

MAINE STATE LEGISLATURE

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ONE HUNDRED THIRTY-FIRST LEGISLATURE
SECOND REGULAR SESSION
29th Legislative Day
Monday, March 25, 2024

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

Prayer by Pastor Scott Taylor, Hermon Baptist Church.
National Anthem by Gray-New Gloucester High School Band, Gray.

Pledge of Allegiance.

The Journal of Thursday, March 21, 2024 was read and approved.

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

COMMUNICATIONS

The Following Communication: (H.C. 458)

**STATE OF MAINE
ONE HUNDRED AND THIRTY-FIRST LEGISLATURE
COMMITTEE ON VETERANS AND LEGAL AFFAIRS**

March 21, 2024

The Honorable Troy D. Jackson
President of the Senate

The Honorable Rachel Talbot Ross
Speaker of the House of Representatives
131st Legislature
State House
Augusta, ME 04333

Dear President Jackson and Speaker Talbot Ross:

Please accept this letter as the report of the Joint Standing Committee on Veterans and Legal Affairs from its review and evaluation of the Department of Administrative and Financial Services, Office of Cannabis Policy under the State Government Evaluation Act, Title 3 Maine Revised Statutes, chapter 35. The committee unanimously finds that the Office of Cannabis Policy is operating within its statutory authority.

The committee encourages the Office of Cannabis Policy to continue working to promote the health and well-being of the people of the State and advance policies that protect public health and safety, emphasizing the health and well-being of minors, as priority considerations in performing all duties; ensure that the administration and enforcement of the laws, rules and regulations of the Cannabis Legalization Act and the Maine Medical Use of Cannabis Act are consistent, predictable and equitable; ensure that qualifying patients maintain access to high-quality, effective and affordable cannabis for medical use; and develop good-faith partnerships between the Office of Cannabis Policy and the stakeholders who participate in and benefit from this emerging manufacturing industry, as set forth in pending legislation to be reported out of committee.

Given the newness of the agency, the industry and the changing landscape of federal cannabis policy, the committee may schedule a follow-up review with the Office of Cannabis Policy in the 133rd Legislature to evaluate the progress of the agency in meeting the recommendations of this committee report. The committee will provide the agency with written notification of its intent to conduct a follow-up review by May 1, 2027. The follow-up review may consist of written progress reports, public hearings with the

agency and the committee, or briefings with stakeholders and the committee.

Sincerely,
S/ Sen. Craig Hickman
Senate Chair
S/Rep. Laura D. Supica
House Chair

READ and ORDERED PLACED ON FILE.

The Following Communication: (S.C. 1037)

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

March 21, 2024

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

Dear Speaker Talbot Ross:

In accordance with 3 M.R.S.A. §158 and Joint Rule 506 of the 131st Maine Legislature, please be advised that the Senate today confirmed the following nominations:

Upon the recommendation of the Committee on Innovation, Development, Economic Advancement and Business:

- Andrew T. Mueller, M.D. of Cumberland for appointment, to the Finance Authority of Maine,
- James P. Gardner, Jr. of Easton for appointment, to the Loring Development Authority of Maine,
- Lee Jay Feldman of Lisbon for reappointment, to the Maine Redevelopment Land Bank Authority,
- Laura S. Burden of Portland for reappointment, to the Maine Redevelopment Land Bank Authority.

Upon the recommendation of the Committee on Labor and Housing:

- Nathan Burnett of Hiram for appointment, to the Maine Public Employees Retirement System Board of Trustees,
- Kirk Duplessis of Gardiner for appointment, to the Maine Public Employees Retirement System Board of Trustees,
- Brian H. Noyes of South Freeport for reappointment, to the Maine Public Employees Retirement System Board of Trustees.

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

READ and ORDERED PLACED ON FILE.

**PETITIONS, BILLS AND RESOLVES REQUIRING
REFERENCE**

Resolve, Authorizing the Commissioner of Administrative and Financial Services to Convey by Sale the Interests of the State in 3 Properties Located in Biddeford, Sanford and York

(H.P. 1464) (L.D. 2277)

Sponsored by Representative GERE of Kennebunkport.
(GOVERNOR'S BILL)

Cosponsored by Senator PIERCE of Cumberland and Representatives: MALON of Biddeford, MASTRACCIO of Sanford, RUNTE of York, SARGENT of York, SHEEHAN of Biddeford, STOVER of Boothbay, Senator: VITELLI of Sagadahoc.

Joint Select Committee on **HOUSING** suggested and ordered printed.

REFERRED to the Joint Select Committee on **HOUSING** and ordered printed.
Sent for concurrence.

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

REPORTS OF COMMITTEE

Ought to Pass Pursuant to Joint Order

Representative LANDRY for the **Joint Standing Committee on Inland Fisheries and Wildlife** on Bill "An Act to Increase Funding for the Snowmobile Trail Fund and the ATV Recreational Management Fund"

(H.P. 1463) (L.D. 2276)

Reporting **Ought to Pass** pursuant to Joint Order 2023, H.P. 1438.

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

The Bill was **READ ONCE**.

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

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

Refer to the Committee on Veterans and Legal Affairs Pursuant to Joint Rule

Report of the **Joint Standing Committee on Veterans and Legal Affairs** on Bill "An Act to Implement the Recommendations of the Gagetown Harmful Chemical Study Commission and to Reestablish the Gagetown Harmful Chemical Study Commission" (EMERGENCY)

(S.P. 990) (L.D. 2274)

Reporting that it be **REFERRED** to the Committee on **VETERANS AND LEGAL AFFAIRS** pursuant to Joint Rule 353, subsection 8.

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

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

The Bill was **REFERRED** to the Committee on **VETERANS AND LEGAL AFFAIRS** in concurrence.

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

Divided Reports

Majority Report of the Committee on **LABOR AND HOUSING** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-592)** on Bill "An Act to Make Long-term Disability Insurance Coverage Available to Public Employees"

(S.P. 479) (L.D. 1152)

Signed:

Senators:

TIPPING of Penobscot
DAUGHTRY of Cumberland

Representatives:

ROEDER of Bangor
GEIGER of Rockland
GERE of Kennebunkport
MALON of Biddeford
RUSSELL of Verona Island

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

Signed:

Senator:

POULIOT of Kennebec

Representatives:

BRADSTREET of Vassalboro
DRINKWATER of Milford
SOBOLESKI of Phillips

Came from the Senate with the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-592)**.

