

MAINE STATE LEGISLATURE

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ONE HUNDRED THIRTY-FIRST LEGISLATURE
SECOND REGULAR SESSION
39th Legislative Day
Monday, April 15, 2024

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

Prayer by Reverend Todd Weir, Congregational Church of Boothbay Harbor.

National Anthem by Randa Veilleux, Waterville.

Pledge of Allegiance.

The Journal of Friday, April 12, 2024 was read and approved.

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

SENATE PAPERS
Non-Concurrent Matter

Bill "An Act to Prohibit Tobacco Sales near Schools"
(H.P. 1383) (L.D. 2157)

PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-842) AS AMENDED BY HOUSE AMENDMENT "A" (H-942) thereto in the House on April 9, 2024.

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-842) AS AMENDED BY HOUSE AMENDMENT "A" (H-942)** thereto **AND SENATE AMENDMENT "A" (S-691)** in **NON-CONCURRENCE**.

The House voted to **INSIST**.

COMMUNICATIONS

The Following Communication: (H.C. 477)

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

April 15, 2024

Honorable Rachel Talbot Ross

Speaker of the House

2 State House Station

Augusta, Maine 04333

Dear Speaker Talbot Ross:

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

Transportation

L.D. 401 An Act to Improve Transportation in Maine

Sincerely,

S/Robert B. Hunt

Clerk of the House

READ and with accompanying papers **ORDERED PLACED ON FILE**.

The Following Communication: (S.C. 1084)

MAINE SENATE
131ST LEGISLATURE
OFFICE OF THE SECRETARY

April 12, 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 Judiciary:

- The Honorable Daniel J. Mitchell of Scarborough for appointment, as a Superior Court Justice,
- The Honorable Maria A. Woodman of Monmouth for appointment, as a Superior Court Justice,
- The Honorable Michael Duddy of Cape Elizabeth for reappointment, as a District Court Judge.

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**.

SPECIAL SENTIMENT CALENDAR

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

Recognizing:

Katahdin Javner, of Chester, who was named the Eastern Maine Community College Student of the Year. We extend our congratulations and best wishes;

(HLS 1013)

Presented by Representative JAVNER of Chester.

Cosponsored by Senator STEWART of Aroostook.

On **OBJECTION** of Representative JAVNER of Chester, was **REMOVED** from the Special Sentiment Calendar.

READ.

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

Representative **JAVNER**: Thank you, Madam Speaker, Men and Women of the House. It is with great honor and immense pride that I stand before you today to recognize a truly exceptional individual, Katahdin Javner, who has been named the Eastern Maine Community College Student of the Year. I am blessed to call him son.

Throughout his journey at EMCC, Katahdin has exemplified the qualities of compassion, dedication and the relentless pursuit of knowledge. As a quintessential autodidact, he has embraced learning with a fervor that is both inspiring and infectious. Katahdin's respect for not only the faculty, but every member of our community, is unparalleled. His role as a student ambassador speaks volumes about his commitment to EMCC's values and his genuine desire to help others navigate their educational journey. Moreover, Katahdin's discipline and determination have been nothing short of awe-inspiring. Whether it's in the classroom, as a student ambassador or in his personal pursuits, he approaches every task with unwavering focus and dedication. Katahdin, you are not only a source of

immense pride for our family, but also a shining example of integrity, kindness and perseverance. Your achievements at EMCC are a testament to your hard work and determination and I couldn't be prouder of the man you have become. [The Representative spoke in a native language]. Because your heart is the most beautiful thing in the world.

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

REPORTS OF COMMITTEE

Divided Report

Majority Report of the Committee on **VETERANS AND LEGAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-968)** on Bill "An Act to Legalize Historical Horse Racing and Electronic Beano to Allow Maine Gaming Licensees and Federally Recognized Indian Tribes to Compete with Other Gaming States"

(H.P. 1275) (L.D. 1992)

Signed:

Senators:

HICKMAN of Kennebec
BRENNER of Cumberland

Representatives:

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

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

Signed:

Senator:

TIMBERLAKE of Androscoggin

Representatives:

BOYER of Poland
HYMES of Waldo
RUDNICKI of Fairfield

READ.

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

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

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

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

Representative **RUDNICKI**: Thank you, Madam Speaker. Twice before, the residents of Maine, the voters of Maine, have voted against expanding past what we are currently doing with our casinos. Twice, it's been voted down. This bill expands slot machines, because these really are; these historical racing machines and the electronic beano machines are really just slot machines. It also expands allowing the Tribes to go into a municipality that, next door to where they currently have, into a different municipality to use that facility versus always being on Tribal land. It also allows for off-track betting facilities and commercial tracks to have these slot machines. So, it goes against the actual will of the Maine people when twice, they've voted this down. 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. 512

YEA - Adams, Ankeles, Arford, Babin, Beck, Bell, Brennan, Cloutier, Cluchey, Collamore, Collings, Crafts, Craven, Cyrway, Dhalac, Dill, Dodge, Doudera, Eaton, Fay, Fredericks, Gattine, Geiger, Gere, Graham, Guerrette, Hall, Hobbs, Kessler, Kuhn, Lajoie, Landry, Lanigan, LaRochelle, Lavigne, Lee, Lookner, Madigan, Malon, Matlack, Millett H, Milliken, Montell, Moonen, Moriarty, Murphy, O'Connell, Osher, Parry, Perry A, Pluecker, Rana, Rielly, Roberts, Roeder, Runte, Russell, Sachs, Salisbury, Sargent, Sayre, Shagoury, Shaw, Sheehan, Skold, Stover, Supica, Terry, Warren, White B, Wood, Woodsome, Zager, Zeigler, Madam Speaker.

NAY - Albert, Andrews, Arata, Ardell, Bagshaw, Blier, Boyer, Bradstreet, Bridgeo, Campbell, Carlow, Carmichael, Copeland, Costain, Cray, Davis, Drinkwater, Ducharme, Dunphy, Faulkingham, Foster, Gifford, Greenwood, Griffin, Haggan, Henderson, Hymes, Jackson, Javner, Lemelin, Libby, Lyman, Mason, Mastraccio, Mathieson, Meyer, Millett R, Morris, Ness, Newman, Nutting, O'Neil, Paul, Perkins, Perry J, Poirier, Polewarczyk, Pomerleau, Quint, Rudnicki, Sampson, Schmursal-Burgess, Simmons, Sinclair, Smith, Soboleski, Strout, Swallow, Theriault, Thorne, Underwood, Walker, White J.

ABSENT - Abdi, Boyle, Crockett, Galletta, Golek, Gramlich, Hasenus, Hepler, Jauch, Pringle, Riseman, Worth.

Yes, 75; No, 63; Absent, 12; Vacant, 1; Excused, 0.

75 having voted in the affirmative and 63 voted in the negative, 1 vacancy with 12 being absent, and accordingly the Majority **Ought to Pass as Amended** Report was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (H-968)** 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-968)** and sent for concurrence.

ENACTORS

Acts

An Act to Ensure Employer and Employee Harmony in Clean Energy Development Projects

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

(S. "A" S-690 to C. "A" S-618)

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

On motion of Representative BRADSTREET of Vassalboro, 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: 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. 513

YEA - Ankeles, Arford, Beck, Bell, Brennan, Bridgeo, Cloutier, Cluchey, Collings, Copeland, Crafts, Craven, Dhalac, Dill, Dodge, Doudera, Eaton, Fay, Gattine, Geiger, Gere, Graham, 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, Rana, Rielly, Roberts, Roeder, Russell, Sachs, Salisbury, 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, 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, Runte, Sampson, Sargent, Schmersal-Burgess, Simmons, Smith, Soboleski, Strout, Swallow, Theriault, Thorne, Underwood, Walker, White J, Wood, Woodsome.

ABSENT - Abdi, Boyle, Crockett, Galletta, Golek, Gramlich, Hasenfus, Hepler, Jauch, Pringle, Riseman.

Yes, 70; No, 69; Absent, 11; Vacant, 1; Excused, 0.

