

MAINE STATE LEGISLATURE

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ONE HUNDRED THIRTY-FIRST LEGISLATURE
FIRST SPECIAL SESSION
30th Legislative Day
Wednesday, June 21, 2023

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

Prayer by Reverend Sean P. Coady, South Freeport Church, Freeport.

National Anthem by Roxane Althouse, Woolwich.

Pledge of Allegiance.

Under suspension of the rules, members were allowed to remove their jackets.

The Journal of yesterday was read and approved.

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

SPECIAL SENTIMENT CALENDAR

In accordance with House Rule 519 and Joint Rule 213, the following items:

Recognizing:

Dory Waxman, of Portland, for her over forty-five years of public service. Mrs. Waxman, who started several successful businesses in the Portland area, served as a Portland School Committee member, Portland City Councilor and member of the City Charter Commission and chaired of several city committees. She also helped found, foster and support a neighborhood organization that continues to serve the needs and interests of all its residents. In 2015, she turned her woolen cape-making business into a nonprofit school, Common Threads of Maine, that has taught 180 new Mainers commercial sewing, helping them to attain gainful professional employment. We extend our appreciation and best wishes;

(HLS 500)

Presented by Representative GRAHAM of North Yarmouth.

Cosponsored by Senator CHIPMAN of Cumberland, Senator DUSON of Cumberland, Senator NANGLE of Cumberland, Speaker TALBOT ROSS of Portland, Representative BRENNAN of Portland, Representative COLLINGS of Portland, Representative CROCKETT of Portland, Representative GATTINE of Westbrook, Representative LOOKNER of Portland, Representative MOONEN of Portland, Representative RIELLY of Westbrook, Representative SALISBURY of Westbrook, Representative SKOLD of Portland, Representative ZAGER of Portland.

On **OBJECTION** of Representative GRAHAM of North Yarmouth, was **REMOVED** from the Special Sentiment Calendar.

READ.

The SPEAKER: The Chair recognizes the Representative from North Yarmouth, Representative Graham.

Representative **GRAHAM**: Madam Speaker and my Good Colleagues of the House, I stand to sing praises of my dear friend, Dory. Madam Speaker, I am honored to be a public servant but I can only aspire to serve the people of our communities as well as Dory has. She gives her heart and soul to so many causes and so many people. We would be here all day recounting her contributions and wonderful, caring spirit. She now, quote, retires, unquote, from Common Threads of Maine, an organization she founded in 2015 that provides

opportunities for new Mainers by teaching them to become respected and skilled members of our Maine's textile workforce. Her students don't only learn how to sew but also learn English and learn how to negotiate and advocate for themselves in the workplace. Many have gone on to pursue careers, particularly at American Roots, which Dory's son, Ben, and daughter-in-law, Whitney, founded. But when all is said and done, Dory is absolutely the best mom and grandmom anybody could have. She and Dan have three amazing sons and they have five beautiful grandchildren. A goal for me is to be half as great a mom and a grandmom; someday, as Dory. Most of all, Madam Speaker, Dory is my friend. A sister I never knew I had. It is with great love I say congratulations and thank you, Dory.

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

Representative **SALISBURY**: Thank you, Madam Speaker. Madam Speaker, Dory Waxman, even as I say her name or think of her, I smile. I've only known Dory and her glorious family for a few years but I feel like they have been part of my life forever. Dory has a way of making you feel like you're the most important person in the room and the cause you are fighting for is the most important issue. Her love of community and her family are contagious and the zeal with which she accomplishes tasks is contagious. Common Threads of Maine is a magnificent example of how one person with a good idea and a desire to help can really make a difference. I'm so lucky that her family lives so close to me in Westbrook, Ben and Whitney, and their wonderful company, American Roots, and Adam, who is a fantastic teacher who, as an aside, is going to start a new adventure next year; keep it quiet, though. And I'm so happy that I know all of them because of Dory and thank you, Dory, for all you do to make the world a better place.

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

Representative **BOYLE**: Thank you, Madam Speaker. I second what the other Reps have said. I think it's fair to say that whether you're glad I'm here or not, you have Dory Waxman to either blame or thank. In 2011, I decided I would run for the State Senate and I was talking to some people and I've never done anything like this and they said well, you need a campaign manager, and we have this person we think you should talk to. And that person was Dory Waxman. I think the first time I met with her, she started talking about doors and doors and I go hold on, everybody talks about doors, I don't know what you're talking about, I don't know what a door is. So, it was Dory Waxman who explained to me what doors are. And I think it's fair to say that 10,000 doors later, 5,000 of those doors I probably wouldn't have done if I had not had to text Dory at the end of every day how many doors I did. So, I thank Dory for that and, as others said, Dory is a sister to me and I respect everything she's done with her life. Thank you.

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

Representative **RIELLY**: Thank you, Madam Speaker. I want to thank Dory Waxman for helping so many Westbrook residents. She's an inspiration to our community. The Waxman family are Westbrook legends. I'm proud to have Ben and Whitney as constituents of mine and, again, I want to thank Dory and the Waxman family for their service to our community. Thank you, Madam Speaker.

The SPEAKER: The Chair recognizes the Representative from Old Orchard Beach, Representative Gramlich.

Representative **GRAMLICH**: Thank you, Madam Speaker. Madam Speaker and Colleagues of the House, I rise to acknowledge and honor my friend, Dory Waxman. I first met

Dory when I moved to Portland in 2002. She raised three incredible young men, one of whom, her youngest, Josh, I was fortunate enough to serve on the Portland School Committee with. He was one of the first student representatives on the Portland School Committee and I often wondered if she was happy or maybe worried that he sat right next to me. Dory was always a welcoming resource, with a large, kind and giving heart. I saw Dory as a mentor in my formative years in politics. I'm appreciative of her years of service and I am most grateful to call her my friend.

Subsequently, this Expression of Legislative Sentiment was **PASSED** and sent for concurrence.

Recognizing:

Conor Morin, of Augusta, who won the Triple Jump Event at the New England Interscholastic Boys Outdoor Track and Field Championship. We extend our congratulations and best wishes;

(HLS 511)

Presented by Representative LaROCHELLE of Augusta.
Cosponsored by Senator POULIOT of Kennebec, Representative BRIDGEO of Augusta.

On **OBJECTION** of Representative LaROCHELLE of Augusta, was **REMOVED** from the Special Sentiment Calendar.

READ.

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

Representative **LaROCHELLE**: Thank you, Madam Speaker, Ladies and Gentlemen of the House. I am pleased to rise today and tell you just a little about recent Cony High School graduate, Conor Morin. Originally, I requested this Sentiment after Conor came in first place in the 2023 New England Championship for triple jump. Conor's final jump of that meet at 47 feet, six inches, not only broke Conor's school record, which before Conor had been held for 58 years, but also broke the State of Maine Class B record.

While we're here talking about Conor, I thought I'd list some other of his impressive sports accomplishments. Conor is a multi-time KVAC champion in the high, long and triple jumps and was the anchor of this year's 4x100 Championship team at Cony. He has been named KVAC Athlete of the Meet for indoor track and is a two-time winner of the KVAC's Don Mattheson Award. Conor has seen the State of Maine Class B podium a total of 12 times and is an indoor high jump State Champion. He has represented Cony High and the State of Maine four times in the New England Secondary School Principals' Association indoor and outdoor track meets in the high jump and triple jump. Conor got to wear his Cony Rams jersey one last time as he competed in the New Balance National Championship last weekend at UPenn, where he finished 11th in the nation in the triple jump.

Besides all of his sports accolades, by all accounts that I've heard, Conor is a solid student, a supportive and inspiring teammate and an overall good kid. Conor will attend the University of Maine and study Civil Engineering in the fall. He is here today with his parents, grandparents, aunt, siblings and coaches. I hope you will all join me in congratulating Conor and his outstanding support team.

Subsequently, this Expression of Legislative Sentiment was **PASSED** and sent for concurrence.

Recognizing:

Paul S. Burgess, of Wales, in whose honor the Town of Wales has dedicated and named its municipal center. It will now be known as the Town of Wales - Paul S. Burgess - Municipal Center. Mr. Burgess has served on the Wales Municipal Volunteer Fire Department since its inception in 1975. Still serving his community today on the fire department and working for the Public Works Department at 81 years of age, he is also in his 47th year on the Board of Selectmen. We extend our appreciation and best wishes;

(HLS 518)

Presented by Representative GREENWOOD of Wales.
Cosponsored by Senator TIMBERLAKE of Androscoggin.

On **OBJECTION** of Representative GREENWOOD of Wales, was **REMOVED** from the Special Sentiment Calendar.

READ.

Subsequently, this Expression of Legislative Sentiment was **PASSED** and sent for concurrence.

In Memory of:

the Honorable Pamela Hatch, of Skowhegan. Ms. Hatch served 4 terms in the Maine House of Representatives, from 1992 to 2000, and a term in the Maine Senate, from 2002 to 2004. During her legislative service, she served on the aging, retirement and veterans committee, on the leaves of absence committee, on the criminal justice and public safety committee, on the joint select committee on joint rules and as chair of the labor and transportation committees. Ms. Hatch will be long remembered and sadly missed by her family and friends and all those whose lives she touched;

(HLS 501)

Presented by Representative POIRIER of Skowhegan.
Cosponsored by Senator FARRIN of Somerset.

On **OBJECTION** of Representative POIRIER of Skowhegan, was **REMOVED** from the Special Sentiment Calendar.

READ.

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

Representative **POIRIER**: Thank you, Madam Speaker. Madam Speaker and Ladies and Gentlemen of the House, it's with great sadness that I rise today to speak of the passing of my dear friend and mentor, the Honorable Pamela Henderson Hatch. This is undoubtedly the hardest, most heartfelt floor speech I've ever made. To honor her best, I would like to take the opportunity to celebrate her life and all of her accomplishments.

Pam was born in Lincoln and attended Penobscot Valley High School, the University of Maine and Beal College. She married her loving soulmate, the Honorable Paul Hatch, 57 years ago and they raised their amazing daughters, Paula and Victoria. I met Pam in my early high school years, when her daughters and I became lifelong friends. Pam was a business owner, a strong advocate for her community and our State. She served as a Selectman and a School Board member before being elected to the Maine House of Representatives, where she served four terms and chaired several Committees. My first experience in the world of politics came when Pam asked me to lead her campaign for State Senate. I was honored to help her win that election and to watch her serve in the Senate in the 121st Legislature.

Aside from her public service, Pam was a friend to all. In fact, to Pam, there was no such thing as a stranger. You were a friend or a friend she just hadn't met yet. She saw the good in

all people and is fondly remembered for saying; in the end, kindness always wins. Her smile and laughter will never be forgotten. I'm grateful to have known Pam, affectionately known to me as Mama Hatch, and I was blessed to be her bonus daughter and her friend. My thoughts and love are with her husband, her daughters, her granddaughter, Hannah and her great-grandchildren. She undoubtedly will live on through them and everyone who knew her. Thank you, Madam Speaker.

Subsequently, this Expression of Legislative Sentiment was **ADOPTED** and sent for concurrence.

In Memory of:

Anna Culter, of Dixmont. Mrs. Culter taught for years in Saco schools and later at Loranger Middle School in Old Orchard Beach, where she was recognized for her exceptional compassion and resilience as a Life Skills teacher. Mrs. Culter will be long remembered and sadly missed by her husband of more than 60 years, Howard, her family and friends and all those whose lives she touched;

(HLS 502)

Presented by Representative BRENNAN of Portland.

Cosponsored by Senator FARRIN of Somerset, Representative BAGSHAW of Windham, Representative COSTAIN of Plymouth, Representative DODGE of Belfast, Representative LYMAN of Livermore Falls, Representative MILLETT of Cape Elizabeth, Representative MURPHY of Scarborough, Representative POLEWARCZYK of Wiscasset, Representative SAMPSON of Alfred, Representative SARGENT of York, Representative WORTH of Ellsworth.

On **OBJECTION** of Representative BRENNAN of Portland, was **REMOVED** from the Special Sentiment Calendar.

READ.

The **SPEAKER**: The Chair recognizes the Representative from Portland, Representative Brennan.

Representative **BRENNAN**: Thank you, Madam Speaker, Men and Women of the House. I hope you will join me and Members of the Education Committee in mourning the loss of Anna Culter. For years, she was a lifelong learner in the State but also an exceptional teacher that affected the lives of countless students throughout the State of Maine. She also raised a daughter who became a teacher, an administrator and currently serves as the Commissioner of Education, Pender Makin. I want, again, to recognize the work of her mother and to thank her for having a daughter that became the Commissioner of Education and, again, I hope you will join me in extending our deepest sympathy to friends and family. Thank you.

Subsequently, this Expression of Legislative Sentiment was **ADOPTED** and sent for concurrence.

In Memory of:

Guy Perron, of Bangor. Mr. Perron was raised in Laval, Quebec, where he developed a love of all sports, especially hockey, baseball and tennis. In 1983 at 17 years of age, he left home to play for the Cegep league team in St.-Jerome, Les Cheminots. In 1986, he was recruited to play at the University of Maine, where he ranks 18th on the career scoring list and was a 2-year captain. Between 1986 and 1990, he amassed 62 goals and 84 assists to help the Black Bears make 4 NCAA Tournament appearances. In 1989, he was presented Maine's Most Popular Player award. After his time as a student-athlete, he traveled to Stockholm, Sweden, where he played one year for the Vasby IK Hockey Club. Returning to Maine, he became a graduate assistant hockey coach at UMaine. In 1992, he became head coach of the Bangor High School hockey team, and he was named Coach of the Year in 1993. In 1995, he became the assistant coach for the men's hockey team at Dartmouth College. In 1997, he moved to Chicago, Illinois, where he took on the role of general manager and head coach of the Chicago Freeze Junior A hockey team. Returning to Maine in 2003, he coached the UMaine women's hockey team for 2 years. Between 2008 and 2014, he served as a scout for the National Hockey League's Colorado Avalanche. In 2014, he became an employee of W.S. Emerson. Always involved in community activities and volunteer opportunities, he coached his sons on numerous Maine Junior Black Bear teams and volunteered for Bangor West Little League for over a decade. Mr. Perron will be long remembered and sadly missed by his wife of nearly 30 years, Renee, his family and friends and all those whose lives he touched;

(HLS 510)

Presented by Representative THORNE of Carmel.

Cosponsored by Senator BALDACCI of Penobscot, Representative PERRY of Bangor, Representative RANA of Bangor, Representative ROEDER of Bangor, Representative SUPICA of Bangor.

On **OBJECTION** of Representative THORNE of Carmel, was **REMOVED** from the Special Sentiment Calendar.

READ.

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

Representative **THORNE**: Thank you, Madam Speaker, Ladies and Gentlemen of the House. This Sentiment honors Guy Perron who, like many from Maine, say I wasn't born here but I came here as fast as I could. He was instrumental, to say the least, in his participation leading up to the '93 Championship team nationally for the University of Maine Black Bears. I had the honor of meeting with some of his teammates, friends and family recently in a memoriam weekend they held for Guy and found out a little bit about who Guy was. First and foremost, he was a hardworking man, he was a fantastic hockey player, he was a teammate to the end, a friend to the end and a loyal and devoted husband and dad. He asked for nothing in return. Guy's sense of humor is what drew him to many people. His friend and teammate, Mario, says Guy always wore a sly little grin on his face that told you he was plotting his next move or his next one-liner and you never knew when it was coming. You never knew what Guy was up to. But foremost, he was known for his love of his family, his sons, his daughter and his wife, Renee. Guy Perron, you will be greatly missed. Thank you, Madam Speaker.

Subsequently, this Expression of Legislative Sentiment was **ADOPTED** and sent for concurrence.

ORDER

On motion of Representative DANA of the Passamaquoddy Tribe, the following Joint Resolution: (H.P. 1296) (Cosponsored by Senator MOORE of Washington and Representatives: ARDELL of Monticello, COLLAMORE of Pittsfield, CYRWAY of Albion, PAUL of Winterport, PERKINS of Dover-Foxcroft, THERIAULT of Fort Kent, THORNE of Carmel, WALKER of Naples)

JOINT RESOLUTION RECOGNIZING NATIVE AMERICAN VETERANS DAY

WHEREAS, Native Americans have made significant contributions to numerous military conflicts since the American Revolutionary War; and

WHEREAS, Native Americans have served in the various branches of the United States Armed Forces with honor and bravery; and

WHEREAS, an estimated 12,000 Native Americans in the United States served to support the efforts of World War I, during World War II about 150,000 Native Americans participated in either military service or supported the war effort through agricultural or industrial jobs and during the Vietnam War approximately 42,000 Native Americans were engaged in military service with the United States Armed Forces; and

WHEREAS, according to the United States Veterans Administration report on American Indian and Alaska Native Veterans in 2020, 580 American Indian and Alaska Native Veterans reside in Maine; and

WHEREAS, in 2009, the Honorable Donald Soctomah, Representative to the Maine Legislature from the Passamaquoddy Tribe, sponsored legislation to create Native American Veterans Day, which was signed into law by Governor John E. Baldacci; and

WHEREAS, Maine law now recognizes June 21st as Native American Veterans Day to commemorate the actions of Native Americans from Maine that contributed to the efforts of many American conflicts and to remember those who served and risked their lives for American freedom; and

WHEREAS, on this day and every day, the people of the State are encouraged to make an effort to celebrate and honor American Native American Veterans past and present from the Penobscot Nation, the Passamaquoddy Tribe, the Houlton Band of Maliseet Indians and the Mi'kmaq Nation; now, therefore, be it

RESOLVED: That We, the Members of the One Hundred and Thirty-first Legislature now assembled in the First Special Session, on behalf of the people we represent, take this opportunity to recognize June 21, 2023 as Native American Veterans Day and to thank our Maine Native American Veterans for their service to this country.

READ.

The SPEAKER: The Chair recognizes the Representative from the Passamaquoddy Tribe, Representative Dana.

Representative **DANA**: Thank you, Madam Speaker. I want to speak on the Joint Resolution in recognition of Native American Veterans Day. (The Representative spoke in his native language.) Honor Wabanaki soldiers.

Wabanaki people have fought alongside the United States Military since the very beginning. On the eve of the American Revolution, George Washington sent a letter to the Wabanaki Nations on behalf of the Second Continental Congress, asking for their assistance in the coming war. In response, representation from the Wabanaki Nations met in Watertown, Massachusetts, and signed a treaty of alliance and friendship on July 19, 1776. In the treaty, the Wabanaki Nations promised to fight alongside the Americans in the Revolution. A year later,

the Wabanaki Nations met the terms of this treaty and sent hundreds of Wabanaki soldiers to fight alongside the Continental Army in the Battle of Machias in 1777. Alongside American soldiers, Wabanaki people fought and defended the town from attempted British occupation. Many historians today acknowledge that the United States could not have asserted a claim to the territory of Northern Maine in the 50 years following the Revolutionary War without the cooperation of the Wabanaki military support and the protection of the territory from the British attack. To this day, our nations tell the story of Chief Neptune's legendary shot that helped turn the tide of the battle and helped turn the tide of the war here in Maine. In short, the Wabanaki people haven't fought and died alongside the Continental Army in American Revolution, the State of Maine could be much smaller today and in the two centuries since, Wabanaki people have continued to fight alongside American troops and continue to do so today. We have 500 tribal members currently enlisted in the military today and not just from here in the State of Maine. That's not counting the Wabanaki people that have enlisted into the U.S. Military from the Maritimes in Canada that are exercising their status as dual citizens of the United States and Canada. Wabanaki people have volunteered in every conflict the United States has participated in since the Revolutionary War and many other tribes across the U.S. since World War II. I take great pride in honoring Wabanaki warriors along with the U.S. soldiers that have fought courageously for our freedom and laid down their lives throughout American history so that we can be here today.

(The Representative spoke in his native language) and thank you very much, Madam Speaker.

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

Representative **THORNE**: Thank you, Madam Speaker, Members of the House. I could not let this opportunity go without mentioning Mel Soctomah. When I was a young 30-something-year-old; 20-something-year-old Air Force recruiter in Bangor, Maine, part of my district was all Downeast Maine. And I got a call one day from Mr. Mel Soctomah. And he said you're the new Air Force recruiter? I said yes, sir. He said I need you to come out here, I got a couple kids I need you to talk to. So, I did go out. I ended up recruiting his son, Bill Soctomah, and I found out very quickly that those Native Americans here in the State of Maine get to go to college for free. So, Bill had his Bachelor's degree and Mel told him that his next step was to go into the Air Force. And there were other branches that also recruited but I saw the Air Force side of things and probably, all told, probably a dozen in the times that I was there. As a matter of fact, Candy Wallingford, Candace Wallingford, was my very first recruit out of Narraguagus and Cherryfield and she was Native American as well and I still remember talking with her about it and she was very excited. And we had a thing where the VIP Tours and Travel out of Portland would come up to get them and they sent a limousine, an actual limousine, because it was cheaper to send that than it was to send a bus to get them, so that was always the draw and they'd always go to Downeast sections and Pleasant Point included. So, I just wanted to share that anecdotally with you and the House, Madam Speaker. Thank you.

Subsequently, the Joint Resolution was **ADOPTED**. Sent for concurrence.

By unanimous consent, all matters having been acted upon were **ORDERED SENT FORTHWITH** with the exception of matters being held.

**REPORT OF COMMITTEE
Divided Report**

Majority Report of the Committee on **JUDICIARY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-658)** on Bill "An Act to Restore Access to Federal Laws Beneficial to the Wabanaki Nations"

(H.P. 1284) (L.D. 2004)

Signed:

Senators:

CARNEY of Cumberland
BAILEY of York

Representatives:

MOONEN of Portland
ANDREWS of Paris
KUHN of Falmouth
LEE 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:

Senator:

BRAKEY of Androscoggin

Representatives:

HAGGAN of Hampden
HENDERSON of Rumford
POIRIER of Skowhegan

Representative DANA of the Passamaquoddy Tribe - of the House - supports the Majority **Ought to Pass as Amended by Committee Amendment "A" (H-658)** Report.

READ.

Representative MOONEN of Portland 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 Winter Harbor, Representative Faulkingham.

Representative **FAULKINGHAM**: Thank you, Madam Speaker. Madam Speaker, I rise in support of the pending motion. Madam Speaker, my journey to this decision has not come casually or nonchalantly. Madam Speaker, in my almost five years as a legislator, I have sponsored dozens of bills. I've spent more time on this Tribal bill than any other bill in my career and it's not even my own bill. But before I get into the details of that work or how I came to that conclusion, I think it's more important to give you a little background on myself and how it relates to this issue.

The year was 2008 and the local grammar school needed a baseball coach. I took the job. I coached the kids for two undefeated seasons. I even spent half my summer riding around eastern Maine coaching them on the junior league team. I know this doesn't seem like it has anything to do with the price of tea in China but the reason I tell you this story is to tell you why I coached them. The reason why I coached them is

because I didn't have a kid on the team. I coached them because I thought kids deserved a coach who wasn't coaching them just because he had a son on the team. Someone who didn't care who their parents were, their economic class, where they live or whether they were A students or C students. I wanted them to be coached by someone that was fair, impartial and gave each and every one of them the opportunity to be judged on their own merits and accomplishments, not preconceived assumptions. Madam Speaker, I've approached the Wabanaki issues in the same way. Madam Speaker, when it comes to the issue of Federal Indian Law and the 1980 Settlement Act, I don't have a horse in the race. I haven't approached this issue with any goal other than to seek the truth. My goal was that if there truly was a problem, to work towards a solution. To that end, I spent countless hours talking to proponents of Tribal Law, opponents of Tribal Law, experts on all sides of the issue, Committee members, Tribal members and everyone in between.

At the heart of the matter is language in the 1980 Settlement Act that says Maine tribes will benefit from any Federal Laws passed affecting federally-recognized Indian Tribes as long as the laws don't supersede Maine Law. Madam Speaker, there is broad agreement that federal laws passed to benefit federally-recognized tribes should generally apply to Maine tribes. This is crystal-clear in Part 6(h) and 6(i). So, the argument is less over whether these laws should apply to the tribes but, rather, do they. On one side, the tribes are saying many laws should apply to them but don't, while the opposition says they already do.

Madam Speaker, there is a disconnect. The opponents of LD 2004 say that these Federal Indian Laws already apply to the tribes. Madam Speaker, I am here to tell you that it is demonstrably provable that some laws don't. Many of these laws are not going to the tribes the way it is understood that they should. When I asked the tribes if they could show me examples of this happening, I was provided with many examples. The Stafford Act, the Clean Water Act, the Indian Health Care Improvement Act, the Violence Against Women Act and many more, the list goes on. Along the way, I had the pleasure of working with Tribal lawyer Corey Hinton. I found him to be one of the most competent, intelligent and honest men I have ever met or worked with in my life. Madam Speaker, having determined that there is absolutely a problem with the way federal beneficial laws apply to Maine Indian tribes, I'm left finding out how I go about supporting the tribes benefiting from these laws without harming the State in doing so. That is where the amendment from the Representative from Paris comes in. It was absolutely essential for me to support this bill for support of this bill that it must take environmental laws and gaming off the table. That is exactly what the Andrews Amendment does.

Madam Speaker, I feel confident that this bill will accomplish exactly what it is intended to do, which is simply allow the tribes to benefit from the same federal laws that apply to all other federally-recognized Indian tribes in the country. Madam Speaker, this is something that nearly all of us agree should be happening. We aren't reinventing the wheel. Five hundred other federally-recognized tribes benefit from these laws across the nation. We can allow these laws to benefit our tribes the way they are supposed to while also maintaining the protections in the 1980 agreement. Madam Speaker, it is time that Maine lives up to its commitments made in 6(h) and 6(i) of the 1980 agreement and allow these laws to benefit the tribes without further delay. Madam Speaker, let's pass this bill.

The **SPEAKER**: The Chair recognizes the Representative from Fort Fairfield, Representative Babin.

Representative **BABIN**: Thank you, Madam Speaker. I rise today to share on this topic that I know many of us hold dear to our hearts. So, Madam Speaker, let me begin by saying on July 8, 1970, Richard Nixon issued a special message to Congress on Indian affairs, which served to herald a new era in the federal Indian policy, Indian self-determination. President Nixon opened his speech with; The first Americans, the Indians, are the most deprived and most isolated minority group in our nation on virtually every scale of measurement; employment, income, education, health; the condition of the Indian people ranks at the bottom.

In his message, President Nixon applauded the adaptability and creativity of the Native Americans in the face of overwhelming obstacles. Praising their enormous contributions to our nation through art, culture, resilience and spirit and embracing strong Tribal governments and respecting tribal decision-making. Building on this momentum, Congress passed and President Ford signed into law the Indian Self-Determination and Education Assistance Act of 1975. Federal tribes, including the Wabanaki tribes in Maine, were under the Indian Self-Determination Act of 1975. Then, in 1980, the Maine Indian Claims Settlement Act was passed by Congress and ratified in the State. This created a unique situation in Maine, with the four tribes in Maine having a different agreement than the other 570 federally-recognized tribes across the country.

We have 43 years of hindsight to acknowledge that the 1980 Settlement Act has had adverse effects on the tribes in Maine. The unintended consequences of the Settlement Act has been detrimental to the tribes in rural Maine. And of the Settlement Act, the Wabanaki tribes' health, educational, economic outcomes have lagged far behind those of other population groups in Maine and other tribes throughout the country. Life expectancy amongst Penobscot, Passamaquoddy, and Houlton Band of Maliseets is 54 years old, compared to a Mainer's average of 78 years old. The child poverty rate spans as low as 40% in some Tribal communities and as high as 76% in others, compared to Maine's 15%. The average individual income growth since the 1980s is 61% for Tribal citizens not located in Maine, 25% for Mainers and just 9% for Wabanaki citizens in Maine. The tribes want to determine their own destinies for the health, physical and economic, of their people.

The 1980 Settlement Act was supposed to be amended in the future. Tim Woodcock, staff person to the Senate Select Committee on Indian Affairs during the period that the U.S. Senate deliberated about the settlement, told the Tribal State work group created by the Maine Legislature on November 19, 2007, and I quote; "I recognize[d] that the [Maine Indian Claims Settlement Act] ... might well just be the beginning of an ongoing relationship that might well have a considerable amount of dynamism in it and it might well be revisited from time to time to be adjusted. There was a mechanism for that to happen and I have to say in retrospect it has been a surprise to me that it really hasn't been amended at some point."

LD 2004 is a small step in helping our neighbors' self-determination of their destiny. Let's take a small step towards placing the Wabanaki tribes on the same footing as the other 570 federally-recognized tribes across the country. Please join me in voting yes on LD 2004. Thank you, Madam Speaker.

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

Representative **ANDREWS**: Thank you, Madam Speaker. This is a speech for my fellow Republicans and anyone who cherishes freedom and liberty. As Republicans, we were founded as an abolitionist party. Our roots run deep in securing

liberty and self-determination for free people. Today, with this bill, we have an opportunity to continue in that just tradition.

I think it best that we start at the beginning, Madam Speaker. General George Washington wrote to the Chiefs of the Passamaquoddy on the banks of the Delaware River on Christmas Eve in 1776. His letter was to secure Wabanaki warriors to aid in our war for independence. He wrote, "Brothers of Passamaquoddy, I am glad to hear by Major Shaw, that you accepted of the chain of friendship which I sent you last February from Cambridge, and that you are determined to keep it bright and unbroken." General Washington ended his letter: "Now brothers never let the King's wicked counselor turn your hearts against me and your brethren of this country, but bear in mind what I told you last February and what I tell you now. In token of my friendship I send you this from my army of the banks of the Great River Delaware, this 24th day of December, 1776."

