

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from electronic originals
(may include minor formatting differences from printed original)

ONE HUNDRED THIRTY-FIRST LEGISLATURE
SECOND REGULAR SESSION
16th Legislative Day
Thursday, February 22, 2024

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

Prayer by Reverend Dr. Bill Gregory, Falmouth.

National Anthem by Cristin Warner, Dexter.

Pledge of Allegiance.

Medical Provider of the Day, Sean Sibley, FNP, Old Town.

The Journal of yesterday was read and approved.

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

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

PETITIONS, BILLS AND RESOLVES REQUIRING REFERENCE

Bill "An Act to Provide Funding to Rebuild Infrastructure Affected by Extreme Inland and Coastal Weather Events" (EMERGENCY)

(H.P. 1426) (L.D. 2225)

Sponsored by Speaker TALBOT ROSS of Portland. (GOVERNOR'S BILL)

Cosponsored by President JACKSON of Arostook.

Committee on **TRANSPORTATION** suggested.

On motion of Speaker TALBOT ROSS of Portland, the Bill was **REFERRED** to the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS**, ordered printed and sent for concurrence.

Pursuant to Statute

Department of Agriculture, Conservation and Forestry

Representative PLUECKER for the **Department of Agriculture, Conservation and Forestry** pursuant to the Maine Revised Statutes, Title 5, section 8072 asks leave to report that the accompanying Resolve, Regarding Legislative Review of Chapter 213: Rules for the Salmonella Enteritidis Risk Reduction and Surveillance Program for Commercial Egg-type Flocks, a Late-filed Major Substantive Rule of the Department of Agriculture, Conservation and Forestry (EMERGENCY)

(H.P. 1427) (L.D. 2226)

Be **REFERRED** to the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** and printed pursuant to Joint Rule 218.

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

The Resolve was **REFERRED** to the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** and ordered printed pursuant to Joint Rule 218.

Sent for concurrence.

Pursuant to Statute
Department of Environmental Protection
Representative GRAMLICH for the **Department of Environmental Protection** pursuant to the Maine Revised Statutes, Title 5, section 8072 asks leave to report that the accompanying Resolve, Regarding Legislative Review of Portions of Chapter 80: Reduction of Toxics in Packaging, a Late-filed Major Substantive Rule of the Department of Environmental Protection (EMERGENCY)

(H.P. 1428) (L.D. 2227)

Be **REFERRED** to the Committee on **ENVIRONMENT AND NATURAL RESOURCES** and printed pursuant to Joint Rule 218.

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

The Resolve was **REFERRED** to the Committee on **ENVIRONMENT AND NATURAL RESOURCES** and ordered printed pursuant to Joint Rule 218.

Sent for concurrence.

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

REPORTS OF COMMITTEE

Change of Committee

Representative PERRY from the Committee on **HEALTH COVERAGE, INSURANCE AND FINANCIAL SERVICES** on Bill "An Act to Lower the State's Health Care Costs"

(H.P. 205) (L.D. 307)

Reporting that it be **REFERRED** to the Committee on **HEALTH AND HUMAN SERVICES**.

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

The Bill was **REFERRED** to the Committee on **HEALTH AND HUMAN SERVICES** and sent for concurrence.

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

COMMUNICATIONS

The Following Communication: (H.C. 424)

STATE OF MAINE

LORING DEVELOPMENT AUTHORITY OF MAINE

154 DEVELOPMENT DRIVE, SUITE F

LIMESTONE, ME 04750

January 25, 2024

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 Loring Development Authority of Maine, due by February 1, 2024.

Don't hesitate to get in touch with me if you have any questions or need additional information.

Thank you.

Very truly yours,

S/Jonathan Judkins President and CEO

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

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

ORDERS

On motion of Representative LAJOIE of Lewiston, the following House Order: (H.O. 41)

ORDERED, that Representative Lynn H. Copeland of Saco be excused Jan 16, Feb 8, 13, 15 and 20 for health reasons.

AND BE IT FURTHER ORDERED, that Representative Danny Edward Costain of Plymouth be excused Feb 8, 13 and 15 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative W. Edward Crockett of Portland be excused Feb 13 for health reasons.