70 having voted in the affirmative and 69 voted in the negative, 1 vacancy with 11 being absent, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

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

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

ORDERS

On motion of Representative HYMES of Waldo, the following Joint Resolution: (H.P. 1481)

JOINT RESOLUTION RECOGNIZING MAY 5-11, 2024 AS MAINE HOMESCHOOL EDUCATION WEEK

WHEREAS, homeschooling has become an integral part of the State's educational landscape, providing families with the flexibility and autonomy to tailor educational experiences to meet the diverse needs of their children; and

WHEREAS, homeschooling empowers parents to actively engage in their children's education, foster strong family bonds and promote lifelong learning; and

WHEREAS, homeschooling encourages academic excellence, creativity, critical thinking skills and character development, preparing students for success in higher education, careers and civic life; and

WHEREAS, homeschooling promotes diversity, inclusivity and respect for individual differences, creating a rich and vibrant educational environment that celebrates the unique talents and perspectives of each student; and

WHEREAS, homeschooling has demonstrated its resilience and adaptability, providing continuity of education and stability for students and families, especially during times of

crisis such as the COVID-19 pandemic, with 2023 homeschool enrollment totaling 10,122 students; and

WHEREAS, homeschooling fosters civic engagement, community involvement and a deep appreciation for the values of citizenship and service, contributing to the well-being and prosperity of the State; now, therefore, be it

RESOLVED: That We, the Members of the One Hundred and Thirty-first Legislature now assembled in the Second Regular Session, on behalf of the people we represent, take this opportunity to recognize the week of May 5, 2024 to May 11, 2024 as Maine Homeschool Education Week; and be it further

RESOLVED: That we acknowledge and celebrate the diversity and achievements of homeschooling families, recognize the dedication and commitment of homeschooling parents and educators and express gratitude for their invaluable contributions to the education and development of the State's youth.

READ.

The SPEAKER: The Chair recognizes the Representative from Waldo, Representative Hymes.

Representative **HYMES**: Thank you, Madam Speaker. I just wanted to take a quick moment to thank those who have helped me and my wife through our homeschooling journey over the years, overseas and in different states as we've taken our travels with the military, and I just wanted to move on with our business today because I know we have a lot going on. Thank you.

Subsequently, the Joint Resolution was **ADOPTED** and sent for concurrence.

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

Representative **NESS**: Sorry for the mess-up on my button, but I just wanted to rise and say, as a product of homeschool education, I just want to take a moment to thank my mom for her time and sacrifice that she put into raising my sister and I and providing us with a class A education. And also, just thanks to all the parents around the State who make that sacrifice. Thank you, Madam Speaker.

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

Representative **QUINT**: Thank you, Madam Speaker. My button was also pushed, but I think I hit it again by accident.

I am very grateful to the Representative for putting in this Resolution. I think with homeschooling, it fits an avenue for many children that wouldn't fit into a regular school system and also children that have disabilities often do better in a home care setting. But for myself, I was homeschooled and then I went on to homeschool my children, so, we have, like, two generations in my family, hopefully going for three. But it allowed a learning environment for my children where we could go with my husband with his jobs when he had to travel. And sometimes, when you hear people talk about homeschooling kids and, you know, that you think are not socialized or they speak to the poorer side of it, for parents that don't do the job on the other side. There are so many that have put blood, sweat and tears into helping their children achieve more than what they ever would've been able to achieve in the regular school environment. So, thank you.

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 Friday, April 12, 2024, had preference in the Orders of the Day and continued with such preference until disposed of as provided by House Rule 502.

An Act Concerning Prior Authorizations for Health Care Provider Services

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

TABLED - April 12, 2024 (Till Later Today) by Representative PRINGLE of Windham.

PENDING - **PASSAGE TO BE ENACTED.**

Subsequently, 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.**

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

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

TABLED - April 12, 2024 (Till Later Today) by Representative TERRY of Gorham.

PENDING - **PASSAGE TO BE ENACTED.**

On motion of Representative TERRY of Gorham, the House **RECONSIDERED** its action whereby the Bill was **PASSED TO BE ENGROSSED.**

On further motion of the same Representative, the House **RECONSIDERED** its action whereby **Committee Amendment "A" (S-647)** was **ADOPTED.**

The same Representative **PRESENTED House Amendment "A" (H-970)** to **Committee Amendment "A" (S-647)**, which was **READ** by the Clerk and **ADOPTED.**

Subsequently, **Committee Amendment "A" (S-647) as Amended by House Amendment "A" (H-970)** thereto was **ADOPTED.**

Subsequently, the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (S-647) as Amended by House Amendment "A" (H-970)** thereto in **NON-CONCURRENCE** and sent for concurrence.

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

REPORTS OF COMMITTEE

Divided Report

Majority Report of the Committee on **TAXATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-969)** on Bill "An Act to Amend the Mining Excise Tax Laws"

(H.P. 1445) (L.D. 2251)

Signed:

Senators:

GROHOSKI of Hancock
CHIPMAN of Cumberland
LIBBY of Cumberland

Representatives:

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

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

Signed:

Representative:

LIBBY of Auburn

READ.

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

The Bill was **READ ONCE. Committee Amendment "A" (H-969)** 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-969)** and sent for concurrence.

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

ENACTORS

Emergency Measure

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

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

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

On motion of Representative MOONEN of Portland, **TABLED** pending **FINAL PASSAGE** and later today assigned.

Acts

An Act to Adopt the National 2022 Amendments to the Uniform Commercial Code

(H.P. 59) (L.D. 91)
(C. "A" H-964)

An Act Regarding Speedy Trials

(H.P. 1135) (L.D. 1771)
(C. "A" H-967)

An Act to Expand the Maine Historic Rehabilitation Credit and Establish a Weatherization Tax Credit

(H.P. 1155) (L.D. 1810)
(C. "A" H-965)

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

Resolves

Resolve, to Establish the Task Force to Study the Creation of a System to Allow for the Voluntary Waiver of Firearm Rights (H.P. 1343) (L.D. 2119) (C. "A" H-961)

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

An Act to Update the Growth Management Program Laws (H.P. 1267) (L.D. 1976) (C. "A" H-960)

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

On motion of Representative BRADSTREET of Vassalboro, 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: 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. 514

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

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

ABSENT - Abdi, Boyle, Campbell, Crockett, Galletta, Golek, Gramlich, Hasenfus, Hepler, Jauch, Pringle, Riseman.

Yes, 70; No, 68; Absent, 12; Vacant, 1; Excused, 0.

70 having voted in the affirmative and 68 voted in the negative, 1 vacancy with 12 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**.

REPORTS OF COMMITTEE

Divided Reports

Majority Report of the Committee on **JUDICIARY** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-687)** on Bill "An Act to Strengthen Public Safety by Improving Maine's Firearm Laws and Mental Health System" (S.P. 953) (L.D. 2224)

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

Representative DANA of the Passamaquoddy Tribe - of the House - supports the Minority **Ought Not to Pass** 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-687) AND SENATE AMENDMENT "A" (S-695)**.

READ.

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

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

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

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

Representative **POIRIER**: Thank you very much, Madam Speaker. I rise in opposition to the pending motion. I do have to say I find it a little ironic that we're debating firearm legislation on Patriot's Day, but this bill actually changes the timeframe for due process for a person who is yellow flagged under the law. Instead of the speedy due process of 14 days, a hearing would now be given up to, I believe it's 30 days.

It's important to note that the summary also, that is at the back of the amendment, states that the classification of charges for a person that's charged with possessing a dangerous weapon and is restricted; the summary states that the classification is not changing, as the original amended version did. Yet, in the bill itself, it does show the change from a Class D to a C crime.

Most importantly, we all have to recognize what this bill actually does, which is expand background checks for firearm purchases. When the Chair of the Judiciary Committee asked Commissioner Sauschuck if this was a workaround for universal

background checks, he answered in the affirmative. Madam Speaker, this issue has been brought to referendum, Mainers rejected this. They don't want universal background checks. So, Madam Speaker, I urge you to join me, support our constitutional rights and the will of the people and vote this bill down. Thank you.

