

MAINE STATE LEGISLATURE

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ONE HUNDRED THIRTY-FIRST LEGISLATURE
SECOND REGULAR SESSION
36th Legislative Day
Wednesday, April 10, 2024

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

Prayer by Pastor Greg Huston, Calvary Chapel Belfast.

National Anthem by Nathan Henderson, Rumford.

Pledge of Allegiance.

Medical Provider of the Day, Sarah Greven-Chaousis, PA-C, Falmouth.

The Journal of yesterday was read and approved.

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

SENATE PAPERS

The following Joint Order: (S.P. 937)

ORDERED, the House concurring, that a proposed committee amendment by the sponsor of a bill or resolve prepared as a concept draft pursuant to Joint Rule 208 and printed as an L.D. must be filed by the sponsor of that L.D. and posted online on the Legislature's website at least one business day before the committee hearing on that L.D.

Came from the Senate, **READ** and **REFERRED** to the Joint Select Committee on **JOINT RULES**.

READ and **REFERRED** to the Joint Select Committee on **JOINT RULES** in concurrence.

Non-Concurrent Matter

Bill "An Act to Address Chronic Understaffing of State Government Positions" (EMERGENCY)

(H.P. 1345) (L.D. 2121)

PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-913) in the House on April 3, 2024.

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-913) AND SENATE AMENDMENT "A" (S-676)** in **NON-CONCURRENCE**.

The House voted to **RECEDE AND CONCUR**.

COMMUNICATIONS

The Following Communication: (H.C. 472)

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

April 9, 2024

The 131st Legislature of the State of Maine

State House

Augusta, Maine

Dear Honorable Members of the 131st Legislature:

By the authority vested in me by Article IV, Part Third, Section 2 of the Constitution of the State of Maine, I am hereby vetoing L.D. 2246, *An Act to Establish a Minimum Value Threshold for the Class C Crime of Theft by a Repeat Offender*.

L.D. 2246 would substantially amend Maine's Theft statute for the first time since 2002. The current statute sets out tiers based on the value of the theft and allows – but does not require – any third theft offense to be charged as a felony. L.D. 2246 would allow the third or subsequent theft to be charged as a felony only if the value of the theft is \$500 or more.

Last fall, the Department of Public Safety released its annual "Crime in Maine - 2022" report that catalogued incidents reported to police departments across the state for the year. One note of concern in that report was the uptick from 2021 to 2022 in the number of reported thefts, particularly those categorized as "shoplifting" and "other larcenies". A December 2023 report by *Forbes* on the "*Impact of Theft on Small Businesses and States*" ranked Maine the third worst in the nation for the prevalence and impact of retail theft (behind Washington State and Washington D.C.). Moreover, within the past several months, there have been several news stories about local businesses suffering from theft. This is a serious problem in Maine and L.D. 2246 will do nothing to help. In fact, it's arguable that it will make it worse.

Among New England states there is only one that does not currently have a criminal statute that permits consideration of a prior conviction in charging subsequent offenses as a felony. That state, Vermont, recently advanced a stricter retail theft bill through their House of Representatives in response to an increase in retail thefts there. Rhode Island permits a second shoplifting offense to be charged as a felony if that second offense is for a theft of \$100 or more. Massachusetts, Connecticut, and New Hampshire all permit a third theft to be charged as a felony, without regard to the value. L.D. 2246 would make Maine an outlier among New England states.

I recognize the desire to ensure that those who engage in petty crimes are not punished excessively or in a manner that is not commensurate to the crime. The Criminal Law Advisory Commission (CLAC) submitted a short letter (after the public hearing date) to point out that only felony offenses are eligible for probation. Imposing probationary terms can be a critical tool for addressing and are eligible for probation. Imposing probationary terms can be a critical tool for addressing and correcting a pattern of unlawful behavior. Limiting the ability of prosecutors to charge a third theft as a felony – and undermining the ability of the courts to impose terms of probation on a person who is committing repeated offenses – will take away an important tool to hold people accountable.

Finally, this bill was printed on March 5 and a public hearing was held on March 7, limiting the ability of many to have their voices heard. Since enactment, I have heard from Maine-based retailers upset at this proposed change who fear their losses will only grow if this bill becomes law. If we are going to make changes to our criminal code, there should be broad input from those impacted and a thorough review by CLAC before moving ahead.

For these reasons I am returning L.D. 2246 unsigned and vetoed.

Sincerely,

S/Janet T. Mills

Governor

READ and ORDERED PLACED ON FILE.

The accompanying item An Act to Establish a Minimum Value Threshold for the Class C Crime of Theft by a Repeat Offender

(H.P. 1442) (L.D. 2246)
(C. "A" H-846)

After reconsideration, the House proceeded to vote on the question, 'Shall this Bill become a law notwithstanding the objections of the Governor?' A roll call was taken.

The SPEAKER: The pending question before the House is 'Shall this Bill become a law notwithstanding the objections of the Governor?' All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 482V

YEA - Ankeles, Arford, Beck, Bell, Brennan, Cloutier, Cluchey, Collings, Copeland, Crafts, Crockett, Dodge, Doudera, Eaton, Gattine, Geiger, Gere, Golek, Graham, Gramlich, Hasenfus, Hobbs, Jauch, Kessler, Kuhn, Lajoie, Lee, Madigan, Malon, Mathieson, Matlack, Millett R, Milliken, Montell, Moonen, Moriarty, Murphy, Osher, Perry A, Perry J, Pluecker, Roberts, Roeder, Runte, Russell, Sachs, Salisbury, Sayre, Shagoury, Sheehan, Sinclair, Skold, Supica, Terry, Warren, White B, Worth, Zager, Madam Speaker.

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

ABSENT - Abdi, Boyle, Bridgeo, Dhalac, Galletta, Lanigan, LaRochelle, Lookner, O'Neil, Rana, Riseman, Walker, Woodsome, Zeigler.

Yes, 59; No, 77; Absent, 14; Vacant, 1; Excused, 0.

59 having voted in the affirmative and 77 voted in the negative, 1 vacancy with 14 being absent, and accordingly the Veto was **SUSTAINED**.

The Following Communication: (S.C. 1076)

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

April 9, 2024
Honorable Rachel Talbot Ross
Speaker of the House
2 State House Station
Augusta, ME 04333-0002

Dear Speaker Talbot Ross:

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

Upon the recommendation of the Committee on Education and Cultural Affairs:

- Cedar Breeze Worster of Harrison for appointment, to the State Board of Education.

Upon the recommendation of the Committee on Labor and Housing:

- Abraham Furth of Old Town for appointment, to the State Workforce Board,

- Adria O. Horn of Pittston for reappointment, to the State Workforce Board,
- Alexander Rodman Rogers of Manchester for reappointment, to the State Workforce Board,
- Vaughan Woodruff of Pittsfield for reappointment, to the State Workforce Board.

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

READ and ORDERED PLACED ON FILE.

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

ORDERS

On motion of Representative SAMPSON of Alfred, the following Joint Order: (H.P. 1479)

ORDERED, the Senate concurring, that the Joint Standing Committee on Health and Human Services shall report out, to the House, a bill prohibiting the State from ceding authority over public health policies to any multinational entity.

READ.

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

Representative **SAMPSON**: Thank you, Madam Speaker, Ladies and Gentlemen of the House. I ask you, will we allow the World Health Organization to strip Maine's self-determination? The harsh reality is, neither you nor I, or any Mainer, as a matter of fact, have been consulted about this sinister agenda. There has been a quiet and stealthy plan underway that will do just that. Did you consent to it? I know I didn't.

This past March, the World Health Organization, or the WHO, revealed a clearer version of their intentions. In a month and a half, in May, the WHO's member states will take critical votes where the WHO will seek to expand its authority from an advisory role to directly impacting nations' public health policies. These health policies will be binding to Maine and to every other state unless we make a clear declaration they have no authority. We are on a precipice right now. This is a last minute and short notice, but it is of concern, and that is why I'm bringing this to your attention.

There are two proposed treaties in question, the WHO Pandemic Treaty and the International Health Regulations, whose amendments pose a significant threat to our self-determination, freedoms and individual liberties. I am not making this up. You can check out the World Health Organization's own website. I have provided each and every one of you with the links and some of the vast amounts of information. But please consider what I am sharing. I'm asking us, as we get close to adjournment, to stand together for the sake of our State's rights. We cannot permit any international entity to usurp their authority over our public health policies.

I have just a few of many more points of concern about the World Health Organization's agenda. Number one, the bio hub and pathogenic access and benefit sharing system is paramount. The WHO wants bio labs in every country in the world, with pathogens collected and information posted which must be online, including its genetic sequencing. The World Health Organization bio hub network would be the holder and controller of a library of potential pandemic pathogens, which could also be termed as biological warfare agents if deliberately released or developed through gain-of-function research.

A pathogen access and benefit sharing system that the WHO has created will require for every nation to contribute biological warfare agents and, if the pharmaceutical companies use them to create drugs, that nation will receive royalties. The World Health Organization is encouraging nations to develop genetic sequencing labs. Does anyone see a problem with this? Is it just me? What about the high risks of lab leaks? Did you know that over 200 lab leaks occur every year and are reported to the CDC regarding selected agents studied in the U.S. alone?

The Pandemic Treaty will enforce 24/7 demands that the nation sequence and immediately upload the sequence to publicly accessible databases, making them accessible to the WHO, and also send samples to the WHO as soon as they get them. This is their access and benefit sharing system. It's not just for pandemic times, it's for all times. The WHO must receive samples of viruses and bacterium; these are biological pathogens; and genetically sequence them and publicly post them online. It just begs the question, could hackers download the sequence and make an organism? Does anyone else see a problem? But the justification is this; it is to get sequences of pathogens, so, we can get drugs and vaccines as fast as possible. Well, that sounds great, but don't we have a history of seeing lab leaks? Viruses and pathogens have escaped from labs, so, how can this be safe? The World Health Organization Director General will then handpick gain-of-function research World Health Organization scientists who will supervise this research. Are you feeling safer? This is gain of function, people. The gain-of-function research which President Obama made illegal in the United States, but the World Health Organization intends to have this going on on an international level. Remember, there were over 200 lab leaks in the United States and they want this in every nation. Don't take my word for it, verify this for yourself.

Now, another interesting point is that the federal NDAA preauthorization put in place the framework for this. It is in place now and Congress passed this in 2023. We would surrender our national and State rights to self-determination. But here, folks, I want you to hear me here; the beginning phases of this total transformation is supposed to be adopted May 27th of this year. That is in a month and a half. The World Health Organization, led by Director-General Dr. Tadros Ghebreyesus, with the strong support of the Biden administration, is finalizing agreements that would allow Tadros to dictate global public health policies. These two interconnecting treaties, the Pandemic Treaty and the International Health Regulation Treaty, are already in existence and they do not need to be further ratified by the Senate. As a matter of fact, I found out that the Senate doesn't have to ratify treaties. These accords would oblige the United States and 195 other nation-states to submit to whatever the World Health Organization Director-General deems to be an actual or potential public health emergency of international concern. They must also carry out whatever he determines is the appropriate response. Additionally, such public health emergency can and will include perceived emergencies other than pandemics, which would be including climate change, immigration, gun control or even potential emergencies involving plants, animals or the ecosystem. The result would be supplanting of our representative form of limited government and its role in safeguarding public health, including under our Constitution, the State's role, responsible for such matters.

Now, I want you to know that action is being taken around the country in other states; they're just becoming aware of this and they're claiming their own authority and saying no to the international entities and declaring they have no authority in their

state. Louisiana just passed unanimously and the Senate passed a Resolution. I sent all of you a sample Resolution that we could use here in Maine. And they said they rejected the World Health Organization, the United Nations and the World Economic Forum for having jurisdiction in their state. Florida has already taken action, Kentucky and Tennessee are currently about to submit Resolutions, and there are other states that are just starting to find out about this because keep in mind this all started to come together in March, just last month.

So, we can do the same thing here in Maine; that is why I'm bringing this forward, bringing it to your attention, bypassing the typical process that some people object to. I have already submitted the samples to you, you can see it for yourself, and inaction will have a devastating effect, not least of which would be precluding Mainers and Americans from being able to make potentially life-and-death decisions with their own doctors. We still have time to prevent such outcomes. We may not be able to stop the completion and approval of the two agreements now being secretly finalized by the World Health Organization, its stakeholders and its member nations, but we can make sure that we, in this State, are out of that agreement. We can protect ourselves. Please allow this Joint Order to pass so we can quickly end this risk here in Maine. Thank you.

Representative TERRY of Gorham **REQUESTED** a roll call on **PASSAGE**.

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

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

Representative **GREENWOOD**: Thank you, Madam Speaker. Madam Speaker, I rise to thank the Good Representative from Alfred for bringing this forward. I know we're not allowed to use props, but I would encourage the membership before we vote to go to your legislative email. It was received in my email Tuesday at 1:40 p.m., that'll try to make it easy to find; but she included links, she included language, there's some important information in here that I would encourage Members to read so that we can have our own safety under our own control. Thank you, Madam Speaker.

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

ROLL CALL NO. 483

YEA - Adams, Albert, Andrews, 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, Lavigne, Lemelin, Libby, Lyman, Mason, Millett H, Morris, Ness, Newman, Nutting, Parry, Paul, Perkins, Poirier, Polewarczyk, Pomerleau, Quint, Rudnicki, Sampson, Schmersal-Burgess, Simmons, Smith, Soboleski, Strout, Swallow, Theriault, Thorne, Underwood, White J, Wood, Woodsome.

NAY - Ankeles, Arford, Beck, Bell, Brennan, Cloutier, Cluchey, Collings, Copeland, Crafts, Craven, Crockett, Dill, Dodge, Doudera, Eaton, Fay, Gattine, Geiger, Gere, Golek, Graham, Gramlich, Hasenfus, Hobbs, Jauch, Kessler, Kuhn, Lajoie, Landry, 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, Pringle, 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.

ABSENT - Abdi, Arata, Boyle, Bridgeo, Dhalac, Galletta, Hepler, Lanigan, LaRochelle, Rana, Riseman, Walker.
Yes, 64; No, 74; Absent, 12; Vacant, 1; Excused, 0.

64 having voted in the affirmative and 74 voted in the negative, 1 vacancy with 12 being absent, and accordingly the Joint Order **FAILED PASSAGE**.

SPECIAL SENTIMENT CALENDAR

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

Recognizing:

Brandon and Brayon Nguyen, of Bangor, students at Bangor High School, who were named one of three Grand Award winners at the 2024 Maine State Science Fair and will represent Maine at the 2024 International Science and Engineering Fair to be held in Los Angeles, California. We extend our congratulations and best wishes;

(HLS 981)

Presented by Representative ROEDER of Bangor.
Cosponsored by Senator BALDACCI of Penobscot, Representative PERRY of Bangor, Representative RANA of Bangor, Representative SUPICA of Bangor.

On **OBJECTION** of Representative ROEDER of Bangor, was **REMOVED** from the Special Sentiment Calendar.

READ.

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

Representative **ROEDER**: Thank you, Madam Speaker. Madam Speaker, today I am proud to recognize these two students from Bangor High School. And earlier when we met them, I was standing in the midst of scientific greatness.

I am so honored to recognize my constituents Brayon and Brandon Nguyen, along with their parents, Vanessa and Kevin Nguyen, and the head of the Science Department at Bangor High School, Barbara Stewart. Brayon and Brandon are Grand Award winners of the 2024 Maine State Science Fair for their project "Hydroelectric Hydroponics: Plant Growth Analysis and Energy Conservation in Nutrient Film Technique Hydroponics." For all of the Members of the House here, I think I'm united in saying we don't know what that is and we're really grateful to have such smart students in our State. I know that these two young students will go far. I'm looking forward to recognizing them in the State House again, as I'm sure this is only the beginning of a long career in science and research. So, my congratulations to them both.

I also want to recognize the other grand Award Winners of the Maine State Science Fair who are in the Gallery as well; Joshua Andrew Placides of Oceanside High School won an award for his project titled "Influence of phage transduction on antimicrobial resistance properties of ESKAPEE bacteria," and Aurora Milton of Cape Elizabeth High School who won and award for her project titled "Biotextile Fabrication." All of these brilliant students will represent Maine at the Regeneron International Science and Engineering Fair this May in Los Angeles. So, Madam Speaker, I hope you will join me in congratulating them today and wishing them luck as they represent our great State next month.

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

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

Representative **SAYRE**: Madam Speaker, I wanted to recognize a constituent in the Gallery today; the winner of Miss Teen Maine USA, Abbey Hafer. She's a freshman student at Kennebunk High School, where she is a three-sport varsity athlete in field hockey, indoor track and field and outdoor track and field. She is also a professional model and SAG-AFTRA actress who has been working since age seven. She is passionate about understanding adolescent and teen friendship dynamics and communication and using her platform as Miss Maine Teen USA to mentor young girls and persuade them to join team sports and other groups that encourage positive community. Thank you.

REPORTS OF COMMITTEE

Ought to Pass Pursuant to Joint Order

Report of the **Joint Standing Committee on Innovation, Development, Economic Advancement and Business** on Resolve, to Establish an Automotive Right to Repair Working Group

(S.P. 1002) (L.D. 2289)

Reporting **Ought to Pass** pursuant to Joint Order 2023, S.P. 978.

Came from the Senate with the Report **READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED**.

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** in concurrence.

Divided Reports

Majority Report of the Committee on **ENVIRONMENT AND NATURAL RESOURCES** reporting **Ought Not to Pass** on Bill "An Act to Support Farming in Maine by Extending the Deadline for Manufacturers of Products Containing Perfluoroalkyl and Polyfluoroalkyl Substances to Report on Those Products"

(S.P. 796) (L.D. 1960)

Signed:

Senators:

BRENNER of Cumberland
CARNEY of Cumberland

Representatives:

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

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (S-629)** on same Bill.

Signed:

Senator:

LYFORD of Penobscot

Representatives:

CAMPBELL of Orrington
SCHMERSAL-BURGESS of Mexico
SOBOLESKI of Phillips
WOODSOME of Waterboro

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

READ.

On motion of Representative GRAMLICH of Old Orchard Beach, 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 to Pass as Amended by Committee Amendment "A" (S-667)** on Bill "An Act Requiring Health Care Providers to Engage in Fair Practices When Selling Medical Debt"

(S.P. 908) (L.D. 2115)

Signed:

Senators:

BAILEY of York
BRAKEY of Androscoggin
RENY of Lincoln

Representatives:

PERRY of Calais
CLUCHEY of Bowdoinham
CYRWAY of Albion
MASTRACCIO of Sanford
MATHIESON of Kittery
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 "B" (S-668)** on same Bill.

Signed:

Representative:

ARFORD of Brunswick

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-667)**.

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" (S-667)** 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-667)** in concurrence.

On motion of Representative FAULKINGHAM of Winter Harbor, the House **RECONSIDERED** its action whereby the House voted to **ACCEPT** the Majority **Ought Not to Pass** Report on Bill "An Act to Support Farming in Maine by Extending the Deadline for Manufacturers of Products Containing Perfluoroalkyl and Polyfluoroalkyl Substances to Report on Those Products"

(S.P. 796) (L.D. 1960)

The same Representative **REQUESTED** a roll call on the motion to **ACCEPT** the Majority **Ought Not to Pass** Report.

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

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

Representative **CAMPBELL**: Thank you, Madam Speaker, Men and Women of the House. This is a bill that, as you read the title, "An Act to Support Farming in Maine," and essentially extend the deadline of the reporting of PFAS for farmers' products. It's an interesting bill because we've been working on recording content of PFAS for the last couple of legislative sessions and one of the sectors that was overlooked was agriculture, and specifically pesticides.

Now, being in these Committees, you learn a little bit, so, in terms of these pesticides, generally 10-15 gallons of water and there's an additive of the pesticide material which is either an ounce or an ounce and a half. So, all we're trying to do here with this is to add agriculture into a multiple list of already exempted sectors of our manufacturing products. So, I would really like to consider this; this was, again, a bill to help the farmers from the President of the other Body, and I think it's unfair that we haven't included the farmers in this exemption, so, I would hope that we would consider Ought to Pass on this issue. Thank you, Madam Speaker.

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

Representative **HALL**: Thank you, Madam Speaker. I rise opposed to the motion on the Floor. The comments that the Representative from Orrington just made were absolutely correct. This bill is to support the farmers and it simply puts the agriculture into the bill that was passed to us previously on the floor. When he spoke about the amount of pesticide that's actually used, he's right spot on, it's sometimes; most pesticides are 2-4 ounces for 25-50 gallons of water that's put on. This won't make any effect on my farm, as we've been organic certified for over 22 years now, but it will make a huge effect to the 5,000-plus conventional farmers in the State of Maine that occasionally use pesticides. Many of the large crop use herbicides and pesticides, so, that's why I feel that this is so important that this would be voted down. Thank you.

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

Representative **LYMAN**: Thank you, Madam Speaker, and Members of the House. I just wanted to share part of the Maine Farm Bureau's testimony in which they supported this bill, as well as the amendment by the Maine Potato Farmers. This is testimony on behalf of the Maine Farm Bureau. It is proud to represent farmers and landowners from all of the State since 1951. "Our organization advocates for agriculture landowners and the rural way of life that Maine is so well known for. There is no question that farmers and landowners have been at the forefront of the PFAS quagmire the State finds itself in. Scores of farms have been impacted by sludge-spreading policies that were promoted for decades by the State. The farms that were the genesis of this conversation should be on the forefront of our minds as we help them navigate through the remediation of their

soils and waters. Our members have been following ACF's efforts as they work towards allocating monies designated by the State for remediation and cleanup. The Maine Farm Bureau is appreciative and supportive of the State's efforts to create a remediation program to help farms with what seems to be like an impossible task.

"When this Committee passed the world's first PFAS-in-products ban in 2021, everyone knew it was the opening act in a saga that would no doubt be ongoing for years. While no one on either side of the horseshoe wants the release of toxic substances into the ground or drinking water, it remains a fact that PFAS chemicals are part of what enables modern life and elements of the farming industry. Industry is working to move towards more sustainable compounds that are degradable and effective, but for now, agriculture needs consistency and predictability as we move towards that future. The bill before you would add an exemption in the PFAS in products that would allow for this transition to happen over time and within reason. By adding this very narrow exception in the law for agriculture, it will allow farmers to chart a pest management strategy that will be effective for their crops. Over-reliance on one kind of pest management strategy can lead to pests becoming resilient and cause danger to the food supply.

"The Maine Farm Bureau understands that this Committee has been diligently working for the past few years to create a PFAS-in-products program that is fast-moving and cuts the core of the problem. While we appreciate the intentions, we do believe that this exemption is imperative to ensuring Maine's food supply is protected and farmers can have confidence in their pest management plans going into the future. As we all work towards a safe and healthy future for our families, we hope this Committee will vote Ought to Pass on this bill. We believe it will give the farming community the leverage they need to work towards a sustainable future." Thank you.

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

Representative **GRAMLICH**: Thank you, Madam Speaker. Madam Speaker, Colleagues of the House, I rise in support of the pending motion, Ought Not to Pass, for LD 1960.

We in this Legislature have been working hard to address PFAS for the past three legislative sessions, since I got elected in 2018, ever since this issue of these forever chemicals first came to our attention after learning about the terrible story of Fred Stone and the devastating loss of his dairy farm in Arundel due to PFAS exposure. We knew we had to get to this issue, if possible, from the source, Madam Speaker, and collectively, we in the Legislature have worked to do just that; to turn off the PFAS tap. This bill obstructs these efforts to remove PFAS from our water, our soil, our crops and our livestock and, importantly, our bodies.

The Committee on Agriculture, Conservation and Forestry have been working on this very issue with the Maine Board of Pesticide Control for quite some time, with that Board putting significant resources into the rulemaking resulting from that legislative work. Within these rules, the pesticide industry has already provided information about the presence of intentionally added PFAS in its products to the Board of Pesticide Control. The current laws regulating PFAS pesticides in Maine are measured and responsive to the concerns of the pesticide industry. Pesticide manufacturers who wish to sell their products in Maine must register with the Board of Pesticide Control and disclose whatever PFAS is intentionally added to the product formulation. The pesticide industry can likewise easily comply with the provision of 38 MRSA, Section 1614, requiring disclosure of PFAS ingredients. Pesticide

manufacturers know exactly what they are putting in their products and they are already reporting that information to the Board. This is not a situation involving complex manufacturing processes and extended supply chains. All the information requested by the State is already in the hands of pesticide manufacturers.

Madam Speaker, Mainers have the right to know about what we're being exposed to. We know these chemicals are accumulating in our bodies and leading to kidney cancer, liver disease, thyroid disorders, autoimmune disorders of the digestive system and immune system impacts on children. We also know that Mainers are supportive of the work that has been done to protect our food system in Maine. Undermining these laws undermines confidence and, ultimately, the market for our locally produced food. As we work hard and spend 10s of millions of dollars to clean up our Maine farms from PFAS contamination and try to figure out how to help farmers who have lost their livelihoods and are suffering from the health effects of this contamination, it does not make any sense that we would want to continue to allow PFAS-containing pesticides to be used on Maine farms. Maine has committed more than \$100 million to address PFAS contamination issues on our farms, public water systems and residential wells. Allowing further contamination will just increase public health costs and increase our tax burden for the decades-long cleanup initiatives.

Maine is doing a solid and sensible job phasing out products with intentionally added PFAS that are directly used on our bodies and come into contact with our food. It only makes sense, Madam Speaker, to include chemicals used in food production in the group of products with bans that go into effect in the near term. Please support the Majority Ought Not to Pass on LD 1960. Thank you, Madam Speaker.

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

Representative **CAMPBELL**: Thank you, Madam Speaker. Just to put it in perspective, I was here before when we learned about the farmer in York County that had his farm, his milk and his business destroyed because of the PFAS content in the soil. Where did that come from? That came from the State of Maine allowing sludge to be spread on that property. That sludge had a significant amount of PFAS. Now, in this particular case, all we're talking about is either an ounce or an ounce and a half in 10-15 gallons of water. And what it does is it prevents the bugs from eating the plant. And my question of anybody who had any information on it was, how much of that ounce or ounce and a half is PFAS? No one could answer that question.

This affects our food, but, Madam Speaker, not as much as portrayed by the previous speaker. It helps stop the bugs from eating into our food chain. It's a long way from a bug on a plant to a potato underground. So, I would highly recommend that we defeat this motion and allow the farmers to be treated the same as other sectors in the bill that came. They were overlooked and they would like to be treated as others who have been exempt. Thank you, Madam Speaker.

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

Representative **PLUECKER**: Thank you, Madam Speaker. I just want to be clear; just today, EPA came out saying that they are coming out with new MCLs, maximum contaminant levels, for PFAS in water. It's measured in parts per trillion. This is an extremely small quantity of PFAS that does permanent harm to you, your body, your family, your soil, your food.

And when we talk about exemptions for industry, I agree, we need to support our farmers, but the way to support our farmers is by looking back to the manufacturers of these pesticides and saying, no, we expect you to do better, we expect you to clean up your act and take the PFAS out of the system and out of the products you are selling to our farmers. Yes, our farmers need good products, clean products that produce a quality product and we expect them to go there. And with this bill we are doing it right, so, this bill has the; our current law has been in effect since 2021; we haven't lost any products due to BPC regulations; this bill will not ban any products until; if we pass LD 1537 as currently written, they will not ban any products until 2032. So, we still have years to work on this, years to say our expectations as a State to the manufacturers are to clean up their act and, simultaneously, to support our farmers, which we are doing. We've put together the PFAS Support Fund in the Department of Agriculture, Conservation and Forestry. As the Representative from Old Orchard Beach said, we've spent 10s of millions of dollars supporting our farmers. That's how we need to do it; we need to support our farmers and tell the manufacturers clean up your act. And we're going to go that way and we're going to be successful. Thank you, Madam Speaker.

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

ROLL CALL NO. 484

YEA - Ankeles, Arford, Beck, Bell, Brennan, Bridgeo, Carlow, Cloutier, Cluchey, Collings, Copeland, Crafts, Craven, Crockett, Dill, Dodge, Doudera, Eaton, Fay, Gattine, Geiger, Gere, Golek, Graham, Gramlich, Hasenfus, Hepler, Hobbs, Jauch, Kessler, Kuhn, 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, Pringle, 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, Andrews, Arata, Ardell, Babin, Bagshaw, Blier, Boyer, Bradstreet, Campbell, 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, Lavigne, Lemelin, Libby, Lyman, Mason, Millett H, Morris, Ness, Newman, Nutting, Parry, Paul, Perkins, Poirier, Polewarczyk, Pomerleau, Quint, Rudnicki, Sampson, Schmersal-Burgess, Simmons, Smith, Soboleski, Strout, Swallow, Theriault, Thorne, Underwood, Walker, White J, Wood, Woodsome.

ABSENT - Abdi, Boyle, Dhalac, Galletta, Rana, Riseman.
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 Not to Pass** Report was **ACCEPTED** in concurrence.

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

Majority Report of the Committee on **JUDICIARY** reporting **Ought Not to Pass** on Resolve, to Allow Ireland Farms, Inc. to Sue the State

(S.P. 939) (L.D. 2202)

Signed:

Senators:

CARNEY of Cumberland
BAILEY of York

Representatives:

MOONEN of Portland
BECK of South Portland
KUHN of Falmouth
LEE of Auburn
SHEEHAN of Biddeford

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (S-675)** on same Resolve.