AND BE IT FURTHER ORDERED, that Representative Joseph C. Galletta of Durham be excused Jan 3, 9, 11, 16, 18, 23, 25 and 30 and Feb 1, 6, 8, 13, 15 and 20 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Lori K. Gramlich of Old Orchard Beach be excused Feb 6, 8 and 13 for health reasons.

AND BE IT FURTHER ORDERED, that Representative Randall C. Hall of Wilton be excused Feb 20 for health reasons.

AND BE IT FURTHER ORDERED, that Representative Kathy Irene Javner of Chester be excused Feb 13 and 15 for health reasons.

AND BE IT FURTHER ORDERED, that Representative Christopher J. Kessler of South Portland be excused Feb 13 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Michael H. Lemelin of Chelsea be excused Feb 15 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative H. Sawin Millett Jr. of Waterford be excused Feb 8 for health reasons.

AND BE IT FURTHER ORDERED, that Representative Kevin J. M. O'Connell of Brewer be excused Feb 15 and 21 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Chad Richard Perkins of Dover-Foxcroft be excused Feb 13 and 15 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Holly B. Stover of Boothbay be excused Feb 13 for health reasons.

AND BE IT FURTHER ORDERED, that Representative Tiffany Strout of Harrington be excused Feb 13 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Mark Walker of Naples be excused Jan 30, Feb 1, 6, 8, 13 and 15 for health reasons.

READ and PASSED.

SPECIAL SENTIMENT CALENDAR

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

In Memory of:

Pete Cooper, of Fairfield. Mr. Cooper was head football coach at Lawrence High School for 28 years. His teams won 10 regional titles, and he coached them to three of their four state championships, in 1973, 1983 and 1984. Prior to his stepping down, he was the winningest active coach in Maine high school football, with a record of 205-96-6. The school's stadium, Pete Cooper Stadium, is named in his honor. Later coaching at Bonny Eagle High School, where his son was head coach, he helped build teams that won Class A titles in 2004 and 2005. Mr. Cooper will be long remembered and sadly missed by his family and friends and all those whose lives he touched;

(HLS 755)

Presented by Representative CYRWAY of Albion. Cosponsored by Senator LaFOUNTAIN of Kennebec, Representative RUDNICKI of Fairfield.

On **OBJECTION** of Representative CYRWAY of Albion, was **REMOVED** from the Special Sentiment Calendar.

READ.

On motion of the same Representative, **TABLED** pending **ADOPTION** and later today assigned.

The **SPEAKER**: The Chair recognizes the Representative from Yarmouth, Representative Bell, who wishes to address the House on the record.

Representative **BELL**: I'm here today and rise to acknowledge the presence in the Gallery of Mr. Nat Tupper. Nat Tupper served as Yarmouth's Town Manager for 32 years. He won numerous awards over that time for his work and his leadership, but what stands out for me is his ability to hire and surround himself with people like himself. Selfless public officials, many of whom are here today to celebrate Nat's retirement. At a recognition event last month, a large gathering of Yarmouth folks celebrated Nat's 32 years of service to the town and, true to his nature, Nat deflected attention and instead thanked all those who helped him serve the town all these many years and, most significantly, his family and wife, Judy. Please join me in thanking my friend, Nat Tupper, and wish him well in his much-deserved retirement.

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

Representative **BRIDGEO**: Permission to speak on the record?

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

Representative **BRIDGEO**: Madam Speaker, Members of the House, Nat Tupper and I have been colleagues as City and Town Managers since the days when we both had hair and less expansive waistlines. Indeed, according to Maine Municipal Association records, we both logged over 40 years in one position or another and, in Nat's case, most of it in his position as Yarmouth's highly-respected Town Manager.

I can assure everyone in this Chamber that in a profession where the average tenure in one place is about five years, longevity like Nat's is rare. More important than length of service, however, is the quality of leadership that Nat has consistently provided to the beautiful and vibrant community of Yarmouth. In a low-key and self-assured manner, he has been the steady hand that literally generations of local elected and

appointed town officials have been able to rely upon for advice and mentorship through both good and difficult times.