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

Representative **ARDELL**: Thank you, Madam Speaker. I've gone through this bill with some high degree of scrutiny. This bill has several moving parts in it. In the 131st in the First Session, we voted on a straw purchase bill. What it did is created a knowing or intentional transfer of a firearm to a prohibited person to be a Class D misdemeanor crime. So, knowing and intentional, to be a Class D misdemeanor. It was a good bill. It had a fairly high level of criminal mental state involved in it, with a fair and moderate penalty.

So, within criminal law, there are four levels of *mens rea*, which is a fancy legal term for meaning criminal intent of the actor. The four are, from highest to lowest: intentional, which means to act in a purposeful way; knowing; reckless; and the lowest is negligently, or to act in a negligent manner. What this bill does in part is it takes the *mens rea*, takes the criminal intent of an act, and brings it down to the second-lowest *mens rea* recognized in U.S. law, recklessly. Recklessly can be defined as the decision to commit an act despite knowing the associated risks. This bill lowers that criminal intent of an act where the outcome could be unexpected to the transfer of a firearm, meaning there's no knowledge or intent involved in their action, so, they wouldn't be knowingly or intentionally conducting a criminal act, merely an act with an outcome that they would not necessarily know. They wouldn't necessarily know the recipient's prohibited person status for receiving dangerous weapons and still be guilty of a crime.

So, what this bill does is significantly lowers the level of intent, but also significantly raises the penalty of the crime to a Class C crime, which is a felony. So, what we're doing is we're making it easier to be convicted of a crime with a lowered mental state, but also taking the penalty and raising it significantly, because from a misdemeanor crime level, a Class D crime to a Class C crime, there are a number of different things that happen to you at that point. Felonies are serious, and they're meant to be serious and typically, the level of *mens rea* or criminal intent that goes into a felony is knowing and intentional and the associated penalty is fairly high. So, you have high level of criminal intent, fairly high level of penalty. This bill changes that. Essentially, this is what a step towards tyranny looks like.

What this bill actually also does is opposes the will of the people. We probably remember Question 3 from 2016, in which the people of Maine refused; they denied universal background checks. And in a lot of ways, that's exactly what this bill does. It creates a universal background check, because the only portion where a person possibly could transfer a firearm without a background check makes the *mens rea* or intent of the crime so that it wouldn't be knowing or intentional, but raises the penalty to a Class C. No person would subject themselves to such a low bar, to have committed a crime with such a high penalty. What this does is it makes universal background checks, because most people would not subject themselves to such an unbalanced situation in which government holds all the cards.

Again, this bill also only impacts the law-abiding and it inconveniences them. People who don't; I mean, speaking as a career law enforcement officer, but also as an FFL; former FFL; people who don't pass background checks don't subject

themselves to them. So, essentially, criminal activity would continue as it is and all this bill would do is further burden or place the law-abiding into a position where they could be, you know, facing felony charges for an act that is neither knowing nor intentional.

And then on top of all that, the background check system engages quite a bit of paperwork; an ATF Form 4473, a dealer's acquisition and disposition book, all of which is available to the government at any time of the day or night, any day of the year, to include holidays. And that forced dealer recordkeeping would; I mean, creates a *de facto* registry that is currently forbidden to both federal and State government. There's a reason registries are illegal; because they are not in the interests of the people.

I ask this Body to vote against this bill. A vote for this bill is a very unfortunate vote for steps down the road to government tyranny. Thank you.

The SPEAKER: The Chair recognizes the Representative from Lewiston, Representative Craven.

Representative **CRAVEN**: Thank you, Madam Speaker. Madam Speaker, Men and Women of the House, I live a half a mile away from Just-in-Time Recreation. That's the bowling alley in Lewiston where a deadly mass shooting took place on October 25th. On that day, and in the days and months that followed, I've watched my neighbors and members of my community suffer from shock, pain, confusion, fear, sadness and grief. The despair and hopelessness that I have felt is difficult to articulate.

Since that day, I've also felt dismay and disappointment that we could not have done more to prevent this tragedy. Madam Speaker, I sponsored my first safety bill in 2007. I felt compelled to do so after a young neighbor of mine walked into Walmart, bought a gun and ammunition, came straight home and took his own life. He was just 18. I know, as does his mother, that if we had more common-sense laws on firearm ownership here in Maine, he'd still be here today. While I know that this bill does not have a waiting period provision in it, I felt it was important to share this tragic story, because it reaffirms my belief that our laws regarding firearm ownership are far too lax, leading to the guns falling into the hands of dangerous people or those suffering from crisis. Year after year, legislators have sponsored common-sense gun safety legislation, including myself. Except for the recent yellow flag bill and also the safety storage bill, none of the other significant efforts have been successful. However, I think there is reason for hope.

This bill, brought forth by the Chief Executive, is an example; is an important step forward. It will close the current background check loophole that exists for advertised gun sales and strengthen the yellow flag to help keep guns from falling into the hands of people who intend to cause harm to themselves or others. This bill outlines sensible gun safety measures. We've been struggling with the holes in the background checks and this bill goes a long way towards closing them. Additionally, identifying the signs and signals before a shooting happens is paramount to keeping weapons out of the hands of people who shouldn't have them.

Madam Speaker, as we consider the vote on this bill, I encourage everyone in the Chamber to remember all the lives lost and everyone impacted by the event of October 25th, but I would also like people to remember the many, many lives that are lost by suicide in this State every year. We must do everything we can to prevent a tragedy like this from happening again, and this bill will help us do that. Thank you, Madam Speaker.

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

Representative **LEE**: Thank you, Madam Speaker. Madam Speaker, every morning on the way here, when I'm getting on the interstate, I pass Schemengees Bar and Grille. It's a thing that concentrates the mind. This is not a statement that makes me tremendously popular on this side of the aisle, but I agree with the U.S. Supreme Court's majority opinion in *District of Columbia v. Heller*. I agree that the text and history of the Second Amendment confers what we in the State of Maine conferred by amendment in 1987; an individual right to possess and bear arms.

At the public hearing on this bill, at the Judiciary Committee, we heard a lot of constitutional analysis regarding it. What was missing from most of that analysis, and what I'm guessing we're hearing today on the floor, is an absence of recognition of the reality that the right provided by the U.S. Constitution and the Maine Constitution is not absolute. For an articulation of that limitation on the right, one needs only look to the late Antonin Scalia's words in *Heller*. He said, "[I]f most rights, the right secured by the Second Amendment is not unlimited. From Blackstone through the 19th century cases, commentators and courts routinely explained that the right was not a right to keep and carry any weapon whatsoever in any manner whatsoever and for whatever purpose... For example, the majority of the 19th century courts to consider the question held that prohibitions on carrying concealed weapons were lawful under the Second Amendment or state analogs." Scalia went on to note, "nothing in our opinion should be taken to cast doubt on longstanding prohibitions on the possession of firearms by felons and the mentally ill, or laws forbidding the carrying of firearms in sensitive places such as schools and government buildings, or laws imposing conditions and qualifications on the commercial sale of arms." Everything in this bill is in line with the very type of law the United States Supreme Court has indicated is fully consistent with the original intent of the Second Amendment.

So, what about Maine's Constitution? For that, let's look to the words of Justice McKusick in *State v. Brown*: "Prior to the 1987 amendment the Maine Constitution afforded no absolute right to keep and bear arms and we now hold that no absolute right was created by the amendment" in 1987. "The evident purpose of the amendment was merely to transform a collective right to bear arms into an individual right, and nothing more... In 1987, the Attorney General did prepare and publish the required explanation of the bill. The explanation provided...in proposing the amendment, several legislators formally expressed their understanding and intention that the proposed personal right, like the existing collective right, would be subject to reasonable limitation by legislation enacted at the state or local level." The Court continued, "in the absence of a challenge to the Attorney General's official explanation of the amendment, we assume that the voters intended to adopt the constitutional amendment on the terms in which it was presented to them, including the interpretation that the individual right created by the amendment, like its predecessor collective right, is not absolute but rather remains subject to reasonable regulation by the legislature...Once it is apparent, as common sense requires it to be, that amended section 16 does not bar some reasonable regulation of the constitutional right to possess firearms, the only remaining question becomes what are the outer bounds of reasonableness for the regulation of that absolute right." The views articulated here of a boundless, unlimited Section 16, which was forwarded by the defendant in *Brown*, was also addressed by Justice McKusick, quoting Oliver Wendell

Holmes: "Long ago Justice Holmes urged us to reject such a myopic approach to constitutional construction when he wrote: '[t]he provisions of the Constitution are not mathematical formulas having their essence in their form... Their significance is vital not formal; it is to be gathered not simply by taking the words in a dictionary, but by considering the origin and their line of growth,'" much in the same way that Justice Scalia did. "By way of comparison to our amended section 16, the words of the First Amendment are equally unambiguous and unqualified. 'Congress shall make no law...abridging the freedom of speech, or of the press...' Yet the United States Supreme Court has 'reject[ed] the view that freedom of speech and association...are 'absolutes,' in the sense that the scope of the protection must be gathered solely from a literal reading of the First Amendment... The court has upheld in a variety of contexts 'general regulatory statutes, not intended to control the content of speech, but incidentally limiting its unfettered exercise.'" In the same way, Justice McKusick said, "by considering their origin and their line of growth,' including the particular way the 1987 amendment was submitted to the voters, we conclude that the words of amended section 16 do not declare absolute rights."

