

MAINE STATE LEGISLATURE

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ONE HUNDRED THIRTY-FIRST LEGISLATURE
SECOND REGULAR SESSION
8th Legislative Day
Tuesday, January 30, 2024

Representative MADIGAN of Waterville assumed the Chair.

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

Prayer by Reverend Susan Page Townsley, South Congregational Church of Kennebunkport.

National Anthem by Honorable Tammy L. Schmersal-Burgess, Mexico.

Pledge of Allegiance.

Medical Provider of the Day, Constance Adler, MD, Chesterville.

The Journal of Thursday, January 25, 2024 was read and approved.

SENATE PAPERS

Bill "An Act to Provide Relief to Small Businesses Affected by Severe Weather-related Events" (EMERGENCY)

(S.P. 930) (L.D. 2191)

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.

COMMUNICATIONS

The Following Communication: (H.C. 371)

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

January 4, 2024

Honorable Troy Jackson

Senate President

3 State House Station

Augusta, Maine 04333

Honorable Rachel Talbot Ross

Speaker of the House

2 State House Station

Augusta, Maine 04333

Dear President Jackson and Speaker Talbot Ross:

I am honored to accept your invitation to deliver the State of the State Address before a Joint Convention of the Legislature on Tuesday, January 30, 2024 at 7:00 p.m.

Over the past year, and in particular the last several months, the resilience and resolve of Maine people has been tested mightily - by the horrific tragedy in Lewiston in October, the severe wind and rain storm in December, and the many other challenges we have faced along the way.

But in these difficult moments, the people of Maine have banded together in support of one another, their communities, and our state like never before. While at times it may be difficult to see hope, I see it every day in the simple acts of kindness, compassion, and generosity by people across our state. And it is because of Maine people - because of their unyielding resilience and resolve in the hardest of times - that I feel more confident in the future of our state and in our ability to address our challenges than ever before.

I look forward to addressing the Legislature and to partnering with you, and the people we serve, to enact meaningful public policy that will improve the lives and livelihoods of Maine people.

Sincerely,

S/Janet T. Mills

Governor

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 372)

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

January 30, 2024

Honorable Robert B. Hunt

Clerk of the House

2 State House Station

Augusta, Maine 04333

Dear Clerk Hunt:

Pursuant to my authority under House Rule 201.1 (H), I appoint Representative Colleen M. Madigan, of Waterville to serve as Speaker Pro Tem to convene the House on Tuesday, January 30, 2024.

Sincerely,

S/Rachel Talbot Ross

Speaker of the House

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 373)

**MAINE VENTURE FUND
P. O. BOX 63
NEWPORT, ME 04953**

January 22, 2024

Honorable Troy D. Jackson

President of the Senate

3 State House Station

Augusta, Maine 04333

Honorable Rachel Talbot Ross

Speaker of the House

2 State House Station

Augusta, Maine 04333

Dear President Jackson and Speaker Talbot Ross:

Pursuant to 5 M.R.S.A., Section 12023, please consider this the letter of transmittal for the attached Report to Legislature for 2023 on behalf of the quasi-independent state entity, Small Enterprise Growth Board, due February 1, 2024.

Please contact me if you have any questions or need additional information.

Thank you.

Sincerely,

S/Terri Wark

Office Operations Manager

Small Enterprise Growth Board d/b/a Maine Venture Fund

READ and with accompanying papers ORDERED PLACED ON FILE.

The Following Communication: (H.C. 374)
SUNRISE COUNTY ECONOMIC COUNCIL
7 AMES WAY
MACHIAS, ME 04654

January 22, 2024
Honorable Troy D. Jackson
President of the Senate
3 State House Station
Augusta, ME 04333
Honorable Rachel Talbot Ross
Speaker of the House
2 State House Station
Augusta, ME 04333

Dear President Jackson and Speaker Talbot Ross:
Pursuant to MRSA Title 5, section 12023, the Sunrise County Economic Council (SCEC) is pleased to submit the 2022-2023 Quasi-Independent State Entities Report to the Legislature on behalf of the Washington County Development Authority (WCDA). SCEC is a nonprofit organization that works to create jobs and prosperity in Washington County; we are also the economic development arm of the Washington County government. We provide staff support for the WCDA and are partnering with the Authority in its effort to redevelop the former U.S. Navy base in Cutler.

The former U.S. Navy Base in Cutler is comprised of roughly 20 acres and five commercial buildings comprising 75,000 square feet. The Authority is working to bring these facilities back into productive use. In 2022, the WCDA procured by competitive bid the services of GR Roofing to repair and improve drainage from the warehouse roof. The work was completed in October 2022 at a total cost of \$81,500.00. Findings by Seavee and Mahar Engineering found more hazardous materials than were anticipated through the test. WCDA, EPA and the US Navy are now in discussions over cleanup of the contaminated area. The Authority made no procurements over \$10,000 for which competitive procurement was waived. WCDA did not make any contributions greater than \$1,000 or changes to policies and procedures in the past year.

Please contact me with any questions or concerns. Thank you.
Sincerely,
S/Charles J. Rudelitch, Esq.
Executive Director

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

The Following Communication: (H.C. 375)
MAINE STATE HOUSING AUTHORITY
26 EDISON DRIVE
AUGUSTA, MAINE 04330-6046

January 23, 2024
Honorable Troy D. Jackson
President of the Senate
3 State House Station
Augusta, Maine 04333
Honorable Rachel Talbot Ross
Speaker of the House
2 State House Station
Augusta, Maine 04333

Dear President Jackson and Speaker Talbot Ross:
Pursuant to 5 M.R.S.A., Section 12023, please consider this the letter of transmittal for the required report from the Maine State Housing Authority due by February 1, 2024.

Please contact me if you have any questions or need additional information.
Thank you.
Sincerely,
S/Daniel E. Brennan
Director

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

The Following Communication: (H.C. 376)
MAINE PUBLIC EMPLOYEES RETIREMENT SYSTEM
139 CAPITOL STREET
AUGUSTA, MAINE 04332

January 25, 2024
Honorable Troy D. Jackson
President of the Senate
3 State House Station
Augusta, Maine 04333
Honorable Rachel Talbot Ross
Speaker of the House
2 State House Station
Augusta, Maine 04333

Dear President Jackson and Speaker Talbot Ross:
Pursuant to 5 M.R.S.A., Section 12023, please consider this the letter of transmittal for the required report from the Maine Public Employees Retirement System due by February 1, 2024. Please contact me if you have any questions or need additional information.

Thank you.
Sincerely,
S/Dr. Rebecca M. Wyke
Chief Executive Officer

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

The Following Communication: (H.C. 377)
MAINE MARITIME ACADEMY
CASTINE, MAINE 04420

January 26, 2024
Honorable Troy D. Jackson
President of the Senate
3 State House Station
Augusta, Maine 04333
Honorable Rachel Talbot Ross
Speaker of the House
2 State House Station
Augusta, Maine 04333

Dear President Jackson and Speaker Talbot Ross:
Pursuant to 5 M.R.S.A., Section 12023, please consider this the letter of transmittal for the required report from the Maine Maritime Academy due by February 1, 2023. Please contact me if you have any questions or need additional information.

Thank you.
Sincerely,
S/Alice Herrick
Director of Fiscal Operations for Maine Maritime Academy

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

The Following Communication: (H.C. 378)

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

January 30, 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 Innovation, Development, Economic Advancement and Business has approved the request by the sponsor, Representative Pluecker of Warren, to report the following "Leave to Withdraw:"

L.D. 1927 An Act to Create the Rural Prosperity Council

Pursuant to Joint Rule 310, the Committee on Innovation, Development, Economic Advancement and Business has approved the request by the sponsor, Senator Daughtry of Cumberland, to report the following "Leave to Withdraw:"

L.D. 1281 An Act to Protect Economic Competitiveness in Maine by Extending the End Date for Pine Tree Development Zone Benefits

Sincerely,

S/Robert B. Hunt
Clerk of the House

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

The Following Communication: (H.C. 379)

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

January 30, 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 following Joint Standing Committee has voted unanimously to report the following bills out "Ought Not to Pass: "

Energy, Utilities and Technology

L.D. 417 An Act to Facilitate Net Energy Billing

L.D. 1889 An Act to Provide Authorization to Aroostook County to Use the Statewide Radio and Network System

Sincerely,

S/Robert B. Hunt
Clerk of the House

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

The Following Communication: (H.C. 380)

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

January 30, 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 25, 2024

Benjamin K. Grant of Portland, Barrett Gray of Stonington, Samuel J. Hight of Skowhegan, Christopher K. Washburn of Windham, Michelle Corry of Scarborough, Jay A. Naliboff of Chesterville, Jenni Tilton-Flood of Clinton, Sarah Conroy of Lewiston, Ranae L'Italien of Sidney, Maria Fox of Portland and David Barber of Cape Elizabeth for appointment to the Paid Family and Medical Leave Benefits Authority.

Pursuant to Title 26 MRSA §850-O, these appointments are contingent on confirmation by the Maine State Senate after review by the Joint Standing Committee on Labor and Housing. Susan P. Herman, Esquire of Mount Vernon for reappointment to the State Civil Service Appeals Board.

Pursuant to 5 MRSA §7081, this reappointment is contingent on confirmation by the Maine State Senate after review by the Joint Standing Committee on State and Local Government.

Steven Tatko of Willimantic and Samantha D. Horn of Readfield for reappointment to the Maine Outdoor Heritage Fund Board.