The position of Town Manager puts heavy demands on one's personal life and requires much sacrifice. Representative Bell knows this and certainly speaks for the townspeople of Yarmouth when he expressed his gratitude to Nat for all that he has done. Over the years, Nat has also provided leadership to our State Municipal Managers Association, serving in most of its key positions, including as Association President in 2007 and 2008. In 2013, he was the recipient of the Association's Manager of the Year Award. I am proud and happy to call Nat Tupper my friend and to add my voice to those wishing him well as he embarks on the next chapter of his life. Thank you, Madam Speaker.

REPORTS OF COMMITTEE

Divided Reports

Majority Report of the Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-763)** on Bill "An Act to Establish the African American Studies Advisory Council and Require Funding for African American Studies"

(H.P. 1279) (L.D. 2001)

Signed:

Senators:

RAFFERTY of York
LIBBY of Cumberland
PIERCE of Cumberland

Representatives:

BRENNAN of Portland
DODGE of Belfast
MILLETT of Cape Elizabeth
MURPHY of Scarborough
SARGENT of York
WORTH of Ellsworth

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

Signed:

Representatives:

BAGSHAW of Windham
LYMAN of Livermore Falls
POLEWARCZYK of Wiscasset
SAMPSON of Alfred

READ.

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

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

Representative **SAMPSON**: Thank you, Madam Speaker, Ladies and Gentlemen of the House. I oppose this motion and I request a Roll Call, please.

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

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

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

Representative **LYMAN**: Good morning, Madam Speaker, Members of the House. I have great respect for a present legislator that often says, hear what I am saying and not what I'm not saying, and I'm going to ask everyone here to do that.

This bill might lead some to believe that the Wabanaki and African American curricula is missing from our schools. I want to assure everyone that is not the case. I one hundred percent support the teaching of Tribal and African American history as well as any ethnic groups that were and are a part of the building of a new country, with all its struggles, tragedies, growth and celebrations. I am concerned about some inaccurate information and/or potential misrepresentation of what is actually happening in our schools' curricula in regards to these educational experiences. I taught Tribal and African American content every year of my teaching. It wasn't just a part of Social Studies, it was integrated into writing, literacy and any content area that would allow the students to make stronger connections to their understandings. When it comes to establishing and implementing curricula for the learners, every school unit has a number of trained professionals leading this work. Within the profession, there are numerous professional learning communities meeting consistently to make decisions on curricula. There are curriculum committees made up of diverse stakeholders. There are numerous professional development opportunities and resources. There are curriculum leaders, best practice mentors, and this list could go on much further. The point is let's leave this work to the trained professionals within the educational field and to our local.

We must prioritize the allocation of the money allocated for education. Every one of us in this Chamber has heard the concerns of the loss of teachers, ed techs and support staff. This fiscal note of three-plus million could go a significant way in increasing the pay for people working directly with our students. Thank you.

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

Representative **BRENNAN**: Thank you, Madam Speaker, Men and Women of the House. I respect the comments of the Good Representative from Livermore Falls, but the simple fact of the matter is this is an exceptionally good bill and it represents the collective work of all the stakeholders in the State of Maine that had an interest in this, as well as the Department of Education. And it is done the right way, which is what we've done is put into place an advisory committee of experts and people that have expertise in these issues that's going to work with the Department of Education and work with local communities.

In the State of Maine, we relish local control, and what this bill does is provide the resources through the Department to local communities to be able to make sure that teachers, staff and students have a robust experience in looking at Wabanaki studies and African American studies. So, the way this is structured provides grants to local school districts to be able to have the resources in order to move forward on these issues. It also provides money for other parts of the learning results that people are interested in making sure that we again have very robust and very comprehensive approaches to financial literacy, to civics and other issues within the learning results.

So, there may be some things that people could say about this particular bill, but it's crafted in a way that, again, respects local teachers, local school districts and the development of local curricula but provides the resources at the State level that is appropriate to allow that to happen. So, I'm very pleased to stand today in support of this bill, the collective effort of all the people that were involved with this, we had extensive public hearings in the Education Committee as well as work sessions, and I think it's a very thoughtful approach for making sure that we extend these issues to students and working with staff at the local level. Thank you very much.

