

MAINE STATE LEGISLATURE

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ONE HUNDRED THIRTY-FIRST LEGISLATURE
FIRST SPECIAL SESSION
32nd Legislative Day
Friday, June 23, 2023

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

Prayer by Honorable Victoria W. Doudera, Camden.
National Anthem by Honorable John "Jack" E. Ducharme III, Madison.

Pledge of Allegiance.
The Journal of yesterday was read and approved.

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

SENATE PAPERS
Non-Concurrent Matter

Bill "An Act to Clarify Licensing Jurisdiction for Manufactured Housing Communities" (S.P. 741) (L.D. 1825)

Majority (8) **OUGHT NOT TO PASS** Report of the Committee on **STATE AND LOCAL GOVERNMENT READ and ACCEPTED** in the House on June 22, 2023.

Came from the Senate with that Body having **INSISTED** on its former action whereby the Minority (3) **OUGHT TO PASS** Report of the Committee on **STATE AND LOCAL GOVERNMENT** was **READ and ACCEPTED** and the Bill **PASSED TO BE ENGROSSED and ASKED** for a Committee of Conference in **NON-CONCURRENCE**.

The House voted to **INSIST**.

Non-Concurrent Matter

Bill "An Act to Strengthen Maine's Elementary and Secondary Education System by Clarifying Purposes and Procedures for Reviews of Schools" (H.P. 916) (L.D. 1420)

PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-581) in the House on June 20, 2023.

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-581) AS AMENDED BY SENATE AMENDMENT "A" (S-427)** thereto in **NON-CONCURRENCE**.

The House voted to **RECEDE AND CONCUR**.

Non-Concurrent Matter

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)

Minority (6) **OUGHT TO PASS AS AMENDED** Report 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-338)** in the House on June 21, 2023.

Came from the Senate with the Majority (7) **OUGHT TO PASS AS AMENDED** Report 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-337)** in **NON-CONCURRENCE**.

The House voted to **RECEDE AND CONCUR**.

COMMUNICATIONS

The Following Communication: (S.C. 648)

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 Majority Ought Not to Pass Report from the Committee on Health Coverage, Insurance and Financial Services on Bill "An Act to Allow a Qualifying Religious Organization to Self-insure for Automobile Insurance" (H.P. 640) (L.D. 1004) in non-concurrence.

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

READ and ORDERED PLACED ON FILE.

The Following Communication: (S.C. 649)

MAINE SENATE
131ST LEGISLATURE
OFFICE OF THE SECRETARY

June 22, 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 Not to Pass Report from the Committee on Education and Cultural Affairs on Bill "An Act to Reform the School Budget Referendum Process by Limiting the Circumstances in Which Referenda Occur" (H.P. 1127) (L.D. 1748) in non-concurrence.

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

READ and ORDERED PLACED ON FILE.

The Following Communication: (S.C. 650)

MAINE SENATE
131ST LEGISLATURE
OFFICE OF THE SECRETARY

June 22, 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 Not to Pass Report from the Committee on Energy, Utilities and Technology on Bill "An Act to Increase Adoption of Solar Power in Maine" (H.P. 780) (L.D. 1232) in non-concurrence.

Best Regards,

S/Darek M. Grant

Secretary of the Senate

READ and **ORDERED PLACED ON FILE.**

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

ORDERS

On motion of Representative LAJOIE of Lewiston, the following House Order: (H.O. 30)

ORDERED, that Representative Jeffrey Sean Adams of Lebanon be excused Jun 12, 13, 14 and 15 for health reasons.

AND BE IT FURTHER ORDERED, that Representative John Andrews of Paris be excused Jun 6 and 7 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Rebecca J. Millett of Cape Elizabeth be excused Jun 16 for health reasons.

AND BE IT FURTHER ORDERED, that Representative Tiffany Roberts of South Berwick be excused Jun 16 for health reasons.

READ and **PASSED.**

REPORTS OF COMMITTEE

Ought to Pass Pursuant to Statute

Report of the **Joint Standing Committee on Energy, Utilities and Technology** on Bill "An Act to Address Abandoned Capital Credits Held by Rural Electrification Cooperatives"

(S.P. 835) (L.D. 2013)

Reporting **Ought to Pass** pursuant to the Maine Revised Statutes, Title 35-A, section 1714, subsection 8.

Came from the Senate with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED.**

The Report was **READ** and **ACCEPTED.**

The Bill was **READ ONCE.**

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

Under further suspension of the rules the Bill was **PASSED TO BE ENGROSSED** in concurrence.

Ought to Pass Pursuant to the Constitution

Report of the **Chief Justice of the Supreme Judicial Court** on Resolve, Approving the 2023 Draft and Arrangement of the Constitution of Maine Made by the Chief Justice of the Supreme Judicial Court and Providing for Its Publication and Distribution (EMERGENCY)

(S.P. 837) (L.D. 2015)

Reporting **Ought to Pass** pursuant to the Constitution of Maine, Article X, Section 6.

Came from the Senate with the Report **READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED.**

The Report was **READ** and **ACCEPTED.**

The Resolve was **READ ONCE.**

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

Under further suspension of the rules the Resolve was **PASSED TO BE ENGROSSED** in concurrence.

Refer to the Committee on Energy, Utilities and Technology Pursuant to Joint Order

Report of the **Joint Standing Committee on Energy, Utilities and Technology** on Bill "An Act to Implement Recommendations of the Distributed Generation Stakeholder Group"

(S.P. 838) (L.D. 2016)

Reporting that it be **REFERRED** to the Committee on **ENERGY, UTILITIES AND TECHNOLOGY** pursuant to Joint Order 2023, S.P. 747.

Came from the Senate with the Report **READ** and **ACCEPTED** and the Bill **REFERRED** to the Committee on **ENERGY, UTILITIES AND TECHNOLOGY.**

The Report was **READ** and **ACCEPTED** and the Bill was **REFERRED** to the Committee on **ENERGY, UTILITIES AND TECHNOLOGY** in concurrence.

Divided Reports

Majority Report of the Committee on **ENERGY, UTILITIES AND TECHNOLOGY** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-421)** on Bill "An Act Relating to Net Energy Billing and Distributed Solar and Energy Storage Systems"

(S.P. 815) (L.D. 1986)

Signed:

Senators:

LAWRENCE of York
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:

Senator:

HARRINGTON of York

Representatives:

BABIN of Fort Fairfield
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-421).**

READ.

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

The same Representative **REQUESTED** that the Clerk **READ** the Committee Report.

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

The **SPEAKER**: The Chair recognizes the Representative from Montville, Representative Zeigler.

Representative **ZEIGLER**: Thank you, Madam Speaker. Madam Speaker, during the last few days, we've received sheets on our desks showing a very sort of scary view of the fact that the net billing is causing \$220 million increases in what ratepayers will have to pay and also, it implied that the net energy billing was only helping fat cats from Wall Street. First of all, I'd like to say that those fat cats live in my district, such as ReVision Energy, which produces jobs and is very, very helpful to the ratepayers in my district. Also, we can look at Sundog in Searsport. We can look at different developers all across this State, small developers who are not from Wall Street. If you look at the bottom of that sheet, you'll notice who paid for that sheet and it's a large lobbying concern that represents many international groups such as Dragon, which is a Chinese company, and also other companies that are on Wall Street. So, there's a little bit of irony there. The \$220 million is --

Representative **DUNPHY**: Point of Order.

The **SPEAKER**: The Chair recognizes the Representative from Embden, Representative Dunphy, and inquires as to why he rises.

Representative **DUNPHY**: Thank you. I apologize for blurting it out. I challenge the germaneness of whether the Chinese, the Italians or the French own a company. Thank you.

On **POINT OF ORDER**, Representative **DUNPHY** of Embden asked the Chair if the remarks of Representative **ZEIGLER** of Montville were germane to the pending question.

The **SPEAKER**: The Chair would remind the Member to limit his remarks to the germane of the motion.

The Chair reminded Representative **ZEIGLER** of Montville to stay as close as possible to the pending question.

The **SPEAKER**: The Chair recognizes the Representative from Montville, Representative Zeigler.

Representative **ZEIGLER**: Thank you, Madam Speaker. I will be more select. What? You can't hear me? Madam Speaker?

The **SPEAKER**: The Member may proceed a little closer to the mic.

Representative **ZEIGLER**: Thank you, Madam Speaker. How about that? I will refrain from making those allusions.

The \$220 million was presented by the Office of the Public Advocate and it's using older figures from previous years and, also, we have to look at net energy billing not being responsible at this point for the increases in ratepayers' costs, we're looking at natural gas increases over the last year which has caused most of those rate increases. Thank you.

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

Representative **FOSTER**: Thank you, Madam Speaker. I expect you can hear me okay? I stand opposed to the pending motion. And for many of us that are here, I'm sure, net energy billing and how we pay for the solar that is out there that we see driving back and forth to the State House in our neighborhoods and on some of the farms that we've grown up around, is somewhat of a confusing issue.

As a matter of fact, the OPA was mentioned. I recall that the Public Advocate Howard, after being employed three weeks in the job; which, by the way, is expressly intended to look out for ratepayers; saying as we were meeting in Committee over Zoom that it's very complicated, even though he's been in the business and as an expert in various different positions over the

years, it was very complicated for him to understand and he was very concerned about what it was going to end up costing Maine ratepayers. That's his job. That's what his Public Advocate office, by Statute, is required to do; look out for the ratepayers; utilities, gas, oil, water and especially electric.

So, for those who are maybe not as knowledgeable as others on this issue, I'd just like to go over a little bit of the history of this. On June 17th in 2019, I stood on this House Floor against the passage of what was then LD 1711, the bill that would greatly increase the amount of solar generation qualifying for net energy billing in Maine. At that time, net energy billing in Maine was basically to promote rooftop solar or backyard solar for individual users to help spur that market, if you will, but mostly to help those small homeowners or small businesses to provide some of their own power, if not all of it, and save money on the electric costs while obviously helping us move to more renewable energy. During the debate on the House Floor, I warned that although it will likely be more, a contract price just 2 cents above the going market rate would result in estimated standard costs of more than \$13 million per year for the 375 megawatts and more than \$20 million per year for the cost for the estimated 800 megawatts the bill would subsidize. Remember that number; \$13 million was a concern, \$20 million was even more of a concern, per year.

In 2020, the PUC reported they had halted the bid process for the first issue of net energy billing solar because of the high costs that were coming in from those that wanted to install programs or get in programs and install solar projects. By the fall of 2020, it was clear initial predicted extra costs to ratepayer for NEB were well below what contracts would be awarded at. Prior to closure for the 130th Legislature, various bills were submitted to curtail or suspend net energy billing. On January 24, 2022, the PUC reported to the Committee that the current operating projects receiving net energy billing were having a ratepayer impact of about \$24 million per year. So, it's up a little bit. They estimated 750 megawatts of procurement would raise that to \$165 million a year with the new standard offer rates. And as the Good Representative said, the new standard offer rates were mainly due to the price of natural gas which, of course, as we all probably know, has gone down considerably since last winter. Just last week, in spite of what you may have already heard, we learned that on July 1st, and I'm sure many of us have heard from our constituents about this, ratepayers will see a \$135 million rate increase due to net energy billing projects currently online; \$135 million. I was wrong when I stood on this floor with the numbers that I projected at that time. What that means for the previous projections of a total annual cost to ratepayers when all projects are online by January 1st of this year, we will be looking at a projected \$220 million per year for 20 years. That remains to be seen because this \$135 million is higher than what was expected even earlier this year and I expect that the \$220 million per year for 20 years that we will end up with is low as well.

Madam Speaker, a lot of us, including myself, have seen a few people, lobbyists, out in the hallways this week; the last few days, some I didn't even recognize; purporting that this bill is better than anything else that has been or will be offered. And I stand to say that is not correct. This bill, the lobbyists for, who helped to write it, this bill will allow possibly a 10% decrease in that \$220 million a year. It will also, because of some smoke and mirrors that I see in the bill, allow projects to continue to be put in, approved, and it will not have the safeguards that I think are necessary and I have included in other bills that would give us a much greater savings.

Madam Speaker, I agree, we've all seen handouts on our desks. As a matter of fact, I just got one a few minutes ago that has some of the folks that were represented by lobbyists out in the hallways the last couple of days, one of whom I just met for the first time last night. And, obviously, they will benefit from this bill being passed versus securing more savings for our constituents and ratepayers. Speaking of our constituents, we also received from the AARP a handout and they have been very much involved in this process. As a matter of fact, they were even on Zoom with us during the 130th because of the concern they have for their constituents. Madam Speaker, I'm sure you and I also have that concern for those folks that are members of AARP because they are among our most vulnerable citizens. However, we are the ones that are here that represent some of those that they don't. We represent folks that can't afford to be a member of AARP, that may not even realize they have that opportunity, that are being hurt extremely hard by increased rates on electricity, Madam Speaker. And, yes, natural gas is an issue but, guess what, we are going to continue to be dependent on natural gas, which provides somewhere around 40-60% of the ongoing electricity we use; that will decrease slightly over the years but we are going to be dependent on that to carry the load when solar is not able to.

So, Madam Speaker, I'll wrap this up in saying that this bill, in my opinion, which was put together by lobbyists who are now benefitting the most from net energy billing and obviously would like to continue to do so at the expense of our most vulnerable; no, at the expense of all Maine ratepayers who would rather be spending that money on other things such as groceries or maybe even a luxury. They are going to continue to benefit if we pass this bill. They are going to be protected. They made sure of that when they were sitting with the folks to write this bill up. I ask that you oppose it and I ask that you do not accept a mere possibly 10% reduction in what net energy billing is going to cost us for the next 20 years and I ask that you will give me leave so that we can work together on something that may provide a lot more. Thank you, Madam Speaker.

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

Representative **BOYLE**: Thank you, Madam Speaker. Madam Speaker, I rise in support of LD 1986. I serve as a Member of the Energy, Utilities and Technology Committee because I care deeply about getting our State off fossil fuels. In fact, as someone who built a career in environmental consulting in this State, I decided to run for office last year primarily to work on addressing getting us off fossil fuels. I understand there are some issues with net energy billing that others have described and we need to address those and we on EUT have been working to do that. I've been working on this since January but others have been working on this for years. Last year, we saw the spike in natural gas prices that led directly to a spike in electricity prices because net energy billing is connected to the standard offer for electricity prices that has brought us to this place with this issue. The work we've been doing since January has resulted in a solutions-oriented bill, which is what is before you right now.

I had many good conversations with the Public Advocate on net energy billing and up until May, I was still having those conversations, but I ended up supporting this bill. EUT Members, the Governor's Energy Office, the Public Utilities Commission and the solar industry did have some very tough conversations in getting to this bill. It's a compromise among parties. It's a measured approach that we can take right now, today, that provides certainty and doesn't harm our State's growing solar industry. And these are not just out-of-State

companies. Many companies right here in Maine, employing Mainers, growing this renewable energy industry and providing significant workforce training as well.

In the long run, net energy billing also benefits Mainers. I've heard from towns, schools, businesses around the State that this program enables them to reduce and stabilize their energy burden and invest those savings back into their community. Whether that's a town that can lower taxes because they could reduce their budget or a small business that can use savings to move away from expensive imported energy and hire more Mainers.

Some examples of who is participating and benefitting now: the towns of Bath and Bucksport; the Caribou utilities district; the Bangor water district; nonprofits such as Good Shepherd Food Bank and Avesta Housing; the Biddeford, Veazie and Acton school districts; BIW; Bangor Savings Bank; IDEXX; Maine Health; Carrabassett Coffee; Wyman's of Maine and most importantly, of course, thousands of Mainers installing solar on their homes or investing in community solar across the State.

LD 1986 provides a meaningful fix to an imperfect program that addresses concerns regarding costs and enables us to move forward in a measured approach that does not hurt Maine's business reputation with retroactive policy changes and continues to foster a cost-competitive clean energy economy that will directly benefit low- and moderate-income customers. Please join me in supporting LD 1986. Thank you, Madam Speaker.

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

Representative **GRAHAM**: Thank you, Madam Speaker, Ladies and Gentlemen of the House. I rise in strong support of the pending motion. LD 1986 is supporting meaningful reforms to net energy billing policies. It is a compromise legislation that makes meaningful reforms to the net energy billing program to save ratepayers money while ensuring the State can continue to make progress towards clean energy goals. It makes cost reduction improvements to the net energy billing program established by the Legislature in 2019. The program encourages small-scale distributed solar and allows benefits to be shared at the community level. It has been a resounding success while allowing participants; schools, municipalities and small businesses; to lower their electricity rates. LD 1986 furthers these goals by tightening eligibility requirements to ensure ratepayer savings.

See, Madam Speaker, I'm a YIMBY. What does that mean? Yes, in my backyard. I can say that because I have three solar providers in my little town of North Yarmouth: Branch Renewable Energy, run by my friend Chris Byer; Assured Solar, run by friend Rob Taisey, who also runs a stump and grind business; and lastly, ReVision Energy where, although they're located in the Good Representative from Montville's town, Fortunat Mueller lives in my town. He's a friend, he's also a volunteer firefighter. See, Madam Speaker, these individuals are not lobbyists. They are my friends and my community members. Three individuals who are working hard to make a better, more clean environment with solar energy. In fact, we have a wonderful new community center, it's been around for about four years, completely powered by solar energy. So, Madam Speaker, I strongly encourage you and all our colleagues here in this House to support LD 1986.

The SPEAKER: The Chair recognizes the Representative from Winterport, Representative Paul.

