

MAINE STATE LEGISLATURE

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ONE HUNDRED THIRTY-FIRST LEGISLATURE
FIRST SPECIAL SESSION
35th Legislative Day
Thursday, July 6, 2023

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

Prayer by Honorable Caleb Joshua Ness, Fryeburg.

National Anthem by Honorable Caleb Joshua Ness, Fryeburg.

Pledge of Allegiance.

The Journal of Tuesday, June 27, 2023 was read and approved.

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

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

COMMUNICATIONS

The Following Communication: (H.C. 224)

**STATE OF MAINE
OFFICE OF THE GOVERNOR
1 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0001**

June 30, 2023

The 131st Legislature of the State of Maine

State House

Augusta, Maine

Dear Honorable Members of the 131st Legislature:

By the authority vested in me by Article IV, Part Third, Section 2 of the Constitution of the State of Maine, I am hereby vetoing LD 2004, *An Act To Restore Access to Federal Laws Beneficial to the Wabanaki Nations*.

Like many Maine people, I do not want to see the Wabanaki Nations unfairly excluded from benefits that are generally available to Federally recognized Tribes. I believe the interest we share to do right by the Wabanaki Nations and Maine people must be accomplished through legislation that is clear, thoroughly vetted, and well understood by all parties. Unfortunately, I do not believe that LD 2004 achieves these important standards, and I fear it would result in years, if not decades, of new, painful litigation that would exacerbate our government-to-government relationship and only further divide the state and our people.

That said, I strongly believe that the stated goals of LD 2004 - to ensure the Wabanaki Nations are fairly benefitting from Federal law - can and should be achieved by other simple measures that do not cause confusion and litigation.

In considering the idea behind this legislation, I believe it is important to understand the underpinnings of the *Maine Indian Claims Settlement Act* (MICSA). The settlement - painstakingly negotiated - was mutually beneficial in many ways:

1. It provided \$81.5 million (today's equivalent of more than \$290 million) in Federal funds to the Tribes and the authority to acquire up to 300,000 acres of land around the state from willing private landowners, in addition to their existing reservation lands. Following the enactment of MICSA, the Tribes used this funding and authority to acquire land across the State of Maine and, today, the Passamaquoddy Tribe and Penobscot Nation have greater land holdings than almost any other Tribe east of the Mississippi, with the ability to continue to acquire more

land.

2. In exchange for the ability to acquire land across Maine, the Tribes agreed that State law would apply in this Tribal Territory, in order to maintain a stable and consistent legal and regulatory framework, as opposed to a potentially confusing patchwork of "jurisdictional enclaves" across Maine. In this way, MICSA did something that had never been done anywhere in the country, and something that has never been replicated: it provided a way for the Tribes to reacquire extensive lands from non-tribal owners while avoiding the disruptive effects that would result from displacing State law on those parcels as they acquired them in disparate places across Maine in the decades to follow. This explains why State law applies to lands belonging to the Tribes in Maine. Maine also is not unique in this respect. State laws in Rhode Island and Massachusetts, for example, also apply to Federally recognized tribes in those states.
3. It guaranteed that the Tribes receive Federal benefits and services on the same terms as their counterparts around the country, except for only a handful of statutes that would conflict with State law. It also made the Tribes in Maine eligible for many streams of State funding, including education funding and revenue sharing, which is beneficial because other Federally recognized Tribes around the country generally do not receive such state funding.

LD 2004 focuses on the third provision addressed above. On that point, in December 2019, Suffolk University Boston prepared a report for the State of Maine Task Force on Changes to the Maine Indian Claims Settlement Act. The report identified 151 Federal laws that were enacted after the implementation of MICSA "related to or which may benefit Indians and Indian nations."

However, this does not mean that the Tribes do not receive the benefits of these 151 laws. In fact, importantly, the same report also notes that it "did not attempt to answer the question whether a law was 'for the benefit of Indians [or] Indian nations' and 'which would affect or preempt the application of the laws of the State of Maine.'"

In evaluating the 151 laws identified by the report at the request of the Judiciary Committee, my Office has determined that *nearly all these Federal laws do apply to the Tribes in Maine*. Only a handful of Federal laws - such as the Stafford Act, the Indian Healthcare Improvement Act, and the Clean Water Act - do not apply.

Therefore, the Wabanaki Nations benefit from nearly every Federal law from which every other Federally recognized Tribe benefits. This is why the Wabanaki Nations have collectively received \$423.6 million in Federal funding since 2019, according to public records.

I will now turn to LD 2004 and the serious substantive flaws with this legislation:

State Law Cannot Override Federal Law

The bill attempts to override a Federal law in MICSA that governs how Federal legislation applies in Maine. As a matter of Constitutional law, State laws cannot override - or preempt - Federal laws. This means that, while LD 2004 purports to make those few Federal laws that are not applicable to Tribes in Maine applicable, in actuality, it would not. As Attorney General Aaron Frey noted in his testimony, "the bill may not be effective at achieving its stated intent."

Imprecise Language Would Lead to Litigation

While the bill cannot override Federal law, the language in LD 2004 would impact State law- and it would impact it in serious

ways that would result in widespread confusion about how and where Maine law applied.

This is because LD 2004 "modifies", or would effectively repeal, a broad swath of Maine laws governing public health, safety, and welfare in all Wabanaki Nations Territory, presently held and later acquired - territory that is scattered across the state and that was acquired pursuant to the agreement that they would remain subject to State laws in perpetuity to avoid the very problem that LD 2004 would create. Those laws could cover fish and game regulations, water quality and land use regulations, Forest Practices Act provisions, air quality standards, labor laws, fire safety and building standards, nondiscrimination laws, school funding and education requirements, subdivision laws, health care regulations, and the probate code, among others. The bill does not identify exactly which State laws would be "modified", which is a serious problem.

This would create great uncertainty. How are Maine people, businesses, and municipalities to know what laws are in effect where and under what circumstances? And when these inevitable questions arise, I fear they would only be solved through contentious lawsuits decided over the course of years, if not decades. After all, we have to acknowledge that the Tribes and the State have been on opposing sides in court over much clearer legal language - let alone the repeal of a host of unspecified laws - and some of those lawsuits took the better part of a decade for multiple courts to decide.

As the Town Manager for Lincoln put it:

"This bill is of significant concern to us because of the lack of clarity with respect to what it may mean in terms of state and municipal jurisdiction. It's impossible to evaluate the practical impact of this bill as drafted, particularly with so little time. We may not be opposed to having additional federal laws apply in Maine, but we want to know what they are, so that we can understand the consequences."

These same concerns were also expressed by the Towns of Baileyville, Carrabasset Valley, Dover-Foxcroft, East Millinocket, Howland, Mattawamkeag, and Millinocket, as well as the City of Calais, and the Guilford-Sangerville Sanitary District and the Veazie Sewer District.

I know that during the work session on this bill, lawmakers attempted to address some of these concerns through an amendment, which some have referred to as "environmental carve-out" provisions. These carve outs were apparently intended to exempt several Federal environmental laws from the scope of the bill, but LD 2004's actual language does not accomplish that result. This is because the carve-outs only apply to statutes that "directly or indirectly extend the jurisdiction" of the Wabanaki Nations beyond their Indian Territory. But no Federal statute directly or indirectly extends tribal jurisdiction beyond Indian Territory - they only apply within Indian Territory. So, the carve outs do not actually apply to any Federal statutes. Maine's Fight with the Federal Government Over Our Lobster Fishery is a Cautionary Tale

I believe it is also important to keep in mind that there are other potentially serious ramifications to removing the nearly 300,000 acres of land now held in Trust by the Tribes, and any new lands acquired by the Tribes in the future, from any State or local regulation. LD 2004 would transfer the State's regulatory authority in that area to the Federal government. Federal law also invites Federal involvement which can lead to Federal meddling. The turmoil that the Federal government just put Maine lobstermen through with its vast overreach, scientifically baseless, and tremendously burdensome Right Whale regulations should give us pause and serve as a cautionary tale

of the unintended consequences that Maine people could suffer under such an agreement.

Unintended Consequences Are Effectively Irreversible

To make this worse, these unintended consequences would be very difficult to fix.

If the language of this bill leads to unintended consequences (as I believe it would), then the Maine Legislature, under the terms of the *Maine Implementing Act* (MIA), would be powerless to solve the problems created by the bill without the express agreement of each of the four Wabanaki Nations.

This means that this bill would operate like a binding contract, and these changes would be effectively irreversible.

This is an incredibly high stakes proposition for the 1.3 million citizens of Maine, as well as for future generations, which is why I continue to emphasize the need for a well-vetted bill that includes specific and detailed language that is well-understood and agreed upon by all parties involved.

Lack of Public Process

I believe the problems I have outlined with this bill are in part the direct result of a lack of a comprehensive public process.

LD 2004 was printed and referred to the Legislature's Judiciary Committee on May 30, the same day legislative committees were expected to conclude their regular work for the session. The bill was then scheduled for a public hearing at nine o'clock the following morning, which did not allow the public a meaningful opportunity to be heard on this highly consequential legislation.

The Judiciary Committee held a work session on June 6, during which proponents offered a complex, substantially rewritten draft of the bill that had not previously been made public.

Following a second work session on June 15, a divided Committee voted to approve that re-written draft, with an oral amendment intended to address two of the errors that had been identified within it. The final language of this bill was not printed and available to the public - or the even the Legislature itself - until June 20, the same day it was voted on in both the House and Senate.

It does not have to be this way.

State-Tribal Collaboration Produces Positive Results

When the State and Tribes work together deliberately and respectfully, we can make significant progress. For example, last year, after constructive dialogue, I signed into law LD 906 to address drinking water issues at Pleasant Point Reservation. And following months of negotiations between my Administration and the Tribes, I signed into law LD 585 - a law that: 1) delivers important tax benefits to Tribal communities, and, among other things; 2) gives the Tribes the opportunity to benefit from online sports wagering, an industry from which they have historically been excluded.

This year, my Administration worked closely with the Mi'kmaq Nation and the Attorney General's Office to draft LD 1620, *An Act to Amend Laws Relating to the Mi'kmaq Nation and to Provide Parity to the Wabanaki Nations*. This important, 30-page bill amends both MIA as well as the Mi'kmaq and Maliseet Settlement Acts, and it will result in significant, beneficial reform for the Mi'kmaq Nation. I am truly looking forward to signing this historic legislation into law.

I continue to strongly believe that these bills are examples of how a collaborative process - consisting of respectful negotiation, careful drafting, and thorough review - can produce good legislation, benefit the Tribes, and improve the State-Tribal relationship. To me, these bills and the process that led to them are a model for how we can and should make continued progress. Unfortunately, that is the exact opposite of what happened with LD 2004.

Ready to Negotiate to Make Progress

I do not believe that MICSA is sacrosanct and should not be changed. In fact, I recognize that it is a 40-year-old document, and I believe that, working together, we should consider amendments to address unanticipated circumstances or identified problems. To that end, I strongly believe that the stated goals of LD 2004-to ensure the Wabanaki Nations are fairly benefitting from Federal law - can and should be achieved through clear and direct legislation that creates no confusion or risk of litigation.

As I noted above, there are only a limited handful of Federal laws that do not apply to Tribes in Maine. Proponents of LD 2004, both in the Judiciary Committee and on the House floor, have often cited two of these laws as potentially offering real and meaningful benefits: the Stafford Act and the Indian Healthcare Improvement Act.

I stand ready to work with the Tribes and with Maine's Congressional Delegation today to develop and support Federal legislation to make those laws apply to the Wabanaki Nations immediately- and I know that U.S. Senator Angus King stands ready to assist.

Conclusion: Collaboration, Not Litigation

My overarching goal is to foster a relationship between the State and the Tribes that is defined by collaboration, not conflict and litigation.

When we have worked together over the last four years, we have accomplished great things - amending Maine law to allow Tribal prosecutions of certain domestic violence offenses; putting in place the strictest water quality standards in the country to protect sustenance fishing; enacting a first-in-the-nation statute requiring Tribal collaboration in State agency decision-making; delivering tax benefits for Tribal members and their businesses; providing the exclusive opportunity to engage in mobile sports wagering operations; adopting a state Indian Child Welfare Act; and-now- reforming our laws to dramatically expand the authorities of the Mi'kmaq Nation and Houlton Band of Maliseet Indians, among many others.

This is more progress in four years than any governor has made in the past 40 years. None of these achievements were easy. They were the result of deliberate and respectful dialogue and negotiation. I truly believe we can accomplish the intended goals of LD 2004 by following this same collaborative, respectful approach that led to these successes and ultimately deliver on the promise of greater benefits for Tribal communities while avoiding the confusion and litigation that would clearly result from LD 2004.