Christmas Eve in 1776 was the night before George Washington and his indispensables crossed the Delaware River to fight the Hessian encampment at the Battle of Trenton. This was a true turning point in the American Revolution. And Washington, knowing he may perish in the crossing or the battle, took the time to write the Chiefs of the Passamaquoddy to secure their friendship. It meant that much to him and to our nation's future and should mean as much to us today.

Today, we have the opportunity to re-forge and secure that bright, broken chain of friendship that was crafted between our nation's elders and our indigenous brothers and sisters so many, many years ago. Several centuries would pass as America expanded and went through growing pains to become the nation she is today. Our relationship with Native Americans would be scarred and muddied as times changed. Two world wars, an industrial revolution, and technological advances brought us into the modern age. Our relationships with the tribes oftentimes would not live up to the standard of General Washington but America has always strived to live up to being that shining city on a hill.

In 1970, Republican president Richard Nixon stated that tribal self-determination was the official policy of the United States. He issued a statement that read it is long past time that Indian policies of the federal government began to recognize and build upon the capacities and the insights of Indian people, both as a matter of justice and as a matter of an enlightened social policy. This ethos of self-determination was championed on Congress through the 1970s by one of my favorite Republicans, Barry Goldwater. Senator Goldwater is best known for his quote; Extremism in defense of liberty is no vice and moderation in the pursuit of justice is no virtue. And I think, Madam Speaker, that is where we find ourselves today. For too long in this State, we have painted in the pale pastels with regard to fixing the problems that were created in the 1980s by the Maine Indian Claims Settlement Act. Today, we need to paint in the bold, unmistakable colors that President Ronald Reagan urged us to in 1976. President Ronald Reagan is a champion of tribal freedom and self-determination. On January 24, 1983, 207 years and one month from General Washington's letter to the Chiefs of the Passamaquoddy, his administration issued a policy statement that stated in no uncertain terms that these actions are but the first steps in restoring control to tribal governments. Much more needs to be done. Without sound Reservation economies, the concept of self-government has little meaning. This administration intends to remove the impediments to economic development and to encourage cooperative efforts among the tribes, the federal government, and the private sector in developing reservation economies. Since tribal governments have the primary responsibility for

meeting the basic needs of their Indian communities, they must be allowed a chance to succeed.

This is the historical context we must be aware of when we look at the 1980 Maine Indian Claims Settlement Act. That act was signed by President Jimmy Carter on October 10, 1980. Twenty-five days later, Ronald Reagan would be elected the 40th President of the United States on November 4, 1980. I do not think that was a coincidence, Madam Speaker. The Maine Indian Claims Settlement Act was intended to block the Republican President who backs tribal self-determination from having his policies benefit Maine tribes. That is injustice of the highest order and a historical wrong that must be righted by the Members in this Chamber today. Moderation in pursuit of justice is no virtue, Madam Speaker. Today we have an opportunity to get State government out of the way and no longer force the tribes to beg permission from bureaucrats in ivory towers and authoritarians in Governor's Mansions to gain access to federal benefits that every tribe in every other state in the nation benefits from. It is beyond time that the tribes are given the chance to succeed and given the chance to build their economies based on certainty and ambition. Free people do not beg permission, Madam Speaker. Today, I ask you to join me in walking the footsteps of General Washington, Barry Goldwater and Ronald Reagan, instead of carrying the water for the Chief Executive and her team of lawyers. Today, and together as a State, we can re-forge that bright chain of friendship that was crafted centuries ago between the People of the Dawn and those American rebels fighting for their own independence on the banks of the Delaware River. Today is the day we repay that debt of freedom and liberty to our tribal brothers and sisters. Thank you, Madam Speaker.

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

Representative **POIRIER**: Thank you, Madam Speaker. Madam Speaker and Ladies and Gentlemen of the House, I rise in opposition of the pending motion but I want to be clear that I'm not opposed to the idea of Federal Acts benefitting the tribes, but this is not the vehicle to make it happen. LD 2004 proposes to change agreements made in the Maine Indian Claims Settlement Act and the bill was written extremely broad and fails to identify which of the 151 laws enacted since 1980 would actually benefit the tribes or how their implementation would affect current preempted Maine Law. This bill as amended did try to carve out certain concerns, such as the Clean Water Act, but falls short because the State cannot compel the federal government to act in accordance with these amendments. This is likely to cause great gaps in authority.

It was stated that every other tribe in the United States benefits from Federal Indian Laws but we must realize that Maine is unique. No other State has tribal territory spread throughout its State like Maine does, no other state has a written agreement between the states and the tribes that was ratified by Congress and no other state has tribes that receive funded support from the State, they only receive it from the federal government.

Attorney General Aaron Frey expressed great concerns about potential litigation that's inevitable if this bill becomes law. This will only harm relations between the tribes and State. He stated that federal regulations and Statutes are adopted against a framework that presumes that States have minimal regulatory and legislative authority over Indian country, a framework that does not apply in Maine. The AG's office has offered to complete a deep dive into the 151 Federal Laws to find which may or may not benefit the tribes of Maine and the Office of the Chief Executive has offered solutions that would not lead to

years of litigation. If tribes can identify which federal laws they feel they are not benefitting from, these agreements will be thoroughly thought out and crafted to ensure that Maine laws are not impacted in a negative manner.

LD 2004 was not given an opportunity to be thoroughly vetted. It was presented at a public hearing on May 31st and work sessions were held on the 6th and 15th of June. Municipalities have expressed their dismay at the speed in which this bill was pushed through Committee, stating that they were not afforded the proper time to examine the bill and express their concerns. Madam Speaker, I know your passion for this bill and I know your intentions are pure. But it's of the utmost importance that every Member of this Body is aware of the implications of our actions today. It's clearly written in the Settlement Act that any changes must be approved by the State of Maine and the tribes and any change is effectively permanent. And, Madam Speaker, I want to support the tribes but as an elected Representative, I must look to the future. Will this bill have a negative impact on the other 1.3 million people in Maine? That's a question left unanswered and a question that definitely deserves deep consideration. Thank you, Madam Speaker.

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

Representative **DOUDERA**: Thank you, Madam Speaker. Madam Speaker, I will be very, very brief. I appreciate the words that we've heard today, especially the words of the leader from Winter Harbor, and I just wanted to raise one point that he said that I disagree with and that is he said that we don't all have horses in this race. I feel like whether we're from Camden or Caratunk or Pleasant Point or Pemaquid, we all have horses in this race because we're all Mainers and what happens to the tribes and affects the tribes affects all of us. So, I urge my colleagues to support this motion today. Thank you.

The SPEAKER: The Chair recognizes the Representative from the Passamaquoddy Tribe, Representative Dana.

Representative **DANA**: Thank you, Madam Speaker, Colleagues. Today is an important day and it could even be a historic day. Today is a day when we could take a major first step forwarding in modernizing the 40-year-old Maine Indian Land Claims Settlement Act. This is not sweeping change, though. This is about first incremental steps towards a bigger change. LD 2004, "An Act to Restore Access to Federal Laws Beneficial to the Wabanaki Nations" is a piece of that legislation. LD 2004 would provide equality for Wabanaki nations with the rest of the federally-recognized tribes in the United States. After 40 years, the Wabanaki would finally be treated the similar way as all the other tribes here in the United States. That's 570 tribal nations currently receiving benefits that we do not. LD 2004 says that Federal Laws passed for the benefit of Indians and Indian tribes apply in Maine, meaning that the Wabanaki will finally have access to the laws passed literally with their needs in mind. What is the difference between the four Wabanaki nations here in Maine and any other single tribe in the United States? Well, a lot. But with the respect to being treated differently for the purposes of application of Federal Law, nothing at all. There is no good reason why the four Wabanaki nations should not be able to access Federal Laws passed in order to help tribes when every other tribe can.

How did we get here? In 1970s, three of the Wabanaki nations, the Passamaquoddy, the Penobscot, the Maliseet nations negotiated with the State of Maine to develop an agreement on a range of issues to settle the tribes' land claims. The Settlement Act has two parts; a Federal and a State Law. Together, the laws address civil and criminal jurisdiction within tribal lands, taxation and more, and represents an agreement

between the State and the tribes. But the final statement agreement contained one more thing in which the Wabanaki were not aware of until it was too late. The Federal Settlement Act contains a provision that says all Federal Laws enacted for the benefits of Indians apply in Maine unless those laws affect or preempt State Law. That's all it says. There's no definition of affect and no examples to give help with further future interpretations.

Over the years, the State of Maine has regrettably relied on that provision to prevent the Wabanaki nations from pursuing their own self-determination in numerous ways. This period is ironically the period in which the United States has been making active efforts to help the tribes around the United States pursue their own self-determination. For the last four decades, tribes across the U.S. have been expanding and improving governmental services, providing jobs and education and revitalizing their traditions and their culture. The Wabanaki have desperately tried but largely failed to do the same, all because of this provision.

There are many examples of the State relying on this provision to the detriment of the Wabanaki and I could share but in the interests of time, I'll choose just one, Madam Speaker. You all remember just four months ago, Maine experienced an extreme cold snap. During these frigid temperatures, the pipes at the health center at Indian Township burst. We all know that burst pipes are never good and sometimes burst pipes can be catastrophic. If you are from an urban area, maybe burst pipes can be addressed pretty quickly, but if you are from rural Maine, it can be much more difficult to get them and any related damages fixed. Unfortunately, the burst pipes did not happen to someone's home; fortunately, I correct myself; fortunately, the burst pipes did not happen at someone's home, leaving a family without running water or damage to an exterior wall in the middle of Maine's winter; not to mention, some of the coldest temperatures that we have seen. However, the fact that this has happened to the health center was perhaps the next worst place that this could happen. As some of you are very aware, and as you can all probably imagine, living in rural Maine has a lot of challenges. It is harder to access a lot of things, including health care. The health center at Indian Township is funded at such a low level that it can only provide critical services. Put another way, the health center only provides to those services most desperately needed and the patients who go to the health center don't have any other options. As one would expect, the burst pipes caused significant damage to the health center and most of it was not operational. And as one would also expect, the Passamaquoddy Tribe at Indian Township wasted no time in addressing the situation and immediately obtained mobile units to allow providers to continue to see patients and sought out contractors to assess, mitigate and remedy these damages.

The reason this matters to you all today is because when this type of thing happens to other tribes outside of Maine, the tribes work directly with FEMA to request a major disaster or emergency declaration and to immediately obtain federal assistance to address the emergencies. This has been the law throughout Indian country since 2013 when the Stafford Act was amended and yet, in 2023, when our health center closure put our entire community at risk, Indian Township had to handle it alone with only tribal dollars. Tribal dollars that were already intended for the use on other governmental services. Unlike the 570 federally-recognized tribes, the Passamaquoddy could not seek federal assistance because of the State of Maine relied on the provision that said that the Stafford Act amendments do not apply here in Maine. While this was happening, the Passamaquoddy tribe actually had several representatives

down in Washington, D.C. meeting with the Maine Congressional delegation. Our representatives showed photos of the damage and described the on-the-ground fear and worry taking place. While our representatives received condolences and well wishes, the only solution proposed was to ask the State of Maine to declare an emergency so that the federal funds could be given to the State and then passed through the tribe; less an administration fee from the State, of course. The problem with this workaround is that it takes time, time that in natural disasters does not exist. LD 2004 would change that. Passage of LD 2004 would mean that the Stafford Act amendments and every other Federal Law and Act for the benefit of Indians will actually benefit the Wabanaki. The immediate and the critical impact this would have for the Wabanaki is why I say this could be the single most important bill in recent history.

Despite having actively challenged the application of many federal laws meant to benefit tribes, the Chief Executive's position now seems to be that there are only a few laws and that she takes issue with for one reason or another. So, the bill before you does not include those federal laws. The recent Andrews Amendment was drafted and put forward to address this exact concern. The Attorney General's office, on the other hand, says that there is just no way to know what the consequences of this bill would be. They want to use the reverse approach and just pass State legislation that one at a time permits federal beneficial laws to apply in Maine. Not only is the recommended approach absurd from the practical standpoint, but this concern is almost funny if the situation were not so serious. As I said before, Maine is the only State that is unique; that has this unique structure. Every other state that has Indian country within its borders operates under a system being proposed here today. Every single one. And, again, the Andrews Amendment was prepared and put forward specifically to address the concerns raised by the Chief Executive's office and the Attorney General's office and the Forest Products Council. I can assure you that the bill is a compromise and it represents incremental progress and its sole purpose is to create equality throughout Indian country and it is also very important to mention that having federal laws enacted for the benefit of Indians apply in Maine will also benefit other Mainers. This is not a zero-sum game. When the Wabanaki nations are able to prosper, they will rely less on the State and local resources, freeing up those to be used elsewhere. And when the Wabanaki nations succeed economically, those benefits will be felt in the surrounding areas and the surrounding communities and the surrounding economics.

I urge you to pass this critical piece of legislation, address the unnecessary; fix problems that has forced the Wabanaki nations for more than 40 years, the problem that has coincided precisely with the groundbreaking federal legislation aimed to improving the lives of indigenous people across the United States but that has not been afforded to the Wabanaki people. (The Representative spoke in his native language.) Thank you, everyone.

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. 289

YEA - Abdi, Adams, Albert, Andrews, Ankeles, Arata, Ardell, Arford, Babin, Bell, Blier, Boyer, Brennan, Carmichael, Cloutier, Cluchey, Collamore, Collings, Copeland, Crafts, Craven, Cray, Crockett, Dhalac, Dill, Dodge, Doudera, Drinkwater, Eaton, Faulkingham, Fay, Gattine, Geiger, Gere,

Golek, Graham, Gramlich, Guerrette, Hasenfus, Hepler, Hobbs, Hymes, Jauch, Kessler, Kuhn, Landry, Lanigan, LaRochelle, Lee, Lookner, Madigan, Malon, Mathieson, Matlack, Meyer, Millett H, Millett R, Milliken, Montell, Moonen, Moriarty, Murphy, Newman, O'Connell, O'Neil, Osher, Paulhus, Perry A, Perry J, Pluecker, Polewarczyk, Pringle, Rana, Reckitt, Rielly, Riseman, Roberts, Roeder, Runte, Russell, Sachs, Salisbury, Sargent, Sayre, Shagoury, Shaw, Sheehan, Simmons, Skold, Stover, Strout, Supica, Terry, Warren, White B, Williams, Worth, Zager, Zeigler, Madam Speaker.

NAY - Bagshaw, Bradstreet, Bridgeo, Campbell, Carlow, Costain, Cyrway, Davis, Ducharme, Dunphy, Foster, Fredericks, Galletta, Gifford, Greenwood, Griffin, Haggan, Hall, Henderson, Jackson, Lavigne, Lemelin, Libby, Lyman, Mason, Mastraccio, Morris, Ness, Nutting, Parry, Paul, Perkins, Poirier, Pomerleau, Quint, Sampson, Schmersal-Burgess, Smith, Soboleski, Swallow, Theriault, Thorne, Underwood, Walker, White J, Wood, Woodsome.

ABSENT - Boyle, Javner, Rudnicki.
Yes, 100; No, 47; Absent, 3; Vacant, 0; Excused, 1.

100 having voted in the affirmative and 47 voted in the negative, with 3 being absent and 1 excused, and accordingly the Majority **Ought to Pass as Amended** Report was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (H-658)** 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-658)** and sent for concurrence.

By unanimous consent, all matters having been acted upon were **ORDERED SENT FORTHWITH** with the exception of matters being held.

**CONSENT CALENDAR
First Day**

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

(S.P. 674) (L.D. 1687) Bill "An Act to Improve Geographic Information System Data Acquisition and Maintenance" Committee on **STATE AND LOCAL GOVERNMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-383)**

(H.P. 221) (L.D. 347) Bill "An Act Regarding In-court Appearance Requirements for Persons Authorized to Serve Eviction Notices and the Process for Serving a Writ of Possession" Committee on **JUDICIARY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-657)**

(H.P. 683) (L.D. 1088) Bill "An Act to Update the Gambling Laws to Allow Once-annual Casino Nights for Charitable Purposes or Registered Political Committees" Committee on **VETERANS AND LEGAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-648)**

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 as Amended** and sent for concurrence.

By unanimous consent, all matters having been acted upon were **ORDERED SENT FORTHWITH** with the exception of matters being held.

**ENACTORS
Constitutional Amendment**

RESOLUTION, Proposing an Amendment to the Constitution of Maine Establishing That All Maine Residents Have Equal Rights Under the Law

(H.P. 908) (L.D. 1412)
(C. "A" H-560)

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

The **SPEAKER**: The Chair recognizes the Representative from York, Representative Sargent.

Representative **SARGENT**: Thank you, Madam Speaker. Madam Speaker, Men and Women of the House, I stand in strong support of LD 1412, Resolution, Proposing an Amendment to the Constitution of Maine Establishing That All Maine Residents Have Equal Rights Under the Law. I also stand in strong support of the bill's sponsor, the indefatigable Representative from South Portland. She has been the chief advocate, the unswerving warrior on this issue of equal rights for women since 1978. Due to term limits, this may be the final time she will rise in this Body to champion this cause. Her colleagues thank her and pledge that we will not give up the fight, that many of her colleagues will pick up the torch as long as it takes.

I was a young girl, Madam Speaker, growing up in Windham when in January of 1974, Maine became the 31st State to ratify the federal Equal Rights Amendment. It was a different time. In that historic vote, nearly 30 Republicans of the 106th Legislature joined Democrats in the vote. I won't read all of the names, but only a few who stepped forward. The Republican Speaker of the House Hewes of Cape Elizabeth, Farnham of Bangor, Palmer of Nobleboro, Susi of Pittsfield, Morton of Farmington, Emery of Rockland and Snowe of Auburn. And I'll add, Madam Speaker, that among the Democrats, Gerald Talbot of Portland. I remember I was proud. Advocates were euphoric. Of course, they then thought that we were on the way to the magical number of 38 states that would protect and defend the equal rights of half the population of the United States. Alas, we were not. Since that time, more than half of the states have put protections regarding gender into their State Constitutions. Alas, Maine has not. Fifty years and despite nearly 175 amendments in the Maine Constitution, there is still no amendment to ensure equality of 50% of Mainers. And make no mistake, Madam Speaker, that is really what we are talking about; ensuring equality. Equality of protection under the law, equal pay for equal work, equality of opportunity, equality of respect as full human beings.

Oh, don't be ridiculous, some argue, Maine women don't need the ERA. Look, they're flourishing. A Senator, a Governor, a Secretary of State, a Speaker of the House. No, no and no. Haven't we learned? Leaders come and go, political parties come and go, Statutes come and go, Justices come and go but basic human rights should not come and go. They must be put into the Maine Constitution. The women of Maine should not be invisible in our own Constitution. So, it is time to step up. This affects all of us. We all have mothers, many of us have sisters and wives and daughters. Can we look them in the eye and say they don't deserve to be equal? That they shouldn't get the right to vote on this Amendment? Passing LD 1412 ensures that all

Mainers have equal value and are present in our Constitution at last. Let's make Maine proud. If a roster of those voting for this Amendment is read in this House in the future, let's have all of the names of the great 131st Legislature read out by that future member. In voting for this, all you have to say is I voted to let the people decide. Thank you, Madam Speaker.

The SPEAKER: The Chair recognizes the Representative from Old Orchard Beach, Representative Gramlich.

Representative **GRAMLICH**: Thank you, Madam Speaker. Madam Speaker and Fellow Members of the House, I rise in strong support of the pending motion. As we've heard, this legislation would make women's legally equality constitutionally protected right, empower the Maine Human Rights Commission to consider all cases of sex discrimination, not just those specified by the Legislature as is now the case and would require law enforcement and courts to fully prosecute crimes against women. LD 1412 gives women the dignity of full inclusion in the Maine Constitution that men have always had.

In the past, we have heard, and we may undoubtedly hear again, that we do not need the ERA, Madam Speaker. However, history has revealed that we, indeed, do need to ensure women are guaranteed once and for all equal protection under the law. There are many examples, Madam Speaker, too numerous to mention here but I will say that in my grandmother's lifetime, women; and need to add, Madam Speaker, white women; finally realized the right to vote in 1920. This was accomplished after years and years of women fighting for this fundamental right. The women's suffrage movement took activists and reformists nearly 100 years to win this right. For many, this incredible fight for a sense of equality was finally over but for some in the early 1920s, the fight continued. Many suffragists left public life and activism after the 19th Amendment was passed but Alice Paul, who was instrumental in ensuring women finally had the right to vote, was not among them. She believed the true battle for legally protected gender equality had yet to be won. Paul began working on the Equal Rights Amendment in 1923; 100 years ago, Madam Speaker. Her proposed Amendment was simply put as follows, quote, equality of rights under the law shall not be denied or abridged by the United States or by any State on account of sex. After years of debate and advocacy, finally, in 1972, the Senate and the House of Representatives passed the Equal Rights Amendment with bipartisan support and it went on for states' ratification. However, this achievement was gravely compromised. Congress had placed a time limit of seven years upon the ratification process. A total of 38 state ratifications were necessary for the ERA to become Federal Law, which the ERA had not reached when the original seven-year time limit came up. Congress voted to extend the time limit for an additional three years but on the deadline of June 30, 1982, the ERA remained three states shy of the necessary 38.

Another example of relevance, Madam Speaker, illustrating gender inequality includes simple matters that we today take for granted. For example, in my mother's lifetime, during the 1960s, a bank could refuse to issue a credit card to an unmarried woman. Even if she was married, her husband was required to cosign for that credit card. As recently as the 1970s, credit cards in many cases were issued only with the husband's signature. It was not until the Equal Credit Opportunity Act of 1974 that it became illegal to refuse credit card refusals based on a woman's gender. Additionally, a married woman could not divorce her husband unless he agreed to it or unless she could prove wrongdoing such as abuse or infidelity. Let me be clear, Madam Speaker, the ERA does not add new laws to the Constitution, it only guarantees the rights currently within it. The ERA is an Amendment for both men and

women. It is not just a woman's issue, Madam Speaker. Issues of custody, employment and fair wages are important to both sexes and an Equal Rights Amendment would guarantee equal rights without regard to sex. The ERA would affirm the basic right of constitutional protection. Madam Speaker, I mentioned my grandmother and my mother, both of whom are no longer with me but now I will keep my eyes on the future; that of my daughter. My hope is to give all of our daughters and sons true equity under the law. I urge you to support enactment of LD 1412. Thank you, Madam Speaker.

The SPEAKER: The Chair recognizes the Representative from Bowdoinham, Representative Cluchey.

Representative **CLUCHEY**: Thank you, Madam Speaker, Fellow Colleagues. Last summer, I met a young woman, a senior in high school, who told me that she testified at the Legislature's last Session on the ERA bill. She said that she and her friends were flabbergasted by how many hours and hours of testimony people gave on the issue of equal rights. Then she said older generations just don't seem to get what my peers and I already know. This is a simple question. Do you think everyone is deserving of equal protection under the law, yes or no? And I can't believe that some people in the Legislature think that answer is no. When I'm considering legislation, I always try to ask the question what is the benefit of passing this legislation and what is the harm in passing this legislation. So, what's the benefit if this passes? All Maine people, regardless of their actual or perceived race, color, religion, sex, sexual orientation, gender identity, gender expression, age, physical or mental disability, ancestry or national origin are protected equally under this law. What's the harm? There is no down side here. This bill doesn't ensure equal rights. Instead, it gives the people of Maine the opportunity to weigh in on this question. This should be the easiest decision we make all session and I urge you all to support enactment of this bill.

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

Representative **RECKITT**: Thank you, Madam Speaker. I am asking my fellow legislators today to take a journey with me this morning; or it's actually, it's afternoon now. It's the story, much abbreviated, of how I ended up before you today, in this State, in this room, asking you to open your hearts, to help me make the remaining steps of my life with joy in my heart.

It was a miracle, unfortunately seldom seen these days. I grew up poor but my father worked three jobs and my mom took in sewing. I spent my childhood summers in a \$40 a week, tiny cottage beside a tidal river in Goose Rocks Beach. When I was seven years old, I told my mother I wanted to move to Maine. She suggested I wait until I grow up. I taught swimming standing in the ocean as soon as I was old enough. I learned to love the ocean. I learned to love Maine. At age 23, with a degree in Marine Ecology, I married a Coast Guardsman stationed in South Portland and moved to Maine. That same year, 1968, I began my first real job, teaching marine biology, marine botany and food science at what was then called the Southern Maine Vocational Technical Institute. It was one of my favorite jobs, even though that year there were only 11 women students on campus and three women faculty, two of us part-time. The next year, I did a stereotypical wither-thou-goest and moved to Chicago. Thankfully, my husband and I returned six months later and in 1971, we bought the house I have lived in in South Portland to this day. Unfortunately, at that time, job prospects for women were even more scarce than they had been and I needed to work. So, having taught swimming throughout my teen years, I took a job as swimming director at the YWCA in

Portland. I stayed there nine years and in those nine years, as you know, Madam Speaker, I taught you to swim.

One night in 1971, a woman named Wilma Scott Heide, the newly-elected president of the National Organization for Women, came to speak at what was then the University of Maine at Portland-Gorham. That night changed the entire course of my life. During Wilma's speech, she totally transposed gender roles and it was shocking to my ears. During discussion, she explained that as far as she could tell, the only sex-specific jobs were as follows. Only women could be wet nurses and only men could be sperm donors. Aside from those roles, all else was interchangeable. Wilma had just come from the U.S. Congress, where she participated in protests that finally released the Equal Rights Amendments to the states for ratification after nearly 50 years of efforts. It had been introduced in Congress every year since the year of my mother's birth, 1923.

The next night, a small group of us met at the YWCA and founded the first chapter of NOW in Maine, Southern Maine NOW. At the founding meeting, I agreed to be the Treasurer of the chapter. Little did I know what that would do to the path of my life. After my stint as Treasurer, in 1971, I became President, in 1973, State Coordinator, and was in that post when ratification of the Equal Rights Amendment occurred in this Legislature. And I stood in the gallery and listened to the debate. In 1976, I was elected to the national board, where I served as a volunteer for more than a decade. I lobbied in South Carolina for the Equal Rights Amendment, I picketed the Miss America Pageant in Atlantic City, I marched in Springfield, Illinois, in a borrowed 1890s bathing suit; if you can picture that, or maybe you don't want to, that'd be good; and I picketed the Freedom Train in Portland, Maine. Although NOW's primary focus was equality for women, nearly all of us believed in intersectionality before it had that term to characterize it. Our vision was equality for all, but as the largest group left out by the U.S. Constitution, despite Abigail Adams' lobbying of her husband, John, to remember the ladies in the writing of our federal Constitution, we aimed to fix that grievous error by passing the Equal Rights Amendment. When the arbitrary deadline of which you've just heard and probably knew for federal ratification passed, many did and still do continue to fight for federal ratification. When that ratification stalled, states began to introduce initiatives to strengthen and protect the position of and possibilities for women. These initiatives vary in their words and occasionally in their scope. As many of you are aware, I was chosen by the voters of part of South Portland, the ocean end, to represent them here in Augusta in the election of 2016 and as you have also heard today this is, of course, my last term. For three terms, in the 128th, the 129th, the 130th Legislatures, I have introduced and fought for constitutional equality for Maine women. But because we need a two-thirds vote in both the House and Senate, I have never reached the next step, a vote by the citizens of Maine. To my recollection, only one Republican, Senator Kim Rosen of Bucksport, has ever answered the call to let the people vote.

I pride myself on being a very determined person. Deserving my core beliefs, like equality, is not in my playbook. Last November, I watched as the State of Nevada took a novel approach and sent a broader articulation of constitutional equality to Nevada voters. Voters there subsequently ratified that state's proposed equality amendment by a significant margin. I'm a patient and persistent legislator, many of you in this hall have noticed that over the years, and I am not averse to new ways of advocating important ideas. I thank the Nevada Legislature for showing me a new way. So, this year's proposed Amendment, as you have heard, for constitutional equality in Maine is broader, more inclusive and more appropriate for the

diverse citizenry that now comprises Maine. This proposal before you seeks to make constitutional what this Legislature has already made over the years the statutory reality for this State through the work of the Maine Human Rights Commission. LD 1412 represents a straightforward yet strong concept that can ensure that the winds of change cannot easily be dismissed. Equal rights in Maine will encompass all our citizens. We will prohibit the denial or abridgment by the State or any political subdivision of the State of equal rights based on actual or perceived status. You've heard the list.

This is my final term in the Maine House. I hope you let it end with a vote for justice and equality and make more permanent what has been accepted by the populace and the Legislature as appropriate. I hope this Body; and I ask you to send LD 1412 to a vote and I urge you and all the Members of the Senate as well, to let the people speak. Thank you, Madam Speaker.

Representative TERRY of Gorham **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.

The SPEAKER: The Chair recognizes the Representative from Alfred, Representative Sampson.

Representative **SAMPSON**: Thank you, Madam Speaker, Ladies and Gentlemen of the House. I just want to say that I have never received the memo that I was not equal.

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 a Constitutional Amendment, a two-thirds vote of the House being necessary, a total was taken.