Representative **PAUL**: Thank you, Madam Speaker. I rise in opposition to the pending motion. One of the handouts presented earlier was distributed at the request of yours truly, so, I thought right now would be a great time to work through it. So, a typical NEB project offers 10-15% discount off of your bill from CMP or Versant. That's assuming a \$600 kilowatt-hour per month per residential customer. That saves about \$22 a month on a bill of \$150. That's about \$264 a year in savings. Fewer than 32,000 of Maine's households will receive the above savings, and that's only about 5.7% of our 559,000 households in the State. NEB will cost every Maine household \$275 a year for 20 years. NEB total costs will reach about \$221 million a year by 2025 and a total of nearly \$5 billion over their 20-year life. And I know there is some discussion over the accuracy of that number but being a Member of the EUT Committee, I've not seen any numbers to the contrary, so, it's easy to, you know, contradict these numbers with information but this is the information the OPA has gone over for a long, long time, and presented to our Committee, having its worth scrutinizing before we vote, not just dismissing this because it goes against the inconvenience of wanting to push solar in the State. We need to legislate based on facts, not emotion.

So, continuing, State Law requires the State of Maine to pay about 50% of that municipal tax exemption back to the municipalities or \$50 million per year out of the State General Fund. NEB projects pay no local property taxes, saving them at least \$100 million a year. Normal, competitively-bid solar is available at 20% of the cost of NEB. Normal solar has the same societal and environmental benefits as NEB solar. Developer profits from NEB solar are likely to be about \$80 million a year or up to \$1.5 billion over 20 years. And 87% of the NEB projects registered at the Maine PUC have out-of-State addresses, and see the attached handout that was distributed earlier for the proof of that. And, finally, we hear a lot about NEB solar being called community solar but if you look at the attached papers to this, names of the communities and there's a lot in here that are not going to benefit the State of Maine but Maine taxpayers are paying for them, ratepayers are paying for these. Some notable communities in here are Japan, New Zealand and Germany. So, before we vote on this, I encourage everyone to take a look at this and vote based on the facts the OPA has presented. Thank you, Madam Speaker.

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

Representative **GEIGER**: Thank you, Madam Speaker. Well, you're hearing quite the conversation among our EUT members, and I'm sorry about that. This is a really complicated topic, so, I'm going to take a stab at it as well.

So, in the before times, in 2019, back before the pandemic, we decided; the EUT Committee looked at a bill to say how do we jump-start solar, how do we get things going to move to renewables given climate change, given Maine's climate goals? A bill was passed that offered commercial solar developers the opportunity to be paid for their generation at the standard offer rate plus. Now, the standard offer is what you pay on your electrical bill. It was a good deal for them but nobody had any idea just how great a deal it was going to be for them. Shortly after, the pandemic hit. Shortly after that, lots of oil companies, shale, marginal gas and oil producers shut down during the pandemic because the economy shut down. When the economy came roaring back, so did gas prices. Along with that, we then had the war in Ukraine and, again, gas prices, oil prices shot up. So, suddenly, what had been a really great rate of

return for these solar developers became an outrageous windfall. Now, mind you, this windfall is exactly the same as what our gas producers are getting because the solar companies are being paid the standard rate. The standard rate is based primarily on the cost of gas.

So, what to do? There is no one on the Energy Committee that is sitting there saying this is a great thing, let's keep this going. So, last Session, EUT passed a bill that passed in this House to shut the door. No more contracts. It also included a bunch of new dates for when applications and permits had to be finished. That closed the door on about 70% of those contracts. The question we were dealing with this time, this Session, is; what do we do about the 30% that are scheduled to go forward? Let's be very clear; the current cost Maine ratepayers are paying is not due to these solar developers. They are just beginning to come online. But they are starting to come online and so we can expect them to make this windfall. So, there were two competing bills before EUT. This one, 1986, sponsored by Senator Lawrence, says it's not good government, it's not good for business to say to people who entered in good faith a contract, you know what, we didn't see the future, we were wrong, we're just going to end net energy billing. So, instead, this bill offers some carrots and says if you agree to leave the net energy billing program, we will guarantee you a decent rate of return but it will be a more competitive rate of return. I think many of us in the Committee made it very clear to solar developers that this kind of windfall cannot stand. Again, the door is shut, there are no more contracts, but this is about what to do about 30% that got in through the door and are now looking at windfall profits. We can say that we're not doing enough but this bill will encourage many of those contractors to move out of net energy, they will still get a nice rate of return. If, as we think the new standard offer which CMP sets once a year in January, if it goes down like the price of gas and oil has gone down now, we will see an improvement already in that windfall because, again, what they're being paid for a windfall is based on the standard offer. If the standard offer goes down, the windfall goes down. So, they know that their contract of the next 20 years could go up and down depending on the price of oil or they can move out of that contract and get a guaranteed rate of return, which is generous but nowhere near windfall.

To be clear; this is not about your neighbors who have rooftop solar. They do not get paid for any extra energy they generate. This is not about any future commercial solar, which will be based on much more competitive rates of what it costs them to produce solar, which happily is now way below the price of oil and gas. This is about what do we do with those 30% of contracts that got through the door before we realized what kind of windfall they'd be gaining. This may not go far enough. We have already promised them that if enough of them don't move off of the net energy billing program, we will be back next Session, we will put in more restrictions. However, it seems to me, at least, dishonorable for the State of Maine to say we entered in this contract, we made you this promise and we've changed our mind. I'd like us to be able to get there through carrots. If we can't, there will certainly be sticks. There's a second bill coming before you that is mostly sticks. But what our local solar operators are telling us is so many sticks that we can expect the end of solar in Maine.

Now, the standard offer doesn't improve until we start to see more renewables whose actual cost to produce is way below oil and gas. As long as gas is the predominant way that we make electricity in Maine, we can expect that our ratepayers, those elderly people on fixed incomes, those low-income Mainers, will be subject to incredible volatility in the market with

standard rate offers going up and down wildly depending on what is going on in the world because this is a global market. Or we can keep moving and increasing our renewables so that our rates become much more stable over time and, at the same time, we start to work on climate change.

So, I ask you, let's do 1986. If it isn't enough, we can certainly come back next Session or the emergency Session coming up, you can certainly consider the next bill coming up that also looks to rein in this windfall profit, that is LD 1347, but I would urge you to pass this one. We need solar, we need renewables, we need to get out from under gas which provides 60% of our energy generation and that is extremely and always will be volatile on the world market. Thank you. I urge your support of 1986.

The SPEAKER: The Chair recognizes the Representative from Embden, Representative Dunphy.

Representative **DUNPHY**: Thank you, Madam Speaker. Madam Speaker, LD 1986, in my opinion, is a very weak attempt to correct a massive problem. I was in the House and then in the Governor's Energy Office when we started dealing with net energy billing. We were warned by the Public Utilities Commission, who were pretty heavily roughed-up at the time by Committee Chairs, as the Office of the Public Advocate is today. And it's unjustifiable and it's irrational. The problem of net energy billing is that it impacts every one of our constituents. The wealthy, the poor, the old, the young, anyone who uses electricity is impacted by that to the tune of \$220 million a year by 2025.

This bill appears to be a solution and it is a short-term 10% solution but we need much, much more significant legislation to correct this. We screwed it up. Very rarely do we in the Legislature get an opportunity to correct the mistakes that we made. I mean, this is a perfect example of unintended consequences of a very well-intended bill running amok. I saw the handout that came from, I think, Representative Zeigler, the Representative from Montville; maybe? Yeah, thank you. And there's one comment in here that I find very revealing. And it says to reject LD 1347, which is the opposing bill to this, and it says two provisions that are non-starters for our industry. We are not here to represent our industry. We are here to represent our constituents. I come from a relatively poor district that takes me about four to four and a half hours to drive from one end to the other. A significant, massive majority of my constituents do not have solar nor will they ever have solar.

I heard comments mentioned about good faith contracts. These solar developers do not have contracts. These are not hard contracts. And one of the things that they struggle with and which may even be used as a hammer to get them to sign on to some of the programs in this bill is the very fact that any Legislature can come in here since one can't bind another, and change the conditions of how they're selling their power.

So, another comment that I heard about the vulnerability of gas. Gas is vulnerable and it fluctuates but a significant amount of gas is being used because of the unreliability and non-dispatchability and intermittency of solar generation. Now, I heard someone say we have a community center; and I don't know who it was; we have a community center that is 100% solar. And I call nonsense. Because without storage or without being tied to the grid, you don't go in that community center at night, do you? Or in the middle of a snowstorm or if it's raining because if you do, you can't put the lights on, you can't heat it. So, when I hear about this energy independence and; listen, all we're doing is supplying a market for foreign entities to flood us, we're relocating the pollution. We're not cleaning up the air, we're cleaning up our air and then patting ourselves on the back.

So, I think we need to focus on green energy, I have no issue with that. I think solar is part of that solution but to burden our constituents, the people who elect us, the people who send us here to represent them because there are eight or 10 or 12 solar developers in our community, in our State, to me, is a disservice to the rest of the people who put us here and I'm not here to do disservices to my constituents. So, I would suggest that we vote this bill down. I heard comments about another bill and if it's a matter of one or the other, I would look at the bill that potentially is being proposed and I would also suggest that; in fact, the handout that came from Representative Zeigler talks about a potential amendment. I believe there is a bipartisan amendment that we've been waiting for. I haven't seen it yet.

Representative **ROBERTS**: Point of Order.

The SPEAKER: The Member will defer. The Chair recognizes the Representative from South Berwick, Representative Roberts.

Representative **ROBERTS**: Point of Order. The Member is discussing subsequent actions of the Chamber.

On **POINT OF ORDER**, Representative ROBERTS of South Berwick asked the Chair if the remarks of Representative DUNPHY of Embden were germane to the pending question.

The SPEAKER: The Chair would advise the Member to limit his comments to the current motion and item.

The Chair reminded Representative DUNPHY of Embden to stay as close as possible to the pending question.

The SPEAKER: The Chair recognizes the Representative from Embden, Representative Dunphy.

Representative **DUNPHY**: I apologize for mentioning another bill, Madam Speaker. I guess in closing, which I bet you're happy to hear; a friend of mine told me to beware of the naked man who offers you his shirt. And I would suggest if you look at the existing bill that we're going to be voting on, it does not do enough, it's kowtowing to a very few solar developers in Maine. And I happened to look at 400 projects and of those 400 solar projects, I think 34 were Maine companies. So, if we want to support Mainers, let's start with the people who sent us here. Let's get their bills under control, let's get business so that they can become employed, let's create some stability for our constituents and then, let's maybe try to support some of those that provide PAC money. But that's all I have to say and thank you, Madam Speaker.

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

Representative **WARREN**: Madam Speaker, thank you. I rise in opposition to the current motion, and it's uncomfortable to do so because I believe in climate change. In fact, I feel I've worked really hard to be elected to this Body because I believed it was my responsibility to fight for my hometown in the State that I love against the existential fight of our ongoing climate crisis. Further, as a Member of the Energy Committee, I believe that electrification is the urgent solution to the question of transition from fossil fuels. I feel I have to begin with that point because presently, solar energy is being competitively procured at an incredible rate of 4 to 5 cents per kilowatt in the competitive market. That is happening today, for the benefit of all Maine ratepayers. That outstanding rate reduces the cost of the standard offer price, which is the fixed price that the overwhelming majority of Maine people buy their power at. It is set largely by the fossil fuel industry because Maine is still quite dependent on natural gas and oil to heat our homes. But I do not believe it would be a productive or fair argument to make today to say those that oppose this motion do so because they are against solar energy or against a clean energy transition. In fact, our Energy Committee unanimously supported legislation

earlier this Session for competitive procurement of solar energy with a preference for PFAS-contaminated land. It is a bipartisan view that solar energy can be a just and reasonable choice for Maine people.

The reason I rise in opposition of the current motion is because I believe in a just transition on climate change. Maine has one of the highest energy costs in the country and as we question with this bill as to whether to codify the NEB program that exists before us today, our model of which is the most expensive in this country. In 2019, this Legislature passed a bill which created a really great subsidy to expand the net energy billing program. Net energy billing was originally designed to compensate homeowners for rooftop solar panels for their residential energy production and onsite consumption. The Maine Legislature expanded that program in 2019 with the intention to support the adoption of solar energy in our State in line with our important climate goals. Unfortunately, this well-intended expansion opened the door for out-of-State investors to rapidly develop projects across the State to benefit from these lucrative subsidies at the cost of Maine ratepayers. Because, to that point, what we're talking about is not contracts, it is a decision that we made in policy in 2019 to require our ratepayers to pay these costs. That is very different than a contract, Madam Speaker, and I feel very responsible for that choice and think it needs serious reform.

It is Maine ratepayers who are on the hook for an annual increase that would begin in July of \$135 million as determined by the Public Utilities Commission for the cost of our solar program through NEB. This \$135 million rate increase is just the first wave of anticipated price hikes. As more NEB projects come online, the higher this energy cost burden will be on Maine ratepayers, which we all know will hit the poor and working class the hardest. And this program, without significant reform, will not stop at \$135 million. It is, in fact, projected to be an estimated; over \$220 million per year by 2025. Meanwhile, for this windfall profit, the Office of the Public Advocate, whose job is to serve the interests of all Maine ratepayers, estimates that only about 15% at that \$135 million in NEB costs will be returned to Maine subscribers through discounted energy bills. The rest of that money is flowing out of State to larger solar developers and investors, which is the very definition of regressive economic policy, in my view, respectfully.

We want community and residential solar development by and for Maine residents and there are alternative policy changes we could find bipartisan compromise on which ensures stable fixed rates for small-scale and residential projects that NEB was designed to support. This bill before us now is opposed by the Office of Public Advocate, many Maine energy industry groups, and including an advocacy organization, the AARP, who serves older Mainers in an older State like ours, many of whom are on fixed income and cannot afford the rate of this subsidy we have unintentionally required them to shoulder as a consequence of this program and a policy decision that we made.

The promise of solar is as a low-cost renewable resource. The unintended consequences of this 2019 legislation expanding the NEB subsidy have, in my view, reversed that promise and I am extremely uncomfortable to stand up here and to advocate against this current motion but I do so, even though it is hard, because my fight against climate change and for the people of this State that I love, my fight is not just a transition but a just transition. I cannot fight against climate change at the expense of poor and working people and I believe that this bill and the reform it does not go nearly far enough to address asks us to do that. That is the economic reality for the majority of Maine people today who will shoulder something like, at this

point, 24 cents per kilowatt subsidy but will never have the capital to develop their own NEB project or even have the funds to sufficiently make an investment in a solar array. That's my understanding of what this policy is and for all of these reasons, and others, I would respectfully ask beyond this vote that this Body remain open to bipartisan compromise on what is certainly needed reform. Thank you.

The SPEAKER: The Chair recognizes the Representative from Wiscasset, Representative Polewarczyk.

Representative **POLEWARCZYK**: Madam Speaker, we've been listening to an awful lot of information about net energy billing here for the last, I don't know, half an hour or more, and it's a very complex subject. I'm not knowledgeable of the details and neither are most of us. When I look at it, the results in particular, there are a number of organizations that benefit from it, a number of corporations that make significant profit from it, and it does it all at the expense of every one of us here in this Chamber when we pay that electric bill. It's more significantly affecting on all those constituents that deal with a fixed income and struggle to make ends meet. I oppose this motion.

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

Representative **FOSTER**: Thank you, Madam Speaker, Ladies and Gentlemen of the House. First of all, I will not allude to another bill. I was kind of surprised that the Point of Order wasn't made when one of those supporting this bill mentioned another bill and spoke to it. I will try to refrain from doing so. I just wanted to say a few things about some of what was said because I was here when LD 1711 was passed and I was here sitting in Committee when the PUC testified before us when they received the first tranche of bids for NEB solar projects. They rejected those. They said they are too expensive, we cannot accept those bids, we are going to have to put out another RFP. At that time, they were getting competitive bids for solar at between three and four cents a kilowatt-hour. Net energy billing bids coming in were around nine cents to 13 cents a kilowatt-hour. That was too high. They rejected those bids. Later on, they started accepting them and, as has been mentioned, partly because of the standard offer, those kilowatt-hour prices keep going up and are now above 20 cents a kilowatt-hour while the competitive bids are coming in around an average of four cents a kilowatt-hour.

Now, I greatly appreciate the Good Representative from Scarborough, she and I don't always agree on everything that comes before the EUT Committee, but I respect her opinions and I find that there are a few things we do agree on. And in regards to climate change and the need for solar power, I have my thoughts on what would be better generation to combat that but the fact is the more money it costs us for each kilowatt-hour of generation, the less we have to get more of it. I think it's already been mentioned that currently, the folks that we're talking about here that are getting these windfall profits, as was mentioned by someone in support of this bill, there are no contracts. Maine, this Body, the EUT Committee, me proposing another bill, are not ending contracts. The \$135 million, the increase for July 1st, that's a real number. It's not imaginary. I didn't hear anything from the other side about what this bill might offer to combat that. But I can tell you we have an Office of the Public Advocate who, since he came out, even back in 2021 in March and said NEB is very complicated, I'm concerned that it's going to cost the ratepayers of Maine too much money to get what we want. The PUC at the time was saying we can get all the competitive bid solar we need to do what we need to do for the State of Maine, we don't need these windfall profit NEB projects. Public Advocate Harwood has been beat up severely

since he's come out against this bill, I'll stick with this bill, because he has come out against this bill because it's still very expensive.

Madam Speaker, I can tell you when 1711 was before us in Committee, the then-Public Advocate sat before us and when I queried him time and time again, knowing that competitive bid solar coming in at four cents a kilowatt-hour was going to meet the needs for carbon reduction and generation, why would he support this huge net energy billing bill? And he continued to say because of the other benefits. And this bill, I have also heard, it's got a lot of other benefits. Madam Speaker, competitive bid solar at four cents a kilowatt average gives us the same benefits except for one thing, and that is rooftop solar, the small community solar projects, maybe someone wants some in their backyard so they can provide their own power if they have the money, the capital, as was mentioned earlier, to invest in that. No one here that is opposed to this bill and maybe supporting an alternative is trying to do away with that. Let me make that clear. Those folks, as a matter of fact, will still receive the same benefit they do now. And, by the way, Madam Speaker, because of legislation that the Committee passed this Session, they will not lose those credits as has been the program in the past, when those credits would lapse after 12 months, those credits are now going to be paid by other ratepayers that don't have rooftop solar and they're going to go into other programs to help low-income and other ratepayers.

