

# MAINE STATE LEGISLATURE

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ONE HUNDRED THIRTY-FIRST LEGISLATURE  
SECOND REGULAR SESSION  
38th Legislative Day  
Friday, April 12, 2024

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

Prayer by Pastor Nic Benner, Granite Hill Church, Hallowell.

National Anthem by Gabriela Gardner, Belfast.

Pledge of Allegiance.

Medical Provider of the Day, Dixie Squires, PA, Saco.

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

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The Journal of yesterday was read and approved.

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**SENATE PAPERS**  
**Non-Concurrent Matter**

An Act to Provide Natural Organic Reduction Facilities for Maine Residents for the Conversion of Human Remains to Soil (H.P. 341) (L.D. 536)

**PASSED TO BE ENACTED** in the House on May 30, 2023. (Having previously been **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-129)**)

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-129) AS AMENDED BY SENATE AMENDMENT "A" (S-588)** thereto in **NON-CONCURRENCE**.

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

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**Non-Concurrent Matter**

An Act to Expand the Membership of the Permanent Commission on the Status of Women

(S.P. 353) (L.D. 794)

**PASSED TO BE ENACTED** in the House on May 9, 2023. (Having previously been **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-51)**)

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-51) AND SENATE AMENDMENT "A" (S-589)** in **NON-CONCURRENCE**.

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

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**Non-Concurrent Matter**

An Act to Facilitate the Provision of Medically Appropriate Levels of Care for Clients of Correctional Facilities

(H.P. 1193) (L.D. 1863)

**PASSED TO BE ENACTED** in the House on June 22, 2023. (Having previously been **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-621)**)

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-621) AS AMENDED BY SENATE AMENDMENT "A" (S-587)** thereto in **NON-CONCURRENCE**.

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

**COMMUNICATIONS**

The Following Communication: (H.C. 475)  
**HOUSE OF REPRESENTATIVES**  
**2 STATE HOUSE STATION**  
**AUGUSTA, MAINE 04333-0002**

The Honorable Rachel Talbot Ross  
Speaker of the House

2 State House Station

Augusta, ME 04333

Dear Madam Speaker,

Please accept this formal apology. I accept full responsibility for my remarks on the House Floor on the evening of April 10, 2024. I publicly apologize to my colleagues in the House, the people connected to the horrible events of October 25, and to the State of Maine.

Respectfully,

S/Michael H. Lemelin

State Representative

**READ and ORDERED PLACED ON FILE.**

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The Following Communication: (H.C. 476)  
**HOUSE OF REPRESENTATIVES**  
**2 STATE HOUSE STATION**  
**AUGUSTA, MAINE 04333-0002**

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Speaker of the House

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Respectfully,

S/Shelley Rudnicki

State Representative

**READ and ORDERED PLACED ON FILE.**

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The Following Communication: (S.C. 1083)  
**MAINE SENATE**  
**131ST LEGISLATURE**  
**OFFICE OF THE SECRETARY**

April 11, 2024

Honorable Robert B. Hunt

Clerk of the House

2 State House Station

Augusta, ME 04333

Dear Clerk Hunt:

Please be advised the Senate today insisted to its previous action whereby it Failed to Pass "Joint Order, to Recall from the Legislative Files L.D. 275, Resolve, to Require the Maine Board of Pharmacy to Review Work Practices and Treatment of Pharmacists" (H.P. 1468) in non-concurrence.

Best Regards,

S/Darek M. Grant

Secretary of the Senate

**READ and ORDERED PLACED ON FILE.**

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

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**ORDERS**

On motion of Representative LAJOIE of Lewiston, the following House Order: (H.O. 48)

ORDERED, that Representative Michael F. Brennan of Portland be excused Mar 12, 13, 14, 19 and 20 for personal reasons and Mar 27 and 28 for health reasons.

AND BE IT FURTHER ORDERED, that Representative Danny Edward Costain of Plymouth be excused Mar 19, 20, 21, 25 and 27 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative James F. Dill of Old Town be excused Mar 19 for health reasons.

AND BE IT FURTHER ORDERED, that Representative Joseph C. Galletta of Durham be excused Mar 5, 6, 7, 12, 13, 14, 20, 21, 25 and 28, Apr 1, 2, 3 and 9 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Lori K. Gramlich of Old Orchard Beach be excused Apr 1 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative H. Scott Landry Jr. of Farmington be excused Mar 27 and 28 for health reasons.

AND BE IT FURTHER ORDERED, that Representative Marc G. Malon II of Biddeford be excused Apr 1 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Kevin J. M. O'Connell of Brewer be excused Apr 1 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Ambureen Rana of Bangor be excused Feb 1 and Mar 21 for personal reasons.

**READ and PASSED.**

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**SPECIAL SENTIMENT CALENDAR**

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

**Recognizing:**

Gabe Eaton, of Brunswick, who won the 2024 Maine Scholastic Individual Chess Championship. We extend our congratulations and best wishes;

(HLS 1001)

Presented by Representative ANKELES of Brunswick. Cosponsored by Senator DAUGHTRY of Cumberland, Representative ARFORD of Brunswick, Representative GOLEK of Harpswell.

On **OBJECTION** of Representative ANKELES of Brunswick, was **REMOVED** from the Special Sentiment Calendar.

**READ.**

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

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**Recognizing:**

Molly Tefft, of Brunswick, who won the Maine State Girls K-12 Chess Tournament. We extend our congratulations and best wishes;

(HLS 1002)

Presented by Representative ANKELES of Brunswick. Cosponsored by Senator DAUGHTRY of Cumberland, Representative ARFORD of Brunswick, Representative GOLEK of Harpswell.

On **OBJECTION** of Representative ANKELES of Brunswick, was **REMOVED** from the Special Sentiment Calendar.

**READ.**

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

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**Recognizing:**

Joseph Vela, of Brunswick, who won a U800 Section at the 2024 Maine Scholastic Individual Chess Championships. We extend our congratulations and best wishes;

(HLS 1003)

Presented by Representative ANKELES of Brunswick. Cosponsored by Senator DAUGHTRY of Cumberland, Representative ARFORD of Brunswick, Representative GOLEK of Harpswell.

On **OBJECTION** of Representative ANKELES of Brunswick, was **REMOVED** from the Special Sentiment Calendar.

**READ.**

The **SPEAKER**: The Chair recognizes the Representative from Brunswick, Representative Ankeles.

Representative **ANKELES**: Thank you, Madam Speaker. I want to rise to congratulate the three State Chess Champions from Brunswick, two of whom have joined us today with their coach/Dad. Joseph Vela won his group at the 2024 Maine Scholastic Individual Chess Championship. Unfortunately, he was feeling under the weather this morning and couldn't be here, but he still deserves all of our congratulations.