Pursuant to Title 12 MRSA §10308, these reappointments are contingent on confirmation by the Maine State Senate after review by the Joint Standing Committee on Environment and Natural Resources.

Sincerely,

S/Rachel Talbot Ross
Speaker of the House

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

The Following Communication: (S.C. 830)

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

January 25, 2024

Honorable Rachel Talbot Ross
Speaker of the House
2 State House Station
Augusta, ME 04333-0002

Dear Speaker Talbot Ross:

Please be advised the Senate today Referred the nomination of Lee Smith of Albany Township for reappointment to the Maine Land Use Planning Commission to the Committee on Agriculture, Conservation and Forestry.

Best Regards,

S/Darek M. Grant

Secretary of the Senate

READ and **ORDERED PLACED ON FILE.**

At this point, a message came from the Senate borne by Senator DAUGHTRY of Cumberland of that Body, proposing a Joint Convention of both branches of the Legislature to be held in the Hall of the House at 6:45 in the evening for the purpose of extending to Her Excellency, Governor Janet T. Mills, an invitation to attend the Joint Convention and to make such communication as pleases her.

Thereupon the House voted to concur in the proposal for a Joint Convention to be held at 6:45 in the evening and the Speaker Pro Tem appointed Representative TERRY of Gorham to convey this message to the Senate.

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

PETITIONS, BILLS AND RESOLVES REQUIRING REFERENCE

Resolve, to Authorize the Chief Justice of the Supreme Judicial Court to Arrange the Constitution of Maine to Incorporate Amendments Approved at the November 2023 Referendum (EMERGENCY)

(H.P. 1407) (L.D. 2196)

Sponsored by Speaker TALBOT ROSS of Portland.
Cosponsored by Senator BRAKEY of Androscoggin and Representatives: ANDREWS of Paris, KUHN of Falmouth, LEE of Auburn, MOONEN of Portland, MORIARTY of Cumberland, POIRIER of Skowhegan, SHEEHAN of Biddeford.
Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.

Committee on **JUDICIARY** suggested.

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.

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

Subsequently, Representative TERRY of Gorham reported that she had delivered the message with which she was charged.

ORDERS

On motion of Representative GRAMLICH of Old Orchard Beach, the following Joint Resolution: (H.P. 1406) (Cosponsored by Representatives: ABDI of Lewiston, ADAMS of Lebanon, ALBERT of Madawaska, ANDREWS of Paris, ANKELES of Brunswick, ARATA of New Gloucester, ARDELL of Monticello, ARFORD of Brunswick, BABIN of Fort Fairfield, BAGSHAW of Windham, BELL of Yarmouth, BLIER of Buxton, BOYER of Poland, BOYLE of Gorham, BRADSTREET of Vassalboro, BRENNAN of Portland, BRIDGEO of Augusta, CAMPBELL of Orrington, CARLOW of Buxton, CARMICHAEL of Greenbush, CLOUTIER of Lewiston, CLUCHEY of Bowdoinham, COLLAMORE of Pittsfield, COLLINGS of

Portland, COPELAND of Saco, COSTAIN of Plymouth, CRAFTS of Newcastle, CRAVEN of Lewiston, CRAY of Palmyra, CROCKETT of Portland, CYRWAY of Albion, DANA of the Passamaquoddy Tribe, DAVIS of East Machias, DHALAC of South Portland, DILL of Old Town, DODGE of Belfast, DOUDERA of Camden, DRINKWATER of Milford, DUCHARME of Madison, DUNPHY of Embden, EATON of Deer Isle, FAULKINGHAM of Winter Harbor, FAY of Raymond, FOSTER of Dexter, FREDERICKS of Sanford, GALLETTA of Durham, GATTINE of Westbrook, GEIGER of Rockland, GERE of Kennebunkport, GIFFORD of Lincoln, GOLEK of Harpswell, GRAHAM of North Yarmouth, GREENWOOD of Wales, GRIFFIN of Levant, GUERRETTE of Caribou, HAGGAN of Hampden, HALL of Wilton, HASENFUS of Readfield, HENDERSON of Rumford, HEPLER of Woolwich, HOBBS of Wells, HYMES of Waldo, JACKSON of Oxford, JAUCH of Topsham, JAVNER of Chester, KESSLER of South Portland, KUHN of Falmouth, LAJOIE of Lewiston, LANDRY of Farmington, LANIGAN of Sanford, LaROCHELLE of Augusta, LAVIGNE of Berwick, LEE of Auburn, LEMELIN of Chelsea, LIBBY of Auburn, LOOKNER of Portland, LYMAN of Livermore Falls, MADIGAN of Waterville, MALON of Biddeford, MASON of Lisbon, MASTRACCIO of Sanford, MATHIESON of Kittery, MATLACK of St. George, MEYER of Eliot, MILLETT of Waterford, MILLETT of Cape Elizabeth, MILLIKEN of Blue Hill, MONTELL of Gardiner, MOONEN of Portland, MORIARTY of Cumberland, MORRIS of Turner, MURPHY of Scarborough, NESS of Fryeburg, NEWMAN of Belgrade, NUTTING of Oakland, O'CONNELL of Brewer, O'NEIL of Saco, OSHER of Orono, PARRY of Arundel, PAUL of Winterport, PERKINS of Dover-Foxcroft, PERRY of Calais, PERRY of Bangor, PLUECKER of Warren, POIRIER of Skowhegan, POLEWARCZYK of Wiscasset, POMERLEAU of Standish, PRINGLE of Windham, QUINT of Hodgdon, RANA of Bangor, RIELLY of Westbrook, RISEMAN of Harrison, ROBERTS of South Berwick, ROEDER of Bangor, RUNTE of York, RUSSELL of Verona Island, SACHS of Freeport, SALISBURY of Westbrook, SAMPSON of Alfred, SARGENT of York, SAYRE of Kennebunk, SCHMERSAL-BURGESS of Mexico, SHAGOURY of Hallowell, SHAW of Auburn, SHEEHAN of Biddeford, SIMMONS of Waldoboro, SINCLAIR of Bath, SKOLD of Portland, SMITH of Palermo, SOBOLESKI of Phillips, STOVER of Boothbay, STROUT of Harrington, SUPICA of Bangor, SWALLOW of Houlton, Speaker TALBOT ROSS of Portland, TERRY of Gorham, THERIAULT of Fort Kent, THORNE of Carmel, UNDERWOOD of Presque Isle, WALKER of Naples, WARREN of Scarborough, WHITE of Waterville, WHITE of Guilford, WILLIAMS of Bar Harbor, WOOD of Greene, WOODSOME of Waterboro, WORTH of Ellsworth, ZAGER of Portland, ZEIGLER of Montville, Senators: BAILEY of York, BALDACCI of Penobscot, BEEBE-CENTER of Knox, BENNETT of Oxford, BLACK of Franklin, BRAKEY of Androscoggin, BRENNER of Cumberland, CARNEY of Cumberland, CHIPMAN of Cumberland, CURRY of Waldo, DAUGHTRY of Cumberland, DUSON of Cumberland, FARRIN of Somerset, GROHOSKI of Hancock, GUERIN of Penobscot, HARRINGTON of York, HICKMAN of Kennebec, INGWERSEN of York, President JACKSON of Aroostook, KEIM of Oxford, LaFOUNTAIN of Kennebec, LAWRENCE of York, LIBBY of Cumberland, LYFORD of Penobscot, MOORE of Washington, NANGLE of Cumberland, PIERCE of Cumberland, POULIOT of Kennebec, RAFFERTY of York, RENEY of Lincoln, ROTUNDO of Androscoggin, STEWART of Aroostook, TIMBERLAKE of Androscoggin, TIPPING of Penobscot, VITELLI of Sagadahoc)

**JOINT RESOLUTION RECOGNIZING JANUARY 2024
AS FIREFIGHTER CANCER AWARENESS MONTH**

WHEREAS, firefighters serve their communities by putting residents' safety above their own; and

WHEREAS, firefighters often work in a toxic environment of smoke, soot and other carcinogens; and

WHEREAS, according to research, firefighters have a 9% greater chance of being diagnosed with cancer and a 14% greater chance of dying from cancer than the general population; and

WHEREAS, occupational cancer is a leading cause of line-of-duty deaths in firefighters and has reached epidemic levels; and

WHEREAS, studies have found a direct correlation between the chemical exposures firefighters experience on the job and an increased risk of cancer for those firefighters; and

WHEREAS, all 50 states recognize cancer as a presumptive workers' compensation claim for firefighters; and

WHEREAS, early detection of cancer through routine screening leads to earlier treatment and better disease outcomes, including improved survival and reduced morbidity; and

WHEREAS, the International Association of Fire Fighters and the Firefighter Cancer Support Network have declared January as Fire Fighter Cancer Awareness Month; 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 recognize January 2024 as Firefighter Cancer Awareness Month, and we encourage fire departments across the State to participate in the activities of the International Association of Fire Fighters and the Firefighter Cancer Support Network.

READ.

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

Representative **GRAMLICH**: Thank you, Madam Speaker. Madam Speaker and Colleagues of the House, I rise today just to say a few remarks about the pending motion.