So, I will leave us with that, Madam Speaker. This bill doesn't do all that we can. It does continue to provide windfall profits for the bigger solar companies who are putting in the larger projects. They can do the same thing and make money on competitive bidding like others already have and some of them do as well. So, Madam Speaker, I ask that you support my position on this and vote against the pending motion. Thank you.

The SPEAKER: The Chair recognizes the Representative from York, Representative Runte.

Representative **RUNTE**: Thank you, Madam Speaker. I urge your support for LD 1986 for two important reasons. One, the course correction that it makes to net energy billing that we've heard about already, but for another very important reason and that's we need to keep in mind what our energy future looks like. This bill makes important reforms to the current net energy billing program, evolving it from a program that was meant to promote the rapid market adoption of distributed solar generation to one that acknowledges the maturity of that market and moves us closer to pricing that electricity at its true value to the direct benefit of ratepayers. And that pricing is really important and I; you know, we've heard a couple of things today about four cents a kilowatt-hour from large solar facilities. Those are facilities that are functioning like good old-fashioned traditional power plants that feed into the grid and generate power and their value is the commodity value of the kilowatt-hour. But distributed generation, solar power, at the ends of the distribution network have a different value and it's not just the commodity.

The true value of locally-generated electricity; well, let me illustrate it with this concept. We all have used, maybe daily used double-A batteries. Now, when you go buy that battery, you're not just buying the electricity, you're buying its size, its portability, its longevity. That's how you make the decision on what you're willing to pay for that. All those attributes have value and it's all part of what it is that you end up paying for. Locally-generated power has its own set of benefits. It reduces the need to generate and transmit power from elsewhere, it adds greater efficiency due to reduced line losses on the transmission that

brings that power to you, it defers powerline installations and substation capital investments, it defers their maintenance. All of these have tangible economic benefits. And then there are the quantifiable environmental benefits that come along with that as well.

So, what LD 1986 does is it sets it on a path to accurately price this electricity by requiring the Public Utilities Commission to consider these benefits and develop a pricing mechanism that reflects its true value. And that process will evolve as the market moves forward. That value is significantly less than the artificial price that is now being applied in net energy billing because it's tied to retail rates that really have nothing to do with the value of the electricity provided. Another feature of this bill is that it encourages continued investment to fuel continued growth in solar. We need more solar power, we need it at the large scale that was referred to earlier and we need it at the distribution level. LD 1986 significantly reduces impacts on ratepayers by changing the compensation method used for future projects and applying multiple off-ramps, which were mentioned earlier, to existing projects to curb costs even further. And we need to be mindful of the fact that any reforms on how local generation is compensated has significant commercial ramifications. Contract or not, we've set up a situation in the State of Maine that is evaluated by outside investors. Retroactive and radical change paints the State as an unreliable place to do business and will deter future financial investments. LD 1986 avoids creating uncertainty for investors regarding project compensation and preserves Maine's appeal as a desirable place to fund solar development. If we're going to achieve any of our climate action goals, this is essential. And, in addition, LD 1986 preserves the possibility for community solar projects, albeit at a smaller scale than what are currently being constructed. So, in my mind, this bill is a well-considered and balanced approach that preserves the progress our State has already made towards a clean energy economy, it avoids hindering distributed solar in Maine, supports community solar projects and encourages future investments. To deviate from this path would jeopardize our progress towards affordable, reliable and decarbonized 21st century grid.

In conclusion, LD 1986, with all its compromises, is the right choice for right now. It's a thoughtful, measured approach, it will not retroactively harm the progress our State has made to advance its economy, it will not end distributed solar in Maine by stopping community solar projects that help the very ratepayers we seek to protect. To do otherwise turns back the clock and would be a complete detour on our path to an affordable, reliable, decarbonized 21st century grid. I urge your support. Thank you.

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

Representative **BOYLE**: Thank you, Madam Speaker. Madam Speaker, there are a few things in the bill that specifically; that has policy; that this bill from the Legislature will direct the Governor's Energy Office and the Public Utilities Commission to do and I haven't heard much said about them so, I want to make sure I get this out here, that it will direct them to seek federal funds that are going to be available across the country for renewable energy development. There's a significant amount, hundreds of millions of dollars available potentially to Maine in that. And so, this bill would direct funds to assist all ratepayers, particularly; not all, but low- and moderate-income ratepayers. It would impose one-megawatt limits as of 2024. Projects larger than that would no longer qualify. So, this and other potential bills do the same thing there. It would direct the PUC to undertake analysis of benefits and

costs, as the Good Representative from York describes. He described some of the benefits and some of the costs. What we do now, we don't look, really, at the benefits, the intangible benefits. This bill would direct the PUC to do that so it's not just cost sort of in isolation. It would direct the PUC to undertake procurement so that if, indeed, current purchase procurements are cheaper for net energy billing solar projects, we can get those cheaper projects. It would also direct the PUC to undertake proceedings to evaluate the net energy billing program and recommend changes to it that we as a Legislature can do as policy. So, it doesn't just send it out there on their own and we're all done. So, I wanted to make sure we got those points out there. Thank you.

Representative TERRY of Gorham **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. 321

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

NAY - Adams, Arata, Ardell, Babin, Bagshaw, Blier, Boyer, Bradstreet, Campbell, Carlow, Carmichael, Cloutier, Collamore, Costain, Crafts, Cray, Cyrway, Davis, Drinkwater, Ducharme, Dunphy, Faulkingham, Foster, Greenwood, Griffin, Guerrette, Haggan, Henderson, Hymes, Jackson, Lanigan, LaRochelle, Lemelin, Lyman, Mason, Millett H, Morris, Ness, Newman, Nutting, O'Connell, O'Neil, Parry, Paul, Perkins, Poirier, Polewarczyk, Pomerleau, Quint, Riseman, Sampson, Schmersal-Burgess, Simmons, Smith, Soboleski, Strout, Swallow, Theriault, Thorne, Walker, Warren, White B, White J, Wood, Woodsome.

ABSENT - Abdi, Albert, Andrews, Fredericks, Galletta, Gifford, Hall, Hasenfus, Javner, Kessler, Lavigne, Libby, Osher, Paulhus, Rudnicki, Underwood, Williams.

Yes, 69; No, 65; Absent, 17; Vacant, 0; Excused, 0.

69 having voted in the affirmative and 65 voted in the negative, with 17 being absent, and accordingly the Majority **Ought to Pass as Amended Report** was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (S-421)** was **READ** by the Clerk and **ADOPTED**.

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

Under further suspension of the rules the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (S-421)** 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 **JUDICIARY** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-388)** on Bill "An Act to Implement Certain Recommendations of the Commission to Examine Reestablishing Parole"
(S.P. 278) (L.D. 720)

Signed:

Senators:

CARNEY of Cumberland
BAILEY of York
BRAKEY of Androscoggin

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 Not to Pass** on same Bill.

Signed:

Representatives:

ANDREWS of Paris
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" (S-388)** Report.

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-388)**.

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" (S-418)** on Bill "An Act to Change How the Adult Use Cannabis Excise Tax Is Calculated"

(S.P. 559) (L.D. 1392)

Signed:

Senators:

GROHOSKI of Hancock
CHIPMAN of Cumberland

Representatives:

PERRY of Bangor
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 to Pass as Amended by Committee Amendment "B" (S-419)** on same Bill.

Signed:

Senator:

LIBBY of Cumberland

Representative:

CARMICHAEL of Greenbush

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-418)**.

READ.

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

The **SPEAKER**: The Chair recognizes the Representative from Bangor, Representative Perry.

Representative **PERRY**: Thank you. Thank you, Madam Speaker. I just wanted to give everyone an overview on this bill that we took up in the Taxation Committee. It was one of three bills that we dealt with this year, all trying to get at similar problems. Cannabis, as we know, is our biggest agriculture crop now, surpassing potatoes and lobster. And, along the way, we're trying to figure out all the ways we can support this industry to grow in a responsible way. One of the problems that we learned is the way cannabis is taxed is in two portions; \$335 a pound on flower excise tax paid by the growers and then a 10% sales tax collected by the retailers. And there was significant concern that the excise tax was not working the way we would hope, that it was too burdensome on the growers, that the growers oftentimes have to pay the excise tax before they have collected the money from the sale, and it's a huge drain on their cash flow, which we largely took care of that in a separate bill by changing the timing of how they remit it. So, that part, hopefully, has been taken care of.

There's other issues as well. There's a glut right now in the, you know, supply, and it's driven prices way down. And so, this was an attempt to try and keep more money in the growers' pockets, particularly our small Maine growers. Much like with the craft beer industry, Madam Speaker, we have a lot of small growers who really are growing niche products that people want, high-value niche products, and so, this is an effort to try and help them.

The Report is 10 in favor. Since our public hearing, there's been a lot more input coming forward to us from the industry and concern that we moved too fast. Because what this bill does, it raises the sales tax from 10 to 12% at retail to buy down one-third of the excise tax cost and a year from now, raises it to 15% and uses that revenue to buy down another third of the excise tax cost. And now that we've done in the Tax Committee what we thought and hoped would be what the industry really wanted to help move forward and protect our growers, there's some buyer's remorse out there. And so, if it was voted today, would the Report be 10 in favor? I'm not sure it would be. I just wanted to give everyone an overview on this bill, what it does, how we got here, so, you can make your judgment if this is the way to move forward. But I can tell you since we voted out of Committee, there's been new concerns raised. Thank you.

Representative **BOYER** of Poland moved that the Bill and all accompanying papers be **INDEFINITELY POSTPONED**.

The **SPEAKER**: The Chair recognizes the Representative from Poland, Representative Boyer. The Member may speak to his motion.

Representative **BOYER**: Thank you, Madam Speaker. The original intent of this bill, as the Good Representative from Bangor spoke about, was to help the cannabis industry. This nascent adult-use cannabis industry is troubling and they're asking for our help. They're asking for our help in VLA, they're asking for our help in Taxation Committee, and as the Representative from Bangor said, effectively, we are double or

triple-taxing on the excise side of things. When the MLI Committee worked on this in 2018, the cost of a pound of cannabis was about double what it is today. So, that excise tax hasn't reflected the accurate price of a pound of cannabis in Maine.

The hope of this bill and the idea in the sponsor, I think I co-sponsor, was to help to lower the burden for cultivators and shift that cost to the consumer. It was reasonable, but since the Report and since that day, we've heard a lot of folks in the industry give us some real concerns about this rearrangement, if you will. So, some of the associations that are against this bill; Maine Cannabis Industry Association, Maine Craft Cannabis Association, Maine Cannabis Coalition, Maine Women's Cannabis Connection, Maine Growers Alliance, Maine Medical Marijuana Caregivers and Maine Women's Cannabis Council. If any of my colleagues have been around the last 10 years, working with the different factions of the cannabis industry; adult use and medical; is like herding feral cats, Madam Speaker. So, I think this display of all these groups united against this bill is meaningful. They'd rather nothing be done this Session than passing this bill. We have subcommittees in the works, we have the Cannabis Commission in the works, so, I think it's really important to get it right and this isn't the way to do it. There's concerns that raising the sales tax at the retail level to 15% will encourage folks to go to the illicit market. They look at their receipt, they see how much is coming out and they say oh, man, I should just go to my guy, he doesn't charge me tax. And that's what we have to remember with both medical and adult use cannabis industries is that they're competing with the illicit market and the illicit market has been around for a very long time, they're well-established and well-entrenched and every dollar that goes to the illicit market, no taxes are collected on it, the cannabis isn't regulated, it's not tested, they may sell other substances. So, that's, you know, part of the reason for legalization is putting cannabis behind the counter where we check IDs and there's some assurance of safety.

Since there's no Ought Not to Pass Report, this is my only procedural motion; to Indefinitely Postpone the bill and come back in the next Session and get it right so we can actually give meaningful tax relief to these folks.

And the issue is, is that some growers aren't vertically integrated. The bigger corporations are vertically integrated, so that means they grow and manufacture and sell to retailers. A lot of the smaller farmers, they don't want to deal with all the payroll, the headaches, the consumers, the interfacing with the public, they just want to be with the plants. So, they're forced to, you know, sell their cannabis on the wholesale market to these retailers and there's not a lot of retailers, there's cannabis deserts and they're having pressure. So, we don't think the savings on the excise tax is going to get passed down. The retailers are going to grind the cultivators and say, you know, I can't eat this, I can't raise this, my prices, they vertically integrated operation down the street, they're going to do that, I have to stay competitive with them. So, that's the concern, that this helps more the bigger corporations that are well-capitalized and vertically integrated rather than the small local growers. So, I think we should stay away from providing legislative help when the folks that we're trying to help are saying no, thank you. So, I appreciate your consideration on the matter and getting this right. Thank you, Madam Speaker.

Representative **TERRY** of Gorham **REQUESTED** a roll call on the motion to **INDEFINITELY POSTPONE** the Bill and all accompanying papers.

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 Indefinite Postponement of the Bill and all accompanying papers. All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 322

YEA - Adams, Ankeles, Arata, Ardell, Babin, Bagshaw, Bell, Blier, Boyer, Bradstreet, Campbell, Carlow, Carmichael, Cloutier, Cluchey, Collamore, Collings, Copeland, Costain, Cray, Cyrway, Davis, Dhalac, Dill, Dodge, Doudera, Drinkwater, Ducharme, Dunphy, Eaton, Faulkingham, Foster, Geiger, Graham, Greenwood, Griffin, Guerrette, Haggan, Henderson, Hepler, Hymes, Jauch, Landry, LaRochelle, Lee, Lemelin, Lookner, Lyman, Madigan, Mason, Mastraccio, Mathieson, Millett H, Milliken, Montell, Morris, Ness, Newman, Nutting, O'Connell, O'Neil, Parry, Paul, Perkins, Perry A, Pluecker, Poirier, Polewarczyk, Pomerleau, Pringle, Quint, Rana, Rielly, Riseman, Roeder, Runte, Russell, Salisbury, Sayre, Schmearsal-Burgess, Shaw, Sheehan, Simmons, Smith, Soboleski, Strout, Supica, Swallow, Theriault, Thorne, Walker, Warren, White B, White J, Wood, Woodsome, Madam Speaker.

NAY - Arford, Boyle, Brennan, Bridgeo, Crafts, Craven, Crockett, Fay, Gattine, Gere, Golek, Gramlich, Hobbs, Kuhn, Lajoie, Malon, Matlack, Meyer, Millett R, Moonen, Moriarty, Murphy, Perry J, Reckitt, Roberts, Sachs, Sargent, Shagoury, Skold, Stover, Terry, Worth, Zeigler.

ABSENT - Abdi, Albert, Andrews, Fredericks, Galletta, Gifford, Hall, Hasenfus, Jackson, Javner, Kessler, Lanigan, Lavigne, Libby, Osher, Paulhus, Rudnicki, Sampson, Underwood, Williams, Zager.

Yes, 97; No, 33; Absent, 21; Vacant, 0; Excused, 0.

97 having voted in the affirmative and 33 voted in the negative, with 21 being absent, and accordingly the Bill and all accompanying papers were **INDEFINITELY POSTPONED** in **NON-CONCURRENCE** and sent for concurrence.

Majority Report of the Committee on **VETERANS AND LEGAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-384)** on Bill "An Act to Clarify the Requirements for Off-premises Sales by Cannabis Store Licensees" (EMERGENCY)

(S.P. 102) (L.D. 202)

Signed:

Senators:

HICKMAN of Kennebec
BRENNER of Cumberland

Representatives:

SUPICA of Bangor
BOYER of Poland
COLLINGS of Portland
MALON of Biddeford
RIELLY of Westbrook

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

Signed:

Senator:

TIMBERLAKE of Androscoggin

Representatives:

ANDREWS of Paris
HYMES of Waldo
MONTELL of Gardiner
RISEMAN of Harrison
RUDNICKI of Fairfield

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-384)**.

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" (S-384)** was **READ** by the Clerk and **ADOPTED**.

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

Under further suspension of the rules the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (S-384)** 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 **VETERANS AND LEGAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-396)** on Bill "An Act Regarding Ongoing Absentee Voting and Tracking of Absentee Ballots"

(S.P. 677) (L.D. 1690)

Signed:

Senators:

HICKMAN of Kennebec
BRENNER of Cumberland

Representatives:

SUPICA of Bangor
COLLINGS of Portland
MALON of Biddeford
MONTELL of Gardiner
RIELLY of Westbrook
RISEMAN of Harrison

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

Signed:

Senator:

TIMBERLAKE of Androscoggin

Representatives:

ANDREWS of Paris
BOYER of Poland
HYMES of Waldo
RUDNICKI of Fairfield

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-396)**.

READ.

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

Representative BOYER of Poland **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. 323

YEA - Ankeles, Arford, Bell, Boyle, Brennan, Bridgeo, Cloutier, Cluchey, Collings, Copeland, Crafts, Craven, Crockett, Dhalac, Dill, Dodge, Doudera, Eaton, Gattine, Geiger, Gere, Golek, Graham, Gramlich, Hepler, Hobbs, Jauch, Kuhn, Lajoie, Landry, LaRochelle, Lee, Lookner, Madigan, Malon, Mastraccio, Mathieson, Matlack, Meyer, Millett R, Milliken, Montell, Moriarty, Murphy, O'Neil, 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, Worth, Zeigler, Madam Speaker.

