

MAINE STATE LEGISLATURE

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



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

ONE HUNDRED THIRTY-FIRST LEGISLATURE
SECOND REGULAR SESSION
35th Legislative Day
Tuesday, April 9, 2024

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

Prayer by Pastor Ronald Stevens, Dexter Pentecostal Church.

National Anthem by Ronald Stevens, Dexter and Honorable Tammy L. Schmersal-Burgess, Mexico.

Pledge of Allegiance.

Medical Provider of the Day, Tiffany Eisenhauer, MSPA, PA-C, Freeport.

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

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

SENATE PAPERS

The following Joint Resolution: (S.P. 998)

JOINT RESOLUTION, REQUESTING THE UNITED STATES DEPARTMENT OF VETERANS AFFAIRS TO PROVIDE ACCESS TO MEDICAL CARE AND ASSISTANCE TO MEMBERS OF THE MAINE NATIONAL GUARD WHO TRAINED AT THE MILITARY SUPPORT BASE IN GAGETOWN, NEW BRUNSWICK, CANADA

WE, your Memorialists, the Members of the One Hundred and Thirty-first Legislature of the State of Maine now assembled in the Second Regular Session, most respectfully present and petition the United States Department of Veterans Affairs as follows:

WHEREAS, Resolve 2023, chapter 95 established the Gagetown Harmful Chemical Study Commission; and

WHEREAS, the commission was tasked with studying the impacts of exposure to harmful chemicals, including 2,3,7,8-tetrachlorodibenzo-p-dioxin, or TCDD, as well as other dioxins including that known as Agent Orange, on veterans who served at the Canadian military support base in Gagetown, New Brunswick, Canada; and

WHEREAS, the commission has striven to demonstrate through scientific evidence the connection between exposure to those chemicals while training and subsequent negative health outcomes, but it is the responsibility of the United States Department of Veterans Affairs to make this determination and provide care and assistance; and

WHEREAS, the United States Department of Veterans Affairs has determined that Vietnam War veterans who were exposed to tactical herbicides, including Agent Orange, suffered harmful effects and were subsequently diagnosed with conditions or illnesses associated with that exposure; and

WHEREAS, those who served at the Gagetown military support base include members of the United States National Guard, who were never deployed but were nevertheless exposed to these harmful chemicals, which are known to have been tested at Gagetown; and

WHEREAS, access to medical care and assistance through the United States Department of Veterans Affairs is therefore unavailable for these National Guard members; now, therefore, be it

RESOLVED: That We, your Memorialists, respectfully urge and request that the United States Department of Veterans Affairs recognize the effects of exposure to harmful chemicals, including TCDD and other dioxins, on members of the United States National Guard who trained at Gagetown and who are diagnosed with conditions or illnesses associated with that exposure as has already been done for Vietnam War veterans and others; and be it further

RESOLVED: That We further urge and request that the United States Department of Veterans Affairs review the most recent scientific reporting on the effects to human health of exposure to dioxins, to conduct independent environmental sampling and analysis at Gagetown related to dioxins and risks to human health, to examine health outcomes for individuals who trained there and to provide access to medical care and assistance for those individuals; and be it further

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the Honorable Joseph Biden, President of the United States; the President of the United States Senate; the Speaker of the House of Representatives of the United States; the Honorable Denis Richard McDonough, Secretary of Veterans Affairs; and each Member of the Maine Congressional Delegation.

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

COMMUNICATIONS

The Following Communication: (H.C. 469)

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

April 2, 2024

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

RE: Maine Indian Tribal State Commission

Dear Speaker Talbot Ross:

It is with disappointment that I withdraw the nominations of Lloyd Cuttler and Richard B. Bronson, Jr. to the Maine Indian Tribal State Commission (MITSC), pursuant to Title 3 M.R.S.A., §154. As you know, MITSC is an independent, inter-governmental entity with thirteen members, six of whom are appointed by the Tribes to represent Tribal interests and six of whom are nominated by the Governor to represent the interests of the State of Maine. To the extent possible within its charge, MITSC is supposed to serve as a forum in which varied and differing perspectives of the Tribes and the State can be respectfully debated and addressed.

Unfortunately, that no longer appears to be the case.

That MITSC, through a letter signed by the Executive Director and the Chair, opposed nominees to its own commission is inappropriate and unprecedented in recent Maine history. It is inappropriate and unprecedented for good reason: because a commission – any commission – weighing in on nominees poisons its neutrality and fundamentally undermines its ability to effectively do its job, fostering an inhospitable environment and creating a chilling effect among its members.

This approach is made worse by the fact that the letter, despite purporting to represent the views of the Commission broadly, is not supported by the entirety of the Commission and was not the result of any Commission vote. In fact, some Commission members apparently never saw the final letter before it was sent.

Further, that the Executive Director, a professional staff member who should be neutral in order to serve the interests of all Commission members, violated that neutrality by signing the letter is a disservice to members of the Commission who strongly disagree with the letter's sentiments, sending a troubling message that their perspectives are secondary and less important than that of other members.

Even more profoundly, it is deeply disturbing that the letter implies that anyone who has expressed concerns about a Tribal position is unacceptable and cannot serve on MITSC. Expressing a countervailing view does not make a person unqualified to serve on MITSC, an entity whose purpose is to have conversations about disagreements and to find common ground.

The State's nominees, Mr. Cuttler and Mr. Bronson, are people of great integrity with extensive experience serving as appointed officials in communities that border Tribal lands. Their experiences as municipal officials lend an important perspective – one that often does not receive the attention it deserves.

I am deeply disappointed to say that it appears MITSC is no longer a forum for diverse perspectives or for respectful and considered conversation and debate. Instead, MITSC appears to have become a rubber stamp for monolithic thought; where differing perspectives are not only unwelcome but are unacceptable; and where individuals who may respectfully voice a diverging viewpoint are to be criticized and marginalized, instead of embraced and heard.

As Gordon Nels Kramer, whose nomination to MITSC was advanced, recently wrote to the Judiciary Committee:

"The letter from the MITSC Commissioners to your Committee was very disappointing on a number of fronts, including the notion that all nominees, either state or tribal, need to all be speaking in unison on every matter that may come before the Commission. In my mind that is not the point of having a Commission with a variety of voices to arrive a consensus on issues of importance to ALL members being represented, both from the tribes and the state!"

He is right. I cannot – and will not – subject Mr. Cuttler and Mr. Bronson to this.

The Judiciary Committee, and the entire Legislature, should have grave concerns over the precedent this sets for the future.

Sincerely,
S/Janet T. Mills
Governor

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 471)
**HOUSE OF REPRESENTATIVES
2 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0002**

Dear Speaker Talbot Ross,
It has been an honor and privilege to serve in the Maine House of Representatives and represent the towns of Bar Harbor, Mount Desert, Lamaine and the Cranberry Isles. Unfortunately, due to an unexpected professional opportunity that is not compatible with the Legislature, I must leave this office earlier than expected. Please accept this letter as my resignation effective immediately. Thank you to my constituents for the honor of representing them and thank you to my colleagues and the staff at the State House for working together on behalf of Maine people.

Sincerely,
S/Lynne Williams

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 470)
**STATE OF MAINE
CLERK'S OFFICE
2 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0002**

April 9, 2024
Honorable Rachel Talbot Ross
Speaker of the House
2 State House Station
Augusta, Maine 04333

Dear Speaker Talbot Ross:

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

Appropriations and Financial Affairs

L.D. 236 An Act to Authorize a General Fund Bond Issue to Support the Economic Development of the Fishing Industry and the Portland Harbor Dredging Project (BOND ISSUE)

L.D. 367 An Act to Authorize General Fund Bond Issues to Improve Highways, Bridges and Nonhighway Modes of Transportation (BOND ISSUE)

Sincerely,
S/Robert B. Hunt
Clerk of the House

READ and with accompanying papers ORDERED PLACED ON FILE.

The SPEAKER: I would like to take a moment now to recognize the passing of former Governor Joe Brennan. He was not only our former Governor, he was a former State Representative, a State Senator, Attorney General and a Congressman. Not content with those accomplishments, he completed his public service career by serving three U.S. Presidents; President Clinton, President Bush, President Obama; as a Commissioner of the Federal Maritime Commission. Governor Brennan dedicated his life to the people of Maine and was an advocate for working people and successfully instituted major reforms in education, economic development and environmental protection here in Maine. Quite truly, Maine is a better place because of his service. I ask that you join me in a moment of silence in the memory of Former Governor Joe Brennan.

At this point, the Members of the House stood and joined in a moment of silence in honor of the Honorable Joseph E. Brennan, of Portland.

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

ORDERS

On motion of Representative STOVER of Boothbay, the following Joint Resolution: (H.P. 1475) (Cosponsored by Representatives: CLOUTIER of Lewiston, GRAMLICH of Old Orchard Beach, MADIGAN of Waterville, MEYER of Eliot, MILLIKEN of Blue Hill, MOONEN of Portland, ROEDER of Bangor, SALISBURY of Westbrook)

JOINT RESOLUTION RECOGNIZING APRIL 2024 AS SEXUAL ASSAULT AWARENESS MONTH

WHEREAS, sexual assault affects all communities in Maine and people of all races, genders and economic backgrounds, and over 14,000 people in Maine are sexually assaulted each year and one in 5 Maine citizens will experience sexual violence in their lifetimes; and

WHEREAS, the effects of sexual violence have wide-ranging public health ramifications and societal costs, and survivors and their loved ones can experience consequences including mental health crises, substance use disorder, homelessness, lost wages and health care costs, among others; and

WHEREAS, sexual violence affects certain groups more often, and that disproportionate impact is related to historical experiences of marginalization and oppression, providing evidence that sexual assault is a tool of control and power; and

WHEREAS, systems of support for survivors of sexual assault often have inadequate resources, do not provide adequate options for justice and healing and retraumatize survivors; and

WHEREAS, widespread stigma and misconceptions around sexual violence result in low rates of reporting of crimes, increased isolation and shame for victims and the continuation of cultures of violence; and

WHEREAS, raising awareness in our communities about the causes of and solutions to sexual violence can lead to long-term positive cultural and systemic changes, and building a future free from sexual violence requires us to commit to making those changes; now, therefore, be it

RESOLVED: That We, the Members of the One Hundred and Thirty-first Legislature now assembled in the Second Regular Session, on behalf of the people we represent, take this opportunity to recognize April 2024 as Sexual Assault Awareness Month and to express our support for and encouragement of all those affected by sexual violence; and be it further

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the Maine Coalition Against Sexual Assault as a token of our respect and support.

READ and ADOPTED.

Sent for concurrence.

On motion of Representative O'CONNELL of Brewer, the following Joint Order: (H.P. 1468)

ORDERED, the Senate concurring, that "Resolve, to Require the Maine Board of Pharmacy to Review Work Practices and Treatment of Pharmacists," H.P. 173, L.D. 275, and all its accompanying papers, be recalled from the legislative files to the Special Study Table.

READ.

Pursuant to Joint Rule 404, this Joint Order required the affirmative vote of two-thirds of those present for **PASSAGE**. 107 having voted in the affirmative and 0 in the negative, 107 being more than two-thirds of the membership present, and accordingly the Joint Order was **PASSED** and sent for concurrence.

SPECIAL SENTIMENT CALENDAR

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

Recognizing:

Samuel Dickey, of New Gloucester, a corrections officer with the Cumberland County Sheriff's Office, on his retirement after 24 years of public service. Officer Dickey served the citizens of Cumberland County and Maine from February 11, 2000 to March 31, 2024. We extend our congratulations and best wishes;

(HLS 970)

Presented by Representative ARATA of New Gloucester.

Cosponsored by Senator BRAKEY of Androscoggin.

On **OBJECTION** of Representative ARATA of New Gloucester, was **REMOVED** from the Special Sentiment Calendar.

READ.

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

Recognizing:

Edward H. Palmer, Sr., of Scarborough, who was named the South Portland Business Leader of the Year for 2023. We extend our congratulations and best wishes;

(HLS 974)

Presented by Representative GRAHAM of North Yarmouth.

Cosponsored by Senator BRENNER of Cumberland, Senator CARNEY of Cumberland, Representative BECK of South Portland, Representative DHALAC of South Portland, Representative GATTINE of Westbrook, Representative KESSLER of South Portland, Representative MURPHY of Scarborough, Representative WARREN of Scarborough.

On **OBJECTION** of Representative GRAHAM of North Yarmouth, was **REMOVED** from the Special Sentiment Calendar.

READ.

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

Representative **GRAHAM**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House, I rise to speak to my brother Ed Palmer's Sentiment. Please, Madam Speaker, know that I get a little choked up when I talk about people that I love.

If anyone ever wondered what the "P" stands for in my name, it's Palmer. If anyone ever wondered why I say that, it's because I'm very proud to have that name. I grew up in a family of five as the only girl, in the middle. My brothers, Tom and Ed, were older than me, and my brothers, David and Jim, younger.

We grew up in Bangor, where my dad was a general surgeon. We lived across from Eastern Maine General Hospital, where my dad worked every waking hour; at least, it seemed that way to me and my brothers. Tom and Ed chose not to work in health care after watching my dad work so hard. Instead, they both chose the hospitality industry, which demanded as much, if not more hours, but they chose to care for people like dad did in a different way.

Please allow me to read the words shared by South Portland Councilwoman Linda Cohen for Ed's presentation of Business Leader of the Year: Ed Palmer is in the hospitality business. During his 42-year tenure with Ocean Properties Hotel and Resorts Group, he served as a general manager for 26 years of the Portland Marriott, now Portland Sheridan, at Sable Oaks, from 1996 to 2022. Fortunately for all of us, he spent a great deal of his time giving back to South Portland and the Greater Portland region. Ed has been involved in all kinds of community good works throughout his career. His focus has been on educating and providing opportunities for those entering the workforce, with a special focus on hospitality and tourism sectors. He served on the board of the community and regional Chambers of Commerce and the Southern Maine Community College Foundation, an organization dedicated to raising scholarship funds for students attending our local community college. He helped to establish the tourism education program at the University of Southern Maine. Ed was recognized by Chief Executive Baldacci in 2008 for his exceptional treatment of his employees and for managing a workplace that was a great place to work. In 2019, he was elected to the Maine Hospitality Hall of Fame. Ed served not only on the South Portland-Cape Elizabeth Community Chamber of Commerce, but also on the Greater Portland Regional Chamber, having served on the boards of one or both of most of his career, including a term as President. He also served on the board of the Greater Portland Regional Convention and Visitors Bureau, now known as Visit Portland. Whenever there was a community activity or opportunity, Ed stood ready with his team to help. Ed credits his wife, Jen, for her willingness to share him with the community as the reason he has been able to participate in these activities. Ed and Jen live in Scarborough, raised four children there, they are very proud parents of four adult children, a son in the hospitality business, three daughters a nurse, a nurse practitioner; I take credit for that; and a dentist. Whether raising scholarship funds, offering apprenticeships, or cleaning the snow off the cars of his hotel guests, there was no job too big or too small for my brother, Ed. Ed has done them all."

Ed's middle initial is "H" which stands for Herlihy, my mom's maiden name. Actually, I think it stands for hospitality. Hospitality is defined; sorry about that; is defined by entertainment of guests and visitors and strangers. And to quote the Bible, quote; "do not neglect to show hospitality to strangers, for thereby some have entertained angels unawares." I'm so proud to call Ed my brother. And if you have the time, get to a Sea Dogs game this summer, because he'll be working there and he has been working with the Portland Celtics and is proud to say that they've made the Eastern League Championships. So, thank you, Madam Speaker, for allowing me to talk about my brother.

Subsequently, this Expression of Legislative Sentiment was **PASSED** and sent for concurrence.

Recognizing:

Uliana M. Fournier, of Fairfield, a senior at Winslow High School, who is a recipient of a 2024 Principal's Award for outstanding academic achievement and citizenship, sponsored by the Maine Principals' Association. We extend our congratulations and best wishes;

(HLS 977)

Presented by Representative RUDNICKI of Fairfield.

Cosponsored by Senator LaFOUNTAIN of Kennebec.

On **OBJECTION** of Representative RUDNICKI of Fairfield, was **REMOVED** from the Special Sentiment Calendar.

READ.

The **SPEAKER**: The Chair recognizes the Representative from Fairfield, Representative Rudnicki.

Representative **RUDNICKI**: Thank you, Madam Speaker, Ladies and Gentlemen of the House. I have the honor today to give a Legislative Sentiment to Uliana Fournier. Now, I'm sure most of you know, but if you don't, I will let you know that every high school in the State of Maine gets a recipient of this Principal's Award and then they go on to a luncheon, which some of them will actually receive scholarships. So, it's pretty impressive, and if you have; and I'm sure you do; have these recipients in your district, you ought to think about bringing them down here.

I want to tell you, I got to meet this young woman this morning and she's quite impressive. Just to give you a little bit about her, she's actually on track to be Valedictorian of Winslow High School. And you're probably saying, Representative Rudnicki is from Fairfield, not Winslow. Well, Uliana is actually from Fairfield, but she was fortunate to get a superintendent's agreement to allow her to go to Winslow High School, and she is a senior there this year. She is still trying to decide where she will be going to college in the fall. But one impressive thing about this young woman is she either speaks or understands four languages. Her mother is Ukrainian, so, she speaks Ukrainian; she speaks French; and English, obviously; and she understands Russian. So, it's pretty impressive, if you ask me, and I think that that is one of the best parts of this job, as far as I'm concerned, is bringing the kids and bringing folks down here for this part of it. So, I would just like to say, thank you very much.

Subsequently, this Expression of Legislative Sentiment was **PASSED** and sent for concurrence.

In Memory of:

Jeanne Bagshaw Raymond, of Lewiston. For over 20 years, Mrs. Raymond was President of the No Name Pond Watershed Management Association. In 2007, the City of Lewiston recognized her for her commitment to the environment. She loved loons and regularly taught local children about them, and she supported the Lewiston Youth Advisory Council. She attended Calvary United Methodist Church. Mrs. Raymond will be long remembered and sadly missed by her family and friends and all those whose lives she touched;

(HLS 973)

Presented by Representative LAJOIE of Lewiston.

Cosponsored by Senator ROTUNDO of Androscoggin, Representative ABDI of Lewiston, Representative CLOUTIER of Lewiston, Representative CRAVEN of Lewiston.

On **OBJECTION** of Representative LAJOIE of Lewiston, was **REMOVED** from the Special Sentiment Calendar.

READ.

Subsequently, this Expression of Legislative Sentiment was **ADOPTED** and sent for concurrence.

REPORTS OF COMMITTEE

Ought to Pass Pursuant to Public Law

Representative BRENNAN for the **Joint Standing Committee on Education and Cultural Affairs** on Resolve, Directing the Department of Education to Establish the Commission to Study School Construction Policy and Funding (EMERGENCY)

(H.P. 1476) (L.D. 2285)

Reporting **Ought to Pass** pursuant to Public Law 2023, chapter 462, section 4.

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

The Resolve was **READ ONCE**.

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

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

Ought to Pass Pursuant to Resolve

Representative BRENNAN for the **Joint Standing Committee on Education and Cultural Affairs** on Resolve, Directing the Maine Education Policy Research Institute to Review Certain Components of General Purpose Aid for Local Schools and the Essential Programs and Services Funding Formula

(H.P. 1477) (L.D. 2286)

Reporting **Ought to Pass** pursuant to Resolve 2023, chapter 118, section 2.

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

The Resolve was **READ ONCE**.

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

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

Divided Reports

Majority Report of the Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought Not to Pass** on Bill "An Act to Create a Separate Department of Child and Family Services"

(S.P. 338) (L.D. 779)

Signed:

Senators:

INGWERSEN of York
MOORE of Washington

Representatives:

MEYER of Eliot
CRAVEN of Lewiston
GRAHAM of North Yarmouth
GRIFFIN of Levant
JAVNER of Chester
LEMELIN of Chelsea
MADIGAN of Waterville
SHAGOURY of Hallowell
ZAGER of Portland

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (S-641)** on same Bill.

Signed:

Senator:

BALDACCI of Penobscot

Representative:

FREDERICKS of Sanford

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-641)**.

READ.

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

Majority Report of the Committee on **HEALTH COVERAGE, INSURANCE AND FINANCIAL SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-654)** on Bill "An Act to Require Health Insurance Carriers to Provide Coverage for Blood Testing for Perfluoroalkyl and Polyfluoroalkyl Substances"

(S.P. 71) (L.D. 132)

Signed:

Senators:

BAILEY of York
RENY of Lincoln

Representatives:

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

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

Signed:

Senator:

BRAKEY of Androscoggin

Representatives:

MORRIS of Turner
NUTTING of Oakland
SWALLOW of Houlton

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-654)**.

READ.

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

Representative MORRIS of Turner **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 Turner, Representative Morris.

Representative **MORRIS**: Thank you, Madam Speaker, I rise in opposition to the pending motion. I understand the concerns around PFAS and so forth that have gone on; they've been certainly publicized over the last few years. However, I don't think this bill is wise or prudent. There are a few issues with it. Number one, I would say that the insurance companies are already, in many cases, covering this, and putting a mandate on it just doesn't seem necessary.

The other issue is that we have to understand is that we're only regulating State-based plans; we can't regulate a self-funded plan, so, anybody who works for a Walmart or for a business that has a plan that is regulated by the federal government would not have access to this. So, we're really putting our smallest businesses at a competitive disadvantage and passing this on to a very small portion of the market, particularly those that buy an individual health insurance policy.

Furthermore, there seems to be some question as to whether or not there is a course of treatment if someone tests for levels of PFAS in their blood, if there is a course of treatment that can even be effective. So, the question of why we're testing for it becomes really problematic when you consider that we're adding costs onto every Mainer in their health insurance premiums.

So, for these various reasons; and, in particular, we don't really know the long-term health effects yet of this situation; I would say that this is not the time to pass this bill. We need to get more information. I would urge this Body to reject this motion. Thank you.

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

Representative **PERRY**: Thank you, Madam Speaker. One of the things I've heard from is the small businesses or farmers, who, quite honestly, have found that PFAS has been a strong presence in their gardens, in their milk that they are producing, and it has really affected their ability to work as a small business; they're asking for this test. They need to know what is happening and whether their continued exposure is really affecting the health of their family as well as their business. I recommend that we pass this.

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. 462

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

NAY - Adams, Albert, Andrews, Ankeles, Arata, Ardell, Babin, Bagshaw, Blier, Boyer, Bradstreet, Campbell, Carmichael, Costain, Cray, Davis, Drinkwater, Ducharme, Dunphy, Faulkingham, Foster, Fredericks, Gifford, Greenwood, Griffin, Guerrette, Haggan, Hall, Henderson, Hymes, Jackson, Javner, Lemelin, Libby, Lyman, Mason, Millett H, Morris, Ness, Newman, Nutting, Paul, Perkins, Poirier, Polewarczyk,

Pomerleau, Quint, Sampson, Schmersal-Burgess, Simmons, Smith, Soboleski, Strout, Swallow, Theriault, Thorne, Underwood, Walker, White J, Wood, Woodsome.

ABSENT - Boyle, Copeland, Galletta, Lanigan, Lavigne, Malon, Shaw.

Yes, 82; No, 61; Absent, 7; Vacant, 1; Excused, 0.

82 having voted in the affirmative and 61 voted in the negative, 1 vacancy with 7 being absent, and accordingly the Majority **Ought to Pass as Amended** Report was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (S-654)** 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-654)** in concurrence.

Majority Report of the Committee on **HEALTH COVERAGE, INSURANCE AND FINANCIAL SERVICES** reporting **Ought Not to Pass** on Bill "An Act to Amend the Laws Governing Licensing of Payroll Processors"

(S.P. 903) (L.D. 2110)

Signed:

Senator:

BAILEY of York

Representatives:

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

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (S-648)** on same Bill.

Signed:

Senator:

BRAKEY of Androscoggin

Representatives:

MORRIS of Turner
NUTTING of Oakland
SWALLOW of Houlton

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

READ.

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

Majority Report of the Committee on **HEALTH COVERAGE, INSURANCE AND FINANCIAL SERVICES** reporting **Ought Not to Pass** on Bill "An Act to Implement the Recommendations of the Task Force to Evaluate the Impact of Facility Fees on Patients to Improve Facility Fee Transparency and Notification and to Prohibit Facility Fees for Certain Services"

(S.P. 987) (L.D. 2271)

Signed:

Senator:

BRAKEY of Androscoggin

Representatives:

PERRY of Calais

CYRWAY of Albion

MASTRACCIO of Sanford

NUTTING of Oakland

PRINGLE of Windham

SWALLOW of Houlton

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (S-655)** on same Bill.

Signed:

Senators:

BAILEY of York

RENY of Lincoln

Representatives:

ARFORD of Brunswick

CLUCHEY of Bowdoinham

MATHIESON of Kittery

MORRIS of Turner

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-655)**.

READ.

On motion of Representative PERRY of Calais, the Majority **Ought Not to Pass** Report was **ACCEPTED** in **NON-CONCURRENCE** and sent for concurrence.

Majority Report of the Committee on **TAXATION** reporting **Ought Not to Pass** on Bill "An Act Regarding the Distribution of Revenue from the Real Estate Transfer Tax" (EMERGENCY)

(S.P. 572) (L.D. 1454)

Signed:

Senators:

GROHOSKI of Hancock

LIBBY of Cumberland

Representatives:

PERRY of Bangor

CARMICHAEL of Greenbush

HASENFUS of Readfield

LAVIGNE of Berwick

LIBBY of Auburn

MATLACK of St. George

QUINT of Hodgdon

RUDNICKI of Fairfield

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (S-646)** on same Bill.

Signed:

Senator:

CHIPMAN of Cumberland

Representative:

CROCKETT of Portland

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 **VETERANS AND LEGAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-658)** on Bill "An Act to Enact the Maine Psilocybin Health Access Act"

(S.P. 774) (L.D. 1914)

Signed:

Senator:

HICKMAN of Kennebec

Representatives:

SUPICA of Bangor

ANDREWS of Paris

BOYER of Poland

HYMES of Waldo

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:

Senator:

TIMBERLAKE of Androscoggin

Representative:

RUDNICKI of Fairfield

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-658)**.

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" (S-658)** 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-658)** in concurrence.

Five Members of the Committee on **HEALTH COVERAGE, INSURANCE AND FINANCIAL SERVICES** report in Report "A" **Ought to Pass as Amended by Committee Amendment "A" (S-649)** on Bill "An Act to Prohibit Insurers from Using Credit Information as a Factor in Certain Insurance Practices"

(S.P. 950) (L.D. 2220)

Signed:

Senator:

BAILEY of York

Representatives:

PERRY of Calais

ARFORD of Brunswick

MATHIESON of Kittery

PRINGLE of Windham

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

Signed:

Representatives:

CLUCHEY of Bowdoinham

CYRWAY of Albion

MASTRACCIO of Sanford

MORRIS of Turner

SWALLOW of Houlton

Came from the Senate with Report "A" **OUGHT TO PASS AS AMENDED READ and ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-649)**.

READ.

Representative PERRY of Calais moved that the House **ACCEPT** Report "A" **Ought to Pass as Amended**.

Representative MORRIS of Turner **REQUESTED** a roll call on the motion to **ACCEPT** Report "A" **Ought to Pass as Amended**.

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 Turner, Representative Morris.

Representative **MORRIS**: Thank you, Madam Speaker, I rise in opposition to the pending motion. This bill is really not necessary and not needed. The fact of the matter is, Maine currently has some of the lowest insurance rates in the country, while having the highest protections for consumers when it comes to our limits.

This bill is seeking to require another administrative burden on businesses. This is information that's already available to consumers; they can already access if they ask for it. Requiring additional disclosures of insurance companies when we are starting to see insurance rates rise, I don't think it's a good idea. I think that this is something that is a question of personal responsibility on the part of the consumer to be able to find this information around their credit rating. The fact of the matter is, this is one of the things that they have used consistently to be able to determine somebody's chances of filing a claim.

Furthermore, by requiring them to deal with the issue of credit rating, we potentially could raise rates on some of our citizens that are older, things like that. I think that this is a bill that is really, as I have said, not needed. I would encourage this Body to vote against this motion. Thank you.

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

Representative **PERRY**: Thank you, Madam Speaker. Let me explain what this bill does. First of all, it does not say you can't use credit reporting to do insurance risk, but what it does say is, if somebody new is applying for insurance, that the insurance should give at least four of the credit things that they're looking at to develop that risk.

The other thing that this does is it also exempts extraordinary life circumstances of a catastrophic event, a serious illness, a death of a spouse, divorce, where this is not really about being able to handle your money but an event that creates a situation that you have to work, but not affect your credit on this part of it.

And so, we're just asking that that be looked at, that those exceptions get handled, and that the client actually have the information they need to make their decision. Thank you.

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

ROLL CALL NO. 463

YEA - Abdi, Ankeles, Arford, Beck, Bell, Brennan, Bridgeo, Collamore, Collings, Crafts, Craven, Dhalac, Dodge, Doudera, Eaton, Fay, Gattine, Geiger, Gere, Graham, Gramlich, Hobbs, Jauch, Kessler, Kuhn, Lajoie, Lookner, Madigan, Mathieson, Matlack, Millett R, Milliken, Moonen, Moriarty, Murphy, O'Connell, O'Neil, Osher, Perry A, Perry J, Pluecker, Pringle, Rana, Rielly, Riseman, Roberts, Roeder, Russell, Sachs, Salisbury, Shagoury, Sheehan, Skold, Stover, Supica, Terry, Warren, Worth, Zager, Zeigler.

NAY - Adams, Albert, Andrews, Arata, Ardell, Babin, Bagshaw, Blier, Boyer, Bradstreet, Campbell, Carlow, Carmichael, Cloutier, Cluchey, Costain, Cray, Crockett, Cyrway, Davis, Dill, Drinkwater, Ducharme, Dunphy, Faulkingham, Foster, Fredericks, Gifford, Golek, Greenwood, Griffin, Guerrette, Haggan, Hall, Hasenus, Henderson, Hepler, Hymes, Jackson, Javner, Landry, LaRochelle, Lee, Lemelin, Libby, Lyman, Mason, Mastraccio, Meyer, Millett H, Montell, Morris, Ness, Newman, Nutting, Parry, Paul, Perkins, Poirier, Polewarczyk, Pomerleau, Quint, Rudnicki, Runte, Sampson, Sargent, Sayre, Schmersal-Burgess, Simmons, Sinclair, Smith, Soboleski, Strout, Swallow, Theriault, Thorne, Underwood, Walker, White B, White J, Wood, Woodsome, Madam Speaker.

ABSENT - Boyle, Copeland, Galletta, Lanigan, Lavigne, Malon, Shaw.

Yes, 60; No, 83; Absent, 7; Vacant, 1; Excused, 0.

60 having voted in the affirmative and 83 voted in the negative, 1 vacancy with 7 being absent, and accordingly Report "A" **Ought to Pass as Amended** was **NOT ACCEPTED**.

Subsequently, on motion of Representative PERRY of Calais, Report "B" **Ought Not to Pass** was **ACCEPTED** in **NON-CONCURRENCE** and sent for concurrence.

Majority Report of the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-928)** on Bill "An Act to Review State Lands and Waterways That Have Sacred, Traditional or Other Significance to the Wabanaki People"

(H.P. 863) (L.D. 1349)

Signed:

Senators:

INGWERSEN of York
HICKMAN of Kennebec

Representatives:

PLUECKER of Warren
HEPLER of Woolwich
JAUCH of Topsham
OSHER of Orono
SHAW of Auburn

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

Signed:

Senator:

BLACK of Franklin

Representatives:

COSTAIN of Plymouth
CRAY of Palmyra
GUERRETTE of Caribou
HALL of Wilton
JACKSON of Oxford

READ.

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

The Bill was **READ ONCE**. **Committee Amendment "A" (H-928)** 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-928)** and sent for concurrence.

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

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

Majority Report of the Committee on **LABOR AND HOUSING** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-922)** on Bill "An Act to Establish a State Minimum Hourly Wage for Agricultural Workers"

(H.P. 1462) (L.D. 2273)

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 to Pass as Amended by Committee Amendment "B" (H-923)** on same Bill.

Signed:

Senator:

POULIOT of Kennebec

Representatives:

BRADSTREET of Vassalboro
DRINKWATER of Milford
SOBOLESKI of Phillips

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. This matter has come before us many times before. There was a study committee enacted last year to look at this situation. They could not come to a unanimous agreement on all the items in there, but they did have this bill that was presented in its original form, which I think would have garnered, probably, unanimous support among this Body. However, the amendment contains what I call a poison pill; it undermines, I think, a lot of the support that people would have for this bill, were it to proceed unamended.