I care for the health, welfare, opportunity, prosperity, and future of the Wabanaki people, just as I care for every Maine person. We all call this beautiful place that we know as Maine home, and I remain committed to collaborating with the Tribes, the Legislature, the Attorney General, and Maine's Congressional Delegation to improve the lives and livelihoods of all people in Maine, tribal and non-tribal alike.

Sincerely,
S/ Janet T. Mills
Governor

READ and ORDERED PLACED ON FILE.

The accompanying item An Act to Restore Access to Federal Laws Beneficial to the Wabanaki Nations
(H.P. 1284) (L.D. 2004)
(C. "A" H-658)

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

Representative **DANA**: Thank you, Madam Speaker, my Fellow Members of the House. Thank you for the opportunity to address you today in support of voting to override the Chief Executive's veto on LD 2004. To me, it is very ironic that we are here on July 6th, just two days after Independence Day, to vote and override a veto on this particular piece of legislation.

We all know that July 4, 1776 is Independence Day because it is the day that the Declaration of Independence was signed. The words of the Declaration are famous and we have all heard them sometime and they are worth repeating, and I quote; We hold these truths to be self-evident that all men are created equal, that they are endowed by their Creator with certain unalienable rights, that among these are life, liberty and the pursuit of happiness; end-quote. These are powerful words.

A lesser-known fact that at the very same time the Declaration was being signed, the first-ever U.S. treaty was being negotiated in Watertown. These negotiations were between the Americans and the delegates of the same Wabanaki Nations advocating for LD 2004. Thus, the Wabanaki were the first nations to recognize American sovereignty. I repeat; thus, the Wabanaki were the first nations to recognize American sovereignty. The primary objective of these negotiations held in Watertown, Massachusetts was for the first Americans to secure military support through the immediate provision of Wabanaki warriors to General Washington's ranks. The Treaty of Watertown embodied parties' commitments of mutual defense, political alliances and friendship. The parties completed the Treaty of Watertown on July 19, 1776, after days of negotiations. On July 16, 1776, news of the Declaration was shared at the treaty convention by James Bowdoin, President of the Council of the Massachusetts Bay Colony, which negotiated the treaty for the Americans. In response to reading of the Declaration, Maliseet Chief Ambrose Bear responded; We like it, we like it well. After that, as Representative Andrews referenced in the Chamber just weeks ago, Wabanaki warriors shed blood and gave their lives to this country. The northern border of this country is where it is because of our warriors defending this homeland which we share today.

We are almost 250 years later. All the Wabanaki seek is the ability to experience the words of the Declaration which the Wabanaki Chiefs heard firsthand on July 16, 1776. We seek equality. We seek life, liberty and the pursuit of happiness. And we seek the liberty and the pursuit of happiness under a relationship where we have the access to the laws passed by Congress to make Native communities safer and healthier. Nothing more, nothing less.

There has been a lot said about this bill that is not true. We seek the ability to self-govern and access federal programs without needing Maine's approval. We do not seek to change how criminal laws on tribal lands; we seek to preserve the existing State-tribal framework for law enforcement and we want to do so with full resources available to the Tribes to provide full public safety in their communities. We amended the bill to make sure no aspect of how the bill works would affect any other landowners. We have heard constructive feedback and responded. Not all feedback has been constructive, though. The message stated that LD 2004 is imprecise and lacked a fair process. The reality is that LD 2004 was created over years. Years of hard work.

The SPEAKER: The Member will defer. The Chair would remind the Member to direct all his comments directly to the Chair. Thank you.

The Chair reminded Representative DANA of the Passamaquoddy Tribe to address his comments toward the Speaker.

The SPEAKER: The Member may proceed.

Representative **DANA**: It is the result of the bipartisan task force which made 22 recommendations to modernize the Maine Indian Land Claim Settlement Act. The Chief Executive's Office has declined to participate in the process and then attacked it as unfair. However, with the hard work of the Democrats and the Republicans, they developed 22 recommendations together. LD 2004 covers one recommendation. This single recommendation covers a part of the Settlement Act that has been the subject of two State-funded legal research projects. The result of the research has been available since 2019 and the State has been in regular litigation with the Tribes since 1980. Many AGs in the State have had, or made, careers over litigation against the Tribes. The Chief Executive and the AG can say that they have not had time to study the issue enough but that is because they do not want to study the issue. They complain about the process and they know this legislation has developed over years. They have had plenty of time. Instead, the Governor vetoed the Wabanaki pursuit of life, liberty and the pursuit of happiness. Among her other objections, the Governor suggests with absolutely no facts that the LD 2004 --

The SPEAKER: The Member will defer. The Chair reminds the Member to refer to the Chief Executive when making a reference to the Governor of the State of Maine.

The Chair reminded all Members to refer to the Chief Executive as the Chief Executive.

The SPEAKER: The Member may proceed.

Representative **DANA**: Yes, my apologies. Thank you, Madam Speaker. The words used in the veto message are dangerous and very misleading. Reality check; we are fishermen, too. Reverse, check; LD 2004 will lead to disputes; some of the comments that was made is that there would be some disputes over this; the Maine State lobster fishery. The words used in the veto message are dangerous and very misleading. Reality check; we are fishermen, too, and utilize the commercial lobster fishery as well. Passamaquoddy leaders sitting in this Chamber and/or are watching back home are also lobster fishermen, themselves. We have been harvesting and eating lobster in order to survive for countless generations. To suggest that LD 2004 is about lobstering and fisheries is downright wrong. It is not and these suggestions are harmful. Some may not know this but the Mi'kmaq lobstermen were violently attacked just a few years ago over lobstering. They were shot at with guns and their lobster pounds in Canada was burned down to the ground. The Mi'kmaq are one of the Wabanaki Nations in support of LD 2004. It is very sad that the Chief Executive harkens to this type of violence. The veto message used divisive language that include to create hostility between the Native and non-Native peoples. Our warriors are American warriors. Our fishermen are American fishermen. Our people have given their lives to protect this place we all call home. Our ancestors fought for American freedom and have been there every single step of the way.

In closing, at the end of the day, the Declaration of Independence was about freedom from a king, from a tyrant; and 246 years later, a supermajority of this Body voted in support of LD 2004 and the Chief Executive has sent the bill back to us with a veto message full of dangerous rhetoric. Please stand with me today and let us override this veto and

support the Wabanaki pursuit of life, liberty and happiness for all of Maine and also for America. (The Representative spoke in his native language.)

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

Representative **ANDREWS**: Voting to sustain this veto hurts the many indigenous families that are so desperately asking for your help and courage today. They are asking you to stand with them today. Everyone in this Chamber should be standing shoulder to shoulder with the Wabanaki in overturning this veto. This vote must be about helping the Wabanaki Tribes, whose health, educational and economic outcomes have lagged far behind those of other population groups in Maine and other tribes throughout the country. They are not thriving because they cannot work directly with the Federal Government for grants and benefits.

Today's vote must be about people and families, not about whether you are mad at the Speaker or the Democratic Majority. I'm still mad about the fact that we are in a Special Session. I'm not allowing that anger to influence my vote today. This vote is bigger than me or you or any petty political beef we have in this Chamber. By taking action and voting to overturn this veto, you can empower the next generation of Wabanaki children to grow up healthier, better educated and more likely to thrive in our great State of Maine. Please join me in overturning this veto today. Thank you.

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

Representative **LEE**: Thank you, Madam Speaker. Madam Speaker, the issues in history that this bill seeks to remedy are profoundly complex and difficult and my good friend, the Passamaquoddy Tribal Representative spoke to them quite eloquently. This bill, by contrast, is remarkably simple. The status quo presumption is that federal laws beneficial to every other tribe in the United States do not apply to the Wabanaki Nations unless the Federal Government explicitly says so. The problem with the status quo is the Federal Government has not and will not explicitly say so. Why? Because we, the policymaking Body of the Maine State Government have expressed our intention that they should not. We did so in the only way we, collectively, as a Legislature speak; through our Statutes. And unfortunately, our Statute has fixed the status quo presumption to the detriment of the Wabanaki since 1980. This bill flips that presumption. It states that except those federal laws explicitly excluded, federal beneficial laws apply. This bill expresses the will of the Body and the will of our constituents that the Wabanaki Nations, like every other tribe in the United States, should be the beneficiaries of federal beneficial Acts.

The Wabanakis have made multiple concessions in forwarding this piece of legislation. They have listened to every specific concern expressed about which federal laws should apply. In every instance where a specific concern has been voiced, the Wabanaki have agreed to exclude those laws about which there is concern. Moreover, the Wabanaki have expressly agreed, and this legislation provides, that if a legal question arises as to the effectiveness of this bill and we are left in a situation where neither Federal nor State Law should apply, State Law will continue to apply.

The Chief Executive has forwarded two primary arguments against this legislation. The first is that legally this Body, the State Legislature, cannot express its opinion regarding whether federal beneficial laws should be generally applicable to the Wabanaki Tribes without the Federal Government acting first. The Chief Executive says this even though our own U.S. Senators have told us that the only way the Federal Government

will act is if we act first. The second argument is, rather than this Body asserting that its will to reverse our 1980 assertion of authority and federal laws to be generally applicable, the Wabanaki must engage in a negotiation with the Chief Executive and the Attorney General's office about which individual federal beneficial laws should apply and then, and only then, can this Body act. This second argument, while perhaps more clearly articulated in the policy path the Chief Executive prefers, cannot coexist with the legal reasoning proposed by the first. Irrespective of whether we act generally on federal beneficial laws or on federal beneficial laws one by one, if we take as true that the Federal Government must act first, it doesn't matter whether we act on one, two or all of the federal beneficial laws. If you take the Chief Executive's legal argument at face value, this Body can do nothing legislatively to express its desire to apply federal beneficial laws to the Wabanaki.

This contradiction in the Chief Executive's argument reveals the actual reason we are here on a veto override vote today. The Chief Executive prefers that the Executive Branch of government, rather than this one, the primary policymaking branch of government, the branch of government closest to the voice of the people, be the branch who expresses the State's policy toward the Wabanaki. Madam Speaker, every single one of my friends on the other side of the aisle stood with me when it came to this branch asserting its authority with respect to the context of emergency powers. This bill, Madam Speaker, is also about this branch asserting its authority; its authority to set our policy with the Wabanaki people. Madam Speaker, I don't know about you, though every conversation I've ever had with you demonstrates it to be true of you as well, when I signed up to run, I did so to represent my district and express their voice in a coequal branch of government. I did so to make policy for this State. I can think of no more important, more profound responsibility than to exercise the power that this office provides than to remedy the years of injustice that this bill seeks to remedy. I hope you join me and express that it is this Body's intention to grant the Wabanaki Nation's humble request to receive the same federal beneficial laws that every single other tribe in the United States receives. Thank you, Madam Speaker.

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

Representative **HAGGAN**: Okay to talk?

The SPEAKER: The Member may proceed.

Representative **HAGGAN**: Thank you very much. In looking at the most recent Amendment, the carveout that is supposed to protect State environmental laws does the opposite. It says that it limits tribal jurisdiction to tribal lands but tribes do not themselves enforce tribal environmental rules beyond tribal lands, the Federal Government does that. The carveout would allow the Federal Government to enforce tribal environmental rules against the State, local governments, businesses and private individuals. Also, their list of federal environmental laws in the carveout is incomplete. Federal environmental laws not specifically listed would definitely apply in Maine. These are huge problems and they are what happens when legislation is rushed like this legislation. And, as you know, if the Legislature amends the Maine Implementation Act, it can only undo it with tribal consent. LD 2004's ineffective environmental carveout would bring the biggest federal takeover of the State, local government, businesses, et cetera, by allowing all these huge environmental EPA rulings. The provisions supposedly excluding the Clean Air Act, the Clean Water Act of 1987 and the Mining Act of 1982 would work. The tribes could issue extremely strict standards along the lines of those issued by the Isleta Pueblo Tribe in the *City of*

Albuquerque v. Browner. The Environmental Protection Agency would be required to defer to those standards and approve them. Those standards would then become applicable outside of tribal lands. The particular tribe that issued the regulations would not enforce them, meaning the Clean Air Act, Clean Water Act of 1987 and the Mining Act of 1982 would not extend the tribe's jurisdiction beyond tribal lands. However, the EPA would enforce those tribal standards against the State and would force the State to comply with them.

