules the Bill was given its **SECOND READING WITHOUT REFERENCE** to the Committee on **Bills in the Second Reading.**

The Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (H-530) as Amended by House Amendment "A" (H-597)** thereto and sent for concurrence.

By unanimous consent, all matters having been acted upon were **ORDERED SENT FORTHWITH.**

The Chair laid before the House the following item which was **TABLED** earlier in today's session:

Resolve, Directing the Department of Education To Establish the Process for Transitioning the Provision of Early Childhood Special Education Services for Children with Disabilities from 4 Years of Age to under 6 Years of Age from the Regional Child Development Services System to School Administrative Units (EMERGENCY)

(H.P. 270) (L.D. 386)

(C. "A" H-506)

Which was **TABLED** by Representative DUNPHY of Old Town pending **FINAL PASSAGE.** (Roll Call Ordered)

On motion of Representative BRENNAN of Portland, the House **RECONSIDERED** its action whereby the Resolve was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (H-506).**

On further motion of the same Representative, the House **RECONSIDERED** its action whereby **Committee Amendment "A" (H-506)** was **ADOPTED.**

The same Representative **PRESENTED House Amendment "A" (H-598) to Committee Amendment "A" (H-506),** which was **READ** by the Clerk and **ADOPTED.**

Committee Amendment "A" (H-506) as Amended by House Amendment "A" (H-598) thereto was **ADOPTED.**

Subsequently, the Resolve was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (H-506) as Amended by House Amendment "A" (H-598)** thereto in **NON-CONCURRENCE** and sent for concurrence.

By unanimous consent, all matters having been acted upon were **ORDERED SENT FORTHWITH.**

REPORTS OF COMMITTEE Divided Reports

Majority Report of the Committee on **JUDICIARY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-569)** on Bill "An Act To Enhance Tribal-State Collaboration in the Enforcement of Child Support"

(H.P. 407) (L.D. 562)

Signed:

Senators:

CARNEY of Cumberland
SANBORN of Cumberland

Representatives:

HARNETT of Gardiner
BABBIDGE of Kennebunk
EVANGELOS of Friendship
MORIARTY of Cumberland
RECKITT of South Portland
SHEEHAN of Biddeford

Minority Report of the same Committee reporting **Ought Not to Pass** on same Bill.

Signed:

Senator:

KEIM of Oxford

Representatives:

HAGGAN of Hampden
LIBBY of Auburn
POIRIER of Skowhegan
THORNE of Carmel

Representative NEWELL of the Passamaquoddy Tribe - of the House - supports the Majority **Ought to Pass as Amended by Committee Amendment "A" (H-569)** Report.

READ.

Representative HARNETT of Gardiner moved that the House **ACCEPT** the Majority **Ought to Pass as Amended** Report.

Representative HAGGAN of Hampden **REQUESTED** a roll call on the motion to **ACCEPT** the Majority **Ought to Pass as Amended** Report.

More than one-fifth of the members present expressed a desire for a roll call which was ordered.

The SPEAKER: The Chair recognizes the Representative from Hampden, Representative Haggan.

Representative **HAGGAN**: Thank you again, Mr. Speaker and Gentlemen of the House. Under this bill, the Penobscot Tribal Court will be given equal power as the State of Maine DHHS to enforce child support with regard to the issuance or renewal of licenses by licensing boards and registrations of watercraft, snowmobiles and ATVs by the Department of Inland Fisheries and Wildlife. The bill will provide that federally-recognized tribes in Maine with child support programs are given access to existing child support enforcement tools used by the State. This is already in place for all Maine citizens throughout the State of Maine. The Penobscot Nation is currently the only tribe with a child support program in Maine. It has been argued that some tribes in Maine have limited access to the full array of enforcement tools mandated under the federal child support enforcement laws. Maine law has a rigorous litigious child support system for all citizens of Maine equally. The challenge mentioned facing Penobscot Nation is that nonnative, noncustodial parents believe that they are beyond the reach of tribal child support agency. My question has been; aren't we all citizens of Maine? Shouldn't we all equally enjoy all of the law and order provided by the law courts of Maine for or against the citizens of Maine for all infractions, including this one? If a parent fails to show up in any court or fails to pay the child support ordered by the State of Maine, the jurisdiction of our courts is the entire State of Maine.

In 1980, as part of the Maine Indian Land Claims Settlement Act and the Implementation Act, the tribes agreed to observe State of Maine law. This bill would provide the tribal district court which has traditionally been a tool for enforcement of tribal issues to have the jurisdictional authority to revoke the above-mentioned licenses of watercraft, ATV and snowmobile. This already happens in district court in Bangor and district courts around the state. The tribal programs currently have limited enforcement tools and that does vary state by state. Other states are different from the State of Maine. The tribes in Maine are under the State of Maine law currently, not federal Indian law as they are in other states. And the State of Maine has jurisdiction in the incidences of correction over all these matters already. Current law in Maine gives the State several tools to collect child support that has been ordered paid through the administrative order issued by the Department of Health and Human Services or a court order. Both DHHS and the court apply the child support guidelines and law. The above remedies and tools as mentioned before already exist in state law for all citizens of Maine. Thank you.

The SPEAKER: The Chair recognizes the Representative from Biddeford, Representative Sheehan.

Representative **SHEEHAN**: Thank you, Mr. Speaker. Mr. Speaker, Friends and Colleagues of the House, I rise today to speak in favor of the pending motion. LD 562 would ensure that federally recognized tribes with established child support agencies, and that is currently the Penobscot Nation, have access to effective and federally-mandated enforcement tools. First, this bill clarifies the existing authority of the tribal agency to enforce child support orders by restricting the issuance or renewal of driver's licenses and extends that authority to professional licenses and recreational vehicle registrations held by obligors delinquent on their child support payments. Second, this bill directs the Department of Health and Human Services to cooperate with the Penobscot Nation to set off obligors' lottery winnings and lump sum Worker's Compensation settlements if they're received. Mr. Speaker, under current law, the Penobscot Nation child support agency is having a hard time enforcing child support decisions as nontribal member, noncustodial parents routinely ignore court dates and fail to meet their child support obligations. LD 562 will ensure a more efficient collaboration between the state and tribal child support agencies. More importantly, it will go a long way toward assuring that children in tribal communities receive the support they are entitled to. I hope my colleagues will join me in supporting the pending motion.

The SPEAKER: The Chair recognizes the Representative from Skowhegan, Representative Poirier.

Representative **POIRIER**: Thank you, Mr. Speaker. I rise in opposition to the pending motion and I actually do echo the sentiments of the Good Representative of Hampden. I do so because this is an unnecessary bill. The Department of Health and Human Services actually testified before the committee that the Penobscot Nation actually already has the ability to utilize current processes that any other court in the State of Maine utilizes now in the collection of child support. They can use any of the systems and have the same accessibility that anybody collecting child support can now. This bill actually creates a new process that will only put undue burden on state workers and it's not needed. So, for that reason, I do ask you to oppose the pending motion. Thank you.

The SPEAKER: A roll call has been ordered. The pending question before the House is Acceptance of the Majority Ought to Pass as Amended Report. All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 254

YEA - Alley, Andrews, Arford, Babbidge, Bailey, Bell, Berry, Blume, Brennan, Brooks, Bryant, Caiazzo, Cardone, Cloutier, Collings, Copeland, Crafts, Craven, Crockett, Cuddy, Dodge, Doudera, Dunphy, Evangelos, Evans, Fay, Geiger, Gere, Gramlich, Grohoski, Harnett, Hasenus, Hepler, Hymanson, Kessler, Landry, Lookner, Madigan, Martin J, Martin R, Mathieson, Matlack, McCrea, McCreight, McDonald, Melaragno, Meyer, Millett, Morales, Moriarty, O'Connell, O'Neil, Osher, Paulhus, Pebworth, Perry A, Perry J, Pierce, Pluecker, Reckitt, Rielly, Riseman, Roberts, Roeder, Sachs, Salisbury, Sharpe, Sheehan, Stover, Supica, Sylvester, Talbot Ross, Tepler, Tucker, Tuttle, Warren C, Warren S, White, Williams, Wood, Zager, Zeigler, Mr. Speaker.

NAY - Austin, Bickford, Blier, Carlow, Carmichael, Collamore, Connor, Corey, Costain, Dolloff, Downes, Drinkwater, Ducharme, Faulkingham, Fecteau, Foster, Gifford, Greenwood, Griffin, Haggan, Hall, Hanley, Harrington, Head, Hutchins, Javner, Johansen, Kinney, Kryzak, Lemelin, Libby, Lyford, Lyman, Mason, Millett, Morris, Nadeau, Newman, O'Connor, Ordway, Parry, Perkins, Pickett, Poirier, Prescott, Quint, Rudnicki, Sampson, Skolfield, Stanley, Stearns, Stetkis, Theriault, Thorne, Tuell, Underwood, Wadsworth, White.

ABSENT - Arata, Bernard, Bradstreet, Cebra, Dillingham, Doore, Grignon, Martin, Roche, Terry.

Yes, 83; No, 58; Absent, 10; Excused, 0.

83 having voted in the affirmative and 58 voted in the negative, with 10 being absent, and accordingly the Majority **Ought to Pass as Amended** Report was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (H-569)** was **READ** by the Clerk and **ADOPTED**.

Under suspension of the rules the Bill was given its **SECOND READING WITHOUT REFERENCE** to the Committee on **Bills in the Second Reading**.

Under further suspension of the rules the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (H-569)** and sent for concurrence.

Majority Report of the Committee on **JUDICIARY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-568)** on Bill "An Act Regarding Probation and Deferred Disposition"

(H.P. 609) (L.D. 841)

Signed:

Senators:

CARNEY of Cumberland
SANBORN of Cumberland

Representatives:

HARNETT of Gardiner
BABBIDGE of Kennebunk
EVANGELOS of Friendship
MORIARTY of Cumberland
RECKITT of South Portland
SHEEHAN of Biddeford

Minority Report of the same Committee reporting **Ought Not to Pass** on same Bill.

Signed:

Senator:

KEIM of Oxford

Representatives:

HAGGAN of Hampden

LIBBY of Auburn

POIRIER of Skowhegan

THORNE of Carmel

Representative NEWELL of the Passamaquoddy Tribe - of the House - supports the Majority **Ought to Pass as Amended by Committee Amendment "A" (H-568)** Report.

READ.

Representative HARNETT of Gardiner moved that the House **ACCEPT** the Majority **Ought to Pass as Amended** Report.

Representative HAGGAN of Hampden **REQUESTED** a roll call on the motion to **ACCEPT** the Majority **Ought to Pass as Amended** Report.

More than one-fifth of the members present expressed a desire for a roll call which was ordered.

The SPEAKER: The Chair recognizes the Representative from Hampden, Representative Haggan.

Representative **HAGGAN**: Thank you very much again, Mr. Speaker, Ladies and Gentlemen of the House. It looks like it's a busy day in Judiciary. We have all kinds of fun things to look at. So, anyway, the bill before you today on this one makes deferred disposition available for a person who is charged with a class B drug possession crime, creating a presumption that probation is the most appropriate sentence for drug offenses in class B drug possessions. These are extremely serious crimes. Each category in the criminal code is assigned a range of punishments that increase in severity, as we all know, with the severity of this kind of conduct. A class E crime, of course, can be punishable for up to six months, a thousand-dollar fine; class D up to 365 days, \$2,000 fine; a class C crime up to five years incarceration, \$5,000 fine and a class B crime punishable up to 10 years incarceration and a \$20,000 fine. According to the committee amendment for this bill, eligibility for deferred disposition, a person who has pleaded guilty to a class B crime under Chapter 45 or class C, D or E crime who consents to a deferred disposition in writing, is eligible for a deferred disposition. In my hand, I have, and I'm not going to read, I have about 18 pages of; I will not read all this highlighted stuff, on examples of class B felony drug crimes, and the list is extensive and we'd be here until five in the morning if I did that. So, anyway, please vote no on this motion. Thank you.

The SPEAKER: The Chair recognizes the Representative from Skowhegan, Representative Poirier.

Representative **POIRIER**: Thank you, Mr. Speaker. I do rise in opposition to the pending motion and one of the crimes that I do want to speak to that the Good Representative from Hampden that is alluding to in those pages is something that all of us need to think about when we're looking at deferred disposition. It's very disturbing to think that somebody that's doing drugs next to a school, in a safe haven area, can get away with just a deferred disposition and can continue that kind of activity without jail time. That's a class B crime. You're talking fentanyl, cocaine, heroin, right next to our schools. Those are the kind of drugs that we're looking at putting on deferred disposition. So, I hope everybody takes that into account and looks at the messaging that we're sending when we're considering this bill and I would urge you all to oppose the current motion. Thank you.

The SPEAKER: The Chair recognizes the Representative from Gardiner, Representative Harnett.

Representative **HARNETT**: Thank you, Mr. Speaker and Ladies and Gentlemen of the House. While this bill was originally titled An Act Regarding Probation and Deferred Disposition, it now only mentions deferred disposition. All references to probation and changing the probation code have been deleted. All of the opposition to this bill in testimony related to the aspects dealing with probation. There was no opposition to the deferred disposition provision. This bill provides the court with additional tools in dealing with drug crimes and allows the opportunity for treatment and other interventions as opposed to incarceration. The simple fact is our jails do not have the treatment options and supports available that many of these defendants need. While some class B crimes are very serious, Maine law can apply to individuals who possess drugs simply for personal use and not for trafficking. Deferred disposition should be available in those cases.

The amendment provides prosecutors and the courts with additional options to resolve these matters. It does not require deferred disposition to be used. I repeat; it does not require deferred disposition to be used unless it makes sense in an individual case. And deferred disposition will only be used when it is both approved and ordered by the court based on the individual facts of the case in front of it. It provides more options, it provides safety to the public, and it can keep people out of the criminal system. I ask you to support the pending motion.

The SPEAKER: The Speaker recognizes the Representative from Windham, Representative Corey.

Representative **COREY**: Thank you, Mr. Speaker. Can I pose a question through the Speaker?

The SPEAKER: The Member may proceed.

Representative **COREY**: Great. Can somebody tell me whether or not trafficking schedule W drugs is a class B offense?

The SPEAKER: The Representative from Windham, Representative Corey has posed a question to any member who may care to respond. The Chair recognizes the Representative from Skowhegan, Representative Poirier.

Representative **POIRIER**: Thank you, Mr. Speaker. Yes, it is.

The SPEAKER: A roll call has been ordered. The pending question before the House is Acceptance of the Majority Ought to Pass as Amended Report. All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 255

YEA - Alley, Arford, Babbidge, Bailey, Bell, Berry, Blume, Brennan, Brooks, Bryant, Caiazza, Cardone, Cloutier, Collings, Copeland, Crafts, Craven, Crockett, Cuddy, Dodge, Doudera, Dunphy, Evangelos, Evans, Fay, Geiger, Gere, Gramlich, Grohoski, Harnett, Hasenfus, Hepler, Hymanson, Kessler, Landry, Lookner, Madigan, Martin J, Martin R, Mathieson, Matlack, McCrea, McCreight, McDonald, Melaragno, Meyer, Millett, Morales, Moriarty, O'Connell, O'Neil, Osher, Paulhus, Pebworth, Perry A, Perry J, Pierce, Pluecker, Reckitt, Rielly, Riseman, Roberts, Roeder, Sachs, Salisbury, Sharpe, Sheehan, Stover, Supica, Sylvester, Talbot Ross, Tepler, Tucker, Tuttle, Warren C, Warren S, White, Williams, Wood, Zager, Zeigler, Mr. Speaker.

NAY - Andrews, Austin, Bernard, Bickford, Blier, Carlow, Carmichael, Collamore, Connor, Corey, Costain, Dolloff, Downes, Drinkwater, Ducharme, Faulkingham, Fecteau, Foster, Gifford, Greenwood, Griffin, Haggan, Hall, Hanley, Harrington, Head, Hutchins, Javner, Johansen, Kinney, Kryzak, Lemelin, Libby, Lyford, Lyman, Mason, Millett, Morris, Nadeau, Newman,

O'Connor, Ordway, Parry, Perkins, Pickett, Poirier, Prescott, Quint, Rudnicki, Sampson, Skolfield, Stanley, Stearns, Stetkis, Theriault, Thorne, Tuell, Underwood, Wadsworth, White.

ABSENT - Arata, Bradstreet, Cebra, Dillingham, Doore, Grignon, Martin, Roche, Terry.

Yes, 82; No, 60; Absent, 9; Excused, 0.

82 having voted in the affirmative and 60 voted in the negative, with 9 being absent, and accordingly the Majority **Ought to Pass as Amended** Report was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (H-568)** was **READ** by the Clerk and **ADOPTED**.

Under suspension of the rules the Bill was given its **SECOND READING WITHOUT REFERENCE** to the Committee on **Bills in the Second Reading**.

Under further suspension of the rules the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (H-568)** and sent for concurrence.

Majority Report of the Committee on **JUDICIARY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-567)** on Bill "An Act To Expand Tenant Representation on Boards of Directors of Nonprofit Housing Organizations"

(H.P. 1195) (L.D. 1606)

Signed:

Senators:

CARNEY of Cumberland
SANBORN of Cumberland

Representatives:

HARNETT of Gardiner
BABBIDGE of Kennebunk
CARDONE of Bangor
EVANGELOS of Friendship
McCREIGHT of Harpswell
MORIARTY of Cumberland
RECKITT of South Portland
SHEEHAN of Biddeford

Minority Report of the same Committee reporting **Ought Not to Pass** on same Bill.

Signed:

Senator:

KEIM of Oxford

Representatives:

HAGGAN of Hampden
POIRIER of Skowhegan

Representative NEWELL of the Passamaquoddy Tribe - of the House - supports the Majority **Ought to Pass as Amended by Committee Amendment "A" (H-567)** Report.

READ.

On motion of Representative HARNETT of Gardiner, the Majority **Ought to Pass as Amended** Report was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (H-567)** was **READ** by the Clerk and **ADOPTED**.

Under suspension of the rules the Bill was given its **SECOND READING WITHOUT REFERENCE** to the Committee on **Bills in the Second Reading**.

Under further suspension of the rules the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (H-567)** and sent for concurrence.

By unanimous consent, all matters having been acted upon were **ORDERED SENT FORTHWITH**.

Majority Report of the Committee on **ENERGY, UTILITIES AND TECHNOLOGY** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-248)** on Bill "An Act To Enhance the ConnectMaine Authority's Capacity To Provide World-class Internet"

(S.P. 477) (L.D. 1484)

Signed:

Senators:

LAWRENCE of York
STEWART of Aroostook
VITELLI of Sagadahoc

Representatives:

BERRY of Bowdoinham
CUDDY of Winterport
GROHOSKI of Ellsworth
KESSLER of South Portland
WOOD of Portland
ZEIGLER of Montville

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "B" (S-249)** on same Bill.

Signed:

Representatives:

CARLOW of Buxton
FOSTER of Dexter
WADSWORTH of Hiram

Came from the Senate 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" (S-248)**.

READ.

On motion of Representative BERRY of Bowdoinham, the Majority **Ought to Pass as Amended** Report was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (S-248)** was **READ** by the Clerk and **ADOPTED**.

Under suspension of the rules the Bill was given its **SECOND READING WITHOUT REFERENCE** to the Committee on **Bills in the Second Reading**.

Under further suspension of the rules the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (S-248)** in concurrence.

Majority Report of the Committee on **INLAND FISHERIES AND WILDLIFE** and the Committee on **MARINE RESOURCES** reporting **Ought Not to Pass** on Bill "An Act To Protect Endangered Species Whose Life Cycles Include Maine Land or Waters"

(S.P. 298) (L.D. 883)

Signed:

Senators:

DILL of Penobscot
BLACK of Franklin
MAXMIN of Lincoln

Representatives:

LANDRY of Farmington
ALLEY of Beals
HEPLER of Woolwich
LYFORD of Eddington
MARTIN of Eagle Lake
MARTIN of Sinclair
MASON of Lisbon
NADEAU of Winslow
ORDWAY of Standish
THERIAULT of China
McCREIGHT of Harpswell
McDONALD of Stonington
CRAFTS of Newcastle
HUTCHINS of Penobscot
STANLEY of Medway
THORNE of Carmel

Minority Report of the same Committees reporting **Ought to Pass as Amended by Committee Amendment "A" (S-241)** on same Bill.

Signed:

Senators:

CURRY of Waldo
MIRAMANT of Knox

Came from the Senate with the Majority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED**. **READ.**

On motion of Representative McCREIGHT of Harpswell, the Majority **Ought Not to Pass** Report was **ACCEPTED** in concurrence.

By unanimous consent, all matters having been acted upon were **ORDERED SENT FORTHWITH**.

Majority Report of the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-577)** on Bill "An Act To Prohibit Untraceable and Undetectable Firearms"

(H.P. 1070) (L.D. 1454)

Signed:

Senators:

DESCHAMBAULT of York
LAWRENCE of York

Representatives:

WARREN of Hallowell
LOOKNER of Portland
MORALES of South Portland
RECKITT of South Portland
SHARPE of Durham

Minority Report of the same Committee reporting **Ought Not to Pass** on same Bill.

Signed:

Senator:

CYRWAY of Kennebec

Representatives:

COSTAIN of Plymouth
 NEWMAN of Belgrade
 PICKETT of Dixfield
 PLUECKER of Warren
 RUDNICKI of Fairfield

READ.

Representative WARREN of Hallowell moved that the House **ACCEPT** the Majority **Ought to Pass as Amended** Report.

The same Representative **REQUESTED** a roll call on the motion to **ACCEPT** the Majority **Ought to Pass as Amended** Report.

More than one-fifth of the members present expressed a desire for a roll call which was ordered.

The SPEAKER: The Chair recognizes the Representative from Hallowell, Representative Warren.

Representative **WARREN**: Thank you, Mr. Speaker. Mr. Speaker, this bill has to do with untraceable and undetectable firearms. And I thought I would just read a piece of testimony from Chief Clark, Police Chief Clark. From a law enforcement perspective, these firearms when in the hands of those who cannot lawfully possess them pose an increased risk to public safety. Serial numbers on firearms and other property are also often used by law enforcement to help identify the last known owner of firearms found at a crime scene or used in the commission of a crime. Losing this investigative capacity given the influx of the use of such firearms in other parts of the country, would be yet another concern that we should consider getting ahead of here in Maine. And Chief Clark went on to say; while I will support and protect the constitutional rights of all of our citizens to lawfully possess a firearm, these particular firearms do raise safety and law enforcement concerns. Thank you, Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Dixfield, Representative Pickett.

Representative **PICKETT**: Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I stand in opposition to the motion on the floor on LD 1454 as amended. Similar legislation is currently being considered at the federal level and a proposed rule has been drafted by the ATF, where its Second Amendment implications have led to considerable and outspoken opposition across the country. First, this bill alleges to ban undetectable firearms. However, any firearm that is not detectable by walking through a metal detector or fails to generate an accurate image using imaging technology has been illegal since 1988. At that time, the law was changed as a result of hysteria and misinformation regarding polymer handguns and legislation such as this has appeared nationwide under similar circumstances. The bill would ban the so-called untraceable guns by defining those as any gun which does not have a serial number. It would also ban, quote, downloadable guns by criminalizing accessing digital instructions to print anything that could be interpreted as being a firearm component. In addition to the clear Second Amendment concerns, the ban on the mere possession or dissemination of computer code for use in 3D printing imposed by this bill is a violation of the First Amendment.

This bill doubles down on inaccurate depictions and a lack of understanding of firearms as well as a citizen's fundamental and traditional right to make firearms at home using incomplete part kits and materials that do not meet the definition of a firearm or receiver under regulations of the ATF. It does this by completely changing the definition of an unfinished frame or

receiver to mean a frame or lower receiver blank casting or machine body that requires further machining or molding to be used as part of a functional firearm. In other words, it tries to define as a firearm frame any object that could potentially be machined into something that could be used to assemble a functional firearm. This could be a block of wood or rectangular piece of aluminum, even any number of model or toy guns could potentially be defined as an unfinished frame or receiver. If passed into law, this incredibly vague language will doubtlessly be subject to litigation in the future. Under current law, fully finished receivers are commonly sold with serial numbers already engraved in compliance with federal law and such fully finished receivers may be lawfully assembled by law-abiding persons for personal use by obtaining other components. The items that can be purchased without a serial number require significant machining and modification to create a functioning receiver and are, as a result, not defined by the federal government the same way. In addition, persons otherwise prohibited from owning firearms are still legally barred from the manufacture, transfer, or possession of modern firearms or modern ammunition regardless of the method of manufacture and federal law currently outlines the process and rules for such private manufacturing.