READ.

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

Representative BRADSTREET of Vassalboro **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 Vassalboro, Representative Bradstreet.

Representative **BRADSTREET**: Thank you, Madam Speaker, Ladies and Gentlemen of the House. I rise in opposition to the pending motion. We can certainly understand the untenable situation many people are placed in when they reach a situation that this bill seeks to address. We also understand that, unlike its original form, it's no longer a mandate on the local municipalities; so, that's a good thing; but it carries a \$3 million to \$7 million price tag to the State each and every year, and that will increase. Currently, employers are able to negotiate this particular situation with their employees so that they can either have that as part of the benefits that they give or could be even paid for 100% by the employees. But this is going to place the State responsible for 100% of the cost. And one thing that the Department of Administrative and Financial Services did state in their testimony, even before the final version of the bill was presented, is that by doing this, they may inadvertently narrow the scope of what they're able to do in other benefits. They have to measure this in relationship to other benefits they could give and if this is mandated, that takes that off the table. So, therefore, it, in effect, it could limit what the future may be for a lot of employees. So, that's why I'm opposed to the bill in its present form, Madam Speaker.

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

Representative **ROEDER**: Thank you, Madam Speaker. Madam Speaker, this bill is a result of the Disability Working Group that spent a lot of time studying exactly the path forward, and this is the legislation as a result of that. The wide swing between \$3.2 and \$7.7 million on the fiscal note is because they investigate; ME PERS investigated three different insurance companies to provide this. They will, of course, vet them because we know that ME PERS puts a lot of thought and effort into protecting their employees, and that's why I'm voting for it. It gives needed coverage that is currently not in place. Thank you.

The SPEAKER: The Chair recognizes the Representative from Milford, Representative Drinkwater.

Representative **DRINKWATER**: Thank you, Madam Speaker. Madam Speaker, I'd just like to read a couple paragraphs from Maine Municipal Association and their testimony.

Municipal leaders strongly oppose LD 1152 as it shifts decision-making authority away from the local legislative body. Additionally, LD 1152 seeks to place an unwelcome wedge between municipal employees and employers. We already have the authority to negotiate wages and salaries. While the Legislature inserts itself into this discussion, it tips the scale in favor of employee groups to the disadvantage of the property owners who are left to pay more without any vote.

That's their testimony. 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. 419

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

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

ABSENT - Adams, Bagshaw, Boyle, Carmichael, Collamore, Copeland, Costain, Crockett, Eaton, Galletta, Haggan, Lanigan, Lavigne, Millett R, O'Connell, Pringle, Riseman, Russell, Skold, Williams.

Yes, 72; No, 59; Absent, 20; Vacant, 0; Excused, 0.

72 having voted in the affirmative and 59 voted in the negative, with 20 being absent, and accordingly the Majority **Ought to Pass as Amended** Report was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (S-592)** was **READ** by the Clerk and **ADOPTED**.

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

Under further suspension of the rules the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (S-592)** in concurrence.

Majority Report of the Committee on **TAXATION** reporting **Ought Not to Pass** on Bill "An Act to Change Maine's Tax Laws" (S.P. 217) (L.D. 499)

Signed:

Senators:

GROHOSKI of Hancock
LIBBY of Cumberland

Representatives:

PERRY of Bangor
CARMICHAEL of Greenbush
CROCKETT of Portland
HASENFUS of Readfield
LIBBY of Auburn
MATLACK of St. George
QUINT of Hodgdon
RANA of Bangor
RUDNICKI of Fairfield

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (S-591)** on same Bill.

Signed:

Senator:

CHIPMAN of Cumberland

Came from the Senate with the Majority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED**.

READ.

On motion of Representative PERRY of Bangor, the Majority **Ought Not to Pass** Report was **ACCEPTED** in concurrence.

Majority Report of the Committee on **TAXATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-595)** on Bill "An Act to Amend Certain State Tax Laws" (S.P. 856) (L.D. 2028)

Signed:

Senator:

LIBBY of Cumberland

Representatives:

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

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "B" (S-596)** on same Bill.

Signed:

Senators:

GROHOSKI of Hancock
CHIPMAN of Cumberland

Representatives:

CROCKETT of Portland
HASENFUS of Readfield
MATLACK of St. George
RANA of Bangor

Came from the Senate with the Minority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (S-596)**.

READ.

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

Representative RUDNICKI of Fairfield **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 Auburn, Representative Libby.

Representative **LIBBY**: Thank you, Madam Speaker. Madam Speaker, before we vote on this bill, I just would like to highlight a few things about it. First of all, starting with the title; "An Act to Amend Certain State Tax Laws". Just to be clear, it could be called 'An Act to Provide a New Tax on Tobacco,' because that's really what this bill does.

So, just to clarify a few things, I would like to highlight the Majority versus the Minority Report, as the Good Representative moved not just the Amendment "B," but the Minority Report of the Committee. The Committee did great work on this bill and the Majority Report is revenue neutral. The Minority Report that is now being moved forward is not revenue neutral, but introduces, essentially, a new tax on tobacco. Interesting after the good work of the bipartisan report from our Committee that the Minority Report is moved, but I want to give a couple notes on that. You know, we talk about harm reduction in this Chamber and instead of encouraging harm reduction with this bill, we're actually hindering that. We are not voting on our personal feelings on tobacco; or at least, I'm not, Madam Speaker, I'm not a smoker; never have been, never will be; but this doesn't have to do with my health choices. This has to do with whether we should institute a new tax on Maine people or not.

It's interesting to me, Madam Speaker, any time that we have a bill come before us in this Chamber that has to do with tobacco, you may notice your email inbox fills. Why is that? Madam Speaker, when we vote on tobacco, Maine people pay attention. And with this bill, to this point, they've paid attention to the total of 1,402 emails in my inbox regarding this bill. Interestingly to me, 100% of those 1,402 emails are in opposition to this bill. I'm assuming that most legislators in this Chamber have a similar number to those 1,402 emails in their inbox in opposition to this bill. Many may have just hit delete, which is understandable, that's a lot of emails, so, I wanted to bring attention to the fact that Maine people are paying attention to what we're doing on this bill. They know that it's not just an act to amend certain State tax laws, but that it is a bill to institute a new tax on tobacco. I can't speak to motive, I can't speak to why the Good Representative from Bangor is on the Majority Report making it bipartisan, but I suspect that he is paying attention to what his folks in his district want.