Signed:

Senator:

BRAKEY of Androscoggin

Representatives:

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

Representative DANA of the Passamaquoddy Tribe - of the House - supports the Minority **Ought to Pass as Amended by Committee Amendment "A" (S-675)** Report.

Came from the Senate with the Minority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-675)**.

READ.

Representative MOONEN of Portland moved that the House **ACCEPT** the Majority **Ought Not to Pass** Report.

The same Representative **REQUESTED** a roll call on his motion to **ACCEPT** the Majority **Ought Not to Pass** Report.

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

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

Representative **MOONEN**: Thank you, Madam Speaker. Madam Speaker, Colleagues of the House, this is a kind of bill that does not appear in front of us very often, but when this kind of bill does appear in front of us, it's always interesting. This is a bill that would authorize someone to sue the State. And so, I thought a little bit of context about why such a bill might appear in front of us would be helpful.

Generally speaking, the State and its political subdivisions are immune from lawsuits. In Statute, we have made a number of exceptions to that immunity. Very briefly, some of those include negligence; when presumably a State employee is negligent in maintenance or use of a motor vehicle, an aircraft, a watercraft, a snowmobile, other machinery and equipment; if there's negligence in the construction, operation or maintenance of a public building; if there are sudden and accidental discharge of pollutants and if there's negligence in acts occurring during the performance of construction, street cleaning or repair, *et cetera*.

The other way that we make exceptions is if the Legislature chooses to make an exception. So, that is why this bill is before us now. When such a bill comes before us, we need to think very carefully about whether or not we should authorize

someone to sue the State, because if they win and collect damages, it is ultimately the taxpayers of Maine, our constituents, who will pay those damages. So, there needs to be a really strong and compelling proof that the State's actions were so egregious that we should waive immunity and put our taxpayers on the hook for damages.

So, in this particular situation, it involves a farm. In the fall of 2023, the Department of Agriculture, Conservation and Forestry received multiple requests from Larry Ireland of Ireland Farms. He requested that they reject his seed crop post-harvest from the Department's certified seed program. Ireland Farms requested that they exercise their authority to reject this crop because of pervasive blackleg rot, which was likely caused by what is called *Dickeya* and/or *Pectobacterium*. The Department reviewed its authority under Chapter 252, Rules Governing Certification of Seed Potatoes, and the Department found that it had no legal authority to comply with Ireland Farms' request.

The Department's Certified Seed Program has a mission of monitoring diseases that have the potential to adversely affect the Maine potato industry; this program is not a fee-for-service program operated for the benefit of individual producers. And there are three points where DACF gets involved in the life of a seed potato: Number one is with import permitting. So, if someone is importing their seed from out of state, a visual inspection is supposed to happen, and the question that we will discuss with this bill is what are the implications of an inspection that didn't happen. Following the import permitting, there's supposed to be a field inspection and then, finally, there's supposed to be a post-harvest inspection.

So, for context, during the height of COVID, many government functions stopped due to concerns about contagion and spread from person to person. And so, some of these import inspections did stop during COVID time. Now, the incident related to this bill did happen in the spring of 2023. I think there's a viable argument that that was post-COVID. The Department's response to that is they are still dealing with staffing shortages that everyone, all employers, are dealing with, both generally and in the aftermath of COVID.

So, in this instance, the import inspection did not happen. However, it's important to understand that under the Department's authority, they have no authority to do anything, to initiate any regulatory action upon the import inspection. So, yes, it is true that an import inspection did not happen in this case, but even if it had, the Department would have not been able to do anything about it.

Then there was the field inspection, which was conducted according to protocol. There is a formal appeal process as a result of the field inspection; Ireland Farms did not pursue this formal appeal process. There's also post-harvest testing. The post-harvest testing looks for a number of diseases, including potato leafroll virus, potato virus, potato spindle tuber viroid, bacterial ring rot and root-knot nematode. The Department also conducted testing for *Dickeya* and *Pectobacterium* at the request of this farmer. The latter two tests were positive, but they provided no basis for State action, because there are no rules for post-harvest tolerance of *Dickeya*.

So, I think there's a number of issues here. Mr. Ireland and Ireland Farms are correct that the importing inspection did not happen, but when the field inspection happened, they did not pursue all avenues for relief. They were given the harvest test results that were conducted at the University of Maine lab in September of that year. Confirmation of those test results came a little later from the State lab, but it's safe to say that the farm should've known based on the University of Maine lab's results what was happening. The farmer certainly has a claim against

the out-of-state entity that sold him the bad seed, he should pursue that. But at the end of the day, the question here, for me, is; was the Department's actions so egregious that we should waive immunity and give this farm the ability to sue the State and put taxpayers on the hook for damages? Based on what I have heard about this process; based on the fact that, although the import inspection did not happen, the Department would not have had authority to do anything about it; based on the farm not pursuing all other available avenues of relief, I am convinced that we have not seen this issue reach the threshold that would make me feel comfortable saying we should put taxpayers on the hook for these damages. And that's why I support the Ought Not to Pass motion. Thank you, Madam Speaker.

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

Representative **POIRIER**: Thank you very much, Madam Speaker. Passing this bill would allow Ireland Farms to sue the State for damages in the amount not to exceed \$400,000. It's important to note here that it's not our job to examine all the evidence or try the case. Our job is to determine if Mr. Ireland's request to sue the State is reasonably justified, and I believe that the State of Maine did not fulfill their obligations, causing a great loss to Ireland Farms.

Ireland Farms does grow seed potatoes to provide to numerous potato farmers throughout Maine. He purchases and imports the seed from out of state. He pays a \$1,000 fee to the State of Maine to have permission to import and to have the product inspected upon arrival; within a few days, normally. Here lies the start of the problem and negligence on the part of the State. The Department of Agriculture failed to perform the initial inspection. Mind you, the one that he paid for. A representative of the Department actually told the Judiciary Committee that COVID halted those inspections, even though the inspections are performed outside and, Madam Speaker, the Department is still not performing those inspections to this day, okay, because of COVID.

Let's fast-forward a little bit to when Mr. Ireland recognized some signs of the blackleg bacterium in his crops. He alerted the Department of his concerns and he was told the weather's been wet, wait for it to dry, it'll probably get better; which is not in their guidelines through the Department, okay? Months later, two inspectors did show up and tested for blackleg. Those results came back; 10-12% of the crop was positive for blackleg, but there was nothing the Department could do about it at that time. Mr. Ireland actually requested a copy of the report and the Department did not initially provide it for him. He actually had to get a lawyer to have that report provided to him. And it's actually Mr. Ireland that requested the University of Maine test and they found that it was over the threshold allowable under our Statutes. The Department continued to fail in its duties to reject the batch of seed. To this day, Mr. Ireland cannot claim his loss through insurance, because even though blackleg was there and the State even knew it, they still haven't rejected it and he's out over a half million dollars.

Mr. Ireland is a man of great; actually, the highest integrity of a person that I've had see me in the Committee. He would not sell this bad seed to his customers. He had to go through vigorous cleaning to be able to even sell these potatoes to companies as produce, which is a fraction of the profit he would've received being able to sell it for seed. Madam Speaker, the State failed Ireland Farms. The State failed its obligation to inspect, and that's where this started. It's not up to us to decide whether this case would be favorable for Mr. Ireland or if the State would prevail. It is up to us to recognize that the

State did fail its obligations that Mr. Ireland paid for and give him his day in court, Madam Speaker. Thank you very much.

The SPEAKER: The Chair recognizes the Representative from Cumberland, Representative Moriarty.

Representative **MORIARTY**: Thank you, Madam Speaker, and good morning, Fellow Members of the House. It's my difficult job not to repeat the comments made by the two predecessors, the esteemed co-Chair of Judiciary, and my friend, the Representative from Skowhegan. We have a limited issue before us, which deals with legislative discretion, but as the Representative from Skowhegan indicated, it's all based upon an underlying set of facts.

Larry Ireland is a potato farmer in Presque Isle with a farm of 130 acres in size, which in turn supports additional acreage, totaling 3,000. We don't know if that's directly adjacent or located somewhere more remote. He imports seed potato from out of state routinely, and in the spring of 2023, imported a load from Montana. Parenthetically, the Department of Agriculture, by its own rules, requires that imported potatoes must be inspected upon the time of delivery. Those rules, as my co-Chair indicated, were suspended; were not followed by the Department at the time of COVID, presumably in the spring of 2020. The delivery took place on April 5, 2023, long after COVID had ceased to be a significant public health factor. Interestingly, at our hearings in March and February, the Department acknowledged that it still has not resumed the program of inspection required by its own rules. So, the potatoes were delivered on time, notification to the State was given, the fee was paid to the State for the inspection that was not done and Mr. Ireland proceeded on with the processing and planting of the potatoes.

There's a second aspect of the State's failure to act properly in this case, and that arises from a required field inspection of his crop and the reporting of test results. The data provided to us at the hearing was that on August 1st of last year, a field sample was tested and four of the five tests were positive for the disease blackleg and/or the two types of bacterium that cause that disease, known either as *Dickeya* or *Pectobacterium*. The results of those alarming tests were not communicated to Mr. Ireland until about Thanksgiving time, last November. He had no knowledge in the interim months of what the results were. The result was that he sustained a loss somewhere higher than \$500,000, we don't know exactly where. So, there's no question about the State failed him in two critical respects by failing to perform its required duties.

We as the Judiciary Committee do not sit in the capacity of a jury. We don't take testimony under oath, we don't hear all the witnesses involved in the case and we don't decide who's right and wrong and whether a duty was breached. Our job is simply to listen to this application for a waiver of the State's immunity from suit. These come rarely. This was the first one we received this year. There was one in the first session of the current Legislature, which we rejected last spring.

My view of the situation is that the facts underlying this claim are sufficiently compelling to justify our discretionary decision to waive our immunity and give Mr. Ireland his deserved day in court. I do not state to you that he will have an easy row to hoe, so to speak; it's going to be a challenge for him. The question is whether he is to be given a chance to prove his case and to prove his entitlement to some damages. Even if he were to receive the full allotment of damages provided in the State Tort Claims Act, he still will not be made whole. He will still be far short of the total amount of damages he sustained. I am in the minority of a very closely divided Committee Report for the

purpose of supporting his right to make his case before a jury of his peers and to state his claim for damages. Thank you.

The SPEAKER: The Chair recognizes the Representative from Old Town, Representative Dill.

Representative **DILL**: Thank you, Madam Speaker. Madam Speaker and Colleagues of the House, you've heard a lot of information thrown at you here today, and there was a problem in the field and we're not going to try to argue if it was *Pectobacterium*, which causes blackleg, or if it was *Dickeya*, which causes blackleg-like symptoms, or other things. I'm not going to say it was the Department's fault, I'm not going to say it was the grower's fault. However, what it appears that happened was that, when the Department went into that field to inspect the field as they are supposed to do, they certified that field as saleable as certified seed. At the end, when it was harvested, at that point in time; so, what I'm hearing from everybody, it was determined through the University, perhaps, that there was 12, 15, whatever the percentage was of *Dickeya* in that seed lot. At that time, he tried to find out what to do, tried to get the Department to, you know, tell the folks that the seed was no good or whatever he tried to do.

The bottom line was, he did the right thing. It was certified seed; he could've turned around and sold that seed to the whole State of Maine or whatever, because it was certified by the State. He did not do that, which I commend him for not doing. He, in turn, ended up having to sell it as, I think, processing through one of the companies up in Aroostook County. And by doing that, he lost about two-thirds of the value of that crop. So, as you've heard from my colleague over here, he lost over \$500,000. Now, can he sue the Montana seed producer that he got his from? Yeah, probably. I think that, you know, the State probably has some liability here, only in that they certified the crop when maybe they shouldn't have. Thank you.

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

Representative **MOONEN**: Thank you, Madam Speaker, Colleagues of the House. I'm going to respond to a couple things that have been said. I just want to let everyone know that the certified seed program is now fully staffed, which is different from what we heard at the public hearing, I acknowledge that; but it is now fully staffed and they are resuming inspections.

I want to respond to the comment that the results were not known until November. I don't think that's quite right. Again, the farmer was given the UMaine lab results in September, and then the State lab confirmed those results, double-verifying them, in November, but he knew the results in September.

Finally, the Representative from Old Town is absolutely correct that the seed was certified. Again, that is because the Department does not have the authority to reject the crop based on *Dickeya* or *Pectobacterium*. If we want to change that, let's change it. We can do a bill, we can direct them to adopt rules and this problem will not happen again, but I don't see how we can hold the Department responsible for not doing something when they don't have the authority to do it. Thank you, Madam Speaker.

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

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

The SPEAKER: The Member may proceed.

Representative **PERRY**: Thank you, Madam Speaker. I heard during this debate that this gentleman could not collect crop insurance and I didn't hear a reason why, but it sounded like it was connected to the State somehow. So, if anyone can

tell me why he could not collect crop insurance, I'd be interested in knowing.

The SPEAKER: The Member has posed a question through the Chair to anyone who wishes to answer. The Chair recognizes the Representative from Skowhegan, Representative Poirier.

Representative POIRIER: Thank you, Madam Speaker. I can answer that question. The reason why Mr. Ireland was not able to claim the damages in loss under his insurance is because that it requires a rejection from the State that was never done and, to this day, still has not been done.

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

Representative PLUECKER: Thank you, Madam Speaker. I just want to be clear; to me, this is a question about policy. Do we test for *Dickeya* when we're looking at seed certification? No. Should we? I think, based on this conversation, we probably should. But because they do not, does not mean that they should now be liable for a policy that we never enacted, that there is no rule backing that up. And so, at this point, I think we are arguing that we should change the policy, we should change the rule, but that does not mean that this suit should go forward. Thank you, Madam Speaker.

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

ROLL CALL NO. 485

YEA - Ankeles, Arford, Beck, Bell, Brennan, Bridgeo, Cloutier, Cluchey, Copeland, Crafts, Craven, Crockett, Dodge, Doudera, Fay, Gattine, Geiger, Gere, Golek, Graham, Gramlich, Hepler, Hobbs, Jauch, Kessler, Kuhn, LaRochelle, Lee, Lookner, Madigan, Malon, Mastraccio, Mathieson, Matlack, Meyer, Millett R, Montell, Moonen, Murphy, O'Neil, Osher, Pluecker, Rielly, Roberts, Roeder, Runte, Sachs, Salisbury, Sargent, Shagoury, Shaw, Sheehan, Skold, Stover, Supica, Terry, Warren, Zager, Zeigler, Madam Speaker.

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

ABSENT - Abdi, Boyle, Dhalac, Galletta, Rana, Riseman. Yes, 60; No, 84; Absent, 6; Vacant, 1; Excused, 0.

60 having voted in the affirmative and 84 voted in the negative, 1 vacancy with 6 being absent, and accordingly the Majority **Ought Not to Pass** Report was **NOT ACCEPTED**.

Subsequently, on motion of Representative MOONEN of Portland, the Minority **Ought to Pass as Amended** Report was **ACCEPTED**.

The Resolve was **READ ONCE. Committee Amendment "A" (S-675)** was **READ** by the Clerk and **ADOPTED**.

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 as Amended by Committee Amendment "A" (S-675)** in concurrence.

Majority Report of the Committee on **JUDICIARY** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-674)** on Bill "An Act to Implement the Recommendations of the Maine Commission on Indigent Legal Services" (S.P. 949) (L.D. 2219)

Signed:

Senators:

CARNEY of Cumberland
BAILEY of York
BRAKEY of Androscoggin

Representatives:

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

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

Signed:

Representative:

HENDERSON of Rumford

Representative DANA of the Passamaquoddy Tribe - of the House - supports the Majority **Ought to Pass as Amended by Committee Amendment "A" (S-674)** Report.

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-674)**.

READ.

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

The Bill was **READ ONCE. Committee Amendment "A" (S-674)** 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-674)** in concurrence.

Majority Report of the Committee on **LABOR AND HOUSING** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-665)** on Bill "An Act Regarding Overtime Protections for Certain Maine Workers" (S.P. 230) (L.D. 513)

Signed:

Senator:

TIPPING of Penobscot

Representatives:

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

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

Signed:

Senator:

POULIOT of Kennebec

Representatives:

BRADSTREET of Vassalboro

DRINKWATER of Milford

SOBOLESKI of Phillips

Came from the Senate with the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-665)**.

READ.

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

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

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

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

Representative **BRADSTREET**: Thank you, Madam Speaker, Ladies and Gentlemen of the House. I rise in opposition to the pending motion. This bill would establish in Maine a threshold of \$55,068 for salaried employees, well above the current threshold, which is in the mid-40s. Any salary below this level would require that workers be paid in overtime rates, which at first sounds good. However, many employees will soon find themselves working at an hourly rate, burdened with much paperwork and have less in career opportunities. That's not good.

We should also note that the federal government is currently working on a national salary threshold, targeted around \$60,000. So, for a year or so, Maine would be right around the federal threshold. However, Maine figures will adjust every January, since it is tied to the minimum wage, which adjusts every year, soon driving Maine's threshold to well above the federal rate, causing Maine to be an outlier compared to almost every other state.

Currently, only five states, including Maine, have a salary threshold other than the federal amount. This is something job creators will certainly look at when they decide where to put their job-creating investment dollars. Right now, Maine ranks 43rd in the capital investment and we need to do much better than that. Now, on the one hand, the State is trying to promote economic development, while on the other hand, we're entertaining proposals like this. These two are not compatible. So, if we as a Body do want to see robust economic growth in our State, which would help everyone, we need to defeat this bill. Thank you, Madam Speaker.

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

Representative **MALON**: Thank you, Madam Speaker. I rise in support of the pending motion. This bill is simple in concept and is meant to provide basic fairness to workers who work in an executive, administrative or professional capacity and must earn at least \$55,000 annually, or the annualized rate under the federal Fair Labor Standards Act, whichever is higher. And it provides for an annual increase just to ensure that these workers receive the kind of unemployment benefits that they are entitled to.

The federal government, as my good friend from Vassalboro noted, is working on their own rule to provide fairness on this issue, and this bill and the Report out of the Committee, the Majority Report, really will mirror what the current Administration is trying to do. So, I would encourage my colleagues to support the pending motion, that's it.

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

Representative **DRINKWATER**: Thank you, Madam Speaker. Madam Speaker, what matrix do we use to judge that we overburden employers to where our economy is slowing down? I'm thinking just a week or so ago that the Nine Dragons Mill in Rumford announced the layoff of 100 people. When do we know that we've overregulated our employers and there's a problem?

Maine is only one of six states that adopts a salary threshold higher than the federal level. Unlike Maine, nearly every state in the nation follows the federal rule. Maine employers are preparing for substantial new costs associated with our Paid Family and Medical Leave Law and other new workplace regulations. LD 513 will just add more to the cost of employing workers in Maine, raise prices for customers and make Maine less competitive with other New England states.

The proposed federal rules also include indexing the threshold every three years, but LD 513 calls for indexing every year and putting Maine employers out of sync with more costs. Employers would now be caught between two sets of rules that must be complied with. We are concerned that LD 513 is jumping ahead and guessing what the U.S. Department will do later this spring, and final rules concerning the salary threshold of payments of overtime, and that LD 513 will unjustifiably impose extra cost on Maine employers.

Forty-two associations have asked us to vote no. Here's just a few of them: Maine Auto Dealers Association, Maine Bankers Association, Maine Credit Union League, NFIV, Maine State Chamber of Commerce, Retail Lumber Dealers Association of Maine, Ski Maine Association, Hospitality Maine, Maine Beverage, Maine Energy Markets, Maine Job Council, the Maine Motor Transport Association.

We don't even know yet what these rules will require, so, let's find out first before pushing extra cost onto Maine employers. Thank you, Madam Speaker.

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

Representative **ROEDER**: Thank you, Madam Speaker. Madam Speaker, I hear the commentary about the fact that the federal government is moving in the direction that this bill would provide for, but it's been six years that this decision has been, quote-unquote, imminent. I don't think Maine workers can wait that long.

An anecdote. When I first moved to Maine, I moved to Maine for a job as a Director of a department in a not-for-profit. I was a Director. My position required a graduate degree, which I had. My position paid me \$33,000 a year. Too often, we see these phony promotions happening in order to exempt people from our laws and it's a way to get around what we have, the protections that we have. And we know that we need to increase those protections, we need to increase that threshold, because so many Maine workers are being denied the overtime that they have earned. 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. 486

YEA - Ankeles, Arford, Beck, Bell, Brennan, Bridgeo, Cloutier, Cluchey, Collings, Copeland, Crafts, Craven, Crockett, 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, Pringle, Rielly, Roberts, Roeder, Runte, Russell, Sachs, Salisbury, Sargent, Sayre, Shagoury, Shaw, Sheehan, Skold, Stover, Supica, Terry, 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, Drinkwater, Ducharme, Dunphy, Faulkingham, Foster, Fredericks, Gifford, Greenwood, Griffin, Guerrette, Haggan, Hall, Henderson, Hymes, Jackson, Javner, Lanigan, Lavigne, Lemelin, Libby, Lyman, Mason, Millett H, Morris, Ness, Newman, Nutting, Parry, Paul, Perkins, Poirier, Polewarczyk, Pomerleau, Quint, Rudnicki, Sampson, Schmersal-Burgess, Simmons, Smith, Soboleski, Strout, Swallow, Theriault, Thorne, Underwood, Walker, White J, Wood, Woodsome.

ABSENT - Abdi, Boyle, Dhalac, Galletta, Rana, Riseman, Sinclair.

Yes, 76; No, 67; Absent, 7; Vacant, 1; Excused, 0.

76 having voted in the affirmative and 67 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-665)** 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-665)** in concurrence.

Majority Report of the Committee on **STATE AND LOCAL GOVERNMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-621)** on Bill "An Act to Prohibit State Contracts with Companies Owned or Operated by the Government of the People's Republic of China"

(S.P. 374) (L.D. 877)

Signed:

Senators:

NANGLE of Cumberland
LYFORD of Penobscot

Representatives:

STOVER of Boothbay
GREENWOOD of Wales
POMERLEAU of Standish
RISEMAN of Harrison
UNDERWOOD of Presque Isle

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

Signed:

Representatives:

COPELAND of Saco
SINCLAIR of Bath

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-621)**.

READ.

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

The Bill was **READ ONCE**. **Committee Amendment "A" (S-621)** 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-621)** in concurrence.

Majority Report of the Committee on **VETERANS AND LEGAL AFFAIRS** reporting **Ought Not to Pass** on Bill "An Act to Provide for the Direct Shipment of Spirits to Consumers"

(S.P. 682) (L.D. 1695)

Signed:

Senators:

BRENNER of Cumberland
TIMBERLAKE of Androscoggin

Representatives:

SUPICA of Bangor
MALON of Biddeford
MONTELL of Gardiner
RIELLY of Westbrook
WILLIAMS of Bar Harbor

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (S-664)** on same Bill.

Signed:

Senator:

HICKMAN of Kennebec

Representatives:

BOYER of Poland
COLLINGS of Portland
HYMES of Waldo
RUDNICKI of Fairfield

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-664)**.

READ.

Representative SUPICA of Bangor moved that the House **ACCEPT** the Majority **Ought Not to Pass** Report.

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

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

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

Representative **RUDNICKI**: Thank you, Madam Speaker. What this bill actually does is allow for somebody new or a new product to come into the State of Maine. So, for example, if you're traveling, say you're out of state and you find this great distillery that makes this great whisky you want to try, which I have done in the past, and you get home and you can't get it. You can't buy it anywhere in the State of Maine or anything like that, so, you want to order it from the distillery you found it out of state. Well, right now, we cannot do that. Now, you can do it with wine, wine gets shipped in, I've ordered wine, that does get shipped into the State of Maine; but under the current laws, you cannot ship into the State of Maine unless you are; unless you go through BABLO.

Well, what this bill actually does, it allows for one case a quarter to be ordered. So, if I wanted to order some whisky, I can order one case every three months, up to four cases a year. Once that company ships 60 cases to the State of Maine, they then have to register with BABLO. So, basically, it's a way to try it, it's a way for these companies to try new products, to get new products out there, without having to go through the whole process of all of the paperwork and everything that goes along with it. It also allows for shipping within the State of Maine.

One of the things that people had concerns with was the checking ID. Well, I will tell you, when you order wine and it's shipped to your house, no matter who delivers it, you've got to show an ID. I obviously look over 21, there's no problem there, but when my daughter was home and collecting a shipment, she actually had to go get her license and show that she was over 21. So, it is not something; they still check it and all of those things if they have to, so, that's all part of this.

So, once they ship 60 cases, they have to go through everything with BABLO. Now, there is a small fiscal note on this right now. The biggest reason there's a fiscal note is because initially, there may be a lack of some sales tax on that, but that will be made up in the future with licensing.

So, I think this is a good bill, I think it's something that we need to do to bring more products. It actually, in the long run, is going to help the State of Maine, because we do everything through our own process and through BABLO. So, I hope that you follow my light and vote no on the pending motion and let's pass this bill. Thank you.

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

Representative **SUPICA**: Thank you, Madam Speaker. I actually agree in part with my good counterpart, Representative Rudnicki, but where we disagree is on whether this is a good bill or not. I agree, the time is coming to allow and to set up a system where folks can order and receive spirits in a home delivery fashion, but this bill is not the vehicle to do it.

So, as we have seen clearly in states that allow direct-to-consumer shipment, LD 1695 would lead to a whole host of problems and it would hurt our collective businesses, as written, here in Maine. There would be a loss of revenue. Every bottle of distilled spirits shipped directly to consumers is a sale taken from Maine businesses who benefit, and who benefits from this is mostly large out-of-state and sometimes unlicensed corporations. It would lead to a loss of community investment and involvement with Maine businesses and employees. The chain of custody issue would be in danger and it could lead to what we are already starting to see happen is illicit spirits entering the market with no opportunity to have a recall. And there would be a loss of tax revenue. And we know this because other states have done it and most recently Vermont, our

neighbor, did a direct-to-consumer pilot compliance program on their new program. And what they found, out of all of the purchases that were delivered in their pilot project compliance program, none of them were completed lawfully entirely. Only 20% of those who received shipments were carded, and they found that there were several cases of minors receiving shipment of alcohol.

So, I just go back to it's a limited amount. Well, the threshold that we call limited would take about one-third of those that are already licensed to go through our State system and make it so that they could go around the State system. And how do we collect our taxes from them? Through self-reporting. And what we have found is that people don't self-report.

So, I say we take the time, we bring the people together at the table and we find a way to incorporate the system that we have had in Maine for decades, so that our hospitality industry, our small mom-and-pop liquor stores, that everybody is made whole, including the State, and we don't lose revenue. Thank you, Madam Speaker.

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

Representative **BOYER**: Thank you, Madam Speaker, Colleagues of the House. I rise in opposition to the pending motion and hope that we can ultimately pass this bill.

Madam Speaker, it's very narrowly tailored. In fact, you can't order anything that's not listed currently in our State, and once over \$100,000 worth of orders of one product comes into Maine, then that will be listed and be able to be sold in Maine, showing that there's enough demand that we should actually have it in our State.

You know, we had a bipartisan Report on this and a couple things that it does do; it requires direct-to-consumer sales to remit to the State their fair share of revenue and taxes. It caps out-of-state distilleries to 60 cases. It limits consumers to four cases per year, requiring common carriers to check IDs and make sure they're of age and it requires participation in the bottle bill, like in-state distilleries.

The goal with this legislation is to allow our in-state distilleries to do what they've been doing in their tasting rooms across the State and provide an on-ramp to the State for other small businesses and, of course, like the Good Representative from Fairfield said, you go on vacation, Kentucky, Ireland and want to send home a couple bottles to yourself, that should be allowed. The idea, you know, the retailers in our Committee said that this would hurt their revenue because when people go buy booze, sometimes they buy food and groceries, and I sure hope it's the other way around, that we grab one of these bottles on our way out of the supermarket. But this idea that it's going to take away, I think is not there because of how narrowly tailored this bill is, this is something that we already do for wine, and other states allow it, and I think it's just another opportunity and the sky will not fall if we do pass this. Thank you, Madam Speaker.

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

Representative **SUPICA**: Thank you, Madam Speaker. And I also wanted to thank the folks on the Veteran and Legal Affairs Committee. It's always fun when we have bipartisan agreements and disagreements.

So, just going to the point of that it is not hard to submit paperwork and go through the State of Maine process. We've actively worked to make this as easy for people as possible, with, of course, within how easy government can be, but we speed the process along. With that said, currently, the way the law is written, in-state distilleries and out-of-state distilleries

would be treated differently. In-state distilleries would be able to ship to customers and also go through the State system and in this law, out-of-state distilleries couldn't do it, it was seen as a compromise and, oh, it's a way to invite people into the program, but the truth is that very quickly, I'm sure, that that would be challenged and then that key component would be eroded away and we would end up with a system where the system could be completely bypassed of the benefit of whatever large corporation might feel like it or illicit alcohol producers who just want to take advantage. Thank you.

The SPEAKER: The Chair recognizes the Representative from Old Town, Representative Dill.