The amendment not only fails to provide clarity, it actually makes the provisions more confusing. In seven point capital A application of the bill states that the provisions of the bill do not apply to, quote, a firearm that has been rendered permanently inoperable. Seeing as the materials and items being prohibited by this bill are in no way operable, this provision would seem to completely undermine the sections related to the unfinished frames or receivers. Lastly, Mr. Speaker, there is no such thing as a downloadable gun. Again, this bill attempts to infringe upon the rights of lawful enthusiasts who have the knowledge, resources, and expertise to create their own firearms, in full compliance with state and federal law. Assertions that 3D printers have created a new class of dangerous firearms are simply not true and there has been zero evidence presented that non-serialized firearms built from commonly-available materials have seen widespread use by criminals. The provisions of this bill will do nothing to prevent violence in Maine or anywhere else but will succeed in criminalizing thousands of lawful gun owners. Thank you, Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Windham, Representative Corey.

Representative **COREY**: Thank you, Mr. Speaker. I'd like to pose a question through the Speaker?

The SPEAKER: The Member may proceed.

Representative **COREY**: Can anyone give us some information about how many undetectable and untraceable firearms have been used in Maine crimes?

The SPEAKER: The Representative from Windham, Representative Corey has posed a question to any member who may care to respond. The Chair recognizes the Representative from Paris, Representative Andrews.

Representative **ANDREWS**: I'll be brief. I'd just like to point out that source code has been litigated and found to be protected by the First Amendment. This bill is in clear violation of that. And I'll close with a line from the ACLU's testimony; we urge you to oppose LD 1454 because it would create over a half-dozen new class D and class C crimes, strengthening a failed method of problem solving. Thank you.

The SPEAKER: The Chair recognizes the Representative from Portland, Representative Zager.

Representative **ZAGER**: Thank you, Mr. Speaker. Ghost guns are weapons that are produced by people who are not registered firearms manufacturers. It's outside the legal framework that we've been using for over half a century. Ghost guns are secretive, stealthy and a fast-moving problem. They are proliferating rapidly due to now easily-exploitable loophole in federal law and technology that far exceeds what existed when the legal framework was created. There was a question a few minutes ago about the numbers of crimes that have been committed, I would point out that; I could read about the July 20th person two people who were murdered using a ghost gun, a 16-year-old shot five classmates and this is a separate incident, a 16-year-old shot five classmates in a high school using a ghost gun, un-serialized homemade ghost gun. I could go on and on but I don't have the consummate statistics but I think that these cases express the urgency of this problem.

Often, these weapons are manufactured on 3D printers with easily downloadable printer computer code. They, again, I will say, they help criminals because they do not require a background check. This is not about infringing on anyone's First Amendment rights. I, myself, have exercised those rights and I have defended those rights. But because they do not have a serial number, they are untraceable. We should care about this in Maine because the current federal legal framework is inadequate. The 1968 Gun Control Act and subsequent federal laws, some of which have been referenced, were put in place to keep firearms out of the hands of felons. Also, those suffering from severe mental illness and unsupervised minors. Mr. Speaker, I would submit that if anybody agrees that we should still keep firearms out of the hands of felons, unsupervised minors and those with severe and persistent mental illness, then we should support this as a Body.

The 1968 Gun Control Act, I will also point out, was championed by all-American Marine Corps fighter pilot, astronaut, and future U.S. Senator John Glenn. This is not fringe legislation, a fringe idea, to keep firearms out of the hands of felons, those who are suffering from severe mental illness and unsupervised minors. It is commonsense. But times have changed, technology has advanced, we have the internet, of course, and we have 3D printing, and we have the ability to fire very high-velocity rounds into human flesh. This is a concern because, as has been mentioned by the Representative from Hallowell, law enforcement needs serial numbers to solve crimes. The website atf.org, the federal government's website, says that on average each year, over 200,000 firearms have been traced in this country every year to solve crimes, to keep us all safe, Mr. Speaker. I will point out at the hearing on this, a little tidbit from that, that a former ATF special agent's words asserted that a serial number is, quote, a key piece of evidence to trace a gun. That is why requiring serialization helps keep us safe.

A huge number of criminals commit lower-level crimes before there are headline crimes and I believe that our goal should be to prevent those awful headline crimes that we dread. And that's why law enforcement can use tools like LD 1454 to prevent horrific things from happening. Mr. Speaker, even the Trump administration's ATF pointed out that they were well aware of the risk that ghost guns pose to public safety. That was October 7, 2020. It's often pointed out that Maine is a safe state. I'm grateful for that. But we are not, unfortunately, as safe as we could be. Sixteen states have lower firearm death rates per capita; 16 states are better than us in firearm deaths per capita. And over the last 15 years, we are worsening in these sorts of rankings. We are heading in the wrong direction. We are becoming less safe, in other words, and this measure is an

attempt to make us more safe. Some people also point out that this would merely inconvenience law-abiding Mainers who own firearms. I want to protect those rights for law-abiding Mainers to own firearms, but as the Supreme Court has pointed out, even Justice Antonin Scalia has pointed out that every right has limits because we have to balance one right against another. I should point out that a huge portion of firearm deaths occur outside of criminal conduct and so, one example is suicide and Maine, unfortunately, has a very high suicide rate and most suicides that are accomplished, that are completed, are done so with firearms. I'm particular aggrieved by the fact that our veterans who commit suicide are doing so at a particularly high rate, especially for this part of the country. Another example is accidents. This sort of --

Representative **ORDWAY**: Point of Order.

The SPEAKER: The Member will defer. The Chair recognizes the Representative from Standish, Representative Ordway, and inquires to his Point of Order.

Representative **ORDWAY**: Thank you, Mr. Speaker. I think we're straying away from the bill at this point.

On **POINT OF ORDER**, Representative **ORDWAY** of Standish asked the Chair if the remarks of Representative **ZAGER** of Portland were germane to the pending question.

The SPEAKER: The Chair will remind Members to address the bill before the Body.

The Chair reminded Representative **ZAGER** of Portland to stay as close as possible to the pending question.

The SPEAKER: The Member may proceed.

Representative **ZAGER**: Thank you, Mr. Speaker. My point with this bill is that the 1968 Gun Control Act which attempts to keep firearms out of the hands of felons and those who are stricken with severe and persistent mental illness and unsupervised minors is still valid and I was attempting to describe where things could go off the rails in that regard. Lastly, I'll say that LD 1454 would permit responsible gun owners to exercise their rights and protect Mainers by preventing widespread unregulated proliferation of secretive, unregistered, untraceable weapons. I thank you very much for your time and your indulgence, Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Freeport, Representative **Sachs**.

Representative **SACHS**: Thank you, Mr. Speaker. I rise today, Members of the House, as a co-sponsor of this legislation and as a supporter of the pending motion. Untraceable and undetectable firearms, also called ghost guns, include firearms assembled from kits with parts bought by a gun dealer or at your local hardware store or made with a 3D printer. A former ATF special agent described the ease with which these fully-functional guns can be made at home using these parts by noting, Mr. Speaker, that if you can put IKEA furniture together, you can make one of these. Mainers should not be put at risk for something as easy to put together as Swedish mass-marketed end tables. There is increasing evidence cited in citation in my submitted testimony when I testified at the hearing for this bill of the presence of ghost guns in mass shootings, both in community and school settings, and in gun trafficking and other serious crimes. As noted in the hearing for this bill, Mr. Speaker, ghost guns are also of increasing concern for our law enforcement partners. Passage of this legislation would not infringe upon the rights of law-abiding, gun-owning families such as my own. If we are indeed, Mr. Speaker, to have as the Second Amendment states a, quote, well-regulated militia, then we need a way to regulate these untraceable firearms. It is time that Maine updates our Statutes to address the evolving

technology, protecting our law enforcement members, our children and every person in our State. LD 1454 is commonsense legislation whose time has come. Thank you, Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Gorham, Representative Bailey.

Representative **BAILEY**: Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I rise to speak in support of the pending motion. I strongly believe in the right of law-abiding citizens to keep and bear arms. I have been safely using firearms since I was eight years old, when my grandfather first taught me to fire a handgun on our family farm. I have my hunting license and look forward to getting the heck out of here so I can enjoy the great Maine outdoors with my friends. For these reasons, last week I voted against a background check bill that was before this Body because I thought the bill went too far. Unlike that bill, I don't believe that this bill goes too far. In fact, neither do many proponents and opponents of gun control. This is one of those rare occasions where gun control advocates and even some gun manufacturers can and have found some common ground. I hope that we can find some common ground here, too, Mr. Speaker.

Law enforcement and gun control advocates are worried about ghost guns because they are being disproportionately used by criminals, as mentioned by the Good Representatives from Hallowell and Portland. These kits to make your own unserialized and untraceable firearms can be purchased online by anyone, including prohibited purchasers, domestic abusers and gun traffickers. Simply put, these kits allow some citizens to skirt the law, including people who intend harm and who intend the distribution of unserialized and untraceable firearms. Ghost guns are also bad for business. These kits allow consumers to circumvent gun manufacturers. Gun manufacturers are being undermined by the sale and distribution of these unserialized and untraceable firearms. Gun manufacturers follow a lot of laws and a lot of rules, Mr. Speaker. They face a lot of public scrutiny, too. The same cannot be said with ghost guns. I don't want to undermine the legal sale or transfer of firearms by law-abiding citizens in our State. I don't want to undermine or circumvent gun manufacturers that abide by federal and state laws. I want to support the State's constitutional right of Maine citizens and it's for these reasons that I'll be voting in support of the pending motion and invite my colleagues to follow my light. Thank you, Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Paris, Representative Andrews.

Representative **ANDREWS**: Thank you, Mr. Speaker. I appreciate the latitude. No other state has this law and it's pretty simple because five minutes with a Dremel, you can destroy the serial number on any firearm. The reason that doesn't happen is because it's already federally illegal to obliterate the serial number on a firearm. This bill is unnecessary and should be voted down. Thank you.

The SPEAKER: The Chair recognizes the Representative from Monticello, Representative Johansen.

Representative **JOHANSEN**: Thank you, Mr. Speaker. I have a question. May I address the Chair?

The SPEAKER: The Member may proceed.

Representative **JOHANSEN**: I don't see anything in this bill that takes care of the problem of the ones that are already in possession. Are you going to have someplace where I can take it to get a serial number put on it? Are you just going to seize it? Or what are we going to do about the ones that are out there right now?

The SPEAKER: The Representative from Monticello, Representative Johansen has posed a question to any member who may care to respond. The Chair recognizes the Representative from Portland, Representative Zager.

Representative **ZAGER**: Thank you, Mr. Speaker. I appreciate the question from the Representative from Monticello. This legislation would dovetail with the proposed rule in the federal administration. That proposed rule would identify people who are gunsmiths, it defines in Statute what a gunsmith would be who could take a firearm that was made from a kit that did not yet have the serial number when it was received in the mail and put a serial number on it. The other thing that it would do is it would require that those kits when they are mailed to Mainers would have the serial number already on the receiver. So, it would essentially be a legal firearm and the hobbyist, gun enthusiast, could assemble it and use it at will.

The SPEAKER: The Chair recognizes the Representative from Camden, Representative Doudera.

Representative **DOUDERA**: Thank you, Mr. Speaker, Ladies and Gentlemen of the House. In my free time, I write a murder mystery series and the idea that plastic guns can be made from a printer seems like something that would spring right from a novelist's imagination. But it's true, such is the breakneck pace of technology. Law enforcement officials around the country and including right here in Maine are sending the alarm about these guns and about the dramatic increase in the recovery of ghost guns at crime scenes. ATF reported that approximately 10,000 ghost guns were recovered across the country in 2019. These untraceable guns are increasingly becoming the weapon of choice for violent white supremacists and anti-government extremists. Eight states and the District of Columbia have passed laws to address the problem and we would be wise to join them. Let's give Maine law enforcement the tools to deal with this growing problem before it becomes a huge problem and let's protect our law-abiding gun owners at the same time. Thank you.

The SPEAKER: The Chair recognizes the Representative from Penobscot, Representative Hutchins.

Representative **HUTCHINS**: Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I think this issue has been misunderstood largely, especially the kits that can be sent for a so-called hobbyist to put together. Well, the hobbyist isn't using a file or a ballpeen hammer or anything, they have to have some very fine lathes and other tools to make these parts fit. So, it's not something that a fly-by-night outfit burglar is going to do in the backseat of his '52 Dodge, you know, it just isn't going to happen. Thank you.

The SPEAKER: The Chair recognizes the Representative from Winter Harbor, Representative Faulkingham.

Representative **FAULKINGHAM**: Thank you, Mr. Speaker. I rise in opposition to the pending motion. I recently had a constituent who was an eighth-grade constituent, for his eighth-grade project constructed a shotgun for his eighth-grade project. And he didn't do it from parts and pieces in the mail, he didn't do it from a 3D printer, he did it from a metal lathe and a wood lathe, he constructed all the parts and put it all together and constructed a shotgun without a serial number for his project, which is perfectly legal. This bill lacks a basic understanding of the components of a firearm. There are many components of a firearm and there is no uniform regulation as to where a serial number needs to be placed. So, there are various parts on a firearm that do not have the serial number on them, most of them don't. Some will have the serial number on the barrel, some will have it on the receiver, you know, or other

places. So, there's no way to enforce a law like this where a serial number could be on different parts of a firearm, so, that's the first thing. And, secondly, we would need to outlaw 3D printers, metal lathes, galvanized pipes, lumber, all manner of materials if we were going to put a law like this into effect. And the third thing is we don't have a gun registry. I'm very thankful of that, that we don't have a gun registry, and I hope we never do. So, in the absence of a gun registry, it seems quite pointless to implement a law that requires a serial number when there's no way to trace that back.

Please vote no on the pending motion.

The SPEAKER: A roll call has been ordered. The pending question before the House is Acceptance of the Majority Ought to Pass as Amended Report. All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 256

YEA - Arford, Babbidge, Bailey, Bell, Berry, Blume, Brennan, Brooks, Bryant, Caiazzo, Cardone, Cloutier, Collings, Copeland, Crafts, Craven, Crockett, Cuddy, Dodge, Doudera, Evans, Geiger, Gere, Gramlich, Harnett, Hasenfus, Hymanson, Kessler, Lookner, Madigan, Mathieson, Matlack, McCrea, McCreight, Melaragno, Meyer, Millett, Morales, Moriarty, O'Neil, Osher, Paulhus, Pebworth, Perry A, Perry J, Pierce, Reckitt, Rielly, Roberts, Roeder, Sachs, Salisbury, Sharpe, Sheehan, Stover, Supica, Sylvester, Talbot Ross, Tepler, Tucker, Tuttle, Warren, White, Williams, Wood, Zager, Mr. Speaker.

NAY - Alley, Andrews, Austin, Bernard, Bickford, Blier, Carlow, Carmichael, Collamore, Connor, Corey, Costain, Dolloff, Downes, Drinkwater, Ducharme, Dunphy, Evangelos, Faulkingham, Fay, Fecteau, Foster, Gifford, Greenwood, Griffin, Grohoski, Haggan, Hall, Hanley, Harrington, Head, Hepler, Hutchins, Javner, Johansen, Kinney, Kryzak, Landry, Lemelin, Libby, Lyford, Lyman, Martin J, Martin R, Martin T, Mason, McDonald, Millett, Morris, Nadeau, Newman, O'Connell, O'Connor, Ordway, Parry, Perkins, Pickett, Pluecker, Poirier, Prescott, Quint, Riseman, Rudnicki, Sampson, Skolfield, Stanley, Stearns, Stetkis, Theriault, Thorne, Tuell, Underwood, Wadsworth, Warren, White, Zeigler.

ABSENT - Arata, Bradstreet, Cebra, Dillingham, Doore, Grignon, Roche, Terry.

Yes, 67; No, 76; Absent, 8; Excused, 0.

67 having voted in the affirmative and 76 voted in the negative, with 8 being absent, and accordingly the Majority **Ought to Pass as Amended** Report was **NOT ACCEPTED**.

Subsequently, on motion of Representative WARREN of Hallowell, the Minority **Ought Not to Pass** Report was **ACCEPTED** and sent for concurrence.

Majority Report of the Committee on **JUDICIARY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-575)** on Bill "An Act To Establish a Fund To Compensate Unjustly Incarcerated Persons"

(H.P. 352) (L.D. 478)

Signed:

Senators:

CARNEY of Cumberland
SANBORN of Cumberland

Representatives:

HARNETT of Gardiner
BABBIDGE of Kennebunk
EVANGELOS of Friendship
MORIARTY of Cumberland
RECKITT of South Portland

SHEEHAN of Biddeford

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "B" (H-576)** on same Bill.

Signed:

Senator:

KEIM of Oxford

Representatives:

HAGGAN of Hampden
LIBBY of Auburn
POIRIER of Skowhegan
THORNE of Carmel

Representative NEWELL of the Passamaquoddy Tribe - of the House - supports the Majority **Ought to Pass as Amended by Committee Amendment "A" (H-575)** Report.

READ.

Representative HARNETT of Gardiner moved that the House **ACCEPT** the Majority **Ought to Pass as Amended** Report.

Representative HAGGAN of Hampden **REQUESTED** a roll call on the motion to **ACCEPT** the Majority **Ought to Pass as Amended** Report.

More than one-fifth of the members present expressed a desire for a roll call which was ordered.

The SPEAKER: The Chair recognizes the Representative from Friendship, Representative Evangelos.

Representative **EVANGELOS**: Thank you, Mr. Speaker and Women and Men of the House. This is a bill I first took up in the last session with the help of the Innocence Project. It's a bill that creates justice for an unjustly-incarcerated person who has been found not to have committed the crime that they served time for. The conviction would have to be reversed or vacated by a court of law in Maine or the charges were dismissed by the District Attorney. Currently, the way the law works in Maine, when somebody is exonerated it's a two-part process, so, I'll give you an example. If you do 30 years in prison and you're exonerated, you're released from prison. The burden falls on you to file a Superior Court action and if you're victorious, you're granted a limit of \$300,000, which is \$10,000 per year, in this case, of a 30-year sentence that you served, \$10,000 per year for not being able to attend your parents' grave services, watch your children grow up. You also have to get over the burden of obtaining a pardon from the Chief Executive. When the committee completed its research in 2020, it was discovered that no Maine person in our history has ever succeeded in overcoming these burdens; no exoneration, no pardons, no money.

So, working with the Innocence Project, 34 other states have adopted these standards. It's a fair and just process. It provides justice for somebody who has suffered from a malicious prosecution, and don't believe it doesn't happen in this State. I'm quoting Justice Woodcock, Federal Justice Woodcock, and I quote, when he cited prosecutorial district misconduct and malicious prosecution in an opinion he rendered March 12, 2019, *Bangor Daily News*, March 15, 2019. So, we're trying to get on board with the other states so that somebody who has been unjustly incarcerated and served a sentence, when they finally get their day of justice, they're compensated fairly for the loss of their life, essentially. But, certainly, to put the burden on an incarcerated individual who is innocent, to come forward and have to find a lawyer and pay for it in a

superior court action, A when you're in prison and you're already broke, and B: then to find the burden of the gubernatorial pardon, which has never happened in the history of our State. So, these kinds of reforms are sweeping the nation and we've all seen these cases on television, Mr. Speaker, where the District Attorney and the incarcerated individual and the defense attorney appear at the court steps and say today we got it right. I urge your passage. Thank you.

The SPEAKER: A roll call has been ordered. The pending question before the House is Acceptance of the Majority Ought to Pass as Amended Report. All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 257

YEA - Alley, Arford, Austin, Babbidge, Bailey, Bell, Bernard, Berry, Blume, Brennan, Brooks, Bryant, Caiazza, Cardone, Carlow, Cloutier, Collings, Connor, Copeland, Corey, Crafts, Craven, Crockett, Cuddy, Dodge, Doudera, Dunphy, Evangelos, Evans, Faulkingham, Fay, Geiger, Gere, Gramlich, Grohoski, Harnett, Harrington, Hasenhus, Hepler, Hutchins, Hymanson, Kessler, Landry, Lemelin, Lookner, Madigan, Martin J, Martin R, Mathieson, Matlack, McCrea, McCreight, McDonald, Melaragno, Meyer, Millett, Morales, Moriarty, Nadeau, O'Connell, O'Neil, Osher, Paulhus, Pebworth, Perry A, Perry J, Pierce, Pluecker, Quint, Reckitt, Rielly, Riseman, Roberts, Roeder, Sachs, Salisbury, Sharpe, Sheehan, Skolfield, Stover, Supica, Sylvester, Talbot Ross, Tepler, Tucker, Tuttle, Underwood, Warren C, Warren S, White, Williams, Wood, Zager, Zeigler, Mr. Speaker.

NAY - Andrews, Bickford, Blier, Carmichael, Collamore, Costain, Dolloff, Downes, Drinkwater, Ducharme, Fecteau, Foster, Gifford, Greenwood, Griffin, Haggan, Hall, Hanley, Head, Javner, Johansen, Kinney, Kryzak, Libby, Lyford, Lyman, Martin, Mason, Millett, Morris, Newman, O'Connor, Parry, Perkins, Pickett, Poirier, Rudnicki, Sampson, Stanley, Stearns, Stetkis, Theriault, Thorne, Tuell, Wadsworth, White.

ABSENT - Arata, Bradstreet, Cebra, Dillingham, Doore, Grignon, Ordway, Prescott, Roche, Terry.

Yes, 95; No, 46; Absent, 10; Excused, 0.

95 having voted in the affirmative and 46 voted in the negative, with 10 being absent, and accordingly the Majority **Ought to Pass as Amended** Report was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (H-575)** was **READ** by the Clerk and **ADOPTED**.

Under suspension of the rules the Bill was given its **SECOND READING WITHOUT REFERENCE** to the Committee on **Bills in the Second Reading**.

Under further suspension of the rules the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (H-575)** and sent for concurrence.

Majority Report of the Committee on **JUDICIARY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-573)** on Bill "An Act To Bring Gender Parity to Corporate Boards"

(H.P. 878) (L.D. 1200)

Signed:

Senators:

CARNEY of Cumberland
SANBORN of Cumberland

Representatives:

HARNETT of Gardiner
BABBIDGE of Kennebunk
EVANGELOS of Friendship

MORIARTY of Cumberland
RECKITT of South Portland
SHEEHAN of Biddeford

Minority Report of the same Committee reporting **Ought Not to Pass** on same Bill.

Signed:

Senator:

KEIM of Oxford

Representatives:

HAGGAN of Hampden
LIBBY of Auburn
POIRIER of Skowhegan
THORNE of Carmel

Representative NEWELL of the Passamaquoddy Tribe - of the House - supports the Majority **Ought to Pass as Amended by Committee Amendment "A" (H-573)** Report.

READ.

Representative HARNETT of Gardiner moved that the House **ACCEPT** the Majority **Ought to Pass as Amended** Report.

Representative HAGGAN of Hampden **REQUESTED** a roll call on the motion to **ACCEPT** the Majority **Ought to Pass as Amended** Report.

More than one-fifth of the members present expressed a desire for a roll call which was ordered.

The SPEAKER: The Chair recognizes the Representative from Skowhegan, Representative Poirier.

Representative **POIRIER**: Thank you, Mr. Speaker. I rise in opposition to the pending motion. This bill requires corporate boards to hire women. California and Illinois are the only other states to require this. This is the government telling private business and stockholders how to run their companies and who they can hire. This is government overreach. As a woman, I want a position because I earned it on my own credentials and because of my work ethic, not because of my gender. This is an unnecessary bill and, quite honestly, to me, it's demeaning. So, I ask you to join me and oppose the current motion. Thank you.

The SPEAKER: The Chair recognizes the Representative from South Portland, Representative Reckitt.

Representative **RECKITT**: Mr. Speaker, Men and Women of the House, this bill is part of the initiative to bring gender parity to corporate boards to help secure equity for women in the workplace. This bill has entirely changed from its initial look, so, if you look at the bill online, make sure you look at the amendment which replaced the bill. This bill now requires that a domestic, meaning a Maine-based publicly-held corporation, have a minimum number of female directors on its board. By June 2023, two years from now, each of these boards will need to have at least one woman. Under this bill, the Corporations Division within the Department of the Secretary of State will change the information they can elect on corporate filings to include an indication as to whether or not the corporation is publicly held, how many female board members it has, and whether or not it meets the minimum standards, thresholds set out in this bill. Additionally, the Corporations Division will take this information and report it out to the public so that anyone who is interested in knowing the gender makeup of any of these corporate boards can easily find it. I worked with the Secretary of State's office on this bill and I know she shares in the goals of this legislation. Please join me in voting for the pending motion.

The SPEAKER: The Chair recognizes the Representative from Auburn, Representative Bickford.