Noting that Maine people are paying attention to this bill, Madam Speaker, you know, I know where the folks on this side of the aisle sit with voting on this bill. I don't know where everyone on the opposite side of the aisle sits on voting on this bill, but, you know, for any legislators that sit on the other side of the aisle that might be facing a challenging reelection or live in a tough district that actually leans the other way, I would encourage them to vote yes on this Minority Ought to Pass. Because, after all, this is an election year, 2024, and Maine people are watching. Thank you, Madam Speaker.

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

Representative **PERRY**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House, we've heard some information on this bill but I'm not sure we've heard exactly what the bill is or what it does, so, I thought I'd just walk through it for you. The two Reports agree to everything that's in this bill. This is an annual bill for Maine revenue that tightens things up, addresses mostly minor things in the law just as a conformity-type bill. And this was brought forward as a conformity piece from Maine Revenue, I don't believe there was any motive beyond that, that this was outside of conformity. I was opposed to it, certainly, at the beginning, when it appeared to me that we were bringing a new item into taxation.

So, these are Health and Human Services rules that determine what a tobacco product is, and then taxation is based on this scope. And so, all tobacco taxation in the State of Maine is based on the excise tax rate for cigarettes, and it is products that are either tobacco or derived from tobacco. In the past, there's never been a synthetic nicotine; all the nicotine in the past have been derived from tobacco. So, this was a new item that I felt probably should have its own public hearing to see if we're in agreement that nicotine derived from a synthetic base should be considered the same. And that was when this was a unique product, the first time we would be doing this. But through the public hearing, I learned that some vape that's already taxed at the cigarette rate is derived synthetic. So, in that view, it does seem like the delivery method is more of simple conformity, it's not synthetic taxed for the same time, it's just, are we going to chase every new product individually or are we just going to say that synthetic nicotine is viewed the same as tobacco derived nicotine?

So, that's where Report "B" came down was, yeah, we'll just consider all nicotine products the same, unless they are an FDA-approved cessation device, which these things are not. And where the conflict is, a lot of people do use these for cessation, but apparently, there's growing evidence that young people are getting them because it's harder and harder to vape. So, half the Committee came down on it being simple conformity, the other half thought it was bigger than that, and I'm kind of torn in the middle on this and have moved where I see the will of the majority of my caucus is at, that was in the Minority Report. Thank you.

The **SPEAKER**: The Chair recognizes the Representative from St. George, Representative Matlack.

Representative **MATLACK**: Thank you, Madam Speaker. In addition to being a technical change, this is an attempt to circumvent the tobacco industry's continuing innovations of new products like these nicotine pouches, which have high levels of nicotine and appeal to kids because of the lower cost and the ability to conceal them. The industry is spending millions of dollars marketing new smokeless products as less harmful, more convenient and more socially acceptable alternatives to traditional cigarettes. The synthetic nicotine in these pouches is not recognized as a cessation product. Synthetic nicotine products are also being marketed to kids as risk-free and trendy, safe alternatives. The 2023 Maine Integrated Health Survey showed that 3.1% of Maine high school students currently use chewing tobacco, snuff, dip, snus or dissolvable tobacco products at twice the rate of the national respondents. In addition to being a technical fix, this is also an attempt to keep kids from taking up nicotine products and getting hooked on them for the rest of their lives. Thank you.

The SPEAKER: The Chair recognizes the Representative from Ellsworth, Representative Worth.

Representative **WORTH**: Thank you, Madam Speaker. I believe all nicotine products should be taxed the same, whether they're artificial nicotine or natural nicotine. Cheap, artificial nicotine products, as we've heard, are being targeted to kids; they're being disguised in containers that make them look like breath mints or even yellow highlighters so that they can be sneaked into the schools and be undetected by teachers.

Nicotine products killed my wife. She started as a teenager and that's when people get hooked. And she eventually quit, but the damage had been done. It was a combination of heart disease and COPD/emphysema that killed her. Both could be traced back to these drug addiction nicotine products. And so, I really have no sympathy for those who are creating these new artificial nicotine products to get young people hooked. And so, I will be voting in favor of making the tax equal between nicotine products, whether they are artificial or whether they are natural. Thank you, Madam Speaker.

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

Representative **WHITE**: Good morning, Madam Speaker. Just a couple of simple points. These things are outlawed for minors. Anyone giving them to a minor is breaking the law. That means we're not enforcing the laws that we have. If we aren't enforcing the laws that we have, taxing the people more, taxing the adults that use this product that's currently legal for them, isn't going to make it better. We're just taxing law-abiding Maine citizens more again. There's no reason to raise taxes on the law-abiding because there are people violating the law that we refuse to enforce. Thank you.

The SPEAKER: 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. 420

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

NAY - Adams, Albert, Andrews, Arata, Ardell, Babin, Blier, Boyer, Bradstreet, Campbell, Carlow, Cray, Cyrway, Davis, Drinkwater, Ducharme, Dunphy, Faulkingham, Foster, Fredericks, Gifford, Greenwood, Griffin, Guerrette, Hall, Henderson, Hepler, Hymes, Jackson, Javner, Lemelin, Libby, Lyman, Mason, Millett H, Moriarty, Morris, Ness, Newman, Nutting, Parry, Paul, Perkins, Poirier, Polewarczyk, Pomerleau, Quint, Rudnicki, Sampson, Schmearsal-Burgess, Simmons, Smith, Soboleski, Strout, Swallow, Theriault, Thorne, Underwood, Walker, White J, Wood, Woodsome.

ABSENT - Bagshaw, Boyle, Carmichael, Collamore, Costain, Crockett, Eaton, Galletta, Haggan, Lanigan, Lavigne, Millett R, O'Connell, Pringle, Riseman, Russell, Skold, Williams.

Yes, 71; No, 62; Absent, 18; Vacant, 0; Excused, 0.