Madam Speaker, the rights protected by the Second Amendment and Section 16 are tremendously important, but they are not absolute. The provisions of this bill are reasonable. They are rationally related to public safety interests and they are narrowly tailored to limit any abridgement of the right to own and bear arms. I support the motion.

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

Representative **DOUDERA**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House, LD 2224 is broad in scope, with many measures that will help prevent gun violence, and I appreciate the work of the Chief Executive on this bill. The area that I believe is particularly impactful is the bill's strengthening of Maine's background check law with regard to advertised sales of firearms.

As I've stated in the past, advertised gun sales should follow the rules already in place for commercial sales, both to prevent guns from falling into the wrong hands here in Maine, and to stop the flow of guns from Maine to states and countries where firearm laws are stricter. The Bureau of Alcohol, Tobacco and Firearms data shows 4,594 guns used in crimes were bought in Maine between 2017 and 2021, and 1,612 of these guns, or 35%, were recovered in Maine, with 65% recovered in other states. Special Agent Jim Ferguson of the ATF said in 2023, for the majority of the firearms that are recovered here, they originate here, but it is also a significant source for those outside of the State of Maine as well.

LD 2224 will help stop this iron pipeline. Alas, we're not closing the background check hole loophole entirely. It breaks my heart to know that Canada's worst mass shooting was committed with guns from our State. And it's not clear to me whether this bill would've stopped that, as the killer's purchases of a semiautomatic Colt AR-15 style gun may have been at a private sale that occurred at a gun show. This bill does not cover private sales, but it does make important progress, without impeding the transfer of firearms to family members. I'll say that again; LD 2224 is different from the 2016 referendum. It does not impede the transfer of guns to family members. I ask you, Madam Speaker, to vote in support of the Majority Ought to Pass as Amended motion. Thank you.

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

Representative **WHITE**: Good afternoon, Madam Speaker, and thank you. In 2022, the *Bruen* case was heard, and it stated no government interest balancing test may be applied, and government restrictions to our individual right to arms is limited to laws consistent with the text in history from 1791.

Madam Speaker, we heard several examples about the tragedy that happened in Lewiston and suicide and other examples that this law would have no bearing on. The guns used in these situations all went through a background check. When that young man went into Walmart and purchased a firearm and went home and committed suicide, he passed a background check.

There are firearms being given to people who are prohibited. I explained that the other night when testifying on another bill. We have a Good Samaritan Law in this State that forces law enforcement to return firearms to prohibited people, simply on the case that they had overdosed recently. So, yeah, we're returning firearms into the hands of prohibited people mandatorily by law enforcement in this State, and that's wrong. However, the vast majority of private sales, and certainly the vast majority of sales inside gun businesses, are lawful, by all means, and no one has the intent; or, I can't say no one, but the majority of folks have no intent to transfer firearms to lawless individuals.

And, Madam Speaker, we speak a lot about Lewiston in vague terms, but the firearms used had been through the background check process. The individual that committed that heinous act received his firearms lawfully. And after many signs were given, many people failed to respond to that situation, and we know that there are things that could've been done. One thing that we don't discuss is the fact that the strongest background check system in the country is what we refer to as the National Firearms Act background checks, where the FBI goes through your whole background and sees if there's anything that resembles a problem. One thing we don't discuss about the Lewiston massacre is that the person responsible for that massacre was approved through the National Firearms check for a suppressor that he never received because he self-identified as having a mental problem when he went to go pick up his new tax stamp and his new suppressor.

So, Madam Speaker, the situation here is that we have laws that have been proposed and defeated several times in this State; several times. They've been defeated in this Chamber, they've been defeated down at the other end of the hall, they've been defeated at the ballot box by the voters and now, we have it presented and we have situations being discussed that would not have even been prevented had this law been on the books. So, Madam Speaker, this is a bad law, and I urge you to not vote for it.

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

Representative **KUHN**: Thank you, Madam Speaker, Colleagues of the House. I rise in support of the pending motion.

Last night, I took a little bit of time to peruse the firearm listings in *Uncle Henry's*. The listings are expansive. For less than a thousand dollars, I could pick up an AR-15 in Scarborough, I could get an AK-47 in Madison, the list went on. It doesn't make sense to me that if I went to an FFL, I would be subject to a background check, and yet, if I avoid that system and attempt to get one privately, I can without any barriers, essentially.

I want to clarify that the loophole being closed here is not complete. There are numerous loopholes remaining, numerous exceptions, but it does close this one. It closes the *Uncle Henry's* type situation.

And these background checks are really important. By assessing an individual's criminal history, mental health records and potential risks, these checks can help identify individuals who pose a threat to themselves or to others if they were to gain access to a firearm. In fact, as we know, in the case of Mr. Card, he was denied access to a silencer at an FFL that he had ordered in part because he had that engagement and disclosed his own mental health status. I think we all agree, and Maine law provides, that prohibited people should not have access to firearms, and this is an important step in that direction. Thank you.

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

Representative **MOONEN**: Thank you, Madam Speaker. Madam Speaker, Colleagues of the House, the legislation before us was announced by the Chief Executive during her State of the State Address, and it is intended to implement meaningful public safety protections in the wake of violence in our State. The proposals stem from her conversations with Republican and Democratic lawmakers, with people and organizations from across Maine, in which she heard a common belief that: one, gun violence prevention is important; two, that we must strengthen our mental health system; and three, that dangerous people should not have access to firearms. Her proposal addresses these three areas of concern in a pragmatic, responsible and responsive way that respects the Second Amendment right to safe and legal gun ownership and that upholds our State's longstanding outdoor heritage.

First, through prevention. The Chief Executive's bill creates an Injury and Violence Prevention Program at the Maine Center for Disease Control and Prevention as a central hub to bring together data about violence-related injuries and deaths that is currently kept separate, such as in police reports, medical examiner files and emergency department files. This is to allow Maine to identify patterns to inform public health and prevention measures to reduce suicides and homicides in Maine. This idea is also supported by a million dollars in the supplemental budget.

Second, the bill proposes to strengthen Maine's mental health system. The bill proposes to establish a statewide network of crisis receiving centers, a proven model of behavioral crisis intervention, so that any person suffering a mental health crisis can get prompt and appropriate care. The bill proposes to establish a crisis receiving center in Lewiston, building on the successful Portland center, and a similar one being established in Kennebec County, while developing and implementing a plan for a broader network that provides greater access to behavioral health services for people across the State. This is supported by \$950,000 in one-time startup funding and \$450,000 in ongoing funds for the Lewiston crisis receiving center. Again, in the supplemental budget.

Third, the bill proposes to prohibit dangerous people from possessing weapons, and it does so via three measures. First, strengthening Maine's Extreme Risk Protection Order law. Maine's existing Extreme Risk Protection Order addresses public safety concerns while protecting constitutional rights to survive potential court challenges. Citing the inability of law enforcement to take the Lewiston shooter into protective custody to initiate the Extreme Risk Protection Order law and remove his weapons, this bill strengthens the law to allow law enforcement to seek a protective custody warrant signed by a judge in unusual circumstances to take a person into protective

custody, providing them with another tool to use at their discretion to take dangerous people into custody, to remove their weapons when that person is uncooperative. The bill also amends the existing Statute by addressing some timeframes that have been identified as being burdensome by law enforcement tasked with enforcing it.