Representative **BICKFORD**: Thank you, Mr. Speaker. Mr. Speaker, my question to this bill is what if it's an all-female board? Does a man have a right of a seat at the table? Does an Asian-American have a right at the seat of the table? Does an African-American have a seat at the table? Does a Native American have a seat at the table? Mr. Speaker, this bill is not ready for primetime. Thank you.

The SPEAKER: The Representative from Auburn, Representative Bickford has posed a question to any member who may care to respond. The Chair recognizes the Representative from Alfred, Representative Sampson.

Representative **SAMPSON**: Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I actually find this bill rather offensive. It basically implies that me, as a woman, I'm useless unless I get a boost from somebody like the Legislature and this law. I find it highly offensive.

The SPEAKER: The Chair recognizes the Representative from Knox, Representative Kinney.

Representative **KINNEY**: Thank you, Mr. Speaker. As a woman who has joined a fraternity in college, yes, I'm a brother, joined the male-dominated workforce of being a long-haul truck driver, joining the male-dominated workforce of being self-employed, owning my own business, this is extremely offensive and I hope you'll follow my light to vote this measure down. Thank you.

The SPEAKER: The Chair recognizes the Representative from South Portland, Representative Reckitt.

Representative **RECKITT**: Thank you, Mr. Speaker, for allowing me to rise once more. I want to point out to people this is a bill to find out what the current situation is. This is not a bill to require, I don't know what the word I'm searching for is, but unqualified anybody to be on a board. The question who's on there now? We have no idea at all. In fact, we don't even know who technically the Maine-based corporations are. So, this is two questions we're going to ask on the corporation filing so we can get this information. And in response to the Good Representative from Auburn, if we discover from that information that there are no men on these boards, I'd be happy to co-sponsor a bill with him to make sure that there is a metric on that in another session. So, my point is that we're really looking to see what the current situation is and find that data. I mean, that is the total point of this bill. So, if there's no problem, there's no problem, but we don't know that right now, at all. So, I thank you for your consideration and I hope you will vote for the bill.

The SPEAKER: The Chair recognizes the Representative from Auburn, Representative Bickford.

Representative **BICKFORD**: Thank you, Mr. Speaker. Mr. Speaker, this is not a resolve, there's no study in this bill. This bill requires that a corporate board have a female member by 2023. This is a requirement. It's not a study. We don't want to know how many boards have a female member. We are mandating it. And, again, it's not ready for primetime. Thank you.

The SPEAKER: The Chair recognizes the Representative from Fairfield, Representative Rudnicki.

Representative **RUDNICKI**: That's fine, I was thinking about it. Thank you, Mr. Speaker. I have to agree with some of my colleagues over here that I find this very offensive. If I don't earn something on my own, then I don't deserve it. And I also want to say these are private businesses; it's none of our business. Thank you.

The SPEAKER: A roll call has been ordered. The pending question before the House is Acceptance of the Majority Ought to Pass as Amended Report. All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 258

YEA - Arford, Babbidge, Bailey, Bell, Berry, Blume, Brennan, Brooks, Bryant, Caiazzo, Cardone, Cloutier, Collings, Copeland, Crafts, Craven, Crockett, Cuddy, Dodge, Doudera, Dunphy, Evangelos, Evans, Fay, Geiger, Gere, Gramlich, Harnett, Hasenafus, Hepler, Hymanson, Kessler, Landry, Lookner, Madigan, Martin J, Martin R, Mathieson, Matlack, McCrea, McCreight, McDonald, Melaragno, Meyer, Millett, Morales, Moriarty, O'Connell, O'Neil, Osher, Paulhus, Pebworth, Perry A, Perry J, Pierce, Pluecker, Reckitt, Rielly, Roberts, Roeder, Sachs, Salisbury, Sharpe, Sheehan, Stover, Supica, Sylvester, Talbot Ross, Tepler, Tucker, Tuttle, Warren C, Warren S, Williams, Wood, Zager, Zeigler, Mr. Speaker.

NAY - Alley, Andrews, Austin, Bernard, Bickford, Blier, Carlow, Carmichael, Collamore, Connor, Corey, Costain, Dolloff, Downes, Drinkwater, Ducharme, Faulkingham, Fecteau, Foster, Gifford, Greenwood, Griffin, Grohoski, Haggan, Hall, Hanley, Harrington, Head, Hutchins, Javner, Johansen, Kinney, Kryzak, Lemelin, Libby, Lyford, Lyman, Martin, Mason, Millett, Morris, Nadeau, Newman, O'Connor, Parry, Perkins, Pickett, Poirier, Quint, Riseman, Rudnicki, Sampson, Skolfield, Stanley, Stearns, Stetkis, Theriault, Thorne, Tuell, Underwood, Wadsworth, White B, White D.

ABSENT - Arata, Bradstreet, Cebra, Dillingham, Doore, Grignon, Ordway, Prescott, Roche, Terry.

Yes, 78; No, 63; Absent, 10; Excused, 0.

78 having voted in the affirmative and 63 voted in the negative, with 10 being absent, and accordingly the Majority **Ought to Pass as Amended Report was ACCEPTED.**

The Bill was **READ ONCE. Committee Amendment "A" (H-573) was READ** by the Clerk and **ADOPTED.**

Under suspension of the rules the Bill was given its **SECOND READING WITHOUT REFERENCE** to the Committee on **Bills in the Second Reading.**

Under further suspension of the rules the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (H-573)** and sent for concurrence.

Majority Report of the Committee on **JUDICIARY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-574)** on Bill "An Act To Ensure Judicial Discretion in Sentencing"

(H.P. 959) (L.D. 1303)

Signed:

Senators:

CARNEY of Cumberland
KEIM of Oxford
SANBORN of Cumberland

Representatives:

HARNETT of Gardiner
BABBIDGE of Kennebunk
EVANGELOS of Friendship
MORIARTY of Cumberland
RECKITT of South Portland
SHEEHAN of Biddeford

Minority Report of the same Committee reporting **Ought Not to Pass** on same Bill.

Signed:

Representatives:

HAGGAN of Hampden
LIBBY of Auburn
POIRIER of Skowhegan
THORNE of Carmel

Representative NEWELL of the Passamaquoddy Tribe - of the House - supports the Majority **Ought to Pass as Amended by Committee Amendment "A" (H-574)** Report.

READ.

On motion of Representative HARNETT of Gardiner, the Majority **Ought to Pass as Amended** Report was **ACCEPTED**.

The Bill was **READ ONCE. Committee Amendment "A" (H-574)** was **READ** by the Clerk and **ADOPTED**.

Under suspension of the rules the Bill was given its **SECOND READING WITHOUT REFERENCE** to the Committee on **Bills in the Second Reading**.

Under further suspension of the rules the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (H-574)** and sent for concurrence.

Eight Members of the Committee on **HEALTH AND HUMAN SERVICES** report in Report "A" **Ought to Pass as Amended by Committee Amendment "A" (H-579)** on Bill "An Act To End the Sale of Flavored Tobacco Products"

(H.P. 1155) (L.D. 1550)

Signed:

Senators:

CLAXTON of Androscoggin
BALDACCI of Penobscot

Representatives:

MEYER of Eliot
CRAVEN of Lewiston
MADIGAN of Waterville
PERRY of Calais
STOVER of Boothbay
ZAGER of Portland

Four Members of the same Committee report in Report "B" **Ought to Pass as Amended by Committee Amendment "B" (H-580)** on same Bill.

Signed:

Senator:

MOORE of Washington

Representatives:

CONNOR of Lewiston
GRIFFIN of Levant
LEMELIN of Chelsea

One Member of the same Committee reports in Report "C" **Ought Not to Pass** on same Bill.

Signed:

Representative:

JAVNER of Chester

READ.

Representative MEYER of Eliot moved that the House **ACCEPT** Report "A" **Ought to Pass as Amended**.

On further motion of the same Representative, **TABLED** pending her motion to **ACCEPT** Report "A" **Ought to Pass as Amended** and later today assigned.

By unanimous consent, all matters having been acted upon were **ORDERED SENT FORTHWITH**.

Majority Report of the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** reporting **Ought Not to Pass** on Bill "An Act To Protect Firearm Use and Possession Rights during a State of Emergency and Require a Two-thirds Vote by the Legislative Council To Declare or Extend a State of Emergency" (H.P. 971) (L.D. 1315)

Signed:

Senators:

DESCHAMBAULT of York
LAWRENCE of York

Representatives:

WARREN of Hallowell
LOOKNER of Portland
MORALES of South Portland
RECKITT of South Portland
SHARPE of Durham

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-583)** on same Bill.

Signed:

Senator:

CYRWAY of Kennebec

Representatives:

COSTAIN of Plymouth
NEWMAN of Belgrade
PICKETT of Dixfield
PLUECKER of Warren
RUDNICKI of Fairfield

READ.

Representative WARREN of Hallowell moved that the House **ACCEPT** the Majority **Ought Not to Pass** Report.

Representative STETKIS of Canaan **REQUESTED** a roll call on the motion to **ACCEPT** the Majority **Ought Not to Pass** Report.

More than one-fifth of the members present expressed a desire for a roll call which was ordered.

The **SPEAKER**: The Chair recognizes the Representative from Carmel, Representative Thorne.

Representative **THORNE**: Thank you, Mr. Speaker. I rise in opposition to the pending motion. And before I give my statement, I'd like to give a hypothetical scenario because, again, this deals with emergency powers of the Chief Executive, and if you'll go with me a year and a half down the road, there's been a new gubernatorial election, there's a new Chief Executive in the office. And, perhaps, Mr. Speaker, that person may not be of the same affiliation as currently occupying the Chief Executive's chair and perhaps, in this hypothetical scenario, the new Chief Executive says it's good to be back in my old seat, just a hypothetical situation. So, keep that in mind as I talk about this bill, which will address the emergency powers of the Chief Executive as it relates to legislative approval and oversight during a state of emergency. It also very simply reiterates, clarifies and affirms the Second Amendment rights of Maine citizens when faced with a disaster or public emergency.

This is done by declaring that the transport, storage, sale and/or transfer or other activities involving firearms are considered essential businesses and services during a state of emergency declared by the Chief Executive. It prohibits the seizure, registration, or other actions to restrict otherwise lawfully-owned firearms during a state of emergency and provides for the extension of concealed carry permits during a state of emergency, similar to other extensions granted in the last year/year and a half. I ask that you vote against the pending Ought Not to Pass motion and support passage of this bill as amended. Thank you, Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Winter Harbor, Representative Faulkingham.

Representative **FAULKINGHAM**: Thank you, Mr. Speaker. I rise in opposition to the pending motion.

This bill declares that the transport, storage, and sale and transfer involving firearms and ammunition components and accessories are considered essential business services during a state of emergency declared by the Chief Executive and prohibits the regulation, curtailment, seizure or otherwise lawfully-owned and possessed firearms during the state of emergency. Basically, what happened to the Kittery Trading Post and other gun stores at the beginning of the COVID emergency declaration will not be permitted to happen again. This bill does not impede law enforcement's ability to seize a firearm or ammunition while detaining individuals for suspected criminal activity pursuant to a warrantless arrest. This bill also suspends the expiration for concealed handgun permits for a state of emergency.

This bill also makes a proclamation by the Chief Executive declaring a state of emergency in the state or renewing a state of emergency void if it is not approved by a two-thirds vote of the legislative council within three calendar days of the declaration of renewal. These aren't earth-shattering reforms to the current emergency procedures. In the first major part of this bill, we are simply reaffirming the people's constitutional right to bear arms won't be infringed by a state of emergency. In the second major part of this bill, it says that if the state of emergency is going to exist beyond three days, that there is some affirmation by the Legislature, and in this bill it has chosen the Legislative Council. The Legislative Council is made up of the leaders in the House and the Senate caucuses and the Speaker and the Senate President. This Body can easily be convened on a very short notice and makes up the entirety of the legislative leadership. This makes them the perfect Body to quickly affirm or deny a Chief Executive's proclamation or state of emergency. This state of emergency that we are currently in is going to be ended in about two weeks, so, this bill does not have to be about the Chief Executive. The question before you now is; are we a representative form of government or are we governed by a style of leadership that allows the Chief Executive to continue extending emergency declarations with no recourse? I hope you choose the constitutional rights will not halt in a state of emergency. I hope that you choose to give the Legislature a swift method in weighing in on the state of emergency. Vote no on the pending motion.

The SPEAKER: A roll call has been ordered. The pending question before the House is Acceptance of the Majority Ought Not to Pass Report. All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 259

YEA - Arford, Babbidge, Bailey, Bell, Berry, Blume, Brennan, Brooks, Bryant, Caiazzo, Cardone, Cloutier, Collings, Copeland, Crafts, Craven, Crockett, Cuddy, Dodge, Doudera, Evans, Geiger, Gere, Gramlich, Grohoski, Harnett, Hasenfus, Hepler, Hymanson, Kessler, Lookner, Madigan, Mathieson, Matlack, McCrea, McCreight, Melaragno, Meyer, Millett, Morales, Moriarty, O'Connell, O'Neil, Osher, Paulhus, Pebworth, Perry A, Perry J, Pierce, Reckitt, Rielly, Roberts, Roeder, Sachs, Salisbury, Sharpe, Sheehan, Stover, Supica, Sylvester, Talbot Ross, Tepler, Tucker, Tuttle, Warren C, Warren S, White, Williams, Wood, Zager, Mr. Speaker.

NAY - Alley, Andrews, Austin, Bernard, Bickford, Blier, Carlow, Carmichael, Collamore, Connor, Corey, Costain, Dolloff, Downes, Drinkwater, Ducharme, Dunphy, Evangelos, Faulkingham, Fay, Fecteau, Foster, Gifford, Greenwood, Griffin, Haggan, Hall, Hanley, Harrington, Head, Hutchins, Javner, Johansen, Kinney, Kryzak, Landry, Lemelin, Libby, Lyford, Lyman, Martin J, Martin R, Martin T, Mason, Millett, Morris, Nadeau, Newman, O'Connor, Parry, Perkins, Pickett, Pluecker, Poirier, Quint, Rudnicki, Sampson, Skolfield, Stanley, Stearns, Stetkis, Theriault, Thorne, Tuell, Underwood, Wadsworth, White, Zeigler.

ABSENT - Arata, Bradstreet, Cebra, Dillingham, Doore, Grignon, McDonald, Ordway, Prescott, Riseman, Roche, Terry. Yes, 71; No, 68; Absent, 12; Excused, 0.

71 having voted in the affirmative and 68 voted in the negative, with 12 being absent, and accordingly the Majority **Ought Not to Pass** Report was **ACCEPTED** and sent for concurrence.

Majority Report of the Committee on **JUDICIARY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-588)** on Resolve, To Establish the Commission To Create a Plan To Incorporate the Probate Courts into the Judicial Branch (H.P. 530) (L.D. 719)

Signed:

Senators:

CARNEY of Cumberland
SANBORN of Cumberland

Representatives:

HARNETT of Gardiner
EVANGELOS of Friendship
MORIARTY of Cumberland
RECKITT of South Portland
SHEEHAN of Biddeford

Minority Report of the same Committee reporting **Ought Not to Pass** on same Resolve.

Signed:

Senator:

KEIM of Oxford

Representatives:

HAGGAN of Hampden
LIBBY of Auburn
POIRIER of Skowhegan
THORNE of Carmel

Representative NEWELL of the Passamaquoddy Tribe - of the House - supports the Majority **Ought to Pass as Amended by Committee Amendment "A" (H-588)** Report.

READ.

Representative HARNETT of Gardiner moved that the House **ACCEPT** the Majority **Ought to Pass as Amended** Report.

Representative HAGGAN of Hampden **REQUESTED** a roll call on the motion to **ACCEPT** the Majority **Ought to Pass as Amended** Report.

More than one-fifth of the members present expressed a desire for a roll call which was ordered.

The **SPEAKER**: A roll call has been ordered. The pending question before the House is Acceptance of the Majority **Ought to Pass as Amended** Report. All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 260

YEA - Arford, Babbidge, Bailey, Bell, Berry, Blume, Brennan, Brooks, Bryant, Caiazzo, Cardone, Cloutier, Collings, Copeland, Crafts, Craven, Crockett, Cuddy, Dodge, Doudera, Dunphy, Evangelos, Evans, Fay, Geiger, Gere, Gramlich, Grohoski, Harnett, Hasenfus, Hepler, Hymanson, Kessler, Landry, Lookner, Madigan, Martin J, Martin R, Mathieson, Matlack, McCrea, McCreight, McDonald, Melaragno, Meyer, Millett, Morales, Moriarty, O'Connell, O'Neil, Osher, Paulhus, Pebworth, Perry A, Perry J, Pierce, Pluecker, Reckitt, Rielly, Riseman, Roberts, Roeder, Sachs, Salisbury, Sharpe, Sheehan, Stover, Supica, Sylvester, Talbot Ross, Tepler, Tucker, Tuttle, Underwood, Warren C, Warren S, White, Williams, Wood, Zager, Zeigler, Mr. Speaker.

NAY - Alley, Andrews, Austin, Bernard, Blier, Carlow, Carmichael, Collamore, Connor, Corey, Costain, Dolloff, Downes, Drinkwater, Ducharme, Faulkingham, Fecteau, Foster, Gifford, Greenwood, Griffin, Haggan, Hall, Hanley, Harrington, Head, Hutchins, Javner, Johansen, Kinney, Kryzak, Lemelin, Libby, Lyford, Lyman, Martin, Mason, Millett, Morris, Nadeau, Newman, O'Connor, Parry, Perkins, Pickett, Poirier, Quint, Rudnicki, Sampson, Skolfield, Stanley, Stearns, Stetkis, Theriault, Thorne, Tuell, Wadsworth, White.

ABSENT - Arata, Bickford, Bradstreet, Cebra, Dillingham, Doore, Grignon, Ordway, Prescott, Roche, Terry.

Yes, 82; No, 58; Absent, 11; Excused, 0.

82 having voted in the affirmative and 58 voted in the negative, with 11 being absent, and accordingly the Majority **Ought to Pass as Amended** Report was **ACCEPTED**.

The Resolve was **READ ONCE. Committee Amendment "A" (H-588)** was **READ** by the Clerk and **ADOPTED**.

Under suspension of the rules the Resolve was given its **SECOND READING WITHOUT REFERENCE** to the Committee on **Bills in the Second Reading**.

Under further suspension of the rules the Resolve was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (H-588)** and sent for concurrence.

Majority Report of the Committee on **JUDICIARY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-589)** on Bill "An Act To Increase the Value of Property Exempt from Attachment and Execution"

(H.P. 542) (L.D. 737)

Signed:

Senators:

CARNEY of Cumberland
SANBORN of Cumberland

Representatives:

HARNETT of Gardiner
BABBIDGE of Kennebunk

EVANGELOS of Friendship
MORIARTY of Cumberland
RECKITT of South Portland
SHEEHAN of Biddeford

Minority Report of the same Committee reporting **Ought Not to Pass** on same Bill.

Signed:

Senator:

KEIM of Oxford

Representatives:

HAGGAN of Hampden
LIBBY of Auburn
POIRIER of Skowhegan
THORNE of Carmel

Representative NEWELL of the Passamaquoddy Tribe - of the House - supports the Majority **Ought to Pass as Amended by Committee Amendment "A" (H-589)** Report.

READ.

On motion of Representative HARNETT of Gardiner, the Majority **Ought to Pass as Amended** Report was **ACCEPTED**.

The Bill was **READ ONCE. Committee Amendment "A" (H-589)** was **READ** by the Clerk and **ADOPTED**.

Under suspension of the rules the Bill was given its **SECOND READING WITHOUT REFERENCE** to the Committee on **Bills in the Second Reading**.

Under further suspension of the rules the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (H-589)** and sent for concurrence.

Majority Report of the Committee on **JUDICIARY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-586)** on Bill "An Act Regarding Civil Mental Health Evaluations of Former Criminal Defendants"

(H.P. 552) (L.D. 747)

Signed:

Senators:

CARNEY of Cumberland
SANBORN of Cumberland

Representatives:

HARNETT of Gardiner
BABBIDGE of Kennebunk
CARDONE of Bangor
EVANGELOS of Friendship
McCREIGHT of Harpswell
MORIARTY of Cumberland
RECKITT of South Portland
SHEEHAN of Biddeford

Minority Report of the same Committee reporting **Ought Not to Pass** on same Bill.

Signed:

Senator:

KEIM of Oxford

Representatives:

HAGGAN of Hampden
POIRIER of Skowhegan

Representative NEWELL of the Passamaquoddy Tribe - of the House - supports the Majority **Ought to Pass as Amended by Committee Amendment "A" (H-586)** Report.

READ.

Representative HARNETT of Gardiner moved that the House **ACCEPT** the Majority **Ought to Pass as Amended** Report.

Representative ANDREWS of Paris **REQUESTED** a roll call on the motion to **ACCEPT** the Majority **Ought to Pass as Amended** Report.

More than one-fifth of the members present expressed a desire for a roll call which was ordered.

The **SPEAKER**: The Chair recognizes the Representative from Biddeford, Representative Sheehan.

Representative **SHEEHAN**: Thank you, Mr. Speaker. Mr. Speaker, Friends and Colleagues of the House, I rise today to speak in favor of the pending motion. LD 747 was brought forward by the Department of Health and Human Services to address the logistical challenges of initiating civil mental health evaluations in a timely manner when a former criminal defendant has been living in the community rather than in a psychiatric hospital. Timely handling of cases like this can save lives in situations where there's reasonable cause to believe the affected individual poses a likelihood of serious harm due to mental illness. The bill allows emergency commitment proceedings for defendants charged with serious violent crimes and who are determined both incompetent to stand trial and non-restorable. In cases like these, the courts must dismiss the charges and unless the defendant is subject to an undischarged term of imprisonment, the court may then notify the authorities who may institute civil commitment proceedings. This bill was cooperatively refined by the department and with help from the Maine Association of Criminal Defense Lawyers to address a narrow set of emergency circumstances while protecting former criminal defendants' civil rights and access to appropriate restorative services. I urge my colleagues to join me in supporting the pending motion.

The **SPEAKER**: A roll call has been ordered. The pending question before the House is Acceptance of the Majority Ought to Pass as Amended Report. All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 261

YEA - Alley, Arford, Babbidge, Bailey, Bell, Berry, Blume, Brennan, Brooks, Bryant, Caiazzo, Cardone, Cloutier, Collings, Copeland, Crafts, Craven, Crockett, Cuddy, Dodge, Doudera, Dunphy, Evangelos, Evans, Fay, Geiger, Gere, Gramlich, Grohoski, Harnett, Hasenfus, Hepler, Hutchins, Hymanson, Kessler, Landry, Lookner, Madigan, Martin J, Martin R, Mathieson, Matlack, McCrea, McCreight, McDonald, Melaragno, Meyer, Millett, Morales, Moriarty, O'Connell, O'Neil, Osher, Paulhus, Pebworth, Perry A, Perry J, Pierce, Pluecker, Reckitt, Rielly, Riseman, Roberts, Roeder, Sachs, Salisbury, Sharpe, Sheehan, Stover, Supica, Sylvester, Talbot Ross, Tepler, Tuttle, Warren C, Warren S, White, Williams, Wood, Zager, Zeigler, Mr. Speaker.

NAY - Andrews, Austin, Bernard, Blier, Carlow, Carmichael, Collamore, Connor, Corey, Costain, Dolloff, Downes, Drinkwater, Ducharme, Faulkingham, Fecteau, Foster, Gifford, Greenwood, Griffin, Haggan, Hall, Hanley, Harrington, Head, Javner, Johansen, Kinney, Kryzak, Lemelin, Libby, Lyford, Lyman, Martin, Mason, Millett, Morris, Nadeau, Newman, O'Connor, Parry, Perkins, Pickett, Poirier, Quint, Rudnicki, Sampson, Stanley, Stearns, Stetkis, Theriault, Thorne, Tuell, Underwood, Wadsworth, White.

ABSENT - Arata, Bickford, Bradstreet, Cebra, Dillingham, Doore, Grignon, Ordway, Prescott, Roche, Skolfield, Terry, Tucker.

Yes, 82; No, 56; Absent, 13; Excused, 0.
82 having voted in the affirmative and 56 voted in the negative, with 13 being absent, and accordingly the Majority **Ought to Pass as Amended** Report was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (H-586)** was **READ** by the Clerk and **ADOPTED**.

Under suspension of the rules the Bill was given its **SECOND READING WITHOUT REFERENCE** to the Committee on **Bills in the Second Reading**.

Under further suspension of the rules the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (H-586)** and sent for concurrence.

