

MAINE STATE LEGISLATURE

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ONE HUNDRED THIRTY-FIRST LEGISLATURE
SECOND REGULAR SESSION
32nd Legislative Day
Monday, April 1, 2024

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

Prayer by Pastor Tony Maker, Larrabee Baptist Church, Machiasport.

National Anthem by Roxane Althouse, Woolwich.

Pledge of Allegiance.

Medical Provider of the Day, Allison Guerrette, FNP-C, Madawaska.

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

The Journal of Thursday, March 28, 2024, was read and approved.

COMMUNICATIONS

The Following Communication: (H.C. 463)

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

March 28, 2024

The Honorable Rachel Talbot Ross
Speaker of the House of Representatives
2 State House Station
Augusta, Maine 04333

RE: State Workforce Board

Dear Speaker Talbot Ross:

Pursuant to Title 3 M.R.S.A., §154, I am withdrawing my nomination of Benjamin Waxman for appointment to the State Workforce Board at the request of the nominee.

This nomination is currently pending before the Joint Standing Committee on Labor and Housing

Thank you for your assistance in this matter.

Sincerely,

S/Janet T. Mills

Governor

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 464)

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

April 1, 2024

Honorable Rachel Talbot Ross
Speaker of the House
2 State House Station
Augusta, Maine 04333

Dear Speaker Talbot Ross:

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

Health and Human Services

L.D. 50 An Act to Prevent Child Abuse and Neglect by Developing a System to Ensure Child and Family Well-being (EMERGENCY)

L.D. 1788 An Act to Establish the Office of the Inspector General of Child Protection

Health Coverage, Insurance and Financial Services

L.D. 2267 An Act to Implement the Recommendations of the Commission Regarding Foreign-trained Physicians Living in Maine to Support International Medical Graduates in Securing Employment

Judiciary

L.D. 748 An Act to Strengthen the Due Process Rights of Persons in Law Enforcement Custody

L.D. 1705 An Act to Give Consumers Control over Sensitive Personal Data by Requiring Consumer Consent Prior to Collection of Data

L.D. 1735 An Act to Safeguard Gender-affirming Health Care

L.D. 1902 An Act to Protect Personal Health Data

Veterans and Legal Affairs

L.D. 2260 An Act to Update the Laws Regarding the Sale of Pari-mutuel Pools for Simulcast Races

Sincerely,

S/Robert B. Hunt

Clerk of the House

READ and with accompanying papers ORDERED PLACED ON FILE.

The Following Communication: (S.C. 1056)

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

March 28, 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 Health Coverage, Insurance and Financial Services:

- Nathan Moody of Gorham for appointment, to the Maine Retirement Savings Board,
- Tina Wilcoxson of Cumberland Center for reappointment, to the Maine Retirement Savings Board.

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

- Daniel L. Cummings of South Portland for appointment, to the Finance Authority of Maine.

Best Regards,

S/Darek M. Grant

Secretary of the Senate

READ and ORDERED PLACED ON FILE.

The Following Communication: (S.C. 1057)

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

March 28, 2024

Honorable Robert B. Hunt

Clerk of the House

2 State House Station

Augusta, ME 04333

Dear Clerk Hunt:

Please be advised the Senate today insisted to its previous action whereby it accepted the Minority Ought Not to Pass Report from the Committee on Taxation 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) in non-concurrence.

Best Regards,

S/Darek M. Grant

Secretary of the Senate

READ and ORDERED PLACED ON FILE.

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

ORDERS

On motion of Representative TERRY of Gorham, the following Joint Order: (H.P. 1471)

ORDERED, the Senate concurring, that the following matters and all their accompanying papers tabled on the Special Study Table in the Senate at the time of adjournment of the First Special Session of the 131st Legislature be recalled from the legislative files to the Special Study Table:

1. An Act to Improve Safety for Individuals Living in Recovery Residences, H.P. 77, L.D. 109;
2. An Act to Increase the Liability of Parents and Legal Guardians for Damage by Children, H.P. 85, L.D. 139;
3. Resolve, to Require the Maine Board of Pharmacy to Review Work Practices and Treatment of Pharmacists, H.P. 173, L.D. 275;
4. An Act to Support Young People Affected by Substance Use Disorder, H.P. 189, L.D. 291;
5. An Act to Ensure Health Care for All Maine Residents, S.P. 150, L.D. 329;
6. Resolve, Directing the Treasurer of State to Review and Develop Options for Meeting the Banking Needs of the Cannabis Industry, S.P. 347, L.D. 788;
7. An Act Facilitating the Efforts of the Midcoast Regional Redevelopment Authority and the Town of Brunswick to Design and Carry Out Improvements to the Storm Water System and Other Infrastructure at the Former Brunswick Naval Air Station, H.P. 588, L.D. 941;
8. An Act to Support College Student Participation as Policy Interns for State Legislators, H.P. 652, L.D. 1016;
9. Resolve, to Study Training in Racial Issues, Racial Justice and Social Issues at the Maine Criminal Justice Academy and Study Additional Requirements for Law Enforcement Officers and Candidates, H.P. 795, L.D. 1247;
10. An Act to Create a Rebuttable Presumption Under the Workers' Compensation Law for Line Workers Diagnosed with Post-traumatic Stress Disorder, H.P. 827, L.D. 1302;
11. An Act to Amend the Laws Regarding Estate Recovery and Planning for Long-term Care, H.P. 902, L.D. 1406;

12. Resolve, Establishing the Commission to Study the Role of Critical Minerals as a Resource in the State, H.P. 950, L.D. 1495;

13. Resolve, to Establish the Commission to Recommend Cost-effective, Safe, Administrable and Healthful Programs to Reduce Violence in Prisons and Jails, H.P. 995, L.D. 1543;

14. Resolve, to Further Study the Role of Water as a Resource, H.P. 1051, L.D. 1641;

15. Resolve, to Study the Adoption of the Uniform Common Interest Ownership Act, S.P. 667, L.D. 1662;

16. Resolve, to Establish the Commission to Improve the Educational Experience of People Who Are Resettling in Maine, H.P. 1091, L.D. 1702;

17. Resolve, to Increase Transparency and Evaluate Emergency Response Through a COVID-19 Review Commission, S.P. 726, L.D. 1801; and

18. An Act to Establish 5 New Tax Brackets and a Surcharge for Higher Income Levels, H.P. 1196, L.D. 1866.

READ.