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

Representative **THORNE**: Thank you, Madam Speaker. Out in the hallway, I was met by one of my constituents who is a teacher in the Hermon school district and he handed me a couple sheets on his priorities to raise the pay of support staff; two LDs I won't mention because they're not pertinent to this, other than to say we don't have an unlimited amount of money to give to teachers, educators, programs. We have to select those ones which we have. And my constituent mentioned to me that ed techs would be seen by some of their students working at a fast-food drive-through or some other place where they were waiting on their students so they could make pay. By the numbers, as these say, important support staff amounts, raised pay for educators, hourly employees paid time, all these things have to be taken into consideration when we as a legislative Body decide how we are going to dole out money for our education system to help educate our students. I think that putting that money towards attracting and keeping and retaining teachers would go a lot longer than it would for something that is already taught in our school systems. Thank you, Madam Speaker.

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

ROLL CALL NO. 373

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

NAY - Albert, Andrews, Arata, Ardell, Blier, Boyer, Bradstreet, Campbell, Carlow, Collamore, Cray, Cyway, Davis, Drinkwater, Ducharme, Faulkingham, Foster, Fredericks, Gifford, Greenwood, Guerrette, Haggan, Henderson, Hymes, Javner, Lavigne, Lemelin, Libby, Lyman, Mason, Millett H, Morris, Ness, Newman, Nutting, Parry, Paul, Perkins, Poirier, Polewarczyk, Pomerleau, Quint, Rudnicki, Sampson, Simmons, Soboleski, Strout, Swallow, Theriault, Thorne, Underwood, Walker, White J, Woodsome.

ABSENT - Adams, Babin, Bagshaw, Bell, Boyle, Carmichael, Costain, Dunphy, Eaton, Galletta, Griffin, Hall, Jackson, O'Connell, O'Neil, Schmursal-Burgess, Skold, Smith, Wood.

Yes, 77; No, 54; Absent, 19; Vacant, 1; Excused, 0.

77 having voted in the affirmative and 54 voted in the negative, 1 vacancy with 19 being absent, and accordingly the Majority **Ought to Pass as Amended** Report was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (H-763)** 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-763)** and sent for concurrence.

Majority Report of the Committee on **JUDICIARY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-761)** on Bill "An Act to Amend a Notice Provision Regarding Registration of Out-of-state Child Custody Determinations Under the Uniform Child Custody Jurisdiction and Enforcement Act"

(H.P. 1340) (L.D. 2081)

Signed:

Senators:

CARNEY of Cumberland
BAILEY of York
BRAKEY of Androscoggin

Representatives:

MOONEN of Portland
KUHN of Falmouth
LEE of Auburn
MORIARTY of Cumberland
POIRIER of Skowhegan
SHEEHAN of Biddeford

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

Signed:

Representatives:

ANDREWS of Paris
HAGGAN of Hampden
HENDERSON of Rumford

READ.

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

The Bill was **READ ONCE**. **Committee Amendment "A" (H-761)** 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-761)** and sent for concurrence.

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

Majority Report of the Committee on **STATE AND LOCAL GOVERNMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-760)** on Bill "An Act to Prohibit Certain Municipalities from Adopting Moratoria on Emergency Shelters"

(H.P. 1370) (L.D. 2146)

Signed:

Senators:

NANGLE of Cumberland
BALDACCI of Penobscot

Representatives:

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

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

Signed:

Senator:

LYFORD of Penobscot

Representatives:

ADAMS of Lebanon

GREENWOOD of Wales

POMERLEAU of Standish

UNDERWOOD of Presque Isle

READ.

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

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

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

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

Representative **GREENWOOD**: Thank you, Madam Speaker, Ladies and Gentlemen of the House. I rise in opposition to the pending motion. The bill before us, initially, was put in according to some testimony because the City of Lewiston wanted to claim home rule. The City of Lewiston placed a moratorium on emergency shelters. The City of Lewiston did it right, they followed the law, they put together their ordinances, the moratorium was no longer needed and the issue, I thought, would've been settled.

Home rule means that the best people to take care of the municipality and the community are those in it. Maine has been a positive home rule State. We just heard from the Good Representative from Portland, Representative Brennan, in the State of Maine, we relish local control.