71 having voted in the affirmative and 62 voted in the negative, with 18 being absent, and accordingly the Minority **Ought to Pass as Amended Report was ACCEPTED.**

The Bill was **READ ONCE. Committee Amendment "B" (S-596) 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 "B" (S-596)** in concurrence.

Majority Report of the Committee on **TRANSPORTATION** reporting **Ought Not to Pass** on Bill "An Act to Identify the Railroad Lines from Portland to Bangor as a Major Corridor and to Fund a Feasibility Study"

(S.P. 357) (L.D. 860)

Signed:

Senator:

FARRIN of Somerset

Representatives:

CRAFTS of Newcastle
ALBERT of Madawaska
ANKELES of Brunswick
EATON of Deer Isle
MASON of Lisbon
PARRY of Arundel
WHITE of Guilford

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (S-565)** on same Bill.

Signed:

Senator:

CHIPMAN of Cumberland

Representatives:

O'CONNELL of Brewer
WHITE of Waterville

Came from the Senate with the Minority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-565) AS AMENDED BY SENATE AMENDMENT "A" (S-590)** thereto.

READ.

On motion of Representative TERRY of Gorham, **TABLED** pending **ACCEPTANCE** of either Report and later today assigned.

Majority Report of the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-846)** on Bill "An Act to Establish a Minimum Value Threshold for the Class C Crime of Theft by a Repeat Offender"

(H.P. 1442) (L.D. 2246)

Signed:

Senator:

BEEBE-CENTER of Knox

Representatives:

SALISBURY of Westbrook
HASENFUS of Readfield
LAJOIE of Lewiston
MATHIESON of Kittery
MILLIKEN of Blue Hill

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

Signed:

Senator:

HARRINGTON of York

Representatives:

ARDELL of Monticello

NEWMAN of Belgrade

NUTTING of Oakland

PERKINS of Dover-Foxcroft

READ.

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

Representative NUTTING of Oakland **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 Oakland, Representative Nutting.

Representative **NUTTING**: Thank you, Madam Speaker, Men and Women of the House. LD 2246 seeks to change a Statute that currently allows, on the third crime committed, allows the prosecution of the criminal with a Class C crime. A Class C crime; a Class C crime allows the imprisonment of a criminal in the Maine correctional facility for up to a year. Should this piece of legislation change that law, on the third offense, if the dollar value of the third offense was less than \$500, then a Class C crime could not be charged. And that would be true of the fourth offense, the fifth offense and the 20th offense. As it is now, very few people are charged with Class C crimes because there's either a plea deal or something and the District Attorney doesn't use that option. So, this, as it currently stands, is very, very seldom used. If we change the law, however, some of our criminal aspects in the State will do what you may have seen on TV, if you watch some of the reports from particularly New York City and the state of California, where gangs will go into a building and steal things. Not a \$500 television set, necessarily, but toiletry items or drugstore items, and take those items and then either sell them on the black market, or to a handler, or to sell them on eBay for their own profit.

The ability to charge someone with a Class C crime on the third or subsequent criminal events, it gives the prosecutor a chance to sentence them and then, one of the things that the Criminal Law Advisory Commission suggested is that once they are charged with a Class C crime, then parole becomes a possibility, so, that the people are in the Maine State Prison and then allowed out on parole and are subjected to checking in and making sure they're acting within the law. So, I urge you to oppose the pending motion and vote this bill down. Thank you.

The SPEAKER: The Chair recognizes the Representative from New Gloucester, Representative Arata.

Representative **ARATA**: Thank you, Madam Speaker, Ladies and Gentlemen of the House. I'd like you to Google smash and grab. If you do, you'll find dozens and dozens of videos and news stories about theft in cities that have laws very similar to the one that we're debating right now. One of these cities is San Francisco, a place where I used to spend a lot of time. I even ran the San Francisco marathon. I could park my car almost anywhere and know that it was safe; that is, until California passed a law similar to this one. The last time I visited, a minivan parked next to me had the windows smashed when I returned. It was outside of a museum in the middle of the day.

It's now so bad that we don't go to the city anymore and residents are fleeing San Francisco. It's one of the few places where real estate values have actually gone down because of crime and I don't want that to happen to my beautiful State of Maine.

We have to remember who elected us. Who do you represent? I represent the young mother who doesn't want her purse stolen when she turns her back to tend to her baby. I represent the small business owners like those who open their doors to us on Maple Sunday, who can't afford to have \$500 worth of merchandise stolen per customer. I represent the recent college graduate who's trying to make extra money on Uber and can't afford to have his windows smashed and his cell phone stolen. I represent the students who are in the band upstairs, who deserve a future enjoying the Maine that we have come to take for granted, which is one of the lowest crime rates in the nation. And I represent the policeman who showed me a picture of his face covered with blood after a pursuit. He doesn't want to risk his life chasing down a thief only to have that person slapped on the wrist.

But I'll tell you who I don't represent. I don't represent the person who steals over and over again and won't stop unless there are serious consequences. That person can go vote for someone else. I'm here to represent those who depend on me to vote for laws that protect what they've worked so hard for, not to protect those who steal from them. Most of the people I represent, they can't afford to have \$500 stolen from them. That's a lot of money to most people. Many of my constituents are very careful with their money. They like to shop at Family Dollar, which just announced that it's closing a thousand stores because of retail theft due to lax laws like this one.

This bill harms people of modest means the most, especially those who live in cities, which is where most crime occurs. They can't simply move somewhere with less crime, and if somebody steals \$500 from them, they won't be able to afford their food, their medicine, their utility bills or their housing payment. Theft is absolutely devastating for poor people. Don't we want justice and fairness for them? So, before you vote for this bill, please ask yourself; do you want to represent thieves or hardworking, honest people? Thank you.

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

Representative **PERKINS**: Thank you, Madam Speaker, Ladies and Gentlemen of the House. However well-intentioned this bill may have been, it's trying to fix a problem that doesn't exist. The sponsor, when he brought the bill forward, kept coming up with this example; this hypothetical example of someone stealing a pack of gum three times and then being charged with a felony. Yet, during the Committee process, we heard from the prosecutors that this actually just doesn't happen. They use their discretion and they don't charge that way.

