

# MAINE STATE LEGISLATURE

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



Reproduced from electronic originals  
(may include minor formatting differences from printed original)

ONE HUNDRED THIRTY-FIRST LEGISLATURE  
SECOND REGULAR SESSION  
40th Legislative Day  
Tuesday, April 16, 2024

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

Prayer by Reverend Douglas Beck, St. Francis by the Sea, Blue Hill.

National Anthem by Pineland Suzuki School, Manchester.  
Pledge of Allegiance.

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

The Journal of yesterday was read and approved.

**COMMUNICATIONS**

The Following Communication: (S.C. 1088)

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

April 15, 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:

- Theodore H. Irwin, Jr., Esq. of Falmouth for appointment, as a District Court Judge,
- Jeffrey B. Wilson, Esq. of Norway for appointment, 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** with the exception of matters being held.

**SPECIAL SENTIMENT CALENDAR**

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

**Recognizing:**

the First Congregational Church of Gray, United Church of Christ Maine, which is celebrating its 250th Anniversary this year. In 1774, the church was formed by the Congregational Society as the First Parish church in the settlement of New Boston, which was later incorporated as the Town of Gray in 1778. Throughout its history, the First Congregational Church of Gray has remained a vital part of the town center and activities. It has occupied five buildings in three locations in the village, with the current church in use since 1901. Known affectionately as "the church in the heart of the village," the First

Congregational remains a constant, visible symbol of faith and a center of service to the community. The church offers its Parish House building as a meeting place for civic organizations and its own Christian education programs and outreach to the community, including public suppers and participation in community events such as the annual Blueberry Festival, as well as a preschool playground and free creative music and movement class. The church also sponsors and houses the Gray Community Food Pantry, serving families in Gray and surrounding communities. We extend our congratulations and best wishes;

(HLS 1016)

Presented by Representative GRAHAM of North Yarmouth.

Cosponsored by Senator PIERCE of Cumberland, Representative ARATA of New Gloucester.

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

**READ.**

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

Representative **GRAHAM**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House, I am so pleased to stand to recognize the First Congregational Church of Gray. I have had the opportunity to be with them, to sing with them with their choir, to work in their food pantry and they are just an extraordinary, special little church.

It is interesting to me that the settlements in Maine, that they were required to have land set aside for a parish church and minister and for a school before incorporating as a town. Most towns used the first parish church as a meetinghouse. So, this church was formed by the Congregational Society as the First Parish church for the settlement of New Boston in 1774. The Town of Gray was incorporated four years later, in 1778.

This little church is the heart of a community, just like many of our communities, Madam Speaker, and I just wanted to wish them a very happy anniversary, happy birthday and huge congratulations and I look forward to seeing them around town. Thank you very much, Madam Speaker.

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

**Recognizing:**

the Honorable Richard A. Evans, of Dover-Foxcroft, physician and former member of the Maine House of Representatives, who received the Outstanding Government Service Award from the American Medical Association for his tireless advocacy for and his positive impact on the lives of his and others' patients. We extend our congratulations and best wishes;

(HLS 1021)

Presented by Representative ZAGER of Portland.

Cosponsored by Senator GUERIN of Penobscot, Representative PERKINS of Dover-Foxcroft.

On **OBJECTION** of Representative ZAGER of Portland, was **REMOVED** from the Special Sentiment Calendar.

**READ.**

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

Representative **ZAGER**: Thank you, Madam Speaker, and thanks to the co-sponsors of this Sentiment, including the Honorable Representative from Dover-Foxcroft, Representative Perkins, and the Senator from Penobscot.

I am very honored to rise and recognize the Honorable Richard Evans. He served a very distinguished career in the U.S. military, in the Air Force, with all the things that that involves in terms of personal security, family disruption and so forth, that would be enough to recognize in a Sentiment. Had he served as a surgeon, administering to and taking care of thousands of patients, both military members, their families and also countless Mainers for decades, it would merit a Sentiment like this. Had he served as the top advocate for the Maine Medical Association for Health as its President, it would have been enough. And had he served as a Member of this Honorable Body, seeking and many times finding bipartisan solutions among our most vexing issues like addressing the substance use disorder crisis, workforce development and health access; had he done any of these things, Madam Speaker, it would merit this Sentiment. And he did them all, and he did them against great adversity for many years. And so, it is with great privilege that we, as a Body, recognize this fine gentleman and Mainer. Thank you, Madam Speaker.