Representative **DILL**: Thank you, Madam Speaker, Colleagues of the House. I'll be brief. We allow Maine to ship wine to consumers now, and about a dozen states already allow the distillers to ship directly to consumers and certainly we can buy directly in our tasting rooms. The Majority Report may deny our small distilleries' economic growth. The Minority Report will increase pathways for our small distilleries as well as you've already heard, possibly other small businesses in other states. The big concerns that I heard seems to be IDs, and that seems to be resolved with the wine issue. And, of course, taxes, but we seem to have been able to collect other online sales taxes and other things, so, I would expect that that is not too difficult to do.

So, I would just say now is the time to be proactive on how we move our State forward on the sale of spirits and give small businesses and consumers greater choice through direct-to-consumer sales. Thank you.

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

Representative **MALON**: Thank you, Madam Speaker. I rise in support of the pending motion, and in agreement with everything that our good Committee Chair, the Representative from Bangor, Representative Supica, has said.

I will just note for folks who are mentioning the direct shipment of wine that we regulate spirits much differently than we regulate beer and wine in the State of Maine. Spirits are under our State liquor contract, Maine is a control State, we have a three-tiered system that's been in place for a long time and this bill, as currently constructed, would significantly disrupt that. I would be much more amenable to supporting this bill if I thought it was truly just tailored to these small in-state craft distillers that we have here in Maine and which we have some amazing ones and that I feel bad saying no to because I know they supported this. But this is, as my good friend from Bangor said, too much too soon and not enough work has been done to ensure that the regulations are such that we can protect minors from illicit sales and that we can ensure that the State is ensuring compliance with the bottle bill and collecting the sales tax necessary. I support the idea of working with BABLO and other entities moving forward to really tailor an approach that works for this State. This bill is not it, and it is definitely different than wine, which is a simpler proposition given how our State regulations are currently constructed. Thank you.

The SPEAKER: The Chair recognizes the Representative from Saco, Representative Copeland.

Representative **COPELAND**: Thank you, Madam Speaker. I completely concur with the Good Representative from Biddeford and also from Bangor. I want to emphasize, though, the children piece. So, it's been mentioned a couple times real quick, but imagine that there are kids at home and the UPS driver or whomever shows up at the door and they take in this whatever it is, right? So, if they --

The SPEAKER: The Member will defer. The Chair recognizes the Representative from Saco, Representative Copeland.

Representative **COPELAND**: Thank you, Madam Speaker. The point is that our children are vulnerable and the ones who are latchkey and they're at home, it's a real risk. I know that children do get into trouble right after school, especially the middle school/early high school, and I don't think that that can be understated. I think that's a very real issue, and I appreciate your attention.

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

Representative **COLLINGS**: Thank you, Madam Speaker, Ladies and Gentlemen of the House. I rise to oppose this motion, respectfully. This was a tough vote for me in the Committee and I went through a lot of both sides back and forth. Ultimately, though, I did look at about a 45-page report conducted by BABLO and looked at what we incorporated in the amendment, and I felt that this was a safe, fair and reasonable bill. And one of the big things that also led me to be in the Minority Report is there are a lot of people in rural parts of the State, specifically islands, that this would benefit, where they don't have options, specifically, to get products from distilleries. And I know that, in rural places and islands, that people for a while have been ordering wine and it's a good option for them and I think that this very fair, limited-in-scope amendment that's the Minority Report has the guardrails and can, in a very limited manner, give some people in Maine an option that they currently don't have. I think this is the future and, again, it was a tough vote, but ultimately, I think that what was in the Minority Report was limited and reasonable. Thank you.

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

Representative **BOYER**: Thank you, Madam Speaker. I just wanted to rise and let folks know that this bill was supported by in-state distilleries, because currently, they cannot ship their products to other Mainers. If somebody visits from the County to Portland, one of the distilleries there, and they currently can't ship it back up to the County. We can ship it to tourists in other states but we can't do it in Maine, so, that's why we had folks that owned distilleries in Maine in our Committee supporting this bill. Thank you.

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

Representative **SHEEHAN**: Thanks, Madam Speaker. I just wanted to speak as a retailer, a wine retailer, and share some of my perspective.

I'm not sure if everyone realizes it, but Maine is a liquor control State, which is a regulatory scheme that I don't even support in principle, so, this is definitely not coming from a place of wanting to preserve that. But to oversimplify it, unlike with beer and wine in our State, the State is the sole broker between all liquor producers in- or out-of-state and Maine retailers, which include on-premise and off-premise establishments.

Obviously, there's a question of revenue; we've already talked about that, I don't think that we can just blindly exclude around one-third of the spirits coming into the State from that system. And it isn't just State revenues that need to be considered. As some of my colleagues have mentioned, Maine-based retailers would very likely take a hit. Some of those are obviously rural mom-and-pop shops that sell spirits. As an owner of a wine retail business, I think that DTC wine shipping represents a serious threat to mom-and-pop brick and mortar shops in Maine, especially when we, as retailers, are prohibited from shipping wine within the State as well; only producers can

ship direct to consumer, cutting us, and in the case of wine, Maine-based wholesalers out of all of those sales.

And to add insult to injury around it, large out-of-state wine retailers are actually illegally shipping directly to consumers as the flow of legitimate shipping from producers increases because our tiny regulatory body, BABLO, lacks the resources to enforce and ensure compliance with these laws at the moment. And if they can't handle the wine program, they should not be asked to handle another direct-to-consumer program at this time.

Finally, the proposal to limit shipment quantities only on out-of-state producers, I think pretty clearly violates the Dormant Commerce Clause. I understand the gesture toward our distillers and I support it, a lot of my friends and some of my constituents are distillers, but if this isn't a sustainable solution, it's not going to help them all that much. They'll be able to ship to six states; only six other states allow direct-to-consumer shipping of spirits; and it's going to open our tiny market to the flood of spirits being offered from every single state.

I hate saying this, because I also think that the current system sucks for consumers, we don't get enough choice in spirits. Restaurants, retailers, we all suffer as a result of it. I want better consumer choice and I want a better market for our friends in the spirits industry, but we need to make a more systematic and, I would argue, thoroughgoing approach that passes constitutional muster, that gives BABLO time to build up their compliance operations and that avoids hurting mom-and-pop retailers of spirits in the State.

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

ROLL CALL NO. 487

YEA - Ankeles, Arford, Beck, Bell, Bradstreet, Brennan, Bridgeo, Carmichael, Cluchey, Copeland, Crafts, Craven, Crockett, Cyrway, Dhalac, Dodge, Doudera, Drinkwater, Fay, Foster, Gattine, Geiger, Gere, Graham, Gramlich, Hasenfus, Hepler, Hobbs, Jauch, Javner, Kessler, Lajoie, LaRochelle, Lee, Lookner, Lyman, Madigan, Malon, Mastraccio, Mathieson, Matlack, Meyer, Millett H, Millett R, Milliken, Montell, Moonen, Moriarty, Morris, O'Neil, Osher, Perry A, Perry J, Pringle, Rielly, Riseman, Roberts, Roeder, Runte, Russell, Sachs, Salisbury, Sayre, Shagoury, Shaw, Sheehan, Skold, Stover, Supica, Warren, White B, Worth, Zager, Zeigler, Madam Speaker.

NAY - Adams, Albert, Andrews, Arata, Ardell, Babin, Bagshaw, Blier, Boyer, Campbell, Carlow, Cloutier, Collamore, Collings, Costain, Cray, Davis, Dill, Ducharme, Dunphy, Eaton, Faulkingham, Fredericks, Gifford, Golek, Greenwood, Griffin, Guerrette, Haggan, Hall, Henderson, Hymes, Jackson, Kuhn, Landry, Lanigan, Lavigne, Lemelin, Libby, Mason, Murphy, Ness, Newman, Nutting, O'Connell, Parry, Paul, Perkins, Pluecker, Poirier, Polewarczyk, Pomerleau, Quint, Rudnicki, Sampson, Sargent, Schmursal-Burgess, Simmons, Smith, Soboleski, Strout, Swallow, Terry, Theriault, Thorne, Underwood, Walker, White J, Wood, Woodsome.

ABSENT - Abdi, Boyle, Galletta, Rana, Sinclair.

Yes, 75; No, 70; Absent, 5; Vacant, 1; Excused, 0.

75 having voted in the affirmative and 70 voted in the negative, 1 vacancy with 5 being absent, and accordingly the Majority **Ought Not to Pass** Report was **ACCEPTED** in **NON-CONCURRENCE** and sent for concurrence.

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

Seven Members of the Committee on **LABOR AND HOUSING** report in Report "A" **Ought to Pass as Amended by Committee Amendment "A" (S-670)** on Bill "An Act to Enhance the Predictability of Mandated Overtime for Pulp or Paper Manufacturing Facility Employees" (S.P. 719) (L.D. 1794)

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

Three Members of the same Committee report in Report "B" **Ought to Pass as Amended by Committee Amendment "B" (S-671)** on same Bill.

Signed:

Representatives:

BRADSTREET of Vassalboro
DRINKWATER of Milford
SOBOLESKI of Phillips

One Member of the same Committee reports in Report "C" **Ought Not to Pass** on same Bill.

Signed:

Senator:

POULIOT of Kennebec

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-670)**.

READ.

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

Representative BRADSTREET of Vassalboro **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 Vassalboro, Representative Bradstreet.

Representative **BRADSTREET**: Thank you, Madam Speaker, Ladies and Gentlemen of the House. This bill originally targeted one paper mill and has been amended down to what you see before us today. I'm happy for that, but the Majority Report is still not what we should enact.

Madam Speaker, we need to remember that this Body should not be intervening in what should be discussed in contract negotiations, especially between two private parties. I'd like to note that in at least one situation, an employer proposed to limit the consecutive overtime hours worked or consecutive hours worked to 18, but the union rejected that offer. Although mandatory overtime is an issue for many workers, it's clearly not a high priority for them. We even had one union worker tell us that passage of the original bill would've jeopardized the validity of his employer and thus his job. Remember, we have had numerous paper mills close their doors in North America over

the last several years. It's quite ironic that as we were discussing this bill in work session, we got word that the Rumford mill had shut down one machine and approximately a hundred workers have been laid off. The bill was then quickly tabled. I guess the timing of the vote would've had troubles with the unfavorable optics, so, I understand that.

So, why am I here now objecting to the current motion? It's because I'm concerned about the size and makeup of the proposed study group. I believe it should be smaller and more evenly balanced in its makeup. Failure to do so will inevitably create a cloud over any final recommendation, and that doesn't serve anyone fairly. Madam Speaker, sometimes it seems like I'm obsessed with the makeup of these study groups, but I think it's important. I'm trying to find a way that I could maybe express my concerns and I thought maybe an analogy or an anecdote would help. So, I came up with an idea, well, you know, in a Jeopardy game with the Good Representative from Old Town and the Good Representative from Bangor, and we're all tied going into Final Jeopardy. And then the Final Jeopardy category is 'Dick's Family.' Now, that wouldn't be fair to the other contestants; anything coming out of that would be, I think, tainted. And I think anything coming out of these study groups that are not evenly balanced would be tainted as well. Thank you, Madam Speaker.

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

Representative **MALON**: Thank you, Madam Speaker. I rise in support of the pending motion, and before I go further, I should note what this study commission will look like.

It will be the Commission on the Predictability of Mandated Overtime for Pulp or Paper Manufacturing Facility Employees, referred to in this Resolve as the Commission. It is established to examine the current levels of mandatory overtime at pulp or paper manufacturing facilities in the State with 50 or more employees, and the impact of the use of mandatory overtime on workplace and public safety, employee morale and the ability of pulp and paper manufacturing facilities to hire employees, to seek public and expert input on solutions to any problems identified and to make recommendations for solutions, including suggested legislation to address the increased use of mandatory overtime and loss of time off that may be undermining workplace and public safety morale and the ability to hire employees.

I want to give all due credit to my good friend from Vassalboro. We did try to work together to find a solution that we could all agree on with this study. We didn't quite get there, but I do believe, and you can look it up yourself in the Majority Report, I do believe that the Commission that is proposed is balanced, balanced between parties, it has interests of labor and management included in it, as well as someone with expertise in occupational health and the Director of Labor Standards.

And in terms of the reason why we believe this is necessary, I'll quote from the testimony of Justin Shaw, who was the President of Local 9 United Steelworkers at the Sappi Somerset facility in Skowhegan. He noted that, "for almost 10 years, our union has expressed to Sappi the need for recruitment, hiring and training at our facility. Steady downsizing and reduction of crews was a safety concern, as well as a threat to the business as our workforce neared retirement age. We had a high percentage of individuals in their 60s and early 70s forced to work 12-hour shifts for weeks, months on end, as we did not have the staffing or qualified individuals to cover vacations, medical vacancies, life events or make calling out because they had been stuck or drafted for 60-something days and nights." And he goes on to say later on, "more recently, we

had an issue with forced 24-hour shifts. For us, we can be forced to work a 24-hour shift if they cannot find coverage. Some facilities do 18-hour shifts, which was proposed to us and declined. An 18-hour shift for myself is not viable. I live 70 minutes away from the mill. With travel, eating and cleaning, I have about three hours of head on the pillow, less in the winter, before doing it all over again. It's not only a hazard to me, but every person I meet on my 70-minute drive."

I think a lot of us can sympathize with the idea of being tired and potentially having to go out on the roads at this time of year. I'm not saying that what we do here is nearly as difficult or hard as the work that our paper workers have, but a need was identified that was specific to the pulp and paper industry, which is why those of supporting the Majority Report believed that this study commission was necessary to focus on the sector where the problem was identified. So, that's why I support the Majority Report and I'd like my colleagues to do the same. Thank you.

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

Representative **ROEDER**: Thank you, Madam Speaker. Madam Speaker, I just wanted to speak to a couple of things. The Good Representative from Vassalboro had concerns that he articulated about this bill being written for one particular facility. In turning it into a study commission to study mandatory overtime, we are actually opening it up to all pulp and paper manufacturers and their employees all stand to benefit from this. We like the larger makeup of the commission in order for it to be fairer and have more voices at the table.

We had originally talked about perhaps including all of manufacturing, but because the need was so pressing in the pulp and paper manufacturing business, we decided to start there, and I personally feel that this is a great way for us to study mandatory overtime later. We set this up, we have this commission, we find the results and then, we have a blueprint for moving forward with the other ideas that were proposed in the Committee.

It is very necessary in pulp and paper manufacturing to study mandatory overtime. In addition to the mandatory 24-hour shifts that we heard about, there was one woman who was not allowed to leave to attend her mother on her deathbed and her mother died without this woman being present because she was forced to do mandatory overtime.

This commission is a good idea. I think it will bring all voices together, and the thing that stood out from the bill for me is that it will look at the ability for pulp and paper manufacturers to hire employees. We heard from them over and over again, we're finding it difficult to find employees. There are some mills, some pulp and paper manufacturers that are doing well with that, we want to replicate that across the industry, and I think this commission, as convened by this bill, is the correct vehicle to do it. Thank you.

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

Representative **FOSTER**: Thank you, Madam Speaker, Ladies and Gentlemen of the House. I'm not a lawyer, I don't have an MBA, but I spent 20 years in the paper mill. I can tell you this; the mills that we are talking about that are left in the State of Maine employ hundreds of Maine citizens who make a very substantial living, for the most part, much more than their neighbors and friends. Madam Speaker, one of the reasons that that's possible is because of productivity in those sites. Those are 24/7 operations, like a lot of other industries, other businesses we have in the State of Maine, even hospitals, if you will. Unfortunately, as has been mentioned, it's tough to find workers these days, and we know that is true in every field. In

the paper industry, Madam Speaker, when I was in the mill; I retired in March of 2018, it seems like just yesterday; we had three paper machines; they still do at Sappi; they've invested millions of dollars in that mill since then, which is good for us, good for our neighbors, good for the State of Maine. But we were faced with, if we had a machine down at that time, we were talking about between seven and 10 thousand dollars an hour that that cost the company in production, and there are three of those machines.

Madam Speaker, we again are going where the Legislature should not be treading. We are covering ground that is best left to the unions, their negotiators and their employers. Believe me, the unions at the Sappi mill, and I believe at all the other mills in Maine, are very strong. They have extremely good reputations. And I know for a fact that most of them, if not all of them, are extremely hardworking individuals. I worked with Mr. Shaw that was mentioned earlier, I know that he's now representing other folks that he works with. We can only muddy the waters by getting involved in this. They know best what each of the mills' circumstances are and how best to handle that.

Now, as far as safety is concerned, as was mentioned, we all know that it's difficult to spend a lot of hours at a place of employment and then have to drive home. My commute was a little over 40 miles each way to my job from my home, and many nights; I should say many mornings; I spent more than 25, up to 30 hours steady in that mill, as I watched my crews come and go; that, because of the contracts, because of OSHA regulations, because of other reasons, we made sure that they were able to leave. Currently, yes, they do have the opportunity to draft someone if they do not have relief that shows up for a 24-hour period, an extra 12-hour shift. At least when I was there, they were still working 12-hour shifts, I believe they are today. Normally when that happened, and I know paper makers that were stuck in that position, many of them were very happy to because they made good money during that time, but normally when that happened, their supervisors made sure that they were placed in a position where that their workload was relatively low, small, give them some break periods, rest periods, to get them through that timeframe.

Now, attempts were made to call people in, as I did with my guys and gals that worked for me, we tried to get people to come in and help them out, not always possible, especially Christmas weekend, other holiday weekends, vacation times. But Madam Speaker, this is best left up to them. A study group is not necessary for this. Believe me, and I speak from experience from those that were above me in management and below me that I managed, we worked very hard to keep our employees happy, most importantly, safe and wanting to come back to work the next day. And I believe that this can be well left alone and be managed by those that are closest to the situation. Thank you, Madam Speaker.

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

Representative **DRINKWATER**: Thank you, Madam Speaker. I'd like to take a moment and talk about the Art of the Deal. We Republicans came up with a counterproposal on this study group. They wanted 15, we wanted nine. We wanted more representation from manufacturing, and that included all manufacturing; they wanted to limit it to pulp and paper. We made an offer, we didn't hear a counteroffer. We could have had a unanimous Report and we wouldn't have these speeches. But, instead, we just had to go our separate ways and give a Minority Report. And the only thing I can do here, Madam Speaker, is complain. So, excuse me for complaining.

And also, Madam Speaker, I find that our Labor Committee is being used more and more and more to do the job of negotiating when the two parties can't get together and reach a deal. That would be the employees and their representatives from the union and administration. We've had it happen on paper manufacturing, we've had it happen on the nurses' bill and it's happened in some other instances. That's not our job. Our job is to look at situations and try to help the best we can.

Now, there were some unintended consequences on this particular bill. That is a good thing. Twin Rivers, who was the original complainants about the overtime, they sent down their Human Resource Manager, who testified that, you know, because of this situation, we've increased our pool, we've hired more people, we feel comfortable now that nobody should have to work 24 hours straight. So, that was unintended consequences of this bill, which actually helped the mill.

And Madam Speaker, lastly, I would like to thank the majority party on my Committee. They have tried to work on these situations. I just wish that they had said, you know what, we appreciate your offer, we're going to counteroffer, we could've had a unanimous Report. Thank you, Madam Speaker.

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

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

The SPEAKER: The Member may proceed.

Representative **UNDERWOOD**: Basically, I'd like to know if the whole entire Legislature could get some volunteers to go to one of these paper mills and take a tour of it. That would be an interesting experience, at least for this legislator. And if anybody knows how to do that, I appreciate an answer. Thank you.

The SPEAKER: The Member has posed a question through the Chair to any Member who wishes to answer. The Chair recognizes the Representative from Bangor, Representative Roeder.

Representative **ROEDER**: Thank you, Madam Speaker, and thank you for letting me rise a second time. I just wanted to clarify because it sounded like there might be a little bit of confusion. This bill is about a commission to study mandatory overtime at pulp and paper manufacturers. And I also wanted to say that the good gentleman from Dexter made a very good point that he should be considered for inclusion on the commission, but that's not in my power to decide. Thank you.

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

Representative **DUNPHY**: Thank you, Madam Speaker. Madam Speaker, I spent 35 years in the paper industry, and about 10 of those years working shifts to work. We worked three by three shifts, 12 hours a day, and there were a lot of days that we had a difficult time filling positions. Now, I'm talking pretty good pay; I think the average pay back when I was working, so, we're looking at; we're looking at 10 years ago, 12 years ago; I think it was around \$80,000 a year. Double time on Sundays, it's probably at least over a hundred now, and I think they're eliminating a lot of double time on Sundays. But, even on Sundays, we couldn't get people to work, double time, 50 bucks an hour, 70 bucks an hour, something like that. So, we offered or tried to come up with a number of solutions, but we worked with the unions.

I don't quite understand why, as legislators, we are being involved in contract negotiations. This truly is a management and labor issue, and if we're concerned about overtime and we're concerned about overtime being forced, why aren't we looking at all industry? I mean, it seems a little strange that we're

focusing simply on the paper industry. There are a lot of 24-hour-a-day operations occurring; sawmills, I don't know if there's any textile mills left, but certainly sawmills and some other manufacturing facilities in the south. So, I understand the need for hiring more people, I understand the implications of asking people to work over, to stay over, especially for a 24-hour shift, but as the Representative from Dexter pointed out, as management, you put them in a slot where they're going to stay safe. The reason you have to keep people is because it's a grievable incident if you don't fill that slot.

So, again, we're back to labor negotiations. If I didn't fill a slot because I couldn't get somebody to do it, sometimes I could do it myself, and if I did, I would get a grievance occasionally, but certainly you had to fill the slot because it was grievable. So, I would suggest that we let the unions and management negotiate the way it's designed to negotiate, and we should do policy and legislation as opposed to micromanaging the paper industry.

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

Representative FOSTER: Thank you, Madam Speaker. Just to answer a previous question, unless things have changed greatly, I am relatively sure that if anyone from the Legislature would like to get together as a group and take a tour of at least the Skowhegan mill, they would be glad to accommodate that. And for those of us who are still here and were around at the time, the 129th Legislature, the Western Maine bus tour actually had a stop there at the mill. And one of the reasons I think it's a good idea for you if you get a chance to take that tour is, I know that at least there were a few legislators on that tour that didn't even know there was still a paper mill running in the State of Maine. So, it would be a good experience. Thank you.

The SPEAKER: The Chair recognizes the Representative from Madawaska, Representative Albert.

Representative ALBERT: Madam Speaker, Ladies and Gentlemen on the floor. This is the mill I spent my life working there. The only thing I'm going to say at this point is that, when this issue on overtime came up, COVID put everything under the bus; the mill, the employees; and that's when this situation came up. Since that time, all of this has been resolved. The mill has hired, as HR came down to a Committee meeting here and I've verified that, have hired a hundred spares. So, the rotation of overtime is now back to the level where it was. That's all I'm going to say at this point. Thank you, Madam Speaker.

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. 488

YEA - Abdi, Albert, 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, Lookner, Madigan, Malon, Mastraccio, Mathieson, Matlack, Meyer, Millett R, Milliken, Montell, Moonen, Moriarty, Murphy, O'Connell, O'Neil, Osher, Perry A, Perry J, Pluecker, Poirier, 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 - Andrews, Arata, Ardell, Babin, Bagshaw, Blier, Boyer, Bradstreet, Campbell, Carlow, Carmichael, Collamore, Costain, Cray, Cyrway, Davis, Drinkwater, Ducharme, Dunphy, Faulkingham, Foster, Fredericks, Galletta, Gifford, Greenwood, Griffin, Guerrette, Haggan, Hall, Henderson, Hymes, Jackson, Javner, Lanigan, Lavigne, Lee, Lemelin, Libby, Lyman, Mason, Millett H, Morris, Ness, Newman, Nutting, Parry, Paul, Perkins, Polewarczyk, Pomerleau, Quint, Rudnicki, Sampson, Schmersal-Burgess, Simmons, Smith, Soboleski, Strout, Swallow, Theriault, Thorne, Underwood, Walker, White J, Wood, Woodsome.

ABSENT - Adams, Boyle.

Yes, 82; No, 66; Absent, 2; Vacant, 1; Excused, 0.

82 having voted in the affirmative and 66 voted in the negative, 1 vacancy with 2 being absent, and accordingly Report "A" **Ought to Pass as Amended** was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (S-670)** 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-670)** in concurrence.

Majority Report of the Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-944)** on Bill "An Act Regarding Educational Policies and Programs"

(H.P. 219) (L.D. 345)

Signed:

Senators:

RAFFERTY of York
LIBBY of Cumberland
PIERCE of Cumberland

Representatives:

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

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

Signed:

Representatives:

BAGSHAW of Windham
LYMAN of Livermore Falls
POLEWARCZYK of Wiscasset

READ.

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

The Bill was **READ ONCE**. **Committee Amendment "A" (H-944)** 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**.

Representative FAULKINGHAM of Winter Harbor **REQUESTED** a roll call on **PASSAGE TO BE ENGROSSED as Amended by Committee Amendment "A" (H-944)**.

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 Windham, Representative Bagshaw.

Representative **BAGSHAW**: Thank you, Madam Speaker, Men and Women of the House. Just confirming; can you hear me, Madam Speaker?

The SPEAKER: The Chair appreciates that. The Member may proceed.

Representative **BAGSHAW**: Thank you. I rise in opposition to this bill. I voted for a couple other child development service bills and was moved to tears listening to testimonies in my Committee and I have great respect for a couple of my colleagues who have worked very hard on this bill and, unfortunately, they're both not returning, the Good Representative from Alfred and the Good Representative from Cape Elizabeth. But, this bill is not ready. The Department of Education has way too much on their plate, as evidenced by our test scores slipping again, and I don't think we should put any more on the plate right now. And this bill, zero to five, I don't believe babies to five belong under the Department of Education. However, I do feel that there are very good things in this bill, but, unfortunately, it's not ready, so, I have to be a hard no.

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

Representative **LYMAN**: Thank you, Madam Speaker, and Members of the Legislature. As you know, I think I've shared before, I've spent my entire professional life in education. I have a huge amount of respect for the amount of work and effort that has been put into this bill and our Committee. And I shared at our Committee, when I voted, how difficult it was for me to take the position that I took, but I needed to and, quite frankly, I'm going to be really glad when I let 345 go today, I have no doubt it's going to come back to us.

But I am very concerned about elements of this bill. It started out as a concept draft and then it moved to a 16-page amendment. And we worked very hard in this Committee. I absolutely am 100% behind us doing what we need to do with Child Development Services. We have Child Development Services available now for our parents and our families, but this bill, though I know it's starting as a pilot, it still has work to be done, it's not ready. I have multiple concerns. The price tag on it alone is alarming, and we only are at the tip of the iceberg on what this could potentially cost our State and the people of our State. It's \$20 million-plus has been allocated to the process that is far from ready, in my opinion. The path forward is unclear and moving into a four-year pilot with limited access; and by that, I mean that the schools that will pilot this will be determined by certain criteria and folks that are showing that they may be ready.

We already have schools; I worked in a school with a full-day kindergarten with a preschool program, I've been within the educational system and seeing the stuff happening, I had folks in our own caucus share in their rural towns of what their schools were doing, this work is going on.

The trajectory of this bill strongly encourages the establishment of 3- and 4-year-old programs within the State's public schools. I feel strongly that 3-year-olds do not belong in our public-school settings. I also have concerns with the 4-year-olds. If you look at the language in the amendment, it talks about how, in the principles of the Child Development Services, we embrace the idea that the natural setting and the least restrictive environment are most critical. And we absolutely know that for children, birth to five years of age, certainly birth to four, is all about home and family is the most natural setting, as well as the least restrictive environment.

Another concern are the unintended consequences this could have on the public and private operational successes and maintaining choice of placement for parents. We said all along that this wasn't a mandate, we weren't going to require that students had to do this, but if the trajectory; and we put all our efforts in, the RSUs taking this over; I think it's going to have an unintended consequence of leaving less options for our families in the future. We must remember that the Child Development Services are already available for parents and guardians. Many, if not all our conversations in regards to the Child Development Services focus on really the 3- to 5-year-olds. And we use the language over and over again, capturing and child find. And with developmental delay disabilities. So, when money is attached to a disability; I spent my life in education, I can't help but have a great concern about the reliability of assessments and evaluations that would determine disabilities. And there is language in this amendment that talks to who would be responsible for determining disabilities. And I also get concerned because I've dealt with this in some other areas in the educational field with potential overdiagnosis depending on the reliability that we're using with the assessments and evaluations.

Another concern is the lack of conversation and work that we put in the birth to three. I understand what our emphasis was as we developed this amendment, and to date, the step forward with this bill is beginning an unpredictable journey through a complex maze with an uncertain future and a very costly endeavor. There are so many fiscal responsibilities that are yet to be determined, just like we are facing with the free lunch program and the breakfast program and the ask for equipment and space, *et cetera*. And this is going to apply in the same way if our RSUs take on a universal pre-K as well as a potential 3-year program.

So, the bottom line, the youngest children, birth to five years old, belong in the care of their parents or guardians. Child Development Services need to be available to support parental needs towards this goal. It must support meeting parental needs and addressing any questions in regards to their children's development, while encouraging care closest to the family and home. The least restrictive environment, without a doubt, for any child, is their family. It is not the State's job, nor that of the public schools, to be a child care center for the most formative years of our youngest souls. That is the job of parents. Thank you.