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

ABSENT - Abdi, Albert, Andrews, Fredericks, Galletta, Gifford, Hall, Hasenfus, Jackson, Javner, Kessler, Lanigan, Lavigne, Libby, Moonen, O'Connell, Osher, Paulhus, Rudnicki, Sampson, Underwood, Williams, Zager.

Yes, 73; No, 55; Absent, 23; Vacant, 0; Excused, 0.

73 having voted in the affirmative and 55 voted in the negative, with 23 being absent, and accordingly the Majority **Ought to Pass as Amended Report was ACCEPTED.**

The Bill was **READ ONCE. Committee Amendment "A" (S-396) was READ** by the Clerk and **ADOPTED.**

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

Under further suspension of the rules the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (S-396)** in concurrence.

Six Members of the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** report in Report "A" **Ought Not to Pass** on Bill "An Act to Support Reentry and Reintegration into the Community"

(S.P. 82) (L.D. 178)

Signed:

Senator:

HARRINGTON of York

Representatives:

SALISBURY of Westbrook

ARDELL of Monticello

NEWMAN of Belgrade

NUTTING of Oakland

PERKINS of Dover-Foxcroft

Five Members of the same Committee report in Report "B" **Ought to Pass as Amended by Committee Amendment "A" (S-411)** on same Bill.

Signed:

Senator:

BEEBE-CENTER of Knox

Representatives:

LOOKNER of Portland

MADIGAN of Waterville

MATHIESON of Kittery

MILLIKEN of Blue Hill

One Member of the same Committee reports in Report "C" **Ought to Pass as Amended by Committee Amendment "B" (S-412)** on same Bill.

Signed:

Representative:

HASENFUS of Readfield

Came from the Senate with the Reports **READ** and the Bill and accompanying papers **COMMITTED** to the Committee on **JUDICIARY.**

READ.

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

Seven Members of the Committee on **HEALTH AND HUMAN SERVICES** report in Report "A" **Ought to Pass as Amended by Committee Amendment "A" (S-397)** on Bill "An Act to End the Sale of Flavored Tobacco Products"

(S.P. 496) (L.D. 1215)

Signed:

Senators:

BALDACCI of Penobscot

INGWERSEN of York

Representatives:

MEYER of Eliot

CRAVEN of Lewiston

GRAHAM of North Yarmouth

SHAGOURY of Hallowell

ZAGER of Portland

Four Members of the same Committee report in Report "B" **Ought to Pass as Amended by Committee Amendment "B" (S-398)** on same Bill.

Signed:

Senator:

MOORE of Washington

Representatives:

FREDERICKS of Sanford

LEMELIN of Chelsea

MADIGAN of Waterville

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

Signed:

Representatives:

GRIFFIN of Levant

JAVNER of Chester

Came from the Senate with Report "A" **OUGHT TO PASS AS AMENDED READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-397).**

READ.

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

Majority Report of the Committee on **ENERGY, UTILITIES AND TECHNOLOGY** reporting **Ought to Pass pursuant to Resolve 2021, chapter 164, section 4** on Bill "An Act to Prohibit Early Termination Fees for Residential Electric Generation Service Contracts"

(H.P. 1298) (L.D. 2012)

Signed:

Senators:

LAWRENCE of York
GROHOSKI of Hancock

Representatives:

ZEIGLER of Montville
DUNPHY of Embden
KESSLER of South Portland
RUNTE of York
WARREN of Scarborough

Minority Report of the same Committee reporting **Ought Not to Pass pursuant to Resolve 2021, chapter 164, section 4** on same Bill.

Signed:

Senator:

HARRINGTON of York

Representatives:

BABIN of Fort Fairfield
FOSTER of Dexter
PAUL of Winterport

READ.

On motion of Representative ZEIGLER of Montville, the Majority **Ought to Pass pursuant to Resolve 2021, chapter 164, section 4** Report was **ACCEPTED**.

The Bill was **READ ONCE**.

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

Under further suspension of the rules the Bill was **PASSED TO BE ENGROSSED** and sent for concurrence.

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

Majority Report of the Committee on **INNOVATION, DEVELOPMENT, ECONOMIC ADVANCEMENT AND BUSINESS** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-701)** on Bill "An Act to Ensure Access for All Caregivers to Diaper Changing Stations in Public Restrooms"

(H.P. 61) (L.D. 93)

Signed:

Senators:

CURRY of Waldo
RAFFERTY of York

Representatives:

ROBERTS of South Berwick
COLLAMORE of Pittsfield
CROCKETT of Portland
LANIGAN of Sanford
LaROCHELLE of Augusta
NESS of Fryeburg
SAYRE of Kennebunk
WALKER of Naples

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

Signed:

Senator:

GUERIN of Penobscot

Representatives:

SMITH of Palermo
WHITE of Waterville

READ.

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

The Bill was **READ ONCE**. **Committee Amendment "A" (H-701)** 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-701)** and sent for concurrence.

Majority Report of the Committee on **JUDICIARY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-705)** on Bill "An Act to Remove Barriers to Becoming a Lawyer"

(H.P. 866) (L.D. 1352)

Signed:

Senators:

BAILEY of York
BRAKEY of Androscoggin

Representatives:

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

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

Signed:

Senator:

CARNEY of Cumberland

Representatives:

MOONEN of Portland
KUHN of Falmouth
MORIARTY of Cumberland
SHEEHAN of Biddeford

Representative DANA of the Passamaquoddy Tribe - of the House - supports the Majority **Ought to Pass as Amended by Committee Amendment "A" (H-705)** Report.

READ.

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

Representative POIRIER of Skowhegan **REQUESTED** a roll call on the motion to **ACCEPT** the Minority **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 Poland, Representative Boyer.

Representative **BOYER**: Thank you, Madam Speaker. I don't know, I think it was last fall, come home from door knocking or something and my wife's upstairs watching reality TV, which she'll not be happy I said to everyone here, but; she doesn't listen to this, anyway. But it was the Kardashians and I heard Kim Kardashian studying for the bar and I was like what the heck is this all about. And it turns out in states like California, Virginia, Washington and Vermont, you can read the Law, in which that you study under a supervising attorney and then take the bar exam. So, you know, back then, reading all the news about the indigent problems we have with no representation, the backlogs, the rural lawyer shortage, it seemed like a good idea for Maine. And so, I presented this bill to the Judiciary Committee and I'm grateful for the Members of the Judiciary Committee for working the bill and what we came up with, it's amended, it says if you study under a supervising attorney for four years, then you're simply eligible to take the bar. So, and I think if this is the way we measure competency for prospective attorneys, it really shouldn't matter if they studied under an attorney for four years or they went to law school. If the bar's the bar, it should be the bar.

So, I think this would help for a lot of different reasons. In doing some research, I learned that there's more lawyers in Cumberland County than all of the other counties put together. Glad I live in Androscoggin County now. But it's a problem, it's a real problem. If somebody that lives in the County wants to become a lawyer, Madam Speaker, their only option to become a lawyer is to move six hours away to the most expensive city in the State and live there for three years and then they have to move back up to the County. So, there's no satellite campuses, there's no online, there's not night school for it. Heck, the days aren't even Monday/Tuesday/Wednesday like you could go and stay over, it's split out. It makes it really, really difficult for everyday Mainers to step up and learn to become a lawyer and serve their communities. We heard from folks like Donna Lee in Midcoast who has been a paralegal for five years. She would love to upgrade and become a lawyer but life; we all have lives, with kids, work and; but this would be a way, a path for her to do so. And I think, you know, perhaps if our new lawyers weren't saddled with such, you know, maybe \$100,000 in student debt, they'd be more apt to be able to represent the poorest Mainers that desperately need representation. But you can't save the world if you can't pay your mortgage and so, I think this is another way for folks to serve their communities. I see this as folks working under a local law firm in their small town and then staying there and serving their community, learning real experience on how to become an attorney, what an attorney does. You know, these small practices, they're renaissance lawyers, they do a little bit of everything because that's what's needed in their community. And I think, again, this is just four years under a supervising attorney just to be eligible to take the bar. Other states do it. This proposal here is modeled after Vermont, in which I think there's been dozens upon dozens and dozens of lawyers have become that way, read the Law in Vermont over the years. This is how it was done back in the day. Our 16th President, Abe Lincoln, read the Law. So, it's nothing new and I think the crisis our State is in regarding the judicial system, this is a common-sense solution to help it. So, I appreciate everyone's consideration of the matter and hope that you support this proposal. Thank you, Madam Speaker.

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

Representative **LEE**: Thank you, Madam Speaker. I'm stealing this joke from my friend, the Good Representative from Rumford. Why do they bury attorneys 12 feet deep? Because deep down, we're really good people. In addition to being good people, attorneys are also desperately needed in the State. It was exactly three months ago that we sat here in this Chamber for the State of Judiciary. There, Chief Justice Stanfill told us that the lack of legal counsel in Maine is a crisis, one not just felt in indigent criminal cases, but with respect to civil cases as well. She noted that the issue is multifactorial and is the result of an aging bar, shrinking rural practices and not enough new attorneys entering the practice of law. This problem is most acute in the areas of our State with the least access to our one law school in Portland.

This bill is substantially similar to Vermont's law, which in a rural state with no public law school is a valuable option that people in Vermont utilize. We have a crisis. Our present solutions are not working. Law school is frankly not an option for many of those who we most need to enter the practice of law, our rural communities, those who cannot afford the expenditure of time and money and our immigrant population, many of whom come to our State with full qualifications as practicing attorneys but can't practice in the State.

This is not a glide path to the bar exam or setting people up for failure. Read the bill. It requires direct supervision by a long-term practicing attorney, frequent updates to the overseers of the board of the bar examiner and a systematic course of legal study for at least four years. That course of legal study must include, at a minimum, a study of the subjects tested on the multi-state bar exam. Madam Speaker, I'm under no delusion that this bill alone will solve the crisis but this is an equitable solution that can help and at least in part reduce the barriers of privilege that preclude people from becoming attorneys. I ask that you join me in supporting it.

The SPEAKER: The Chair recognizes the Representative from Hodgdon, Representative Quint.

Representative **QUINT**: Thank you, Madam Speaker. I am opposed to the pending motion and I'm in very, very strong support of this bill. I represent three counties; Aroostook, Washington and Penobscot; in which we are severely lacking in attorneys for our people there and it's not just those who are waiting or incarcerated who need to have people representing them, we're missing family attorneys. And I think it's truly a good move by the Good Representative from the other side of the aisle. We have many people who have been working in law firms for 15 or 20 years. They could run that if the attorney, you know, was sick for a time and no one would even know the difference. We should allow these people; I'm serious; but we should allow these people who do such wonderful, you know, jobs in helping the attorneys be able to move forward without having to pack up their families and move down to southern Maine. They're living in rural Maine for a reason and I desperately want to keep them there. Thank you.

The SPEAKER: The Chair recognizes the Representative from Cumberland, Representative Moriarty.

Representative **MORIARTY**: Thank you, Madam Speaker. Good afternoon, Fellow Members. I rise in support of the motion. This issue of business is unique in that the two Reports are both bipartisan and bi-attorney. Perhaps a first in the recent history of the House.

Understand that the bar exam is a two-day process. The first day is multiple choice, the second day is essay. But it's the culmination of a lengthy three-year process of intense study and interaction with fellow students and with professors. There is no substitute for that. The first year of law school is particularly unpleasant and challenging but it's worthwhile in the development of the skills necessary to serve as a practicing attorney. Sitting with a current member of the bar in a conference room, reading materials on your own, is no substitute for the experience of going to law school. That doesn't make you a better attorney. It's also very, very difficult to find a single attorney who can, in fact, instruct you on all of the issues that will be covered by the bar exam. It would take a number of different attorneys from different specialties to do so. The day of the general practitioner is pretty much over. Also bear in mind there's no guarantee where a member who passes the bar is going to practice. There's no guarantee they're going to flock to rural Maine or to the underserved areas of Maine. I can tell you when I graduated from UMaine Law, our Commencement speaker was Justice Frank Coffin, a name probably familiar to many people here in this Body, and I remember him urging us to take our skills into the hinterlands. Many did, but not everybody did, because there's no way of knowing where people choose to practice. So, to assume that it's a good thing to spend several years of law under the tutelage of a single individual, and then take the bar and pass it, is going to solve the problem of underservice in certain areas of the State is, I think, an unfounded assumption. And so, I urge my colleagues to support the Ought Not to Pass motion.

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

Representative **KUHN**: Thank you, Madam Speaker. I rise in support of the current motion. Esteemed Colleagues of the House, the Representative from Poland is not wrong. It would be good for Mainers and good for Maine to take steps to reduce barriers to legal education so that it's available to more people and helps Maine meet its legal workforce needs but this is not the way to do it.

Traditional law school such as Maine Law are accredited by the American Bar Association or the ABA. The ABA standards guarantee that students have a rigorous, well-rounded education and are taught by skilled, qualified faculty. The requirement that attorneys have attended an accredited law school ensures that every Maine client will receive competent and ethical representation. The self-study proposed here, on the other hand, does not require similar quality assurance measures to ensure that the apprentice will graduate as a fully-trained and ethically-boundaried professional. For example, supervising attorneys in this initiative would not be credentialed as educators by anybody or necessarily experts in any fields of study. There's also no required curriculum, nor is any part of the curriculum credentialed by anybody. By contrast, just in the first year at Maine Law, students receive hundreds of hours of instruction in courses that cover the foundation of American Law and legal practice including contracts, torts, property, criminal law, constitutional law, civil procedure, taught by experts in each of these fields. How can a supervisory attorney, whether a generalist or a specialist in a couple of areas, possibly provide a similar depth of instruction?

The disparity between these routes raises two serious concerns for me. On the one hand, I'm concerned for the clients. The apprentice-turned-lawyer will bear the responsibility of representing clients in very serious situations. For example, when clients are at risk of losing their liberty, at risk of losing their parental rights, when they seek protection from abuse and

more. This representation can literally mean the difference between life and death. We absolutely should insist on the highest levels of quality assurance so that when a client needs a lawyer, they receive the best possible representation. Second, I'm concerned for the apprentices themselves from a consumer protection perspective. It is very possible that these folks will pay money to toil away at a law office for years and, at the end of the day, not be able to get a job. When we look at individuals who actually pass the bar, individuals who attend an accredited ADA law school pass the bar at a rate of 73%, whereas among apprentices, only 28% pass. I'm concerned that we could create a market opportunity for individuals to offer legal training, likely for a fee, and not deliver a successful curriculum.

Maine Law already has a compromise where individuals can sit for the bar after two years in the classroom and one year in apprenticeship. This is a careful balance of required classroom instruction and flexible apprenticeship experiences. We can't let everyone just go around training themselves because the school location is inconvenient. For example, if someone in Maine wants to become a veterinarian, they have to go to Massachusetts. That's the closest one. There's a reason we develop centers of expertise so that the next generation can be trained.

I'll finish with this; if this law does not pass, I am happy to work with the Representative from Poland to try to reduce barriers to legal education. I truly believe that that is a worthy goal but this bill is not the way to do it. So, for these reasons, I urge my colleagues to vote yes on the pending motion. Thank you, Madam Speaker.

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

Representative **O'NEIL**: Thank you, Madam Speaker. I just finished law school a few weeks ago so, I figured I'd stand up and add a few thoughts. I haven't completely gathered my thoughts because I am studying for the bar exam right now, right here at my desk waiting for us to get out of here, but when the Good Representative from Poland put this bill in; he and I are friends and he came to talk about what this would mean and he was thoughtful, he wanted to know; he wanted to know my thoughts, how this would help, what my experience was in school, that kind of thing, and we had a bit of a conversation and I'll just share some of the same things that I shared during that conversation. I do agree that we have a lot more work to do to make school more accessible. It's expensive, you have to take time away from your life and in Maine, we only have one location. And I agree with all those things and saw it play out with my classmates. Some of the things that we could do to improve, the Representative from Poland already discussed. What we really need to do is like a more flexible schedule and location, we need satellite campuses. The kind of thing I think about that you might be familiar with is in my community, we have a UMA satellite location. That kind of thing would be really helpful in rural communities so that people could complete their coursework but still have access to a good education.

And I want to talk a little bit about what school is. We heard that you start out with a rigorous first year of you take civil procedure, contracts, constitutional law, criminal law, you take two classes about how to write well and research well and accurately cite things because that can make or break a case. You take property, you take torts. There are further requirements that you take administrative law, evidence, business association or taxation and then, I'm just going to read some of the options for the experiential learning that you can do on the job. You can do practicums in administrative law,

appellate, externships where you can be in an office and get credit, juvenile justice, mediation, pretrial work, refugee and human rights, trial, transactional work, economic development, general practice, land use, negotiation, prisoner assistance, tax law, information privacy and, you know, there are more choices, but you get the idea. This schooling is, in my opinion, necessary and useful. I have had different kinds of learning experiences when I've been working with a mentor for a summer job versus in school and the people that I've worked with as supervisors have been great and have been thoughtful and given me time when they can but they are busy, working attorneys and just don't have the capacity to teach you in the same way that you would learn in a classroom. I got to school at 7 a.m. in the morning and left at 11 p.m. That was, you know, most days of the week, Monday to Sunday, and when I was there, I was discussing with my classmates different questions we had, we were discussing in class, I would go to different professors who were different experts in various subjects and they would give space to think things through. And what this is about is it's not about protecting an institution, it's about making sure that our clients get the best service that they can because clients are customers, clients are consumers, and lawyers bill by the hour and it really is an ethical issue to be billing at a very high price while we're learning on the job. So, that's a big reason why this education and this process is so formative and important. Thank you, Madam Speaker.

