

# MAINE STATE LEGISLATURE

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ONE HUNDRED THIRTY-FIRST LEGISLATURE  
SECOND REGULAR SESSION  
2nd Legislative Day  
Tuesday, January 9, 2024

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

Prayer by Pastor Jim Przytulski, Central Church, Augusta.

National Anthem by Roxanne Althouse, Woolwich.

Pledge of Allegiance.

Medical Provider of the Day, Valerie Fuller, PhD, DNP, AGACNP-BC, FNP-BC, FAANP, Falmouth.

The Journal of Wednesday, January 3, 2024 was read and approved.

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**SENATE PAPERS**

The following Joint Resolution: (S.P. 911)

**JOINT RESOLUTION EXPRESSING THE LEGISLATURE'S  
SUPPORT FOR A RESEARCH PROJECT TO ANALYZE  
THE USE OF RESTORATIVE JUSTICE PRACTICES IN  
ADULT DRUG TREATMENT COURT IN PROSECUTORIAL  
DISTRICT NUMBER 6**

WHEREAS, numerous studies and experiences have shown that restorative justice is a valuable tool in addressing substance use disorder and other mental health conditions; and

WHEREAS, the Department of Corrections has entered into contracts totaling hundreds of thousands of dollars with restorative justice organizations to address juvenile offenses, many of which involve substance use; and

WHEREAS, the Honorable John Martin of the Wiscasset District Court has employed restorative justice practices in the Region 6 Adult Drug Treatment Court, which serves Knox County, Waldo County, Lincoln County and Sagadahoc County; and

WHEREAS, the success of Judge Martin's use of restorative justice practices has drawn the interest of 2 restorative justice professors at the Vermont Law and Graduate School, who with other practitioners have begun planning a research project to create a statewide model for Maine from Judge Martin's protocols; and

WHEREAS, funding for the 3-year research project has already been obtained; and

WHEREAS, this research project may show that restorative justice offers bright hope for the State's overcrowded courts, jails and prisons; now, therefore, be it

**RESOLVED:** That We, the Members of the One Hundred and Thirty-first Legislature now assembled in the Second Regular Session, on behalf of the people we represent, take this opportunity to strongly express our support for the research project being planned by Marc Wennberg and Robert Sand of the Vermont Law and Graduate School, and we look forward to the findings they will present to the joint standing committee of the Legislature having jurisdiction over criminal justice and public safety matters upon completion of the project.

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

**READ** and **ADOPTED** in concurrence.

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The following Joint Order: (S.P. 912)

**ORDERED**, the House concurring, that Bill, "An Act to Restore the Former State of Maine Flag," H.P. 54, L.D. 86, and all its accompanying papers, be recalled from the Governor's desk to the Senate.

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

**READ.**

Representative TERRY of Gorham moved that the Joint Order and all accompanying papers be **INDEFINITELY POSTPONED**.

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

Representative **GREENWOOD**: Thank you, Madam Speaker. Madam Speaker, I rise as a point of information, trying to understand the status of LD 86 that this Joint Order references. This was a bill, An Act to Restore the Former State of Maine Flag. That was a last session bill. My question is are we; I need further explanation as to what we're doing here because I believe the bill is already passed and signed into law, but I was under the impression that it would've been from the First Session, which it would've been for the next November election, which has come and gone. Is this an attempt in some way when we adjourned unconstitutionally and then were recalled unconstitutionally last Session as a way to revive the bill? Could someone please clarify that?

The SPEAKER: The Chair would inform the Member that this bill, LD 86, is now law. It is chaptered law. It was held by the Governor and went into effect at 11:59 p.m. on Saturday. There is no further action required by the House.

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

Representative **GREENWOOD**: Can we get clarification if LD 86 now, since it's passed and was signed, was just recent; will that question actually be on the next November election ballot? Can we get some clarification on that?

The SPEAKER: The Chair would respond that I believe LD 86, which is now law, will go into effect 90 days after adjournment and it would be appearing on that November 2024 ballot.

Subsequently, the Joint Order and all accompanying papers were **INDEFINITELY POSTPONED** in **NON-CONCURRENCE** and sent for concurrence.

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**COMMUNICATIONS**

The Following Communication: (H.C. 345)

**STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
SPEAKER'S OFFICE  
AUGUSTA, MAINE 04333-0002**

January 3, 2024

Honorable Robert B. Hunt

Clerk of the House

2 State House Station

Augusta, ME 04333

Dear Clerk Hunt:

Pursuant to my authority under House Rule 201.1 (l) (a), I am appointing Representative Daniel Ankeles of Brunswick to the Joint Standing Committee on Appropriations and Financial Affairs, effective January 3, 2024.

Please do not hesitate to contact me should you have any questions regarding this appointment.

Sincerely,

S/Rachel Talbot Ross

Speaker of the House

**READ** and **ORDERED PLACED ON FILE**.

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The Following Communication: (H.C. 346)

**STATE OF MAINE  
OFFICE OF THE  
SECRETARY OF STATE  
AUGUSTA, MAINE 04333-0148**

December 30, 2023

The Honorable Rachel Talbot Ross

Speaker of the House

2 State House Station

Augusta, ME 04333-0002

Dear Speaker Talbot Ross,

Pursuant to 5 MRSA § 12009, I am submitting the Report of Board and Commission Appointments or Reappointments to you for the calendar year 2024. Additionally, I am providing a report that lists appointments or reappointments which have not been made from previous years through December 31, 2023. This report also indicates vacancies which exist on a board or commission that needs a new appointment. If you would like a breakdown of only your appointments, we would be pleased to provide this to you as well.

If you have any questions concerning these reports or need additional information, please contact me or Cathy Beaudoin, Director of the Division of Corporations, UCC and Commissions at 207-624-7748.

Sincerely,

S/Shenna Bellows

Secretary of State

**READ** and with accompanying papers **ORDERED  
PLACED ON FILE.**

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The Following Communication: (H.C. 347)

**STATE OF MAINE  
CLERK'S OFFICE  
2 STATE HOUSE STATION  
AUGUSTA, MAINE 04333-0002**

January 9, 2023

Honorable Rachel Talbot Ross

Speaker of the House

2 State House Station

Augusta, Maine 04333

Dear Speaker Talbot Ross:

Pursuant to Joint Rule 310, the following Joint Standing Committees have voted unanimously to report the following bills out "Ought Not to Pass:"

Energy, Utilities and Technology

L.D. 699 An Act to Reduce Future Energy Costs

State and Local Government

L.D. 983 An Act to Exempt Maine from Daylight Saving Time

Sincerely,

S/Robert B. Hunt

Clerk of the House

**READ** and with accompanying papers **ORDERED  
PLACED ON FILE.**

The Following Communication: (H.C. 348)

**STATE OF MAINE  
CLERK'S OFFICE  
2 STATE HOUSE STATION  
AUGUSTA, MAINE 04333-0002**

January 9, 2024

Honorable Rachel Talbot Ross

Speaker of the House

2 State House Station

Augusta, Maine 04333

Dear Speaker Talbot Ross:

Pursuant to Joint Rule 310, the Committee on Agriculture, Conservation and Forestry has approved the request by the sponsor, Senator Black of Franklin, to report the following "Leave to Withdraw:"