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

---

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

**UNFINISHED BUSINESS**

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

Expression of Legislative Sentiment Recognizing Anne R. Stocco, of Belgrade

(HLS 949)

TABLED - April 3, 2024 (Till Later Today) by Representative NEWMAN of Belgrade.

PENDING - **PASSAGE**.

The SPEAKER: The Chair recognizes the Representative from Belgrade, Representative Newman.

Representative **NEWMAN**: Thank you, Madam Speaker. Madam Speaker, Members of the House, I rise today to congratulate Anne Stocco on receiving the 2024 Maine Principal's Award for Messalonskee High School. The award, sponsored by the Maine Principals Association, is given in recognition of a high school senior's academic achievement and citizenship.

Anne is the embodiment of a Messalonskee Eagle. She is number one in her class academically; a leader in her school community, serving as treasurer of the Key Club, the secretary of the National Honor Society and is a member of the Girl Up Club. In addition to her club involvement, Anne ran cross-country for three years and served as a captain her junior year. She has completed over 100 hours of community service, is a tutor to high school students and a mentor to elementary students. She is also a library trustee for the Belgrade Public Library, as well as having spent 13 years working at a local dance studio, where she currently teaches multiple classes three nights a week. In the fall, Anne plans to attend a liberal arts college where she hopes to major in neuroscience or psychology. Anne is very deserving of this recognition. Thank you, Madam Speaker.

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

Representative **HENDERSON**: Thank you, Madam Speaker. I will make this very brief, but if anyone in this Chamber doesn't recognize that last name, Anne Stocco is the daughter of the Judiciary Committee's legislative analyst, Janet Stocco. So, very happy to be able to share this wonderful award with her daughter today.

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

---

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

---

**ENACTORS**  
**Emergency Measure**

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

(H.P. 1401) (L.D. 2187)  
(S. "A" S-699 to C. "A" H-952)

Was reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 107 voted in favor of the same and 7 against, and accordingly the Resolve was **FINALLY PASSED**, signed by the Speaker and sent to the Senate.

---

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

---

**Acts**

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

(H.P. 901) (L.D. 1405)  
(S. "B" S-694 to C. "A" H-834)

An Act Regarding the Future of Renewable Energy Transmission in Northern Maine

(S.P. 799) (L.D. 1963)  
(C. "A" S-652)

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.

---

An Act to Strengthen Public Safety by Improving Maine's Firearm Laws and Mental Health System

(S.P. 953) (L.D. 2224)  
(C. "A" S-687; S. "A" S-695)

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

On motion of Representative FAULKINGHAM of Winter Harbor, was **SET ASIDE**.

The same Representative **REQUESTED** a roll call on **PASSAGE TO BE ENACTED**.

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

The SPEAKER: 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. 520**

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

NAY - Adams, Albert, Andrews, Arata, Ardell, Babin, Bagshaw, Blier, Boyer, Bradstreet, Campbell, Carlow, Carmichael, Collamore, Cray, Cyrway, Davis, Drinkwater, Ducharme, Dunphy, Faulkingham, Foster, Fredericks, Galletta, Gifford, Greenwood, Griffin, Guerrette, Haggan, Hall, Henderson, Hymes, Jackson, Javner, Lavigne, Lemelin, Libby, Lyman, Mason, Millett H, Milliken, 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 - Costain, Crockett, Hasenfus, Jauch, Lanigan, Pringle, Roberts.

Yes, 75; No, 68; Absent, 7; Vacant, 1; Excused, 0.

75 having voted in the affirmative and 68 voted in the negative, 1 vacancy with 7 being absent, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

---

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

---

**REPORTS OF COMMITTEE**

**Divided Reports**

Majority Report of the Committee on **JUDICIARY** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-679)** on Bill "An Act to Amend the Law Governing the Disposition of Forfeited Firearms"

(S.P. 879) (L.D. 2086)

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-679)**.