Where am I here. The provision now includes the language 'directly or indirectly' wording that we have seen in the Judiciary Committee. That provision now reads; to the extent of the provision's effect or preempt the application of laws of the State and directly or indirectly extend the jurisdiction of the Passamaquoddy Tribe, et cetera. The addition of the phrase 'directly or indirectly' does not solve the problem that the original version of the provision posed. It still sets up a two-part test to determine whether one of these listed federal laws would affect or preempt the laws of Maine, followed by a second test that, if so, the Federal law must also directly or indirectly extend the jurisdiction of the tribe beyond its Indian territory or trust land. Tribal regulations governing water or air quality don't extend each tribe's jurisdiction beyond Indian territory or trust land but they can control water and air quality beyond the limits of those lands. If a tribe adopts air and water quality regulations stricter than Maine's and those regulations are upheld by the EPA, then the government, not the tribe, would enforce them against the State. None of the three federal Acts named in the provision would extend tribal jurisdiction beyond the limits of trust land but the tribal regulations would be effective and would control water and air quality beyond those lands.

One thing that we've been told on Judiciary Committee is that most federal laws enjoyed by all the other 49 states are not in effect here. That is not true. Most federal laws enjoyed by Native groups around the country are enjoyed here and I thought I would say that. Thank you very much, Madam Speaker.

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

Representative **POIRIER**: Thank you, Madam Speaker. Just to add on to what the Good Representative from Hampden has mentioned to you through our several years on Judiciary handling the subject of tribal matters. This bill was rushed through. I know it's a process that's been in the works for years but this bill was written, had a public hearing and work session all within a very minute, like, two-week timeframe and many municipalities that wish to weigh in were not afforded that opportunity. I'm talking places like Carrabassett Valley who has a huge stake in this as well. I think it's very important that we have to think more about the situation as a whole. I really want to support the tribes in this matter but we also have to think about how this bill could have negative consequences with all other Mainers and the municipalities.

One thing that I want to mention as well is when we're talking about how the tribes of Maine do not have access to the federal Acts, we've heard from the Good Representative from Hampden that they actually do benefit from most of those acts and to the tune of more than \$423 million in the past four years. But also, the tribes in Maine since the '80 Settlement Act have been treated differently than other recognized tribes because they're treated as a municipality, which other states do not have that. That means, in Maine, the tribes have access to things such as revenue sharing, help with education and so forth, which other tribes throughout the United States do not benefit from. They only have access to federal funding.

So, I think we need to look at that as a whole and understand, too, that the actions on this bill are permanent. Throughout our talks, Madam Speaker, and with groups that we had working on this together, I asked a tribal attorney, let's try to slow this down and really think it through so that we see any negative consequences, and what is the possibility of putting this forth as a bill instead of a change to the Settlement Act? That way, if there are consequences, you know, a year down the road, 10 years down the road, it could be changed. It was hit with a staunch no, absolutely not. And my fear on that is we don't know what the consequences could be because this was put through in such haste and I think we all owe it to ourselves to really understand that any decision made with the '80s Settlement Act is permanent. There will be no coming back to the table to change things. Once it's done, it's done. And we have to look out not only for the tribes but for all the rest of Maine. Thank you, Madam Speaker.

After reconsideration, the House proceeded to vote on the question, 'Shall this Bill become a law notwithstanding the objections of the Governor?' A roll call was taken.

The SPEAKER: The pending question before the House is 'Shall this Bill become a law notwithstanding the objections of the Governor?' All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 348V

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

NAY - Albert, Arata, Ardell, Bagshaw, Blier, Bradstreet, Bridgeo, Campbell, Carlow, Carmichael, Costain, Cray, Crockett, Cyrway, Davis, Drinkwater, Ducharme, Dunphy, Foster, Fredericks, Gifford, Greenwood, Griffin, Haggan, Henderson, Jackson, Javner, Lanigan, Lavigne, Lemelin, Libby, Lyman, Mason, Mastraccio, Millett H, Morris, Ness, Nutting, Parry, Paul, Perkins, Poirier, Polewarczyk, Pomerleau, Quint, Sampson, Schmersal-Burgess, Simmons, Soboleski, Strout, Swallow, Thorne, Underwood, Walker, White J, Wood, Woodsome.

ABSENT - Adams, Galletta, Hall, Lajoie, Newman, Paulhus, Rudnicki, Shaw, Smith, Theriault.

Yes, 84; No, 57; Absent, 10; Vacant, 0; Excused, 0.
84 having voted in the affirmative and 57 voted in the negative, with 10 being absent, and accordingly the Veto was **SUSTAINED**.

SPECIAL SENTIMENT CALENDAR

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

In Memory of:

John R. Hilton, of Newcastle. Mr. Hilton was a ship engineer, working for Exxon and on the passenger liner S.S. Constitution on its run between New York City and Italy. He later became a realtor and served on the local board and the state association as its treasurer. He served many years as a director, including as president of the board, of Damariscotta Bank and Trust. He was a devoted member of the Lions Club International and served in several leadership roles, including district governor. Mr. Hilton will be long remembered and sadly missed by his family and friends and all those whose lives he touched;

(HLS 539)

Presented by Representative CRAFTS of Newcastle.
Cosponsored by Senator RENEY of Lincoln, Representative STOVER of Boothbay.

On **OBJECTION** of Representative STOVER of Boothbay, was **REMOVED** from the Special Sentiment Calendar.

READ.

The SPEAKER: The Chair recognizes the Representative from Boothbay, Representative Stover.

Representative **STOVER**: Thank you, Madam Speaker. Madam Speaker and Ladies and Gentlemen of the House, it is my honor to stand before you today to honor John Hilton. John was a mariner, a community leader, a successful business owner but, most importantly, he was a dad, a grandfather and a great-grandfather. John was a dedicated alumnus of Maine Maritime Academy, having attended his 60th reunion last year. In his later years, John would enjoy cruising in his boat Downeast with his son, Dennis, staying true to his passion for the sea.

John took the helm at Cheney Insurance in the '70s in Damariscotta. He served as a Realtor locally and on the State Board of Realtors. He served in the Lion's Club in various leadership roles including as District Governor. Clearly, Madam Speaker, John Hilton was incredibly successful as an entrepreneur and a community leader but his most important accomplishment by far was his family. His children, Dennis, Kelly and her husband, Bill, along with his daughter, Krista, were his life's treasures, along with their children, his grandchildren and great-grandchildren.

Madam Speaker, John's daughter, Kelly, is one of my best lifelong friends. Her dad has always been her North Star and her anchor. The North Star, as we know, provides direction, guidance, stability and purpose to mariners, astronomers and to all of us, really. In much the same way, John Hilton was a North Star to his family. To Kelly, Bill and Dennis and the entire Hilton family, as you navigate your way through the days ahead, always remember that your North Star, your dad, remains there for you to follow. Like the North Star in the sky, he will always be roughly in the same place, in your heart. His words, his lessons and his love will always be with you to follow. He has given you direction, guidance, stability and purpose to help you navigate the calm and stormy seas ahead and find your way through every challenge, big and small. God bless you.

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

UNFINISHED BUSINESS

The following matter, in the consideration of which the House was engaged at the time of adjournment Tuesday, June 27, 2023, had preference in the Orders of the Day and continued with such preference until disposed of as provided by House Rule 502.

Expression of Legislative Sentiment in Memory of the Honorable Michael Wayne Quint, of Hodgdon

(HLS 516)

TABLED - June 22, 2023 (Till Later Today) by Representative QUINT of Hodgdon.

PENDING - ADOPTION.

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

Representative **QUINT**: Thank you, Madam Speaker. One of the wonderful parts of serving is that we get to know a lot of our constituents. But from the town of Hodgdon, the Quint family is well known and it is an honor to know that prior Quints have served before me. One of the things to remember about Michael is how much he loved living in Portland. He lived in both Portland and Hodgdon. And he loved the politics of the city. He will be remembered for his love of family, gadgets, current events and especially his dogs. He enjoyed traveling, spending time in China, Egypt and Italy, and loved his visits with friends in Amsterdam. And I've had so many people send me condolences and it's beautiful to realize how many people truly loved him and just how exciting of a life that he led and had this Sentiment never come forward, I would not have known of his life in such a way and so, it is an honor to be able to remember him and I know that there are others who would like to speak for him as well. Thank you.

The SPEAKER: The Chair recognizes the Representative from Orono, Representative Osher.

Representative **OSHER**: Thank you, Madam Speaker. Madam Speaker and Members of the House, I rise today in memory of the Honorable Michael Quint, who served in this Body representing part of the city of Portland for 10 years, from 1996 to 2002.

I speak today as a leader of the Maine Legislature's LGBTQ Equality caucus. In that role, I communicate with the 32 present and former LGBTQ legislators. Since his death, several of those legislators reached out to me to share the stories about him. They describe a man who was warm and caring, generous and funny. The Honorable Barb Wood shared that she met Michael when they both volunteered for the Vote No to End Discrimination campaign in Portland in 1991. In May of that year, Portland City Council enacted the first LGBTQ antidiscrimination law in Maine. In November, voters were asked; do you favor repealing the city ordinance entitled Chapter 13A, Human Rights, Discrimination Based on Sexual Orientation enacted by the City Council on May 11, 1992? The Vote No campaign was successful thanks to Michael, Barb and many other volunteers. After the vote, Michael invited Barb and all of the other steering committee members, of which he was not one, to a very fancy dinner party at his home. He also gave each steering committee member a lovely framed piece that included paraphernalia from the campaign. He was very emotional and happy and it showed by his generosity. Barb was very happy to support him when he ran for the Legislature a few years later.

Michael was elected to the Maine House of Representatives in 1996. The Honorable Scott Cowger of Hallowell and Judy Powers of Rockland were newly elected that year, too. Scott shared this; In the 118th Legislature, Judy, Michael and I were all seated together by Speaker Elizabeth

Mitchell in our freshman term. We were the three openly gay legislators in the House and in the Legislature that term. And Michael and I were the first two openly gay men to have served. Michael was a wonderful guy and we enjoyed a lot of laughs while we learned the ropes and dove into tough policy decisions. Back then, in the 1990s, tough issues like abortion and LGBTQ issues had split votes on both sides of the aisle and the ultimate solutions were usually bipartisan. Michael would bring emotional and moving speeches to the floor when we dealt with adding sexual orientation to the Maine Human Rights Act. He was incredibly brave to be the first man to speak on the record about his sexuality. He was devoted to the Legislature, to fairness to all people and to doing it all with laughter and a smile.

Scott continues, I will sadly miss the ongoing connection that we still had on Facebook where he would occasionally send me happy greetings on any random day. John Hennessey recalls Michael's floor speech in support of LD 1116, the bill to add sexual orientation to the Maine Human Rights Act in 1997, saying; I remember being proud of him and of our community. In that speech, Michael said; I stand before you today to say discrimination against gays, lesbians, bisexual and transgender individuals is an insidious and corrosive force in the State of Maine. Discrimination happens every single day. I know it because I have seen it, I have experienced it and I still carry around fear, even the expectation that it could happen at any time.

Michael helped pave the way for generations of future LGBTQ legislators to voice their experience and continue fighting on behalf of those who cannot stand up for themselves. He played a pivotal role in adding sexual orientation to the Maine Human Rights Act, achieving protections for LGBTQ people in Maine Law and was one of the people who courageously made himself visible and audible. It's an honor to share the stories of his courage and dedication and his role in achieving LGBTQ rights here in Maine this morning. Thank you, Madam Speaker.

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

Representative **BRENNAN**: Thank you, Madam Speaker, Men and Women of the House. I had the privilege of serving with Representative Quint when he was a Member of the delegation from Portland. The first day he came to Augusta, he asked me for a ride. He was a little nervous about coming, it was the first time that he was coming to a Session, and I said sure, I'll give you a ride. Halfway up, he kept saying we're going to be late, we're going to be late. And I kept saying don't worry, nothing ever starts on time in Augusta, we're okay. And he kept saying got to go a little bit faster, got to be there on time. Right outside of Gardiner, we got pulled over by the Maine State Police. And I said to him, Representative Quint, I really like you, you're a good friend, but it's the last time I'm giving you a ride to Augusta, and it was. But when Michael Quint was here, he was a passionate defender of civil rights, he worked relentlessly to reform the juvenile justice system and he was in everybody's corner to expand health care and educational opportunities. He was a terrific legislator, he was a great colleague to have from the city of Portland and I will greatly miss him. Thank you.