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

Representative **TERRY**: Thank you, Madam Speaker. Madam Speaker, at the end of the First Regular Session, due to a communications error, the Special Study Table bills were all put in the dead files accidentally, not giving all of our collective Study Table bills the chance to be heard and considered during this, the Second Regular Session. This Joint Order gives those files the chance to be heard and fixes that error. I hope you will all join me in following my light and giving all of these Special Study Table bills a chance to be heard. Thank you, Madam Speaker.

Representative FAULKINGHAM of Winter Harbor **REQUESTED** a roll call on **PASSAGE**.

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

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

Pursuant to Joint Rule 404, this Joint Order required the affirmative vote of two-thirds of those present for **PASSAGE**.

ROLL CALL NO. 441

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

NAY - Albert, Andrews, Arata, Ardell, Babin, Bagshaw, Blier, Boyer, Bradstreet, Campbell, Carlow, Carmichael, Collamore, Costain, Cray, Cyrway, Davis, Drinkwater, Ducharme, Dunphy, Faulkingham, Foster, Fredericks, Gifford, Greenwood, Griffin, Guerrette, Hall, Henderson, Hymes, Jackson, Javner, Lavigne, 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, Terry, Theriault, Thorne, Underwood, Walker, White J, Wood, Woodsome.

ABSENT - Abdi, Adams, Boyle, Galletta, Gramlich, Haggan, Lajoie, Lanigan, Malon, Mathieson, O'Connell, O'Neil, Pringle, Williams.

Yes, 72; No, 65; Absent, 14; Vacant, 0; Excused, 0.

72 having voted in the affirmative and 65 voted in the negative, with 14 being absent, 72 being less than two-thirds of the membership present, the Joint Order **FAILED PASSAGE**.

REPORTS OF COMMITTEE

Ought to Pass Pursuant to Resolve

Representative LANDRY for the **Joint Standing Committee on Inland Fisheries and Wildlife** on Bill "An Act to Implement Recommendations in the Department of Inland Fisheries and Wildlife's Report on Wake Boats"

(H.P. 1472) (L.D. 2284)

Reporting **Ought to Pass** pursuant to Resolve 2023, chapter 33, section 3.

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.

Divided Reports

Majority Report of the Committee on **HEALTH COVERAGE, INSURANCE AND FINANCIAL SERVICES** reporting **Ought to Pass pursuant to Joint Order 2023, S.P. 968** on Bill "An Act to Provide Greater Transparency About the Cost of Insulin and to Promote the Availability of Low-cost Insulin in the State"

(S.P. 996) (L.D. 2282)

Signed:

Senators:

BAILEY of York
RENY of Lincoln

Representatives:

PERRY of Calais
ARFORD of Brunswick
CLUCHEY of Bowdoinham
MASTRACCIO of Sanford
MATHIESON of Kittery
PRINGLE of Windham

Minority Report of the same Committee reporting **Ought Not to Pass pursuant to Joint Order 2023, S.P. 968** on same Bill.

Signed:

Senator:

BRAKEY of Androscoggin

Representatives:

CYRWAY of Albion
MORRIS of Turner
NUTTING of Oakland
SWALLOW of Houlton

Came from the Senate with the Majority **OUGHT TO PASS PURSUANT TO JOINT ORDER 2023, S.P. 968** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED**.

READ.

On motion of Representative PERRY of Calais, the Majority **Ought to Pass pursuant to Joint Order 2023, S.P. 968** Report was **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** in concurrence.

Majority Report of the Committee on **ENVIRONMENT AND NATURAL RESOURCES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-887)** on Bill "An Act Regarding Offshore Wind Terminals Located in Coastal Sand Dune Systems"

(H.P. 1456) (L.D. 2266)

Signed:

Senators:

BRENNER of Cumberland
CARNEY of Cumberland
LYFORD of Penobscot

Representatives:

GRAMLICH of Old Orchard Beach
BELL of Yarmouth
BRIDGEO of Augusta
CAMPBELL of Orrington
DOUDERA of Camden
HOBBS of Wells
O'NEIL of Saco
WOODSOME of Waterboro

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

Signed:

Representatives:

SCHMERSAL-BURGESS of Mexico
SOBOLESKI of Phillips

READ.

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

Majority Report of the Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-888)** on Bill "An Act to Strengthen the Health, Well-being and Academic Success of Children and Their Families Through Increased Community Support of the Boys and Girls Clubs of Southern Maine"

(H.P. 1408) (L.D. 2197)

Signed:

Senators:

BALDACCI of Penobscot
INGWERSEN of York

Representatives:

MEYER of Eliot
CRAVEN of Lewiston
GRAHAM of North Yarmouth
MADIGAN of Waterville
SHAGOURY of Hallowell
ZAGER of Portland

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

Signed:

Senator:

MOORE of Washington

Representatives:

FREDERICKS of Sanford
GRIFFIN of Levant
JAVNER of Chester
LEMELIN of Chelsea

READ.

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

The Bill was **READ ONCE. Committee Amendment "A" (H-888)** 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-888)** and sent for concurrence.

Majority Report of the Committee on **JUDICIARY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-877)** on Bill "An Act to Establish a Civil Rights Unit and a Civil Rights Review Panel Within the Office of the Attorney General and Require Ongoing Enhanced Civil Rights Training for Civil Rights Officers"

(H.P. 1417) (L.D. 2210)

Signed:

Senators:

CARNEY of Cumberland
BAILEY of York

Representatives:

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

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

Signed:

Senator:

BRAKEY of Androscoggin

Representatives:

ANDREWS of Paris
HAGGAN of Hampden
HENDERSON of Rumford
POIRIER of Skowhegan

Representative DANA of the Passamaquoddy Tribe - of the House - supports the Majority **Ought to Pass as Amended by Committee Amendment "A" (H-877)** Report.

READ.

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

Representative POIRIER of Skowhegan **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 Rumford, Representative Henderson.

Representative **HENDERSON**: Thank you, Madam Speaker. I rise today in opposition to this bill. I am not really pleased with having to vote against a bill concerning civil rights, but there just isn't a necessity for it.

So, the bill requires that there be a Civil Rights Unit created. The roles and responsibilities for the unit would be to receive and investigate complaints related to possible violations of the Maine Civil Rights Act. Two would be to provide public education, and three; provide training for our civil rights officers. Last year, there was a bill that passed that required each Department to not only select; appoint, but also to train their individual civil rights officers, negating one of the three reasons for this bill.