Molly Tefft won the Maine State Girls K-12 Chess Tournament earlier this spring, and Gabe Eaton is now the reigning Maine Scholastic Individual Chess Champion. In winning these tournaments, they all showed calmness of mind, a mastery of strategy and just the right amount of patience. And after the week we've all had, I suspect they could make a lot of money as our personal life coaches. I'll also note that if you look up to the ceiling in this Chamber, it's sort of a grid of many squares, so, if they get bored with our floor speeches today, they can dream of pieces moving around on the grid.

I am so grateful to my colleagues in the Legislature for honoring their hard work to checkmate the competition. Congratulations on a job well done.

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

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**Recognizing:**

the Hermon High School One Act Team, which won the 2024 One Act Class A State Championship. Members of the team include Finn Brown, Ashlynn Stitham, Madison Hobbs, Kristany Raymond, Isabella Ingalls, Makayla Bemis, Tristen Allen, Lily Raleigh, Sophie Peterson, Bailey Heal-Hedger, Kali Alexander, Ellie Allmon, Peyton Antone, Stirling Hall, Ryan McNally, Alivia Putnam and Cole Willis. We extend our congratulations and best wishes;

(HLS 1005)

Presented by Representative THORNE of Carmel. Cosponsored by Senator BALDACCI of Penobscot, Representative GRIFFIN of Levant.

On **OBJECTION** of Representative THORNE of Carmel, was **REMOVED** from the Special Sentiment Calendar.

**READ.**

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

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**Recognizing:**

Jonathan Hinchliffe, of Levant, who has earned the distinction of being named Valedictorian of the 2024 graduating class of Hermon High School. We extend our congratulations and best wishes;

(HLS 1006)

Presented by Representative THORNE of Carmel.

Cosponsored by Senator GUERIN of Penobscot, Representative GRIFFIN of Levant.

On **OBJECTION** of Representative THORNE of Carmel, was **REMOVED** from the Special Sentiment Calendar.

**READ.**

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

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**Recognizing:**

Eva Benjamin, of Hermon, who has earned the distinction of being named Salutatorian of the 2024 graduating class of Hermon High School. We extend our congratulations and best wishes;

(HLS 1007)

Presented by Representative THORNE of Carmel.

Cosponsored by Senator BALDACCI of Penobscot.

On **OBJECTION** of Representative THORNE of Carmel, was **REMOVED** from the Special Sentiment Calendar.

**READ.**

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

Representative **THORNE**: Thank you, Madam Speaker. All the members of the Hermon High School drama club that won the one-act play, "Antigone;" not 'anti-gone,' as I was corrected on the play today; they all left. They were down here as scheduled for 9:00 and unfortunately, they had to leave by noon, which didn't facilitate being in the Chamber to be recognized, but I promised them that I would speak on their behalf.

And it ended up being a pretty nice day. When they arrived, I met with them and, of course, we had the luxury of time. We did a complete tour. Crystal is in trouble, because I am about that far from being certified as a tour guide now for the State House. And as I took them from floor to floor, I told them that I'd take them under the stairs, and as we went through the stairs, I said this is the Chief Executive's Office, and there's the Chief Executive. And they were able to meet with the Chief Executive, the Chief Executive was gracious enough to come out and meet with them and take a picture with them on the stairs. And I said, I don't know how it worked out, just timing is everything, and we even got to meet the Secretary of State up on the fourth floor, and we were even lucky enough to get a tour of Judiciary and the Representative from Auburn and the Representative from Cumberland were gracious enough to speak to the class and tell them a little bit about the Judiciary. So, they got a class A tour. They even got to meet Senator Timberlake.

So, it was a great tour and they departed and we just wanted to thank everybody here at the State House for making their visit wonderful. Thank you, Madam Speaker.

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

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

**UNFINISHED BUSINESS**

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

Expression of Legislative Sentiment Recognizing Samuel Dickey, of New Gloucester

(HLS 970)

TABLED - April 9, 2024 (Till Later Today) by Representative ARATA of New Gloucester.

PENDING - **PASSAGE.**

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

Representative **ARATA**: Thank you, Madam Speaker, Ladies and Gentlemen of the House. I rise today to congratulate and honor Cumberland County Corrections Officer Samuel Dickey, of New Gloucester, for his 24 years of service and retirement from the Cumberland County Sheriff's Office. Deputy Dickey served in several leadership positions during his decades of service, and in addition to his work as a corrections officer, he also served as a deputy sheriff, corporal, sergeant and court officer.

Now, because we can all use a bit of humor in this Chamber, the Department gave me a funny story about Officer Dickey. So, a few years ago, he participated in an interview and arrived wearing an immaculate uniform, with mirrored glass boots, pressed pants that you could cut your fingers on and every award and accretion that was available to him worn on his uniform. He looked like a proper war hero. And at the conclusion of the interview, he thanked the interview panel, did a military-style about-face, swung open the door, confidently strode out of the room and into the closet. So, I think many of us can relate to this.

Cumberland County Sheriff Kevin Joyce and his peers will sorely miss Officer Dickey and hope that he enjoys his much-deserved retirement. Congratulations, Officer Dickey, and thank you, Madam Speaker.

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

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Expression of Legislative Sentiment Recognizing the Mary Snow School Chess Team, of Bangor

(HLS 982)

TABLED - April 11, 2024 (Till Later Today) by Representative ROEDER of Bangor.

PENDING - **PASSAGE.**

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

Representative **ROEDER**: Thank you, Madam Speaker. Madam Speaker and Members of the House, I stand with great pride to welcome to this Body the Mary Snow Chess Team, who has earned first place in the K-5 category at the Maine Team Chess Championship. At this moment, I'd also like to note that this is the third time I've had the distinct honor of speaking for the academic and extracurricular achievements of the students in my district, and I couldn't be prouder. I'm just so happy, this makes my day.

The tournament that they were in ended dramatically, with everyone waiting outside for the last game to finish and determine the winner, as the Bangor team was only 0.5 points ahead of Cape Elizabeth. And with all due respect for my good friend, the Representative from Cape Elizabeth; in your face.

I am also incredibly appreciative of the parents who are here today with them and who have supported them along the way, along with their volunteer Sharon Klein, who has been instrumental in building an interest in the game of chess at multiple grade levels. So, thank you to the parents and to Ms. Klein for supporting the passions of these students. Madam Speaker, I hope you'll join me in congratulating them on their incredible win.

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

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

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**REPORTS OF COMMITTEE**  
**Divided Reports**

Majority Report of the Committee on **HEALTH COVERAGE, INSURANCE AND FINANCIAL SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-647)** on Bill "An Act to Provide Relief to Federal Employees Affected by a Federal Shutdown" (EMERGENCY)

(S.P. 906) (L.D. 2113)

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

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-647)**.

**READ.**

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

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

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

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

Representative **MORRIS**: Thank you, Madam Speaker; I rise in opposition to the pending motion. This bill presents a real problem for Maine taxpayers.