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

CONSENT CALENDAR

First Day

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

(H.P. 1289) (L.D. 2010) Bill "An Act to Correct Inconsistencies, Conflicts and Errors in the Laws of Maine" (EMERGENCY) Committee on **JUDICIARY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-718)**

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

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

ENACTORS

Act

An Act to Clarify the Requirements for Adult Use Cannabis Stores to Transact Sales at Specified Events

(S.P. 102) (L.D. 202)
(S. "A" S-414 to C. "A" S-384)

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

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

PETITIONS, BILLS AND RESOLVES REQUIRING REFERENCE

Pursuant to Statute

Maine Commission on Indigent Legal Services

Representative MOONEN for the **Maine Commission on Indigent Legal Services** pursuant to the Maine Revised Statutes, Title 5, section 8072 asks leave to report that the accompanying Resolve, Regarding Legislative Review of Portions of Chapter 301: Fee Schedule and Administrative Procedures for Payment of Court or Commission Assigned Counsel, a Late-filed Major Substantive Rule of the Maine Commission on Indigent Legal Services (EMERGENCY)

(H.P. 1300) (L.D. 2018)

Be **REFERRED** to the Committee on **JUDICIARY** and printed pursuant to Joint Rule 218.

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

Under suspension of the rules, the Resolve was given its **FIRST READING WITHOUT REFERENCE** to a committee.

Under further 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** and sent for concurrence.

ORDERED SENT FORTHWITH.

SENATE PAPERS

Non-Concurrent Matter

Bill "An Act to Improve the Health of Maine Residents by Removing Exclusions to the MaineCare Program"

(H.P. 123) (L.D. 199)

Majority (8) **OUGHT TO PASS AS AMENDED** Report of the Committee on **HEALTH AND HUMAN SERVICES READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-103)** in the House on June 26, 2023.

Came from the Senate with the Minority (5) **OUGHT NOT TO PASS** Report of the Committee on **HEALTH AND HUMAN SERVICES READ** and **ACCEPTED** in **NON-CONCURRENCE**.

On motion of Representative MEYER of Eliot, the House voted to **RECEDE**.

The same Representative **PRESENTED House Amendment "B" (H-720)** to **Committee Amendment "A" (H-103)**, which was **READ** by the Clerk.

The **SPEAKER**: The Chair recognizes the Representative from Eliot, Representative Meyer.

Representative **MEYER**: Thank you, Madam Speaker, Esteemed Colleagues of the House. This Amendment would narrow the scope of LD 199 and would cover parents and caregivers of minor children who are eligible for MaineCare or CHIP. It includes a cap in response to concerns about the potential long-term costs and this is a restoration of benefits. We have expanded coverage to Maine parents in this manner before in the early 2000s. Madam Speaker, extending MaineCare coverage to income-eligible parents strengthens and stabilizes Maine families living and working in our State.

Representative JAVNER of Chester **REQUESTED** a roll call on the motion to **ADOPT House Amendment "B" (H-720)** to **Committee Amendment "A" (H-103)**.

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

The **SPEAKER**: A roll call has been ordered. The pending question before the House is Adoption of House Amendment "B" (H-720) to Committee Amendment "A" (H-103). All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 349

YEA - Abdi, 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, Hasenfus, Hepler, Hobbs, Jauch, Kessler, Kuhn, Landry, LaRochelle, Lee, Lookner, Madigan, Malon, Mathieson, Matlack, Meyer, Milliken, Montell, Moonen, Moriarty, Murphy, O'Connell, O'Neil, Osher, Paulhus, Perry A, Perry J, Pluecker, Pringle, Rana, Reckitt, Rielly, Riseman, Roberts, Roeder, Runte, Russell, Sachs, Salisbury, Sargent, Sayre, Shagoury, Sheehan, Skold, Stover, Supica, Terry, Warren, White B, Williams, Worth, Zager, Zeigler, Madam Speaker.

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

ABSENT - Adams, Andrews, Galletta, Hall, Lajoie, Millett R, Newman, Rudnicki, Shaw, Smith, Theriault.

Yes, 79; No, 61; Absent, 11; Vacant, 0; Excused, 0.

79 having voted in the affirmative and 61 voted in the negative, with 11 being absent, and accordingly **House Amendment "B" (H-720) to Committee Amendment "A" (H-103)** was **ADOPTED**.

Committee Amendment "A" (H-103) as Amended by House Amendment "B" (H-720) thereto was **ADOPTED**.

Subsequently, the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (H-103) as Amended by House Amendment "B" (H-720)** thereto in **NON-CONCURRENCE** and sent for concurrence.

ORDERED SENT FORTHWITH.

REPORTS OF COMMITTEE

Divided Report

Majority Report of the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-717)** on Bill "An Act Making Unified Appropriations and Allocations from the General Fund and Other Funds for the Expenditures of State Government and Changing Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 2023, June 30, 2024 and June 30, 2025" (EMERGENCY)

(H.P. 163) (L.D. 258)

Signed:

Senators:

ROTUNDO of Androscoggin
BENNETT of Oxford
DUSON of Cumberland

Representatives:

SACHS of Freeport
BLIER of Buxton
CARLOW of Buxton
COLLINGS of Portland
FAY of Raymond
GATTINE of Westbrook
MATLACK of St. George
MILLETT of Waterford
MILLETT of Cape Elizabeth

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

Signed:

Representative:

DUCHARME of Madison

READ.

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

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

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

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

Representative **MORRIS**: Thank you, Madam Speaker. We can do better. Maine people deserve better. This budget is another example of government picking winners and losers, raising taxes and breaking promises.

As Maine people are struggling with inflation, as Maine people struggle under one of the most oppressive tax burdens in the country, we are presented with a budget that raises taxes and increases spending to \$11 billion in the biennium. We are squandering an opportunity to deliver real tax relief and allow

the people to keep more of their money. That's more of their money to pay for rising grocery costs, more of their money to pay for rising electricity costs, more of their money to pay for high gas prices, more of their money to pay for rising health care costs caused by mandates piled on them by a State Government. That's more money for business owners that have seen their unemployment taxes rise because of an expensive new pilot program. We have record revenues coming into our State, yet rather than help struggling Mainers with these increased costs by reducing their taxes, we're going to double down with a massive new big government program that will take more money from their paychecks in the form of a new payroll tax.

Our business community has sacrificed a lot in the last few years. They were forced to close their doors, reduce their capacity and missed an entire tourist season. Despite all this, they have persevered by providing services and jobs to our friends and neighbors. Their taxes have supported this Government. Their voluntary gifts have funded churches and charities all over Maine. Yet, how does this budget propose to repay them? We're going to force yet another administrative and tax burden on them with a massive new tax program. Under this new tax program, not only will Maine businesses and their workers have to pay a tax on the wages they pay their employees, but they are going to have to pay for replacements when the employee takes time off. The worst part of this new tax program is that we still don't know the costs. There has been no actuarial analysis done on how much in taxes will be needed. While the proponents state the tax is 1% right now, beginning in 2028, the program administrator that the Government contracts with is authorized to increase the tax to account for the utilization.

The State Constitution is clear. It states that the Legislature shall never, in any manner, suspend or surrender the power of taxation. Yet this new payroll tax will be calculated and assessed by a third-party administrator. I plan to uphold my oath today, not abdicate the authority over taxation to a corporation. We don't need to use our taxing authority to require businesses to offer benefits. This is not our job. Many employers in Maine already offer some form of paid FMLA. The benefits they offer are a contract between the employer and the employee. In order to attract talent, they offer competitive benefits and compensation packages. In short, they offer what employees demand through a free market. We do not need to impose a new tax on them, hindering them in competition for talent with employers in other states.

Speaking of other states, this budget continues the policies of higher taxes and bigger government will ensure Maine is uncompetitive with other states when it comes to attracting jobs and capital. It will ensure that fewer people want to start a business or grow their business in Maine. We have seen those states that have lower taxes and less regulation have seen people moving in, there are more jobs and higher incomes for their citizens. Indeed, people are fleeing high tax states like Maine, California and New York for places like Florida, Texas and New Hampshire.

Supporting this budget is supporting breaking promises to the people of Maine. In 2005, the Legislature made a promise that once education was funded at 55%, State Government would be limited in how much it can grow. A promise to our constituents that we were limiting the growth of Government and committing to allowing them to keep more of their money. Continuing a policy of more spending and higher taxes, as this budget proposes, is not sustainable or wise. It will continue the export of young people and people of all ages to other parts of

the country where there is no income tax. It ensures Maine will not be seen as a place for employers offering good-paying jobs and benefits to invest their capital.

This budget also represents a broken promise to our senior citizens. Many of our seniors have lived on their homesteads for more than 50 years. They have raised their families there. They want nothing more than to retire and live out their days in a place where they have fond memories. This has become hard, as property taxes have risen beyond their ability to pay. I know I, Madam Speaker, have certainly bragged in the past about what we have done here to increase revenue sharing to our municipalities, but the reality is those increased revenues rarely result in lower property taxes, rather just increased spending. To combat this, we enacted legislation in the 130th that allows seniors to have their property taxes frozen. The program has been popular with our seniors. Indeed, in just the last few days, on the Fourth of July, as I was walking in a parade, I heard from several of my constituents that have heard this program may be in trouble. When I told them that it was in trouble, the response I got was; I knew it was too good to be true. Our citizens have such a fatalistically negative view of State Government that they expect a program that helps them would be extinguished. The only people that had a problem with the program were the municipal governments, because it creates a new administrative burden and they may not get all the money they are promised from Augusta. Well, proponents have said that there is a new program, and that is true, it will require seniors to fill out an income tax return, something that the current program does not require of them. In effect, it shifts the administrative burden onto our seniors and we know full well that many of them will not take the time to fill out a tax return.

We can do better; we must do better than this budget. The people of Maine deserve better than this budget that picks winners and losers. Rather than reduce our tax burden, it increases it, and adds costly new regulations on job creators and workers alike. We can do better than broken promises. I encourage all of us to reject this budget, rather than continue these policies. Let's work to create an economy and tax system that keeps people in Maine and allows them to grow their business, prosper and leave something for their progeny.

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

Representative **BLIER**: Thank you, Madam Speaker, Ladies and Gentlemen of the House. I do not rise today to change your minds because I know most of your minds are already made up, and that's fine. I rise here today to explain a few things in my experience this year as a freshman legislator in the Appropriations Committee. Our side of the aisle definitely was eager and willing to work with the other side of the aisle to come up with a bipartisan budget that we could all agree with. And, Madam Speaker, we really worked really hard at that. And as the other side was doing a deep dive, we were sitting in the office waiting so they could come up for air and give us some of the information that they acquired during their deep dive. And, you know what, we received that information, packets of information, just a few minutes prior to us voting. For us to really look at this information would've taken us a deep dive and we didn't have that opportunity, which is really unfortunate. But at the end of the day, I'm not here to complain. I did the best that I could. But I look at this budget and, even though I voted for it at the Appropriation Table and my fingers are all over this budget, Madam Speaker, on things that I put in place. Over the weekend, the 4th of July weekend, and I was able to get some rest and calm my mind and really think things through, I came to the realization that, you know, my task as a legislator is to pass

laws that are great for the people of Maine, not just my constituency. Me running for reelection is not the most important thing; doing what's right for the people of Maine is really my top priority.

Some of the items that are in this budget, for example, Madam Speaker, that I voted for, is this EMS provision of \$31 million. You know, when I was a Selectman and I was representing my community in negotiations for the fire department, we had an ARPA fund that was given to most EMS providers through our State. And what that did, Madam Speaker, is that when I was negotiating, it raised wages because most communities used those ARPA funds for impact pay. So, during the union negotiations, in order for us to be equivalent to all the other communities, we had to raise our wages. We're going to give \$31 million to all our communities, only the EMS providers that are hurting. At the end of the day, everybody's hurting because municipalities subsidize EMS provisions. Nobody's profitable, so, everyone will be able to fill out that form and everybody will get money and they'll take those monies and give it to their employees for some sort of wages, because that's part of the criteria required, and it will just raise the rate of EMS provision. Truthfully, we need to change the way we do EMS in our communities and this doesn't do that. All this will do is raise the rate of inflation in EMS provisions, which is a real disaster.

While I was on the Housing Committee, Madam Speaker, we allocated \$70 million to new construction. Seventy million dollars gives us about 300 units. We're 20,000 units shy. Do we need more than \$70 million worth of infrastructure to feed or housing people in the State of Maine? Absolutely, we do. Here's the problem; I don't think we built 300 houses in the State of Maine last year. If you're going to add 300 new houses, you got to double the carpenters, you got to double the electricians, you got to double the plumbers and you got to double the building materials. Guess what's going to happen? Inflation is going to happen. Although we need the housing, I get it, we need to implement this money a little bit slower. It's a double-edged sword; I totally understand that. But the problem is I've been here for seven months and, you know what, I'm a landlord and I'm so far behind on work I had to hire somebody this week and I'm paying him \$90 an hour. In one month's time, I will give up my wages over here. And so, as people complain as rate of rents are going up, you understand why. This is what's happening.