The second; or I would argue that the largest responsibility of the Civil Rights Unit would be to receive and investigate complaints related to possible violations of the Maine Civil Rights Act. And yet, Attorney General Frey stated in his testimony to the Judiciary Committee that there was a total of 90 complaints filed last year and only five of those complaints were pursued; due in part to being unable to identify who the suspects were, but also because, although the actions were horrendous, they were protected under the First Amendment.

This bill has just shy of a \$194,000 fiscal note, which really, as I've just outlined, leaves one; one reason for the bill, and that's to educate the public on what the Maine Civil Rights Act is. I would argue that we do not need an entire unit under the Office of the Attorney General. That would include an additional attorney or assistant attorney general position and one paralegal position. I can't justify close to \$200,000 for simple public education. So, for those reasons, I'm going to be a no today.

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. 442

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

NAY - Albert, Andrews, Arata, Ardell, Babin, Bagshaw, Blier, Boyer, Bradstreet, Campbell, Carlow, Carmichael, Collamore, Costain, Cray, Cyrway, Davis, Drinkwater, Ducharme, Dunphy, Faulkingham, Foster, Fredericks, Gifford, Greenwood, Griffin, Guerrette, Hall, Henderson, Hymes, Jackson, Javner, Lavigne, 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.

ABSENT - Abdi, Adams, Boyle, Galletta, Gramlich, Haggan, Lanigan, Malon, Mathieson, O'Connell, O'Neil, Pringle, Williams.

Yes, 74; No, 64; Absent, 13; Vacant, 0; Excused, 0.

74 having voted in the affirmative and 64 voted in the negative, with 13 being absent, and accordingly the Majority **Ought to Pass as Amended** Report was **ACCEPTED**.

The Bill was **READ ONCE. Committee Amendment "A" (H-877)** 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-877)** and sent for concurrence.

Majority Report of the Committee on **TAXATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-883)** on Bill "An Act to Allow a Local Option Sales Tax on Short-term Lodging to Fund Affordable Housing" (H.P. 823) (L.D. 1298)

Signed:

Senators:

GROHOSKI of Hancock
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
LAVIGNE of Berwick
LIBBY of Auburn
QUINT of Hodgdon
RUDNICKI of Fairfield

READ.

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

Representative CARMICHAEL of Greenbush **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 Greenbush, Representative Carmichael.

Representative **CARMICHAEL**: Thank you, Madam Speaker. Madam Speaker, Fellow Members of the House, I rise in opposition to this legislation for several reasons.

I don't believe this is good economic policy, Madam Speaker. We cannot tax our way out of a housing crisis. Building housing in any area is only one piece of the puzzle. For an area to be successful, it must have economic opportunities, educational opportunities, as well as housing. Many areas of our State have lost population because of one of these key elements being missing, such as our mill towns. Many of them have excess housing. Revitalizing them is a very important part of the answer for this question.

The second reason is, I don't believe this is good tax policy. Madam Speaker, if we pass this as written, towns can enforce this one year and repeal it the next. This doesn't create the kind of stability in our tax policies and our revenue streams that we're looking for in this State.

And most of all, Madam Speaker, I believe this legislation doesn't meet the intent of our Constitution. Article IX, Section 9 of our Constitution states, "The Legislature shall never, in any manner, suspend or surrender the power of taxation." Madam Speaker, not only are we surrendering the power of taxation over to the local communities, but we're doing it in a manner

that, I believe, does not treat Maine equally; all of Maine equally. This bill does not allow the people of 429 townships in Maine the same rights as the rest of Maine. That's an area over half the State of Maine. We're creating tax law that treats one-half of our State different than the other half.

Madam Speaker, I believe there are good people on both sides of the aisle that want to address this crisis and I believe this is an issue that we can come together on and overcome. But I'd like to end by just quoting John F. Kennedy. He said, let us not seek a Republican answer or a Democratic answer, but the right answer. Madam Speaker, this bill has a good intent, but it's not the right answer.

I'd like to pose a question through the Chair, if I might?

The SPEAKER: The Member may proceed.

Representative **CARMICHAEL**: I'd like to know how many people testified in committee for this bill.

The SPEAKER: The Member has posed a question through the Chair to any Member who wishes to respond. The Chair recognizes the Representative from Portland, Representative Skold.

Representative **SKOLD**: Thank you, Madam Speaker. Madam Speaker, Members of the House, Maine is a great place to visit. I think we all know that. From the beautiful coast in the summer to the majestic mountains and ski slopes of the winter, and every season and every location in between, many thousands come to our State every year to experience the beauty and the benefits. But as with anything else, those benefits of the tourism economy, which is so important to us and our State, can also come with some costs. And I'm not just talking about additional traffic on Route 1 in the summer; we're also thinking of one of the challenges regarding housing.

Every unit of lodging; short-term lodging, hotel, Airbnbs and any short-term lodging; that we provide in the State to provide for those visitors comes with a cost of not being able to use that housing for the residents in this State. And this is one of the cost and benefits that this bill seeks to address and give communities more options to support the housing needs that they have in their community, especially those communities most impacted by the tourism economy.

Some of the reasons that I'm proud to support this bill, Madam Speaker, include that it advances local control, that it allows and delegates proper authority from this Legislature to municipalities and the people within those municipalities, every one of our constituents, the ability to come together and decide for themselves whether or not this additional 1% lodging tax is something that makes sense for their community and their economy. So, I'm proud of the local control that this bill supports and enforces. And I'm also proud of the benefits that this bill can provide to our State. Certainly, for those communities who feel like they need this and choose to adopt it by referendum, there's certainly benefit there, but I also know that this will benefit the entire State, as building housing in any one area helps fill the gap of housing for the whole State. It is a statewide issue in every single area, and the more housing that gets built through this bill, the better. And the more affordable housing that this bill can help support in communities that choose to adopt it, the better.

So, Madam Speaker, I support this measure. There are 36 other states who have similar local option for taxing on multiple goods; although this bill only allows the local taxation of lodging; and this bill will not drive away any tourism economy. Many other states, including those in New England, have this and have lodging taxes that are higher than ours. What this will do is allow local communities the ability to respond and prepare for the housing crisis that they find themselves in and use this

tool to give themselves more ability to create affordable housing in their community. Thank you.

The SPEAKER: The Chair recognizes the Representative from Harrington, Representative Strout.