**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, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House, much like the Majority Report of LD 22 last year, which nearly banned muzzle-loaders in Maine due to the complete lack of firearm knowledge, LD 2086 attempts to ban massive amounts of firearms in Maine under the loose and vague definition of machine guns. As written, the bill would make Maine an outlier in the nation by changing the definition of machine guns to include semi-automatic firearms with legally owned firearm parts. This redefinition seeks to act as a backdoor ban, so-called, to assault weapons, when in reality, it would ban commonplace firearm parts used for a variety of legal reasons, including training, hunting, self-defense and competitive shooting.

This bill also highlights a major issue in current Maine law. As discussed in Committee, current Maine law defines machine guns as a firearm with the ability to fire multiple projectiles with a single pull of a trigger. This incorrect definition could be utilized for extensive bans, because nearly all firearms have this capability. Whether it's a shotgun firing birdshot or a handgun or a rifle firing snake shot, nearly all firearms could fall under this machine gun definition.

Instead of attempting to hijack existing law to increase bans on firearms, we should be addressing the current pitfalls in the current law that does include the word 'projectiles.' This needs to be amended to 'shots' to ensure we are in step with the federal definition, which reads: "The term machine gun means any weapon which shoots, is designed to shoot, or can be readily restored to shoot, automatically more than one shot without manual reloading, by a single function of the trigger." The term shall also include "the frame or receiver of any such weapon; any part designed and intended solely and exclusively or combination of parts designed and intended for use in converting a weapon into a machine gun; and any combination of parts from which a machine gun can be assembled if such parts are in the possession or under the control of a person." Madam Speaker, words matter. The definition of semi-automatic in LD 2086 states semi-automatic firearm, while federal law states semi-automatic rifle. These inconsistencies will have dire consequences.

Madam Speaker, this Body should not allow a bill simply meant to handle the administrative handling of surrendered firearms to be hijacked and fundamentally redefine firearms in Maine. Because of this, I urge every Member in this Body to vote no on this measure. Thank you.

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

Representative **THORNE**: Thank you, Madam Speaker. I will be brief. I rise in opposition of this pending motion.

And I was trying to think of an analogy that I could make when it comes to the disposition of forfeited firearms. And the only thing that I could come up with was that a lot of people don't like pit bulls. They're dangerous, they attack people, they harm, maim and even kill in some cases. But there are actually people out there that like pit bulls, and they're kind and they're gentle in the right hands. So, to kill a pit bull or destroy it because it's a pit bull is very similar to this bill. I think firearms are wonderful. They have a great feel to the wood and the stock, the metal, they're even numbered, serial numbered; some of the older ones have a lower serial number, they become collectors' items. People love them because they are what they are; they're a work of art. And it's awful to see something like this where the disposition is that they get destroyed when someone else could appreciate them and use them in a kind, gentle manner.

I oppose this pending motion, Madam Speaker, and I urge those that believe in art and that these firearms are an art form, to vote against the pending motion. Thank you.

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

Representative **KUHN**: Thank you, Madam Speaker, Esteemed Colleagues. I know we're going to be addressing a couple bills on this topic, so, I wanted to start just by expressing appreciation and respect for all the folks who turned out for the Judiciary Committee hearings. We heard from so many folks from all different angles on this issue, from survivors and families of the Lewiston victims, many folks who had lost family members to suicide, as well as survivors, teachers who manage classrooms, students at Bates who were in lockdown for quite a while, health care providers, faith leaders, as well as firearm owners, sportsmen and federally licensed firearm dealers, some of whom are here in the room. And I just want to say that all of your viewpoints really helped to inform our thinking as we sought to really respect folks' Second Amendment rights while trying to address this public health crisis before us and try to improve public safety. So, thank you to all those folks.

So, looking at 2086, the most important takeaway for today on this is that this bill simply aligns Maine State law with existing federal policy in two ways. First, it requires law enforcement to destroy all firearms that are forfeited to police under current State laws, instead of just those used in murder or homicide, as the law now requires. Federal law and regulations prevent forfeited firearms from being sold out of concern that they could be resold and used in another crime. Here in Maine, recent events related to the Oxford County Sheriff's Department have brought this issue to the forefront and raised a concern about lost, stolen and forfeited firearms being transferred without regard to legal requirements. By making Maine law consistent with federal law, we can reduce the likelihood that a gun used in crimes can be used to commit additional crimes.