We all can agree that a federal government shutdown, or any government shutdown, is not ideal, but it's certainly; the consequences of it should not be put on the backs of our taxpayers. This bill proposes to give interest-free loans to those employees impacted by a federal shutdown. They would be backed by FAME. They would not be allowed to consider creditworthiness for these types of loans; I think that's always a problem, that taxpayers could potentially be on the hook for a loan that, you know, they didn't guarantee. And I think that this is a dangerous precedent to set that we're going to guarantee personal loans for the first time in the State's history and, to my understanding, we would be the only State in the nation to be trying to do this.

The other, you know; and the other thing I would ask Members to consider is that we remember a few years ago, during the Coronavirus pandemic, when a number of our local constituents were having issues with the Department of Labor and they weren't able to get any relief on that and many of them had to take out personal loans that they had to pay back with interest. And I think, you know, we really didn't do much for them and they were in a much more difficult position than what these folks would be in, who would get their money paid back when the federal government or the government reopens. So, for those reasons, I would encourage this Body to reject this motion. Thank you.

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

Representative **SWALLOW**: Thank you, Madam Speaker. I, too, oppose this motion. This would allow three loans at zero percent interest for up to \$6,000 each during a federal government shutdown; or State now, it's been added. The loans will be guaranteed up to \$250,000 by the taxpayers of the State of Maine through FAME.

When this bill originally came to us, it was for a pay period of 14 days. In other words, a pay period, 14 days, and they would have to be out of work for 14 days before it would click in. This has been changed to seven days; less than a pay period. I don't see the necessity for this, Madam Speaker. The loans are available and backed by the taxpayer regardless of creditworthiness at zero percent interest. And by the way, if someone's laid off and signs up for unemployment, it takes at least two to three weeks before the checks come through, and four weeks is not unusual. The federal government has shut down for over seven days only nine times in its history, and it shut down for over 14 days only four times in its history.

Furthermore, this bill does not send a good message. It sends the message we've always got your back with the taxpayers' money. As of 2023, Americans were one of the lowest saving nations in the world, at 2.3%. This needs to change, and this is not the way to do it. Science tells us; at least it did me when I was growing up; that for every action, there is an equal and opposite reaction. So, if banks, credit unions, *et cetera*, make zero percent loans, how does this equal out? Well, it could equal out by lower rates on savers, on CDs; it could equal out by slightly higher car loans, or it could equal out by a combination of both, or the credit union or bank taking a lower profit for the time.

The issue is the concentration of the benefit is very viewable and feelable; very tangible. But the cost to the others is diffused and is not seen and is not connected with what's happening. So, I urge all of my colleagues to vote against this. Thank you.

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

Representative PERRY: Thank you, Madam Speaker. Yes, this is a program, and it is new and it is run by FAME, with an initial funding for FAME. We do this and this got brought forward because, as a government, we are responsible for what's happening to the employees of our government. And the other thing is, is we are asking some of those employees to work unpaid during that whole period of time, which gives them no option to find another way to earn money. This gives an opportunity for somebody who needs money to pay rent, to buy food for their family and get it knowing that they will eventually back to work and the risk is they will be able to pay it back. Thank you.

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

Representative QUINT: Thank you, Madam Speaker. I truly hadn't intended to rise on this. However, as a wife of a federal law enforcement officer who did have to work during a shutdown without payment, I am standing to rise in opposition to this bill. The federal government is separate from Maine. I represent the Maine people, and it was not for the people of Maine to pay my family's finances. That was for us to have in order. But I also want to let you know some of the things that banks did for us. First of all, on the very first day, we were told we can immediately go and apply for emergency food stamps. My bank that has my loan, I called them and they said that they would defer a loan payment, because normally, when shutdowns happen, as the Representative from Houlton had said, it's for a very short time period. I then also called my credit cards and told them the situation, and they all covered me as well.

I think this is an issue that you should be taking care of your own finances, and the taxpayers of Maine should not be responsible for that. Thank you.

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

Representative ARDELL: Thank you, Madam Speaker. As a 25-year federal employee, I worked through two federal shutdowns, one of which was the longest federal shutdown in history; I believe it was 35 days from 2018 through 2019. First of all, just to make it clear, all federal employees were; all of them were paid, whether or not they worked through it not. Second of all, this bill only provides an opportunity for loan abuse. There's abundant opportunity in this bill for people to take out money at no interest that they don't even need. Additionally, most banks provided opportunities for, let's say, mortgages for federal employees, where they would allow you to not have to pay your mortgage for a period of time, understanding that you weren't getting paid for a period of time.

So, as someone who this would have affected the most, I can speak with authority and say it is absolutely unnecessary. I wouldn't expect the taxpayers of Maine to somehow float my family for money that I was going to get paid eventually, anyway. So, thank you very much, Madam Speaker.

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

**ROLL CALL NO. 509**

YEA - Abdi, Adams, Ankeles, Arford, Beck, Bell, Brennan, Bridgeo, Cloutier, Cluchey, Collings, Copeland, Crafts, Craven, Dhalac, Dill, Dodge, Doudera, Eaton, Fay, Gattine, Geiger, Gere, Graham, Gramlich, Hepler, Hobbs, Jauch, Kessler, Kuhn, Lajoie, LaRochelle, Lee, Madigan, Malon, Mastraccio,

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

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

ABSENT - Boyle, Crockett, Galletta, Golek, Hasenfus, Lanigan, Lookner, O'Connell, Underwood.

Yes, 75; No, 66; Absent, 9; Vacant, 1; Excused, 0.

75 having voted in the affirmative and 66 voted in the negative, 1 vacancy with 9 being absent, and accordingly the Majority **Ought to Pass as Amended** Report was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (S-647)** 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-647)** in concurrence.

Majority Report of the Committee on **LABOR AND HOUSING** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-656)** on Bill "An Act to Remove the Waiting Period for Benefits Under Maine's Unemployment Insurance System"

(S.P. 583) (L.D. 1464)

Signed:

Senators:

TIPPING of Penobscot  
DAUGHTRY of Cumberland

Representatives:

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

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

Signed:

Representatives:

BRADSTREET of Vassalboro  
DRINKWATER of Milford  
SOBOLESKI of Phillips

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

**READ.**

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

**CONSENT CALENDAR**

**First Day**

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

(S.P. 889) (L.D. 2096) Bill "An Act to Ensure Access to Nonopioid, Nonnarcotic Medication for Acute Pain Relief" Committee on **HEALTH COVERAGE, INSURANCE AND FINANCIAL SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-693)**

(S.P. 926) (L.D. 2175) Bill "An Act to Improve Access to Affordable Prescription Drugs in Underserved Areas" (EMERGENCY) Committee on **HEALTH COVERAGE, INSURANCE AND FINANCIAL SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-692)**

(H.P. 59) (L.D. 91) Bill "An Act to Adopt the National 2022 Amendments to the Uniform Commercial Code" Committee on **JUDICIARY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-964)**

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.