The SPEAKER: The Chair recognizes the Representative from Wiscasset, Representative Polewarczyk.

Representative **POLEWARCZYK**: Madam Speaker, we have a problem here in Maine. There are approximately 500 children with special needs that we are not meeting. It's a very real problem, a great difficulty for many parents. At the same time, we have a school system in Maine that is failing. The latest student assessments from the Department of Education say that 31% of our students failed to meet expectations in English language arts, 51% of our students failed to meet mathematics proficiency and 61% of our students failed to meet proficiency in science. To me, that's a failed system. So, what are we planning on doing here with LD 345 is we're taking a new population of students with special needs and giving them to a failed system. I have a problem with doing that. I don't think we really solve the problem. I'm sure there are some schools that have the facility and the personnel to be able to handle this new group, but I believe most of the school administrative units in our State cannot. For that reason, I will oppose LD 345. Thank you.

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

Representative **POIRIER**: Thank you, Madam Speaker. I just need to stand because I'm from Skowhegan, SAD 54, and I have a little different perspective versus what we've heard. My school district was actually one of the first to have pre-K in our schools and also a birth to age three. We partnered with KVCAP to be able to do that and it's been extremely successful in our district. It doesn't cater to a large group of young people, but it caters to some of the most vulnerable. They're considered at-risk families in our community and those children, age birth through three, have a safe place to be where they're cared for during the day. They're challenged in their learning abilities at that age, so, they're not sitting in front of a TV or what have you, they're getting enrichment. And it's been very beneficial, to the point that we're building our new elementary school now and we're expanding, so, we can accept new kids in.

Having this sort of program would expand that further to perhaps give services to even more at-risk students, students with special needs. There is a great need for it, because in my area, there aren't a whole lot of State workers that can provide the services. I've spoken with my superintendent and we have the capability in our school to do that. I would hope that any other school district in the State would look to SAD 54 as an example that they can build on to make this work in their communities. It is a healthy thing, it does good things, I don't think it's a failure in my community, to say the least, it's very beneficial, and I would hope that, like I say, other communities could follow that lead and make it successful for those most vulnerable kids that don't necessarily have the family that we're talking about here to give them that enrichment. In fact, many of the young parents, or parents in general, need that extra help as well. Thank you.

The SPEAKER: A roll call has been ordered. The pending question before the House is Passage to be Engrossed as Amended by Committee Amendment "A" (H-944). All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 489

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

NAY - Andrews, Ardell, Bagshaw, Boyer, Bradstreet, Campbell, Carmichael, Costain, Cray, Cyrway, Davis, Drinkwater, Dunphy, Faulkingham, Foster, Fredericks, Galletta, Gifford, Greenwood, Griffin, Guerrette, Haggan, Hall, Henderson, Hymes, Jackson, Javner, Lavigne, Lemelin, Libby, Lyman, Mason, Morris, Ness, Newman, Nutting, Paul, Perkins, Polewarczyk, Pomerleau, Quint, Rudnicki, Schmearsal-Burgess, Smith, Soboleski, Strout, Swallow, Thorne, Underwood, Walker, White J, Wood.

ABSENT - Adams, Boyle.

Yes, 96; No, 52; Absent, 2; Vacant, 1; Excused, 0.

96 having voted in the affirmative and 52 voted in the negative, 1 vacancy with 2 being absent, and accordingly the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (H-944)** and sent for concurrence.

Majority Report of the Committee on **JUDICIARY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-943)** on Bill "An Act to Expand the List of Crimes Eligible for a Post-judgment Motion to Seal Criminal History Record Information to Include Convictions for Possession and Cultivation of Marijuana"

(H.P. 1435) (L.D. 2236)

Signed:

Senators:

CARNEY of Cumberland
BAILEY of York
BRAKEY of Androscoggin

Representatives:

MOONEN of Portland
BECK of South Portland
HENDERSON of Rumford
KUHN of Falmouth
LEE of Auburn
MORIARTY of Cumberland
SHEEHAN of Biddeford

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

Signed:

Representatives:

ANDREWS of Paris
HAGGAN of Hampden
POIRIER of Skowhegan

Representative DANA of the Passamaquoddy Tribe - of the House - supports the Majority **Ought to Pass as Amended by Committee Amendment "A" (H-943)** Report.

READ.

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 Portland, Representative Moonen.

Representative **MOONEN**: Thank you, Madam Speaker. Madam Speaker, Colleagues of the House, this bill is pretty simple. We have a process in law already that, in limited circumstances, allows for the sealing of criminal history record information. The bill in front of us would add a few marijuana crimes that were crimes prior to the referendum that legalized cannabis in our State, and now that those are no longer crimes, they would be eligible for this sealing process that exists in State Law. 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 very much, Madam Speaker. This bill would allow an individual with a criminal record for certain crimes to petition the court and have a conviction sealed. Crimes that would be eligible include aggravated trafficking, furnishing and cultivation of marijuana. Madam Speaker, marijuana may now be legal in Maine, but it's

still illegal on a federal level, and at the time these individuals were charged and convicted, they were committing a crime.

This bill states Class E level convictions, but we need to remember that many people plead out cases in court and they're actually charged with more severe levels of crime and enter a plea deal. As I mentioned before, the person may petition the court for sealing. Should that sealing of records be granted, it wouldn't be an easy task for the courts at times. Many of the records are not digital, and that would mean taking many hours to locate the files of older convictions. This will be a labor-intensive process for many of our courts and use their valuable resources.

A major reason this bill was introduced was because of obstacles in employment. Madam Speaker, I believe an employer has the right to know who they are hiring, whether it be a school, a hospital, a daycare, what have you. Employers have the right to know and make informed decisions on who they employ. If a person with a marijuana conviction on their record is forthright about their past convictions with that employer, more than likely they're going to get that job. It's up to the employer to be able to weigh that risk.

Madam Speaker, if a person does not want to have a criminal record follow them, the answer is quite simple: don't commit a crime. We see things moving forward in this Legislature that, you know, potentially down the line, we may have fentanyl no longer be a crime. Does that mean that we're also going to seal any fentanyl convictions? Our actions here have consequences and we need to look forward as well, so, I would urge you to vote against the pending motion. 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. The key word here is accountability.

It's still federally against the law, as you heard. This would violate any federal jobs as far as going out and applying and you say that you did not have any record, when you do. Not too long ago, General Farnham got up and stood right where you are, Madam Speaker, and said that the marijuana issue is a very serious one when it comes to getting anybody in the military, because it can violate a lot of federal laws. So, this would even hamper it more, and people would be setting themselves up for falsifying documents if they say they have no record and they think that they are free and clear because it was erased, when it really isn't.

Also, we have deferred dispositions. We use that probably 80-90% in the courts. I was a bailiff in the courtroom and many times, you would hear deferred disposition and they would get; within a year, if they didn't get caught again; it doesn't mean they weren't committing the crime again, but if they didn't get caught again, that that would go away, and many times, it did. But then again, when you're talking aggravated criminal crimes, many times, it might even be worse than the aggravated marijuana charge, it might've been something else that was much harsher but they dropped it down to the aggravated marijuana charge. So, they get several other chances, and lots of times, it's not really to the crime that they actually committed. So, here we are, we're giving them a chance on deferred disposition, we're dropping down crimes that they actually got less of a penalty than what they normally would have, and also, they should be holding up the accountability of doing the crime themselves.

We all make mistakes in life. We understand that. And when somebody owns up to something and they admit that they really did it and they really tried hard and changed their ways, I have the highest respect for that person. But when they go to

try to hide something or make it disappear, I don't have any respect for that person, because they're not owning up to what they actually did in life. If we do things in a criminal way, we should be held accountable for our actions.

I don't want to see people harmed, and the more we weaken our laws, the worse it's going to get. And this is another example of weakening our laws. We always wonder why our crime rate is going down. Well, you know why? Because we don't have crimes anymore. They're going to disappear. Just like they want to try to do away with, no crimes if you do a drug, a hard drug. And then, guess what? There's no statistics of doing drugs. Well, that's fine, but you know what? There's no accountability and then, we're going to see worse crimes come out of it. Because when somebody gets away with it more and more, it's a habit, and they get worse, they don't get better. And all we are is making our society worse.

So, I'm just saying we have to be responsible at some point, and this State should start taking responsibility for our actions when we push this button here. It really is important. This is not to just take lightly. This is a federal-type situation that there's still the crime and they still consider it illegal. And I know the State's trying to skirt around it, but the truth of the fact is, there are federal jobs, there are security clearances; even construction workers, when they do a federal job, they have to say whether they've committed any type crime, and if it's not there and they lie on the sheet, then they can actually be terminated. They could lose a very well-paying job, but if they own up to it, lots of times there are waivers. In law enforcement, do we want to actually be hiring people that have these criminal acts of aggravated criminal history on our streets going out there and making the arrests for other people when they're known drug dealers? This is not right.

And I hope that everybody understands when they are doing these things; I'm not sitting on a couch smoking pot and then making a big conversation around that doesn't make sense and saying oh, we can just make these things disappear. They don't disappear. You still did the action, there's still victims out there, there's still witnesses, there's all that that still knows what happened and took place and many times, it's still in the newspapers. It's still on record on Facebook. So, even if you do this, it's going to come out. And those people that do not erase anything, they've made it worse because they've actually lost their credibility. You cannot make things disappear. They don't. We're not magicians. Thank you, Madam Speaker. I am opposing this bill.

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

Representative **HENDERSON**: Thank you, Madam Speaker. I do stand in support of the motion in front of you. If anyone in this House has read the Committee Report, they'll see my name on the Ought to Pass as Amended. This is a significantly tailored amendment that does strip out a couple of the crimes that would still be considered crimes today. So, the majority of the Committee had an appetite to move forward with the bill that only allows for the criminal record; or the petition, not an automatic, but the petition of a criminal record seal for actions that are not considered crimes today.

I think we have an obligation to oppose laws that are unjust. The State of Maine did right a wrong in 2017 with its legalization of; I believe, at that point, it was medical marijuana, and later to follow, recreational marijuana; cannabis, pardon me. And although I do stand as an outlier amongst my colleagues with this, I do stand in support of it.

We know that; or we've heard that if you don't want to do the time, don't commit the crime. Well, the reality is, is that these

are not crimes any longer. And each of us here have the ability to dispute a speeding ticket if we were to speed, which is illegal. We can dispute that on grounds outside of the fact that you misinterpreted the radar and I wasn't speeding. If you don't want a speeding ticket, don't speed; and yet, we still have the opportunity to dispute that on grounds more than I just wasn't speeding.

I believe that what we have before us is a very carefully crafted piece of legislation that allows individuals with minor infractions, Class D and E crimes, to be able to leave that past behind or to leave a criminal record behind, and have a new shot or a shot at life without the history of a criminal record following you. Because, as we stand today, those actions are not crimes.

So, I won't urge my colleagues, I have a feeling that we pretty much know where we are on this position. But for the sake of a full clarity, you know, at times I try to separate myself from my theological beliefs. I swore an oath in this Chamber to the Constitution, not to the Bible. And although I have personal belief systems that believe; well, I almost started to list them, but that might've been inappropriate; I have tried instead to remain true to my oath to the Constitution and to what are moral laws. But if I were to insert my theological belief system, is that I do serve a God of second chances, and the ability for forgiveness and redemption and to remake yourself. And where we stand now in the State of Maine, these actions are not crimes and an individual has a right, I believe, to petition the courts and say the State I live in, the actions I committed prior to 2017 are no longer crimes and I'd like my record sealed. Thank you.

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

Representative **HAGGAN**: Thank you, Madam Speaker. I would respectfully differ from my good colleague. This bill obviously, as people have said, deals with aggravated trafficking, furnishing and cultivation of scheduled drugs.

Before January of 2017; I was going to say 1917, I'm teaching World War I right now; but, anyway, it was a Class D crime that they committed, you go to jail for up to 365 days. You were willing to commit a crime against society for your own benefit. To me, the seriousness of this; this isn't just a I smoked a doobie and watched *Hogan's Heroes* or what have you, this is trafficking of a scheduled drug where you go to prison for up to 364 days. This is serious stuff. People who respect the law today must have justice, and at the very least know what this person has done and certainly know that they have disrespected the law in an aggravated way. Opposing laws we don't agree with, I can't buy that. It may be legal in this State right now, but it certainly is not federal and it's not legal in every state.

People should and deserve the right to know what others have done. Sealing of crimes to me is wrong. It's not fair to schools who hire ed techs or there's no way of knowing, only law enforcement is going to know. Daycare, people who are trying to hire folks, medical institutions, other sensitive and vulnerable entities should have the right to know. Sealing these criminal records could hurt people who did nothing to deserve the unintended consequences of unknown recidivism. What will stop them from going to the next level if lucrative? The sale of marijuana was lucrative and there could be other opportunities out there. I believe that future victims who did nothing deserve the right to know what a person has been convicted of. Thank you very much.

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

Representative **THORNE**: Thank you, Madam Speaker. I rise in opposition to the pending motion and thinking of some of the examples that were given that it's now legal, so, everything should be expunged goes back to anything that was illegal, someone was charged with it and now they're not. Like underage possession of alcohol and they turn 21, so, that should be expunged. If a man commits adultery because he was married and he gets divorced, should that adultery charge be wiped off, because now, he's single and the person that he had the affair with as an adulterer is now not married? In murder; let's go down the line, say murder is going to be legal pretty soon. Did someone not murder when they were charged with murder; should they all get out of jail now? And for any offense that gets rolled back, are we going to apply the same mentality and justification for making it no longer on their record or no longer have to pay the price because it's no longer legal? I don't buy it, Madam Speaker, and I urge vote against the pending motion. Thank you.

The SPEAKER: The Chair recognizes the Representative from Falmouth, Representative Kuhn.

Representative **KUHN**: Thank you, Madam Speaker. I just wanted to briefly clarify that this bill came to the Committee as a recommendation of the Criminal Records Review Committee, which was created by this Legislature. It is a bipartisan group of 29 individuals with expertise in all sorts of relevant fields, including law enforcement, corrections, advocacy groups, health and human services; all the stakeholders were involved. 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. 490

YEA - Abdi, Ankeles, Arford, Babin, Beck, Bell, Blier, Boyer, Brennan, Bridgeo, Cloutier, Cluchey, Collings, Copeland, Crafts, Craven, Crockett, Dhalac, Dill, Dodge, Doudera, Eaton, Faulkingham, Fay, Fredericks, Gattine, Geiger, Gere, Golek, Graham, Gramlich, Hasenfus, Henderson, Hepler, Hobbs, Kessler, Kuhn, Lajoie, Landry, Lanigan, LaRochelle, Lee, Libby, Lookner, Madigan, Malon, 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, Sinclair, Skold, Stover, Supica, Terry, Theriault, Warren, White B, Woodsome, Worth, Zager, Zeigler, Madam Speaker.

NAY - Adams, Albert, Andrews, Arata, Ardell, Bagshaw, Bradstreet, Campbell, Carlow, Carmichael, Collamore, Costain, Cray, Cyrway, Davis, Ducharme, Dunphy, Foster, Galletta, Gifford, Greenwood, Griffin, Guerrette, Haggan, Hall, Hymes, Jackson, Javner, Lavigne, Lemelin, Lyman, Mason, Millett H, Morris, Ness, Newman, Nutting, Parry, Paul, Perkins, Poirier, Polewarczyk, Pomerleau, Quint, Rudnicki, Sampson, Schmersal-Burgess, Simmons, Smith, Soboleski, Strout, Swallow, Thorne, Underwood, Walker, White J, Wood.

ABSENT - Boyle, Drinkwater, Jauch.

Yes, 90; No, 57; Absent, 3; Vacant, 1; Excused, 0.

90 having voted in the affirmative and 57 voted in the negative, 1 vacancy with 3 being absent, and accordingly the Majority **Ought to Pass as Amended Report was ACCEPTED.**

The Bill was **READ ONCE**. **Committee Amendment "A" (H-943)** 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-943)** and sent for concurrence.

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

**CONSENT CALENDAR
First Day**

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

(S.P. 197) (L.D. 416) Bill "An Act to Authorize a General Fund Bond Issue for Research and Development and Commercialization" Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-669)**

(H.P. 568) (L.D. 912) Bill "An Act to Authorize a General Fund Bond Issue to Restore Historic Community Buildings" Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-938)**

(H.P. 728) (L.D. 1156) Bill "An Act to Authorize a General Fund Bond Issue to Promote the Design, Development and Maintenance of Trails for Outdoor Recreation and Active Transportation" Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-937)**

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

There being no objection, the Senate Paper was **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** with the exception of matters being held.

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

**ENACTORS
Emergency Measure**

An Act to Provide Relief to Small Businesses, Landowners and Logging Contractors Affected by Severe Weather-related Events

(S.P. 930) (L.D. 2191)
(C. "A" S-661)

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

An Act to Create the Lincoln Mill Facilities District
(S.P. 986) (L.D. 2270)
(C. "A" S-650)

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

Emergency Measure

An Act to Implement the Recommendations of the Gagetown Harmful Chemical Study Commission and to Reestablish the Gagetown Harmful Chemical Study Commission
(S.P. 990) (L.D. 2274)
(C. "A" S-660)

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. 115 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 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
(S.P. 1001) (L.D. 2288)

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

Emergency Measure

Resolve, Regarding Legislative Review of Portions of Chapter 200: Metallic Mineral Exploration, Advanced Exploration and Mining, a Late-filed Major Substantive Rule of the Department of Environmental Protection
(S.P. 590) (L.D. 1471)
(C. "A" S-662)

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. 111 voted in favor of the same and 0 against, and accordingly the Resolve was **FINALLY PASSED**, signed by the Speaker and sent to the Senate.

Emergency Measure

Resolve, to Require a Stakeholder Group to Participate in the Development of Rules Regarding Youth Camps

(S.P. 955) (L.D. 2230)
(C. "A" S-645)

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 Resolve was **FINALLY PASSED**, signed by the Speaker and sent to the Senate.

Emergency Measure

Resolve, to Establish the Commission to Recommend Methods for Preventing Deed Fraud in the State

(S.P. 960) (L.D. 2240)
(C. "A" S-672)

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 Resolve was **FINALLY PASSED**, signed by the Speaker and sent to the Senate.

Acts

An Act Regarding Spirits Price Review and Recommendations

(S.P. 836) (L.D. 2014)
(C. "A" S-659)

An Act to Amend the Ownership Disclosure Requirements for Applicants for Liquor Licenses and Certificates of Approval

(S.P. 870) (L.D. 2069)
(C. "A" S-663)

An Act to Ensure Subsidy Reimbursements for Certain Child Care Providers

(S.P. 935) (L.D. 2199)
(C. "A" S-666)

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

(S.P. 995) (L.D. 2280)
(C. "A" S-657)

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

Resolves

Resolve, Directing the Superintendent of Insurance to Collect Data from Health Insurers Related to Prescription Drug Coverage of Generic Drugs and Biosimilars

(S.P. 907) (L.D. 2114)
(C. "A" S-651)

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.

CONSENT CALENDAR

First Day

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

(H.P. 1361) (L.D. 2137) Bill "An Act to Join the Dentist and Dental Hygienist Compact" Committee on **HEALTH COVERAGE, INSURANCE AND FINANCIAL SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-949)**

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.

ENACTORS

Acts

An Act to Prohibit Unfair Practices Related to the Collection of Medical Debt

(S.P. 908) (L.D. 2115)
(C. "A" S-667)

An Act to Address Chronic Understaffing of State Government Positions

(H.P. 1345) (L.D. 2121)
(C. "A" H-913; S. "A" S-676)

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

Resolves

Resolve, to Establish an Automotive Right to Repair Working Group

(S.P. 1002) (L.D. 2289)

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.

CONSENT CALENDAR

First Day

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

(S.P. 729) (L.D. 1804) Bill "An Act to Provide Transparency and Accountability for Corporate Tax Expenditures" Committee on **TAXATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-681)**

(S.P. 875) (L.D. 2082) Bill "An Act to Ensure the Financial Stability of Behavioral Health Services Providers and Housing Assistance Providers" (EMERGENCY) Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-680)**

(H.P. 1401) (L.D. 2187) Resolve, Regarding Legislative Review of Chapter 10: Rules for the Administration of the Adult Use Cannabis Program, 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-952)**

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 Paper was **PASSED TO BE ENGROSSED as Amended** and sent for concurrence.

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

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

ENACTORS

Emergency Measure

Resolve, to Establish the Task Force to Study Changes to the Legal Status of Scheduled Drugs

(H.P. 1266) (L.D. 1975)
(C. "A" H-931)

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. 101 voted in favor of the same and 37 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 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

(H.P. 1393) (L.D. 2178)
(C. "A" H-918)

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 7 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 30: Compliance Rules for Adult Use Cannabis Establishments, a Major Substantive Rule of the Department of Administrative and Financial Services, Office of Cannabis Policy

(H.P. 1400) (L.D. 2186)
(C. "A" H-919)

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. 103 voted in favor of the same and 6 against, and accordingly the Resolve was **FINALLY PASSED**, signed by the Speaker and sent to the Senate.

Acts

An Act Regarding Overtime Protections for Certain Salaried Employees

(S.P. 230) (L.D. 513)
(C. "A" S-665)

An Act to Increase Cybersecurity in Maine

(S.P. 374) (L.D. 877)
(C. "A" S-621)

An Act to Require Health Insurance Coverage for Biomarker Testing

(H.P. 1022) (L.D. 1577)
(C. "A" H-915)

An Act to Implement the Recommendations Regarding the Maine Commission on Public Defense Services

(S.P. 949) (L.D. 2219)
(C. "A" S-674)

An Act to Amend the Process for the Sale of Foreclosed Properties Due to Nonpayment of Taxes

(H.P. 1452) (L.D. 2262)
(C. "A" H-939)

An Act to Implement the Recommendations of the Commission Regarding Foreign-trained Physicians Living in Maine to Establish a Sponsorship Program for Foreign-trained Physicians

(H.P. 1458) (L.D. 2268)
(C. "A" H-926)

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

(H.P. 1359) (L.D. 2135)
(H. "A" H-940 and S. "A" S-612 to C. "A" H-828)

Resolve, to Allow Ireland Farms, Inc. to Sue the State

(S.P. 939) (L.D. 2202)
(C. "A" S-675)

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 Establish Minimum Pay for Educational Technicians and Other School Support Staff

(H.P. 621) (L.D. 974)
(C. "C" H-927)

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

On motion of Representative LIBBY of Auburn, 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 Winter Harbor, Representative Faulkingham.

Representative **FAULKINGHAM**: Madam Speaker, I rise in support of the pending motion. I just wanted to stand up for a moment to acknowledge the hard work that's done by the educational technicians and school support staff. They are hardworking individuals that work in our schools and I think it's worthy of consideration for them to definitely have a

conversation in the Appropriations Committee on how they could be better paid. Thank you, Madam Speaker.

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

Representative **LYMAN**: Thank you, Madam Speaker, Members of the Legislature. I apologize, I have the hardest time with this little thing. But yes, I do want to stand in support of this. We have spent so much time hearing from people in regards to the concerns of the folks that are not staying working with our children. And I, as well as, I think, everyone on our Education Committee, absolutely believe that the biggest bang for the buck with education money is the money that's closest to the children; the children themselves and the people that work with the children. And we've often talked about how much money is allocated in the educational field. Well, the best job we're going to do is channel that money for the folks that are working closest to our children. So, I'm 100% for this. Thank you.

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

Representative **FOSTER**: Thank you, Madam Speaker, Ladies and Gentlemen of the House. I agree with the last two colleagues that spoke to this, and every bit of what they said is true and I've seen it. However, I stand opposed to this bill, because we are getting in the way of negotiations at the local level. We cannot imagine, let alone understand, what each of these different school districts goes through, even at this level of staffing where that, as has been said, I will say, the rubber meets the road. Some schools are struggling to be able to afford to have enough ed techs if they can find them, but at the same time, other districts have to look at where they need to place whatever funds they have available. And it's one thing for the State to say we will mandate this and we will supply you so much for the beginning of this, but it's another thing for the local schools, the local taxpayers to have to deal with it. Therefore, I would ask that we leave this to the local districts to decide and to negotiate with pay and other benefits in mind. Thank you, Madam Speaker.

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

Representative **LIBBY**: Thank you, Madam Speaker. The question at hand here is not if we value education technicians and school support staff. The question is where should these decisions be taking place, and that is at the local level. Thank you, Madam Speaker.

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

Representative **HAGGAN**: Thank you, Madam Speaker. I'm all for saving money and things like that, but I've worked in education as a teacher for 36 years. Nobody in the schools is more helpful and unappreciated and underpaid than ed techs. Most of the ed techs, not all, at my school make 16 bucks an hour. Don't tell my wife, but I was getting a few cheeseburgers at McDonald's in Newport the other day and they were offering \$18 an hour. These people work so hard and they are so committed, and they don't take breaks; they work while they have lunch. I think if we're going to spend millions or billions of dollars in this Body, a few crumbs toward the hardest-working, most influential and best people I've ever met are very worth it.

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

Representative **SAMPSON**: Thank you, Madam Speaker, Ladies and Gentlemen of the House. I honestly can't say much more than what my friend from Hampden has just said. I would say that this money is very specifically targeted, it's targeted to the most hardworking; they're the folks that make things happen

in the schools. The support staff, you know, these are the folks that if they're not there, things fall apart. And so, I strongly support this. Thank you.

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

Representative **POIRIER**: Thank you, Madam Speaker. I do actually have a perspective on both ends of this, because I served on my School Board for 12 years, I was part of the negotiation process and oftentimes, you would see, you know, a 25-, 40-cent increase for our ed techs, and what we would see in our school is that ed techs are leaving; still happening because, and I think \$16 an hour is quite generous compared to my district and maybe others for ed techs. But what was happening is that the schools would pay substitute teachers a higher wage, perhaps, than our ed techs are getting, but they did so because they didn't have the expense of insurance, Workmen's Comp; well, maybe not Workmen's Comp but definitely insurance and other benefits.

But what I'm seeing is a great exodus of ed techs because they can't afford to live on what they're making. My son is one of those ed techs and he loves his job, he's one of two male teachers at a fourth- and fifth-grade school; he works in the resource room, so, he has challenging kids to work with, and he really connects with them and he stays there because he loves the job, but it's hard for me to see him struggle as a young man in his mid-20s trying to make ends meet when he has to work seven days a week because he has to take a second job just to be able to pay his rent or car payments. That's not right when we're talking about folks that are molding our children and perhaps, sometimes, even taking on the role of the teacher in the classroom, along with their ed tech duties for such a meager amount of money. Our school boards aren't stepping up to fix this and these are folks that often work full-time for the school department and, like I say, take another full-time job just to make ends meet. So, I'm very hopeful that we can step up, we have to, because the schools are not. Thank you.

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

Representative **HENDERSON**: Thank you, Madam Speaker. I'm going to make this really quite brief. I do today stand in support of our ed techs and our support staff. The work that they do on a daily basis has a lasting impact on our youth, and I do agree that they deserve compensation. But I also stand in opposition to this bill, as these decisions do need to be made on a local level. I'm concerned if this piece of legislation passes and future legislative bodies don't prioritize this in the budget, that this would be left to the municipalities to foot the bill. And as much as I appreciate our ed techs and the support staff, I also appreciate the single mother that's working and I appreciate our farmers and our EMTs and our firefighters and our property owners, who are inevitably going to see property taxes rise if this isn't prioritized in future budgets. So, as much as they deserve this raise, they deserve to be compensated appropriately; I don't see where the ends justify the means here. And the means would be the increase in property taxes for people within my district. So, I will be opposing this piece of legislation. Thank you.

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

Representative **THORNE**: Thank you, Madam Speaker. I'll be brief. I rise in opposition of this bill because this sets a precedent. It sets a precedent that if we, in Statute, raise ed tech salaries, what's next; are we going to raise teacher salaries like we did before, and everybody's going to be turning to the Legislature for us to raise their salaries? Administrators,

superintendents; again, this should be set at the local level and the pay should be commensurate with what the local schools should provide. Thank you, Madam Speaker.

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

Representative **FAULKINGHAM**: Thank you, Madam Speaker. Madam Speaker, I have two kids that are in grammar school right now. When I walk into my daughter's kindergarten classroom, as I do time from time when I have the opportunity to drop her off, sometimes I just stand there for a minute and watch the class. There are nine students in my daughter's kindergarten class. Nine students and five adults. One teacher and four ed techs. Sometimes, I watch what they're doing and I'm watching one day, I'm watching this ed tech, a woman in her 60s, and she's going around like a football blocker, blocking a child that's trying to get to other kids and spitting and I'm just blown away by what's asked of this woman and what she has to go through. And I see it repeated by all the others.

These people deserve a pay increase. And I understand all the repercussions. I understand the bigger picture of what that does if we here are the ones to increase that. But I do think that they are certainly worthy of it. I think there's broad agreement for that. How they get there, there's some disagreement, but if passing this bill today helps them towards that goal to get a pay increase, I'll stand with them. And if my superintendent; he's one person, but this is bigger than one person. These votes are bigger than one person. There's a lot more to consider, and we should consider that when we cast a vote, that it's bigger than one person. So, today, I'm going to be a voice for those people and I'm going to vote yes on the pending motion.