The second part of the bill addresses rate enhancement devices; sometimes, as we've heard, called bump stocks, auto sears, Glock switches and others; which are used to convert legal semi-automatic weapons into an automatic weapon such that it's capable of discharging multiple shots with a single pull of the trigger, also known as a handgun under the federal

definition. The policy basis at the federal and State level for prohibiting these devices is strong. Under the Trump administration, the Bureau of Alcohol, Tobacco and Firearms clarified the definition of a machine gun; which, again, prohibited under State and federal law; to include weapons that had been modified to function like a machine gun. This came after such a firearm was modified to simulate a machine gun to commit the deadliest mass shooting in U.S. history in Las Vegas, where a gunman in a hotel room overlooking an outdoor concert used firearms equipped with bump stocks to kill 60 people and injure 500 by shooting from his 32nd-floor window. Based on an audio recording from that shooting, a semi-automatic firearm equipped with a bump stock fired 90 shots in 10 seconds. By way of comparison, audio from the June 2016 mass shooting at an Orlando, Florida nightclub indicates that a semi-automatic firearm without such a device fired 24 shots in nine seconds. These conversion devices render an otherwise legal semi-automatic weapon into something that functions like a machine gun and is uniquely lethal. Fifteen states have already restricted the sale of bump stocks and other rapid-fire devices. These devices are increasingly being used in gang-related violence. Indeed, the Bureau of Alcohol, Tobacco and Firearms has described seeing these devices every single day, often in raids on criminal operations across the country, where they come upon rows of 3D printers cranking these out.

I urge my colleagues to support the pending motion as a common-sense measure to improve public safety. We've heard some folks say that, well, criminals are going to commit crimes anyway; well, without any State level law that our law enforcement officials have to enforce, they are certainly free to do so under current conditions. The only thing I wanted to add is that relates to the definition of machine gun. The definition of machine gun in the State of Maine has been in law for 50 years. At the federal level, it has been in law for 90 years, and I don't think that I've heard those similar extensions of the definition appear under those definitions. Thank you.

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

Representative **HENDERSON**: Thank you, Madam Speaker, Ladies and Gentlemen of the House. We just heard that there; first, I would just say I would like to echo the Representative from Falmouth, who is my wonderful seatmate in the Judiciary Committee, for the thanks for the amount of people that showed up for not just this specific piece of gun legislation, but for the number of pieces of gun legislation that we have had in front of us, from individuals who have taken it upon themselves to become activists and have a voice to voice their concerns with Maine's current gun laws or to voice their concerns in opposition to the legislation that's being brought forward. Many Members of this legislative Body; and I'll do my best to keep my eyes on you, Madam Speaker, even as I thank my colleagues in this Chamber; many Members of this legislative Body came and spoke either in favor of or opposed to these pieces of legislation. So, and it for sure does help us form not only; I think we have some solid opinions on it, but helps us broaden our intellect on the subject as well. Many of the suggestions from my own colleagues within the Judiciary Committee helped me either research or try to open my mind to what we have in front of us.

But we did hear from the good Representative from Falmouth that this would align ourselves with federal law, and I respectfully not only disagree, but would like to reiterate what the Representative from Skowhegan stated earlier. And that was that the definition of semi-automatic rifle in LD 2086 states semi-automatic firearm, while federal law states semi-automatic

rifle. And I think everyone in this room understands the difference between a firearm, which is an all-encompassing; could be anything from a musket to a revolver to a semi-automatic pistol to hunting rifle; that firearm and semi-automatic rifle are two very different things. So, now, my shotgun could be considered a semi-automatic firearm or semi-automatic firearm and put under a different category or my handgun could be considered a semi-automatic firearm and put under a different category.

So, my concerns are; is that we're actually deviating from what the federal standard is and we're creating a whole new subsection of definitions and I'm concerned where the trajectory of that is headed. We know this is not the only bill before our Body concerning firearms and we should really pause and take some time and concern to make sure that we get our language right when it comes to firearms. Thank you.