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

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**ENACTORS**

**Acts**

An Act to Require Health Insurance Coverage for Specialized Risk Screening for First Responders and Other Public Safety Professionals

(S.P. 199) (L.D. 444)  
(H. "A" H-959 to C. "A" S-636)

An Act Regarding the Maine State Cemetery Preservation Commission

(H.P. 781) (L.D. 1233)  
(C. "A" H-950)

An Act to Make Changes to the Farm and Open Space Tax Law

(H.P. 1060) (L.D. 1648)  
(C. "A" H-945)

An Act to Require Hospitals to Provide Accessible Financial Assistance for Medical Care

(H.P. 1257) (L.D. 1955)  
(C. "A" H-946)

An Act to Change the Taxation of Rental Tangible Personal Property to Make It Consistent with the Predominant Method in Other States' Rental Industry Laws for Sales and Use Tax

(H.P. 1278) (L.D. 2000)  
(C. "A" H-947)

An Act to Enact the Interstate Social Work Licensure Compact

(H.P. 1364) (L.D. 2140)  
(C. "A" H-948)

An Act to Require Health Insurance Coverage for Federally Approved Nonprescription Oral Hormonal Contraceptives and Nonprescription Emergency Contraceptives

(H.P. 1411) (L.D. 2203)  
(C. "A" H-958)

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.

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An Act Concerning Prior Authorizations for Health Care Provider Services

(H.P. 485) (L.D. 796)  
(C. "A" H-954)

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

On motion of Representative PRINGLE of Windham, was **SET ASIDE**.

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

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

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

**REPORTS OF COMMITTEE**

**Divided Reports**

Majority Report of the Committee on **TAXATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-965)** on Bill "An Act to Expand the Maine Historic Rehabilitation Credit and Establish a Weatherization Tax Credit" (H.P. 1155) (L.D. 1810)

Signed:

Senators:

GROHOSKI of Hancock  
CHIPMAN of Cumberland  
LIBBY of Cumberland

Representatives:

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

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

Signed:

Representatives:

LIBBY of Auburn  
QUINT of Hodgdon  
RUDNICKI of Fairfield

**READ.**

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

The Bill was **READ ONCE**. **Committee Amendment "A" (H-965)** 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-965)** and sent for concurrence.

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Majority Report of the Committee on **INNOVATION, DEVELOPMENT, ECONOMIC ADVANCEMENT AND BUSINESS** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-615)** on Bill "An Act to Ensure That Residents of the State Have the Right to Repair Their Own Electronic Devices"

(S.P. 608) (L.D. 1487)

Signed:

Senators:

CURRY of Waldo  
RAFFERTY of York

Representatives:

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

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "B" (S-616)** on same Bill.

Signed:

Senator:

GUERIN of Penobscot

Representatives:

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

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-615) AS AMENDED BY SENATE AMENDMENT "A" (S-686)** thereto.

**READ.**

On motion of Representative ROBERTS of South Berwick, **TABLED** pending **ACCEPTANCE** of either Report and later today assigned.

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Majority Report of the Committee on **LABOR AND HOUSING** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-618)** on Bill "An Act to Improve Labor Conditions for Maine Workers"

(S.P. 180) (L.D. 373)

Signed:

Senators:

TIPPING of Penobscot  
DAUGHTRY of Cumberland

Representatives:

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

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

Signed:

Senator:

POULIOT of Kennebec

Representatives:

BRADSTREET of Vassalboro  
DRINKWATER of Milford  
SOBOLESKI of Phillips

Came from the Senate with the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-618) AS AMENDED BY SENATE AMENDMENT "A" (S-690)** thereto.

**READ.**

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

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

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

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

Representative **BRADSTREET**: Thank you, Madam Speaker. I rise in opposition to the pending motion. I'll make it short and sweet. You know, we're going to require harmony agreements, which is another word for project labor agreement, on any manufacturing facility done on State-leased land that will be used for a renewable energy project, including the Maine Port Authority. During the hearing on the bill, we heard from many companies that testified against this. If such a harmony agreement would be required, most would even refuse to bid on the project, because of all the problems that it entails. Ninety percent of our workers are open shop. That would relegate it to only 10% of our companies would be bidding on this. Can you imagine what the prices would be on that? The prices would go sky-high. And these companies are not just out-of-state owned; these are employee-owned companies who testified that they would not bid on this project, there's so many problems with it.

I can't understand why anybody would want to vote for this if they want green energy in the State of Maine, it just doesn't make sense. Thank you, Madam Speaker.

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

Representative **FOSTER**: Thank you, Madam Speaker, Ladies and Gentlemen of the House. I, too, rise in opposition of the pending motion. And as I've stated before, my concern here is not only is it going to add expense to projects, but to be very honest, the workers, the skilled and knowledgeable workers, just aren't there to handle this workload. We will need to hire both union labor and nonunion labor.

And if I could, I would like to read from the summary, if I can locate it; this Senate Amendment that was included, it's binding on the facility owner or operator, as well as employers, employees, contractors, subcontractors that would be doing this work. And I can tell you, Madam Speaker, that from my past experience, when work of this magnitude is taken on, we need to hire all the union workers we can find in the State of Maine, and we need to also help with subcontractors that are also available and we'll end up hiring a lot of out-of-state workers to meet these obligations if this bill passes. Thank you.

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

Representative **ROEDER**: Thank you, Madam Speaker. Madam Speaker, we are getting some once-in-a-lifetime money in for clean energy and the last thing we want to do is waste that money on any kind of labor stoppage. This bill would prevent employees from striking or employers from union busting; two things that stop work on any project. We want these clean energy projects to go forward, we want them to go forward smoothly and an employer-employee harmony agreement is a great way to do that.



As this bill is amended, it protects the investment of public dollars by committing any developer or operator of a port leased on State-owned land to sign an employee-employer harmony agreement if their employees decide to unionize. This requirement also does not apply to contractors doing construction work. An employer-employee harmony agreement is an agreement that protects the investment of public dollars by ensuring that there will not be a disruption due to labor activities. Under an EEHA, during the organizing campaign, the employer cannot lock out the employees and the employees cannot strike. This ensures that the work being paid for by these public dollars will still move forward unimpeded.

The amendment further clarifies what the bill does. It removes the requirement that a developer, contractor or other employer involved in maintaining a transmission line that crosses State-owned land commit to signing an EEHA if their employees want to unionize. It also does not require employees to be union. It requires developers and contractors and subcontractors to agree to enter into an EEHA if and only if their employees want to unionize. No developer, company, contractor or other type of employer would have to be union to bid on this work. In fact, if a union contractor does win the work, there would be no need for an EEHA because they're already unionized. Thank you.

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

Representative **GEIGER**: Thank you, Madam Speaker. I rise in strong support of LD 373. As we look to a new wave of manufacturing jobs coming to Maine with the green energy movement we have developing here, we have the opportunity to ensure that these jobs are good-paying jobs with strong job protections.

This bill is simply a job harmony agreement. Employers won't union bust; employees won't strike. We did not take the steps to ensure that was the case when a wave of solar companies came from out of State in response to State solar money. They brought with them employees from out of State, they underpaid them, they undercut our in-State solar companies and then disappeared. This is our opportunity to start to build the agreements between labor and employers that will create strong paying jobs for Maine people for generations to come. Please support LD 373.