Majority Report of the Committee on **JUDICIARY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-596)** on Bill "An Act To Protect Teachers' Privacy While Delivering Remote Instruction"

(H.P. 632) (L.D. 864)

Signed:
Senators:
CARNEY of Cumberland
SANBORN of Cumberland

Representatives:
HARNETT of Gardiner
BABBIDGE of Kennebunk
EVANGELOS of Friendship
HAGGAN of Hampden
MORIARTY of Cumberland
RECKITT of South Portland
SHEEHAN of Biddeford

Minority Report of the same Committee reporting **Ought Not to Pass** on same Bill.

Signed:
Senator:
KEIM of Oxford

Representatives:
LIBBY of Auburn
POIRIER of Skowhegan
THORNE of Carmel

READ.

Representative HARNETT of Gardiner moved that the House **ACCEPT** the Majority **Ought to Pass as Amended** Report.

Representative HAGGAN of Hampden **REQUESTED** a roll call on the motion to **ACCEPT** the the Majority **Ought to Pass as Amended** Report.

More than one-fifth of the members present expressed a desire for a roll call which was ordered.

The **SPEAKER**: The Chair recognizes the Representative from Auburn, Representative Libby.

Representative **LIBBY**: Thank you, Mr. Speaker. I rise in opposition to the pending motion. During the public hearing and work session for this bill, I heard the same comment over and over again; parents don't/can't come into the classroom anytime they want and it shouldn't be any different when a student is working virtually. That argument compares apples and oranges. A classroom is on school property and out of necessity there are

rules that govern who can access that classroom. When a student is in a virtual class, they are most commonly learning from home and often while using their own or their parents' electronic devices. In their home that they have paid for, or their parents have paid for, on their devices which they or their parents have paid for. LD 864 levies a fine of \$200-\$500 to any person who distributes or retransmits a recorded session of remote instruction without express written consent. So, if a parent posts a 30-second clip on Facebook, whether in praise or as a negative, and 200 individuals share the clip, will those 201 individuals all face a fine and who will police it? This question was not answered adequately while this bill was in committee. This past year we've seen traditional education turned on its head. We need to take time to evaluate any changes that are needed around virtual education and protection of both teachers and students. This bill is not the answer. Please follow my light and vote against the pending motion.

The SPEAKER: The Chair recognizes the Representative from Augusta, Representative Fecteau.

Representative **FACTEAU**: Thank you, Mr. Speaker. I believe that this is a bad bill that expands the punitive reach of government. There have been plenty of motions by this Body to decriminalize activities while out and about in society, but this bill aims to criminalize a First Amendment activity in your own home. Section three of the bill states that a person who violates this section commits a civil violation for which a fine of not less than \$200, but not more than \$500, can be applied. This is an inconsistent action by the same committee when compared to the fines for other unlawful behavior. The action that may produce such an egregious fine is to record an activity by an institution you're paying for without their written consent. Moreover, this also applies to private schools. And I believe this Body just said that possession of 100 grams of meth is lesser of a fine than recording one second of a PowerPoint.

In almost every case, remote instruction is being provided to the student in a space and at a desk, through a device, and on the internet that is provided and paid for by the student's guardians or through the private renters or owners of the space. Any attempt to control how private people conduct themselves within their own space or with their own property is an extreme overstep of the scope of responsibility of a school or government. We don't criminalize leaflets, we don't criminalize recording of government agents, we don't criminalize repeating the speech of others. So, why would we criminalize private, nonviolent actions within someone's own home when the images of other minors wouldn't be present. What other types of private, nonviolent actions within your own home will be next? Thank you.

The SPEAKER: The Chair recognizes the Representative from Penobscot, Representative Hutchins.

Representative **HUTCHINS**: Thank you, Mr. Speaker, Ladies and Gentlemen. The Good Representative from Augusta stole a great deal of what I wanted to say, which is fine.

It would be the equivalent of someone like me, I build homes for a long time, 25-30 years. It would be the equivalent of me keeping the school teacher that owned the house out of the house to watch what I was doing in the new kitchen, seems to me. And that seems a little crazy.

The SPEAKER: The Chair recognizes the Representative from Belfast, Representative Dodge.

Representative **DODGE**: Thank you, Mr. Speaker, Men and Women of the House. I rise as the sponsor of and in support of the pending motion. Parents will always be encouraged to

get involved in their children's education. The bill's amendment replaces the bill and simply prohibits the distribution or retransmission of all or a part of a recorded session of remote instruction without the express written consent of the public or private school. People are not currently allowed to record lessons when classes are held in person without permission of the school. This same policy should apply when instruction is provided remotely. There are countless instances where a video clip of part of a class activity could portray an exchange out of context and in an inflammatory way. This would hurt our kids, our schools and our teachers. This bill will help prevent such unfortunate circumstances. Thank you, Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Kennebec, Representative Babbidge.

Representative **BABBIDGE**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House, I want to point out this bill has been amended. The fine would be \$200, something that you may be assessed tonight if you drive 12 miles over the limit leaving this chamber. The protection that is asked here is not only a protection of a teacher and their lesson plans but protection of children, which we don't want on Facebook without authorization of the school, public or private.

The SPEAKER: A roll call has been ordered. The pending question before the House is Acceptance of the Majority Ought to Pass as Amended Report. All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 262

YEA - Alley, Arford, Babbidge, Bailey, Bell, Berry, Blume, Brennan, Brooks, Bryant, Caiazzo, Cardone, Cloutier, Collings, Copeland, Crafts, Craven, Crockett, Cuddy, Dodge, Doudera, Dunphy, Evangelos, Evans, Fay, Geiger, Gere, Gramlich, Grohoski, Harnett, Hasenfus, Hepler, Hymanson, Kessler, Landry, Lookner, Madigan, Martin J, Martin R, Mathieson, Matlack, McCreight, McDonald, Melaragno, Meyer, Millett, Morales, Moriarty, O'Connell, O'Neil, Osher, Paulhus, Pebworth, Perry A, Perry J, Pierce, Pluecker, Reckitt, Rielly, Riseman, Roberts, Roeder, Sachs, Salisbury, Sharpe, Sheehan, Stover, Supica, Sylvester, Talbot Ross, Tepler, Tucker, Tuttle, Warren C, Warren S, White, Williams, Wood, Zager, Zeigler, Mr. Speaker.

NAY - Andrews, Austin, Bernard, Blier, Carlow, Carmichael, Collamore, Connor, Corey, Costain, Dolloff, Downes, Drinkwater, Ducharme, Faulkingham, Fecteau, Foster, Gifford, Greenwood, Griffin, Haggan, Hall, Hanley, Harrington, Head, Hutchins, Javner, Johansen, Kinney, Kryzak, Lemelin, Libby, Lyford, Lyman, Martin, Mason, Millett, Morris, Nadeau, Newman, O'Connor, Parry, Perkins, Pickett, Poirier, Quint, Rudnicki, Sampson, Stanley, Stearns, Stetkis, Theriault, Thorne, Tuell, Underwood, Wadsworth, White.

ABSENT - Arata, Bickford, Bradstreet, Cebra, Dillingham, Doore, Grignon, Ordway, Prescott, Roche, Skolfield, Terry.

Yes, 82; No, 57; Absent, 12; Excused, 0.

82 having voted in the affirmative and 57 voted in the negative, with 12 being absent, and accordingly the Majority Ought to Pass as Amended Report was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (H-596)** was **READ** by the Clerk and **ADOPTED**.

Under suspension of the rules the Bill was given its **SECOND READING WITHOUT REFERENCE** to the Committee on **Bills in the Second Reading**.

Under further suspension of the rules the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (H-596)** and sent for concurrence.

Majority Report of the Committee on **JUDICIARY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-587)** on Bill "An Act To Support Survivors of Sex Trafficking and Exploitation"

(H.P. 1071) (L.D. 1455)

Signed:

Senators:

CARNEY of Cumberland
SANBORN of Cumberland

Representatives:

HARNETT of Gardiner
BABBIDGE of Kennebunk
EVANGELOS of Friendship
MORIARTY of Cumberland
RECKITT of South Portland
SHEEHAN of Biddeford

Minority Report of the same Committee reporting **Ought Not to Pass** on same Bill.

Signed:

Senator:

KEIM of Oxford

Representatives:

HAGGAN of Hampden
POIRIER of Skowhegan
THORNE of Carmel

READ.

On motion of Representative HARNETT of Gardiner, the Majority **Ought to Pass as Amended** Report was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (H-587)** was **READ** by the Clerk and **ADOPTED**.

Under suspension of the rules the Bill was given its **SECOND READING WITHOUT REFERENCE** to the Committee on **Bills in the Second Reading**.

Under further suspension of the rules the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (H-587)** and sent for concurrence.

Seven Members of the Committee on **JUDICIARY** report in Report "A" **Ought to Pass** on Bill "An Act Regarding the Issuance of a Birth Certificate Following a Gender Marker Change"

(H.P. 623) (L.D. 855)

Signed:

Senators:

CARNEY of Cumberland
SANBORN of Cumberland

Representatives:

HARNETT of Gardiner
BABBIDGE of Kennebunk
EVANGELOS of Friendship
RECKITT of South Portland
SHEEHAN of Biddeford

Five Members of the same Committee report in Report "B" **Ought Not to Pass** on same Bill.

Signed:

Senator:

KEIM of Oxford

Representatives:

HAGGAN of Hampden
LIBBY of Auburn
POIRIER of Skowhegan
THORNE of Carmel

One Member of the same Committee reports in Report "C" **Ought to Pass as Amended by Committee Amendment "A" (H-592)** on same Bill.

Signed:

Representative:

MORIARTY of Cumberland

READ.

Representative HARNETT of Gardiner moved that the House **ACCEPT** Report "A" **Ought to Pass**.

Representative HAGGAN of Hampden **REQUESTED** a roll call on the motion to **ACCEPT** Report "A" **Ought to Pass**.

More than one-fifth of the members present expressed a desire for a roll call which was ordered.

The SPEAKER: The Chair recognizes the Representative from Auburn, Representative Libby.

Representative **LIBBY**: Thank you, Mr. Speaker. I rise in opposition to the pending motion. A birth certificate is, as its name states, a record of live birth. LD 855 would allow a new birth certificate to be issued after a gender marker change not only for an adult but also at the request of a parent on behalf of a minor of any age. The newly-issued birth certificate may not be marked amended, despite the fact that filing a new birth certificate with a change of gender will not change anyone's DNA. I have a child who just finished sixth grade. I can attest to the fact that she lacks the maturity to make life-changing decisions such as changing her gender on a birth certificate. I absolutely stand for parent rights, but this is not a decision that a parent should have the authority to make on behalf of their minor child.

The SPEAKER: The Chair recognizes the Representative from Carmel, Representative Thorne.

Representative **THORNE**: Thank you, Mr. Speaker. Mr. Speaker, may I make a point of pronunciation?

The SPEAKER: The Chair would ask the Member to clarify what it is he would like to do.

Representative **THORNE**: Thank you, Mr. Speaker. If we had a Representative here from Calais or Machias or Presque Isle, they'd have something to say about the hometown folks seeing the video; but we pronounce it Carmel, not Carmel. That's all.

The SPEAKER: The Chair has heard the message.

Representative **THORNE**: Thank you, Mr. Speaker.

The SPEAKER: The Member may proceed.

Representative **THORNE**: I rise today in opposition of the motion. Mr. Speaker, this House just passed a bill outlawing people under the age of 18 get married. We debated whether or not we were going to let 16-year-olds vote or not. You can't buy a pack of cigarettes until you're 21. You can't buy alcohol until you're 21. Mr. Speaker, altering a live record of birth without any record that it has been altered is, in my opinion, ludicrous. What's next? I was born in Portland, but I identify being from Presque Isle, therefore I'd like to change my birth certificate, place of birth to Presque Isle. I was born in 1964. What if I identify with being born in 1974? All kinds of things that may sound ridiculous, but it's altering something that is factual, that is actual. On this in committee, I asked if genitalia came into play at all with the declaration or the changing of the gender

marker and the answer is no. So, Mr. Speaker, I ask you a question, hypothetically, as it may be, where do we stop this slippery slope? Where do we let the facts be the facts and then let adults be adults and not have children make decisions of adults and back them up on it? Perhaps I wanted Cary Grant to be my father. Could I change that as well if we introduce legislation?

Representative **BAILEY**: Point of Order.

The SPEAKER: The Member will defer. The Chair recognizes the Representative from Gorham, Representative Bailey.

Representative **BAILEY**: The Good Representative is not staying on topic; if he could bring it back to the subject matter of the bill, appreciate it.

On **POINT OF ORDER**, Representative BAILEY of Gorham asked the Chair if the remarks of Representative THORNE of Carmel were germane to the pending question.

The SPEAKER: The Chair would advise all Members to debate the bill before us.

The Chair reminded Representative THORNE of Carmel to stay as close as possible to the pending question.

The SPEAKER: The Chair recognizes the Representative from Carmel, Representative Thorne.

Representative **THORNE**: We're talking about altering a birth certificate and the factual information on that. I understand that this is a gender marker question, but I'm talking about altering an official document with un-factual information and where we stop it, where we say a fact is not a fact, it's a made-up, imaginary declaration. Thank you, Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Biddeford, Representative Sheehan.

Representative **SHEEHAN**: Thank you, Mr. Speaker. Mr. Speaker, Friends, and Colleagues of the House, I rise today to speak in favor of the pending motion.

Current law of governing vital records dictates that when such records are amended, they must be marked as amended. There are exceptions to this. Changes resulting from adoptions and so-called legitimations are made on a new record and the old record is sealed. The Department of Health and Human Services and the CDC agree that amendments made to align with gender identity, along with any associated name change, should be included among those exceptions in order to protect the privacy and safety of Mainers who have requested and received a gender marker change. LD 855 was initiated by the Department of Health and Human Services to specify rules that are currently in place. Under this bill, new birth certificates issued after a gender marker change will no longer be marked amended. Mainers need to present their birth certificates in many instances; in the course of job searches, as they navigate financial matters, as they secure driver's licenses and passports. Presenting a certificate that has one's name and gender marker annotated not only shares deeply private information but could result in discrimination, harassment and even serious physical harm to our neighbors. Colleagues and friends, please join me in supporting the pending motion.

The SPEAKER: The Chair recognizes the Representative from Penobscot, Representative Hutchins.

Representative **HUTCHINS**: Thank you, Mr. Speaker, Ladies and Gentlemen. Changing this birth certificate at whatever time anybody chose to do it, would it be possible for someone to change it because they were perhaps a fugitive from justice and if it can't be traced, that might help them in that? I'm not sure of that, that's more of a question than anything else, but

if I don't know the answer to the question, I always tell people not to ask the question, but I am.

The SPEAKER: The Chair recognizes the Representative from Gardiner, Representative Harnett.

Representative **HARNETT**: Thank you, Mr. Speaker. I sponsored this legislation and I introduce it on behalf of the Department of Health and Human Services and I did not plan to speak on it today. But I feel compelled to because of some things that I've heard.

This bill is about dignity and respect. It is about affording dignity and respect to members of our society, members who are transgender, members who are nonbinary. They exist. They live with us. They're our friends, they're our neighbors. All this bill allows is for those people to have a birth certificate that matches their gender, period. It's not about making things up, it's not about becoming a fugitive from justice, it is about treating people with dignity and respect and I ask you to support the pending motion.

The SPEAKER: The Chair recognizes the Representative from Bangor, Representative Roeder.

Representative **ROEDER**: Thank you, Mr. Speaker. I rise in support of this motion and, as the Good Representative from Gardiner had said, this is a matter of dignity and respect but I'd like to take that a little bit farther because as we see from statistics from the Trevor Project, this is potentially a matter of life and death. Approximately 80% of transgender youth have spoken about seriously considering suicide or self-harm at some point in their lives and the Trevor Project said furthermore that transgender or nonbinary youth who reported having pronouns respected by all or most people in their lives attempted suicide at half the rate of those who did not have their pronouns respected. I would like to sort of draw a comparison between the birth certificate and those pronouns. This is a small step towards reducing that suicide attempting rate. Thank you.

The SPEAKER: The Chair recognizes the Representative from Winter Harbor, Representative Faulkingham.

Representative **FAULKINGHAM**: Thank you, Mr. Speaker. I would like to pose a question through the Chair.

The SPEAKER: The Member may proceed.

Representative **FAULKINGHAM**: The question is; I can see where there might be some validity to this bill in adulthood, but it's disturbing to me if a parent can change the gender as soon as the baby is born or at any age, so, I would like to pose a question. What is the minimum age to change the gender on a birth certificate?

The SPEAKER: The Representative from Winter Harbor, Representative Faulkingham has posed a question to any member who may care to respond. The Chair recognizes the Representative from Auburn, Representative Libby.

Representative **LIBBY**: There is no minimum age, though if I may mention it, there was an amendment with an age of 16 proposed.

The SPEAKER: A roll call has been ordered. The pending question before the House is Acceptance of Report "A" Ought to Pass. All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 263

YEA - Arford, Babbidge, Bailey, Bell, Berry, Blume, Brennan, Brooks, Bryant, Caiazzo, Cardone, Cloutier, Collings, Copeland, Crafts, Craven, Crockett, Cuddy, Dodge, Doudera, Dunphy, Evangelos, Evans, Fay, Fecteau, Geiger, Gere, Gramlich, Grohoski, Harnett, Hasenhus, Hepler, Hymanson, Kessler, Landry, Lookner, Madigan, Martin J, Martin R, Martin T, Mathieson, Matlack, McCrea, McCreight, McDonald, Melaragno, Meyer, Millett, Morales, Moriarty, O'Connell, O'Neil, Osher, Paulhus, Peabworth, Perry A, Perry J, Pierce, Pluecker, Reckitt, Rielly, Riseman, Roberts, Roeder, Sachs, Salisbury, Sharpe, Sheehan, Stover, Supica, Sylvester, Talbot Ross, Tepler, Tucker, Tuttle, Warren C, Warren S, Williams, Wood, Zager, Zeigler, Mr. Speaker.

NAY - Alley, Andrews, Austin, Bernard, Blier, Carlow, Carmichael, Collamore, Connor, Corey, Costain, Dolloff, Downes, Drinkwater, Ducharme, Faulkingham, Foster, Gifford, Greenwood, Griffin, Haggan, Hall, Hanley, Harrington, Head, Hutchins, Javner, Johansen, Kryzak, Lemelin, Libby, Lyford, Lyman, Mason, Millett, Morris, Nadeau, Newman, O'Connor, Parry, Perkins, Pickett, Poirier, Quint, Rudnicki, Sampson, Skolfield, Stanley, Stearns, Stetkis, Theriault, Thorne, Tuell, Underwood, Wadsworth, White.

ABSENT - Arata, Bickford, Bradstreet, Cebra, Dillingham, Doore, Grignon, Kinney, Ordway, Prescott, Roche, Terry, White.

Yes, 82; No, 56; Absent, 13; Excused, 0.
82 having voted in the affirmative and 56 voted in the negative, with 13 being absent, and accordingly Report "A" Ought to Pass was **ACCEPTED**.

The Bill was **READ ONCE**.

Under suspension of the rules the Bill was given its **SECOND READING WITHOUT REFERENCE** to the Committee on **Bills in the Second Reading**.

Under further suspension of the rules the Bill was **PASSED TO BE ENGROSSED** and sent for concurrence.

By unanimous consent, all matters having been acted upon were **ORDERED SENT FORTHWITH**.

Seven Members of the Committee on **JUDICIARY** report in Report "A" **Ought to Pass as Amended by Committee Amendment "A" (H-590)** on Bill "An Act To Reduce the Burden on Courts and Promote the Resolution of Civil Cases" (H.P. 838) (L.D. 1160)

Signed:

Senators:

CARNEY of Cumberland
SANBORN of Cumberland

Representatives:

HARNETT of Gardiner
BABBIDGE of Kennebunk
EVANGELOS of Friendship
RECKITT of South Portland
SHEEHAN of Biddeford

Five Members of the same Committee report in Report "B" **Ought Not to Pass** on same Bill.

Signed:

Senator:

KEIM of Oxford

Representatives:

HAGGAN of Hampden
LIBBY of Auburn
POIRIER of Skowhegan
THORNE of Carmel

One Member of the same Committee reports in Report "C" **Ought to Pass as Amended by Committee Amendment "B" (H-591)** on same Bill.

Signed:

Representative:

MORIARTY of Cumberland

Representative NEWELL of the Passamaquoddy Tribe - of the House - supports Report "A" **Ought to Pass as Amended by Committee Amendment "A" (H-590)**.

READ.

On motion of Representative HARNETT of Gardiner, Report "A" **Ought to Pass as Amended** was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (H-590)** was **READ** by the Clerk and **ADOPTED**.

Under suspension of the rules the Bill was given its **SECOND READING WITHOUT REFERENCE** to the Committee on **Bills in the Second Reading**.

Under further suspension of the rules the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (H-590)** and sent for concurrence.

By unanimous consent, all matters having been acted upon were **ORDERED SENT FORTHWITH**.

**CONSENT CALENDAR
First Day**

In accordance with House Rule 519, the following items appeared on the Consent Calendar for the First Day:

(H.P. 324) (L.D. 448) Bill "An Act Regarding Recording of Witness Interviews" Committee on **JUDICIARY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-571)**

(H.P. 405) (L.D. 560) Bill "An Act To Amend the Safe Haven Laws" Committee on **JUDICIARY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-570)**

Under suspension of the rules, Second Day Consent Calendar notification was given.

There being no objection, the House Papers were or **PASSED TO BE ENGROSSED as Amended** and sent for concurrence.

By unanimous consent, all matters having been acted upon were **ORDERED SENT FORTHWITH**.

In accordance with House Rule 519, the following items appeared on the Consent Calendar for the First Day:

(S.P. 11) (L.D. 4) Bill "An Act To Amend the Maine Pharmacy Act" Committee on **HEALTH COVERAGE, INSURANCE AND FINANCIAL SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-256)**

(S.P. 511) (L.D. 1618) Resolve, To Place a Temporary Moratorium on the Approval of Any New Motor Vehicle Registration Plates and Initiate a Registration Plate Working

Group (EMERGENCY) Committee on **TRANSPORTATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-254)**

(H.P. 701) (L.D. 945) Bill "An Act Regarding Notice by Health Insurance Carriers of Policy Changes" Committee on **HEALTH COVERAGE, INSURANCE AND FINANCIAL SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-578)**

Under suspension of the rules, Second Day Consent Calendar notification was given.

There being no objection, the Senate Papers were **PASSED TO BE ENGROSSED as Amended** in concurrence and the House Paper was **PASSED TO BE ENGROSSED as Amended** and sent for concurrence.

By unanimous consent, all matters having been acted upon were **ORDERED SENT FORTHWITH**.

In accordance with House Rule 519, the following items appeared on the Consent Calendar for the First Day:

(H.P. 602) (L.D. 834) Bill "An Act To Ensure the Appropriate Allocation of Victim Restitution" Committee on **JUDICIARY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-595)**

(H.P. 621) (L.D. 853) Bill "An Act To Increase the Fees Paid to Sheriffs and Their Deputies for Service of Civil Process Documents" Committee on **JUDICIARY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-594)**

(H.P. 702) (L.D. 946) Resolve, To Authorize Maine as the Nonfederal Sponsor with the United States Army Corps of Engineers for the Shore Damage Mitigation Project in Saco Committee on **ENVIRONMENT AND NATURAL RESOURCES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-585)**

(H.P. 996) (L.D. 1345) Bill "An Act To Implement the Recommendations of the Right To Know Advisory Committee" Committee on **JUDICIARY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-593)**

Under suspension of the rules, Second Day Consent Calendar notification was given.

There being no objection, the House Papers were **PASSED TO BE ENGROSSED as Amended** and sent for concurrence.

By unanimous consent, all matters having been acted upon were **ORDERED SENT FORTHWITH**.

ENACTORS

Emergency Measure

Resolve, To Require the Department of Administrative and Financial Services and the Department of Public Safety To Develop Short-term and Long-term Plans for Security Screenings in the Burton M. Cross Building and the State House (H.P. 1242) (L.D. 1671) (C. "A" H-525)

Was reported by the Committee on **Engrossed Bills** as truly and strictly engrossed.

Representative DUNPHY of Old Town **REQUESTED** a roll call on **FINAL PASSAGE**.

More than one-fifth of the members present expressed a desire for a roll call which was ordered.

On further motion of the same Representative, **TABLED** pending **FINAL PASSAGE** and later today assigned. (Roll Call Ordered)

Mandate

An Act To Increase High School Graduation Rates for Students Experiencing Education Disruption

(S.P. 424) (L.D. 1318) (C. "A" S-246)

Was reported by the Committee on **Engrossed Bills** as truly and strictly engrossed.