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

Representative **LANIGAN**: Thank you, Madam Speaker, and Members of the House. We're talking about if this is going to fall into the local municipalities and I'd just like to remind the Members, through you, Madam Speaker, is that we're not allowed to do unfunded mandates here, we're not allowed to pass bills that put a cost to the local municipalities. So, by doing this, we're really looking to the Appropriations Committee to find the money to pay these ed techs.

I have two friends, very close friends of mine, that are ed techs and have recently left the business of being an ed tech and they were two of the greatest people for our youth that you could ever imagine. One of them had to not only work every day being an ed tech, but also had to bartend at night three days a week at a local social club just to make ends meet, just to live at her parent's house. They're not making a living wage. And we talk about living wages, these people are critical to our youth, to the foundation of what we're trying to grow here in Maine.

And so, I think it is appropriate that we do stand and we do stand behind our ed techs. I think it's also appropriate that we ask our Appropriations to find the money to pay them and do it through that level of funding. I just want to remind our Members, too, is we're all getting a pay increase next year if reelected, and our pay will be more than an ed techs. Just keep that into perspective. I don't think our job is as hard as what they do. Thank you, Madam Speaker.

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

Representative **QUINT**: Thank you, Madam Speaker. There's been a couple things that were said and I just wanted to give my perspective on this. At one time, I was an ed tech, so, I fully understand the way that they are paid. But one of the issues I have is this isn't about superintendents, it's about towns.

I have many school districts in my district alone, so, I have many different towns that have been reaching out. It's not just superintendents or the school district itself that's reaching out, it's taxpayers.

I absolutely agree that the ed techs and the support staff, all of them are worth more than what they're being paid. Many jobs, people are worth more than what they're being paid. And I have family members right now that work as ed techs and are also support staff in the local school system in Hodgdon. But one of the things that I think that we also need to remember is advocating for this on a State level, of something that is going to raise taxes because, obviously, if we haven't found the funding for it already and put that in the budget, it's not there. So, we're not giving money to actually supplement this, we're just saying this is what we want done and then you all have to pay for it. That is not something we should be doing on this level. My suggestion is, go to your local school board. For everyone that stood up and supported this, go to your school board as the local Representative and ask for raises on their behalf. That is the way that this should be approached. Thank you very much.

The SPEAKER: The Chair recognizes the Representative from Waterboro, Representative Woodsome.

Representative **WOODSOME**: Thank you, Madam Speaker. The whole education system needs to be revamped. Peoples' priorities need to be revamped. And year after year, I hear from superintendents, school boards, administrators, we don't have the money. And these folks that we're discussing today have always been at the bottom of the totem pole. And they don't get a whole lot of support when it comes to money as far as the fellow teachers. Everybody looks out for themselves. I taught for 35 years, these folks have the most difficult job, handle the most needy of kids, and it's time that, I think; even though I don't agree with interfering with negotiations; it's time that I stood up and said, hey, enough is enough. I am supporting this bill because somebody needs to support these individuals. Thank you, Madam Speaker.

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

Representative **GREENWOOD**: Thank you, Madam Speaker. I had intended to rise, but not on this motion.

Last year, our school budget process for one of the two schools in my district, it took them four attempts to pass a school budget. And it isn't because we don't value education, it isn't because we don't value our ed techs and our support staff; it's because every year, during the school funding formula, the State makes us raise an additional amount to get matching funds. Okay? We're not funding it the way we should be. Our rural communities are falling further and further behind. But it's a market condition, Madam Speaker, and it's an agreement between the school board and their employees, and I have to stand behind that, that our school board will negotiate in good faith with the employees, the teachers, the ed techs, the administrative contracts, all of those. And that's where the buck stops. Because this Body right here isn't going to fund it. You're going to push it off to the local property taxpayer and it's going to take my school district four or maybe five tries to pass a budget next year. And it's not fair. As much as I support our ed techs, I can't support the pending motion. Thank you.

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

Representative **DAVIS**: Thank you, Madam Speaker, and Members of the Chamber. I work for a school system and I still am there, I've been there over 40 years, I'm head of transportation and the maintenance department. And they meet with our school board every year and negotiate salaries. And

I'm not saying that these people don't deserve more money, but I'm just saying you're taking away the local control on what the school board allows. I also wear the hat as the Chair of the Board of Selectmen in my town and I've seen this over and over again, the State will pony up some money and then, all of a sudden, that pony runs away, so, and it will be left to the local taxpayers.

Another thing you want to consider; if this happens and it does end up back on the taxpayers' back and the school board and the Board of Selectmen will have to cut programs in the school, where does that leave your children? Thank you.

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

Representative **FOSTER**: Thank you, Madam Speaker. This is a very difficult subject we're talking about here. I think most of us are familiar, whether we sat across the board and negotiated with support staff negotiating team for the ed techs that they represented and their pay and benefits, whether we had maybe children or grandchildren in school that needed an ed tech, or whether, for instance, my daughter, who has taught here in the Augusta School District for, I guess, going on towards 20 years now, who teaches third grade, and I think because she's a good teacher, very often has had students that needed to have ed techs in her classroom, but because they couldn't supply them in Augusta School District, she had to do without, excuse me. And maybe instead of having two or three, she only had one ed tech.

My son is a principal in a primary/middle school, in what I'll call the southern part of the State, and he has to deal with trying to provide not only the ed techs but the administrative support to get the funding so that he can have enough ed techs and attract enough to take care of the students that he's responsible for.

But Madam Speaker, when we lay in front of the various; and I'm not even sure how many school districts, how many school administrative districts we have in the State of Maine now, there are many; but they are so varied and when we lay this down in front of them and we fund it for two years and then they are left with funding it themselves, it comes down to the local taxpayers, Madam Speaker. And Madam Speaker, the local taxpayers depend on the local school board that they elect to negotiate a contract with their support staff, with their teachers, with their bus driver association and with their janitorial association, the representatives for those folks. And they have to divvy up the pie. And I have learned over many, many years of negotiating on both sides of the table, that sooner or later; that pie is a certain size and when we tell them, you have to give this much to teachers and you have to give this much to ed techs, then they have to look at what can the taxpayers; what will they support, as has been mentioned here, and they have to figure out what they can fund with the balance that's left over after they have provided the monies that we tell them they have to provide. That's not the way to run a school district, many of which are different in rural areas than they are in the more urban areas.

Madam Speaker, although I support ed techs; my wife was a school nurse, she worked with ed techs, doing the same jobs that she worked with CNAs doing when she was in a hospital. It's not a glamorous job, as has been said here. You know, when they are changing a teenager's diapers in school, it's not the fault of the local taxpayer, it's not the fault of the fact that they have limited funding, it's the fault of what has happened here in the Legislature over the years in dealing with these situations. We have put local school districts, especially the poorer ones, and as was mentioned earlier, who end up not getting the funding that they may have gotten last year from the

State, or the year before, we end up putting them in a position where they can't afford the mandates that the State government has laid upon them, Madam Speaker. We need to leave these issues, that are contract issues, to the local districts to try to figure out what they can do with the money that they have left over. Thank you, Madam Speaker.

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

Representative **WHITE**: I apologize for the last minute there, Madam Speaker, I thought I had pushed it.

I worked as an ed tech about a decade ago. It was probably the most fulfilling job I've had in my career. I went to work at a career and technical center with the Representative from Dexter's wife, actually, and like I said, it was an incredibly fulfilling time in my life. I knew that I was only going to be there a couple of years, to help a program get up and running, and I also knew that it would be a serious reduction in my pay. As a matter of fact, doing the job that I was teaching 16- and 17-year-olds to do, the year that I left the technical center, I went back to doing that job in the real world and I made about \$70,000 more than I made the year before working at the school.

So, yeah, there's not a lot of money there. However, at the same time that the ed techs were receiving about \$14 an hour on average to start at these schools in my district, the superintendent for a school with under 600 children was hired at about \$120,000 plus benefits, and she also worked in another school district as a superintendent, making a significant amount of money as well. So, there's a lot of money going around here and not much coming out to the ed techs.

Now, with that said, it sounds like I would probably support this bill. However, I really can't. The problem here is the citizens in my community elected their school board, and that school board oversees the local school district and the negotiations that happen are all there at the local level. And unfortunately, they didn't value my services as much as they did the superintendent. I feel that that's shameful, I don't think that that was appropriate; however, I do believe it's a local decision. I think that the system may be broken; however, this bill is going to just add more chaos to it as time goes on.

Once again, I absolutely support the ed techs in this situation, but I cannot support a mandate from Augusta going out to these communities, telling them how to spend their tax dollars. Perhaps people at the local level would be better served by educating the people in the community and being out at these school board meetings and at the town meetings. It always amazes me how few citizens show up to those events and how few really pay attention. In Guilford, I just saw that we are approaching \$10 million for a school of under 600 children. That's well over \$15,000 per student each year. I've also worked with homeschool families for decades now, over 25 years, and I've never known a family to have \$15,000 to spend on their students. Thank you, Madam Speaker. I guess that's enough rambling for now.

The SPEAKER: The Chair recognizes the Representative from Madawaska, Representative Albert.

Representative **ALBERT**: Madam Speaker, Ladies and Gentlemen of this organization. I have a daughter-in-law who is an ed tech and God forbid, she may not forgive me for what I'm about to say; I cannot support this bill. God love them all, but the finances and just agreeing with what was just said, the finances for financing this should go to the school boards to appropriate the finances for this, unless we're ready to come up with some magical way to finance this. So, I cannot support this. Thank you, Madam.

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. 491

YEA - Abdi, Ankeles, Arford, Babin, Bagshaw, Beck, Bell, Brennan, Bridgeo, Cloutier, Cluchey, Collamore, Collings, Copeland, Crafts, Craven, Crockett, Dhalac, Dill, Dodge, Doudera, Eaton, Faulkingham, Gattine, Geiger, Gere, Golek, Graham, Gramlich, Guerrette, Haggan, Hepler, Hobbs, Javner, Kessler, Kuhn, Lajoie, Landry, Lanigan, LaRochelle, Lee, Lookner, Lyman, Madigan, Malon, Mastraccio, Mathieson, Matlack, Meyer, Millett R, Milliken, Montell, Moonen, Moriarty, Murphy, O'Connell, O'Neil, Osher, Parry, Perry J, Poirier, Polewarczyk, Pringle, Rana, Rielly, Roberts, Roeder, Runte, Sachs, Salisbury, Sampson, Sargent, Sayre, Shagoury, Shaw, Sheehan, Simmons, Sinclair, Skold, Stover, Supica, Terry, Warren, White B, Woodsome, Worth, Zager, Zeigler, Madam Speaker.

NAY - Adams, Albert, Andrews, Arata, Ardell, Blier, Boyer, Bradstreet, Campbell, Carlow, Carmichael, Costain, Cray, Cyrway, Davis, Drinkwater, Ducharme, Dunphy, Fay, Foster, Fredericks, Galletta, Gifford, Greenwood, Griffin, Hall, Henderson, Hymes, Jackson, Lavigne, Lemelin, Libby, Mason, Millett H, Morris, Ness, Newman, Nutting, Paul, Perkins, Perry A, Pluecker, Pomerleau, Quint, Riseman, Rudnicki, Russell, Schmersal-Burgess, Smith, Soboleski, Strout, Swallow, Theriault, Thorne, Underwood, Walker, White J, Wood.

ABSENT - Boyle, Hasenfus, Jauch.

Yes, 89; No, 58; Absent, 3; Vacant, 1; Excused, 0.

89 having voted in the affirmative and 58 voted in the negative, 1 vacancy with 3 being absent, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

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)
(C. "A" H-928)

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

On motion of Representative HALL of Wilton, 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 Wilton, Representative Hall.

Representative **HALL**: Thank you, Madam Speaker, Ladies and Gentlemen of the House. I know we have a lot of work left to do tonight, so, I'll be very brief. This bill comes before us, it was a Divided Report out of ACF. This only puts together an 11-person board to oversee lands and waterways of the State which already have department heads and departments within the State that we pay to do this. I believe that it is not needed and this is kind of an overkill, so, please vote this motion down.

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. 492

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

ABSENT - Adams, Boyle, Jauch.

Yes, 80; No, 67; Absent, 3; Vacant, 1; Excused, 0.

80 having voted in the affirmative and 67 voted in the negative, 1 vacancy with 3 being absent, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

An Act to Establish a State Minimum Hourly Wage for Agricultural Workers

(H.P. 1462) (L.D. 2273)
(C. "A" H-922)

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

On motion of Representative FAULKINGHAM of Winter Harbor, 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 Vassalboro, Representative Bradstreet.

Representative **BRADSTREET**: Thank you, Madam Speaker, Ladies and Gentlemen of the House. I'm still in opposition to this particular bill.

I think it's good to remind us that the Chief Executive put forth a bill that would be acceptable and be enacted. However, in Committee, an unfortunate addition was made, an amendment was made, which jeopardizes that. I'd hate to see this whole bill jeopardized because of that reason. The bill also, as it stands, will really prevent a lot of people who want to work piecemeal. We heard some speeches on that here just the other day. That's unfortunate, because people want to work and they need to work, but it's not possible to pay what would be the new minimum wage for people who are not able to meet that by doing their piecemeal, yet they can come very close to doing it and they want to do it. Why should we prevent that from happening?

Madam Speaker, we have an opportunity to do something here today by voting this down. 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. Growing up on our farm, we always used, you know, on gardening; in fact, I raised tomatoes when I was a kid, I had a hundred tomato plants and my brother had an acre of string beans, and we hired our own teenagers from school and they came and they picked so much and they'd get weighed and they'd get so much for the weight. And they all enjoyed it and they all kind of had fun, they did competition. In fact, I can remember one guy, he was a little bit of a wise guy and he put some rocks in the bottom of the string bean basket just to make fun for my brother, you know, because he was in competition with me against the string beans and the tomatoes. So, but this would take and eliminate that fun. And also, you know, my daughters, my granddaughters; many people in the community have their kids go from the high school and pick strawberries, you know, right after school. It worked out so well for them, they could just not even have to make an application, they could just go to work and make some extra money, and quick money if they worked hard. This takes that incentive away.

I really think that you should think strong and hard, because the farming is a little different than your union workers or your mill workers or fabrications and stuff. I know my Mom, actually, she talks very much about piecework at the Hathaway, and they would do shirts. And I'll tell you, I loved those Hathaway shirts. They were beautifully done and you could do piecework, you could go anytime you wanted to; oh, Madam Speaker, I'll talk to you. But they do piecework and I loved those Hathaway shirts, they have the buttons and they were really a well-made material and they would inspect them and the quality that came out of there was just terrific and everybody had pride. I knew the manager, Everett Hunter, he managed Hathaway and he told me about all the stories that these people would come and they'd be able to make some money, go home, take care of their kids and come and go as they pleased and did the piecework and it really worked out well for them. It wasn't an hourly wage, it was a way to make money. And the same thing with our kids in our communities. This is taking that away from them.

I just don't understand. I wish I could understand why somebody would do that to our kids. It's their future. Some of them become farmers themselves because they enjoyed it so much. And, you know, I just can't say enough about how piecework really does play a big part and a big role for our teenagers to grow up and become good workers, good citizens, and to actually know how to earn a little extra money for either their cars or maybe something that they want to raise money for college or whatever, but why take that away? As it was, we didn't have permits, now they've got permits you have to apply for if you want to get a job and a lot of them won't even take the time to go get a permit, so, they don't get a job. On the farms, they don't need that permit during the summer. So, it really does help them in that way, too.

So, all we're asking is this is the time when we could really make a difference, have this thought out a little bit more, not take it away from the farmers. We're hurting, the farmers are hurting; they were out here yesterday, they were going to bring a cow over here because of a program. So, they really need some support from our legislators and this is the time to do it. That's all we're asking, Speaker. 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. 493

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

ABSENT - Boyle, Jauch, Lanigan.

Yes, 77; No, 70; Absent, 3; Vacant, 1; Excused, 0.

77 having voted in the affirmative and 70 voted in the negative, 1 vacancy with 3 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.

REPORTS OF COMMITTEE

Divided Report

Majority Report of the Committee on **HEALTH COVERAGE, INSURANCE AND FINANCIAL SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-953)** on Bill "An Act Regarding Health Care in the State"

(H.P. 148) (L.D. 227)

Signed:

Senators:

BAILEY of York
RENY of Lincoln

Representatives:

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

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

Signed:

Senator:

BRAKEY of Androscoggin

Representatives:

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

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 this bill and to the pending motion. It should be noted that this bill was printed as a concept draft in January 2023. Yet, less than a week before the public hearing, a 21-page amendment was dropped, without proper time for people to understand and fully comprehend this bill. Indeed, the amendment did not become available on the public website until 1:00 this afternoon. This is not the way that government should be done. Despite the late notice and the lateness of the language, hundreds of Mainers showed up to voice their strong opposition to this bill. The testimony was 10:1 in opposition to this bill. And why shouldn't it be? The problems are numerous with this legislation.

For starters, why are we declaring abortion and gender treatments a legal right in this State? That seems odd to me. Particularly since it wasn't that long ago, during COVID, that people were not able to access services like cancer screenings and dental visits; those were considered to be nonessential and were urged to delay those procedures. Yet, we're going to declare these two things a legal right in Maine moving forward.

Some of the biggest concerns with this bill lies with its constitutionality. The Constitution guarantees full faith and credit across the United States. It requires our law enforcement to cooperate in other states' investigations. It is no exaggeration that if the provisions of this bill would take effect, it would make it easier for traffickers to find safe haven here in Maine. It's no wonder that Maine's sheriffs, the Maine Sheriffs Association and 16 State Attorneys General have opposed this bill. It would make it harder for our law enforcement to find cooperation from other states. Indeed, during the public hearing, I asked Planned Parenthood about what their guardrails are to ensure that only custodial parents are the ones that bring a minor here for care. Despite a long soliloquy from them about all the things that they offer, I did not receive an answer. They promised they would bring one to the work session. To this day, I do not have an answer from Planned Parenthood about how they ensure that only the custodial parent and what guardrails they use to ensure that only custodial parents are the ones bringing their kids here for these types of care.

This bill also creates issues with as it relates to gender services. It recognizes the World Professional Association for Transgender Health as the standard of care, also known as WPATH. I would encourage this Body to Google WPATH and Google the WPATH files. What they will reveal is doctors performing experimental treatments on minors, on people that have schizophrenia, people who cannot consent to the procedures in this. Perhaps in part because of these revelations about WPATH, the United Kingdom has suspended gender treatments for minors, and this follows the lead of Finland and

France and other European countries. In European countries, they are going in the other direction when it comes to these types of treatments for minors. Due to this bill's restrictions on what it calls hostile litigation, the question; it is a legitimate question to ask; could a patient not sue a doctor if they were following the standard of care that is laid out by WPATH? If a person feels that they were mistreated by a doctor and that doctor claimed that they were following these standards of care, could that patient sue the provider? Under the language of this bill, I would say it would be very difficult.

Indeed, during the public hearing, I actually asked the young man about his experience that testified in opposition to this bill, and I asked him about his experiences as now a de-transitioner. He was 26 years old, he said he tried to transition when he was 21 and figured out that wasn't right, he said he felt fortunate to not have done permanent damage. When I asked him, what does he wish the doctors had known about him at that time and how does he wish that they had handled his care, he said that he wished that they had recognized that he was in a mental health crisis and that this was a mental health issue. He furthermore, before leaving the podium, said these type of procedures should be illegal.

Another part of this bill that's very objectionable and problematic is the prohibiting of malpractice insurance from rating based on performing these two procedures. As I mentioned on a bill last year, one need look only at the case of Shannon Carr and the State of New Mexico, who is under investigation for her treatment of a patient in that state that was seeking abortion, which this bill would create as a legally protected right. Yet, this bill would guarantee someone in that position would be guaranteed malpractice insurance, and furthermore, they could not rate someone on that basis. Cost of malpractice insurance is one of the things that drives the cost of health care.

I have only scratched the surface of the problems with this bill. Particularly, the issues with the process, it is constitutionally questionable, the strong opposition from law enforcement and the restrictions it places upon them, the authority it gives to a group like WPATH, that I think should give us all great pause and concern, that it will raise the costs of health care with its questionable way it's treating malpractice insurance, as well as it is not stated how it will be paid for. I'm sure there will be more from my colleagues that will get more in depth in some of these issues, but I 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. I want to talk a little bit about what this bill does do. For one thing, right now in the State of Maine, gender-affirming care and abortion are legal in this State. What this bill intends to do is to shield; and that's why it's called a shield bill; the providers who provide this care while in the State of Maine are protected from another state coming in to enforce their laws on this State. It is a sovereignty issue. It also clarifies access to health care and gender-affirming care as a legally protected health care process.

In terms of malpractice, malpractice means you have to work within the guidelines of your profession, you have to work within your own skills. There is nothing that prevents that from happening. It protects Maine's patients' medical records. That they're the only ones that can sign for their medical records, and not an AG from another state, especially if it's for legal care. It also ensures that resources are not used to further --

The SPEAKER: The Member will defer. The Chair is going to inform Members that if they'd like to have conversations in which we can overhear them as opposed to the Member speaking on the microphone, they will be removed from the Chamber. Please keep your conversations limited. If you have to have a conversation, respectfully have it outside of this Chamber. The Member may proceed.

Representative **PERRY**: Thank you. Another thing it does, it's not just providers, it also protects the staff that work with those providers as well. It aims to mitigate the risk of out-of-state law enforcement against reproductive health care and gender-affirming health care providers.

One thing that we did do as an amendment to this bill was to make some changes that we had gone to sheriffs to ask about that they had agreed with, and we put that in the bill. We have made other amendments that people have asked for, and we did hear from the people that were at the hearing, to make some changes and to define what this isn't. It isn't about trafficking. Trafficking is illegal, I don't care where you live. And I hope we find this in Maine. We've talked about this a lot. Kidnapping is illegal no matter where you live. If something illegal happens, law enforcement should have full course to act. This is only about what is legal in this State and it's for those providers who work to provide excellent health care for what the patient is asking for.

And I will say that protection also offers the fact that the provider has an opportunity to; and I lost my place on the thing; for the protection for their address being advertised out, that they have that protection as well, a privacy protection. And again, this is to protect those who are providing legal services only in this State. Thank you.

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

Representative **BAGSHAW**: Thank you, Madam Speaker. I rise in opposition to this bill. As I was looking at the bill, there was a lot of legalese and I was like, huh, so, I was reading it over and over again, and then I received a letter from my constituent and I would like to read that letter.

"LD 227; it ain't what it ain't. The removal of out-of-state children from their out-of-state parents and hiding them until gender affirmation or underage abortion happens here in Maine is called legally protected health care activity, a promotional sanctuary-ism. The bill, LD 227 and its strained list of definitions, attempt to redefine health care in a narrow segment of legal wordsmithing. In several paragraphs, 'abortion' is edited out in favor of the more generic 'legally protected health care activity.' This document lays out a plan to attract abortion seekers from jurisdictions outside of Maine and hinder law enforcement from reacting or responding to any legal claim or opposition, period. It makes Maine a super-Legislature above other states by creating sanctuary access to otherwise prohibited practices. In effect, legislating away the laws of the country and legally disenfranchising the sovereignty of anyone who disagrees. Does this seem like a workarround of the Supreme Court decision that gave Maine discretion to develop its own abortion laws? Having already done that, Maine does not need to become the abortion or transgender health care oasis for other states. The wording in LD 227 is similar in spirit to the masked 'reproductive autonomy' wording that overwrote the process of abortion in prior legislative enshrinement efforts by our Chief Executive. In LD 227, even 'reproductive health care' was stricken in favor of the new wording, 'legally protected health care activity.' The authors are so sensitive to the offending labels that their replacement becomes flattened, all-inclusive language, legally protected health care activity,

example, ethnic cleansing. The sense I get from reading LD 227 is that there is no room for opposition, definition, discussion, opinion or disapproval. The fix is in for masked health care activities and Maine becomes the designated epicenter for abortion and aborted genders. Don't bother calling the cops. LD 227 is an energy-consuming effort to rewrite existing law. It should be aborted. Legally protected health care activity is legally protected. The law to enshrine this legally protected activity is redundant and redundancy and should be blocked for that alone. Vote no on LD 227."

And like I said, that is from one of my constituents, those are his words, not mine. Thank you.

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

Representative **SMITH**: Thank you, Madam Speaker. Madam Speaker and Members of the House, I implore you to vote no on LD 227.

Today, I want to focus on the most serious problem of this bill, a problem that should not be overlooked if we are looking at this bill to truly test if this bill is right for Maine. The serious problem is that this bill is based on the medical expertise of the World Professional Association for Transgender Health, or WPATH. WPATH is a disgraced and compromised group of medical providers that has heavily relied upon intimidation, lies and misinformation to keep their offices filled with patients and their pockets lined with money. On March 4th of this year, files were leaked from within the organization that reveal that the clinicians who shape how gender medicine is regulated and practiced around the world consistently violate medical ethics and informed consent.

I draw your attention to Section 9002, number four, of the bill. "'Gender-affirming health care services' means all supplies, care and services of a medical, behavioral health, mental health, surgical, psychiatric, therapeutic, diagnostic, preventative, rehabilitative or supportive nature, including medication, relating to the treatment of gender dysphoria and gender incongruence in accordance with the accepted standard of care as defined by major medical professional organizations and agencies with expertise in the field of gender-affirming care, including in the Standards of Care for the Health of Transgender and Gender Diverse People, Version 8, ... published by the World Professional Association for Transgender Health." The bill states clearly that it is relying on the standards published by WPATH.

The WPATH files that were leaked contain the following information, proof that WPATH is conducting an unregulated experiment on some of the most vulnerable people in society, that its members are violating the ethical and legal requirement of obtaining informed consent, that members are aware that cross-sex hormones have debilitating and potentially fatal side effects. That WPATH members know that puberty blockers are experimental and have adverse consequences. That young patients do not understand the physical effects of sex trait modification interventions and therefore, cannot give cognitive consent, and that patients with severe mental health issues are being allowed to consent to invasive life-altering medical interventions without any attempt to first address their mental distress.

The following are quotes from the WPATH files. Now, keep in mind, these are legitimate quotes. WPATH themselves have not come out and said that any of these quoted are lies, that they are true quotes from their medical providers. Concerning whether it is reasonable to expect children and young adolescents to grasp the effects of gender-affirm care, Dianne Berg, child psychologist and co-author of the child

chapter of the WPATH Standards of Care; again, what was put in this bill as the medical professional. She says it is "out of their developmental range to understand the extent to which some of these medical interventions are impacting them." They'll say they understand, but then they'll say something else that makes you think, oh, they don't really understand they're going to have facial hair. Dr. Daniel Metzger, a Canadian endocrinologist says "most of the kids are nowhere in any kind of a brain space to really talk about [fertility preservation] in a serious way." It's always a good theory that you talk about fertility preservation with a 14-year-old, but I know I'm talking to a blank wall. He also states some of the Dutch researchers gave some data about young adults who had transitions and had reproductive regret, like regret, and it's there, and I don't think any of that surprises us. In reply to a nurse practitioner who is struggling with how to handle a patient with PTSD, major depressive disorder, observed disassociations and schizoid typical traits who wishes to go on hormone therapy, Dr. Dan Karasic, lead author of the WPATH Standards of Care, writes, "I'm missing why you are perplexed. The mere presence of psychiatric illness should not block a person's ability to start hormones if they have persistent gender dysphoria. Capacity to consent and the benefits of starting hormones outweigh the risks. So, why the internal struggle as the right thing to do?" And lastly, Dr. Christine McGinn reported performing about 20 vaginoplasties on patients under 18 over a 17-year period and confessed that not all, but some, most have perfect outcomes.

Do we understand that, based on the lack of truth within the standards of care provided by this organization, we are looking at passing a bill that is based on lies and hidden facts and abuse of children and patients? Even though I have heard that it has been said that those opposed to this information are spreading lies, this information can be verified and viewed by each and every one of us. Again, I reiterate that WPATH has not denied any of these quotes from their doctors, who know about regrets, problems with surgeries and overlooking mental health disorders. This bill will allow doctors to mutilate beautiful bodies, completely throw a child's fertility away, and hide and ignore true mental health issues and struggles based on the lies of a sham organization. We will be on the wrong side of history if we pass this bill. We must vote no on LD 227. It's not right for Maine and it's not right for the country. Thank you, Madam Speaker.

The SPEAKER: The Chair recognizes the Representative from Bowdoinham, Representative Cluchey.

Representative **CLUCHEY**: Thank you, Madam Speaker. Madam Speaker, Colleagues of the House, if I told you Maine could be stripped of its right to self-determination regarding our State's public policies, would it concern you? If I told you that officials in other states want to reach into Maine and punish Maine citizens for providing care and services that are legal in Maine, would you want to give them that right?