Representative **STROUT**: Thank you, Madam Speaker, Ladies and Gentlemen of the House. I rise in opposition of this bill. As you may know, I had a similar bill that went through with lots of discussion on this side of the aisle, and I agree with a lot of what was just spoken. However, I would like to see this go to the municipalities for choice of use. My intent was to help lower the property taxes in small towns so that some of those fees could help the roads and help other things municipalities need. So, I would like to vote this down and work on something that would actually be more beneficial to the areas where I live. Thank you.

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

Representative **LIBBY**: Thank you, Madam Speaker. Madam Speaker, Happy April Fools'. You know, it's not a very funny April Fools' joke to me that yet another bill to increase taxes on Mainers is in front of us for consideration once again. So, let's be clear. This is a bill to increase taxes, plain and simple. LD 1298 would allow for a local option sales tax of 1% on lodging in municipalities where it is approved by referendum. We'll talk about that in a few minutes.

But first, it is not lost on me that local option sales tax is an acronym L-O-S-T, LOST. It is also not lost on me that this bill was submitted by the Good Representative from Portland. LOST bills have actually been submitted many times from Representatives of Portland, and not so often from Representatives of more rural areas of the State. Though this year, as previously mentioned, unfortunately, we did see the exception to that rule. The conventional wisdom is that municipalities like Portland would rely on Mainers outside of their municipality to pay for taxes that they then collect, but who knows where this might go if it were to go into law.

I was recently invited to breakfast with the Chief Executive, as were others from this Chamber. When I told her I strongly oppose local option sales tax legislation that has come before my Committee, I was pleased to see that her administration, as has done every single time that LOST bills come before her and have been considered, opposed the bill.

Notably, I can answer the question that the Good Representative from Greenbush asked and tell you that not a single person aside from the bill's sponsor testified in support of this bill. In fact, as a representative government, I would like to remind us that folks representing over 5,000 businesses throughout our State spoke in opposition to this bill. These businesses are the backbone of our State.

As we've heard, Madam Speaker, a Republican bill that would've functionally done the same thing as LD 1298 was voted unanimously Ought Not to Pass by the Taxation Committee just a couple weeks prior to this bill's public hearing, and then killed under the hammer in this Chamber several weeks ago. Why? I would have to assume because, regardless of party, a local option sales tax is abysmal policy that would set a terrible precedent in our State.

These are the facts. No matter what party submits this bill over and over again, it's a bad bill, Madam Speaker. Advancing harmful policy by inflicting a tax increase on Mainers, whether they are the ones paying the tax in their own State or seeing their businesses suffer because of an additional tax burden on those looking to visit our beautiful State. Regardless of the reason submitted; in this case, supposedly to fund affordable housing; it's still a poor policy. Given the plethora of bills we've

seen of this nature historically, it seems a little like a game of darts, trying out a different reason to justify passing a new tax. So, I'll spell it out. There is no good reason to pass a local option sales tax, Madam Speaker. I've heard this; don't worry, it has to pass by referendum. Aren't we all about local control? Madam Speaker, this can't be implemented without our Legislature saying so. Anyone voting for this bill is voting for a new tax. Madam Speaker, Maine already boasts the status as one of the highest tax burdened states in the country. According to WalletHub, Maine has the third-highest tax burden of all 50 states. When it comes to lodging, only five states have a higher lodging tax than Maine. Five, Madam Speaker. We continue to be an outlier, but not for the right reasons.

We heard testimony at the public hearing that in the tourism and hospitality industry, consumer behavior about where to travel tends to change once taxes rise to double digits, as would be the case in this bill. This bill would take our State's 9% lodging tax and increase it to 10%. Madam Speaker, tourists do not have to travel to Maine. We heard testimony that hotel occupancy from January 2023 to December of 2023 is down over 5% from the previous year. Hotel lodging in both New England and the United States fared much better than Maine during that same time. An increase in the lodging tax is not going to entice people to come and stay in Maine, where they could spend money in our restaurants and retail shops, but will do the opposite. It will inspire them to go to other states, where their hard-earned money will go further. The Representative from Portland says that this will not drive away tourism, and I wonder what statistics back up that statement, because I didn't hear any, Madam Speaker, but the facts are pretty clear with that 9 to 10% jump.

It's not just hotels that are taxed under this bill, Madam Speaker. We also heard from many small business owners who run and own short-term rentals here in the State. They told us that during and after the pandemic, that many of their renters are, in fact, Mainers just like you and me, Madam Speaker. They live and pay taxes here. So, gone are the days where proponents of this bill can justify and say, well, a local option sales tax will be paid for by folks who are from out of State. That is not true. They could just as well be paid for by the Maine family saving up for a weekend trip to Rangeley, or that special week-long trip in the summer to Moosehead Lake.

The Legislature's Housing Committee is tasked with working on ways to tackle Maine's affordable housing issues. A bill to increase the State's lodging tax on one or a handful of municipalities is not going to alleviate any real meaningful pressure on that issue. There is the April Fools' joke, Madam Speaker; to claim that it would do so. But what it will do is signal to potential tourists that the cost of staying in our beautiful State will increase with double-digit taxes. What it will do is increase costs on everyday Mainers trying to enjoy our State or traveling, even for medical or business reasons, within our State. LD 1298 is a second bite at the same terrible apple, and I am hopeful my colleagues will reject this tax increase and vote no. Thank you, Madam Speaker.

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

Representative **MORRIS**: Thank you, Madam Speaker. I also rise in opposition to the pending motion. As has been already said by folks in opposition, this would create a new tax for municipalities to potentially charge, but I think that the real problem is going to be for Mainers and for people that are seeking to make a living in the tourism industry. I think it should be reminded that I can drive two hours to the west, in New Hampshire, where I don't have to pay any sales taxes and the

lodging tax is already lower than ours. This would make the lodging tax higher, so, this is something that not only would negatively impact the people that are working in the lodging industry, but it would also negatively impact our retailers, because it would further drive people to decide to take those weekend trips to New Hampshire, where they are already not having to pay any sort of a sales tax and now they would also be saving a full 1.5% on their lodging tax. So, for that reason, I would oppose this motion. Thank you.

The SPEAKER: The Chair recognizes the Representative from North Yarmouth, Representative Graham.

Representative **GRAHAM**: Thank you, Madam Speaker. Madam Speaker, can I pose a question through the Chair?

The SPEAKER: The Member may proceed.