The SPEAKER: The Chair recognizes the Representative from Poland, Representative Boyer.

Representative **BOYER**: Thank you, Madam Speaker. I'm sympathetic to the grueling act of going to law school and it's good for people, no one's denying that. This is just providing another pathway for people that maybe don't learn well, you know, sitting and doing school and rather learn on the job.

I just looked up the board of overseers pass rate for Maine and it's 36%. So, I don't know that the law school is doing that great of a job, either, with respect. Looking at Vermont in 2022, the pass rate for the approved law school is 49%, reading the law and studying under attorneys, 43%. In 2021, the pass rate from law school was 56% and for law office study, it was 50%. So, we're all adults. If you are working under an office and don't feel like you're getting a fair shake, then you can leave, but this is providing a pathway for folks like these paralegals to upgrade and serve their communities. Again, this is simply to make folks eligible for the bar. Folks still have to pass the bar. Why do we have the bar if law school is good enough? I just don't get it. I hope we can give this a shot, see how it works. We know it's working in states like Vermont, California, Virginia, Washington. Would we argue that people don't have representation in those states? And if a consumer is so concerned with where someone was educated, then the market will react accordingly and, ultimately, you can ask a lawyer where did you go to law school and if they say I didn't go to law school, I studied under someone for four years to take the bar, then they can make a decision to continue engaging with that lawyer or go somewhere else. 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, I want to say there were several things that the Representative from Poland said that I agree with. One is I share his wife's love of reality television. And two, I really strongly agree that it's a problem that our law school does not offer night classes, online classes. There are many law schools around the country that do. I'd be happy to work with anybody on that. I think that's a great idea.

But I do echo a lot of the concerns that you've heard. One of those being that, you know, some of the issues here are the devil's in the details and it's not necessarily the concept. One of the details I have a real problem with is that a supervising attorney in this bill is only required to have three years of training. Three years. I just don't think that's enough time to really know that you've got everything that you need to know to be a good lawyer, much less teach someone else. You know, the Representative from Poland mentioned a few other states that have a program like this. I appreciate that. It is very few. And in terms of reform that's going on around the country, when states are considering reform about barriers to being a lawyer, they're going in the opposite direction of what this bill is proposing. And what I mean by that is they are requiring that you go to law school but not requiring that you pass the bar exam. Madam Speaker, I think we've learned a lot about standardized tests over the years. The bar exam is primarily a multiple-choice test and I think we know that some people are really good test-takers and some people aren't and so, I understand why those states are moving in the other direction, because the education is more important than your ability to ace a multiple-choice test. You need to learn how to think like a lawyer, learn how to write like a lawyer, learn how to advocate like a lawyer because that's what your clients deserve.

So, I'm not a lawyer, I have no stake in this, but I really view this as a consumer protection issue, and on multiple fronts. Number one, I really worry about someone who signs up to be an apprentice with a lawyer for four years who only has three years of experience, maybe they only do family law, maybe they only do criminal law, they're not really qualified to teach their apprentice every other part of the law that they need to know and there's a really strong possibility that they waste four years not getting the education that they thought they were going to get. And that's a real disservice to those people. If they're going to sign up for an education, they should know they're getting one that's going to help them succeed. The other way I view this as a consumer protection issue is for the clients. You know, I would not want a doctor who had not gone to medical school and I would not want a lawyer who had not gone to law school. I would want the best possible representation I could get if I was in a situation where I was facing losing my children, losing my liberty, losing my home, any number of situations. And I think the people of Maine deserve quality legal representation. Like I said, I agree with what was said about there being some barriers to giving people that quality legal representation. I think there's ways to work on that that are not this bill. And I thank you for listening, Madam Speaker.

The SPEAKER: The Chair recognizes the Representative from Wales, Representative Greenwood.

Representative **GREENWOOD**: Thank you, Madam Speaker. I had a few queues where I was planning on rising but I was not planning on rising on this one. The Good Representative from Cumberland had referenced a bipartisan Report. I'm looking at the motion on the floor for Ought Not to Pass. It doesn't appear to be bipartisan and it's the Minority. If we looked at the Majority Report, that is the one that appears to be bipartisan. It might be worth having the Clerk read the Committee Report.

The same Representative **REQUESTED** that the Clerk **READ** the Committee Report.

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

The SPEAKER: The Chair recognizes the Representative from Hodgdon, Representative Quint.

Representative **QUINT**: Thank you, Madam Speaker, for allowing me to rise again. You know, there's another area in

which we have made allowances for people who have not gone to an appropriate school to practice and one of those areas would be in medicine, where we allow nurse practitioners to work in our community even though they have not gone to med school and they are doing many of the responsibilities of physicians. Thank you.

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

ROLL CALL NO. 324

YEA - Ankeles, Arford, Bell, Boyle, Brennan, Bridgeo, Cloutier, Copeland, Crafts, Craven, Dhalac, Dodge, Drinkwater, Fay, Gattine, Geiger, Gere, Gramlich, Hobbs, Kuhn, Lajoie, Madigan, Malon, Mastraccio, Meyer, Millett R, Montell, Moonen, Moriarty, Murphy, O'Connell, O'Neil, Perry A, Pluecker, Pringle, Rana, Rielly, Roberts, Sachs, Salisbury, Sargent, Sayre, Sheehan, Skold, Stover, Terry, Worth, Zeigler.

NAY - Adams, Arata, Ardell, Babin, Bagshaw, Blier, Boyer, Bradstreet, Campbell, Carlow, Carmichael, Cluchey, Collamore, Collings, Costain, Cray, Crockett, Cyrway, Davis, Dill, Doudera, Ducharme, Dunphy, Eaton, Faulkingham, Foster, Golek, Graham, Greenwood, Griffin, Guerrette, Haggan, Henderson, Hepler, Hymes, Jauch, Landry, LaRochelle, Lee, Lemelin, Lookner, Lyman, Mason, Mathieson, Matlack, Millett H, Milliken, Morris, Ness, Newman, Nutting, Parry, Paul, Perkins, Perry J, Poirier, Polewarczyk, Pomerleau, Quint, Reckitt, Riseman, Roeder, Runte, Russell, Schmursal-Burgess, Shagoury, Shaw, Simmons, Smith, Soboleski, Strout, Supica, Swallow, Theriault, Thorne, Walker, Warren, White B, White J, Wood, Woodsome, Madam Speaker.

ABSENT - Abdi, Albert, Andrews, Fredericks, Galletta, Gifford, Hall, Hasenfus, Jackson, Javner, Kessler, Lanigan, Lavigne, Libby, Osher, Paulhus, Rudnicki, Sampson, Underwood, Williams, Zager.

Yes, 48; No, 82; Absent, 21; Vacant, 0; Excused, 0.

48 having voted in the affirmative and 82 voted in the negative, with 21 being absent, and accordingly the Minority **Ought Not to Pass** Report was **NOT ACCEPTED**.

Subsequently, on motion of Representative MOONEN of Portland, the Majority **Ought to Pass as Amended** Report was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (H-705)** 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-705)** 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 **STATE AND LOCAL GOVERNMENT** reporting **Ought Not to Pass** on Bill "An Act to Enhance Legislative Participation in the Governor's Use of Emergency Powers"

(H.P. 1201) (L.D. 1876)

Signed:

Senators:

NANGLE of Cumberland
BALDACCI of Penobscot

Representatives:

STOVER of Boothbay
ABDI of Lewiston
COPELAND of Saco
DHALAC of South Portland
PAULHUS of Bath
RISEMAN of Harrison

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-690)** on same Bill.

Signed:

Senator:

LYFORD of Penobscot

Representatives:

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

READ.

Representative STOVER of Boothbay moved that the House **ACCEPT** the Majority **Ought Not to Pass** Report.

Representative GREENWOOD of Wales **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 Guilford, Representative White.

Representative **WHITE**: Good evening, Madam Speaker. I just want to recognize that the Good Representative on the other side of the aisle that's a great guy down deep wrote this bill that's very similar to the one that I spoke to last week and I wholeheartedly agree with everything in it.

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

Representative **LEE**: Madam Speaker, this is my bill. Some clarifications that shouldn't be necessary but evidently are: One, I'm still a Democrat. Two, COVID is real. Three, lizard people are not. Four, masks and vaccines work. And this bill has nothing to do with the current Chief Executive, for whom I campaigned and voted twice. This bill is about this branch of government. The primary policymaking branch of government, the one closest to Maine's citizens, modestly reasserting its role in participating in the governance of this State in the event of an emergency. The executive emergency power is not vested to the Chief Executive by the Constitution; rather, it's delegated to the Chief Executive by this Body via Statute. That we delegate it means it's our power. That means it's well within this Body's authority, this Body's responsibility, to assert its right to amend our Statute to ensure our participation in the emergency governance in this State.

This bill does this in five modest ways. One, it requires that the Chief Executive directly consult with the Legislative Council when acting on emergency powers. Two, it provides that action taken by the Chief Executive must be narrowly

tailored to address the specific public health or safety emergency for which the emergency was declared. Three, it provides the Superior Court jurisdiction to issue temporary restraining orders or preliminary injunctions against Executive actions in excess of the narrow tailoring and in the event one is granted, it gives the expedited appeal to the Chief Executive to challenge the injunction to the Law Court. That's power to the Chief Executive to challenge actions by the Legislature. Four, during the state of emergency, it requires the Chief Executive to provide a written weekly briefing to the Legislative Council detailing all actions taken pursuant to the emergency powers and how and whether those actions have helped with the emergency. And, finally, it requires 91 Representatives and 21 Senators to extend an emergency beyond 30 days.

Madam Speaker, we're Democrats. Historically, that means we are suspicious of executive power. This is a democratic bill and the party of the present Chief Executive should not impact our evaluation of it. I humbly ask for your support.

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. 325

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

NAY - Adams, Arata, Ardell, Babin, Bagshaw, Blier, Boyer, Bradstreet, Campbell, Carlow, Carmichael, Collamore, Collings, Costain, Cray, Cyrway, Davis, Dodge, Doudera, Ducharme, Dunphy, Faulkingham, Foster, Greenwood, Griffin, Guerrette, Haggan, Henderson, Hymes, Lee, Lemelin, Lookner, Lyman, Mason, Millett H, Morris, Ness, Newman, Nutting, Parry, Paul, Perkins, Poirier, Polewarczyk, Pomerleau, Quint, Sargent, Schmersal-Burgess, Shaw, Simmons, Smith, Soboleski, Strout, Swallow, Theriault, Thorne, Walker, White B, White J, Wood, Woodsome.

ABSENT - Abdi, Albert, Andrews, Drinkwater, Fredericks, Galletta, Gifford, Hall, Hasenfus, Jackson, Javner, Kessler, Lanigan, Lavigne, Libby, Osher, Paulhus, Rudnicki, Sampson, Underwood, Williams, Zager.

Yes, 68; No, 61; Absent, 22; Vacant, 0; Excused, 0.

68 having voted in the affirmative and 61 voted in the negative, with 22 being absent, and accordingly the Majority **Ought Not to Pass** Report was **ACCEPTED** and sent for concurrence.

Majority Report of the Committee on **TAXATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-707)** on Bill "An Act to Make Technical Changes to the Maine Tax Laws" (H.P. 181) (L.D. 283)

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
RANA of Bangor

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

Signed:

Representatives:

QUINT of Hodgdon
RUDNICKI of Fairfield

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-707)** 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-707)** 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 **TAXATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-712)** on Bill "An Act to Improve Economic Security for Maine Children by Establishing the Maine Dependent Tax Credit" (H.P. 996) (L.D. 1544)

Signed:

Senators:

GROHOSKI of Hancock
CHIPMAN of Cumberland
LIBBY of Cumberland

Representatives:

PERRY of Bangor
CARMICHAEL of Greenbush
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:

Representatives:

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

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-712)** 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-712)** and sent for concurrence.

Majority Report of the Committee on **TAXATION** reporting **Ought Not to Pass** on Bill "An Act to Eliminate the Personal Property Tax"

(H.P. 1122) (L.D. 1743)

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
LIBBY of Auburn
MATLACK of St. George
RANA of Bangor

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-704)** on same Bill.

Signed:

Representatives:

QUINT of Hodgdon
RUDNICKI of Fairfield

READ.

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.

Majority Report of the Committee on **TAXATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-686)** on Bill "An Act to Establish 5 New Tax Brackets and a Surcharge for Higher Income Levels"

(H.P. 1196) (L.D. 1866)

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 Not to Pass** on same Bill.

Signed:

Senator:

LIBBY of Cumberland

Representatives:

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

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-686)** 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-686)** 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-688)** on Bill "An Act to Prohibit Campaign Spending by Foreign Governments and Promote an Anticorruption Amendment to the United States Constitution"

(I.B. 1) (L.D. 1610)

Signed:

Senators:

HICKMAN of Kennebec
BRENNER of Cumberland

Representatives:

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

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

Signed:

Senator:

TIMBERLAKE of Androscoggin

Representatives:

ANDREWS of Paris
BOYER of Poland
HYMES of Waldo
RISEMAN of Harrison
RUDNICKI of Fairfield

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-688)** 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-688)** and sent for concurrence.

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

Eight Members of the Committee on **JUDICIARY** report in Report "A" **Ought Not to Pass** on Bill "An Act to Require Parental Approval for Public School Employees to Use a Name or Pronoun Other than a Child's Given Name or Pronoun Corresponding to the Gender on the Child's Birth Certificate" (H.P. 447) (L.D. 678)

Signed:

Senators:

CARNEY of Cumberland
BAILEY of York

Representatives:

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

Three Members of the same Committee report in Report "B" **Ought to Pass as Amended by Committee Amendment "A" (H-677)** on same Bill.

Signed:

Representatives:

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-678)** 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-679)** on same Bill.

Signed:

Representative:

ANDREWS of Paris

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

READ.

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

Representative HAGGAN of Hampden **REQUESTED** a roll call on the motion to **ACCEPT** Report "A" **Ought Not to Pass**.

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 Report "A" Ought Not to Pass. All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 326

YEA - Ankeles, Arford, Bell, Boyle, Brennan, Bridgeo, Cloutier, Cluchey, Collings, Copeland, Crafts, Craven, Crockett, Dhalac, Dill, Dodge, Doudera, Eaton, Fay, Gattine, Geiger, Gere, Golek, Graham, Gramlich, Hepler, Hobbs, Jauch, Kuhn, Lajoie, Landry, LaRochelle, Lee, Lookner, Madigan, Malon, Mastraccio, Mathieson, Matlack, Meyer, Millett R, Milliken, Montell, Moonen, Moriarty, Murphy, O'Connell, O'Neil, 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, Worth, Zeigler, Madam Speaker.

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

ABSENT - Abdi, Albert, Andrews, Drinkwater, Fredericks, Galletta, Gifford, Hall, Hasenfus, Jackson, Javner, Kessler, Lanigan, Lavigne, Libby, Ness, Osher, Paulhus, Rudnicki, Sampson, Underwood, Williams, Zager.

Yes, 76; No, 52; Absent, 23; Vacant, 0; Excused, 0.

76 having voted in the affirmative and 52 voted in the negative, with 23 being absent, and accordingly Report "A" **Ought Not to Pass** was **ACCEPTED** and sent for concurrence.

CONSENT CALENDAR

First Day

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

(S.P. 573) (L.D. 1455) Bill "An Act to Establish the Weighing Point Preclearance Program" Committee on **TRANSPORTATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-424)**

(S.P. 678) (L.D. 1691) Bill "An Act to Provide Parity in State Energy Rate Relief Payments and Tax Exemptions for Maine Cannabis Businesses" Committee on **VETERANS AND LEGAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-422)**

(S.P. 722) (L.D. 1797) Bill "An Act to Expand Maine's Health Care Workforce by Expanding Educational Opportunities and Providing Tax Credits" Committee on **INNOVATION, DEVELOPMENT, ECONOMIC ADVANCEMENT AND BUSINESS** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-417)**

(H.P. 69) (L.D. 101) Bill "An Act to Return to the Former Owner Any Excess Funds Remaining After the Sale of Foreclosed Property" Committee on **TAXATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-713)**

(H.P. 521) (L.D. 832) Bill "An Act to Sustain the Medical Use of Cannabis Program" Committee on **VETERANS AND LEGAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-706)**

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

There being no objection, the Senate Papers were **PASSED TO BE ENGROSSED as Amended** in concurrence and the House 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
Emergency Measure

An Act to Ban the Video Hosting Service TikTok on All State-owned Devices

(H.P. 643) (L.D. 1007)
(H. "A" H-647 to C. "A" H-570)

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. 113 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 Ensure Efficiency in the Review of Petitions by the Secretary of State by Clarifying Deadlines Related to Those Petitions

(H.P. 154) (L.D. 233)
(C. "A" H-613)

An Act Regarding Dental Hygienists and Dental Therapists

(H.P. 1026) (L.D. 1581)
(C. "A" H-698)

An Act to Prohibit Profiling and to Strengthen Civil Rights in Maine

(H.P. 1038) (L.D. 1613)
(C. "A" H-692)

An Act to Amend the Laws Regarding the Mi'kmaq Nation and to Provide Parity to the Wabanaki Nations

(H.P. 1045) (L.D. 1620)
(C. "A" H-699)

An Act to Require a Liability Automobile Insurance Policy to Cover the Costs of Towing and Storing Certain Vehicles

(S.P. 666) (L.D. 1661)
(C. "A" S-410)

An Act Regarding the Maine Indian Tribal-State Commission

(H.P. 1078) (L.D. 1679)
(C. "A" H-680)

An Act to Complete and Implement the Comprehensive Review of the Classification and Compensation System for Executive Branch Employees

(H.P. 1184) (L.D. 1854)
(C. "A" H-669)

An Act Regarding Surplus Lines Insurance Tax

(H.P. 1272) (L.D. 1979)
(C. "A" H-689)

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, Establishing the Commission to Study the Liability of Parents and Legal Guardians for Damage by Minors

(H.P. 85) (L.D. 139)
(C. "A" H-693)

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

An Act Regarding the Procurement of Energy from Offshore Wind Resources

(S.P. 766) (L.D. 1895)
(C. "A" S-420)

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

On motion of Representative FOSTER of Dexter, was **SET ASIDE**.