As a child who lost her home to a house fire, I always have had a deep affinity, admiration and respect for these brave men and women who put their lives at risk every single day for us. But it was not until I began my work in the Legislature that I learned about the additional inherent risks associated with this noble profession. Firefighters are at an increased risk of developing cancer due to exposure to various carcinogens and hazardous materials encountered during firefighting activities. Additionally, just last year, a study at the National Institute of Standards in Technology showed that the textiles used in protective clothing worn by firefighters often contained PFAS; as we all know, a class of chemicals that has been linked to increased risks of cancer and other health effects. Common types of cancer associated with firefighting including lung cancer, mesothelioma and various types of cancers related to exposure to benzene, formaldehyde and other toxic substances. Firefighters can be exposed to these carcinogens through inhalation, ingestion or absorption through the skin. Efforts are made to address and mitigate the risk of cancer among firefighters and some of these preventative measures include encouraging proper use of PPE, implementing decontamination procedures after firefighting activities, providing firefighters with training on the risks associated with exposure to carcinogens and assuring regular medical checkups and screenings are

encouraged and covered by health insurance. It is important for firefighters and policymakers to be aware of these risks and for fire departments to prioritize the health and well-being of their personnel. It's through this recognition of the issue that efforts continue to raise awareness about firefighting cancer and to implement preventive measures. Thank you, Madam Speaker.

Subsequently, the Joint Resolution was **ADOPTED** and sent for concurrence.

SPECIAL SENTIMENT CALENDAR

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

Recognizing:

Jack A. Shaw & Sons, Inc., of Woolwich, which is celebrating 75 years in business. We extend our congratulations and best wishes;

(SLS 1356)

On **OBJECTION** of Representative HEPLER of Woolwich, was **REMOVED** from the Special Sentiment Calendar.

READ.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Woolwich, Representative Hepler.

Representative **HEPLER**: Thank you, Madam Speaker Pro Tem. I'm very excited to congratulate Jack Shaw & Sons for 75 years in business. They're multi-generational. It's an excavation company, for those of you who are not aware, and has done many of our area's driveways, foundations, landscaping, dirt works and also as a member of our town. I will say that no one loves our town more than this business. They are an exceptional fixture in our town, they're protecting our roads and bridges, they are volunteers at all of our community events. Yeah, and like I said, no one loves them more than; no one loves them more than I do, actually, and no one; no one loves Woolwich more than they do. Also, as a legislator, they have been a great partner with me in advocating for safer State roads in our town. They are my go-to experts in blasting, paving, gravel, rocks and all sorts of geological things. And then, finally, on a personal note, they have pulled my car out of a snowbank in my driveway at least once. So, I am proud to know them. Thank you, Madam Speaker Pro Tem.

Subsequently, this Expression of Legislative Sentiment was **PASSED** in concurrence.

In Memory of:

Martin Engstrom, of Fryeburg. Mr. Engstrom was a veteran of the United States Air Force who served as a weapons control technician. After his service, he became a broadcast engineer. He had a long career with Portland-area television station WMTW running the station's transmitter on the summit of Mount Washington, from which he also broadcast weather reports for 38 years. With a Maine accent so thick some viewers thought it must be fake and wearing a clip-on bow tie, he read his reports from hand-written cue cards he taped to the camera. His folksy, unpolished style made him a hit, and he was affectionately known by the public as "Marty on the Mountain." He retired from WMTW in 2002 and was inducted into the Maine Association of Broadcasters Hall of Fame in 2019. Mr. Engstrom will be long remembered and sadly missed by his family and friends and all those whose lives he touched;

(SLS 1357)

On **OBJECTION** of Representative NESS of Fryeburg, was **REMOVED** from the Special Sentiment Calendar.

READ.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Fryeburg, Representative Ness.

Representative **NESS**: Thank you, Madam Speaker. Madam Speaker, I rise in memory of the late Marty Engstrom of Fryeburg. Although I do not remember Marty when he was on television, I had the opportunity to meet him while I was campaigning in 2022 and, as a matter of fact, I didn't even realize he was a Maine broadcasting staple until I learned that he passed. And I guess that kind of makes sense because he came off the air in 2002, when I was only two or three, so. What I do want to say, he was a very unassuming man and, while I didn't get to interact with him very long, I can vouch for the fact that his accent was very real and he created an impression on me that I will not soon forget. And his; if you haven't heard his Maine accent, it's worth looking up on YouTube and I can assure you, it is a hundred percent real.

I just wanted to rise and say I wish I could've gotten to know him a little better and I send my deepest condolences to his friends and family. Thank you, Madam Speaker.

Subsequently, this Expression of Legislative Sentiment was **ADOPTED** in concurrence.

The Speaker resumed the Chair.
The House was called to order by the Speaker.

The SPEAKER: The Chair would like to thank the Representative from Waterville, Representative Madigan, for acting as Speaker Pro Tem today. If you will all join me in thanking her.

REPORTS OF COMMITTEE Change of Committee

Report of the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** on 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)

Reporting that it be **REFERRED** to the Committee on **EDUCATION AND CULTURAL AFFAIRS**.

Came from the Senate with the Report **READ** and **ACCEPTED** and the Bill **REFERRED** to the Committee on **EDUCATION AND CULTURAL AFFAIRS**.

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

Subsequently, the Bill was **REFERRED** to the Committee on **EDUCATION AND CULTURAL AFFAIRS** in concurrence.

Divided Reports

Majority Report of the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** reporting **Ought Not to Pass** on Bill "An Act to Provide an Opportunity for Resentencing for Individuals Who Were Sentenced for Crimes Committed as Juveniles"

(H.P. 873) (L.D. 1359)

Signed:

Senator:

HARRINGTON of York

Representatives:

SALISBURY of Westbrook

ARDELL of Monticello

LAJOIE of Lewiston

NEWMAN of Belgrade

NUTTING of Oakland

PERKINS of Dover-Foxcroft

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-730)** on same Bill.

Signed:

Senator:

BEEBE-CENTER of Knox

Representatives:

HASENFUS of Readfield

LOOKNER of Portland

MATHIESON of Kittery

MILLIKEN of Blue Hill

READ.

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

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

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

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

Representative **HASENFUS**: Thank you, Madam Speaker. It may have been an oversight in this bill to keep the title "An Act to Provide an Opportunity for Resentencing for Individuals Who Were Sentenced for Crimes Committed as Juveniles" because the current amendment that I offered in Committee really has nothing to do with that. The only thing that this amendment does is that it requires the age of an individual to be considered as part of the sentencing procedure in a criminal court. Currently, the sentencing procedure; this is after somebody has gone through trial and been convicted of that crime, then there's a three-step process that a judge must go through to determine the appropriate sentence for that individual. And I'm going to read you what the second part of that sentencing procedure is in the current Statute and then I'm going to read you what this amendment does.

So, the current Statute says second, the Court shall determine the maximum term of imprisonment to be imposed by considering all other relevant sentencing factors, both aggravating and mitigating, appropriate to the case. Relevant sentencing factors include, but are not limited to, the character of the individual, the individual's criminal history, the effect of the offense on the victim and the protection of public interest.

This amendment simply adds to that sentence, the relevant sentencing factors include, but are not limited to, the age of the individual, the character of the individual, the individual's criminal history, the effect of the offense on the victim and the protection of public interest. Previously; under current law, most courts are already doing this, and most attorneys are already arguing for this as; age as one of those 'including but not limited to' options for a judge to consider. What this amendment to this bill does is it says the Legislature has determined that age, whether it be a young person or an elderly person, is important for a judge to consider and, in fact, it is so important that a judge must consider it when determining the sentence of that individual who is convicted. And that is all that this amendment does and, with that, I will rest.

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

Representative **CYRWAY**: Thank you, Madam Speaker, Ladies and Gentlemen of the House. I just feel this is just telling the judges what to do. It's already being done. I think the title does not represent what we are doing here, so, I feel that this; I

cannot support this bill and I hope you follow my light. Thank you.

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

Representative **MILLIKEN**: Thank you, Madam Speaker. I just wanted to rise in support of the pending motion and say that if it was our children who were being sentenced, we would certainly want age to be considered a factor in doling out sentences. And, additionally, I think that science indicates that it should be a considered factor in doling out sentences. We know from brain science that the human brain is not fully developed until the age of 25, so, I think the age listed in this bill is; is important and I think it should be taken into consideration and I appreciate it if you would follow my light. Thank you.

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

Representative **ARDELL**: Thank you, Madam Speaker. I would just like to speak briefly in opposition of this bill. Maine's judicial officers do a very, very good job already. They receive what's called a presentence report which contains abundant information about the subject they're about to sentence. Age is already considered as part of these sentences and the judges do a very good job. Additionally, the subject's defense attorney, if age is appropriate, already defends this in court on behalf of their client and for those reasons, I feel this legislation is completely unnecessary. Thank you.

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

Representative **LOOKNER**: Thank you, Madam Speaker. I rise in support of the motion. Age is a determining factor throughout one's life in how they behave, in how they carry themselves in the world. I don't think I would be standing here speaking today as a 19-year-old. I think I was a very different person at age 19. I think if most people were honest with themselves, they would see themselves very similarly. And what this bill does is it allows judges to make a determination that's; we see age as a factor in justice, in administering justice, and I'm a big supporter and I think everybody in this Chamber is a supporter in making sure that we have the most just justice system possible.

So, I don't think this is a heavy lift, I don't think this is a big ask, this is just inserting one sentence, it's just saying let the age of the individual be a determination in that person's sentence. Maybe it's already being done; this is sending a clear message that the Legislature agrees with the science that's available to us today and thinks that this should be; that we proactively believe that age is a determining factor, which we all know is the case. So, please join me in supporting this motion.