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

Representative **HAGGAN**: Thank you, Madam Speaker, Men and Women of the House. The bill reads: "As used in this Chapter, 'machine gun' means: A weapon of any description, by whatever name known, loaded or unloaded, that is capable of discharging a number of projectiles in rapid succession by one manual or mechanical operation of the trigger or firing mechanism." So, as was mentioned by a couple of our colleagues, this bill does wildly broaden the scope of machine guns to encompass many commonly owned semi-automatic firearms, firearms and firearm parts. Machine guns are prohibited item both in federal and State law, unless an individual receives an NFA Tax Stamp for each machine gun they own. This requires additional paperwork, a \$200 fee, extensive background checks, long waiting periods for approval. So, by definition, it could be interpreted here as categorizing simple shotguns as machine guns, as we've heard earlier. This could bring the entire bird season to an end in Maine, resulting in catastrophic monetary losses to the lodging industry and much, much more.

The bill also reads: "B. A manual... primarily designed or redesigned so that when a device is attached to a semi-automatic firearm, the device materially increases the rate of fire of the semi-automatic firearm." This means something as common after-market hunting triggers designed to decrease the pull needed to fire a weapon could create a machine gun classification. Many of these devices are used to make a firearm operate more smoothly or efficiently for both competitive and disabled shooters. Many competition shooters at rifle and pistol clubs modify trigger pressure in order to compete at a higher rate. These are adjustments to triggers that do not create automatic weapons; they help to make them more smooth to fire in the competition. This also occurs with hunters who would like a more smooth trigger pull in order to harvest their game more humanely than a clunky trigger pull.

The bill also reads, "Section 6. Attorney General; rules for forfeited firearms. ...The Attorney General shall update rules governing the disposition of forfeited firearms to state, county and municipal agencies including updated processes for the destruction of forfeited firearms under state law." Currently, forfeited firearms, with the exception of those used in homicides, are auctioned by the State and the proceeds support State Surplus office. Why destroy them when they can be repurposed as valuable revenue, which is helpful to Mainers?

This legislation assumes all firearms are evil and must be destroyed, while ignoring the fact that violent individuals commit crimes and would use many other means to achieve other criminal activities. This bill seeks to punish honest, taxpaying,

law-abiding Maine citizens who have committed no crimes. One point made in Committee by a person testifying was in many cases, the firearms confiscated are family heirlooms, used by a family member that may belong to another family member and without their approval.

Madam Speaker, this bill will certainly greatly damage recreational shooting at the very many vibrant rifle and pistol clubs in the State of Maine and will certainly destroy the bird hunting industry in Maine, which will have a significant negative impact on the many diverse livelihoods we enjoy here in Maine. Thank you.

The SPEAKER: The Chair recognizes the Representative from Freeport, Representative Sachs.

Representative **SACHS**: Thank you, Madam Speaker, and Good Colleagues of the House. I rise today in support of the pending motion.

I joined law enforcement, several of Maine's Attorneys General, gun owning families like mine, Madam Speaker, as well as public health partners last session to bring forward concerns with rapid-fire modification devices. LD 2086 continues that conversation in a meaningful way. As noted earlier, conversion devices are not allowed for our heritage pastimes, nor for self-protection. These devices, as I have previously noted in this Chamber, are wants, not needs.

I'd like to lift the voice of one of my constituents in Freeport named Mark, who has given a lifetime of service to children, youth and families, and who testified in support of this bill, saying that Maine must act to recognize, as does virtually the entire rest of the world, that there should be no private privilege to possess weapons of war. That they look to us, our elected representatives, to govern in ways that promote public safety, support health and well-being and leadership. Sometimes, that leadership is not to allow automatic, high-capacity weapons in individual hands, but in the hands of law enforcement and the military. That is not liberty or justice; it is mayhem. Individual and community liberty and justice, freedom and responsibility, not just one or the other, Madam Speaker. It is possible, necessary, to have both.

I want to thank Mark and the many, many folks from around the State who have a heightened awareness of the stakes at this moment and if we have inaction. I urge the passage of the pending motion and thank you, Madam Speaker.

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

Representative **DOUDERA**: Thank you, Madam Speaker. Madam Speaker, Men and Women of the House, Garnell Whitfield, whose mother, Ruth, was killed in the Buffalo mass shooting at a grocery store that was just two years ago in 2022, he said bump stocks serve no legitimate purpose in my mind other than to expand the kill capacity of smaller weapons. And so, I don't know what legitimate purpose they would serve in today's society other than to kill other people.