L.D. 1989      Resolve, to Modify the Deed for a Parcel of Property in the Town of Carrabassett Valley to Allow for Workforce Housing

Pursuant to Joint Rule 310, the Committee on Judiciary has approved the request by the sponsor, Representative Fay of Raymond, to report the following "Leave to Withdraw:"

L.D. 20      An Act to Further Protect Survivors of Economic Abuse

Sincerely,

S/Robert B. Hunt

Clerk of the House

**READ** and with accompanying papers **ORDERED  
PLACED ON FILE.**

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The Following Communication: (H.C. 349)

**STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
SPEAKER'S OFFICE  
AUGUSTA, MAINE 04333-0002**

January 9, 2024

Honorable Robert B. Hunt

Clerk of the House

2 State House Station

Augusta, Maine 04333

Dear Clerk Hunt:

Please be advised that pursuant to her authority, Governor Janet T. Mills has nominated the following:

on January 4, 2024

The Honorable E. Mary Kelly of Falmouth for reappointment as an Active Retired Judge of the Maine District Court.

Pursuant to Article V, Part First, §8, of the Maine Constitution, this reappointment is contingent on confirmation by the Maine State Senate after review by the Joint Standing Committee on Judiciary.

on January 5, 2024

Katherine M. Dufour, Esq. of Lincolnville, Jon A. Haddow, Esq. of Fairfield, David F. Hathaway, Esq. of Auburn and Heather M. Seasonwein, Esq. of Freeport for appointment as Judges of the Maine District Court.

Pursuant to Article 5, Part First § 8, these appointments are contingent on confirmation by the Maine State Senate after review by the Joint Standing Committee on Judiciary.

Sincerely,

S/Rachel Talbot Ross

Speaker of the House

**READ** and with accompanying papers **ORDERED  
PLACED ON FILE.**

The Following Communication: (H.C. 350)

**MAINE STATE LEGISLATURE  
OFFICE OF PROGRAM EVALUATION AND  
GOVERNMENT ACCOUNTABILITY  
82 STATE HOUSE STATION, ROOM 104 CROSS BUILDING  
AUGUSTA, MAINE 04333-0082**

January 5, 2024

The Honorable Craig V. Hickman, Senate Chair

The Honorable Jessica Fay, House Chair

Members of the Government Oversight Committee

82 State House Station

Augusta, Maine 04333

The Honorable Troy D. Jackson, President of the Senate

Members of the 131st Maine Senate

3 State House Station

Augusta, Maine 04333

The Honorable Rachel Talbot Ross, Speaker of the House

Members of the 131st Maine House of Representatives

2 State House Station

Augusta, Maine 04333

Dear Government Oversight Committee Members, Senators and Representatives:

In accordance with 3 MRSA §995(4), I respectfully submit the Office of Program Evaluation and Government Accountability (OPEGA) Annual Report for 2023. OPEGA's service to the Legislature as an independent, non-partisan resource is meant to support the important role of legislative oversight and to help improve the performance of State government. We remain committed to serving Maine's legislators and citizens as a trusted source of objective, credible information.

Sincerely,

S/Peter Schleck

Director

**READ** and with accompanying papers **ORDERED PLACED ON FILE.**

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The Following Communication: (S.P. 868)

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

December 11, 2023

Hon. Troy D. Jackson

President of the Senate

131st Legislature

Hon. Rachel Talbot Ross

Speaker of the House

131st Legislature

Dear Mr. President and Madam Speaker:

On December 11, 2023, 20 bills were received by the Secretary of the Senate.

Pursuant to the provisions of Joint Rule 308.2, these bills were referred to the Joint Standing Committees on December 11, 2023, as follows:

**Agriculture, Conservation and Forestry**

Resolve, Authorizing the Director of the Bureau of Parks and Lands to Convey a Parcel of Land in the Town of Woodstock (S.P. 861) (L.D. 2033) (Sponsored by Senator KEIM of Oxford) (Submitted by the Department of Agriculture, Conservation and Forestry pursuant to Joint Rule 203.)

Bill "An Act to Amend the Law Regarding the Land for Maine's Future Board to Allow for Proxy Designees" (S.P. 866) (L.D. 2038) (Sponsored by Senator INGWERSEN of York) (Submitted by the Department of Agriculture, Conservation and Forestry pursuant to Joint Rule 203.)

**Environment and Natural Resources**

Bill "An Act to Clarify the Laws Regarding Pharmaceutical Product Stewardship" (S.P. 849) (L.D. 2021) (Sponsored by Senator CARNEY of Cumberland) (Submitted by the Department of Environmental Protection pursuant to Joint Rule 203.)

Bill "An Act to Exempt Certain Emergency Activities and Structure Elevation Increases in Flood Zones from Permit Requirements Under the Natural Resources Protection Act" (S.P. 858) (L.D. 2030) (Sponsored by Senator LYFORD of Penobscot) (Submitted by the Department of Environmental Protection pursuant to Joint Rule 203.)

Bill "An Act to Address Identified Gaps in the Laws Governing Erosion Control and the Natural Resources Protection Act" (S.P. 862) (L.D. 2034) (Sponsored by Senator BRENNER of Cumberland) (Submitted by the Department of Agriculture, Conservation and Forestry pursuant to Joint Rule 203.)

**Health and Human Services**

Bill "An Act to Remove the Exemption for Certain Roadside Springs from Regulation as Public Water Systems in the Laws Regarding Water for Human Consumption" (S.P. 864) (L.D. 2036) (Sponsored by Senator INGWERSEN of York) (Submitted by the Department of Health and Human Services pursuant to Joint Rule 203.)

Bill "An Act to Align the Supplemental Nutrition Assistance Program with Federal Regulations" (S.P. 865) (L.D. 2037) (Sponsored by Senator BALDACCI of Penobscot) (Submitted by the Department of Health and Human Services pursuant to Joint Rule 203.)

**Health Coverage, Insurance and Financial Services**

Bill "An Act to Make Technical Updates to the Maine Uniform Securities Act" (S.P. 848) (L.D. 2020) (Sponsored by Senator BAILEY of York) (Submitted by the Department of Professional and Financial Regulation pursuant to Joint Rule 203.)

**Innovation, Development, Economic Advancement and Business**

Bill "An Act to Amend the Law Regarding the Board of the Finance Authority of Maine to Allow for the Addition of a Proxy Designee" (S.P. 867) (L.D. 2039) (Sponsored by Senator INGWERSEN of York) (Submitted by the Department of Agriculture, Conservation and Forestry pursuant to Joint Rule 203.)

**Judiciary**

Bill "An Act Regarding Disclosure of Flood Risk by Sellers of Real Estate" (S.P. 863) (L.D. 2035) (Sponsored by Senator BRENNER of Cumberland) (Submitted by the Department of Agriculture, Conservation and Forestry pursuant to Joint Rule 203.)

**Labor and Housing**

Bill "An Act to Improve Maine's Labor Laws by Changing the Laws Governing Elections of Collective Bargaining Agents for Certain Public Employees" (S.P. 860) (L.D. 2032) (Sponsored by Senator TIPPING of Penobscot) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 203.)