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

Representative **WARREN**: I just wanted to rise in support of this motion and this legislation and just additionally add that where, in practice, the consideration of age does seem widely used in decisions that are reached in particularly criminal proceedings, but putting it as a sentencing consideration that must be considered amongst others provides an opportunity, one, for a sense of clarity or fairness for one receiving that sentence to understand that that was considered across the board, it doesn't matter the consideration of one judge to the next. And, additionally, it's an opportunity on appeal for a criminal defense appeal attorney to bring it up as a consideration, whether it was duly considered. So, that's why it would make a difference in practice here.

The SPEAKER: The Chair recognizes the Representative from Oakland, Representative Nutting.

Representative **NUTTING**: Thank you, Madam Speaker. I tried to see if you were on the ball this morning by turning my light on and off and on and off. I encourage you to vote down the current motion and vote for the Ought Not to Pass, which was a bipartisan decision. This bill was a bill which had a number of problems with it and it was really unworkable. In its current amended position, it is just totally unnecessary, so, I urge you to vote down the current motion.

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

Representative **QUINT**: Thank you, Madam Speaker. I actually have two questions to pose to the Chair or this Body. One; is a victim of a violent crime of an underage person any less a victim than someone who has had that crime perpetrated against them by someone of an older age? And, secondly, we just had, you know, a bill go down in which minors are able to decide whether or not they can sexually change their bodies and they're allowed to state that they're mature enough for that but they're not mature enough to be held criminally responsible in the same way that an adult would be. Thank you, Madam Speaker.

The SPEAKER: The Member has posed a question to the Body for any Member who wishes to answer.

Seeing none, a roll call has been ordered. The pending question before the House is Acceptance of the Minority Ought to Pass as Amended Report. All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 362

YEA - Abdi, Ankeles, Arford, Bell, Boyer, Brennan, Bridger, Cluchey, Collings, Crafts, Crockett, Dhalac, Dodge, Doudera, Eaton, Gattine, Geiger, Gere, Golek, Graham, Gramlich, Hasenfus, Jauch, Kessler, Kuhn, LaRochelle, Lee, Lookner, Madigan, Malon, Mathieson, Matlack, Millett R, Milliken, Montell, Moonen, Murphy, O'Neil, Perry J, Pluecker, Pringle, Rana, Rielly, Riseman, Sargent, Sayre, Shagoury, Sinclair, Supica, Warren, Williams, Worth, Zager, Zeigler, Madam Speaker.

NAY - Adams, Albert, Andrews, Arata, Ardell, Babin, Bagshaw, Blier, Bradstreet, Campbell, Carlow, Cloutier, Collamore, Costain, Craven, Cray, Cyrway, Davis, Dill, Drinkwater, Ducharme, Dunphy, Faulkingham, Fay, Foster, Gifford, Greenwood, Griffin, Guerrette, Hall, Henderson, Hepler, Hobbs, Hymes, Jackson, Javner, Lajoie, Landry, Lanigan, Lavigne, Lemelin, Libby, Lyman, Mason, Mastraccio, Meyer, Millett H, Moriarty, Morris, Ness, Newman, Nutting, O'Connell, Parry, Paul, Perkins, Perry A, Poirier, Polewarczyk, Pomerleau, Quint, Roberts, Rudnicki, Runte, Russell, Sachs, Salisbury, Sampson, Schmersal-Burgess, Shaw, Simmons, Smith, Soboleski, Stover, Strout, Swallow, Terry, Thorne, Underwood, White B, White J, Woodsome.

ABSENT - Boyle, Carmichael, Copeland, Fredericks, Galletta, Haggan, Osher, Roeder, Sheehan, Skold, Theriault, Walker, Wood.

Yes, 55; No, 82; Absent, 13; Vacant, 1; Excused, 0.

55 having voted in the affirmative and 82 voted in the negative, 1 vacancy with 13 being absent, and accordingly the Minority **Ought to Pass as Amended Report was NOT ACCEPTED.**

Subsequently, on motion of Representative SALISBURY of Westbrook, the Majority **Ought Not to Pass Report was ACCEPTED** and sent for concurrence.

Majority Report of the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-731)** on Bill "An Act to Restore Firearm Rights and Hunting Privileges to Persons Previously Convicted of Certain Nonviolent Felony Crimes" (H.P. 1006) (L.D. 1561)

Signed:

Senator:

HARRINGTON of York

Representatives:

ARDELL of Monticello

HASENFUS of Readfield

MILLIKEN of Blue Hill

NEWMAN of Belgrade

NUTTING of Oakland

PERKINS of Dover-Foxcroft

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

Signed:

Senator:

BEEBE-CENTER of Knox

Representatives:

SALISBURY of Westbrook

LAJOIE of Lewiston

LOOKNER of Portland

MATHIESON of Kittery

READ.

Representative SALISBURY of Westbrook moved that the Bill be **TABLED** until later in today's session pending **ACCEPTANCE** of either Report.

Representative BOYER of Poland **REQUESTED** a roll call on the motion to **TABLE** the Bill until later in today's session pending **ACCEPTANCE** of either Report.

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

The SPEAKER: A roll call has been ordered. The pending question before the House is to Table the Bill until later in today's session pending Acceptance of either Report. All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 363

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

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

ABSENT - Boyle, Carmichael, Copeland, Fredericks, Galletta, Haggan, Osher, Polewarczyk, Roeder, Sheehan, Skold, Theriault, Walker, Wood.

Yes, 77; No, 59; Absent, 14; Excused, 0.

77 having voted in the affirmative and 59 voted in the negative, 1 vacancy with 14 being absent, and accordingly the Bill was **TABLED** pending **ACCEPTANCE** of either Report and later today assigned.

Majority Report of the Committee on **JUDICIARY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-732)** on Bill "An Act to Update the Laws Governing Electronic Device Information as Evidence" (H.P. 1021) (L.D. 1576)

Signed:

Senators:

CARNEY of Cumberland

BAILEY of York

BRAKEY of Androscoggin

Representatives:

MOONEN of Portland

ANDREWS of Paris

KUHN of Falmouth

LEE of Auburn

MORIARTY of Cumberland

SHEEHAN of Biddeford

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

Signed:

Representatives:

HAGGAN of Hampden

HENDERSON of Rumford

POIRIER of Skowhegan

READ.

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

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

Representative **POIRIER**: Thank you, Madam Speaker. I rise to express my opposition to this legislation before us. Even in its amended form, LD 1576 poses great concern.

Current law regarding warrants for portable electronic devices is working. The courts understand the meaning of the current law and its intent and work with law enforcement accordingly. The changes in wording and terminology open doors to new interpretation. Law enforcement is concerned that doing so can hinder investigations for time-sensitive cases, such as those including child pornography and their ability to rapidly respond and to mitigate the danger of threats posted online to commit acts such as school shootings.

Madam Speaker, though I feel LD 1576 was well-intentioned, I feel I must pause to recognize and express that seemingly small changes can ultimately have unintended consequences. Thank you, Madam Speaker.

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

Representative **ARDELL**: Thank you, Madam Speaker. As a career law enforcement officer, I wrote several search warrants for electronic devices. They were very successful. There was absolutely no reason for a change in the law then and there's no reason for a change in the law now. I think what this bill seeks to do would only potentially damage the structure of

law enforcement; a law enforcement's ability to seek warrants for electronic devices. And for that reason, I am going to be voting against the Ought to Pass measure. Thank you.

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

Representative **MOONEN**: Thank you, Madam Speaker. Madam Speaker, Colleagues of the House, I want to talk about the underlying law that this bill is amending. The original source of it is, of course, the Fourth Amendment to the United States Constitution, which protects the citizens' rights to not be subject to unreasonable search and seizure. And, of course, we then take Statutes to make our Constitution have meaning and that's why we have Statutes around warrants and when they're required. Prior to modern times and modern technology, this all applied to our papers and law enforcement was required to get a warrant to search and seize our papers. But as technology has evolved and now that we are in modern times, I think we all know that very few of us have a whole ton of papers lying around and, in fact, we have all of our information on electronic devices. That's why this Body 10 years ago passed the underlying law in an overwhelmingly bipartisan basis to say that law enforcement needs to get a warrant to get the contents of a portable electronic device such as a cellphone.

Some of the comments from my friend from Skowhegan are accurate. The law enforcement community had concerns about the original bill. And we carried this bill over, we had a working group in the off-session, and when we had the work session for the working group to report back in November, that working group came back and said we have agreed to take everything out of the bill that we can't agree on and we're leaving it with just these two pieces that we can agree on. That working group did include multiple representatives of law enforcement.

So, what are those two pieces that are left in the majority amendment? One is to remove the word "portable" from the law because we have lots of electronic devices that have our modern-day version of our papers on electronic devices that may not be portable. And everyone could agree that the warrant requirement should apply to getting that information whether or not the device is portable. The other thing the bill does still that everybody could agree on recognizes the evolution of cloud storage. Nowadays, lots of us are uploading things to the cloud and that we all recognized as a loophole because law enforcement can get information off the cloud and not violate the existing law that requires them to get a warrant to get stuff from our electronic devices because they didn't get it from the device, they got it from the cloud.

So, those are the two things that are left in the majority amendment, is applying the warrant requirement to all electronic devices, not just those that are portable, and to extend the warrant requirement to the cloud in addition to our electronic devices. Madam Speaker, I think this is pretty reasonable. Our constituents expect their rights to be protected, including their Fourth Amendment rights. I think law enforcement can demonstrate when a search is reasonable and a judge can approve that and issue a warrant. And this seems pretty sensible to me. We have a really long history of bipartisan support for the Fourth Amendment in this State and, colleagues, I ask you to continue that support. Thank you, Madam Speaker.