Now, we've heard some debate today about whether there are legitimate purposes for these firearm enhancement accessories; whether they're used in competitions, whether they might be used in training; but I can tell you what they are used for, Madam Speaker; they are used for mass killings. These are devices that are designed to circumvent laws restricting automatic weapons, allowing rifles to fire in quick succession, killing more people more efficiently. As we heard already, a bump stock device was used in the December 2018 mass shooting in Las Vegas, which killed 58 people and injured more than 500. They were used in the Pulse nightclub shooting, and they were used in that grocery store in Buffalo. Following that Las Vegas shooting, the deadliest in American history, as you've

heard, President Trump banned the use of these bump stock devices by directing the Bureau of ATF to clarify that bump stocks fall within the definition of machine gun under federal law. That was in 2019.

Part of this bill before us, 2086, does the same thing. It amends the definition of machine gun to include a weapon to which a bump stock device is affixed. If passed, it will cause Maine law to conform with the federal regulation. And that's important, Madam Speaker, because right now, local and State law enforcements, they're not required to work with federal law enforcements to enforce federal law. We need this so our local, our Maine law enforcement officials, can enforce this law.

Fifteen states and the District of Columbia have banned bump stocks, you've heard that. Each of these states may do it a little bit differently, but they all recognize the danger that these devices pose to public safety and they have no place in civilian hands. I just spent the weekend at one of those states, Vermont. I was at a baby shower for my middle son, whose wife is having a baby in May. My cousins, my aunts and I talked about gun violence and the Vermonters that I spoke with are very proud of the legislative action that their state took several years ago to prevent legal firearms from being turned into illegal semi-automatic weapons. In 2018, within one week of a narrowly averted school shooting, Vermont's Republican Governor, Phil Scott, proposed a suite of measures to protect Vermonters from gun violence, including prohibiting rapid-fire devices. He noted that state action was needed to "ensure that Vermont is not enabling the use of devices and accessories that convert legal firearms to illegal automatic weapons."

Just two years ago, here in Maine, the community of Cape Elizabeth narrowly avoided a similar type of scenario to what happened in Governor Scott's state, and just last year, our State experienced a mass shooting; two mass shootings. The risk posed by allowing an automatic weapon in either of these situations is clear. Madam Speaker, I have spent a lot of time visiting the Green Mountain State. My grandparents were born and they lived out their lives there, my middle son went to college there and now lives there, and next month, as I said, my first granddaughter will be born there. I've often thought that Vermont and Maine have much in common. We both have a natural resource-based economy, we have strong traditions of hunting and outdoorsmanship. We share a love of maple products, craft brewing and wearing flannel. We should also share an important public safety policy of preventing legal firearms from being converted into illegal automatic weapons. Thank you, Madam Speaker, and I urge you and my Colleagues in your House to cast a vote in favor of the pending motion.

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

Representative **WHITE**: Thank you, Madam Speaker. I guess I need to start off with it is currently not lawful to convert a legal semi-automatic firearm to an illegal full automatic. That is most certainly illegal and it has been since the 1930s.

The definitions in this prohibit any firearm currently on the rack in my gun shop. Because every single firearm there have the ability to fire either snake shot, rat shot, birdshot; with the exception of the bolt-action rifles and larger calibers that are quite capable of firing for thousands of yards, and I'm sure that some people are offended by that as well.

Madam Speaker, these definitions don't line up with anything in federal law. I've been in business for 35 years and this would prohibit 95% of what I do. To adjust a trigger to make it lighter and more crisp, as the Good Representative from Hampden had mentioned, is something that I've performed for many law enforcement officers, many hunters, many target

shooters. That doesn't make their firearm all of a sudden a mass killing machine, it makes it a more ethical hunting rifle. It makes it a more accurate target rifle.

Madam Speaker, it really does boil down to words matter. If we're going to pass a law that has such an overarching framework that a simple single-shot .22 pistol becomes a machine gun because with the pull of a trigger, it will dispel or disperse multiple projectiles, by the simple usage of snake shot, this is just not rational. How is it that we can put a bill forth like this, Madam Speaker, in good conscience, knowing that the definitions don't match anything in the history of the firearms industry? It doesn't match anything in the history of the Gun Control Act of 1968.

We are creating; well, I'm just going to leave it there, Madam Speaker, that this bill is a bad bill. This bill does not make us safe. Because remember, we still allow prohibited people to receive their firearms back; we still force law enforcement to give firearms back to people just because they happen to be a drug addict. Thank you, Madam Speaker.