The same Representative **REQUESTED** a roll call on **PASSAGE TO BE ENACTED**.

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

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

Representative **FOSTER**: Thank you, Madam Speaker. I will be very brief. I stand in opposition to this bill because, quite frankly, we don't know enough about what we're doing here for such a massive project and, as you may recall, at least in EUT, we know about an experimental miniature version, if you will, of a windmill that we had placed off from Castine that was an experimental project. Quite frankly, many of the results from that were not really encouraging. In our Committee, we passed legislation that would place another much larger unit, not as large as what we're talking about here, off from Monhegan, and that would serve as even a better test and give us some indication of how successful offshore wind might be for Maine. And, yet again, without any information, obviously, from that project because it hasn't taken place yet, we passed legislation that would provide a 12-unit grid called a research array. That research array was actually supposed to be put in place so that we would know how successful or unsuccessful offshore wind might be for the State of Maine and the Gulf of Maine. Nothing has been done with that. So, at this time, we are now proposing with this bill to move ahead with a huge project where we don't even know where the port is going to be, where the work would be done, where; we don't know where the cabling would lie for connecting that project to shore and we don't really have the details of what the cost will be to Maine ratepayers. So, at this time, Madam Speaker, I'm afraid I need to oppose this bill being enacted. Thank you.

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

Representative **STROUT**: Thank you, Madam Speaker, and Ladies and Gentlemen of the House. I rise in opposition of this motion. As you know, I had a bill in for stopping offshore wind but I'm also not opposed to planning for the future and, if this comes through, how to do that. This particular bill doesn't allow for 90% of the contractors in the State of Maine to potentially bid on these projects and if we're looking to make jobs for people, especially if this affects my communities, then I think that everybody should have the option to be able to work for a company and make a living and do so with whatever laws that we have.

The **SPEAKER**: The Chair recognizes the Representative from Scarborough, Representative Warren.

Representative **WARREN**: I just wanted to rise just to be on the record in strong support of this legislation. There's some great work that's being done, that I think will be done. There's also some very reasonable, very well-justified concerns and, frankly, reasons to oppose this measure. At the same time, I feel as a Representative that came to this Body to address climate change, that this is a solution that meets Maine's needs. I also rise to move in a different direction in a just way and, I think, a more inclusive way. I think being frank and clear about what Maine has not done in the past, what it's doing now for our

fisheries, for our tribes, for our future, for setting strong labor standards. There so many pieces of this legislation that I think are wonderful. I'm very proud to support the pending motion and hope others will follow my light.

The SPEAKER: The Chair recognizes the Representative from Embden, Representative Dunphy.

Representative **DUNPHY**: Thank you, Madam Speaker. Madam Speaker, I have some real concerns about the lack of information from these offshore wind projects. We don't know a whole lot about decommissioning, what the policy is, what the program is going to be. We had a lot of people testifying; I say a lot, we had a number of people testifying before our Committee who were fishermen who had concerns. The Native tribes also had some concerns about this. And I just think that we're potentially buying a pig in a poke and so, I just think that we're moving too rapidly on these things without proper information. Thank you.

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

Representative **COLLAMORE**: Thank you, Madam Speaker. Madam Speaker, I rise in opposition of enactment. As many of you may know and, Madam Speaker, I'm sure you are well aware, I am strong supporter of offshore wind. I am a minority in my party in that sense and I understand and accept that and, thankfully, so do my colleagues. What I'm not in strong support of is a policy on offshore wind that cuts off more than 90% of our workforce in the State of Maine, meaning that almost every person working on offshore wind would come from out of State. And in that note, I have to vote against this motion. Thank you.

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

ROLL CALL NO. 327

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

NAY - Adams, Arata, Ardell, Babin, Bagshaw, Blier, Boyer, Bradstreet, Campbell, Carlow, Carmichael, Collamore, Costain, Cray, Cyrway, Davis, Drinkwater, Ducharme, Dunphy, Eaton, Faulkingham, Foster, Greenwood, Griffin, Guerrette, Haggan, Henderson, Hepler, Hymes, Lemelin, Lyman, Mason, Millett H, Morris, Newman, Nutting, Parry, Paul, Perkins, Polewarczyk, Pomerleau, Quint, Schmursal-Burgess, Simmons, Smith, Soboleski, Stover, Strout, Swallow, Theriault, Thorne, Walker, White J, Wood, Woodsome.

ABSENT - Abdi, Albert, Andrews, Copeland, Fredericks, Galletta, Gifford, Hall, Hasenfus, Jackson, Javner, Kessler, Lanigan, Lavigne, Libby, Ness, Osher, Paulhus, Poirier, Rudnicki, Sampson, Underwood, Williams, Zager.

Yes, 72; No, 55; Absent, 24; Vacant, 0; Excused, 0.

72 having voted in the affirmative and 55 voted in the negative, with 24 being absent, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

An Act to Create the Maine Paid Family and Medical Leave Benefits Program

(S.P. 800) (L.D. 1964)
(C. "A" S-385)

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

On motion of Representative BRADSTREET of Vassalboro, was **SET ASIDE**.

The same Representative **REQUESTED** a roll call on **PASSAGE TO BE ENACTED**.

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

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

Representative **BRADSTREET**: Thank you, Madam Speaker, Members of the House. I object to the enactment of LD 1964 for quite a number of reasons. Some of these I've determined myself by listening to people, others are a compilation of concerns that many, many people have sent to me.

I think, you know, we're all in agreement that it would be nice to have some type of paid family medical leave at least at some measure. However, as we've heard before even today and we've heard many times, the devil is always in the details. This is some of the concerns I've heard about this bill. It will create a massive new government program and we don't even know what this program will cost because no new updated actuarial study has been done on the bill as it now stands. The bill calls for a new payroll tax of approximately \$380 million per year, a new tax of \$380 million per year. But the actual cost of the program is really unknown. The most reasonable estimate is that this program will cost at least \$300-350 million per year and that's not including the costs of administration. The fiscal note says the program will cost \$360 million per year. So, we're talking right in that vicinity. Let me say that again. We are creating a program that will cost at least \$360 million per year. This will undoubtedly be the largest new government program most of us will take and vote on in our entire legislative careers. And I can't think of a last new ongoing government program we've created of this size.

I'd also like to make a comment on the process, and this is something I've heard from a number of people. The bill was printed on May 18th, heard in Committee on May 25th, and voted on its one and only work session on June 1st. This is the one work session on the largest bill of this sort we've seen in years. That's right, a brand-new \$300 million government program is printed, heard and worked in two weeks. You've heard that there's been years of work put into this issue, that there was a work group and hundreds of meetings have been held, but it's not just the time and work that goes into setting up this, it's the time we have an opportunity to vet it and discuss it together, and that has not happened. There's no substitute for deliberative work by this Body. Some may have worked on this for a long while, maybe even years, and I applaud them for doing so. They've done a lot of hard work. But most of us have not spent months or years on this issue and the actual legislation, including substantive amendments, was not available on Tuesday night of this week; this is several days ago. Many issues that reach the Legislature have been worked on for years. That's not an excuse for a Legislature to rush in its deliberations and that is what we're doing; rushing. And it's wrong. And I know the question well, why are we rushing and, you know, there's the cloud hanging over us of a possible Maine People's Alliance-promoted referendum question about this but, you know, Madam Speaker, we can't let that affect what we do in

this Body. If we allow that to affect what we do, that will happen every time. It will set a horrible precedent. We must act on bills as they are and on their own merits.

I appreciate the members of the business community. They're torn by this issue. Some would like the bill and the issue to just go away. Others have asked us to draft a modest, Maine-focused program, but that hasn't happened. In other states, the vast majority of states do not have a government-mandated tax-funded leave program. I believe at last count, that's 36 other states do not have this tax-funded program. Furthermore, of the minority of 14 states that do have these kinds of government programs, only four are more than a few years old and this is very few programs that have been truly tested. Simply saying that 14 other states have these programs is, in my opinion, not the whole truth. It is true but the fact that most of them have been around for a short time, actually since COVID, means that we should be extra cautious about how we do this in the State of Maine.

And just a small note about small businesses. Until LD 1964, Maine's smallest businesses had been exempted from unpaid family medical leave requirements but LD 1964 changes that. Small businesses in Maine will need to deal with absenteeism and impact on business. This program will be administratively burdensome. Most small businesses lack HR departments or even a person devoted to that purpose. There's nothing in the bill to assist a business of any size with the issue of absenteeism or helping with hiring replacement workers. There's a claim that it does, but it really doesn't, according to the people who actually run the businesses. And if businesses of any size cannot find full workers now, how will they find workers if somebody is out on leave for 12 weeks? It's just not that easy.

I'll give you four examples of why this is not a reasonable proposal. One is the benefit cap. Every state that has a program like this, they cap the weekly benefits at some amount. The benefit cap in this proposed bill is 100% of the State average weekly wage, and this is the second-highest in the country and it would be the highest rate in New England. Rhode Island's is 85%, Massachusetts 64%, Connecticut 60%. This is not reasonable. Another concern is the finicky relationships. You've heard that this bill referred to as paid FMLA, the F in FMLA stands for family. Leave is generally for yourself or your family. Under the bill, family includes, and I quote, any other individual with whom the covered individual has a significant personal bond that is or is like a family relationship, end of quote. This is an expansion of unknown proportion and it's unreasonable. Taking time for yourself is one thing in a family but for your neighbor? Who else? Where do we draw the line? That's not a reasonable proposal. Number three, wage replacement. Each state proposes a formula for how the employee's wages get replaced up to the benefit cap. This bill proposes a tiered formula but for the average worker, the formula in this bill produces the second-highest wage replacement in the country and will be the highest in New England. This bill is not moderate. Number four, employers share a cost. Finally, let me address the issue of the employer's share of financing. Under this bill, the employers have to pay for 50% of the program and employees fund 50%. That's the second-highest rate in the country and this is by far the highest rate in New England. In fact, the employee rate in Rhode Island is zero, the employer rate in Connecticut is zero. What I would like you to remember is that the cost of paid leave is not simply the cost to finance benefits to people while they're not working. That's only half the cost. The real cost is to businesses and when they have people go on leave, one of two things begins to happen at that point in time. Either they're replaced by a

temporary worker which the employer has to fund 100% of the replacement worker's cost, or they can't replace the worker and the business suffers, often a financial loss. Employers bear 100% of these costs. Also, left unanswered is the question about those employees a business is fortunate enough to find to fill in the time when the person is taking the leave and upon return to their permanent employee and the replacement worker is then terminated, are they due for unemployment insurance? Is that going to affect the rates of the employer? Is there any consideration about helping the small business person who must not only hire additional worker but contribute to pay employee benefits to the employee on leave?

This is a huge tax increase, and that's really what it is, it is a big, big tax increase. For the lack of a real compromise, neither the minority party or any other major business association were allowed to participate. Evidently, the only opinions considered were those of small minority type businesses, smaller businesses who would stand to benefit directly from this by having their cost of providing benefits for the employees being passed on to other employers. Is that fair?

This is just one example of a clip from one type of industry that has forwarded to me their concerns about this and this is regarding the forest industry and it's about their inability to afford a new tax or pass along the costs. Contractors are price-takers, not price-setters. Wood prices are suppressed because of lost or vastly reduced markets. Record inflation has added insult to injury, lower pay for wood cannot keep up with increased expenses. Contractors simply cannot afford any new taxes. We've seen 30% of logging capacity disappear in the last three years. This could wipe out every logging and trucking business in Maine unless they downsize to 14 or fewer employees. It's more burden for small businesses. Remember, in 2019, the Legislature passed a law mandating the provision of paid time off for companies with 10 or more employees. Now, it wants to go even further and require more paid time off. With this legislation, contractors with 15 or more employees would be required to provide up to an additional 12 weeks, that's three months of paid leave to their employees. As a result, we will lose the longstanding protection provided for decades by Maine's existing family and medical leave law, which also aligns with the federal FMLA statute.

Just two days ago, enough of us had the wisdom in this building and this House to stop a tax increase on dead people. Why can't we agree to stop the huge tax increase on living people? We're going from the wading pool directly into the ocean with no opportunity to test a more moderate proposal that would satisfy most every employee. Their desires are not subjecting business people to the extreme measures that this bill mandates. Madam Speaker, I hope you join me in really giving this serious consideration. This is a bill that has a lot of appeal but when you get into the details, as always, there's a lot more than meets the eye. I hope you join me in voting against this proposal. Thank you, Madam Speaker.

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. This bill is a new tax on Maine workers and Maine businesses. Everyone is struggling with rising prices and inflation. We should not be adding to the burden they are dealing with by taking more money from their paychecks weekly for a program that will not be ready until May of 2026.

I sat on the Labor and Housing Committee in the 129th Legislature, when a similar bill was presented by then-Speaker Sara Gideon. This bill is no more ready for primetime than that

failed proposal. It also proposed a tax on wages. By the end of the hearing, it was clear that the amount called for would not be enough. The proponents of this bill are underestimating the cost and how much tax will need to be collected from individuals and businesses. This bill seems to account for this by allowing the administrator to raise the tax if more money is needed based on utilization beginning in 2028.

I am in my third term on the Insurance and Financial Services Committee, where we hear regularly about insurance companies needing to be able to do the actuarial study to underwrite the risk to calculate premiums. I see very little evidence that this has been done in this, just as it was not done in the failed bill presented four years ago. This is a real risk when you look at the definition of family in this program. It is so broad that it allows individuals to take advantage and increase the costs of the program. This will lead to future tax increases on Maine workers and Maine businesses to keep this program solvent.

I would also like to take the opportunity to address the claim that Maine is somehow an outlier in New England when it comes to not offering paid leave to its workers. New Hampshire's plan, right next door, is completely voluntary. It is a public-private partnership and the max amount of benefit is six weeks, not 12. I would also point out to this Body that New Hampshire does not have a tax on income or sales tax. This bill will make Maine an outlier and further chase people and businesses out of our State. I encourage this Body to reject this motion. Thank you.

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

Representative **CARMICHAEL**: Thank you, Madam Speaker, Women and Men of the House. When I ran for this spot on the Legislature, I purposely wanted to stay away from labor and transportation issues because that's what I've done my whole life and I have a business in that and I didn't want to do anything that was self-serving. But, Madam Speaker, in 1986, I started a transportation business, myself and one truck. Now we have many trucks and a hundred or so employees. This is a family business, Madam Speaker, that I've poured my life into and this bill, not just financially but logistically, will be almost impossible for my company to obey to. If multiple people decide that they're going to, you know, had family issues and they go out for 12 weeks at a time, there's not enough people in the workforce right now trained to replace them. So, even if we could come up with the finances, Madam Speaker, you know, I'm tied to a contract that's four years in duration. So, if that goes into effect, then I got multiple years before I can recoup any of them costs. And, Madam Speaker, you know, my drivers earn over \$30 an hour. I treat them as good as I can possibly treat them but I can't do this. This would, you know, put my company and my family at risk. Please think about it before you push the green button. Thank you.

The SPEAKER: The Chair recognizes the Representative from Winterport, Representative Paul.

Representative **PAUL**: Thank you, Madam Speaker. I rise in opposition to the enactment of this bill. We own a small commercial cleaning company, my family and I, in Maine that we started in 2014. We serve upwards of a hundred businesses each night, cleaning and disinfecting their buildings. Many are medical facilities. We have 55 employees. The last few years have been brutal to find, hire and train employees. Our labor costs have risen more than 50%. Our earnings have been slashed.

This bill, if enacted, will make the last three years seem easy. Our business requires us, by contract, to be there every

night. If one employee calls out just one night, we scramble to find coverage, oftentimes paying overtime to get it done and not lose a contract. Some industries might be able to adjust to this bill. The service industry cannot. For some industries, a project will get delayed or never get done as they find replacements. That's not good but industries that require an employee to be there that day, every day and if they aren't, they're in a breach of contract, this bill will absolutely destroy those industries.

For every employee that takes leave, that requires us to quickly advertise, interview and train. That process, at best case, will take a week to find someone to replace that person. During that week, we'll be scrambling to cover that person being out. Add multiple people and the problem exponentially increases. And not every employee we hire stays or are good enough to stay, so we need to hire more. And the good ones, we hope they stay for the 12 weeks to cover the employee out on leave. What do we do with the new hire once the employee who has been out on family leave comes back? Fire them? Then they go on unemployment, so, our insurance rates go up and they are one more person that is out of the pool of availability to hire. And how soon can that new employee I hired to replace the one on leave file for family leave as well? How long do they have to work before being eligible? So, for every person out on family leave, we might have two, three, four employees filling in or out on leave as well.

This is a nightmare scenario, and multiply that scenario many times over for multiple employees taking family leave all at the same time. Will that be two? Five? 20? 40? All employees at once? I assume there's no limit to how many can file at once. While the pool of unavailable employees just got huge and they're either out on leave or receiving unemployment benefits, we will lose contracts, we will lose customers and we will become less profitable as a result of this legislation. Many businesses will close their doors and many businesses and industries that can leave the State, will. The legislators in favor of this bill may think you are helping, but you're not. In a State that is already brutal for running a business and finding quality employees, skyrocketing labor costs, et cetera, this bill is a killer for business and a killer for jobs as well. For a business, this is not the way life should be. Thank you, Madam Speaker.

The SPEAKER: The Chair recognizes the Representative from Dover-Foxcroft, Representative Perkins.