Second, the bill extends the National Instant Criminal Background Check System, or NICS, to advertised private sales. The bill requires any advertised firearm sale to be checked against the NICS system, as is required for commercial sales at federally licensed firearm dealers. When a person is subject to Maine's Extreme Risk Protection Order law, their name is entered into a national database of persons prohibited from purchasing weapons. This is a process that works well if the individual attempts to purchase a weapon from a federally licensed firearm dealer; in that case, the sale would be denied. But under current law, that same individual may be able to purchase a weapon in a private sale, a weapon they are not legally allowed to have. The proposal would address this issue by requiring any sale of a firearm that is advertised through Facebook, Craigslist, *Uncle Henry's*, a gun show and other means, to be checked against the NICS system, the same system used by licensed firearm dealers. If enacted, it would ensure that when a gun is sold through an advertised sale, it cannot be sold to someone who is prohibited from having a firearm.

Finally, the bill would incentivize NICS checks for unadvertised private sales. The bill strengthens Maine law to make it easier to prosecute anyone who sells a gun to someone not allowed to have one and toughens Maine law to make that type of illegal sale a felony, not just a misdemeanor. This approach means that transfers of firearms to family members, trusted friends; as is common in Maine; will remain unchanged, but it will incentivize checks against the NICS system for private unadvertised sales to unknown individuals through the threat of increased risk of prosecution.

The Chief Executive has proposed other steps to address these issues by a number of initiatives in the supplemental budget; things like mobile crisis teams, safe firearm storage, hiring more State Troopers, enhancing funding for Extreme Risk Protection Order assessments, funding for victim services and creating the Mass Violence Care Fund.

Violence is not a simple problem, and there is no single simple measure that can address it completely. The proposals in this bill are not extreme or unusual. They are practical, common-sense measures that are Maine-made and true to our culture and our longstanding traditions while meeting today's needs. They represent meaningful progress without trampling on anyone's rights, and they will better protect public safety. I ask you to support this bill. Thank you, Madam Speaker.

The SPEAKER: The Chair recognizes the Representative from Lewiston, Representative Cloutier.

Representative **CLOUTIER**: Thank you, Madam Speaker. Madam Speaker, and Honorable Members of the House, five and a half months ago, my hometown was shattered by a senseless, preventable tragedy that took the lives of 18 people, injured 13 others and left deep scars, both physical and emotional, many of which will never heal. Ever since that horrific night, I have been reminded every day of how an unthinkable act of gun violence in one community can have ripple effects on our entire State, impacting each and every one of us. Throughout Maine, many people remain on edge, their sense of security destroyed. Frightened by the very real possibility that another mass shooting could happen at any time. As my community continues to grieve and struggles to move forward in

the aftermath of this tragedy, doing nothing is not an option. Here in the Legislature, we have the ability and the responsibility to take meaningful action that will help us prevent the next tragedy from devastating another community the way that it has devastated my own.

The legislation before us is that meaningful action. The provisions in this bill offer real, common-sense solutions that will strengthen violence prevention efforts, improve Maine's mental health system and do a better job of keeping guns out of the hands of those who intend to cause harm to themselves or others. It will expand access to behavioral health services across Maine, including the creation of a new crisis receiving center in Lewiston, which will allow us to better support Mainers who are suffering from a mental health crisis. It will establish a program within the Maine CDC to serve as a central hub for violence and injury data, so we can enact stronger prevention policies. It will close the existing background checks loophole for advertised gun sales, so fewer guns fall into the hands of dangerous people who should not have them. And finally, it will strengthen Maine's existing Extreme Risk Protection Order law, which will help prevent people in crisis from accessing guns.

Together, these provisions will address the epidemic of gun violence as the public health crisis that it is, without compromising the rights of law-abiding citizens and responsible gun owners. Right now, we have the opportunity before us to help prevent a future tragedy, like the one in Lewiston, from devastating another Maine community. For the victims, their families, the residents of Lewiston and all Mainers, we must pass this critical piece of legislation which has the power to save lives. Thank you, Madam Speaker.

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

Representative **SHEEHAN**: Thank you, Madam Speaker, Colleagues of the House. This bill does not require universal background checks, but rather incentivizes and requires background checks for a greater range of what appear to me, having sat on the Committee, to be particularly risky gun sales, while at the same time protecting sales and transfers among family and friends. My husband and I have confidently sold guns in this way, and I appreciate that these kinds of transfers should be allowed to continue.

Madam Speaker, I'm a gun owner. I'm far from being a Second Amendment absolutist. I subscribe to the views I think that my Committee colleague from Auburn captured really well, but I do believe in protecting responsible law-abiding Mainers' rights to own and possess firearms for a variety of reasons; because we hunt, because we wish to protect ourselves and our families and our property, because we are firearms enthusiasts. Would this measure have prevented the tragedy in Lewiston? Possibly not. But I believe that expanding background checks could go a long way to preventing other similar tragedies that we may never even know were related to such transfers. Please support the pending motion.

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

Representative **MORIARTY**: Thank you, Madam Speaker, Fellow Members of the House. I am certainly not in a position to argue to anyone that passage of this bill will prevent something resembling Lewiston or anything close to it will never happen again. We can't make those sort of guarantees in this Body. But I would like to emphasize that passage of the bill will, in fact, enhance public safety and welfare, and that is its fundamental, underlying purpose.

I want to draw upon some thoughts presented by the Representative from Auburn when he cited a case from the Maine Supreme Court. There's another case I'd like to draw the Body's attention to, somewhat more recent, it came from June of '22, less than two years ago. The name of the case is *In Re Weapons Restriction of J.*; that's capital J with a period, we don't know the person's first name, we know he was a male because the male pronoun was used in the opinion. He had a weapons restriction issued due to a violent incident. The restriction was extended by the Court through the normal due process options and procedures. He appealed that extension, arguing that it was unconstitutional because it violated Article I, Section 16; the 1987 referendum.

And with apologies, I'll just read some brief segments of the Court's opinion to my colleagues to emphasize the legality of the current yellow flag law. The Court wrote in 2022: "We have previously held that this section of the Maine Constitution does not give an absolute right to bear arms...Further, Article I, Section 16, like the rest of the Maine Constitution, is subject to Article IV, Part 3, Section 1,...which grants the Legislature 'full power to make and establish all reasonable laws and regulations for the defense and benefit of the people of this State, not repugnant to this Constitution, nor to that of the United States.' It is 'settled law' that Article IV, Part 3, Section 1 gives the State 'police power to pass general regulatory laws promoting the public health, welfare, safety and morality.'" The opinion continues briefly, and the Court points out that Mr. J.; whoever, we don't know what his name was; directly challenged the current yellow flag law on grounds that any such restrictive law passed after the 1987 referendum was automatically or by definition unconstitutional. The court said, "we reject this argument for several reasons;" it then went into an extended discussion of its various reasons and concluded; and I'm skipping over them; the concluding paragraph is, "for these reasons, we conclude that Section 3862-A," which is the yellow flag law, "does not violate Article I, Section 16 of the Maine Constitution."

The constitutionality of the current yellow flag law is firmly established. The bill before us this afternoon is a strengthening of the provisions of that law, designed to protect public health, safety and welfare. That is as much as we can promise to do, that is as much as can be expected of us, but that is certainly enough to persuade me that this is a proper exercise of legislative power and the State's police power under the Constitution. 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. 515

YEA - 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, Kessler, Kuhn, Lajoie, Landry, LaRochelle, Lee, Lookner, Madigan, Malon, Mastraccio, Mathieson, Matlack, Meyer, Millett R, Montell, Moonen, Moriarty, Murphy, O'Connell, O'Neil, Osher, Perry A, Perry J, 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, 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, Hall, Henderson, Hymes, Jackson, Javner, Lanigan, Lavigne, Lemelin, Libby, Lyman, Mason, Millett H, Morris, Ness, Newman, Nutting, Parry, Paul, Perkins, Pluecker, Poirier, Polewarczyk, Pomerleau, Quint, Rudnicki, Sampson, Schmersal-Burgess, Simmons, Smith, Soboleski, Strout, Swallow, Theriault, Thorne, Underwood, Walker, White J, Wood, Woodsome.