There's so much in this bill that I have my fingerprints on that I voted for but, at the end of day thinking, during this past week, is not good for the State of Maine on the longevity. This is going to create inflation, this budget does nothing really to help the people of Maine in the long-term. It does in the short-term, but in the long-term, we're going to be backwards. Three hundred thousand dollars a unit is what it costs us for a unit today. I'm saying in three years, we're going to be \$400,000 to \$450,000 a unit. All the money that we're given will be gone. So, I am going to vote against this budget. Although my intentions were really to try to work on a bipartisan level relationship with the other side to make something that is feasible and that overtook me, as I had time to sit in my home and really think about it this week, while most of you were probably enjoying life, I was really thinking about what I voted for and this is not good for the Maine people. So, today, I'm flipping and I am voting against this budget. Thank you, Madam Speaker.

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

Representative **DUCHARME**: Thank you, Madam Speaker. As most of you know, I was the Ought Not to Pass in Committee on the budget. I could stand up here today and recount for you a whole host of reasons, a host of budget lines that really gave me a lot of heartburn, but I'm not going to do that. What I'm going to do is I'm going to talk about what we went into the whole budget exercise with in terms of thought process and how that played out.

One of the things that we had said was that we would like to look for a way to provide some sort of structural tax relief for Maine people. That came from the fact, and it is a fact, that we returned \$1.3 billion to Maine people in excess tax collection. So, looking at that, knowing that the revenues were over what we had looked at in the prior biennial budget, we were just collecting way more money than what we needed to run State Government. So, we thought a structural tax relief package would work. Our leadership came through; after the March 30th budget was passed, our leadership came out and said we would entertain a package that maybe \$400 million in tax relief was something that our caucus could support. That's 0.38% [*sic*] of a \$10.6 billion budget. After working with that number for 10 days or so, we came up with probably about a package that would equal about \$200 million, which is 1.8%. But the folks on the other side of the aisle didn't want to do that. They had other priorities for the money. This is Maine people's money. It's their money. We're collecting more than we need to run government. Now, perhaps folks have different ideas of what the right thing to do is, and you and I have had that discussion but the reality is, is somebody has to pay for all of these things that we're passing here.

So, we went back to the drawing board, came up with a budget package, a tax relief package, that amounted to \$154.6 million. We had the structure in the revenue stream to be able to pay for it. Now, it wasn't going to happen. At the end of the day, we ended up with about \$48 million in what I would call structural tax relief, or about 0.05% [*sic*] of that \$10.6 billion budget.

I could talk about the loss of federal matching funds in several budget lines for the drinking water program, we reduced those by \$5.5 million. That's going to amount to \$30 million less in federal matching money. I could talk about Part I. If anybody wants an exercise in reading Statutes and understanding what they look like, look at Title 5, Chapter 142. It explains explicitly how the process must go to exceed the Statutory budget limitation cap that was put in place in 2005. There are a whole host of other things; the paid family medical leave, the tax on our businesses; that I can't support. And then the other thing was, as we talked about several weeks ago, when we do things in the middle of the night, it just doesn't feel right. Well, imagine what it felt like voting for this budget at quarter of four in the morning. Imagine what it felt like voting for this budget with four or five Amendments that we didn't have anything in front of us to read, we just had them read to us. And then, there were several that we had the paperwork given to us and we had scant minutes to read it before we had to vote on it.

So, a lot of my objection is process, a lot of my objection is negotiating. I struggle with the fact, because I've done a lot of negotiating in my life, I struggle with the fact that this entire negotiation has been one of we've been negotiating with ourselves. We started at \$400 million, now we can't have \$400 million, so, we'll negotiate ourselves down to \$200 million. Two hundred million's not going to happen, so, we negotiate ourselves down to \$154 million. Because we're trying to do the

right thing for the people of Maine. We tax them too much. All we're trying to do is structural tax relief. It's not going to happen, my apologies to the people of Maine, but that's what elections are for. Thank you.

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

Representative **FAULKINGHAM**: Thank you, Madam Speaker. I rise to explain how I plan on voting and how I came to that decision today. I need to start with what I feel the role of the minority party is when the Legislature is controlled by the majority of the other party. I think it's our job to always do the best we can for the people of Maine, in our opinion, and that means staying at the table until the very end. And when the majority budget was passed in the, actually, previous Session, we knew there'd be a supplemental budget and we stayed at the table and I give full credit to my Appropriations Members for staying involved. But throughout this Special Session we've been in, it has been clear that the majority party did not want to negotiate with us. All the signals we were getting was that a majority budget was happening. And those signals remained until nearly the very end. And, as the Good Representative from Madison just said, it was an episode in negotiating against yourself and that's what we went through. It was throwing out offer after offer and getting nothing but zero in response, which was very frustrating, and we tried. I know I tried and I know my Appropriations Members tried to stay engaged in this process throughout. And until at the very end, it became almost desperate to see if we couldn't pull something out of this. And then, in one last act of desperation, the pension deduction bill was thrown out and in the eleventh hour, that was adopted, which was great. That is an awesome thing for the people of Maine and I'm very pleased to see it in the budget.

There are other good things in this budget, I'm not going to say there aren't. But at the end of the day, it felt less like a majority party trying to negotiate and cooperate with us than a majority party that was seeing how little we would accept, which is very unfortunate and I really wish I could go back weeks. I wish I could back this up because God knows, I have tried and my Appropriations Members have tried. But everything we've done has seemed to fall on deaf ears. We as a caucus have very carefully considered this supplemental budget, and I'm not kidding you, right up until this morning, at length, at length discussing the pros and cons. And there are pros. But it's really hard to get past some of the cons. The paid family medical leave is going to be a huge tax burden on the workers of the State of Maine. It is hard to look past that. It's hard to look past the amount of money that the State is spending without giving more substantial tax relief. And at the end of the day, it pains me to walk away but I don't feel like we're walking away, I feel like we got walked away from long ago. And that is the point we are at now, Madam Speaker. If you've got a solution, I'd take it. If you've got a way out of this, I'd listen. I always listen. I listen to the very end. I listen to you, I listen to the other side, but at the end of the day, I listen to my caucus and I answer to them and this budget is too important to come in for just a little bit of scraps at the table. And as Kenny Rogers famously said, you got to know when to hold 'em and you have to know when to fold 'em. Madam Speaker, we've come to that point and I believe it is time to fold 'em and I believe you'll see my caucus voting in a block against this motion. Thank you, Madam Speaker.

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

Representative **LIBBY**: Thank you, Madam Speaker. Madam Speaker, Sir Alexander Fraser Tytler, born 1747, died 1813, said this; A democracy is always temporary in nature.

It simply cannot exist as a permanent form of government. A democracy will continue to exist up until the time that voters discover they can vote themselves generous gifts from the public treasury. From that moment on, the majority always votes for the candidates who promise the most benefits from the public treasury, with the result that every democracy will finally collapse due to loose fiscal policy which is always followed by a dictatorship.

The average age of the world's greatest civilizations from the beginning of history has been about 200 years. During those 200 years, these nations always progressed through the following sequence. From bondage to spiritual faith, from spiritual faith to great courage, from courage to liberty, Madam Speaker. From liberty to abundance, from abundance to selfishness, from selfishness to complacency, from complacency to apathy, from apathy to dependence, from dependence back into bondage. Madam Speaker, with this supplemental budget, we slip further into the category of dependence into bondage.

We are seeing a radical record increase in government spending with the biennial budget and this supplemental budget, Madam Speaker, when we're facing record inflation. Maine families are struggling and we are appropriating another \$445 million in spending. This is unsustainable. We are burdening our families, we are burdening Maine businesses, we are burdening our future generations with massive tax liabilities. Government doesn't go backwards. We don't shrink budgets, Madam Speaker, and we're doing so to fulfill the wish list of the moment. This budget, now over \$10.3 billion; this is a historic budget and a historic moment, Madam Speaker, but not in a good way. This budget is bad for Maine citizens, it's bad for Maine businesses and it's bad for Maine's future. If I were to vote for this budget, Madam Speaker; myself, personally; I would be voting to speed along Maine's future to a socialist dystopia.

If that weren't bad enough, Madam Speaker, let's chalk another one up to another lie on the campaign trail of the Chief Executive regarding paid family leave. You know, I read the op-ed that was published by the Chief Executive, Madam Speaker, and I was struck by one piece of that op-ed, in particular. That one would flip on a campaign promise based on the premise that something is inevitable or a done deal, not because it's good policy for Maine, not because it benefits Maine families or is good for Maine businesses, but simply because there is an outside entity putting forward a ballot initiative. Madam Speaker, thank goodness that we are a separate branch of government. Let's instead consider the merits of the policy itself rather than whether someone is putting forward a ballot initiative for paid family leave.

With record State revenues, there is zero; zero reason to be raising taxes and that, Madam Speaker, is what this supplemental budget does; implementing a new payroll tax. The damage that will be produced from this government spending; and let's call it what it is, taxation, taking from Maine people; and the increased burdens that these new mandates will cause will far outweigh any positives that might come from the new initiatives included in this supplemental budget. I did hear this one, though, Madam Speaker; but Laurel, what about the increased child tax credit? You know, Madam Speaker, if the government didn't take so much from the Maine people in the first place, then perhaps we wouldn't need a tax credit increase that's the equivalent of a redistribution of wealth. I can only hope that my colleagues on this side of the aisle will not support this budget in hopes of obtaining crumbs from the majority party.

It is perhaps inevitable, Madam Speaker, that this supplemental budget will pass, but it will do so without my support and I take comfort in this, Madam Speaker; at some point, we as a society, we will continue to progress through the sequence outlined by Sir Tytler and someday, hopefully soon, we will pass from dependency and bondage to spiritual faith and then to great courage and, finally, back to liberty. Follow my light.

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

Representative **SACHS**: Thank you, Madam Speaker. I rise in support of the pending motion. I want to begin by thanking my colleagues on the Appropriations Committee from both sides of the aisle, particularly the Good Representative from Waterford, for their hard work on this budget. We started and ended this process together, actually, with a clear focus to build a budget which addresses our most pressing needs, invests in the future and provides opportunities for every member of our Maine community. It is true that some of my colleagues on the Appropriations Committee chose not to come until after the change package and the revenue forecast, but that's okay. Some of us really did do a deep dive into every single line of this budget, Madam Speaker, and eventually, we worked together to pass a budget; yes, in the wee hours of the morning; for a budget that does help all Mainers.

The initiatives in LD 258 concentrate on both short-term needs and long-term solutions. Housing, which is a bipartisan issue, is one such area that reflects this strategy. This budget includes funding for emergency shelters and homeless youth support, it funds transitional housing and enhanced voucher benefits, it creates a housing first program to help those chronically unhoused with both social supports and permanent housing. And it invests in building affordable housing in both rural and urban areas so that we can address the long-term needs across our State.

Funding for the Judicial Branch and legal services is another area where historic investments are made on a bipartisan basis. We continued the work we began together in the supplemental budget to invest in the Maine Commission on Indigent Legal Services, and in this budget increased funding for judges, clerks, mediators and other services to address the backlog of cases. Access to justice is a constitutional requirement and this budget reflects the urgency and priority that this Committee felt back in the supplemental, through the Part 1, and now in the Part 2 budget, which should be addressed to both meet the short-term crisis as well as long-term stability.

Environmental stewardship, Madam Speaker, is another area to celebrate in this budget. Investing in the future of clean energy, while funding the ongoing immediate needs to mitigate PFAS contamination, are both found in this budget. And, yes, historic investments leveraging significant federal match will help protect our drinking water, wastewater and stormwater infrastructures. Renewing support for our very popular community resilience grants, which folks on both sides of the aisle and their communities have taken advantage of, will continue to ensure that our local towns can meet their climate goals in ways that meet their individual needs both now and in the future.

Some of the most important work we did together in this budget is investing in families. A historic level of funding for child care, both for workers as well as for families, is in this budget. The new State refundable dependent tax credit indexed to inflation will help lift children out of poverty. Services for at-risk youth including high-fidelity wraparound services, parenting, mental health resources and child welfare supports are all

included in this budget. Enhanced SNAP benefits, expanded children's health insurance programs and funding of school-based oral health program all help families thrive.

But businesses and workforce development at all levels are also part of this budget, Madam Speaker. The new Dirigo program invests in workers as well as in capital improvements, with an eye to increasing GDP in ways that reflect the emerging landscapes of diverse industries. Programs to support workers from high school to retirement age to those with disabilities are included in this budget to ensure that everyone who would like to enter the workforce can do so with a competitive edge. Health care loan repayment programs, enhanced investments in research and development, an apprenticeship program and, yes, the new paid family leave program are all incredible investments in the future of Maine's workforce.