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

Representative **BOYER**: Thank you, Madam Speaker. Madam Speaker, I'll be supporting the amendment today. Coming from the party of limited government and general distrust of government, I think this fits into my caucus's wheelhouse. In a time when we have just very, very little

privacy, some of which we give up ourselves, but that's voluntary, you know, and this is different. And we have secret FISA courts, we have the Patriot Act, so, any shred of privacy that we can hold onto, fight for and expand at the State level, I think we have an imperative to do so. And this amendment seems pretty reasonable. Cellphones, computers, electronic devices; get a warrant, right? So, thank you, Madam Speaker.

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

Representative **O'NEIL**: Thank you, Madam Speaker. The Representative from Portland did a great job explaining the process, but before we move forward with our vote, I wanted to just affirm that over the past year and over the fall, I sat down with stakeholders who included folks from the AG's office, prosecutors and law enforcement, and the product before you that you are voting on are the pieces that we agreed on and that we could say these are the two things we agree on, let's move those forward and leave the rest. Thank you.

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

Representative **ARDELL**: Thank you, Madam Speaker, for recognizing me a second time. A warrant is a judicially approved suspension of a subject's Fourth Amendment right to privacy and their papers. It's based on probable cause, which is developed by law enforcement and sometimes prosecutors. No cloud storage company, no virtual sort of offsite information storage company will provide information to law enforcement without a warrant. And I just wanted to add that correction to some of the earlier statements that I believe this bill is a solution in search of a problem. Thank you.

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

Representative **CYRWAY**: Thank you, Madam Speaker, Ladies and Gentlemen of the House. I just wanted to mention that, you know, the judges already take in consideration of anything with probable cause for warrants and not to double-warrant and also, that this is a situation where you're trying to protect every little aspect of the person that did the crime and already the courts consider these things to take care of the victims as well. So, this is kind of like being one-sided and not really helping the victims. So, I think you're trying to make it more complex through this bill and I think that it would really confuse things more than help. So, I am opposing this bill, and thank you.

Subsequently, the Majority **Ought to Pass as Amended** Report was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (H-732)** 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-732)** and sent for concurrence.

Seven Members of the Committee on **ENERGY, UTILITIES AND TECHNOLOGY** report in Report "A" **Ought to Pass as Amended by Committee Amendment "A" (H-734)** on Bill "An Act to Require Broadband Internet Access Service Providers to Prorate Customer Bills"

(H.P. 1240) (L.D. 1932)

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

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

Signed:

Senator:

HARRINGTON of York

Representatives:

BABIN of Fort Fairfield
PAUL of Winterport

One Member of the same Committee reports in Report "C" **Ought to Pass as Amended by Committee Amendment "B" (H-735)** on same Bill.

Signed:

Representative:

FOSTER of Dexter

READ.

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

CONSENT CALENDAR

First Day

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

(S.P. 17) (L.D. 25) Bill "An Act to Provide Indigenous Peoples Free Access to State Parks" Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-513)**

(S.P. 861) (L.D. 2033) Resolve, Authorizing the Director of the Bureau of Parks and Lands to Convey a Parcel of Land in the Town of Woodstock Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-512)**

(H.P. 1306) (L.D. 2044) Bill "An Act to Update Air Quality Health Warnings" Committee on **ENVIRONMENT AND NATURAL RESOURCES** reporting **Ought to Pass**

(H.P. 1312) (L.D. 2050) Bill "An Act to Expand Accreditation Options for Laboratories That Conduct Blood-alcohol or Drug Testing" Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass**

(H.P. 1321) (L.D. 2059) Bill "An Act Regarding Processing of Applications Under the Natural Resources Protection Act to Ensure Consistency with Shoreland Zoning Laws" Committee on **ENVIRONMENT AND NATURAL RESOURCES** reporting **Ought to Pass**

(H.P. 1323) (L.D. 2061) Resolve, Authorizing the Director of the Bureau of Parks and Lands to Convey Peacock Beach State Park to the Town of Richmond Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-733)**

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

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

The following item was taken up out of order by unanimous consent:

SENATE PAPERS

Bill "An Act to Improve Access to Affordable Wireless Communications by Allowing the Public Utilities Commission to Designate Eligible Telecommunications Carriers"

(S.P. 932) (L.D. 2193)

Came from the Senate, **REFERRED** to the Committee on **ENERGY, UTILITIES AND TECHNOLOGY** and ordered printed.

REFERRED to the Committee on **ENERGY, UTILITIES AND TECHNOLOGY** in concurrence.

Bill "An Act to Clarify When a Wounded Game Animal May Be Dispatched by an Authorized Licensed Guide"

(S.P. 933) (L.D. 2194)

Came from the Senate, **REFERRED** to the Committee on **INLAND FISHERIES AND WILDLIFE** and ordered printed.

REFERRED to the Committee on **INLAND FISHERIES AND WILDLIFE** in concurrence.

Bill "An Act to Protect Businesses from Fraudulent or Predatory Financial Settlements by Allowing Those Businesses Opportunities to Remove Architectural Barriers in Noncompliance with the Maine Human Rights Act"

(S.P. 934) (L.D. 2195)

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

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

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

At this point, the Senate came and a Joint Convention was formed.

In Convention

The President of the Senate, the Honorable Troy D. Jackson in the Chair.

The Convention was called to order by the Chair.

On motion of Senator VITELLI of Sagadahoc, it was ORDERED, that a committee be appointed to wait upon the First Family of the State of Maine, inviting them to attend this Joint Convention now assembled in the Hall of the House for the purpose of extending to Governor Janet T. Mills, an invitation to attend and make such communication as she may be pleased to make.

The Chair appointed:

The Sen. from Cumberland, Senator NANGLE
The Sen. from Penobscot, Senator BALDACCI
The Sen. from Penobscot, Senator LYFORD
The Rep. from Boothbay, Representative STOVER
The Rep. from Saco, Representative COPELAND
The Rep. from South Portland, Representative DHALAC
The Rep. from Lewiston, Representative ABDI
The Rep. from Bath, Representative SINCLAIR
The Rep. from Wales, Representative GREENWOOD
The Rep. from Lebanon, Representative ADAMS
The Rep. from Standish, Representative POMERLEAU
The Rep. from Presque Isle, Representative UNDERWOOD
The Rep. from Harrison, Representative RISEMAN

Subsequently, Senator NANGLE, for the Committee, reported that the Committee had delivered the message with which they were charged and were pleased to report that the First Family of the State of Maine would attend forthwith.

At this point, the Chair welcomed the First Family and friends of the State of Maine.

On motion of Senator VITELLI of Sagadahoc, it was ORDERED, that a committee be appointed to wait upon the Honorable Janet T. Mills, Governor of the State of Maine and Chief Justice Valerie Stanfill, extending to them an invitation to attend this Convention and to extend to Governor Janet T. Mills an invitation to make such communication as she may be pleased to make.

The Chair appointed:

The Sen. from Androscoggin, Senator ROTUNDO
The Sen. from Cumberland, Senator DUSON
The Sen. from Oxford, Senator BENNETT
The Rep. from Freeport, Representative SACHS
The Rep. from Raymond, Representative FAY
The Rep. from Portland, Representative COLLINGS
The Rep. from St. George, Representative MATLACK
The Rep. from Westbrook, Representative GATTINE
The Rep. from Brunswick, Representative ANKELES
The Rep. from Madison, Representative DUCHARME
The Rep. from Waterford, Representative MILLETT
The Rep. from Buxton, Representative BLIER
The Rep. from Buxton, Representative CARLOW

The Chair recognized in the House Gallery the Constitutional Officers and State Auditor of the State of Maine: The Honorable Shenna Bellows, Secretary of State; the Honorable Aaron Frey, Attorney General; the Honorable Henry Beck, Treasurer; and the Honorable Matt Dunlap, Auditor.

The Chair further recognized in the House Gallery, members from the Judicial Branch, including Amy Quinlan, Esq., State Court Administrator.

The Chair further recognized in the House Gallery, Maine's tribal leaders, including Chief Pos Bassett of the Passamaquoddy Tribe at Sipayik.

The Chair further recognized in the House Gallery, Maine's municipal leaders, including Carl Sheline, Mayor of Lewiston.

The Chair further recognized in the House Gallery, the leaders of higher education for the State of Maine: Dannel Malloy, Chancellor of the University of Maine System; Dr. Joan Ferrini-Mundy, President of the University of Maine; and David Daigler, President of the Community College System.

The Chair further recognized in the House Gallery, members of the military: Master Sergeant Steven Archibald, Maine Air National Guard; Petty Officer 2nd Class Rebecca Porter, U.S. Coast Guard; and Sergeant Nathan White, Maine Army National Guard.

The Chair further recognized in the House Gallery, members of the Governor's Cabinet, Commissioners and Department heads: Judy Camuso, Douglas Farnham, Kirsten Figueroa, Heather Johnson, Patrick Keliher, Jeanne Lambrew, Randall Liberty, Melanie Loyzim, Pender Makin, John Rhode, Mike Sauschuck, Bruce Van Note and Diane Dunn.

Subsequently, Senator ROTUNDO, for the Committee, reported that the Committee had delivered the message with which they were charged and were pleased to report that the Honorable Janet T. Mills, Governor of the State of Maine, accompanied by Chief Justice Valerie Stanfill, would attend forthwith.

The Chair welcomed to the Joint Convention Governor Janet T. Mills, accompanied by Chief Justice Valerie Stanfill.

The Chair recognized the evening's Herald, Staff Sergeant Gary Alan Cropley-Tucker, from the 101st Air Refueling Wing, Maine Air National Guard.