ABSENT - Abdi, Andrews, Boyle, Costain, Crockett, Galletta, Golek, Hasenus, Jauch, Milliken, Pringle.

Yes, 73; No, 66; Absent, 11; Vacant, 1; Excused, 0.

73 having voted in the affirmative and 66 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-687)** was **READ** by the Clerk and **ADOPTED**.

Senate Amendment "A" (S-695) 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 MOONEN of Portland **REQUESTED** a roll call on **PASSAGE TO BE ENGROSSED as Amended by Committee Amendment "A" (S-687) and Senate Amendment "A" (S-695)**.

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

The SPEAKER: A roll call has been ordered. The pending question before the House is Passage to be Engrossed as Amended by Committee Amendment "A" (S-687) and Senate Amendment "A" (S-695). All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 516

YEA - 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, Kessler, Kuhn, Lajoie, Landry, LaRochelle, Lee, Lookner, Madigan, Malon, Mastraccio, Mathieson, Matlack, Meyer, Millett R, Montell, Moonen, Moriarty, Murphy, O'Connell, O'Neil, Osher, Perry A, Perry J, 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, 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, Hall, Henderson, Hymes, Jackson, Javner, Lanigan, Lavigne, Lemelin, Libby, Lyman, Mason, Millett H, Morris, Ness, Newman, Nutting, Parry, Paul, Perkins, Pluecker, Poirier, Polewarczyk, Pomerleau, Quint, Rudnicki, Sampson, Schmersal-Burgess, Simmons, Smith, Soboleski, Strout, Swallow, Theriault, Thorne, Underwood, Walker, White J, Wood, Woodsome.

ABSENT - Abdi, Andrews, Boyle, Costain, Crockett, Galletta, Golek, Hasenus, Jauch, Milliken, Pringle.

Yes, 73; No, 66; Absent, 11; Vacant, 1; Excused, 0.

73 having voted in the affirmative and 66 voted in the negative, 1 vacancy with 11 being absent, and accordingly the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (S-687) and Senate Amendment "A" (S-695)** in concurrence.

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

Majority Report of the Committee on **TAXATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-704)** on Bill "An Act to Create an Income Tax Credit for Investments in a Team's Qualified Minor League Baseball Facility to Keep the Team in the State"

(S.P. 975) (L.D. 2258)

Signed:

Senators:

CHIPMAN of Cumberland
LIBBY of Cumberland

Representatives:

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

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

Signed:

Senator:

GROHOSKI of Hancock

Representatives:

LIBBY of Auburn
QUINT of Hodgdon
RANA of Bangor
RUDNICKI of Fairfield

Came from the Senate with the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-704)**.

READ.

Representative PERRY of Bangor 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 Bangor, Representative Perry.

Representative **PERRY**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House, this is a bill having to do with the Portland Sea Dogs. They've been around for 30-plus years, they are a great institution here in the State of Maine; cool, clean, wholesome fun that attracts people from all over. And if you follow baseball at all, you'll know that they've really cut back on the number of minor league teams, and there's great demand throughout the country to attract teams like the Sea Dogs to other communities. After 30 years, the stadium they're in, which is owned by the City of Portland, to stay with league standards, requires \$10 million of upgrades to this Portland-owned stadium that the Sea Dogs lease. This bill attempts to help with 20% of the cost of the upgrades, which some of which include ADA-type improvements.

The bill originally sought to give a \$200,000 a year tax credit for 10 years. Through the public hearing, we learned the Sea Dogs are looking at a 15-year lease extension, possibly 20-year lease extension. So, we took the same dollar amount, \$2 million, stretched it out over; the amendment does this; stretches

it out over 15 years, says if they were to move out of Maine within the first five years, we recapture any assistance we offer, and if at any time over the 15 years, the team was to leave Portland or the State of Maine, the payments would end.

So, this amounts to 10 cents per Mainer per year over 15 years to help with the upgrades to this stadium. No local option sales tax, all the revenue it generates comes to the State of Maine. They collect more sales tax in their concession stands than we would be giving back; I think it's the least we can do, I think it's a good investment, I'm hoping this Body will be supportive. Thank you.

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

Representative **RUDNICKI**: Thank you, Madam Speaker, Ladies and Gentlemen of the House. The City of Portland actually owns Hadlock Field. So, to me, it should be the City of Portland putting up the money for any type of tax credits or anything that's given.

The Sea Dogs; it's great to have it in the State of Maine, I'm sure that there's a lot of people that take advantage of it. But it is a tax break, it is a refundable tax credit. And the new owners of the Sea Dogs own over 20 other minor league teams; I think the number was 27, but I might be off there a little bit, but it's over 20. And the President of the Sea Dogs sat in front of us in Committee and actually said, they have no intention of leaving the State of Maine. So, those that are using that as excuse, you know, he did say that, it's on mic and it's on the video.

We have to go back to the fact that Hadlock Field is owned by the City of Portland. If the City of Portland wants to do this, then let the City of Portland do it and not the taxpayers in my district that may have never gone to a Sea Dogs game, or whatever. They're bringing money in; one of the questions to them was, why can't you just go up a dollar on your ticket? You know, let the people that use it pay for it, not the people in the State that don't use this type of entertainment at all. So, 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. What this bill would do is it will keep this team in Maine. It'll help people in my district who could never afford to go to a Red Sox game, but could afford to go to, you know, a game right here in Maine. It costs about 25% of the total to go to a Sea Dogs game as it does to go to a Red Sox game.

One thing I wanted to add that the Good Representative from Bangor; I don't know if he said it and just I missed it; if they back out of this deal at any point in the first five years, they have to pay back all the money, all the tax credits. So, they are held liable, you know, they have to make the investment in Maine or, you know, they can't just take the money and run. Thank you.

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

Representative **BOYER**: Thank you, Madam Speaker, Colleagues of the House. This is corporate welfare. I'm opposed to it. If people want to support the Sea Dogs, buy season tickets, but don't ask my constituents to pay for it. Thank you.

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

Representative **RANA**: Thank you, Madam Speaker. Anyone who has been to a Portland Sea Dogs game can attest to the excitement and positive impact the team brings to the community. Mainers can see players before they move up to the majors and share a memorable day at the ballpark with their

family and friends, which makes it all the more unfortunate that the new owners of the Sea Dogs are threatening to leave if the State doesn't give them a big tax break, whether they need it or not.

I do not believe Maine taxpayer dollars should be used to fund stadium renovations for privately owned sports teams, especially those owned by massive private equity funds. The Sea Dogs are no longer the family-owned business that we all have grown and known and loved. They are owned by a company called Diamond Baseball Holdings, which owns 28 other teams and which is a subsidiary of one of the biggest private equity firms in the world that has over \$100 billion in assets. Diamond Baseball Holdings owners have enough assets to fund our entire State for two decades, yet they are asking for a handout, and that's not right.

The bill, as amended, would provide the Sea Dog owners with a refundable tax credit of almost \$2 million for stadium renovations. Through asking tough questions in the Committee process, I was able to deem that the owners have the funds that they need to make the necessary improvements they need to stay in Portland. Keep in mind, Diamond Baseball Holdings is required to make this investment in order for the Sea Dogs to maintain their status as a minor league team, meaning they will make the investment regardless of this tax credit. As written, this bill provides a credit retroactively back to October 2023 for work they have already completed; again, which they have already done without this tax credit. While I believe the sponsor to be well meaning, the logic of using a taxpayer-funded refundable credit to incentivize an act that has already happened does not make sense to me. It will also encourage other privately-owned teams to come to Augusta with their hands out. If we give money to a private equity fund, how could we deny them?