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. 510**

YEA - Abdi, Ankeles, Beck, Bell, Brennan, Bridgeo, Cloutier, Cluchey, Collings, Copeland, Crafts, Craven, Dhalac, Dill, Dodge, Doudera, Eaton, Fay, Gattine, Geiger, Gere, Graham, Gramlich, 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, Russell, Sachs, Salisbury, Sayre, Shagoury, Shaw, Sheehan, Sinclair, Skold, Stover, Supica, Terry, Warren, White B, Worth, Zager, Zeigler, Madam Speaker.

NAY - Adams, Andrews, Arata, Ardell, Babin, Bagshaw, Blier, Boyer, Bradstreet, Campbell, Carlow, Carmichael, Collamore, Cray, Cyrway, Davis, Drinkwater, Ducharme, Dunphy, Faulkingham, Foster, Fredericks, Gifford, Greenwood, Griffin, Guerrette, Haggan, Henderson, Hymes, Jackson, Javner, Lanigan, Lavigne, Lemelin, Libby, Lyman, Mason, Millett H, Morris, Ness, Newman, Nutting, Parry, Paul, Perkins,

Poirier, Polewarczyk, Pomerleau, Quint, Rudnicki, Runte, Sampson, Sargent, Schmursal-Burgess, Simmons, Smith, Soboleski, Strout, Swallow, Theriault, Thorne, Walker, White J, Wood, Woodsome.

ABSENT - Albert, Arford, Boyle, Costain, Crockett, Galletta, Golek, Hall, Hasenfus, Jauch, Underwood.

Yes, 74; No, 65; Absent, 11; Vacant, 1; Excused, 0.

74 having voted in the affirmative and 65 voted in the negative, 1 vacancy with 11 being absent, and accordingly the Majority **Ought to Pass as Amended Report was ACCEPTED.**

The Bill was **READ ONCE. Committee Amendment "A" (S-618) was READ** by the Clerk.

**Senate Amendment "A" (S-690) to Committee Amendment "A" (S-618) was READ** by the Clerk and **ADOPTED.**

**Committee Amendment "A" (S-618) as Amended by Senate Amendment "A" (S-690) thereto was ADOPTED.**

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

Under further suspension of the rules the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (S-618) as Amended by Senate Amendment "A" (S-690) thereto in concurrence.**

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**Ought to Pass Pursuant to Resolve**

Representative MOONEN for the **Chief Justice of the Supreme Judicial Court** on Resolve, Approving the 2024 Draft and Arrangement of the Constitution of Maine Incorporating Amendments Approved at Referendum in 2023 and Providing for Its Publication and Distribution (EMERGENCY)

(H.P. 1480) (L.D. 2291)

Reporting **Ought to Pass** pursuant to Resolve 2023, chapter 127.

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

The Resolve was **READ ONCE.**

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

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

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**Divided Report**

Majority Report of the Committee on **JUDICIARY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-967)** on Bill "An Act Regarding Speedy Trials"

(H.P. 1135) (L.D. 1771)

Signed:

Senators:

CARNEY of Cumberland  
BAILEY of York

Representatives:

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

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

Signed:

Senator:

BRAKEY of Androscoggin

Representatives:

ANDREWS of Paris

HAGGAN of Hampden

HENDERSON of Rumford

POIRIER of Skowhegan

**READ.**

Representative MOONEN of Portland moved that the House **ACCEPT** the Majority **Ought to Pass 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 and Colleagues of the House, the Sixth Amendment to the United States Constitution reads as follows: "In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the Assistance of Counsel for his defense." The Judiciary Committee and this entire Legislature have been very focused on efforts to fulfill that last clause of the Sixth Amendment, which obligates us to provide an attorney to those who can't afford one, and rightly so. But I would argue that we are also failing to meet our obligation in the first clause of the Sixth Amendment, which provides for a speedy trial.

The right to a speedy trial is in our Constitution because our Nation's Founders recognized the fundamental harms caused by long delays awaiting trial, including harms that come with long incarceration and loss of liberty: the breakdown of families; the ability to support oneself; self-worth and self-determination; anxiety and reputational harm of unresolved charges, even if not incarcerated while waiting trial; impairment of the ability to present a defense, including the fading of witness memories over time, the impairment of prosecution due to passage of time which can impact their ability to present their case. I would add one more to that; that it's not fair to victims to have to wait years to get justice, either.

The Maine Constitution mirrors the Federal Constitution by guaranteeing that everyone accused of a crime will "have a speedy, public and impartial trial." Unfortunately, the reality is that in our State, this is a right on paper but not in practice. Because until recently, our State courts had not found a violation of the speedy trial right since 1960. In fact, our courts have found delays of even multiple years did not violate the speedy trial right. This is very likely because the constitutional right to a speedy trial has no specific or enforceable timelines for trial. As a result, no one is sure exactly what speedy means, which makes it hard to prove that the State is failing to provide for a speedy trial.

In order to make sure this constitutional right is more than just words, we need to pass a Statute that makes it real. The

federal government has done this by enacting the Federal Speedy Trial Act, and 41 other states have also enacted their own state Speedy Trial Acts. This, of course, means that Maine is an outlier, as one of just nine states with no law defining what constitutes a speedy trial. We should correct this and provide for enforceable timelines, specific exceptions and bright-line rules for prosecutors and defendants to follow.

I want to let everyone know that about a year ago, the Maine Supreme Judicial Court actually touched on this issue in the case called *Winchester v. State of Maine*, in which the decision specifically invited the Legislature to adopt specific guidelines to protect the right to a speedy trial. I believe that our system of government, with its strong separation of powers, only works when the branches of government are in conversation with one another about the most pressing topics, and I don't think we should take this suggestion from the Judicial Branch lightly.

This bill was carried over and heavily worked since last year. The original bill, while I like certain elements of it a lot better, would've resulted in a very substantial fiscal note and would've been unworkable for the various agencies that would've been tasked with implementing it. And so, the work that was done in the off-session included the Judicial Branch, the Attorney General's Office, the Maine Prosecutors Association, the ACLU, the defense attorneys; I'm sure I'm forgetting someone, and for that, I apologize. But there were a lot of folks involved in getting us to the amendment that is before us.