On motion of Representative DUNPHY of Old Town, **TABLED** pending **PASSAGE TO BE ENACTED**.

Subsequently, Representative DUNPHY of Old Town **WITHDREW** her motion to **TABLE**.

The same Representative **REQUESTED** a roll call on **PASSAGE TO BE ENACTED**.

More than one-fifth of the members present expressed a desire for a roll call which was ordered.

Subsequently, on further motion of the same Representative, **TABLED** pending **PASSAGE TO BE ENACTED** and later today assigned. (Roll Call Ordered)

Acts

An Act To Improve Information Sharing by Criminal Justice Agencies with Government Agencies Responsible for Investigating Child or Adult Abuse

(H.P. 24) (L.D. 58) (C. "A" H-548)

An Act To Stabilize Property Taxes for Individuals 65 Years of Age or Older Who Own a Homestead for at Least 10 Years

(S.P. 126) (L.D. 290) (C. "A" S-222)

An Act To Help Maine Students Catch Up and Keep Up by Providing Remedial and Compensatory Assistance in Response to Education Disruption

(H.P. 238) (L.D. 334) (C. "A" H-544)

An Act To Expand the Disciplinary Authority of the Board of Trustees of the Maine Criminal Justice Academy

(H.P. 368) (L.D. 505) (C. "A" H-535)

An Act To Establish and Promote a System of Safe Disposal of Expired Marine Flares

(H.P. 377) (L.D. 514) (C. "A" H-539)

An Act Concerning Records of the Employment of Law Enforcement Officers and Corrections Officers

(H.P. 418) (L.D. 573) (C. "A" H-549)

An Act To Ensure Equity in Petitions for Rulemaking under the Maine Administrative Procedure Act

(H.P. 488) (L.D. 661) (C. "A" H-534)

An Act Regarding the Maine Criminal Code and a Period of Suspension under the Motor Vehicle Statutes

(H.P. 523) (L.D. 710) (C. "A" H-538)

An Act To Allow State Vehicles Assigned to Certain Maine Emergency Management Agency Employees To Be Used for Commuting

(H.P. 568) (L.D. 763)
(C. "A" H-550)

An Act To Increase the Availability of Mental Health Services for a Defendant Who Has Been Found Incompetent To Stand Trial

(H.P. 574) (L.D. 769)
(C. "A" H-537)

An Act To Divert Young Adults from the Adult Criminal Justice System

(H.P. 615) (L.D. 847)
(C. "A" H-551)

An Act To Expand the Crime of Violation of Privacy To Include Observing or Photographing Images Inside a Private Place That Would Not Ordinarily Be Visible Outside That Place

(H.P. 759) (L.D. 1021)
(C. "A" H-552)

An Act To Protect the Rights of Certain Incarcerated Individuals

(H.P. 772) (L.D. 1044)
(C. "A" H-553)

An Act Regarding Unauthorized Possession of a Firearm in a Correctional Facility or Jail

(H.P. 848) (L.D. 1170)
(C. "A" H-533)

An Act To Curtail No-knock Warrants

(H.P. 849) (L.D. 1171)
(C. "A" H-536)

An Act To Implement the Recommendations of the Right To Know Advisory Committee Concerning Fees Charged for Responding to Public Records Requests

(H.P. 997) (L.D. 1346)

An Act To Establish the Maine Buy American and Build Maine Act

(S.P. 461) (L.D. 1411)
(S. "A" S-247 to C. "A" S-234)

An Act Regarding Campaign Finance Reform

(S.P. 467) (L.D. 1417)
(S. "A" S-233 to C. "A" S-210)

An Act To Serve the Public Interest, Promote Journalism and Save Jobs by Restoring the Sales and Use Tax Exemption for Publications

(H.P. 1078) (L.D. 1462)
(C. "A" H-499)

An Act To Support All-terrain Vehicle Trail Improvement

(H.P. 1084) (L.D. 1468)
(C. "A" H-559)

An Act To Update and Eliminate References in Statute to Selectmen and Overseers of the Poor

(H.P. 1126) (L.D. 1522)
(C. "A" H-512)

An Act To Strengthen Statewide Mental Health Peer Support, Crisis Intervention Mobile Response and Crisis Residential Services

(H.P. 1175) (L.D. 1586)
(C. "A" H-527)

An Act To Provide Pathways to Rehabilitation, Reentry and Reintegration

(H.P. 1182) (L.D. 1593)
(C. "A" H-556)

An Act To Require Consideration of Climate Impacts by the Public Utilities Commission and To Incorporate Equity Considerations in Decision Making by State Agencies

(H.P. 1251) (L.D. 1682)

(C. "A" H-541)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed, **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

Resolves

Resolve, Regarding Legislative Review of Portions of Chapter 570: Uniform Reporting System for Prescription Drug Price Data Sets, a Major Substantive Rule of the Maine Health Data Organization

(H.P. 7) (L.D. 41)
(S. "A" S-244)

Resolve, Establishing the Commission To Study Fair, Equitable and Competitive Tax Policy for Maine's Working Families and Small Businesses To Enable the Implementation of the State's 10-year Economic Development Strategy

(H.P. 712) (L.D. 966)
(C. "A" H-560)

Resolve, To Study Incentives for Residential Fire Sprinkler Systems

(H.P. 998) (L.D. 1364)
(C. "A" H-554)

Resolve, To Change the Educational Requirements of Behavioral Health Professionals Providing Services for Children

(H.P. 1040) (L.D. 1424)

(H. "A" H-532 to C. "A" H-288)

Resolve, Directing the Maine Arts Commission To Create a Program for Public Art Recovery Grants

(H.P. 1163) (L.D. 1566)
(C. "A" H-561)

Resolve, To Replace Certain Stigmatizing Language in the Maine Revised Statutes with Respectful Language

(H.P. 1177) (L.D. 1588)
(C. "A" H-555)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed, **FINALLY PASSED**, signed by the Speaker and sent to the Senate.

An Act To Establish Separate Prosecutorial Districts in Downeast Maine

(H.P. 188) (L.D. 272)
(C. "A" H-547)

On motion of Representative TUELL of East Machias, was **SET ASIDE**.

The SPEAKER: The Chair recognizes the Representative from East Machias, Representative Tuell.

Representative **TUELL**: Thank you, Mr. Speaker. I rise in support of the pending motion and I will be brief at it, but I just wanted to thank the Judiciary Committee for their unanimous report and support of two separate prosecutorial districts in Downeast Maine. I thank the committee for coming together in a bipartisan way to recognize some longstanding issues with our prosecutorial districts in rural Downeast Maine. With that, I know this bill has had a lot of twists and turns along the way and at the request of our local law enforcement community and others, I would request a Roll Call.

The same Representative **REQUESTED** a roll call on **PASSAGE TO BE ENACTED**.

More than one-fifth of the members present expressed a desire for a roll call which was ordered.

The SPEAKER: A roll call has been ordered. The pending question before the House is Passage to be Enacted. All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 264

YEA - Alley, Andrews, Arford, Austin, Babbidge, Bailey, Bell, Bernard, Berry, Blier, Blume, Brennan, Brooks, Bryant, Caiazzo, Cardone, Carlow, Carmichael, Cloutier, Collamore, Collings, Connor, Copeland, Corey, Costain, Crafts, Craven, Crockett, Cuddy, Dodge, Dolloff, Doudera, Downes, Drinkwater, Ducharme, Dunphy, Evangelos, Evans, Faulkingham, Fay, Fecteau, Foster, Geiger, Gere, Gifford, Gramlich, Greenwood, Griffin, Grohoski, Haggan, Hall, Hanley, Harnett, Harrington, Hasenfus, Head, Hepler, Hutchins, Hymanson, Javner, Johansen, Kessler, Kryzak, Landry, Lemelin, Libby, Lookner, Lyford, Lyman, Madigan, Martin J, Martin R, Martin T, Mason, Mathieson, Matlack, McCrea, McCreight, McDonald, Melaragno, Meyer, Millett H, Millett R, Morales, Moriarty, Morris, Nadeau, Newman, O'Connell, O'Connor, O'Neil, Osher, Paulhus, Pebworth, Perkins, Perry A, Perry J, Pickett, Pierce, Pluecker, Poirier, Quint, Reckitt, Rielly, Riseman, Roberts, Roeder, Rudnicki, Sachs, Salisbury, Sampson, Sharpe, Sheehan, Skolfield, Stearns, Stetkis, Stover, Supica, Sylvester, Talbot Ross, Tepler, Theriault, Thorne, Tucker, Tuell, Tuttle, Underwood, Wadsworth, Warren, White B, White D, Williams, Wood, Zager, Zeigler, Mr. Speaker.

NAY - Warren.

ABSENT - Arata, Bickford, Bradstreet, Cebra, Dillingham, Doore, Grignon, Kinney, Ordway, Parry, Prescott, Roche, Stanley, Terry.

Yes, 136; No, 1; Absent, 14; Excused, 0.

136 having voted in the affirmative and 1 voted in the negative, with 14 being absent, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

By unanimous consent, all matters having been acted upon were **ORDERED SENT FORTHWITH**.

**ENACTORS
Acts**

An Act To Require That Private Schools That Enroll 60 Percent or More Publicly Funded Students Meet Certain Requirements

(H.P. 1243) (L.D. 1672)
(C. "A" H-463)

Was reported by the Committee on **Engrossed Bills** as truly and strictly engrossed, **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

Resolves

Resolve, Regarding the Storage of Consumer Fireworks
(H.P. 133) (L.D. 180)
(C. "A" H-557)

Resolve, To Develop a Plan To Close the Long Creek Youth Development Center and Redirect Funding to Community Integration Services for Adjudicated Youth

(H.P. 1239) (L.D. 1668)

Was reported by the Committee on **Engrossed Bills** as truly and strictly engrossed, **FINALLY PASSED**, signed by the Speaker and sent to the Senate.

By unanimous consent, all matters having been acted upon were **ORDERED SENT FORTHWITH**.

The following items were taken up out of order by unanimous consent:

UNFINISHED BUSINESS

The following matters, in the consideration of which the House was engaged at the time of adjournment, have preference in the Orders of the Day and continue with such preference until disposed of as provided by House Rule 502.

HOUSE DIVIDED REPORT - Majority (8) **Ought to Pass as Amended by Committee Amendment "A" (H-545)** - Minority (5) **Ought Not to Pass** - Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act To Keep All Maine Students Safe by Restricting the Use of Seclusion and Restraint in Schools"

(H.P. 1007) (L.D. 1373)

TABLED - June 10, 2021 (Till Later Today) by Representative BRENNAN of Portland.

PENDING - Motion of same Representative to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report.

Representative STEARNS of Guilford **REQUESTED** a roll call on the motion to **ACCEPT** the Majority **Ought to Pass as Amended** Report.

More than one-fifth of the members present expressed a desire for a roll call which was ordered.

The SPEAKER: The Chair recognizes the Representative from Livermore Falls, Representative Lyman.

Representative **LYMAN**: Thank you, Mr. Speaker and Ladies and Gentlemen of the House. I rise in opposition to the pending motion. I never would've believed that I would be standing in front of this Body speaking to a bill that involved restraint and seclusion. The only reason that I have to do this is because it seems that no matter how many of the trained professionals working closest to our State's schoolchildren or, for that matter, even the acceptance of their well-expressed concerns, LD 1373 continues to move forward. During the Education Committee work, I offered an amendment addressing the concerns of the bill expressed by so many. During a second committee vote, it was a completely divided report along party lines. The bill came before the Education a third time with another divided report along party lines. Some members of our committee will probably express that hard work and collaboration from our committee members offered changes to the original bill. I would completely disagree. At the close of all committee work on this bill, some might try to say that after listening to testimonies, restraint language was changed and a two-year extension was made. But seclusion was still banned. Let me just say that the two-year extension for, quote, preparing our trained professionals, can you hear the irony, is completely unnecessary. That is because professionals are always working within a practice that requires training to be ongoing and mandatory. Suggesting such a time condition in this bill just shows the lack of understanding many have for professional development for Maine's educational staff. Two years from now, when this so-called, quote, time to adjust is over, the ongoing training for best practices will continue forward without our State's Legislature directing educators to do so.

Mr. Speaker, you need to know that as a freshman legislator, I cannot get my head around how the safety of our schoolchildren could even begin to be a partisan issue. This bill could put our most at-risk students in danger of hurting themselves or others and yet it keeps moving forward through the legislative process. Mr. Speaker, this even continues after

many testimonies from educators, special needs professionals and, most importantly, parents begged many of us to stop this bill. Testimony after testimony shared that Chapter 33, a state-approved, in-depth regulation made by an informed group of stakeholders in 2013 absolutely supports the children of our Maine schools regarding restraint and seclusion. It worked for all students. The rules of Chapter 33 outline allowable and restricted use of restraint and seclusion within our State's schools. These rules are among the most comprehensive; strict, in our nation. As uncomfortable and concerning as it is to imagine, restraint and seclusion are never used solely. I know this to be a fact because as a teacher of 36 years, there were too many times I worked with children struggling to keep themselves together. There are times when these children need to be restrained and occasionally secluded for their own protection and the protection of other students and staff.

Mr. Speaker, as a Body, we need to reconsider our actions concerning this bill. Number one, the students and their parents, number two, all of the trained professionals deeply worried about the harm this bill could have on our State's at-risk students and, three, being what I absolutely know to be true while facing these children during their most vulnerable times. The inflammatory and misleading accounts of restraint and seclusion need to be corrected. They are not punitive acts. It is heart wrenching being face to face with a child in these situations. Keeping them safe is the priority. When restraint and/or seclusion are used, it is an act of kindness offered by deeply caring and compassionate adults. These students have a team of professionals working together to address their needs with an in-depth plan for emergency situations. If you have ever witnessed this within a school setting, then you know it is done in a compassionate way, with the well-being of the struggling student at the core. Times when the students in my classroom have heard the screaming, hollering or other out-of-control behaviors of a peer just outside our classroom door, they looked at me with such worried eyes, filled with uncertainty and questions. They looked to me for reassurance that all was going to be okay. These emotional situations affect all involved and have a lasting impact. During these times, I also know that those students and their parents are counting on the trained staff to prevent their children and other students from hurting themselves or others during times when they are in harm's way. We must trust our professionals to do the job they are trained to do. Know that our schools have plans in place and highly qualified professionals to offer an abundance of strategies and training that will protect our most at risk during such emergencies.

Mr. Speaker, let us seriously consider what could potentially be several unintended consequences of LD 1373; increased out-of-state placement for our students to facilities that permit seclusion, a separation of children from their parents and siblings. It could result in parents being tempted to address their child's behaviors with pharmaceutical substances with potentially dangerous side effects. An increased cost to taxpayers, particularly small districts, in order to pay out-of-state placements that could exceed \$200,000 a year per student, increased disruption to the learning environment for all students, particularly if another child or teacher is injured or needed to leave, increased injuries to both staff and children. So, with respect and faith that as a legislative group of leaders that are here to serve the people of our State and, in this case, our most valuable constituents, the children, please vote against LD 1373 and the ban on seclusion. It must remain as an option to ensure physical and emotional well-being. Let's support our children having the opportunity to learn alongside of their neighbors and

peers. The impact this could have on our children is greater than many can imagine. Let's keep our most at-risk students safe from harm so they can continue their educational journey in their community schools. We want these amazing students in our classrooms.

The SPEAKER: The Chair recognizes the Representative from Cape Elizabeth, Representative Millett.

Representative MILLETT: Thank you, Mr. Speaker, Ladies and Gentlemen of the House. According to the most recent data from the United States Department of Education, Maine restrains more students per capita than any other state and secludes students at the second-highest rate in the country. I don't believe any of us think that this is how we want Maine to be leading. In February of last year, the ACLU submitted a letter to Congress that stated the use of unnecessary restraint and seclusion by federally-funded schools has no pedagogical basis, discriminates against students with disabilities, and impairs the educational objectives of public schools with respect to children with disabilities. Just this year, Maine's Attorney General signed on with 17 other AGs in support of making it, quote, illegal for any school receiving federal funds to seclude children and would ban mechanical, chemical, and supine restraint as well as practices that restrict breathing including prone restraint. The letter states, quote, isolated confinement and the restraint practices are inherently dangerous behavior interventions that have no therapeutic or educational value, may exacerbate existing mental health conditions and can cause long-lasting emotional trauma.

As amended, LD 1373 puts into Statute many elements of current state rules on restraint and seclusion. It adds a prohibition on the use of prone restraint upon the effective date of the legislation, prohibits the use of seclusion September 1, 2023, and provides that seclusion does not include a timeout. The bill makes clear that unlawful restraint does not include a physical escort, a physical prompt, the use of adaptive devices or mechanical supports to achieve proper body position, balance, or alignment, to allow greater freedom of movement than would be possible without the use of such devices or support or the use of vehicle safety restraints when used as intended during transport of a student in a moving vehicle. To be clear, LD 1373 allows for the use of physical restraint if the student's behavior poses an imminent danger of serious physical injury to the student or another person and it requires the Department of Education to provide technical assistance to our school districts and to implement major substantive rulemaking for education DOE's restraint and seclusion rules.

We received much testimony from professionals in support of this effort as well. We here in Maine are lucky to have the expertise of Dr. Ross Greene, who works nationally and in the State of Maine on this issue. I'm quoting from his testimony; although restraint and seclusion are referred to as crisis prevention strategies, they are not. They occur very late in a sequence of events that begin with expectations that students have a difficulty meeting usually an expectation that a caregiver already knows the student can't reliably meet. Kids, of course, communicate that they're having difficulty meeting that expectation through their behavior, whether it's fight behavior or flight behavior. If it's fight behavior, caregivers conclude that the child is becoming escalated and then deploy another strategy, de-escalation. That is also erroneously referred to as crisis prevention. It is not. Like restraint and seclusion, de-escalation occurs very late in the sequence. If it's late, it's not crisis prevention. Another myth is that educators lack the training to reduce their reliance on restraint and seclusion. The problem is not a lack of training, it's that we're training educators to believe

de-escalation and restraint and seclusion are crisis intervention strategies when they are clearly not. One final myth is that restraint and seclusion are necessary to keep kids and caregivers safe and that it is only used as a last resort. I am aware of no research, none, indicating that's the case. In fact, when kids are being restrained and secluded, they and their caregivers are at greatest risk for being hurt. So, eliminating the use of restraint and seclusion doesn't just help the kids, it helps educators, too.

So, the challenge in Maine and every other state committed to reducing and ultimately eliminating restraint and seclusion is to get past the myths, closely examine why these procedures are being used so often. There are many, many schools that are dealing with equally difficult kids that never, never use restraint and seclusion. But I have seen in school systems that we have successfully accomplished the mission is first and foremost a commitment to reliably documenting and ultimately eliminating these procedures. In some, that process has had to begin with new policies that raised the threshold for these procedures. I support LD 1373. It's good for our students and good for its educators. And, finally, Mr. Speaker, I would like to share one of many emails we've received from families in support of this effort. My husband and I are parents to three children whom we adopted through the State. They are all siblings and have been with us since they were infants. Our oldest two boys are both on the autism spectrum. Our journey has been very challenging over the years and events that occurred within the school setting were contributing factors to intense stress. Our oldest who is now starting high school in the fall was excited to start kindergarten. We found, however, that staff and administrators were not versed in autism spectrum disorder, therefore restraints and use of an isolation room were common. I received multiple phone calls and paperwork each time there was an incident and as our second son entered school, the same events occurred as they both moved through the two elementary schools in our area. Over time, I had felt overwhelmed, heartbroken, angry and sometimes powerless as we moved through this unexpected journey. Through this, we have deepened our knowledge, understanding, compassion and patience. I did not understand how our children could be restrained and isolated in a school setting. An announcement of, quote, green team, would ring out over the lower elementary school speaker as one of our children had a moment and were surrounded by intervention staff to calm our child and restrain or escort them to the isolation room. The fallout of this led to misunderstandings on the part of peers and some staff who adopted negative views of our children. Thankfully, a very small portion of staff have formed relationships with our children over the years and we are deeply grateful for their kindness. It did not make sense to me that neither staff nor administrators were trained in autism spectrum disorder. How could they meet the needs of our children if they did not understand ASD and apply proper techniques as triggers were recognized? These basic techniques could have changed the course of our children's school experiences as well as our experience as parents. I have seen our children be judged and rejected by both peers and staff. I have witnessed teachers be completely dismissive of our oldest child when he was trying desperately to make a connection. I have endured the pain of knowing that our middle child was escorted by two staff down a very long hallway and he was trying to kick his feet to the side as their grip kept getting tighter on his arms as he tried to alleviate his discomfort. This incident occurred as a result of a teacher who asked students to choose partners, a student agreed to work with my child and then chose someone else. My son was upset, however his

words were not heard and a skilled staff could have redirected him. Instead, two staff were called and a restraint occurred in front of students and staff as they walked the long hallway.

This is just one of many incidences that have occurred over the years and it needs to change. The stigma that many of our students face follows them through the years through mishandled situations. I pray this bill will pass so that other students do not have to continue experiencing such incidents. Our kids are smart, sensitive, and funny, though not without their challenges. Please think of our children as your own children or grandchildren. Please consider your heart when you vote. How would you feel if this happened to a child that you love in the school setting multiple times? A basic understanding of ASD will allow staff to feel more safe and comfortable working with our children. Meeting our children halfway, building relationships, understanding triggers and applied techniques can work wonders. This should be our primary focus. And please understand that as parents we struggle right along with you. We are challenged and always learning. However, we are in this together and together we can bring much needed educational reform that is long past due. Thank you, Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Auburn, Representative Libby.

Representative LIBBY: Thank you, Mr. Speaker. I rise in opposition to the pending motion and I wanted to read the words of someone with much more knowledge on this issue than me, a constituent that I heard from and had conversation with. He speaks from personal experience with this issue. This bill, if passed, will have profound implications for children with neurodevelopmental disorders such as my 10-year-old daughter, Grace, as well as our special education teachers. I worry that this bill, while well-intentioned, may do more harm than good for kids like my Grace as it is currently written. Seclusion and physical restraint is a last resort emergency intervention used only when a child demonstrates a risk of injury or harm to herself, i.e. cutting, hitting their head against a wall, etcetera, or towards others. Seclusion involves placing a child in a safe space and closing the door until she demonstrates she is no longer exhibiting the dangerous behavior and is calm. Restraint is used to escort a child to this room or safely hold the child in a position that prevents her from harming herself or others. There are strict rules as to how and when these tools may be used and are found as referenced in Chapter 33.

I think we can all agree that as a state and educational system and a compassionate society, we must strive to end seclusion and physical restraint in our schools. However, LD 1373 as it is currently written will not accomplish this, in my opinion. In my experience as a special needs parent and witnessing both interventions used on my daughter, Grace, this bill will not do what the well-intentioned sponsor wants it to. The unintended consequences will lead to more physical restraint by eliminating seclusion and cause more emotional harm to both my child and the special education teachers. Seclusion for the time being is the only current safer alternative for both children like mine and our teachers. Solutions; this bill does not provide an alternative solution nor a timeline, it only directs the department to provide technical assistance to schools and developing alternative programs and I feel like that puts the cart before the horse. We should have a phase-out plan or program in place before anything like this bill is enacted. I know this is a lengthy email. As you can tell, I'm very passionate about this. This gentleman feels very strongly on the issue, I won't read the whole email, but this is also a parent speaking and advocating

on behalf of their child and I ask that we hear and respect his words and vote against the pending motion.

The SPEAKER: The Chair recognizes the Representative from Winter Harbor, Representative Faulkingham.

Representative **FAULKINGHAM**: Thank you, Mr. Speaker. I rise in opposition to the pending motion. I believe this is a well-intentioned bill but it punishes our most vulnerable and needy students. The Representative from Cape Elizabeth made a good point at the beginning of her explanation and what she said was that, I guess it was a statistic that Maine uses the most restraints per capita in the country. Maine also ranks as the safest state in the nation, so, perhaps we are doing something right. I have had many, many parents, grandparents, and special educators reach out to me and beg me to stop this legislation. One of them said; dear legislator, my youngest daughter went to a special program from grade one through two, returning to mainstream by grade three, thank goodness. Due to childhood trauma, she started exhibiting behaviors, elopement, harming other students with a pencil, and destroying a classroom and eloping outside, and they were controlled with restraints and seclusion. She is now 25 years old, graduating from college with a Bachelor's degree in the fall, and married to her soulmate, trying to start a family. She became very successful due to the intervention, due to the intervention she had in her early childhood. As the saying goes; if it ain't broke, don't fix it. And this saying is very relevant regarding this bill. There are very few opportunities for services in mental health field and this bill taking away interventions that have been tried and true. Thank you.