I hope that we can consider all the ramifications that this bill would entail if it were to pass. There are considerable negative consequences with this. The farm community already feels a bit under assault from this Body; I hope we don't continue down that road. I hope that we can defeat this bill and look at the Minority Report. Thank you, Madam Speaker.

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 part of this bill. I do agree that the minimum wage should be paid for agricultural workers. Most of the people, where I'm speaking from, think they make that based on seasonal work that they do, harvesting blueberries, making those wreaths, it's an encouragement for them to be able to get paid that piecework and they're, I'm confident, not going to make less than the minimum wage.

What I'm concerned about are things where kids, 12-16, get the opportunity to go out and do these jobs also. And so, when it comes to businesses hiring people that they know are able to accomplish more than the minimum wage and get the work done, they're going to hire those over those children that are first-time rakers at 12 years old; the families that are coming out to supplement their income during the summer months. It's taking away the opportunity for kids to learn the work ethic and decide if that's something that they would like to do.

I was hopeful that this bill would keep the minimum wage, but separate piecework to add something like the base as federal minimum wage, so, that way, they do have a set, but it allows the business owners and the small companies to be able to hire those kids and retirees to come out and keep our heritage that we have in my area to earn the money and decide if they want to do something different with their future. So, thank you.

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

Representative **CYRWAY**: Thank you, Madam Speaker, Ladies and Gentlemen of the House. I just wanted to bring up about agriculture. I grew up on a farm; a vegetable farm of 80 acres, and also with cattle. But growing up, we had several kids from high schools, or even junior high, that would come and work on the farm and they would earn money according to their work ethics. And this bill stops that, it really does. When you go to unionizing, and it is a form of unionizing; and it just takes away the incentive of kids to really do well. Some, you know; we want to build our kids to have good habits, good work habits; and when you charge so much, you know, for strawberries a pint, you know, that they pick, or if it's by the pound on string beans or it's blueberries, whatever it is, they benefit from how much they pick and they really kind of compete with each other. And it's just a nice way for kids to learn a good work ethic, and so, I oppose this motion and follow my light. Thank you, Madam Speaker.

The **SPEAKER**: The Chair recognizes the Representative from the Passamaquoddy Tribe, Representative Dana.

Representative **DANA**: Thank you, Madam Speaker. I agree with Representative Strout in opposing partial; part of this bill. I want to protect the piecework portions of this, so that our elderly and our youth can still participate in our blueberry raking practices. As a lot of you might know, the Passamaquoddy Tribe is one of the largest landowners of blueberry fields here in the State of Maine. And part of this bill, if moved forward, it'll hinder our elders and our youth and our disabled from being able to participate in this harvest. And this is a longstanding tradition for our people that was even before first contact. Collecting blueberries and gathering blueberries is a huge part of our cultural activities and our survival.

But, I stand here in opposition of part of that, just so that we can protect that ability for our elders and our youth to still participate in that, because, again, it will really hinder their chances to be able to be there in the blueberry fields and we have members that come from all over and different tribes and different communities across Maine and Canada. So, I ask that you follow my light in opposition of this bill as well.

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

Representative **DRINKWATER**: Thank you, Madam Speaker. The Committee to Develop and Implement a Minimum Wage Bill for Agricultural Workers did an outstanding job. Here's a few of their findings. The University of Maine Cooperative Extension and the Maine Vegetable and Small Fruit Growers Association conducted a joint one-month State-wide survey on wages and benefits for farms and farmworkers in March of 2021. The small sample size; it was 86 farms that replied; that responded reported that the results indicated hourly wages by type of farm work, by level of experience of the farm worker and by geographic region; the averages exceeded the then-State minimum wage of \$12.15 in all instances.

This bill proposes that all farm workers receive the State minimum wage and that all employers keep accurate, up-to-date payroll records. It was the consensus of the Republicans on the Committee that the minimum wage for farm workers was a good thing, and that keeping good payroll records protect both the employee and the employer.

Madam Speaker, my concern is for the workers that will be paid piecework. Piecework also ensures that producers are paying for harvested products, not just time spent in the field. The findings of the Commission reports that piecework allows wild blueberry rakers to work at their own pace and minimizes

the need for constant oversight and supervision and maximizes hand rakers' efficiency. The rakers themselves choose their start time based on preference and the supervisors tally the number of boxes filled. The standard pay range for a box of blueberries is \$2.75 to \$3.00 a box, and, with an average per-box harvest time of 10 minutes, this equates to \$16.50 an hour. The representatives for the Maine Blueberry Commission and the Passamaquoddy Wild Blueberry Company reported rakers were paid an average of \$955 per person using the piece rate. Had they been paid at the State minimum wage, they would've averaged \$755 in gross wages.

The bill proposes to change the minimum wage for pieceworkers from the federal wage of \$7.25 an hour to the State minimum wage of \$14.15 an hour. What does that mean for the piecemeal worker? It would not affect the person that can produce 95 boxes a day, what it will do is cause the small growers to not hire the young people who have no experience, elderly people and the handicapped people. If one gets paid \$3 a box, they would have to produce five boxes an hour, which gives the owner a profit of 85 cents.

For those that don't know, the employer has to contribute to Social Security, pay Worker's Comp and unemployment tax. That leaves the employer running a deficit. Lisa Hanscom of the Welch Farm in Roque Bluffs estimates that if she had to pay State minimum wage for piecework, she would not be able to hire 50% of her workers. Now, let's remember that the blueberry farmers are price takers, not price setters. And also, Madam Speaker, the farmers don't even know what they're going to be paid for their crop until October; which means that they've paid all their employees, they've paid all their bills, they don't know if they're going to make a profit or not.

When asked if changing the minimum wage for piece rate would affect hiring practices for employers, the Speaker's representative to the Committee, the Honorable Thom Harnett, answered, "I find this very difficult to answer because, as an employer, I would not be maintaining an employee/employer relationship with somebody who's not doing the job." Madam Speaker, my concern is that increasing the minimum wage for piece workers will have the unintended consequences of leaving the young, the elderly and handicapped unemployed. If one believes in diversity, equality and inclusion, how can you leave the young, the elderly and the handicapped behind? Thank you, Madam Speaker.

The **SPEAKER**: The Chair recognizes the Representative from Rockland, Representative Geiger.

Representative **GEIGER**: Thank you, Madam Speaker. I rise in support of the motion to pass this bill. I'd like to just let Members of this Body know that this bill is the result of the Chief Executive calling together a task force that included labor, farm organizations, blueberry organizations, who met for several months to discuss wages. The final result was a bill that said all members who work on a farm should be paid minimum wage; Maine's minimum wage. There was never a discussion of a sub-minimum wage. That was agreed to by all players.

What was left off the table that caused me heartburn, like my colleagues are having heartburn about a sub-minimum wage, was the idea that one should not be allowed to have a rest period after six hours of work, even though it was voluntary and unpaid. That we would not, no matter how many hours of overtime they worked, and there would be no limit to that, we would never pay them any overtime. Instead, this task force said that the thing they wanted was Maine's minimum wage for all farm workers.

In addition to that, this bill added to take away the right to what's called private action; the ability of any employee who found he was the victim of wage theft to go to court. That is a right that every other Maine worker has; that was not discussed by the task force, so, that is the one change that the Committee's Democrats made to this bill. Otherwise, this bill is a result of a task force and there was no unanimity or discussion around a sub-minimum wage. Thank you, Madam Speaker.

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

Representative **ROEDER**: Thank you, Madam Speaker. Madam Speaker, as you heard from the Good Representative from Rockland, there was a stakeholder group that was convened by the Chief Executive, and it included the Maine Department of Agriculture, Conservation and Forestry; Maine Farm Bureau; Mano en Mano; Maine AFL-CIO; the Wild Blueberry Commission; the Maine Potato Board; MOFGA; Pine Tree Legal; Permanent Commission on the Status of Racial, Indigenous and Tribal Populations; the Maine Farmland Trust; Maine Center for Economic Policy; the Maine Dairy Industry Association; Maine Equal Justice; Maine People's Alliance; and Migrant Justice. They all agreed on the text of the bill that is before us today with one exception, and I will tell you what that exception is.

They agreed on the text of this bill except for the part that we amended in Committee. The Chief Executive included a ban on private right to action, which none of the stakeholders discussed, talked about or agreed to. We removed that in the spirit of the stakeholder group. They brought us the State minimum wage, they agreed on the State minimum wage. Granted, nobody is walking away from this process completely happy with the results, but this is what was agreed on by everybody who was at the table.

And as to the point about folks who are differently abled not being able to work in the farms, I wanted to bring up something that the Maine Department of Labor has; they have a Bureau of Rehabilitation Services and it assists individuals with disabilities, including youth, who are interested in pursuing careers in the agricultural sector. They work closely with AgrAbility, a national initiative to help farmers with disabilities access technology and assistive equipment to allow them to successfully continue in their chosen career field. They support job seekers with disabilities to try out jobs in the agricultural sector through activities such as paid work experiences, where vocational rehabilitation funding is used to cover the costs of wages and liability insurance. So, with what the Maine Department of Labor provides for farmers and for agricultural workers that might be differently abled, it doesn't seem to be that there will be a financial hardship at all. Thank you.

The SPEAKER: The Chair recognizes the Representative from Vassalboro, Representative Bradstreet.

Representative **BRADSTREET**: Thank you once again, Madam Speaker. Yes, my previous statements, I mentioned a poisoned pill; well, this private right of action is the poisoned pill. It was not brought up in Committee, I don't think; there were many different stakeholders who were there and this was never brought up in Committee. You'd think that it would've been, given the makeup of that commission.

You know, I hope, Madam Speaker, that we don't take a stance on this bill which would ruin the chance for getting our farm workers the minimum wage as proposed in the original bill; by the Chief Executive, by the way. I am very concerned the way this vote goes, it may kill the chance for a State minimum wage for our farm workers. Thank you, Madam Speaker.

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

Representative **CYRWAY**: Madam Speaker, Ladies and Gentlemen of the House; you know, it's time we start standing up for our farmers. We have about 145 farms, dairy farms left. Our farms are going by the wayside. We lost one-third of our farms this year. We start unionizing and start taking and whittling away the capabilities of farmers doing their jobs, we are going to reduce it down to nothing.

We talk about green, about having solar farms and all this, and we are actually taking our farms and making them disappear, so, we can actually; maybe that's what we're going to do is end up using them as solar farms and we're going to have to travel out of State to pick up our food. Right now, we can sustain if we didn't have to even go out of State, we could actually sustain from the farms we have to supply our State. But if we continue, we're not going to be able to do that, and so, we're going to end up going from all over the State to go try to find food, or else we're going to have to go out of State and it's going to cost us much more.

Our farms are valuable. We have land, it keeps our soil rich, we can use it for sports, fishing, hunting, hiking, the ATVs, snowmobiles; all kinds of things that we are able to do in this State that we bring, I don't know how many Vacationlanders here. It's time we start protecting these farms and not stealing from them, and this is what's happening, where we keep whittling away and we can't keep doing that. So, please, for the sake of the farmers, if we can even hold off and discuss this more; it sounds like part of this bill was not even discussed, so, it really should be killed for this reason and then regroup and maybe take a look at it for next year. Thank you, Madam Speaker.

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

Representative **MILLIKEN**: Thank you, Madam Speaker. *Aquí estamos de nuevo para discutir si la gente que recogen la comida deservan recibir el mínimo pago en la ley por su trabajo. Es un trabajo necesario y imperativo para mantener la vida para todos nosotros en el Estado. Los campesinos nos dan la vida. Nos dan la comida. Tenemos un obligación de apoyar a ellos en su pago y su derecho de usar los cortes legales para recibir su pago. Amigos que trabajan en el campo, tienen amigos aquí, siempre, en la Casa de la Gente de Maine. Gracias por su trabajo.*

I didn't have time to translate it, so bear with me. Thank you, Madam Speaker. Here we are again to discuss if the people that gather our food deserve to receive the minimum pay in the law for their work. It's a work that is necessary and imperative to maintain life for all of us, for all of us in the State of Maine. The farm workers give us life, they give us food. We have an obligation to support them in their pay and in their right to use the courts if they need to receive help receiving their pay. To my friends who work in the fields, you have friends here always in the House of the People of Maine. Thank you so much for your work. Thank you, Madam Speaker.

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

Representative **STROUT**: Thank you, Madam Speaker. So, I just wanted to clarify some things. And I can appreciate the commission and everybody that put the efforts in, but I've actually been in the fields. I've been in the fields since I was nine years old; I've worked on private farms and I've worked on what we call the blueberry barrens, where some of you were able to take the tour this summer and actually rake those blueberries.

And I guess I just want to clarify the picture of us that work in the fields. There's no mandate that you have to come in at a certain time, there's no mandate that you can't take a break when you want to, there's no mandate that you can't eat lunch, there's no mandate that you can't go swimming. This is an opportunity for you to come and earn as much money as you can for as long as you want to show up. So, having that opportunity has taught me great lessons through my life; I even talked about when Wyman's was here, and they've been in business 150 years, and I couldn't wait to go to the factory because I didn't really like being in the field. Looking back, I would've made much more money in the fields.

So, I just don't want to set the idea that the workers aren't treated well where I live; they make a lot of money that they send home. And that's another thing to consider, is the migrant workers that come here, and even the locals, this money is used year-round to supplement their income. They use that to send home. And the grocery stores, during August, we can't cash out because there are so many people in line sending their money through Western Union and things back home, because it supplements and it means a lot to them to keep their families going.

So, it's not the fact that it's the minimum wage, it's that piece work opportunity, to give the opportunity for families to come here and earn money not only for themselves, but to send home to their family members. So, I would like to have this bill voted down to give the opportunity to keep that piecework out and allow these traditions and family values to continue. Thank you.

The SPEAKER: The Chair recognizes the Representative from Wilton, Representative Hall.

Representative **HALL**: Thank you, Madam Speaker. I'd like to just bring up a couple of points.

As a farmer receiving 100% of my income from a farm, over the last six years, we've lost 35% of our dairy farmers right here in the State of Maine. I remember as a high school student growing up, we always used to hire on our farms six, eight high school kids each year and to help us do our haying; put our hay in the barn. We now hire zero high school students on our farm, and I'll tell you why: because we've been told over the years, we needed to become more productive, more efficient. We now, on the farm, we harvest three times as many acres of hay as we did back in the 1980s. And how can we do this? We do it all mechanical. And the reason we do it mechanical is because we have to be more efficient; we have to be more productive.

We can pay anyone who works for us now; we pay them on an average of \$16-20 an hour, just because they're able to do that. Now, on Sunday afternoon, when I went to the farm to do the night milking, I had a good friend of mine show up with his granddaughter. She wanted a job on the farm this summer, at 14 years old. What can I do to let her run a piece of \$30-40,000 equipment with an \$80,000 tractor on the front of it? She has no experience. I can't afford to hire her. So, I unfortunately had to say no, we don't have any job available for you. But if we were still able to put in hay the way we used to put in hay, doing square bales versus the round bales or chopping with a \$100,000 chopper, I could hire that student; she'd have good work ethics, she'd be able to put some money in her pocket, and I'd be able to put some hay in my barn that I could sell to the neighbor down the road that has a horse, and I could sell it to him at a reasonable rate, not the \$9-10 a bale that they have to pay when they go to the local feed store. I could probably sell it to them for about half price, if I could afford to have that person come and help me. And I'm more than willing to pay a high school student, or even younger, if they want to come and

actually do some work. I'm more than happy to pay them. But I can't afford to pay them the \$14.50 an hour. Thank you.

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

Representative **ROEDER**: Thank you, Madam Speaker. Madam Speaker, thank you for allowing me to rise a second time. There was some misinformation that is frankly confusing to me that I would like to clear up.

First of all, this bill has nothing in it about unionization, concerted activity or any kind of organized labor. The bill in front of us is what the stakeholder group agreed on. And I would like to remind people that the stakeholder group included representatives from the Maine Dairy Industry, from the Maine Potato Board, from the Wild Blueberry Commission and from the Maine Farm Bureau. They agreed to the bill that is in front of us, minimum wage for farm workers. The Majority Report simply strips off a piece of language that they did not speak about and did not agree to.

There are a lot of things that either side would probably like to add or subtract from this bill. This bill is the consensus that was reached, and as such, I stand behind it. Because I want to support those efforts of disparate individuals coming together to find a solution they can agree on. That's what we're here for. That's what I'm here for. And that's what we got out of this stakeholder group. 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. 464

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

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

ABSENT - Boyle, Copeland, Galletta, Lanigan, Lavigne, Malon, Millett R, Shaw.

Yes, 72; No, 70; Absent, 8; Vacant, 1; Excused, 0.

72 having voted in the affirmative and 70 voted in the negative, 1 vacancy with 8 being absent, and accordingly the Majority **Ought to Pass as Amended Report was ACCEPTED.**

The Bill was **READ ONCE. Committee Amendment "A" (H-922) 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-922)** and sent for concurrence.

UNFINISHED BUSINESS

The following matters, in the consideration of which the House was engaged at the time of adjournment Wednesday, April 3, 2024, had preference in the Orders of the Day and continued with such preference until disposed of as provided by House Rule 502.

HOUSE DIVIDED REPORT - Majority (11) Ought to Pass as Amended by Committee Amendment "A" (H-887) - Minority (2) Ought Not to Pass - Committee on ENVIRONMENT AND NATURAL RESOURCES on Bill "An Act Regarding Offshore Wind Terminals Located in Coastal Sand Dune Systems"

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

TABLED - April 1, 2024 (Till Later Today) by Representative TERRY of Gorham.

PENDING - ACCEPTANCE OF EITHER REPORT.

Representative GRAMLICH of Old Orchard Beach moved that the House **ACCEPT** the Majority **Ought to Pass as Amended** Report.

Representative ARATA of New Gloucester **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 York, Representative Runte.

Representative **RUNTE**: Thank you, Madam Speaker, and Members of the House. Before I speak about the bill, I think it's important we all get on the same page regarding Sears Island. This 940-acre island, owned by the State, has two parcels. One, which comprises about two-thirds of the island, is in a permanent conservation easement. The remaining third, known as the transportation parcel, has been reserved by Maine DOT for future port development, and has been for a number of years. The island has three sand dunes, one in the conservation parcel and two in the transportation parcel. One of the two dunes in the transportation parcel was formed behind a short jetty over the last 20-30 years and is a little larger than a third of an acre, but it's in the path of development and stands to halt the permitting process.

So, LD 2266 does three things. It allows the permitting process to begin by exempting that dune formed behind the jetty, and only this dune, from existing prohibitions against disturbing coastal sand dunes. It conveys the only other dune in the transportation parcel, as well as about 10 acres around it, to the conservation easement. And third, it establishes a coastal sand dune restoration and protection fund, a resource for restoring and repairing coastal dunes anywhere along Maine's coast. LD 2266 does not guarantee that the port will be constructed on Sears Island. What the bill does is allows the permitting process to begin on the preferred location of the port, Sears Island. And it's the preferred location because it has the highest probability of being permitted, has the least environmental impact when compared with the alternative and it's better suited for turbine fabrication, staging, assembly, maintenance and servicing operational turbines.

Now, we hear a lot about the energy and climate benefits of offshore wind and how it plays an essential role in our greenhouse gas emissions goals. But, frankly, we don't hear an awful lot about this port's major value to our communities.

Maine's DOT Commissioner Van Note said at the work session for this bill, "this is the lynchpin to achieving the economic benefits of offshore wind; the construction of turbines, assembling them and then servicing them is what brings the benefits." Now, according to United Way, nearly half of the residents in the vicinity of Searsport and around Penobscot Bay face tremendous financial challenges and live paycheck to paycheck. This offshore wind port would offer a lifeline. Passing LD 2266 addresses a roadblock to progress by allowing the permitting process to proceed. Approximately a thousand jobs will be created to build and operate the port, valued at roughly \$70 million a year in terms of injection into the local economy, but that's just its direct employment. These workers need local services, which roughly double the economic impact, resulting in about \$140 million annually coming into this local economy.

So, LD 2266 allows us to move forward with the permitting process, bringing jobs, economic growth and much-needed stability to this region, while taking the necessary steps to deal with our changing climate. I urge you to support its passage. Thank you.

The **SPEAKER**: The Chair recognizes the Representative from Winterport, Representative Paul.

Representative **PAUL**: Thank you, Madam Speaker. I rise in opposition to the pending motion. I'd like to remind everyone here today that a vote against this bill is not a vote against offshore wind. It is a vote to protect Sears Island, period.

Let me tell you a little bit about Sears Island, as it is part of my district and I am quite sure the majority of those in this room have never had the pleasure of experiencing it. Sears Island has long been known for its abundant wildlife, migratory birds, botanical resources and historical sites. Its intertidal and subtidal marine resources are uncommonly diverse. It boasts a wealth of Wabanaki history as well, and has historic sites dating back to the Revolutionary War. It is also the largest undeveloped, uninhabited island on the eastern coast of the United States. This local treasure is important to the local community and is a significant tourist attraction to the area, welcoming thousands of visitors from around the globe every single year. It is the last of its kind.

According to the Maine State website, coastal sand dune systems are fragile, dynamic resources that comprise only about 2% of Maine's overall coastline and are considered resources of State significance. Less than 30 years ago, before everything became politicized, the U.S. EPA, the U.S. Fish and Wildlife Service and the National Marine Fishery Service all prepared a document describing and evaluating the effects of a marine dry cargo terminal on Sears Island and its impact on aquatic resources, wetlands and wildlife. What they found was that development would cause permanent adverse effects. Permanent. Why do I have to refer to a 1995 study? Because there haven't been any other ones. And yet, we are here today to lift EPA restrictions that protect sand dunes, so we can destroy sand dunes before any further studies have been done; the proverbial cart before the horse.

Even more egregious is that an alternate location sits right across the sound called Mack Point. You can stand on the Bright Sand Beach of Sears Island, as the Tribes refer to it, and see the industrialized alternative right before your eyes. The Chief Executive referred to the choice of Sears Island as a proposed wind terminal site as feasible, the one that makes the most sense. But according to what information did she make that determination, besides the opinions of a handful of stakeholders?

Let me share some inconvenient, hard information from the three federal agencies in the 1995 study, which shows the choice is anything but feasible and it makes no sense. They found the Sears Island terminal would irreparably harm the aquatic environment. It would disrupt water patterns' circulation, it would impact threatened and endangered species, it would impact wetlands and mud flats and significantly degrade the waters. They determined there would be substantial, permanent adverse effects on life stages of aquatic life and ecosystem diversity, productivity and stability. There would be substantial permanent adverse effects on esthetic values by introducing a major industrial facility on the largest undeveloped island in Maine, as the site is visible from Moose Point State Park, U.S. Route 1, Turtlehead Cove and Belfast Bay. It was also determined that the remaining acreage would be compromised by noise, light and other influences of the proposed port, and that economic value related to the commercial fishing industry would be severely adversely affected by displacing existing and potential commercial fisheries, along with 25 other pages of concerns.

As you can see, choosing Sears Island when there's an already-industrialized alternative across the sound called Mack Point is despicable. The 1995 study even addressed that and concluded that the freshwater and marine habitats at Mack Point were clearly inferior to Sears Island and degraded by current industrial use. It continued to say that marine resources for Mack Point were dramatically different than those of Sears Island, and that it has a much less diverse marine habitat, and if a port were pursued at Mack Point, the aquatic impacts would not be trivial, but also would not trigger the significant degradation of the waters of the United States as would the choice of Sears Island.

I believe that we should be analysts of information, not advocates for a certain outcome. The evidence is clear that this bill will set a dangerous precedent for the destruction of our coastal ecosystems without proper due diligence and sound research and should be voted down. It seeks to disregard environmental protections that have been put in place for a reason, before any further permitting or studies have been completed. Why? Do we now just change pesky laws and disregard protections to advance an agenda, or do we follow the procedures put in place to protect our environment? Let's exercise caution. Rushing things always leads to mistakes.

Analysts who look at the newly released Gulf of Maine wind energy area from BOEM; that is now two million acres of prime ocean real estate that is shifted much farther south than the wind energy area proposed originally. So much so that ISO New England just released a proposal to study the effects of moving the multiple points of interconnection for the offshore wind project farther south as well. Points of interconnection are where the electricity generated offshore is brought onshore, and ISO reports that the new wind energy area is as close or closer to Boston as it is to Maine and are proposing moving the Yarmouth and Orrington interconnection to Massachusetts. Why? Because of where the two million acres are now located. If ISO believes the transmission lines need to be moved south, maybe we should be analysts and assess if the port needs to be moved south as well. Or, maybe, we should be analysts of what the Port Authority has told us, that Sears Island wind port would only be a wind port because of the location and configuration. However, they also report that Mack Point would be multiuse. So, what if wind fails, as it is across the globe and up and down the East Coast? Does Searsport really need two dry liquid cargo ports across the sound from each other? Mack Point already is, and has a railyard, making it the best long-term option.

Or, do we demolish an island that can serve as a monument to the recklessness of the 131st Legislature for generations to come? Or, maybe, we should be analysts of what the 17 fishing groups are telling us in a recent press release. They ask for us to avoid wasteful overdevelopment and ensure responsible planning for any potential offshore wind development in the Gulf of Maine. They ask us, as Representatives, to avoid frontrunning science and real-world experience that should guide this important natural resource management decision. Wise advice. Or, maybe, we should be analysts of the jobs claims we hear about. Are they Maine jobs? That hasn't been the case as of yet for renewable projects. Where's the proof? Are they jobs, or Maine jobs? I've seen all the out-of-state license plates. Is it just more empty promises?

I'm thankful for the states that actually research before making claims, such as North Carolina, who, when studying the long-term effects of offshore wind, determined that thousands of long-term blue-collar jobs would be lost at the expense of a handful of short-term green-collar jobs due to electricity price hikes and their downstream effects on the economy, just like we saw with Dragon Cement. Could we analyze the claim of a carbon reduction? Do we clear-cut the mature forest on the island that locks up roughly two tons of carbon dioxide every year? Do we ignore BOEM reporting that offshore wind project, from start to finish, would actually cause an increase in CO₂ emissions? I can send that BOEM document to anyone who is interested. Or, do we bury our heads and vote for what we want it to be, not what it actually is? Do we want to waste years and billions of dollars? Are we willing to destroy a last-of-its-kind island, with so many questions and absolutely no analysis or answers, when there is an industrialized alternative? All we hear is do it, we can't wait, do this now. Are we that irresponsible? Do we even require facts anymore? Or, are we so divided that we care more about our political affiliation than we do information, our constituents and our State? If, through a single bill, the laws no longer apply to protecting the last undeveloped island that we have, it begs the question; what ecosystem is safe in the State of Maine? Please join me in protecting Sears Island today. Thank you, Madam Speaker.

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 here today to make sure that it is not lost upon us the irony of what we are being asked to do here, which is to remove protections of a certain parcel of our unique Maine coast from environmental protections that have been put in place over the years.

The irony is that the same people and groups that are supporting this were some of the same who fought against having a real cargo port established in the same location several years ago. That would have definitely prospered, not only the people in the region financially, brought more jobs to those folks and anyone who wanted to relocate there to support that port, but it would've also prospered the State of Maine and New England as well. It's also quite ironic that the same groups who are fighting for this project are the same ones who fought against previous projects environmentally. They are the same groups who fought against the clear-cutting of woods in Maine after spruce budworm; they are the same folks that fought against the loss of open lands and spaces and farmland in Maine for industrialization or other type projects. But yet, they are now fighting for things that are similar for renewable energy; the clearing of some of our forests for wind, onshore wind and solar projects and the establishment of solar farms on hundreds of acres of open space and farmland.

And, Madam Speaker, it is most ironic that, if we were discussing this same approach for any other reason except for this offshore wind project, they would be here fighting against it. And I'll give you one good example: They do not even want us to discuss the fact that, should we have a discussion about using 35 acres of that island that nobody would probably even notice was there, we could establish and install a small, modular nuclear reactor that would supply much of the power for that region of our coast; it would pretty much go unnoticed, it would be very reliable, it would support employment of several workers; not only those who run it, but many, many more during the construction; but these same groups that want to have us support removing this particular section of our coast from the protections it now has would be here opposing us even having a chance to discuss something that is as practical as that would be. Thank you, Madam Speaker.

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

Representative **BRIDGEO**: Thank you, Madam Speaker, Members of the House; in the early 1980s, I was the City Manager of Calais, not far from Washington County's premiere legacy deep-water port of Eastport. Eastport had, for centuries, been a hub of shipbuilding, whaling and other maritime activity, but had in recent years fallen on hard times. It was around the time that I was in Calais that the State adopted its three-port economic development strategy, identifying Eastport, Searsport and Portland as its primary assets related to national and international maritime commerce, and began directing significant State resources towards them, intending to leverage Maine's geographic advantage as the closest port facilities to the vast western European trade markets.

A decade later, consistent with the three-port policy, the State purchased Sears Island for development of a commercial deep-water port facility, recognizing that conversion of a portion of the island was a legitimate competing public good for all the reasons you've likely been hearing about. The State set aside over half of the island with a permanent conservation easement and, with the construction of a causeway to connect the island to the mainland for the first time and built primarily to enable the anticipated port development, opened up the island to public recreational uses. In the intervening years, there have been a number of commercial or industrial uses contemplated for Sears Island, given the significance of its deep-water access and proximity to the open ocean, but none have come to fruition. In the meantime, the island has become a popular local recreation destination. It is now the recommended location for wind port development and thus the subject of the bill before us; LD 2266.

Madam Speaker, you may have observed that the Environment and Natural Resources Committee produced much of its work product over the course of 131st Legislature in a collaborative, bipartisan fashion. That was no accident. It was the result of hard work, strong and effective Senate and House Chairs and Committee Members who respected one another, including a first-term Republican Lead from Orrington who just happened to have 30 years of House experience, and a full Committee that took seriously the responsibility of crafting good public policy solutions to solve some very challenging issues. Among other things, Madam Speaker, our Committee unanimously and successfully addressed last year's municipal sludge disposal crisis. We also produced a unanimous bill, that we will take up soon, that updates our first-in-the-nation PFAS laws, reinforcing and strengthening the most important public health aspects of the law while addressing a number of legitimate concerns of the State's business in industrial sectors. We also unanimously came to a compromise set of

modifications to our toughest-in-the-nation mining laws, so as to distinguish and permit a process for extracting lithium while continuing to protect our environment against the risks posed by sulfuric rock acidification associated with the mining of heavy metals like zinc, copper, lead and silver.

In like manner, Madam Speaker, we successfully addressed, with an 11-2 Ought to Pass Report, a late-session administration bill necessary to enable a full environmental and economic assessment of Sears Island as the potential future site of Maine's offshore wind towers' assembly and launching point. The very limited purpose of LD 2266 is to exempt from Maine's strict coastal sand dune protection policies a single, less than one-half acre, manmade sand dune from that tight restrictions against development in the area of a sand dune, so that a full, comparative environmental and economic analysis of Sears Island, including other viable options, can proceed. Parenthetically, the amended version of the bill also increases the amount of the island in conservation and creates a million-dollar sand dune conservation fund to help educate folks and preserve dunes up and down the coast.

The bill is not a green light for construction on Sears Island. It's becoming increasingly clear, Madam Speaker, as we struggle to find solutions to climate change and the adverse effects of our traditional reliance on fossil fuels, that hard choices will have to be made and that if we insist on only identifying the perfect solution, we will likely fail to get a politically achievable good solution. Maine and the nation have been studying the feasibility of offshore wind power development for two decades. The Federal Bureau of Ocean Energy Management began forming task forces to identify wind energy areas, including off the coast of Maine, in 2010. Maine launched its offshore wind initiative in 2019 and, in 2020, began intensive outreach to the fishing industry and other constituencies. Last year, after study and deliberation, the Committee voted out another 11-2 favorable Report and the Legislature ultimately passed legislation that lifted structural height restrictions, so that DEP could eventually permit large wind port infrastructure and ultimately assemble 800-foot wind towers ready to be towed out to sea. During that work, our Committee had presentations from the Maine Port Authority, held public hearings and lengthy discussion about wind port terminals, including the possibility of one at Sears Island.

If Maine can act in a responsible, deliberate and timely manner, Madam Speaker, we stand an excellent chance of becoming the location of choice for a new industry; one that, no exaggeration, will create thousands of good-paying jobs and hundreds of millions of dollars in economic benefit to a part of Maine desperately in need of it. And recent conversations with the Town Manager of Searsport have only reinforced my belief that Searsport and its surrounding communities will see transformational benefits should offshore wind power go forward in their area.

Again, let's keep in mind what 2266 does and doesn't do. It doesn't green-light a wind port on Sears Island. It does open the door to an extensive study and permitting process that might lead to that development. It's not a perfect solution, Madam Speaker, but in my 40 years of public policy experience, it's a positive start to a pretty darn good one.