I want to share just briefly what the timelines are that this bill would implement. So, there was a real recognition with this group of folks that worked on this that we are facing a real backlog of cases right now due to the pandemic, in some cases due to shortage of defense attorneys; which, as I said, we are working on; and an acknowledgment that implementing something too quick would be really, really challenging for everyone involved. So, the amendment recognizes that by doing some delayed implementation. The first time this bill would kick in would be January 1, 2026, and there are specific timelines for trial for different types of crimes at that point. Then, on January 1, 2028, a new timeline kicks in, and finally, on January 1, 2030, a final timeline kicks in. So, just to give you a quick sense of what that means for certain types of crimes. Starting January 1, 2026, for murders and Class A crimes, this bill would say that trial must commence within two years. Now, as I said, we have no timeline at all right now. If we were to implement this two-year timeline relative to the 41 other states that have timelines in law, the two-year timeline would tie us for the worst timeline in the country. I'm not exactly thrilled to be suggesting that we should pass a timeline that's the worst in the country, but I do think it's better than what we have now, which is nothing. For the timelines that follow, in 2028 and 2030, there are no changes to that two-year timeline for murders or Class A crimes. For the other types of crimes, the timelines do change a little bit. In 2026, the timeline for a Class B or Class C crime to be brought to trial would be 15 months; in 2028, it would be 12 months; and in 2030, it would be nine months. Finally, for a Class D or E misdemeanor, in 2026, trial would have to commence within 12 months; in 2028, within nine months; and in 2030, within six months.

Madam Speaker, right now, we have folks waiting years for trial even on low-level crimes; years. These charges are hanging over their heads, threatening their reputations, their ability to get work, their ability to provide for their families. That's for the accused. For the victims, they're waiting for years to get justice. It's not acceptable on either side of the equation. In my

view, this bill is a compromise that involved a lot of people that play important roles in our justice system. We needed to find something that was really workable and really implementable and didn't have a massive fiscal note. That is what we have accomplished here. Like I said earlier, it doesn't do everything I wish it would, but it does something real, and it will bring people to trial faster, so that those who are guilty face justice faster and so that those who are innocent are exonerated faster. And that's what we should all be aiming for, it is what our U.S. and State Constitutions require of us and I ask you to support it. Thank you, Madam Speaker.

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

Representative **POIRIER**: Thank you very much, Madam Speaker. I greatly appreciate the idea of speedy trials. After all, my good friend from Portland just reminded us it is a constitutional right. I even co-sponsored the bill as a concept draft, because I do believe in that right. But I can't support the final product of the bill.

The Good Representative has already gone over the timeframes, the timelines, so, I won't belabor that. But Madam Speaker, our judicial system cannot handle this. They're already understaffed and even additional funding for attorneys is not closing the gap fast enough. Our forensics lab actually came to speak to the Committee and stated, there is no way they have enough people in there working in the lab to attain these goals. They would require additional staffing, which takes months and months, if not longer, to train these people to effectively look at this evidence. And that's very important, because this evidence can determine the case. And when we're talking about victims, they deserve to have accurate evidence to support their case. Not only lack of staffing available to do the examinations in forensics, but they don't have space. Even if we were to hire new forensics examiners, they would need an additional building to house them.

Madam Speaker, this bill, it is costly. You heard several positions here and I have a fear that this is actually; if you look at the fiscal note, it could be an unfunded mandate; 90% covered by the State, 10% is going to fall on our counties. And this is a time also where our constituents are having a hard time to make ends meet. We can't afford anything additional as far as costs. These timeframes; I appreciate, like I say, the effort, but they're just not realistic at this point in time. Maybe down the road, when the backlog is wiped out, this could work, but when we're including a backlog and short staffing, it's a recipe for disaster, Madam Speaker. Thank you.

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

Representative **HAGGAN**: Thank you, Madam Speaker. I echo the sentiments of the person to my right. I also co-sponsored; I thought the Good Representative from Portland had a great idea. I teach the Bill of Rights; the Sixth Amendment is one of the most important that we have. They're all very important, of course.

A proper speedy trial is the American way, there's no question about that. The pandemic is a horrible thing; it happens periodically in the course of human history, we've had them and they have wiped out wholesale populations of people. This most recent one, we'd like to think we're prepared, but obviously, that was a really tough one. The backlog in our courts, from what one person said in Committee, was up to 50,000. We're talking 10s of thousands of cases that are jammed and backed up. The idea that the Good Representative from Portland has is a fantastic idea, to try to expedite; everybody should try to have a fair trial, a speedy trial, as quickly and justly as possible.

Sadly, though, this bill, as much as I really wanted it to work, did not come together for me in a realistic fashion. So, I'll just outline a few things that gave me trouble. This bill starts in a year and a half; a little more than a year and a half, it takes effect. And the backlog that the Representative from Skowhegan had mentioned, with all of the hardships that we have in the judicial system that are trying to be remedies; albeit too slowly; is there. It's reality. So, a Class A crime, as was mentioned, if the trial is not commenced within 24 months, then the question that I have is, well, what happens? What's the remedy here? If we don't start within 24 months, one of my questions to the attorneys and whatnot; and the amendment; dismissal. So, murder or rape, you did not get your day in trial and this case could be dismissed with or without prejudice. To me, that seems unacceptable. The Class C felonies; 15 months and then it whittles down to 12 and nine as we get closer to a few years out and we're hoping the backlog is taken care of with the non-remedies and the things happening too slowly in the court system as far as the ability to adjudicate these cases; I'm nervous that we'll be dismissing a lot of cases. And then the D and E crimes, 12 months, then down to nine, and then down to six.

So, I asked the prosecutors how long does it take, generally, with the backlog and everything else, from you receiving a case until you're able to start the trial? Let's say a Class A crime, rape or murder or something like that, and it depended on whether you're in a rural or an urban area; anywhere from 12 months to maybe up to 18 months in a worst-case scenario. And in my head, I'm thinking okay, well, that's cutting it close. And then, we had the crime lab guy come in from the State Police. I said, how many guys do you have in your crime lab? He said, four, which isn't nearly enough. I didn't know that and I thought, my heavens, how did we not give you more people than four? I would gladly spend our money and add to that. But the reality is they have four. Well, how long does it take for you to receive a case and then go through all of the forensic stuff in order to give all of the material needed to go forward with a case to the prosecutors? And he said, anywhere from 12 months up to 18, depending on how complicated it is; murders are very challenging and complicated and the numbers that we have, upon receiving them, it just takes time. So, I'm not a mathematician, but if I'm doing the math between how long it takes to get to a case to start it, because they have so many cases that they're dealing with, they're not dealing with one and there's nothing behind it, they're dealing; a lot of cases come to them.

I did ask the prosecutors; the crime lab guy; I'm sorry, I don't know his title, so, I'm slang Dave; I said; now I forgot what I was going to say, darn it. Okay, oh, well, I'm tired. Oh, heck, what was it? Well, maybe if it comes back to me. How long does it take for you guys to do it, da-da-da-da, I've got it all written out, but; you've got four guys, it takes them 12 to 18 months to get through it, the backlog is huge, do the math; the attorneys.

Well, I spoke to law enforcement. I sought out game wardens. I do a lot of ice fishing and hunting and I take 180 kids ice fishing every year and I have a lot of friends who are wardens and I thought, well, I'm bopping around and I hang out with these guys, so, I said, in some cases, you know, in many of your cases where you catch people night hunting and they've got five deer in the back of their vehicles and this and that, how long does it take with the backlog and everything else for you to get your case to where the trial starts? It takes us, in many instances, up to 12 months, and we're really worried if the speedy trial bill comes through, because they're really trying to get these Class

A, B and C crimes adjudicated, that we're going to be put on the backburner and if, sometimes, it takes us up to 12 months to get started, this might double us on that, the cases will be dismissed. And I said, oh, well, so, that means perhaps, possibly, I could shoot five or six deer and I wouldn't have to worry about it because I'm going to be dismissed. And I was joking, ha-ha, but he said, well, that could be the sad reality of the case.