There are substantial supports in this budget for older Mainers as well. Levels of funding not seen for Meals on Wheels, legal services for the elderly and connections to services to help folks stay in their homes safely and comfortably are in this budget. Over \$20 million is included for nursing facilities, veterans' homes and PNMIs or group homes, to make sure that the right level of care is available for Mainers who need these critical services. And a brand-new program is included which will leverage significant federal dollars and help pay the Medicare premiums for over 30,000 lower-income seniors here in Maine.

And let's not forget over \$600 million of tax relief included in this budget, which is targeted to lower- and middle-class income families and older Mainers. The Tax Committee passed many unanimous bipartisan tax relief bills and they're reflected in this budget today. Responsible, targeted tax relief is something both parties can support and do support and we do so in this budget.

I could go on. The investments in education at K-12, community college and university levels; the significant resources in outpatient, inpatient and recovery services for those with substance use disorders; the \$31 million in emergency medical services, particularly for units in rural areas; the new lifespan waiver program and resources to not only eliminate the waitlist for the first time but to also provide individual services for those adults with intellectual and developmental disabilities. These are all in this budget.

I note again that this budget is based on often unanimous report-backs from every single budget initiative and the overwhelming bipartisan agreement on so many of the bills that are included. This is a reflection of our shared priorities, both short-term and long-term. So much more unites us than divides us. I urge this Body to be united once again and support the pending motion. Thank you, Madam Speaker.

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

Representative MILLETT: Thank you, Madam Speaker, and Ladies and Gentlemen of the House. I believe my Floor Leader and two of my Appropriations Republican colleagues have kind of conveyed the message that I'm feeling that my caucus wants all of us here in the Chamber to hear this morning; that we feel that this process that we have followed, the product that is before us and its tendency to grow State government is well beyond our ability to see a way to a two-thirds majority here today.

I want to try to stress the things that have gone through my mind as the Appropriations Committee lead Republican and my long years of trying to get to a yes on budgets of this type. I started the month in December feeling good about my new colleagues, getting to know a few, knowing that we had a big

issue on winter energy relief that the people in the other Body felt needed a hearing. We did that, with your leadership, Madam Speaker, and by mid-January, we came together on LD 3 and enacted it with a super-majority. I went on the Maine Development Foundation bus tour and found a lot of, I would say, new people of both parties and the Independents as well, that I felt we could work together. And that was stressed as a theme early in the Session and repeatedly not only by yourself, Madam Speaker, but by several ministers who have gotten my attention in the morning prayer, that we can be larger than the sum of our parts. We can, by working together, accomplish more than we can by finger-pointing and demonizing each other and trying to outmaneuver each other in the process of hardball politics. That's not what I'm all about and I'm trying to think of ways to paint the picture that some of the other Members of my party have spoken to this morning a little bit differently. And in that regard, I would like to say that my focus has always been on growing the Maine economy and not growing State Government. That investments in our infrastructure, including technology and our roads and bridges, is a pathway to improving commerce, tourism and everything that's good about bringing jobs to the Maine economy and helping more and more people who are struggling to make ends meet have better jobs, better employment, better support systems, even better housing and better child care. Those are futuristic things that I think are important that we not lose sight of here this morning.

I think that the things that I would point to, some have not really seen or felt the same optimism that I feel. We have done something with the Highway Fund that few people would have expected we could do by making it sustainable, by giving us a pathway to the future and authorizing roads and bridges work far beyond what has ever occurred in my time here in Augusta. We've done some things within this budget that are futuristic and important. The simple passage of LD 7, the tax conformity bill out of our Taxation Committee, with unanimity paints the pathway to a situation in the out-biennium, 2026 and 2027, whereby the people who serve in this Chamber then and the people we represent back home will be denied the possibility of a \$346 million tax increase. That is no small measure and I think it bears some mention today that that piece was early voted into the budget and done so with bipartisan fingerprints.

A third thing, and my Floor Leader said it eloquently, we've done things with the \$48 million of tax relief that I think will pay dividends down the road. And we had started with this notion that what we wanted to do was to give low- and middle-income people more disposable income by not overtaxing them and leaving them with more money that they could decide how they wish to spend it in support of their family and their own well-being. I think that's something that's going to pay dividends for the elder population as well, because if you think about it, we made a stride in the 130th that few people have really caught onto when we improved the pension deductibility under the Maine income tax from \$10K to \$25K in the tax year we just reported on, to \$30K next year and \$35K the year following. This bill alone will create a parity with Social Security for those who are living on pension income when they reach the age of retirement and are trying to keep as much of their money in their own hands rather than turning it over to government. That \$43, \$44, \$45,000 exemption of the Maine income tax in 2026 will be, I think, a lot of help to a lot of people, maybe even some of the snow birds who've worked here and struggled to get to a pension but have felt the need to go elsewhere, where their income would not be taxed, might even be encouraged to stay here and a few might even choose to come back home.

So, I think of those things and I think of one little compromise in the budget that's before us and it may not be little, it maybe turns out to be big, the Dirigo business incentive program. We did work together to make it acceptable, affordable and to replace a time-worn and inadequate Pine Tree Zone program that will offer incentives to entrepreneurs, investors in Maine's economy, and people that create jobs to keep more money and see more development and more jobs and more skilled employees finding good jobs here in Maine.

So, I will stop with that and say I will be voting for this budget after Committee Amendment adoption, pending any further Amendments that take it in a pathway that I can accept for engrossment, and probably for enactment, just because I feel in my conscience that is my role. As the lead and as a stubborn old Mainer, I feel I want to and did stay at the table until 4:00 in the morning last Wednesday morning, the 28th of June, and I will stay there and hope that, as we get together and when we come back in January and we see a new revenue forecast and we see what the economy has done under our watch, that we may even get back together and start talking with each other and not negotiating against ourselves. So, with that thought, I would hope that, and I know that the House Chair will be offering a technical Amendment. I urge her to make sure that you all understand it so we know what we're voting on, and there may or may not be other substantive Amendments, but we're here to do a task and I want to see it done. So, Thank you, Madam Speaker.

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

ROLL CALL NO. 350

YEA - Abdi, 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, Hasenfus, Hepler, Jauch, Kessler, Kuhn, Lajoie, Landry, LaRochelle, Lee, Lookner, Madigan, Malon, Mastraccio, Mathieson, Matlack, Meyer, Millett H, Milliken, Montell, Moonen, Moriarty, Murphy, O'Neil, Osher, Paulhus, Perry A, Perry J, Pluecker, Pringle, Rana, Reckitt, Rielly, Riseman, Roberts, Roeder, Runte, Russell, Sachs, Salisbury, Sargent, Sayre, Shagoury, Sheehan, Skold, Stover, Supica, Terry, Warren, White B, Williams, Worth, Zager, Zeigler, Madam Speaker.

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

ABSENT - Adams, Andrews, Galletta, Haggan, Hall, Hobbs, Millett R, Newman, O'Connell, Rudnicki, Shaw, Smith, Theriault.

Yes, 80; No, 58; Absent, 13; Vacant, 0; Excused, 0.

80 having voted in the affirmative and 58 voted in the negative, with 13 being absent, and accordingly the Majority Ought to Pass as Amended Report was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (H-717)** was **READ** by the Clerk.

Representative SACHS of Freeport **PRESENTED House Amendment "A" (H-721) to Committee Amendment "A" (H-717)**, which was **READ** by the Clerk.

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

Representative **SACHS**: Thank you, Madam Speaker. For every 402-page bill, a few small errors will fall. This Amendment corrects an error in Part A of the bill by moving the General Fund appropriation from child care services, it should've been in the Head Start program. It corrects an error in Part A also of moving a few deallocations from funding and also the Amendment includes a technical change to language in the bill that has no fiscal impact. Thank you, Madam Speaker.

Subsequently, **House Amendment "A" (H-721) to Committee Amendment "A" (H-717)** was **ADOPTED**.

Representative SACHS of Freeport **PRESENTED House Amendment "B" (H-722) to Committee Amendment "A" (H-717)**, which was **READ** by the Clerk.

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

Representative **SACHS**: Thank you, Madam Speaker. This Amendment simply strips the emergency from the bill. Thank you.

Subsequently, **House Amendment "B" (H-722) to Committee Amendment "A" (H-717)** was **ADOPTED**.

Committee Amendment "A" (H-717) as Amended by House Amendment "A" (H-721) and House Amendment "B" (H-722) 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-717) as Amended by House Amendment "A" (H-721) and House Amendment "B" (H-722)** thereto and sent for concurrence.

ORDERED SENT FORTHWITH.

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

SENATE PAPERS

Bill "An Act to Authorize Funding for Collective Bargaining Agreements with Certain Judicial Department Employees" (EMERGENCY)

(S.P. 843) (L.D. 2019)

Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** suggested and ordered printed.

Came from the Senate, under suspension of the rules and **WITHOUT REFERENCE** to a Committee, the Bill **READ TWICE** and **PASSED TO BE ENGROSSED**.

Speaker TALBOT ROSS of Portland moved that the rules be **SUSPENDED** for the purpose of giving the Bill its **FIRST READING WITHOUT REFERENCE** to a Committee.

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

Representative **MILLETT**: Thank you, Madam Speaker. I'll be very brief. This is the second collective bargaining agreement that has been presented here in the Chamber without comment from anyone in the 151 of us and I would wonder if it might be worth at least hearing what this contract and the one that we sent to the other Body last week does for our employees. Generally, we serve as the approving, ratifying Body for collective bargaining contracts and for State employees and the courts. We've been doing this for now 50 years. It would

seem like when a bill gets this close to final enactment, we deserve some sort of an explanation of its contents, what its costs might be and what the two-year or longer duration of it might be.

So, I just ask, Madam Speaker, if anyone is prepared to at least give a hint of what this bargaining agreement contains?

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

Subsequently, under suspension of the rules the Bill was **READ ONCE WITHOUT REFERENCE** to a Committee.

Under further 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.

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

Non-Concurrent Matter

Bill "An Act to Eliminate the Current Net Energy Billing Policy in Maine" (EMERGENCY)

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

Majority (7) **OUGHT TO PASS AS AMENDED** Report of the Committee on **ENERGY, UTILITIES AND TECHNOLOGY READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-605) AS AMENDED BY HOUSE AMENDMENT "A" (H-714)** thereto in the House on June 27, 2023.

Came from the Senate with the Minority (6) **OUGHT NOT TO PASS** Report of the Committee on **ENERGY, UTILITIES AND TECHNOLOGY READ** and **ACCEPTED** in **NON-CONCURRENCE**.

The House voted to **INSIST**.

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

COMMUNICATIONS

The Following Communication: (S.C. 653)

MAINE SENATE 131ST LEGISLATURE OFFICE OF THE SECRETARY

July 6, 2023

Honorable Robert B. Hunt

Clerk of the House

2 State House Station

Augusta, ME 04333

Dear Clerk Hunt:

Please be advised the Senate today insisted to its previous action whereby it accepted Report "B" Ought Not to Pass from the Committee on Criminal Justice and Public Safety on Bill "An Act Regarding Criminal Background Checks for the Sale, Transfer or Exchange of Firearms" (H.P. 109) (L.D. 168) in non-concurrence.

Best Regards,

S/Darek M. Grant

Secretary of the Senate

READ and **ORDERED PLACED ON FILE**.

The Following Communication: (S.C. 654)

MAINE SENATE 131ST LEGISLATURE OFFICE OF THE SECRETARY

July 6, 2023

Honorable Robert B. Hunt

Clerk of the House

2 State House Station

Augusta, ME 04333

Dear Clerk Hunt:

Senate Paper 748, Legislative Document 1847, "An Act to Modify the Visual Impact Standards for Offshore Wind Port Development and Establish Labor Standards for Wind Power Projects," having been returned by the Governor, together with objections to the same, pursuant to Article IV, Part Third, Section 2 of the Constitution of the State of Maine, after reconsideration, the Senate proceeded to vote on the question: "Shall this Bill become a law notwithstanding the objections of the Governor?" 21 voted in favor and 11 against, and accordingly it was the vote of the Senate that the Bill not become a law and the veto was sustained.

Best Regards,

S/Darek M. Grant

Secretary of the Senate

READ and **ORDERED PLACED ON FILE**.

ENACTORS

Emergency Measure

An Act to Fund Collective Bargaining Agreements with Executive Branch Employees

(H.P. 1299) (L.D. 2017)

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

Representative TERRY of Gorham **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 Winter Harbor, Representative Faulkingham.