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

Representative **STROUT**: Thank you, Madam Speaker. So, in addition to blueberries and balsam fir, we have a lot of beaches along my area, and I rise in opposition of this bill for a few reasons. One is consistency, and the other is I am truly, at heart, an environmentalist.

So, recently, you know, the coast has been ravaged with storms. It's torn down our wharfs, our beaches, our land and, in a particular area in Jonesport, on Sandy Beach, their cottages are beginning to wash into the ocean every time there's a new storm because of the storms, we know, have switched directions. So, they applied to the DEP for a permit to put riprap along their shore to help ensure that the banks stop eroding and all of their belongings don't go into the ocean, and they were denied for both of those permits because they're not allowed to do that in their area where their sand dunes are. So, the definition provided to me when I asked the Commissioner about getting them some help was; the definition of a sand dune in 38 MRS 480-B is: "Coastal sand dune systems' means sand and gravel deposits within a marine beach system, including, but not limited to, beach berms, frontal dunes, dune ridges, back dunes and other sand and gravel areas deposited by wave or wind action. Coastal sand dune systems may extend into coastal wetlands."

So, if we're not allowing people to secure their shorelines to help actually protect their ecosystems and the covering of the beaches and all of this runoff that goes into our clam flats at low tide that affects red tides and runoff and the ability to harvest things from the sea, but we're going to allow a protected area to have those same things removed for industrialization, just doesn't seem fair or correct. Those things were put into protection for a reason, and I think that they should stay protected for a reason. And for clarity, I am not for offshore wind for the environmental reasons, but for that area, I would not support industrializing it for nuclear, for petroleum or for a lobster processing plant. Things that are put into place for the environment; we are the stewards of our environment, things are put into effect for a reason and we should be proud to uphold those protections and make sure that our ecosystems are thriving and our habitats are safe. And if this goes through, I feel like it'll open up the opportunity for several lawsuits, some of which I've been told the environmentalists for Sears Island will put forth, which delays the project, in addition to putting the State in lawsuits that are going to cost us lots and lots of money to get through, money that could be spent on many other things.

So, I would hope that you would think about if you really want this island industrialized and, wind doesn't go through, it can be used for something else, and is that something else also worth the risk of destroying that habitat? Thank you.

The SPEAKER: The Chair recognizes the Representative from Belfast, Representative Dodge.

Representative **DODGE**: Thank you, Madam Speaker, Men and Women of the House. I rise in opposition to the motion. LD 2266 is about sand dunes. It is about the laws and protections that exist for them. It is out of respect for these rules that I rise.

The effects of our vote today will impact the Penobscot Bay region and, perhaps, have future implications for sand dunes or other protected areas near you on the coast of Maine. I cannot cast a vote that these sand dunes are less important or impactful than other sand dunes. I cannot cast a vote that does not recognize and honor the eelgrass nesting habitat, carbon-sequestering timber, hiking trails, Wabanaki historic land and all that is Sears Island. I cannot cast a vote that implies just this once I will ignore the rules, notwithstanding the options included for mitigation.

My current situation is like the child throwing starfish that have been washed ashore back into the ocean. When asked why, the child replies, each starfish matters. It makes a difference for each one that I can save.

Julian and Polly Dodge, my parents, grew up on Islesboro, an island in Penobscot Bay near Sears Island. They taught me to play by the rules, whether that was an easy or difficult choice. My mom and dad are two of my guiding lights for my vote today. Thank you, Madam Speaker.

The SPEAKER: The Chair recognizes the Representative from Orrington, Representative Campbell.

Representative **CAMPBELL**: Thank you, Madam Speaker, Men and Women of the House. This is an interesting bill. It talks about dunes and it talks about offshore wind.

Just a little history about that island. There's about a thousand acres on that island, and over the many years of use, it's changed. At one time, the island had two flourishing farms on it; commercial farms. When the State decided to buy it and become involved, it was for development. The three-port plan was talked of. One of the early shepherds of that was our Chief Executive Brennan. Over the years, it's changed. Recognizing the environmental interests, the State transferred 660 acres of that to preservation, leaving 330 acres for development. If you look at the island, it's sort of an oval. Outward to Penobscot Bay is preserved, the end of the island is preserved, the northern half of the island or almost a hundred percent of that is preserved, and left is 330 acres for development of the third port.

People talk about well, it ought to be done on Mack Point. Well, Mack Point, for those who are interested, doesn't have any room. So, in order to do this on Mack Point, which is right across the bay, you'd have to build 30 acres in the ocean. And beyond that, you'd have to dredge. And dredging, in that case, would dredge up all the chemicals that have been deposited there and sealed over the years.

Now, we talk about the dune piece. There are two dunes on the 330 acres. There was one, we'll call it a live dune. It flourishes with ocean-living organisms. The other dune, which we're talking about building on, is a dead dune; it's got some sand, but it's got all the ocean debris that has collected over the years. No ocean life. That debris actually increased in the last few months, remember the storms? Now, that debris on top of that sand, which is now considered a dune, collected itself on what is called a jetty; a small, constructed piece of access to the ocean. Now, that dune obviously will go away with the construction of a larger pier. And guess what, a larger dune will collect on the windward side of that pier, probably dead, probably the sand and, by all means, a lot more of human debris.

So, my point of this is; on the 330 acres, 100 will be cleared and created for a laydown area. That's where the work will be done. The dune; there's a value is being transferred to the preservation of the island. If Maine has any interest in going forward with an economic base, this port is the obvious place to do it. It's not going to hurt anything, it's actually going to create a bigger dune that's there that we're supposedly destroying. I guess I'll conclude with that, Madam Speaker. Thank you so much for the time, and this is about the future of Maine. Thank you.

The SPEAKER: The Chair recognizes the Representative from Rockland, Representative Geiger.

Representative **GEIGER**: Thank you, Madam Speaker. This is probably the most difficult vote I will take in my time in the House. I will be voting yes, but it is a deeply troubling vote for me.

I am faced with two competing values. I am an environmentalist, and the idea of voting to industrialize one of the largest undeveloped islands on the east coast, one that is home to many migratory birds, is one I have lost sleep on. I also find it difficult to support rolling back our sand dune regulations because it's in the way of development.

Ultimately, for me, it is the larger, overarching issue of climate change that has led me to yes. I believe offshore wind is critical to combatting climate change. It will come to the Gulf via federal leases whether Maine participates or not, but Maine has a one-in-a-lifetime opportunity to create a port that will bring thousands of good-paying green jobs to Maine for decades, particularly in an area that is hamstrung with poor job choices and poverty.

This bill allows us to go forward to look at both sites, Sears Island and Mack Point. Is my thumb on the scale for Mack Point? Yes, of course it is; it's already a brown site, it's an industrial site. But if, for some reason, some environmental reason, it is not the best choice, then Sears Island is a choice that is better than no port at all. This process has been lousy, the bill comes at the last moment, it undoes sand dune regulations, it leaves too many people feeling that their voices have not been heard, that a decision for Sears Island has already been made, and that leads to cynicism among the population and among many of us in the Legislature. But the sad facts are, most of the dunes in Maine will be gone in 10 to 15 years if we do nothing about climate change. The sea is rising, storms are more severe and more frequent. So, it is with great reluctance that I will be voting for this bill. Thank you, Madam Speaker.

The SPEAKER: The Chair recognizes the Representative from Camden, Representative Doudera.

Representative **DOUDERA**: Thank you, Madam Speaker. Madam Speaker, Men and Women of the House, there's no denying the economic benefits that this project will bring to Waldo County, an area of our State which is sorely in need of good-paying jobs. Nor, in my mind; and I hope yours, also, Madam Speaker; is there debate that we absolutely must take bold action as outlined by the Climate Council to slash our carbon emissions. Unfortunately, there's no going back to our reliably snowy winters and our cool summers, but we must work to keep the situation from getting even worse.

One of the major reasons I ran for office was climate action, and it's been exciting for me to see the development of Maine's offshore wind initiative. My first term in the Legislature, I served on the Energy Committee, which gave me a front-row seat to learn from the folks at UMaine and in the Governor's Office of Energy Policy, who are working so diligently to get this industry off the ground in Maine. I've been to Rhode Island and met with other New England states competing for these projects, and I've had a hand in making sure that the jobs will be truly good ones for our friends and neighbors.

As to the location of the port, I know that other sites have been considered and are still in the running. I do know Sears Island well, and I hike there frequently. I'm glad more than half of it is already in conservation.

This bill is not a referendum on which location is best, but it does allow the permitting process for offshore wind to go forward. For some of us, this is not an easy decision to make, but if we are serious about climate change, there will be difficult decisions ahead of us. Many of them. Yes, we are stewards of our environment, as my colleagues have said, and because of that, we must act. We must make these tough choices. The consequences of inaction are just too catastrophic. I urge you and my colleagues to support this measure. Thank you very much.

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

Representative **SOBOLESKI**: Thank you, Madam Speaker, ladies and gentlemen. I've been through a number of hearings, briefings, meetings about the wind port. I serve on both the Environment and Natural Resources Committee and the Labor and Housing Committee, and we've had it come through both.

In Environment and Natural Resource, it's been hard to reconcile destroying part of the environment to save the environment. So, I decided to do some research and I went down to look up the information from our neighbors down in Massachusetts. I wanted to see exactly how viable is a wind project, to see if it was worth it, and here's what I found. There are eight projects in Massachusetts; not including New Bedford, which New Bedford has been altogether completely canceled. The eight projects take up 696,000 acres. Out of the eight of them, what I found is Revolution Wind project, led by Orsted and Eversource in Massachusetts; Orsted has stated it requires a 40% investment tax credit in order to proceed. They originally applied for a 30% investment tax credit, and have asked for an amendment for it. Sunrise Wind, which is Orsted North America, which is in Massachusetts; Orsted failed to secure an increase in the contract price for the State of New York. The company has stated the project was not financially viable without additional funding. What's happening is once the federal funding wears off and runs out, they're not able to sustain themselves. Bay State Wind; Orsted, Eversource Massachusetts, Bay State aka Revolution Wind, too; unable to secure a contract for its energy with Rhode Island Energy. In other words, Rhode Island was going to have to pay more than what they were already paying, so, they wouldn't contract to them. New England wind port; it's an Avangrid Renewables Massachusetts project; on hold, their contracts have been canceled. Beacon Wind, which is an Equinor wind project in Massachusetts; project unlikely to proceed; funding. South Coast Wind, formerly Mayflower Wind, which is a shell and ocean wind project in Massachusetts; Mayflower South Coast Wind on hold since Mass utilities determined they would not renegotiate their projects.

So, what we're asking to do here is destroy part of our environment to save the environment with a wind project that may not be viable. I think we should hold off on this, see if they're actually viable, if they do work, if they do make a difference, if they can help our environment, if they can save on our electrical bills; which, so far, we haven't seen that at all. We see more and more solar panels go up, more and more wind turbines go up, and our bills keep going up and up and up. So, I think it's worth our time to think about holding off on this project until we can have a solid determination that a wind port in our Gulf is a viable project. Thank you.

The SPEAKER: The Chair recognizes the Representative from Montville, Representative Zeigler.

Representative **ZEIGLER**: Thank you, Madam Speaker, Fellow Legislators. I rise to speak as a retired Merchant Mariner. I want to make sure that we do all the necessary studies to go forward that we get the most viable port. It's not easy to bring a ship into port, and you want to make sure that that work is done well. And the other thing is; yes, prices do rise, and they might've been tacked to the rise in natural gas last year, not solar panels. Thank you.

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

Representative **GRAMLICH**: Thank you, Madam Speaker. Madam Speaker and Colleagues of the House, I want to talk a little bit about what this bill is about and what this bill is not about, but before I do so, Madam Speaker, I will say publicly on the record that I support offshore wind projects. I understand that this industry helps Maine reach our climate goals. And I also support protecting our precious sand dunes, Madam Speaker, and all the associated habitat and species that go along with that protection.

Madam Speaker, when I ran to get elected to this Body six years ago, I did so with my eye on my community; the lovely seaside community of Old Orchard Beach. We have seven miles of sandy beach in my district. It is my backyard, Madam Speaker. And before I knew what Committee I would be assigned to, before I got sworn in, right after our election, we came for training in November and the very first bill that I submitted in the Legislature was "An Act to Protect Maine's Beaches and Shoreline". I've had the good fortune of serving on the Environment and Natural Resources Committee for six years, and my number one focus and priority has always been to protect our beaches and shoreline, and in particular, our sand dunes. I know that many in this Body can attest to what we've all observed, particularly in the last two storms of earlier this year. My community got decimated, Madam Speaker, and I know that I'm not alone. We lost precious, precious, precious areas of sand dune. They're gone. They're decimated. And that is very, very troubling to me, Madam Speaker.

This bill, LD 2266, I want to be clear what this bill is. This bill is not about our decision on where a wind turbine will be, but rather, Madam Speaker, this creates a site-specific related exemption for a sand dune, located in a coastal sand dune, should a port be developed. This bill was amended and one of the pieces of this bill that I personally was intrigued with was the fact that we would be losing a particular sand dune if this project moves forward. It's an artificially made sand dune, as my colleague from Orrington identified. To compensate for the potential loss of this particular sand dune, this bill, as amended, Madam Speaker, will protect a larger dune located at the proposed site. It will also establish a sand dune restoration and protection fund which can be used statewide, with a million-dollar allocation dedicated to start this fund. The Department of Environmental Protection is committed to this sand dune restoration fund, as evidenced by their commitment to dedicate staff to oversee this fund.

As I said, Madam Speaker, and my colleagues before me have said, offshore wind not only helps Maine achieve our climate action goals, it also provides economic benefits through job creation, which will have a positive impact on our State. I have been very vocal and very transparent about my struggle with this particular piece of legislation, Madam Speaker. As others before me have said, we're really looking at two competing measures relative to our environment, and sometimes, it's a real challenge to hold those two competing measures in our head. But I understand, Madam Speaker, if I want to do anything to protect the dunes in my district moving forward, then we must do everything that we can do to combat climate change, and that includes exploration and implementation of wind energy. Thank you, Madam Speaker.

The SPEAKER: The Chair recognizes the Representative from Winterport, Representative Paul.

Representative **PAUL**: Thank you, Madam Speaker. In response to the comments made by the Good Representative from Orrington, what he failed to mention is that 17 acres of marine habitat will be filled in on Sears Island, with over 800,000 cubic yards of harvested soil. This will destroy acres of eelgrass meadows, essential fish habitat, a fishery nursing area and shellfish beds. About one-third of the island will be forever changed. Thank you, Madam Speaker.

The SPEAKER: The Chair recognizes the Representative from the Passamaquoddy Tribe, Representative Dana.

Representative **DANA**: Thank you, Madam Speaker. *Qey Aaron Dana diliwis peskotomuhkatik representi*. As a member of the Native population here in Maine, I stand in opposition of the offshore wind project and the permitting of the *Wassumkeag Monihq*, Sears Island, for several reasons that deeply affect our way of life, culture, connection to the land and the sea.

Firstly, offshore wind farms disrupt the delicate balance of the marine ecosystems that we rely on for sustenance and cultural practices, and many Native Tribes, along with the National Congress of American Indians, are in a national opposition of the offshore wind initiative. These projects involve a massive infrastructure which disturbs marine habitats, disturbs migratory patterns of marine wildlife and poses risks of pollution from construction and maintenance activities. The amount of energy produced through the lines on the ocean floor are coming to the land that will produce high heats which will rapidly heat the waters and expedite the rise in the water temperatures. This disruption directly impacts our ability to fish, hunt and gather in our traditional ways that have sustained us and Maine State citizens for generations.

Furthermore, the installation and operation of *Wassumkeag Monihq*, Sears Island, encroach upon sacred sites and areas of cultural and historical significance and this project especially imposes on the Penobscot territory, *Panawahpskewi skikomik*. This Body just passed "An Act to Review State Lands and Waterways That Have Sacred, Traditional or Other Significance to the Wabanaki People," LD 1349. I repeat; this Body just passed "An Act to Review State Lands and Waterways That Have Sacred, Traditional or Other Significance to the Wabanaki People." *Wassumkeag* is one of these lands, and that should be taken into consideration. The place holds deep spiritual value for the *Panawahpskewi*, Penobscots, and protecting the land is integral to our Tribe's cultural identity. The industrialization of Sears Island not only desecrates our sacred spaces, but also erodes our cultural heritage and connection to that land and sea.

In addition to environmental and cultural concerns, the Sears Island project can also have a negative socioeconomic impact on our Maine communities. While touted as a clean energy solution, these projects are often driven by profit motives that prioritize corporate interests over the well-being of the indigenous peoples and the surrounding communities alike.

In conclusion, the push for Sears Island permitting and construction must be critically examined from a Native's perspective, taking into account the profound impacts on our environment, culture and communities. Alternative approaches that respect indigenous rights, prioritize conservation and foster sustainable development that are essential for a more equitable and harmonious future. There is a standard that there is not enough study data that proves that this project has a negative impact on the environment, but there also is no studies that prove that it doesn't have a negative effect on the environment as well. Please follow my light in Ought Not to Pass and look

for a more environmental-protection partnership between the Tribes and the State by not desecrating our State's rich beauty and sacred lands. Thank you.

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

Representative **WHITE**: Thank you, Madam Speaker. I need some clarification on this matter. We have several big ports in Maine. We have some places that do similar work; for instance, a corporation on the Penobscot that builds offshore oil rigs. Madam Speaker, were we only looking for facilities that would be union operated when we took this under consideration, or did these non-union corporations give a second look?

The SPEAKER: The Chair recognizes the Representative from Winter Harbor, Representative Faulkingham.

Representative **FAULKINGHAM**: Thank you, Madam Speaker. I felt that I should just take a moment to weigh in on this. The fundamental question here today is, do our environmental laws matter? That is what we're asking here. It doesn't matter what side of a wind issue or a port issue that you're on. It's been said that we need to rush; we need to move forward with this. I say, rush somewhere else. It's said that if we build a port, we can use it for other things that aren't windmills. Well, it doesn't matter if you want to use this port for windmills or for oil rigs. Madam Speaker, it doesn't matter, because Sears Island is not the right place for this. We should vote no and uphold our environmental laws. Thank you, Madam Speaker.

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

Representative **QUINT**: Thank you, Madam Speaker. I know it's a little unusual to have someone from Aroostook County rise to speak about something along the coast, but sitting here, I just found this back-and-forth fascinating, because I truly didn't know that much about Sears Island. And when I hear about the history of having the three ports and because of that history, one of the largest undeveloped islands was actually preserved and it's preserved still right now. How fortunate are we to have this because of a law that was made before, but we now have the opportunity, as we do many times over within this Body, to have that tweaked a little bit. Once again, this is one of the largest undeveloped islands and we can keep this protected. There seems that there could be other areas in which this type of a site can be made, but I don't believe that we could ever get back Sears Island.

So, it's just one of the things that I find so fascinating about being here and what you learn, and learning about the different parts of the State and when I'm talking about where I'm from, that other people may not understand the way it may affect that area. Knowing how this could affect the areas over there and the people that are speaking about green energy and they're concerned about this being affected but they're willing to overlook it for B, and we can never get A back. And so, I would just ask that we really look at how we're able to protect something that we can never get back again. 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. 465

YEA - Abdi, Ankeles, Arford, Beck, Bell, Brennan, Bridgeo, Campbell, Carlow, Carmichael, Cloutier, Cluchey, Collamore, Costain, Crafts, Craven, Cray, Crockett, Dhalac, Doudera, Fay, Gattine, Geiger, Gere, Graham, Hall, Hasenfus, Hobbs, Jackson, Jauch, Kessler, Kuhn, LaRochelle, Lee, Lookner, Madigan, Mastraccio, Matlack, Meyer, Millett R, Montell,

Moonen, Murphy, O'Connell, O'Neil, Osher, Perry J, Pringle, Rielly, Roberts, Roeder, Runte, Russell, Sachs, Salisbury, Sargent, Sayre, Shagoury, Sheehan, Terry, Warren, White B, Woodsome, Zager, Zeigler.

NAY - Adams, Albert, Andrews, Arata, Ardell, Babin, Bagshaw, Blier, Boyer, Bradstreet, Collings, Copeland, Cyrway, Davis, Dill, Dodge, Drinkwater, Ducharme, Dunphy, Eaton, Faulkingham, Foster, Fredericks, Gifford, Golek, Gramlich, Greenwood, Griffin, Guerrette, Haggan, Henderson, Hepler, Hymes, Javner, Lajoie, Landry, Lanigan, Lemelin, Libby, Lyman, Mason, Mathieson, Millett H, Milliken, Moriarty, Morris, Ness, Newman, Nutting, Parry, Paul, Perkins, Perry A, Pluecker, Poirier, Polewarczyk, Pomerleau, Quint, Rana, Riseman, Rudnicki, Sampson, Schmursal-Burgess, Simmons, Sinclair, Skold, Smith, Soboleski, Stover, Strout, Supica, Swallow, Theriault, Thorne, Underwood, Walker, White J, Wood, Worth, Madam Speaker.

ABSENT - Boyle, Galletta, Lavigne, Malon, Shaw.

Yes, 65; No, 80; Absent, 5; Vacant, 1; Excused, 0.

65 having voted in the affirmative and 80 voted in the negative, 1 vacancy with 5 being absent, and accordingly the Majority **Ought to Pass as Amended Report was NOT ACCEPTED.**

Subsequently, on motion of Representative GRAMLICH of Old Orchard Beach, the Minority **Ought Not to Pass Report was ACCEPTED** and sent for concurrence.

SENATE DIVIDED REPORT - Majority (7) **Ought to Pass as Amended by Committee Amendment "A" (S-617)** - Minority (5) **Ought Not to Pass** - Committee on **JUDICIARY** on RESOLUTION, Proposing an Amendment to the Constitution of Maine to Protect Personal Reproductive Autonomy

(S.P. 339) (L.D. 780)

- In Senate, Majority **OUGHT TO PASS AS AMENDED Report READ and ACCEPTED** and the RESOLUTION **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-617).**

TABLED - April 2, 2024 (Till Later Today) by Representative MOONEN of Portland.

PENDING - **ACCEPTANCE OF EITHER REPORT.**

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

The same Representative **REQUESTED** a roll call on his 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 Skowhegan, Representative Poirier.

Representative **POIRIER**: Thank you, Madam Speaker. I rise in opposition to the pending motion. This bill; I think everybody in this Chamber is familiar with it. Putting personal reproductive autonomy into the Maine State Constitution. I think we have very differing opinions on this, so, I won't belabor it, but what I'm seeing here is more than just an abortion issue. The way that this bill is written, it can encompass so much more, and we've already passed the most extreme measures on abortion in this Body; up to birth, I mean; having to put it in a Constitution, I think, is unnecessary and to all of those here, or in Maine, that value life from conception, this is just the most terrible, outrageous thing to do in the world. So, I'm sure you'll hear from others behind me, Madam Speaker, but please, follow my light

and think of the unborn and their right to life, too, and oppose this measure. Thank you.

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

Representative **WARREN**: Thank you, Madam Speaker. Madam Speaker, I stand before you today with fewer federally protected reproductive rights than my parents or grandparents. I'd ask you, let that sink in. I am part of a generation that is often referred to as the future, but when it comes to reproductive autonomy, our country's future is bleak, Madam Speaker. Since the Supreme Court's decision to overturn *Roe v. Wade* in 2022, I've witnessed an onslaught of new laws going into effect in states across the country that cruelly punish those simply seeking and providing abortion care services, which can sometimes be life-saving.

Well, here in Maine, we've been lucky. We've been lucky that reproductive rights have largely remained protected by State law. However, some may not fully appreciate that many of the rights we are currently afforded in our State can change depending on the composition of the Legislature or the Chief Executive. The protections that we have in Maine today are not guaranteed past the next election. That's why I stand in strong support of this Constitutional Amendment, which would protect personal reproductive autonomy in Maine's Constitution once and for all. This bill would give Maine voters the ability to decide whether or not they want to enshrine the fundamental truth that reproductive rights are human rights.

Mainers across party lines have long shared a belief in the right to reproductive freedom. In 1994, the Legislature enacted a law, signed by a Republican Chief Executive, guaranteeing access to abortion services in most circumstances. Since then, Mainers have repeatedly voiced loudly and clearly that our government should not have control over peoples' bodies, regardless of the political makeup of our Legislature. Mainers showed their unwavering support for this bill during an hours-long public hearing, reiterating how crucial it is to have the right to make your own informed decisions about your reproductive care alongside a physician, not a lawmaker.

This amendment is not radical. It simply gives Maine people the right to decide for themselves at the ballot box. I trust in the decision making of my fellow Mainers and I'd urge my colleagues to do the same. Thank you, Madam Speaker.

The SPEAKER: The Chair recognizes the Representative from Winterport, Representative Paul.

Representative **PAUL**: Thank you, Madam Speaker. I rise in opposition to the pending motion.

I am a Christian. Therefore, I believe the Bible to be the infallible Word of God that is filled with eternal truths. His Word tells me that He knit me together in my mother's womb. However, you don't have to be a Christian to know when life begins. The National Institute of Health, or the NIH, tells us that, quote; "since a recent study suggested that 80% of Americans view biologists as the group most qualified to determine when a human's life begins, experts in biology were surveyed to provide a new perspective to the literature on experts' views on this matter. Biologists from 1,058 academic institutions, comprising 5,577 biologists from around the world, assessed survey items on when a human life begins. And overall, 96% of them affirmed the fertilization view." Ninety-six percent.

So, we see there is no dispute, Biblically or scientifically, as to when life begins, and now, we are here, ironically, to vote on a bill that uses the terms dignity and liberty while seeking to take the dignity and liberty away from another irreplaceable human being. Even worse, to enshrine the right to take another's life in our State Constitution. I pray that each one here

has eyes to see, ears to hear, hearts to understand and that the truth prevails in this Chamber today. Thank you, Madam Speaker.

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

Representative **SMITH**: Thank you, Madam Speaker. Madam Speaker, Members of the House, I stand today to speak against this bill because I will not let women speaking for this bill speak for me.

It has been said by some people in support of this bill that we need this Constitutional Amendment because politicians shouldn't be involved in decisions about women's bodies. I can see how I, as a politician, should not tell another woman what they can do their body. But what I cannot see in the reasoning is saying that a child with a heartbeat and brain activity is the same body as the woman who is supposed to be given this right. A child with little fingers and toes, sucking its thumb in the womb and kicking its legs, like my newborn grandson. This child is not the same body as their mother. They are connected to their mother, but the same, no. This child that we speak of when we speak about abortion is a baby that will have a life and a destiny of its own to live, if only it can survive the womb.

So, if we as politicians don't stand to protect this baby in the womb, then who will? I think that we know that with the passage of 1619, it is painfully clear that most doctors won't stand for this child. It's certainly not Planned Parenthood that will stand for this child. Shockingly, it has not been women who are mothers themselves, and it has not been the 131st Legislature. This legislative Body --

The SPEAKER: The Member will defer. The Member will be reminded not to impugn the character of anyone in this Chamber, and may proceed.

The Chair reminded Representative SMITH of Palermo that it was inappropriate to question the motives of other Members of the House.

Representative **SMITH**: This legislative Body has given enough to those who seek to cut the life of a child out of this world. We have allowed enough, as a child's heartbeat is literally stopped in the womb that was built to protect them. My colleagues and I stand and say no to the murder of a baby, a precious soul waiting to change and enrich our world. We will not condone abortion to be enshrined in the Maine Constitution and further declare that our State is okay with death because life is not convenient. Please follow my light and vote no.

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

Representative **TERRY**: Thank you, Madam Speaker. I rise today to speak to an issue, for a long time, many of us took for granted. Today, the reproductive rights that I assumed throughout my life, that most women in this Body have assumed throughout their lives, are no longer guaranteed, depending on the state that they live in. For over 50 years, access to birth control and safe and legal reproductive health, that allowed women to take greater control over their decisions about their ever-challenging balancing act between work and family, giving us greater opportunity to participate fully in our communities and the economy. This is no longer an assurance that my daughters and the other women of their generation can count on. Since the *Roe* decision was overturned, the reproductive rights of every woman across the country have been subject to the whims of politicians in every state.

Here in Maine, Madam Speaker, we are fortunate. Our current laws allow people to access the abortion care if they need it, but those laws are not guaranteed beyond the current legislative cycle. We cannot plan for our futures, for our careers,

for our families with this uncertainty. That is why I stand today in strong support of LD 780, which seeks to enshrine the right to reproductive autonomy within our State Constitution. A Constitutional Amendment protecting reproductive autonomy would provide stability and clarity amidst the ever-changing landscape of reproductive rights at the national level. It would ensure the right to abortion remains protected in our State, regardless of any potential future changes to the composition of this Legislature, the Chief Executive's office, federal legislation or judicial decisions.

But our votes here today do not automatically codify this Amendment in our State Constitution. Very importantly, it sends this question to the people of Maine at the ballot box. Importantly, when we talk about protecting reproductive rights, we do so rooted in the values of choice and autonomy. I urge us now, Madam Speaker, to afford the Maine people that opportunity to choose for themselves, to enshrine this right in our Constitution, so that reproductive freedom can no longer be questioned and so that every Mainer can make the decision about their own bodies and families with their health care providers, free from the politics of this Chamber. Thank you, Madam Speaker.

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

Representative **LIBBY**: Thank you, Madam Speaker. Madam Speaker, I stand today to support personal reproductive autonomy. I support and believe that we should protect personal reproductive autonomy. Here's the problem with this bill, though, Madam Speaker. This bill only protects personal reproductive autonomy for one of the individuals in the case of an abortion, when there are, in fact, two individuals involved. One, the woman, the mother; and two, the baby. I don't think that anyone in this room would tell me that that baby, at conception, has any ability to turn out to be anything else. Fast-forward 40 weeks, give or take; *voilà*, a baby, who deserves to have their personal reproductive autonomy preserved. Two, Madam Speaker.

The Representative from Scarborough said that Mainers have voiced loudly and clearly their support to enshrine abortion. Enshrine abortion up until birth, even, as we saw that law pass last session. I have, Madam Speaker, seen Mainers speak up loudly and clearly, but my memory; my memory tells a very different story, Madam Speaker. My memory tells of Mainers speaking up against late-term abortion, abortion up until birth, and enshrining abortion in the Maine Constitution. Now, I do recall as well, Madam Speaker, and I'm sure you do, too, that there are folks who have spoken up loudly and clearly with the desire to enshrine abortion in the Maine Constitution. Planned Parenthood, in fact, has been very effective in speaking up; not louder than Maine citizens, but certainly more effectively in this room. Madam Speaker, and therein lies the confusion, because actually, although Planned Parenthood does invest significant amounts of money in this State, that is not the same as Maine citizens speaking their voice and their wishes and their will. Over this session and the last, we have seen Maine citizens speak up very loudly. Speak up very loudly on behalf of protecting personal reproductive autonomy for all Maine citizens, Madam Speaker.

The Representative from Gorham references the need to enshrine the right to abortion in the Maine Constitution, because the Legislature could change hands or the Chief Executive could change, and then woe is us, abortion could be banned wholesale in Maine. I think you and I are political realists, Madam Speaker, and know that that's scare tactics from the

same entity, Planned Parenthood, and those seeking to frighten Mainers into believing that this agenda is necessary.

Madam Speaker, Maine people have spoken up loudly and clearly; they have made their will known and I suspect, although I won't reference actions of the other Body, that we all know where this bill will end up. I look forward to the next time that we see this bill return to this Chamber for a vote, when we will vote it down, Madam Speaker.

The SPEAKER: The Chair recognizes the Representative from Hampden, Representative Haggan.

Representative **HAGGAN**: Thank you, Madam Speaker. I'm a little bit angry about this thing, so, I'm fairly shaky. This particular move to enshrine this into the Constitution sickens me and it makes me sad for all of the people that I know that would love to adopt a vibrant and wonderful child; something that I've done personally. This bill, I believe, is a slap in the face to unborn babies and humanity. If this thing goes through, I tell you, I will be ashamed to be a Mainer. A Constitutional Amendment to murder a vibrant and viable human being is unconscionable to me. This is not reproductive health care; this is murder. Thank you, Madam Speaker.

The SPEAKER: The Chair recognizes the Representative from Waterville, Representative Madigan.

Representative **MADIGAN**: Thank you, Madam Speaker. I'm serving in my final term and I have never said I didn't intend to speak on this, but here I am. I hadn't intended to get up, but I heard things today that enraged me because I believe these decisions are best left to people who can best make them, and it's not my business or anyone in this Chamber to do that.

And it was something that I never really thought about, I just kind of took for granted until a number of years ago, about 15 years ago, when my sister was diagnosed with a really rare birth defect and she almost lost her life getting an emergency hysterectomy not long after that. The reason they gave her the emergency hysterectomy is because they said that the birth defect she had, if she was pregnant, she would've had to get an abortion to survive. But there was some dispute about that among medical professionals, and she was flabbergasted that someone who wasn't her would have an opinion about what was going on in her body that she might have to follow that could lead to her death. It was a position she didn't ever want to be in, and I'm glad she didn't have to make that decision, but I am even more glad that no one thought that they had the right to make that for her.