Unfortunately, these things are not hypothetical. Some states are actively working to punish health care providers offering safe, legal care in other states. Just this past January, the Texas Attorney General subpoenaed providers in Washington State and Georgia to produce private medical records for Texas patients. For Maine, this poses a significant threat to our self-determination, our freedoms, our privacy and our individual liberties. This is what 227 would address, and that is why this law is needed. It would protect Maine clinicians so that they can do their job. It would make sure that they feel safe training here and staying here. It would help ensure medical students don't decline opportunities here and clinicians don't leave the State.

There has been a lot of misinformation about this bill and a lot of fearmongering, perhaps more than I have ever seen on any bill this session. I serve on this Committee that heard this bill, and so, I am very familiar with what it does and does not do. Importantly, this bill changes absolutely nothing about to whom reproductive health care or gender-affirming health care is delivered in Maine. It also changes nothing about how reproductive health care or gender-affirming health care is delivered in Maine. It changes nothing about the ability to prosecute crimes in this State, and it has been amended to address the questions raised by the Maine police chiefs and the Maine Sheriffs' Association regarding Section 9006 of this bill.

What LD 227 actually does is protect Maine health care providers from being sued by other states for providing care that is already legal here. Seventeen states have passed very similar shield laws for reproductive health care and 11 have passed shield laws for gender-affirming care. We owe it to our constituents to protect Maine's health care infrastructure, our providers and legal health care access. Our constituents' lives depend on it, Maine's future depends on it, our independence as a sovereign State depends on it. And for these reasons, I urge you, and I wrote, to vote yes on LD 227.

The SPEAKER: The Chair recognizes the Representative from Houlton, Representative Swallow.

Representative **SWALLOW**: Thank you, Madam Speaker. LD 227 is one of the most misunderstood pieces of legislation in the 131st Legislature. And one of the reasons may be that this 21-page amendment was not viewable online until well after the work session and just recently. Therefore, though in some ways, the details of this bill and exact interpretation may be misunderstood, the essence and priorities of LD 227 are well understood by most. Many Mainers are upset over this legislation because they clearly understand the purpose and reality, which is; once again, parents' rights are secondary in the case of minors and transgender care. This legislation places concern for confused minors and parents' rights into the background behind the concerns for providers and practitioners of gender-affirming care and reproductive care for minors.

I have three issues with this bill. First, the fact that, as you heard, the World Professional Association for Transgender Health, WPATH, is set as one of the standards for gender-affirming care. Second, it continues to further protect those who are promoting gender-affirming care in minors, especially those in their teen years. And finally, the third, is terminology such as "interference" is not clear in its meaning.

First, not only are parents powerless to be involved in the issues of their 16- and 17-year-old children when dealing with transgender issues, but the care and advice given to their children in the quest to know what is being done with their children could easily be interpreted as interference with legally protected health care. If they carry their concerns too far and file suit, could they be guilty of hostile litigation and be countersued, which would include the provider's defense costs? With this legislation, the transgender health care provider holds all the cards, and it's time for parents to once again step to the back of the line.

Second, if anything, this bill moves us further in the wrong direction. Europe has long been ahead of the United States in offering gender-affirming care to adolescents. However, now, those old concepts and theories are falling to the realities of empirical evidence. In Finland, the Finnish health authority has broken away from WPATH Standards of Care, which are cited in this bill and is the primary standard of care to be followed. Finland has changed to their own standards and now recommends new guidelines that state that psychotherapy,

rather than puberty blockers and cross-sex hormones, should be the first line of treatment for gender dysphoric youth. And Finland is not the only European country that is stepping back from WPATH standards of care. In Europe, the debate over gender-affirming care in minors is more facts-based and centered around the ongoing health of the patient. Their long-term studies offering long-term data are in. The verdict is that more harm than good is being done in most cases with gender-affirming care for minors. Setting mental health issues aside, the physical health issues alone include bone damage, infertility and sexual dysfunction. Now, minors in five European countries; Norway, Sweden, Denmark, France and Finland; can access puberty blockers and cross-sex hormones only if they meet strict eligibility requirements, usually in the context of a tightly controlled research setting.

In England, England now prohibits almost all gender-affirming care for persons under 18 years of age. According to a 2022 study commissioned by the National Health Service of England just 10 years prior, there were 250 referrals, which were mostly boys, to their Gender Identity Development Service run by the National Health Service Foundation in London. In only 10 years, the referrals grew from 250 to more than 5,000. Interestingly, the largest group, being two-thirds, now consisted of birth females that first reported in adolescence gender-related stress. In truth, there has been a recent surge of teenage girls identifying as transgender. However, there has been no such change in women of other ages, only teenage girls. In fact, in England, from one decade to the next, the rate of gender dysphoria in teenage girls has risen 4,400%. In the past, this ailment has always been typical of boys in early childhood. The U.S. as well has seen an incredible surge with teenage girls claiming gender dysphoria. Dr. Littman, a doctor and researcher at Brown University, decided to find out why. Dr. Littman describes the condition experienced by these girls as rapid onset gender dysphoria, ROGD. According to the study, parents say that many of these girls have a history of mental illness and some are on the autism spectrum. Based on Dr. Littman's research and her claim that ROGD spreads via social media and peer contagion, it is not uncommon for two or more girls in the same friendship group, or even half of them, to begin to identify as transgender. Dr. Ray Blanchard, professor of psychiatry at the University of Toronto, has worked in gender identity clinics for many years and believes ROGD is absolutely real. The statistical changes are remarkable. The doctor further found most of the clinicians involved in these cases did not explore issues of mental health, previous trauma or any alternative causes of gender dysphoria prior to proceeding. She notes that some were offered prescriptions for puberty blockers or cross-sex hormones during their first visit. Gender dysphoria in teenage girls has become a social trend and a catch-all diagnosis for teens having mental health issues. The American College of Pediatricians noted that youth whose perceived gender identity does not align with their biological sex have high rates of mental health problems, regardless of any affirmations of their gender identity. Clearly, 16- and 17-year-olds are not ready to make these life-altering decisions. In fact, when gender dysphoria is not treated with puberty blockers and other drugs, studies show that between 70 and 90% of minors with gender dysphoria return to their birth sex. This bill moves us further in the wrong direction.

My final point is that when children are going through a difficult stage in life and having severe mental issues, they are reaching out for a solution. Rather than dealing with the mental health issues involved, we are separating these children further from their parents, placing them in the hands of the unknown

and now, with this legislation, making it even more difficult for parents and guardians of these troubled youths to assist their children and discover what care is being given to these vulnerable youth that will have to live with the consequences for life.

This bill was inspired by the ongoing issues in other states, including Connecticut, where patients who were hastily treated are now having severe issues and are suing these doctors and practitioners. It's a money trail that leads back to using young, confused, gender-distressed patients as pawns and further moving pesky parents who are concerned about their children out of the way and allowing money to flow to certain providers and practitioners. Please join me in opposing this legislation. Thank you, Madam Speaker.

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

Representative **MASTRACCIO**: Thank you, Madam Speaker. Madam Speaker and Women and Men of the House, this is not a bill about WPATH; it is a bill about patients and their health care providers in Maine. Providers who are our constituents, providers who deserve to be protected while delivering legal, essential and sometimes life-saving care in Maine. Providers who must follow standards of care in every aspect of any type of care they provide, and must obey the laws of Maine and the federal government while providing that care. We need to protect Maine health care professionals so they can do their work and care for their patients in Maine without fear of reprisal from entities in other states who do not agree with the laws of Maine and seek to deny our sovereignty as a State.

The truth about the World Professional Association for Transgender Health, WPATH, is that there is overwhelming consensus in support of the WPATH standards of care in how to treat diagnosed gender dysphoria. Standing alongside WPATH and its standards of care are the American Academy of Pediatrics, the Academic Pediatric Association, the American Academy of Child and Adolescent Psychiatry, the Association of American Medical Colleges, the American Academy of Family Physicians, the American Academy of Nursing, the American College of Obstetricians and Gynecologists, the American College of Osteopathic Pediatricians, the American College of Physicians, the American Medical Association, the American Pediatric Society, the American Psychiatric Association, the Association of Medical School Pediatric Department Chairs Incorporated, the Endocrine Society, the National Association of Pediatric Nurse Practitioners, the Pediatric Endocrine Society, the Societies for Pediatric Urology, the Society for Adolescent Health and Medicine, the Society for Pediatric Research and the Society of Pediatric Nurses. All legitimate health care professional organizations that warrant our respect. I urge you to support this bill and the health care professionals of Maine. 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 stand before you representing law enforcement issues. I thank you for letting us speak our piece and I really think that law enforcement is a big issue in this bill. It's for the safety of our public, for not only here but all over the country.

From the Maine Chiefs' Association, I just received; and this is from the Chief of Police just now of the Chiefs' Association; said, "should this bill move forward as drafted, Maine's law enforcement community will be placed in a difficult position. We must provide records and information to other agencies with no questions asked, yet under this legislation, no

law enforcement officer may provide information or assistance to any law enforcement agency federally, locally or across State lines in relation to an investigation or inquiry into the providing of health care services. We do not support being placed in a scenario that we are unable to do our jobs or if we do carry out our sworn duty to work collaboratively with other agencies, that we may find ourselves in direct conflict with this proposed law. Should this bill move forward as drafted, Maine's law enforcement community will be placed in a difficult position;" there again, let me go here, so; "we do not support being placed in a scenario that we are unable to do our jobs, and if we do carry out our sworn duty to work collaboratively with our agencies, that we may find ourselves in direct conflict with the proposed law."

The other big piece of this is that the Maine Sheriffs' Association also wrote, and none of this; it says they feel that law enforcement should be completely removed from this bill. This bill has many objectives that are complicated and unrelated to law enforcement. A collective opposition to this bill is law enforcement related. In speaking with law enforcement around the State, they were unable to find anyone that was consulted on the language of this bill. And if you just heard, not once was law enforcement mentioned in their people or organizations that was contacted. "Maine Sheriffs' Association urges you to vote unanimously to defeat LD 227 and, at best, remove all references of law enforcement." This is from Mary-Anne LaMarre, Executive Director of the Maine Sheriffs' Association; nothing has changed since the updated amendments in their position; please protect our people in our State and our country. This is against all law enforcement sworn officers to uphold what they've sworn to. We cannot vote for this bill as upstanding law enforcement officers to do the duty that you've asked us to do. Please vote this down. Thank you, Madam Speaker.

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

Representative **ZAGER**: Thank you very much, Madam Speaker, Colleagues of the House. I rise in support of this pending motion. I understand that many Members of this Body, and many folks in our society at large, doubt the need for this bill and even, in some cases, doubt the legitimacy of the health care that is discussed in it, and I respect that difference of opinion, even if I don't agree with it. I respectfully offer another voice from the medical profession.

I'm going to limit my remarks to gender dysphoria, which has been the tenor of the debate. People whose gender identity does not match their assigned gender, I believe, deserve access to evidence-based health care for their whole being, just like everybody else. So, health care practitioners can't be intimidated from out of state from providing it, hence this bill, LD 227. And what is the consensus opinion of the medical and broad health care community? The Good Representative from Sanford has listed it's about two dozen organizations. Not a radical fringe group of experimental practitioners, but very much the mainstream of health care in the United States has already submitted an answer to what the consensus is in the health care community in an *amicus curiae* brief to the U.S. Supreme Court just a few months ago in the case of *Williams v. Skrametti*. The *amici* assert as follows, that gender dysphoria is a clinical condition that is marked by distress due to an incongruence between a person's gender identity, such as the innate sense of oneself as being a particular gender and the sex assigned at birth. This incongruence can lead to clinically significant distress and impair functioning in many aspects of life and even threaten a person's life. If not treated or treated improperly or delayed too long, gender dysphoria can result in debilitating anxiety,

depression and self-harm and is associated with higher rates of suicide. As such, the effective treatment of gender dysphoria saves lives. And I just want that to be clear, the effective treatment of gender dysphoria saves lives.

To save those lives and to reduce morbidity, there exists a professionally well-accepted protocol for treating gender dysphoria. This is colloquially called, known professionally and also in the common vernacular, as gender-affirming care. It is very deliberate, very meticulous and is not done expediently; it's not rushed. In the U.S., approximately 1.4 million individuals are transgender. There is an increasing understanding among those who spend their professional lives in this field that being transgender is a normal variation of human identity. That's as far as we can determine in *homo sapiens*, our species. It happens to be that in other species in the natural world, individuals go from male to female, female to male, throughout their lives naturally, without intervention. If untreated or inadequately treated, gender dysphoria can cause depression, anxiety, self-harm and suicidality, as I mentioned. More than 50% of the population reported having seriously considered attempting suicide and more than one-third of transgender adolescents reported having attempted suicide in the preceding 12 months. To ignore their suffering would be deadly.

But that doesn't mean that health care practitioners are going to rush into treatment that is not adhering to strict protocols. That standard of care has many elements; among them, a thorough mental health and diagnostic assessment. If somebody, for instance, is suffering from schizophrenia, that would be discovered if they indeed cannot reality test; cannot tell what is reality and what is not reality. That would be discovered in that first step. Also, there are rigorous criteria. I won't elaborate them for the sake of time, but they're summarized nicely in the *amicus curiae* brief. There must be a sustained and persistent pattern of gender nonconformity or gender dysphoria. This is not somebody being whisked away for a weekend, making a declaration and having surgery. Sustained and persistent pattern. And in my discussions with colleagues who are reading the medical literature, we're talking years.

There must be sufficient emotional and cognitive maturity to provide informed consent. And so, yes, certain adolescents do not have that maturity or the ability to even recognize what's going on with their condition. And so, that person would not be appropriate to proceed with the treatment that they do not understand. Any coexisting psychological, medical and social problems that could interfere with the diagnosis, the treatment, or the ability to consent must be addressed. So, there's a whole host of reasons why a person could be suffering from depression, anxiety, suicidality, that are not gender dysphoria, and those must be addressed when a person has access to comprehensive medical care.

I won't go through the rest, but I think I've given you a flavor, Madam Speaker, that this is not rushed; this is very deliberate, very thoughtful and very caring. These guidelines were developed through a robust and transparent process, also employing the same scientific rigor that we depend on, that we expect for anything else that afflicts a human being. They've been developed over decades, even. And does it work? I mean, we could put a lot of time into something, we could recognize suffering, we can develop protocols, but in order for the scientific method to be duly applied to reduce human suffering, there have to be clinical trials, there has to be studies; not randomized, that would not be ethical in this case, as it's not ethical with many other human conditions; but there are legitimate ways to study whether it works and, indeed, it works. That is a large part of

why I think that this bill, LD 227, is important to protect providers who are reducing suffering with a treatment that works. Research has documented significant reductions in anxiety, reductions in depression, reductions in suicidal ideation. This is even after adjusting for several other factors like demographics, level of family support and so on, as would be conventionally done in research. And their overall functioning in their communities improves.

In conclusion, Madam Speaker, I just would like to say that scientists and researchers always welcome more understanding about important things, including this crucial topic. We will continue to learn more. However, currently, tonight, when we're considering LD 227, it seems to me that large amounts of the available data indicate that gender-affirming care works, and not applying it in time, in a thoughtful process, does significant harm to those who are suffering from gender dysphoria. LD 227 protects Maine doctors and other health care providers whose care improves these outcomes and alleviates suffering. That's why I think that this Body ought to advance LD 227. Thank you, Madam Speaker.

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

Representative **PERKINS**: Thank you, Madam Speaker. I, too, have heard from the Maine Sheriffs' Association and I was asked by the Executive Director to read their testimony during Committee, but since the Good Representative from Albion has already read most of it, I'm going to forego that. However, I have heard from the Executive Director just since we've reconvened session this evening, and she asked me to share her thoughts on that, so, I'm going to read those, if I may. And she says; this is Mary-Anne LaMarre, Executive Director of Maine Sheriffs' Association and she says, "I've heard ugly rumors that only quote-unquote MAGA sheriffs are opposed to 227. That's not true. Of all sheriffs that voted, one changed position from opposed to not for nor against. All other sheriffs that voted opposed and the vote represents multiple sheriffs from both parties. We are steadfast in our position. Please feel free to share." Madam Speaker, Section 9006 of this bill prohibits law enforcement from participating with other agencies that may be looking for a missing or abducted child. What if there's an abducted child, Madam Speaker, I wonder, that is victimized but, you know, signs of that victimization aren't clear? We'd never know because we'd never be able to investigate it. What if someone is abducted and brought to Maine and the offender is trying to hide that victim because they're trying to change that child's appearance? We wouldn't know because we wouldn't be able to investigate it. Not investigating or reporting missing or abducted child is unconscionable, Madam Speaker, and contrary to the good of public order. Any law enforcement agency that refuses to do so would be negligent and it makes our law enforcement agencies complicit in endangering the welfare of a child.

And finally, Madam Speaker, just in closing, I'd like to share just one sentence of testimony that came from one of the sheriffs who individually submitted testimony, Sheriff Kevin Joyce, who is the Sheriff of Cumberland County. And he wrote, "if a law enforcement agency in State or out of state are investigating the whereabouts of a missing child and we have contact with that child, there is no scenario that an ethical and professional law enforcement officer is not going to check on the child's well-being and report that information to the investigating enforcement agency." Madam Speaker, regardless of anything else that's in this bill, the aspects in this bill that refer to law enforcement just can't stand and we can't support this bill. Thank you.

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

Representative **CARMICHAEL**: Thank you, Madam Speaker, Men and Women of the House. I don't rise this evening with legal issues, with physical issues or even emotional issues, Madam Speaker. It should come as no surprise to anybody in this Chamber my faith is very important to me.

Madam Speaker, my priorities in my faith are my God, my family, my church and my work here. Madam Speaker, because my God is my highest priority, I feel like I need to share what He says and what I feel on this issue. In Galatians 1:15, God says He had a design for me, when I was even in my mother's womb, He chose and called me out of shared generosity. That's telling us that the Lord cares about us, He designed us a specific way and He has a specific plan for us. In Jeremiah 1:5, it says before I formed you in your mother's womb, I knew you. Before you were born, I sanctified you a prophet. He had a plan for Jeremiah, Jeremiah was a prophet and did good works. And I believe that He has a plan for each one of us in this Chamber.

Madam Speaker, Psalms 1:27 says children are a heritage from Heaven and from the Lord. Our offspring are a reward to us, they're a gift to us from God. Madam Speaker, parents have a God-given responsibility to protect their children from harm and, Madam Speaker, I believe this bill could get in the way of parents fulfilling their commitment to God. Madam Speaker, in the book of Matthew, we are warned to protect our children or face His judgment. Madam Speaker, it's out of compassion for everybody in this Body that I rise and share the word from God's Word. Thank you.

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

Representative **GEIGER**: Thank you, Madam Speaker, and thank you for allowing me to rise and speak to my colleagues on the floor in support of LD 227.

Madam Speaker, when I was 24, I sold my Jeep and took all my savings and went on a nine-month trip around the world with my boyfriend, Sam. When we were in Malaysia, we met a Polish man who escaped from Poland two years before. He said to us, Americans are stupid and naïve and if you want to really learn about the world, you should visit a communist country. Being stupid and naïve, we thought this was an excellent plan, and we went to the Polish ambassador and got visas. We flew into Poland, we spent two weeks there and then realized that we didn't actually know how to get out of that country. After a couple of days, we found the international train station, only to discover that the tickets only went to other communist countries. After some thought, we bought a ticket to East Berlin. We boarded an evening train, and as we passed into East Germany, every hour from then on, German soldiers would throw open the train doors, scream out passport in German and Polish, demand to see peoples' papers. If they had a large suitcase, they would make them open it to make sure that no one was hiding inside. When we arrived in East Berlin, we discovered that if we stayed on the train, it would go through to West Berlin. I watched as they put mirrors under every car, looking for someone who might be clinging to the undercarriage of the train, trying to escape from East Germany. I watched as German Shepherds walked up and down the train station, sniffing large bags, suitcases, boxes, in case there was a human being trying to escape from that country. I watched when a train from West Berlin came in to East Berlin and the soldiers walked through and picked up every magazine and every newspaper so that the people in East Germany had no idea how unfree they were. And then we traveled across a long field full of barbed wire, full of landmines,

to the Berlin Wall, where there were men with machine guns in watch towers to make sure that no one tried to escape. And when I arrived in Berlin, I thought, oh, my God, thank God I am a United States citizen. I can travel wherever I want to, with no one's permission. I can travel anywhere in this country without papers and I can travel anywhere in the world without permission.

If anyone had told my 24-year-old self that today, we received letters from 16 Attorney Generals telling us that United States citizens who happen to reside in their states are not allowed to leave and come to Maine for medical care they choose, which is fully legal in this State, I would not have believed it. Are we going to be here next session to discuss a shield bill for librarians who are giving out books that turned out to be banned in states that the visitors were taking out? Are we going to receive letters from our colleges and universities saying they're hearing from those states that U.S. citizens who are attending education here are not allowed to take a black history course, a women's studies course or, if they're Floridians, not to be allowed to take a sociology course? We are United States citizens and we have always had the right to travel where we wanted to for reasons of our choosing.

When we pass this bill, Madam Speaker, what happens then? Do those states decide that any woman of childbearing age cannot leave that state? Do they decide that parents with young children are not allowed to leave that state in case they are seeking gender-affirming care? Are they going to require a pregnancy test or are they simply going to build a wall and start sliding mirrors under trains and walking German Shepherds through buses, looking at suitcases to make sure no one's trying to escape? This is America, and what we are proposing here is to protect our providers and, frankly, to protect our brothers and sisters who are fellow Americans, if they choose to come here for legal care. I hope you will join me in supporting this bill. Thank you.

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

Representative **PAUL**: Thank you, Madam Speaker.

The SPEAKER: The Member will defer. The Chair recognizes the Representative from Winter Harbor, Representative Faulkingham, and inquires as to why he rises.

Representative **FAULKINGHAM**: Madam Speaker, I suggest the absence of a quorum.

Representative **FAULKINGHAM** of Winter Harbor inquired if a Quorum was present.

The Chair ordered a quorum call.

More than half of the Members responding, the Chair declared a Quorum present.

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. The proposed amendment for LD 227 outlines a vision for Maine that is truly egregious and dangerous for the women of our State. As legislators, it is our duty to protect and defend our citizens, not perpetuate a system that removes their power and subjects them to harm for the worst actors in our society.

In an effort to not provide repetitive information, I wanted to highlight some unintended or intended consequences of this bill related specifically to abortion. I should hope the recklessness of providing life-altering so-called gender-affirming care for children who are not equipped to make such a decision would be obvious. In order to understand what could happen, we must look at some of the darkest parts of the human experience; sex trafficking and domestic abuse. This bill could

actually enable reproductive coercion and crimes against pregnant women and remove any recourse they might have if they are injured by an abortion procedure. How? Well, there are several ways, but I will highlight the provision which prohibits Maine courts from enforcing a judgment from another state related to abortion services. Let's say a woman in Georgia orders abortion pills online and they are mailed from a physician in Maine. She's had no physical exam and no confirmation of either stage or location of pregnancy. She's ectopic and the abortion pills cause her fallopian tube to burst and she's rushed into emergency surgery. She loses her fertility, something she will have to deal with for the rest of her life. This mother has absolutely no legal recourse under the provisions of this bill. In addition, due to the hostile litigation provision, is she the one who would be sued if she seeks damages? Or what if, instead of losing her fertility, she loses her life? Her family may have no legal recourse for wrongful death if blanket immunity is given to health care providers who are supposed to first do no harm. Why? Because a few lawmakers in Augusta decided to play God and determine what are human rights? Do you really want to remove all liability from abortion providers in this State?

If abortion procedures really are safe for women, then why does this bill provide blanket liability coverage for abortion providers and prevent malpractice insurance companies from increasing their rates if the procedures are not higher risk? The complete removal of any personal responsibility or accountability for physicians is just a Freudian slip of how deadly these procedures really are to women. In extreme cases, would this bill also protect abusers from prosecution if they coerce a woman to have an abortion? Forced abortions are not exempted in this bill. Medication abortion, which is already widely available, accessible and largely unregulated in our State, is often used as a tool in human trafficking and reproductive coercion. This bill could fling the door wide open for abusers, traffickers and the worst of society to use chemical abortion drugs, already 63% of all abortions in Maine, to coerce women into ending pregnancies that interfere with their bottom line. Because of the ease of acquiring abortion pills under this legislation, women who are harmed by abortion, even forced abortion, may have literally no recourse for injury. Abusive domestic partners, traffickers and the worst actors in our society may have zero accountability for injuries they cause because to stop them from assisting in what they can say was something the woman wanted, we would be interfering with a stated legal right.

Maine is supposed to be Vacationland, not a tourist destination for abortion and gender surgery, which will make Maine a sanctuary State for abusers and human traffickers, who may force their victims to have abortions under the protections afforded in this bill. You have to consider all possible consequences of the harm this bill could allow. That is your responsibility. This bill is not about access to health care; this bill is about empowering abusers. Make no mistake, if this bill passes, Maine will be known as a sex trafficking and domestic abuse capital of America.

All human beings are made in God's image and are worthy of protection. This means that all life, regardless of age, ability, gender, race, religion, born and pre-born, have infinite value. Do the right thing. Show the women of this State that you care about them and want to empower them against their abusers, not tie their hands from seeking justice when she is severely wronged. I urge you to vote against the pending motion. Thank you, Madam Speaker.

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

Representative **HAGGAN**: Thank you, Madam Speaker. I know this will be the one that sways everybody. Okay, here we go.

Madam Speaker, this bill is appropriately called the Shield Law. It shields parents from foreign jurisdictions; i.e. states; from protecting their youth. It shields minors from critical decision making before they reach the age of maturity. It shields law enforcement from helping or intervening in these abhorrent practices. It shields medical practitioners from litigation for these procedures. In; I forgot to write the section number; Section B-5, number 14, it says, "an action in a foreign jurisdiction" or state, this is in the amendment, "that is brought by a parent involving litigation between parents over custody of a minor child of the parents if the custody dispute involves legally protected health care activity or aiding and assisting legally protected health care activity for the minor child." This shields other states from rescuing their own citizens of their own states.

I'm going to now read another excerpt from this bill that pertains to legally protected health care activity, that's the words that I put in quote, and remind the Body that this is the language of the bill. It's not the law yet. Once it's adopted, it will be the language of the law of the land of Maine. Part C, Section C-1, "Exception; legally protected health care activity. Notwithstanding any provision of state law to the contrary and except as required by federal law, the Governor may not surrender a person charged in another state as a result of the person's engaging in legally protected health care activity or aiding and assisting legally protected health care activity unless the executive authority of the demanding state alleges in writing that the accused was physically present in the demanding state at the time of the commission of the alleged offense and that thereafter the accused fled from the demanding state. For purposes of this subsection, 'aiding and assisting legally protected health care activity' and 'legally protected health care activity' have the same meanings..."

These words are shielding us from the truth; I'm on my own words now; these words are shielding us from the truth about the concept of legally protected health care as it is described in the bill, not yet the law. LD 227 makes both gender-affirming health care services and reproductive health care services a legal right, and interference with this right, whether or not under the color of the law, is against State policy. But gender-affirming health care services and reproductive health care services are very broadly defined in this bill. It's very vaguely defined in all of its legalese, in my opinion. Because it covers all supplies, care services, including services of a supportive nature related to gender dysphoria and incongruence, not only would Maine cover the cost of drugs, surgeries, mental health care services, it could even cover things like chest binders or prosthetics to create the appearance of male anatomy. If a child in Maine has a legal right to these services and no one can interfere with them, then this bill could be misused to argue that parents are prohibited from saying no to their child receiving them, which causes a scenario where trafficking will happen, because the bill has the law enforcement to stand down, which we've heard several times today.

LD 227 would allow lawsuits in Maine courts against a person who files hostile litigation, which is litigation in another state that would deter a person from obtaining gender identity/abortion services or from helping another person obtain those services. For example, if a person in another state filed a lawsuit to stop an aunt or someone from transporting a child to Maine for gender identity/abortion services, LD 227 would allow

the aunt to sue the parents and seek punitive damages against the parents. This is an unprecedented new cause of action. LD 227 prohibits Maine courts from enforcing a judgment from another state related to gender identity/abortion services. So, if another state issued a judgment against an aunt or uncle or what have you from trafficking a child to Maine to obtain abortion or gender transition surgery, Maine courts would refuse to enforce that. The bill would prohibit a State court from even requiring the aunt or uncle to give testimony in the trafficking case or from issuing any subpoena or warrant against the aunt. And even if the aunt was found guilty of violating a criminal law in another state related to gender identity/abortion services, Maine would be prohibited from surrendering the aunt to the state where she was convicted of the crime. So, now, Maine has become the State that harbors criminals who violated criminal laws in other states and prohibited vulnerable individuals from gender identity/abortion services. Malpractice insurers cannot increase rates or impose penalties on a doctor for providing gender identity/abortion services. This is interfering with the ability of insurers to appropriately factor in the risk of malpractice claims related to these procedures. Thus, this is designed to protect Maine health care professionals who provide reproductive and gender-affirming care from being targeted by other states' bans or restrictions on such treatments.

And then, of course, there is the issue of unanswered questions, such as who will pay for someone to come to the State of Maine or services that happen here? Taxpayers of Maine, of course. Interference with this abominable act is prohibited, even if it goes against public policy of the State. Other states cannot interfere with Maine's ability to guarantee this horrific deed. And what about the fact that this bill also drew the attention of 15 Republican Attorneys General from around the country, who penned a letter in March arguing that this measure is unconstitutional? Maine denied that.