Representative **FAULKINGHAM**: Thank you, Madam Speaker. I was just going to request a Roll Call. That's why I had my mic on.

On motion of Representative TERRY of Gorham, **TABLED** pending **PASSAGE TO BE ENACTED** and later today assigned. (Roll Call ordered)

Emergency Measure

An Act to Authorize Funding for Collective Bargaining Agreements with Certain Judicial Department Employees

(S.P. 843) (L.D. 2019)

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

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

Representative **MILLETT**: Thank you, Madam Speaker, and Ladies and Gentlemen of the House. Earlier today, I raised a question about anybody who could brief us on the two collective bargaining agreements. In the interim, while we were on break, we actually had conversations down in Appropriations on the two bills and I am satisfied that neither of the unions and the Judicial and the Executive Branch have reached final agreement yet, so, these bills are simply an opportunity to provide an authorization with a dollar limit for the parties to

continue negotiating until they reach agreement. I hesitated about speaking it earlier on the one that did not get the 101 but just so everybody feels a little bit better, I am convinced now that the bargaining process is nearing the end, the monies will be coming from the two salary plans, the contracts are not finally negotiated and thus, all we are being asked to do is to give approval in advance to the parties at the table to arrive at agreements which can be funded within the dollar limits.

So, I apologize for speaking earlier this morning. I just didn't know the situation, now I feel much more relieved that the process is undergoing and the authorization we're being asked to give is simply to give them that authority to reach agreements within a defined dollar amount.

This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 108 voted in favor of the same and 15 against, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

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

An Act to Fund Collective Bargaining Agreements with Executive Branch Employees

(H.P. 1299) (L.D. 2017)

Which was **TABLED** by Representative TERRY of Gorham pending **PASSAGE TO BE ENACTED**. (Roll Call ordered)

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

This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken.

ROLL CALL NO. 351

YEA - Abdi, Ankeles, Arata, Ardell, Arford, Babin, Bell, Blier, Boyer, Boyle, Bradstreet, Brennan, Bridgeo, Campbell, Carlow, Carmichael, Cloutier, Cluchey, Collamore, Collings, Copeland, Costain, Crafts, Craven, Cray, Crockett, Cyrway, Davis, Dill, Dodge, Doudera, Drinkwater, Ducharme, Eaton, Faulkingham, Fay, Foster, Fredericks, Gattine, Geiger, Gere, Golek, Graham, Gramlich, Greenwood, Guerrette, Hall, Hasenfus, Henderson, Hepler, Jackson, Jauch, Kessler, Kuhn, Lajoie, Landry, Lanigan, LaRochelle, Lee, Lookner, Madigan, Malon, Mason, Mastraccio, Mathieson, Matlack, Meyer, Millett H, Millett R, Milliken, Montell, Moonen, Moriarty, Morris, Murphy, Nutting, O'Connell, O'Neil, Osher, Parry, Perkins, Perry A, Perry J, Pluecker, Polewarczyk, Rana, Reckitt, Rielly, Riseman, Roeder, Runte, Russell, Sachs, Salisbury, Sargent, Sayre, Shagoury, Sheehan, Simmons, Skold, Stover, Strout, Supica, Swallow, Terry, Thorne, Walker, Warren, White B, Williams, Wood, Zager, Zeigler, Madam Speaker.

NAY - Dunphy, Gifford, Griffin, Javner, Lemelin, Lyman, Ness, Paul, Pomerleau, Quint, Schmearsal-Burgess, Soboleski, Underwood, White J, Woodsome.

ABSENT - Adams, Albert, Andrews, Bagshaw, Dhalac, Galletta, Haggan, Hobbs, Hymes, Lavigne, Libby, Newman, Paulhus, Poirier, Pringle, Roberts, Rudnicki, Sampson, Shaw, Smith, Theriault, Worth.

Yes, 114; No, 15; Absent, 22; Vacant, 0; Excused, 0.

114 having voted in the affirmative and 15 voted in the negative, with 22 being absent, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

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

Acts

An Act to Provide Remedies for Survivors of Commercial Sexual Exploitation

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

(H. "A" H-716 to C. "A" H-676)

An Act to Amend the Maine Food Sovereignty Act

(H.P. 1251) (L.D. 1947)

(H. "A" H-702 to C. "A" H-441)

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.

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

SENATE PAPERS

The following Joint Order: (S.P. 845)

ORDERED, the House concurring, that Bill, "An Act to Establish the Weighing Point Preclearance Program," S.P. 573, L.D. 1455, and all its accompanying papers, be recalled from the Governor's desk to the Senate.

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

READ and **PASSED** in concurrence.

ENACTORS

Act

An Act Making Unified Appropriations and Allocations from the General Fund and Other Funds for the Expenditures of State Government and Changing Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 2023, June 30, 2024 and June 30, 2025

(H.P. 163) (L.D. 258)

(H. "A" H-721 and H. "B" H-722 to C. "A" H-717)

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

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

SENATE PAPERS

Non-Concurrent Matter

An Act to Modernize the Bureau of Motor Vehicles' Mobile Services

(H.P. 855) (L.D. 1341)

PASSED TO BE ENACTED in the House on June 12, 2023. (Having previously been **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-295)**)

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-295) AS AMENDED BY SENATE AMENDMENT "A" (S-435)** thereto in **NON-CONCURRENCE**.

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

Non-Concurrent Matter

An Act to Provide Self-service Motor Vehicle Services

(S.P. 557) (L.D. 1390)

PASSED TO BE ENACTED in the House on June 1, 2023. (Having previously been **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-113)**)

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-113) AS AMENDED BY SENATE AMENDMENT "A" (S-434)** thereto in **NON-CONCURRENCE**.

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

Non-Concurrent Matter

An Act to Authorize the Secretary of State to Provide a New General Issue of License Plates

(H.P. 1262) (L.D. 1965)

PASSED TO BE ENACTED in the House on June 15, 2023. (Having previously been **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-499)**)

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-499) AS AMENDED BY SENATE AMENDMENT "A" (S-433)** thereto in **NON-CONCURRENCE**.

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

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

Non-Concurrent Matter

Bill "An Act to Make Agricultural Workers and Other Related Workers Employees Under the Wage and Hour Laws"

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

PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-630) in the House on June 21, 2023.

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-630) AS AMENDED BY SENATE AMENDMENT "A" (S-423)** thereto in **NON-CONCURRENCE**.

Speaker TALBOT ROSS of Portland moved that the House **RECEDE AND CONCUR**.

Representative BRADSTREET of Vassalboro **REQUESTED** a roll call on the motion to **RECEDE AND CONCUR**.

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

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

Representative **COLLAMORE**: Thank you, Madam Speaker. Madam Speaker, I rise in opposition to the pending motion. While this Amendment addresses many of the concerns the people I represent had, I still have, and they still have one major concern left, and that is our youth agriculture workers.

Madam Speaker, we sat in these Chambers not that long ago and we were told that we did not need to amend the labor laws regarding youth hours because agriculture was already exempted and they are allowed to work over the 18 hours for 14- and 15-year-olds and 24 hours for 16- and 17-year-olds. By passing this bill, youth will be considered employees and no longer exempt in agriculture. We have co-op students right now, Madam Speaker, working 30 hours a week during the school year on farms. How do I vote for this bill when this changes their ability to get this income? How do I face my constituents who have students that are straight-A students working 30 hours on their neighbor's farm and tell them that they are losing six to 12 hours a week. Madam Speaker, that is \$82 to \$165 a week, \$359 to \$718 per month, or \$4,305 to \$8,611 per year. Essentially, Madam Speaker, this bill costs these youth the approximate cost of room and board at the University of Maine. For many youth, this means they will not be able to attend college. They will not be able to afford the car or truck they planned to save for. They cannot help their single mom pay for their ever-increasing electricity and heat bills. Madam Speaker, what do I tell them when they ask why this Body took their livelihood away? Because I don't know how to answer them, Madam Speaker. Please help me defeat this bill and protect our youth farm workers and our local farmers. Thank you.

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

Representative **CYRWAY**: Thank you, Madam Speaker, Ladies and Gentlemen of the House. Growing up on a farm, this is a different way of life and you're making a union bill be a part of it. When you see these young kids go to the fairs and show the cattle, they learn a trade, they learn how to be; they learn a lot of skills that you don't realize. It's learning how to be able to survive in life and they do so many different things of learning how to plant a garden, how to raise cattle, how to raise an animal, how to take care of it in a way that you treat it like a child. There's so much more that they're learning and now, we're making it a union bill so that these kids can't take the time that's needed to farm and learn those things. You're putting limitations on them. So, I really feel that this bill really hurts them and so I just wish that everybody consider not putting more burden on the farmers and also, at the same time, putting a burden on kids that would like to do this type work. Thank you, Madam Speaker.

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

Representative **ROEDER**: Thank you, Madam Speaker. Madam Speaker, I was going to share a little bit about the Amendment but I wanted to first let the Representative from Albion know that there is no union language left in this bill. The concerted activity was stripped out by the Amendment that we received from the other Body, my apologies, and there is nothing regarding that left in the bill.

This bill would cover farm workers under the State minimum wage. It would not require overtime pay, it would not allow workers to unionize or collectively bargain, it would not protect workers' concerted activity, it would not prevent farmers from using piecework rates, it would not prevent farmer-owners from hiring their own children under the age of 14, it would not

create new reporting requirements. Farmers already have to track hours and wages and all other employers must comply with administrative and reporting requirements. Also, farm workers could only be forced to work 80 hours of mandatory overtime in any two-week period, 160 hours in total or, assuming a six-day work week, 13.3 hours per day. Again, workers can choose to work more if asked and seasonal farms who have no mandatory overtime limit. Again, I will say that our Committee and various stakeholders listened very deeply to the concerns. The bill was amended thoughtfully, carefully and with our farmers in mind. Thank you.

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

ROLL CALL NO. 352

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

NAY - Arata, Ardell, Babin, Blier, Boyer, Bradstreet, Campbell, Carlow, Carmichael, Collamore, Costain, Cray, Cyrway, Davis, Dill, Drinkwater, Ducharme, Dunphy, Faulkingham, Foster, Fredericks, Gifford, Greenwood, Griffin, Guerrette, Hall, Henderson, Jackson, Javner, Landry, Lanigan, Lemelin, Lyman, Mason, Mastraccio, Millett H, Morris, Ness, Nutting, Parry, Paul, Perkins, Polewarczyk, Pomerleau, Quint, Schmersal-Burgess, Simmons, Soboleski, Strout, Swallow, Thorne, Underwood, Walker, White J, Wood, Woodsome.

ABSENT - Adams, Albert, Andrews, Bagshaw, Dhalac, Galletta, Haggan, Hobbs, Hymes, Lavigne, Libby, Newman, Pluecker, Poirier, Pringle, Roberts, Rudnicki, Sampson, Shaw, Smith, Theriault, Worth.

Yes, 73; No, 56; Absent, 22; Vacant, 0; Excused, 0.

73 having voted in the affirmative and 56 voted in the negative, with 22 being absent, and accordingly the House voted to **RECEDE AND CONCUR**.

Non-Concurrent Matter

Bill "An Act to Remove Barriers to Becoming a Lawyer"

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

Majority (8) **OUGHT TO PASS AS AMENDED** Report of the Committee on **JUDICIARY READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-705)** in the House on June 23, 2023.

Came from the Senate with the Bill and accompanying papers **INDEFINITELY POSTPONED** in **NON-CONCURRENCE**.

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

Non-Concurrent Matter

An Act to Implement the Recommendations of the Working Group to Review the Process for Ongoing Review of Tax Expenditures by the Legislature

(H.P. 538) (L.D. 849)

(C. "A" H-530)

PASSED TO BE ENACTED in the House on June 20, 2023.

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-530) AND SENATE AMENDMENT "A" (S-437)** in **NON-CONCURRENCE**.

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

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

The following Joint Order: (S.P. 844)

ORDERED, the House concurring, that when the Senate and House adjourn, they do so until the call of the President of the Senate and the Speaker of the House, respectively.

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

READ and **PASSED** in concurrence.

ENACTORS

Emergency Measure

An Act to Correct Inconsistencies, Conflicts and Errors in the Laws of Maine

(H.P. 1289) (L.D. 2010)

(C. "A" H-718)

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. 108 voted in favor of the same and 3 against, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

Emergency Measure

Resolve, Regarding Legislative Review of Portions of Chapter 301: Fee Schedule and Administrative Procedures for Payment of Court or Commission Assigned Counsel, a Late-filed Major Substantive Rule of the Maine Commission on Indigent Legal Services

(H.P. 1300) (L.D. 2018)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 109 voted in favor of the same and 0 against, and accordingly the Resolve was **FINALLY PASSED**, signed by the Speaker and sent to the Senate.