Those medical problems she had eventually were a contributing factor in her death and just last year, I was at Hannaford and I walked out and I ran into someone I knew in town and they were talking to me about what goes on in this building. And he made some comment about; probably 1619, about us talking about that; and I said, oh, this is right after you said that you were sorry that my sister died. And he's like, well, yeah, you know, I knew her. Oh, did you know her medical problems? And he said no, and I said, well, do you know that she would've been one of those people that would've had to make that awful decision? He's like, no, I didn't know that. I'm like, you're right, because it was never any of your business.

And so, the things that go into people making these decisions are never any of my business, and I'm awful glad they're not, because I don't ever want to be in that position to have to make that, because for some people, they are life and death and it should be their own decision that they make with whomever they choose to make that decision with. Thank you very much, Madam Speaker.

The SPEAKER: The Chair recognizes the Representative from Rumford, Representative Henderson.

Representative HENDERSON: Thank you, Madam Speaker, Ladies and Gentlemen of the House. I stand in opposition to the motion and this bill, and I'd like to respectfully disagree with the Representative from Auburn in her earlier statement, when she said that there are two individuals impacted by this, when in fact, there are three: There's the mother, the unborn child and the father. An unborn child is the reproductive product of both a man and a woman, and in this Constitutional Amendment, we're only protecting the reproductive autonomy of mothers, not of the reproductive byproduct of the father; the father, nor the child who is developing within the womb where, at some point, we heard testimony that between 16 and 17 weeks, begin to develop their own reproductive organs.

I will, however, agree with the Representative from Gorham, who stated that they would like our rights to no longer be questioned. And that language is eerily similar to Article I, Section 16. I think it would behoove us as a Body to focus on preserving and protecting the Amendments we currently have on the books, rather than adding new ones. Thank you.

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

Representative MOONEN: Thank you, Madam Speaker. Madam Speaker, Colleagues of the House, I'm not sure if everyone knows yet, but earlier today, the Arizona Supreme Court reinstated a law from 1864 that is a near-total ban on abortion. That law from 1864, before Arizona was even a state, includes a mandatory minimum two-year prison sentence for providers of abortion. I know we're going to be talking about providers again soon, keep that in mind.

As for this bill, you know, I've heard a lot of rhetoric over the last year about the majority of Mainers and what they think about abortion; I've heard multiple references to 1619 today. I went a little further back than that, looking for evidence that the majority of Mainers are against abortion. I haven't found it. The last time the abortion issue was on the ballot in the late '90s, Mainers were overwhelmingly pro-choice. In the 30 years since then, no abortion restrictions have passed in this Body, not even when my Republican friends had the House and the Senate and the Chief Executive. Even then, they were unable to pass a single restriction on abortion. I think we know why that is; because Mainers are pro-choice.

As far as 1619 goes, like I said, I heard a lot of rhetoric about what the majority of Mainers think. I know that after passage of that bill, there was polling done. I didn't see the polling, the results, but I know that no people's veto was filed, so, that tells me everything I need to know about what the polling results said. And here we are, debating this Constitutional Amendment, with more rhetoric about what the majority of Mainers think. So, I have a pretty simple question: If folks are so confident that they know what the majority of Mainers think, why don't we find out? Let's put it on the ballot and let the people of Maine decide. 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. 466

YEA - Abdi, Ankeles, Arford, Beck, Bell, Brennan, Bridgeo, Cloutier, Cluchey, Collings, Copeland, Crafts, Crockett, Dhalac, Dill, Dodge, Doudera, Eaton, Fay, Gattine, Geiger, Gere, Golek, Graham, Gramlich, Hasenfus, Hepler, Hobbs, Jauch, Kessler, Kuhn, Landry, LaRochelle, Lee, Lookner,

Madigan, Mastraccio, Mathieson, Matlack, Meyer, Millett R, Milliken, Montell, Moonen, Moriarty, Murphy, O'Connell, O'Neil, Osher, Perry A, Perry J, Pluecker, Pringle, Rana, Rielly, Riseman, Roberts, Roeder, Runte, Russell, Sachs, Salisbury, Sargent, Sayre, Shagoury, Sheehan, Skold, Stover, Supica, Terry, Warren, Worth, Zager, Zeigler, Madam Speaker.

NAY - Adams, 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, Haggan, Hall, Henderson, Hymes, Jackson, Javner, Lajoie, Lanigan, 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 B, White J, Wood, Woodsome.

ABSENT - Boyle, Galletta, Lavigne, Malon, Shaw, Sinclair. Yes, 76; No, 68; Absent, 6; Vacant, 1; Excused, 0.

76 having voted in the affirmative and 68 voted in the negative, 1 vacancy with 6 being absent, and accordingly the Majority **Ought to Pass as Amended** Report was **ACCEPTED**.

The Resolution was **READ ONCE**. **Committee Amendment "A" (S-617)** was **READ** by the Clerk and **ADOPTED**.

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

Under further suspension of the rules the Resolution was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (S-617)** in concurrence.

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

REPORTS OF COMMITTEE

Divided Reports

Majority Report of the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-921)** on Bill "An Act to Combat Racketeering in Scheduled Drugs by Certain Organizations"

(H.P. 1412) (L.D. 2204)

Signed:

Senators:

HARRINGTON of York
LaFOUNTAIN of Kennebec

Representatives:

ARDELL of Monticello
LAJOIE of Lewiston
NEWMAN of Belgrade
NUTTING of Oakland
PERKINS of Dover-Foxcroft

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

Signed:

Senator:

BEEBE-CENTER of Knox

Representatives:

SALISBURY of Westbrook
HASENFUS of Readfield
LOOKNER of Portland
MATHIESON of Kittery
MILLIKEN of Blue Hill

READ.

Representative SALISBURY of Westbrook moved that the House **ACCEPT** the Minority **Ought Not to Pass** Report.

Representative NUTTING of Oakland **REQUESTED** a roll call on the motion to **ACCEPT** the Minority **Ought Not to Pass** Report.

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

Representative **FAULKINGHAM** of Winter Harbor **REQUESTED** that the Clerk **READ** the Committee Report.

The Clerk **READ** the Committee Report in its entirety.

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

Representative **CYRWAY**: Thank you, Madam Speaker, Ladies and Gentlemen of the House. I stand before you because of the request that I've gotten through; because of this situation of the marijuana grow operations that are illegally being done. I have three just in my town, and I was a Selectman and people would call me all over the place. In fact, one lived right next door to it and was very nervous about the operation. The homes that they're buying, some are not even livable. There's wiring hanging everywhere, all kinds of other problems; the mold, those type things. But also, the complaints I got; I called the team that was supposedly made to be the ones to keep track of the operations, as far as making sure they're licensed. And by doing so, I did call them and they went and checked out the places and they were not licensed. And so, we have a problem, because there's a point where they don't connect with law enforcement and it doesn't really connect, so the law enforcement can't handle those situations because they don't get the complaints. So, I had to personally call the Sheriff's Office and tell them about these three operations, and it's been quite some time and still nothing has been done.

So, this bill is an effort to try to take care of what isn't being done. We had several that have been taken care of up in the Somerset County and, but in our county, where we have very few, there's been a few situations that might've happened, like an assault or something, that may have triggered off doing an investigation; but as far as the operations, these are illegal operations, you're not getting tax dollars from it, it's all done in cash, they're paying cash even for the taxes for the house, and people are afraid to go by these places. There's really a lot of issues that are going on, and so, if we don't do something, we are going to be in serious trouble and within a year. Many millions of dollars are leaving this country and going to other countries from the dealings of these illegal organizations.

So, this is a time when we can make a difference, make the people feel like they are being listened to. Our people here in Maine are very concerned about this and there are well over 3-400 of these operations going on within the State. So, I ask you and our Members of this Legislature, to try to get this voted the proper way and try to get something done so we can make a statement to the people we do care. We have made the marijuana legal and we said that we would protect the people, that we were going to protect them, and this was supposed to be developed and we haven't done a thing. All we do is just check and make sure they're licensed so they can pay their taxes. That's all we're doing, and these people don't pay their taxes because they don't pay Social Security; they don't pay the taxes of what their incomes are and they just ship that money right out of the country.

And also, they've been even wiring and cross wiring in the electricals so that they don't get the big electric bills in some cases. But this is 500 times of what a normal home would be. This is what this is bringing up. And so, it is unusual and so, this

is why we need to do this now. So, Thank you, Madam Speaker. Thank you for listening.

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

Representative **SOBOLESKI**: Thank you, Madam Speaker, ladies and gentlemen. Last summer, when I learned that this was going on, that there were illegal Chinese marijuana operations in the State, I went and visited a few of them. I went with reporters and cameras and took a look at what was going on. After I got confirmation of what was happening, I met with the Sheriff's Department and the State Police, asked why nothing was being done about it; nothing substantial was being done about it. I was told that they didn't have enough authority to be able to go onto those properties, so, I submitted a bill to Legislative Council which would give the local police, Sheriff's Department and State Police more authority to be able to go in and oversee and take action, if necessary. That wasn't accepted by Leg Council.

So, then I decided to take a look at the money and see how this was being funded. So, we went to the Registry of Deeds in a lot of these towns and started pulling their information. At the time, there were 280 of those operations that were identified in the State. We found 60 of them were being funded by a bank out of Queens, New York; Quontic Bank out of Queens. A CDFI, which is a community development financial institution. In order to get a loan from them, you don't have to provide tax returns, you don't have to provide a paystub, all you have to have is an identification card from a state, that's it. Now, can you imagine going and getting a \$200-250,000 loan from a bank with no way to repay it? I couldn't figure out what that was all about; that doesn't make sound financial sense. So, further investigation led me to our U.S. Treasury. The CDFIs, community development financial institutions, were created by the Community Reinvestment Act of 1978, and that allows them to use funds from our Treasury to give those loans. So, our tax dollars that we pay in are funding and financing those illegal operations.

This bill here takes an additional step. It gives us some kind of meat, something to go at them with, and some way to attack them and hold them accountable for what they're doing. And if we don't pass this in the 131st, then this will be the only opportunity that we'll have had in order to do something about this legislatively. So, I would urge everybody, please, take a good long look at this and understand that our tax dollars are funding this and we need to shut this down as quickly as we possibly can. Thank you.

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

Representative **ARDELL**: Thank you, Madam Speaker. This is a good bill that provides Maine law enforcement with the tools to investigate an insidious presence in our communities; racketeers that abuse our freedoms and even abuse their own workers through something between slave labor and indentured servitude.

This bill helps law enforcement investigate based on electrical usage and electrical infrastructure. Law enforcement routinely works with private industry, using information in investigations from entities like banks, car dealerships, town offices, regarding suspicious activity or suspicious purchases. Four hundred amps as an electrical entrance at a single-family residence is a very, very heavy-duty entrance for a building of that size and that usage. My old country home has been retrofitted to 200 amps, and that's considered a very, very high level of electrical entrance for a single-family residence. A smaller sort of square footage home is approximately 100 amps.

So, investigating a five-time increase, a 500% increase in electrical use is an excellent source of law enforcement to develop reasonable suspicion, which is a level of cause that's above mere suspicion but below probable cause. It's typically the cause used to initiate a law enforcement investigation. I've heard reasonable suspicion described as a level of cause in which a reasonable officer has suspicion, but also has one articulable fact to support that level of suspicion. And that's essentially what this bill provides law enforcement to initiate an investigation.

It's typically a start point, and with my own investigation, my own experience in investigating organized crime, this bill provides a tool to not merely deal with these organized crime individual locations, of which there are many, potentially even a hundred in the State, in a way like whack-a-mole, but it provides the State with the ability to approach this criminality in a sort of racketeering and organized crime way in that more of the high-level operatives who run these operations are swept up in the investigation and become criminal defendants. Other than that, we're getting low-end homes, you know, workers living in near-slave conditions. So, this bill is the tool to be able to move up the chain, or what we used to call fishing upstream, to be able to get people that are actually criminally responsible for these criminal acts.

In closing, this bill is the organizational tool to engage organized crime. I'm opposing the Ought Not to Pass motion and when it comes up, I'd like this Body to vote Ought to Pass because this is a good bill, it empowers law enforcement in Maine without engaging the rights of the people in a negative way. Thank you.

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

Representative **SALISBURY**: Thank you, Madam Speaker. Madam Speaker, I agree with a few of the comments being made today, one of them that the illegal marijuana grows that we are seeing an increase of are a problem in Maine. However, I don't believe that this bill is the answer to that problem. What this bill does is it establishes a new crime of racketeering, which would be a Class A crime with 20 years potential for a sentence and a fine of \$1 million. Aggravated racketeering would be a Class A crime with a million-dollar fine and 30 years in prison.

I'm concerned because this bill is discriminatory. It prohibits people from China, Cuba, Iran, Russia and North Korea from buying property in Maine. We heard from multiple groups that are against this bill. MACDL, which is the criminal defense lawyers, the Maine Prosecutors Association, the Maine Realtors Association, the Criminal Law Advisory Committee, Maine Equal Justice, the ACLU. And some of the concerns we heard are that this bill could be unconstitutional, which we talk a lot about when we talk about bills on this floor. I read an article today, the law that was less restrictive that was passed in Florida; so, not as restrictive as we have proposed here; has already been determined to be unconstitutional. So, we need to, for this one time, we need to look to Florida.

Currently, in Maine law, it is already a Class B crime with 10-year potential sentence and \$20,000 fine to have more than 500 plants. It's a Class C crime with five years in a prison and a \$5,000 fine to have more than 100 plants. We do have the ability to prosecute. Law enforcement is more aware, as these illegal grows are popping up, they're investigating them, we hear about it on the news, people are being arrested, these are already being prosecuted currently.

I want to point out some of the things that the Criminal Law Advisory told us about this particular bill. One of the things they mentioned was that whether prosecutions of criminal enterprises engaged in organized crime might be more appropriately pursued by federal authorities with greater resources to investigate, prosecute and reach across jurisdictional lines. They also noted that this bill would only propose anti-racketeering laws only related to drug crimes. They also asked us to consider that, if these should be limited to drug crimes, or should this also be applied to other types of criminal conduct or enterprises. This bill proposes punishments that deviate from Maine's classification structure for crimes, proposes to include civil remedies in the criminal code and would require prosecutors and criminal courts to assume roles and fashion remedies not currently part of Maine's sentencing laws. The proposal of real estate forfeiture provisions appear to conflict with prohibition against forfeiture of real estate for crimes involving marijuana. And, finally, as I mentioned, provisions related to ownership of real property proposed in Section 3 of the bill may be subject to a challenge on constitutional and preemption grounds.

Illegal marijuana grows in Maine are a problem, they are being addressed, this bill is not the way to further investigate those. Thank you.

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

Representative **LIBBY**: Thank you, Madam Speaker. Madam Speaker, I am sympathetic to the issues that we face here in our State regarding the illegal grows that pervade our communities. However, I do not believe that this bill is the right tool to address that issue. As the Representative from Westbrook outlined, this bill would make it illegal for citizens of China, Russia, Cuba, Iran and North Korea to buy property in Maine. That portion of the bill, in my opinion, which is shared by many others, violates the equal protection and due process clauses of the 14th Amendment to the U.S. Constitution.

As the Good Representative mentioned, there is a recent law that was passed in Florida that now has an injunction granted against it several months ago by the U.S. Court of Appeals for the 11th Circuit, and I'll read a portion of that injunction. "Because SB 264 was enacted for the specific purpose of targeting people of Chinese descent, plaintiffs have shown a substantial likelihood of success on their claim that this Statute violates the equal protection clause. The Statute's language, the anti-Chinese statements from Florida's public officials and SB 264's impact established that the law is a blanket ban against Chinese noncitizens from purchasing land within the state. This prohibition blatantly violates the 14th Amendment's protection against discrimination." Madam Speaker, last week, regarding a bill that we heard on this Floor, I urged my colleagues on the other side of the aisle to amend the Constitution through the proper channels, rather than making an end-run around the Constitution if they would like to change it. And this week, I urge my colleagues on this side of the aisle to do the same.

But, Madam Speaker, I have other concerns with this bill. This bill mandates that a public utility turn over a list of 400 amps or more total service installations and upgrades, malfunctioning transformers at residential properties since 2013 and submit this list to the Maine State Police in a manner specified by the Maine State Police. I have heard it argued; by many, actually; that this information is already being made available to the Maine State Police from the utilities, and perhaps it is, which begs me to ask the question; if it is already being made available, then why do we need to mandate that a public utility turn this information over

to the police? If it's already available, then it's a non-issue. But I've actually been informed otherwise and would like to read the statement given to me by CMP today. "While some of the information is available, it is not something our billing system can produce without a programming rewrite; i.e., adding a cost onto Maine ratepayers to do so. We are also concerned about the possibility of customers being reported for usage that has nothing to do with cannabis growth. We cooperate fully and promptly with law enforcement when they seek usage information." This new mandatory dragnet, Madam Speaker, will inevitably put scrutiny on ordinary, lawful Maine citizens and it mandates cooperation of a business with police outside of the parameters of a warrant. I cannot support a bill that will increase the surveillance state in Maine, that violates the principles of the 4th and 14th Amendments to the Constitution. This bill would allow for a blanket assumption that certain legal activities are advancing illegal ones. Surveilling Maine people should, instead, be rooted in a reasonable suspicion of specific illegal activities.

I realize that it may be popular in an election year to vote for a bill that proposes to be the answer to the illegal marijuana grows. I cannot, however, support a bill that would be in direct opposition to the Constitution and would allow the State to invade peoples' privacy based on the amount of electricity someone uses in their own residence. Please follow my light.

The SPEAKER: The Chair recognizes the Representative from Winter Harbor, Representative Faulkingham.

Representative **FAULKINGHAM**: Thank you, Madam Speaker. Madam Speaker, I rise in opposition to the pending Minority Report. Illegal marijuana grows being run amok by a network of organized criminals from adversarial nations is a clear and present danger to the safety and welfare of our State as well as our ethos; life the way it should be. All over our State, especially in rural areas, single-family homes are off the market. They're off the market not because they're full of warm cheer and growing families, but because they are full of thousands of illegal, unregulated, unsafe marijuana grows by often elderly Chinese nationals who are living lives of indentured servitude to the gangsters who run these networks, amassing large and very lucrative profits. The illegal and unregulated or tested weed is bundled and sent out of State to be sold in parts unknown in black markets for maximum profits.

This is a vast criminal conspiracy and must be addressed. The only problem is that our prosecutors do not have a tool to charge for conspiracy currently at their disposal. These racketeering-influenced criminal organization laws exist on the federal level, but this bill would allow prosecutors on the State level to investigate and charge for conspiracy to hopefully clean up this mess that is a giant spiderweb of interconnected networks operating all over our State. The sponsor left the scope of these level RICO laws narrow. They only pertain to aggravated manufacture and cultivation of scheduled drugs. The bill would allow prosecutors to charge conspiracy for a network of fentanyl dealers as well.

This is the best tool in our toolbox for prosecutors to go after these criminal networks. This bill also tries to get these buildings that were once homes back to their original condition to aid the housing crisis. Upon conviction, the properties would be seized and the assets used to rehabilitate or rebuild these homes to get working families back in them. This bill takes a serious approach to solving a clear and present danger to our way of life and the safety of small towns all over Maine. I implore you to support this bill. Vote against the Chinese Communist Party activities in our State and support the Majority Report. Thank you, Madam Speaker.

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

Representative **ARDELL**: Thank you again, Madam Speaker. I'd just like to correct some of the statements made by the Good Representative from Auburn, whose statements were not entirely factual. The bill, for starters, does not engage subjects, air quotes, of Chinese descent, but does engage non-immigrant aliens, temporary visitors from adversarial nations such as China, Cuba, Iran, the Democratic People's Republic of Korea and the Russian Federation. Thank you.

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

Representative **O'CONNELL**: Thank you, Madam Speaker. I hope I speak and that I don't get fired, but I deal with this every single day. I was at one yesterday. And we've got to do something. Something has to be done. This bill will do something to try to correct the situation. I deal with it every single day; all over the place, not just in one area. I mean, as a matter of fact, I talked to you on the phone about three weeks ago when I was sitting beside one. And so, it's out there, people, and I don't want to turn a blind eye to it, and this bill will do something. It may not answer all the questions, but it does something and I don't see anything else being done, so, thank you.

The SPEAKER: The Chair recognizes the Representative from Embden, Representative Dunphy.

Representative **DUNPHY**: Thank you, Madam Speaker. Madam Speaker, I have three questions I'd like to ask through the Chair to anyone who can answer them.

The SPEAKER: The Member may proceed.

Representative **DUNPHY**: Thank you very much. So, is it okay to ask utilities to start spying on U.S. citizens, and at what point do we stop that behavior? I mean, it's utilities, and then is it the grocery guy and the milkman and whoever? So, I'm curious, I'd like an answer to that one.

Another one is if, in fact, we're aware that there are these grow houses, can someone tell me why we're not addressing that specific issue now?

And my last question is these marijuana houses are owned, supposedly, by people from hostile nations. Would it make a difference if they were from friendly nations? I mean, it seems a little disingenuous to me. These are the hostile nations now, who's going to be the hostile nation next week or next month, so, do we eventually just stop anyone who's here from buying real estate? So, if anyone could answer that, especially on that Committee, I would be interested, Madam Speaker. Thank you.

The SPEAKER: The Member has posed several questions through the Chair to anyone who wishes to answer. The Chair recognizes the Representative from Albion, Representative Cyrway.

Representative **CYRWAY**: Thank you, Madam Speaker. I stand one more time, only because I got thinking about how it used to be and compared to how it is now. You know, when I was growing up, we never had our doors locked, we always had kids going up and down the road and coming to houses and whatever, and we also had friends would group together quite often and do a lot of fun events, you know, outdoor sliding or maybe going snowmobiling or maybe they'd all do some type of fun event, a picnic. But it's getting so now that we don't even dare to go anywhere because we don't know how it is right next door to somebody else.

Just the other day, we had an arrest made because they were swapping drugs for guns. And the minute the police came and took that individual away, the mother comes out running and gets in the pickup and takes something out of there and brings it back in the house, like there must've been something to hide in that they didn't want to be found. And then shortly after, the person got out on bail. And when you talk about, you know, \$20,000 or \$10,000; I worked in the jails and we had people that did drug dealing and it was nothing for somebody to get caught and within hours, they'd take \$50,000 bail and somebody would come in and pay that like nothing. The drug culture; where there's money, there's drugs, and you know; where there's drugs, there's money, I mean, and so, we really are talking about a very serious situation. And we can't wait.

You know, everybody's getting nervous. I can't tell you how many times, like I said, that people come and call me about these people, the people growing these illegal operations. And we've given a chance for the marijuana to be legal. If we're going to continue this, I think we're going to have to make marijuana illegal again, because it's just not right to the people of the State of Maine. It is not right. I want our people to feel safe and to be able to live a nice life, and that's my goal. Thank you, Madam Speaker.

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

Representative **SMITH**: Thank you, Madam Speaker. I just wanted to answer Representative Dunphy's questions regarding these countries. It is not any country, it is countries that have proven to be pretty much on the enemy list of the United States in terms of trafficking in arms and actions against the country. So, it's not just anybody, it's a prescribed list of countries that can do harm to our country and the money from these grows goes back to that country and finances, basically, their war against us. It's not a war where they come here with their armies, but it is a war where a balloon travels across the country, collecting information on us and goes back to their country and is looking at bringing harm. So, it is not just anyone, it would not just be anyone the next day, it is an exact list from the government of countries that are working against the United States.

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

Representative **LANIGAN**: Thank you, Madam Speaker, and Members of the House. I just wanted to pose a question. When we were listing off the countries, would we be including Columbia in there, also? Thank you.

The SPEAKER: The Chair recognizes the Representative from Winter Harbor, Representative Faulkingham.

Representative **FAULKINGHAM**: Thank you, Madam Speaker. I rise to answer the first and third question from the Representative from Embden. I didn't catch the second question totally, but in response to the first question, 400-amp service already needs government approval. The government has the list, so to speak. I have access to that list; I'll provide it to the Representative.

And to answer the third question, who determines the enemies, those are determined by the State Department; determines who are adversarial nations. And I think this is a very serious matter, Madam Speaker. I think it's not a laughing matter or a joking matter when countries are adversarial nations or enemies of the country, I don't think it's a good idea to be allowing them to buy up property in the United States. Thank you, Madam Speaker.

The SPEAKER: The Chair recognizes the Representative from Monticello, Representative Ardell, and inquires as to why he rises for a third time?

Representative **ARDELL**: I am rising to respond to questions posed to the Chair.

The SPEAKER: The Member may proceed.

Representative **ARDELL**: I believe it was question number three, but I don't recall. The Chinese Communist Party, in particular, operates a blend of communist totalitarianism and free market enterprise to sell contraband, whether that's bath salts or fentanyl or the proceeds from these illegal cannabis/marijuana grows. That is the reason this bill is important; because these illegal operations, of which I spent a career investigating, fund an adversary nation. And I appreciate it. Oh, and secondarily, Columbia is not considered in the bill. Thank you.

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

Representative **THERIAULT**: Thank you, Madam Speaker, Members of the House. I saw something recently I believe is very reflective of the conversation in here today. We have a major problem, and I want to read a quote by Thomas Jefferson: "A strict observance of the written law is doubtless one of the high duties of a good citizen, but is not the highest. The laws of necessity, of self-preservation, of saving our country when in danger are of higher obligation. To lose our country by a scrupulous adherence to the written law would be to lose the law itself. With life, liberty, property and all those who are enjoying them with us, thus absurdity, sacrificing the ends to the means." I urge you to reject the current motion.

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

ROLL CALL NO. 467

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

NAY - Adams, Albert, Ardell, Babin, Bagshaw, Blier, Bradstreet, Campbell, Carlow, Carmichael, Collamore, Costain, Cray, Cyrway, Davis, Drinkwater, Ducharme, Faulkingham, Foster, Fredericks, Gifford, Greenwood, Griffin, Guerrette, Haggan, Hall, Henderson, Hymes, Jackson, Javner, Lajoie, Lemelin, Lyman, Mason, Millett H, Morris, Ness, Newman, Nutting, O'Connell, Parry, Paul, Perkins, Poirier, Polewarczyk, Pomerleau, Riseman, Rudnicki, Sampson, Schmersal-Burgess, Simmons, Smith, Soboleski, Strout, Swallow, Theriault, Thorne, Underwood, Walker, White J, Wood.

ABSENT - Andrews, Boyle, Galletta, Lavigne, Malon.

Yes, 84; No, 61; Absent, 5; Vacant, 1; Excused, 0.

84 having voted in the affirmative and 61 voted in the negative, 1 vacancy with 5 being absent, and accordingly the Minority **Ought Not to Pass** Report was **ACCEPTED** and sent for concurrence.

Majority Report of the Committee on **HEALTH COVERAGE, INSURANCE AND FINANCIAL SERVICES** reporting **Ought Not to Pass** on Bill "An Act to Require Health Insurance Coverage for Pediatric Autoimmune Neuropsychiatric Disorders Associated with Streptococcal Infections and Pediatric Acute-onset Neuropsychiatric Syndrome" (H.P. 432) (L.D. 663)

Signed:
Senators: BRAKEY of Androscoggin
RENY of Lincoln

Representatives:
PERRY of Calais
ARFORD of Brunswick
CLUCHEY of Bowdoinham
CYRWAY of Albion
MASTRACCIO of Sanford
MORRIS of Turner
NUTTING of Oakland
PRINGLE of Windham
SWALLOW of Houlton

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-916)** on same Bill.

Signed:
Senator: BAILEY of York
Representative: MATHIESON of Kittery

READ.

On motion of Representative PERRY of Calais, the Majority **Ought Not to Pass** Report was **ACCEPTED** and sent for concurrence.

Majority Report of the Committee on **HEALTH COVERAGE, INSURANCE AND FINANCIAL SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-915)** on Bill "An Act to Require Health Insurance Coverage for Biomarker Testing" (H.P. 1022) (L.D. 1577)

Signed:
Senators: BAILEY of York
RENY of Lincoln
Representatives:
PERRY of Calais
ARFORD of Brunswick
CLUCHEY of Bowdoinham
CYRWAY of Albion
MASTRACCIO of Sanford
MATHIESON of Kittery
NUTTING of Oakland
PRINGLE of Windham
SWALLOW of Houlton

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

Signed:
Senator: BRAKEY of Androscoggin
Representative: MORRIS of Turner

READ.

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

The Bill was **READ ONCE. Committee Amendment "A" (H-915)** 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-915)** and sent for concurrence.

Majority Report of the Committee on **JUDICIARY** reporting **Ought to Pass** on Bill "An Act to Implement the Recommendations of the Right to Know Advisory Committee Regarding Public Records Exceptions" (H.P. 1421) (L.D. 2215)

Signed:
Senators: CARNEY of Cumberland
BAILEY of York
Representatives:
MOONEN of Portland
BECK of South Portland
KUHN of Falmouth
LEE of Auburn
MORIARTY of Cumberland
SHEEHAN of Biddeford

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-920)** on same Bill.

Signed:
Senator: BRAKEY of Androscoggin
Representatives:
ANDREWS of Paris
HAGGAN of Hampden
HENDERSON of Rumford
POIRIER of Skowhegan

READ.

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

Representative FAULKINGHAM of Winter Harbor **REQUESTED** a roll call on the motion to **ACCEPT** the Majority **Ought 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 Poland, Representative Boyer.

Representative **BOYER**: Thank you, Madam Speaker, Colleagues of the House. I'm rising in support of Committee Amendment "A." It removes the stuff related to medical cannabis caregivers from the bill. And this is because these folks specifically are home-based caregivers in the bill and it gives permission for the State to give out their information to law enforcement, municipal officials, and I just think that's a little bit too much right now. I'm not sure what we're trying to solve with that right now, because today, the Office of Cannabis Policy can; rather, a municipal official can call OCP and say, hey, is 123 Main Street registered in your system? And OCP can say yes; they can say no. That's the extent of it, though. And, you know, this is an industry that we're dealing with that is still federally illegal, so, these home-based caregivers are prohibited from,

you know, federally prohibited from owning firearms, they're a cash business, so, this leads to crime, and there have been multiple break-ins, thefts, attempted robberies at these types of businesses. But when you have it at your house, it's definitely a little unnerving, especially if you have kids.

So, this is one of the issues that our medical subcommittee dealt with and will continue to deal with. We're hoping to meet after this session and, you know, it kind of comes down to if you trust the government or if you don't, and I think we've had multiple data breaches in our State, Madam Speaker, one that the State didn't tell us for six months about this breach, for us to change our passwords and whatnot. So, this idea of lists and municipal officials having them, I think don't rise, you know, the concerns about the public's right to know I think pale in this instance; and I'm a big supporter of the Right to Know Law; but pale in comparison to the right to just live without fear, to work, to commerce.

So, I think perhaps after we can make it federally legal, let them have their 2A rights, let them have their banking rights, maybe this is a discussion then we can address; but again, I don't know what problem we're trying to solve. The illegal grows, obviously, it hasn't been hard to find them, it seems; so, you know, again, municipal officials can call OCP and ask if a grow is in their system, give an address and they can say yes or no. I think that should be sufficient. I don't know that every municipal official will; no offense to them, but necessarily know what should be or is confidential, and mistakes can happen, too. And one of those happened about a year ago, I was informed there was a break-in, a struggle, a shootout, the robber died, the caregiver took a bullet and about six months later, which is like now-ish, he passed away, the bullet in his brain moved a little bit and he died. So, it's a real thing that's still going on and I think this puts our constituents at risk and at jeopardy. Thank you.

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

Representative **MOONEN**: Thank you, Madam Speaker. Madam Speaker, Colleagues of the House, this bill comes to us from the Right to Know Advisory Committee. In case anyone wants to know what that is, it's created by Statute and they are tasked with ensuring that our government is upholding the public's right to know on all government records. As a part of their responsibilities, every year, they are tasked with reviewing one or more Titles of Maine Law, and going through those Titles and reviewing every public records exception there is, gathering information about those exceptions and then making recommendations back to the Legislature about whether those exceptions are appropriate, not appropriate, should be repealed, should be amended, should be more narrowly tailored.

In 2023, the Right to Know Advisory Committee's task was Title 22. Sometimes they do multiple Titles, if it's small ones, but Title 22 is quite large, and so, that was their only task in 2023. Before they came back to us, they did surveys to the various agencies that work in whatever part of Statute has a public records exception. They came back to us with recommendations about how to adjust public records exceptions for records that are in the possession of the medical examiner's office, the health insurance exchange, various agencies within Title 22. And one of those was, of course, the medical cannabis program as well, as you've heard.