ROLL CALL NO. 290

YEA - Abdi, Ankeles, Arford, Bell, Boyle, Brennan, Bridgeo, Cluchey, Collings, Copeland, Crafts, Craven, Crockett, Dhalac, Dill, Dodge, Doudera, Eaton, Fay, Gattine, Geiger, Gere, Golek, Graham, Gramlich, Hasenfus, Hepler, Hobbs, Jauch, Kessler, Kuhn, Landry, LaRochelle, Lee, Lookner, Madigan, Malon, Mastraccio, Mathieson, Matlack, Meyer, Millett R, Milliken, Montell, Moonen, Moriarty, Murphy, O'Connell, O'Neil, Osher, Paulhus, Perry A, Perry J, Pluecker, Pringle, Rana, Reckitt, Rielly, Riseman, Roberts, Roeder, Runte, Russell, Sachs, Salisbury, Sargent, Sayre, Shagoury, Shaw, Sheehan, Skold, Stover, Supica, Terry, Warren, White B, Williams, Woodsome, Worth, Zager, Zeigler, Madam Speaker.

NAY - Adams, Albert, Andrews, Arata, Ardell, Babin, Bagshaw, Blier, Boyer, Bradstreet, Campbell, Carlow, Carmichael, Collamore, Costain, Cray, Cyrway, Davis, Drinkwater, Ducharme, Dunphy, Faulkingham, Foster, Fredericks, Galletta, Gifford, Greenwood, Griffin, Guerrette, Haggan, Hall, Henderson, Hymes, Jackson, Lanigan, Lemelin, Libby, Lyman, Mason, Millett H, Morris, Ness, Newman, Nutting, Parry, Paul, Perkins, Poirier, Polewarczyk, Pomerleau, Quint, Sampson, Schmersal-Burgess, Simmons, Smith, Soboleski, Strout, Swallow, Theriault, Thorne, Underwood, Walker, White J, Wood.

ABSENT - Cloutier, Javner, Lavigne, Rudnicki.

Yes, 82; No, 64; Absent, 4; Vacant, 0; Excused, 1.

82 having voted in the affirmative and 64 voted in the negative, with 4 being absent and 1 excused, and accordingly the Resolution **FAILED FINAL PASSAGE** and was sent to the Senate.

Constitutional Amendment

RESOLUTION, Proposing an Amendment to the Constitution of Maine to Allow Persons Under Guardianship for Mental Illness to Be Electors

(S.P. 658) (L.D. 1653)
(C. "A" S-366)

Was reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. This being a Constitutional Amendment, a two-thirds vote of the House being necessary, a total was taken. 89 voted in favor of the same and 52 against, and accordingly the Resolution **FAILED FINAL PASSAGE** and was sent to the Senate.

Constitutional Amendment

RESOLUTION, Proposing an Amendment to the Constitution of Maine To Implement Ranked-choice Voting for Governor, State Senator and State Representative

(S.P. 779) (L.D. 1917)
(C. "A" S-367)

Was reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. This being a Constitutional Amendment, a two-thirds vote of the House being necessary, a total was taken. 75 voted in favor of the same and 64 against, and accordingly the Resolution **FAILED FINAL PASSAGE** and was sent to the Senate.

Emergency Measure

An Act Regarding the Licensing of Persons to Conduct Advance Deposit Wagering

(S.P. 289) (L.D. 731)
(C. "A" S-381)

Was 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. 105 voted in favor of the same and 24 against, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

Emergency Measure

An Act to Clarify Requirements for Payment of Tuition for Children with Disabilities by the Department of Education's Child Development Services System

(H.P. 834) (L.D. 1309)
(C. "A" H-612)

Was 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. 119 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 Create the Guilford-Sangerville Utilities District

(S.P. 679) (L.D. 1692)
(C. "A" S-354)

Was 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. 118 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 Support Public Health by Clarifying Authorized Activities Regarding Drug Checking

(H.P. 1124) (L.D. 1745)
(C. "A" H-578)

Was 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. 104 voted in favor of the same and 6 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 Homeless Substance Use Disorder Service Program

(H.P. 1144) (L.D. 1781)
(C. "A" H-618)

Was 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 26 against, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

Emergency Measure

An Act to Improve Election Laws and Notarial Laws

(S.P. 809) (L.D. 1980)
(C. "A" S-365)

Was 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 15 against, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

Emergency Measure

Resolve, Establishing the Commission to Study MaineCare Estate Recovery

(H.P. 902) (L.D. 1406)
(C. "A" H-589)

Was 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. 104 voted in favor of the same and 10 against, and accordingly the Resolve was **FINALLY PASSED**, signed by the Speaker and sent to the Senate.

Emergency Measure

Resolve, to Establish an Eviction Prevention Pilot Program

(H.P. 992) (L.D. 1540)
(C. "A" H-579)

Was 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. 79 voted in favor of the same and 51 against, and accordingly the Resolve **FAILED FINAL PASSAGE** and was sent to the Senate.

Emergency Measure

Resolve, to Establish the Rural Health Services Task Force

(S.P. 717) (L.D. 1792)
(C. "A" S-364)

Was 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 5 against, and accordingly the Resolve was **FINALLY PASSED**, signed by the Speaker and sent to the Senate.

Acts

An Act to Impede the Transfer of Firearms to Prohibited Persons

(S.P. 14) (L.D. 22)
(C. "B" S-258)

An Act to Reimburse Family Caregivers

(H.P. 220) (L.D. 346)
(C. "A" H-577)

An Act to Enhance Certain Penalties for Possession of Firearms by Prohibited Persons

(S.P. 250) (L.D. 582)
(C. "A" S-318)

An Act to Authorize the Department of Health and Human Services to License and Ensure the Quality of Personal Care Agencies

(H.P. 413) (L.D. 636)
(C. "A" H-617)

An Act to Require the Transfer to the Highway Fund of 50 Percent of Sales Tax Collected from Automobile Dealers and Sales and Use Tax Collected from the Bureau of Motor Vehicles

(H.P. 482) (L.D. 713)
(C. "A" H-611)

An Act to Adopt the Audiology and Speech-Language Pathology Interstate Compact

(S.P. 275) (L.D. 717)
(C. "A" S-373)

An Act to Protect Certain Private Emergency Services Personnel from Liability Under the Maine Tort Claims Act

(S.P. 342) (L.D. 783)
(C. "A" S-350)

An Act to Protect Workers from Employer Surveillance

(H.P. 596) (L.D. 949)
(H. "A" H-575 to C. "A" H-173)

An Act to Require Reimbursement for Gender-affirming Care for MaineCare Members

(H.P. 676) (L.D. 1040)

An Act to Allow Persons Who Lawfully Use or Possess Cannabis to Own or Possess Firearms or Ammunition

(H.P. 698) (L.D. 1103)
(C. "A" H-553)

An Act to Ensure Lower Costs and Consumer Protections for Patients by Prohibiting Certain Billing Practices

(H.P. 701) (L.D. 1105)
(C. "A" H-609)

An Act to Assess an Impact Fee on Megayachts

(H.P. 749) (L.D. 1177)
(C. "A" H-472)

An Act to Improve the Health of Maine Residents by Closing Coverage Gaps in the MaineCare Program for Incarcerated Persons

(H.P. 764) (L.D. 1204)
(C. "A" H-614)

An Act to Clarify Insurance in the Joint Use of Public Utility Equipment

(S.P. 504) (L.D. 1223)
(C. "A" S-348)

An Act to Clarify Immunity from Liability for Municipalities Engaged in Recycling Activities

(H.P. 799) (L.D. 1251)
(H. "A" H-591 to C. "A" H-590)

An Act to Create and Sustain Jobs and Affordable Housing Through the Development of Cooperatives and Employee-owned Businesses

(S.P. 513) (L.D. 1276)
(C. "A" S-370)

An Act to Examine the Need for Intensive Case Managers and Improve Consistency Among County Jails Regarding Prisoner Attendance at Funerals, Furloughs, Visitation, Education and Discretionary Accounts

(H.P. 826) (L.D. 1301)
(C. "A" H-551)

An Act to Limit the Immunity of Charitable Organizations

(S.P. 530) (L.D. 1312)
(C. "A" S-349)

An Act to Amend the Physical Therapist Practice Laws

(S.P. 571) (L.D. 1453)
(C. "A" S-371)

An Act to Expand Testing for Perfluoroalkyl and Polyfluoroalkyl Substances to Private Drinking Water Wells

(H.P. 943) (L.D. 1488)
(C. "A" H-583)

An Act to Increase the Transparency and Accountability of the Maine Information and Analysis Center

(H.P. 947) (L.D. 1492)
(C. "A" H-587)

An Act to Provide Financial Relief for Certain Volunteers Receiving Certain Education Benefits in Recognition of Their Volunteer Service

(H.P. 1018) (L.D. 1573)
(C. "A" H-584)

An Act to Promote Economic Reuse of Contaminated Land Through Clean Energy Development

(S.P. 622) (L.D. 1591)
(C. "A" S-353)

An Act to Standardize Requirements Between Boards of Visitors for County Jails and Department of Corrections Correctional Facilities

(S.P. 643) (L.D. 1626)
(C. "A" S-344)

An Act to Modernize the State Supplement to Supplemental Security Income by Updating the State Supplement and Removing Marriage Disincentives

(S.P. 671) (L.D. 1666)
(C. "A" S-363)

An Act to Update the Elevator and Tramway Safety Laws Regarding Construction Hoists

(H.P. 1098) (L.D. 1709)
(C. "A" H-593)

An Act Regarding Driver's Licenses for Individuals in Foster Care

(H.P. 1101) (L.D. 1712)
(C. "A" H-619)

An Act to Update Electrical Education and Other Licensure Requirements for Electricians

(H.P. 1102) (L.D. 1713)
(C. "A" H-592)

An Act to Create a Sustainable Funding Source for Recovery Community Centers Using a Percentage of the Adult Use Cannabis Tax Revenue

(H.P. 1103) (L.D. 1714)
(C. "A" H-620)

An Act to Enact the Beneficial Electrification Policy Act
(S.P. 688) (L.D. 1724)
(C. "A" S-357)

An Act to Establish the Physical Therapy Licensure Compact
(S.P. 694) (L.D. 1749)
(C. "A" S-372)

An Act Removing the Statute of Limitations on Civil Actions and Criminal Prosecutions for Certain Sexual Offenses Against Minors
(S.P. 715) (L.D. 1790)
(C. "A" S-342)

An Act to Include Certain Volunteer Firefighters in the Tax Credit for Employers of Individuals Who Are Volunteer Firefighters or Volunteer Municipal Emergency Medical Services Persons
(S.P. 727) (L.D. 1802)
(C. "A" S-356)

An Act to Reduce Mercury in the Environment by Phasing Out Certain Fluorescent Light Bulbs
(H.P. 1160) (L.D. 1814)
(H. "B" H-608 to C. "A" H-532)

An Act to Support Emergency Housing Construction and Renovation Statewide by Creating a Matching Grant Program
(H.P. 1176) (L.D. 1844)
(C. "A" H-586)

An Act to Clarify the Review and Procurement Process for Nonwires Alternatives
(S.P. 762) (L.D. 1887)
(C. "A" S-351)

An Act to Modernize Maine's Business Incentive Programs by Creating the Dirigo Business Incentives Program and Eliminating Certain Other Tax Incentive Programs
(S.P. 780) (L.D. 1918)
(C. "A" S-355)

An Act to Revise the Tax Laws Regarding the Mi'kmaq Nation
(H.P. 1260) (L.D. 1958)
(C. "A" H-610)

Were 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, to Develop a Home Share Pilot Program for Older Persons
(H.P. 478) (L.D. 709)
(C. "A" H-616)

Resolve, to Improve the Transition to Adult Services for Children with Intellectual Disabilities and Autism Spectrum Disorder
(H.P. 702) (L.D. 1106)
(C. "A" H-615)

Resolve, Directing the Department of Education to Submit a Report on Services Provided By the Child Development Services System and by School Administrative Units
(H.P. 983) (L.D. 1528)
(C. "A" H-594)

Were 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** with the exception of matters being held.

REPORTS OF COMMITTEE

Divided Reports

Majority Report of the Committee on **ENERGY, UTILITIES AND TECHNOLOGY** reporting **Ought Not to Pass** on Bill "An Act to Reduce Electricity Costs for Maine's Consumers and Businesses by Amending the Laws Governing Renewable Resources" (EMERGENCY)
(S.P. 763) (L.D. 1888)

Signed:
Senators:

LAWRENCE of York
HARRINGTON of York

Representatives:

ZEIGLER of Montville
BABIN of Fort Fairfield
BOYLE of Gorham
DUNPHY of Embden
FOSTER of Dexter
GEIGER of Rockland
PAUL of Winterport
RUNTE of York

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (S-358)** on same Bill.

Signed:
Senator:

GROHOSKI of Hancock

Representatives:

KESSLER of South Portland
WARREN of Scarborough

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

READ.

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

Majority Report of the Committee on **JUDICIARY** reporting **Ought Not to Pass** on Resolve, to Establish the Commission to Study the Constitution of Maine
(S.P. 740) (L.D. 1824)

Signed:
Senator:

CARNEY of Cumberland

Representatives:

MOONEN of Portland
HAGGAN of Hampden
HENDERSON of Rumford
KUHN of Falmouth
MORIARTY of Cumberland
POIRIER of Skowhegan
RECKITT of South Portland
SHEEHAN of Biddeford

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (S-305)** on same Resolve.

Signed:

Senators:

BAILEY of York
BRAKEY of Androscoggin

Representatives:

ANDREWS of Paris
LEE of Auburn

Representative DANA of the Passamaquoddy Tribe - of the House - supports the Majority **Ought Not to Pass** Report.

Came from the Senate with the Minority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-305)**.

READ.

On motion of Representative MOONEN of Portland, the Majority **Ought Not to Pass** Report was **ACCEPTED** in **NON-CONCURRENCE** and sent for concurrence.

Majority Report of the Committee on **TAXATION** reporting **Ought Not to Pass** on Bill "An Act to Expand Access to the Homestead Property Tax Exemption"

(S.P. 403) (L.D. 984)

Signed:

Senator:

GROHOSKI of Hancock

Representatives:

CARMICHAEL of Greenbush
HASENFUS of Readfield
LIBBY of Auburn
MATLACK of St. George
RANA of Bangor
RUDNICKI of Fairfield

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (S-376)** on same Bill.

Signed:

Senators:

CHIPMAN of Cumberland
LIBBY of Cumberland

Representatives:

PERRY of Bangor
CROCKETT of Portland
LAVIGNE of Berwick

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

READ.

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

Majority Report of the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-622)** on Bill "An Act Regarding Community-based Services for Youth Involved in the Juvenile Justice System"

(H.P. 96) (L.D. 155)

Signed:

Senators:

BEEBE-CENTER of Knox
LaFOUNTAIN of Kennebec

Representatives:

SALISBURY of Westbrook
HASENFUS of Readfield
LOOKNER of Portland
MILLIKEN of Blue Hill

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

Signed:

Representatives:

ARDELL of Monticello
NEWMAN of Belgrade
NUTTING of Oakland
PERKINS of Dover-Foxcroft

READ.

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

The Bill was **READ ONCE**. **Committee Amendment "A" (H-622)** 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-622)** and sent for concurrence.

Majority Report of the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** reporting **Ought Not to Pass** on Bill "An Act Regarding Restitution by Persons Convicted of Trafficking in Illegal Drugs"

(H.P. 615) (L.D. 968)

Signed:

Senators:

BEEBE-CENTER of Knox
LaFOUNTAIN of Kennebec

Representatives:

SALISBURY of Westbrook
HASENFUS of Readfield
LOOKNER of Portland
MATHIESON of Kittery
MILLIKEN of Blue Hill

Minority Report of the same Committee reporting **Ought to Pass** on same Bill.

Signed:

Representatives:

ARDELL of Monticello
LAJOIE of Lewiston
NEWMAN of Belgrade
NUTTING of Oakland
PERKINS of Dover-Foxcroft

READ.

Representative SALISBURY of Westbrook moved that the House **ACCEPT** the Majority **Ought Not to Pass** Report.

Representative NUTTING of Oakland **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 Monticello, Representative Ardell.

Representative **ARDELL**: Thank you, Madam Speaker. This bill provides for payment restitution for those convicted of drug trafficking to pay for enforcement-related expenses by removing the necessity of the crime to be for-profit. This provision is reasonable element of restorative justice in that it holds offenders accountable and compensates smaller agencies for expenses such as lab testing that affect smaller agencies more. Please oppose the Ought Not to Pass motion with me in the spirit of restorative justice. Thank you.

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. 291

YEA - Ankeles, Arford, Bell, Boyle, Brennan, Bridgeo, Cloutier, Cluchey, Collings, Copeland, Crafts, Craven, Dhalac, Dill, Dodge, Doudera, Eaton, Fay, Gattine, Geiger, Gere, Golek, Graham, Gramlich, Hasenfus, Hobbs, Jauch, Kessler, Kuhn, Landry, Lanigan, LaRochelle, Lee, Lookner, Malon, Mastraccio, Mathieson, Matlack, Meyer, Millett R, Milliken, Montell, Moonen, Moriarty, Murphy, O'Neil, Osher, Paulhus, Perry A, Perry J, Pluecker, Pringle, Rana, Reckitt, Rielly, Riseman, Roberts, Roeder, Runte, Russell, Salisbury, Sargent, Sayre, Shagoury, Shaw, Sheehan, Skold, Stover, Supica, Terry, Warren, White B, Williams, Worth, Zager, Zeigler, Madam Speaker.

NAY - Adams, Albert, Andrews, Arata, Ardell, Babin, Bagshaw, Blier, Boyer, Bradstreet, Campbell, Carlow, Carmichael, Collamore, Costain, Cray, Cyrway, Davis, Drinkwater, Ducharme, Dunphy, Faulkingham, Foster, Fredericks, Galletta, Gifford, Greenwood, Griffin, Guerrette, Haggan, Henderson, Hymes, Jackson, Lavigne, Lemelin, Libby, Lyman, Mason, Millett H, Morris, Ness, Newman, Nutting, O'Connell, Parry, Paul, Perkins, Poirier, Polewarczyk, Pomerleau, Quint, Sampson, Schmursal-Burgess, Simmons, Smith, Soboleski, Strout, Swallow, Theriault, Thorne, Underwood, Walker, White J, Wood, Woodsome.

ABSENT - Abdi, Crockett, Hall, Hepler, Javner, Madigan, Rudnicki, Sachs.

Yes, 77; No, 65; Absent, 8; Vacant, 0; Excused, 1.

77 having voted in the affirmative and 65 voted in the negative, with 8 being absent and 1 excused, and accordingly the Majority **Ought Not to Pass** Report was **ACCEPTED** and sent for concurrence.

Majority Report of the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-621)** on Bill "An Act to Facilitate the Provision of Medically Appropriate Levels of Care for Clients of Correctional Facilities"

(H.P. 1193) (L.D. 1863)

Signed:

Senator:

BEEBE-CENTER of Knox

Representatives:

SALISBURY of Westbrook
HASENFUS of Readfield
LOOKNER of Portland
MADIGAN of Waterville
MATHIESON of Kittery
MILLIKEN of Blue Hill

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

Signed:

Senator:

HARRINGTON of York

Representatives:

ARDELL of Monticello
NEWMAN of Belgrade
NUTTING of Oakland
PERKINS of Dover-Foxcroft

READ.

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

Representative NUTTING of Oakland **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 Oakland, Representative Nutting.

Representative **NUTTING**: Thank you, Madam Speaker. Madam Speaker, Men and Women of the House, this legislation is not necessary at all and I would just like to read to you a couple of short paragraphs from the testimony of the Commissioner, Randall Liberty, of the Maine Department of Corrections in opposition to LD 1863. The Commissioner writes, "this bill is essentially a repeat of LD 476 from the 130th Legislature, introduced by [Representative] Morales. After more than a year of working together on the bill, the sponsor asked the bill to be voted [Ought Not to Pass] as we were able to negotiate for an outcome [Representative] Morales was pleased with.

"We are perplexed;" I repeat; "we are perplexed to see this bill come back given the agreeable outcome and the immense amount of collaborative work that was done by the former Senate Chair of this Committee, Susan Deschambault, the sponsor, former Representative Victoria Morales, DHHS's licensing division, the University of New England School of Occupational Therapy and the stark reality associated with some of the issues addressed in the bill. We had no less than a dozen meetings throughout the First and Second Sessions of the 130th working to problem solve some of the issues of this bill with the stakeholders listed above." This is a bill that was tried and diverted in the 130th, worked on, and the Commissioner is perplexed. Thank you, Madam Speaker.

The **SPEAKER**: The Chair recognizes the Representative from Westbrook, Representative Salisbury.

Representative **SALISBURY**: Thank you, Madam Speaker. Thank you for the Representative from Oakland for bringing up the letter that was sent. And what we found during the course of the testimony and conversations with the former Representative was that some of the information that had been requested, including the report back and other information, was not provided and therefore this bill was brought up again because of the need that was found to be still needed and that's why this bill has been brought before us again. 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. 292

YEA - Ankeles, Arford, Bell, Boyle, Bridgeo, Cloutier, Cluchey, Collings, Copeland, Crafts, Craven, Dhalac, Dill, Dodge, Doudera, Eaton, Fay, Gattine, Geiger, Gere, Golek, Graham, Gramlich, Hasenfus, Hobbs, Jauch, Kessler, Kuhn, Landry, Lanigan, LaRochelle, Lee, Lookner, Malon, Mathieson, Matlack, Meyer, Millett R, Milliken, Montell, Moonen, Moriarty, Murphy, O'Neil, Osher, Paulhus, Perry A, Perry J, Pluecker, Pringle, Rana, Reckitt, Rielly, Riseman, Roberts, Roeder, Runte, Russell, Salisbury, Sargent, Sayre, Shagoury, Shaw, Sheehan, Skold, Stover, Supica, Terry, Warren, Williams, Worth, Zager, Zeigler, Madam Speaker.

NAY - Adams, Albert, Andrews, Arata, Ardell, Babin, Bagshaw, Blier, Boyer, Bradstreet, Campbell, Carlow, Carmichael, Collamore, Costain, Cray, Cyrway, Davis, Drinkwater, Ducharme, Dunphy, Faulkingham, Foster, Fredericks, Galletta, Gifford, Greenwood, Griffin, Guerrette, Haggan, Henderson, Hymes, Jackson, Lavigne, Lemelin, Libby, Lyman, Mason, Mastraccio, Millett H, Morris, Ness, Newman, Nutting, O'Connell, Parry, Paul, Perkins, Poirier, Polewarczyk, Pomerleau, Quint, Rudnicki, Sampson, Schmearsal-Burgess, Simmons, Smith, Soboleski, Strout, Swallow, Theriault, Thorne, Underwood, Walker, White B, White J, Wood, Woodsome.

ABSENT - Abdi, Brennan, Crockett, Hall, Hepler, Javner, Madigan, Sachs.

Yes, 74; No, 68; Absent, 8; Vacant, 0; Excused, 1.

74 having voted in the affirmative and 68 voted in the negative, with 8 being absent and 1 excused, and accordingly the Majority **Ought to Pass as Amended Report** was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (H-621)** 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-621)** and sent for concurrence.

Majority Report of the Committee on **ENERGY, UTILITIES AND TECHNOLOGY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-603)** on Bill "An Act to Increase Adoption of Solar Power in Maine"

(H.P. 780) (L.D. 1232)

Signed:

Senator:

GROHOSKI of Hancock

Representatives:

ZEIGLER of Montville

BOYLE of Gorham

GEIGER of Rockland

KESSLER of South Portland

RUNTE of York

WARREN of Scarborough

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

Signed:

Senators:

LAWRENCE of York

HARRINGTON of York

Representatives:

BABIN of Fort Fairfield

DUNPHY of Embden

FOSTER of Dexter

PAUL of Winterport

READ.

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

Representative FOSTER of Dexter **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 Embden, Representative Dunphy.

Representative **DUNPHY**: Thank you, Madam Speaker, Ladies and Gentlemen of the House. I question why we would mandate private construction to build in order to conform to a solar agenda or any other generation's agenda. Buildings are designed for specific uses and the decision on that use, if being paid for with private dollars, should be a private decision. Businesses in Maine are struggling, yet we continue to burden them with increased taxes, higher energy costs, mandates for wages, child care, time off, scheduling and perhaps even pay for just showing up and not doing anything. It seems that to add an additional requirement in construction engineering costs for speculative solar installation is unnecessary, irrational and intrusive. Thank you.

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

Representative **SKOLD**: Thank you, Madam Speaker, Members of the House. I rise to support the motion. When a commercial building is being planned and constructed in this State, it is subject currently to building codes that MUBEC has adopted. These codes specify a number of design considerations and are enforceable in municipalities over 4,000 residents. Madam Speaker, this bill would direct MUBEC to adopt one more provision in the International Energy Conservation Code related to rooftop solar readiness. This bill would not require anyone to install solar panels on their roof but it would require that the building designer for new commercial construction specify plans that show where solar panels could be installed if the current or future owner would like to install them. Importantly, if the building is not suitable for solar based on its shade or position or slope or some design consideration, the planner may simply certify that the building is ineligible and exempt.

Madam Speaker, our State has an ambitious plan to reach 100% renewable energy by 2050 or even 2040. There are many strategies we need to reach this goal and one of those is undoubtedly solar panels on rooftops, which could account for 100% or more of that building's energy use. And, Madam Speaker, I was a member of the Boy Scouts and an Eagle Scout from Troop 45 and the Scout motto is be prepared. This common-sense bill helps us all to be prepared; to avoid more expensive retrofitting in the future and to be prepared for the renewable energy future. Madam Speaker, while this bill will not add significant extra cost to building construction, it will have a very significant return for those owners who do choose to install solar panels now or in the future and for our entire State. I urge everyone here to support this motion. Thank you.

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

Representative **UNDERWOOD**: Thank you, Madam Speaker. I'd like to have a referendum on solar on Statewide ballot in a gubernatorial election. Would anybody assist me or mention to me how to do this in the next gubernatorial election. Or I'd like to direct a question to the Chair. Excuse me, Madam Speaker. Should the State approve more solar or should the State have a question regarding whether solar is good or bad and with that, I'd like to say the State deserves a chance, the State citizens deserve a chance to address the situation with some sort of question. Thank you, Madam Speaker.

The SPEAKER: The Member has posed a question through the Chair to anyone who cares to answer. The Chair recognizes the Representative from Orrington, Representative Campbell.

Representative **CAMPBELL**: Thank you, Madam Speaker, Men and Women of the House. I probably have more experience than anybody in the Body concerning designs of structures to accomplish both passive and active solar. I designed and built my first house in 1973. Some of you weren't even alive. In 1973, I squirreled away and read a book about this thick on passive solar. I read it cover to cover three times and I designed a building with every element that I read in that book. One of them was how to build a structure to receive active solar panels. And I built that house in 1973. That house had a 60-degree angle on the south-facing roof. Obviously, south-facing, that's where the sun comes from. That house has been sold three times and no one has put solar panels on that roof. Passive solar doesn't need active systems. For us as a Body in the Legislature in Augusta to mandate that people put or prepare for active solar systems on their buildings is absurd. Thank you, Madam Speaker.

The SPEAKER: The Chair recognizes the Representative from Albion, Representative Cyrway.

Representative **CYRWAY**: Thank you, Madam Speaker, Ladies and Gentlemen of the House. I've been researching as well and within three to five years, the solar panels on your roof are going to be outdated. They're looking at solar panels and windows, looking at solar panels in your roofs, built in to the shingles, and there's a lot of different things that are happening and so, for us to mandate something that's going to be outdated, it's going to be like those big 15-foot saucers that we had for TV and now they're like a foot that you put on the side of your DirectTV on your house. Times change so quickly and also the other part is if we put them on the roofs, you have to change the shingles eventually and then you've got another added cost. The other cost is trying to get rid of the panels once you put them on your house to dispose of them. When somebody buys the house from another person, they may be looking at the cost of what they're going to do to dispose of them to get new updated stuff. So, here we are mandating something that's going to actually cost the person more money. So, I believe that this should be Ought Not to Pass. Thank you.

The SPEAKER: The Chair recognizes the Representative from Rockland, Representative Geiger.

Representative **GEIGER**: Thank you, Madam Speaker. I rise in support of the pending motion. As a member of the Energy Utility Committee and as someone with a Master's in Green Design, I learned very quickly that a little forethought will go a long way. Buildings last hundreds of years. When I designed my own house to passive solar standards, I positioned my house to have the long roof at 185 degrees south. Whether I put solar panels on it or not, simply making a few changes to the design led to a decrease in the need for heat and cooling of

about 25%. But I did put solar panels on. I spend \$13 a month to CMP but I provide all of the heat and cooling for my house year-round.

This bill doesn't say that anyone needs to add solar panels, it simply says let us be thoughtful. We know we need to make changes in climate change. Why not design a building that will be prepared, that faces south, that takes in some small design characteristics that will decrease its need for energy, whatever kind of energy you use, and allow the owner the ability to add solar panels or solar shingles or whatever is coming in the future so that they see a decrease in their own energy. I know in my county, half the residents struggle to pay their utilities. Anything we can do to start a design change that decreases that need for energy lasts for decades. Thank you, Madam Speaker.

The SPEAKER: The Chair recognizes the Representative from Buxton, Representative Blier.