What it does do is it follows an example of a three-strike law, which we have multiple examples of in Maine law, and it's meant to deter people that just flagrantly and repeatedly ignore the laws that we have on the books. So, this law, if passed, is, again, trying to fix a problem that doesn't exist, but it would have consequences, and they would be negative consequences. The other example we heard while in Committee was this hypothetical \$400 TV, that someone could keep stealing \$400 TVs, but that's not the actual reality of retail theft today. We have seen all over the country where countries have lowered standards or lowered sentencing for retail theft that retail theft just increases, and it increases by a lot. In New York City alone, just last year, retail theft has increased by 81% in just one year.

So, what happens when we lower the standards or we lower the sentencing on these crimes is that organized crime, organized retail theft crime units come in and they steal from places that adopt these laws. And we see it now. And so, what will happen, instead of going in and going for a \$400 TV, as the Representative from Oakland alluded to, they'll go in and they'll grab an armload of small items. You know, they'll grab 50 things of toothpaste or 50 razors or, you know, a whole bunch of something that's real small. And they'll go out and they'll give that to a fence and that fence will sell that for seven, 10, 12 cents on the dollar. And then that person will take all those things and they'll sell them on the internet, and that's how they make their money. So, it's not about, you know, a pack of gum, it's not about a \$400 TV; it's about actual retail theft organized crime that's going on all over. And I spoke to a member of the Retail Association who said we're seeing that in some of our towns on the border now and what happens is, if we adopt this law, just like every other state that's doing it, people will come from out of state, they'll steal from our businesses and then they'll go back to their state knowing that if they get caught here, you know, they're just not going to get prosecuted properly. And I don't want that for our businesses. It's hard enough for our businesses to survive as it is, you know, we have high energy cost, high taxes, high everything else and now we're going to tell our business owners, hey, don't bother stocking your shelves because it's just going to get taken, just like we've seen for the last couple three years in places that have adopted these laws, and I'm just not willing to do that, Madam Speaker. So, I ask you to not support this.

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

Representative **CYRWAY**: Thank you, Madam Speaker, Ladies and Gentlemen of the House. In reality, you know, I don't know if you remember the days when you didn't have to lock your doors, you didn't have to lock your car, you could walk down the street and not worry you're going to have your purse snatched or you didn't have to worry about in the stores having things stolen. And through the years, with the weakening of our laws, it continues to get worse and worse and worse. And this is one of them. This is going to weaken the laws that we already have in place.

When I was law enforcement and trying to solve crimes of theft, it's not easy. Sometimes you don't see the person but you have to get a lot of evidence to try and find out who did it and ask questions and whatever and sometimes it takes quite a while. So, when you talk about one, two, three strikes, you know, that's a lot of work to find somebody that did these crimes. I know of one situation, we had 70 homes that got broke into until we caught the person. Seventy homes. So, you're going to go one, two, three for the times he's been caught? We have to be real here. It's pretty easy to vote and push a button and say, oh, this is great, but really, think about the peoples' safety. This is promoting crime, no accountability.

The people have a right to be safe and right to have their own property. They've earned it. They have a right to feel like they can have their property and enjoy it, not to wonder what's going to happen next, not to look out for everything that's going to happen. What about your elderly people that can't defend themselves? And people will rob them blind. We have to look about the judges when they go to court. Today's system right now, as it is, if they do get caught in a theft, many times they get a deferred disposition, which, if they don't get caught in a year, that crime goes away. So, now we're going to do a one, two, three and maybe get deferred dispositions and that goes away and then they even can do more crime.

The theft right now as it stands, it's not a Class C crime unless, I believe it's \$2,000 before it becomes a Class C crime, and you're making it a \$500 one, but you've got to get caught three times. Aggravated theft is when it really becomes a Class C crime. So, let's leave it the way it is, it's been working. Let's not make it less and make it more harmful for everyone here. Not any of you are going to be safe. None of us. We're just going to make it worse for our kids, we're going to make it worse for everyone. Thank you, Madam Speaker.

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

Representative **UNDERWOOD**: Thank you, Madam Speaker. One question, or one thought that we have to all make is that our local neighborhood pharmacy, is it going to be there, say, five or 10 years after this thing is passed? With that, I'd like to say I hope it is. Thank you, Madam Speaker.

The SPEAKER: The Chair recognizes the Representative from Westbrook, Representative Salisbury.

Representative **SALISBURY**: Thank you, Madam Speaker. Madam Speaker, I stand before you today not only as the Chair of the Criminal Justice and Public Safety Committee, but I also stand as a small business owner that yesterday was the sixth-year anniversary of a robbery of my store. At gunpoint, as an aside. And I support this bill, because we heard from experts, not from people trying to make up sort of what-if scenarios; we heard from experts talking to us about the laws, talking to us about the potential of these things, talking about what it looks like currently when people are tried for different thefts. And what we heard, clearly, was that repeat offenders can still be charged, just as the one that robbed my store after he robbed nine other places; or seven other places, I'm not sure. But we have heard that these things that have all been mentioned today can still be prosecuted and people will still serve jail time for those. So, I just want to make that clear, repeat offenders can still be charged. And I hope that we can look to other ways, we will be talking about more bills very soon which will help keep our communities safe.

The SPEAKER: The Chair recognizes the Representative from Bath, Representative Sinclair.

Representative **SINCLAIR**: Thank you, Madam Speaker, Colleagues of the House. I'd like to start by just taking a minute to talk about what this bill does not do. This bill does not make it any easier for any person to steal anything from anyone else. This bill does not in any way make it any easier for anyone to break into someone's home, as the Good Representative from Albion suggested. That's a burglary, Sir, and will continue to be a burglary; will continue to be a felony after.

Two groups that did not oppose this proposal, Madam Speaker, are the Maine Sheriff's Association and the Maine Prosecutor's Association. We got some testimony from the Criminal Law Advisory Committee, who I believe took neither an in favor nor against position, but suggested that the ability to impose probation on folks for a repetitive petty theft might be lost if this legislation were to pass. But during conversation, it turned out that even that opposition was not true because the exact same impositions that can be made under probation --

The SPEAKER: The Member will defer. The Member should direct all your comments directly to the Chair.

The Chair reminded Representative SINCLAIR of Bath to address his comments toward the Speaker.