On the recommendation of the Right to Know Advisory Committee, the Judiciary Committee took a look at all of these issues and the language that has come forward, I think, is pretty strong, pretty narrowly tailored, pretty specific. It says that information about a qualifying patient in the medical program is confidential. It says that information that identifies a caregiver is

confidential, except with the written consent of the caregiver, pursuant to a court order or a subpoena, or when necessary to protect the public from a threat to public health or safety. There may be some questions about that last exception; that would be if that caregiver has put out a product that is toxic or in some way is a threat to public health; then, in that circumstance, the public has a right to know that they may have purchased a product that puts their health at risk. The bill also specifies that the personal contact information of a caregiver is confidential, but it does say that the information about the caregiver can be disclosed to municipal employees responsible for the administration of rules, ordinances or warrant articles. So, that may be code enforcement, that may be some other thing; but, you know, we all felt like that it was important for municipal officials to understand what is happening at a business, and so that they are better prepared to talk with that business owner about whatever ordinance or rules that they're trying to enforce.

I hear the argument about safety. This bill specifically acknowledges that. You know, you heard from the previous speaker that all of these folks are at their home addresses; that's not true. In some cases, that may be true, and in those cases, their home address is not disclosed, it remains confidential. But for the situations where their home and their business are not at the same address, that information is not confidential. It's a pretty simple explanation for that. The public has a right to know about who is getting a license from the government, whether it's an alcohol license, a tobacco license, a cannabis license or lots of other kinds of licenses. The public has a right to know who the government has licensed as a doctor, as a nurse, all kinds of businesses and professions. It doesn't mean they get to know everything about that licensee. Certainly, with our medical licenses, we don't release home addresses of medical licensees. And so, this bill contemplates that same redaction for those who hold this medical cannabis license and does not release their home addresses, either.

I would say that we also have retail cannabis businesses in this State. All of the information about those businesses is public. And I understand the concern about the federal government, but I would say that we should be thinking about making sure that everyone who has a government license has a reasonable obligation to disclose reasonable information to the public, and that anything that would put their personal safety at risk would not be released. I think this bill accomplishes that, and I ask you to support it. Thank you, Madam Speaker.

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

Representative **POIRIER**: Thank you, Madam Speaker. I rise in opposition to this bill. And I did hear some of the comments from my good friend from Portland, but I disagree with that information.

We heard a lot from people in the industry of cannabis cultivation who are fearful because this bill could get their information out to people who may not have the most sincere, I guess, motivation. And a lot of these people have their businesses at their home, where their children are, where they're not allowed to have firearms for protection and they have a lot of money stored there, because they're not able to use banks like you and I do. I'm very apprehensive about passing something like this that could give out the address to such a business to anybody requesting it through Freedom of Information. I think that we owe it to our citizens to keep them safe, especially when they can't do that themselves; being in that business, like I say, not being able to have firearms or anything like that.

So, I think this is something that we have to step back on, really think about what we're doing here. Who's going to be responsible if something happens and somebody with bad motives goes to that home and, you know, robs the family, harms the family, knowing that money and product is there? State agencies have this information as far as addresses, rightly so, but I don't think that's something that the public should just have access to. So, please follow me and vote this pending motion down.

The SPEAKER: The Chair recognizes the Representative from Biddeford, Representative Sheehan.

Representative **SHEEHAN**: Thank you, Madam Speaker. I rise just to re-emphasize that this bill does keep confidential the home addresses of caregivers whose businesses are being operated out of their own homes.

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

ROLL CALL NO. 468

YEA - Abdi, Ankeles, Arata, Arford, Beck, Bell, Brennan, Bridgeo, Carlow, Carmichael, Cloutier, Copeland, Crafts, Craven, Crockett, Cyrway, Dhalac, Dill, Dodge, Doudera, Eaton, Fay, Gattine, Geiger, Gere, Golek, Graham, Gramlich, Hasenfus, Hepler, Hobbs, Jauch, Kessler, Kuhn, Lajoie, Landry, LaRochelle, Lee, Madigan, Mastraccio, Mathieson, Matlack, Meyer, Millett H, Millett R, Milliken, Montell, Moonen, Moriarty, Murphy, O'Connell, O'Neil, Osher, Perry A, Perry J, Pringle, 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 - Adams, Albert, Ardell, Babin, Bagshaw, Blier, Boyer, Bradstreet, Campbell, Cluchey, Collamore, Collings, Costain, Cray, Davis, Drinkwater, Ducharme, Dunphy, Faulkingham, Foster, Fredericks, Gifford, Greenwood, Griffin, Guerrette, Haggan, Henderson, Hymes, Jackson, Javner, Lanigan, Lemelin, Libby, Lookner, Lyman, Mason, Morris, Ness, Newman, Nutting, Parry, Paul, Perkins, Pluecker, Poirier, Polewarczyk, Pomerleau, Quint, Rudnicki, Sampson, Schmearsal-Burgess, Simmons, Smith, Soboleski, Strout, Swallow, Theriault, Thorne, Underwood, Walker, White J, Wood, Woodsome.

ABSENT - Andrews, Boyle, Galletta, Hall, Lavigne, Malon. Yes, 81; No, 63; Absent, 6; Vacant, 1; Excused, 0.

81 having voted in the affirmative and 63 voted in the negative, 1 vacancy with 6 being absent, and accordingly the Majority **Ought to Pass** 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** and sent for concurrence.

Majority Report of the Committee on **TAXATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-924)** on Bill "An Act to Bring Fairness in Income Taxes to Maine Families by Adjusting the Tax Brackets" (H.P. 779) (L.D. 1231)

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 to Pass as Amended by Committee Amendment "B" (H-925)** 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, Men and Women of the House, this is a bill that I put in in this session; well, actually, in the previous session and we carried it over, because of a need I see in my district. Madam Speaker, there's a segment of hardworking Maine families that has been continually left behind economically because of circumstances from COVID and from things beyond their control.

Madam Speaker, these people pack a lunch, climb into a truck, a harvester, a piece of construction equipment. They go to work as welders, carpenters, electricians, mechanics. And all are very important jobs. Madam Speaker, these people are in the medium earnings category, which would put them about \$64,747 in 2020. For people in my district, in District 18, that means that working about 55 hours a week, counting overtime after 40. But because of inflation and federal economic policies, it now takes \$1.19 to buy what a dollar did in 2020. Madam Speaker, that means to these people, they now need to earn \$77,049 just to maintain the same buying power that they had just three years ago. That's the difference of \$12,302.

Today, the medium earnings is \$75,160, which is in itself a reduction in buying power for them people of \$1,889. But this itself is a bit deceiving. Medium income is the middle between the lowest pay and the highest pay. As you remember, during COVID, there was a severe shortage of service workers, which caused the lower-end pay scales to rise dramatically, thus

skewing the numbers for medium income earners. This group of Maine workers earn just above that level and receive an average of just over 9% increase since that time totally. This equates to \$69,927 in earnings, which is a shortfall of \$7,122. That's how much buying power these poor people have lost during the last three years.

During the Chief Executive's State of the State, she said our fiscal standing is strong. I believe that's true. In 2020, the State budget was about \$9.7 billion. In 2023, it increased to \$12.7 billion. Using the same 19% fact with these numbers, the budget increased by \$1.2 billion more than the amount it would take to maintain the status quo. During the same time, the money collected by our State Revenue Services for personal income tax has increased by \$750 million.

Madam Speaker, the State of the State is strong, but the state of hardworking Maine families is not. In the early 1800s, Thomas Reed wrote in the *Essays on Intellectual Powers of Man*, "the strength of a chain is limited to that of the weakest link of the chain." Madam Speaker, I don't ask anybody here to follow my light, I ask them all to look in their districts and see them same hardworking people and see that they need some help, and let's help strengthen that weakest link in the chain, 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. 469

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

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

ABSENT - Andrews, Boyle, Galletta, Lavigne, Malon.

Yes, 88; No, 57; Absent, 5; Vacant, 1; Excused, 0.

88 having voted in the affirmative and 57 voted in the negative, 1 vacancy with 5 being absent, and accordingly the Majority **Ought to Pass as Amended Report was ACCEPTED.**

The Bill was **READ ONCE. Committee Amendment "A" (H-924) 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-924)** and sent for concurrence.

Majority Report of the Committee on **TAXATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-917)** on Bill "An Act to Support Maine Businesses Through a Child Care Tax Credit and a Pass-through Entity Tax" (H.P. 1212) (L.D. 1891)

Signed:

Senators:

GROHOSKI of Hancock
CHIPMAN of Cumberland
LIBBY of Cumberland

Representatives:

PERRY of Bangor
CROCKETT of Portland
HASENFUS of Readfield
LAVIGNE of Berwick
MATLACK of St. George
QUINT of Hodgdon
RANA of Bangor
RUDNICKI of Fairfield

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

Signed:

Representative:

LIBBY of Auburn

READ.

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

The Bill was **READ ONCE. Committee Amendment "A" (H-917) 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-917)** 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-932)** on Bill "An Act to Create Economic Opportunity for Wabanaki Nations Through Internet Gaming" (H.P. 1140) (L.D. 1777)

Signed:

Senators:

HICKMAN of Kennebec
BRENNER of Cumberland

Representatives:

SUPICA of Bangor
COLLINGS of Portland
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:

Senator:

TIMBERLAKE of Androscoggin

Representatives:

ANDREWS of Paris
BOYER of Poland
HYMES of Waldo
MALON of Biddeford
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**.

Representative FAULKINGHAM of Winter Harbor moved that the House **RECONSIDER** its action whereby the Majority **Ought to Pass as Amended** Report was **ACCEPTED**.

Representative TERRY of Gorham **REQUESTED** a roll call on the motion to **RECONSIDER** whereby the Majority **Ought to Pass as Amended** Report was **ACCEPTED**.

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 Bangor, Representative Supica.

Representative **SUPICA**: Thank you, Madam Speaker, and I would like to apologize to you and anybody who might be listening that I meant to request a Roll Call. It is late and all of a sudden, I couldn't remember certain words, so, that was on me. So, with that said, this is a bill that I have been working on for several months; oh, I apologize, it's a procedural motion. I will sit down.

The **SPEAKER**: A roll call has been ordered. The pending question before the House is to Reconsider the House's action whereby the Majority Ought to Pass as Amended Report was Accepted. All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 470

YEA - Abdi, Adams, Albert, Ankeles, Arata, Ardell, Arford, Babin, Bagshaw, Beck, Bell, Blier, Boyer, Bradstreet, Brennan, Bridgeo, Campbell, Carlow, Carmichael, Cloutier, Cluchey, Collamore, Copeland, Costain, Crafts, Cray, Crockett, Cyrway, Davis, Dhalac, Dill, Dodge, Doudera, Drinkwater, Ducharme, Dunphy, Eaton, Faulkingham, Fay, Foster, Fredericks, Gattine, Geiger, Gere, Gifford, Golek, Graham, Gramlich, Greenwood, Griffin, Guerrette, Haggan, Hall, Hasenfus, Henderson, Hepler, Hobbs, Hymes, Jackson, Jauch, Javner, Kessler, Kuhn, Lajoie, Landry, Lanigan, LaRochelle, Lee, Lemelin, Libby, Lookner, Lyman, Madigan, Mason, Mastraccio, Mathieson, Matlack, Millett H, Millett R, Milliken, Moonen, Moriarty, Morris, Murphy, Ness, Nutting, O'Connell, O'Neil, Osher, Parry, Paul, Perkins, Perry A, Perry J, Pluecker, Poirier, Polewarczyk, Pomerleau, Pringle, Quint, Rana, Rielly, Riseman, Roberts, Roeder, Rudnicki, Runte, Russell, Sachs, Salisbury, Sampson, Sargent, Sayre, Schmersal-Burgess, Shagoury, Shaw, Sheehan, Simmons, Sinclair, Skold, Smith, Soboleski, Stover, Strout, Supica, Swallow, Terry, Theriault, Thorne, Underwood, Walker, Warren, White B, White J, Wood, Woodsome, Zager, Zeigler, Madam Speaker.

NAY - Collings, Craven, Meyer, Montell.

ABSENT - Andrews, Boyle, Galletta, Lavigne, Malon, Newman, Worth.

Yes, 139; No, 4; Absent, 7; Vacant, 1; Excused, 0.

139 having voted in the affirmative and 4 voted in the negative, 1 vacancy with 7 being absent, and accordingly the House **RECONSIDERED** its action whereby the Majority **Ought to Pass as Amended** Report was **ACCEPTED**.

Subsequently, 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**: The Chair recognizes the Representative from Fairfield, Representative Rudnicki.

Representative **RUDNICKI**: Thank you, Madam Speaker. Madam Speaker, I oppose this motion primarily because it is; first of all, let's go with the fact that it's probably; I'm going to say probably, because I'm not a lawyer; but it is probably against the Equal Protection Clause under the 14th Amendment of the Maine Constitution. I'm going to read here what I was given. An Equal Protection Clause, as in the United States and the Maine Constitution, are constitutional measures that prohibit any individual state from enacting a law that facility discriminatory including in favor of the Indian Nations. While narrow exceptions exist, as there are some exceptions, none are met here and, under LD 1777, will likely be struck down by the judicial system if it is made law in Maine, as it does not satisfy the necessary legal standards that must be met for the discriminatory State law to be properly enacted.

The other thing I want to just mention on this, because these are basically casino games on your phone, there's no jobs. So, this will actually affect the jobs at the current casinos that we have because it's one less thing, people can do it on their phone. But I will tell you, if you ever played any games on your phone, and I can't imagine there's too many people here that haven't played any games whatsoever on their phone, but if you've ever played a game on your phone, they can be quite addicting. And, you know, that's something that when you're looking at putting your credit card in to do that, it's very easy to keep hitting that button, keep hitting that button, oh, yeah, I'll just add another \$10, I'll add another \$15. It's a lot easier to do that. I've been to the casinos myself, I take a limited amount of cash with me and leave my credit cards at home. But this causes even more problems with addiction.

So, I want that to be considered under that, and the fact that the casinos in Maine actually do support Mainers. If we've seen over the course of the last; I've seen over the last two years as I've been on Veterans and Legal Affairs, the amount of money that actually comes to the State of Maine from the casinos themselves. I know we'll get some back, but it's still not what we're going to be losing if this passes. So, I hope that you follow my light, vote down this motion. Thank you.

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

Representative **BOYER**: Thank you, Madam Speaker, Colleagues in the House. As much as I want to play online poker, this isn't the right way to do it. I was open to this concept if we were going to let the existing casinos also participate, but there wasn't quite an appetite for that in Committee. So, with that said, I'm concerned about the jobs that are at stake in Oxford, in Bangor; the tax rates are not comparable, the brick-and-mortar casinos have a very high tax rate and, as the Good Representative from Fairfield said, a lot of money comes into the State because of these casinos. And I do think there will be some cannibalization of that revenue from online poker; or online gaming, rather. And for those reasons, I hope that we can come back and try again next session. Thank you, Madam Speaker.

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

Representative **SUPICA**: Thank you, Madam Speaker, and thank you for your patience, and now that I have everyone's attention, I would like to share with you kind of the long road that I took to bring this bill forward and how absolutely proud I am of it. The tax rate, which is at 16%, is in line with what we charge brick-and-mortar casinos for their table games, so, it's on par, except that the tax rate here is a really progressive tax rate. And by that, I mean it doesn't go into further subsidies for other ways of gambling; it funds much-needed services that we need in the State of Maine and so, it would generate a fair amount of revenue for emergency 9-1-1 services, for emergency housing, for gambling addiction. It actually raises revenue to fund the program itself because it's setting up an entirely new program and regulation under the gambling control unit. We put a lot of time and energy into this bill and as far as hurting brick-and-mortar businesses, that is something that I care deeply about, I come from the hospitality industry; but one thing that I noticed is that large out-of-State corporations aren't concerned, they have no concerns about it hurting brick-and-mortar when they have access to the online gambling. In fact, I've seen testimony where they say it will help brick-and-mortar because it will help to bring people into the casinos, it will help create new customers.

Much of the concern comes from the fact that it's exclusively for the Tribes, but for me, that is why I wholeheartedly support it, because this is a wonderful opportunity for the State of Maine to begin to kind of make some corrections to how they have enacted past gaming laws. I think as we continue to think, oh, we don't want to do iGaming because it could be addictive or we don't like gambling and we kind of; whenever the opportunity presents itself to the Tribes, we say no, but then, over time, what do we see? Large corporations coming in and getting access to the very thing that we just said no to the Tribes for. I think that all projections have shown that in the next five years, this could generate \$100 million for the Tribes, not all of which would go to the Tribes, they would enter into contracts with online companies.

And as far as gambling addiction, computer algorithms and the way that online gaming is done now, there are a lot of protections in place to notice betting habits and to raise red flags. We can expand protections with this bill by funding more supports for people with gambling addictions. And, lastly, this is something that is coming and the future of gambling will be online.

This vehicle is well written, the funds are well disbursed and it is acknowledging that future and it is taking the power and placing it into the hands of the Tribes and to the people who really need it with its progressive tax cascade. So, thank you for your time, Madam Speaker.

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 Chair of Veterans and Legal Affairs and we weighed a lot of things out and I don't know if this one part or couple parts that weren't weighed out on this, and one is, you know, when you hear about gaming protections, one thing you don't hear about is, how about protecting your family? If you have internet gaming, it can get out of hand and you find yourself bankrupt. And I experienced that with a friend that was down the end of my street in Winthrop one time, and he totally lost his home, he lost his business and his family, you know, just was without anything. And it's sad to watch. So, that's one thing I didn't hear in any of this.

The other part is the cascades, when you have casinos that's already set up and many of; there's monies set aside for the Tribes, and I don't know if this was taken in consideration, when you go and you do this type of internet gaming, what was considered when you take money away from the casinos, and also taking the people that work at these casinos, a lot of this is going to make a ripple effect; it's throwing a rock in the pond and you're going to have a big ripple effect and it could really put the businesses out of business and you'll actually, you know, be creating hardship for the State. If you look at many of our lottery tickets, look at how big these lottery tickets are now, billions of dollars, you know, are spent and whatever and when you hear \$100 million that we're going to get, where is that \$100 million coming from? The people's pockets.

So, remember that when we go to vote for this, because you are affecting children and wives and husbands. They don't know it's even happening. You know, when the person calls, the bookie calls and says you owe, you know, \$30,000 or whatever and the other spouse doesn't even know it, and then they say, where is it, where's that money, and then they put a lien on your property and all kinds of things. It just gets worse. I know gambling can be a disease, but this is going to actually put a crimp on our whole State. Thank you, Madam Speaker.

The SPEAKER: The Chair recognizes the Representative from the Passamaquoddy Tribe, Representative Dana.

Representative **DANA**: Thank you, Madam Speaker. I'd like to address a couple things, too, when we talk about brick-and-mortar. We've got to remember that the brick-and-mortar; the Tribes were also on a bill similar at the same time that the brick-and-mortar casinos were established here in Maine and we were refused to build our casino, but we allowed out-of-State companies to be able to come in and build a casino here in Maine. And when we talk about the revenue coming back here to the State of Maine, the majority of the revenues that are made in those casinos are going to outside corporations outside of the State of Maine. So, I stand here today to address the vital issue of iGaming and its potential impact on the Tribes of Maine, as well as our great State as a whole.

As we consider the expansion of iGaming, it is crucial to recognize the significant benefits it can bring to both Tribal communities and the State economy. First and foremost, embracing iGaming presents a unique opportunity for Maine Tribes to generate much-needed revenue and economic growth, like was mentioned earlier. By partnering with the State to offer online gambling platforms, the Tribes can create plenty of jobs, like was stated, and the State needs in other bills today, the jobs that were stated that the State needs that were brought up in other bills today, earlier today, invest in infrastructure and fund essential community programs and boost the surrounding towns and economies. A hundred percent of all revenues that is going to be made by the Tribes, whether it reaches that \$100 million, more or less, will 100% go back into the economy of Maine. So, we would be spending all of that money here in the State of Maine because we are also State of Maine citizens. This economic empowerment will not only strengthen Tribal sovereignty, but also enhance the overall being of Tribal members.

Moreover, iGaming has the potential to bolster tourism and attract visitors to the State. Maine's pride in the breathtaking nature, landscapes and the vibrant cultural attractions and by offering online gaming options, we can further entice travelers to come and explore all the beauty our State has to offer and expand this ecotourism; I almost said ecoterrorism, my apologies. This influx of tourists will benefit not only Tribal enterprises, but also all local businesses. It'll benefit hotels,

restaurants and many other mom-and-pop shops across the State of Maine.

Furthermore, allowing iGaming can provide much needed consumer protections to ensure that gaming activities are conducted in a safe and responsible manner. By establishing a robust regulatory framework, we can safeguard against the issues that were brought up, like underage gambling, problem gambling, and thus, prioritizing a well-being for our citizens. Under the being able to regulate what we do with online, and we can find those algorithms to help the people that are within those problem gambling areas, and we can work with them here in the State.

iGaming holds tremendous potential for the State's economic development and a step out of the dark and into the light of technology. And I would like to emphasize that this will be a Maine State citizen-owned company and not run by out-of-State corporations. Revenues generated from licensing fees and taxes on iGaming operations can bolster our State budget, support essential services and could alleviate financial pressure on taxpayers here in the State of Maine.

The SPEAKER: The Member will defer. The Chair will remind the Member to direct all of his remarks to the Chair.

The Chair reminded Representative DANA of the Passamaquoddy Tribe to address his comments toward the Speaker.

Representative **DANA**: In conclusion, the expansion of iGaming presents a win-win opportunity for Maine Tribes and State alike. By embracing this emerging industry, we can foster economic prosperity, promote tourism and ensure responsible gaming practices. I urge my colleagues to support this legislation that empowers the Tribes, strengthens our economy, Maine's State economy, enhancing the quality of life for all Maine residents. Thank you.

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

Representative **PERRY**: Thank you, Madam Speaker. I just want to address this rather selfishly. The casinos that have gotten voted in by the people, the Tribes have tried three times and there was a time; that last one, the Town of Calais and the Tribes worked together, we were getting excited about the possibility of really bringing jobs and money into this area. When we look at Washington County, and I'm going to bring this about, we've consistently had the highest unemployment rate, and it is much higher within the Tribes. We also know that when the Tribes are doing well, so do the neighbors do much better. We are neighbors with our Tribes and we want to see them succeed and we want to see this economic development go on.

There are some real opportunities that this money will bring for the Tribes, for creating more businesses within the Tribes. They need that, we need that in Washington County, so, I ask you to vote for this.

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. 471

YEA - Abdi, Albert, Ankeles, Arford, Beck, Bell, Brennan, Cloutier, Cluchey, Collings, Copeland, Crafts, Craven, Crockett, Dhalac, Dill, Dodge, Doudera, Eaton, Fay, Gattine, Geiger, Gere, Golek, Graham, Gramlich, Hasenfus, Hepler, Hobbs, Jauch, Kessler, Kuhn, Lee, Lookner, Madigan, Malon, Mathieson, Matlack, Meyer, Milliken, Montell, Moonen, Murphy, O'Neil, Osher, Perry A, Perry J, Pluecker, Pringle, Rana, Rielly, Riseman, Roberts, Roeder, Russell, Sachs, Salisbury, Sargent,

Sayre, Shagoury, Shaw, Sheehan, Sinclair, Skold, Stover, Supica, Terry, Warren, Zager, Zeigler, Madam Speaker.

NAY - Adams, Arata, Ardell, Babin, Bagshaw, Blier, Boyer, Bradstreet, Bridgeo, Campbell, Carlow, Carmichael, Collamore, Costain, Cray, Cyrway, Davis, Drinkwater, Ducharme, Dunphy, Faulkingham, Foster, Fredericks, Gifford, Greenwood, Griffin, Guerrette, Haggan, Hall, Henderson, Hymes, Jackson, Javner, Lajoie, Landry, Lanigan, LaRochelle, Lemelin, Libby, Lyman, Mason, Mastraccio, Millett H, Millett R, Moriarty, Morris, Ness, Newman, Nutting, O'Connell, Parry, Paul, Perkins, Poirier, Polewarczyk, Pomerleau, Quint, Rudnicki, Runte, Sampson, Schmersal-Burgess, Simmons, Smith, Soboleski, Strout, Swallow, Theriault, Thorne, Underwood, Walker, White B, White J, Wood, Woodsome.

ABSENT - Andrews, Boyle, Galletta, Lavigne, Worth.

Yes, 71; No, 74; Absent, 5; Vacant, 1; Excused, 0.

71 having voted in the affirmative and 74 voted in the negative, 1 vacancy with 5 being absent, and accordingly the Majority **Ought to Pass as Amended** Report was **NOT ACCEPTED**.

Subsequently, on motion of Representative SUPICA 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-933)** on Bill "An Act to Create a Universal Exclusion List for All Forms of Gambling in the State" (H.P. 1339) (L.D. 2080)

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-933)** 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-933)** and sent for concurrence.

Seven Members of the Committee on **INNOVATION, DEVELOPMENT, ECONOMIC ADVANCEMENT AND BUSINESS** report in Report "A" **Ought to Pass as Amended by Committee Amendment "A" (H-929)** on Bill "An Act to Protect Consumers by Licensing Home Building Contractors" (H.P. 1237) (L.D. 1929)

Signed:

Senators:

CURRY of Waldo
RAFFERTY of York

Representatives:

ROBERTS of South Berwick
CROCKETT of Portland
LaROCHELLE of Augusta
SAYRE of Kennebunk
WHITE of Waterville

Four Members of the same Committee report in Report "B" **Ought to Pass as Amended by Committee Amendment "B" (H-930)** on same Bill.

Signed:

Representatives:

COLLAMORE of Pittsfield
LANIGAN of Sanford
NESS of Fryeburg
WALKER of Naples

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

Signed:

Senator:

GUERIN of Penobscot

Representative:

SMITH of Palermo

READ.

Representative ROBERTS of South Berwick moved that the House **ACCEPT** Report "A" **Ought to Pass as Amended**.

The same Representative **REQUESTED** a roll call on her motion to **ACCEPT** Report "A" **Ought to Pass as Amended**.

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 South Berwick, Representative Roberts.

Representative **ROBERTS**: Thank you, Madam Speaker. Madam Speaker, Esteemed Members of the House, today I rise not just as a Representative of my district, but as a lawmaker dedicated to ensuring our businesses thrive while simultaneously prioritizing consumer protection for the safety and wellbeing of all Maine residents. I stand before you to advocate for a long-overdue measure, the licensing of residential general contractors.

Maine prides itself on its rugged individualism and self-sufficiency. We value hard work and craftsmanship. Yet, when it comes to something as critical as the construction and renovation of our homes, we cannot afford to leave things to chance. We already have licensing requirements for plumbers, electricians, architects and other professionals involved in a construction industry. We have had broad support for this bill from homeowners and those in the construction industry, such as the Architects Association, the Realtors Association, the Real Estate Developers Association and numerous contractors and construction firms. It is now time for us to extend similar protections to residential general contractors.

Madam Speaker, this measure before you proposes clear criteria for licensure; contractors engaged in projects exceeding a set amount would be required to obtain a license, which would entail meeting specific educational standards and demonstrating competency in their field. This is not about burdening contractors with red tape, it's about ensuring that those entrusted with building or renovating our homes have the necessary skills and expertise to do so safely and competently. Furthermore, the bill provides enforcement capabilities including suspending licenses, imposing penalties on those who fail to comply with licensing requirements. This sends a clear message: Maine will not tolerate substandard workmanship or predatory practices in the construction industry.

Now, I would like to address some of the concerns that have been raised about this legislation. There have been questions about whether or not regulation will help solve the problem. Currently, we are set up to be reactive when problems arise, with no clear enforcement mechanism. This bill allows us to be proactive by ensuring competency. To put it plainly, when a Committee Member asked if licensed occupations get this many complaints, the answer was a resounding no.

Some have argued that licensing will drive contractors out of the market or hurt small businesses. It's important to clarify we have taken great care to ensure this bill does not unduly burden legitimate contractors or impede small-scale projects. It is explicitly targeted at larger projects, where the potential risks to consumers are most significant.

Some have also questioned the need for regulation amid a housing shortage crisis. But, if anything, this crisis underscores the urgency of implementing measures to safeguard the integrity of our housing stock. We cannot afford to compromise on quality in a desperate bid to increase supply. Instead, we must ensure that every new construction or renovation project meets the highest standards of safety and competency.

Finally, opponents of this bill have raised concerns about increased construction costs, arguing that licensing will drive up homeowners' expenses. But, let's be clear, the actual cost of cutting corners and skirting regulations is borne by the very people we are elected to serve. In just the last five years, the Attorney General's office has received over 600 complaints, totaling over \$12 million. This is in only five years, when this has been an issue for 20. Can you imagine the money that has been lost in over 20-plus years? Hard-earned money that comes directly out of consumers' pockets, out of our constituents' pockets. To compound that loss, these are only complaints that have risen to the Attorney General level and do not include private cases, District Attorney cases or folks who just may have been too embarrassed to say they were taken. Now, with that in mind, Madam Speaker, imagine the actual current cost of construction in Maine.

For over two decades, the issue of licensing residential contractors has lingered in the corridors of this esteemed institution without decisive action. It is time we break this cycle of inaction and finally address a problem that has left Maine homeowners vulnerable for far too long. Madam Speaker, Maine residents deserve better. They deserve homes that are safe, durable and built to last. By licensing general contractors, we're not just protecting consumers; we're preserving our community's integrity and safeguarding our State's future. Let's not wait another 20 years go by without taking decisive action. Let's not make this a partisan issue. Let's pass this bill and ensure that Maine remains a place where families can thrive for generations. Thank you, Madam Speaker.

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

Representative **SMITH**: Thank you, Madam Speaker. Madam Speaker, Members of the House, I stand today to speak against LD 1929, "An Act to Protect Consumers by Licensing Home Building Contractors". There are a couple of short points I want to make.

First, as my colleague from Berwick, Representative Roberts, did say, yes, the Legislature has been thinking about licensing contractors for the last 20 years. Bill after bill after bill after bill has come before this Body and always been turned down. Many different ways they looked at it. And, yes, we are very much in the midst of a housing crisis. And putting this burden onto our good contractors, our handymen, the people out there who are doing a good job is an added burden that we don't need and, frankly, they don't have the time for.

Second, I want to point out that in this bill the required education is six hours. Six hours of education and a contractor is supposed to be so much better than a contractor who's been in the business for 10, 20, 30, 40, 50 years? If I go out tomorrow and get six hours of education, do you really want me to build your addition? I don't think so.

Third, the Commissioner of the Department of Professional and Financial Regulation is completely opposed to this bill. In her testimony, she stated if the goal is to address the fact that unqualified persons are doing substandard work on Maine homes, this bill does very little to ensure that those potential licensees are any more qualified with a license than without one. If the goal is to address potential financial harm from fraud or criminal behavior, this bill does very little to expand the enforcement mechanisms that already exist within the Attorney General's office for a private right of action. If the goal is to establish construction standards, that also is not achieved by this bill. I think that it should also be noted that when the Attorney General's office did come and testify before our Committee, they did mention the large amount of complaints they receive, and they also stated that they do not even have enough manpower to go through those complaints. So, I think adding a license onto it doesn't really help the Attorney General's office at all to go ahead and to help homeowners who are in need.

This bill is not ready to be put into law. This bill will harm our housing market and thus the people of Maine, and I ask you to vote Ought Not to Pass. Thank you, Madam Speaker.

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 on the IDEA Committee the last few years and this same bill got voted down. And there was many reasons. It's nice to be able to say that you're licensed and you can actually, you know, I mean, you can have certifications, you can have certain licenses, but to say that everybody should --

The SPEAKER: The Member will defer. The House will be in order for this Member to make remarks that we can all hear. The Member may proceed.

Representative **CYRWAY**: To say that you are going to be a better carpenter if you're licensed is not true. It's the same thing as if you were a lawyer or a Realtor. How many of you have bought a house from a certain real estate agent and they did a poor job of selling your home or buying it, you know, when you go to buy it or whatever and didn't represent what you wanted? How many lawyers say; I've heard many say I didn't get represented well and didn't say this and do that, but they're all licensed. Licensing doesn't mean that it's going to be better.