Representative **BLIER**: Thank you, Madam Speaker. I rise today not in favor of this bill. And the reason being is that it's about time and this will require engineering and so, in order to prove that you've designed this building appropriately, you're going to have to have an engineering done. It will slow down the cost of construction. And we're not talking about cooling and heating of this building, we're talking about solar panel placement. And like the Good Representative from Bangor mentioned that, you know, he built the house in the '70s and they never put in the solar panels. So, we have a housing issue. Why keep increasing the cost to build? And this is exactly what this does. Thank you, Madam Speaker.

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

Representative **KESSLER**: Thank you, Madam Speaker. I have a feeling my words are not going to sway most Members of this Body but I would encourage you to just do a quick search of what this code is, just search commercial solar-ready building code. And you will see that some of the things that are being said are not true. This is really about planning for the future. The incremental cost of making sure you have space on the roof, a conduit to go to the panel and space in the panel and a plan that tells the building owner where that stuff is, that's all this asks. And, generally speaking, we are building commercial buildings to the point where they can already handle the solar panels and the snow load and the wind shear. So, there is such a miniscule incremental cost to doing this. It would be sad to not prep our commercial buildings of the future for future owners to at least have a choice and save some money in the future if they choose to adopt solar. So, I just wanted to stand and clarify those points. Thank you very much, Madam Speaker.

The SPEAKER: The Chair recognizes the Representative from Kennebunk, Representative Sayre.

Representative **SAYRE**: Thank you, Madam Speaker, Members of the House. In further interest of clarifying, this bill affects commercial construction only. So, everything that we've heard about a concern or a fear or a history having to do with residential construction or the cost of residential construction increasing is unfounded. This bill addresses commercial construction only.

The SPEAKER: The Chair recognizes the Representative from Pittsfield, Representative Collamore.

Representative **COLLAMORE**: Thank you, Madam Speaker. May I pose a question through the Chair?

The SPEAKER: The Member may proceed.

Representative **COLLAMORE**: Thank you. Since this only applies to commercial properties, I'm wondering does this apply to commercial residential properties as well, which are defined as buildings with four or more units in them.

The SPEAKER: The Member has posed a question to anyone who can answer. The Chair recognizes the Representative from South Portland, Representative Kessler.

Representative **KESSLER**: The answer is no.

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

Representative **BOYLE**: Thank you, Madam Speaker, Men and Women of the House. As a co-sponsor of the bill and Member of the EUT Committee, I rise in support of this motion. The threshold is 25,000-square-foot building. So, if you're going to be a residence that's bigger than that, I guess you're on your own. But I'm looking at this as a business person. If I were offered two identical 25,000-square-foot buildings and one was ready designed for solar and the other wasn't, I would be purchasing the one designed for solar so that I could know that my energy use would be stabilized in the future of that building for myself and for the occupants of the building. Thank you.

The SPEAKER: The Chair recognizes the Representative from Pittsfield, Representative Collamore.

Representative **COLLAMORE**: Thank you, Madam Speaker, and thank you for the answer to my previous question. I have two more. May I pose?

The SPEAKER: The Member may proceed.

Representative **COLLAMORE**: Thank you, Madam Speaker. First question; does this also apply to educational buildings and, secondly, does; never mind, I lost the second one, it's gone.

The SPEAKER: The Member has posed a question to anyone who wishes to answer.

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. 293

YEA - Ankeles, Arford, Bell, Boyle, Brennan, Bridgeo, Cloutier, Cluchey, Collings, Copeland, Crafts, Craven, Dhalac, Dill, Dodge, Doudera, Eaton, Fay, Gattine, Geiger, Gere, Golek, Graham, Gramlich, Hasenfus, Hobbs, Jauch, Kessler, Kuhn, Landry, LaRochelle, Lee, Lookner, Madigan, Malon, Mastraccio, Mathieson, Matlack, Meyer, Millett R, Milliken, Montell, Moonen, Moriarty, Murphy, O'Connell, O'Neil, Osher, Paulhus, Perry A, Perry J, Pluecker, Pringle, Rana, Reckitt, Rielly, Riseman, Roberts, Roeder, Runte, Russell, Sachs, Salisbury, Sargent, Sayre, Shagoury, Shaw, Sheehan, Skold, Stover, Supica, Terry, Warren, Williams, Worth, Zager, Zeigler, Madam Speaker.

NAY - Adams, Albert, Andrews, Arata, Ardell, Babin, Bagshaw, Blier, Boyer, Bradstreet, Campbell, Carlow, Carmichael, Collamore, Costain, Cray, Cyrway, Davis, Drinkwater, Ducharme, Dunphy, Faulkingham, Foster, Fredericks, Galletta, Gifford, Greenwood, Griffin, Guerrette, Haggan, Hall, Henderson, Hymes, Jackson, Lanigan, Lavigne, Lemelin, Libby, Lyman, Mason, Millett H, Morris, Ness, Newman, Nutting, Parry, Paul, Perkins, Poirier, Polewarczyk, Pomerleau, Quint, Rudnicki, Sampson, Schmearsal-Burgess, Simmons, Smith, Soboleski, Strout, Swallow, Theriault, Thorne, Underwood, Walker, White B, White J, Wood, Woodsome.

ABSENT - Abdi, Crockett, Hepler, Javner.

Yes, 78; No, 68; Absent, 4; Vacant, 0; Excused, 1.

78 having voted in the affirmative and 68 voted in the negative, with 4 being absent and 1 excused, and accordingly the Majority **Ought to Pass as Amended** Report was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (H-603)** 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-603)** and sent for concurrence.

By unanimous consent, all matters having been acted upon were **ORDERED SENT FORTHWITH** with the exception of matters being held.

Majority Report of the Committee on **ENERGY, UTILITIES AND TECHNOLOGY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-605)** on Bill "An Act to Eliminate the Current Net Energy Billing Policy in Maine" (EMERGENCY)

(H.P. 861) (L.D. 1347)

Signed:

Senators:

GROHOSKI of Hancock
HARRINGTON of York

Representatives:

BABIN of Fort Fairfield
DUNPHY of Embden
FOSTER of Dexter
PAUL of Winterport
WARREN of Scarborough

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

Signed:

Senator:

LAWRENCE of York

Representatives:

ZEIGLER of Montville
BOYLE of Gorham
GEIGER of Rockland
KESSLER of South Portland
RUNTE of York

READ.

On motion of Representative ZEIGLER of Montville, **TABLED** pending **ACCEPTANCE** of either Report and later today assigned.

Majority Report of the Committee on **ENERGY, UTILITIES AND TECHNOLOGY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-636)** on Bill "An Act to Reduce Maine's Dependence on Fossil Fuels and Carbon Footprint for Energy Production Using Waste Wood Fuel"

(H.P. 904) (L.D. 1408)

Signed:

Senators:

LAWRENCE of York
GROHOSKI of Hancock

Representatives:

ZEIGLER of Montville
BABIN of Fort Fairfield
BOYLE of Gorham
FOSTER of Dexter
KESSLER of South Portland
PAUL of Winterport

RUNTE of York
WARREN of Scarborough
Minority Report of the same Committee reporting **Ought Not to Pass** on same Bill.

Signed:

Senator:

HARRINGTON of York

Representatives:

DUNPHY of Embden

GEIGER of Rockland

READ.

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

The Bill was **READ ONCE**. **Committee Amendment "A" (H-636)** was **READ** by the Clerk.

Representative THERIAULT of Fort Kent **PRESENTED House Amendment "A" (H-663) to Committee Amendment "A" (H-636)**, which was **READ** by the Clerk.

The SPEAKER: The Chair recognizes the Representative from Fort Kent, Representative Theriault.

Representative **THERIAULT**: Thank you, Madam Speaker. Just briefly, this is a floor amendment to clarify the reporting requirement which will, in turn, strip the fiscal note. Simple as that. Thank you.

Subsequently, **House Amendment "A" (H-663) to Committee Amendment "A" (H-636)** was **ADOPTED**.

Committee Amendment "A" (H-636) as Amended by House Amendment "A" (H-663) 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" (H-636) as Amended by House Amendment "A" (H-663)** thereto and sent for concurrence.

Majority Report of the Committee on **JUDICIARY** reporting **Ought Not to Pass** on Bill "An Act to Allow Only Students of Female Gender to Participate in Women's and Girls' Scholastic Sports"

(H.P. 577) (L.D. 930)

Signed:

Senators:

CARNEY of Cumberland

BAILEY of York

BRAKEY of Androscoggin

Representatives:

MOONEN of Portland

HENDERSON of Rumford

KUHN of Falmouth

LEE of Auburn

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 "A" (H-659)** on same Bill.

Signed:

Representatives:

ANDREWS of Paris

HAGGAN of Hampden

POIRIER of Skowhegan

Representative DANA of the Passamaquoddy Tribe - of the House - supports the Majority **Ought Not to Pass** Report.

READ.

Representative MOONEN of Portland moved that the House **ACCEPT** the Majority **Ought Not to Pass** Report.

Representative RUDNICKI of Fairfield **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: 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. 294

YEA - Ankeles, Arford, Bell, Boyer, Boyle, Brennan, Bridgeo, Cloutier, Cluchey, Collings, Copeland, Crafts, Craven, Dhalac, Dill, Dodge, Doudera, Eaton, Fay, Gattine, Geiger, Gere, Golek, Graham, Gramlich, Hasenfus, Henderson, Hobbs, Jauch, Kessler, Kuhn, Landry, LaRochelle, Lee, Lookner, Madigan, Malon, Mastraccio, Mathieson, Matlack, Meyer, Millett R, Milliken, Montell, Moonen, Moriarty, Murphy, O'Connell, O'Neil, Osher, Paulhus, Perry A, Perry J, Pluecker, Pringle, Rana, Reckitt, Rielly, Riseman, Roberts, Roeder, Runte, Russell, Sachs, Salisbury, Sargent, Sayre, Shagoury, Shaw, Sheehan, Skold, Stover, Supica, Terry, Warren, White B, Williams, Worth, Zager, Zeigler, Madam Speaker.

NAY - Adams, Albert, Andrews, Arata, Ardell, Babin, Bagshaw, Blier, Bradstreet, Campbell, Carlow, Carmichael, Collamore, Costain, Cray, Cyrway, Davis, Drinkwater, Ducharme, Dunphy, Faulkingham, Foster, Fredericks, Galletta, Gifford, Greenwood, Griffin, Guerrette, Haggan, Hall, Hymes, Jackson, Lanigan, Lavigne, Lemelin, Libby, Lyman, Mason, Millett H, Morris, Ness, Newman, Nutting, Parry, Paul, Perkins, Poirier, Polewarczyk, Pomerleau, Quint, Rudnicki, Sampson, Schmersal-Burgess, Simmons, Smith, Soboleski, Strout, Swallow, Theriault, Thorne, Underwood, Walker, White J, Wood, Woodsome.

ABSENT - Abdi, Crockett, Hepler, Javner.

Yes, 81; No, 65; Absent, 4; Vacant, 0; Excused, 1.

81 having voted in the affirmative and 65 voted in the negative, with 4 being absent and 1 excused, and accordingly the Majority **Ought Not to Pass** Report was **ACCEPTED** and sent for concurrence.

Majority Report of the Committee on **JUDICIARY** reporting **Ought Not to Pass** on Bill "An Act Regarding State Court Remedies for Violations of Legal or Constitutional Rights by Federal Employees"

(H.P. 958) (L.D. 1503)

Signed:

Senators:

CARNEY of Cumberland

BAILEY of York

Representatives:

MOONEN of Portland

KUHN of Falmouth

LEE of Auburn

MORIARTY of Cumberland

SHEEHAN of Biddeford

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-599)** on same Bill.

Signed:
Senator:

BRAKEY of Androscoggin

Representatives:

ANDREWS of Paris
HAGGAN of Hampden
HENDERSON of Rumford
POIRIER of Skowhegan
RECKITT of South Portland

Representative DANA of the Passamaquoddy Tribe - of the House - supports the Minority **Ought to Pass as Amended by Committee Amendment "A" (H-599)** Report.

READ.

On motion of Representative MOONEN of Portland, the Majority **Ought Not to Pass** Report was **ACCEPTED** and sent for concurrence.

Majority Report of the Committee on **JUDICIARY** reporting **Ought Not to Pass** on RESOLUTION, Proposing an Amendment to the Constitution of Maine to Establish a Parental Bill of Rights

(H.P. 1255) (L.D. 1953)

Signed:
Senators:

CARNEY of Cumberland
BAILEY of York

Representatives:

MOONEN of Portland
KUHN of Falmouth
LEE of Auburn
MORIARTY of Cumberland
RECKITT of South Portland
SHEEHAN of Biddeford

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-660)** on same RESOLUTION.

Signed:
Senator:

BRAKEY of Androscoggin

Representatives:

ANDREWS of Paris
HAGGAN of Hampden
HENDERSON of Rumford
POIRIER of Skowhegan

READ.

Representative MOONEN of Portland moved that the House **ACCEPT** the Majority **Ought Not to Pass** Report.

Representative POIRIER of Skowhegan **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 Skowhegan, Representative Poirier.

Representative **POIRIER**: Thank you, Madam Speaker. I rise in opposition to the pending motion. I submitted LD 1953 in response to countless requests from parents I represented while I served on my community School Board and for the many parents throughout our State who feel that they're not being

heard and are being kept in the dark about their children. This bill proposes to let our constituents decide if parental rights should or should not be codified into our State Constitution. The amended bill language simply reads; Parental rights, the natural, inherent and inalienable rights of minor children are held by their parents or guardians until the age of majority or a grant of emancipation. This State, its political subdivisions and all governmental entities may not infringe on the authority of parents to direct the upbringing, education and care for their physical, mental and spiritual health of their children absent abuse or neglect by the parent or guardian or criminal acts of the minor. Parents are their child's first and strongest advocate. We need to listen to them. Thank you, Madam Speaker.

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. 295

YEA - Ankeles, Arford, Bell, Boyle, Brennan, Bridgeo, Cloutier, Cluchey, Collings, Copeland, Crafts, Craven, Dhalac, Dill, Dodge, Doudera, Eaton, Fay, Gattine, Geiger, Gere, Golek, Graham, Gramlich, Hasenfus, Hobbs, Jauch, Kessler, Kuhn, Landry, Lee, Lookner, Madigan, Malon, Mastraccio, Mathieson, Matlack, Meyer, Millett R, Milliken, Montell, Moonen, Moriarty, Murphy, O'Connell, O'Neil, Osher, Paulhus, Perry A, Perry J, Pluecker, Pringle, Rana, Reckitt, Rielly, Riseman, Roberts, Roeder, Runte, Russell, Sachs, Salisbury, Sargent, Sayre, Shagoury, Shaw, Sheehan, Skold, Stover, Supica, Terry, Warren, White B, Williams, Worth, Zager, Zeigler, Madam Speaker.

NAY - Adams, Albert, Andrews, Arata, Ardell, Babin, Bagshaw, Blier, Boyer, Bradstreet, Campbell, Carlow, Carmichael, Collamore, Costain, Cray, Cyrway, Davis, Drinkwater, Ducharme, Dunphy, Faulkingham, Foster, Fredericks, Galletta, Gifford, Greenwood, Griffin, Guerrette, Haggan, Hall, Henderson, Hymes, Jackson, Lanigan, Lavigne, Lemelin, Libby, Lyman, Mason, Millett H, Morris, Ness, Newman, Nutting, Parry, Paul, Perkins, Poirier, Polewarczyk, Pomerleau, Quint, Rudnicki, Sampson, Schmersal-Burgess, Simmons, Smith, Soboleski, Strout, Swallow, Theriault, Thorne, Underwood, Walker, White J, Wood, Woodsome.

ABSENT - Abdi, Crockett, Hepler, Javner, LaRochelle.

Yes, 78; No, 67; Absent, 5; Vacant, 0; Excused, 1.

78 having voted in the affirmative and 67 voted in the negative, with 5 being absent and 1 excused, and accordingly the Majority **Ought Not to Pass** Report was **ACCEPTED** and sent for concurrence.

Majority Report of the Committee on **LABOR AND HOUSING** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-630)** on Bill "An Act to Make Agricultural Workers and Other Related Workers Employees Under the Wage and Hour Laws"

(H.P. 249) (L.D. 398)

Signed:

Senators:

TIPPING of Penobscot
DAUGHTRY of Cumberland

Representatives:

ROEDER of Bangor
GEIGER of Rockland
GERE of Kennebunkport
MALON of Biddeford
RUSSELL of Verona Island
SKOLD of Portland

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

Signed:

Senator:

POULIOT of Kennebec

Representatives:

BRADSTREET of Vassalboro
SOBOLESKI of Phillips

READ.

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

Representative BRADSTREET of Vassalboro **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 Vassalboro, Representative Bradstreet.

Representative **BRADSTREET**: Thank you, Madam Speaker, and Ladies and Gentlemen of the House. LD 398, the last bit of the amendment draws focus off the original intent of the bill, which dealt primarily with wage and labor issues. This bill as amended focuses primarily on only what can be termed organized labor matters, but we can leave that alone for right now. LD 398 as regarding wage and labor issues seems a big improvement on what the original bill was but it is still a bit confusing. On one hand it, for now, allows workers to work over 40 hours per week without requiring overtime wages but, on the other hand, it appears that the current exemption from overtime law has been removed. And regardless of how that particular issue is resolved, LD 398 would only change a model that has served all parties well for decades. This model, analyzed in comparison with other wage laws, appears it may be a little unfair but, in reality, it allows willing workers to work the hours that they choose and what we consider a normal work week, earn a lot more money than they otherwise would and allow farmers to actually afford to pay them. Interfering with the current Law will put workers' jobs in serious jeopardy and farmers' livelihoods in grave peril. When Maine farmers cannot afford to pay workers what the bill would eventually require, they'll close up shop or go to all-automatic automation and the workers will be forced to go work in other states or, God forbid, in other countries where they will earn pennies instead of dollars. It's a lose-lose situation.

Please understand that the life of a farmer is very unique. They have to make hay while the sun is shining and this bill will go a long way to destroying that ability to make hay at any time. Please notice when you go to the store and shop for groceries, you'll find that about 90% of the food you may buy comes from out of State. That's not good for a small agrarian State like Maine and will only get worse if LD 398 were to become law. You know, we might think we're helping people if we pass this law and the bill then becomes law but what we will be doing is taking away the opportunity of people, mostly migrant workers, to come here and work under conditions that they like. We heard stories in the Committee hearing how they were able to send a lot of money back to their home countries and a lot of

different things, appliances, one of them even bought a Harley Davidson, dismantled it and shipped it back to his home country. If we pass this law, those things will disappear. So, I hope you understand that this is a unique situation, it works well for all parties and we should defeat LD 398. Thank you, Madam Speaker.

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

Representative **LANIGAN**: Thank you, Madam Speaker. Thank you, Members of the House. I rise in opposition to this bill and the reason I rise in opposition is because one of my constituents, who I highly respect and actually ran a great campaign against her husband to earn this seat, Ellen McAdam of McDougal Orchards, who is a staple in our community, wrote me this email that I would feel is necessary to share with you, Madam Speaker.

Good morning. Until people are willing to pay the real cost of food or all agricultural production is subsidized, LD 398 is a particularly bad piece of legislation. Most people in the U.S. could not afford milk, meat or fresh vegetables if they had to pay the true cost of production. One way to keep food affordable is to have the government pay for it through subsidies or to have flexibility when it comes to the wages paid to farm workers. Farm work is hard, much of it is seasonal. We literally make hay while the sun shines. In Maine, that's primarily on small patches of tillable soil and we're primarily feeding our neighbors, no subsidies involved. Please vote no on LD 398. Trust me when I say that if we didn't treat our workers well, we wouldn't have any.

This bill is unnecessary. And I just want to remind my colleagues and you, Madam Speaker, that not all farms are huge. Not all employers are large. And this would have a negative effect on many small businesses, which are the fabric of our State. I thank you so much for allowing me to speak today.

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

Representative **MALON**: Thank you, Madam Speaker, Members of the House, I rise in strong support of the pending motion, which represents a reasonable step forward for Maine labor laws. Currently, agricultural workers are excluded from a number of provisions under Maine's labor laws. The measure before us fixes that exclusion by defining these workers as employees. With that designation comes protections which are afforded to most other workers under Maine Law. Protections which include wage and hour and basic workplace standards. It also means that farm workers must be paid the minimum wage like other workers.

At a public hearing, farmers testified that they were already paying well above the minimum wage, including the prevailing wage for certain H-2A workers, and I believe that. The measure before us also recognizes that there are some differences between sectors and, as such, it provides that farm workers are still excluded from overtime pay. They can still work overtime, including the amount of hours they currently work, if they choose. This is a key concern raised by bill opponents and we listened to them. The bill also has nothing to do with collective bargaining and unions; not that these are bad things; it does, however, allow farm workers to speak with coworkers, employers or anyone else about their working conditions. That's it. This is a right that many of us take for granted, the ability to raise issues of concern with our employer and to chat, question and commiserate if needed with our coworkers. This is a basic accommodation worth supporting.

This bill is not about any specific employers, Madam Speaker. There are good employers and bad employers, just like any other industry. This is not about the productivity of our farms. If someone is failing to do the job for which they were hired, they can still face consequences for it like any of us would. Ultimately, this bill codifies basic worker protections into law, which provide a baseline of dignity for the people whose work is essential to putting food on our tables and is the backbone of one of our key pillars of our State's economy. It is a modest approach but one that I believe represents a positive path forward for the health of our workers and our farm economy. Thank you.

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

Representative **STROUT**: Thank you, Madam Speaker. I stand in opposition of the pending motion. You heard yesterday about the area where I live and how seafood industry plays a lot. The only other options, really, are agricultural. So, we harvest blueberries in August and we make wreaths in the winter and both of those are all piecework and those are opportunities for people to come to our area and help but they're also opportunities for the local people that live there to maintain their incomes throughout the year. And you can make more money piecework than you can hourly. And I hope you all join in August on the blueberry tour. We can give you a rake and you can try to stand out there for 40 hours in a week to make a pay or you can make up to \$50 or \$60 an hour. A lot of the migrant workers that come to my area send a lot of money home and then a lot of them have actually stayed in the area and they have become part of our community. So, I urge you to oppose this motion and let us try to continue to earn the living while we have the chance to do that in our area. Thank you.

The SPEAKER: The Chair recognizes the Representative from Blue Hill, Representative Milliken.

Representative **MILLIKEN**: Thank you, Madam Speaker. *Estoy pensando ahora en mis raíces hoy y los amigos y vecinos de mi juventud que trabajaban en el campo en California. Estas personas recogen la comida que comemos; ellos nos dan vida. Hoy, ahora, podemos ayudar ad apoyar a nuestros amigos y vecinos aque en el gran Estado de Maine que hacen ese trabajo muy importante e necesario. Por favor sigan mi Luz en este mocion por que el las palabras de Cesar Chaves, si se puede.*

Thank you, Madam Speaker. I'm thinking right now in my roots in California and today my friends and neighbors in California who worked in the fields. These folks gather the food that we eat, they give us life. Today, right now, we can support our friends and neighbors here in the great State of Maine that do this important and necessary work. Please follow my light on this motion because in the words of Cesar Chavez, *si se puede*. To my friends who are farmworkers, you have friends in the Maine House of Representatives. Thank you.

The SPEAKER: The Chair recognizes the Representative from Albion, Representative Cyrway.

Representative **CYRWAY**: Thank you, Madam Speaker, Ladies and Gentlemen of the House. I grew up on a farm and actually, my degree is in agriculture. A lot of times I'd be helping others that was taking agriculture and they were looking for jobs and whatever and many times, they found many places that they'd be the herdsman or they'd find places where they could live and barter and even take some ownership at the farm raising calves or raising cattle and they would allow them to have part of the stock there and they'd give them the grain and the feed that they needed for those cattle. So, when you go and do something like this, this bill is out of touch with the workers here in Maine.

We have blueberry villages. If you ever took a tour, you'd see the villages where they can actually stay and work. There's also apple farms, they have places to stay and they work there on the apple farm. And so, when you're talking about hourly wages, there's a lot of parts in a farm that are not really seen when they get their pay. On my farm, I got to raise some crops just for myself, I did tomatoes, my brother did string beans, he had an acre of string beans, I had 100 tomato plants, and I made extra money that way. And so, these are the things that happen on a farm that you don't see. I had cattle. I had some calves that I showed and heifers and whatever and then as they got older, I got to buy or sell and, you know, improve what I had. So, it's not just as easy as like in a machine shop.

We are making a decision for agriculture and that's why we're losing these farms, because we are losing touch. We're losing touch of what we are doing here for these farmers. And, you know what, we have to eat the food. Food is the number one thing that we survive on, Madam Speaker; I almost got carried away there. So, you know, food is our number one substance that we have to survive on and we depend on our farms. So, here we are, we're going to control what the farmer does to make a living and it is kind of like a union bill because you are making the decision for all the workers that you don't realize how they're actually getting paid. And I'll tell you, farm work is hard work but it's clean work. It's one of these things where you can see what you've done and you can see how you can better yourself and you can get to be out in the outdoors. It's a way of life that you can't beat. The farmers are so easy to talk to and work with. You think that it's hard work but you know what, I think you're robbing our farms by adding this pressure to the farmers. We've lost 25% of our dairy farms just this last year in the State of Maine and what do you think this is going to do? You think it's really going to enhance bringing more farms? I don't think so.

So, really, I oppose this bill and please, thank you for listening. I think it's really important, I think you've heard that from several Representatives that really know. I know the Bradstreets, they've got a big potato farm up in Newport and they've done some wonderful work. In fact, I actually got free potatoes to raise crops with the Kennebec County Jail. We raised the potatoes for the jail and I think that there's a lot of benefits we get from farmers that you don't even see. So, thank you very much.

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

Representative **RECKITT**: Madam Speaker, might I ask a; I don't think I've ever done this before, so I don't know. I need to ask a question of somebody who might know the answer. That's not how it's phrased, but that's my intent.

The SPEAKER: The Member may proceed.

Representative **RECKITT**: Thank you. I'm curious whether someone knows the relationship between the wording of this bill and piecework and whether it's integrated into the process of the bill.

The SPEAKER: The Member has posed a question to anyone who can answer. The Chair recognizes the Representative from Bangor, Representative Roeder.

Representative **ROEDER**: Thank you, Madam Speaker. The relationship to piecework is that the State minimum wage in this bill would be the floor. So, it wouldn't take away any earnings above that. Thank you.

The SPEAKER: The Chair recognizes the Representative from Alfred, Representative Sampson.

Representative **SAMPSON**: Thank you, Madam Speaker, Ladies and Gentlemen of the House. It's really hard to listen to

this debate as someone who's grown up on a farm and somebody who works on a farm and the disparaging remarks as far as employers not taking care of their employees. In this climate, in this environment, we're not California, we're Maine. We have limited farmland in this State and we have limited workers in this State. We're going to take care of our employees because if we don't, we won't have any and then it's just one or two people doing all the work on the farm, which is insane. And we're trying to feed people. And I find this incredibly insulting and I just think this isn't theory. We're dealing with farms, farmers and then people are coming up with these ideas. They don't live on farms, they don't work on farms and they have these pie-in-the-sky ideas. It's insane. And these types of bills need to just go away. They are destroying our farms in this State and destroying the ability to hire people because they have to already lay off people or cut back their hours on various services when we forced the increase in pay. I mean, let's just let farmers do what they do, feed us here in the State of Maine, and stop fiddling around with these laws. Thank you.

The SPEAKER: The Chair recognizes the Representative from Kennebunkport, Representative Gere.

Representative **GERE**: Thank you, Madam Speaker. Madam Speaker, I rise in support of the pending motion and I will say with great confidence that every Member of this Body has enormous respect for both farmers and farm workers. Farming is a challenging business that demands strategic thinking, dedication and hard work on the part of everyone involved. And I would also venture to say that farmers value and respect their workers and the work that they do because they know at a deep, deep level how difficult it is. In considering this legislation, the Labor Committee heard from many farmers that they pay good wages, minimum wage or higher, that their workers want hours and want to work hard, especially during peak season and that workers want to be treated well. Madam Speaker, these are shared goals and this bill supports those goals. It assures that workers get paid at least Maine's minimum wage, it assures that workers can work the overtime hours that they want to work. They are not entitled to overtime or are farmers required to pay time and a half but they can work the overtime hours that they want to work while they're here. The only change is that there is no mandatory overtime in excess of 80 hours in a two-week period. This bill, Madam Speaker, helps to assure that workers are treated well, continue to be treated well and with respect. And this is a goal that we all should support and share and I urge support for the pending motion. Thank you.

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

Representative **LANIGAN**: Thank you, Madam Speaker. Thank you for allowing me to rise again. Doing some research on this, we have 2,700 migrant workers that come to Maine to farm our lands during our prime season. The key word in that is migrant. They wouldn't migrate here to work if they weren't being treated fairly already. They wouldn't come here from another state that they're not able to farm during that season to earn an income here if it wasn't good working conditions for them. So, I just want to remind the people and I'd also like to pose a question through the Chair if I could is do we know, like, is most of our farmland along the ocean part of Maine and our coastline or is our farmland more inland and if it is more inland, I'd like to ask my Representatives and friends here and you, Madam Speaker, to maybe heed the advice of those who are representing those inland and follow their light today on this bill. Thank you.

The SPEAKER: The Member has posed a question through the Chair to anyone who cares to respond. The Chair recognizes the Representative from Albion, Representative Cyrway.