The SPEAKER: The Chair recognizes the Representative from Bath, Representative Sinclair.

Representative **SINCLAIR**: Madam Speaker, the same restrictions that can be imposed under probation can also be imposed under a deferred disposition, which does not always end up in dismissal. Frankly, a deferred disposition can end up with any lawful sentence, either on the good outcome or the bad outcome.

What this law does, what this legislation does, is seek to make sure that we are only imposing the worst outcomes on those who actually commit the worst offenses. Someone who is labeled a felon after a felony conviction suffers lifelong outcomes, including a restriction on their housing opportunities, a restriction on their educational opportunities, on their employment opportunities. A lifelong restriction on their First Amendment rights of free association and a lifelong loss, in 48 states of the nation, of even the most fundamental aspects of civic life; the right to serve on a jury and even the right to vote. So, the point of this legislation is to try to bring Maine into line with reserving that worst lifelong punishment for those who truly commit the worst offenses. Petty theft, even repetitive petty theft, is not one of those worst offenses.

I heard mention of a number of gangs and crimes in New York City and California. I'm not going to touch on those, but I did want to quickly address the question of whom we represent, or at least whom I represent. I represent not just those who are able, because of their position, because of their education, because of who they are mentally; not just those who are able to conform at all times to the laws, I also represent the people in my district on the worst days of their lives. I represent them here in this House even through their hardest periods. And I see this proposed legislation as a way of making sure that, as a person suffers through their hardest times of their lives, they don't necessarily get tagged with a lifelong punishment. Thank you, Madam Speaker.

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

Representative **WHITE**: Thank you, Madam Speaker. I'd like to point out that we continually debate how to prevent certain individuals for receiving things like firearms, yet we're limiting law enforcement's ability to limit criminals from things like that. We have someone in theory here that's committing multiple offenses and becoming a prohibited person. I don't like to stigmatize people. However, when you choose to violate the laws of our State repetitively, it's fair and just to the good citizens of this State to prohibit these people from obtaining things like firearms in the future. So, why is it that we want to have career criminals or people that commit multiple crimes; why do we want to lighten these offenses? Just so that we can ignore the fact that the person commits multiple crimes and then later on, we say, oh, wow, how did he, or how did she get to this level? Well, because we've failed to punish people repeatedly and then they commit a worse crime. So, what are we doing here, Madam Speaker? Are we just going to turn a blind eye here and say, oh, people don't ever do anything worse? No. This is foolishness. Thank you.

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

Representative **CYRWAY**: Thank you, Madam Speaker. I just had to get up one more time because when you say petty theft, it can be a little item. I remember a lady just lost her husband and this young man stole a silver dollar that her husband gave her on her wedding day. Is that petty? It was the date that they met and it meant so much to her. Sometimes the judge has to take these things in consideration. It's what its

value is, it may not be the price, it may be what it meant. So, you can't just say one, two, three. Let the judges decide. They take that all in consideration. And this is not just a numbers game, it's people. 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. 421

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

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

ABSENT - Boyle, Carmichael, Collamore, Costain, Crockett, Eaton, Galletta, Haggan, Lanigan, Lavigne, O'Connell, Pringle, Riseman, Russell, Skold, Williams.

Yes, 74; No, 61; Absent, 16; Vacant, 0; Excused, 0.

74 having voted in the affirmative and 61 voted in the negative, with 16 being absent, and accordingly the Majority **Ought to Pass as Amended Report was ACCEPTED.**

The Bill was **READ ONCE. Committee Amendment "A" (H-846) 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-846)** and sent for concurrence.

Majority Report of the Committee on **ENERGY, UTILITIES AND TECHNOLOGY** reporting **Ought Not to Pass** on Bill "An Act to Clarify the Right to Appeal Certain Public Utilities Commission Decisions"

(H.P. 1356) (L.D. 2132)

Signed:

Senators:

GROHOSKI of Hancock
HARRINGTON of York

Representatives:

BABIN of Fort Fairfield
BOYLE of Gorham
DUNPHY of Embden
FOSTER of Dexter
GEIGER of Rockland
KESSLER of South Portland
PAUL of Winterport
RUNTE of York

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-847)** on same Bill.

Signed:
Senator:

LAWRENCE of York

Representatives:

ZEIGLER of Montville

WARREN of Scarborough

READ.

Representative ZEIGLER of Montville moved that the House **ACCEPT** the Majority **Ought Not to Pass** Report.

Representative WARREN of Scarborough **REQUESTED** a roll call on the motion to **ACCEPT** the Majority **Ought Not to Pass** Report.

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

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

Representative **WARREN**: I rise against the current motion because I support this bill that was brought by our Public Advocate, Bill Harwood, on the grounds that this is an economic justice question. Because electricity, gas and water service are necessities, this bill would give ratepayers the right to a hearing before the utility can shut off service over a billing dispute. This proposal satisfies the fundamental requirement of fairness and due process whenever citizens are deprived of property or other important rights. For example, citizens have a right to a hearing before a bank can foreclose on their home, a landlord can evict them or an appliance dealer can repossess a household appliance. This bill does not disturb the PUC's existing informal mediation program, administered by the PUC Consumer Assistance and Safety Division, process to settle billing disputes without litigation. This is a process that sees thousands of complaints each year and only between 20 and 40 people that go through this process, and must before they request a hearing, do so. That's a great success, but it does not afford due process.

Now, given the success at the CASD or CAD informal mediation program in resolving billing disputes, it is unlikely that many ratepayers will request a hearing. But for those who feel that the utility has unfairly threatened to shut off service unless the ratepayer pays an amount that the ratepayer sincerely believes they do not owe, a hearing may be critically important. Such was the case in the process at the public hearing where we heard our Public Advocate had to personally intervene on behalf of a woman who had gone through a domestic violence situation, had to leave with her children, partner stayed in the home, and that woman was threatened with disconnection because she refused to pay approximately \$20,000 owed by the previous tenants that were occupying that apartment.

Now, this bill is supported by the Office of Public Advocate, Pine Tree Legal Assistance, Legal Services for the Elderly, Maine Community Action Partnership and the Maine Council on Aging. I hope that you will join with this diverse group of advocates that are fighting on behalf of those who are often overlooked or left behind and for whom billing disputes can in some cases be life or death or something close to it. If we think that things like housing are human rights, the right to gas, to heating, to running water, are fundamental. I hope that you will vote against the current motion and support this important bill.