The bill before us, the amended version goes even worse. It says that any community over 20,000 in population; which I believe is 11, I asked for the data during the work session and wasn't successful in getting it, but somebody mentioned it might be 11; that those 11 communities don't deserve local control. Those 11 communities shouldn't be able to stop something before it happens and decide what's best for their community.

I'll give you an example of local control and moratoriums in my community. A couple of years ago, when the solar boom was rolling, we had a couple of solar farms that were looking to come into Wales. We didn't have any ordinances to deal with it, there was really no guidance from the State at all. So, our town voted at a town meeting to put a moratorium, which is in Statute that says we can do that, so that we can get our ordinances in order. We put the best and the brightest we had, our Planning Board, our municipal staff, so we could put that ordinance together, and we have an ordinance and we have solar farms coming into Wales. But because of home rule, we were able to determine what is best for the Town of Wales. This bill is completely taking away local control and I ask the Members of this Body to vote no on the pending motion. Thank you.

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

Representative **STOVER**: Thank you, Madam Speaker. Madam Speaker and Members of the House, I rise today to speak in strong support of the measure before us, which would prohibit municipalities with populations of 20,000 or more from passing moratoria on emergency shelters.

We talk so often about the housing crisis in this Body and the need to build more affordable housing, and we are working diligently to address the structural and longstanding issues that have led us to this crisis. But while we do that work, every day, thousands of Mainers are forced to go without housing and without shelter of any kind. During the depths of the Maine winter and amidst increasingly severe storm events, these conditions are especially dangerous. According to Maine Housing, homelessness in Maine has more than doubled in the last decade, from 1200 people in 2014 to 4258 people in 2023. Many folks experiencing homelessness now include families and those grappling with mental health and substance use disorders. When we fail to ensure that safe shelter is available to everyone, we all suffer. The burden for an inadequate shelter space is not only felt in the single city or town, it impacts our jails and prisons, law enforcement agencies, hospitals and it impacts neighboring communities who have to pick up the slack. This is why we cannot allow especially large municipalities in Maine that serve as regional service centers to pass moratoria on emergency shelters. It unfairly burdens other communities and puts already vulnerable Mainers at greater risk.

LD 2146 would very simply prohibit municipalities with populations greater than 20,000 from banning emergency shelters. Maine can solve the housing and homelessness crisis, but it's going to require every single community do its part. And at a time when housing options are limited and our unsheltered populations continue to grow, it is imperative that we not stand in the way of establishing badly needed emergency shelters in municipalities across Maine. Thank you.

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

Representative **LIBBY**: Thank you, Madam Speaker. Madam Speaker, I don't know if I've ever uttered these words; I didn't plan to rise today, but today I will. I did not intend to rise on this bill today. But in discussing this bill with some folks, it reminded me of a bill that we handled in the 130th. Back then, the Honorable Representative Bickford submitted a bill, it was regarding the much-contested Ag zone in Auburn. And many of my colleagues on this side of the aisle supported that bill and I opposed it for the very simple reason; I didn't disagree with the concepts within the bill itself but I couldn't support taking that local control away from Auburn. That was the question at hand. It was an act to prohibit a municipality from establishing income requirements in residential zoning and I didn't support it because it was Auburn's problem to decide and fix. And I can't say that I agree or disagree with municipalities adopting moratoria on emergency shelters, but that is their issue to resolve, not ours. And so, as we contemplate this bill, the question is not really if we support moratoria on emergency shelters, the question is if we believe in local control and home rule. And so, I will be voting against the pending motion because, whether I agree with Lewiston or other towns or not, I think that is their job and their citizens' job to determine where they stand on the issue. So, I thank you and ask folks to follow my light and vote for local control and home rule.

The SPEAKER: The Chair recognizes the Representative from East Machias, Representative Davis.

Representative **DAVIS**: Thank you, Madam Speaker, and Members of the House. I, myself, am the First Selectperson for the Town of East Machias and have been for over 25 years. The home rule authority was established here in the State of Maine in 1969 and it empowers the towns and the cities the right to have moratoriums and to set up their ordinance. A moratorium, the town can do it in 180 days then after that, you know, they have to get everything lined up for the ordinance and have the

vote of the people. We have done it quite a few times in my town. In fact, about 18 years ago, I took the State on with a home rule authority and won. I do agree with the Good Representative from Wales that this is a wrong move for the State of Maine and I question if it's legal to do this. Thank you.