**Marine Resources**

Bill "An Act to Provide for Medical and Vessel Breakdown License Exceptions for Commercial Menhaden License Holders" (S.P. 853) (L.D. 2025) (Sponsored by Senator MOORE of Washington) (Submitted by the Department of Marine Resources pursuant to Joint Rule 203.)

Bill "An Act to Authorize Medical Waivers for Menhaden Fishing Licenses" (S.P. 854) (L.D. 2026) (Sponsored by Senator MOORE of Washington) (BY REQUEST) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 203.)

Bill "An Act Regarding License Suspensions Carried out by the Commissioner of Marine Resources" (S.P. 857) (L.D. 2029) (Sponsored by Senator RENY of Lincoln) (Submitted by the Department of Marine Resources pursuant to Joint Rule 203.)

Bill "An Act to Make Technical Changes to the State's Marine Resources Laws" (S.P. 859) (L.D. 2031) (Sponsored by Senator RENY of Lincoln) (Submitted by the Department of Marine Resources pursuant to Joint Rule 203.)

**Taxation**

Bill "An Act Updating References to the United States Internal Revenue Code of 1986 Contained in the Maine Revised Statutes" (EMERGENCY) (S.P. 850) (L.D. 2022) (Sponsored by Senator GROHOSKI of Hancock) (Submitted by the Department of Administrative and Financial Services pursuant to Joint Rule 203.)

Bill "An Act to Make Technical Changes to Maine's Tax Laws" (S.P. 851) (L.D. 2023) (Sponsored by Senator GROHOSKI of Hancock) (Submitted by the Department of Administrative and Financial Services pursuant to Joint Rule 203.)

Resolve, to Authorize the State Tax Assessor to Convey the Interest of the State in Certain Real Estate in the Unorganized Territory (S.P. 852) (L.D. 2024) (Sponsored by Senator GROHOSKI of Hancock) (Submitted by the Department of Administrative and Financial Services pursuant to Joint Rule 203.)

Bill "An Act to Clarify the Property Tax Exemption for Air Pollution Control Facilities" (EMERGENCY) (S.P. 855) (L.D. 2027) (Sponsored by Senator RENY of Lincoln) (Cosponsored by Representative POLEWARCZYK of Wiscasset and Representative: HEPLER of Woolwich) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 203.)

Bill "An Act to Amend Certain State Tax Laws" (S.P. 856) (L.D. 2028) (Sponsored by Senator GROHOSKI of Hancock) (Submitted by the Department of Administrative and Financial Services pursuant to Joint Rule 203.)

Sincerely,  
S/Darek M. Grant  
Secretary of the Senate  
S/Robert B. Hunt  
Clerk of the House

Came from the Senate, **READ** and **ORDERED PLACED ON FILE**.  
**READ** and **ORDERED PLACED ON FILE** in concurrence.

The Following Communication: (S.P. 874)

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

December 20, 2023  
Hon. Troy D. Jackson  
President of the Senate  
131st Legislature  
Hon. Rachel Talbot Ross  
Speaker of the House  
131st Legislature

Dear Mr. President and Madam Speaker:  
On December 20, 2023, 5 bills were received by the Secretary of the Senate.

Pursuant to the provisions of Joint Rule 308.2, these bills were referred to the Joint Standing Committees on December 20, 2023, as follows:

**Criminal Justice and Public Safety**

Resolve, to Fill All Vacant and Expired Seats on the Emergency Medical Services' Board (EMERGENCY) (S.P. 872) (L.D. 2071) (Sponsored by Senator HARRINGTON of York) (Cosponsored by Speaker TALBOT ROSS of Portland and Senator: BEEBE-CENTER of Knox, Representatives: NUTTING of Oakland, SALISBURY of Westbrook, LOOKNER of Portland, NEWMAN of Belgrade, ARDELL of Monticello, PERKINS of Dover-Foxcroft, LAJOIE of Lewiston) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 203.)

**State and Local Government**

Resolve, to Adopt Conceptual Elements of the 2023 Augusta State Facilities Master Plan (S.P. 869) (L.D. 2068) (Sponsored by Senator NANGLE of Cumberland) (Submitted by the Department of Administrative and Financial Services pursuant to Joint Rule 203.)

**Transportation**

Bill "An Act to Amend the Laws Governing Motor Vehicles" (S.P. 873) (L.D. 2072) (Sponsored by Senator NANGLE of Cumberland) (Cosponsored by Representative PARRY of Arundel and Senator: FARRIN of Somerset, Representatives: O'CONNELL of Brewer, CRAFTS of Newcastle) (Submitted by the Secretary of State pursuant to Joint Rule 203.)

**Veterans and Legal Affairs**

Bill "An Act to Amend the Ownership Disclosure Requirements for Applicants for Liquor Licenses and Certificates of Approval" (S.P. 870) (L.D. 2069) (Sponsored by Senator HICKMAN of Kennebec) (Submitted by the Department of Administrative and Financial Services pursuant to Joint Rule 203.)

Bill "An Act to Implement a Facility-based Monitoring System for Slot Machines" (S.P. 871) (L.D. 2070) (Sponsored by Senator HICKMAN of Kennebec) (Submitted by the Department of Public Safety pursuant to Joint Rule 203.)

Sincerely,  
S/Darek M. Grant  
Secretary of the Senate  
S/Robert B. Hunt  
Clerk of the House

Came from the Senate, **READ** and **ORDERED PLACED ON FILE**.  
**READ** and **ORDERED PLACED ON FILE** in concurrence.

At this point, the Speaker recognized the Representative from Milford, Representative DRINKWATER, the Representative from Waterville, Representative MADIGAN, the Representative from Oxford, Representative JACKSON, the Representative from Alfred, Representative SAMPSON, the Representative from Scarborough, Representative WARREN and the Representative from Presque Isle, Representative UNDERWOOD, and they were added to the roll call of the Second Regular Session of the 131st Legislature.

**PETITIONS, BILLS AND RESOLVES REQUIRING REFERENCE**

Bill "An Act to Prohibit Tobacco Sales near Schools"  
(H.P. 1383) (L.D. 2157)

Sponsored by Representative MOONEN of Portland.  
Cosponsored by Senator GUERIN of Penobscot and Representatives: GRAHAM of North Yarmouth, MEYER of Eliot, SHAGOURY of Hallowell, Senators: BAILEY of York, CARNEY of Cumberland, POULIOT of Kennebec.  
Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 203.

Committee on **HEALTH AND HUMAN SERVICES** suggested and ordered printed.

**REFERRED** to the Committee on **HEALTH AND HUMAN SERVICES** and ordered printed.

Sent for concurrence.

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Bill "An Act to Improve the Housing Voucher System"  
(H.P. 1382) (L.D. 2158)

Sponsored by Representative GOLEK of Harpswell.  
Cosponsored by Senator DAUGHTRY of Cumberland and Representatives: ANKELES of Brunswick, CLUCHEY of Bowdoinham, GATTINE of Westbrook, JAUCH of Topsham, RANA of Bangor, ROEDER of Bangor, Senator: ROTUNDO of Androscoggin.  
Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 203.

Committee on **LABOR AND HOUSING** suggested.