Madam Speaker, when a version of this bill was 1735, I can't tell you how many people came to us with great regret for what they had done to themselves earlier in life. Doctors testified in Committee that the frontal lobe, which guides our maturity, is not fully developed until age 26. As I've stated 85,000 times recently; I'm going to do it again, I guess; I have been a teacher for 36 years. The first 14, I was a high school teacher; the last 22, sixth grade and eighth grade. I've been a middle school basketball teacher and a soccer coach, at the highest level, of course, for 30 years. My career has been spent teaching history and coaching our youth.

I've got allergies and my eyes; I'm crying, but I'm not sad. And I lost my place.

I've just been a history teacher and a coach for a long, long time. I'm 61 years old; I have been in the classroom for 56 years, I have never missed a quarter. I have chaperoned more dances than I would care to admit; sadly, for me, three weeks ago, but that was my last one as I'm retiring, so, that's good. Kids, you know, sixth grade, seventh grade, eighth grade, ninth grade, at dances; sixth graders, they run around all over the place, they're usually in the bathroom crying for whatever reason; seventh graders have no idea what they're doing, they're just kind of wrestling and chasing each other; eighth graders try to act mature, they have no idea how to get that dance with that special person, so, they all kind of clump around in the middle waiting for *Stairway to Heaven*, as we all maybe recall.

Young people are confused about a lot of things. They get in trouble, they do dumb things. When I was in ninth grade at Orono High School, I found a trampoline in the gym, with two friends and a basketball and Coach Paul was not anywhere to be found. So, we moved the trampoline over to the basket;

I have a fake knee and two hips and I think I know why; I was so numb, I jumped over the rim and landed on the hardwood floor. I did that. And I'm a teacher of your kids. Anyway, I digress.

Growing pains have been a part of all of our lives. Emotional growing pains, social growing pains, physical growing pains; it's a part of being a human. How many times did most of us change our minds when thinking of taking up a career when we were young? I think I changed majors five times, I think I ended college with 180 or 190 credits, I only needed 120. I've been taking 130 eighth graders to the technology high school in Bangor known as UTC for 25 years. One question that I ask them all is, you know, you've seen all these great things, what do you want to be when you grow up? And they'll say something and then they'll change their mind later on and change their mind later on, and that's what we do. We're humans. We change our mind. The neat thing about the process, their process of figuring it out and what we all did just figuring it out and choosing their path in life is they can change their mind any time they want. They can choose a path and if that path is not for them, they can choose another path. And hey, if they want to go back to the first path, they can do that.

If this bill passes, our youth, through puberty blockers, sexual reassignment surgeries and other, can never go back. Never. These are choices that no person can change once it's done. Even future choices to have their own biological children will be lost. This bill is the most extreme and unconscionable thing that I have seen in my 61 years of life. How any human; grandmother, grandfather, person, father, brother, sister or person who cares for our youth or loves people could vote for this boggles my mind.

Representative **MALON**: Point of Order.

The SPEAKER: The Member will defer. The Chair recognizes the Representative from Biddeford, Representative Malon.

Representative **MALON**: Thank you, Madam Speaker. The Representative's remarks are questioning the motives of other Members of this Body and also, I believe, are not germane.

On **POINT OF ORDER**, Representative MALON of Biddeford objected to the comments of Representative HAGGAN of Hampden because he was questioning the motives of other Members of the House.

The SPEAKER: The Chair will remind the Member not to impugn Members' character or question their motives.

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

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

Representative **HAGGAN**: Thank you very much. I'll strike that last one.

Children are not allowed to do many things in life. I'm not going to give a long list, like they did in our Committee that long night way back in 1735; they can't vote, they can't go to war and, you know, the list goes on, before the age of 18. When a person reaches the age of 18, as we all know, didn't we love it, let them make whatever choices and decisions that they want.

Please, I would ask any of you, really consider, deeply think in your heart. I know these speeches are not going to change probably anybody's mind, we're all tired and we want to go home, but this is really big. This is big, big stuff, super important, and the decisions we make here tonight and maybe in the next couple days, these things we have to think about what we did for the rest of our lives. And we have an opportunity right now to change if we're for this thing or to not or what have you. So, we must protect our children, get them to the age of

adulthood intact so that they can make mature decisions for what is right for their life. Thank you very much.

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

Representative **LYMAN**: Thank you, Madam Speaker, and Members of the Chamber. Never did I ever think, at this point in my life, I would be standing in front of a Body of lawmakers posing these questions to the Chamber, and before I do that, they're initiated from being involved in some conversations with some folks that were transitioning back, if you would, some of the most difficult things that I ever sat and participated in, walked away feeling; I'm not even going to go there. So, I would like to pose a few questions to the House, if I could.

The SPEAKER: The Member may proceed.

Representative **LYMAN**: Thank you. So, was a diagnosis of gender dysphoria an inaccurate determination for the number of individuals who have transitioned or are trying to transition, some are in the process of transitioning back to their birth gender; is that a misdiagnosis of gender dysphoria? That's one of them.

Is the same medical support available for individuals transitioning back to their birth gender? And I know that was addressed in some of the conversation, at least their perspective and what they were dealing with as they were trying to.

And finally, would these situations of medical procedures for emotional, physical treatments for dysphoria be considered a successful medical treatment? Are they examples of scientific experimentation that worked out for the affected humans who have chosen to transition back? Thank you.

The SPEAKER: The Member has posed some questions through the Chair to anyone who wishes to answer. The Chair recognizes the Representative from Windham, Representative Pringle.

Representative **PRINGLE**: Madam Speaker, Men and Women of the House, I rise today to speak in strong support of LD 227. As a physician, I have many examples over my 50-plus years of medical practice when health care providers have been able to deliver reproductive health care and gender-affirming care without interference in this private matter. LD 227 protects existing access to reproductive health care and gender-affirming care that is already legally protected in Maine, while reinforcing patients' autonomy and identity.

I would like to address the comments that have been made about increasing sex trafficking by sharing that the Maine Coalition Against Sexual Abuse submitted testimony to our Committee sharing their understanding of the problems of sexual abuse and, as people who are trained to identify people who are victims of abuse or being trafficked, they testified strongly in favor of this bill. They felt that it was extremely important and that it would not increase sex trafficking and all the things that have been referred to, and these are people who are trained to understand patients who are experiencing these horrific situations.

This legislation would ensure that individuals in Maine continue to have unimpeded access to gender-affirming care and reproductive health care services and that medical practitioners are able to provide these services without fear of legal consequences. Additionally, it will protect patients in Maine from having their private medical records shared with law enforcement agencies in other states where such care is banned. As we continue to see an increase in restrictions on pregnancy and gender-affirming care across the country, Maine must continue to champion patient rights while ensuring access to necessary and legal medical care. LD 227 will allow Maine to

join a growing number of states that have enacted similar legislation in response to the number of states that are restricting their citizens from accessing essential medical services and care.

My colleague, Representative Zager, I think, outlined extremely well the scientific basis, the care of patients, how carefully it's studied and how other peers play a role in helping us understand conditions and we've had growing body of knowledge and over my years, I've seen such a better understanding to help people who, as Representative Zager said, feel not right, they feel that they are not accepted for who they are, they are not loved for who they are and it creates incredible distress.

It's important to note that the legislation will not change the standard of care in our State, the care available to Maine patients or adjust the scope of practice available to providers. Additionally, it will not hinder a patient's legal right to redress action if they find issues with their care. You know, we have licensing boards, if there is a practitioner; physicians aren't perfect, other health care providers aren't perfect, we can make mistakes. If there is an error, if a patient feels they've been mistreated, there is a well-established process for them to file a complaint, for it to be investigated and for peers to review, and legal rights of a patient if they've been harmed by a provider. So, it's not that people don't have access to a system that has evolved over a long time and is well established. Our Committee hears over and over again from the professional licensing boards that these systems are in place to protect that.

So, simply put, LD 227 will prevent interference with patients' legal rights to access certain health care services and protect the providers who offer those services in Maine. Reproductive health care and gender-affirming care are medical care. As a physician, I hold my patients' privacy and confidentiality above all else, and I would like to say, too, that I know we hear a lot of people refer to their faith and understanding of how that affects their interpretation of this issue, but I'm a person of faith, and the God I believe in is a God of love, a God who loves all of us as we are. I have a favorite hymn, *Just as I am, Without one Plea*, and one of the things that's helped me as I grow older and realize how many mistakes I've made or people I might've hurt is that if I ask for forgiveness, that God forgives me and God accepts me with all my faults. So, I would just share another perspective of a faith-based approach to saying that I believe my faith supports care for these people, these patients. So, as a physician, I hold my patients' privacy and confidentiality above all else. I urge this Body to vote in favor of LD 227, as it will ensure that medical practitioners are able to continue to work with their patients, deliver the best course of care, without fear of retribution from other states. Thank you, Madam Speaker.

The SPEAKER: The Chair recognizes the Representative from Falmouth, Representative Kuhn.

Representative **KUHN**: Thank you, Madam Speaker, Fellow Members of the House. I rise in support of the pending motion. First, I'd like to thank the last speaker, the Representative, for her words, it was very moving.

This bill was introduced as a response to unprecedented threats on the Mainers who provide legal health care in our State. It comes in defense of Maine health care providers against states across the country that are banning and even criminalizing reproductive health care and transgender health care; care that Maine providers provide to their patients in accord with the highest ethical and medical standards. At its core, this bill is about our State's sovereign ability to set and enforce our laws, without interference from Texas, Tennessee

or Kentucky. This really shouldn't be a startling or controversial concept. It's why 17 other states and the District of Columbia have already put in place shield laws. The motion before us would do the same. And to be clear, every substantive provision of this bill has a similar counterpart in other state shield laws.

Maine has no intention of setting policy in Florida or Arkansas, but the same cannot be said of those states. As has been heard here this evening, in March, the Attorney General of Tennessee sent a letter to our State's leaders, signed by 15 other Attorneys General, calling us totalitarians because of LD 227, and explicitly threatening to come after Maine and our people, saying that they would, quote, "vigorously avail themselves of every recourse," unquote. The Committee had not even held a work session on this bill when other states were overtly and clearly trying to intimidate us and influence our legislative process, threatening to sue before the bill language was even final.

Our sovereignty means we establish our laws; not Tennessee, not Texas, not Florida. People providing care here should not be threatened by or dragooned to a hostile state for legal actions that they took here, even if those actions offend other states. This is very important to the very founding of our country, because as part of a federalist system, we are free to disagree with each other's policies, and we do. Maine now needs LD 227 to ensure that Maine's health practitioners can continue to provide essential health care without fear of prosecution, civil lawsuits from other states and with the full protection of this State.

One might ask what has happened in other states with similar laws. None of the states with shield laws have experienced any adverse outcomes. Providers have reported a renewed confidence in their ability to safely provide medical care. Maine can and should ensure the safety of Mainers providing reproductive and transgender care while providing a lifeline to Americans outside of Maine who are dependent on other states for access to essential health care.

Although the letter from the Attorney General claimed that LD 227 was unconstitutional, it is not. The bill complies with the full faith and credit clause, jurisprudence and its requirement that court judgments be accorded effect in other states. And it complies with the duty to extradite when a person is a fugitive from justice. For all of these reasons, I support the pending motion and I urge my colleagues to do the same. Thank you.

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

Representative **SHEEHAN**: Thank you, Madam Speaker, Members of the House. I rise in support of the pending motion, and to remind my colleagues and you that Mainers elected us to represent their values and priorities. Although not everyone agrees with every law, our laws reflect the will, however shifting it is, of the majority of Maine people. Every election cycle, they have the opportunity to rethink the direction of the State and to elect us back into our seats or out of them. Our laws change to reflect that, and the laws that currently govern the practice of medicine in our State reflect the most recent expression of Mainers' policy preferences. That could, of course, change at any time.

But how could anyone who has ever presented themselves on this floor as a defender of Maine's autonomy in the face of the federal or any other government, as an advocate for Maine's self-determination or as a champion of Mainers' voices, stand here and lobby us to turn Maine into a fiefdom of Texas, Oklahoma or any other state? Earlier this year, when a group of Attorneys General dared to deny Maine's sovereignty by suggesting that we had no right to protect medical providers who

operate in our State in accordance with our laws, I was astonished. I like the thought experiment of wondering how such a letter from Attorneys General from Connecticut, New York and California would be received threatening to target firearms dealers in our State for operating in accordance with Maine laws and not New York, Connecticut or California's laws. It's not appropriate. We are being gaslit by being told that this law is aggressive. What the Attorneys General want us to do is to sell out our constituents, to sit silent while they invoke their laws to undermine the privacy of our citizens' medical records and while they work to intimidate our providers from serving our State in the way our constituents have told us to carry out.

Now, it's legitimate to debate the laws that govern the practice of medicine in our State, and I trust that opponents will continue to advocate for laws that ban or curtail access to abortion and gender-affirming care and probably many other areas of medical practice that offend their belief systems. We should work to change our laws when that's needed; that's what we are elected to do. But giving aid and comfort to a bullying mob of state-sponsored lawyers from away while they degrade our laws and target our medical providers for harassment, intimidation and doxing is really not it. It's a shame and a betrayal of the people that we represent. Please support the pending motion.

The Chair ordered a quorum call.

More than half of the Members responding, the Chair declared a Quorum present.

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

Representative **QUINT**: Thank you, Madam Speaker. I would like to thank the Members of this Body for their attention. You see, my voice and the voice of my constituents were silenced at the Committee hearing for this bill. If you will recall, this bill was dropped without publicized wording or time allowed for my constituents to travel down for the hearing. Many live in excess of three hours away. Because of this, I went to the hearing to testify on their behalf. Imagine my surprise when a couple of minutes into my testimony, I was asked to please wrap it up. I asked for an explanation for the interruption and was told that I only had two minutes. I can accept a change in rules if those rules are known before the hearing. Just a few days prior, we were told that we were not time-limited. I want to thank the Representative from Turner; who is not here at the moment; but who did speak up on my behalf. Remember, sufficient time was not given for my constituents to travel due to the way that this bill was handled; dare I say, how many bills have been handled with blatant disrespect and disregard to all of our constituents.

Madam Speaker, I am disturbed that only certain bills have received this kind of extra special treatment. The sad part is that I had questions within my testimony and I am still seeking the answers. And so, I will now give my speech to this Body on behalf of both myself and my constituents. This bill, LD 227, is so very concerning for me. I would like to share an excerpt from a federal law enforcement officer. I quote, I would like to ask the Legislature this question. Is the proposed bill, known as LD 227, being discussed here, a representation of how the people of this State would wish for the care of our children and the children of others? In light of the recent issues blatantly and glaringly made apparent in the State-run DHS foster care system, has the State, under the current leadership and Administration, even been shown competent to make a decision in this matter that truly puts the needs and safety of our children before their own political or personal agendas? Does this bill offer more protection to the health care providers, the so-called health rights, the courts, insurance providers, the health practitioners and the newly

proposed public policy of the State, or to the children that the State will be receiving if; or once this legislation is enacted? I will answer that question. This bill seeks to protect the aforementioned entities before and at the expense of both the children and adults in this State that they will be receiving upon the enactment of this bill. In addition, LD 227 seeks to impede any efforts that law enforcement in the State may wish to take to protect not only children, but any person seeking care of their own or by proxy of a guardian. If trafficking or kidnapping of children were taking place upon enactment of this bill, if it was claimed such movement of children was due to a legal right or public policy of the State, the ability of our law enforcement to intercede on behalf of the child would be severely restricted. LD 227 also appears to fundamentally change the subpoena process and the process of discovery. I wish to conclude by very strongly urging and exhorting the Members of this Body to do what is in their power to stop this reprehensible piece of legislation by voting Ought Not to Pass on LD 227. While thinking about how it is we, as a State, wish to take care of our children, please consider the many ways that this bill could negatively affect them.

This is the shield bill, but who will shield the children? Should parents across the country be informed that their child, upon entry to Maine, will have complete access to legally protected health care activity? After all, as this bill states, the parents would never have to be informed of their teenage daughter coming to our State and having an IUD inserted in her uterus without their consent or knowledge while in Maine. What if there were complications upon insertion? Would parents have to be notified, as this bill considers that to be protected information? Is there any recourse? Has Maine only attracted the most highly skilled, highly qualified medical professionals? Not with this bill. It gives protection to those who may have caused harm in other states and offers them a new place for employment. Medical errors are the third-leading cause of death, after heart disease and cancer. What are the parameters of a successful reassignment surgery? Perhaps sterilization, lack of libido, lack of sexual fulfillment, surgical removal of healthy body parts, castration.

It authorizes a person who makes civil, criminal or administrative action in another state is brought to deter, prevent, sanction or punish that person for engaging in or for aiding and assisting with legally protected health care activity, referred to in this amendment as hostile litigation, to bring a civil action in this State for damages, punitive damages and equitable relief. A court in this State may include in a damage award the amount of any judgment issued in connection with the hostile litigation, as well as the person's reasonable attorney's fees and expenses incurred in connection with that action. Parents of Maine and everywhere, let that sink in. Maine will foot the bill to prevent you from having any awareness or redress for your complaints as to what happens to your child in our State concerning protected health care activity. Does this Body believe that Maine taxpayers feel that this is a good way for their tax dollars to be spent?

This bill is so very dangerous in that it protects everyone but those who would truly be harmed by it. Perhaps before allowing a trip to Acadia National Park with relatives, a week in some of our more exclusive summer camps, parents across Maine and the country should realize that your rights can be usurped and that Maine can take over the parenting of your child in the most private areas of their lives. Will your child be safe in Maine if you do not have to be told of the harm perpetrated against them? Will any child in Maine be safe if this bill passes? I ask that you vote down this atrocious bill.

Madam Speaker, I do have a couple of questions, too. One of them would be in the amended bill, Section D-5, Part 2-A, it says, "Upon recommendation of an application assistant, an adult person, a parent or guardian acting on behalf of a minor or a guardian acting on behalf of an incapacitated person may apply to the secretary to have a designated address assigned by the secretary to serve as the person's address or the address of the minor or incapacitated person." Why would an incapacitated person be needing reassignment surgery or abortive procedures done?

And then, if I may, there were just two comments that I'd like to make. I'd like to thank the Representative from Rockland for speaking about concerning issues from other states. I agree with her. Many states are saying that parents must affirm their children's perceived gender or they will lose their children. This has already happened. This also reminds me of another country, as the Good Representative was also talking about, where children were encouraged to turn their parents in if they did not share the current political ideology.

And Madam Speaker, as I mentioned before, I was disrespected within the Committee over this bill, and at the same time, I have been disrespected in this House. I understand text messages could be sent to other Members in the Body to try to relieve some of the pressure. It's a very divisive bill. However, I am not okay with some comments being put on people's social media, fundraising in the middle of a debate and saying that words from the other side of the Body, they're going to make money off of by calling them liars. That is not acceptable to me. And it's not acceptable to joke that someone needs to be restrained, so that they don't commit acts of violence. Thank you, Madam Speaker.

Representative THORNE of Carmel **MOVED THE PREVIOUS QUESTION.**

Subsequently, the same Representative **WITHDREW** his motion to **MOVE THE PREVIOUS QUESTION.**

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

Representative **RUDNICKI**: Thank you, Madam Speaker. Kind of a hard act to follow there here. I rise against this motion, but I want to remind this Body of something that just happened a week or so ago. I'm losing track of time, like everybody else. But on March 28th, we took up LD 1779 that dealt with the juvenile justice system, and the Good Representative from Portland actually made a comment that said that our brains don't develop until they're 25 years old. So, I ask you, if they don't develop enough to be held responsible for their actions to be placed within the juvenile justice system, how are their brains developed enough to do gender-affirming treatments? So, I ask you, does anyone else find this as hypocritical as I do? 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 had to get up one more time only because this is dear to my heart. This bill does not protect our kids. I've worked with kids for many years, and parents, and it takes their legal rights to their child away. This could disrupt a serious case and have serious consequences. It's reckless legislation. Without law enforcement input, it's reckless. There's the result could be kidnapping, sexual assaults, ransom situations and the list could go on, even death. And the reason why I say that, I experienced it once.

In 2010, right here in Augusta, I had a parent call me from Sidney, Maine, saying that his child was kidnapped and he knows it. And his ex-wife lived in Lewiston. Her family lived in

Sanford. The new husband that she married, the stepdad, talked the 16-year-old girl into getting into his car when she was with three girls at Cumberland Farms down here. And in doing so, he told her that her mom and him was having difficulties and wanted to talk to her about it. He took her over to the Summerhaven pits, took all her clothes off and strangled her, then took her to Manchester at the graveyard over here, threw her in the grave and then she started coming to and he clubbed her over the head with a log and then buried her with leaves.

Representative **MALON**: Point of Order.

The SPEAKER: The Member will defer. The Chair recognizes the Representative from Biddeford, Representative Malon, and inquires to why he rises.

Representative **MALON**: I apologize, Madam Speaker, but this is not germane to what is before us right now.

On **POINT OF ORDER**, Representative MALON of Biddeford asked the Chair if the remarks of Representative CYRWAY of Albion were germane to the pending question.

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

Representative **CYRWAY**: Thank you, Madam Speaker. I had to do the research. I had to do the investigation. I had to find out what happened. And in doing so, I found out that he was the one that picked her up, the girls told me. And then I put an APB out on him, because I found out that earlier, when he was married the first time, he had run over his wife twice, once over, backed over her again, and got eight years, all but four years suspended for manslaughter. Well, it was attempted manslaughter. I put an APB out for him, found out that he; it was 2:00 in the morning, I was in bed and I got a call that there was a fire in Sanford and it was a nearby house to the people that his family was from and it was on fire. And then found out that there was a car on fire down there and it belonged to him. And so, I asked for detectives, K-9, anything I could get out there to find him, to locate him. He stole a shotgun out of the house that he burnt and he shot at a State Trooper's cruiser. And also, we got the fire marshals involved because three weeks earlier, their apartment here in Augusta burnt down and the lady that owned the apartment building was killed.

The SPEAKER: The Member will defer. The Chair respectfully asks the Member to try to stick to the germane of the bill as soon as possible. The House will be in order.

The Chair reminded Representative CYRWAY of Albion to stay as close as possible to the pending question.

The SPEAKER: The Member may proceed.

Representative **CYRWAY**: He had killed her as well, he had lit her on fire with newspapers and stepped on her throat and told her she used Satan and you're looking at Satan and he lit her on fire.

These situations, I could not tell the parents until we found out the identity of their daughter before I could tell them that she was deceased. It was painful, downright painful. I have to say that without this group or this bill, not taking the time to talk to law enforcement to see if it even has any effect of this, which, when I hear that this is not pertaining to the bill but nobody has checked into it to see if it is, I am just saying this is reckless conduct as far as legislation goes. You have a team of experienced law enforcement officers from the Chiefs of Police, the Sheriffs' Association, and no one has even talked to them or asked them one bit on this bill. And for me to witness what I did and think that nobody attempted is shameful.

I think that this bill should die as quick as it came because they didn't even give us notice when it came. We had 400 people and it wasn't even on the website. They had to take their time and try to find out all they could before they could come and

testify. This is how quick this is going through and nobody's taken the time. This is reckless legislation. So, thank you, Madam Speaker, for listening and I hope in sincerity that you be careful about how we can take care of our public and our Maine people and keep them safe, and our country. Thank you, Madam Speaker.

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

Representative **LIBBY**: Thank you, Madam Speaker. Madam Speaker, it has been a very long battle against this evil, and I'm not just talking about this session. It's late, I am very cognizant of that fact; I am run down, I am sick, I am not going to be the greatest orator tonight. But it is absolutely, absolutely critically important to me that I speak up for Maine people that value life, that value parental rights, that value protecting and defending our children.

Madam Speaker, I promise this is on topic. Last session, I submitted a school choice bill, and I was very proud of this bill, Madam Speaker. I think that Maine families deserve school choice, and so, I put out a press release. I prepared social media, I sent out emails, I wrote an op-ed, the whole shebang to get the word out about this bill. This bill that was important to me, that I know someday, not last session, but someday, will improve options for Maine families. And so, I shouted it off the rooftops.

Madam Speaker, LD 227 was hidden away in a Committee that would ordinarily not handle a bill of this topic. The concept draft was composed of, if I remember correctly, one sentence. The 21-page amendment was buried in an email six days before the public hearing, and most people found out about it on Friday, less than a week; less than four days, Madam Speaker. Maine people had three days to find out about this public hearing. Until today, that 21-page amendment was available one place that I know of; my Google Drive, Madam Speaker. That's where Maine people have gotten this 21-page amendment from since it appeared in the end of February. That is disgraceful, that lack of transparency with Maine people when we say that we are here to represent them and do the will of the people, to hide it away. We should be ashamed of that process.

Madam Speaker, the 17-page amendment that was discussed at the work session became available this afternoon. I would like to think that the Maine Legislature is better than Washington, D.C. congressional shenanigans. But, again and again, it's not. Here we are. I don't know if a single legislator outside of the Committee has actually read this bill. I would love to know. Because I've been hearing all kinds of information about what it does and does not say, and I would love to know how everyone knows, because it's not available.

Madam Speaker, I can only think of one reason not to make a bill; bills available to Maine people. What other reason than being ashamed of it and knowing that Maine people do not support the premise therein? There is no other reason, Madam Speaker. There is no other reason to not be transparent and forthcoming with the people of Maine that we say that we serve.

The SPEAKER: The Member will defer. The Member is getting very, very close to questioning the motives of Members of the Body and impugning their character. Just getting close.

The Chair reminded Representative **LIBBY** of Auburn that it was inappropriate to question the motives of other Members of the House.

The SPEAKER: The Member may proceed.

Representative **LIBBY**: Madam Speaker, when I reflect on why I might not put forward full information about a bill that I supported, the only reason I can think of is to not allow Maine

people to know what their government is doing. But that's just me.

What does this bill do? Madam Speaker, this bill establishes that transgender treatments and abortion are a legal right under State Law. But further than that, it says that anyone interfering with that right may not; no one may interfere with that right. And therein lies the biggest, baddest, most horrible problem with this bill, Madam Speaker, because if it is; if no one can interfere, then, Madam Speaker, I don't see how 15 States Attorneys General can be wrong in thinking that the parents in their state could be affected. Because frankly, Madam Speaker, parents in this State could be affected. This depends on interpretation. And if a child in Maine decides that they want to change their gender and their parents try to stop them, this law will say that no one may interfere with that right. Multiple legal analyses of the 21-page amendment and the 17-page amendment that followed concur.

Madam Speaker, from the beginning, we have heard proponents say this is no big deal, there's no danger to children, no one's going to be kidnapping anyone, trafficking is not an issue. Madam Speaker, I spoke directly with the Representative from Calais on Friday, March 1st, and I asked her point blank if there would be any amendments to the bill. She said definitely there would not, this was the final version of the bill. And yet, at the work session following, I think, what was the longest public hearing of this session on four days' notice, we saw an amendment come forward. Madam Speaker, why was that amendment necessary? If there was no problem with the bill, there's no risk to children, if what supporters say is true, then why was that amendment presented at the work session? Surely it was not necessary if there is no risk to children either here in Maine or across our nation.

Bottom line, Madam Speaker, we must protect our children. We must shield them. It is shocking to me how much I have heard tonight about shielding anyone other than the children that could potentially be affected by this, what we all know will become a law in this State. Our children are the most vulnerable citizens in our State. They are the future of Maine, Madam Speaker, and they are infinitely precious.

Madam Speaker, before I am a legislator, I am a mother, and I absolutely bring that life experience to this job. After the birth of my third child, I experienced a severe illness and was hospitalized. And I distinctly remember being in the ER, very, very, very sick, and my child at home had an asthma attack. And through a terrible twist of fate and poor cell phone signal, we had a very bad game of telephone where I received a message that my child had stopped breathing. It would be absolutely impossible to describe the sheer panic and distress that I felt when I heard that news. And that moment in time has stuck out to me, and will forever, in the almost 10 years since. And I bring that moment up, Madam Speaker, because I think many of us have heard parents reflect on that moment where they first saw their child. Any parent in this room remembers that moment and when you think you knew what love was, right? And then you become a parent. And so, I had had that same experience. But when I was in that ER room and thought my child had died or was near death, I realized the incredible love and protective instinct that a parent has for their child in a very different way, Madam Speaker. That instinct that a parent has is beyond compare.

Parents should be in the driver's seat when it comes to making decisions for their children, full stop. They should be in the driver's seat making decisions for their children, particularly when we are talking about life-changing decisions, Madam Speaker. There is no one that is better suited, that is equipped

with the love and the instincts to protect that child other than the parents. The government does not, medical professionals are not, only parents, Madam Speaker. Parents are the appropriate best shield for their children. Yet in this upside-down world we are in at this moment, this bill would strip parents of their ability to shield their children. The legal analysis regarding parental rights is absolutely clear. LD 227 would allow children to be brought to Maine to receive gender reassignment surgery without their parents' consent and it would punish parents if they tried to stop it. They could face a counter lawsuit and punitive damages under the clawback provision.