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

ROLL CALL NO. 374

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

NAY - Albert, Andrews, Arata, Ardell, Blier, Boyer, Bradstreet, Campbell, Carlow, Collamore, Cray, Cyrway, Davis, Drinkwater, Ducharme, Dunphy, Faulkingham, Foster, Fredericks, Gifford, Greenwood, Guerrette, Haggan, Henderson, Hepler, Hobbs, Javner, Lanigan, Lavigne, Lemelin, Libby, Lyman, Mason, Millett H, Morris, Ness, Newman, Nutting, Parry, Paul, Perkins, Poirier, Polewarczyk, Pomerleau, Quint, Rudnicki, Sampson, Shaw, Simmons, Soboleski, Strout, Swallow, Theriault, Thorne, Underwood, Walker, White J, Woodsome.

ABSENT - Adams, Babin, Bagshaw, Boyle, Carmichael, Costain, Eaton, Galletta, Griffin, Hall, Hymes, Jackson, O'Connell, O'Neil, Schmersal-Burgess, Skold, Smith, Wood.

Yes, 74; No, 58; Absent, 18; Vacant, 1; Excused, 0.

74 having voted in the affirmative and 58 voted in the negative, 1 vacancy with 18 being absent, and accordingly the Majority **Ought to Pass as Amended** Report was **ACCEPTED**.

The Bill was **READ ONCE. Committee Amendment "A" (H-760)** 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-760)** and sent for concurrence.

CONSENT CALENDAR

First Day

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

(S.P. 851) (L.D. 2023) Bill "An Act to Make Technical Changes to Maine's Tax Laws" Committee on **TAXATION** reporting **Ought to Pass**

(S.P. 627) (L.D. 1596) Bill "An Act to Facilitate the Creation of an Aroostook County Drug Treatment Court" Committee on **JUDICIARY** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-526)**

(S.P. 864) (L.D. 2036) Bill "An Act to Remove the Exemption for Certain Roadside Springs from Regulation as Public Water Systems in the Laws Regarding Water for Human Consumption" Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-524)**

(S.P. 878) (L.D. 2085) Bill "An Act to Update Maine's Domestic Violence and Stalking Laws" (EMERGENCY) Committee on **JUDICIARY** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-528)**

(S.P. 884) (L.D. 2091) Bill "An Act Regarding Businesses' and Consumers' Use of Returnable, Reusable and Refillable Containers for Food, Beverages and Nonfood Items" Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-529)**

(S.P. 888) (L.D. 2095) Bill "An Act to Require Reporting of Child Abuse and Neglect to Military Family Advocacy Programs" Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-523)**

(S.P. 896) (L.D. 2103) Bill "An Act to Protect Victims of Domestic Abuse and Violence by Amending the Law Regarding Proximity Restrictions in Final Protection from Abuse Orders" Committee on **JUDICIARY** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-527)**

(H.P. 1385) (L.D. 2165) Resolve, Regarding Legislative Review of Portions of Chapter 270: Uniform Reporting System for Quality Data Sets, a Major Substantive Rule of the Maine Health Data Organization (EMERGENCY) Committee on **HEALTH COVERAGE, INSURANCE AND FINANCIAL SERVICES** reporting **Ought to Pass**

(H.P. 1136) (L.D. 1773) Bill "An Act to Increase the State's Share of the Cost of Health Insurance for Retired Teachers" (EMERGENCY) Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-762)**

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

There being no objection, the Senate Papers were **PASSED TO BE ENGROSSED** or **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.

ENACTORS

Emergency Measure

An Act to Transfer the Monhegan Water Company to Monhegan Plantation and to Repeal the Monhegan Water Company Charter

(H.P. 231) (L.D. 380)
(C. "A" H-744)

Was reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 116 voted in favor of the same and 0 against, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

Emergency Measure

Resolve, to Establish the Blue Ribbon Commission to Make Recommendations on the Continuum of Long-term Care Options

(S.P. 743) (L.D. 1827)
(C. "A" S-521)

Was reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 108 voted in favor of the same and 0 against, and accordingly the Resolve was **FINALLY PASSED**, signed by the Speaker and sent to the Senate.