Representative **GRAHAM**: Thank you, Madam Speaker. It's my understanding, and someone can clarify for me, that the only way that this local option tax can occur is if it passes through the local Select Board, town council or city council, and then moves to a referendum. If someone can answer that question for me, I'd greatly appreciate it.

The SPEAKER: The Member has posed a question through the Chair to any Member who wishes to respond. The Chair recognizes the Representative from Dover-Foxcroft, Representative Perkins.

Representative **PERKINS**: Thank you, Madam Speaker, Ladies and Gentlemen of the House; like most other things, the devil's in the details. Much of the short-term lodging, your hotels and your Airbnb, from your out-of-State tourists is booked through online booking services and they're paid for that way as well. If you have a whole bunch of disparate, different tax rates in these different towns, it's going to create a regulatory nightmare for these companies. You know, you'll have a tax rate of A in one town and B in another town and C in another town and have another town not even have a tax, and that's going to create a problem for someone that's from out of State and they're trying to, you know, look at lodging.

And in addition, it's going to give them the option of, well, this town doesn't have a tax, so, I'm going to go there, and it is going to pull tourist dollars away from certain towns. And then, it's going to make it impossible for these companies even to try and set up a system where they can track those tax rates where they're different everywhere and then they could change at any time. So, to say that it's not going to have any direct impact on our tourism, I think is completely disingenuous and we need to protect our tourism industry, especially, you know, we've only got a few mills left in this State and everything else seems to be coming under attack and the tourism industry seems to be one of the last viable industries we have left. So, I strongly oppose this bill, Madam Speaker, and I encourage you to do the same.

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

Representative **LIBBY**: Thank you, Madam Speaker. I rise to answer the question of the Good Representative from, I believe, North Yarmouth. The answer is that it does not go through city council, it goes straight to referendum; but I would answer that beyond that, it also cannot go to the municipalities for referendum if this Legislature does not approve it by abdicating our responsibility outlined in the Constitution.

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, it's a pleasure to rise on this bill. I did not prepare a speech, I knew the sponsor himself would do a fine job telling you about the bill,

but I have made some notes of some of the stuff I've heard here and I thought I might respond.

I've got a fair amount of experience with this issue. I was first elected to the Legislature for the first time back around, almost 30 years ago, and I remember this bill being debated then with a Representative from Old Orchard, who told about the challenges of a town of 4,000 having to provide the infrastructure for 100,000 people in the summer all on the property taxpayers. And he made a very compelling case as to why it was; that particular bill was going to be a pilot for just Old Orchard to give it a try because, for decades prior, we hadn't been able to get a local option to help these communities who have to provide for much larger populations at certain times of years.

Twenty-five years ago, I had a bill for a local option tax that had the support of the car dealers, the Chamber of Commerce and such in Bangor. And the issue was to build projects of regional significance. It could be a local option tax for up to five years, so, we could pay cash for, say, the Cross Center in Bangor. Certainly, a regional issue, could not quite get the support we needed and the property taxpayers of Bangor have made the decision to pay for that entirely on our backs to support plenty of activities that people from all over the State and, really, larger region want to attend. And the shame of it is, these types of events put more expense on the local community and there's no revenue, all the revenue for meals and lodging goes to the State of Maine, so, it makes it hard for communities to want to put up their money for these expensive endeavors.

We've heard one of the perennial arguments against this is we never surrender our constitutional right. We're not surrendering it; we're authorizing it. We're authorizing this tax to local communities. The Attorney General gave us an opinion that this would be very defensible in court, that this is constitutional and I would also submit, if people are tired of dealing with this issue and really truly believe it's unconstitutional, why don't we pass it? Let it get challenged in court, maybe it will put an end to this once and for all, we'll get a ruling that it is unconstitutional.

You look at Bangor and Portland and some of the bigger cities and what we're dealing with, with homelessness. These folks aren't from our community; some are, but largely, they're from all over your communities as well. Bangor, net of all State aid, everything we're getting back from the State, we're paying 3.5% of our property tax dollars to general assistance. So, we definitely have a housing crisis in Bangor, as does Portland and other regional service communities. You look at places like Old Orchard and Mount Desert Island, terrible situation with housing for their workforce. People cannot afford to work on the islands to do these jobs at the hotels and restaurants.

One of the other interesting things about our tax code is Maine is Vacationland, we draw people from all over the country here, but the way our tax code is set up, once they're here, a lot of what they do is not taxable. So, once again, that's a way of keeping the burden on us. The room tax is exceptionally one of our best exportable tax. Yes, Maine people do stay in Maine hotels, but during the summer, when rooms are hundreds or even thousands of dollars a night, those are out-of-staters. And so, we have a choice of making our tax code a little more exportable to out-of-staters and a little bit less on us, or not. And I would submit, when you hear we already have one of the highest rooms tax in the nation; that's true, as a State tax. When my kids were younger, we traveled to Orlando a lot, and Florida only has a six or six and a half percent room tax. But the part that's left out is they have another six or six and a half percent local option tax. We already heard 36 states have local option taxes. So, when you look at what you're paying in room tax

throughout most of the country, it is as high or higher than Maine's, and I'll submit, 1% to support communities; right now, you check a room in Portland, oftentimes, it's over \$500 a night. So, if people are; as a Mainer, I don't travel to Portland and stay in a hotel when the rooms are five, six, seven hundred dollars a night. Maybe if I can find a deal on off-season as a Mainer, I would travel there, but if someone's paying \$700 a night, I don't believe that one extra percent, or that seven dollars on a \$700 room, is going to, you know, keep them away.

And as far as the administration of this with third-party bookers and such, believe it or not, there's something like 35,000 taxing jurisdictions in this country. Hard to believe with 50 states and whatever number of municipalities, but there are something like 35,000 taxing jurisdictions in the State and places like Airbnb and Wayfair and Amazon, they have got it covered. It's all taken care of. So, there's no issue there as well.

And it was interesting this year; oh, I'll get back to not many people in the room testifying. Years ago, the Taxation Committee room would be full to the brim, overflow, for one of these bills, okay? And we do have multiple bills, different versions of local options every year. But I can tell you, the sad truth is over the years, people have just come to believe this Legislature will never do this, it'll never do anything, we'll never find a way to diversify the costs that municipalities bear and they just don't show up anymore. They're confident we will never do this. But I think this bill, at this time, I think it's possible. I think this is something we should do, I think it will help where the need is in many different ways and I hope we can get the support here today. Thank you, Madam Speaker.