Representative **CYRWAY**: Thank you, Madam Speaker. I didn't want to get up again but when it's just said 40 hours a week, if you've got a dairy farm, you've got to get up in the morning and you've got to milk the cows. They're kind of like your children, you know, when you got a whole bunch of them, you've got to check for their wellness, you've got to feed them, you've got to clean them and you've got to milk them. So, there's a lot to do. You've got to do it seven days a week. You can't just say oh, I'm going to do it just four days on and three days off or whatever it is for time, you can't do that, and when a person takes that job, they know what they're getting into and there's also times when, you know, family members, there might be somebody that has an ailment or maybe broke their leg, who knows, but you may have to pick up the slack. So, you can't just do a 40-day week. It's not like you've got a big company and you can do all these things. You have to depend on the people that want to do that type of job and so, this bill does not fit for farming. Farming is like a family life. You don't plan to just do certain things at a certain time every day. And I guess that's a way to put it. Every day is a little different in a family and so, it's the same thing. And so, this really doesn't fit, this bill. So, just thank you for your time.

The SPEAKER: The Chair recognizes the Representative from Turner, Representative Morris.

Representative **MORRIS**: Thank you, Madam Speaker, Ladies and Gentlemen of the House. I rise in opposition to the pending motion. As the Good Representative from Albion just said, you know, farmers do not look at their workers as their workers, they don't look at them as their employees, they look at them as an extension of their family. My grandmother grew up on a farm on Lower Street in Turner. She tells a story of her father who ran the farm, would work for a neighboring farm, one of the apple orchards that's no longer there, it's now house lots, and that's what he would do in the fall, help them bring that crop in. And the reason for that was this helped to pay his taxes. This was something that was important to him to keep the farm going and to take care of his family. These farms are disappearing every day and what farmers need is more support from State Government, they don't need more regulation, and I would encourage this Body to vote against the pending motion. Thank you.

The SPEAKER: The Chair recognizes the Representative from Rockland, Representative Geiger.

Representative **GEIGER**: Thank you, Madam Speaker. I just wanted to correct what I believe was a misapprehension by the Good Representative from Albion. This bill allows employers or farmers to require that their workers work up to 80 hours a week and that those farm workers can choose to volunteer to work more than 80 hours a week. That is over 13 hours a day. So, they are allowed to require up to 13 hours a day, six days a week, farm workers can then volunteer to work more than 80 hours a week. It's just putting a top on what's required. It also, we haven't mentioned, it does require that someone is allowed to take a 30-minute unpaid break every six hours. I think these are sort of basic, foundational ways in which we treat our fellow human beings. I think this is a reasonable way to look to the hard and difficult work of farm workers. Thank you, Madam Speaker.

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

Representative **SHAW**: Good afternoon. Madam Speaker, Colleagues of the House, today I urge your support of LD 398. As some of you know, I own and operate Valley View Farm in Auburn and for close to 30 years, we've worked the land and built sustainable agricultural practices on our farm. We don't use pesticides; we use proper crop rotation to best foster productive soils. We use our pigs, goats, poultry, sheep and beef to clear pastures, till and fertilize the land. And these sustainable practices, this dedication, this same level of respect should be applied to the hardworking people who work for us and for farms across the State. Under current Maine labor law right now, farm workers are not considered employees under wage and hour laws. As a result, they are not protected by Maine's minimum wage laws, they are not provided the legal protections enjoyed by just about every other working person in Maine. Under current law, farm workers in Maine with limited exceptions are only legally entitled to the federal minimum wage of \$7.25 an hour, a figure that has not changed since 2009. And, personally, a figure that I would be appalled to offer to someone else, whether they work piecework, whether they stay on the farm or not, that's not sustainable.

Many farms currently struggle to find enough workers to fill their crews or grapple with training new employees every year. Offering the basic protections and income standards afforded in this bill for these workers will help stabilize the farm labor market and ensure that more farm workers bring their expertise back to the same farms every year, reducing farmer stress and increasing farm profitability. For the many farms that treat their workers like family and compensate them fairly, this bill will support those practices. For those workers stuck in sub-minimum wage jobs, this will provide a lifeline and level the playing field. We've heard it so much but it bears repeating; with no farms, there is no food. The same goes for farm workers. No farm workers, no food. I urge your support on this bill and thank you for your consideration.

The SPEAKER: The Chair recognizes the Representative from Pittsfield, Representative Collamore.

Representative **COLLAMORE**: Thank you, Madam Speaker. Madam Speaker, I have a little bit of confusion after hearing two separate numbers here and I wondered if I may pose two questions through the Chair?

The SPEAKER: The Member may proceed.

Representative **COLLAMORE**: Thank you. And just as a byway, Madam Speaker, in case you haven't heard it, I do represent Clinton, which is the dairy capital of the State. Anybody who's been on my Committee or been before my Committee has heard that from me. So, this really impacts my district. And what I'm concerned with is I heard I think it was the Good Representative from Bangor say 80 hours in two weeks but then the Good Representative from Rockland saying 80 hours in one week, so that's one area of confusion that I'd like cleared up, please. And the second area is we have rules and laws, labor laws, around youth working on agricultural land and in agricultural jobs and would this negate those rules, where they're exempted there? Thank you, Madam Speaker.

The SPEAKER: The Member has posed a question to anyone who can answer. The Chair recognizes the Representative from Bangor, Representative Roeder.

Representative **ROEDER**: Thank you so much and I want to thank my Colleague from Pittsfield for posing the question about the 80 hours. It's a little confusing. It's 80 hours within a two-week block. So, if a farmer decided they wanted to mandate that all 80 hours of overtime happened in one week, they wouldn't be able to mandate any additional hours the next week. It's flexible. It can be spread out how they would like within that

two-week period. And, again, the farm worker is able to volunteer to work more hours after that. As to the child labor concerns, I do know that the Labor and Housing Committee, not this bill, but we have put in a bill to study child labor issues and where the laws can be moved around and relaxed a little. Thank you.

The SPEAKER: The Chair recognizes the Representative from Vassalboro, Representative Bradstreet.

Representative **BRADSTREET**: Thank you once again, Madam Speaker. There's one thing I think I should bring up that, to my knowledge, hasn't been mentioned before. And that's that many farmers, particular dairy farmers, are unable to sell their product, their milk, at more than a standard or an amount that's set outside their ability to change. It's set by law. Every time we add an extra cost to them, it shrinks whatever they may be able to make on their milk production. So, I think that's something we need to keep in mind. Farmers are in a terrible situation right now. Take a look around the countryside, you'll see a lot of closed farms, you'll see a lot of overgrown fields. That's because it's tough to be a farmer. And, you know, it seems to me the people who are opposed to this bill have a deep and strong attachment to farming and to the rural area of Maine and the people who are opposed to it really; I don't think they really understand the way farming is in Maine. And I'm wondering, you know, we're going to cast our votes in a few minutes and I'm wondering, is winning this particular vote more important than preserving an industry? I don't think so. Thank you, Madam Speaker.

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

Representative **FAULKINGHAM**: Madam Speaker, I rise to pose a real question. Madam Speaker, I've been sitting here listening to this and I've heard two Representatives say things that sound like they contradict themselves. One Representative stood up and said that the limit was 80 hours, therefore over 13 hours a day for six days, and I just heard the other; another Representative, the Representative from Bangor, say that the limit was 40 hours, which is six and a half hours a day. That's a significant difference. Can I have some clarification on what it is?

The SPEAKER: The Member has posed a question to anyone who can answer. The Chair recognizes the Representative from Bangor, Representative Roeder.

Representative **ROEDER**: Okay. This has been very confusing for everyone, so, I do not blame anyone for having questions on that. We assume a 40-hour base work week for the farm workers. The farmer may only mandate 80 hours of overtime over and above that 40 hours in a two-week period. So, as I said before, all of those 80 hours can be piled into one week and then the second week no mandatory overtime is allowed, they could spread it out evenly and have 40 hours a week mandatory overtime over and above the 40-hour work week. It's flexible and we wanted it to be flexible because we know that the growing season is in flux. We know that farmers need to be able to turn on a dime. We know that some farm workers might want to volunteer over and above that on certain hours and may not on others. I hope that's clear. Thank you, Madam Speaker.

The SPEAKER: The Chair recognizes the Representative from Livermore Falls, Representative Lyman.

Representative **LYMAN**: Thank you, Madam Speaker, and Members of the House. This is very difficult. I grew up on a farm. You would've heard my brother say many, many times, the multigenerational farm. But I'm sitting here listening and it registers to me my son-in-law is also a farmer and I heard this

comparison of week one at 40 hours a week and then the next week no overtime. Well, the fact of the matter is, he's dealing right now with getting; cutting; I won't even get it all right. Jarod would be very upset with me. But the fact is they may do a three-week run if weather allows that they put in very long weeks. They have to do that. Farming is not a one-size-fits-all. It's almost like we have an apples, oranges, tomatoes, pears conversation here. We cannot lump how farming is done in a single category. These farmers struggle every day depending on what their crops are doing, what's happening with their animals, what the equipment is doing and the decisions they need to make, we need to entrust in them. This is not a business that we can fit into a square box that I'm hearing some things addressed that just don't even make sense. And it's bothersome to me, too, because I feel like the conversations are coming from very different geographical areas in our State and we need to stand for rural Maine and for agriculture in Maine. I feel like I'm so discouraged by this conversation and I'm really concerned about this bill. Thank you.

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

Representative **ROEDER**: Thank you, Madam Speaker. Madam Speaker, in Maine, we're struggling with systems of economic inequality and for those most vulnerable, our farm workers, it's time to close the gap. Our State is a leader in the production of potatoes, wild blueberries, maple syrup, amongst many other agriculture and aquaculture products. Maine has ranked first in the United States for wild blueberry production since the 1950s. We rank third in the United States for maple syrup production and ninth for potato production in 2020. In a billion-dollar agriculture industry, our farm workers are still not covered by basic labor protections, unlike almost every other working person in this country, and to me, that doesn't seem right. This bill, which was carefully and responsibly amended after long hours of listening to and working with concerned stakeholders seeks modest, basic protections for agricultural workers in the State of Maine.

As we heard before, under current law, farm workers in Maine, with limited exceptions, are only legally entitled to the federal minimum wage. That is \$7.25 an hour, which has not changed since my youngest son, who is 14, was four months old. In the public hearing on this bill, we heard farmer after farmer confirm that their rates of pay are far above the federal minimum wage and, in almost every case, above the State minimum wage. Farmers who employ workers with an H-2A visa are obligated by law to offer adverse effect wage rates, which stand at \$16.95 an hour this year for Maine. Farmers with H-2A visa workers are also obligated to pay their other farm workers at least that adverse effect wage rate. Regardless, we heard testimony that provides a conundrum. We heard that farmers were almost universally paying at or above the State minimum wage but we also heard that having to pay the State minimum wage to workers would bankrupt farmers and I'm still not sure how to square the circle.

Madam Speaker, I believe that the farmers that testified in front of the Labor and Housing Committee and my farming colleagues on the Legislature when they say that their farm workers are like family to them. I know that they treat their workers fairly. I know that the safety, security and prosperity of their farm workers is of paramount importance to them. I know that being a farmer in this State means that you're a price taker, not a price maker, and as such, margins are razor thin. It's precisely why this bill settled on State minimum wage protections without overtime pay as a reasonable measure. It's why the bill caps mandatory overtime hours at 80 overtime hours

per two-week timespan. Voluntary overtime hours beyond those 80 hours are still allowed with this bill as well, because we listened to testimony that said farm workers want more hours during peak harvesting time to maximize their earnings. It's also why concerted activity replaced collective bargaining in the bill language. Concerted activity, by the way, just means that farm workers can speak to their coworkers, employers or others about working conditions. Again, this is a protection that nearly all workers in this country benefit from.

When this bill came before Committee, I thought of James Chapter 5, Verse 4, which says in part, "the cries of the harvesters have reached the ears of the Lord of heavenly forces." And while I firmly believe in the separation of church and State, I wanted to share this statement of values from the United Methodist Church. Not my own denomination, but I consider myself Methodist-adjacent because I went to a Methodist college. Throughout Scripture, we are taught the importance of respecting and rewarding work. The prophets decried economic systems that denied workers fair compensation and dignity, and Christ's ministry was centered on those individuals marginalized by society. Today, workers whose hands gather the fruits of God's good Earth are among the most marginalized, both economically and socially. Parenthetically, I don't believe necessarily as economically in Maine due to the testimony that we received from the farmers. Back to the statement. As the cries of our harvesters continue, we are called as a Church to respond. Farm workers call on us to stand in solidarity with them to change unjust conditions and scripture calls us to respond. As Christians, we cannot sit silently but rather following the teachings of Christ, we must ensure that the men and women who harvest our food are invited to share fully in the fruits of their labor.

Madam Speaker, this is about so much more than money. This is a moral issue to me and I won't ask my colleagues to follow my light. Farm justice advocate Dolores Huerta says it was time to get off the sidewalk and walk the street with us into history. So that, Madam Speaker, is what I will invite my colleagues to do. Come join me on the street.

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

Representative **STROUT**: Thank you, Madam Speaker, for letting me rise again. I just want to remind everybody that these jobs also account for people that live local year-round in the areas. So, they need the opportunity to make up the difference when you live in an area that is dependent upon seasonal, timely work. You can't harvest blueberries in October, you can't make a wreath in July. So, when people are working, they have to work the amount of time that's needed to get done what they need to get done to carry them through until the next season. Thank you.

The SPEAKER: The Chair recognizes the Representative from Waterford, Representative Millett.

Representative **MILLETT**: Thank you, Madam Speaker, and Ladies and Gentlemen of the House. It's not my style or my intent this evening to question the motives of anyone who is supporting this bill now before us. I think of the words that have been used to describe farmers and to describe farm workers and I want to feel that your intentions are good. I heard a comment a bit ago about everyone in this building or in this Chamber respects farmers. I truly want to believe that. But then I hear this comment that uses the word farmers almost like they are a corporate being, impersonalized and not family-driven and generational-proven and who aren't working not around-the-clock but on days when they shouldn't be working and without any sense of profitability just to get the crops in that allow them

to feed us. I think some of you feel, from the Committee, that farm workers are a group of people who are being persecuted by farmers trying to work them beyond their capacity or desire to help and to pay them minimum wages. That's just not my experience. And I've heard many, many good speeches. In fact, two years ago this same day, adjournment day, we had three bills out of the Labor Committee that just kept hammering away at farmers and farm families as if they were not above-the-board citizens trying to do the right thing and trying to make a living in the face of all of the pressures they deal with. That's just not the world that I live in and I don't believe that it is what we should be attempting to do today to make the work even more difficult than it already is.

I know we've had some conversations in the past about helping out farmers. I made a point of trying to help out the dairy industry, an industry that I've worked with almost all my life, and I made the case that there are so many things that are driving the profitability into the negative, into the red. Think about the cost of feed, the cost that is driven by inflation, the cost of electricity, the cost of just about everything that goes into a farmer's bottom line and you can't not feel some sympathy for those who are trying generationally to make a go of a very important industry in this State. I just think we've gone down the road to the point where we're sending a message farmers are not appreciated. You may respect them in words but you really don't appreciate the level of commitment and the level of risk that they face each and every day. And I think we ought to really step back for a moment and give them a chance to try to keep the industry going. You've heard, and I'm sure most of you got the message from the Maine Farm Bureau today, that the number of farmers is decreasing rapidly every year. This bill and others like it are part of the cause of that most difficult period of time that we're working our way through. I just hope we can think a little bit about the family farm that is struggling that utilizes their own children and neighbors and family that come together to help them out when the crop needs to be brought in and the cows need to be milked. This is not the time to make that industry even more volatile and likely cause more and more farms to go under and more and more farmers to sell the land they've worked on for generations just because they have done that all of their lives and have no other occupational opportunities in front of them. Please think about them as people and as Maine quality citizens, not corporate rip-off people. Thank you.

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

Representative HALL: Thank you, Madam Speaker. I rise opposed to the motion on the floor. I've listened to a lot of testimony here today and I'm quite passionate about this whole bill. I'm probably one of the only dairy farmers in this Chamber. I can tell you right now, I was up at 4:00 this morning to milk my cows and I surely hope that I will be home in time to milk them again tomorrow morning. The way things are going, I know I won't make it tonight.

We've heard a lot of testimony about how the history of farming goes. I could tell you a little about history. I'm the eighth generation on my farm. My grandfather and my great-grandfather both sat in this Chamber, one of them over a hundred years ago. They ran the family farm and I hope to continue to run the family farm. But right now, the way things are going in agriculture, I really hope that I don't have to tell my daughter and my son-in-law and my newborn grandchild that I couldn't make it because we are on the verge of not making it. And the problem is, is that every crop that we produce on our farm, we are told how much we are going to get paid for it. We

don't say when that milk goes down in the milk truck this afternoon at 1:00, when that milk truck picked our milk up, we don't get to say how much we're going to get paid for that. In six weeks, we will get a check in the mail and we will have to accept what we were paid.

Now, I've also heard about the \$7 an hour minimum wage for farm labor. Well, I can tell you right now that's a joke. There isn't a single farmer in the State of Maine that will pay their employees \$7 an hour because there isn't a single employee that will work for that. And when you start hearing about that the farmers are paying more than minimum wage, trust me, they are.

On our farm, we have over a hundred head of milk cattle, of Holsteins. We have 10,000 trees that we tap for maple syrup. We have 40 head of beef cattle. We even have chickens. We have 1,200 acres that we pay taxes on every year. We treat our employees like family. They come to our Christmas party, on the 4th of July, we have a get-together, we have a lobster cookout, every single one of them comes. We all sit around, just a family. The thing of it is, is that if we was to not treat them like family, when it's time to harvest the crops, like today when I'm sitting down here listening to all this and I should be home chopping grass to fill the bunker for the cows so they'll have something to eat next winter because right now we're exactly three weeks behind schedule on putting our crops in because we've had 17 inches of rain since the first of June in our area. Trust me, the fields are pretty soft.

I hear about all these regulations. I can tell you right now there are farmers in Turner, that the Good Representative from Turner spoke about, and I believe one of them is his neighbor, they're the 10th generation. They're putting in robots on their farm to milk their cows just because they can't find labor to come milk their cows. But the people that they do have, they have Guatemalans and they have others that work on their farm, those people come, they work for a time, they're like family. They go back to their families, wherever they came from, and their relatives come up because they want to come here and work because they enjoy coming up here and working. There's nothing to say about the 40 hours a week, the 80 hours a week overtime. Trust me, if you've got a field of hay that's ready to get put in and you look to the west and you see a black cloud coming, there's no time for a 15-minute break, whether it's paid for or not. That hay is going to be baled, it's going to be put on the wagon, and it's going to be taken to the barn. There's plenty of time to rest after that's under cover. So, I hear about all these things of how we're going to regulate farm labor and we're going to make it like it were an industry and we're going to punch the clock, the timeclock, and all that stuff. It just doesn't happen that way. Farming is a way of life. It's not just a job, it's just a way of life and it's been that way for generations. Please leave it alone, let the farmers do their work. I don't gripe, I don't complain that I get up at 4 a.m. to milk the cows. Trust me. On Christmas morning, they still need to be milked.

I can tell you a little story about a family up in Embden, had a large farm up there, they gave all of their workers the day off so they didn't have to milk their 600 cows on Christmas day. These two people, one of them was 78 years old, the other one was 80 years, they worked 16 hours that day to do their chores so all of their employees could have Christmas day off. Other farms, good friends of mine over in Fairfield, the Dostie family, the majority of us have heard about the Dosties. My heart goes out to them. Last week, they loaded their 300 cows and sold them. Just another farm that's gone out of business.

So, I just ask you before you just nonchalantly push the light to think about it. Think about where your food comes from,

think about the farmer that put that food on that plate, and please oppose this motion. Thank you, Madam Speaker.

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. 296

YEA - Ankeles, Arford, Bell, Boyle, Brennan, Bridgeo, Cloutier, Cluchey, Collings, Copeland, Crafts, Craven, Dhalac, Dodge, Doudera, Eaton, Fay, Gattine, Geiger, Gere, Golek, Graham, Gramlich, Hasenfus, Hobbs, Jauch, Kessler, Kuhn, Landry, LaRochele, Lee, Lookner, Madigan, Malon, Mathieson, Matlack, Meyer, Millett R, Milliken, Montell, Moonen, Moriarty, Murphy, O'Connell, O'Neil, Osher, Perry J, Pringle, Rana, Reckitt, Rielly, Roberts, Roeder, Runte, Russell, Sachs, Salisbury, Sargent, Sayre, Shagoury, Shaw, Sheehan, Skold, Stover, Supica, Terry, Warren, White B, Williams, Worth, Zager, Zeigler, Madam Speaker.

NAY - Adams, Albert, Andrews, Arata, Ardell, Babin, Bagshaw, Blier, Boyer, Bradstreet, Campbell, Carlow, Carmichael, Collamore, Costain, Cray, Cyrway, Davis, Dill, Drinkwater, Ducharme, Dunphy, Faulkingham, Foster, Fredericks, Galletta, Gifford, Greenwood, Griffin, Guerrette, Haggan, Hall, Henderson, Hymes, Jackson, Lanigan, Lavigne, Lemelin, Libby, Lyman, Mason, Mastraccio, Millett H, Morris, Ness, Newman, Nutting, Parry, Paul, Perkins, Perry A, Poirier, Polewarczyk, Pomerleau, Quint, Riseman, Rudnicki, Sampson, Schmersal-Burgess, Simmons, Smith, Soboleski, Strout, Swallow, Theriault, Thorne, Underwood, Walker, White J, Wood, Woodsome.

ABSENT - Abdi, Crockett, Hepler, Javner, Paulhus, Pluecker.

Yes, 73; No, 71; Absent, 6; Vacant, 0; Excused, 1.

73 having voted in the affirmative and 71 voted in the negative, with 6 being absent and 1 excused, and accordingly the Majority **Ought to Pass as Amended** Report was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (H-630)** 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-630)** and sent for concurrence.

Majority Report of the Committee on **TAXATION** reporting **Ought Not to Pass** on Bill "An Act to Eliminate the Lodging Tax on Campground Sites and Revert to Using the Current Sales Tax"

(H.P. 1182) (L.D. 1852)

Signed:

Senators:

GROHOSKI of Hancock
CHIPMAN of Cumberland

Representatives:

PERRY of Bangor
CROCKETT of Portland
HASENFUS of Readfield
MATLACK of St. George
RANA of Bangor

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-626)** on same Bill.

Signed:

Senator:

LIBBY of Cumberland

Representatives:

CARMICHAEL of Greenbush

LAVIGNE of Berwick

QUINT of Hodgdon

RUDNICKI of Fairfield

READ.

Representative PERRY of Bangor moved that the House **ACCEPT** the Majority **Ought Not to Pass** Report.

Representative CARMICHAEL of Greenbush **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 Skowhegan, Representative Poirier.

Representative **POIRIER**: Thank you again, Madam Speaker. I rise today in opposition of the current pending motion. One of the greatest assets in Maine that our State offers is the great outdoors. Camping is a longstanding recreation and tradition not only for those who travel from away but for Maine residents as well. In 2016, the Maine Legislature enacted a law to tax campers the same lodging tax as hotels and rooming houses and that raised the tax for renting a campsite to 9%. I believe it's time to revisit this. People who own campers already pay the purchase price of the RV, sales tax, excise tax and registration fees. So, why an additional charge to enjoy their purchase? With rising prices, so many Mainers have to pinch pennies. Reverting the tax back to the general 5.5% will help reduce prices, promote recreation and encourage outdoor activity. Campground owners pay property taxes as well and they support this bill to help them keep prices down. So, please 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 Not to Pass Report. All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 297

YEA - Ankeles, Arford, Bell, Boyle, Brennan, Bridgeo, Cloutier, Cluchey, Collings, Copeland, Crafts, Craven, Dhalac, Dill, Dodge, Doudera, Fay, Gattine, Geiger, Gere, Golek, Graham, Gramlich, Hasenfus, Hobbs, Jauch, Kessler, Kuhn, LaRochele, Lee, Lookner, Madigan, Malon, Mastraccio, Mathieson, Matlack, Meyer, Millett R, Milliken, Montell, Moonen, Moriarty, Murphy, O'Connell, O'Neil, Osher, Perry A, Perry J, Pluecker, Pringle, Rana, Reckitt, Rielly, Riseman, Roberts, Roeder, Runte, Russell, Sachs, Salisbury, Sargent, Sayre, Shagoury, Shaw, Sheehan, Skold, Stover, Supica, Terry, Warren, White B, Williams, Worth, Zager, Zeigler, Madam Speaker.

NAY - Albert, Andrews, Arata, Ardell, Babin, Bagshaw, Blier, Boyer, Bradstreet, Campbell, Carlow, Carmichael, Collamore, Costain, Cray, Cyrway, Davis, Drinkwater, Ducharme, Dunphy, Faulkingham, Foster, Fredericks, Galletta, Gifford, Greenwood, Griffin, Guerrette, Haggan, Hall, Henderson, Hymes, Lanigan, Lemelin, Libby, Lyman, Mason, Millett H, Morris, Ness, Newman, Nutting, Parry, Paul, Perkins, Poirier, Polewarczyk, Pomerleau, Quint, Rudnicki, Sampson, Schmersal-Burgess, Simmons, Smith, Soboleski, Strout,

Swallow, Theriault, Thorne, Underwood, Walker, White J, Wood, Woodsome.

ABSENT - Abdi, Adams, Crockett, Eaton, Hepler, Jackson, Javner, Landry, Lavigne, Paulhus.

Yes, 76; No, 64; Absent, 10; Vacant, 0; Excused, 1.

76 having voted in the affirmative and 64 voted in the negative, with 10 being absent and 1 excused, and accordingly 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** with the exception of matters being held.

Nine Members of the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** report in Report "A" **Ought Not to Pass** on Bill "An Act to Provide a Pathway to Sobriety for Formerly or Currently Incarcerated Individuals"

(H.P. 1028) (L.D. 1583)

Signed:

Senators:

BEEBE-CENTER of Knox
HARRINGTON of York
LaFOUNTAIN of Kennebec

Representatives:

SALISBURY of Westbrook
HASENFUS of Readfield
LOOKNER of Portland
MADIGAN of Waterville
NEWMAN of Belgrade
PERKINS of Dover-Foxcroft

Two Members of the same Committee report in Report "B" **Ought to Pass as Amended by Committee Amendment "A" (H-632)** on same Bill.

Signed:

Representatives:

ARDELL of Monticello
NUTTING of Oakland

One Member of the same Committee reports in Report "C" **Ought to Pass as Amended by Committee Amendment "B" (H-633)** on same Bill.

Signed:

Representative:

MILLIKEN of Blue Hill

READ.

Representative SALISBURY of Westbrook moved that the House **ACCEPT** Report "A" **Ought Not to Pass**.

The SPEAKER: The Chair recognizes the Representative from Guilford, Representative White.

Representative **WHITE**: I desire to speak to the motion, or speak to the bill.

The SPEAKER: The Member may proceed.

Representative **WHITE**: Six billion dollars, Madam Speaker. That's what comes to my mind right off the bat when I think of this subject. Six billion dollars and a thousand doctors who lost their medical license. It wasn't that many years ago when the manufacturers of OxyContin settled out of court for \$6 billion. And during the same investigation, a thousand doctors lost their medical license for overprescribing opioids. Yet today, we are told that the doctors have all the answers, we need to not question the science. What I'm speaking to is the MAT program in the jails in the State, the State prison and the County jails, the

medical assisted treatment programs. Currently, they are virtually a monopoly. They are contracted out to companies who send doctors to the facility, the doctor does an intake interview with the residents that will be in the facility, they determine whether or not they've got an opioid addiction and then they prescribe suboxone, primarily. Once this prescription is given, they institute the prescription, they go in and provide the prescription to the individual daily, sometimes twice a day, and there's no plan to get these people substance-free. The idea of sentencing someone to a life of a medication that others use to bring people off of opioids and then onto being substance-free without any plan for weaning that person off just doesn't settle well with me.

There are several medical providers around the State who utilize suboxone to wean people off of opioids, to get them through the toxicological effects of coming off of their opioid addiction and then lower the dosage until they're substance-free. However, the program that we are using today in the jails in Maine have no such goal. There is no goalpost. Now, the bill that was presented, I had set a 30% in six months goal of having people substance-free. However, the 30% number was never even negotiated. The idea, to me, was that sobriety meant substance-free. However, the Board of Corrections sees it differently and has testified to that sobriety is a spectrum and we can't determine what one person's sobriety should be and another's may be different. I just don't reconcile that in my brain that sentencing someone to a life of addiction even to a less harmful drug when another person has the opportunity to become substance-free makes any sense.

So, Madam Speaker, I have no preconceived notion that I'm going to turn anybody to pass this bill today but I would appreciate it if you and my colleagues would take a little time and just understand what exactly is happening in our jails. It's a shame to see the first thing that happens when you walk through the door is that you fill out a survey or discuss a survey and if you mention opioid use, you're automatically pigeonholed into a life of taking suboxone from that point forward. The second thing that happens is you're placed on MaineCare so that when you get out of incarceration, you will be provided with a life of that substance. It just doesn't sit right that we are sentencing people not only to their time of incarceration but to a life of suboxone. It's my desire that people all have the opportunity to become substance-free, at least long enough to make up their own mind whether or not that's what they want. I'll sit down and not prolong anybody's evening. Thank you, Madam Speaker.

The SPEAKER: The Chair recognizes the Representative from Albion, Representative Cyrway.