And the other problem is, is that it is going to increase the cost of homes because the requirement of getting licensed, some people don't; they're handymen. And when they build, like, your decks or your garage or something that; your porch; lots of time they may be a neighbor that you've seen their work and they do wonderful work, but they just don't take the profession of going out and doing labor all the time as a normal carpenter would for housing, we'll say. So, but they can be very good craftsmen. The other part is there's less chance of getting your work done because there's going to be fewer of them. Right now, there's a scarce amount of carpenters now. If you want to get a home built, it's quite a waiting period, or you're going to have a hard time finding a carpenter that will do the work. And there's nothing to say that you can't go see what they've done for work and get their history and see the quality of work that they've done in order to make that decision whether you want to use them or not. In fact, that's the best way to do it. Even if they were licensed, I would do that. Also, there will be higher fees. Your housing will go up in cost. As it is now, a young person has a hard time to even buy a home. In fact, they're going to live with their parents. And I think that the people that's going to be voting for this will say, oh, now my kid's got to live with me because they can't go out and buy a house that's going to cost even more than what we've already got. It's gone up; skyrocketed.

As far as the Commissioner; when we had her; of Labor, had spoke; she spoke against having licensing for carpentry. She says this is another example of that their Commission could not handle all the licensing, for one thing, but the other part would be that it would be really a burden on the State as far as making them think that they're going to have higher quality homes and whatever and we'll have less productivity.

So, I just think that we should rethink this. It really is not a feasibility type thing to do for this State, and we're going to put the burden on our children. Thank you, Madam Speaker.

The SPEAKER: The Chair recognizes the Representative from Orrington, Representative Campbell.

Representative **CAMPBELL**: Thank you, Madam Speaker, Men and Women of the House. It's been said that this has been before us for 20 years. I'm here to say, having been in and out of this Body for 30, it's been here for 30 years. It's always a good idea and it's always to protect consumers. But, in fact, I would love to have this bill because then, I would be licensed, there would be fewer in competition and I could charge more. This would be a great thing for a contractor in business, but not for the consumer. It's been defeated because the consumer is going to be out of opportunities to have their work done. We have code enforcement officers, we have electricians, we have plumbers; they're all in this thing to protect the consumer. The contractors can barely find enough people to do the work. So, what this bill will do, will eliminate the teachers for the summer, first responders, crafty neighbors, from doing the work that's necessary for the consumer. This is only going to hurt the consumer. It will only hurt the consumer.

I've been an expert witness for large attorneys and firms for 50 years. I've only seen one that I was embarrassed to even walk across the floor on. I went out into a rural town, through the smaller roads, to a dirt road, to wheel tracks, into an opening in the woods with some so-called contractor had dug a hole, poured a little concrete and went to the local log cabin supplier and picked up little short pieces of logs. And those logs went up into a wall. And these poor people from Connecticut bought this place. So, we're in the first floor, you had to walk up a plank to get to the first floor, the opening, and we're standing on the floor and all of a sudden, the floor's doing this. Woah, what is that?

A huge Great Dane came from the bedroom, walking across the floor. I think we should go out and look, the floor, which generally it has floor joists, 16 on center, maybe two feet if they're large enough, had logs, and not big logs, little logs, as floor joists, with board decking four feet apart. I said you know, you might want to get your dog out of here. So, there are those that are out there, but these poor people from Connecticut should've asked around, is this a good contractor? They should've gone to the town and said, has the code enforcement been out to see this job?

We have everything we need in place. We don't need to license the contractor. I have a degree, I've had 50 years of passive solar, energy-efficient, cost-effective housing. I don't need to be licensed. Like I said, I'd love it, because it will eliminate the competition, but I'm also on the Housing Committee. We were told earlier we need 22,000 more units. Now, we're told 83,000 units. How are we going to do that if we start eliminating contractors?

But most of all, the consumer. How is the guy next door going to get his porch repaired if the person who comes to do it has to be licensed as a carpenter? It's always been a bad bill, it's a bad bill today, so, I recommend you vote against it. Thank you, Madam Speaker.

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

Representative **LANIGAN**: Thank you, Madam Speaker, and the Members of the House that still remain, as it looks like we've lost a couple of them as we've started talking about this bill. The Good Representative from Eliot did make a couple mis-remarks in her comments and I just wanted to correct them for the record, if that's okay by you, Madam Speaker.

The SPEAKER: The Member may proceed.

Representative **LANIGAN**: Thank you so much, Madam Speaker. It was told to us that the Maine Association of Realtors were in favor of this bill, where, in fact, I have testimony, as I'm on that Committee, from J. Andrew Cashman, testimony in opposition to LD 1929: The Maine Association of Realtors opposes LD 1929 and its amendments. The bill would repeal the existing law in home construction contracts and add new arbitrary contract requirements, as well as require building contractor licensing. So, this would not only require building contractor licensing at the time, would increase operating expenses and the cost of construction when we currently are facing a housing shortage and the dearth of contractors.

So, fundamentally and overall, what was being sold to us on this bill is just quite the opposite, Madam Speaker, and I just really wanted to get onto the record on that. This bill really, to me, and to those that I've shared in the business, is just lipstick on a pig. It really is. And it's just dressing up something that someone can go get licensed for and they can still commit the same fraud, they can still do the same problems. Insurance is one of the protections that people have, is asking for insurance from their contractors, reputation, referrals, anything and any other business.

In contracting, putting a license on a building contractor eliminates some of those shipyard workers that are working part-time or are just entering retirement and choosing a second career for 10 to 15 years, maybe starting a business up with their kid. You know, contracting is one of those things; building contracting is something that's passed on generation to generation. We have some builders in my family and that's been passed on. I didn't like working with a hammer, so, I didn't learn that trade, but they don't need to be licensed, they have hundreds of years or 50-60 years behind them of experience. And experience is the best license that we have.

Now, I'm a licensed driver and some think that I'm not a very good driver. I think I'm great. So, a license is just that; it's just a fee for something that we get to call ourselves, but it doesn't make us great at what we do. This right here does nothing more than hurt an industry that's already hurting.

I really want to appeal and I know that; again, I wish there was more of the majority here to hear my testimony, my speech, but they're not and that's okay; but the emphasis of this bill is it does nothing. It does nothing except I get to go home and feel; it's one of those feel-good bills, that really doesn't feel that great after it passes. So, I just ask you all to maybe slow down and, yeah, it might look good, it might feel good, but it's just not really what it is on the surface and I'd ask you just to vote against this and maybe go back to the drawing board if it's needed and; which I don't think it is, but if it is, go back to the drawing board and actually come up with a bill that actually has some, you know, something that's going to do good for the Maine people and their contractors. Thank you so much, Madam Speaker.

The SPEAKER: The Chair recognizes the Representative from Buxton, Representative Blier.

Representative **BLIER**: Thank you, Madam Speaker, Ladies and Gentlemen of the House. I can see the motives behind this bill and how that would help some of the consumers in our State get protected from shoddy craftsmanship. But the idea that this would save \$12 million to our consumers; I disagree with the Representative from Orrington a little bit, being on the Housing Committee, we're not 22,000 units shy; we're 46,000, and yes, we will be 80,000 units shy by the next decade. But if you looked at contractors that are licensed; plumbers, electricians; they make a lot more than contractors that build homes, probably \$100 more per hour. And so, if you increase the cost of a house by \$60,000 on 46,000; that's \$276 million. So, \$12 million is really a drop in the bucket.

But my biggest concern, Madam Speaker, to this bill, although that the Representative that's presenting this bill does have some good thoughts, my biggest concern is that over the years being in the industry of construction, the majority of the contractors are people that are building are of my age or older and this would send them over the edge. They're still working because there's nobody there to provide the jobs, so, they show up every day and they do their job, but if you were to force them to get licensed, they would leave the field, creating a bigger vacuum of the contractors that we so need in this State to build the housing that we need. And so, it's not a matter of contractors should be licensed in order to help the people that are getting contractors that are shoddy, this is more about providing housing for our State, providing contractors for the citizens of our State, and so, I think that I would vote no on this just for that fact. Thank you, Madam Speaker.

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

Representative **COLLAMORE**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House, I rise in opposition to the pending motion.

Madam Speaker, I think it's important to keep in mind that there are already protections in place for consumers looking to build a home, renovate their house, replace their roof or any other major construction item on their homes. Homeowners have the right to have a contract for the work being done on their homes. Madam Speaker, that's not only a right, that's actually required by Statute; that any construction project over \$3,000 is required by law to have a contract. Additionally, Madam Speaker, current law prohibits contractors from requiring more than one-third of the cost of the contract as an up-front cost. One of the biggest things I heard in the public hearings, work

sessions and talking with constituents was that they did not have a contract, they did not ask for the insurance of the contractor and they paid more than one-third of the project price down.

Madam Speaker, the other concern I have with this Majority Report is that I don't believe the bill will actually solve the issue at hand. Having a license does not make a dishonest contractor become honest. They are already showing that they are not honest by breaking the current law of not having a contract.

Additionally, Madam Speaker, this report leaves me with more questions than answers. The Majority Report does not clearly lay out the requirements to obtain a license in Statute like other licenses do. Instead, the testing, education and other licensing requirements will be assigned by the Board through rulemaking. This leaves me with many questions, Madam Speaker. How many tests will there be? Do all contractor types have to take the same test, so that a contractor specializing in concrete work is required to test their knowledge on framing? Or will the multiple tests and endorsements for all the different specializations of construction be available? Is there only written exams, Madam Speaker, or will there be hands-on portions? What are the education requirements for contractor licensing outside of the six hours?

This bill requires licensing for all projects over \$10,000. But the question that was raised that is still unclear is; what if your contract is \$9,900 and then you have a change order that brings the contract price over \$10,000? Does that contractor then have to stop work to go take a test before they can finish that work? What if you've hired three contractors, Madam Speaker, to complete the project? For example, I need to remodel my bathroom, so, I hire a plumber, an electrician and someone to do drywall and painting. The project comes out at over \$10,000 between the three contractors, but electricians and plumbers are exempt from this bill, so, does that mean their portion of the bill is exempt, so, my contractor doing the drywalling and painting does not need a license? All of this still remains unanswered, Madam Speaker.

Madam Speaker, for this reason and others, I ask you to please oppose the pending motion and allow Committee Amendment "B" to move forward, so that we can have a thorough study to ensure that we implement contractor licensing in a way that works for Maine to protect Maine homeowners. The study will answer the questions that I have placed and that we still have, and build a license program that has the potential to actually ensure bad actors cannot do business in our State. Thank you, Madam Speaker.

The SPEAKER: The Chair recognizes the Representative from South Portland, Representative Kessler.

Representative **KESSLER**: Thank you, Madam Speaker, Ladies and Gentlemen of the House who are still here. I work in this field. I deal with a lot of general contractors, I deal with a lot of subcontractors and we've been making and hearing these same arguments for years, as other speakers have said. And, interestingly, things have only gotten worse over these past few decades. And when I talk to other contractors that I work with and I ask them about contractor licensure, the first thing that they say is, I can't believe the State of Maine does not license contractors. This is like the Wild West. There's barely adequate protections for consumers. And one of the things that having licensure will do is create another avenue of accountability for contractors. Because it's obvious that consumers are trying to go through multiple avenues, they don't know the law well themselves and then, once they are in trouble, it's really too late. With a contractor license, it allows consumers to check, it allows

municipalities to check on who is doing work in their towns and who has maybe not been the best.

I can't help but be frustrated when I hear arguments about the cost of housing and how this is going to increase the cost of housing when really, when you talk to builders, they say it's really supply and demand. I can fetch this price for this house because I can and I will, it's simply the laws of supply and demand, and I don't buy the argument. And we are, frankly, not in a good place when it comes to other avenues of protecting the consumer in terms of the building codes. We have many towns throughout the State who do not enforce the building codes and we are certainly having a hard time finding code enforcement officers to do that job. So, in tandem with this, this is a part of a suite of improvements that we need to improve the housing stock in this State.

And, frankly, for the contractors who are going to walk away because they don't want to deal with the extra step, don't want the regulation, you're making room for plenty of contractors who want to do the work and do the right thing and they are, frankly, frustrated that they've got to compete with these other actors who are doing substandard work.

So, once again, this is going to be an opportunity not just to help protect consumers, but it's going to be an opportunity for contractors to get the education that they might not have, be up to speed on the codes, this is going to be a good thing and it's something that the people of Maine have been asking for for years, and also contractors as well. So, I wholeheartedly support this motion. Thank you very much, Madam Speaker.

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

Representative **CYRWAY**: Thank you, Madam Speaker, and Ladies and Gentlemen of the House. I get up again only to say that I built a home six years ago and I had to move my garage that I had from one place to another and rebuilt a home. And in doing so, I had researched who was going to do the contractor work. And when I did, I knew some people that had done some commercial-type work and was highly recommended and so, I went over and visited with them, spoke to them, they came to my home, they looked at the garage that I wanted moved and they said, well, we'll give you an estimate and we'll send it back to you, and they were highly recommended and they were, you know, these type that do commercial work and are, you know, licensed for concrete and everything, and their work.

So, I did that and I waited for the bill, which, you know, what he was going to charge, and I got it about two weeks later, after I called to find out when I was going to get the information. And when I did, it was \$43,000 to move my garage for three miles down the road and I would have to cut all the limbs, get permits and have the lines taken down to move that garage to my other property, and \$43,000. So, it would've been well over probably close to \$60,000 by the time I got it there. The log home that I had built, I saw the people that sold it to me and they were retired and I went and saw them and they suggested their son-in-law, who was very skilled, him and his brother. His father was a concrete person, but they got into carpentry, and they're not licensed. I asked them to take a look at it and they came up with ideas of cutting the corners, taking each side, bringing it over, they cut it in three places in the roof, took it over and they put it back together and \$21,000 and they even re-shingled the roof and it looks like it never was moved. Excellent carpenters.

When I went for my loan, there was no questions asked, they said that these people have excellent, you know, recommendations, I went and saw some of their work, it was excellent. Later on; there are protections, because they were

going to go to build another home and the banks called me. And they said, we're just checking to make sure and see what your recommendation is for the work that they did. And I explained everything in detail, and they were very pleased, and so, the banks even check for protections.

So, it really is up to the individual, if you want quality work. I can tell you paint places for cars, for auto repair cars, and you can go to one place and they can do a lousy job and you can go to another place and they do a terrific job, but they're all, you know, in the book as they're very good, you know, body work type people. But you have to check. Check the backgrounds. This licensing is not going to do a darn thing. All it's going to do is raise the cost of housing because you're not going to be able to get anyone and also your children, your grandchildren, are going to have a hard time ever getting into their own homes because they're not going to be able to afford it. Right now, it's almost impossible for a young individual with a school loan or with owning the phone, computers, all these things that they need to have to live in our new world, and then we're expecting them to be able to get on their own is very difficult now, what do you think it's going to be if we go and demand people to be licensed carpenters. It's just going to put a burden on our youths. So, thank you, Madam Speaker. I hope you will follow my light.

The SPEAKER: The Chair recognizes the Representative from Buxton, Representative Blier.

Representative **BLIER**: Thank you, Madam Speaker, for allowing me to rise a second time. I disagree that from the Good Representative from South Portland saying that housing is done on a supply and demand issue. We have a huge demand right now and we have no supply. By raising the price of the starter homes up, that means less people can afford the starter homes. If you're talking million-dollar homes, yes, the general contractors probably want those types of contractors in there, but when you're starting the beginner homes, you need those contractors that are not licensed in order to be competitive. The competitive market, from the contractors that aren't licensed to the general contractors that are doing fabulous work, right, creates that competition which lowers the price of construction. That's why this bill is not a good bill. Thank you so much.

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

Representative **PERRY**: Thank you, Madam Speaker. I live alone and I own my own house. And when I first moved there, I wanted to do a lot of work on that house, and I did hire somebody after recommendation of a friend who said he was good. And we did do a contract. When he got done, I spent twice as much to undo what he did, because he did nothing I asked him to.

I had no place to go with a complaint. Having a license says I can talk to that board and say, I have a complaint about this contractor. What could it do? It might give that opportunity for that contractor to actually do better with his business. It might give an opportunity to have better quality by the time we get done. But when you have no place to go and you end up spending more money than you intended to, that leaves me very frustrated, and it did, and I think a license offers an opportunity to ensure quality. Thank you.

The SPEAKER: The Chair recognizes the Representative from South Berwick, Representative Roberts.

Representative **ROBERTS**: Thank you, Madam Speaker. I just wanted to close and clarify a couple of things from the Representative from Sanford and the Good Representative from Pittsfield. There were folks who came in either opposed or neither for nor against at the beginning and as the bill developed;

this started as a 40-page document, a little overkill; ended up being in support. And as far as the specificity in this bill, we've pushed it out a few years, the implementation, so that we built a strong board --

The SPEAKER: The Member will defer. The Chair respectfully asks that if you have conversations that you take them outside of this Chamber in order to allow the Members who are in the Chamber to hear the debate and to offer their own commentary as they wish. If you are gathered behind the glass, you are required to remain quiet. The Member may proceed.

Representative **ROBERTS**: Thank you, Madam Speaker. I just wanted to say that we have pushed this out. This isn't a tomorrow thing. This is a few years from now to leave time for rulemaking and get input. We've gone so far down the road of doing nothing that we have to take baby steps to get to where we are. Currently, at the time this bill was put in, 33 other states have contractor licensing. So, this isn't a new concept.

But what I would like to point out, Madam Speaker, is that we have heard it said in this Chamber before that the people of Maine are watching us, that our constituents are watching us. I can assure you that this is very much the case regarding our actions on this bill. There is a Facebook group with more than 4,000 people in it who have been wronged. As a bit of a data geek, I reviewed the geographics of the complaints that the Attorney General has received. I will save us the time from reading the whole list of the 600 municipalities. What I will point out is that these complaints spanned over 370 municipalities and were in each and every House District in this State. I ask that we all think about these Mainers when we cast our votes. Thank you, Madam Speaker.

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

Representative **LANIGAN**: Thank you, Madam Speaker, for allowing me to rise again. Like the Good Representative from Eliot has mentioned, there's a lot of information in this and I just wanted to point this one out, I thought it was very important for the Body to hear. "An Act to Protect Consumers by Licensing Home Building Contractors" is right here; "I appear today on behalf of the Administration to speak in opposition to LD 1929 on both substantive and technical grounds. We appreciate the concern raised by the proponents, but we disagree that licensure is the means to address those concerns or achieve the goals of public protection." And the only reason I present this, Madam Speaker, is we get a lot of information, we have a lot of papers to read and hence, you rely on the testimony and the work of the Committees to bring forth the information because we become the so-called experts in the room. But I just want to make sure that this Body is understanding that just because it's, you know, the way the Committee voted, we've seen plenty of Minority Reports come through this session, that it's not always what's best.

And I just want to clarify this; it is unclear which problems this seeks to solve. If the goal is to address the fact that unqualified persons are doing substandard work on Maine homes, this bill does very little to ensure those potential licensees are any more qualified with a license than without one. If the goal is to address potential financial harm from fraud or criminal behavior, this bill does very little to expand the enforcement mechanisms that already exist within the Attorney General's office. So, needless to say; this is from Anne Head, the Commissioner of the Department of Professional and Financial Regulation, the person that would be, I guess, overseeing most of this, and their office sees no potential benefit, really, for this bill.

I would just ask, like the Good Representative from Pittsfield, that you look at our amendment, allow us to do a study on this, allow us to take the time to actually digest all the information as it's a very, very big issue, it's a big issue for a lot; I'm not dismissing anybody's concerns, I hear both sides of the story, it's just we need to slow down, this has been rushed, I feel, this is our short session and we've done a lot of work, a lot of bills are coming through here as we're here late at night right now. And Madam Speaker, I just ask that the Body, you know, maybe consider the other Amendment "B" and allow us to do a study and slow this thing down before we hurt Maine families and Maine business owners and our small businesses that make up 80% of our Mainers. Thank you so much, Madam Speaker.

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

Representative **WHITE**: Thank you, Madam Speaker. As a consumer, when interviewing contractors, it just seems realistic to me that it would be as easy to ask for a certificate of insurance as it would be proof of license. And one would protect me from a faulty job and one would just tell me that they paid the government's fee and went to a six-hour course. Thank you.

The SPEAKER: The Chair recognizes the Representative from Orrington, Representative Campbell.

Representative **CAMPBELL**: Thank you, Madam Speaker, Men and Women of the House. Sorry to rise twice. I'm assuming we're talking about a general contractor license. Again, I'd enjoy it, bring it on, let's increase prices. But are we also talking about a clearing contractor's license? An earthwork contractor's license? A concrete contractor's license? A septic system contractor's license? A cabinetmaker's license? A sheetrock contractor license? A painting contractor license? A landscaping license? An asphalt contract license? A roofing contractor license? And I'd like to have the answer, please. Thank you, Madam Speaker.

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

Representative **COLLAMORE**: Thank you, Madam Speaker. Madam Speaker, I'd like to address the question. There are multiple exemptions from this licensure requirement: Electricians are exempt, plumbers are exempt, architects are exempt, professional engineers, a person providing only design services, a person furnishing only materials for residential construction; so, that would be your cabinetmakers; a person furnishing only painting services, a person furnishing only landscaping services, the State and any political subdivision of the State, a school administrative unit, a consumer-owned water utility, a sewer district, a sanitary district, public or private schools offering career and technical education or training in residential construction, a person engaged in the delivery or installation of audiovisual equipment, telephone equipment or computer network equipment, a person offering to perform or performing residential construction in response to an emergency, but only to the extent necessary to address the emergency, a master oil burner technician or solid fuel technician, a person licensed under Chapter 10 when providing licensed services, a person performing residential construction services on a single-family residence occupied or to be occupied by that person as their place of residence. Thank you, Madam Speaker.

The SPEAKER: The Representative from South Berwick, Representative Roberts, having spoken twice requests unanimous consent to address the House for a third time.

Representative **LIBBY**: I object.

The SPEAKER: Representative Roberts has chosen not to speak.

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

ROLL CALL NO. 472

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

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

ABSENT - Andrews, Boyle, Galletta, Lavigne, Pringle.

Yes, 76; No, 69; Absent, 5; Vacant, 1; Excused, 0.

76 having voted in the affirmative and 69 voted in the negative, 1 vacancy with 5 being absent, and accordingly Report "A" Ought to Pass as Amended was **ACCEPTED**.

The Bill was **READ ONCE. Committee Amendment "A" (H-929) was READ** by the Clerk.

Representative **ROBERTS** of South Berwick **PRESENTED House Amendment "A" (H-941) to Committee Amendment "A" (H-929)**, which was **READ** by the Clerk.

The SPEAKER: The Chair recognizes the Representative from South Berwick, Representative Roberts.

Representative **ROBERTS**: Thank you, Madam Speaker. What this amendment does is it takes the \$10,000 threshold and moves it up to \$15,000 for licensure. It also adds another exception for weatherization and heat pump installers that are working with Efficiency Maine or Maine Housing.

Representative **COLLAMORE** of Pittsfield **REQUESTED** a roll call on the motion to **ADOPT House Amendment "A" (H-941) to Committee Amendment "A" (H-929)**.

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 Pittsfield, Representative Collamore.

Representative **COLLAMORE**: Thank you, Madam Speaker. Madam Speaker, we have heard today that we need to pass contractor licensing because we need to protect the citizens from fraudulent practices. But now, we are saying we need to protect them from fraudulent practices except when we're having weatherization, heat pumps, pellet and wood stoves or geothermal contractors do the work when they're

providing services for the Efficiency Maine Trust or Maine State Housing. So, essentially, Madam Speaker, exempting the people doing work for some of our most vulnerable citizens. With that in mind, I request that you please vote Ought Not to Pass on the Floor Amendment. Thank you.

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

Representative **LANIGAN**: Thank you, Madam Speaker. The Representative from Pittsfield said it perfectly. Thank you so much.

The SPEAKER: A roll call has been ordered. The pending question before the House is Adoption of House Amendment "A" (H-941) to Committee Amendment "A" (H-929). All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 473

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

NAY - Adams, Albert, 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, Haggan, Hall, Henderson, Hymes, Jackson, Javner, Lanigan, Lemelin, Libby, Lyman, Mason, Millett H, Morris, Ness, Newman, Nutting, Parry, Paul, Perkins, Poirier, Polewarczyk, Pomerleau, Quint, Rudnicki, Russell, Sampson, Schmearsal-Burgess, Simmons, Sinclair, Smith, Soboleski, Strout, Swallow, Theriault, Thorne, Underwood, Walker, White J, Wood, Woodsome.

ABSENT - Andrews, Boyle, Galletta, Lavigne, Pringle.

Yes, 78; No, 67; Absent, 5; Vacant, 1; Excused, 0.

78 having voted in the affirmative and 67 voted in the negative, 1 vacancy with 5 being absent, and accordingly **House Amendment "A" (H-941) to Committee Amendment "A" (H-929) was ADOPTED.**

Committee Amendment "A" (H-929) as Amended by House Amendment "A" (H-941) thereto was 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-929) as Amended by House Amendment "A" (H-941) thereto and sent for concurrence.**

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

CONSENT CALENDAR

First Day

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

(S.P. 836) (L.D. 2014) Bill "An Act Regarding Spirits Price Regulation" Committee on **VETERANS AND LEGAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-659)**

(S.P. 907) (L.D. 2114) Bill "An Act to Improve Patient Access to and Savings from Generic Drugs and Biosimilars" Committee on **HEALTH COVERAGE, INSURANCE AND FINANCIAL SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-651)**

(S.P. 955) (L.D. 2230) Bill "An Act to Change Department of Health and Human Services Rules Regarding Youth Camps to Major Substantive Rules" Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-645)**

(S.P. 986) (L.D. 2270) Bill "An Act to Create the Lincoln Mill Facilities District" (EMERGENCY) Committee on **ENERGY, UTILITIES AND TECHNOLOGY** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-650)**

(S.P. 995) (L.D. 2280) Bill "An Act to Strengthen Maine's Workforce Through Preapprenticeship Training Programs" Committee on **LABOR AND HOUSING** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-657)**

(H.P. 621) (L.D. 974) Bill "An Act to Establish Minimum Pay for Educational Technicians and Other School Support Staff" Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "C" (H-927)**

(H.P. 1266) (L.D. 1975) Bill "An Act to Implement a Statewide Public Health Response to Substance Use and Amend the Laws Governing Scheduled Drugs" Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-931)**

(H.P. 1393) (L.D. 2178) Resolve, Regarding Legislative Review of Chapter 20: Rules for the Licensure of Adult Use Cannabis Establishments, a Major Substantive Rule of the Department of Administrative and Financial Services, Office of Cannabis Policy (EMERGENCY) Committee on **VETERANS AND LEGAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-918)**

(H.P. 1400) (L.D. 2186) Resolve, Regarding Legislative Review of Chapter 30: Compliance Rules for Adult Use Cannabis Establishments, a Major Substantive Rule of the Department of Administrative and Financial Services, Office of Cannabis Policy (EMERGENCY) Committee on **VETERANS AND LEGAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-919)**

(H.P. 1458) (L.D. 2268) Bill "An Act to Implement the Recommendations of the Commission Regarding Foreign-trained Physicians Living in Maine to Establish a Sponsorship Program for International Medical Graduates" Committee on **HEALTH COVERAGE, INSURANCE AND FINANCIAL SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-926)**

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

There being no objection, the Senate Papers were **PASSED TO BE ENGROSSED as Amended** in concurrence and the House Papers were **PASSED TO BE ENGROSSED 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 Implement the Recommendations of the Blue Ribbon Commission to Study Emergency Medical Services in the State

(H.P. 970) (L.D. 1515)
(C. "A" H-903)

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. 110 voted in favor of the same and 8 against, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

Emergency Measure

An Act Updating References to the United States Internal Revenue Code of 1986 Contained in the Maine Revised Statutes

(S.P. 850) (L.D. 2022)

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. 110 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 to Increase Participation by the Department of Health and Human Services Regarding Federal Benefits for Which Children in the Custody of the Department May Be Eligible

(H.P. 1337) (L.D. 2078)
(C. "A" H-893)

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. 117 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 to Protect Property Owners by Making Certain Changes to the Laws Governing the Use of Eminent Domain by Transmission and Distribution Utilities

(S.P. 880) (L.D. 2087)
(C. "A" S-638)

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. 117 voted in favor of the same and 1 against, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

Emergency Measure

An Act to Establish a Statewide Sexual Assault Forensic Examination Kit Tracking System and Conduct an Inventory of Existing Forensic Examination Kits in the Possession of Law Enforcement

(H.P. 1353) (L.D. 2129)
(C. "A" H-904)

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

Emergency Measure

An Act to Allow the Department of Corrections and County Jails to Comply with the Federal Prison Rape Elimination Act of 2003

(S.P. 970) (L.D. 2250)
(C. "A" S-635)

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. 114 voted in favor of the same and 0 against, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

Emergency Measure

Resolve, Regarding the Operation and Future Capacity of State-owned Landfills

(H.P. 1359) (L.D. 2135)
(S. "A" S-612 to C. "A" H-828)

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

On motion of Representative GRAMLICH of Old Orchard Beach, the House **RECONSIDERED** its action whereby the Resolve was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (H-828)**.

On further motion of the same Representative, the House **RECONSIDERED** its action whereby **Committee Amendment "A" (H-828)** was **ADOPTED**.

The same Representative **PRESENTED House Amendment "A" (H-940) to Committee Amendment "A" (H-828)**, which was **READ** by the Clerk.

The SPEAKER: The Chair recognizes the Representative from Orrington, Representative Campbell.

Representative **CAMPBELL**: Thank you, Madam Speaker, Men and Women of the House. There's a reason this item is on the Emergency Measure, 10-7. I serve on two Committees, both in crisis. Number one, ENR, which we're in the crisis of municipal solid waste. In Housing, we're in the crisis of housing.

So, this should be an emergency but, in fact, there's one little piece; one little piece in here that shouldn't be here. It says that the discharge into the rivers from landfills need to be at drinking water standards. Drinking water standards. Drinking water standards. There aren't any rivers in the State that are drinking water standards. And just think of this, we've got this big mound of trash, and there's some liquid coming out of the bottom, and this liquid probably is about the yuckiest thing you'd ever imagine. And this bill makes us treat that to drinking water standards. Drinking water. Nice, clear glass of water, drinking water standards. Are you kidding me? Now, this little piece

could be amended and be sensible, and I'm sure that everybody in this Body is a sensible person and we have common sense. We all do. Yeah, we have an aisle here, but there's common sense here and there's common sense here. Drinking water standards? Let's be sensible here. Now, there are other terms that we could use; technologically based standards; oh, and the argument is we're already doing it. There's a firm in Madison that can do it. Just above a laboratory example.

The SPEAKER: The Chair asks the Member to defer and direct all of his comments directly to the Chair.

Representative **CAMPBELL**: Thank you, Madam Speaker. Please join me and vote against this.

Representative FAULKINGHAM of Winter Harbor **REQUESTED** a roll call on the motion to **ADOPT House Amendment "A" (H-940) to Committee Amendment "A" (H-828)**.

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 Adoption of House Amendment "A" (H-940) to Committee Amendment "A" (H-828). All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 474

YEA - Abdi, Ankeles, Arford, Beck, Bell, Brennan, Bridgeo, Cloutier, Cluchey, Collings, Copeland, Crafts, Craven, Crockett, Dhalac, Dill, Dodge, Doudera, Eaton, Fay, Gattine, Geiger, Gere, Golek, Graham, Gramlich, Hasenfus, Hepler, Hobbs, Jauch, Kessler, Kuhn, Lajoie, Landry, LaRochelle, Lee, Lookner, Madigan, Malon, Mastraccio, Mathieson, Matlack, Meyer, Millett R, Milliken, Montell, Moonen, Moriarty, Murphy, O'Connell, O'Neil, Osher, Perry A, Perry J, Pluecker, Rana, Rielly, 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 - Adams, Albert, 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, Haggan, Hall, Henderson, Hymes, Jackson, Javner, Lanigan, 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 - Andrews, Boyle, Galletta, Lavigne, Pringle, Riseman.

Yes, 79; No, 65; Absent, 6; Vacant, 1; Excused, 0.

79 having voted in the affirmative and 65 voted in the negative, 1 vacancy with 6 being absent, and accordingly **House Amendment "A" (H-940) to Committee Amendment "A" (H-828) was ADOPTED**.

Committee Amendment "A" (H-828) as Amended by Senate Amendment "A" (S-612) and House Amendment "A" (H-941) thereto was ADOPTED.

Subsequently, the Resolve was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (H-828) as Amended by Senate Amendment "A" (S-612) and House Amendment "A" (H-941) thereto in NON-CONCURRENCE** and sent for concurrence.

ORDERED SENT FORTHWITH.