Emergency Measure

Resolve, Regarding Legislative Review of Portions of Chapter 355: Coastal Sand Dune Rules, a Major Substantive Rule of the Department of Environmental Protection

(H.P. 1389) (L.D. 2168)

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

Emergency Measure

Resolve, to Correct the Designation of a Bridge in Canaan to Be Named After Staff Sergeant Richard Gerald Salsbury

(S.P. 928) (L.D. 2183)

Was reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 119 voted in favor of the same and 0 against, and accordingly the Resolve was **FINALLY PASSED**, signed by the Speaker and sent to the Senate.

Acts

An Act to Increase the Expenditure Limit for Informal Bidding Processes and Update References to the Office of Procurement Services

(H.P. 1309) (L.D. 2047)

An Act to Require the State Board of Examiners of Psychologists and the Board of Examiners in Physical Therapy to Obtain Fingerprint-based Federal Bureau of Investigation Criminal Background Checks for Applicants for Licensure

(H.P. 1319) (L.D. 2057)
(C. "A" H-747)

An Act to Clarify Liability Under the Uncontrolled Hazardous Substance Site Law and to Waive a Fee Regarding Voluntary Response Action Plans

(H.P. 1328) (L.D. 2066)
(C. "A" H-748)

An Act Regarding Responsibility for Activities Intended to Increase the Use of Refillable and Reusable Beverage Containers

(H.P. 1358) (L.D. 2134)
(C. "A" H-745)

An Act Removing the Lobster Advisory Council from the State Government Evaluation Act Review Requirements

(H.P. 1415) (L.D. 2208)

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

Resolves

Resolve, Designating Route 127 in Arrowsic the Private Merwin A. Delano, Jr. Memorial Highway

(H.P. 1318) (L.D. 2056)
(C. "A" H-742)

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

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

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

SENATE PAPERS

The following Joint Order: (S.P. 952)
ORDERED, the House concurring, that when the Senate and House adjourn, they do so until Tuesday, February 27, 2024, at 10:00 in the morning, or until the call of the President of the Senate and the Speaker of the House, respectively.

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

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

Representative **THERIAULT**: Madam Speaker, I request unanimous consent to address the House on the record.

Representative **ANDREWS**: I object.
Speaker **TALBOT ROSS** of Portland moved that the rules be **SUSPENDED** for the purpose of allowing Members to speak on the record.

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

Representative **ANDREWS**: I object and request a Roll Call and wish to speak to my motion.

Representative **ANDREWS** of Paris **REQUESTED** a roll call on the motion to **SUSPEND** the rules for the purpose of allowing Members to speak on the record.

Fewer than one-fifth of the members present expressed a desire for a roll call which was not ordered.

Subsequently, the rules were **SUSPENDED** for the purpose of allowing Members to speak on the record.

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

Representative **THERIAULT**: Thank you, Madam Speaker, and Members of the House. I simply want to say in reference to Roll Call No. 372 on LD 2130, had I been present, I would have voted no. Thank you.

The SPEAKER: The Chair recognizes the Representative from Madison, Representative Ducharme, who wishes to address the House on the record.

Representative **DUCHARME**: Thank you, Madam Speaker. Madam Speaker, Men and Women of the House, in reference to Roll Call No. 372 on LD 2130, had I been present, I would have voted nay.

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

Representative **LIBBY**: Thank you Madam Speaker, I request unanimous consent to address the House on the record.

The SPEAKER: The Representative may proceed on the record.

Representative **LIBBY**: Thank you, Madam Speaker. Had I been present on February 21st for Roll Call 372 on LD 2130, I would have voted in opposition.

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

On motion of Representative THERIAULT of Fort Kent, the House adjourned at 12:16 p.m., until 10:00 a.m., Tuesday, February 27, 2024, or until the call of the Speaker of the House and the President of the Senate, respectively, pursuant to the Joint Order (S.P. 952).