Representative **CYRWAY**: Thank you, Madam Speaker. As I worked in the jails, I was program coordinator and I used to help the individuals on drug addictions. We had Bill Tanner, who worked with New Directions, and we had a doctor that would come in and whatever and many times, it was said that they get suboxone, a substitute or some other drug that would substitute and when they went to the prisons, very similar situation happened and I see this bill was a pathway to get sobriety and for us to Ought Not to Pass, it doesn't make any sense when we're looking to get them a better life. So, I think we really should be looking at this and I think the Representative really hit it on the nail is that this was a pathway and so, I think that we certainly should oppose this Ought Not to Pass and pass the amendment and I think that it at least gives them a chance. So, thank you, Madam Speaker.

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

Representative **SALISBURY**: Thank you, Madam Speaker. Madam Speaker, the major concern about this bill I think is introducing cannabis into the Department of Corrections. I understand the concern about treating residents that have substance use disorder and we heard very clearly from the Department of Corrections the work that they're doing around that and I'm hopeful that somebody, if you have questions about what's being done, can go in and read this information. But starting, you know, as recently in 2023, right now, over 750 residents receive treatment for substance use disorder and in addition to medication, if needed, they also receive counseling, peer support, recovery-oriented services. To date, over 1,500 individuals have been released back into communities with some of that follow-up support. So, I think that it can't be understated that; by just saying that medication is provided. There is more going on in our Department of Correction facilities and it was not felt that the best way to continue those services was introducing cannabis into the Department of Corrections facilities.

The SPEAKER: The Chair recognizes the Representative from Guilford, Representative White.

Representative **WHITE**: Thank you, Madam Speaker. And I did try to be as abbreviated as I could. This bill did have two parts and the second part being the use of cannabis oil. That part was not just giving the people in incarceration cannabis, it was under strict medical supervision to wean them off. And during testimony, we had presented that several people had become substance-free much quicker with the use of cannabis oil, which is legal in this State, and they went from coming through the opioid withdrawals to having no substances being used at all in about six weeks, whereas with the use of the suboxone, it takes several months.

However, the goal in both sides of the bill, which could've been independently taken up, would've been at the six-month, year and two-year mark, having a percentage of the people treated and counseled and followed up on to be substance-free. The whole point of this was that there are alternatives out there. By no means did I reject the idea that one part of the bill could've been stripped from the other, I certainly would've been just fine with taking the cannabis right out and following up with the goals. So, the core part of this bill was to have a goal of people becoming substance-free. That was never addressed, it was kind of poo-pooed off. The idea of taking someone and sentencing them to a life of a substance to be used is just wrong. You couldn't do that in a military tribunal, we couldn't do that with prisoners of war, we can't drug prisoners in Guantanamo. However, we're doing it here in the State of Maine, we're going to substitute one for another.

The cannabis was certainly not the focal point of this bill, though it was for many. I would've been quite happy if it had been stripped, as long as we had a goalpost and a benchmark where we could actually see someone come off of drugs all together and be substance-free. That was the whole goal, to see people, at least a small percentage, actually become substance-free instead of just sending them into the world and funding with tax money a life of substance. Thank you.

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

Representative **ZAGER**: Thank you, Madam Speaker. I rise in support of the pending motion, the Ought Not to Pass Motion. And I think I understand the very good intent behind the bill. It may be a little surprising, but as a physician, I would like people to not need medicines. It would be better if people didn't

need medicine for any medical condition but, unfortunately, the conditions do exist and medicines can be one of many interventions that can improve outcomes.

Relevant to this bill, LD 1583, and also many other bills that pertain to substance use disorder is, I think that this Body should understand that we have learned a whole lot about the pathophysiology of addictions which underlies substance use disorder, all sorts of substances, whether it be opioids, alcohol, what have you. We know a whole lot about the physiologic changes, the anatomic changes, the changes in gene expression that occur when a human body encounters substances. Just like the human body can react to the sun, it can affect gene expression, it can cause things like cancer. So, when a body is exposed to some things, it changes, and then we can do things to mitigate the harms that can flow from the things that can change. So, when people are suffering from substance use disorder, the goal is to reduce the harms. The goal primarily is not to get them off medicines. In this same way, I mean, just like we understand increasingly we understand more and more about the pathophysiology or what goes wrong in substance use disorder with regard to addiction, we also continue to learn more and more over the decades about things with having to do with the pathophysiology of other diseases; hypertension, diabetes, cancer. As we learn more and more, we can do more to help people who are suffering from those diseases. And there was a time when people thought that somebody who dropped dead from a heart attack had been consumed with things that are not testable, evil spirits or a spell. We have since learned more and more about this. We have learned about atherosclerotic plaques, we have learned about inflammation. I hope we continue to learn more and I hope as the frontiers of science advance that our understanding as a Body and as a society advances along with it. We understand more and more about these conditions, we have some tools, and with regard to this bill, one of the key tools that we have is buprenorphine, suboxone when it's combined with naloxone and sold as that brand name. It's also available generic and we provide it to people who are suffering so that we can reduce death. That is the goal, the primary goal; reduce death. The secondary goals ultimately would be to reduce the medications that people are on, not only for this condition but many other conditions. Thank you very much. I appreciate your indulgence.

The SPEAKER: The Representative from Guilford, Representative White, having spoken twice requests unanimous consent to address the House for a third time. Hearing no objection, the Representative may proceed.

Representative **WHITE**: Thank you, Madam Speaker, and I do appreciate this. My point, quite simply, is private practice physicians use these same medications to allow people to get through the withdrawal process and then wean to being substance-free. However, the program that we have in our jails and our prisons does not. It puts people on the replacement therapy and leaves them there throughout. There is no plan to wean anyone off of that once they're on it in this process. If we're doing it in private practices around the State, I feel that the people that are incarcerated by the State should have that same opportunity to become substance-free. Being sentenced to a life of addiction is wrong, quite simple. Thank you.

Subsequently, Report "A" **Ought Not to Pass** was **ACCEPTED** and sent for concurrence.

By unanimous consent, all matters having been acted upon were **ORDERED SENT FORTHWITH** with the exception of matters being held.

**ENACTOR
Act**

An Act to Restore Access to Federal Laws Beneficial to the Wabanaki Nations

(H.P. 1284) (L.D. 2004)
(C. "A" H-658)

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.

By unanimous consent, all matters having been acted upon were **ORDERED SENT FORTHWITH** with the exception of matters being held.

**REPORTS OF COMMITTEE
Divided Reports**

Ten Members of the Committee on **ENERGY, UTILITIES AND TECHNOLOGY** report in Report "A" **Ought to Pass as Amended by Committee Amendment "A" (H-639)** on Bill "An Act to Amend the Portfolio Requirements for Class II Resources" (H.P. 250) (L.D. 399)

Signed:

Senators:

LAWRENCE of York
HARRINGTON of York

Representatives:

ZEIGLER of Montville
BABIN of Fort Fairfield
BOYLE of Gorham
DUNPHY of Embden
FOSTER of Dexter
GEIGER of Rockland
PAUL of Winterport
RUNTE of York

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

Signed:

Senator:

GROHOSKI of Hancock

Representative:

KESSLER of South Portland

One Member of the same Committee reports in Report "C" **Ought to Pass as Amended by Committee Amendment "B" (H-640)** on same Bill.

Signed:

Representative:

WARREN of Scarborough

READ.

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

Representative KESSLER of South Portland **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 South Portland, Representative Kessler.

Representative **KESSLER**: Thank you very much, Madam Speaker. I am standing in opposition to this motion and I can break it down into the two different aspects of the bill as to why.

The first aspect is around the 300% increase in how much we pay waste-to-energy electricity providers. We had given these generators this benefit in the 129th Legislature with the understanding that this would sunset in January of 2025, understanding that recycling markets were a little bit tenuous and they needed some help. Right now, those markets are doing okay. At the same time, Class II renewable energy credits back in the 129th were valued in the 50-cent to two-dollar range. Now, due to increased demand for those as well as the weather and other factors, those have been priced as high as \$14. So, as a result, we're going to be paying a lot more for the same thing. And I know that we are talking about renewable energy this year and the fairness around other people paying for things that a limited number of people benefit from. As a person coming from an EcoMaine community, I do not feel that it's fair for communities that do not have that same service to have to subsidize my community's waste management. They will be paying for that. And the amount that they would be able to get in just the regular Class II REC market is way more than they ever anticipated, so it is not needed.

The second piece of this is setting a cap on Class II renewable energy credits, which is absolutely needed. There has been no cap in the past. But we're setting it at a very high level and I believe an unnecessarily high level, especially when we have a limited pool of generators who are not providing any additional benefit. We are going to be paying exponentially more for the same thing and I don't believe that that is good energy policy and the fact that 80% of what we pay is going to a very small number of hydroelectric generators, mainly Brookfield, who is an \$800 billion equity firm. So, all of that being said, I hope you will follow my light if you agree with my stance on the policy. Thank you very much.

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

Representative **WARREN**: Thank you very much, Madam Speaker. I want to rise to agree with the Representative from South Portland and I just want to provide a little bit of further context as to what brings this idea that the cap being set at about \$10 in advent of the alternative compliance payment for these Class II resources because, historically, we have not had a cap for Class II resources. Well, historically, the price per REC for Class II resources has been low, quite low, anywhere ranging from zero dollars per megawatt to \$1 per megawatt in 2013. So, that brings us to a little bit over \$500,000 for the year, which is a cost put on ratepayers per year as of the year 2013. These were penny stocks, essentially. As of now, in; it seems like our most recent estimate, 2021, right now it's about; I think it's come down a little bit but earlier this year, it was about \$14 per megawatt and in 2021, the average over the year ranged from that zero dollars per megawatt to \$10.25 per megawatt over that year. And that's with a weighted average cost of \$3.77 per megawatt and a total cost per that year to our ratepayers of over \$15 million. So, I just want to just keep that in context and part of the issue and part of why I rise, Madam Speaker, is because this is a question in Class II resources of renewable energy and a just transition and of who pays for this transition. There's a great need to incentivize and to subsidize different forms of energy production but what this is doing with this capping set today is asking our ratepayers to pay the same rate of essentially subsidy that we do to brand-new solar. The Class II

resources can be fossil fuels. That's the reality of this class of resources.

I strongly oppose the motion. I respect where everyone stands on this issue. I also represent an EcoMaine community and so, I'll just say again to that point of equity, I don't believe that ratepayers across our State should be funding communities like mine. I think it is a question of equity and fairness and I don't think it's exclusively an issue devoted to climate change and how we get there, respectfully, I understand where people fall but if you share my perspective, I hope that you'll follow my light. Thank you.

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

Representative **BOYLE**: Thank you, Madam Speaker. Madam Speaker, Women and Men of the House, this is my bill that I brought forward. The original bill, all it did was remove the sunset from a bill that the Legislature passed, as the Representative from South Portland said, several years ago. Burning waste along with recycling to create energy is part of Maine's renewable portfolio standard. It's also part of Maine's solid waste hierarchy. Reduce, reuse, recycle; incineration is part of that. We don't want to have to incinerate, we would like people to throw out less trash, but to the extent that they're going to, everything we incinerate reduces the volume of that trash by 90%. So, that's 90% less going into landfills. That's why it's part of the waste hierarchy.

Once the bill came in and we started working through the Committee process, I started hearing from folks that had concerns as to what you've heard and that's when I learned that prices for REC II credits has been variable over time. That's why; and the Public Advocate came to me and suggested that we include an alternative compliance payment mechanism for REC IIs, which is what we did. And at the time, when we started it, it was a cap of \$20, as I recall, with a floor of only \$5. We've negotiated some more, we had a; we requested only a five-year extension instead of getting rid of the sunset. We said, how about a five-year extension. We negotiated that, too. We brought it down to a two-year extension, from '25 to '27. Further negotiations; and I worked closely with the good Representative from Dexter, that's the House lead, a lot of back and forth, a lot of discussion with the different folks involved. We ended up dropping the cap down to \$10 with no floor and said the price for these alternative compliance payments will be set by the Public Utilities Commission under major substantive rulemaking, it will come back to the Committee and to the Legislature for approval because, as has been described, there's many millions of dollars at stake in this.

So, what I would like to do, and what the Committee has come up with, the 10 people who voted for the bill, is that we will only continue just for two more years, that sends the message to these facilities who are likely listening now that you've got to start sort of weaning off this REC II and ACP system and it won't be any longer be part of your operating budget, if you will. It is a small part of the operating budget for the waste management facilities, mostly these Class II RECs as was described go to other facilities such as hydro. So, having said all that, I would appreciate your support on this bill. Thank you.

The SPEAKER: The Chair recognizes the Representative from Orrington, Representative Campbell.

Representative **CAMPBELL**: Thank you, Madam Speaker, Men and Women of the House. We've talked some about waste energy, we've talked some about RECs. Waste-to-energy plays a big part. It's basically recycling the trash that we generate into burning which creates electricity. So, it does play a big part in our both recycling and our energy production. I

don't know if everybody reads the *Bangor Daily News*, but PERC, which is one of the biggest waste-to-energy facilities in the State, is on the auction block. We've been talking about a lot of different things that could go into that system. We talked a lot about PFAS. There's ways to create energy out of that that the Commissioner of DEP is working on. So, these RECs out for two years is really important to the buyer of PERC. So, it's crucial that this pass. Thank you, Madam Speaker.

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. 298

YEA - Adams, Albert, Andrews, Ankeles, Arata, Ardell, Babin, Bagshaw, Bell, Blier, Boyer, Boyle, Bradstreet, Brennan, Bridgeo, Campbell, Carlow, Carmichael, Cloutier, Collamore, Costain, Crafts, Craven, Cray, Cyrway, Davis, Dill, Doudera, Drinkwater, Ducharme, Faulkingham, Fay, Foster, Fredericks, Galletta, Gattine, Geiger, Gere, Gifford, Golek, Graham, Greenwood, Griffin, Guerrette, Haggan, Hall, Hasenfus, Henderson, Hepler, Hymes, Jackson, Kuhn, Lanigan, LaRochelle, Lavigne, Lee, Lemelin, Libby, Lyman, Madigan, Malon, Mason, Mastraccio, Matlack, Meyer, Millett H, Millett R, Montell, Moonen, Moriarty, Morris, Murphy, Ness, Newman, Nutting, O'Connell, Parry, Paul, Perkins, Perry A, Perry J, Poirier, Polewarczyk, Pomerleau, Pringle, Quint, Rielly, Roberts, Roeder, Rudnicki, Runte, Russell, Sachs, Salisbury, Sampson, Sargent, Sayre, Schmersal-Burgess, Shagoury, Shaw, Simmons, Smith, Soboleski, Stover, Strout, Supica, Swallow, Terry, Theriault, Thorne, Underwood, Walker, White B, White J, Williams, Wood, Zager.

NAY - Arford, Cluchey, Collings, Copeland, Dhalac, Dodge, Dunphy, Gramlich, Hobbs, Jauch, Kessler, Lookner, Mathieson, Milliken, O'Neil, Osher, Pluecker, Rana, Reckitt, Riseman, Sheehan, Skold, Warren, Worth, Madam Speaker.

ABSENT - Abdi, Crockett, Eaton, Javner, Landry, Paulhus, Woodsome, Zeigler.

Yes, 117; No, 25; Absent, 8; Vacant, 0; Excused, 1.

117 having voted in the affirmative and 25 voted in the negative, with 8 being absent and 1 excused, and accordingly Report "A" **Ought to Pass as Amended** was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (H-639)** 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-639)** and sent for concurrence.

Six Members of the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** report in Report "A" **Ought to Pass as Amended by Committee Amendment "A" (H-623)** on Bill "An Act Regarding Criminal Background Checks for the Sale, Transfer or Exchange of Firearms"

(H.P. 109) (L.D. 168)

Signed:
Senator:

BEEBE-CENTER of Knox

Representatives:

SALISBURY of Westbrook
LOOKNER of Portland
MADIGAN of Waterville
MATHIESON of Kittery
MILLIKEN of Blue Hill

Six Members of the same Committee report in Report "B"

Ought Not to Pass on same Bill.

Signed:

Senators:

HARRINGTON of York
LaFOUNTAIN of Kennebec

Representatives:

ARDELL of Monticello
NEWMAN of Belgrade
NUTTING of Oakland
PERKINS of Dover-Foxcroft

READ.

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

On motion of Representative TERRY of Gorham, **TABLED** pending the motion of Representative SALISBURY of Westbrook to **ACCEPT** Report "A" **Ought to Pass as Amended** and later today assigned.

Six Members of the Committee on **TAXATION** report in Report "A" **Ought to Pass as Amended by Committee Amendment "A" (H-627)** on Bill "An Act to Reduce the Income Tax to 4.5 Percent on the Lowest Tax Bracket and Remove Low-income Families from Taxation"

(H.P. 1069) (L.D. 1671)

Signed:

Senator:

LIBBY of Cumberland

Representatives:

CARMICHAEL of Greenbush
LAVIGNE of Berwick
LIBBY of Auburn
QUINT of Hodgdon
RUDNICKI of Fairfield

Six Members of the same Committee report in Report "B"

Ought Not to Pass on same Bill.

Signed:

Senator:

GROHOSKI of Hancock

Representatives:

PERRY of Bangor
CROCKETT of Portland
HASENFUS of Readfield
MATLACK of St. George
RANA of Bangor

READ.

On motion of Representative PERRY of Bangor, Report "B" **Ought Not to Pass** was **ACCEPTED** and sent for concurrence.

Seven Members of the Committee on **JUDICIARY** report in Report "A" **Ought to Pass as Amended by Committee Amendment "A" (H-596)** on Bill "An Act to Increase Access to Necessary Medical Care for Certain Minors"

(H.P. 340) (L.D. 535)

Signed:

Senators:

CARNEY of Cumberland
BAILEY of York

Representatives:

MOONEN of Portland
KUHN of Falmouth
LEE of Auburn
RECKITT of South Portland
SHEEHAN of Biddeford

Four Members of the same Committee report in Report "B"

Ought Not to Pass on same Bill.

Signed:

Representatives:

ANDREWS of Paris
HAGGAN of Hampden
HENDERSON of Rumford
POIRIER of Skowhegan

One Member of the same Committee reports in Report "C"

Ought to Pass as Amended by Committee Amendment "B" (H-597) on same Bill.

Signed:

Senator:

BRAKEY of Androscoggin

One Member of the same Committee reports in Report "D"

Ought to Pass as Amended by Committee Amendment "C" (H-598) on same Bill.

Signed:

Representative:

MORIARTY of Cumberland

Representative DANA of the Passamaquoddy Tribe - of the House - supports Report "C" **Ought to Pass as Amended by Committee Amendment "B" (H-597)**.

READ.

On motion of Representative MOONEN of Portland, **TABLED** pending **ACCEPTANCE** of any Report and later today assigned.

Eight Members of the Committee on **JUDICIARY** report in Report "A" **Ought to Pass as Amended by Committee Amendment "A" (H-652)** on Bill "An Act to Amend the Laws Governing Damages Awarded for Wrongful Death"

(H.P. 581) (L.D. 934)

Signed:

Senators:

CARNEY of Cumberland
BAILEY of York

Representatives:

MOONEN of Portland
KUHN of Falmouth
LEE of Auburn
MORIARTY of Cumberland
RECKITT of South Portland
SHEEHAN of Biddeford

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

Signed:

Representatives:

ANDREWS of Paris

POIRIER of Skowhegan

One Member of the same Committee reports in Report "C"

Ought to Pass as Amended by Committee Amendment "B" (H-653) on same Bill.

Signed:

Senator:

BRAKEY of Androscoggin

One Member of the same Committee reports in Report "D"

Ought to Pass as Amended by Committee Amendment "C" (H-654) on same Bill.

Signed:

Representative:

HAGGAN of Hampden

One Member of the same Committee reports in Report "E"

Ought to Pass as Amended by Committee Amendment "D" (H-655) on same Bill.

Signed:

Representative:

HENDERSON of Rumford

Representative DANA of the Passamaquoddy Tribe - of the House - supports Report "C" **Ought to Pass as Amended by Committee Amendment "B" (H-653)**.

READ.

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

Representative POIRIER of Skowhegan **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 Houlton, Representative Swallow.

Representative **SWALLOW**: Thank you, Madam Speaker. I stand in opposition to this motion. Wrongful death is defined as the death of a human being which was the result of a wrongful act of another person. A wrongful death suit can be filed on behalf of decedent's heirs or beneficiaries against the person who caused the death. And wrongful death Statutes differ by state, and each state determines their own limits. Most often, wrongful death lawsuits are filed on behalf of family members who have lost the support or company of the deceased. Probably the most common example of a wrongful death that most could identify with would be an individual who while driving negligently causes the death of another. Damages under wrongful death fall into three different categories. They include compensatory, noneconomic and punitive.

Compensatory damages are the more ubiquitous and make restitution for money lost, they're pecuniary issues. Maine Law states that, quote; the jury may give damages as it determines fair and just compensation with reference to the pecuniary injuries resulting from the death. This would be the compensation for lost wages, et cetera, to the family. This is the economic part. There is no dollar limit on compensatory compensation in the State of Maine. Non-economic damages, on the other hand, would change under this bill and noneconomic damages would include comfort, society, companionship and emotional distress. In the case of LD 934, this would be raised from \$750,000 to \$1 million. Then there are the third part, the punitive damages. They are awarded in cases

where the crime may have been so heinous or reckless that they want to punish the defendant and LD 934 would raise punitive damages from \$250 to 500,000.

The genesis of this bill is both the non-economic and punitive damages. This legislation can create yet another additional increase in insurance premiums of auto, home, recreational vehicles, businesses and more for all Mainers. And by relative historical standards, the current limits are more than sufficient without any increase. I ask that we consider the following. Not only will this result in an increase in insurance premiums of Mainers but at the same time, the limit for our Maine Government is and will remain \$400,000 per incident, period. Few Mainers have sufficient insurance to cover this exposure. It's estimated that probably 15% of Mainers have sufficient coverage for these damage limits. The current non-economic limit was set in 2019 and that still exceeds the rate of inflation from the past 2007 increase in the limit. Madam Speaker, Mainers already are burdened by escalated insurance premiums which are caused by increased inflationary costs on vehicles, homes, businesses and more. When combined, the expanded insurance premiums to Mainers prompted by this bill and other legislation that we have considered will have a severe incremental effect on the insurance costs of our constituents. Let's help maintain Maine's affordable insurance environment and follow my light. Thank you, Madam Speaker.

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

Representative **MOONEN**: Thank you, Madam Speaker. Madam Speaker, Colleagues of the House, this bill does propose a \$250,000 increase, as the Representative from Houlton said. The current cap is \$750,000; the Majority Report in front of us would raise it to \$1 million.

I just want to point out a couple things. One is that 12 out of the 14 Members of this Committee agree that this bill should pass in some form. Unfortunately, we couldn't quite all get on the same page with the details of that. There are Minority Reports that propose significantly higher dollar amounts to increase the cap than what the Majority Report does and I would love to get on board with those dollar amounts, but those amendments have some other pieces that I can't get on board with. But what I can tell you about the Majority Report is it's a very modest increase of \$250,000. Thirty-eight other states have no cap at all on wrongful death. Thirty-eight states have no cap and we're talking about changing ours from \$750,000 to \$1 million.

We heard hours of testimony from Mainers who lost a loved one in tragic, negligent, wrongful circumstances and deserve some level of accountability. And I would love for us to be one of those States that has no cap at all because I have a lot of faith that our juries are reasonable people. You know, you never see jury awards in Maine of \$150 million for hot coffee. That doesn't happen here. Our juries provide very reasonable awards. And even still, those reasonable awards are artificially lowered to whatever the cap is that we set in Statute. I think this increase is very modest and for the people who we heard hours from who lost loved ones, it's a very small gesture to show that we understand the pain of their loss and I ask you to join me in supporting it. Thank you, Madam Speaker.

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

Representative **UNDERWOOD**: Thank you, Madam Speaker. May I pose a question to the Chair, please?

The SPEAKER: The Member may proceed.

Representative **UNDERWOOD**: Looking at a damage suit in a case like this, they were awarded \$1 million, how are lawyers' fees determined? Thank you.

The **SPEAKER**: The Member has posed a question to anyone who cares to answer. The Chair recognizes the Representative from Houlton, Representative Swallow.

Representative **SWALLOW**: Thank you, Madam Speaker, for letting me rise again. I would like to remind the Body that on the compensatory, there is no limit. That is there is no dollar limit whatsoever on that portion in this bill and there never has been in the State of Maine. And I'd also like to remind everyone that Maine has, according to the Bureau of Insurance, the lowest automobile rates in the nation and the way things are in this State with costs going up, I would advise us to keep it the way it is. Thank you.

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. 299

YEA - Ankeles, Arford, Bell, Boyer, Boyle, Brennan, Bridgeo, Cloutier, Cluchey, Collings, Copeland, Crafts, Craven, Dhalac, Dill, Dodge, Doudera, Fay, Gattine, Geiger, Gere, Golek, Graham, Gramlich, Hasenfus, Henderson, Hepler, Hobbs, Jauch, Kessler, Kuhn, LaRochelle, Lee, Lookner, Madigan, Malon, Mastraccio, Mathieson, Matlack, Meyer, Millett R, Milliken, Montell, Moonen, Moriarty, Murphy, O'Connell, O'Neil, Osher, Perry A, Perry J, Pluecker, Pringle, Rana, Reckitt, Rielly, Roberts, Roeder, Runte, Russell, Sachs, Salisbury, Sargent, Sayre, Shagoury, Shaw, Sheehan, Skold, Stover, Supica, Terry, Warren, White B, Williams, Worth, Zager, Madam Speaker.

NAY - Adams, Albert, Andrews, Arata, Ardell, Babin, Bagshaw, Blier, Bradstreet, Campbell, Carlow, Carmichael, Collamore, Costain, Cray, Cyrway, Davis, Drinkwater, Ducharme, Dunphy, Faulkingham, Foster, Fredericks, Galletta, Gifford, Greenwood, Griffin, Guerrette, Haggan, Hall, Hymes, Jackson, Lanigan, Lemelin, Libby, Lyman, Mason, Millett H, Morris, Ness, Newman, Nutting, Parry, Paul, Perkins, Poirier, Polewarczyk, Pomerleau, Quint, Riseman, Rudnicki, Sampson, Schmersal-Burgess, Simmons, Smith, Soboleski, Strout, Swallow, Theriault, Thorne, Underwood, Walker, White J, Wood.

ABSENT - Abdi, Crockett, Eaton, Javner, Landry, Lavigne, Paulhus, Woodsome, Zeigler.

Yes, 77; No, 64; Absent, 9; Vacant, 0; Excused, 1.

77 having voted in the affirmative and 64 voted in the negative, with 9 being absent and 1 excused, and accordingly Report "A" **Ought to Pass as Amended** was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (H-652)** 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-652)** and sent for concurrence.

UNFINISHED BUSINESS

The following matters, in the consideration of which the House was engaged at the time of adjournment yesterday, 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 (7) Ought to Pass as Amended by Committee Amendment "A" (H-337) - Minority (6) Ought to Pass as Amended by Committee Amendment "B" (H-338) - Committee on CRIMINAL JUSTICE AND PUBLIC SAFETY on Bill "An Act to Reclassify Certain Offenses Under the Motor Vehicle Laws and Increase the Efficiency of the Criminal Justice System"

(H.P. 262) (L.D. 429)

TABLED - June 7, 2023 (Till Later Today) by Representative **SALISBURY** of Westbrook.

PENDING - Motion of same Representative to **ACCEPT** the Minority **OUGHT TO PASS AS AMENDED** Report.

Representative **NUTTING** of Oakland **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 Oakland, Representative Nutting.

Representative **NUTTING**: Thank you, Madam Speaker, Men and Women of the House. The Good Representative from Warren, Representative Pluecker, introduced two bills in this Legislature that did similar things. One of them we dealt with and is now resting on the Appropriations Table; dealt with offenses dealing in the Inland Fisheries and Wildlife division, reducing the penalties for violations with certain fishing and hunting regulations. That one kind of flew through here without much discussion at all and, like I say, it rests now on the Appropriations Table.

This bill, LD 429, is a similar bill that deals with motor vehicle infractions. And there are several problems with it. I will highlight just one. Perhaps you know someone who has at some time had a license plate with a month and year sticker on it which has expired. Perhaps you know somebody, perhaps you know somebody quite well, maybe they're seated next to you. For we all have, if we haven't had that offense, we've come painfully close on many occasions. So, take that set of circumstances and compare that to someone who registers a vehicle, gets the two little stickers that say June, takes them home and puts one on their Prius and one on their Ford truck and then drives them around hopefully for the next year without getting caught. If we pass this bill, LD 429, this will make those two offenses punishable by the same amount. And I submit to you that there is a big difference between forgetting to register your vehicle and for fraudulently registering two vehicles or making up a sticker with your Crayola pencils, taking a piece of white paper, coloring it the color of the month and sticking it on your car. These are things that go beyond just forgetting what you were supposed to do. As a matter of fact, when our Secretary of State testified in Committee, she said that we're not after people who simply forget to do something. And that's true, we're not. We want to treat them more fairly than somebody who colors their own inspection sticker or colors their own license or makes up their own license. I hope you'll agree that those two things are vastly different and I hope that you will vote **Ought Not to Pass** on the pending motion. Thank you.

The SPEAKER: The Chair recognizes the Representative from Albion, Representative Cyrway.