The SPEAKER: The Chair recognizes the Representative from Milford, Representative Drinkwater.

Representative **DRINKWATER**: Thank you, Mr. Speaker. I don't want to give away my age, Mr. Speaker, but back in the day when I was in grammar school, spanking was allowed. Not that I got a spanking, Mr. Speaker, but the mere thought of being spanked was a deterrent. A deterrent that, you know what, we probably ought to sit down and behave ourselves. It worked. What we're talking about today, Mr. Speaker, is a tool; a tool that is needed in the toolbox for education. I had a conversation with a special ed director in my district, he's very concerned with this that we're removing one of his tools. While being a chairman of my school board, Mr. Speaker, we had some incidents with a student who muddled on to a teacher's leg and bit the teacher in the leg because the poor child had never really had to sit and be still, hear the word no and pay attention. And, Mr. Speaker, that seems to be a problem today, talking to the teachers and staff of my school, is that we have a young class of students coming in the schools now, Mr. Speaker, that are not prepared. For whatever reasons, they're not prepared and they have to be taught. Now, what was that teacher to do? I mean, if it wasn't for the principal to come down, it was a problem, left marks on the teacher's leg. Not good at all, Mr. Speaker. What about the child that runs out of the building and is running across the road? What are teachers supposed to do? Mr. Speaker, that's a tool that they need in the box and thank you, Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Bangor, Representative Roeder.

Representative **ROEDER**: Thank you, Mr. Speaker. I rise in support of this motion. I'm going to mention a name to start with; Sara Vickers. She was my son's special education teacher. We were their third placement. He and his brother came to us after being in two other foster homes, two other foster homes and two other schools in which they had both experienced restraint and seclusion. My youngest was having

hour-long meltdowns every day, sometimes multiple times a day, in which he would bang his head on things, in which he would scream, in which he would yell. This happened at school, all day, every day. He was suspended when he was in the second grade because of this kind of behavior and Sara Vickers at the Fruit Street School finally became his teacher in a special education behavioral program. She talked to my son and offered him the opportunity to walk away from class and seclude himself when he couldn't manage his own feelings. She gave him the choice to come back when he was ready. I don't know what else happened in that classroom, but within the span of a month, my child was having those trauma-induced meltdowns once a week, then once a month, then not at all, and in three months he was mainstreamed in a classroom without the use of seclusion, without the use of restraints because that's what produced the behavior in the first place.

And there was a question asked what happens if a kid runs out of school. Well, I have a friend who dealt with this about three days ago. On Friday, a child ran out of school. He's the school social worker, so, what did he do? He found the kid six miles away from the school. The principal had been chasing this child in a car, trying to get them down, he talked to the child, brought the child home, and worked out a behavioral plan that brought the kid back to school. Anything that we do that restrains or secludes a child further prolongs the trauma that they probably already experienced. My kid is a bright, enthusiastic little genius and I love him more than life itself, but it wasn't restraint and seclusion that brought him back. It was the opportunity to learn how to process his feelings without being put aside. Thank you.

The SPEAKER: The Chair recognizes the Representative from Guilford, Representative Stearns.

Representative **STEARNS**: Thank you, Mr. Speaker, it's very obvious that this is a topic with a great deal of passion. I think one of the things that probably eats at me the most about the discussion that we've had through the committee on this bill and through our talks on the floor is this subtle implication that school personnel around the State of Maine look at restraining or secluding a child as a matter of habit, something to do, let's do that, we won't bother with all those excellent strategies, all the pieces that we try to learn through professional development, let's not bother with any of that, let's go straight to the top. Mr. Speaker, that is not the case in our schools in Maine. What we've bumped into is a situation where the theory or the concept of least-restrictive environment is bumping its head upon behaviors that are often well out of reach of that child at that time. That is not that child that's behaving in that way or choosing to behave in that way. I've watched restraint and seclusion. It breaks your heart and you need a strong stomach. It is not a pretty sight to see the agony that those little ones are going through and sometimes large students, good-sized folks. Our teachers and special ed directors are torn up by this and, again, if you go back and look at the testimony, I think you would agree that one of the previous speakers today might be a good time to reassess where we're at with it. Let's study the data.

I was around in '13 when they came up with an extremely, in Chapter 33, complex data collection process. And I can tell you that the schools in the State of Maine are religious if a Chapter is passed like that or a law, they're religious about taking that data seriously. Hours and hours went into that. I would say to you that other states do not come close to collecting the amount of data that Maine does. You can't compare state to state data if the collection system isn't the same. I'll give you an example of data. During the No Child Left Behind years, as a superintendent, I had to send in a report to

the feds regarding dangerous behaviors. Guilford, Maine's SAD 4 had more dangerous behaviors than Philadelphia. I think we collected our data a little differently than they did in, I don't know, I haven't been there in a while, but it's a pretty tough town. So, I think if we take a step back, listen to the people in the field, let it go through rulemaking if we need to make some adjustments because it's pretty much the same advocacy folks, that pushed the envelope and created Chapter 33 or created the changes back in '13. So, let's come back to the table and work within that but bring the folks that work with these youngsters day in and day out, the professionals, to the table. Thank you, Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Dexter, Representative Foster.

Representative **FOSTER**: Thank you, Mr. Speaker, Ladies and Gentlemen of the House. This is a very difficult subject. It's hard for us to imagine what goes on in the classroom today. Some of it is from unintended consequences, possibly from legislation from legislators that have been here before us. Some of it will occur if this bill passes, I'm afraid. I'd like to speak a little bit about my child, but first, I would just say my last few years on the school board, this issue had come up, we were faced with putting it into policy and how it was going to be handled, we were very fortunate to have an extremely good special ed director who worked with the board and staff, the administration, to carry that out in an appropriate way.

My wife was a school nurse. She was a school nurse before this came about where that quite often she was called to help deal with students who were in an emotional or a behavioral situation where that her help was needed. As the Good Representative from Guilford said, sometimes these students, maybe size-wise, were not bigger than their teachers but aggressive, they were aggressive and could've hurt themselves, staff or other students. Now, back to my child. My daughter, when she was young, and I mean four or five years old, wanted to be a teacher. She played teacher. If her younger friends were over to the house, they were her students, time and time again. She grew up wanting to be a teacher. She attended Farmington, did very well and graduated with an elementary ed degree. She became a third-grade teacher. Now, all of the stories I heard from my wife and while I was on the school board and from teachers that I know, are very heart wrenching when it comes to dealing with this issue. But there was nothing as heart wrenching when I heard from my daughter that early on in her career, because she was a good teacher, she was often given special needs students, had them placed in her classroom because the administration thought she did a good job. She was almost six feet tall, maybe that was part of it, but she could handle those students and did very well with them, and I don't mean physically, I mean as a teacher to student relationship. Often, she did that without the aid of an ed tech or the number of ed techs she might need when she had two or three of these students. Early on in her career, she had a student that basically lost control, one of these situations we're talking about. The students in the class were at danger, staff was at danger, the principal was called, things were attempted to help the student and, eventually, I found out that evening from my wife when I got home, my daughter watched that student taken away by the local police department and this was not where I live, it was in a large city in the State of Maine, the police department came and took that third grader away in handcuffs. My daughter was heartbroken. I was heartbroken; I can't imagine that we've gotten to this point with our education system.

Please defeat this bill, leave this tool as it is, one that's in the toolbox, as was mentioned earlier. If it needs to be looked at, I'm all for that, I believe school boards probably look at this

situation every time it comes up, and I think that's appropriate. But I do believe from all I know that this is one tool that needs to be available to teachers to protect themselves, their other students and, most especially, the student who may be found in that situation. Thank you, Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Portland, Representative Brennan.

Representative **BRENNAN**: Thank you, Mr. Speaker, Men and Women of the House. I respect and appreciate the comments that were made by the Good Representative from Guilford and the Good Representative from Livermore Falls. The Education Committee spent an awful lot of time on this bill. We had an extensive public hearing where we heard both sides. People from all over the state came and testified on this particular bill. We amended the bill several times to reflect those comments that were made by people that again had concerns on both sides. And because of that amendment by the committee, it now calls for this issue to go to the major substantive rules with the Department of Education between now and next January. There will be again an opportunity for people across the state, professionals, people that address these issues every day to weigh in on the development of ongoing rules; major substantive rules. Those rules will come back to the Education Committee and to the Legislature for approval next year. So, nothing is going to happen within the next year in regards to the application of seclusion and/or restraint. And there will be ample opportunity for people across the state that have a deep interest in this issue to weigh in and to provide input to the Department of Education as well as to the Legislature going forward. We've heard a lot of comments about people saying that seclusion is a last resort, seclusion is something that we need in the most extreme cases. Twenty-seven years ago, this Legislature and the State of Maine voted to close Pineland Center. And at that time, we had any number of people come forward and said we need Pineland. In the most difficult cases, we need to have institutional care in the State of Maine for people that have intellectual disabilities and people that have special needs challenges. We now know, 27 years later, that that wasn't true. That people have been able to live in the community and prosper in the community, not in an institutional setting. Our reliance on seclusion at this point --

Representative **UNDERWOOD**: Point of Order.

The SPEAKER: The Member will defer. The Chair inquires as to why the Representative from Presque Isle rises.

Representative **UNDERWOOD**: Thank you, Mr. Speaker. Would you ask the Representative from Portland to please stick to the topic, the bill? Thank you, Mr. Speaker.

On **POINT OF ORDER**, Representative **UNDERWOOD** of Presque Isle asked the Chair if the remarks of Representative **BRENNAN** of Portland were germane to the pending question.

The SPEAKER: The Chair would remind Members to address the issue at hand.

The Chair reminded Representative **BRENNAN** of Portland to stay as close as possible to the pending question.

The SPEAKER: The Chair recognizes the Representative from Portland, Representative Brennan.

Representative **BRENNAN**: Thank you, Mr. Speaker. I believe that similar to the situation we had at Pineland, that in five years we will look back and realize that the State can be able to assist students that are in these situations without seclusion, with the appropriate training, with the appropriate resources, that we can, in fact, support students, support faculty and teachers in a way that allows them to prosper and allows

them to get the education that they need without relying on seclusion and restraint. Thank you very much, Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Hodgdon, Representative Quint.

Representative **QUINT**: Thank you, Mr. Speaker. I would just like to draw attention to another way of providing continuity of care. Children in psychiatric hospitals in settings are taught to de-escalate using these techniques and then we mainstream these children and put them into school and expect them to survive without these techniques. It is imperative to have continuity of care. We are removing a tool from that toolbox that teachers have. I worked as an instructor in a special ed room at one time and when I had a child that was throwing chairs across the room at the age of nine with the force of a full-grown man, we had to remove all of the children from the room. Seclusion is an important thing for the children that are around the child who needs to de-escalate but also for the child who needs to be given the space to de-escalate. And I think we get lost in the wording of hearing seclusion and restraints as something that is always a bad thing. Another instance of this would be one of the children in the room when he started to get upset, he would come and hold my hands, he would cross his hands over and he would hold my hands. That would be considered restraining a child today, but this was the child coming up to me, holding my hands to help him stay calm. So, I just really hope that we can look at what the ramifications of this would do across the board when we're taking this vote. Thank you very much.

The SPEAKER: A roll call has been ordered. The pending question before the House is Acceptance of the Majority Ought to Pass as Amended Report. All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 265

YEA - Alley, Arford, Babbidge, Bailey, Bell, Blume, Brennan, Brooks, Bryant, Caiazzo, Cardone, Cloutier, Collings, Copeland, Craven, Crockett, Cuddy, Dodge, Doudera, Dunphy, Evangelos, Evans, Fay, Geiger, Gere, Gramlich, Grohoski, Harnett, Hasenfus, Hymanson, Kessler, Landry, Lookner, Madigan, Martin J, Martin R, Mathieson, Matlack, McCrea, McCreight, McDonald, Melaragno, Meyer, Millett, Morales, Moriarty, O'Neil, Osher, Paulhus, Pebworth, Perry A, Perry J, Pierce, Reckitt, Roberts, Roeder, Sachs, Salisbury, Sharpe, Sheehan, Stover, Supica, Sylvester, Talbot Ross, Tepler, Tucker, Tuttle, Warren C, Warren S, Williams, Wood, Zager, Zeigler, Mr. Speaker.

NAY - Andrews, Austin, Bernard, Blier, Carlow, Carmichael, Collamore, Connor, Corey, Costain, Crafts, Dolloff, Downes, Drinkwater, Ducharme, Faulkingham, Fecteau, Foster, Gifford, Greenwood, Griffin, Haggan, Hall, Hanley, Harrington, Head, Hepler, Hutchins, Javner, Johansen, Kryzak, Lemelin, Libby, Lyford, Lyman, Martin, Mason, Millett, Morris, Nadeau, Newman, O'Connell, O'Connor, Perkins, Pickett, Pluecker, Poirier, Quint, Rielly, Riseman, Rudnicki, Sampson, Skolfield, Stanley, Stearns, Stetkis, Theriault, Thorne, Tuell, Underwood, Wadsworth, White B, White D.

ABSENT - Arata, Berry, Bickford, Bradstreet, Cebra, Dillingham, Doore, Grignon, Kinney, Ordway, Parry, Prescott, Roche, Terry.

Yes, 74; No, 63; Absent, 14; Excused, 0.

74 having voted in the affirmative and 63 voted in the negative, with 14 being absent, and accordingly the Majority **Ought to Pass as Amended Report was ACCEPTED.**

The Bill was **READ ONCE. Committee Amendment "A" (H-545)** was **READ** by the Clerk.

Representative LYMAN of Livermore Falls **PRESENTED House Amendment "A" (H-558) to Committee Amendment "A" (H-545)**, which was **READ** by the Clerk.

The SPEAKER: The Chair recognizes the Representative from Livermore Falls, Representative Lyman.

Representative **LYMAN**: A quick summary of this amendment is it allows physical restraint and seclusion to be used only as an emergency intervention when the behavior of a student presents a risk of injury or harm to the student or others and only in accordance with the rules adopted by the Department of Education. It comes right from Chapter 33. This amendment will keep the at-risk children within their community schools and with their peers or within a state specialty school. Maine doesn't allow anyone to keep a student in an area without following Chapter 33, which is included in this amendment. There is a national group trying to ban seclusion rooms and this is creating a giant issue for Maine because of the differences in terminology and definitions as compared to that that our State uses. I apologize. I feel it's very concerning that this bill's sponsor that has never taught and so many other proponents of this bill that have not been in our state's schools working with these children are weighing in as heavily as they are on practices that are all about caring. I heard an earlier Representative speak to a situation of a child bolting from the school and talking about what their amazing staff did for the child. And I would tell you that that's exactly what our schools are doing. It's about relationship-building but it's also about in that critical moment when those children need to be protected, we have a tool to use. It's not mean, it's not taking their feelings into consideration. Thank you.

The SPEAKER: The Chair recognizes the Representative from Alfred, Representative Sampson.

Representative **SAMPSON**: Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I stand in support of this amendment. Restraint and seclusion are uncomfortable-sounding words and can be hard to wrap our brains around when considering what this is really addressing, what this amendment is really addressing. In all reality, there are children who need this level of intense treatment options to safely move a child through a crucial and potentially dangerous time in their life. A vote against this amendment is a vote against children's federal and state protected right to access medically-necessary, evidence-based and scientifically-supported treatment. Please recognize that these tools are a last resort, coupled with informed consent and ongoing clinical oversight along with data to continue supportive interventions. The most at-risk children in the care of our schools deserve your full attention with the passage of the amendment before us. This amendment allows at-risk children to remain in their local communities, schools and their own homes. Why has there been more than three-quarters of a million dollars that's \$800,000, to be exact; spent to ultimately remove these same children from their familiar surroundings, forcing them to be placed out of district or out of state in order to have their needs met? This amendment supports the wellbeing and future of these children. I ask that you would support this amendment. Thank you.

The SPEAKER: The Chair recognizes the Representative from Cape Elizabeth, Representative Millett.

Representative **MILLETT**: Thank you, Mr. Speaker. I rise in opposition to this amendment. I very much appreciate the amazing service that the Representative from Livermore Falls has given our students here in the State of Maine and I want to assure everyone in this room that this work on this bill was by no means cavalier. This is a very difficult subject. My work here

in the State House has been grounded in being in complete awe of our public educators and the heroic work that they do. But the research does not show that this is best practices and, in fact, shows that we do put our educators at risk when restraint and seclusion are utilized as some sort of crisis management tool. This amendment simply keeps in place what is already in rules. It keeps in place the use of prone restraint, which I think many of us recognize is very dangerous. I look forward to opposing this amendment so we can get on to passing the bill and allowing the educators and the stakeholders to come together and work on major substantive rulemaking. Thank you, Mr. Speaker.

Representative DUNPHY of Old Town **REQUESTED** a roll call on the motion to **ADOPT House Amendment "A" (H-558) to Committee Amendment "A" (H-545)**.

More than one-fifth of the members present expressed a desire for a roll call which was ordered.

The SPEAKER: A roll call has been ordered. The pending question before the House is Adoption of House Amendment "A" (H-558) to Committee Amendment "A" (H-545). All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 266

YEA - Andrews, Austin, Bernard, Blier, Carlow, Carmichael, Collamore, Connor, Corey, Costain, Crafts, Dolloff, Downes, Drinkwater, Ducharme, Evangelos, Faulkingham, Fecteau, Foster, Gifford, Greenwood, Griffin, Haggan, Hall, Hanley, Harrington, Head, Hepler, Hutchins, Javner, Johansen, Kryzak, Lemelin, Libby, Lyford, Lyman, Martin, Mason, Millett, Morris, Nadeau, Newman, O'Connell, Perkins, Pickett, Pluecker, Poirier, Quint, Riseman, Rudnicki, Sampson, Skolfield, Stanley, Stearns, Stetkis, Theriault, Thorne, Tuell, Underwood, Wadsworth, White B, White D.

NAY - Alley, Arford, Babbidge, Bailey, Bell, Blume, Brennan, Brooks, Bryant, Caiazzo, Cardone, Cloutier, Collings, Copeland, Craven, Crockett, Cuddy, Dodge, Doudera, Dunphy, Evans, Fay, Geiger, Gere, Gramlich, Grohoski, Harnett, Hasenfus, Hymanson, Kessler, Landry, Lookner, Madigan, Martin J, Martin R, Mathieson, Matlack, McCrea, McCreight, McDonald, Melaragno, Meyer, Millett, Morales, Moriarty, O'Neil, Osher, Paulhus, Pebworth, Perry A, Perry J, Pierce, Reckitt, Rielly, Riseman, Roberts, Roeder, Sachs, Salisbury, Sharpe, Sheehan, Stover, Supica, Sylvester, Talbot Ross, Tepler, Tucker, Tuttle, Warren C, Warren S, Williams, Wood, Zager, Zeigler, Mr. Speaker.

ABSENT - Arata, Berry, Bickford, Bradstreet, Cebra, Dillingham, Doore, Grignon, Kinney, O'Connor, Ordway, Parry, Prescott, Roche, Terry.

Yes, 62; No, 74; Absent, 15; Excused, 0.

62 having voted in the affirmative and 74 voted in the negative, with 15 being absent, and accordingly **House Amendment "A" (H-558) to Committee Amendment "A" (H-545) was NOT ADOPTED.**

Subsequently, **Committee Amendment "A" (H-545) was ADOTPED.**

Under suspension of the rules the Bill was given its **SECOND READING WITHOUT REFERENCE** to the Committee on **Bills in the Second Reading.**

Representative STETKIS of Canaan **REQUESTED** a roll call on **PASSAGE TO BE ENGROSSED as Amended by Committee Amendment "A" (H-545).**

More than one-fifth of the members present expressed a desire for a roll call which was ordered.

The SPEAKER: A roll call has been ordered. The pending question before the House is Passage to be Engrossed as

Amended by Committee Amendment "A" (H-545). All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 267

YEA - Arford, Babbidge, Bailey, Bell, Blume, Brennan, Brooks, Bryant, Caiazzo, Cardone, Cloutier, Collings, Copeland, Craven, Crockett, Cuddy, Dodge, Doudera, Dunphy, Evangelos, Evans, Fay, Geiger, Gere, Gramlich, Grohoski, Harnett, Hasenfus, Hymanson, Kessler, Landry, Lookner, Madigan, Martin J, Martin R, Mathieson, Matlack, McCrea, McCreight, McDonald, Melaragno, Meyer, Millett, Morales, Moriarty, O'Neil, Osher, Paulhus, Pebworth, Perry A, Perry J, Pierce, Reckitt, Rielly, Riseman, Roberts, Roeder, Sachs, Salisbury, Sharpe, Sheehan, Stover, Supica, Sylvester, Talbot Ross, Tepler, Tucker, Tuttle, Warren C, Warren S, Williams, Wood, Zager, Zeigler, Mr. Speaker.

NAY - Alley, Andrews, Austin, Bernard, Blier, Carlow, Carmichael, Collamore, Connor, Corey, Costain, Crafts, Dolloff, Downes, Drinkwater, Ducharme, Faulkingham, Fecteau, Foster, Gifford, Greenwood, Griffin, Haggan, Hall, Hanley, Harrington, Head, Hepler, Hutchins, Javner, Johansen, Kryzak, Lemelin, Libby, Lyford, Lyman, Martin, Mason, Millett, Morris, Nadeau, Newman, O'Connell, Perkins, Pickett, Pluecker, Poirier, Quint, Rudnicki, Sampson, Skolfield, Stanley, Stearns, Stetkis, Theriault, Thorne, Tuell, Underwood, Wadsworth, White B, White D.

ABSENT - Arata, Berry, Bickford, Bradstreet, Cebra, Dillingham, Doore, Grignon, Kinney, O'Connor, Ordway, Parry, Prescott, Roche, Terry.

Yes, 75; No, 61; Absent, 15; Excused, 0.

75 having voted in the affirmative and 61 voted in the negative, with 15 being absent, and accordingly the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (H-545)** and sent for concurrence.

By unanimous consent, all matters having been acted upon were **ORDERED SENT FORTHWITH.**

The Chair laid before the House the following item which was **TABLED** earlier in today's session:

Resolve, To Require the Department of Administrative and Financial Services and the Department of Public Safety To Develop Short-term and Long-term Plans for Security Screenings in the Burton M. Cross Building and the State House (EMERGENCY)

(H.P. 1242) (L.D. 1671)

(C. "A" H-525)

Which was **TABLED** by Representative DUNPHY of Old Town pending **FINAL PASSAGE.** (Roll Call Ordered)

The SPEAKER: A roll call has been ordered. The pending question before the House is Final Passage. All those in favor will vote yes, those opposed will vote no.

This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken.

ROLL CALL NO. 268

YEA - Alley, Arford, Babbidge, Bailey, Bell, Blume, Brennan, Brooks, Bryant, Caiazzo, Cardone, Carlow, Cloutier, Collings, Copeland, Crafts, Craven, Crockett, Cuddy, Dodge, Doudera, Dunphy, Evangelos, Evans, Fay, Geiger, Gere, Gramlich, Grohoski, Harnett, Hasenfus, Hepler, Hymanson, Kessler, Lookner, Madigan, Martin J, Martin R, Mathieson, Matlack, McCrea, McCreight, McDonald, Melaragno, Meyer, Millett H, Millett R, Morales, Moriarty, O'Connell, O'Neil, Osher,

Paulhus, Peabworth, Perry A, Perry J, Pierce, Pluecker, Poirier, Reckitt, Rielly, Riseman, Roberts, Roeder, Sachs, Salisbury, Sharpe, Sheehan, Stover, Supica, Sylvester, Talbot Ross, Tepler, Tucker, Tuttle, Warren C, Warren S, White, Williams, Wood, Zager, Zeigler, Mr. Speaker.

NAY - Andrews, Austin, Bernard, Blier, Carmichael, Collamore, Connor, Corey, Costain, Dolloff, Downes, Drinkwater, Ducharme, Faulkingham, Fecteau, Foster, Gifford, Greenwood, Griffin, Haggan, Hall, Hanley, Harrington, Head, Hutchins, Javner, Johansen, Kryzak, Lemelin, Libby, Lyford, Lyman, Martin, Mason, Morris, Nadeau, Newman, Perkins, Pickett, Quint, Rudnicki, Sampson, Skolfield, Stanley, Stearns, Stetkis, Theriault, Thorne, Tuell, Underwood, Wadsworth, White.

ABSENT - Arata, Berry, Bickford, Bradstreet, Cebra, Dillingham, Doore, Grignon, Kinney, Landry, O'Connor, Ordway, Parry, Prescott, Roche, Terry.

Yes, 83; No, 52; Absent, 16; Excused, 0.