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

Representative **QUINT**: Thank you, Madam Speaker. I just want to once again point out; local control is brought up, referendums are brought up, whether the town council involved is brought up. This Committee, the Tax Committee, unanimously voted down a bill that would allow a local sales tax option for the community itself to decide how they wanted to use that to best suit their community. The entire Committee said no to that. And now, we have a bill where we are specifically putting through a local sales tax option to tell them they can only use it for housing. I'm confused and this separation of this report within my Committee; in fact, I was disappointed by it for that simple fact. So, this is not a local control issue, this is stating to someone that it can only be used for that. Like I said before, there was another bill that came through, it was voted down unanimously, went under the hammer by this entire Body, stating that that was unnecessary. Thank you.

The SPEAKER: The Chair recognizes the Representative from Greenbush, Representative Carmichael.

Representative **CARMICHAEL**: Thank you, Madam Speaker. And with all due respect to my good friend from Bangor, I agree with a lot of his issues and there may be a time for this type of a tax, but this particular bill, Madam Speaker, any lodging that's in an unorganized territory gets treated differently than any that's in a community. So, we're taking half the State, geographically, and we're treating it different than the other half of the State. I don't think that's good, sound tax policy and I really think that's something we should consider carefully.

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

Representative **LEE**: Thank you, Madam Speaker, for allowing me to be the second Representative from Auburn to respond to the Representative from North Yarmouth's question. The bill provides that referendums are to occur pursuant to 30-A M.R.S. §2528, which itself provides that referendums occur by order of the municipal officers; the town council, the city council, the town meeting; or on the written petition of a number of voters equal to at least 10% of the number of votes cast in the last gubernatorial election. Thank you.

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

Representative **CYRWAY**: Thank you, Madam Speaker, Ladies and Gentlemen of the House. I was listening to this and I was talked out of going to stay the night down in Portland if we're going to get taxed more. I think it's just ridiculous and, you know, we're putting the people today; they're struggling with their food, they're struggling with housing to buy houses, they're struggling to meet their bills. And young people today aren't even able to afford to buy a house now, because all the increases that we've made. And so, we're actually adding more to this problem. So, this is a rocky-road bill. It's very rocky. We're not taking and helping everybody. It's not helping Millinocket, it's not helping certain areas that really need the help. All it's doing is trying to take care of issues that have been brought up in certain towns about housing, which the towns could take care of themselves. They brought it on themselves, they can take care of it. But this bill makes it very rocky in certain areas and so, we really should take a look at it and redo it. I think there is some merit to some of it, but I think that it's not primetime. Thank you, Madam Speaker.

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

Representative **COLLAMORE**: Thank you, Madam Speaker. Madam Speaker, I stand today in opposition to this motion; not because I am against municipalities being able to help recover costs, because, as the Good Representative to my right stated, we had a bill before this very Committee trying to ensure that municipalities had the ability to charge an extra tax or fee; we were calling it a user fee, basically, to people staying in these municipalities using whatever residential thing, whether it was the Airbnbs or the hotels or motels, so that the municipalities could recover costs, Madam Speaker, of what happens when that increased traffic comes into those areas.

The Good Representatives who have spoken in favor of this, talking about the other states that are able to charge these and do these fees and taxes, they're absolutely correct, they are able to do this. I visited a community in South Dakota that's a tourist area that during the summer months, where they have the high tourist traffic, they charge an additional tax so that they can use the fees to help them pick up the additional rubbish that has accumulated, to be able to hire the additional seasonal staff that they need to hire because they have 4,000 beds to, like, 1,000 citizens. And so, it was something that was really exciting.

But this particular bill, Madam Speaker, does not allow the municipality to choose how to use that to help support them in the way that they need to be supported. They're only allowed to charge the extra fee in order to support housing, not to support the additional costs that actually come along with all of these visitors coming to our area. So, for that reason, Madam Speaker, I oppose this particular motion and hope that, maybe, next time we can look at doing something that will actually benefit the municipalities who are being impacted by this additional traffic. Thank you.

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

Representative PERRY: Thank you, Madam Speaker. Madam Speaker, thank you for allowing me to speak a second time. I've heard a couple more things.

The bill that was brought up, that we had a different local option bill we had in the Tax Committee, I did not sense a lot of support in the Committee from the folks who are bringing that bill up. In fact, I believe the sponsor, when she introduced it, had changed the bill; had an amendment handy that changed it from a local option to just dedicating revenue collected without the local option tax. So, it really was a very different bill; and I will say, now that there are rentals in rural Maine, we've never enjoyed any support from rural Maine on these types of bills, but now that there are Airbnbs and such and these short-term rentals going on in rural Maine, it is nice to see an interest and I would just also add, if the opposition; if there was support out there for this other bill where it didn't encumber the funds and there's interest, if this should pass, certainly someone could make a House Amendment to unencumber the funds. So, I think our best action forward is to pass this right here today. 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. 443

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

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

ABSENT - Abdi, Adams, Boyle, Galletta, Gramlich, Haggan, Lanigan, Malon, Mathieson, O'Connell, O'Neil, Pringle, Williams.

Yes, 65; No, 73; Absent, 13; Vacant, 0; Excused, 0.

65 having voted in the affirmative and 73 voted in the negative, with 13 being absent, and accordingly the Majority **Ought to Pass as Amended** Report was **NOT ACCEPTED**.

Subsequently, on motion of Representative PERRY of Bangor, the Minority **Ought Not to Pass** Report was **ACCEPTED** and sent for concurrence.

Majority Report of the Committee on **VETERANS AND LEGAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-880)** on Bill "An Act to Remove the Requirement for Edible Cannabis Products to Be Stamped or Embossed on Each Serving with a Universal Symbol" (EMERGENCY)

(H.P. 1371) (L.D. 2147)

Signed:

Senators:

HICKMAN of Kennebec
TIMBERLAKE of Androscoggin

Representatives:

SUPICA of Bangor
ANDREWS of Paris
BOYER of Poland
COLLINGS of Portland
HYMES of Waldo
RIELLY of Westbrook
RUDNICKI of Fairfield
WILLIAMS of Bar Harbor

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "B" (H-881)** on same Bill.

Signed:

Senator:

BRENNER of Cumberland

Representatives:

MALON of Biddeford
MONTELL of Gardiner

READ.