So, in my head, as I thought this through; I really like the idea. I think it's a fantastic idea to put a time limit on there; many states have it. I think because of COVID and the backlog of thousands of cases and the inability of prosecutors and crime lab people to be able to get the information proper for a good and just trial, I'm just nervous that dismissal of criminals because we couldn't get them to trial, that is very troublesome to me. So, I would be extremely for an idea like this, maybe adjusting times, not 24 months but way beyond that, because of the massive backlog, and then the tapering down. But this is too narrow and too short for me, so, I would have to say I cannot support this; and sadly, because the concept to me is great, I'm just worried that people that should be convicted of serious crimes will walk. So, with that said and done, I will stop. Thank you very much.

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

Representative **SINCLAIR**: Thank you, Madam Speaker. Madam Speaker, I have something of a love-hate relationship with this bill. I love that there is a bill, I hate some of its content that I'd like to briefly speak about. I agree in full with the Good Representative from Portland that this State is wholly failing; wholly failing to meet that constitutionally mandated right of every defendant to a speedy and public trial. Complete agreement. I don't think that this bill gets us anywhere near meeting the requirements of those two sections, but it's a heck of a lot better than nothing.

Madam Speaker, the amendment to this bill stretches out the period of time that someone can be held in jail, even when they are legally innocent. Madam Speaker, until and unless there's a conviction, each and every defendant, each and every person charged with any crime, is as legally innocent of that charge or charges as the Chief Executive. As legally innocent of the charges as you, Madam Speaker, and as everyone else, every Member in this House. That is the strength of the presumption of innocence, and that is why the right to a speedy trial is so very important. It is the defendants that have rights, Madam Speaker. I understand that a quicker implementation would be difficult for the State, would be harder on the prosecutors, harder on the trial chiefs. I get it. But none of those entities has rights with respect to this question. The defendant has the rights. And to my mind, all those other concerns about wow, it'll be too expensive; oh, gee, we'll have to hire more people, it's not enough time; those should be secondary to the respect for the constitutional rights of the charged.

Madam Speaker, the amendment also takes the remedy section of this bill, which was strong and robust and full, it takes it and reduces it to a mere nullity. The relief section now says, well, it's up to the judge. After the case has been dismissed, you know, when the case is being dismissed, it can be dismissed with prejudice or without. With prejudice, the charge is gone, meaning that the right of the defendant to that speedy trial is vindicated. They get something in exchange for the State's violation of that constitutional right. Under the amended version of the bill, they get effectively nothing, because they are still under the threat of the State's bringing the charge back at the whim of the judge.

Madam Speaker, it troubles me to the core of my being that anyone in this country would be comfortable with the notion that we would force someone who is legally innocent to sit in jail for up to two years before they can even get a determination of their guilt. Madam Speaker, it is not the defendants who choose when a case starts. It is each and every time, always, the prosecutor. They bring the charges, not the defendant. The prosecutor is free to wait, file the complaint, pursue an indictment when you're ready, so that the person isn't being punished before there's been any determination of their guilt. Now, sure, some people can be released on bail, and many are. The problem with that is the State also allows the imposition of cash bail, which makes it so that only the wealthy can get out and those without funds, the ones who are most vulnerable in our society, they are kept behind bars.

Now, in the instance of a Class E crime, Madam Speaker, it's even worse. Because the amended Statute allows the person to be held; again, legally innocent; allows that person to be held for up to six months. Which, guess what, is the maximum exposure that they had under the charge in the first place; meaning that if they had been convicted at a properly held trial and had been found by the court to have committed that Class E crime in the absolute worst conceivable way for a Class E crime, the worst punishment the court could've imposed was six months. Now, the effect of this, the coercive effect of pretrial detention; now, prosecutors like to say pre-conviction detention, because that presumes there's going to be a conviction; pretrial detention is what it really is, and the effect of that is to coerce pleas out of defendants who may very well have a triable case.

Madam Speaker, for all those reasons and many more, I am deeply, deeply uncomfortable with the bill. I salute its beauty by stressing these words, because I think it is absolutely mandatory, it is incumbent on the State to provide something with respect to this right. This bill doesn't go far enough, but I hope everyone in the Chamber will support it. Thank you, Madam Speaker.

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

Representative **CYRWAY**: Madam Speaker, just a question to the Body.

The SPEAKER: The Member may proceed.

Representative **CYRWAY**: In a responsible way, has the funding been included and considered for all; to meet all parts that's needed to request the demands of this bill, in order to make it a speedy release? That's the question.

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

Representative **MOONEN**: Thank you, Madam Speaker, I rise to respond to the question. I'm not sure I fully understood it, but if I do, I think OFPR, as is the usual process, reaches out to every agency involved and asks for their answers on what resources they will need. They got answers on this bill from the Prosecutors' Association and the crime lab and those resources are reflected in the fiscal note. Thank you, Madam Speaker.

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

Representative **ARDELL**: Thank you, Madam Speaker. In my experience as a criminal case agent in Maine felony trials, the defense is the side that typically delays cases, as the prosecution has to be ready to go after indictment and discovery is provided to the defense. And for that reason, I'd like to ask this Body to oppose this motion. Thank you.

The SPEAKER: The Chair recognizes the Representative from Kennebunk, Representative Sayre.

Representative **SAYRE**: Thank you, Madam Speaker. Madam Speaker, I recall about 16 months ago, we in this room all swore an oath, and that oath says, "I do swear that I will support the Constitution of the United States and of this State so long as I shall continue a citizen thereof." It did not have an asterisk that said, when it is convenient or at some future date when we can afford it. I am speaking in support of this motion, so that we join the other 41 states that have in their books compliance with the Sixth Amendment of the Constitution. Thank you.

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

Representative **CYRWAY**: Thank you, Madam Speaker. I just wanted to make sure that we knew what the funding was, as a responsible legislative Body, to make it happen. I don't think that that sounds like we had gotten an answer. And to just say that this has to happen constitutionally; I think we do have a responsibility, just like we do for anything, whether it's State Police to do something or the hospitals to be able to do something, or anything; we always look at the funding before, not after the fact. So, I think we have a responsibility to the victims; whether it's murder or it could be anything that is very serious and then, we're just going to just say, well, they can get out. I don't think that's a very good answer. I think we need to know the funding cost. Thank you, Madam Speaker.

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

Representative **SINCLAIR**: Madam Speaker, I appreciate the Chair is allowing me to stand one more time. I agree with the good gentleman from Albion that there is an obligation owed to the victims of crime. But it's not owed by the defendant, Madam Speaker; it's owed by the State. So, it should not be the defendant who pays the price through long incarceration before there's been any determination on the validity of the charge or charges brought.