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

Acts

An Act to Increase the Inclusion of Demographic Data from State Agencies in the Legislative Process

(H.P. 928) (L.D. 1432)
(C. "A" H-889)

An Act to Expand Property Tax Relief for Veterans and Their Survivors

(H.P. 1116) (L.D. 1737)
(C. "A" H-897)

An Act to Enhance the Use of Critical Incident Stress Management Teams and to Require Peer Team Support

(H.P. 1121) (L.D. 1742)
(C. "A" H-898)

An Act to Reduce the Number of Children Living in Deep Poverty by Adjusting Assistance for Low-income Families

(H.P. 1202) (L.D. 1877)
(C. "A" H-891)

An Act to Amend the Laws Governing Motor Vehicles

(S.P. 873) (L.D. 2072)
(C. "A" S-642)

An Act Regarding the Current Use Valuation of Working Waterfront Property

(H.P. 1384) (L.D. 2162)
(C. "A" H-892)

An Act to Require Consumer Consent for Certain Generation Service Contract Renewals

(S.P. 918) (L.D. 2163)
(C. "A" S-633)

An Act to Establish the Maine-Island of Ireland Trade Commission and Improve Collaboration with the Island of Ireland

(S.P. 919) (L.D. 2164)
(C. "A" S-637)

An Act to Authorize a Stop-work Order Regarding an Activity That Is Creating an Immediate and Substantial Adverse Impact to a Protected Natural Resource

(S.P. 971) (L.D. 2253)
(C. "A" S-640)

An Act Regarding New Motor Vehicle Emissions Rules

(H.P. 1451) (L.D. 2261)
(C. "A" H-902)

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 Study the Role of Natural Gas in an Equitable Clean Energy Transition for Maine

(H.P. 1336) (L.D. 2077)
(C. "A" H-890)

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)
(C. "A" H-900)

Were 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 Health Insurance Coverage for Specialized Risk Screening for First Responders and Other Public Safety Professionals

(S.P. 199) (L.D. 444)
(C. "A" S-636)

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

On motion of Representative PERRY of Calais, was **SET ASIDE**.

On further motion of the same Representative, **TABLED** pending **PASSAGE TO BE ENACTED** and later today assigned.

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

UNFINISHED BUSINESS

The following matters, in the consideration of which the House was engaged at the time of adjournment Wednesday, April 3, 2024, had preference in the Orders of the Day and continued with such preference until disposed of as provided by House Rule 502.

Expression of Legislative Sentiment Recognizing Isaac Keresey, of Pittsfield

(HLS 766)

TABLED - February 29, 2024 (Till Later Today) by Representative FAULKINGHAM of Winter Harbor.

PENDING - PASSAGE.

Subsequently, this Expression of Legislative Sentiment was **PASSED** and sent for concurrence.

Expression of Legislative Sentiment Recognizing Sam Gerrie, of Pittsfield

(HLS 767)

TABLED - February 29, 2024 (Till Later Today) by Representative FAULKINGHAM of Winter Harbor.

PENDING - PASSAGE.

Subsequently, this Expression of Legislative Sentiment was **PASSED** and sent for concurrence.

Expression of Legislative Sentiment Recognizing Gabrielle Finelli, of Pittsfield

(HLS 768)

TABLED - February 29, 2024 (Till Later Today) by Representative FAULKINGHAM of Winter Harbor.

PENDING - PASSAGE.

Subsequently, this Expression of Legislative Sentiment was **PASSED** and sent for concurrence.

Expression of Legislative Sentiment Recognizing Amya Braley, of Pittsfield

(HLS 769)

TABLED - February 29, 2024 (Till Later Today) by Representative FAULKINGHAM of Winter Harbor.

PENDING - PASSAGE.

Subsequently, this Expression of Legislative Sentiment was **PASSED** and sent for concurrence.

Expression of Legislative Sentiment Recognizing Heather Nelson, of Pittsfield

(HLS 770)

TABLED - February 29, 2024 (Till Later Today) by Representative FAULKINGHAM of Winter Harbor.

PENDING - PASSAGE.

Subsequently, this Expression of Legislative Sentiment was **PASSED** and sent for concurrence.

Expression of Legislative Sentiment Recognizing the Maine Central Institute Indoor Track Team, of Pittsfield

(HLS 771)

TABLED - February 29, 2024 (Till Later Today) by Representative FAULKINGHAM of Winter Harbor.

PENDING - PASSAGE.

Subsequently, this Expression of Legislative Sentiment was **PASSED** and sent for concurrence.

Expression of Legislative Sentiment Recognizing Keith Cook, of Burnham

(HLS 772)

TABLED - February 29, 2024 (Till Later Today) by Representative FAULKINGHAM of Winter Harbor.

PENDING - PASSAGE.

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

Representative **COLLAMORE**: Thank you, Madam Speaker. Madam Speaker, unfortunately, the students from MCI were unable to come and so, I am removing these from our Unfinished Business area to ensure that we have a little less paper being printed. But I do want to just take a moment to congratulate these amazing athletes, who are not just; some of them are four-season athletes, and I know that's difficult to think about, but Isaac Keresey, for example, of Pittsfield, is not just on the indoor track team, but he is also a wrestler and won in both areas for State. Sam Gerrie is on the track team, Gabrielle Finelli on the track team, Amya Braley on the track team and Heather Nelson, who broke multiple school records and State records in her Championships wins. And then, all of that coming together to help Maine Central Institute win in the State competition in track and we are super excited about that. Keith Cook of Burnham won in his weight class for wrestling. And I just wanted to take a moment to recognize all of those wonderful students and congratulate them on their wins. Thank you, Madam Speaker.

Subsequently, this Expression of Legislative Sentiment was **PASSED** and sent for concurrence.

Expression of Legislative Sentiment Recognizing Addison Verrill, of Pittsfield

(HLS 907)

TABLED - March 27, 2024 (Till Later Today) by Representative COLLAMORE of Pittsfield.

PENDING - PASSAGE.

Subsequently, this Expression of Legislative Sentiment was **PASSED** and sent for concurrence.

Expression of Legislative Sentiment Recognizing the
Maine Central Institute One Act Drama Team, of Pittsfield
(HLS 908)

TABLED - March 27, 2024 (Till Later Today) by Representative
COLLAMORE of Pittsfield.

PENDING - **PASSAGE.**

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

Representative **COLLAMORE**: Hi, Madam Speaker.
Thank you so much. I forgot I had these other two sitting here,
and I would've waited until these were done. I just wanted to
quickly recognize Addie, Addison Verrill, who was awarded the
Maine Principal Association's award for Maine Central Institute
and would also like to recognize and congratulate our One Act
Drama Team, who won the regional competition. Thank you,
Madam Speaker.

Subsequently, this Expression of Legislative Sentiment
was **PASSED** and sent for concurrence.

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

HOUSE DIVIDED REPORT - Report "A" (7) **Ought to
Pass as Amended by Committee Amendment "A" (H-842)** -
Report "B" (4) **Ought Not to Pass** - Report "C" (2) **Ought to
Pass as Amended by Committee Amendment "B" (H-843)** -
Committee on **HEALTH AND HUMAN SERVICES** on Bill "An
Act to Prohibit Tobacco Sales near Schools"

(H.P. 1383) (L.D. 2157)

TABLED - March 21, 2024 (Till Later Today) by Representative
MEYER of Eliot.

PENDING - **ACCEPTANCE OF ANY REPORT.**

Representative MEYER of Eliot moved that the House
ACCEPT Report "A" **Ought to Pass as Amended.**

Representative FAULKINGHAM of Winter Harbor
REQUESTED a roll call on the motion to **ACCEPT** Report "A"
Ought to Pass as Amended.

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 Chester, Representative Javner.

Representative **JAVNER**: Thank you, Madam Speaker,
Men and Women of the House. I just want to rise and very briefly
speak to this, my opposition to this motion. What this bill does
is makes it so that it is impossible for a retailer that is 300 feet
away from a school to have their license renewed to sell tobacco
products. And I had an interesting assignment for my custodian
of a school that is close to my district this last weekend, I had
called them and asked them if they could actually measure
something for me, so, they did that. So, it brings up some
interesting questions.

However, what I want to do is read a little bit of a couple
statements from our Maine School Boards Association that I find
very, very important to this issue. They say that there is already
the responsibility of the establishment to correctly and legally
check the identifications of all persons purchasing tobacco, and
there is a Statute already in law, Title 22, Section 1555-B, and it
says a person may not sell, furnish or give away or offer to any
person that has not attained 21 years of age, unless the person
has attained 18 years of age as of July 1, 2018. What we can
do as public schools is continue to educate students about the
health dangers related to smoking. The National Center for
Disease Control recommends that all schools develop and

enforce a policy on tobacco use, provide instruction about the
short- and long-term negative effects and provide tobacco use
prevention education in kindergarten through grade 12, with the
particular emphasis on students aged 15 or older. I suggest we
support our businesses in the State and also support our
schools in encouraging them for more education. Thank you.

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

Representative **MOONEN**: Thank you, Madam Speaker.
Madam Speaker, Colleagues of the House, I rise as the sponsor
of this bill. I really appreciate the comments from my colleague
from Chester. We've had a very interesting dialogue and
exchange of information about this bill over the last several
weeks. Really appreciate that, and really appreciate her going
to the efforts to verify measurements. That's dedication right
there.

I just want to say that the report before us is actually 500
feet, the Majority Report. Just for a little bit of context, we
already have a law that prohibits the sale of cannabis within
1,000 feet of a school, we already have a law that prohibits the
sale of liquor within 300 feet of a school. As I said, the Report
before us is 500 feet, but I have heard from colleagues, and I
appreciate their transparency and their honesty about their
discomfort with the current 500 feet. So, having heard that
discomfort, I would be happy to change to do the 300 feet, which
would match existing law around liquor sales near schools.

It is late, so, I won't bore you with a lot of information about
the long and extensive history of the tobacco industry's targeting
of kids, but I will just say it is ongoing and it seems pretty modest
to me to adopt this bill, since we have similar laws for similar
products that should not be accessible to kids. And so, I ask
you to support this report and then I would be happy to change
it to 300 feet. Thank you very much, Madam Speaker.

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

Representative **PERRY**: Thank you, Madam Speaker, I'd
like to pose a question through the Chair.

The SPEAKER: The Member may proceed.

Representative **PERRY**: Does this bill, at 300 feet or 500
feet, grandfather existing businesses, or will this bill prohibit the
renewal of existing tobacco licenses? Thank you.

The SPEAKER: The Member has posed a question
through the Chair. The Chair recognizes the Representative
from Portland, Representative Moonen.

Representative **MOONEN**: Thank you, Madam Speaker.
I rise to answer the question. The Report in front of us does not
grandfather existing businesses. The Report in front of us, at
500 feet, would affect 10 existing businesses. That ties back to
what I said a moment ago about hearing the concern for
Members who have shared concern with me about that. At 300
feet, this would affect one existing business, and since I'm sure
the question is coming, I'll just share with you now; that business
is in my district, this business sells tobacco 26 feet from a school
and I would like that to stop. Thank you, Madam Speaker.

The SPEAKER: The Chair recognizes the Representative
from Chester, Representative Javner.

Representative **JAVNER**: Thank you, Madam Speaker. I
would just simply add to the answer to that question that it does
not grandfather any businesses.

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

Representative **PERRY**: Thank you, Madam Speaker. I
had un-pushed my button, but I'm up now, right?

I'm in the store business, I'm more than 300, 500, probably
1,000 feet from any school, and I'm a food store that serves a

food desert, a very high-need neighborhood. I'm the only thing they've got and they tell me all the time I'm their lifeline. I couldn't operate, and I don't know any stores that could operate without their tobacco license. That's just the way it works. That brings people in. I don't like it. I celebrate every customer who quit smoking. If this was 300 feet, 500 feet or 1,000 feet, prospective, count me in; I'd be on board. Going out of business in a convenience store is very painful. It's not like a jewelry store with high markups. You can't liquidate your product. It costs 10s and 10s of thousands of dollars for any individual business to shut down. I don't know of any convenience store, neighborhood store, that can survive without their tobacco license or, quite frankly, their beer and wine license.

So, I don't want stores 26 feet away from schools selling tobacco, but in this day and age, the worst practices of Big Tobacco have been against the law for decades. I do no advertisement, I've got no banners, no signs, no product accessible to anyone. The actual age is 21, I think that was old Statute that said 18. They do compliance checks on us all the time; no store wants to sell or get caught selling, risk selling to a minor. The minors I see in the neighborhood who get it; other kids, older kids, sometimes parents are buying it for them.

So, if this put no one out of business or was prospective, you could count me in for any setback, but just personally, I can't bring myself to vote for something that will put even one business, potentially, out of business and what that might do to their family, their employees, their customers. And quite frankly, I think putting, potentially putting one business out of business doesn't do a lot to address the tobacco issue. Maybe a 300-; maybe a 500- or 1,000-foot setback might prevent stores from being close to schools in the future and maybe that would do something and I would be there, but I just can't vote for this bill. Thank you, Madam Speaker.

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

Representative **GRAHAM**: Thank you, Madam Speaker, Ladies and Gentlemen of the House. Many of you know that I'm a retired pediatric nurse practitioner. I've spent my entire career trying to prevent illness. My entire career. If there's one little thing I can do to get one less person to be addicted to tobacco, I would do it. I'm pleased to hear that there's only one store that will be affected, and I also want to thank the sponsor for bringing the distance down to 300, it makes a lot of sense. So, I urge you to support this to avoid one less person becoming addicted to tobacco. Thank you, Madam Speaker.

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

Representative **LIBBY**: Thank you, Madam Speaker. Madam Speaker, I grew up in a little town called Cornish, and my siblings and I, from a pretty young age, we would walk around the corner to a little corner store and one of our favorite pastimes was that we would pick up cans along the way and we would redeem those cans at the store very regularly and buy candy bars. Now, that store sold all kinds of products, including tobacco, including alcohol. I never even attempted to buy tobacco at that store when I was growing up, Madam Speaker. I can tell you one of my sisters, black sheep of the family, she did smoke when we were growing up. Not anymore, she's healthy, you know, not smoking anymore, but she did as a teen, from wherever she could get it. I don't know, maybe it was from the corner store, from a friend that was an older age.

Are kids no longer going to live near stores? Like, is school the only place that children inhabit? That's ludicrous. Are we going to legislate that you can't sell cigarettes near a church or near a park? I mean, kids go to the park, too. The kids in the

neighborhoods in Auburn have the easiest access to the neighborhood stores, not when they're at school, but when they're at home. Should we legislate that stores can't sell cigarettes, can't sell tobacco, if they are within 300 feet of a home that contains a child? Madam Speaker, this is already illegal. This is ludicrous legislation, micromanaging adults to fix something that we could fix with existing Statute by simply enforcing it. Please have a little common sense and follow my light and vote against this ridiculous bill.

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

Representative **LANIGAN**: Thank you, Madam Speaker. I just rise in opposition to this bill and the main reason, Madam Speaker, is it sounds like this should be held at City Council meeting and not at the House and the Maine Chamber here. And just I don't understand, having home rule and having all those abilities to make those local decisions, we're using this Legislature to micromanage and to shut down a business in someone's community. I would just ask, Madam Speaker, if we can encourage a City Council agenda item instead of a House agenda item. Thank you.

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

Representative **POIRIER**: Thank you, Madam Speaker. I just need to rise real quickly because I, too, in Skowhegan, have a business that would be affected by this law. The Maine Smoke Shop has been in my town on the rotary, if you've ever been in the Town of Skowhegan. If you haven't, I advise you come; it's a great place to be. But this is a small business that only sells tobacco and related products and years back now, a charter school was put in a building just a couple places down from this smoke shop, so, there is a school right near this well-established business. There's not been any issues with minors from the school at the Smoke Shop and, quite frankly, people that shop in this store are already addicted to tobacco. It's not preventing people from becoming addicted. And these folks have reached out to me, the owners, the employees, fearful that they're going to not have a job to come to because we passed this law. So, there are real people being affected by this.

And I know people are trying to do a good thing, you know, get tobacco out of the hands of people and save lives, but we're affecting the lives of people that are trying to support their families as well and, like I say, this business was well established before the school was put there and I really think that needs to be a consideration, so, I will not be voting in favor of this bill. Thank you.

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

Representative **MORRIS**: Thank you, Madam Speaker. I also rise in opposition to this bill. As the Good Representative from Auburn was saying, you know, my grandfather ran a small store in North Turner, Maine. It was well known. Unlike the Good Representative, I didn't have to collect bottles or anything for candy bars; I just told him to put it on my parents' tab. But the issue with this bill is this will hurt small businesses like the one that he ran. There are many of these small businesses; small, single, sole-proprietorship stores near schools.

It's already illegal to sell tobacco to kids under the age of 21. There's already severe fines, there's already operations going on to try and prevent kids under 21 from buying tobacco. So, I would just; this is something that really hurts our small businesses. Tobacco is one of the products that they sell that does help them stay afloat. And the problem is, you're not stopping anybody from smoking, they're just going to go to the larger retailers or they're going to go outside of the State of

Maine. I would rather help Maine's small businesses; I would encourage this Body to reject this motion. Thank you.

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

Representative **WHITE**: Thank you, Madam Speaker. Remember last year when you came up to visit Representative Perkins and I? Nice little neighborhood up there, isn't it? As we left the first meeting and drove to the second meeting in Monson, we drove right through Representative Perkins' district. And on that trip, we passed two stores owned by the same company; or three, actually, one in Dover-Foxcroft, one in Guilford and one in Monson, just before we got to our second destination. That first store in Dover-Foxcroft abuts Foxcroft Academy. The owner of that chain of small convenience stores just spent, I don't know, \$2 million; do you know the price check? It was significant. He just built a field house and an expansive parking lot and expanded their track and field services. All on his dime, to help the community, because he is such a proud alumnus of Foxcroft Academy.

Are we really going to slap him in the face and tell him that we're going to take his business; that is, his flagship store directly in front of the field and house named for him? And we're going to make that store go out of business because we're going to insult the man that's been providing such a service for Piscataquis County for years, on the second or third generation of this business, that we're going to put his business out of business because he can't afford to keep that store without selling tobacco products, because we feel that we need to change the law? When there's absolutely no sign of him selling tobacco to children. As a matter of fact, he's worked with the local police and done all kind of things to curb such things. And I dare to say there's probably more people around the State just like Jim Robinson; that have poured their life into their community and their alma mater and here we are, going to accuse them of doing something illegal, when we know damn well they haven't. Madam Speaker, this bill needs some work. We shouldn't pass this today. Thank you.

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

Representative **MOONEN**: Thank you, Madam Speaker. Madam Speaker, Colleagues of the House, I want to address two points. One is the point about being prospective. This bill does do that. So, although it would affect just one existing business in the State of Maine, it would say that going forward, a tobacco license could not be issued within 300 feet of any school in the State. I think that's a valuable forward-looking approach.

I also want to say that, in reference to all the other stores that have been mentioned by my colleagues across the aisle, I want to reiterate that none of them will be affected by this bill at 300 feet. Not a single one. Like I said, I've heard the feedback, the concern about impact on existing businesses. As for the one in my district, it's not going to go out of business. It's a great store; it sells meats, it has a bakery, it has a deli, it sells produce. And in case you don't know, Madam Speaker, I live in the West End of Portland and there's 9,000 people within a four-block radius. That store is going to have plenty of customers, they're going to be just fine. And I ask you to support the bill. Thank you.

The SPEAKER: The Chair recognizes the Representative from Fryberg, Representative Ness.

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

The SPEAKER: The Member may proceed.

Representative **NESS**: Thank you, Madam Speaker. I just was curious; what area of the school property the 300-foot measurement is based off of? Is it the front entrance of the school or is it the property in general? Thank you, Madam Speaker.

The SPEAKER: The Member has posed a question through the Chair to anyone who wishes to answer. The Chair recognizes the Representative from Portland, Representative Moonen.

Representative **MOONEN**: Thank you, Madam Speaker. I just want it clear that I'm rising to answer questions and not to speak for a third time.

The bill, as drafted, says that it's measured from the front door of the business to the main entrance of the school. So, when we were getting the measurements and all this, we got the list of every school's address from DOE; we got the list of every licensed tobacco retailer from DHHS. When you use mapping software to map that, it's going to give you a property line to property line measurement, but that's not actually how it would be measured in the bill. So, you actually have to add length based on driveways, sidewalks; whatever it is that separates the front door of the business from the main entrance of the school.

There was also some questions at the public hearing and, since then, about whether, you know, a football field or something would count, and it would not. It's the main entrance of the school. Thank you, Madam Speaker.

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

Representative **CYRWAY**: Thank you, Madam Speaker. It was music to my ears saying, wanted to just keep from one person getting addicted. I thought that was great. If that was true, I would probably vote for this, but it sounds like it's directed at one thing. We've got marijuana shops everywhere, we've got alcohol everywhere, but all of a sudden, it's just targeting this one thing. I just don't understand. My goal is that same thing, but I think we really have to open our eyes and see what we're doing to our kids. Thank you, Madam Speaker.

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

Representative **LANIGAN**: Madam Speaker, thank you for allowing me to rise a second time. I just have a couple of questions if I could ask through the Chair?

The SPEAKER: The Member may proceed.

Representative **LANIGAN**: Thank you, Madam Speaker. First question I have is, it is distance of travel by foot, or is it as the crow flies for measurement from the door to the store? And the second question I have is, did the store owner that is not going to be negatively affected testify in favor of this bill or in opposition of this bill. Thank you.

The SPEAKER: The Member has posed questions through the Chair to any Member who wishes to answer. The Chair recognizes the Representative from Portland, Representative Moonen.

Representative **MOONEN**: Thank you, Madam Speaker. I rise to answer both of those questions. The bill calls for the ordinary course of travel, so, it would not be as the crow flies, you would have to use the ordinary course of travel; roads, walking, whatever it is. And then, the owner of the business did not testify in any regard on this bill. Thank you.

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

ROLL CALL NO. 475

YEA - Abdi, Ankeles, Arford, Beck, Bell, Brennan, Bridgeo, Cloutier, Cluchey, Collings, Copeland, Crafts, Craven, Crockett, Dhalac, Dill, Dodge, Doudera, Eaton, Fay, Gattine, Geiger, Gere, Golek, Graham, Gramlich, Hasenfus, Hobbs, Jauch, Kessler, Kuhn, Lajoie, LaRochelle, Lee, Lookner, Malon, Mastraccio, Mathieson, Matlack, Meyer, Millett R, Milliken, Montell, Moonen, Murphy, O'Connell, O'Neil, Osher, Perry A, Pluecker, Rana, Rielly, 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 - Adams, Albert, 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, Haggan, Hall, Henderson, Hepler, Hymes, Jackson, Javner, Landry, Lanigan, Lemelin, Libby, Lyman, Madigan, Mason, Millett H, Moriarty, Morris, Ness, Newman, Nutting, Parry, Paul, Perkins, Perry J, Poirier, Polewarczyk, Pomerleau, Quint, Rudnicki, Sampson, Schmearsal-Burgess, Simmons, Smith, Soboleski, Strout, Swallow, Theriault, Thorne, Underwood, Walker, White J, Wood, Woodsome.

ABSENT - Andrews, Boyle, Galletta, Lavigne, Pringle, Riseman.

Yes, 74; No, 70; Absent, 6; Vacant, 1; Excused, 0.

74 having voted in the affirmative and 70 voted in the negative, 1 vacancy with 6 being absent, and accordingly Report "A" **Ought to Pass as Amended** was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (H-842)** was **READ** by the Clerk.

Representative MOONEN of Portland **PRESENTED House Amendment "A" (H-942) to Committee Amendment "A" (H-842)**, which was **READ** by the Clerk.

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

Representative **MOONEN**: Thank you, Madam Speaker. This amendment simply makes the change from 500 feet to 300 feet, as discussed, which would make it consistent with our law around liquor sales and proximity to schools. Thank you.

Representative JAVNER of Chester **REQUESTED** a roll call on the motion to **ADOPT House Amendment "A" (H-942) to Committee Amendment "A" (H-842)**.

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 Chester, Representative Javner.

Representative **JAVNER**: I apologize, I just want to speak briefly. I'm still in opposition of the bill, simply for the fact of the grandfathering issue; this still does not remove the grandfather, so, it will still be a detriment to the business. Thank you.

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

Representative **QUINT**: Thank you, Madam Speaker. I just had a question. Is there a school definition in Statute? Would this also be home-schooling co-ops that were affected by this?

The SPEAKER: A roll call has been ordered. The pending question before the House is Adoption of House Amendment "A" (H-942) to Committee Amendment "A" (H-842). All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 476

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

NAY - Adams, Albert, Ardell, Babin, Bagshaw, Campbell, Carmichael, Collamore, Costain, Cray, Cyrway, Davis, Drinkwater, Ducharme, Dunphy, Foster, Fredericks, Gifford, Greenwood, Griffin, Guerrette, Haggan, Hall, Hymes, Jackson, Javner, Lemelin, Libby, Lyman, Mason, Millett H, Moriarty, Morris, Newman, Nutting, Parry, Paul, Polewarczyk, Pomerleau, Quint, Rudnicki, Sampson, Schmearsal-Burgess, Simmons, Sinclair, Smith, Soboleski, Strout, Swallow, Theriault, Thorne, Underwood, Walker, White J, Wood.

ABSENT - Andrews, Boyle, Galletta, Lavigne, Pringle, Riseman.

Yes, 89; No, 55; Absent, 6; Vacant, 1; Excused, 0.

89 having voted in the affirmative and 55 voted in the negative, 1 vacancy with 6 being absent, and accordingly **House Amendment "A" (H-942) to Committee Amendment "A" (H-842)** was **ADOPTED**.

Committee Amendment "A" (H-842) as Amended by House Amendment "A" (H-942) thereto was **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-842) as Amended by House Amendment "A" (H-942)** thereto and sent for concurrence.

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

REPORTS OF COMMITTEE

Divided Reports

Majority Report of the Committee on **INNOVATION, DEVELOPMENT, ECONOMIC ADVANCEMENT AND BUSINESS** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-935)** on Bill "An Act Concerning Automotive Right to Repair"

(H.P. 1227) (L.D. 1911)

Signed:

Senators:

CURRY of Waldo
GUERIN of Penobscot
RAFFERTY of York

Representatives:

ROBERTS of South Berwick
COLLAMORE of Pittsfield
CROCKETT of Portland
LANIGAN of Sanford
LaROCHELLE of Augusta
NESS of Fryeburg
SMITH of Palermo
WALKER of Naples
WHITE of Waterville

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "B" (H-936)** on same Bill.

Signed:

Representative:

SAYRE of Kennebunk

READ.

Representative ROBERTS of South Berwick moved that the House **ACCEPT** the Majority **Ought to Pass as Amended** Report.

The same Representative **REQUESTED** that the Clerk **READ** the Committee Report.

The Clerk **READ** the Committee Report in its entirety.

The **SPEAKER**: The Chair recognizes the Representative from South Berwick, Representative Roberts.

Representative **ROBERTS**: Thank you, Madam Speaker. Madam Speaker, there has been a lot of discussion, both in this building and the world in general, about our data; about access to it, use of it and ways to obtain it. This is what the decision before us tonight is truly centered on. It is essential to understand how that data will be used by interested parties to ensure consumers have a legal right to access their data and limit the number of people to whom data is exposed or distributed. We have heard a lot of misinformation about this bill and this amendment, including the fact that the language was not available online until just yesterday. And there is confusion surrounding the issue. This is not an easy topic; it requires a deep dive, which the Good Representative from Pittsfield, myself and other Members started doing the day we read the ballot law.

Since that time, and since the voters made it clear that they want the right to have the repair of their choice have access to the data necessary to repair their car, we have worked to craft a policy that can achieve that goal and still be implemented. Both Reports on this bill address the need for the State to take action to fix the referendum question. Both reports make substantial changes to the language of the existing law for that reason. However, only the Majority Report will ensure the right to repair without added cybersecurity risk, litigation for the State and a risk to Maine drivers of losing vehicle features.

The Majority Report creates a private right of action and an Attorney General enforcement mechanism to ensure that a consumer's repair of choice has access to any information necessary to complete a repair, including telematics. This language maintains cybersecurity protections endorsed by the National Highway Transportation Safety Administration. It also avoids unintended consequences. In Massachusetts, where a version of this law has been tied up in court for four years, two vehicle manufacturers shut off access to their telematic services. You can Google it while I finish.

The compliance risk was simply too great. If we fail to pass the Majority Report, we can expect similar negative consequences in Maine. Conversely, the Minority Report further expands access to data to tool manufacturers, something even the ballot law did not. It also mandates access to vehicle data, including telematics, free and available on demand to tool manufacturers and independent facilities who request it, regardless of whether it is needed for a repair. This raises cybersecurity concerns, including providing access to vehicle GPS data, a telematics feature, to multiple parties, including tool manufacturers who were not on the ballot question and certainly don't complete repairs. In other words, the Minority Report would make a vehicle data more readily accessible to many people, including potentially bad actors like foreign states. We would note that many tool manufacturers are actually based in China, and individuals with an economic interest in consumer behavioral data that can be gleaned from vehicle data.

While the Minority Report does create a study group, we know how those do not always produce results, and the mandated sharing of our data would happen before a regulatory body is placed or the industry develops safeguards. This will almost certainly lead to action by carmakers that will negatively impact Mainers.

In short, the Majority Report before us confines the population of people who can access vehicle data to those individuals who need the data for a repair. The Minority Report opens up that population to tool manufacturers and independent repairs, even those who do not need the information to complete a repair. This complex issue crosses into federal vehicle regulations, major cybersecurity implications, privacy and consumer protection. The IDEA Committee weighed these complex matters, consistently focusing on providing the right to repair and crafting the Majority Report with a 12-1 strong bipartisan Report. I firmly believe passing this Report will tell Mainers that we can pass good laws while still protecting their interests and implementing their will. Thank you, Madam Speaker.

The **SPEAKER**: The Chair recognizes the Representative from Orrington, Representative Campbell.

Representative **CAMPBELL**: Thank you, Madam Speaker. Now that we're approaching 9:00; in the Rules, the House Rules, Rule 501, "business may not be transacted in the House after the hour of 9 p.m." I'm assuming we'll be having a vote to extend before 9?

The same Representative **OBJECTED** to extending session past 9:00 p.m. pursuant to House Rule 501.

Subsequently, by unanimous consent, House Rule 501 was **SUSPENDED** for the purpose of remaining in session past 9:00 p.m.

Representative SAYRE of Kennebunk **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 Kennebunk, Representative Sayre.

Representative **SAYRE**: Thank you, Madam Speaker. I understand I need to address my comments to you. Were I addressing the entire Body, I would be thanking the Body for the indulgence of allowing us to go a little bit late this evening with this issue.

It is true that this was a 12-1 Committee Report. And I think of my father's words to me whenever I found myself in a situation where everyone was out of step but me; that I ought to check my step. And I have. And the issue here is, while it was 12-1 in the Committee, the vote among the people of Maine was a resounding 341,000 to 60,000 in favor of the right to repair, including telematics. And while my colleague and friend from South Berwick was clear in saying that both Reports, the Majority and the Minority Report, recognize things that need to be changed in the bill that was passed by referendum in order to see it find full effect, we differ greatly on how those things need to be changed. And the reason I am urging a vote against the pending motion is because the changes made in the Majority Report take out too much of the bill and reduce the effect of right to repair to a shadow of what the people voted for. It simply does not respect the will of the people.

I will speak to two; and the reason this is so important is that in this State with so limited public transportation, in this State where 42% of households are either below the poverty line or in the category of what's called ALICE; asset-limited, income-constrained and employed; hard-working people who are living at the financial edge having to pay more for an automotive repair can be ruinous. And we are all dependent on our automobiles, the trucks that we use for our work or the cars that get us to and from work. And the point of the right to repair bill is to level the playing field between dealers and car manufacturers and independent repair shops to maintain a robust environment of competition so that prices remain affordable.

The two areas where the Minority and Majority Reports differ have to do with troublesome areas of the referendum bill. One was called the standardized platform, which specified that all the data that related to right to repair had to be put in the possession of this organization called the independent entity, and as the Chair of IDEA Committee pointed out, that created cybersecurity concerns. And the existence of this independent entity not being subject to State Government authority also created concerns. The solution in the Majority Report is to simply remove those two things without replacing them, and that has the impact of taking this game we call right to repair and removing the rule book and removing the referees. And I am not comfortable with that, because it leaves us with right to repair in name only, where the only recourse that a repair shop has is to sue an auto manufacturer if they feel they've been done wrong. And I think that puts small Maine businesses and Maine consumers in a very difficult position relative to the giant corporations that make our cars.

So, the Minority Report does two things instead, Madam Speaker. In place of the standardized platform that raised legitimate privacy concerns, there's a set of rules that lays out the rules of the road for right to repair including telematics, so that there's a level playing field between dealerships in that work, repair shops and independent repair shops. It protects the independent repair shop industry here in Maine, the small

operators, and will keep prices competitive. The second thing it does is create a working group that will oversee the formulation of rules as we roll out the implementation of right to repair. This replaces the independent entity; it sits squarely with government oversight, it is balanced with three representatives from the manufacturer and dealership side of the fence and three from the independent repair shop and tool manufacturer side of the fence.