The Chair welcomed the Honorable Janet T. Mills, Governor of the State of Maine, to the rostrum.

Governor Mills then addressed the Convention.

Governor **MILLS**: Thank you. Thank you very much. Mr. President, Madam Speaker, Madam Chief Justice, distinguished Members of the 131st Legislature, members of my extraordinary cabinet and honored guests, thank you for joining me tonight. I'm pleased to be joined also by the constitutional officers of our State and by the members of my cabinet, as I mentioned, including Major General Douglas Farnham, who is retiring next month, and Brigadier General Diane Dunn, soon to become the first woman Commissioner of Veterans and Emergency Management. Thank you for being here. Please join me in recognizing Major General Farnham's nearly 40 years of decorated service and in welcoming Brigadier General Dunn.

I'm also joined tonight by members of my family, including my daughter, Tammy, and my sister, Dr. Dora Mills, and her children, Anthony and Julia, and my brothers, Peter and Paul. Tonight, we're sadly missing my brother, David, who passed away last Friday and I honor him tonight in my thoughts.

My approach to the State of the State this year is a little unorthodox and a departure from those of the past, a change from the tradition in which the Chief Justice stands before you to discuss a series of high-profile issues, challenges and opportunities, but a State of the State Address, true to its storied purpose, must be a reflection of the times. These times, especially these past few months, have been anything but normal for Maine. Maine people value straight talk, so, I'll put it to you straight. We have had a very rough couple of months. We've been sorely tested time and time again and we have some pretty serious stuff to talk about.

In late October, a gunman took the lives of 18 innocent civilian citizens from ages 14 to 76 and injured many more physically and emotionally in an act of senseless and unconscionable violence that devastated our communities and shook our sense of security. The worst mass shooting in Maine history, the 10th worst in our nation's history. Then, in December, another traumatic event hit us as heavy rains and powerful winds brought massive flooding that destroyed homes and businesses, roads and bridges. Four people lost their lives. And in January, two more violent storms caused some of the highest tides ever, which swept fish houses into the sea and kicked pilings out from under once-sturdy piers, broke dunes and breakwaters, chewed up roads and seawalls, wiped storekeepers dry of stock and changed the very landscape of our coast.

These things break our hearts. Now, Maine people do not welcome crisis or disaster, but we will always rise to meet them. And in these difficult times, when it sometimes feels like we have little control over our fate and our future, the people of Maine have banded together in support of one another and our communities and our State like never before. And it is because of Maine people, because of their undying and unyielding resilience and resolve in the hardest of times, that the state of our State is strong. And it is because of you, the people of Maine, that I am more confident than ever before in the future of our State and in our ability to prepare for and overcome whatever challenges the future has in store. What gives me cause for such optimism in the face of such loss and hardship? Look no further than the simple acts of kindness, compassion and generosity demonstrated by people across Maine in the wake of these recent storms. When Doug Hartkopf's dairy barn in Albion was destroyed by powerful winds, his neighbors brought all his cows to safety and shelter. When the fishing boat, the *Tara Lynn II*, ran aground on the rocks of Cape

Elizabeth at the height of the storm, fire and rescue crews braved those rough seas twice in the middle of the night to rescue all four people on board. And when the storms in January threatened to toss J.O. Brown's boatyard into the sea, that fixture that has withstood storms since 1855, this whole community stepped up to save it; young and old, friends and family. And when the storm receded and the boatyard still stood strong and tall, owner Foy Brown said, "It worked." He said, "It worked because the whole town turned out for us." Yep, that's what Maine people do. We take care of each other. We roll up our sleeves and we rebuild. With help from the federal government and the support of this Legislature, and with the ingenuity and grit that are the hallmarks of Maine people, we will rebuild stronger than ever.

And, like other states also feeling the brunt of extreme weather events, Maine is not safe from climate change. We know more storms will come, and make no mistake about it, it is climate change that is causing storms to be more frequent, more intense, and more devastating. The ocean is warming, the sea is rising, the winds are wilder. We no longer know the storms and winters of yesterday because, when we burn fossil fuels like gasoline, oil and natural gas, we expel harmful greenhouse gases into the atmosphere. And those gases envelop our planet, trap heat and moisture that melts the ancient glaciers, raises sea levels and increases global temperatures. Scientists know this, the meteorologists know this, farmers, fishermen, foresters know this, our sportsmen know this, our kids know this, we all know this now. We will address climate change in the long-term by investing in clean energy, by weatherizing homes and businesses, by expanding our State's network of EV chargers and by advancing cleaner and more efficient technologies like heat pumps, while also creating good-paying 'green collar' jobs. And informed by the work of the Maine Climate Council; those scientists, citizens, business leaders and State and local officials; we lead the nation in many of these respects. In fact, we've exceeded our original goal for installing heat pumps and we've set a new, more ambitious goal. And as a result of our clean energy initiatives, we're seeing significant capital investments in this State that are creating new jobs and new businesses. We have the fastest-growing clean energy economy in all of New England.

We must and we will continue to address climate change in the long-term for the health of our people, the health of our environment, the health of our economy. But we've got to take immediate steps right now to make our towns, homes, and businesses more resilient to climate change and these awful storms. Thankfully, we've laid the groundwork for how we do that. In 2021, with the support of the Maine Climate Council, we organized the Community Resilience Partnership, which helps communities plan for the impacts of climate change. One hundred and seventy-five cities, towns and tribal governments have taken part in this voluntary program and we awarded more than \$6 million to them. One of those communities is Rockland, a city that was hard hit by the recent storms, as you know. Recognizing that its waterfront piers and seawall are deteriorating and in need of repairs even before the storm, these resiliency funds they used not only to plan for the rebuild of the pier and seawall, but they use them to make long-desired improvements to public spaces and infrastructure. Having that plan in place gives Rockland a clear path towards obtaining other available funds and to protecting and strengthening its downtown waterfront. This is important work. Cities and towns across Maine are on the front lines of climate change and these recent storms underscore the importance of fortifying them in the long-term. And so, tonight, I'm proposing to add \$5 million

to our Community Resilience Partnership to allow another 100 cities, towns and tribal governments to identify their vulnerabilities to extreme weather events and to be ready for the next storm, the next flood, the next washouts, the next threats to our bridges, piers and homes. Let's give them the tools to continue this desperately needed work and let's turn those plans into action.

In 2021, we created the Maine Infrastructure Adaptation Fund that provides grants to municipalities, tribal governments and others, to improve infrastructure that is vulnerable to flooding or rising sea levels and other weather events; exactly the type of upgrades that will help communities better withstand the type of storms we're seeing now. For example, in Kennebunkport, the town is using a grant to raise the road that leads to Bickford Island and the utilities underneath it and to improve stormwater runoff in order to mitigate the impacts of flooding, prevent road closures, reduce disruption for commercial fishermen and the need for costly repairs. And in Winslow, they're replacing stormwater structures with larger ones that will handle more water to reduce the risk of flooding and property damage. These are common-sense projects that will strengthen our resiliency in the long run. And tonight, I propose that we bolster this infrastructure fund with \$50 million from our record-high Rainy Day Fund to allow Maine communities to build and rebuild infrastructure, roads, culverts, working waterfronts, stormwater systems; make them tough enough to withstand the impacts of climate change. Essentially, I'm talking about taking from the Rainy Day Fund to respond to some pretty rainy days we've had and some pretty rainy days ahead. At the same time, we will seek every available federal dollar for disaster assistance and resiliency, but the sooner we pass the supplemental budget, the sooner we can get State funds to contractors and fishermen and towns to get things up and running once again before the height of fishing season. It's urgent.

And as we recover and rebuild from past storms, as we prepare for those to come, so, too, will we recover and repair from those shocking events that have threatened our personal security, our community safety, the very character of our State. It is time to have a conversation about violence. Violence in the media that pervades our subconscious; violence in homes, streets, towns and schools; violence in America, violence abroad, violence that has been an all-too-common and all-too-wrong way to resolve differences. Violence that we know all too well this past year on a scale previously unknown to us. On Monday, October 23rd, we boasted that we were the safest State in the nation, with the lowest violent crime rate in the country according to the FBI. We relished the easy comfort of this brand that attracts people to our State, the sense of personal safety along with our natural beauty and the sense of place and community unmatched in other parts of the country. But on October 25th, everything changed. Folks at Just-In-Time Recreation and at Schemengees Bar and Grill in Lewiston, just doing what many people in Maine do all the time; bowling with their kids, enjoying a cold beer and a game of cornhole after work, spending time with family and friends. Those people had their lives shattered by gunfire. Darkness descended on our State. Eighteen people lost their lives to a senseless act of violence; many others were injured. Tens of thousands of people sheltered in place for several days. Restaurants, shops, retailers, public buildings were shuttered. College students locked themselves in libraries and dorms and classrooms. Our streets emptied and an eerie pall of silence enveloped our State.