On motion of Speaker TALBOT ROSS of Portland, the Bill was **REFERRED** to the Joint Select Committee on **HOUSING**, ordered printed and sent for concurrence.

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**Pursuant to Statute  
Criminal Law Advisory Commission**

Representative SALISBURY for the **Criminal Law Advisory Commission** pursuant to the Maine Revised Statutes, Title 17-A, section 1354, subsection 2 asks leave to report that the accompanying Bill "An Act to Make Technical Corrections to the Maine Juvenile Code, the Maine Criminal Code and the Intelligence and Investigative Record Information Act"

(H.P. 1381) (L.D. 2161)

Be **REFERRED** to the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** and printed pursuant to Joint Rule 218.

Report was **READ** and **ACCEPTED** and the Bill **REFERRED** to the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** and ordered printed pursuant to Joint Rule 218.

Sent for concurrence.

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

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**ORDERS**

On motion of Representative ANDREWS of Paris, the following House Order: (H.O. 34)

WHEREAS, the Constitution of Maine, Article IX, Section 5 provides that every person holding any civil office under this State may be removed by impeachment for misdemeanor in office; and

WHEREAS, the Constitution of Maine, Article IV, Part First, Section 8 vests in the House of Representatives the sole power of impeachment; and

WHEREAS, grave and serious allegations have been raised regarding the conduct of Secretary of State Shenna Bellows; now, therefore, be it

ORDERED, that the House Special Investigative Committee is established to investigate allegations of misfeasance, malfeasance, nonfeasance and other misconduct by Secretary of State Shenna Bellows and to submit its findings and recommendations to the full House of Representatives as to whether cause exists for impeachment. The committee shall conduct a comprehensive review of allegations of misconduct by Secretary of State Shenna Bellows regarding her actions in and after the adjudicatory proceeding in disqualifying Donald J. Trump from inclusion on the State's primary election ballot, including the failure to recuse herself for bias from that adjudicatory proceeding as required by the Maine Administrative Procedure Act. This bias is evidenced by her serving as a Maine presidential elector for Joseph R. Biden in the 2020 election; and be it further

ORDERED, that the House Special Investigative Committee consists of 13 members appointed by the Speaker of the House of Representatives or the Speaker's designee, 6 of whom are appointed by the Speaker of the House of Representatives upon the recommendation of the House Minority Leader, and that the first-named member is the chair of the committee; and be it further

ORDERED, that the House Special Investigative Committee:

1. Shall adopt rules to govern the proceedings before it in order to ensure due process, fundamental fairness and a thorough investigation;

2. May administer oaths and compel the attendance and testimony of persons and the production of papers, documents and other evidence under oath, by subpoena, when the testimony, papers, documents or evidence is necessary for or incident to any inquiry relevant to the business or purposes of the committee. The committee may punish any person for the neglect, refusal or failure to appear or to produce papers, documents or other evidence commanded by subpoena and may punish any person who, upon appearance, either with or without subpoena, refuses to be sworn or testify or produce papers, documents or evidence demanded;

3. May hire special counsel and such other personnel as may be necessary to carry out the committee's responsibilities; and

4. Following its review and investigation of the facts and circumstances relating to the alleged misconduct of Secretary of State Shenna Bellows, shall submit to the House of Representatives no later than January 31, 2024 its findings and recommendations in the form of a final report, including, if the committee concludes such action is warranted, articles of impeachment describing the misdemeanor in office with which Secretary of State Shenna Bellows is charged. The committee may request from the Speaker of the House of Representatives or the Speaker's designee extensions of time to complete its work.

**READ.**

On motion of Representative ANDREWS of Paris, House Rule 524 was **SUSPENDED** for the purpose of voting on this House Order without tabling it for one legislative day.

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

Representative **THORNE**: Thank you, Madam Speaker. Madam Speaker, I rise in support of this House Order. Secretary of State Shenna Bellows has done what no court in American history has done before. She's found someone guilty without a formal charge or court proceeding and issued her sentence. The sentence is to attempt to remove former President of the United States Donald Trump from the Maine Presidential Primary ballot. Secretary of State Bellows claims that it is her duty to do so. As State Representative, I, too, swore an oath to uphold the Constitution of the United States and the Constitution of the State of Maine.

Earlier this morning, in our opening prayer, we heard about cooperation, the spirit of collaboration and working in friendship with each other. Madam Speaker, this decision that our Secretary of State has made does nothing but further divide the political banner between the parties and, indeed, the people of the State of Maine. By the power vested in me by the State of Maine, and by the constituents that voted me to this office as State Representative, I find the Secretary of State guilty of voter suppression and I also find her guilty of suppression of free speech. This is a very serious matter. In a television interview, I heard our Secretary of State refer to what we are doing at this moment, impeachment proceedings of the Secretary of State, as political theater. Theater implies that there is an amusement, that there is entertainment value. I find neither entertainment value nor amusement from her decision to disenfranchise half of Maine's voters. Based on the feedback that I have received from colleagues, from the public, including Democrats and Independents and Green party and Republicans, this is a very serious matter that cannot be taken lightly; and no impeachment process is ever a light matter. We take what is happening as very serious.

The five people that brought forth charges, it was said was a bipartisan effort. Ironically, one of the Republicans in Name Only, I will say, was referred to by a former Chief Executive of the State of Maine as being repugnant. The other supported a Democrat candidate for House of Representatives and went on TV supporting a Democrat Chief Executive. I would hardly call this bipartisan support.

In closing, Madam Speaker, I would merely make the prediction that nothing will come of this other than our proceedings here today, and I would strongly urge the Secretary of State to use more caution going forward in her words, her tone and her actions while claiming to represent the entire citizens of Maine. Thank you, Madam Speaker.

The **SPEAKER**: The Chair recognizes the Representative from Palermo, Representative Smith.

Representative **SMITH**: Thank you, Madam Speaker. I, too, stand in support of the impeachment of the Secretary of State. I believe, and my constituents strongly believe, that she overstepped her duties when she declared Donald Trump unqualified to be on the Presidential Primary ballot. The Secretary of State has to look at three qualifications to put someone on the ballot. They must be over 35, they must have resided in the United States for 14 years and they must be a citizen of the United States, as well as receiving the amount of signatures needed to be on the ballot. Donald Trump did meet all those criteria.

She overstepped her bounds by listening to testimony that was so obscenely biased that it brought people to tears in that hearing which I sat through. There has been no crime, there has been no impeachment, there has been no conviction in a court of law. She is not a judge, she is not a jury and I believe that the people feel absolutely disenfranchised and that she has done a great disservice to the State of Maine and to the opinion of how elections are run and I believe that we must support this Order. Thank you.

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

Representative **SOBOLESKI**: Thank you, Madam Speaker, Ladies and Gentlemen of the House. I'd like to start by putting forward an Order Code of Ethics that was signed in February of 1989 by John R. McKernan, which was the Chief Executive. It's an order establishing a code of ethics and conducts for the Executive Branch of the Maine State Government. Number one, be guided by the highest standards of honor, personal integrity and fortitude in all public activities in order to merit the respect of other officials, employees and the public; strive to inspire public confidence and trust in Maine State Government and our institutions. I believe that the Secretary of State acted in the case of *ultra vires*, which is a Latin term in law which means exceeds the scope of one's authority.