And I will mention, because tool manufacturers have been raised as if they are suspicious Chinese actors, diagnostic tool manufacturers are included in the bill because they are the manufacturers of the diagnostic tools that are used in the process of right to repair. If info from our vehicles cannot be shared with the makers of those tools, those tools will not be able to read the information that is currently being used. It's a correction to the law that is necessary to reflect the industry as the industry operates today.

And then finally, on the working group that replaces the independent entity, in addition to those six industry actors, there's representation from the Attorney General's office, the Secretary of State's office and a consumer privacy advocate; so that what is done remains sensitive to our data privacy; and a consumer advocate.

So, I urge you to follow my light in voting no on the Majority Report in this measure. Thank you.

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

Representative **COLLAMORE**: Thank you, Madam Speaker. Madam Speaker, I rise in support of the pending motion.

I think it's important to be aware about what 1911 changes and what it keeps the same. The Majority Report, I will tell you first what it keeps the same; your right to repair your vehicle and to bring it to any repair shop you want to. Two; your access to the vehicle's onboard diagnostic systems of all motor vehicles, including the standardization and accessibility of the data to vehicle owners and the independent repair shops. Three; the enforcement of the law by the Attorney General's office. What it changes; it repeals the independent entity that was created in Statute through the referendum. This entity, after being appointed by the AG's office, has no legislative oversight. Even though they have the right to establish and administer access to the vehicle-generated data available on our vehicles, they are directed to identify and adopt relevant standards, monitor and develop policies for the evolving use of data and create policies for compliance; again, without legislative oversight. It is important to note that this entity is not required to have a privacy or consumer protection expert on the entity. It repeals the requirement that manufacturers install a platform on their vehicles that has not yet been invented. It adds the right to bring action against manufacturers if an independent repair shop feels the AG's office did not act in their best interests by bringing a suit. It adds a section on interpretations of the law to ensure that proprietary information and consumers' data is protected. And, lastly, it adds definitions to clarify what a dealer is, what diagnostic and repair information is, what an immobilizer system is, what an independent repair facility is, what a manufacturer is, what a motor vehicle is and what an owner is. Further, it defines and clarifies what is meant by telematics, because that was a very confusing thing and not defined clearly.

Madam Speaker, I think it's also important to note that the official amended language, as we've heard, as with other bills that have come before us, was not available until yesterday. Many of us are hearing from people that have not even had the chance to read the final language of the amendment. Even

today, many of us received a letter from Shawn Moody opposing the changes. I had a great pleasure of speaking with him this evening, and he hadn't seen the amended language. He was relying on the word of a lobbyist that reached out to him. This same lobbyist, Madam Speaker, told me that if I support this bill, I would not be reelected and Republicans would not receive the majority. My bid for reelection was threatened. That is a nasty game being played by the lobbyists out in the halls. They are trying to scare us into compliance, Madam Speaker, and that tells me we are on the right path with making these changes if we are now being brought to that level of opposition. Madam Speaker, it's also important to note that this would not be the first time that this Legislature has had to make changes to laws passed through citizens' initiatives. It has happened multiple times before.

And in conclusion, I would ask that you please vote in favor of this 12-1 Majority Report, so that we can keep the right to repair, have the AG still be able to prosecute and we will ensure that our data is safe. Thank you, Madam Speaker.

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

Representative **WHITE**: Thank you, Madam Speaker, and Members of the House. It's getting late and I wasn't intending to speak, honestly, but I will keep it brief.

I'd like to point out that this bill, or similar to it, which passed in Massachusetts, is still tied up in the courts. I believe it's going on three years. So, if we don't pass this, nobody will win. The consumers will be without anything, it will be tied up in court just as long. The National Highway Traffic Safety Administration said the Massachusetts law poses significant safety concerns and the Maine citizens' initiated bill is very similar to the Massachusetts bill.

So, furthermore, the Majority Report will minimize the safety concern. The federal agency stated that the law's requirement to provide access to vehicle telematics data could allow; could allow a hacker to manipulate steering, acceleration, braking and airbags. This is a major hazard for the motoring public because, as the Highway Traffic Safety Administration said, a malicious actor could utilize that open access to command vehicles to operate dangerously and vehicle crashes, injuries or deaths are foreseeable outcomes.

The Majority Report here would give the voters what they want; the right to repair that is safe, responsible and reasonable. I'd also like to note that not a single repair has been identified that telematics are needed for. Not one that we are aware of. And in the Majority Report, it also states that a repairer would have access to all information necessary to complete a repair, including telematics data when and if needed. Thank you, Madam Speaker.

The SPEAKER: The Chair recognizes the Representative from Fairfield, Representative Rudnicki.

Representative **RUDNICKI**: Thank you, Madam Speaker. I think it's important to keep in mind that the person lobbying so hard against this 12-1 bipartisan Report lives in the Good Representative from Kennebunk's district. Thank you.

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

Representative **CYRWAY**: Thank you, Madam Speaker. The odor that I just smelled is kind of like marijuana, and I think they're just trying to get us so we don't care.

So, I think at this point, I'd like to know, just as a question to the Speaker, if we could get a summary of actually what this bill does, because it seems like; I don't understand. I treat this like going to college when I come here, and I think I've learned a lot, and some good, some not so good, but anyway, I would

like to say that this bill, you know, we were doing well without this bill and now we're arguing this bill and what's it's written in and what it's not, and I get mixed messages from lobbyists, I get mixed messages from the people out there; they have a really misunderstanding, as well of which way it goes, and I think that we're all in awe in this bill, and it's very technical and I'm just worried that we're going to just make a decision because of the smell of the marijuana. Thank you.

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

Representative **NESS**: Thank you, Madam Speaker, and I will attempt to keep my remarks brief. I stand proudly on the bipartisan Majority Report out of the IDEA Committee. And I am in full support of the idea of right to repair. I am somebody that likes to do a lot of my own automotive repair on my own or take it to a garage, and I think that right of the individual needs to be preserved. And I believe that LD 1911 does that.

I think what needs to be understood is that the bill before us sets the policy of the State that we want to pursue right to repair. We want people to be able to take their vehicle and have it repaired at whatever shop they deem is right for them. We don't know exactly the best way to implement that, because we do not want to be wrapped up in litigation like our neighbor in Massachusetts. I personally do not want to see our State cost taxpayer money to fight something that's already being fought while we're working on a bill to preserve right to repair, so people can take their vehicles to wherever they want. I don't think it would be wise to open our State and our taxpayers to that liability. So, this bill before us sets the policy that this is something we're trying to pursue. I do not believe that this issue is going to be a one-Legislature issue. This will be something that is dealt with in time going forward. I think it's a policy that our State needs to embrace and look for the right answers in time. I don't think this is something that we can just one-and-done.

So, I will also just point out, as has already been pointed out, that both reports are Ought to Pass as Amended. So, either way that this bill goes, it will be that we are changing what was voted on in November. I think people went to the polls in November and they saw right to repair, as was marketed across the State, and they said yes, I want to be able to have the right to repair my own vehicle or to be able to take my vehicle wherever I wish, and I fully support that idea. But I don't think they understood all the details of the bill, in many cases. To be honest, I didn't even fully understand all the details of the bill. And I think this bill, 1911, gives us the breadth we need to be able to make those changes and to do them in time by setting the State policy as such. Thank you, Madam Speaker.

The SPEAKER: The Chair recognizes the Representative from Belfast, Representative Dodge.

Representative **DODGE**: Thank you, Madam Speaker, Ladies and Gentlemen of the House. I rise today in support of the Minority Report.

This bill was introduced in the Legislature last session after a deadline, nearly four months after the Maine Automotive Right to Repair Coalition collected almost 80,000 signatures to put the fundamental question of who decides where your automobile can be fixed on the ballot. In November, Mainers voted to ensure that car owners would receive access to their telematic repair and diagnostic information. The LD 1911 Majority Report would strike from Statute the ability for car owners to get direct access and control of their repair and diagnostic information, if I understand what I have heard correctly. This means car manufacturers will have a monopoly on wireless car data and consumers will be forced into their car dealerships for certain

repairs. The cost to repair an automobile at a dealership is higher than the cost for an independent repair shop to fix that same car or truck. That is precisely why Mainers voted to protect their choice on who fixes their car or truck.

Because I am the daughter of an auto mechanic, I believe this is not the time to support giving foreign and out-of-State auto manufacturers a monopoly on car repairs in Maine. Maine voters stated this overwhelmingly last November, and I believe we should reaffirm their wishes today. Thank you, Madam Speaker.

The SPEAKER: The Chair recognizes the Representative from Kennebunk, Representative Sayre.

Representative **SAYRE**: Thank you, Madam Speaker, for allowing me to rise a second time. I'd just like to address a couple of things very quickly.

First off, thank you to my colleague from the dairy capital of Maine for providing an excellent summary of how both Reports differ from the original referendum. I would like to further clarify that what we're deciding here between these two Reports, as the Representative from Fryeburg indicated, is two versions of Ought to Pass as Amended, essentially between what I would regard as a very weakened right to repair and a stronger right to repair. The two differences have to do with; my amendment adopts almost the entirety of the Collamore Amendment. Where they differ is by restoring a definition of the level playing field, the rules by which the car manufacturers must play in sharing data with all repair entities equally and in creating a working group that will oversee the further work that Representative Ness so correctly and accurately said, will be needed.

So, those are really the two differences and those things relating to fear of lawsuits and a letter from federal regulators that indicated that this was not implementable. What the Good Representative from Waterville omitted to say is there was a subsequent letter from the NHTSA that said those fears were no longer a concern of the federal government. Thank you.

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

Representative **COLLAMORE**: Thank you, Madam Speaker. Madam Speaker, I'd like to clear up a couple of items as well. Number one, Madam Speaker, this was not an after-deadline bill, this bill was in our hands at the IDEA Committee in January/February timeframe. We had our first public hearing in the spring of last year on this particular bill.

The other thing that I would like to point out about the federal letter that was indicated by two of the Representatives who stood, is that the second letter that came out said that they were only okay with it if it was Bluetooth, not fully wireless, which is omitted in that protection in the Minority Report.

I think it's also very important to remember, Madam Speaker, that we work really, really hard in our committees to try to get consensus among us. It doesn't always work, but we worked really hard to try to get everyone on board with one Report, so that we could do what was right for the people. And it's okay that we didn't get that, but it does bother me, Madam Speaker, that we might be considering not adopting a 12-1 Report. This is not the first time that this has happened to us in this Body, and it's frustrating because we're saying that the Representative for one district has a stronger voice than the Representatives from the 12 districts that worked so hard together in a bipartisan fashion to pass something that worked for more of the districts being represented out of that Committee than the one. And, Madam Speaker, I really hope that you can support the hard work of this Committee and ensuring that the Majority Report goes through. 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. 477

YEA - Adams, Ankeles, Arata, Ardell, Babin, Bagshaw, Boyer, Bradstreet, Brennan, Campbell, Collamore, Collings, Copeland, Costain, Crafts, Crockett, Davis, Dill, Drinkwater, Ducharme, Eaton, Faulkingham, Foster, Fredericks, Gattine, Gifford, Graham, Greenwood, Griffin, Guerrette, Haggan, Hall, Henderson, Hepler, Hobbs, Hymes, Javner, Lajoie, Landry, Lanigan, LaRochelle, Lemelin, Libby, Lyman, Malon, Mastraccio, Meyer, Millett H, Moonen, Ness, Nutting, Paul, Perkins, Perry A, Perry J, Poirier, Polewarczyk, Quint, Rielly, Roberts, Rudnicki, Russell, Salisbury, Sampson, Sargent, Schmersal-Burgess, Simmons, Smith, Soboleski, Stover, Strout, Swallow, Underwood, Walker, White B, Wood, Woodsome, Worth, Zager.

NAY - Abdi, Albert, Arford, Beck, Bell, Blier, Bridgeo, Carlow, Carmichael, Cloutier, Cluchey, Craven, Cray, Cyrway, Dhalac, Dodge, Doudera, Dunphy, Fay, Geiger, Gere, Golek, Gramlich, Hasenfus, Jackson, Jauch, Kessler, Kuhn, Lee, Lookner, Madigan, Mason, Mathieson, Matlack, Millett R, Milliken, Montell, Moriarty, Morris, Murphy, Newman, O'Connell, O'Neil, Osher, Parry, Pluecker, Pomerleau, Rana, Roeder, Runte, Sachs, Sayre, Shagoury, Shaw, Sheehan, Sinclair, Skold, Supica, Terry, Theriault, Thorne, Warren, White J, Zeigler, Madam Speaker.

ABSENT - Andrews, Boyle, Galletta, Lavigne, Pringle, Riseman.

Yes, 79; No, 65; Absent, 6; Vacant, 1; Excused, 0.

79 having voted in the affirmative and 65 voted in the negative, 1 vacancy with 6 being absent, and accordingly the Majority **Ought to Pass as Amended** Report was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (H-935)** 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-935)** and sent for concurrence.

Majority Report of the Committee on **LABOR AND HOUSING** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-934)** on Bill "An Act to Protect Farm Workers by Allowing Them to Organize for the Purposes of Collective Bargaining"

(H.P. 330) (L.D. 525)

Signed:

Senators:

TIPPING of Penobscot
DAUGHTRY of Cumberland

Representatives:

ROEDER of Bangor
GALLETTA of Durham
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

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. I rise in opposition to the pending motion. We've seen this sort of bill before and we're seeing it again. You know, I realize that the amended version isn't quite as onerous as the original version; however, it is too onerous for me to support. I think if you look at the particulars of it, you'll find that you would agree with that as well. So, I urge the whole Body to vote with me in opposing the pending motion. Thank you, Madam Speaker.

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

Representative **ROEDER**: Thank you, Madam Speaker. Madam Speaker, I just wanted to inform folks about the amendment. The new title of this bill will be "An Act to Enact the Agricultural Employees Concerted Activity Protection Act." Several uses of the word 'Act' in one title; that is something that I would amend if I had the chance.

This bill is just about allowing farm workers concerted activity. And that simply means them talking amongst themselves about working conditions, terms of employment or other matters related to the employment. They can also speak with their employer or their agent about that. They can also speak with third parties about that. Any agricultural employee has a right to refrain from concerted activity, and this is just about those farmers and other agricultural employers not retaliating for concerted activity. 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. 478

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

NAY - Adams, Albert, Arata, Ardell, Babin, Bagshaw, Blier, Boyer, Bradstreet, Campbell, Carlow, Carmichael, Collamore, Costain, Cray, Cyrway, Davis, Dill, Drinkwater, Ducharme, Dunphy, Faulkingham, Foster, Fredericks, Gifford, Greenwood, Griffin, Guerrette, Haggan, Hall, Henderson, Hymes, Jackson, Javner, Landry, Lanigan, 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, Walker, White J, Wood, Woodsome.

ABSENT - Andrews, Boyle, Eaton, Galletta, Lavigne, Mastraccio, Pringle, Riseman, Underwood, Worth.

Yes, 74; No, 66; Absent, 10; Vacant, 1; Excused, 0.

74 having voted in the affirmative and 66 voted in the negative, 1 vacancy with 10 being absent, and accordingly the Majority **Ought to Pass as Amended** Report was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (H-934)** 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-934)** and sent for concurrence.

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

SENATE PAPERS

Resolve, to Fully Fund Nursing Homes (EMERGENCY) (S.P. 1000) (L.D. 2287)

Came from the Senate, **REFERRED** to the Committee on **HEALTH AND HUMAN SERVICES** and ordered printed.

REFERRED to the Committee on **HEALTH AND HUMAN SERVICES** in concurrence.

Bill "An Act to Allow a Member of the Town of Perham Select Board to Facilitate the Election to Vacant Seats on the Select Board and to Approve and Sign Disbursement Warrants" (EMERGENCY)

(S.P. 1001) (L.D. 2288)

Committee on **STATE AND LOCAL GOVERNMENT** suggested and ordered printed.

Came from the Senate, under suspension of the rules and **WITHOUT REFERENCE** to a Committee, the Bill **READ TWICE** and **PASSED TO BE ENGROSSED**.

Under suspension of the rules and **WITHOUT REFERENCE** to a Committee, the Bill was **READ TWICE** and **PASSED TO BE ENGROSSED** in concurrence.

CONSENT CALENDAR

First Day

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

(H.P. 1452) (L.D. 2262) Bill "An Act to Amend the Process for the Sale of Foreclosed Properties Due to Nonpayment of Taxes" Committee on **TAXATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-939)**

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

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

PETITIONS, BILLS AND RESOLVES REQUIRING REFERENCE

**Pursuant to Statute
Revisor of Statutes**

Representative MOONEN for the **Revisor of Statutes** pursuant to the Maine Revised Statutes, Title 1, section 94 asks leave to report that the accompanying Bill "An Act to Correct Inconsistencies, Conflicts and Errors in the Laws of Maine" (EMERGENCY)

(H.P. 1478) (L.D. 2290)

Be **REFERRED** to the Committee on **JUDICIARY** and printed pursuant to Joint Rule 218.

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

The Bill was **REFERRED** to the Committee on **JUDICIARY** and ordered printed pursuant to Joint Rule 218.

Sent for concurrence.

ENACTORS

Emergency Measure

An Act Regarding the Transportation of Hazardous Materials by Railroad Companies

(H.P. 1245) (L.D. 1937)

(C. "A" H-912)

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. 106 voted in favor of the same and 0 against, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

Emergency Measure

Resolve, to Direct the Governor's Energy Office to Conduct a Study Regarding the Future of Electric Transmission Infrastructure in the State

(H.P. 1413) (L.D. 2205)

(C. "A" H-909)

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. 102 voted in favor of the same and 27 against, and accordingly the Resolve was **FINALLY PASSED**, signed by the Speaker and sent to the Senate.

Emergency Measure

Resolve, Regarding Legislative Review of Chapter 255: Workers' Compensation Fronting Companies, a Late-filed Major Substantive Rule of the Department of Professional and Financial Regulation, Bureau of Insurance

(H.P. 1432) (L.D. 2233)

(C. "A" H-907)

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. 107 voted in favor of the same and 1 against, and accordingly the Resolve was **FINALLY PASSED**, signed by the Speaker and sent to the Senate.

Acts

An Act to Add the State of Maine to the Compact for Licensing Physician Assistants

(H.P. 1305) (L.D. 2043)

(C. "A" H-908)

An Act to Implement Recommendations Resulting from the State Government Evaluation Act Review of the Department of Professional and Financial Regulation

(H.P. 1454) (L.D. 2265)

(C. "A" H-906)

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.

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

ENACTORS

Acts

An Act to Require Health Insurance Carriers to Provide Coverage for Blood Testing for Perfluoroalkyl and Polyfluoroalkyl Substances

(S.P. 71) (L.D. 132)

(C. "A" S-654)

Was 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 Study Pathways for Creating a Psilocybin Services Program in Maine

(S.P. 774) (L.D. 1914)

(C. "A" S-658)

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

CONSENT CALENDAR

First Day

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

(S.P. 590) (L.D. 1471) Bill "An Act to Amend Provisions of the Maine Metallic Mineral Mining Act" Committee on **ENVIRONMENT AND NATURAL RESOURCES** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-662)**

(S.P. 870) (L.D. 2069) Bill "An Act to Amend the Ownership Disclosure Requirements for Applicants for Liquor Licenses and Certificates of Approval" Committee on **VETERANS AND LEGAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-663)**

(S.P. 930) (L.D. 2191) Bill "An Act to Provide Relief to Small Businesses Affected by Severe Weather-related Events" (EMERGENCY) Committee on **INNOVATION, DEVELOPMENT, ECONOMIC ADVANCEMENT AND BUSINESS** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-661)**

(S.P. 935) (L.D. 2199) Bill "An Act to Ensure Subsidy Reimbursements and Emergency Financial Assistance for Certain Child Care Providers" Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-666)**

(S.P. 960) (L.D. 2240) Bill "An Act to Implement Protections Against Deed Fraud" Committee on **JUDICIARY** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-672)**

(S.P. 990) (L.D. 2274) Bill "An Act to Implement the Recommendations of the Gagetown Harmful Chemical Study Commission and to Reestablish the Gagetown Harmful Chemical Study Commission" (EMERGENCY) Committee on **VETERANS AND LEGAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-660)**

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

There being no objection, the Senate Papers were **PASSED TO BE ENGROSSED as Amended** in concurrence.

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

ENACTORS

Constitutional Amendment

RESOLUTION, Proposing an Amendment to the Constitution of Maine to Protect Reproductive Autonomy (S.P. 339) (L.D. 780) (C. "A" S-617)

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

Representative FAULKINGHAM of Winter Harbor **REQUESTED** a roll call on **FINAL 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 Final Passage. All those in favor will vote yes, those opposed will vote no.

This being a Constitutional Amendment, a two-thirds vote of the House being necessary, a total was taken.

ROLL CALL NO. 479

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

NAY - Adams, Albert, 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, Haggan, Hall, Henderson, Hymes, Jackson, Javner, Lanigan, 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, Walker, White B, White J, Wood, Woodsome.

ABSENT - Andrews, Boyle, Eaton, Galletta, Lavigne, Mastraccio, Pringle, Riseman, Underwood, Worth.

Yes, 75; No, 65; Absent, 10; Vacant, 1; Excused, 0.

75 having voted in the affirmative and 65 voted in the negative, 1 vacancy with 10 being absent, and accordingly the Resolution **FAILED FINAL PASSAGE** and was sent to the Senate.

Emergency Measure

Resolve, Directing the Department of Education to Establish the Commission to Study School Construction Policy and Funding

(H.P. 1476) (L.D. 2285)

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

Representative TERRY of Gorham **REQUESTED** a roll call on **FINAL 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 Final Passage. All those in favor will vote yes, those opposed will vote no.

This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken.

ROLL CALL NO. 480

YEA - Abdi, Ankeles, Arata, Arford, Beck, Bell, Blier, Bradstreet, Brennan, Bridgeo, Carlow, Cloutier, Cluchey, Collings, Copeland, Crafts, Craven, Cray, Crockett, Dhalac, Dill, Dodge, Doudera, Drinkwater, Faulkingham, Fay, Gattine, Geiger, Gere, Golek, Graham, Gramlich, Hasenfus, Hepler, Hobbs, Jauch, Javner, Kessler, Kuhn, Lajoie, Landry, LaRochelle, Lee, Lookner, Lyman, Madigan, Malon, Mason, Mathieson, Matlack, Meyer, Millett H, Millett R, Milliken, Montell, Moonen, Moriarty, Murphy, Ness, O'Connell, O'Neil, Osher, Parry, Perry A, Perry J, Pluecker, Polewarczyk, Rana, Rielly, Roberts, Roeder, Runte, Russell, Sachs, Salisbury, Sampson, Sargent, Sayre, Shagoury, Shaw, Sheehan, Simmons, Sinclair, Skold, Stover, Strout, Supica, Terry, Warren, White B, Zager, Zeigler, Madam Speaker.

NAY - Adams, Albert, Ardell, Babin, Bagshaw, Boyer, Campbell, Carmichael, Collamore, Costain, Cyrway, Davis, Ducharme, Dunphy, Foster, Fredericks, Gifford, Greenwood, Griffin, Guerrette, Haggan, Hall, Henderson, Hymes, Jackson, Lanigan, Lemelin, Libby, Morris, Newman, Nutting, Paul, Perkins, Poirier, Pomerleau, Quint, Rudnicki, Schmursal-Burgess, Smith, Soboleski, Swallow, Theriault, Thorne, Walker, White J, Wood, Woodsome.

ABSENT - Andrews, Boyle, Eaton, Galletta, Lavigne, Mastraccio, Pringle, Riseman, Underwood, Worth.

Yes, 93; No, 47; Absent, 10; Vacant, 1; Excused, 0. 93 having voted in the affirmative and 47 voted in the negative, 1 vacancy with 10 being absent, and accordingly the Resolve **FAILED FINAL PASSAGE** and was sent to the Senate.

Resolves

Resolve, Directing the Maine Education Policy Research Institute to Review Certain Components of General Purpose Aid for Local Schools and the Essential Programs and Services Funding Formula

(H.P. 1477) (L.D. 2286)

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

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

An Act Regarding the Criminal Jurisdiction of Tribal Courts and to Extend the Time for the Penobscot Nation to Certify Its Agreement to Public Law 2023, Chapter 369

(H.P. 1287) (L.D. 2007)

(C. "A" H-910)

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

On motion of Representative POIRIER of Skowhegan, was **SET ASIDE**.

The same Representative **REQUESTED** a roll call on **PASSAGE TO BE ENACTED**.

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 Hampden, Representative Haggan.

Representative **HAGGAN**: Thank you, Madam Speaker, Men and Women of the House. Except as provided in Subsections 3 and 4 of this bill, the Passamaquoddy and Penobscot Tribes will have the right to exercise exclusive jurisdiction, separate and distinct from the State of Maine, over the following criminal offenses committed within each of those territories by an adult member of any federal recognized Indian Tribe, Nation, Band or other group. The language here is very vague and can be interpreted many ways in law courts.

Class C felonies, Class D and E crimes in Titles 15, 17, 17-A, 19-A and 29-A, that are not committed against a person or the property of a person; and Class C, D and E crimes committed against a person who is a member of any federally recognized Indian Tribe, Nation, Band or other group; or against the property of a person who is a member of any federally recognized Indian Tribe, Nation, Band or other group. The District Court of Maine will have no jurisdiction if this bill passes, unless the Tribes offer it on all three of those classes of crimes. The State of Maine would have no say and no ability to try persons that are Tribal for crimes on Native land. Juvenile crimes against a person or property involving conduct that, if committed by an adult, would fall within the exclusive jurisdiction of the Tribes under Paragraph A and juvenile crimes as defined in Title 15, Section 3103, subsection 1, paragraphs B and C, committed by a juvenile member of the Passamaquoddy Tribe, the Houlton Band of Maliseet Indians, Mi'kmaq Nation and Penobscot Nation within the Passamaquoddy Indian territory would have exclusive jurisdiction of the Tribal Courts. State of Maine District Courts would have no say and no ability. Are the above-mentioned crimes against non-Tribal members also, and why do they enjoy exclusive jurisdiction over the State of Maine District Court?

Once again, this is way too vague and open to interpretation in this bill. In dealing with the above jurisdictions, an interesting phenomenon is created through this bill where we have a Tribal government entity where a person, who is not Tribal in some circumstances of Class D and E crimes, has no ability to ever become a Tribal citizen and can be prosecuted in some circumstances by that Tribal entity. If a Maine citizen were to move to New York, for example, and be prosecuted for a particular crime, that Maine citizen would have the right to eventually move to that state and participate in New York government and perhaps have the ability to overturn a law that they deemed not fair or what have you. In this case, that can never happen. I would argue that this scenario created by this bill tips the scales of justice in an unfair way, where we are, in essence, creating a 51st state that is sovereign over the other 50, with no recourse to the 50. The Supreme Court has never talked about this, this brand-new territory for the United States of America in our approximate 250-year history. Also, the jury

pool, we learned from the Penobscot judge; where does it come from? The pool is non-Native employees on the Reservation and Natives. State system is not observed. So, the Penobscot County regular District Court pool would not be observed.

Then we start with Section B-2. On the surface, this is about water. Safe water seems like a common-sense thing to have. The Safe Water Act language here does not create the same parity with the Penobscot Tribe to that of the Passamaquoddy issues discussed last year with the water quality from Cutler, Maine, to the Reservation and on to Eastport. These are two different, completely different issues. In B-2, the regulation for drinking water by Penobscot Nation on specific drinking-water-related issues in this section are extremely vague and open to a great deal of interpretation. This lack of precision is unacceptable in the language of this section of the bill. Concurrent jurisdiction with the State of Maine will go away and the Penobscot Nation will achieve exclusive jurisdiction on this matter. When the Tribe feels that lands not on Indian territory affect water coming into the territory, they will have the possible authority to bring in the federal EPA and to intervene and outweigh the State. This will render the State of Maine legally helpless on its own lands and territories to determine water quality going forward.

I might also remind you that the State of Maine is a leader of air and water quality regulations in the entire United States of America. We are the standard for high quality. This will render the State of Maine legally helpless on its own lands and territories to determine water quality going into the Reservation or the Tribal territories. At this point, Penobscot Tribe then becomes, like we said earlier, a 51st state, and will have more than equal status than Maine in determining what is right on Maine lands and territories.

The Penobscot Nation can be the 51st state under the Safe Drinking Water Act. This bill, if this thing goes forward, can never be reversed. The only way that it would be reversed if all of the tribes agreed to do that. This bill here is not ready for primetime. It came way too quick. It is extremely detailed and complicated and I would urge you to not pass this version at this time. Thank you.

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

ROLL CALL NO. 481

YEA - Abdi, Ankeles, Arford, Beck, Bell, Brennan, Bridgeo, Cloutier, Cluchey, Collamore, Collings, Copeland, Crafts, Craven, Crockett, 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 R, Milliken, Montell, Moonen, Moriarty, Murphy, Newman, O'Connell, O'Neil, Osher, Perry A, Perry J, Pluecker, Rana, Rielly, Roberts, Roeder, Runte, Russell, Sachs, Salisbury, Sargent, Sayre, Shagoury, Shaw, Sheehan, Sinclair, Skold, Stover, Supica, Terry, Warren, White B, Zager, Zeigler, Madam Speaker.

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

ABSENT - Andrews, Boyle, Costain, Eaton, Galletta, Lavigne, Mastraccio, Pringle, Riseman, Underwood, Worth. Yes, 78; No, 61; Absent, 11; Vacant, 1; Excused, 0.

78 having voted in the affirmative and 61 voted in the negative, 1 vacancy with 11 being absent, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

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

The SPEAKER: The Chair would like to advise Members that we have finished our business for the day. I want to thank each and every one of you for hanging in there, for your patience, a very long day, for being attentive, for staying, for doing some hard work.

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

Representative **THORNE**: 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 Member may proceed.

Representative **THORNE**: Thank you. Today is National Former Prisoner of War Recognition Day. As we all go home or to a hotel and get into our warm bed and relax, I want you to remember that today, National Former Prisoner of War Recognition Day on April 9th, honors the courageous men and women who endured brutal treatment at the hands of their captors. As a result, they've also suffered separation from family and displayed incredible endurance and faith during their captivity. On this day in 1942, the largest number of U.S. forces were captured by Japanese troops in the Bataan Peninsula of the Philippines. After battling through extreme conditions and prolonged battles, they captured troops. There were thousands and thousands of them that were forced to march 65 miles to the prison camp. Without medical attention, food or water, thousands died. If a prisoner fell, they were shot on the spot. If they stumbled and fell down, they were shot on the spot; no chance to get up. No food, no water, no rations. The mistreatment continued for those who survived the brutal journey. In the compounds, deep in the unfamiliar jungle, the hardships, brutality and suffering lasted for more than two years for those that survived. It's better known as the Bataan Death March. Madam Speaker, God bless all these warriors who endured restrictive captivity for the sake of our unrestricted freedoms. Thank you.

The SPEAKER: The Chair recognizes the Representative from Kennebunk, Representative Sayre.

Representative **SAYRE**: 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 Member may proceed.

Representative **SAYRE**: Thank you. With great thanks to the Member who preceded me for bringing back the memories of my childhood and hearing the stories from a survivor of the Bataan Death March; a troubling, chilling and educational experience for all of us in our community. Something that now one can only read about in the library.

And in that spirit, I would like to announce that this is National Library Week. Literacy not only opens the door to life-long opportunities and economic success, but also fosters critical thinking, empowers individuals to make informed decisions, promotes better health outcomes, enhances social interaction and contributes to personal growth and fulfillment. School libraries make a huge difference in giving kids the skills and inspiration to become proficient and enthusiastic readers. Public libraries provide all Maine citizens equitable access to information and educational resources in a place that welcomes everyone. Academic libraries support students and researchers that drive innovation in our State. So, please join me in supporting and protecting our constitutional right to read and supporting the work of academic, school and public libraries throughout the State who serve all of our constituents every day. Thank you.

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

Representative **SALISBURY**: Thank you Madam Speaker. 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 Member may proceed.

Representative **SALISBURY**: I would like to share with you a letter that I received on my desk today. "Hi. My name is CJ Maudy. My pronouns are she/her and I'm 11 years old. I live in your district and I would like to bring up the big issue of animal rights. It causes pain to countless animals around the world. Abuse is also happening to animals because people don't know the difference between a something and a someone. I have volunteered at shelters and I want to help all animals. Can I count on your support to tell more people in the State House and help protect animals? Love, CJ."

On motion of Representative CLOUTIER of Lewiston, the House adjourned at 10:21 p.m., until 10:00 a.m., Wednesday, April 10, 2024, in honor and lasting tribute to Jeanne Bagshaw Raymond of Lewiston.