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

The same Representative **REQUESTED** a roll call on her 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 Poland, Representative Boyer.

Representative **BOYER**: Thank you, Madam Speaker, Colleagues of the House. This bill came to me in the off-season from a cannabis business owner, a small business owner. Office of Cannabis Policy has said that his gummies, though they have the symbol embossed on each individual gummy, which is the Statute, that it's not legible enough. But our Committee found that other businesses had similar stamps and markings and the Department said those were okay, so, it seemed like uneven, unfair enforcement. These operators went out and bought \$20,000 worth of molds to be part of this system and they're complying with the law as it stands, as it's written.

So, what this bill does is simply say that the gummies are impractical for this universal symbol and that they can have the universal symbol on the package. So, all this law does, it doesn't do anything around the packaging, so, these gummies will still have to be in tamper-evident, child-resistant packaging, with the dosage on there, with the symbol. These containers are really hard to get into, so much that they're a problem for some elderly folks that don't have the dexterity to do this. This is a compromise of stakeholders. The original bill removed the universal symbol requirement for every product and every edible. This compromise says just gummies will be marked as impractical, as we have already had marked impractical like popcorn and granola. So, if those products that the State has

said they're okay not to have the stamp, it seems reasonable to have; the gummies need to be sugared, the whole reason for this is because the gummies would come back together and you'd have three gummies in one, and that's more of a concern for public health and safety, where people don't know what they're getting into. And, you know, so, OCP, the Office of Cannabis Policy, said on mic, said to the news that they were supportive of this compromise. They understood that it could be impractical for especially small business owners. Meanwhile, large, multi-state operators are not having this issue, so, it's about fairness, it's about supporting a nascent industry in our State that is a half a billion-dollar industry at this point.

You know, this conversation has kind of devolved into the kids, the kids; and we can have legal cannabis and still make sure it's not in the hands of kids. That's why we made cannabis legal in the first place, Madam Speaker, was to make sure it was behind the counter where you had to check ID and make sure you were 21, where it's tested, tracked and taxed. So, that's what we have here, but at some point, personal responsibility comes into play, Madam Speaker. Remember the washer pods went viral for kids challenge to eating them, so much that they had to change the packaging there. So, at the end of the day, what does this symbol protect? Who does it protect? It sure as heck doesn't protect a 2-year-old that can't read that's going to eat something colorful, and it doesn't protect a 16-year-old that's just looking for their parents' cannabis, that wants it because it's cannabis.

So, at the end of the day, these small businesses are asking the Legislature to strike a balance between public health and safety and overburdensome regulations, and simply moving the symbol to the package for the gummies is that compromise, it's still in child-resistant packaging, still behind the counter and I hope folks take that into account. Thank you.

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

Representative **CYRWAY**: Thank you, Madam Speaker, Ladies and Gentlemen of the House. When I first, you know, came here in the other Body years ago and they wanted this marijuana bill passed and it got passed, but they kept saying, oh, we're going to take care of the kids. We're going to really make sure that the kids are safe. Well, this bill doesn't do that. It doesn't do that. So, I am voting against this bill and I think that everybody should follow this light because that's what they promised. 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. 444

YEA - Albert, Andrews, Ankeles, Ardell, Arford, Bagshaw, Beck, Bell, Blier, Boyer, Bridgeo, Campbell, Carlow, Cloutier, Cluchey, Collamore, Collings, Copeland, Costain, Cray, Davis, Dhalac, Dill, Doudera, Drinkwater, Ducharme, Dunphy, Eaton, Faulkingham, Fay, Fredericks, Gattine, Gere, Gifford, Griffin, Guerrette, Hall, Hasenfus, Henderson, Hepler, Hobbs, Hymes, Jackson, Jauch, Javner, Kessler, Lajoie, Landry, LaRochelle, Lavigne, Lee, Libby, Lookner, Matlack, Milliken, Moonen, Moriarty, Morris, Osher, Paul, Perkins, Perry J, Pluecker, Poirier, Pomerleau, Quint, Rana, Rielly, Riseman, Roberts, Roeder, Rudnicki, Russell, Salisbury, Sampson, Sargent, Sayre, Schmursal-Burgess, Shaw, Sheehan, Simmons, Sinclair, Skold, Smith, Soboleski, Stover, Strout, Supica, Swallow, Terry, Theriault, Thorne, Underwood, Walker, Warren, White B, White J, Wood, Woodsome, Worth, Zeigler, Madam Speaker.

NAY - Arata, Babin, Bradstreet, Brennan, Carmichael, Crafts, Craven, Crockett, Cyrway, Dodge, Foster, Geiger, Golek, Graham, Greenwood, Kuhn, Lemelin, Lyman, Madigan, Mason, Mastraccio, Meyer, Millett H, Millett R, Montell, Murphy, Ness, Newman, Nutting, Parry, Perry A, Polewarczyk, Runte, Sachs, Shagoury, Zager.

ABSENT - Abdi, Adams, Boyle, Galletta, Gramlich, Haggan, Lanigan, Malon, Mathieson, O'Connell, O'Neil, Pringle, Williams.

Yes, 102; No, 36; Absent, 13; Vacant, 0; Excused, 0.

102 having voted in the affirmative and 36 voted in the negative, with 13 being absent, and accordingly the Majority **Ought to Pass as Amended** Report was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (H-880)** 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-880)** and sent for concurrence.

Majority Report of the Committee on **VETERANS AND LEGAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-882)** on Bill "An Act Regarding Quality of Care and the Board of Trustees at the Maine Veterans' Homes"

(H.P. 1418) (L.D. 2211)

Signed:

Senators:

HICKMAN of Kennebec
BRENNER of Cumberland
TIMBERLAKE of Androscoggin

Representatives:

SUPICA of Bangor
BOYER of Poland
COLLINGS of Portland
MALON of Biddeford
MONTELL of Gardiner
RIELLY of Westbrook
WILLIAMS of Bar Harbor

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

Signed:

Representatives:

ANDREWS of Paris
HYMES of Waldo
RUDNICKI of Fairfield

READ.

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

The Bill was **READ ONCE**. **Committee Amendment "A" (H-882)** 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-882)** and sent for concurrence.

By unanimous consent, all matters having been acted upon were **ORDERED SENT FORTHWITH** with the exception of matters being held.