I was the only elected official that was in that hearing and had filed a letter of intervention to sit there and listen to what was going on. I listened to all eight hours. The Secretary was cautioned repeatedly; Madam Secretary, respectfully, you do not have authority over the 14th Amendment, Section 3. Section 5 of the 14th Amendment clearly states that Congress has authority over the 14th Amendment.

In 2020, Secretary Shenna Bellows was an elector in the Electoral College for Joseph R. Biden and Vice President Kamala Harris. Due to this fact, she cannot be considered, by any rational standard, an impartial arbiter of the hearing that she presided over; the hearing that ultimately, for her decree alone, barred Donald Trump from the 2024 presidential election against the 2020 candidate for whom she was an elector. Secretary Bellows should have done the ethical thing and publicly stated that in 2020, she was an elector for Joseph R. Biden and recused herself from this hearing. Instead, she remained presiding officer and unilaterally removed the 2020 Republican Presidential candidate from the 2024 ballot. The 2020 Democrat candidate, Joseph R. Biden, who she was an elector for in the Electoral College, will be a candidate on the 2024 ballot in Maine. Due to the unilateral ruling in this hearing, under Biden elector Shenna Bellows, Joseph R. Biden will not have to face his former and biggest opponent, Donald J. Trump, on the Maine Presidential ballot in November of 2024. What occurs to be an election interference of the highest order, it would seem that Secretary Bellows did not act ethically and, instead, did what was best for her preferred candidate and the Democrat Party instead of the voters of the State of Maine. She unilaterally disenfranchised at least 360,000 voters from their vote, their right to choose, both Republican and unenrolled Independent. Donald J. Trump deserves to be on the ballot, he met the qualifications to be on the ballot and I support this impeachment. Thank you.

The **SPEAKER**: The Chair recognizes the Representative from Brewer, Representative O'Connell.

Representative **O'CONNELL**: Thank you, Madam Speaker. I am a proud veteran, having served in the Maine Air National Guard for 24 years, which included my last tour in Iraq. When I entered the military, I took an oath to support and defend

the Constitution. Similarly, when I was sworn as a legislator, like everyone here, I also took an oath to carry out my duties in accordance with the Constitution. In my view, both of these oaths carry the same weight and I take them both very seriously. Whether or not someone agrees with Secretary Bellows' decision is not what we are debating here today. What matters is that she was faithfully discharging her duties pursuant to the oath that she took to follow the law, which is an oath this Body directed her to take. You might disagree with her decision, and some folks do, but every government official has an obligation to follow the law and fulfill their oath to the Constitution. That is what Secretary Bellows did. We should not punish her by removing her from office for simply doing her job. For these reasons, I will be voting against removing Secretary Bellows from her job. She did what was required of her in following the challenge proceedings as laid out in law. I hope everyone votes no on this Order. Our Speaker is an honorable person; our Secretary of State. Thank you.

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

Representative **LEE**: Thank you, Madam Speaker. It was horrifyingly brought to my attention recently that I've been practicing law for 17 years. Over that time, I've practiced in Federal Trial Courts, State Trial Courts, Federal and State Courts of Appeals, countless State and Federal agencies, County Commissions, City Councils, Boards of Selectmen, Planning Boards and probably some venues I've forgotten about. I've received hundreds of opinions I've disagreed with, where the adjudicator misread a Statute, acted outside their statutory authority, were affected by improper bias and committed error of law. I've been annoyed, frustrated and concerned. Not once, however, did I think impeachment was the proper remedy for my frustration or concern. Why? Two reasons. First, because no matter how terrible I thought a decision was, I understood that the person making the decision was simply making the decision they were charged to make by the lawmaking Body. And second, because the beautiful thing about our legal system is that it affords numerous appeals and other mechanisms by which we can filter out erroneous decisions.

This brings us to the Order before us today. It seeks to impeach the Secretary of State for doing a job that our Statutes say she and only she is required to do. This Order is before us not because she did anything wrong, but because some of us don't like her decision. Title 21-A MRS Section 337, which is a product of this lawmaking Body, provides only one pathway for Maine voters to challenge a primary petition, and that is to the Secretary of State. Nobody else. It requires the Secretary of State, and nobody else, to hold a hearing within seven days. It then requires the Secretary of State, and nobody else, to issue a decision within five days. If one is upset that the Secretary of State did all these things, your quarrel is not with her; it's with the State Legislature in 1985. If the process is so problematic and so scurrilous, I'd imagine that one of us could perhaps convince a State legislator to put in a bill that places the decision with somebody else. I think I know where I can find a State legislator who might do that. But, sure, bills take time, so, what of the current case? Well, in Maine, we have two wonderful procedural tools to make sure that incorrect adjudicatory decisions by administrative agencies are resolved. One is Maine Rule of Civil Procedure 80C, and the other is the Maine Administrative Procedures Act.

Sorry, I was checking to see if I had put my friend from Portland to sleep yet.

These procedural mechanisms mean that any; and yes, that really means any; aggrieved party may petition the Superior Court for judicial review of the administrative decision. I've heard persistent cries that this case, this issue, belongs in front of a court. I agree. Guess what? It is. What are the courts looking at? Well, a Maine Rule of Civil Procedure 80C petition for judicial review asked the following questions; whether the Secretary of State's decision violated Statute or the Maine or U.S. Constitutions, whether the Secretary of State acted in excess of her statutory authority, whether the decision was made on unlawful procedure, whether her decision was affected by bias, whether she committed error of law and whether there is sufficient factual information in the record to support her findings. All of the complaints I've heard thus far regarding the Secretary's decisions are ones that will have, will be, and actually have been forwarded by the former President in the proper venue; courts. If we are displeased that the first stop in the process was the Secretary of State, it's this Body that can change that, not through impeachment but through law. Those are the remedies; lawmaking and judicial adjudication to resolve the decisions with which we disagree, not impeachment. Thank you, Madam Speaker.

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

Representative **POLEWARCZYK**: Madam Speaker, here in Maine, we are no longer free to vote for whom we choose. I can't believe I just said that here in this Chamber. Never in my wildest nightmares would I have dreamed that we, here in Maine, would be prevented from voting for the candidate of our choice. We have established requirements for candidates in our State. They are well-defined so as to open the opportunity to anyone who is willing to be elected to serve our State. Creating additional requirements belongs with this Legislature, not with the Secretary of State. Whether it stands or not does not change the fact that the Secretary of State has taken it upon herself to prevent us, the citizens of Maine, from voting for the candidate of their choice. That vote is fundamental to our being free.

At the very least, the office of the Secretary of State has been tarnished. Is this action a violation of her oath of office? What has become of the sovereign State of Maine? Are we no longer required to follow the rule of law? Allegations are now convictions, innocent until proven guilty has become guilty when accused, due process is no longer allowed, 'the end justifies the means' is now the standard. We should not minimize the implications of her decision. What does my vote here today in this Chamber mean? What does your vote mean? Here and now, each of us today will tell the people of Maine where we stand. Do we stand for the peoples' right to vote for the candidate of their choice? Do we agree that the Secretary of State has the authority to make that decision for us?