Madam Speaker, LD 227 will infringe on parental rights. Not might, it will. And every person in this room should be on the side of protecting children by protecting parental rights. By supporting the best shield that our children have. Madam Speaker, I had a conversation with the Good Representative from Windham after the public hearing and she told me that gender reassignment surgeries are not happening. Madam Speaker, I listened to testimony before Congress of a 19-year-old woman who had a double mastectomy at 15 years of age and now, at 19, she regrets that choice to her core. It is not undoable; it is undoable; I'm tired, Madam Speaker. I'm tired and this is a crappy bill, and this young woman has made a life-changing decision that she regrets. She expressed her grief, the sense of loss that she feels and she wishes that someone had said no. She had no shield. She talks about the hundreds of individuals just like her that she knows that had no shield, Madam Speaker.

The legal analysis makes it very clear, Madam Speaker, both gender-affirming health care services and reproductive health care services; I use the terms loosely; are very broadly defined under LD 227. In contrast, under a previous bill, LD 1735, gender-affirming health care was limited to medically necessary health care, which, at least, as extreme as that bill was, implies that a doctor must have first concluded that a certain drug or surgery is necessary. There is no such provision in this bill, Madam Speaker.

I think about my mother and my grandmother, they've both gone through breast cancer. And yet, my sisters and I, there's no medical professional out there that would recommend a double mastectomy for my sisters and I. It's not medically necessary. We have children across this country who are undergoing not-medically-necessary surgeries and this bill will only hurt this future generation, Madam Speaker. We can stick our fingers in our ears and we can pretend that this is not happening. We can say surgery is not happening or doctors won't do this or doctors don't do this, Madam Speaker, but I prefer to look at the stark realities, it is and it will.

Madam Speaker, when I come to work in this State House, there is nothing that makes me happier than seeing Maine people fill the halls, to sit in the balcony. I don't agree with all of them, but this is the People's House and I love to see them speaking up and making their voices heard on the issues that they care about. They take time away from their busy lives, some of them bring their children and they come and speak to us, to advocate, to petition their government. And I'm tired of their government not listening to them, Madam Speaker. Madam Speaker, when the public hearing for LD 227 was tucked away in an obscure Committee with no publicly available language and only three days' notice to the public, over 400 people turned out in opposition to this bill. There was five times the testimony in opposition than there was in support. Madam Speaker, from the way I've heard people talking in the Chamber tonight, I would've expected thousands of testimonies in support; this is a bill that Maine needs, we must have it, the

people demand it. There was no such outcry, Madam Speaker. None. No busloads of people. If I were the one that put forward a bill with five times the opposition to the support, I would think, perhaps I should amend my agenda, but that's just me. I've heard justifications and explanations about why the testimony of those in opposition should be ignored or negated by voting for this bill, but it all comes down to the same thing; asserting our dominance over those we supposedly serve to advance an extreme bill that strips not just Maine parents, but parents across the country of their parental rights that harms future generations.

Madam Speaker, if this bill passes; when this bill passes, there will come a time where future generations will look back at what we did tonight and say, 'what were they thinking?' What were they thinking, Madam Speaker, when they passed a bill that will irreparably harm the children of our State and of this nation, that will forever change their futures, that will drive some of them to drastic actions, the very actions we are supposedly preventing? Madam Speaker, I don't know when, but at some point, there will be a reckoning and we will understand the drastic impact of this terrible legislation. Madam Speaker, let's respect the wishes of Maine citizens who have spoken up so definitively in defense of our children. Let's support parental rights and let's protect and shield Maine children.

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

Representative **MOONEN**: Thank you, Madam Speaker. Madam Speaker, Colleagues of the House, there's been so much said tonight, I don't even know where to start, but I will try and find a way forward.

The Representative who just spoke asked if anybody had read the bill. I have. She claimed that because we were saying abortion and gender-affirming care are a legal right in this State and that the right can't be interfered with, that that means there are no parental rights for minors. The reason she's wrong is in the very first sentence of the bill, and I would like to read that sentence to you, Madam Speaker. It reads, "the Legislature finds and declares that ... Access to gender-affirming health care services and reproductive health care services in this State, as authorized under the laws of this State, is a legal right." Madam Speaker, as the Chair of the Judiciary Committee, with many years of service on that Committee, I'm the person; one of the people; who has jurisdiction over parental rights when it comes to consent to health care for minors. Let me tell you, parental consent is required for all health care for minors, with a few exceptions. So, when the bill says 'as authorized under the laws of this State,' that means that we acknowledge that the law says that health care for minors requires parental consent.

Now, I did mention there are some exceptions. We actually had a bill about this last year that was trying to get rid of all of these exceptions. A few of those exceptions are a minor without parental consent can pursue STI testing and treatment, a minor can pursue mental health care, substance use treatment, sexual assault forensic exams, they can give blood and, yes, Madam Speaker, a minor can get an abortion in the State of Maine without parental consent. But a minor cannot get gender-affirming surgeries, puberty blockers or lots of other gender-affirming care services in the State of Maine without parental consent. There is nothing in this bill that changes our parental consent laws. Nothing.

Now, there is one minor exception to that, that we did pass last year, that deals with 16- and 17-year-olds who can access hormones. It was a very rigorously worked bill, requires a diagnosis of gender dysphoria, requires many months of documented counseling, there has to be evidence that the minor sought the support of their parents and were rejected; there's all

kinds of criteria that have to be met, but even then, you have to be 16 or 17; only for hormones, this is well after puberty blockers would be helpful; there's no surgery at all in this. So, one more time, when the bill says 'as authorized by the laws of this State,' that means that we recognize that parental consent is required for minors' health care.

I've also heard concern that this bill would say abortion is a legal right. Well, I've got news for you, Madam Speaker; Maine Law already says that, it's in Title 22, so, I don't think it's that big of a deal to say it again.

I've heard concern about full faith and credit and how we're going to interact with other states. I want to emphasize that this bill would not prohibit law enforcement cooperation with other states for crimes that were committed in those states. But it would say that those states cannot pursue prosecutions for legal activity that was engaged in here in the State of Maine.

I've heard concerns about kidnapping and trafficking. It feels obvious, but kidnapping is illegal in every state in this country, so is trafficking. If you cross state lines, it's not just a crime in the state where it started; if you cross state lines, it's actually a federal crime. This bill doesn't change any of that, nor could we if we wanted to.

I've heard concerns that law enforcement wasn't consulted on this bill. That's not true. I would like to quote for you from an article from the *Maine Morningstar* this morning. It reads, in part, I skip ahead, "legal authorities in Maine, however, say arguments that the bill would facilitate criminal activity are simply not accurate. In an email to *Maine Morningstar*, Attorney General Frey said the bill makes no changes to criminal law nor does it legalize any current illegal behavior." Madam Speaker, the Attorney General of the State of Maine is the top law enforcement officer of the State of Maine. The article continues, "there is no reading of the bill that would authorize criminal acts like kidnapping or trafficking." And in testimony on March 5th, the Maine Prosecutors' Association, also law enforcement, said the bill doesn't make any adjustments to State Law that would affect the group's ability to prosecute Maine's criminal Statutes. In an interview, the association's Executive Director, Shira Burns, agreed with Frey that claims the bill would promote kidnapping or trafficking are not grounded in reality. If such actions took place, those responsible could be prosecuted under existing laws regardless of whether LD 227 passes, she said. Shira Burns also pointed to a section of the bill that says a court cannot issue a summons or warrant if someone providing legally protected health care in Maine is being prosecuted under the laws of another state, unless required by federal law or unless the conduct constitutes a criminal offense under State law. Quote, "we do think lawmakers were purposefully and carefully carving out to make sure that this would not shield prosecution of criminal conduct, Burns said." The article goes on to say, "furthermore, in response to concerns about the bill, lawmakers from the HCIFS Committee;" and I take exception to that Committee being referred to as obscure, even though I've never served on that Committee; "lawmakers on that Committee amended the measure in March before moving it forward, narrowing the bill to provide protection specifically for health care professionals and those who assist them, rather than offering protections for any person." So, the Attorney General was consulted, the Prosecutors' Association was consulted, I know folks in the criminal division of the Attorney General's office were consulted. I can't think of anyone in the State of Maine in law enforcement who are more respected than the lead of the criminal division of the Attorney General's office. She is amazing, everybody respects her.

I've heard concerns about the language in the bill around cooperation and extradition. The Executive Order issued by the Chief Executive nearly two years ago in response to the *Dobbs* decision already addresses law enforcement cooperation and extradition. I'd like to tell you; well, paraphrase what it said. That Executive Order, that has been in effect for two years, prohibits cooperating with another state's investigation into a person, organization or health care provider for delivering abortion care in Maine. The world has not ended since that Executive Order was issued nearly two years ago. In fact, I would argue that that Executive Order was critical, has been necessary and, I hate to have to say it, but Executive Orders can come and go with the Executive who issued them. That's why we need a law that makes these protections permanent rather than subject to future Executive Orders.

I've heard concerns that Maine will be a sanctuary State. You've heard it several times, but I'll say it again, 17 states already have laws like this. We would be joining many states that have already done this, and they are doing this in response to the other states that are banning and criminalizing health care. And they are doing these laws so that their providers will be protected from adverse actions by those states that are criminalizing health care. Just yesterday, Madam Speaker, I spoke about the reinstatement of an 1864 law in Arizona that requires a two-year mandatory minimum for providers of abortion. That law is in effect in Arizona right now. Two years mandatory minimum. That's the example of why we should be protecting our providers here in Maine.

Finally, Madam Speaker, I'll close with acknowledging the person who spoke before me, the Representative who spoke before me, she said that someday, they will ask what were they thinking. Madam Speaker, I've been part of many, many, many debates on LGBTQ issues in this Body and in this State for many, many years. In my experience, these issues always move one way, and when they ask what were they thinking, it's never about my side. Thank you, Madam Speaker.

The SPEAKER: The Chair recognizes the Representative from Chelsea, Representative Lemelin.

Representative **LEMELIN**: Thank you, Madam Speaker. Before I give my testimony, I would like to thank the gentleman from Portland for his humor. He is the Chair of the Committee and is one of the few that had the language of the bill for a long time, so, it's easy for him to quote it. The people of Maine and Republicans were left out. We didn't have the language. As a matter of fact, I still don't have it on my tablet. Also, in his quote for lawmakers, he only quoted Democrats. Very unfair.

Now, Madam Speaker, were you not taught as a child not to play with fire? This bill, 227, is the purest form of evil, ever.

Representative **MALON**: Point of Order.

The SPEAKER: The Member will defer. The Chair recognizes the Representative from Biddeford, Representative Malon.

Representative **MALON**: I apologize, Madam Speaker, but I'm pretty sure saying the bill is evil is questioning the motives of those who support it.

On **POINT OF ORDER**, Representative MALON of Biddeford objected to the comments of Representative LEMELIN of Chelsea because he was questioning the motives of other Members of the House.

The SPEAKER: The Member may proceed.

Representative **LEMELIN**: Thank you, Madam Speaker. This bill was influenced by Lucifer himself. Gender dysphoria --

The SPEAKER: The Member will defer. The Chair has given quite a bit of latitude here; quite a bit of latitude here, and you are getting dangerously; very dangerously close to questioning the motives and impugning the character. The Chair will allow the Member to continue to speak, in hopes that the Member will speak about the bill, offer opinions, without implying very, very dangerous conceptions about some of the Members in this Chamber.

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

The SPEAKER: The Member may proceed.

Representative **LEMELIN**: Madam Speaker, my intent is the bill. I'm talking about the bill and the language of the bill.

The SPEAKER: The Member may proceed.

Representative **LEMELIN**: Thank you. Now that we have covered the pros and cons of this bill, I want to cover the one thing nobody has bothered with. Something to consider, Madam Speaker, are the consequences to our actions, and nobody's covered that.

God has given us free will and he allows us a large path of leeway; just like you, Madam Speaker. However, he draws a line in the sand. When we cross that line, there's consequences. History has shown this. Noah, Sodom, Babel, the seven-year drought proves that God will allow so much immorality before he steps in. Back in those days, people knew God.

Representative **ROBERTS**: Point of Order.

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

Representative **ROBERTS**: Thank you, Madam Speaker. The Member's comments are not at all germane to the bill.

On **POINT OF ORDER**, Representative ROBERTS of South Berwick asked the Chair if the remarks of Representative LEMELIN of Chelsea were germane to the pending question.

The SPEAKER: The Member may proceed.

Representative **LEMELIN**: Thank you, Madam Speaker. The people then knew God and could not use excuses like climate change, guns or racism for the tragedies that happened due to the effect of their choices; immoral choices. Today, we self-justify everything. We blame others instead of ourselves.

When you passed LD 227's sister, 1619, I told many people that there would be five consequences to 1619 passing. We just had four storms that wreaked havoc on Maine. I will get to the fifth event in a moment. If 227 passes, you will not believe the consequences for refusing to honor the five warnings given for passing 1619 by stop passing immoral laws like LD 227.

Abortion is murder, transgender is a slap in God's face. You are telling Jesus he made a mistake. This is a big, big mistake. Madam Speaker, you may have that kind of courage; I don't. LD 227 will have severe consequences. I'm announcing it. Instead of announcing it to five or six people, I'm telling all of you.

And now, I'm going to tell you the fifth consequence, because I told you four; the storms. Meditate on this, Madam Speaker, when 1619 passed and went into law on October 25th, you told God life doesn't matter.

Representative **MALON**: Point of Order.

The SPEAKER: The Member will defer. The Chair recognizes the Representative from Biddeford, Representative Malon.

Representative **MALON**: Thank you, Madam Speaker. The Member is emphatically questioning and impugning the character of other Members of this Chamber, including yourself.

On **POINT OF ORDER**, Representative MALON of Biddeford objected to the comments of Representative LEMELIN of Chelsea because he was questioning the motives of other Members of the House.

The SPEAKER: The Chair has given quite a bit of latitude out of respect for the Member to be able to express an opinion about the bill; a lot of latitude out of respect for the Member to be able to express an opinion about a bill. The Chair asks that the Member get to the point and stay germane to the bill. Otherwise, the Chair will have to rule in a different way very soon. You have come very close.

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

The SPEAKER: The Member may proceed.

Representative **LEMELIN**: Thank you. I only have one sentence left. Keep in mind that the law came into effect on October 25th. God heard you, and the horrible events on October 25th happened. Thank you.

Representative **MALON**: Point of Order.

The SPEAKER: The Member may; the Chair recognizes the Representative from Biddeford, Representative Malon.

Representative **MALON**: Thank you, Madam Speaker. I'm pretty certain that implying that the passage of legislation caused a horrible and horrific evil tragedy is impugning the character of every Member of this Chamber, and I would request that he stand down.

On **POINT OF ORDER**, Representative MALON of Biddeford objected to the comments of Representative LEMELIN of Chelsea because he was questioning the motives of other Members of the House.

The SPEAKER: The Chair finds that the Member is out of order. The Chair finds that the comments made violate the decorum of this Chamber. The Chair finds if the Member continues to make comments in this manner, the Member will continue to be out of order and additional steps will be taken.

The Chair recognizes the Representative from Fairfield, Representative Rudnicki.

Representative **RUDNICKI**: Thank you, Madam Speaker. I just wanted to stand and say that I agree with Representative Lemelin and everything he said. Thank you.

Representative **TERRY**: Point of Order.

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

Representative **TERRY**: That is absolutely out of order, non-germane to the bill and absolutely offensive.

On **POINT OF ORDER**, Representative TERRY of Gorham asked the Chair if the remarks of Representative RUDNICKI of Fairfield were germane to the pending question.

The SPEAKER: The Chair finds the Member out of order.

The Chair recognizes the Representative from Palermo, Representative Smith.

Representative **SMITH**: Thank you, Madam Speaker. I just want to ask us all to refocus on the bill here. It does have some very important elements. This has been a hard and emotional night for everyone, I think. I think some people have some passionate thoughts and ideas. We are separated by a large divide and it's quite unfortunate, but we need to do what we need to do. A lot of us have spoken from the heart. I just ask everyone to consider the serious issues here and vote how their constituents would want them to vote and how their conscience tells them to. 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. 494

YEA - Abdi, Ankeles, Arford, Beck, Bell, Boyle, 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, 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, Pringle, Rana, Rielly, Riseman, Roberts, Roeder, Runte, Russell, Sachs, Salisbury, Sargent, Sayre, Shagoury, Shaw, Sheehan, Sinclair, 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, Galletta, Gifford, Greenwood, Griffin, Guerrette, Haggan, Hall, Henderson, Hymes, Jackson, Javner, Lajoie, Lanigan, Lavigne, Lemelin, Libby, Lyman, Mason, Millett H, Morris, Ness, Newman, Nutting, Parry, Paul, Perkins, Poirier, Polewarczyk, Pomerleau, Quint, Rudnicki, Sampson, Schmearsal-Burgess, Simmons, Smith, Soboleski, Strout, Swallow, Theriault, Thorne, Underwood, Walker, White B, White J, Wood, Woodsome.

ABSENT - NONE.

Yes, 80; No, 70; Absent, 0; Vacant, 1; Excused, 0.

80 having voted in the affirmative and 70 voted in the negative, 1 vacancy, and accordingly the Majority **Ought to Pass as Amended Report was ACCEPTED.**

The Bill was **READ ONCE. Committee Amendment "A" (H-953) 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-953).**

Subsequently, Representative MOONEN of Portland moved that the House **RECONSIDER** its action whereby the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (H-953).**

The same Representative **REQUESTED** a roll call on the motion to **RECONSIDER** whereby the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (H-953).**

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 Winter Harbor, Representative Faulkingham.

Representative **FAULKINGHAM**: Madam Speaker, may I ask why a Roll Call is in order?

The SPEAKER: The Member has asked for a Roll Call and Reconsideration and one-fifth of the Members indicated requesting a Roll Call. A sufficient number having requested a Roll Call, a Roll Call is in order on Reconsideration.

The Chair is going to have to have a moment to recognize you in order for me to then hear what you want to say. The Chair recognizes the Representative from Winter Harbor, Representative Faulkingham.

Representative **FAULKINGHAM**: Madam Speaker, I'll just speak in plain words rather than try to speak in parliamentary words. I am not objecting to the Reconsideration, I don't believe that a Roll Call is necessary.

The SPEAKER: The Chair would advise the Member that a Member asked for a reconsideration to the Roll Call and a Roll Call is in order.

A roll call has been ordered. The pending question before the House is Reconsideration whereby the Bill was Passed to be Engrossed as Amended by Committee Amendment "A" (H-953). All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 495

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

NAY - Abdi, Ankeles, Arford, Beck, Bell, Boyle, 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 H, Millett R, Milliken, Montell, Moonen, Moriarty, Murphy, Nutting, 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, Sinclair, Skold, Stover, Supica, Terry, Warren, White B, Worth, Zager, Zeigler, Madam Speaker.

ABSENT - NONE.

Yes, 66; No, 84; Absent, 0; Vacant, 1; Excused, 0.

66 having voted in the affirmative and 84 voted in the negative, 1 vacancy with none absent, and accordingly the motion to **RECONSIDER** whereby the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (H-953) FAILED.**

ORDERED SENT FORTHWITH.

BILLS HELD

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)

- In House, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-842) AS AMENDED BY HOUSE AMENDMENT "A" (H-942)** thereto.

HELD at the Request of Representative **FAULKINGHAM** of Winter Harbor.

Representative FAULKINGHAM moved that the House **RECONSIDER** its action whereby the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (H-842) as Amended by House Amendment "A" (H-942)** thereto.

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

Representative **MOONEN**: Madam Speaker, I request a Roll Call and I'd like to speak, but I'll defer to the Leader if he prefers to speak first.

The same Representative **REQUESTED** a roll call on the motion to **RECONSIDER** whereby the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (H-842) as Amended by House Amendment "A" (H-942)** thereto.

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 Winter Harbor, Representative Faulkingham.

Representative **FAULKINGHAM**: Madam Speaker, I know it's late and everybody's probably confused by all the actions that we've gone through on the previous bill. I don't even remember the; LD 227.

This is LD 2157, which we passed yesterday, which was the bill that the Representative from Portland added an amendment that improved the bill that, in regards to stores with a cigarette license. The purpose for my Reconsideration is that I have a floor amendment that addresses; I believe the Representative said one store, and I think that if this amendment could be adopted, we could have unanimous passage of this bill, possibly. I would love to be able to enter this House Amendment and end the night on a high note, because I know it was pretty heated today, but I know the God that I serve says to love your neighbor as you love yourself. He is a loving God, teaches you to be humble and show grace, and I would love to end on that note, Madam Speaker, and I would love to have an opportunity to enter this floor amendment, Madam Speaker. Thank you.

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

Representative **MOONEN**: Thank you, Madam Speaker. The amendment that the Leader references is posted online, I've had a chance to look at it, I don't support it. There's another amendment that's been posted online, I don't support that one, either. I feel like we have discussed this bill enough and the quickest way to be done with this conversation is to vote no on Reconsideration and I ask everyone to join me in that, so we can be done for the night. Thank you, Madam Speaker.

The SPEAKER: The Chair recognizes the Representative from Berwick, Representative Lavigne.

Representative **LAVIGNE**: Madam Speaker, I pressed my button like 20 minutes ago, before the vote, the 227 vote, because I didn't understand procedurally why Representative Moonen asked twice for a vote to be Reconsidered and then voted no. Could I have an explanation for that? Because it doesn't make sense to me. I may be tired, I'm a little less bright than I was earlier.

The SPEAKER: The Chair would answer that that bill is no longer before the Body. The Chair recognizes the Representative from Sanford, Representative Lanigan.

Representative **LANIGAN**: Thank you, Madam Speaker, and I find it highly ironic what I just heard out of the Good Representative from I think it's South Portland or Portland, whichever one; the city lines are. It seems like we're; I mean, we just got a 21-page amendment not too long ago that no one had really read or seen and this one is three; actually, it strikes

out one word, I can tell everyone in the Chamber what the amendment is, is it says instead of making cigarette retailers that are within 300 feet, any new license would not be allowed, but any existing license would be allowed. And I think it's fair to ask this Body to consider, seeing that we're spending a lot of money in the State right now, Madam Speaker, on new schools. New schools that are moving near businesses that have been there maybe generations, 50-60 years, and we're building these new schools in new parts of our cities and our towns, they're not centered in the same spot that they were. And now we're going to build a new school somewhere and we're going to put my Uncle Pete or my Aunt Sally out of business because we got one store that we're really, really going after. Because that's really what this bill is about.

Representative **SHEEHAN**: Point of Order.

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

Representative **SHEEHAN**: Thank you, Madam Speaker. The Member from Sanford is discussing an issue that is not germane to our Reconsideration motion.

On **POINT OF ORDER**, Representative SHEEHAN of Biddeford asked the Chair if the remarks of Representative LANIGAN of Sanford were germane to the pending question.

The SPEAKER: The Chair would advise the Member that we are discussing whether we will Reconsider this item and not any potential amendments. This vote is on Reconsideration. The Member needs to stay germane to the current motion.

The Chair reminded Representative LANIGAN of Sanford to stay as close as possible to the pending question.

The SPEAKER: The Member may proceed.

Representative **LANIGAN**: I will stay germane to this. So, I guess what I'm asking is the courtesy of this Body. We just went through an exercise of Reconsideration for no apparent point other than to maybe rub our noses in a vote, so, I just ask that as --

The SPEAKER: The Member will defer. The Member will defer. The Member is advised not to question the motives. The Chair is going to give the Member one more time to make comments that are germane to this particular motion.

The Chair reminded Representative LANIGAN of Sanford to stay as close as possible to the pending question.

The SPEAKER: The Member may proceed.

Representative **LANIGAN**: Thank you, Madam Speaker. I apologize. It's late, and I'm not trying to be a wise guy here. I just ask that the Body, as we take up this motion to Reconsider, just consider all of ourselves and whatnot in this Reconsideration; that if it was your bill or if your amendment, that you'd want the same done to you, the whole concept of treat others how you want to be treated. Thank you so much, Madam Speaker.

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

Representative **CAMPBELL**: Thank you, Madam Speaker. The point we're at is Reconsideration. I know a lot's gone on tonight and, unfortunately, you didn't see my light when we were doing the first Reconsideration, so, my question of the first Consideration was, what's the purpose?

The SPEAKER: The Member will defer. The Member needs to confine the comments to the current motion, the current motion of reconsideration of this particular item only.

The Chair reminded Representative CAMPBELL of Orrington to stay as close as possible to the pending question.

The SPEAKER: The Member may proceed.

Representative **CAMPBELL**: I understand. Thank you, Madam Speaker. The consideration, the question I would've asked has already been addressed by the Good Representative from Winter Harbor, so, the point of my standing is, I hope we can use his explanation of why he wants to Reconsider; unfortunately, we didn't get one from the last one, as the merit of Reconsideration. Thank you, Madam Speaker.

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

Representative **PERRY**: Thank you, Madam Speaker. Madam Speaker, there's nothing I'd rather do tonight than finish on a high note, and I will be voting in favor of the Reconsideration. I think it's important to reconsider this bill.

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

Representative **LEE**: Perhaps if we wanted to end on a high note, the Reconsideration that should be made is the statement that we are responsible for killing 18 people from my community.

The SPEAKER: A roll call has been ordered. The pending question before the House is Reconsideration whereby the Bill was Passed to be Engrossed as Amended by Committee Amendment "A" (H-842) as Amended by House Amendment "A" (H-942) thereto. All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 496

YEA - 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, Galletta, Gifford, Greenwood, Griffin, Guerrette, Haggan, Hall, Henderson, Hymes, Jackson, Javner, Lanigan, Lavigne, Lemelin, Libby, Lyman, Mason, Millett H, Morris, Ness, Newman, Nutting, Parry, Paul, Perkins, Perry J, Poirier, Polewarczyk, Pomerleau, Quint, Riseman, Rudnicki, Sampson, Schmersal-Burgess, Simmons, Smith, Soboleski, Strout, Swallow, Theriault, Thorne, Walker, White J, Wood, Woodsome.

NAY - Abdi, Ankeles, Arford, Beck, Bell, Boyle, Brennan, Cloutier, Cludhey, Collings, Copeland, Crafts, Craven, Crockett, Dhalac, 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, Pluecker, Pringle, Rana, Rielly, Roberts, Roeder, Runte, Russell, Sachs, Salisbury, Sargent, Sayre, Shagoury, Shaw, Sheehan, Sinclair, Skold, Stover, Supica, Terry, Warren, Worth, Zager, Zeigler, Madam Speaker.

ABSENT - Bridgeo, Underwood, White B.

Yes, 70; No, 77; Absent, 3; Vacant, 1; Excused, 0.

70 having voted in the affirmative and 77 voted in the negative, 1 vacancy with 3 being absent, and accordingly the motion to **RECONSIDER** whereby the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (H-842) as Amended by House Amendment "A" (H-942) thereto FAILED.**

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

Representative **HENDERSON**: Thank you Madam Speaker. I request permission to speak on the record.

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

Representative **HENDERSON**: Thank you, Madam Speaker. I'm going to attempt to get through this without getting emotional. I think; and partially because of the hour, but in part because of the actions of tonight. And I will be very careful to choose my words wisely. I'll be very careful to choose my words wisely, Madam Speaker.

My statements in a floor speech earlier, I referred to separating my biblical, my theological beliefs and my faith from what I do here in the Legislature, and yet, some statements that were made here tonight compel me to break my own rule. There was one instance in the Word of God where Jesus became angry and condemned anyone. I'm called, according to the Holy Scripture, to follow the actions and the teachings of Jesus Christ. And the one time that Jesus became angry was with religious leaders, not with the people. Nowhere in the Bible do I see where the Word of God is to be used as a weapon against people, or where we are told to speak on behalf of God to express his wrath to the people.

The statements made today, I will not speak to the character or the motives, but those statements were reprehensible and ones that I do not support and I do not get behind. My God is a God of love, and I thank Him that He did not condemn me for my actions, yet He chose to pour out His love and His forgiveness towards me and give me blessings. I very rarely make promises in this Chamber, but I promise each and every individual in this House that I will not speak on behalf of God and use His Word as a weapon against you to try to get my point across because I don't like the way you vote.

I'm mad. I'm mad 227 passed. It is more heresy the statements that were made today, to speak so errantly on behalf of God. He came to seek and to save that which was lost, not to pour out His wrath on people. That day may come, but we're not here to draw that parallel. Although it's not my place, I apologize to every Member that was here and heard that and took offense. I'm proud of where I stand, I'm proud of my positions that I take, but tonight, I am not proud to be a Republican. I am not proud to have an R in front of my name. It was reprehensible. And if anyone in this Body or under the sound of my voice ever wants to feel the love of God, you can come speak to me. I will not condemn you; He didn't condemn me.

The SPEAKER: The Chair Recognizes the Representative from Buxton, Representative Carlow, who wishes to address the House on the record.

Representative **CARLOW**: Thank you, Madam Speaker. I had written a speech, but I'm not going to read it. I simply want to commend my Friend from Rumford for her words tonight. I agree with them completely, and I want to commend her for her bravery and her faith.

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

The SPEAKER: The Chair would just like to say tomorrow is a new day. Tomorrow is a new day.

On motion of Representative HENDERSON of Rumford, the House adjourned at 11:24 p.m., until 10:00 a.m., Thursday, April 11, 2024.