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

**SENATE PAPERS
Non-Concurrent Matter**

An Act Relating to Net Energy Billing and Distributed Solar and Energy Storage Systems

(S.P. 815) (L.D. 1986)
(C. "A" S-421)

FAILED of **PASSAGE TO BE ENACTED** in the House on June 26, 2023.

Came from the Senate **PASSED TO BE ENACTED** in **NON-CONCURRENCE**.

Speaker TALBOT ROSS of Portland moved that the House **RECEDE AND CONCUR**.

Representative FOSTER of Dexter **REQUESTED** a roll call on the motion to **RECEDE AND CONCUR**.

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

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

Representative **FOSTER**: Thank you, Madam Speaker, Ladies and Gentlemen of the House. We've all heard a lot and had a lot of discussion about net energy billing in the last couple of weeks. I believe this is the last bill standing, if you will, and would like to take this opportunity to once again address the issue. I hope that we've all learned some facts. I know that there's been a lot said out in the halls, in the papers, amongst ourselves and in this Chamber about net energy billing. The bill that's before us now, 1986, Madam Speaker, I would like to say a few things about it.

First of all, one of the things I heard out in the hall just today was that natural gas prices are down, so therefore, the net energy billing prices won't be as bad as what we thought, the extra money that people would be paying. Well, that's as we predicted. But, guess what, come wintertime, those natural gas prices will be back up because of the lack of supply for home heating and also producing electricity. As a matter of fact, today, I believe that natural gas energy production was up around 59% of what New England is getting for generation. One thing that this bill doesn't do, it does not disconnect us from that tie with the price of natural gas and the standard offer.

The Big Solar lobby has been out there saying that, you know, there have been attempts to pull the rug out from under the industry on solar expansion in the State of Maine. One of the things that this bill would do is it suggests that the State Government, the Governor's Energy Office and others should go out and look for federal dollars that are now available. Well, Madam Speaker, I believe that that's exactly what they can and should do, anyway, without this bill. I would also suggest that this bill does not affect something that was done in the last Legislature, Madam Speaker, to try to alleviate some of the cost of net energy billing. In that Legislature, what we did was we set a date by which the projects had to be online and that was set three years in advance back in 2021 for a completion date of December 31, 2024. If that date was not met, the developer could be paid net NEB rates only if it got a good cause exemption from the PUC. This bill doesn't really touch that. However, again, out in the halls today, I heard a rumor that there's possible litigation that might be brought by the solar industry to try to change that part of the bill. You know, whether that's true or not, I can't say, but if that should happen, if that date should be moved, it could mean hundreds of more projects that would now qualify for the great subsidy that net energy billing offers, Madam Speaker. If that was done, there's no question that somebody would be having the rug pulled out from under them and I would suggest that it might be the ratepayers in Maine.

Madam Speaker, what does that have to do with this bill? Well, whether those actions are dependent on the fact that some were emboldened by what has happened in the Legislature in this term with net energy billing bills, I would say, Madam Speaker, that is possible and I would suggest that we follow the actions that we took earlier on this bill, I ask that we do so and vote against the recede and concur, kill this bill and then we can start from scratch to address net energy billing again in January, in the next Session, on the Energy, Utilities and Technology Committee when we will have more real data and true facts that will tell us what net energy billing is going to cost our ratepayers in Maine. I ask that people follow my light. Thank you, Madam Speaker.

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

Representative **WARREN**: Thank you, Madam Speaker. I want to rise briefly just to say that what I'm going to say here is going to be consistent with the message that I communicated on more than one bill, this being the last bill standing.

I want a just and fair transition to clean energy, Madam Speaker. I don't believe this bill even scratches the surface of what we ought to be discussing seriously on fairness, on providing for economic justice in this transition, something that's fair to ratepayers as well as those that are involved with solar development in the State of Maine. That said, I'll be supporting this motion for two reasons, quite specifically. One is the elimination of the tariff program, which is extremely unfair and extremely regressive, and two, there are certain projects that are in the queue, as the Representative from Dexter mentioned, that have deadlines in 2024. This bill as written does have certain limitations in sizes for those programs that are still in the queue and I believe that can do something to mitigate the costs onto ratepayers.

Again, I think there is a tremendous amount of work that has gone in already in this Legislature, and I hope that everyone in this Body feels that they are, regardless of where they stand on this bill right now, are open to continue this dialogue. I know it can be tough for; it seemed like a lot in the short session. I think a lot more work can be done and ought to be done to both address climate change but also provide for economic justice and I know that some of these questions that we ought to be addressing in a much bigger picture way are sometimes difficult, might challenge our preconceived notions around climate change and our clean energy solutions but my hope in this vote now is an attempt to say that I want to keep working, that I want to find some solution here now and continue that dialogue and continue to seek compromise, hopefully in a bipartisan manner, in future legislation. So, I do hope that others would consider following my light, but I also very much understand that this is not remotely enough to meet this moment and do what I think Maine people deserve both on climate as well as on economic justice. Thank you for your time and consideration.

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

ROLL CALL NO. 353

YEA - Abdi, Ankeles, Arford, Bell, Boyle, Brennan, Bridgeo, Cloutier, Cluchey, Collings, Copeland, Crafts, Craven, Crockett, Dill, Dodge, Doudera, Eaton, Fay, Gattine, Geiger, Gere, Golek, Graham, Gramlich, Hasenfus, Hepler, Jauch, Kessler, Kuhn, Lajoie, Landry, LaRochelle, Lee, Lookner, Madigan, Malon, Mastraccio, Mathieson, Matlack, Meyer, Millett R, Milliken, Montell, Moonen, Moriarty, Murphy, O'Connell, O'Neil, Osher, Paulhus, Perry A, Perry J, Pluecker, Rana, Reckitt, Rielly, Riseman, Roeder, Runte, Russell, Sachs,

Salisbury, Sargent, Sayre, Shagoury, Sheehan, Skold, Stover, Supica, Terry, Warren, White B, Williams, Zager, Zeigler, Madam Speaker.

NAY - Arata, Ardell, Babin, Blier, Boyer, Bradstreet, Campbell, Carlow, Carmichael, Collamore, Costain, Cray, Cyrway, Davis, Drinkwater, Ducharme, Dunphy, Faulkingham, Foster, Fredericks, Gifford, Greenwood, Griffin, Guerrette, Hall, Henderson, Jackson, Javner, Lemelin, Lyman, Mason, Millett H, Morris, Ness, Nutting, Parry, Paul, Perkins, Polewarczyk, Pomerleau, Quint, Schmearsal-Burgess, Simmons, Soboleski, Strout, Swallow, Thorne, Underwood, Walker, White J, Wood, Woodsome.

ABSENT - Adams, Albert, Andrews, Bagshaw, Dhalac, Galletta, Haggan, Hobbs, Hymes, Lanigan, Lavigne, Libby, Newman, Poirier, Pringle, Roberts, Rudnicki, Sampson, Shaw, Smith, Theriault, Worth.

Yes, 77; No, 52; Absent, 22; Vacant, 0; Excused, 0.

77 having voted in the affirmative and 52 voted in the negative, with 22 being absent, and accordingly the House voted to **RECEDE AND CONCUR**.

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

Non-Concurrent Matter

An Act to Protect Employee Freedom of Speech

(S.P. 702) (L.D. 1756)

(S. "A" S-291)

- In House, **PASSED TO BE ENACTED** on June 15, 2023.

- In Senate, **PASSED TO BE ENACTED** on June 15, 2023, in concurrence.

- **RECALLED** from the Governor's Desk pursuant to Joint Order, S.P. 841.

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY SENATE AMENDMENTS "A" (S-291) AND "B" (S-436) in NON-CONCURRENCE**.

Speaker TALBOT ROSS of Portland moved that the House **RECEDE AND CONCUR**.

Representative BRADSTREET of Vassalboro **REQUESTED** a roll call on the motion to **RECEDE AND CONCUR**.

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

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

Representative **BRADSTREET**: Thank you, Madam Speaker. I hope everybody will join me in voting against this motion. You know, there are two Amendments that have been placed on this bill and they actually underscore the weakness of the bill and the lack of necessity for the bill but they don't actually do anything, which is the most objectionable part of the bill and that's that it's unconstitutional. Just yesterday, as a matter of fact, in Connecticut, the state's motion to dismiss a similar bill, a lawsuit about a similar bill, was rejected on constitutional grounds and we certainly don't need to open ourselves up to expensive litigation here, which will be the ultimate consequence if this bill were to become law. So, I think it's very unwise to vote for this bill, it would be the proper thing to do to vote against the motion. Thank you, Madam Speaker.

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

ROLL CALL NO. 354

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

NAY - Arata, Ardell, Babin, Blier, Boyer, Bradstreet, Campbell, Carlow, Carmichael, Collamore, Costain, Cray, Cyrway, Davis, Drinkwater, Ducharme, Dunphy, Faulkingham, Foster, Fredericks, Gifford, Greenwood, Griffin, Guerrette, Hall, Henderson, Jackson, Javner, Lemelin, Lyman, Mason, Millett H, Morris, Ness, Nutting, Parry, Paul, Perkins, Polewarczyk, Pomerleau, Quint, Schmearsal-Burgess, Simmons, Soboleski, Strout, Swallow, Thorne, Underwood, Walker, White J, Wood, Woodsome.

ABSENT - Adams, Albert, Andrews, Bagshaw, Dhalac, Galletta, Haggan, Hobbs, Hymes, Lanigan, Lavigne, Libby, Newman, Paulhus, Poirier, Pringle, Roberts, Rudnicki, Sampson, Shaw, Smith, Theriault, Worth.

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

Non-Concurrent Matter

Bill "An Act to Improve the Health of Maine Residents by Removing Exclusions to the MaineCare Program"

(H.P. 123) (L.D. 199)

PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-103) AS AMENDED BY HOUSE AMENDMENT "B" (H-720) thereto in the House on July 6, 2023.

Came from the Senate with that Body having **INSISTED** on its former action whereby the Minority (5) **OUGHT NOT TO PASS** Report of the Committee on **HEALTH AND HUMAN SERVICES** was **READ** and **ACCEPTED** in **NON-CONCURRENCE**.

The House voted to **INSIST**.

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

COMMUNICATIONS

The Following Communication: (S.C. 655)

**MAINE SENATE
131ST LEGISLATURE
OFFICE OF THE SECRETARY**

July 6, 2023

Honorable Robert B. Hunt

Clerk of the House

2 State House Station

Augusta, ME 04333

Dear Clerk Hunt:

Please be advised the Senate today adhered to its previous action whereby it accepted the Minority Ought Not to Pass Report from the Committee on Energy, Utilities and Technology on Bill "An Act to Eliminate the Current Net Energy Billing Policy in Maine" (H.P. 861) (L.D. 1347) 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.**

ENACTORS

Acts

An Act to Make Agricultural Workers and Other Related Workers Employees Under the Wage and Hour Laws

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

(S. "A" S-423 to C. "A" H-630)

An Act to Implement the Recommendations of the Working Group to Review the Process for Ongoing Review of Tax Expenditures by the Legislature

(H.P. 538) (L.D. 849)

(C. "A" H-530; S. "A" S-437)

An Act to Modernize the Bureau of Motor Vehicles' Mobile Services

(H.P. 855) (L.D. 1341)

(S. "A" S-435 to C. "A" H-295)

An Act to Provide Self-service Motor Vehicle Services

(S.P. 557) (L.D. 1390)

(S. "A" S-434 to C. "A" S-113)

An Act to Authorize the Secretary of State to Provide a New General Issue of License Plates

(H.P. 1262) (L.D. 1965)

(S. "A" S-433 to C. "A" H-499)

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.

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

Act

An Act to Protect Employee Freedom of Speech

(S.P. 702) (L.D. 1756)

(S. "A" S-291; S. "B" S-436)

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

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

The SPEAKER: The Chair recognizes that the Members are tired and we've completed some really good work. I just want to extend sincere thanks to each and every one of you for your patience, your flexibility throughout the last several months and good work, hard work, that you all have done. It is truly appreciated.

On motion of Representative STOVER of Boothbay, the House adjourned at 9:40 p.m., until the call of the Speaker of the House and the President of the Senate, respectively, pursuant to the Joint Order (S.P. 844) and in honor and lasting tribute to John R. Hilton of Newcastle, Michael Hayter of Westbrook and Brittney Cockrell of Westbrook.