If allowed to stand, we are no longer free. This decision is indicative of the direction our State is moving. For decades, we have watched our freedoms nibbled away. This is a big bite out of our rights. It tells the people of Maine they will no longer have a choice, they will vote as they are directed. The way life ought to be is changing. There even is a desire to change our flag that recognizes the symbol of that way of life. Has Maine had enough? Was this a step too far? The citizens of Maine will ultimately make that decision this November.

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

Representative **UNDERWOOD**: Thank you, Madam Speaker. If this decision is allowed to stand as far as keeping Trump off the ballot, and I myself recruited some signatures at a local polling place for signatures for Donald Trump, what's to say



that the Secretary of State, and I mean this seriously, each individual or some future Secretary of State will be able to say I don't want you on the ballot, I don't want you on the ballot or I don't want her on the ballot. And as far as I'm concerned, this is election interference and it should be dealt with by removing the person who made the decision. There should be some accountability for removing him off the ballot because she had no authority, regardless of what has been said from a prior speaker. I'd like to say that I worked hard to get the signatures that were needed to put Mr. Trump on the ballot in the State of Maine, and I don't like the idea that I worked my butt off for nothing. Thank you, Madam Speaker.

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

Representative **SUPICA**: Thank you, Madam Speaker. Before serving in the Legislature, I applied for a job with the Secretary of State's office when it was under the leadership of Secretary Dunlap. And I was so nervous because my background was in customer service. I had been working for about a decade at a local bar in Bangor and I often joked that people in Bangor loved their bartender so much, they elected her to office. When I brought up my lack of experience to then-Secretary Dunlap, he looked at me and he said, you know what this résumé says? It says you know how to work and you know how to work hard, and I'll never forget that. And that's what I found when I entered the Secretary of State's offices. Hardworking people who show up and got the job done. And I quickly realized how much customer service government employees actually do. Those customer service skills were put to good work, especially when dealing with the public or with maybe more high-maintenance folks like Members of the Legislature.

After being elected to this Body, I continue to hold that standard for service to the people of Maine in high regard. And now, as a Member of the Legislature, and as the House Chair of the Veteran and Legal Affairs Committee, I've had the pleasure of working with the Secretary of State's offices from the other side. I've seen Secretary Bellows show up to Committee meetings on time again and again, facing extremely challenging materials, personalities and questions, and still she continues to deliver thoughtful and transparent responses. It is through this lens that I have gained an even deeper appreciation for the Secretary's work ethic and commitment to service.

When Secretary Bellows was sworn into office to her first term in 2021, she was the first female Secretary of State in Maine's history, and it is not lost on me that the scrutiny she receives is different than what her male predecessors were subjected to. And in this hyperpolitical environment, that scrutiny has a powerful effect.

Now, we find ourselves dealing with the Order before us, challenging the Secretary's integrity and initiating her impeachment. And I want to make one thing clear; issuing a ruling on the bipartisan petition to disqualify former President Trump was required by Secretary Bellows by law, a law that this Body put in place regardless if I agree or disagree with her ruling. Her authority to rule on this matter is well-founded and is not grounds for her impeachment.

The Secretary's body of work goes so far beyond this decision and when considering an action as consequential as impeachment, I think it's critical that we take the full picture into account. Throughout her time in office, she has gone above and beyond to carry out her duties with integrity and professionalism, often working across the aisle to ensure our democracy is strong. She has a proven record as a public servant who stands up for free and fair elections. Last session, we saw her work

hard for the nonpartisan election officials. She advocated for a bipartisan compromise that extended the period of time that these nonpartisan election officials have to count ballots without having to work under unreasonable amounts of pressure and time constraints. Because you know what doesn't keep our elections fair and safe? Overworked, burnt-out staff.

This Resolution, which came from one of my Republican colleagues, really strengthened our nonpartisan election work, especially during big general election years. Additionally, over the past few years, the Secretary's office has continued expanding transparency by livestreaming to the public key election processes. Some of those included election recounts, the rollout of ranked choice voting in Maine and when deciding on the order of the eight referendum questions that appeared on the ballot in 2023, to ensure that they were fairly listed. These are great examples we can all hold up of what our Secretary of State's office in Maine is doing. How we are going beyond what was the norm to ensure that the public is tuned in and understands the often confusing and sometimes mundane elements of our election work. In the Legislature, we are so close to the fire, I often think we forget that the minute details that matter are easily overlooked by folks who don't do this work day in and day out, so, having an opportunity for the public to witness election processes in real time is an invaluable opportunity for education because, fundamentally, the goal of the Secretary's office isn't to keep people from voting, either from fear or ignorance, but to expand our already safe and secure elections and to help ensure more voters are equipped with the tools they need to make their voices heard.

Secretary Bellows has worked tirelessly to that end. We often talk about politics, we often envision an extremely contentious partisan environment but, at the end of the day, it's just people showing up trying to do their jobs, doing the work. Some of it's tedious, but it's all part of the checks and balances that makes this democracy work, and Secretary Bellows is a public servant working as part of a larger institution designed to protect our most basic freedoms. And I believe she is doing right by that institution and by the people of Maine. So, please, Madam Speaker, join me in voting against this Order.

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

Representative **WHITE**: Thank you, Madam Speaker. I just thought it would be helpful if I read aloud the 14th Amendment's Section 5. The Congress shall have power to enforce, comma, by appropriate legislation, the provisions of this article. Congress; Congress alone has that power by legislation. There has been no legislation passed, even with an accusation of anything that would prohibit someone from being on the ballot. And certainly, we can't utilize someone else's authority. If we go down the path where anyone who has taken this oath, the oath that I've taken multiple times since I was 18 years old, that if someone else has authority, I can take that authority and rule on that authority and then take action under that authority, we're going down a very scary road. Thank you, Madam Speaker.

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

Representative **SOBOLESKI**: Thank you, Madam Speaker. My Distinguished Colleague mentioned earlier that the Secretary had five days in order to make her decision and that date was set for the 22nd at 5 p.m. When the 22nd came, the Secretary delayed that decision due to the storm. I believe it was something that was a little different than that. In order to be a declared write-in candidate on a ballot in the State of Maine, you need to file a declaration with the Secretary of State's office 70 days prior to the election itself. That put that date on

December 26th. The Secretary delayed her decision until December 29th, thereby denying President Trump the right to be on the ballot for a second time, this time as a write-in candidate.

I'd like to remind everybody about 14-3. 14-3 states, shall have engaged in insurrection or rebellion. Donald Trump was convicted of neither. He was an innocent; he's an innocent man in this. And thank you to my colleague for reading Section 5 of the 14th Amendment, that Congress has the right, has the jurisdiction over 14, not the Secretary of State. She wasn't doing her job, she stepped past her job, past her authority, and made a decision she was not entitled to. Thank you.

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

Representative **LIBBY**: Thank you, Madam Speaker. Madam Speaker, I appreciate the brevity that we are granted by moving to dispense with the readings of many of our bills, and including this Order. But I think in this case, that does a disservice as we contemplate this issue. So, I'd like to read a portion of this order and summarize other pieces of it.