Representative **PERKINS**: Thank you, Madam Speaker, my Colleagues in the House. I appreciate the chance to speak on this. We've heard about the cost to the government, we've heard about the cost to businesses, and this won't affect our business because we don't have traditional employees anymore, everybody works for us now works in the 1099. But one thing I haven't heard spoken about is how it's going to affect the nonprofits. I'm involved with almost a dozen nonprofit rural health care centers in my area and up in Aroostook County and payroll is our largest expense. We have hundreds of employees and we can't fill all of our positions as it is, even with as many employees as we have. We spend lots of money to recruit people from all over the country to come to our clinics and we still can't fill them. We're very generous with the amount of time that we give off and how we allow them to, you know, set their schedules and we still can't fill those positions.

If this bill were to pass, we would not be able to keep the hours that we have, you know, we wouldn't be able to offer the services that we have. We wouldn't be able to fill positions when people take that leave. We would have to cut back the amount of services that we offer to people that need those essential rural health care services. Right now, just because we don't have full staffing, people have to wait for appointments as it is. We can't

offer all the services that we want because we don't have the people and we definitely wouldn't have the people that don't exist right now to fill those positions when people are on leave. If this bill is passed, Madam Speaker, we would have to close doors at certain hours, we would have to tell people they would have to wait longer for these essential services that they need for good, adequate rural health care. So, I encourage you, Madam Speaker, to please not support this bill. Thank you.

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

Representative **ROEDER**: Thank you, Madam Speaker. Madam Speaker, ask any Mainer about their paid family and medical leave situation or lack thereof and they'll have a story for you. Many of you are familiar with my story about being a foster parent. I talk a lot about meeting my sons for the first time and how I was so nervous to meet them, I almost threw up when the case manager introduced us. But you may not have known that I didn't get any time off, paid or unpaid, when they were placed in my home or when we adopted them a year later. Their dad had two weeks of paid time off through his company but would have had 12 if I had given birth.

Let's not forget that people need to take medical leave for other reasons, though. In 2016, my dad was diagnosed with mesothelioma due to exposure to asbestos in the Navy. By early 2017, I got a call from my dad's doctor. Despite chemotherapy, despite radiation, despite being part of a promising new clinical trial, my dad's cancer was spreading. Dad's primary care physician told me that he had weeks, maybe months to live. The very next day, his oncologist called to tell me maybe he had a few weeks to live at most. And the day after that, nurses who visited my dad to evaluate him for hospice said your dad only has a few days. Get here now. I dropped everything and went home to Minnesota. At the time, I was in the middle of directing a play with 34 youth actors. I handed it all over, my boss said go, go now, I'll help you get a ride to the airport. And that employer graciously gave me the time I needed to go home, support my mother and help my dad navigate through hospice in his final days. Because we were still living paycheck to paycheck and because my leave was unpaid, I had to take whatever time I could to work remotely. That meant I worked in the dark of night, on hospital Wi-Fi from my dad's room as he slept. I'd catch a few hours of sleep between work, time with visitors and nurses and doctor visits. I vaguely remember showering once. I had to stay after dad passed to help my mom get acclimated to her life without her husband of 47 years, but a paltry few days barely scratched the surface of meeting my Mom's needs. When I returned home to Maine, I returned carrying the extra baggage of guilt because there was so much left undone in Minnesota, so many loose ends not tied up, but there's only so long that my family could go without my full paycheck. To me, there's nothing more crushing than needing time to take care of a loved one and not having the luxury to do so. But this is my point; caregiving for a family member should not be a luxury.

Madam Speaker, many of us have similar stories of caring for an aging parent or welcoming a new child into their lives. As Rosalynn Carter said, there are only four kinds of people in the world; those who have been caregivers, those who are currently caregivers, those who will be caregivers and those who will need a caregiver. This is universal. This is me, this is you, this is us. In addition to the positive impacts this bill will have on parents, children and extended family, paid family and medical leave benefits employers. Employers who choose to offer PFML enjoy reduced turnover costs due to higher worker retention, higher worker morale and increased productivity. Additionally,

according to research conducted by the Center for Women and Work at Rutgers, new parents who receive paid leave are more likely to remain employed a year after their child's birth and less likely to require public assistance in general. This is a common-sense policy proposal. A compassionate policy proposal. An economically sound policy proposal. We should all be proud to support such a thoroughly researched and vetted bill. Thank you, Madam Speaker.

The SPEAKER: The Chair recognizes the Representative from Phillips, Representative Soboleski.

Representative **SOBOLESKI**: Thank you very much, Madam Speaker, Ladies and Gentlemen of the House. The price tag that my colleague from Vassalboro was talking about of being astronomical is exactly that; it's astronomical. Here in the State of Maine, our employers have a collective payroll of \$38 billion. One-half of one percent, which would be their contribution to this program, is over \$190 million that businesses would have to pay into this program. It's akin to an unfunded, unforced mandate. The State of Maine alone, there's 12,000 employees. If every employee took advantage of this program throughout the course of the year, the price tag would be \$144 million to the State. If only 20% of them did, it would be \$30 million, only 10%, it would be \$15 million that the State would have to contribute to; pay in benefits for this program. Plus, the forced overtime to cover all those shifts. If you take a look at employee-owned companies, the employees pay 100% of the contribution of it.

The affinity clause in this bill means that anybody can be designated to be the caregiver, to take the leave. It's a little bit of a play on the paid family leave because it doesn't have to be family in order to do this. And there's also a qualifying exigency. It's an urgent need or demand. It could be taken for safety leave, to help someone seek a protective order, to help someone with mental health counseling, for psychological injuries, to help secure someone's home if they feel unsafe in their home, to help them seek legal assistance or, simply, to provide comfort and care. That's all. So, there are no real set specifics as far as family taking advantage of the program.

It's a lot of money, it's a lot of cost. We listened to a lot of conversation, a lot of businesses that explained exactly how impactful this was going to be on their business and what it's going to cost them. So, I'd like to ask everybody to please vote no on this bill and thank you very much for your time.

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

Representative **BRADSTREET**: Thank you once again, Madam Speaker. Yes, you know, we did hear a lot of heart-wrenching stories about people who could use this type of leave but, as I said before, the devil's always in the details and we have to use our heads when we put something together. We cannot just vote in the most extreme program in the country, and this would be one of the most extreme for a small, not wealthy State like the State of Maine. You know, we often hear about unintended consequences of what we do here but beyond that, there are ignored consequences. And we've brought some of these consequences out and I hope people consider that when they vote on this bill.

And there's one other thing, too. The Commission came up with a report and it's a Commission to Develop a Paid Family and Medical Leave Benefits Program, and it's multiple pages long but one thing that stuck in my mind and I can't seem to get away from it is a questionnaire they put out for people and it's; actually, you can find it on page eight, if you have a copy of the report; and it asks people how many thought they would be eligible for a program like this and fully 67.6% of the people said

they thought they would be able to have to take care of a family member within the next two years. And yet, I think the study shows, or the figures show, they estimate only about 5% of people will be taking it. Where's the disconnect here? The question I have is has this been oversold or have the costs been underestimated. That's a big, big issue. Thank you, Madam Speaker.

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

Representative **SWALLOW**: Thank you, Madam Speaker. I've spent much of my adult life in finance, as an SPTC counselor, packaging SBA loans, et cetera. And I can guarantee you that when I put these loans and requests together to the SBA or to banks and whatnot, my pro formas never showed anyone losing money on paper. Everybody makes money on paper and every program such as this is financially feasible on paper. But once you get into it, such as Social Security or whatever it might be, things change rapidly and you're caught and then what do you do, you raise taxes even further.

I've heard loud and clear from the business community in Aroostook County, which is not exactly thriving at this time. They're stuck with some of the highest electricity costs in the United States, some of the highest health care costs in the United States, extreme transportation costs and Maine is now, by most measurable standards, the third-highest taxed State in the nation behind Hawaii and New York at this moment. Employers have never had it quite this tough for years and employees have never had it quite this good for years. And I know my employer takes great precautions and goes to great extremes to keep good employees. And if you need time off, they've worked things out and they've made amends in different ways that they could. There's not going to be any give and take with a bill like this. It's going to be one way or the other.

And when you start to put this pro forma together, you'll find out things will change, you made an assumption based on when you didn't have Maine paid family leave. But when you do have it, the assumptions you made based on prior time off will change rapidly and this will accelerate and it will accelerate heavily in a recession, the cost. Every type of legislation such as this has unknown future costs and what are they? Well, number one, I know what I'd do if I was an employer. I'd say let's see, I'm paying 60% of their health care cost, now I've got this extra cost and this time off, maybe I'll drop that to 50%, maybe I'll drop that to 40%, maybe we'll go to a different health plan and increase the deductible, the co-insurance, whatever. Because we've got to make this meet payroll and we've got to keep this business profitable and alive. They are going to be unintended consequences of this that I don't want to see and my employers don't want to see and we're having a tough enough time as it is in Aroostook County and this is completely unnecessary and it couldn't come at a worse time. Thank you.

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

ROLL CALL NO. 328

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, Hepler, Hobbs, Jauch, Kuhn, Lajoie, Landry, LaRochelle, Lee, Madigan, Malon, Mastraccio, Mathieson, Matlack, Meyer, Millett R, Milliken, Montell, Moonen, Moriarty, Murphy, O'Connell, 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, White B, Worth, Zeigler, Madam Speaker.

NAY - Adams, Arata, Ardell, Babin, Bagshaw, Blier, Boyer, Bradstreet, Campbell, Carlow, Carmichael, Collamore, Costain, Cray, Cyrway, Davis, Drinkwater, Ducharme, Dunphy, Faulkingham, Foster, Greenwood, Griffin, Guerrette, Haggan, Henderson, Hymes, Lemelin, Lyman, Mason, Millett H, Morris, Newman, Nutting, Parry, Paul, Perkins, Polewarczyk, Pomerleau, Quint, Schmursal-Burgess, Simmons, Smith, Soboleski, Strout, Swallow, Theriault, Thorne, Walker, White J, Wood, Woodsome.

ABSENT - Abdi, Albert, Andrews, Crockett, Fredericks, Galletta, Gifford, Hall, Hasenfus, Jackson, Javner, Kessler, Lanigan, Lavigne, Libby, Lookner, Ness, Paulhus, Perry J, Poirier, Rudnicki, Sampson, Underwood, Williams, Zager.

Yes, 74; No, 52; Absent, 25; Vacant, 0; Excused, 0.

74 having voted in the affirmative and 52 voted in the negative, with 25 being absent, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

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

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

UNFINISHED BUSINESS

The following matters, in the consideration of which the House was engaged at the time of adjournment 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 (12) **Ought to Pass as Amended by Committee Amendment "A" (H-384)** - Minority (1) **Ought Not to Pass** - Committee on **ENVIRONMENT AND NATURAL RESOURCES** on Bill "An Act to Support Extraction of Common Minerals by Amending the Maine Metallic Mineral Mining Act"

(H.P. 877) (L.D. 1363)

TABLED - June 8, 2023 (Till Later Today) by Representative TERRY of Gorham.

PENDING - Motion of Representative GRAMLICH of Old Orchard Beach to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report.

Representative O'NEIL of Saco **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 Saco, Representative O'Neil.

Representative **O'NEIL**: Thank you, Madam Speaker. This bill is before us because a wealthy landowner sued the State of Maine to weaken our mining law. These landowners are from Florida and they own a lot of land in western Maine. During the hearing process, they told us that they grew up mining in Africa and South America and now they want to mine in western Maine. And their goal is to create cell phone screens, not electric vehicle batteries like we may have heard, and they admitted that during the hearing. So, that's why they sued the State to weaken our mining law and that's why we're here today with this bill. Right now, the suit is stayed. That means that the court has taken a pause and they're waiting for us, the

Legislature, to act and to say whether the Mining Act applies to the landowner, which is the issue in the suit. So, we have two options today to end the lawsuit. We could weaken our environmental protections to make the lawsuit go away, which is what this Report does, or we could resolve the central issue in the suit by making a statement that the Mining Act applies to this landowner. This bill relaxes Maine's strong mining law for wealthy landowners who don't want to comply with the law. Please don't let a wealthy landowner use this lawsuit to pressure us to change our strong environmental laws.

I want to talk a little bit about Maine's mining law. Some of us were here six or seven years ago when we passed this law. Maine has one of the strongest mining laws in the whole country and we made a strong law because mining is one of the most dangerous industrial activities. It poses risks to human health and drinking water, it scars our ecosystems and mining metals and deposits with high levels of sulfides, which are common in Maine, is especially dangerous. And I want to underscore that that risk is present even with the testing requirement in this bill. We already know that landowners, for example Irving, Wolfden, are looking to extract minerals in Maine. Seven years ago, many of us held our noses and voted to allow mining in Maine because we were passing the strongest mining law in the country. This bill rolls back those strong protections and we should not change it without careful reflection. Maine has time to consider whether this is right for us. The ENR Committee unanimously passed a study to look at this kind of mining. We did that because there are a lot of questions that we want answered.

So, today, Madam Speaker, I ask you to take time to get this right. We have the time to get this right. There is no shortage of lithium deposits in the U.S. or globally. The state of Nevada alone has the potential to supply the entire globe with lithium for 85 years at 2021 consumption levels. And that's data from NRCM. Before changing our environmental laws, I ask you to pause, stop the lawsuit by confirming that the Mining Act still applies, wait for the results of the study that we just passed unanimously to examine the risks of doing this in Maine and whether the benefits justify the harm. We have had Mainers of all ages across the State ask us to take a more cautious approach to protect Maine people and our environment. Please vote no on this motion and if that vote fails, please support my Amendment.

The SPEAKER: The Chair recognizes the Representative from Phillips, Representative Soboleski.

Representative **SOBOLESKI**: Thank you very much, Madam Speaker. This bill came about as a Department bill and there were a lot of bills that were put in in mining. I'm on Environment and Natural Resource Committee and there were a lot of bills that came before us. They decided to use this one pretty much as the vehicle and took a lot of the information from the other bills, put them all into it, and we came up with this one. We went through a lot of conversation on this. We had briefings from the DEP, we had discussions with the NRCM, we came to a unanimous decision; nearly, we had a 12 to 1 Report in the Committee. The Chairs worked great with everybody, worked with our Minority Lead, the entire horseshoe worked together, we dug as much information as we possibly could to come up with what we thought makes sense.

This just isn't about Plumbago North, the mine down in Newry. My bill, which was incorporated into this, sought to seek lithium wherever we could find it. Lithium is a critical mineral that we need. The U.S. Department of the Interior has designated lithium as a critical mineral for the United States. We need it for our Defense Department. It's true that Plumbago North, they have such a high grade down there, we've all seen the

\$1.5 billion worth of lithium that's in there, but it's such a high grade that it is not for batteries, it's going to be used for, as well as cellphone screens and laptop screens, iPad screens, it's also going to be used for medical instruments and things of that nature. So, getting at it is incredibly critical. But the bill also allows us to mine lithium wherever we find it. We have a responsibility to mine it wherever we find it. We have third-world countries where there are children and slave laborers that are digging for lithium for blood batteries and it's our responsibility that if we can find it here in the State of Maine, any mineral in the State of Maine and we can mine it responsibly under the Maine Mining Act and we can mine it safely under the watchful eye of the DEP, we have a responsibility to mine that lithium or any other mineral.

The metallic minerals that they're referring to in here are gold, copper, silver, things of that nature. So, it was two parts of different bills that came together. This one here, 1363, the lithium ones, molded together through a lot of discussion, a lot of conversations with the approval of NRCM and the DEP to come up with this bill here and it's a huge step forward in being able to get at the critical minerals that we need moving forward for our green energy, for our batteries, for our solar panels, for everything that we need, and it was a lot of work that went into it. Thank you, ma'am.

The SPEAKER: The Chair recognizes the Representative from Farmington, Representative Landry.

Representative **LANDRY**: Thank you, Madam Speaker. I have to agree with my friend, the Representative from Phillips. The measure before us is a product of a year's work. I've been working on this. It's going to give us access to one of the largest lithium deposits in the world and we're lucky enough to have it here in Maine. The lithium that is located in Plumbago North is bound in spodumene, which is not a sulfite-bearing rock. The spodumene, after the lithium is extracted, the bill will address that, too; can be used for gravel for roads. So, you know, it's not a harmful chemical. Maine has the toughest, toughest mining laws in the country and in order to mine in Maine, they're going to have to bore test wells before, we're going to have to know what's in the ground, they're going to make sure there's no sulfite that is going to be rained on and converted into sulfuric acid and get into our groundwater. This is a good bill. It'll bring a lot to the State. It's not just about two people owning a mine. This is one of the richest deposits in the world and I urge you to vote down this Amendment and move the regular bill. Thank you.

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

Representative **BRIDGEO**: Thank you, Madam Speaker. Good evening, everyone. So, I, too, sit on the Environment and Natural Resources Committee, Madam Speaker, and I would reinforce what my colleague from Phillips has said about the hard work that went into this bill. The fact that it was almost unanimous, it was a wonderful example, I thought, of collaboration, bipartisan effort, along with the input, strong input and encouragement of NRCM and other environmental entities. I'm as big a champion and defender of Maine's mining laws as you'll find and so, it's a high bar for me to even think about modifications in this general arena. But I was convinced that what we're talking about here, this form of surface extraction; I mean, we're not talking about deep shafts and pits and lots of nasty byproduct, sulfides and the rest. In the end, I think we came to a very good place. I live here in Augusta, my next-door neighbor is a State geologist. Other than me, you won't find someone any stronger as an environmentalist or someone concerned about mining and its adverse effects in our State and he's reassured me on more than one occasion that he and his

colleagues are very comfortable with this bill and what it proposes. So, I would strongly encourage folks to view this favorably and to vote yes. Thank you.