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

Representative **FOSTER**: Thank you, Madam Speaker, Ladies and Gentlemen of the House. I stand in support of the pending motion. I ask that you also support the bipartisan Majority Report and follow my light.

I will only say that this is a fairly complicated issue. Currently, the PUC has a process in place that allows those who cannot afford a lawyer, who may not be able to afford to go to court, an opportunity to air their concerns. However, it also allows, currently, for those who wish to take their concerns to court. And one other point for those of us who represent districts that have small utilities, such as a water district; the current policy allows them to have a voice before the PUC without going to court, which might require them to foot a substantial legal representation, and we know that in some of our public utilities, such as the water district in my hometown, a bill of a few thousand dollars to do so would be very detrimental to the ratepayers of that district. Thank you, Madam Speaker. Please follow my light.

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

ROLL CALL NO. 422

YEA - Adams, Albert, Andrews, Ankeles, Arata, Ardell, Arford, Babin, Bagshaw, Beck, Bell, Blier, Boyer, Bradstreet, Brennan, Bridgeo, Campbell, Carlow, Cloutier, Collings, Copeland, Crafts, Craven, Cray, Cyrway, Davis, Dhalac, Dill, Doudera, Drinkwater, Ducharme, Dunphy, Faulkingham, Fay, Foster, Fredericks, Geiger, Gere, Gifford, Graham, Greenwood, Griffin, Guerrette, Hall, Hasenfus, Henderson, Hepler, Hobbs, Hymes, Jackson, Jauch, Javner, Kessler, Kuhn, Lajoie, Landry, LaRochelle, Lemelin, Libby, Lyman, Madigan, Malon, Mason, Mastraccio, Matlack, Meyer, Millett H, Moonen, Moriarty, Morris, Murphy, Ness, Newman, Nutting, Osher, Parry, Paul, Perkins, Perry A, Perry J, Poirier, Polewarczyk, Pomerleau, Quint, Roberts, Roeder, Rudnicki, Runte, Sachs, Salisbury, Sampson, Sargent, Sayre, Schmearsal-Burgess, Shagoury, Shaw, Sheehan, Simmons, Smith, Soboleski, Stover, Strout, Swallow, Terry, Theriault, Thorne, Underwood, Walker, White B, White J, Wood, Woodsome, Worth, Zager, Zeigler, Madam Speaker.

NAY - Abdi, Cluchey, Dodge, Gattine, Golek, Gramlich, Lee, Lookner, Mathieson, Millett R, Milliken, Montell, O'Neil, Pluecker, Rana, Rielly, Sinclair, Supica, Warren.

ABSENT - Boyle, Carmichael, Collamore, Costain, Crockett, Eaton, Galletta, Haggan, Lanigan, Lavigne, O'Connell, Pringle, Riseman, Russell, Skold, Williams.

Yes, 116; No, 19; Absent, 16; Vacant, 0; Excused, 0.

116 having voted in the affirmative and 19 voted in the negative, with 16 being absent, and accordingly the Majority **Ought Not to Pass** Report was **ACCEPTED** and sent for concurrence.

Majority Report of the Committee on **STATE AND LOCAL GOVERNMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-848)** on Bill "An Act to Establish the Wabanaki Veterans Memorial" (H.P. 1430) (L.D. 2228)

Signed:

Senators:

NANGLE of Cumberland
BALDACCI of Penobscot

Representatives:

STOVER of Boothbay
ABDI of Lewiston
COPELAND of Saco
DHALAC of South Portland
GREENWOOD of Wales
POMERLEAU of Standish
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
UNDERWOOD of Presque Isle

READ.

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

The Bill was **READ ONCE**. **Committee Amendment "A" (H-848)** 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-848)** and sent for concurrence.

Majority Report of the Committee on **TAXATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-844)** on Bill "An Act to Remove the Exemption from Sales and Use Tax for Automobiles Purchased for Use as Rentals" (H.P. 1409) (L.D. 2198)

Signed:

Senator:

CHIPMAN of Cumberland

Representatives:

PERRY of Bangor
CROCKETT of Portland
HASENFUS of Readfield
MATLACK of St. George
RANA of Bangor

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

Signed:

Senator:

LIBBY of Cumberland

Representatives:

CARMICHAEL of Greenbush
LIBBY of Auburn
RUDNICKI of Fairfield

READ.

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

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

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

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

ROLL CALL NO. 423

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

NAY - Adams, Albert, Andrews, Arata, Ardell, Babin, Bagshaw, Blier, Boyer, Bradstreet, Campbell, Carlow, Cray, Cyrway, Davis, Drinkwater, Ducharme, Dunphy, Faulkingham, Foster, Fredericks, Gifford, Greenwood, Griffin, Guerrette, Hall, Hasenfus, Henderson, Hymes, Jackson, Javner, Lee, Lemelin, Libby, Lyman, Mason, Millett H, Morris, Ness, Newman, Nutting, Parry, Paul, Perkins, Poirier, Polewarczyk, Pomerleau, Quint, Rudnicki, Sampson, Schmursal-Burgess, Simmons, Smith, Soboleski, Strout, Swallow, Theriault, Thorne, Underwood, Walker, White J, Wood, Woodsome, Worth.

ABSENT - Boyle, Carmichael, Collamore, Costain, Crockett, Eaton, Galletta, Haggan, Lanigan, Lavigne, O'Connell, Pringle, Riseman, Russell, Skold, Williams.

Yes, 71; No, 64; Absent, 16; Vacant, 0; Excused, 0.

71 having voted in the affirmative and 64 voted in the negative, with 16 being absent, and accordingly the Majority **Ought to Pass as Amended** Report was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (H-844)** 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-844)** and sent for concurrence.

Six Members of the Committee on **ENERGY, UTILITIES AND TECHNOLOGY** report in Report "A" **Ought to Pass as Amended by Committee Amendment "A" (H-852)** on Bill "An Act to Enhance Electric Utility Performance-based Ratemaking" (EMERGENCY)

(H.P. 1391) (L.D. 2172)

Signed:

Senator:

LAWRENCE of York

Representatives:

ZEIGLER of Montville

BOYLE of Gorham

GEIGER of Rockland

KESSLER of South Portland

RUNTE of York

Six 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

DUNPHY of Embden

FOSTER of Dexter

PAUL of Winterport

WARREN of Scarborough

READ.