WHEREAS, grave and serious allegations have been raised regarding the conduct of Secretary of State Shenna Bellows; now, therefore, be it

ORDERED, that the House Special Investigative Committee is established to investigate allegations of misfeasance, malfeasance, nonfeasance and other misconduct by Secretary of State Shenna Bellows and to submit its findings and recommendations to the full House of Representatives as to whether cause exists for impeachment. The Committee shall conduct a comprehensive review of allegations of misconduct by Secretary of State Shenna Bellows regarding her actions in and after the adjudicatory proceeding in disqualifying Donald J. Trump from inclusion on the State's primary election ballot, including the failure to recuse herself for bias from the adjudicatory proceeding as required by the Maine Administrative Procedure Act.

Moving down, it outlines who would be part of that House Special Investigative Committee. It orders the rules that should be adopted, it orders how it should be administered and how the proceedings should go with that House Special Investigative Committee.

I appreciate the words of the Good Representative from Auburn that whether President Trump is on the ballot or not, he will have remedy through the courts. What we are talking about here is a distinct and separate issue. What we are talking about here today are the allegations against Secretary of State Shenna Bellows. That is a separate and distinct issue, and it is an issue which the Constitution of Maine, Article IV, Part First, Section 8 vests solely in the Maine House of Representatives. I agree with the Good Representative from Bangor that it's important that we take a look at the full picture as we consider that separate and distinct issue of the allegations raised against Secretary of State Shenna Bellows. And I'd like to clarify that voting in support of this Order is not voting in support of impeachment of Secretary of State Shenna Bellows, it is voting in support of following the process and determining through the House Special Investigative Committee as to whether cause exists for impeachment. Just as the courts are doing their duty regarding whether Trump will be on the ballot or not, let's do our duty in the House in handling the allegations raised against Secretary of State Shenna Bellows. We are not trying impeachment in the House of Representatives today. The Senate, as outlined in the Constitution of Maine, Article IV, Part First, Section 7 vests that power in the Senate. Secretary of

State Shenna Bellows is not being tried in the House today, Madam Speaker. That power is only in the Senate.

The question here today is whether the House Special Investigative Committee should be established to investigate this separate and distinct issue apart from whether Trump should be on the ballot or not. I ask my colleagues in the House on both sides of the aisle to please support this Order so that we can move forward and investigate the issue, as it should be, with all full due diligence.

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

Representative **TERRY**: Thank you, Madam Speaker. Madam Speaker and Members of the House, I rise right now in opposition to the pending motion before us. As the Representative from Auburn stated earlier, Maine law could not be more clear; the Secretary of State is provided the sole authority to determine the validity of a political candidate's primary petitions. So, when a bipartisan challenge was brought forward questioning the validity of the candidate Trump's eligibility to appear on the primary ballot in our State, Secretary Bellows was bound by law to consider its merits, just as anyone else holding that office would be, too. Then she initiated, with full transparency, the appeals process as required by State law, which included a series of public hearings in which each side was given the opportunity to present arguments against and for the petition. Then she issued a decision based on the merits of these arguments.

Having worked with her, I have complete confidence that Secretary Bellows is in full understanding of the law, the principles that matter, and I am certain that she did not reach this conclusion lightly. Whether or not someone agrees with the outcome of her decision is not what we're debating today. Throughout the entire process, Secretary Bellows consistently followed the protocols outlined in Maine law. In order to faithfully discharge the duties of her office, uphold her oath, she was required to make a decision. A difficult decision. Simply making this decision, while it might not be popular for some does not constitute engaging in partisan politics and, most importantly, does not meet the high threshold for removal from office via impeachment as outlined in the Maine Constitution. Additionally, Secretary Bellows placed a stay on her own decision, ensuring the opportunity for judicial review. If some Members of this Body disagree with the current petition process, there are avenues to change that, including by submitting legislation to do so in the next Legislature. This impeachment effort is not an appropriate course of action. The ability to initiate an impeachment against a constitutional officer is a solemn responsibility given to this Body, one that is not to be taken lightly or hastily. Her actions do not constitute sufficient grounds to remove her from office and for that reason, I will vote against the pending motion and, Madam Speaker, I request a Roll Call.

The same Representative **REQUESTED** a roll call on **PASSAGE**.

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

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

**ROLL CALL NO. 358**

YEA - Adams, Albert, Andrews, Arata, Ardell, Babin, Bagshaw, Blier, Boyer, Bradstreet, Campbell, Carlow, Carmichael, Collamore, Costain, Cray, Cyrway, Drinkwater, Ducharme, Dunphy, Faulkingham, Foster, Gifford, Greenwood, Griffin, Guerrette, Hall, Henderson, Hymes, Jackson, Javner, Lavigne, Lemelin, Libby, Mason, Millett H, Morris, Ness, Nutting,

Parry, Paul, Perkins, Poirier, Polewarczyk, Pomerleau, Quint, Rudnicki, Sampson, Schmearsal-Burgess, Simmons, Smith, Soboleski, Strout, Swallow, Theriault, Thorne, Underwood, Walker, White J, Wood.

NAY - Abdi, Ankeles, Arford, Bell, 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, Lajoie, Landry, LaRochelle, Lee, Lookner, Madigan, Malon, Mastraccio, Mathieson, Matlack, Meyer, Milliken, Montell, Moonen, Moriarty, Murphy, O'Connell, O'Neil, Osher, Perry J, Pluecker, Pringle, Rana, Rielly, Riseman, Roberts, Roeder, Runte, Russell, Sachs, Salisbury, Sargent, Sayre, Shagoury, Shaw, Sheehan, Sinclair, Skold, Stover, Supica, Terry, Warren, White B, Williams, Woodsome, Worth, Zager, Zeigler, Madam Speaker.

ABSENT - Boyle, Davis, Fredericks, Galletta, Haggan, Lanigan, Lyman, Millett R, Newman, Perry A.

Yes, 60; No, 80; Absent, 10; Vacant, 1; Excused, 0.

60 having voted in the affirmative and 80 voted in the negative, 1 vacancy with 10 being absent, and accordingly the House Order **FAILED PASSAGE**.

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

**REPORTS OF COMMITTEE**

**Divided Report**

Majority Report of the Committee on **ENERGY, UTILITIES AND TECHNOLOGY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-728)** on Bill "An Act to Support Municipal Franchise Agreements"

(H.P. 1264) (L.D. 1967)

Signed:

Senators:

LAWRENCE of York  
GROHOSKI of Hancock

Representatives:

ZEIGLER of Montville  
GEIGER of Rockland  
KESSLER of South Portland  
RUNTE of York  
WARREN of Scarborough

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

Signed:

Senator:

HARRINGTON of York

Representatives:

BABIN of Fort Fairfield  
FOSTER of Dexter  
PAUL of Winterport

**READ.**

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

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

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

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

Representative **FOSTER**: Thank you, Madam Speaker, Ladies and Gentlemen of the House. LD 1967 will affect several communities in the State of Maine who currently have services which require a franchise agreement and for local television projection from their communities. LD 1967 will create a new tax or fee on streaming services by changing the definition of video service provider to include streaming, requiring these new entities to get a franchise and requiring those franchises to include provisions regarding the payment of franchise fees which, under federal law, can be up to 5%. These fees will be passed on to streaming service customers.