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

Representative **DOUDERA**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House, I stand in support of this pending measure. And I just want to say very, very briefly I was very, very proud of our Committee and the good bipartisan work we did to come to this conclusion. You know, I look at this as a broadening of our strict mining law because when the good work was done in this Body years ago, we didn't know about these kinds of deposits. And finding them and having to adjust and figure out how to, you know, keep our strict environmental laws and yet still allow for this mineral to be extracted, it was challenging, we had weeks and weeks of demonstrations and presentations and readings and briefings and I feel like we came to a really very good conclusion. Thank you.

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

Representative **PLUECKER**: Madam Speaker, I encourage all of us here in the House to not change our current mining regulations, creating opportunities to mine spodumene or for lithium extraction. The commercial benefit to our State of the mining operations is questionable and the environmental consequences are beyond a doubt. I serve on the Agriculture, Conservation and Forestry Committee, where we struggle daily with the fact that Maine industries such as forestry and paper, blueberry and potato and dairy are continually threatened by the global commodity markets. When our products are being sold on these markets, we have no power to set prices. We know that alternatives are already being developed to lithium batteries, replacing lithium with sodium. The *New York Times* has reported that China has made huge strides in development of these cheaper batteries and there are cheaper sources of lithium in Chile and Australia which are not third-world countries. After the global demand for lithium has dropped, making the mining of low-grade spodumene no longer economically feasible, our State will be left with the consequences of mining. Whether that be acres of open pits, potentially polluting tailings or surface and groundwater pollution. This is a story that has been played out in Maine for generations. Whether we're talking about the egg industry, timber production or wool, we build industries based on the needs of populations not living here and when the bottom drops out, we're the ones left struggling once again to pick up the pieces. Thank you.

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

Representative **GRAMLICH**: Thank you, Madam Speaker, Colleagues of the House. I rise in support of the pending motion. I will try to be brief, in the interests of time. In Maine, almost all metal deposits are found in sulfides and, as a result, mining these metals would result in acid runoff. This reality is why Maine's current mining law is one of the most stringent in the country. Maine's current law prohibits almost all metal mining. LD 1363 is an effort to address this by putting clear guardrails around future lithium mining in Maine to protect our precious natural resources, including what I believe is our most precious resource; our water.

LD 1363 keeps the most important aspects of Maine's mining law intact and does not ban spodumene mining if the ore body is not dangerous and comparable to quarry mining, as Maine law currently allows for limestone for cement, for example. 1363 applies Statewide to any metal or metalloid

element and not just to one particular deposit of spodumene. This Statewide approach makes sense. This legislation puts the appropriate burden of proof on the mining operator to provide data showing the deposit does not co-occur with deposits of reactive acid-generating ores or materials that are otherwise dangerous because of high levels of heavy metals. It keeps intact all of the other safeguards in Maine's mining law that protect Maine's environment and taxpayers from a legion of possible risks associated with mining extraction and processing activities. These safeguards include protection of water by requiring extensive sampling and analysis of certain types of ore in advance of any possible mining activities and by requiring mining operators to conduct ongoing water quality.

Quarry pit mining, Madam Speaker, is very typical in Maine. If characterization, which is a process of sampling, shows that what is being extracted is not inert and therefore will cause environmental damage, the applicant must obtain a mining permit and adhere with the Maine 2017 Mining Act. I urge you, Madam Speaker, and Colleagues of the House, to join me in passing the pending motion.

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

Representative **CAMPBELL**: Thank you, Madam Speaker, Men and Women of the House. As everybody knows, I've been around a bit and on the ENR Committee for five terms. I was here when we were working the original mining bills and the focus seemed to be more in northern Maine, in the mountain regions. The refinement of this cycle and this particular bill, it really gives us an opportunity for all; NRCM, business, the citizens of Maine; to come together and create a model, an example of how mining can be done the right way. So, I would certainly encourage you to pass this bill and go on to create a new industry in Maine.

The SPEAKER: The Chair recognizes the Representative from Phillips, Representative Soboleski.

Representative **SOBOLESKI**: Thank you very much, Madam Speaker, and Men and Women of the House. I'd like to remind everybody that environmentally, this bill has the blessing of the Natural Resource Council of Maine and, although sodium has been tested and is being developed as an alternative battery source, lithium is still the number one source for our batteries. There's a \$1 billion lithium plant that's being built down in North Carolina as well as an \$800 million in Arizona, a new battery production facility. That's so that we can start bringing the refining of lithium back to the State of Maine and China has 85% of the production facilities over there, they have a small percentage; they are seventh in the world, I believe, in lithium but wherever we find it here in the State of Maine, we do need to mine it and we're building a facility here so that we can process it here, so, lithium is still going to be the primary choice for battery for the near future. 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. 329

YEA - Adams, Ankeles, Arata, Ardell, Arford, Babin, Bell, Blier, Boyer, Boyle, Bradstreet, Brennan, Bridgeo, Campbell, Carlow, Carmichael, Cloutier, Cluchey, Collamore, Copeland, Costain, Crafts, Craven, Cray, Crockett, Cyrway, Davis, Dhalac, Dill, Doudera, Drinkwater, Ducharme, Dunphy, Eaton, Faulkingham, Fay, Foster, Gattine, Gere, Graham, Gramlich, Greenwood, Griffin, Guerrette, Haggan, Henderson, Hepler, Hobbs, Hymes, Kuhn, Lajoie, Landry, LaRochelle, Lee, Lemelin, Lyman, Madigan, Malon, Mason, Mastraccio, Mathieson,

Matlack, Meyer, Millett H, Millett R, Montell, Moonen, Moriarty, Morris, Murphy, Newman, Nutting, O'Connell, Osher, Parry, Paul, Perkins, Perry A, Perry J, Polewarczyk, Pomerleau, Pringle, Reckitt, Rielly, Roberts, Roeder, Runte, Russell, Sachs, Salisbury, Sargent, Sayre, Schmearsal-Burgess, Shagoury, Shaw, Sheehan, Simmons, Smith, Soboleski, Stover, Strout, Supica, Swallow, Terry, Theriault, Thorne, Walker, White B, White J, Wood, Woodsome, Zeigler, Madam Speaker.

NAY - Collings, Dodge, Geiger, Golek, Jauch, Milliken, O'Neil, Pluecker, Quint, Rana, Riseman, Skold, Warren.

ABSENT - Abdi, Albert, Andrews, Bagshaw, Fredericks, Galletta, Gifford, Hall, Hasenfus, Jackson, Javner, Kessler, Lanigan, Lavigne, Libby, Lookner, Ness, Paulhus, Poirier, Rudnicki, Sampson, Underwood, Williams, Worth, Zager.

Yes, 113; No, 13; Absent, 25; Vacant, 0; Excused, 0.

113 having voted in the affirmative and 13 voted in the negative, with 25 being absent, and accordingly the Majority **Ought to Pass as Amended Report was ACCEPTED.**

The Bill was **READ ONCE. Committee Amendment "A" (H-384) was READ** by the Clerk.

Representative GRAMLICH of Old Orchard Beach **PRESENTED House Amendment "A" (H-576) to Committee Amendment "A" (H-384)**, which was **READ** by the Clerk and **ADOPTED.**

Representative O'NEIL of Saco **PRESENTED House Amendment "B" (H-601) to Committee Amendment "A" (H-384)**, which was **READ** by the Clerk.

Representative GRAMLICH of Old Orchard Beach **REQUESTED** a roll call on the motion to **ADOPT House Amendment "B" to Committee Amendment "A" (H-384).**

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

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

Representative **O'NEIL:** Madam Speaker, this Amendment stops the lawsuit and gives us time to wait for the results of the study and, in the meantime, it will say that the Mining Act applies and stop the lawsuit from going forward. So, it relieves the pressure that led to the adoption of this bill.

The **SPEAKER:** The Chair recognizes the Representative from Phillips, Representative Soboleski.

Representative **SOBOLESKI:** Thank you very much, Madam Speaker, Ladies and Gentlemen of the House. This Amendment amends Committee Amendment "A" to replace the bill and change its title. The Amendment amends the definition of metallic mineral in the Maine Mineral Mining Act to include spodumene. There's nothing to do with the lawsuit. Thank you, ma'am.

The **SPEAKER:** A roll call has been ordered. The pending question before the House is Adoption of House Amendment "B" (H-601) to Committee Amendment "A" (H-384). All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 330

YEA - Collings, Dodge, Golek, Jauch, Lee, Milliken, O'Neil, Pluecker, Rana, Skold, Warren.

NAY - Ankeles, Arata, Ardell, Arford, Babin, Bell, Blier, Boyer, Boyle, Bradstreet, Brennan, Bridgeo, Campbell, Carlow, Carmichael, Cloutier, Cluchey, Collamore, Copeland, Costain, Crafts, Craven, Cray, Crockett, Cyrway, Dhalac, Dill, Doudera, Drinkwater, Ducharme, Dunphy, Eaton, Faulkingham, Fay, Foster, Gattine, Geiger, Gere, Graham, Gramlich, Greenwood, Griffin, Guerrette, Haggan, Henderson, Hepler, Hobbs, Hymes, Kuhn, Lajoie, Landry, LaRochelle, Lemelin, Lyman, Madigan, Malon, Mason, Mastraccio, Mathieson, Matlack, Meyer, Millett H, Millett R, Montell, Moonen, Moriarty, Morris, Murphy,

Newman, Nutting, O'Connell, Parry, Paul, Perkins, Perry A, Perry J, Polewarczyk, Pomerleau, Pringle, Quint, Reckitt, Rielly, Riseman, Roeder, Runte, Russell, Sachs, Salisbury, Sargent, Sayre, Schmearsal-Burgess, Shagoury, Shaw, Sheehan, Simmons, Smith, Soboleski, Stover, Strout, Supica, Swallow, Terry, Theriault, Thorne, Walker, White B, White J, Wood, Woodsome, Zeigler, Madam Speaker.

ABSENT - Abdi, Adams, Albert, Andrews, Bagshaw, Davis, Fredericks, Galletta, Gifford, Hall, Hasenfus, Jackson, Javner, Kessler, Lanigan, Lavigne, Libby, Lookner, Ness, Osher, Paulhus, Poirier, Roberts, Rudnicki, Sampson, Underwood, Williams, Worth, Zager.

Yes, 11; No, 111; Absent, 29; Vacant, 0; Excused, 0.

11 having voted in the affirmative and 111 voted in the negative, with 29 being absent, and accordingly **House Amendment "B" (H-601) to Committee Amendment "A" (H-384) was NOT ADOPTED.**

Committee Amendment "A" (H-384) as Amended by House Amendment "A" (H-576) 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-384) as Amended by House Amendment "A" (H-576) thereto** and sent for concurrence.

HOUSE DIVIDED REPORT - Majority (11) **Ought to Pass as Amended by Committee Amendment "A" (H-493)** - Minority (2) **Ought Not to Pass** - Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** on Bill "An Act Regarding Compensation Fees and Related Conservation Efforts to Protect Soils and Wildlife and Fisheries Habitat from Solar and Wind Energy Development and High-impact Electric Transmission Lines Under the Site Location of Development Laws"

(H.P. 1206) (L.D. 1881)

TABLED - June 14, 2023 (Till Later Today) by Representative PLUECKER of Warren.

PENDING - **ACCEPTANCE OF EITHER REPORT.**

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

The Bill was **READ ONCE. Committee Amendment "A" (H-493) was READ** by the Clerk.

Representative PLUECKER of Warren **PRESENTED House Amendment "A" (H-711) to Committee Amendment "A" (H-493)**, which was **READ** by the Clerk and **ADOPTED.**

Committee Amendment "A" (H-493) as Amended by House Amendment "A" (H-711) 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-493) as Amended by House Amendment "A" (H-711) 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.

Bill "An Act Regarding Incarcerated Individuals and Legislative Apportionment"

(H.P. 1093) (L.D. 1704)

- In House, Majority (10) **OUGHT TO PASS AS AMENDED** Report of the Committee on **STATE AND LOCAL GOVERNMENT READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-446)** on June 14, 2023.

- In Senate, Minority (1) **OUGHT NOT TO PASS** Report of the Committee on **STATE AND LOCAL GOVERNMENT READ** and **ACCEPTED** in **NON-CONCURRENCE**.

TABLED - June 16, 2023 (Till Later Today) by Representative STOVER of Boothbay.

PENDING - **FURTHER CONSIDERATION**.

The House voted to **INSIST**.

HOUSE DIVIDED REPORT - Majority (7) **Ought to Pass as Amended by Committee Amendment "A" (H-562)** - Minority (5) **Ought to Pass as Amended by Committee Amendment "B" (H-563)** - Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act to Establish a Recall Process for Public School Board Members"

(H.P. 939) (L.D. 1443)

TABLED - June 16, 2023 (Till Later Today) by Representative STOVER of Boothbay.

PENDING - **ACCEPTANCE OF EITHER REPORT**.

On motion of Representative STOVER of Boothbay, the Bill and all accompanying papers were **INDEFINITELY POSTPONED** and sent for concurrence.

HOUSE DIVIDED REPORT - Report "A" (7) **Ought to Pass as Amended by Committee Amendment "A" (H-596)** - Report "B" (4) **Ought Not to Pass** - Report "C" (1) **Ought to Pass as Amended by Committee Amendment "B" (H-597)** - Report "D" (1) **Ought to Pass as Amended by Committee Amendment "C" (H-598)** - Committee on **JUDICIARY** on Bill "An Act to Increase Access to Necessary Medical Care for Certain Minors"

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

TABLED - June 21, 2023 (Till Later Today) by Representative MOONEN of Portland.

PENDING - **ACCEPTANCE OF ANY REPORT**.

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

Bill "An Act to Prevent Opioid Overdose Deaths by Establishing Safe Consumption Sites"

(H.P. 878) (L.D. 1364)

- In House, 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)** on June 15, 2023.

- In Senate, 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**.

TABLED - June 21, 2023 (Till Later Today) by Representative TERRY of Gorham.

PENDING - **FURTHER CONSIDERATION**.

Subsequently, the House voted to **RECEDE AND CONCUR**.

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

HOUSE DIVIDED REPORT - Majority (7) **Ought Not to Pass** - Minority (6) **Ought to Pass as Amended by Committee Amendment "A" (H-656)** - Committee on **JUDICIARY** on Bill "An Act Regarding a Discovery Rule for the Statute of Limitations for Cases of Medical Negligence"

(H.P. 354) (L.D. 549)

TABLED - June 21, 2023 (Till Later Today) by Representative MOONEN of Portland.

PENDING - **ACCEPTANCE OF EITHER REPORT**.

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

HOUSE DIVIDED REPORT - Majority (7) **Ought to Pass as Amended by Committee Amendment "A" (H-510)** - Minority (4) **Ought Not to Pass** - Committee on **VETERANS AND LEGAL AFFAIRS** on **RESOLUTION**, Proposing an Amendment to the Constitution of Maine Regarding the Timing of Judicial Review of the Determination of the Validity of Written Petitions

(H.P. 648) (L.D. 1012)

TABLED - June 14, 2023 (Till Later Today) by Representative SUPICA of Bangor.

PENDING - **ACCEPTANCE OF EITHER REPORT**.

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

The Resolution was **READ ONCE**. **Committee Amendment "A" (H-510)** was **READ** by the Clerk and **ADOPTED**.

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

Representative SUPICA of Bangor **PRESENTED House Amendment "B" (H-710)**, which was **READ** by the Clerk and **ADOPTED**.

Under further suspension of the rules the Resolution was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (H-510)** and **House Amendment "B" (H-710)** and sent for concurrence.

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

BILLS RECALLED FROM GOVERNOR

(Pursuant to Joint Order - House Paper 1297)

An Act to Allow Maine Families to Increase Their Savings by Changing the Asset Limits for Eligibility for the Temporary Assistance for Needy Families Program

(H.P. 592) (L.D. 945)
(C. "A" H-299)

- In House, **PASSED TO BE ENACTED** on June 8, 2023.

- In Senate, **PASSED TO BE ENACTED** on June 12, 2023.

On motion of Representative MEYER of Eliot, the rules were **SUSPENDED** for the purpose of **RECONSIDERATION**.

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

On further motion of the same Representative, the rules were **SUSPENDED** for the purpose of **FURTHER RECONSIDERATION**.

On further motion of the same Representative, the House **RECONSIDERED** its action whereby the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (H-299)**.

On further motion of the same Representative, the rules were **SUSPENDED** for the purpose of **FURTHER RECONSIDERATION**.

On further motion of the same Representative, the House **RECONSIDERED** its action whereby **Committee Amendment "A" (H-299)** was **ADOPTED**.

The same Representative **PRESENTED House Amendment "A" (H-709)** to **Committee Amendment "A" (H-299)** which was **READ** by the Clerk and **ADOPTED**.

Committee Amendment "A" (H-299) as Amended by House Amendment "A" (H-709) thereto was **ADOPTED**.

Subsequently, the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (H-299) as Amended by House Amendment "A" (H-709)** thereto in **NON-CONCURRENCE** 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 PAPER

The following Joint Order: (S.P. 840)

ORDERED, the House concurring, that when the House and Senate adjourn, that the Senate adjourn until the call of the President of the Senate, when there is a need to conduct legislative business; and that the House adjourn until 9 a.m. on Monday, June 26, 2023.

Came from the Senate, **READ** and **PASSED**.
READ and **PASSED** in concurrence.

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

On motion of Representative CARMICHAEL of Greenbush, the House adjourned at 7:32 p.m., until 9:00 a.m., Monday, June 26, 2023, pursuant to the Joint Order (S.P. 840) and in honor and lasting tribute to James E. Alexander of Greenfield and Galen D. Larrabee of Knox.