Representative **CYRWAY**: Thank you, Madam Speaker, and Ladies and Gentlemen of the House. This bill, you know, moves certain traffic criminal offenses to civil infractions. While some of the bill helps address a seriously backlogged judicial system, it waters down the classification of an habitual offender. This is of great concern to me and others and it should be a great concern to you. According to Title 29-A, a habitual offender is defined as a person whose record, as maintained by the Secretary of State, shows that a person has accumulated three or more convictions of adjudications for distinct offenses arising out of separate acts committed within a five-year period. Acts include, but are not limited to, operating a vehicle without a license or after suspension or revocation, an OUI conviction, homicide resulting from operating of a motor vehicle.

In July of 2005, Tina Turcotte was part of an accident when a truck driver didn't heed slowing traffic on I-95 in Hallowell and slammed into the rear of her car, essentially crushing her vehicle between his cab and another truck in front of her. She held on for about two days before succumbing to her injuries, yet her death has resonated in the years since. It wasn't the accident or even her death itself that drew the outrage. Hundreds of fatalities from motor vehicle accidents sadly occur every year on Maine roads and it was the fact that the truck driver, Scott Hewitt of Caribou, had a driving record that included 63 convictions, 22 license suspensions and a previous fatality. In response, Maine's Legislature unanimously passed LD 1906, An Act to Safeguard Maine's Highways, in 2006, called Tina's Law in her honor. The bill strengthened Maine's operation after suspension, revocation violations and habitual offender laws. It also created two new motor vehicle crimes related to causing serious bodily injury or death while driving with a suspended or revoked license and aggravated operating after habitual offender revocation. The theory back then, as it should still be today, is if you deter someone from driving after they lose their license and codify more severe penalties if they do, it would keep habitual offenders off the roads and cut down the associated risks they pose to others. Not to mention that a person that's operating with a suspended license is not covered by insurance; and I have checked that out. To protect the victims, we want them to be able to be covered. The Good Senator from Cumberland and also former Secretary of State, Senator Diamond, was a cosponsor of that legislation and he stated at the time that the law was needed because Hewitt would've been classified as a habitual offender and wouldn't likely have been on the road that summer had Tina's Law been on the books. He would not have been there. He also said that there are accidents out there waiting to happen if we don't change the law and change peoples' attitudes. Yet here we are today, understanding that Tina Turcotte's life was taken because of a habitual offender.

This legislation all but reverses what the Legislature, both Democrats and Republicans, got right 17 years ago. The amendment before us changes the law around habitual offender from a crime to a civil violation. I ask that you join me in voting down the motion before us so we can take up the majority; or at least the Report that was voted on motion "B," I believe, but not this motion, to address the number of crimes, the criminal offenses, including the illegal attachment of plates, which is a criminal act, not a civil, included in this amendment. I had dealt with this last year and we had come up with a bill and later on, it got stuck in Appropriations and I discussed it with Senator Baldacci, Senator Bill Diamond, Senator Davis and several others and they all felt that this was a good bill for it to die

because of putting it in a civil offense would be harmful. In fact, when Tina Turcotte's bill got passed, Tina's Law, it actually cut the habitual offender crime down in half within three years. So, this is going to increase, not decrease, criminal acts. So, I please ask you to reconsider and not vote for this bill as it stands. Thank you, Madam Speaker.

The SPEAKER: The Chair recognizes the Representative from Readfield, Representative Hasenfus.

Representative **HASENFUS**: Thank you, Madam Speaker. Just a little bit of background about this bill. This is a bill that came to our Committee and it was one of the priority bills from the Maine Prosecutors' Association. And I would just like to read you some of the bill analysis. And the proponents of the bill were the Representative who sponsored the bill, the Maine Prosecutors' Association, the Maine Sheriff's Association, the Maine State Police, the Secretary of State, the Maine Coalition to End Domestic Violence, the American Civil Liberties Union, the Maine Association of Criminal Defense Lawyers, Maine Chiefs of Police and Criminal Law Advisory Commission. And I think in large part, that's because the police and the prosecutors understand that these crimes, one, have no nexus to public safety, that none of the crimes that are moving from a criminal offense to a civil offense are crimes that put the public in danger.

So, specifically, for instance, the testimony from the Maine Prosecutors' Association said that the things that make a person a dangerous driver and a risk to the public are safety things like operation under the influence, driving to endanger or committing a crime with a motor vehicle, which will remain criminal offenses and any operating after suspension conviction for that will count towards habitual offender. So, this is not touching Tina's Law, it is not touching laws that are designed to protect the public safety. And because I was concerned with that, and I was also concerned to make sure that crimes such as the Good Representative from Oakland mentioned such as attaching false plates and crimes of deception, you know, the question was asked to the Maine State Police, you know, under the Code, do you already have the ability to prosecute these crimes as criminal offenses if we remove these particular crimes listed in this Statute as recommended by the Maine Prosecutors' Association and the answer to that question from; the State Police said that we already have crimes under which the ones listed in this bill can be prosecuted. And there was one instance in Committee where the Colonel did a really good job when there was a question posed by a member of the Committee about something similar to Tina's Law situation and quickly, he flipped through the Maine Criminal Statutes and came up with the exact citation that would be used, and I believe it was a class B offense because somebody was killed in that action and so, he just illustrated how yes, there are many areas of the Code that will cover this, that all had been thought through based on the proponents of this bill who are all law enforcement and prosecutors, sworn to protect our public safety. And, furthermore, he said that these misdemeanor crimes are all duplicative and they don't have any connection with public safety and I felt very comfortable with that testimony and the testimony from all of the other individuals and who was behind this bill to feel that we, in doing this, really what we're doing is clearing up the court system and putting nobody in jeopardy and not hampering any prosecutions for any nefarious act that may happen. And so, with that, I will be voting for this motion and I think that everybody can feel safe in following my lead in that.

The SPEAKER: The Chair recognizes the Representative from Albion, Representative Cyrway.

Representative **CYRWAY**: I just wanted to; thank you, Madam Speaker. I just wanted to say that I've spoken to

Senator Baldacci, who has been and is a District Attorney and he agrees with me on this and he said that right now, currently, that the deferred dispositions can take care of and make it a fine instead of jail time if they want to and actually the crime can disappear after one year. So, we don't really need to make this civil. And he said that the other problem is; is that he feels if we take this criminal piece away, it won't deter them from going and operating. In fact, just a few months ago this spring, I was on Route 9 out in Turner, and I witnessed just passing through where it was a head-on collision and it was a three-car accident, the individual crossed the center line and he killed one person and he took and severely injured a mother and two kids --

Representative **SALISBURY**: Point of Order.

The SPEAKER: The Member will defer. The Chair recognizes the Representative from Westbrook, Representative Salisbury.

Representative **SALISBURY**: Thank you. Is this germane to the bill?

On **POINT OF ORDER**, Representative SALISBURY of Westbrook asked the Chair if the remarks of Representative CYRWAY of Albion were germane to the pending question.

The SPEAKER: The Member may proceed.

Representative **CYRWAY**: Thank you, Madam Speaker. The person was operating without a license after suspension and he has no insurance, he's not covered. So, all those individuals and families are all affected and have no recourse other than their own insurance. So, I'm saying that this is a criminal act and we don't want to just make it a civil violation and just a fine. I've worked in the courts and many times, people will say that they can't pay the fine and then they go right back out and drive. And so, it really needs to have some way to keep them from driving and you have to have a deterrent. So, I'm trying to save lives here and I'm trying to make victims be able to have some recourse. And so, in order that we do that, we don't want to take away what we already have. Thank you, Madam Speaker.

The SPEAKER: The Chair recognizes the Representative from Durham, Representative Galletta.

Representative **GALLETTA**: Thank you, Madam Speaker. I'll make this brief but I think something that we haven't talked about here or something that hasn't been thought about here or one of the latent effects of passing this bill is attaching a plate to a vehicle that has been purchased out of State. That's how vehicles that are purchased out of State, the sales tax is collected when the vehicle is registered. When a vehicle is purchased in State, car dealers such as myself, we're responsible for collecting the sales tax. When the vehicle is purchased out of State, let's say a \$60,000 truck, for instance, that an in-State person would pay 5.5%, that person pays nothing, and then when they register the car, that's when their sales tax is collected. This is a significant amount of money. If you just attach a plate to it and hope you don't get caught, I think that that's a risk I'd take if I were the type of person that would do that.

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. 300

YEA - Arford, Bell, Boyle, Brennan, Bridgeo, Cloutier, Cluchey, Collings, Copeland, Crafts, Craven, Dhalac, Dill, Dodge, Doudera, Fay, Gattine, Geiger, Gere, Golek, Graham, Gramlich, Hasenus, Hepler, Hobbs, Jauch, Kessler, Kuhn, Lee, Lookner, Madigan, Malon, Mastraccio, Mathieson, Matlack, Meyer, Millett R, Milliken, Montell, Moonen, Moriarty, Murphy,

O'Neil, Osher, Perry A, Perry J, Pluecker, Pringle, Rana, Reckitt, Rielly, Riseman, Roberts, Roeder, Runte, Russell, Sachs, Salisbury, Sargent, Sayre, Shagoury, Shaw, Sheehan, Skold, Stover, Supica, Terry, Warren, White B, Williams, Worth, Zager, Madam Speaker.

NAY - Adams, Albert, Andrews, Ankeles, Arata, Ardell, Babin, Bagshaw, Blier, Boyer, Bradstreet, Campbell, Carlow, Carmichael, Collamore, Costain, Cray, Cyrway, Davis, Drinkwater, Ducharme, Dunphy, Faulkingham, Foster, Fredericks, Galletta, Gifford, Greenwood, Griffin, Guerrette, Haggan, Hall, Henderson, Hymes, Jackson, Lanigan, Lemelin, Libby, Lyman, Mason, Millett H, Morris, Ness, Newman, Nutting, O'Connell, Parry, Paul, Perkins, Poirier, Polewarczyk, Pomerleau, Quint, Rudnicki, Sampson, Schmursal-Burgess, Simmons, Smith, Soboleski, Strout, Swallow, Theriault, Thorne, Underwood, Walker, White J, Wood.

ABSENT - Abdi, Crockett, Eaton, Javner, Landry, LaRochelle, Lavigne, Paulhus, Woodsome, Zeigler.

Yes, 73; No, 67; Absent, 10; Vacant, 0; Excused, 1.

73 having voted in the affirmative and 67 voted in the negative, with 10 being absent and 1 excused, and accordingly the **Minority Ought to Pass as Amended Report** was **ACCEPTED**.

The Bill was **READ ONCE. Committee Amendment "B" (H-338)** 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 "B" (H-338)** and sent for concurrence.

HOUSE DIVIDED REPORT - Majority (7) **Ought Not to Pass** - Minority (5) **Ought to Pass as Amended by Committee Amendment "A" (H-585)** - Committee on **TAXATION** on Bill "An Act to Amend the Maine Exclusion Amount in the Estate Tax"

(H.P. 852) (L.D. 1338)

TABLED - June 20, 2023 by Representative PERRY of Bangor. PENDING - **ACCEPTANCE OF EITHER REPORT**.

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

Representative CARMICHAEL of Greenbush **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 Greenbush, Representative Carmichael.

Representative **CARMICHAEL**: Thank you, Madam Speaker, Fellow Members of the House. This bill reduces the amount that small family businesses can use for an exemption. It reduces an amount by 65% in some instances and while even others at a higher rate, it's \$3.8 million exemption for some family businesses and \$2 million exemption for others. This puts a far greater burden on some family businesses to help with housing. I think housing is a great cause, but the exemption that family businesses get on this estate tax is a real burden for some. So, this added burden, and reducing this by 65% so that we can help the housing problem, is really a tough thing to put on family businesses. And it further uses an exemption for equipment for five years. This part of the bill isn't enforceable because who's going to make sure that this equipment gets used in the business for five years, like logging equipment or

farm equipment. There's no way to enforce that, Madam Speaker. I know housing is a great cause and I think we need to find a way to help move that cause ahead, but I just think this is not the right way to do it, Madam Speaker.

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

Representative **COLLINGS**: Thank you, Madam Speaker, Ladies and Gentlemen of the House. I rise in support of this legislation. Well over a hundred years ago, a champion of the estate tax, Republican president Teddy Roosevelt said this; we grudge no man a fortune in civil life if it's honorably obtained and well used. It is not even enough that it should have been gained without doing damage to the community. We should permit it to be gained, only so long as the gaining represents benefit to the community. The really big fortune, the swollen fortune, by the mere fact of its size acquires qualities which differentiate it in kind as well as in degree from what is possessed by men of relatively small means. Therefore, I believe in a graduated income tax on big fortunes and a graduated inheritance tax on big fortunes, properly safeguarded against evasion and increasing rapidly in amount with the size of the estate.

So, that was one of the big reasons for President Teddy Roosevelt championing the estate tax. It came at a time like today when there was a growing gap in wealth and in incomes between people. And I think, actually, today, the gaps in wealth and income and the amount of income inequality are even greater than they were back then. And when Teddy Roosevelt championed this, there was a sentiment in this nation that just like at the time of the Revolutionary War, we didn't want to have concentrated power and wealth in the hands of the king. Well, at that time, they didn't want the concentrated power and the wealth in the hands of a few people, which would be turned over to other powerful family members and just keep that power concentrated there.

So, just a brief history over time, not too long ago in the early 2000s, the estate tax at the federal and the State level, the exemption rate was really low. I think in about 2001 at the federal rate; it was about \$675,000 and about a million dollars in Maine. At the federal level, it quickly went up in 2009 to about three and a half million was the exemption rate, then it went in 2012 to about five million dollars and kept rising and then, in the Trump presidency, it went up to almost \$11 million per person which today with, as its risen, is over \$24 million for a couple. So, on the federal level, if you have an estate that's going to be passed on, the first \$24 million, at least at the federal level, will be wiped out and you don't have to worry about that, it would be taxed above and beyond that. At the State level, it's quickly since the early 2000s to now gone from about a million up to about six million. So, the exemption rate has increased very rapidly at the federal and the State and the intent of this by President Roosevelt, Teddy Roosevelt, has diminished where more people are able to concentrate wealth and today, whether it's with the fate of the federal or the State, pretty much anyone who's paying the estate tax, or would be, on their estate are the ultra-wealthy billionaires or people with hundreds of millions of dollars. And these people have spent a lot of money to try to get rid of the estate tax completely at the federal level. When it didn't work there, they've gone state by state, including Maine. And so; but what they've done is they obviously haven't paraded giving tax breaks for the richest people, so they've used other people to sell this, they've used the family farms and small businesses and said that if we don't get rid of the estate tax, family farms and small businesses across the country are going to go out of business. And those were myths that were proven untrue years ago when they had this fight, when the second

President Bush was there, and when they've taken attempts to completely eliminate the estate tax at the federal level, it has been determined that not one farm in this country has been lost to the estate tax. And going back just a few years ago, from the data I saw, there's about 20 farms that had to pay the estate tax but there's ways to mitigate that and not to lose the farm with estate planners and attorneys. And so, there was a journalist that went around state by state, he went to farm bureaus, he went everywhere; Iowa, everywhere; he tried to find one farm that was lost to the estate tax and they cannot find one.

Now, if you're a small business and you've worked hard and you're able to have assets which you think are getting on the borderline that when you pass on your estate, you might owe an estate tax, you go to an estate planner and you pay a few thousand dollars, which is wise to do if you have millions of dollars in assets, and these people are experts in making sure you reduce your total valuation of assets so you don't pay the tax. That's why in Maine, just a couple dozen or so people will actually pay this and in this country, anywhere around this country, less than 1% of people will ever have an estate that will be assessed for an estate tax. And when you go to an estate planner, they incorporate a number of asset protections. They have planning, business succession tools, strategies on workable plans, they have life insurance to ensure the owners of businesses may produce enough estate liquidity to pay off any creditors. The annual exclusion can enable lifetime gifts that you can give. You can give up to \$12.9 million in gifts and lower your valuation of your assets. You can give gifts to family, you can have an irrevocable life insurance trust, you can give charitable donations, you can create family limited partnerships, you can fund qualified personal resident trusts. So, by doing this, if you get a planner or an attorney, they will help you so you don't have to lose your estate and they will reduce your total estate value, so, that is why today, in Maine or anywhere, much less than 1% of people will ever have to deal with this.

What the bill does as well is it gives added protections for our heritage industries; fisheries, farming and logging. And, mind you, farming and working waterfront businesses already have some special protections that lower your valuation, so they already have protection. This bill actually adds an additional \$800,000 so those people in those industries, their first \$3.8 million would be exempt and then everyone else would be at \$3 million. That's where the estate tax threshold would be. I originally put it at two million, that was the rate it was before it got overturned and brought up to over five million a few years ago but I took and calculated, after talking with members of the Tax Committee, I indexed from the year it was changed up till today and figured that two million dollars is now closer to three million.

So, I think this is a very generous proposal and I do have to tell you that before this was changed up to over five million dollars, the exemption rate, when it was at two million dollars, there were not people leaving the State of Maine because they had a rate of two million dollars before they were assessed for the estate tax. This was not an issue. So, if it wasn't an issue when it was at two million dollars, when you index that to three million dollars today, I don't think it will be an issue.

I believe in the intent of this legislation of estate tax that Teddy Roosevelt implemented in about 1910, I think we should not have too much power and wealth concentrated in the hands of a few. About half of all wealth in this country have inherited their wealth and they have not earned it and that's troubling to me while so many Americans are struggling to survive. So, that's what the spirit of this bill is and I'll end by quoting a notable person in Maine who inherited wealth, Dr. Richard Rockefeller,

who passed away recently, he says this; the first reason I support keeping the estate tax is a personal one and has to do with my own children and grandchildren. I care about their inheritance, of course, but I don't look upon that inheritance as a purely material thing. The quality of the world they grow up in will contribute as much or more to their well-being as any amount of money and possessions that I could bequeath. That is to say if the world I leave them is one of gated communities and growing inequality, downward mobility for the middle class, a degraded environment and a rotting social and physical infrastructure, then their inheritance will be a shabby one no matter how much money they get. Thank you, Madam Speaker.

The SPEAKER: The Chair recognizes the Representative from Madison, Representative Ducharme.

Representative **DUCHARME**: Thank you, Madam Speaker, Ladies and Gentlemen of the House. The Representative from Portland has provided all kinds of options in terms of how to avoid estate taxes but the reality of that is most people don't. Most people don't. As presented, this bill is going to hit hardworking Mainers. Right now, the current exemption is \$5.6 million or right around \$6 million. If you calculate what the average millworker like a Sappi millworker or Indie paper or any of those, if you calculate what those folks are going to have in retirement, they're going to pay half of their estate in estate taxes. Those are hardworking people. Do we really want to do that? I don't think so. I know Sappi workers that are retiring from Sappi with \$3 million 401(k)s. They drop dead the day after they retire, their families are immediately going to have to liquidate those 401(k)s to pay the estate tax. That's wrong. I urge you to Ought Not to Pass this bill.

The SPEAKER: The Chair recognizes the Representative from Greenbush, Representative Carmichael.

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

The SPEAKER: The Member may proceed.

Representative **CARMICHAEL**: If there's so many ways to avoid this for small businesses, then what revenue are we gaining for the homeless?

The SPEAKER: The Member has posed a question through the Chair to any Member who cares to answer. The Chair recognizes the Representative from Portland, Representative Skold.

Representative **SKOLD**: Thank you, Madam Speaker, and Members of the House. I rise in favor of this motion, which would restore Maine's estate tax for most estates valued over \$3 million or so. I believe we should restore the estate tax because we are in a housing crisis and this bill will restore millions of annual revenue dedicated to building housing. There are many reasons that someone in this State may be fortunate enough to leave behind an estate of over \$3 million, including support they received throughout their life and their own stewardship and perseverance. Out of all those reasons there is, I expect, one common denominator for success. They had housing. They had a place to call home where they could live, grow, study, work and rest. Housing is foundational to being able to succeed. It seems fair and appropriate that we dedicate a portion of these large estates to making sure that everyone has housing and everyone has a chance to succeed. There are some constituents in my district that will be impacted by this estate tax change. There are others in my district who will benefit from the housing that this revenue will be able to provide. We all deserve a chance to succeed and for that reason I will be voting yes. Thank you, Madam Speaker.

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

Representative **FOSTER**: Thank you, Madam Speaker, Ladies and Gentlemen of the House. It's very difficult to sit here and listen to some of the discussion that we're having on why we should be taking money away from people who have farms, businesses, have worked all their life hard, have paid for their own housing that they are so fortunate to have. That housing which is now worth so much more than when they bought it because of what has happened in this State or they happen to have a small camp that they purchased years ago that, for example, on Little Piper Pond in Abbott, Maine, just sold for \$500,000. When they start adding up what they have, what they have earned because of their hard work; not because somebody gave it to them, because they worked hard all their lives and they look at this and the action you are about to take to reverse what was a reasonable increase from \$2 million to \$5.6 million, which is much, much lower than what the federal government has done for the rest of the states in this country to live with.

Madam Speaker, I only say that we should honor those hardworking people as the Good Representative from Norridgewock has mentioned, and those around the State, those fishermen, those men that own logging operations, that have helped people who work for them buy homes that now may be passing those things on to the next generation. Those that are fortunate enough to have 401(k), a camp that they bought for \$40,000 is now worth \$400,000, or a home and land that they bought for \$75,000 that's now worth a million dollars. I think it's only fair that we leave this as it is and we vote down the pending motion. Thank you, Madam Speaker.

The SPEAKER: The Chair recognizes the Representative from Madison, Representative Ducharme.

Representative **DUCHARME**: Thank you, Madam Speaker, for letting me rise a second time. There are 12 states in the nation that have an estate tax, just 12. The rest of the states have no estate tax. Has anybody ever heard the phrase I'm moving to Florida for six months and a day? Do you know why that is? Because if they move to Florida for six months and a day, Florida has no estate tax, so, the estate that the Good Representative from Portland wants to tax at this ridiculous amount, we won't have any of it.

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. 301

YEA - Ankeles, Arford, Bell, Boyle, Brennan, Cloutier, Collings, Copeland, Dhalac, Doudera, Gattine, Geiger, Gere, Golek, Gramlich, Hasenfus, Jauch, Kessler, Lookner, Madigan, Malon, Mathieson, Matlack, Millett R, Milliken, Montell, Moonen, Murphy, O'Neil, Osher, Pluecker, Rana, Rielly, Roeder, Sachs, Salisbury, Sheehan, Skold, Supica, Terry, Warren, Williams, Worth, Zager, Madam Speaker.

NAY - Adams, Albert, Andrews, Arata, Ardell, Babin, Bagshaw, Blier, Boyer, Bradstreet, Bridgeo, Campbell, Carlow, Carmichael, Cluchey, Collamore, Costain, Crafts, Craven, Cray, Cyrway, Davis, Dill, Dodge, Drinkwater, Ducharme, Dunphy, Faulkingham, Fay, Foster, Fredericks, Galletta, Gifford, Graham, Greenwood, Griffin, Guerrette, Haggan, Hall, Henderson, Hepler, Hobbs, Hymes, Jackson, Kuhn, Lanigan, Lee, Lemelin, Lyman, Mason, Mastraccio, Meyer, Millett H, Moriarty, Morris, Ness, Newman, Nutting, O'Connell, Parry, Paul, Perkins, Perry A, Perry J, Poirier, Polewarczyk, Pomerleau, Pringle, Quint, Reckitt, Riseman, Roberts, Rudnicki, Runte, Russell, Sampson, Sargent, Sayre, Schmersal-Burgess,

Shagoury, Shaw, Simmons, Smith, Soboleski, Stover, Strout, Swallow, Theriault, Thorne, Underwood, Walker, White B, White J, Wood.

ABSENT - Abdi, Crockett, Eaton, Javner, Landry, LaRochelle, Lavigne, Libby, Paulhus, Woodsome, Zeigler.

Yes, 45; No, 94; Absent, 11; Vacant, 0; Excused, 1.

45 having voted in the affirmative and 94 voted in the negative, with 11 being absent and 1 excused, and accordingly the Minority **Ought to Pass as Amended** Report was **NOT ACCEPTED**.

Subsequently, on motion of Representative PERRY of Bangor, 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** with the exception of matters being held.

ENACTORS

Acts

An Act to Provide Maine Ratepayers with Equitable Access to Interconnection of Distributed Generation Resources

(S.P. 148) (L.D. 327)

(C. "A" S-380)

An Act to Require the State to Pay Medicare Premiums for Certain Retired State Employees

(S.P. 259) (L.D. 591)

(C. "A" S-374)

An Act to Require Minimum Pay for Reporting to Work

(S.P. 486) (L.D. 1190)

(C. "A" S-377)

Were 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.

ORDER

On motion of Representative MEYER of Eliot, the following Joint Order: (H.P. 1297)

ORDERED, the Senate concurring, that Bill, "An Act to Allow Maine Families to Increase Their Savings by Removing Asset Limits for Eligibility for the Temporary Assistance for Needy Families Program," H.P. 592, L.D. 945, and all its accompanying papers, be recalled from the Governor's desk to the House.

READ and PASSED.

Sent for concurrence.

By unanimous consent, all matters having been acted upon were **ORDERED SENT FORTHWITH** with the exception of matters being held.

CONSENT CALENDAR

First Day

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

(H.P. 43) (L.D. 68) Bill "An Act to Exempt Certain Nonprofit Organizations from the Sales and Use Tax and the Service Provider Tax" Committee on **TAXATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-665)**

(H.P. 718) (L.D. 1132) Bill "An Act to Allow Certain Liquor Sellers to Conduct Off-premises Taste-testing Events and Retail Sales" Committee on **VETERANS AND LEGAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-666)**

(H.P. 938) (L.D. 1442) Bill "An Act to Recognize an Association of Early Childhood Educators as an Educational Advisory Organization" Committee on **STATE AND LOCAL GOVERNMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-662)**

(H.P. 977) (L.D. 1522) Bill "An Act to Provide Economic Justice to Historically Disadvantaged Older Citizens by Amending the Laws Governing the Medicare Savings Program" Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-661)**

(H.P. 1225) (L.D. 1909) Bill "An Act to Modernize Maine's Beverage Container Redemption Law" Committee on **ENVIRONMENT AND NATURAL RESOURCES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-667)**

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.

REPORTS OF COMMITTEE

Divided Reports

Majority Report of the Committee on **LABOR AND HOUSING** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-671)** on Bill "An Act Requiring the State to Pay a Share of a Retired State Employee's or Retired Teacher's Premium for Medicare Part B Under Medicare Advantage"

(H.P. 79) (L.D. 111)

Signed:

Senator:

TIPPING of Penobscot

Representatives:

ROEDER of Bangor

GEIGER of Rockland

GERE of Kennebunkport

MALON of Biddeford

RUSSELL of Verona Island

SKOLD of Portland

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

Signed:

Senator:

POULIOT of Kennebec

Representatives:

BRADSTREET of Vassalboro

DRINKWATER of Milford

SOBOLESKI of Phillips

READ.

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

The Bill was **READ ONCE. Committee Amendment "A" (H-671)** 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-671)** and sent for concurrence.

Majority Report of the Committee on **STATE AND LOCAL GOVERNMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-668)** on Bill "An Act Directing the Bureau of General Services to Ensure Adequate Air Quality in All State-owned and State-leased Buildings"

(H.P. 745) (L.D. 1173)

Signed:

Senators:

NANGLE of Cumberland
BALDACCI of Penobscot

Representatives:

STOVER of Boothbay
COPELAND of Saco
PAULHUS of Bath
RISEMAN of Harrison

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

Signed:

Senator:

LYFORD of Penobscot

Representatives:

ADAMS of Lebanon
GREENWOOD of Wales
POMERLEAU of Standish
UNDERWOOD of Presque Isle

READ.

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

The Bill was **READ ONCE**. **Committee Amendment "A" (H-668)** 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-668)** and sent for concurrence.

Majority Report of the Committee on **TAXATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-672)** on Bill "An Act to Extend Development District Tax Increment Financing Districts"

(H.P. 1118) (L.D. 1739)

Signed:

Senator:

GROHOSKI of Hancock

Representatives:

PERRY of Bangor
CROCKETT of Portland
HASENFUS of Readfield
MATLACK of St. George
RANA of Bangor

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

Signed:

Senator:

LIBBY of Cumberland

Representatives:

CARMICHAEL of Greenbush
LAVIGNE of Berwick
QUINT of Hodgdon
RUDNICKI of Fairfield

READ.

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

Representative CARMICHAEL of Greenbush **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 Greenbush, Representative Carmichael.

Representative **CARMICHAEL**: Thank you, Madam Speaker, Fellow Members of the House. This bill allows TIFs to be extended for an additional 20 years. Seventy-five percent of the TIF revenue must be used for housing. As I said earlier, housing is a pressing need and we need to find funds for it. TIFs were set up to be spread out over 30 years to accommodate for bonding and borrowing money to do economic projects. Three decades is a long time and a lot of economic things change during that time. The part of this that I think is bad policy is extending it a 20-year-period beyond the 30 years. That's 50 years' worth of changing economic times. I believe that if we want to use TIFs for housing, then there should be new TIFs. We should apply for the TIF and have it designated for the housing and start anew with the TIF for the 30-year period. For that reason, I'm going to oppose this motion. Thank you, Madam Speaker.

The SPEAKER: The Chair recognizes the Representative from Falmouth, Representative Kuhn.