It is my opinion that if municipalities having cable franchise agreements require more funding to run those services, they have a means to do so through other local taxation means, without passing this bill. And I also will mention that those fees obviously will be passed on to consumers, customers of the streaming services that they now depend on, increasing the cost of them for those who may already be struggling to pay those internet streaming service fees. Thank you, Madam Speaker. I will be in opposition to this pending motion.

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

Representative **SACHS**: Thank you, Madam Speaker. Madam Speaker and my Esteemed Colleagues of the House, this bill is a simple yet very important bill. Many of our communities are served by local public educational and governmental TV stations who provide vital community programming to our towns. They are often funded by municipal franchise fees, although they have the ability; home rule; to allocate those fees, appropriate those fees, anywhere they wish. A franchise agreement or contract outlines the terms of service between a local government and an entity that would like to sell that product over the lines using the public right of way, so not streaming services such as Netflix. This agreement, this franchise agreement, is required by federal law. It's up to a town whether they would like to assess a franchise fee and where those funds, again, are appropriated.

So, this bill focuses on three vital areas; updates definitions and contract terms of franchise agreements in our Maine Statutes, provides critical clarity regarding contract terms and responsibilities and it outlines a dispute resolution process. Many franchise agreements can be worked out between a municipality and a video service provider; however, there are times of significant disagreements. There are currently no State dispute resolution processes for franchise agreements, short of costly litigations for municipalities, which was brought up in stark relief by a colleague of mine this morning who talked about the court battles they have had to go through. I've worked closely with the team at the Public Utilities Commission who currently has a dispute resolution process, Madam Speaker, for those involving interconnectors and utilities and poles, the very things we're talking about here, and who can absorb this additional responsibility within current resources, per their testimony.

This definition, as I said, does not include services such as Netflix, and I'm so surprised to hear my Good Representative from Dexter, my good friend, advocate towns increase their taxes. This bill does not do that. This bill has no new fees, this bill has no new taxes whatsoever. Instead, we saw communities across Maine, big and small, support this bill. We saw the Maine Municipal Association support this bill, the Maine Connectivity Authority, the Maine Broadband Coalition, the Maine Community and Media Association as well as the Attorney General's Office support this bill. This bill supports home rule.

This bill supports communities. I urge this Body to support this bill this morning. Thank you, Madam Speaker.

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

Representative **MASTRACCIO**: Thank you, Madam Speaker, Men and Women of the House. I just want to reiterate the words of the Representative from Freeport. As a former Mayor, a former City Councilor who has negotiated franchise agreements, this helps your local municipality keep up with the changes in cable TV. We have had many issues with trying to enforce our franchise agreement and at least this bill will move that forward slightly. I'm not going to tell you that it will solve all the problems because there are powerful forces who don't want us to have the ability to negotiate and enforce these agreements. So, I ask you to please support this if you have a cable company that is doing business in your municipality. Thank you.

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

**ROLL CALL NO. 359**

YEA - Abdi, Ankeles, Arford, Bell, Blier, Brennan, Bridgeo, Carlow, Cloutier, Cluchey, Collamore, Collings, Crafts, Craven, Crockett, Dhalac, Dill, Dodge, Doudera, Ducharme, Eaton, Fay, Gattine, Geiger, Gere, Golek, Graham, Gramlich, Hasenfus, Hepler, Hobbs, Jackson, Jauch, Kessler, Kuhn, Lajoie, Landry, LaRochelle, Lee, Lookner, Madigan, Malon, Mastraccio, Mathieson, Matlack, Meyer, Millett H, Milliken, Montell, Moonen, Moriarty, Murphy, O'Connell, O'Neil, Osher, Perry J, Pluecker, Poirier, Pomerleau, Pringle, Rana, Rielly, Riseman, Roberts, Roeder, Runte, Russell, Sachs, Salisbury, Sargent, Sayre, Schmersal-Burgess, Shagoury, Shaw, Sheehan, Sinclair, Skold, Soboleski, Stover, Supica, Terry, Warren, Williams, Woodsome, Worth, Zager, Zeigler, Madam Speaker.

NAY - Adams, Albert, Andrews, Arata, Ardell, Babin, Bagshaw, Boyer, Bradstreet, Campbell, Carmichael, Costain, Cray, Cyrway, Drinkwater, Dunphy, Faulkingham, Foster, Gifford, Greenwood, Griffin, Guerrette, Hall, Henderson, Hymes, Javner, Lavigne, Lemelin, Libby, Mason, Morris, Ness, Nutting, Paul, Perkins, Polewarczyk, Quint, Rudnicki, Sampson, Simmons, Smith, Strout, Swallow, Theriault, Thorne, Underwood, Walker, White B, White J, Wood.

ABSENT - Boyle, Copeland, Davis, Fredericks, Galletta, Haggan, Lanigan, Lyman, Millett R, Newman, Parry, Perry A.

Yes, 88; No, 50; Absent, 12; Vacant, 1; Excused, 0. 88 having voted in the affirmative and 50 voted in the negative, 1 vacancy with 12 being absent, and accordingly the Majority Ought to Pass as Amended Report was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (H-728)** was **READ** by the Clerk and **ADOPTED**.

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

Under further suspension of the rules the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (H-728)** and sent for concurrence.

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

Representative **CYRWAY**: Thank you Madam Speaker, Ladies and Gentlemen of the House, I request to speak on the record.

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

Representative **CYRWAY**: Thank you, Madam Speaker. I just wanted to recognize this is Law Enforcement Appreciation Day and, being in law enforcement myself for 37 years, I've grown the appreciation of all law enforcement officers putting their lives on the line and to serve and protect the public of the State of Maine and our country. I'm very honored for the people that do serve and the families that have to put up with all the ins and outs that the officer has to deal with. So, I think that I just wanted to mention a big thank you to all of them. Thank you.

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

**SENATE PAPERS**

Bill "An Act to Provide for the 2024 and 2025 Allocations of the State Ceiling on Private Activity Bonds" (EMERGENCY) (S.P. 916) (L.D. 2160)

Came from the Senate, **REFERRED** to the Committee on **INNOVATION, DEVELOPMENT, ECONOMIC ADVANCEMENT AND BUSINESS** and ordered printed.

**REFERRED** to the Committee on **INNOVATION, DEVELOPMENT, ECONOMIC ADVANCEMENT AND BUSINESS** in concurrence.

Bill "An Act to Protect the Confidentiality of Attorney-Client E-mail Communications for Residents of Jails and Correctional Facilities"

(S.P. 915) (L.D. 2159)

Came from the Senate, **REFERRED** to the Committee on **JUDICIARY** and ordered printed.

**REFERRED** to the Committee on **JUDICIARY** in concurrence.

Bill "An Act to Provide Funding to the Maine School of Science and Mathematics Using the School Funding Formula Criteria"

(S.P. 914) (L.D. 2118)

Committee on **EDUCATION AND CULTURAL AFFAIRS** suggested and ordered printed.

Came from the Senate, **REFERRED** to the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** and ordered printed.

**REFERRED** to the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** in concurrence.

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

On motion of Representative LIBBY of Auburn, the House adjourned at 11:43 a.m., until 10:00 a.m., Thursday, January 11, 2024, in honor and lasting tribute to James W. Mathews of South Portland.