But those moments of darkness were also punctuated by great heroism. Heroism when Jason Walker, Michael Deslauriers and Joe Walker each rushed the shooter in a courageous attempt to stop him, and lost their lives. Or when Tom Giberti instinctively ushered a group of children out the back door of that bowling alley, getting shot himself seven times in the legs while saving those young lives. Or when someone, still unknown, turned the lights off at Schemengees to obscure the shooter's vision; thank God. And there was heroism as first responders came from far and wide to help and when every doctor, nurse and health care worker at Central Maine Medical Center answered the call and came running and did everything they could to save lives. And when ASL interpreters from near and far, though reeling from the loss of four of their own, stepped up in their own moment of grief to ensure that crucial information was delivered to those who are deaf and hard of hearing. And so many more. Ordinary people demonstrating extraordinary courage, an example of the resilience and resolve of Maine people. And tonight, we are joined by Tom Giberti and by Lewiston Police Chief David St. Pierre, Lisbon Police Chief Ryan McGee, Maine State Police Lieutenant Colonel Brian Scott; all of whom worked with an incredible team of State, county, local, federal officials. And by our wonderful ASL interpreters, Regan Thibodeau, Amanda Eisenhart, Julia Schafer, who remain on the job today. Thank you. Thank you, Tom. Another fact about Tom Giberti is he was the State senior candlepin bowling champion in 2022. Just to put the icing on the cake.

Tonight, we acknowledge all of them, recognizing their heroism and that of their loved ones and in honoring the memories of those we lost. Please know that Maine people are standing by your side, offering what comfort we can in a moment of immeasurable pain. That we know that the pain and hardship of October's tragedy will last a lifetime. And in recognition of that, I propose that we create a fund similar to the one they created in Virginia last year to cover the medical needs, the health needs of those injured last October, long into the future. And I propose that we capitalize it with an initial investment of \$5 million. We know the road to healing will be long, but we will help you walk it.

We also know that many people in Maine still feel a lingering sense of anxiety and vulnerability, a feeling of being unsafe. Our calm complacency has been shaken to the core. Now, I know there are some who may prefer to consider the shootings an aberration, the product of one unstable individual who went on an unconscionable rampage that is unlikely to reoccur. But, hey, many people felt it was unlikely to occur before October 25th. And, honestly, the hope that it won't happen again is of little comfort to the children, the grandchildren, the wives, partners and parents who in an instant lost a child, a spouse, a breadwinner, a staple of the community and who now face an uncertain future without them. It gives no comfort to the people of our second-largest city and its surrounding towns, or to all the businesses, schools, shops and homes where a shooter on the run required them to shelter in place for 48 long hours. It gives no comfort to all to the people last April who were shot by a violent felon, recently released from prison, while they were simply driving down a public highway, minding their business. This after he had already killed his parents and two other people in their home. It gives no comfort to the families who have lost loved ones to the tragedy of suicide or domestic violence. Yes, we're different than other states, but violence is here, it does exist here in the State of Maine, and it strikes at the very heart of who we are and everything we hold dear for this precious place we call home.

I've heard some say that no matter the law, a dangerous person will always find a way and no new laws can prevent that. There is some truth to that. A person who is intent on doing harm to themselves or others for whatever reason may well succeed. But boy, the idea that we shouldn't make laws, change policies, just because they'll be broken creates a cynical attitude that certain bad things are just inevitable, we can't do anything about it. I, for one, refuse to give in to that idea and I refuse to let it stop us from taking action. Some have said, well, it's really just a mental health issue, that we just need to fix our behavioral health system and this violence will end. Well, certainly there may be people with mental health issues who commit violent crimes, but the vast majority of people with those issues do not commit violent crimes and it would be wrong to stereotype anyone who has mental health problems as a potentially violent individual. I've heard others say that we should not do anything until the independent commission finishes its work. Well, they're right that the findings of that commission may very well result in conclusions that need a policy remedy, and we will welcome the commission's conclusions when they're ready. But fixing our laws to address a single attack does nothing to anticipate those other acts of violence which we might, with wise actions, prevent. Actions which might also restore our sense of personal safety, actions whose time, I believe, has come. Because for the sake of the communities, individuals and families now suffering immeasurable pain, for the sake of our State, doing nothing is not an option.

Throughout my time in office, I've tried to bring people together; lawmakers and law enforcement, public health and others; to achieve enduring reforms that strengthen public safety, that protect our constitutional rights and that honor Maine's longstanding outdoor traditions. And you, on a bipartisan basis, have agreed. Together, we've enacted laws that allow judges to remove weapons from people under domestic violence orders, laws to ensure that survivors of domestic violence are notified if their abuser tries to buy a firearm, penalties for straw purchases of firearms, incentives for the safe storage of firearms, funding for the Maine School Safety Center to help make our schools safe and an extreme risk protection law to remove weapons from someone who's a danger to themselves or to others, with appropriate due process protections. These common-sense measures were not easy to achieve. They were the product of great discussion and debate, but together, we got them done and, to me, they're the type of pragmatic and responsible solutions that we can also achieve this session. In recent months, my office has talked with Republican and Democratic lawmakers and people and organizations across Maine, listening to ideas and concerns and trying to develop a balanced approach to this difficult issue. What I heard from folks all across the State is that they recognize the problem of gun violence. They see it in acts of domestic violence, of suicide and mass shootings. And each person had ideas about what we could do to address the problem and each of those ideas was different. But what was not different, what was largely agreed upon, was an overarching belief that violence prevention is important, that we have to strengthen our mental health system and that dangerous people should not have access to firearms. So, out of those discussions, tonight, I'm announcing that I will be filing legislation to address these three major areas of concern. Legislation that would implement meaningful public safety protections, that would honor the rights afforded by our State and federal constitutions to safe and legal gun ownership and that will uphold our State's longstanding outdoor heritage.

First, let's talk about prevention. Many states have programs that approach the issue of violence through the broader lens of public health in order to understand and address long-term trends. Maine is not one of those states, and I'd like to do something to change that. Right now, data about violent injuries and deaths is kept separately in police reports, medical examiner files, vital records, emergency department records. Those things are not easy to understand and analyze. So, tonight, I propose we establish an Injury and Violence Prevention Program at the Maine CDC as a central hub to bring together all this information already collected by diverse entities and sectors like health care, education, social services and criminal justice agencies. Bringing together these data that will allow us to identify patterns to inform public health and prevention measures to reduce suicides and homicides in Maine. Now, let's do a better job at preventing violence to begin with and make Maine a safer State.

Now let's talk about mental health. As I mentioned earlier, Maine; with almost unanimous bipartisan support; enacted an extreme risk protection law that allows a court to order the removal of dangerous weapons from an individual determined by a mental health professional to be a risk to themselves or others. Law enforcement first must take a person into protective custody, at which point they undergo a mental health evaluation and a judge issues a decision on whether to temporarily remove their weapons. Now, this law has come under some scrutiny since the Lewiston shooting, which is appropriate. It's always right to question whether our laws are adequately serving their intended purpose and whether more, if anything, can be done to change or strengthen them. For example, some have questioned the necessity of a mental health assessment, suggesting that it's an unnecessary hurdle that only makes the removal of weapons more difficult. But I believe that the mental health assessment strengthens our law, protects due process rights and makes it less subject to being struck down if anyone were to challenge it. It also serves as a doorway to mental health services that might not otherwise be available to that person. So, this law has been used 94 times in the past 97 days since October 25th. About once a day since the shooting in Lewiston, in courts all over the State; every county. About 15 times more often than it was used the two and a half, three years before that, when it was first implemented. The law is being used and it is working. It's not to say that we shouldn't or can't strengthen the law. For example, we know that even with the progress we've made in recent years to expand behavioral health services, access to those services still can be a serious struggle. I want to expand behavioral health services, particularly for those in crisis. So, I propose that we establish a network of crisis receiving centers across Maine so that any person suffering a mental health crisis can get prompt and appropriate care instead of being alone or languishing in an emergency department or a jail, as is too often the case. And I want to establish the next receiving center in Lewiston, which I will fund; and we will fund it in the forthcoming supplement budget. My bill will direct the Department of Health and Human Services to expand these receiving centers over time into a broader network and provide greater access to services for people. We know those centers work. My administration, with your support, opened the first center in Portland in February of 2022. In 20 months after that, nearly 3,000 people visited the center to get help and resolve a crisis. Since then, we've also announced plans to create a hybrid crisis receiving center in Kennebec County that offers substance use treatment as well. Crisis receiving centers work. Let's build on them.

Now let's talk about how we can keep weapons out of the hands of people who shouldn't have them. We know that in the case of the Lewiston shooter, law enforcement officers were not able to take him into protective custody to initiate our extreme risk protection law to remove his weapons. Whether law enforcement could have or should have done something different is a question that is being heavily scrutinized. But, to me, the fact that they were not able to do that also reveals a gap that must be addressed. What happens in the circumstance when a law enforcement officer knows where a person is, knows they're in trouble; causing trouble; but is unable to take them into protective custody and still believes they pose a likelihood of serious harm to themselves or others? My proposal will close that gap by allowing law enforcement to seek the approval of a judge, in unusual circumstances, to take a person into protective custody and, if deemed dangerous by a medical practitioner and a judge, remove their weapons pending a full court hearing. This will remove a barrier by providing law enforcement with another tool to find the person, with a court order, to ensure that someone is taken into protective custody and their weapons are removed.