As we navigate the budget process, we're fighting for crucial funding for critical programs. I don't have to tell you all the needs that our State faces. You know we have a massive affordable housing crisis, with 20,000 to 40,000 households at risk for eviction; you know that we have a crumbling mental health system; you know that we have incredibly long wait lists for substance use treatment. How can we look at our constituents in the eye if we allow an out-of-state \$100-billion private equity firm to cut the line? We all love the Sea Dogs; that's not what this bill is about. This is about how to best use our taxpayer dollars, and I ask you to follow my light. 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. 517

YEA - Babin, Beck, Bell, Brennan, Bridgeo, Campbell, Carmichael, Collings, Crafts, Craven, Cray, Dill, Doudera, Drinkwater, Ducharme, Eaton, Gere, Graham, Greenwood, Hall, Henderson, Hepler, Hobbs, Jackson, Kuhn, Lajoie, Landry, LaRochelle, Lavigne, Lee, Lyman, Madigan, Mason, Mastraccio, Matlack, Meyer, Millett H, Millett R, Montell, Moonen, Moriarty, Murphy, O'Connell, Perry A, Perry J, Rielly, Roberts, Runte, Russell, Sampson, Sargent, Sayre, Shagoury, Shaw, Simmons, Skold, Stover, Terry, White B, Worth, Zeigler, Madam Speaker.

NAY - Adams, Albert, Ankeles, Arata, Ardell, Arford, Bagshaw, Blier, Boyer, Bradstreet, Carlow, Cloutier, Cluchey, Collamore, Copeland, Cyrway, Davis, Dhalac, Dodge, Dunphy, Faulkingham, Fay, Foster, Fredericks, Gattine, Geiger, Gifford, Gramlich, Griffin, Guerrette, Haggan, Hymes, Javner, Kessler, Lanigan, Lemelin, Libby, Lookner, Malon, Mathieson, Milliken,

Morris, Ness, Newman, Nutting, O'Neil, Osher, Parry, Paul, Perkins, Pluecker, Poirier, Polewarczyk, Pomerleau, Quint, Rana, Riseman, Roeder, Rudnicki, Sachs, Salisbury, Schmersal-Burgess, Sheehan, Sinclair, Smith, Soboleski, Strout, Supica, Swallow, Theriault, Thorne, Underwood, Walker, Warren, White J, Wood, Woodsome, Zager.

ABSENT - Abdi, Andrews, Boyle, Costain, Crockett, Galletta, Golek, Hasenfus, Jauch, Pringle.

Yes, 62; No, 78; Absent, 10; Vacant, 1; Excused, 0.

62 having voted in the affirmative and 78 voted in the negative, 1 vacancy with 10 being absent, and accordingly the Majority **Ought to Pass as Amended** Report was **NOT ACCEPTED**.

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

SENATE PAPERS

Non-Concurrent Matter

Bill "An Act to Protect Consumers from Predatory Medical Credit Card Providers"

(S.P. 925) (L.D. 2174)

Majority (7) **OUGHT NOT TO PASS** Report of the Committee on **HEALTH COVERAGE, INSURANCE AND FINANCIAL SERVICES READ** and **ACCEPTED** in the House on April 11, 2024.

Came from the Senate with the Minority (6) **OUGHT TO PASS AS AMENDED** Report of the Committee on **HEALTH COVERAGE, INSURANCE AND FINANCIAL SERVICES READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-678) AS AMENDED BY SENATE AMENDMENT "A" (S-700)** thereto in **NON-CONCURRENCE**.

The House voted to **INSIST**.

Non-Concurrent Matter

Bill "An Act to Create a Civil Cause of Action for Persons Suffering Damages Arising from the Sale of Abnormally Dangerous Firearms"

(H.P. 1085) (L.D. 1696)

Report "A" (6) **OUGHT TO PASS AS AMENDED** of the Committee on **JUDICIARY READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-962)** in the House on April 11, 2024.

Came from the Senate with Report "B" (5) **OUGHT NOT TO PASS** of the Committee on **JUDICIARY READ** and **ACCEPTED** in **NON-CONCURRENCE**.

Speaker TALBOT ROSS of Portland moved that the House **INSIST**.

Representative POIRIER of Skowhegan moved that the House **RECEDE AND CONCUR**.

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

Representative **POIRIER**: Thank you very much, Madam Speaker. I've spoken to this bill previously, so, I'm not going to rehash what I've talked about before, but I'm hoping that

everyone here will follow me today, because there's a lot at stake with this bill. Some who do not know, there's a Smith & Wesson factory right in Houlton, Maine. They employ about 120 Mainers. If this bill passes and that business could be held liable for a criminal act with a gun because they manufacture these firearms, they're going to leave our State. So, that's a business, a 44,000 square foot facility that will close if we pass this law. A hundred and 20 jobs lost.

There are many other things in this world that can be used as a weapon, Madam Speaker, and we don't go after the manufacturers of such objects. So, I think we really need to end this right now; stick up for, you know, the rights of manufacturers who, under federal law, are not supposed to be able to be sued here, and protect those 120 jobs. God knows we really need it. Thanks.

Representative TERRY of Gorham **REQUESTED** a roll call on the motion to **RECEDE AND CONCUR**.

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 Cape Elizabeth, Representative Millett.

Representative MILLETT: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House, I have heard very clearly, and rightly, the concerns of folks for the jobs up north. This bill, as amended, doesn't impact them. This bill simply focuses on the bad actors, and I am certain to my very core that that would not be the case for the businesses that exist in Maine; that they follow the letter of the law. But there are instances when sometimes entities and individuals knowingly; and that's the key, knowingly; act irresponsibly and break the law. And the federal law, PLCAA, allows for this exception.

We empower our citizens to hold manufacturers, distributors and others accountable for knowingly endangering our families and our children. This bill simply seeks to gain equal footing within the constraints that are so narrowly written. It doesn't touch gun owners' guns, it just simply says that if somebody is harmed when an individual or an organization knowingly breaks the law. It's such a small step. I'm very much appreciative of those who supported this measure earlier and I hope you will again. Thank you, Madam Speaker.

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

Representative LANIGAN: Thank you, Madam Speaker, for allowing me to rise. I just have a quick question, because I'm not really understanding the title of the bill. What is an abnormally dangerous firearm? If anybody could answer that, that'd be great. Thank you so much.

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

Representative SWALLOW: Thank you, Madam Speaker. Legislation such as this was passed in Massachusetts not too long ago. This is not a veiled threat. Smith & Wesson was born out of Massachusetts; it has now left, moved the manufacturing facilities to Tennessee, and they have plenty of room to expand there. This is an important business to our community, so much so that I urge you please to follow my light. Thank you.

The SPEAKER: The Chair recognizes the Representative from Cape Elizabeth, Representative Millett.

Representative MILLETT: Thank you, Madam Speaker. I rise to answer the prior question. The bill, as amended and that is before us, makes no mention of that term. Thank you.

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

ROLL CALL NO. 518

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

NAY - Ankeles, Arford, Beck, Bell, Brennan, Bridgeo, Cloutier, Cluchey, Collings, Copeland, Crafts, Craven, Dhalac, Dill, Dodge, Doudera, Eaton, Gattine, Geiger, Gere, Graham, Gramlich, Hobbs, Kessler, Kuhn, Lajoie, LaRochelle, Lookner, Madigan, Malon, Mastraccio, Mathieson, Matlack, Meyer, Millett R, Milliken, Montell, Moonen, Moriarty, Murphy, O'Connell, O'Neil, Osher, Perry A, Perry J, 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.

ABSENT - Abdi, Andrews, Boyle, Costain, Crockett, Galletta, Golek, Hasenfus, Jauch, Pringle.

Yes, 71; No, 69; Absent, 10; Vacant, 1; Excused, 0.

71 having voted in the affirmative and 69 voted in the negative, 1 vacancy with 10 being absent, and accordingly the House voted to **RECEDE AND CONCUR**.

Non-Concurrent Matter

Bill "An Act Concerning Automotive Right to Repair"

(H.P. 1227) (L.D. 1911)

Majority (12) **OUGHT TO PASS AS AMENDED** Report of the Committee on **INNOVATION, DEVELOPMENT, ECONOMIC ADVANCEMENT AND BUSINESS READ AND ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-935)** in the House on April 9, 2024.

Came from the Senate with the Bill and accompanying papers **INDEFINITELY POSTPONED** in **NON-CONCURRENCE**.