**CONSENT CALENDAR
First Day**

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

(H.P. 197) (L.D. 299) Bill "An Act to Amend the Laws Regarding Health and Human Services" Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-885)**

(H.P. 1372) (L.D. 2148) Bill "An Act to Establish Common Carrier Reporting for the Direct Shipment of Wine" Committee on **VETERANS AND LEGAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-884)**

(H.P. 1379) (L.D. 2155) Bill "An Act to Clarify Licensing Criteria and Criminal History Record Check and Notification Requirements for Adult Use Cannabis Establishments" Committee on **VETERANS AND LEGAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-878)**

(H.P. 1440) (L.D. 2241) Bill "An Act to Eliminate Inactive Boards and Commissions" Committee on **STATE AND LOCAL GOVERNMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-879)**

(H.P. 1446) (L.D. 2255) Resolve, to Reestablish the Task Force on Accessibility to Appropriate Communication Methods for Deaf and Hard-of-hearing Patients (EMERGENCY) Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-886)**

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

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

**ENACTORS
Emergency Measure**

Resolve, to Protect and Enhance Access to Behavioral Health Services in Androscoggin County and Surrounding Communities

(S.P. 898) (L.D. 2105)
(C. "A" S-614)

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, to Add Members to the Maine Semiquincentennial Commission and Set the Compensation Rate for Commission Members

(H.P. 1369) (L.D. 2145)
(C. "A" H-864)

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. 73 voted in favor of the same and 62 against, and accordingly the Resolve **FAILED FINAL PASSAGE** and was sent to the Senate.

Acts

An Act Regarding Municipal Taxation of Certain Solar Energy Equipment

(H.P. 725) (L.D. 1153)
(C. "A" H-855)

An Act to Direct the Maine Prescription Drug Affordability Board to Assess Strategies to Reduce Prescription Drug Costs and to Take Steps to Implement Reference-based Pricing

(S.P. 745) (L.D. 1829)
(C. "A" S-613)

An Act to Provide Grants to Schools That Contract for Behavioral and Mental Health Services

(H.P. 1280) (L.D. 2002)
(C. "A" H-856)

An Act to Exempt from Sales Tax the Sale and Delivery of All Residential Electricity

(H.P. 1367) (L.D. 2143)
(C. "A" H-866)

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, Directing the Department of Administrative and Financial Services, the State Court Administrator and the Executive Director of the Legislative Council to Add a 3rd Option for Gender on State Forms

(H.P. 1434) (L.D. 2235)
(C. "A" H-854)

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

An Act to Require the State to Notify Indian Tribes and Indian Nations When New Laws Are Enacted That Need to Be Certified

(H.P. 1167) (L.D. 1835)
(C. "A" H-853)

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

On motion of Representative MOONEN of Portland, was **SET ASIDE**.

On further motion of the same Representative, the rules were **SUSPENDED** for the purpose of **RECONSIDERATION**.

On further motion of the same Representative, the House **RECONSIDERED** its action whereby the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (H-853)**.

On further motion of the same Representative, the rules were **SUSPENDED** for the purpose of **FURTHER RECONSIDERATION**.

On further motion of the same Representative, the House **RECONSIDERED** its action whereby **Committee Amendment "A" (H-853)** was **ADOPTED**.

The same Representative **PRESENTED** **House Amendment "A" (H-899)** to **Committee Amendment "A" (H-853)**, which was **READ** by the Clerk.

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

Representative **MOONEN**: Thank you, Madam Speaker. Very simply, this amendment fixes something that was caught by our Committee Analysts where, if we didn't fix it, we would be creating a conflict, and just trying to avoid doing that. Thank you, Madam Speaker.

Subsequently, **House Amendment "A" (H-899)** to **Committee Amendment "A" (H-853)** was **ADOPTED**.

Committee Amendment "A" (H-853) as Amended by **House Amendment "A" (H-899)** thereto was **ADOPTED**.

Subsequently, the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (H-853) as Amended by House Amendment "A" (H-899)** thereto in **NON-CONCURRENCE** and sent for concurrence.

ORDERED SENT FORTHWITH.

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

**REPORTS OF COMMITTEE
Divided Report**

Eight Members of the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** report in Report "A" **Ought to Pass as Amended by Committee Amendment "A" (H-894)** on Bill "An Act to Provide Funding to Rebuild Infrastructure Affected by Extreme Inland and Coastal Weather Events" (EMERGENCY) (H.P. 1426) (L.D. 2225)

Signed:

Senators:

ROTUNDO of Androscoggin
DUSON of Cumberland

Representatives:

SACHS of Freeport
ANKELES of Brunswick
COLLINGS of Portland
FAY of Raymond
GATTINE of Westbrook
MATLACK of St. George

Three Members of the same Committee report in Report "B" **Ought to Pass as Amended by Committee Amendment "B" (H-895)** on same Bill.

Signed:

Senator:

BENNETT of Oxford

Representatives:

DUCHARME of Madison
MILLETT of Waterford

Two Members of the same Committee report in Report "C" **Ought to Pass as Amended by Committee Amendment "C" (H-896)** on same Bill.

Signed:

Representatives:

BLIER of Buxton
CARLOW of Buxton

READ.

On motion of Representative SACHS of Freeport, Report "A" **Ought to Pass as Amended** was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (H-894)** 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-894)** and sent for concurrence.

By unanimous consent, all matters having been acted upon were **ORDERED SENT FORTHWITH** with the exception of matters being held.

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

Representative **BRENNAN**: Thank you Madam Speaker, 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 Representative may proceed on the record.

Representative **BRENNAN**: As many of you know, I had some medical issues last Tuesday. So far, all the tests have come back negative, so, I'm very thankful for that. At the same time, I wanted to take a moment to thank Representative Zager for his quick intervention, along with Representative Pringle. Within 30 seconds, I had five doctors around me. I'm a little worried about what the bill is going to look like, but hopefully you can help me out with that. The Doctor of the Day was terrific, MedQ was outstanding, and MaineGeneral, the emergency room; I got to spend six hours there and they were very responsive and very helpful.

And I want to thank each and every one of you for your cards, letters, phone calls, texts, emails and prayers. And, you know, I've probably gotten up and given over a hundred different speeches in this Chamber over the years, and at no other time have I gotten up that I feel more gratitude and thankful to all of you for your support during this time. So, thank you.

On motion of Representative DHALAC of South Portland, the House adjourned at 12:15 p.m., until 10:00 a.m., Tuesday, April 2, 2024, in honor and lasting tribute to Lado Lodoka of New Gloucester.