Representative **KUHN**: Thank you, Madam Speaker, Esteemed Colleagues of the House. I rise in support of the pending motion. The goal of this bill is to encourage community investment in new affordable housing developments and transit-oriented projects; two critical priorities for our State. If you're not familiar, tax increment financing district is a financing tool commonly used by municipalities to manage their budgets, particularly with respect to expensive capital improvement projects, while attracting economic development to their communities. Right now, 131 Maine municipalities and six unorganized territories are employing TIFs all over the State. Were it not for the prop rule, I would be showing you right now a map that I brought to the work session indicating the location of all these TIFs across that State. And you would see that everywhere there are people, there are TIFs. From Caribou to Kittery, from Rangeley to Calais.

As amended, this bill would allow municipalities to extend an existing TIF at its original valuation for an additional 20 years, which is the typical municipal bond duration, while requiring that at least 75% of revenue be spent on affordable housing and transit, effectively juicing investment in these critical priority areas. In 10 years, the law would automatically sunset unless a future Legislature extends it. To be clear, no municipality would be required to use this program. It is just another tool for municipalities to encourage investment in these areas by providing a financial incentive for communities and property

taxpayers to really get behind affordable housing development. To seek it out, to support it and make new affordable housing a reality in their communities.

As we know and as we regularly discuss here in this Chamber, here in Maine, we are facing an unprecedented crisis in housing which is causing harm to our people, our economy and our future. We need to throw everything we have at this problem in the next several years to get caught up. This bill offers another innovative option to help us get there and for that reason, I urge my colleagues to support the pending motion. Thank you, Madam Speaker.

The SPEAKER: The Chair recognizes the Representative from Kennebunkport, Representative Gere.

Representative **GERE**: Thank you, Madam Speaker. Madam Speaker, in the Housing Committee, we talk a lot about fueling what works and fixing what doesn't in order to address our housing crisis. LD 1739 is a great example of fueling what works. It allows municipalities to extend maturing development district TIFs for 20 years, as long as 75% of the TIF revenues support affordable housing and transit development, both of which are essential to viable housing solutions.

It's a very sensible step to take to use this proven tool to allow municipalities to extend TIFs to support affordable housing development. And for those reasons, I urge that this Body support 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. 302

YEA - Ankeles, Arford, Bell, Blier, Boyle, Bradstreet, Brennan, Bridgeo, Carlow, Cloutier, Cluchey, Collings, Copeland, Crafts, Craven, Dhalac, Dill, Dodge, Doudera, Ducharme, Fay, Gattine, Geiger, Gere, Golek, Graham, Gramlich, Hasenfus, Hepler, Hobbs, Jackson, Jauch, Kessler, Kuhn, Lee, Lookner, Madigan, Malon, Mastraccio, Mathieson, Matlack, Meyer, Millett R, Milliken, Montell, Moonen, Moriarty, Murphy, O'Connell, O'Neil, Osher, Perry A, Perry J, Pluecker, Pringle, Rana, Reckitt, Rielly, Riseman, Roberts, Roeder, Runte, Russell, Sachs, Salisbury, Sargent, Sayre, Shagoury, Shaw, Sheehan, Skold, Stover, Supica, Terry, Theriault, Warren, White B, Worth, Zager, Madam Speaker.

NAY - Adams, Albert, Andrews, Arata, Ardell, Babin, Bagshaw, Boyer, Campbell, Carmichael, Collamore, Costain, Cray, Cyrway, Davis, Drinkwater, Dunphy, Faulkingham, Foster, Fredericks, Galletta, Gifford, Greenwood, Griffin, Guerrette, Haggan, Hall, Henderson, Hymes, Lanigan, Lemelin, Lyman, Mason, Millett H, Morris, Ness, Newman, Nutting, Parry, Paul, Perkins, Poirier, Polewarczyk, Pomerleau, Quint, Rudnicki, Sampson, Schmearsal-Burgess, Simmons, Smith, Soboleski, Strout, Swallow, Thorne, Underwood, Walker, White J, Wood.

ABSENT - Abdi, Crockett, Eaton, Javner, Landry, LaRochelle, Lavigne, Libby, Paulhus, Williams, Woodsome, Zeigler.

Yes, 80; No, 58; Absent, 12; Vacant, 0; Excused, 1.

80 having voted in the affirmative and 58 voted in the negative, with 12 being absent and 1 excused, and accordingly the Majority **Ought to Pass as Amended** Report was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (H-672)** 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-672)** and sent for concurrence.

By unanimous consent, all matters having been acted upon were **ORDERED SENT FORTHWITH** with the exception of matters being held.

Majority Report of the Committee on **JUDICIARY** reporting **Ought Not to Pass** on Bill "An Act to Reduce Abuse of the Civil Ex Parte Attachment and Trustee Processes"

(S.P. 577) (L.D. 1459)

Signed:

Senators:

CARNEY of Cumberland

BAILEY of York

Representatives:

MOONEN of Portland

ANDREWS of Paris

HENDERSON of Rumford

KUHN of Falmouth

LEE of Auburn

MORIARTY of Cumberland

RECKITT of South Portland

SHEEHAN of Biddeford

Minority Report of the same Committee reporting **Ought to Pass** on same Bill.

Signed:

Senator:

BRAKEY of Androscoggin

Representatives:

HAGGAN of Hampden

POIRIER of Skowhegan

Representative DANA of the Passamaquoddy Tribe - of the House - supports the Majority **Ought Not to Pass** Report.

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

READ.

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

ENACTORS

Emergency Measure

An Act to Address the Recent Mill Closure in the Town of Jay by Providing Funds to Offset Property Tax Loss

(H.P. 1256) (L.D. 1954)

(C. "A" H-625)

Was 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.

Acts

An Act to Protect Health Care Professionals Providing Reproductive Health Care Services

(H.P. 393) (L.D. 616)
(C. "A" H-402)

An Act to Reduce Barriers to Housing by Limiting Tenant Application Fees

(H.P. 460) (L.D. 691)
(C. "A" H-595)

An Act to Remove Barriers to Abortion Coverage in Private Insurance

(H.P. 582) (L.D. 935)
(C. "A" H-435)

An Act to Enhance Access to a Second Opinion for Health Care Services or Treatment

(H.P. 630) (L.D. 995)
(C. "A" H-433)

An Act to Protect the Reproductive Freedom of Maine People by Preempting the Field of Abortion Regulation

(H.P. 857) (L.D. 1343)
(C. "A" H-279)

An Act to Advance Justice in Sentencing by Amending the Laws Governing the Maine Criminal Justice Sentencing Institute

(H.P. 990) (L.D. 1535)
(C. "A" H-600)

An Act to Promote a Diverse, More Experienced Workforce and Ensure High-quality Careers by Increasing Registered Apprenticeship Programs

(H.P. 991) (L.D. 1539)
(C. "A" H-629)

An Act to Improve Geographic Information System Data Acquisition and Maintenance

(S.P. 674) (L.D. 1687)
(C. "A" S-383)

An Act to Enable Confirmatory Adoption

(H.P. 1221) (L.D. 1906)
(C. "A" H-602)

Were 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.

Resolve

Resolve, to Establish a Commission to Commemorate the 250th Anniversary of the Founding of the United States

(H.P. 665) (L.D. 1029)
(C. "A" H-624)

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

Acts

An Act to Require Certain School Identification Cards to Include the Telephone Number of a Suicide and Crisis Hotline

(H.P. 811) (L.D. 1263)
(C. "A" H-645)

An Act to Increase Affordable Housing by Expanding Tax Increment Financing

(H.P. 948) (L.D. 1493)
(C. "A" H-646)

An Act to Provide Funding for the Supplemental Nutrition Assistance Program to Restore Benefits Reduced by the Federal Government

(H.P. 1029) (L.D. 1584)
(C. "A" H-649)

An Act to Implement the Recommendations of the Governor's Advisory Council on Military Sexual Trauma

(H.P. 1146) (L.D. 1783)
(C. "A" H-635)

Were 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.

Resolve

Resolve, to Provide Grants to Support Reading Proficiency Programming in Schools

(H.P. 981) (L.D. 1526)
(C. "A" H-644)

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

REPORTS OF COMMITTEE

Divided Reports

Majority Report of the Committee on **ENERGY, UTILITIES AND TECHNOLOGY** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-359)** on Bill "An Act Regarding Future Energy Procurements for Renewable Energy Development in Northern Maine"

(S.P. 792) (L.D. 1943)

Signed:

Senators:

LAWRENCE of York
GROHOSKI of Hancock

Representatives:

ZEIGLER of Montville
BABIN of Fort Fairfield
BOYLE of Gorham
GEIGER of Rockland
KESSLER of South Portland
RUNTE of York
WARREN of Scarborough

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

Signed:

Senator:

HARRINGTON of York

Representatives:

DUNPHY of Embden
FOSTER of Dexter
PAUL of Winterport

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-359) AS AMENDED BY SENATE AMENDMENT "A" (S-390)** thereto.

READ.

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

Representative FOSTER of Dexter **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. 303

YEA - Albert, Ankeles, Arford, Babin, Bell, Boyle, Brennan, Bridgeo, Cloutier, Cluchey, Collings, Copeland, Crafts, Craven, Dhalac, Dill, Dodge, Doudera, Fay, Gattine, Geiger, Gere, Golek, Graham, Gramlich, Guerrette, Hasenfus, Hepler, Hobbs, Jauch, Kessler, Kuhn, Lee, Lookner, Madigan, Malon, Mastraccio, Mathieson, Matlack, Meyer, Millett R, Milliken, Montell, Moonen, Moriarty, Murphy, O'Connell, O'Neil, Osher, Perry A, Perry J, Pluecker, Pringle, Rana, Reckitt, Rielly, Riseman, Roberts, Roeder, Runte, Russell, Sachs, Salisbury, Sargent, Sayre, Shagoury, Shaw, Sheehan, Skold, Stover, Supica, Terry, Theriault, Warren, White B, Worth, Zager, Madam Speaker.

NAY - Adams, Andrews, Arata, Ardell, Bagshaw, Blier, Boyer, Bradstreet, Campbell, Carlow, Carmichael, Collamore, Costain, Cray, Cyrway, Davis, Drinkwater, Ducharme, Dunphy, Faulkingham, Foster, Fredericks, Galletta, Gifford, Greenwood, Griffin, Haggan, Hall, Henderson, Hymes, Jackson, Lanigan, Lemelin, Lyman, Mason, Millett H, Morris, Ness, Newman, Nutting, Parry, Paul, Perkins, Poirier, Polewarczyk, Pomerleau, Quint, Rudnicki, Sampson, Schmersal-Burgess, Simmons, Smith, Soboleski, Strout, Swallow, Thorne, Underwood, Walker, White J, Wood.

ABSENT - Abdi, Crockett, Eaton, Javner, Landry, LaRochelle, Lavigne, Libby, Paulhus, Williams, Woodsome, Zeigler.

Yes, 78; No, 60; Absent, 12; Vacant, 0; Excused, 1.

78 having voted in the affirmative and 60 voted in the negative, with 12 being absent and 1 excused, and accordingly the Majority **Ought to Pass as Amended** Report was **ACCEPTED**.

The Bill was **READ ONCE. Committee Amendment "A" (S-359)** was **READ** by the Clerk.

Senate Amendment "A" (S-390) to **Committee Amendment "A" (S-359)** was **READ** by the Clerk and **ADOPTED**.

Committee Amendment "A" (S-359) as Amended by Senate Amendment "A" (S-390) 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-359) as Amended by Senate Amendment "A" (S-390)** thereto in concurrence.

By unanimous consent, all matters having been acted upon were **ORDERED SENT FORTHWITH** with the exception of matters being held.

Majority Report of the Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-674)** on Bill "An Act to Establish Minimum Pay for Educational Technicians and Other School Support Staff"

(H.P. 621) (L.D. 974)

Signed:

Senators:

RAFFERTY of York
LIBBY of Cumberland
PIERCE of Cumberland

Representatives:

BRENNAN of Portland
BAGSHAW of Windham
DODGE of Belfast
LYMAN of Livermore Falls
MILLETT of Cape Elizabeth
MURPHY of Scarborough
SAMPSON of Alfred
SARGENT of York
WORTH of Ellsworth

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "B" (H-675)** on same Bill.

Signed:

Representative:

POLEWARCZYK of Wiscasset

READ.

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

On motion of the same Representative, **TABLED** pending his motion to **ACCEPT** the Majority **Ought to Pass as Amended** Report and later today assigned.

Majority Report of the Committee on **HEALTH COVERAGE, INSURANCE AND FINANCIAL SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-683)** on Bill "An Act to Ensure Access to Health Care"

(H.P. 168) (L.D. 263)

Signed:

Senators:

BAILEY of York
RENY of Lincoln

Representatives:

PERRY of Calais
ARFORD of Brunswick
CLUCHEY of Bowdoinham
MASTRACCIO of Sanford
MATHIESON of Kittery
PRINGLE of Windham

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

Signed:

Senator:

BRAKEY of Androscoggin

Representatives:

CYRWAY of Albion
MORRIS of Turner
NUTTING of Oakland
SWALLOW of Houlton

READ.

Representative PERRY of Calais 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 Turner, Representative Morris.

Representative **MORRIS**: Thank you, Madam Speaker. I rise in opposition to the pending motion. This bill would require the Department of Health and Human Services to take into account whether or not abortion services would be available in the event of a merger within a hospital system. This is targeted at Catholic hospitals, specifically. This was stated during much of the public hearing. Aside from the problem with that, there is the issue of that we are in a very rural State, there are a number of places that if we were to run into a situation in rural Maine where there was a hospital that was in danger and needed to close and the only purchaser were a Catholic hospital, it would be very problematic if they could not purchase them simply because they don't provide abortion services for that area. I think the people of those areas would say it would be beneficial to have a hospital in the case of an emergency, regardless of what other selective procedures may be available, that it is important to have a hospital that is in working order. I would also add that the Maine Hospitals Association testified against this bill. They say this is another unnecessary burden on that process, on the COM process. So, I would encourage this Body to reject the pending motion. Thank you.

The SPEAKER: The Chair recognizes the Representative from Houlton, Representative Swallow.

Representative **SWALLOW**: Thank you, Madam Speaker. Recently in the State of Maine, there have been many mergers due to the issues surrounding hospitals especially in small communities. And, in fact, now, there are eight Maine hospitals that are currently on an endangered species list, according to a new recent report.

The issues brought forth by this bill serve as a stumbling block to hospital mergers and health care facility mergers when they're most needed and in the more rural communities. The legislation states that the Commissioner of the Health and Human Services may approve a transaction only if the Commissioner determines the project will not reduce access to any sexual or reproductive health services, including abortion care. There's an exception and that exception is only on the last case analysis due to financial feasibility and economic issues that no other possibilities and alternatives are available.

According to the Guttmacher Institute on Abortions, Maine's abortions increased between 2017 and 2020 by 15%, which is almost double the national average. And in 2017, nationally, 60% of abortions were provided at abortion clinics, 35% at nonspecialized clinics and 3% at hospitals. Just 3% at hospitals. And, furthermore, since 2014, Maine's abortion clinics and facilities have increased over 100%. So, access to abortion in Maine is alive and well, so, why the added issue in this bill incorporated to interject it in a complex and struggling health care system eludes me and the priority that abortion is given in these cases as compared to the total needs of health care in these communities just doesn't make sense. This legislation is unnecessary and does not help Maine health care needs.

I think what may be the driving force here is that in August of 2002, the Fifth Circuit Court of Appeals permanently enjoined the United States Department of Health and Human Services from requiring Catholic hospital networks to perform abortions

or sexual reassignment surgeries, in violation of their sincerely-held religious beliefs. This ruling was driven by the federal government having earlier determined that a refusal to perform abortion or get gender identity violated a ban on sex discrimination. The courts determined otherwise. This bill is mindful to me of the Blaine amendments in the second half of the 19th century. The message of this bill is loud and clear, regardless of how its clothed, and there only remains three Catholic hospitals in Maine. Basically, if a hospital is considering a merger with another health care facility, then Catholic health care facilities really need to step back in the line. Maine will do all we can to prevent this merger. This bill is not about health care. I urge you to vote against this motion. Thank you.

The SPEAKER: The Chair recognizes the Representative from Calais, Representative Perry.

Representative **PERRY**: Thank you, Madam Speaker. Just a little bit about this bill. This bill does not increase services but prevents services, which includes family planning, vasectomies and other procedures; this is not to increase the services but to guarantee that the services will not be decreased. That is what this bill is about. Thank you.

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

Representative **LANIGAN**: Thank you, Madam Speaker. Just real quick is; there's a lot of talk about abortion and I get it, it's a very sensitive subject and I'll be the first one to say is I believe it's a woman's choice. I signed up for this job and I ran for this office to help Maine people and I'm just confused looking at numbers, Madam Speaker. In 2020, there was 2,370 abortions in the State of Maine throughout 21 facilities. You take a state like Illinois, they had 52,780 through 40 facilities. So, it seems like we have plenty of opportunities and options for Mainers in the State and I just kind of wondering why; I guess I'm posing a question through the Chair is why we're talking so much about this when there's so many other things broken in our State. Thank you so much, Madam Speaker.

The SPEAKER: The Member has posed a question through the Chair to any Member who cares to answer.

Seeing none, 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. 304

YEA - Ankeles, Arford, Bell, Boyle, Brennan, Bridgeo, Cloutier, Cluchey, Collings, Copeland, Crafts, Craven, Dhalac, Dill, Dodge, Doudera, Fay, Gattine, Geiger, Gere, Golek, Graham, Gramlich, Hasenfus, Hepler, Hobbs, Jauch, Kessler, Kuhn, Lee, Lookner, Madigan, Malon, Mastraccio, Mathieson, Matlack, Meyer, Millett R, Milliken, Montell, Moonen, Moriarty, Murphy, O'Neil, Osher, Perry A, Pluecker, Pringle, Rana, Reckitt, Rielly, Riseman, Roberts, Roeder, Runte, Russell, Sachs, Salisbury, Sargent, Sayre, Shagoury, Shaw, Sheehan, Skold, Stover, Supica, Terry, Warren, Worth, Zager, Madam Speaker.

NAY - Adams, Albert, Andrews, Arata, Ardell, Babin, Bagshaw, Blier, Boyer, Bradstreet, Campbell, Carlou, Carmichael, Collamore, Costain, Cray, Cyrway, Davis, Drinkwater, Ducharme, Dunphy, Faulkingham, Foster, Fredericks, Galletta, Gifford, Greenwood, Griffin, Guerrette, Haggan, Hall, Henderson, Hymes, Jackson, Lanigan, Lemelin, Lyman, Mason, Millett H, Morris, Ness, Newman, Nutting, Parry, Paul, Perkins, Poirier, Polewarczyk, Pomerleau, Quint, Rudnicki, Sampson, Schmearsal-Burgess, Simmons, Smith, Soboleski, Strout, Swallow, Theriault, Thorne, Underwood, Walker, White B, White J, Wood.

ABSENT - Abdi, Crockett, Eaton, Javner, Landry, LaRochelle, Lavigne, Libby, O'Connell, Paulhus, Perry J, Williams, Woodsome, Zeigler.

Yes, 71; No, 65; Absent, 14; Vacant, 0; Excused, 1.

71 having voted in the affirmative and 65 voted in the negative, with 14 being absent and 1 excused, and accordingly the Majority **Ought to Pass as Amended** Report was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (H-683)** 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-683)** and sent for concurrence.

Majority Report of the Committee on **JUDICIARY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-676)** on Bill "An Act to Provide Remedies for Survivors of Commercial Sexual Exploitation"

(H.P. 932) (L.D. 1436)

Signed:

Senators:

CARNEY of Cumberland
BAILEY of York
BRAKEY of Androscoggin

Representatives:

MOONEN of Portland
ANDREWS of Paris
KUHN of Falmouth
LEE 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:

HAGGAN of Hampden
HENDERSON of Rumford
POIRIER of Skowhegan

Representative DANA of the Passamaquoddy Tribe - of the House - supports the Majority **Ought to Pass as Amended by Committee Amendment "A" (H-676)** Report.

READ.

On motion of Representative MOONEN of Portland, **TABLED** pending **ACCEPTANCE** of either Report and later today assigned.

Majority Report of the Committee on **TAXATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-687)** on Bill "An Act to Amend the State Tax Laws" (EMERGENCY)

(H.P. 1153) (L.D. 1808)

Signed:

Senators:

GROHOSKI of Hancock
CHIPMAN of Cumberland
LIBBY of Cumberland

Representatives:

PERRY of Bangor
CARMICHAEL of Greenbush
CROCKETT of Portland
HASENFUS of Readfield
LAVIGNE of Berwick
MATLACK of St. George
QUINT of Hodgdon
RANA of Bangor
RUDNICKI of Fairfield

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

Signed:

Representative:

LIBBY of Auburn

READ.

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

The Bill was **READ ONCE**. **Committee Amendment "A" (H-687)** 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-687)** and sent for concurrence.

Majority Report of the Committee on **VETERANS AND LEGAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-684)** on Bill "An Act to Amend the Adult Use Cannabis Laws"

(H.P. 1205) (L.D. 1880)

Signed:

Senators:

HICKMAN of Kennebec
BRENNER of Cumberland

Representatives:

BOYER of Poland
HYMES of Waldo
MALON of Biddeford
RIELLY of Westbrook
RISEMAN of Harrison
RUDNICKI of Fairfield

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

Signed:

Senator:

TIMBERLAKE of Androscoggin

Representative:

MONTELL of Gardiner

READ.

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

The Bill was **READ ONCE**. **Committee Amendment "A" (H-684)** was **READ** by the Clerk.

Representative SUPICA of Bangor **PRESENTED House Amendment "A" (H-695) to Committee Amendment "A" (H-684)**, which was **READ** by the Clerk and **ADOPTED**.

Committee Amendment "A" (H-684) as Amended by House Amendment "A" (H-695) 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" (H-684) as Amended by House Amendment "A" (H-695)** thereto and sent for concurrence.

By unanimous consent, all matters having been acted upon were **ORDERED SENT FORTHWITH** with the exception of matters being held.

CONSENT CALENDAR
First Day

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

(H.P. 147) (L.D. 226) Bill "An Act to Address Maine's Affordable Housing Crisis" Joint Select Committee on **HOUSING** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-673)**

(H.P. 152) (L.D. 231) Bill "An Act to Support the Maine Pediatric and Behavioral Health Partnership Program" Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-685)**

(H.P. 886) (L.D. 1372) Bill "An Act to Amend the Workers' Compensation Self-insurance Laws to Allow for the Use of Fronting Companies" Committee on **HEALTH COVERAGE, INSURANCE AND FINANCIAL SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-682)**

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** with the exception of matters being held.

SENATE PAPERS
Non-Concurrent Matter

Bill "An Act to Prevent Opioid Overdose Deaths by Establishing Safe Consumption Sites"

(H.P. 878) (L.D. 1364)

Report "A" (6) **OUGHT TO PASS AS AMENDED** of the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-548)** in the House on June 15, 2023.

Came from the Senate with Report "C" (1) **OUGHT TO PASS AS AMENDED** of the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (H-549)** in **NON-CONCURRENCE**.

On motion of Representative TERRY of Gorham, **TABLED** pending **FURTHER CONSIDERATION** and later today assigned.

COMMUNICATIONS

The Following Communication: (S.C. 640)

MAINE SENATE
131ST LEGISLATURE
OFFICE OF THE SECRETARY

June 20, 2023

Honorable Robert B. Hunt

Clerk of the House

2 State House Station

Augusta, ME 04333

Dear Clerk Hunt:

Please be advised the Senate today insisted to its previous action whereby it accepted Report "A" Ought to Pass as Amended from the Committee on Criminal Justice and Public Safety and Passed to be Engrossed as Amended Bill "An Act to Include Possession of Compounds, Mixtures or Substances Containing a Detectable Amount of Certain Scheduled Drugs to Prove the Offense of Unlawful Trafficking of Scheduled Drugs" (H.P. 629) (L.D. 994) in non-concurrence.

Best Regards,

S/Darek M. Grant

Secretary of the Senate

READ and **ORDERED PLACED ON FILE**.

The Following Communication: (S.C. 641)

MAINE SENATE
131ST LEGISLATURE
OFFICE OF THE SECRETARY

June 20, 2023

Honorable Robert B. Hunt

Clerk of the House

2 State House Station

Augusta, ME 04333

Dear Clerk Hunt:

Please be advised the Senate today insisted to its previous action whereby it Failed to Enact Bill "An Act to Increase the Number of Children a Family Child Care Provider May Care for Without Having to Be Licensed by the Department of Health and Human Services" (S.P. 430) (L.D. 1061) in non-concurrence.

Best Regards,

S/Darek M. Grant

Secretary of the Senate

READ and **ORDERED PLACED ON FILE**.

The Following Communication: (S.C. 642)

MAINE SENATE
131ST LEGISLATURE
OFFICE OF THE SECRETARY

June 20, 2023

Honorable Robert B. Hunt

Clerk of the House

2 State House Station

Augusta, ME 04333

Dear Clerk Hunt:

Please be advised the Senate today insisted to its previous action whereby it Engrossed Bill "An Act to Strengthen Maine Citizens' Second Amendment Rights by Allowing the Discharge of Firearms on Private Property That Is Within 500 Feet of School Property in Certain Circumstances" (H.P. 356) (L.D. 551) in non-concurrence.

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

READ and ORDERED PLACED ON FILE.

The Following Communication: (S.C. 643)

**MAINE SENATE
131ST LEGISLATURE
OFFICE OF THE SECRETARY**

June 20, 2023
Honorable Robert B. Hunt
Clerk of the House
2 State House Station
Augusta, ME 04333
Dear Clerk Hunt:

Please be advised the Senate today insisted to its previous action whereby it accepted the Minority Ought to Pass as Amended Report from the Committee on Criminal Justice and Public Safety and Passed to be Engrossed as Amended Bill "An Act to Prohibit Government Officials from Maintaining Records Related to Firearms Owners" (H.P. 401) (L.D. 624) in non-concurrence.

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

READ and ORDERED PLACED ON FILE.

The Following Communication: (S.C. 644)

**MAINE SENATE
131ST LEGISLATURE
OFFICE OF THE SECRETARY**

June 20, 2023
Honorable Robert B. Hunt
Clerk of the House
2 State House Station
Augusta, ME 04333
Dear Clerk Hunt:

Please be advised the Senate today adhered to its previous action whereby it accepted Report "B" Ought Not to Pass from the Committee on Energy, Utilities and Technology on Resolve, to Study the Effects of 5G Technology on Bird, Bee and Insect Populations and the Effects of Long-term Exposure on Children (H.P. 466) (L.D. 697) in non-concurrence.

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

READ and ORDERED PLACED ON FILE.

The Following Communication: (S.C. 645)

**MAINE SENATE
131ST LEGISLATURE
OFFICE OF THE SECRETARY**

June 20, 2023
Honorable Robert B. Hunt
Clerk of the House
2 State House Station
Augusta, ME 04333
Dear Clerk Hunt:

Please be advised the Senate today insisted to its previous action whereby it accepted Report "A" Ought to Pass as Amended from the Committee on Veterans and Legal Affairs and Passed to be Engrossed "RESOLUTION, Proposing an

Amendment to the Constitution of Maine to Change the Length of Legislators' Terms to 4 Years" (H.P. 542) (L.D. 852) in non-concurrence.

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

READ and ORDERED PLACED ON FILE.

The Following Communication: (S.C. 646)

**MAINE SENATE
131ST LEGISLATURE
OFFICE OF THE SECRETARY**

June 20, 2023
Honorable Robert B. Hunt
Clerk of the House
2 State House Station
Augusta, ME 04333
Dear Clerk Hunt:

Please be advised the Senate today insisted to its previous action whereby it accepted the Minority Ought to Pass as Amended Report from the Committee on Energy, Utilities and Technology and Passed to be Engrossed as Amended Bill "An Act Requiring the Installation of Electric Vehicle Charging Stations in New Commercial and Multifamily Parking Lot Construction" (H.P. 329) (L.D. 524) in non-concurrence.

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

READ and ORDERED PLACED ON FILE.

**REPORT OF COMMITTEE
Divided Report**

Majority Report of the Committee on **JUDICIARY** reporting **Ought Not to Pass** on Bill "An Act Regarding a Discovery Rule for the Statute of Limitations for Cases of Medical Negligence" (H.P. 354) (L.D. 549)

Signed:
Senators:

CARNEY of Cumberland
BRAKEY of Androscoggin

Representatives:

ANDREWS of Paris
HENDERSON of Rumford
KUHN of Falmouth
MORIARTY of Cumberland
POIRIER of Skowhegan

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-656)** on same Bill.

Signed:
Senator:

BAILEY of York

Representatives:

MOONEN of Portland
HAGGAN of Hampden
LEE of Auburn
RECKITT of South Portland
SHEEHAN of Biddeford

Representative DANA of the Passamaquoddy Tribe - of the House - supports the Minority **Ought to Pass as Amended by Committee Amendment "A" (H-656)** Report.

READ.

On motion of Representative MOONEN of Portland, **TABLED** pending **ACCEPTANCE** of either Report and later today assigned.

By unanimous consent, all matters having been acted upon were **ORDERED SENT FORTHWITH** with the exception of matters being held.

On motion of Representative POIRIER of Skowhegan, the House adjourned at 11:35 p.m., until 10:00 a.m., Thursday, June 22, 2023, in honor and lasting tribute to Anna Cutler of Dixmont, the Honorable Pamela Hatch of Skowhegan, the Honorable Herbert E. Clark of Millinocket and Guy Perron of Bangor.