83 having voted in the affirmative and 52 voted in the negative, with 16 being absent, and accordingly the Resolve **FAILED FINAL PASSAGE** and was sent to the Senate.

By unanimous consent, all matters having been acted upon were **ORDERED SENT FORTHWITH**.

REPORTS OF COMMITTEE

Divided Reports

Majority Report of the Committee on **STATE AND LOCAL GOVERNMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-108)** on RESOLUTION, Proposing an Amendment to the Constitution of Maine To Require the Popular Election of Maine Constitutional Officers

(S.P. 288) (L.D. 874)

Signed:

Senators:

BALDACCI of Penobscot
CLAXTON of Androscoggin
ROSEN of Hancock

Representatives:

DOWNES of Bucksport
GREENWOOD of Wales
HEAD of Bethel
RISEMAN of Harrison
TUELL of East Machias

Minority Report of the same Committee reporting **Ought Not to Pass** on same RESOLUTION.

Signed:

Representatives:

MATLACK of St. George
BRYANT of Windham
COPELAND of Saco
DOORE of Augusta
PAULHUS of Bath

Came from the Senate with the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the RESOLUTION **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-108) AND SENATE AMENDMENT "B" (S-250)**.

READ.

Representative MATLACK of St. George moved that the House **ACCEPT** the Majority **Ought to Pass as Amended** Report.

On motion of Representative DUNPHY of Old Town, **TABLED** pending the motion of Representative MATLACK of St. George to **ACCEPT** the Majority **Ought to Pass as Amended** Report and later today assigned.

Seven Members of the Committee on **LABOR AND HOUSING** report in Report "A" **Ought to Pass as Amended by Committee Amendment "A" (S-223)** on Bill "An Act To Amend the Laws Governing Unemployment Compensation"

(S.P. 507) (L.D. 1564)

Signed:

Senators:

HICKMAN of Kennebec
MIRAMANT of Knox

Representatives:

SYLVESTER of Portland
CUDDY of Winterport
GERE of Kennebunkport
PEBORTH of Blue Hill
ROEDER of Bangor

Four Members of the same Committee report in Report "B" **Ought to Pass as Amended by Committee Amendment "B" (S-224)** on same Bill.

Signed:

Senator:

GUERIN of Penobscot

Representatives:

BRADSTREET of Vassalboro
DRINKWATER of Milford
MORRIS of Turner

One Member of the same Committee reports in Report "C" **Ought to Pass as Amended by Committee Amendment "C" (S-225)** on same Bill.

Signed:

Representative:

WARREN of Scarborough

Came from the Senate with Report "A" **OUGHT TO PASS AS AMENDED** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-223) AS AMENDED BY SENATE AMENDMENT "A" (S-243)** thereto.

READ.

Representative SYLVESTER of Portland moved that the House **ACCEPT** Report "A" **Ought to Pass as Amended**.

Representative MORRIS of Turner **REQUESTED** a roll call on the motion to **ACCEPT** Report "A" **Ought to Pass as Amended**.

More than one-fifth of the members present expressed a desire for a roll call which was ordered.

The SPEAKER: The Chair recognizes the Representative from North Turner, Representative Morris.

Representative **MORRIS**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House, I rise in opposition to the pending motion. This bill is another classic exhibit of how out of touch government can be with those who run a business. Right now, businesses are struggling to find

employees. Everywhere we go, we see help wanted signs on doors. Businesses have been forced to shut down sometimes two days a week because they cannot find help. They are wondering why we are spending time finding ways to help people receive additional benefits. While it's true during the pandemic last year many of us heard from constituents that struggle to access benefits. That was due to a once-in-a-lifetime pandemic. I submit that it was also due to a bureaucracy that was too slow to adapt and too aloof to notice. To be sure, many constituents I heard just wanted to be back at work doing their job, rather than spending every day on the phone trying to figure out the rat's nest that was the unemployment system. The problem with this bill is the fact that the business community has been left out of this conversation. It has been rushed to get it to the floor with only one work session in the Labor and Housing Committee. It has not been fully vetted. Before we go and enact wholesale changes to our unemployment system, we should work to convene a stakeholder group. We should see where there is consensus on how we can fix the system before we enact an overhaul that will cost employers in Maine to the tune of \$2.8 million a year in new unemployment taxes. Let's not put the cart before the horse. I urge this Body to reject the pending motion. Thank you.

The SPEAKER: The Chair recognizes the Representative from Milford, Representative Drinkwater.

Representative **DRINKWATER**: Thank you, Mr. Speaker. I won't take long, as we've got a lot of work to do. My good friend, the Representative from Turner, spoke eloquently about this bill. On May 3rd, we had a public hearing. Then on May 21st, we had the work session. At that time, an amendment was presented. The Minority didn't even have time to read the amendment. And the committee voted to table it out of consideration of us being allowed to read it. We had a busy day, then at 5:28 the Majority decided to pull it off the table and vote on it. We still hadn't had time to even read the amendment. So, since then, we've had time to read the amendment. And my personal opinion, Mr. Speaker, is this is a rush job and it proposes a navigator system which should be fully vetted. It also proposes some changes to the unemployment system, not that we shouldn't look at and try to improve it, especially after what we've learned from the pandemic. We asked the department to give us a review of what they've learned. They gave us a very good overview of things they learned from the pandemic.

So, I don't think we need a complete overhaul, I don't think we need to give somebody unemployment if they need to stay home and take care of a child for just a little while because we have family sick leave now and family paid leave. So, in my opinion, Mr. Speaker, this is a rush job. This needs to be completely vetted. The committee that's going to do the studying on some of the parts of unemployment needs to involve the business community, such as the Chamber of Commerce, the hospitality people. Those people need to have a seat at the table. After all, business pays \$130 million a year. This is a 100 percent funded by the business community to the tune of \$130 million and we're going to be tinkering with it without the business community? I don't think that's a wise decision, Mr. Speaker, therefore I think we should vote against this. Thank you, Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Portland, Representative Sylvester.

Representative **SYLVESTER**: Thank you, Mr. Speaker. I find the comments of my good friends from Turner and Milford interesting, as this bill is the combination of two bills that we had

in our position for several months. Two bills which were combined, the pieces of them, none of which was created whole-cloth by the committee, and all of which was created over months of the period of time that we lived this pandemic. I am going to trust the department, the experts who lived in the trenches, who looked at the system and tried to figure out ways that people could access the system better and therefore I will be supporting this motion. Thank you, Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Scarborough, Representative Warren.

Representative **WARREN**: Thank you, Mr. Speaker. I rise in support of the present motion. With all due respect to my colleagues on either side of the aisle, being Independent I'm maybe trying to live true to that value tonight. I'll try to just be brief, I just want to express I do have a separate amendment on this bill and I just want to speak to the fact that there was a, you know, as good a faith effort as at least I could offer to, you know, be part of tabling this during the day from the morning to, you know, right in the evening to make sure folks especially in the business community could've had that opportunity to review this. All that said, and the ways that the navigator program, for example, was compromised, I think, to a certain extent, the way that the different stakeholders in the business community are intended now to be part of a group that looks at this, I just feel quite critical, I think, actually I also have some criticism of the department. I think that there's good faith criticism and dialogue to be had but primarily it should be done with those who have experienced the system firsthand or are likely to need it in the future.

Mr. Speaker, I feel that, you know, as someone who pays tolls and pays the gas tax, I don't feel entitled to be part of a working group to decide how to use the highway fund. I feel that I am entitled to my vote and with my suffrage I can be a part of this Body and have representatives that come and do the peoples' work but, ultimately, the law is that these businesses have to pay and if they don't, they are not following the law, that the people in the peoples' house do make it so and so, I don't really understand that logic and I feel it's part of how we got to such a broken system of unemployment just across 50 states over many, many years and this program as it's constructed hasn't really been reviewed in about 20 years. So, I think that this is a really complex issue but I don't think the stakeholders that are going to be part of this bill and the way it's going to forward, I just think the compromises are not true to what advocates and working people in Maine need and I hope that that work can continue and I hope we can all see good faith critique as valuable and worthy of considering, you know, from the department to the Chief Executive to myself and my colleagues and, again, I did try to make a good faith effort to be part of this process, I didn't see those final amendments before they were presented, either, that day and anyways, so, I appreciate your time and consideration and do hope that you will vote with me here. I don't want to let perfect be the enemy of the good, but I think we have a long way to go to get to perfect, I don't think that's on the table here tonight. Thank you very much, Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Winterport, Representative Cuddy.

Representative **CUDDY**: Thank you very much, Mr. Speaker. Mr. Speaker, I rise to support the motion. Everybody in this Body was present when we all went through not just the crisis of the pandemic but the crisis of unemployment. Maine Department of Labor was clearly overwhelmed by what happened. Huge numbers of people claiming their

unemployment. And what we found worked during this period of time was peer to peer communication. We found people who had learned the system because they had gone through, they helped others. We're now trying to enshrine that in this navigator program. It is going to let the people who are out there, who are expert at it, help the department when the department needs it. We all know that we can't staff at such a level that the department can suddenly take on 30,000 claims a week. That's unreasonable. But we've got to do something. We all went through it, we all made those phone calls, we all received those phone calls, those texts, those emails of people who were panicking because they couldn't get through, they couldn't get what they needed. This bill will help to address that immensely. It makes a number of other changes that somebody in construction, I've had to claim unemployment a number of times. There are tons of changes that need to happen, this bill begins to do that. This is an excellent bill. It is a bill that is borne out of the experience of Mainers. It is informed by the experience of Mainers and it will benefit the lives of Mainers and I can't wait to vote for it.

The SPEAKER: A roll call has been ordered. The pending question before the House is Acceptance of Report "A" Ought to Pass as Amended. All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 269

YEA - Alley, Arford, Babbidge, Bell, Berry, Blume, Brennan, Brooks, Bryant, Caiazza, Cardone, Cloutier, Collings, Copeland, Crafts, Craven, Crockett, Cuddy, Dodge, Doudera, Dunphy, Evans, Fay, Geiger, Gere, Gramlich, Grohoski, Harnett, Hasenfus, Hepler, Hymanson, Kessler, Landry, Lookner, Madigan, Martin J, Martin R, Mathieson, Matlack, McCrea, McCreight, McDonald, Melaragno, Meyer, Millett, Morales, Moriarty, O'Connell, O'Neil, Osher, Paulhus, Pebworth, Perry A, Perry J, Pierce, Pluecker, Reckitt, Rielly, Riseman, Roberts, Roeder, Sachs, Salisbury, Sharpe, Sheehan, Stover, Supica, Sylvester, Talbot Ross, Tepler, Tucker, Tuttle, Warren C, Warren S, White, Williams, Wood, Zager, Zeigler, Mr. Speaker.

NAY - Andrews, Austin, Bernard, Blier, Carlow, Carmichael, Collamore, Connor, Corey, Costain, Downes, Drinkwater, Ducharme, Faulkingham, Fecteau, Foster, Gifford, Greenwood, Griffin, Haggan, Hall, Hanley, Harrington, Hutchins, Javner, Johansen, Kinney, Lemelin, Libby, Lyford, Lyman, Martin, Mason, Millett, Morris, Nadeau, Newman, O'Connor, Ordway, Perkins, Pickett, Poirier, Quint, Rudnicki, Skolfield, Stanley, Stearns, Stetkis, Thorne, Tuell, Underwood.

ABSENT - Arata, Bailey, Bickford, Bradstreet, Cebra, Dillingham, Dolloff, Doore, Evangelos, Grignon, Head, Kryzak, Parry, Prescott, Roche, Sampson, Terry, Theriault, Wadsworth, White.

Yes, 80; No, 51; Absent, 20; Excused, 0.

80 having voted in the affirmative and 51 voted in the negative, with 20 being absent, and accordingly Report "A" Ought to Pass as Amended was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (S-223)** was **READ** by the Clerk.

Senate Amendment "A" (S-243) to **Committee Amendment "A" (S-223)** was **READ** by the Clerk and **ADOPTED**.

Committee Amendment "A" (S-223) as Amended by **Senate Amendment "A" (S-243)** thereto was **ADOPTED**.

Under suspension of the rules the Bill was given its **SECOND READING WITHOUT REFERENCE** to the Committee on **Bills in the Second Reading**.

Under further suspension of the rules the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (S-223) as Amended by Senate Amendment "A" (S-243)** thereto in concurrence.

By unanimous consent, all matters having been acted upon were **ORDERED SENT FORTHWITH**.

Majority Report of the Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-599)** on Bill "An Act Regarding School Discipline for Maine's Youngest Children" (H.P. 348) (L.D. 474)

Signed:
Senators:

RAFFERTY of York
DAUGHTRY of Cumberland

Representatives:

BRENNAN of Portland
CROCKETT of Portland
DODGE of Belfast
HEPLER of Woolwich
McCREA of Fort Fairfield
MILLETT of Cape Elizabeth
SALISBURY of Westbrook

Minority Report of the same Committee reporting **Ought Not to Pass** on same Bill.

Signed:
Senator:

WOODSOME of York

Representatives:

LYMAN of Livermore Falls
ROCHE of Wells
STEARNS of Guilford

READ.

Representative BRENNAN of Portland moved that the House **ACCEPT** the Majority **Ought to Pass as Amended** Report.

Representative STEARNS of Guilford **REQUESTED** a roll call on the motion to **ACCEPT** the Majority **Ought to Pass as Amended** Report.

More than one-fifth of the members present expressed a desire for a roll call which was ordered.

The SPEAKER: The Chair recognizes the Representative from Augusta, Representative Fecteau.

Representative **FECTEAU**: Thank you, Mr. Speaker. I rise in opposition to the pending motion. We dealt with this issue and some issues like this back in the 129th and I think it's really unfortunate when we come to the floor of the House now, which is great, but only after months of Zoom, when we lose the human interaction of bumping into each other and working these things out. So, I really think that's a product of why this bill is before us right now. I'd like to read the testimonial, just a small portion of the testimony of the Maine Principal's Association regarding this, who testified in opposition to this bill. They said there are times positive behavioral intervention supports such as restorative justice are used in buildings across the state and for most students these interventions work. There are times, however, when they do not. There are times when a child's behavior

becomes so dangerous that they could potentially cause harm to themselves or others. It is during these times that students need to be removed from the classroom. If the student is unable to return to the classroom because their behavior was so egregious, this bill would stop them from going into another classroom for the remainder of the day or from being sent home until a safety plan can be put in place for a student to safely return to school. Keeping them in their classroom where they could cause a significant harm to themselves or others is not an option. If a child is removed from their classroom and cannot return when whether it is considered in-school or out-of-school suspension, the child is being suspended. The Department of Education also said they've provided proper training to use problem-solving approach to violence prevention by identifying underlying causes to misbehavior and providing students with timely and effective intervention and ongoing support. Although rare, we recognize there may be times when a student in the grades identified in this bill may need to be removed from school to mitigate the risk of danger to themselves and others. Thank you.

The SPEAKER: The Chair recognizes the Representative from South Portland, Representative Morales.

Representative **MORALES**: Thank you, Mr. Speaker, Colleagues and Friends in the House. Before I begin my remarks, I would like to respond to the Good Representative from Augusta because the bill that's before us today is an amended bill that took exactly those comments made by the Maine Department of Education and the Maine Principal's Association and put that into the bill that's before the House today. So, what we're talking about is when there is a child who is a danger to self or others, that school can use out-of-school suspension for that child and we're talking about children 11 and under, Mr. Speaker. This bill as amended is simple. It provides that for our youngest children, fifth grade and under, ages 11 and under, out-of-school suspension is not a punishment option except when there is a risk of harm to the child or to others. It also provides that recess time, which I know is the most important time because my 10-year-old tells me that that's his favorite time of the day, recess time also cannot be taken away as punishment except to be used to talk about the behavior that that child is exhibiting through positive interventions.

Why should this bill be top priority for us? The supporters of this bill, which included the Maine Academies of Pediatrics, the Cumberland County District Attorney, the Maine Association of the Education of Young People, the Maine Education Association, the Maine Children's Alliance, Disability Rights Maine, school board members, GLAD legal defenders, parents, students and public health professionals. These supporters of this bill testified that when students are suspended from school out of school and sent home at this young age for punishment, a few things happen. They are sent the message that they do not belong in school. They fall behind in their learning and have trouble meeting grade-level standards, they're more likely to need special education services, they're less likely to meet the most important third-grade reading standards, they're less likely to graduate from high school, and they often end up in the juvenile justice system at the end of the school to prison pipeline. So, Mr. Speaker, experts on childhood behavior are clear that out-of-school suspensions are harmful for these youngest children. We heard testimony that not only are they harmful for the children getting suspended, they're actually harmful to the learning of all the other children in that school because the studies have shown that schools that suspend children more often have lower test scores than other schools. There are better evidence-based ways to address behaviors than out-of-

school suspensions and for these reasons, I ask this Body to support the Majority Report. Thank you.

The SPEAKER: A roll call has been ordered. The pending question before the House is Acceptance of the Majority Ought to Pass as Amended Report. All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 270

YEA - Alley, Arford, Babbidge, Bell, Berry, Blume, Brennan, Brooks, Bryant, Caiazzo, Cardone, Cloutier, Collings, Copeland, Crafts, Craven, Crockett, Cuddy, Dodge, Doudera, Dunphy, Evans, Fay, Geiger, Gere, Gramlich, Grohoski, Harnett, Hasenfus, Hepler, Hymanson, Kessler, Landry, Lookner, Madigan, Martin J, Martin R, Mathieson, Matlack, McCrea, McCreight, McDonald, Melaragno, Meyer, Millett, Morales, Moriarty, O'Connell, O'Neil, Osher, Pebworth, Perry A, Perry J, Pierce, Reckitt, Rielly, Riseman, Roberts, Roeder, Sachs, Salisbury, Sharpe, Sheehan, Stover, Supica, Sylvester, Talbot Ross, Tepler, Tucker, Tuttle, Warren C, Warren S, White, Williams, Wood, Zager, Zeigler, Mr. Speaker.

NAY - Andrews, Austin, Bernard, Blier, Carlow, Carmichael, Collamore, Connor, Corey, Costain, Downes, Drinkwater, Ducharme, Faulkingham, Fecteau, Foster, Gifford, Greenwood, Griffin, Haggan, Hall, Hanley, Harrington, Hutchins, Javner, Johansen, Kinney, Kryzak, Lemelin, Libby, Lyford, Lyman, Martin, Mason, Millett, Morris, Nadeau, Newman, O'Connor, Ordway, Perkins, Pickett, Pluecker, Poirier, Quint, Rudnicki, Skolfield, Stanley, Stearns, Stetkis, Thorne, Tuell, Underwood.

ABSENT - Arata, Bailey, Bickford, Bradstreet, Cebra, Dillingham, Dolloff, Doore, Evangelos, Grignon, Head, Parry, Paulhus, Prescott, Roche, Sampson, Terry, Theriault, Wadsworth, White.

Yes, 78; No, 53; Absent, 20; Excused, 0.

78 having voted in the affirmative and 53 voted in the negative, with 20 being absent, and accordingly the Majority **Ought to Pass as Amended** Report was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (H-599)** was **READ** by the Clerk and **ADOPTED**.

Under suspension of the rules the Bill was given its **SECOND READING WITHOUT REFERENCE** to the Committee on **Bills in the Second Reading**.

Under further suspension of the rules the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (H-599)** and sent for concurrence.

Majority Report of the Committee on **JUDICIARY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-600)** on Bill "An Act To Allow the Reduction of a MaineCare Lien"

(H.P. 337) (L.D. 461)

Signed:

Senators:

CARNEY of Cumberland
SANBORN of Cumberland

Representatives:

HARNETT of Gardiner
BABBIDGE of Kennebunk
EVANGELOS of Friendship
MORIARTY of Cumberland
RECKITT of South Portland
SHEEHAN of Biddeford

Minority Report of the same Committee reporting **Ought Not to Pass** on same Bill.

Signed:

Senator:

KEIM of Oxford

Representatives:

HAGGAN of Hampden

LIBBY of Auburn

POIRIER of Skowhegan

THORNE of Carmel

Representative NEWELL of the Passamaquoddy Tribe - of the House - supports the Majority **Ought to Pass as Amended by Committee Amendment "A" (H-600)** Report.

READ.

Representative HARNETT of Gardiner moved that the House **ACCEPT** the Majority **Ought to Pass as Amended** Report.

Representative HAGGAN of Hampden **REQUESTED** a roll call on the motion to **ACCEPT** the Majority **Ought to Pass as Amended** Report.

More than one-fifth of the members present expressed a desire for a roll call which was ordered.

The **SPEAKER**: A roll call has been ordered. The pending question before the House is Acceptance of the Majority **Ought to Pass as Amended** Report. All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 271

YEA - Alley, Arford, Babbidge, Bell, Berry, Blume, Brennan, Brooks, Bryant, Caiazzo, Cardone, Cloutier, Collings, Copeland, Crafts, Craven, Crockett, Cuddy, Dodge, Doudera, Dunphy, Evans, Fay, Geiger, Gere, Gramlich, Grohoski, Harnett, Hasenfus, Hepler, Hymanson, Kessler, Landry, Lookner, Madigan, Martin J, Martin R, Mathieson, Matlack, McCreia, McCreight, McDonald, Melaragno, Meyer, Millett, Morales, Moriarty, O'Connell, O'Neil, Osher, Pebworth, Perry A, Perry J, Pierce, Pluecker, Reckitt, Rielly, Riseman, Roberts, Roeder, Sachs, Salisbury, Sharpe, Sheehan, Stover, Supica, Sylvester, Talbot Ross, Tepler, Tucker, Tuttle, Warren C, Warren S, White, Williams, Wood, Zager, Zeigler, Mr. Speaker.

NAY - Andrews, Austin, Bernard, Blier, Carlow, Carmichael, Collamore, Connor, Corey, Costain, Downes, Drinkwater, Ducharme, Faulkingham, Fecteau, Foster, Gifford, Greenwood, Griffin, Haggan, Hall, Hanley, Harrington, Hutchins, Javner, Johansen, Kinney, Kryzak, Lemelin, Libby, Lyford, Lyman, Martin, Mason, Millett, Morris, Nadeau, Newman, O'Connor, Ordway, Perkins, Pickett, Poirier, Quint, Rudnicki, Skolfield, Stanley, Stearns, Stetkis, Thorne, Tuell, Underwood.

ABSENT - Arata, Bailey, Bickford, Bradstreet, Cebra, Dillingham, Dolloff, Doore, Evangelos, Grignon, Head, Parry, Paulhus, Prescott, Roche, Sampson, Terry, Theriault, Wadsworth, White.

Yes, 79; No, 52; Absent, 20; Excused, 0.

79 having voted in the affirmative and 52 voted in the negative, with 20 being absent, and accordingly the Majority **Ought to Pass as Amended** Report was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (H-600)** was **READ** by the Clerk and **ADOPTED**.

Under suspension of the rules the Bill was given its **SECOND READING WITHOUT REFERENCE** to the Committee on **Bills in the Second Reading**.

Under further suspension of the rules the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (H-600)** and sent for concurrence.

Majority Report of the Committee on **JUDICIARY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-602)** on Bill "An Act To Provide Access to Justice for Victims of Child Sexual Abuse"

(H.P. 432) (L.D. 589)

Signed:

Senators:

CARNEY of Cumberland

SANBORN of Cumberland

Representatives:

HARNETT of Gardiner

BABBIDGE of Kennebunk

MORIARTY of Cumberland

RECKITT of South Portland

SHEEHAN of Biddeford

Minority Report of the same Committee reporting **Ought Not to Pass** on same Bill.

Signed:

Senator:

KEIM of Oxford

Representatives:

HAGGAN of Hampden

LIBBY of Auburn

POIRIER of Skowhegan

THORNE of Carmel

READ.

On motion of Representative HARNETT of Gardiner, **TABLED** pending **ACCPANCE** of Either Report and later today assigned.

Majority Report of the Committee on **JUDICIARY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-604)** on Bill "An Act To Provide Consistency Regarding Persons Authorized To Conduct Examinations for Emergency Involuntary Commitment and Post-admission Examinations"

(H.P. 636) (L.D. 868)

Signed:

Senators:

CARNEY of Cumberland

SANBORN of Cumberland

Representatives:

HARNETT of Gardiner

BABBIDGE of Kennebunk

LIBBY of Auburn

MORIARTY of Cumberland

RECKITT of South Portland

SHEEHAN of Biddeford

Minority Report of the same Committee reporting **Ought Not to Pass** on same Bill.

Signed:

Representatives:

EVANGELOS of Friendship

HAGGAN of Hampden

POIRIER of Skowhegan
THORNE of Carmel

Senators:

CARNEY of Cumberland
SANBORN of Cumberland

Representative NEWELL of the Passamaquoddy Tribe - of the House - supports the Majority **Ought to Pass as Amended by Committee Amendment "A" (H-604)** Report.