On motion of Representative ZEIGLER of Montville, **TABLED** pending **ACCEPTANCE** of either 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. 974) (L.D. 2257) Bill "An Act to Allow School Administrative District No. 52 to Issue Temporary Notes for a Wastewater Treatment Project" (EMERGENCY) Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought to Pass**

(S.P. 480) (L.D. 1184) Bill "An Act to Exempt Certain Prescribed Home Medical Supplies from Sales Tax" Committee on **TAXATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-593)**

(S.P. 822) (L.D. 1997) Bill "An Act to Implement Critical Reforms to the Department of Environmental Protection Outlined in the State COVID-19 Reopening Plan" Committee on **INNOVATION, DEVELOPMENT, ECONOMIC ADVANCEMENT AND BUSINESS** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-594)**

(S.P. 938) (L.D. 2201) Bill "An Act Regarding the Approval for the Placement of Portable Toilets" Committee on **STATE AND LOCAL GOVERNMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-586)**

(S.P. 959) (L.D. 2239) Resolve, to Rename a Bridge in the Town of Mechanic Falls the Bill Dunlop Memorial Bridge Committee on **TRANSPORTATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-584)**

(H.P. 391) (L.D. 614) Bill "An Act to Provide a Free Antlerless Deer Permit to Certain Landowners Who Allow the Public to Hunt on Their Property" Committee on **INLAND FISHERIES AND WILDLIFE** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-851)**

(H.P. 856) (L.D. 1342) Bill "An Act to Increase Funding for the Prevention and Control of Invasive Aquatic Species" Committee on **INLAND FISHERIES AND WILDLIFE** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-849)**

(H.P. 1382) (L.D. 2158) Bill "An Act to Improve the Housing Voucher System" Joint Select Committee on **HOUSING** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-850)**

(H.P. 1447) (L.D. 2256) Bill "An Act to Provide Emergency One-time Relief from the Wild Blueberry Tax for Growers in Maine" (EMERGENCY) Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-845)**

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 as Amended** and sent for concurrence.

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

ENACTORS

Emergency Measure

An Act to Establish Municipal Cost Components for Unorganized Territory Services to Be Rendered in Fiscal Year 2024-25

(H.P. 1414) (L.D. 2207)

(C. "A" H-833)

Was reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 113 voted in favor of the same and 0 against, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

Emergency Measure

An Act Related to Airboats and Airboat Noise Limits

(H.P. 1461) (L.D. 2272)

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 4 against, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

Acts

An Act to Incentivize Accurate Recyclability Labeling on Packaging Material

(H.P. 193) (L.D. 295)

(C. "A" H-825)

An Act to Reduce Rental Housing Costs by Limiting Additional Fees at or Prior to the Commencement of Tenancy

(H.P. 945) (L.D. 1490)

(H. "A" H-838 to C. "A" H-831)

An Act to Create a Liaison Program and Complaint Process Within the Bureau of Insurance for Independent Health Care Providers

(H.P. 953) (L.D. 1498)
(C. "A" H-823)

An Act to Establish a Pilot Program at a Community-based Organization to Provide a Transitional Living Program for Individuals Recently Released from Correctional Facilities

(H.P. 969) (L.D. 1514)
(C. "A" H-824)

An Act to Continue the Study of Community Paramedicine and to Make Changes Related to Health Insurance Coverage and Prior Authorization Requirements for Certain Ambulance Service Providers

(H.P. 1164) (L.D. 1832)
(C. "A" H-826)

An Act to Amend the State's Data Governance Program

(H.P. 1252) (L.D. 1948)
(C. "A" H-830)

An Act to Amend the Laws Governing Optometrists

(H.P. 1258) (L.D. 1956)
(C. "A" H-799; H. "A" H-836)

An Act to Amend the Content of Notices Provided with Respect to Tax Liens on Certain Property

(H.P. 1310) (L.D. 2048)
(C. "A" H-832)

An Act to Amend Maine's Charitable Organization Gaming Laws

(S.P. 901) (L.D. 2108)
(C. "A" S-582)

An Act to Amend the Laws Regarding Sports Wagering Licensing

(S.P. 913) (L.D. 2117)
(C. "A" S-583)

An Act Relating to Delegation of Nursing Activities and Tasks to Unlicensed Assistive Personnel by Registered Professional Nurses

(H.P. 1350) (L.D. 2126)
(C. "A" H-827)

An Act to Provide Property Tax Relief by Increasing the Availability of the Property Tax Fairness Credit for Resident Individuals Who Are 65 Years of Age or Older with Annual Income at or Below \$36,000

(H.P. 1368) (L.D. 2144)
(C. "A" H-839)

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, to Establish the Commission to Evaluate the Requirements for Licensing of Social Workers

(H.P. 1273) (L.D. 1990)
(C. "A" H-822)

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

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

SENATE PAPERS

Bill "An Act to Promote Equity in the Forest Products Industry by Allowing Commercial Wood Haulers to Be Eligible for Certain Sales Tax Exemptions and Refunds"

(S.P. 994) (L.D. 2279)

Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** suggested and ordered printed.

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

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

Bill "An Act to Strengthen Maine's Workforce Through Preapprenticeship Training Programs"

(S.P. 995) (L.D. 2280)

Came from the Senate, **REFERRED** to the Committee on **LABOR AND HOUSING** and ordered printed.

REFERRED to the Committee on **LABOR AND HOUSING** in concurrence.

The SPEAKER: The Chair recognizes the Representative from Windham, Representative Bagshaw.

Representative **BAGSHAW**: Thank you Madam Speaker, I'd like to speak on the record.

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

Representative **BAGSHAW**: Thank you, Madam Speaker. Had I been here, item 6-5, LD 2028, I would've voted no. And also 6-3, LD 1152, I would have also voted no.

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

On motion of Representative SINCLAIR of Bath, the House adjourned at 12:06 p.m., until 10:00 a.m., Tuesday, March 26, 2024.