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

Representative **SHEEHAN**: Thank you, Madam Speaker. I'd like to thank the Good Representative from Bath for his reminder of what's at stake here, and that is our constituents' most fundamental rights and liberties, as well as the peace of mind and closure that is afforded to victims when cases are brought to trial and decided.

I'd like to address the concerns, though, voiced by my Committee colleagues, the Good Representatives from Skowhegan and Hampden. I shared those concerns until the sponsor worked with the impacted branches. After months and months of work and careful compromise, the Judicial Branch has confirmed that the timelines proposed here can be implemented. The delayed implementation timeline that's outlined was designed with the Judicial Branch to account for the backlog, and the dates specified apply only to cases filed after those dates. I appreciate my colleagues' concerns, but with all due respect to them, I choose to trust the Judicial Branch's estimation of what the Judicial Branch can achieve.

The Maine Prosecutors' Association also testified that with the funding specified in the fiscal note, they can also manage these new timelines. They may not represent every single prosecutor, so, I can't really speak to who shared his concerns with the Representative from Hampden, but they spoke for the majority of their members.

What we're establishing here is a floor. Maine is reaching and stretching to become number 42 out of the 42 states that bother to set standards for speedy trial in this country. Let's commit to reaching that low bar, and then keep doing better by the Maine people by improving every time we revisit this issue.

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

Representative **POIRIER**: Thank you, Madam Speaker. Last time I rise, I promise. I just want to clarify that when the Judicial Branch; and everybody was asked about this; they all like the idea, like I say. And the answer was, we'll try. It's not we know we can do this, it's we'll try.

Something that sticks out to me, though, is in the past several days, the Judiciary Committee has been holding judiciary confirmation hearings. And a question I've heard throughout those hearings is, what are you doing about the backlog? How's that going? And what we hear is that these judges are actually having to, you know, work nights, put in time on weekends away from their families and that sort of thing, to just try to chip away at the backlog. We're not seeing big chunks of huge improvement here; they're chipping away at it. And to me, that says it's going to take a while. We don't have the staffing capacity to do it in a quick movement. And this, like I say, this is why it's a setup for failure. A failure for our State if we enact this. There's a reason why we hadn't enacted something until now and, of course, COVID made things worse in our court systems, we're having a hard time attracting attorneys to take these cases, there are so many different factors. This one bill isn't going to solve this problem. In fact, it can compound it when we're talking about dismissals.

So, I really hope that people think about that. Yes, it's a constitutional requirement, but we can't meet these deadlines. Thank you.

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

Representative **MORIARTY**: Thank you, Madam Speaker. I came downstairs without a file or a computer, so, I'm relying on memory. Some concern has been raised about the defendant who strategically takes delaying steps to let the time period expire such that trial is almost inevitably postponed and, at the expiration of the period, that that accused person may go free. My recollection of the bill is, though, that if there is a delay in the process due to a defendant request for a continuance or perhaps some other discovery-related matter, that that period of time does not count against the total prescribed time for the commencement of trial. So, I don't think that that's a genuine concern before us. Thank you.

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

Representative **LEE**: Thank you, Madam Speaker. Madam Speaker, the State of Maine is failing to meet its Sixth Amendment obligation with regards to effective assistance of counsel for indigent legal defendants. Since I've been here and before, the Judiciary Committee and this Body, on a bipartisan basis, has been pushing the very large boulder up the very large hill to solve that problem. We are now confronting another portion of the Sixth Amendment regarding the speedy trial right. The longer we wait to solve this problem, the bigger that second boulder is going to get.

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. 511**

YEA - Abdi, Ankeles, Beck, Bell, Brennan, Bridgeo, Cloutier, Cluchey, Collings, Copeland, Crafts, Craven, Dhalac, Dill, Dodge, Doudera, Eaton, Fay, Gattine, Geiger, Gere, Graham, Gramlich, 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 - Adams, 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, Henderson, Hymes, Jackson, Javner, Lanigan, Lavigne, Lemelin, Libby, Lyman, Mason, Millett H, Morris, Ness, Newman, Nutting, Parry, Paul, Perkins, Poirier, Polewarczyk, Quint, Rudnicki, Sampson, Schmersal-Burgess, Simmons, Smith, Soboleski, Strout, Swallow, Theriault, Thorne, Walker, White J, Wood, Woodsome.

ABSENT - Albert, Arford, Boyle, Crockett, Galletta, Golek, Hall, Hasenus, Jauch, Pomerleau, Underwood.

Yes, 76; No, 63; Absent, 11; Vacant, 1; Excused, 0.

76 having voted in the affirmative and 63 voted in the negative, 1 vacancy with 11 being absent, and accordingly the Majority **Ought to Pass as Amended Report was ACCEPTED.**

The Bill was **READ ONCE. Committee Amendment "A" (H-967) 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-967)** and sent for concurrence.

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

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**ENACTORS**

**Emergency Measure**

An Act to Provide Relief to Federal or State Employees Affected by a Federal Government or State Government Shutdown

(S.P. 906) (L.D. 2113)  
(C. "A" S-647)

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

On motion of Representative TERRY of Gorham, **TABLED** pending **PASSAGE TO BE ENACTED** and later today assigned.

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**Emergency Measure**

An Act to Improve Access to Affordable Prescription Drugs in Underserved Areas

(S.P. 926) (L.D. 2175)  
(C. "A" S-692)

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. 104 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.

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**Acts**

An Act to Provide Natural Organic Reduction Facilities for Maine Residents for the Conversion of Human Remains to Soil

(H.P. 341) (L.D. 536)  
(S. "A" S-588 to C. "A" H-129)

An Act to Expand the Membership of the Permanent Commission on the Status of Women

(S.P. 353) (L.D. 794)  
(C. "A" S-51; S. "A" S-589)

An Act to Facilitate the Provision of Medically Appropriate Levels of Care for Clients of Correctional Facilities

(H.P. 1193) (L.D. 1863)  
(S. "A" S-587 to C. "A" H-621)

An Act to Ensure Access to Pain Management Services in Health Insurance Plans

(S.P. 889) (L.D. 2096)  
(C. "A" S-693)

An Act to Remove the Age-related Statutory Prerequisite for Sealing Criminal History Record Information

(H.P. 1423) (L.D. 2218)

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.

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The SPEAKER: The Chair wants to thank everyone for their hard work this week, for the patience that you've had and the flexibility that you've shown. And I want to say we've had a difficult week together, but we've done good work and we will continue to do good work. We'll do good work together. We'll do it in a respectful manner, we'll do it in a safe manner, we'll do it in a manner in which you can do the work on behalf of the people that you represent.

The Chair just wants to make sure to express, I hope everyone has a safe journey home and a healthy and restful weekend.

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

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On motion of Representative DOUDERA of Camden, the House adjourned at 5:53 p.m., until 10:00 a.m., Monday, April 15, 2024, in honor and lasting tribute to Franklin M. Walker, Jr. of Camden.