Representatives:

HARNETT of Gardiner
BABBIDGE of Kennebunk
CARDONE of Bangor
EVANGELOS of Friendship
McCREIGHT of Harpswell
MORIARTY of Cumberland
RECKITT of South Portland
SHEEHAN of Biddeford

READ.

On motion of Representative HARNETT of Gardiner, the Majority **Ought to Pass as Amended** Report was **ACCEPTED**.

The Bill was **READ ONCE. Committee Amendment "A" (H-604)** was **READ** by the Clerk and **ADOPTED**.

Under suspension of the rules the Bill was given its **SECOND READING WITHOUT REFERENCE** to the Committee on **Bills in the Second Reading**.

Under further suspension of the rules the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (H-604)** and sent for concurrence.

Minority Report of the same Committee reporting **Ought Not to Pass** on same Bill.

Signed:

Senator:

KEIM of Oxford

Representatives:

HAGGAN of Hampden
POIRIER of Skowhegan

Majority Report of the Committee on **JUDICIARY** reporting **Ought Not to Pass** on Bill "An Act To Require Uniform Adherence to Internal Revenue Service Guidelines by Maine Nonprofit Organizations"

(H.P. 643) (L.D. 887)

Signed:

Senators:

CARNEY of Cumberland
KEIM of Oxford
SANBORN of Cumberland

Representative NEWELL of the Passamaquoddy Tribe - of the House - supports the Majority **Ought to Pass as Amended by Committee Amendment "A" (H-601)** Report.

READ.

On motion of Representative HARNETT of Gardiner, **TABLED** pending **ACCPANCE** of Either Report and later today assigned.

Representatives:

HARNETT of Gardiner
BABBIDGE of Kennebunk
EVANGELOS of Friendship
LIBBY of Auburn
MORIARTY of Cumberland
RECKITT of South Portland
SHEEHAN of Biddeford

Nine Members of the Committee on **ENVIRONMENT AND NATURAL RESOURCES** report in Report "A" **Ought to Pass as Amended by Committee Amendment "A" (H-605)** on Bill "An Act To Support and Improve Municipal Recycling Programs and Save Taxpayer Money"

(H.P. 1146) (L.D. 1541)

Signed:

Senators:

BRENNER of Cumberland
BENNETT of Oxford
CARNEY of Cumberland

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-603)** on same Bill.

Signed:

Representatives:

HAGGAN of Hampden
POIRIER of Skowhegan
THORNE of Carmel

Representatives:

TUCKER of Brunswick
BELL of Yarmouth
BLUME of York
DOUDERA of Camden
GRAMLICH of Old Orchard Beach
ZEIGLER of Montville

Representative NEWELL of the Passamaquoddy Tribe - of the House - supports the Majority **Ought Not to Pass** Report.

READ.

On motion of Representative HARNETT of Gardiner, the Majority **Ought Not to Pass** Report was **ACCEPTED** and sent for concurrence.

Three Members of the same Committee report in Report "B" **Ought Not to Pass** on same Bill.

Signed:

Representatives:

HANLEY of Pittston
JOHANSEN of Monticello
O'CONNOR of Berwick

Majority Report of the Committee on **JUDICIARY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-601)** on Bill "An Act Regarding the Review of Law Enforcement Use of Deadly Force"

(H.P. 1095) (L.D. 1480)

Signed:

One Member of the same Committee reports in Report "C" **Ought to Pass as Amended by Committee Amendment "B" (H-606)** on same Bill.

Signed:
Representative:
TUELL of East Machias

READ.

On motion of Representative TUCKER of Brunswick, **TABLED** pending **ACCPANCE** of Any Report and later today assigned.

By unanimous consent, all matters having been acted upon were **ORDERED SENT FORTHWITH**.

Majority Report of the Committee on **HEALTH COVERAGE, INSURANCE AND FINANCIAL SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-609)** on Bill "An Act To Eliminate Insurance Rating Based on Age, Geographic Location or Smoking History and To Reduce Rate Variability Due to Group Size" (H.P. 828) (L.D. 1150)

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

Minority Report of the same Committee reporting **Ought Not to Pass** on same Bill.

Signed:
Senator:
STEWART of Aroostook

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

READ.

Representative TEPLER of Topsham moved that the House **ACCEPT** the Majority **Ought to Pass as Amended** Report.

Representative MORRIS of Turner **REQUESTED** a roll call on the motion to **ACCEPT** the Majority **Ought to Pass as Amended** Report.

More than one-fifth of the members present expressed a desire for a roll call which was ordered.

The SPEAKER: The Chair recognizes the Representative from North Turner, Representative Morris.

Representative **MORRIS**: Thank you, Mr. Speaker. I rise in opposition to the pending motion. The reason for my opposition is because this is about personal responsibility. We have decades of evidence, empirical evidence, that smoking and the use of tobacco products is not good for your health. So, it would seem to make sense that if insurance companies wish to charge somebody more for their use of tobacco products, it's merely holding them accountable for their personal behavior

choices. The problem with this is that if we allow this bill to pass, those who don't use tobacco products will have to pay more to subsidize those who choose to use tobacco products. I think with the decades of evidence showing the harmful effects of tobacco that is well-known to everybody in this chamber as well as most folks throughout this country, we know the negative impacts on a person's health for using tobacco and I don't believe it is wrong to ask them to pay a higher premium for deciding to use tobacco products regardless. So, I would urge this Body to reject the pending motion and let's do a vote for personal responsibility. Thank you.

The SPEAKER: The Chair recognizes the Representative from Lewiston, Representative Brooks.

Representative **BROOKS**: Thank you, Speaker, Women and Men of the House. The bill addresses insurance companies charging more, up to 150% more, for people who smoke that aren't enrolled in a cessation program. This could price people out of the market of health care and health insurance and it is discriminatory against people who have a substance use that 95%, according to the American Cancer Society Cancer Action Network, over 95% start before the age of 21. This is a practice that is very harmful in the patients but, you know, people could be not able to afford cancer, not cancer, but medical treatment for conditions that may or may not be associated with smoking. It really hurts their ability to be screened for cancers as well, you know, including mammograms, pap smears, colonoscopies, other routine screening as well as other routine things that are checked as far as blood pressure or other medical conditions. This bill, being 150% more, the charges, not eligible for federal subsidies and it does price some people out of the market and it is shown also that a provider recommending that somebody quit smoking does work and there are smoking cessation programs. I quit smoking with Chantix and there's also Wellbutrin or Zyban which has been shown to decrease the cravings for tobacco, and along with that, it's a slippery slope. Today, we may be charging people out of the market for smoking use and I wonder about obesity. Are we going to start charging people more money for being obese and just, you know, deny their access to appropriate health care? And one last point is if we don't catch illnesses early, there will be increased pain and suffering and it will also lead to more advanced disease by the time the person is able to get help, if they are able to get help at all. Thank you.

The SPEAKER: The Chair recognizes the Representative from Buxton, Representative Blier.

Representative **BLIER**: Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Years ago, I worked for a company when they started out insurance companies coming in and saying if you smoke, you're going to have to pay more for your health insurance and, you know what? A lot of people quit. We're out here now, we're trying to get away from flavored to stop people from smoking. I'm confused. Do you want people to smoke or you don't want people to smoke? This bill would just, the people that smoke has a higher rate of health issues and not allowing them to pay more for their insurance is not the right thing. It's working now, I say we keep it the same, we defeat this motion. Thank you.

The SPEAKER: The Chair recognizes the Representative from Topsham, Representative Tepler.

Representative **TEPLER**: Thank you, Mr. Speaker and Men and Women of the House. I just briefly want to say that this bill is supported by the American Cancer Society and Consumers for Affordable Healthcare, and other organizations that are dedicated to helping Mainers quit smoking, stop

smoking and be healthy. We do not deal with other behaviors like alcohol or smoking marijuana by charging more for health insurance for those behaviors which involve some level of personal responsibility as well and some effect on health. This is the one remaining item that we charge more for. We removed preexisting conditions and we feel that over the next two years as the clear choice plans are worked out, it will be a simple thing to reduce this to a one-to-one ratio so that smokers are not being charged more than others. Thank you, Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Turner, Representative Morris.

Representative **MORRIS**: Thank you, Mr. Speaker. I apologize for rising a second time, but I just want to point out that it is allowed under the Affordable Care Act to charge people 1.5 times more for tobacco use. This would make Maine an outlier with the Affordable Care Act. Thank you.

The SPEAKER: The Chair recognizes the Representative from Scarborough, Representative Warren.

Representative **WARREN**: Thank you, Mr. Speaker. I just want to rise in support of this motion. It seems that we've got some big insurance companies, we've got some big tobacco industry, we've got a whole bunch of people that are profiting off of predominantly working Maine people, but they didn't vote me in, thousands of Maine people voted me in, and I think we all want Maine people to be happy, healthy --

The SPEAKER: The Member will defer. The Chair would remind the Member not to question the motives of other Members. The Member may proceed.

Representative **WARREN**: I personally believe that I'm here in the interests of Maine people and I want the best for them, I want them to be happy and healthy. I don't want to be legislating morality, though. Different people make different personal decisions. That seems to be in part between an individual and their doctor, but on this measure, it does seem to me that we're giving the benefit, the profit, to these insurance companies that just doesn't add up to me, that doesn't seem right. We know that these big tobacco industries, they are targeting people disproportionately and I just think to oversimplify it as one person's individual choice, I think we want to put it in a bigger context and at least for me, I want to say how can we make Maine people happier, healthier, to make the best decision that's right for them, and so, I support this motion for that reason.

The SPEAKER: The Chair recognizes the Representative from Lewiston, Representative Brooks.

Representative **BROOKS**: Thank you, Speaker. I wanted to just read a little bit from the American Cancer Society's Cancer Action Network testimony. They point out that there are 10 states and Washington D.C. that have passed legislation imposing regulations eliminating or limiting the tobacco rating in their individual and/or small group health insurance markets. These states include California, Vermont, Rhode Island, Massachusetts, New Jersey, Arkansas, New York, North Carolina and Colorado. And they do also say that the American Cancer Society Cancer Action Network places high priority on evidence-based tobacco control policies that prevent cancer and save lives. And to address another point that was brought up, it says charging tobacco users higher health insurance premiums is not proven to reduce smoking. In fact, it likely results in reduced access to health care for those who need it most. Thank you.

The SPEAKER: A roll call has been ordered. The pending question before the House is Acceptance of the Majority Ought

to Pass as Amended Report. All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 272

YEA - Alley, Arford, Babbidge, Bell, Berry, Blume, Brennan, Brooks, Bryant, Caiazza, Cardone, Cloutier, Collings, Copeland, Crafts, Craven, Crockett, Cuddy, Dodge, Doudera, Dunphy, Evans, Fay, Geiger, Gere, Gramlich, Grohoski, Harnett, Hasenfus, Hepler, Hymanson, Kessler, Landry, Lookner, Madigan, Martin J, Martin R, Mathieson, Matlack, McCrea, McCreight, McDonald, Melaragno, Meyer, Millett, Morales, Moriarty, O'Connell, O'Neil, Ordway, Osher, Pebworth, Perry A, Perry J, Pierce, Pluecker, Reckitt, Rielly, Riseman, Roberts, Roeder, Sachs, Salisbury, Sharpe, Sheehan, Stover, Supica, Sylvester, Talbot Ross, Tepler, Tucker, Tuttle, Warren C, Warren S, White, Williams, Wood, Zager, Zeigler, Mr. Speaker.

NAY - Andrews, Austin, Bernard, Blier, Carlow, Carmichael, Collamore, Connor, Corey, Costain, Downes, Drinkwater, Ducharme, Faulkingham, Fecteau, Foster, Gifford, Greenwood, Griffin, Haggan, Hall, Hanley, Harrington, Hutchins, Javner, Johansen, Kinney, Kryzak, Lemelin, Libby, Lyford, Lyman, Martin, Mason, Millett, Morris, Nadeau, Newman, O'Connor, Pickett, Poirier, Quint, Rudnicki, Skolfield, Stanley, Stearns, Stetkis, Thorne, Tuell, Underwood.

ABSENT - Arata, Bailey, Bickford, Bradstreet, Cebra, Dillingham, Dolloff, Doore, Evangelos, Grignon, Head, Parry, Paulhus, Perkins, Prescott, Roche, Sampson, Terry, Theriault, Wadsworth, White.

Yes, 80; No, 50; Absent, 21; Excused, 0.

80 having voted in the affirmative and 50 voted in the negative, with 21 being absent, and accordingly the Majority Ought to Pass as Amended Report was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (H-609)** was **READ** by the Clerk and **ADOPTED**.

Under suspension of the rules the Bill was given its **SECOND READING WITHOUT REFERENCE** to the Committee on **Bills in the Second Reading**.

Under further suspension of the rules the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (H-609)** and sent for concurrence.

By unanimous consent, all matters having been acted upon were **ORDERED SENT FORTHWITH**.

Ought to Pass as Amended

Report of the Committee on **LABOR AND HOUSING** on Bill "An Act To Address the Windfall Elimination Provision" (S.P. 148) (L.D. 341)

Reporting **Ought to Pass as Amended by Committee Amendment "A" (S-203)**.

Came from the Senate with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-203) AS AMENDED BY SENATE AMENDMENT "A" (S-251)** thereto.

The Report was **READ** and **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (S-203)** was **READ** by the Clerk.

Senate Amendment "A" (S-251) to Committee Amendment "A" (S-203) was **READ** by the Clerk and **ADOPTED**.

Committee Amendment "A" (S-203) as Amended by Senate Amendment "A" (S-251) thereto was **ADOPTED**.

Under suspension of the rules the Bill was given its **SECOND READING WITHOUT REFERENCE** to the Committee on **Bills in the Second Reading**.

Under further suspension of the rules the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (S-203) as AMENDED by Senate Amendment "A" (S-251)** thereto in concurrence.

By unanimous consent, all matters having been acted upon were **ORDERED SENT FORTHWITH**.

ENACTORS

Emergency Measure

An Act To Amend the Maine Pharmacy Act

(S.P. 11) (L.D. 4)

(C. "A" S-256)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 112 voted in favor of the same and 0 against, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

Emergency Measure

An Act To Establish the Maine Connectivity Authority

(S.P. 477) (L.D. 1484)

(C. "A" S-248)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 102 voted in favor of the same and 0 against, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

Emergency Measure

Resolve, To Place a Temporary Moratorium on the Approval of Any New Motor Vehicle Registration Plates and Initiate a Registration Plate Working Group

(S.P. 511) (L.D. 1618)

(C. "A" S-254)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 109 voted in favor of the same and 2 against, and accordingly the Resolve was **FINALLY PASSED**, signed by the Speaker and sent to the Senate.

By unanimous consent, all matters having been acted upon were **ORDERED SENT FORTHWITH**.

CONSENT CALENDAR

First Day

In accordance with House Rule 519, the following items appeared on the Consent Calendar for the First Day:

(H.P. 911) (L.D. 1245) Bill "An Act To Ensure the Provision of Adequate Personal Protective Equipment to Firefighters Who Are Women" (EMERGENCY) Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-610)**

(H.P. 1100) (L.D. 1486) Bill "An Act To Improve Investigations of Child Sexual Abuse" Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-611)**

Under suspension of the rules, Second Day Consent Calendar notification was given.

There being no objection, House Papers were **PASSED TO BE ENGROSSED as Amended** and sent for concurrence.

(H.P. 968) (L.D. 1312) Bill "An Act To Remove Barriers to Accessory Dwelling Units and Allow Accessory Dwelling Units where Single-family Houses Are Allowed" Committee on **LABOR AND HOUSING** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-608)**

On motion of Representative DUNPHY of Old Town, was **REMOVED** from the First Day Consent Calendar.

The Unanimous Committee Report was **READ**.

On further motion of same Representative TABLED pending **ACCEPTANCE** of the Committee Report and later today assigned.

By unanimous consent, all matters having been acted upon were **ORDERED SENT FORTHWITH**.

SENATE PAPERS

Non-Concurrent Matter

Bill "An Act To End At-will Employment"

(H.P. 398) (L.D. 553)

Report "C" (2) **OUGHT TO PASS AS AMENDED** of the Committee on **LABOR AND HOUSING READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (H-482)** in the House on June 10, 2021.

Came from the Senate with Report "B" (4) **OUGHT NOT TO PASS** of the Committee on **LABOR AND HOUSING READ** and **ACCEPTED** in **NON-CONCURRENCE**.

Speaker FECTEAU of Biddeford moved that the House **INSIST**.

Representative STETKIS of Canaan moved that the House **RECEDE AND CONCUR**.

Representative DUNPHY of Old Town **REQUESTED** a roll call on the motion to **RECEDE AND CONCUR**.

More than one-fifth of the members present expressed a desire for a roll call which was ordered.

The **SPEAKER**: The Chair recognizes the Representative from Portland, Representative Sylvester.

Representative **SYLVESTER**: Thank you, Mr. Speaker. I think that it is the correct thing to study a bill that has caused this much discussion in the state. When I start any bill, I start out with a goal. And the goal on this discussion was to discuss a system which was created out of both implicit and explicit racism and classism and to make sure that everybody knew that this system existed, that the State of Maine and the country, you know, was part of a country that was the only country that had this idea, and I think we were successful in that. And, so, having generated that discussion, if my good friends across the aisle are correct and the end of at-will employment is the end of the world, then this study will show that. And if those of us who believe that it should be ended are correct, then perhaps it will show that. But, either way, we will end this discussion with empirical facts and we'll know where we are. Thank you, Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Turner, Representative Morris.

Representative **MORRIS**: Thank you, Mr. Speaker. I rise in support of the pending motion. As I said before, I believe businesses deserve predictability. I believe having anything hanging over their head to end at-will employment is something that's going to be very difficult for them in the next year and I would urge this Body to support the pending motion. Thank you.

The SPEAKER: A roll call has been ordered. The pending question before the House is to Recede and Concur. All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 273

YEA - Andrews, Austin, Bernard, Blier, Carlow, Carmichael, Collamore, Connor, Corey, Costain, Downes, Drinkwater, Ducharme, Faulkingham, Fay, Fecteau, Foster, Gifford, Greenwood, Griffin, Haggan, Hall, Hanley, Harrington, Hutchins, Javner, Johansen, Kinney, Kryzak, Landry, Lemelin, Libby, Lyford, Lyman, Martin J, Martin R, Martin T, Mason, Millett, Moriarty, Morris, Nadeau, Newman, O'Connell, O'Connor, Ordway, Perkins, Perry, Pickett, Pierce, Poirier, Quint, Rudnicki, Skolfield, Stanley, Stearns, Stetkis, Thorne, Tuell, Underwood.

NAY - Alley, Arford, Babbidge, Bell, Berry, Blume, Brennan, Brooks, Bryant, Caiazzo, Cardone, Cloutier, Collings, Copeland, Crafts, Craven, Crockett, Cuddy, Dodge, Doudera, Dunphy, Evans, Geiger, Gere, Gramlich, Grohoski, Harnett, Hasenfus, Hepler, Hymanson, Kessler, Lookner, Madigan, Mathieson, Matlack, McCrea, McCreight, McDonald, Melaragno, Meyer, Millett, Morales, O'Neil, Osher, Pebworth, Perry, Pluecker, Reckitt, Rielly, Riseman, Roberts, Roeder, Sachs, Salisbury, Sharpe, Sheehan, Stover, Supica, Sylvester, Talbot Ross, Tepler, Tucker, Tuttle, Warren C, Warren S, White, Williams, Wood, Zager, Zeigler, Mr. Speaker.

ABSENT - Arata, Bailey, Bickford, Bradstreet, Cebra, Dillingham, Dolloff, Doore, Evangelos, Grignon, Head, Parry, Paulhus, Prescott, Roche, Sampson, Terry, Theriault, Wadsworth, White.

Yes, 60; No, 71; Absent, 20; Excused, 0.

60 having voted in the affirmative and 71 voted in the negative, with 20 being absent, and accordingly the motion to **RECEDE AND CONCUR FAILED**.

Subsequently, the House voted to **INSIST**.

Non-Concurrent Matter

Bill "An Act To Require Instruction on the History of Genocide and the Holocaust"

(H.P. 150) (L.D. 215)

Majority (8) **OUGHT NOT TO PASS** Report of the Committee on **EDUCATION AND CULTURAL AFFAIRS READ** and **ACCEPTED** in the House on June 10, 2021.

Came from the Senate with the Minority (5) **OUGHT TO PASS AS AMENDED** Report of the Committee on **EDUCATION AND CULTURAL AFFAIRS READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-243)** in **NON-CONCURRENCE**.

Speaker FECTEAU of Biddeford moved that the House **INSIST**.

Representative FECTEAU of Augusta moved that the House **RECEDE AND CONCUR**.

On motion of Representative DUNPHY of Old Town, **TABLED** pending the motion of Representative FECTEAU of Augusta to **RECEDE AND CONCUR** and later today assigned.

By unanimous consent, all matters having been acted upon were **ORDERED SENT FORTHWITH**.

Non-Concurrent Matter

An Act To Retroactively Grant Sick Leave Days to Public School Employees Affected by COVID-19 (EMERGENCY)

(H.P. 731) (L.D. 993)

(C. "A" H-333)

PASSED TO BE ENACTED in the House on June 8, 2021. Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-333) AND SENATE AMENDMENT "A" (S-262)** in **NON-CONCURRENCE**.

The House voted to **RECEDE AND CONCUR**.

By unanimous consent, all matters having been acted upon were **ORDERED SENT FORTHWITH**.

The Chair laid before the House the following item which was **TABLED** earlier in today's session:

An Act To Increase High School Graduation Rates for Students Experiencing Education Disruption (MANDATE)

(S.P. 424) (L.D. 1318)

(C. "A" S-246)

Which was **TABLED** by Representative DUNPHY of Old Town pending **PASSAGE TO BE ENACTED**. (Roll Call Ordered)

The SPEAKER: A roll call has been ordered. The pending question before the House is Passage to be Enacted. All those in favor will vote yes, those opposed will vote no.

In accordance with the provisions of Section 21 of Article IX of the Constitution, a two-thirds vote of all the members elected to the House being necessary, a total was taken.

ROLL CALL NO. 274

YEA - Alley, Arford, Babbidge, Bell, Berry, Blume, Brennan, Brooks, Bryant, Caiazzo, Cardone, Cloutier, Collings, Copeland, Corey, Crafts, Craven, Crockett, Cuddy, Dodge, Doudera, Dunphy, Evans, Fay, Geiger, Gere, Gramlich, Grohoski, Harnett, Hasenfus, Hepler, Hymanson, Kessler, Landry, Lookner, Madigan, Martin J, Martin R, Mathieson, Matlack, McCrea, McCreight, McDonald, Melaragno, Meyer, Millett, Morales, Moriarty, O'Connell, O'Neil, Osher, Pebworth, Perry A, Perry J, Pierce, Pluecker, Reckitt, Rielly, Riseman, Roberts, Roeder, Sachs, Salisbury, Sharpe, Sheehan, Stover, Supica, Sylvester, Talbot Ross, Tepler, Tucker, Tuttle, Warren C, Warren S, White, Williams, Wood, Zager, Zeigler, Mr. Speaker.

NAY - Andrews, Austin, Bernard, Blier, Carlow, Carmichael, Collamore, Connor, Costain, Downes, Drinkwater, Ducharme, Faulkingham, Fecteau, Foster, Gifford, Greenwood, Griffin, Hall, Hanley, Harrington, Hutchins, Javner, Johansen, Kinney, Kryzak, Lemelin, Libby, Lyford, Lyman, Martin, Mason, Millett, Morris, Nadeau, Newman, O'Connor, Ordway, Perkins, Pickett, Poirier, Quint, Rudnicki, Skolfield, Stanley, Stearns, Stetkis, Thorne, Tuell, Underwood.

ABSENT - Arata, Bailey, Bickford, Bradstreet, Cebra, Dillingham, Dolloff, Doore, Evangelos, Grignon, Haggan, Head, Parry, Paulhus, Prescott, Roche, Sampson, Terry, Theriault, Wadsworth, White.

Yes, 80; No, 50; Absent, 21; Excused, 0.

80 having voted in the affirmative and 50 voted in the negative, with 21 being absent and accordingly the Bill **FAILED PASSAGE TO BE ENACTED**, and was sent to the Senate.

By unanimous consent, all matters having been acted upon were **ORDERED SENT FORTHWITH**.

On motion of Representative LANDRY of Farmington, the House adjourned at 10:31 p.m., until 11:00 a.m., Tuesday, June 15, 2021.