Well, this will strengthen the ability of law enforcement to remove weapons from dangerous people who already own them. What about preventing dangerous people from getting a weapon in the first place? I think we can address this, too. When a person is subject to our extreme risk protection law, their name is entered into a national database of persons prohibited from having firearms, a database which includes convicted felons and people subject to a domestic violence order, among other things. In other words, people who we can all agree should not have a dangerous weapon. This is a process that works well if the individual attempts to buy a gun at a federally licensed firearm dealer; your local gun shop or Cabela's or L.L. Bean, for example. There, the dealers are required to verify that a person is legally allowed to buy a weapon through the National Instant Criminal Background Check System, or NICS. If that person is in NICS, they are a prohibited person and the system flags them; the sale is denied. But it's not a process that works well when that very same person can walk out of the gun shop and go to Facebook Marketplace or Craigslist or Uncle Henry's and buy, through private commercial sale, the same weapon they were just denied, a weapon they're not legally allowed to have. In 2016, the broad question of universal background checks was put to Maine people through referendum; whether they wanted to close this so-called private sale loophole. At the time, people rejected it, and that vote has framed my approach to the larger question since then, frankly. But now, in the aftermath of the violence we have seen across Maine, I've asked myself whether this approach is still the correct one. And I've arrived at the conclusion I don't know how we can allow people who legally cannot have guns to buy them through a private sale and pose a risk to themselves or the public, and I do not know how we can hold commercial sellers to a higher standard while allowing an underground market of private commercial sellers to advertise guns for sale without any restrictions. In my conversations with Maine people, I believe they agree. People who can't legally own guns should not have such easy access to them. And I believe the time has come to address the issue of private gun sales.

So, I propose two things. One, that we require any sale of a firearm that is advertised; whether through Facebook, Craigslist, Uncle Henry's, a gun show or other means; require them to be checked against the NICS system, the same system used by licensed firearms dealers. In doing so, we will ensure that when a gun is sold through an advertised sale, it cannot be

sold to someone who is prohibited from having a firearm. Now, secondly, you're probably wondering, well, what about sales that are purely private and not advertised? It's a good question, and that's one I've thought a lot about, too. Because these are the kind of transfers that are most often from one family member to another, from one trusted friend to another, from a neighbor to another. In other words, the type of sale or safe transfer among law-abiding gun owners that is common in our State. We have to acknowledge that someone could sell a weapon, again privately and unadvertised, without knowing whether the buyer is legally allowed to own a weapon. So, I want to encourage people to make damn sure that if they're selling a firearm to someone they don't know, they should know that that person is legally allowed to own a gun. And that's something we can do in a way that respects our longstanding tradition of passing down family firearms from one generation to the next or from one law-abiding gun owner to another. Now, please forgive me in advance, I'm; this is where the former Attorney General in me is going to come out. I know you're all surprised. Right now, it's a crime in Maine, a misdemeanor, for someone to intentionally or knowingly sell a firearm to someone who's a prohibited person; intentionally or knowingly. Well, a lot is riding on whether or not you actually know. I don't think that's quite the right approach. It's too loose a standard. Because the bottom line is you should know, and most gun owners would want to know; it's common sense, it's the right thing to do. So, let's change our law a bit to reflect that. Tonight, I am proposing that we expand our law, improve it, by adding the term "recklessly" to intentionally or knowingly, making it a stronger standard and making it easier to successfully prosecute someone who does sell a gun to someone who's prohibited, not allowed to have a gun. And then on top of that, I propose we toughen the law to make that type of illegal sale a felony, not just a misdemeanor. What does all this mean in practicality? Well, it means if you're transferring a firearm to a relative or a friend you know is allowed to own one, you have nothing to worry about, nothing changes. The longstanding tradition in Maine remains the same. It also means, look, if you're selling to a stranger, you should perhaps visit a licensed firearm dealer to check the NICS system and make sure they're not a prohibited person, because, 'I'm sorry, I just didn't know,' just isn't going to fly like it used to and you wouldn't want a felony charge and the possible prison time that comes along with it, nor would you want to be the one who made a sale to someone who then goes out and does something terrible.

Now, I know it's quite a bit of stuff, so let me recap. Let's strengthen violence prevention by establishing an Injury and Violence Prevention Program at the Maine CDC. Let's expand our crisis mental health system. Let's keep weapons out of the hands of dangerous people by strengthening our extreme risk protection law and by requiring those who advertise guns for sale to check the NICS system and by toughening our law that already makes it illegal to transfer a firearm to a prohibited person. Prevention, mental health, keeping weapons away from dangerous persons; that's what my proposal boils down to. Now, I recognize that on the one hand, this legislation may be too little to those who believe that more is needed, while on the other hand, it may be too much to those who believe the opposite. But violence is not a simple problem and the remedy is not a simple, single measure. And these proposals, I believe, represent progress and they do not trample on anybody's rights. They are practical, common-sense measures. They are not extreme or unusual. They are not a cookie-cutter version of some other state's laws. They are Maine-made and true to our culture and our longstanding traditions while meeting today's

needs. If you are a law-abiding citizen who owns firearms in Maine, you will have nothing to fear. If you're a collector of firearms in Maine, you have nothing to fear. If you like to hunt in Maine; deer, bear, duck, pheasant, coyotes; you have nothing to fear. And if you're a 14-year-old boy bowling with your dad on a weeknight in Lewiston, you, too, should have nothing to fear. If you are a truck driver, a postal carrier or an ASL interpreter with a young wife and four kids at home, or a delivery driver taking an evening off to play cornhole with friends, you should have nothing to fear. If you are a 35-year-old father of two with another on the way who just got his Bachelor's degree from USM, out for a bite to eat with friends, you should have nothing to fear.

Over the last few months, I've been to too many funerals, expressing your condolences for all of you to the loved ones of too many lost too soon. And I've sat with myself and my own conscience, reflecting upon what is right for Maine in the wake of Lewiston and of Bowdoinham and of the tragedies of suicide and domestic violence that are all too prevalent in our society. I hope that you, too, as elected officials of the people, will do the same, reflecting not only on what you may think is right or best, but on what those who disagree with you believe is best as well. The issues of guns in America is so often marred with acrimony and divisiveness, tending to polarize people of good will, further entrenching people in already deeply-held beliefs and positions, hardening our uncharitable opinions of one another and widening a great divide that only serves to immobilize us and obscure reasonable solutions. Let us not lose our way in the vitriol and heated rhetoric that too often accompanies these debates. Let us have substantive, respectful, vigorous discussions and arrive at solutions that work for our State, for our people. It's worth doing. Worth doing for the victims of yesterday's horrors, for the survivors of today and the vulnerable of tomorrow. It is worth doing for Ron Morin, for Peyton Brewer-Ross, for Josh Seal, Bryan MacFarlane, Joe Walker, Arthur Strout, Maxx Hathaway, Steve Vozzella, Thomas Ryan Conrad, Michael Deslauriers II, Jason Walker, Tricia Asselin, William Young, Aaron Young, Bob Violette, Lucy Violette, Billy Brackett, Keith Macneir. And for Cynthia Eaton and David Eaton and Robert Eger, Patricia Eger. For the people who took their own lives and those who were killed by an abuser. For the family and friends who now have to live with the unimaginable pain that comes from losing a loved one to violence, and for anyone who survived that violence but who can never fully heal. We have a lot of work to do in this Body, creating and debating proposals that are balanced and measured, with care, with dignity. But it is worthwhile because one of the fundamental obligations of government is to keep people safe.

As I close, I cannot escape the troubling fact that violence has become all too common in our culture. Acts of brutality, cruelty and anger are glorified and normalized in video games, TV shows, films and social media. Acts that reduce our humanity, that leave us angry and bitter towards one another. Acts that are part of a culture that too often promotes violence as a way to address but never really resolve differences. As a society, we've got to consider how we can reject the vitriol that too often consumes us, how we can tune out the rhetoric of rage, how we can recognize the humanity and dignity of others through our own eyes and how we can lead with grace, compassion and understanding in our own private and public lives. We can't legislate all of this. Instead, I think the true solution lies in our hearts, in the lessons we impart to our children, in our daily interactions with each other, in our spiritual faith; as a people who, despite many differences, truly have more in common than we know, we who walk the same earth,

breathe the same air, striving for purpose, happiness, the chance to love and be loved, to be safe and perhaps to make just a small positive difference in our short, blessed time on this earth. My friends, we cannot this month, this spring, alone, heal every damaged heart or broken life or pretend that we are immune from acts that tear us apart. Nor can we repair every broken brick of every damaged bridge, replace every washed-out culvert, reweave our wooden wharfs or reimagine the contours of our coast in a single moment. We will never forget Lewiston, but neither will we let October 25th define us. We have to embrace each other and believe in each other every day. We are still a civil, safe and welcoming State with a backbone as strong as Katahdin. We are who we always have been, a people with a deep and abiding sense of right and wrong, determined to look out for one another, knowing how very lucky we are to live in this beautiful State. And so, we will repair this scar of violence on our communal soul just as we rebuild our wharves, beaches and bridges; with a cohesive will and a consciousness of the future. As we fortify our State against the ravages of unpredictable storms and the predictability of climate change, so, will we restore and strengthen our sense of personal security and collective safety based on the principles of the Golden Rule; protecting others as we would protect ourselves, in our State and in our nation. And, fundamentally, we will continue to look within ourselves and to each other for the confidence, courage and compassion to face the future, to weather things we've never weathered before, to defeat the dangers of today and prevent the disasters of tomorrow as we replenish our souls and renew our indomitable sense of hope. One people, made up of many, with one purpose, one broad vision; to be the best we can for ourselves, for our family, for each other and for our State. I know that we can, because we are, all of us, the people of the great State of Maine. And the state of our people is good, and the state of our State is strong. And, as always, it is a privilege and honor to serve as your Governor. Thank you.

At the conclusion of the address, Governor Janet T. Mills withdrew amid the applause of the Convention, the audience rising.

The purpose for which the Joint Convention was assembled having been accomplished, the Chair declared the same dissolved.

(After the Joint Convention)

The House was called to order by the Speaker.

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

On motion of Representative DHALAC of South Portland, the House adjourned at 8:08 p.m., until 10:00 a.m., Thursday, February 1, 2024.