The House voted to **INSIST**.

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

Non-Concurrent Matter

Bill "An Act to Change How Adult Use Cannabis Excise Tax Is Calculated"

(H.P. 901) (L.D. 1405)

PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-834) in the House on April 2, 2024.

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-834) AS AMENDED BY SENATE AMENDMENT "B" (S-694)** thereto in **NON-CONCURRENCE**.

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

Non-Concurrent Matter

Bill "An Act to Provide for the Direct Shipment of Spirits to Consumers"

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

Majority (7) **OUGHT NOT TO PASS** Report of the Committee on **VETERANS AND LEGAL AFFAIRS READ and ACCEPTED** in the House on April 10, 2024.

Came from the Senate with that Body having **INSISTED** on its former action whereby the Minority (5) **OUGHT TO PASS AS AMENDED** Report of the Committee on **VETERANS AND LEGAL AFFAIRS** was **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-664)** in **NON-CONCURRENCE**.

The House voted to **INSIST**.

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

The following Joint Order: (S.P. 1004)

ORDERED, the House concurring, that all legislation not finally disposed of upon adjournment sine die of the Second Regular Session of the 131st Legislature be carried over to any special session of the 131st Legislature.

Came from the Senate, **READ** and **PASSED**.
READ.

On motion of Representative TERRY of Gorham, the Joint Order was **INDEFINITELY POSTPONED** in **NON-CONCURRENCE** and sent for concurrence.

REPORTS OF COMMITTEE

Divided Report

Majority Report of the Committee on **ENERGY, UTILITIES AND TECHNOLOGY** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-652)** on Bill "An Act Regarding the Future of Renewable Energy Transmission in Northern Maine"

(S.P. 799) (L.D. 1963)

Signed:

Senators:

LAWRENCE of York
GROHOSKI of Hancock

Representatives:

ZEIGLER of Montville
BOYLE of Gorham
GEIGER of Rockland
KESSLER of South Portland
RUNTE of York
WARREN of Scarborough

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "B" (S-653)** on same Bill.

Signed:

Senator:

HARRINGTON of York

Representatives:

BABIN of Fort Fairfield
DUNPHY of Embden
FOSTER of Dexter
PAUL of Winterport

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-652)**.

READ.

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

Representative FOSTER of Dexter **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 Dexter, Representative Foster.

Representative **FOSTER**: Thank you, Madam Speaker, Ladies and Gentlemen of the House. I'd like to take a moment to explain a little bit about this bill that's before us.

As you may recall, last session, a bill was passed for the northern Maine transmission line going up through. There were a lot of issues with that line. The PUC put out a bid and that bid ended up being closed and so, before the Committee, we had this bill brought to us from the President of the other Body and it was working with the PUC to make some changes that would give them a little bit more leeway on a bid that they will be putting out whether this bill passes or not.

This bill, when it came to us, the Committee worked on it, made a few changes to it to make it what we felt was better for the public and for the State of Maine. And, however, I must say, I am standing in opposition to the pending motion because the Majority Report, which is exactly like the Minority Report, has one exception; and that is that it has labor language in it that will cost the ratepayers, as you've heard me say before, more money for this project. And also, as I've said before, it will be

very difficult to find enough union labor agreement and nonunion contractors in the State of Maine, especially, to build this line. So, I would ask that you follow my light, vote down the pending motion, so that we may still get this language through without that part after this motion fails. Thank you, Madam Speaker.

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

Representative **DUNPHY**: Thank you, Madam Speaker. Madam Speaker, I was here in the 125th, '6th and '7th, I was in the Energy Office and every bill that's come through dealing with energy is going to lower costs. And I just received, this morning, a text from a constituent that said he just saw on the news, that states the greatest increase in electric rates since 2021 is Maine. The rates are up 25%. It's the highest in the country. So, I'm concerned, Madam Speaker, that the more costs we add on, the more problematic this whole energy issue becomes. So, I would hope you would follow my light and vote no. 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. 519

YEA - 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, Kessler, Kuhn, Lajoie, Landry, LaRochelle, Lee, Lookner, Madigan, Malon, Mastraccio, Mathieson, Matlack, Meyer, Millett R, Milliken, Montell, Moonen, Moriarty, Murphy, O'Connell, O'Neil, Osher, Perry A, Perry J, Pluecker, Rana, Rielly, Riseman, Roberts, Roeder, Runte, Russell, Sachs, Salisbury, Sargent, Sayre, Shagoury, Shaw, Sheehan, Sinclair, Skold, Stover, Supica, Terry, Warren, White B, Worth, Zager, Zeigler, Madam Speaker.

NAY - Adams, Albert, Arata, Ardell, Babin, Bagshaw, Blier, Boyer, Bradstreet, Campbell, Carlow, Carmichael, Collamore, 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, Andrews, Boyle, Costain, Crockett, Galletta, Golek, Hasenfus, Jauch, Pringle.

Yes, 75; No, 65; Absent, 10; Vacant, 1; Excused, 0.

75 having voted in the affirmative and 65 voted in the negative, 1 vacancy with 10 being absent, and accordingly the Majority **Ought to Pass as Amended** Report was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (S-652)** 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-652)** in concurrence.

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

SENATE PAPERS

Non-Concurrent Matter

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)

(H.P. 1401) (L.D. 2187)

PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-952) in the House on April 10, 2024.

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-952) AS AMENDED BY SENATE AMENDMENT "A" (S-699)** thereto in **NON-CONCURRENCE**.

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

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. 1431) (L.D. 2229) Bill "An Act to Make Supplemental Appropriations and Allocations for the Expenditures of State Government, Highway Fund and Other Funds and to Change Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 2024 and June 30, 2025" (EMERGENCY) Committee on **TRANSPORTATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-971)**

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.

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

Nine Members of the Committee on **JUDICIARY** report in Report "A" **Ought to Pass as Amended by Committee Amendment "A" (H-973)** on Bill "An Act to Establish the Criminal Records Review Commission"

(H.P. 1444) (L.D. 2252)

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
SHEEHAN of Biddeford

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

Signed:

Representatives:

ANDREWS of Paris
HAGGAN of Hampden
POIRIER of Skowhegan

One Member of the same Committee reports in Report "C" **Ought to Pass as Amended by Committee Amendment "B" (H-974)** on same Bill.

Signed:

Representative:

HENDERSON of Rumford

Representative DANA of the Passamaquoddy Tribe - of the House - supports Report "A" **Ought to Pass as Amended by Committee Amendment "A" (H-973)**.

READ.

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

The Bill was **READ ONCE**. **Committee Amendment "A" (H-973)** 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-973)** and sent for concurrence.

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

The SPEAKER: The Chair recognizes the Representative from Winter Harbor, Representative Faulkingham, who wishes to address the House on the record.

Representative **FAULKINGHAM**: Thank you, Madam Speaker. Madam Speaker, Men and Women of the House, it may not seem like it, but today is a State holiday. It's Patriot's Day, and I just wanted to speak for a moment about Patriot's Day.

On April 19, 1775, the State that we live in now, Maine, was part of the colony of Massachusetts. And on that date, 700 troops of the government marched from Boston towards Concord to seize arms they felt were dangerous to the government. On their way to Concord, they were met by 77 citizens on Lexington Green. There was a standoff with the government and a shot was fired. It was the shot heard round the world. Those government troops marched on towards Concord, where they seized and set fire to those arms of the citizens. As the British troops, or the government troops, rather, the government of this country at that time, began to return, the group of citizens grew to over 2,000. They were members of a paramilitary group known as the Minutemen. They had been training for weeks and months for this day, when the tyrannical government overreached and seized their arms. That day, they defeated the government, and that was the first battle of the Revolutionary War and that's what began the founding of this country, the United States. And that is why, to this day still, in the State of Massachusetts and Maine, we celebrate Patriot's Day.

So, I just wanted to stand today and recognize that historic moment and wish you all a happy Patriot's Day. Thank you, Madam Speaker.

On motion of Representative CRAVEN of Lewiston, the House adjourned at 5:47 p.m., until 10:00 a.m., Tuesday, April 16, 2024.