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

Representative **BAGSHAW**: Thank you, Madam Speaker, Men and Women of the House. I rise today and say I am pro-Second Amendment shall not be infringed, but I'd like to pose a question to the House.

The SPEAKER: The Member may proceed.

Representative **BAGSHAW**: I'd like to know if we should take any modified vehicles or automatic transmission vehicles and take them away from all people to prevent drunk driving?

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

Representative **ANDREWS**: Thank you, Madam Speaker. I'd just like to remind folks that the Bill of Rights is a restriction upon government, and not your constituents. Thank you.

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

Representative **ARDELL**: Thank you, Madam Speaker. There's something that really wasn't brought up. There's been a lot of debate and some good points made.

In 2022's *New York State Rifle and Pistol Association v. Bruen*, a Supreme Court case, it was a very, very important case because the majority ruling clarified 2008's *D.C. v. Heller* case, in which, maybe, the Supreme Court felt that their 2008 decision had been insufficiently clear. And so, in 2022, the majority ruling was written in a very, very clear and concise manner. The U.S. Supreme Court stated that no interest balancing test may be applied to government's infringement on Americans' right to arms. What that means is it's not an if/then. So, if we want to make, or potentially make, you know, our streets more safe, then we can put some type of infringement on the people's right to arms. Quite simply, the court said that that was not constitutional. No interest balancing test may be applied.

What I see in this bill is exactly that, it's an interest balancing test. What I heard from the statements of other speakers, you know, discussions of shootings in other states. These are interest balancing tests, and the Supreme Court has forbidden that we apply them. Additionally, the Supreme Court stated in *New York State Rifle and Pistol Association v. Bruen* that regulations applying to Americans' right to arms are only constitutional if consistent with the text and history of regulations at the time of the founding. Meaning if a regulation is inconsistent with the Second Amendment, the words as intended, as written in the Second Amendment, and laws in

place during 1791, the time of the founding, that that law would be found unconstitutional. The ruling was extremely important and extremely clear, and as I sit here in Seat No. 17, representing the fine people of District 6, over and over in this Chamber, I hear Representatives either purposefully failing to abide with these Supreme Court directions or being willfully blind of them.

In closing, bump stocks; there's been a lot spoken of bump stocks and 2018 and the ATF's movement toward them. There's currently a case that was heard by the U.S. Supreme Court earlier this winter called *Cargill v. Garland*, and it's a case in which the bump stock issue is being considered. The issue with that is did ATF rulemaking; not legislation; did ATF executive rulemaking go too far? Is the current bump stock ban consistent with federal machine gun law? I am very confident the answer is going to be no, and I'm very confident that the U.S. Supreme Court, just two years after the *Bruen* decision, is going to have to be even more clear than they were in 2022. So, I thank this Body for their time and I would like for them to consider the balance of powers that is written into our republic, that there are three branches of government and there are a series of checks and balances that apply from and apply to every one of those Bodies; the Executive, the Legislative, which would include us today, from the Judicial. And I thank you for your time.

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

Representative **LEE**: Thank you, Madam Speaker. I really appreciate the Representative from Monticello, especially since he and I had a very good discussion this morning in which he reminded me that I quoted the other day from the *Heller* opinion but failed to mention the *Bruen* opinion. And he's right, the *Bruen* opinion is very important for reading the Court's view on this. One thing that was certain in the *Bruen* opinion was that the Court made several omissions to previous rulings of the U.S. Supreme Court in which they had upheld gun regulations, so as to not deviate from the historical precedent there, and one of those places where they had upheld controls was with respect to machine guns. And that's what this bill seeks to do is to prohibit the conversion of another weapon to a machine gun.

I agree with the Representatives from Skowhegan, Rumford and Guilford, all of whom I appreciate and am friendly with, that words matter and accuracy very much matters. And for purposes of accuracy, the language that we've been discussing that they've been critical of is language that's presently in law with regard to machine guns. In fact, it's been there since 1975. The dangers that they're concerned with have not occurred. Madam Speaker, I would appreciate passage of this motion. 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. 521**

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

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

ABSENT - Costain, Crockett, Hasenfus, Jauch, Pringle.

Yes, 73; No, 72; Absent, 5; Vacant, 1; Excused, 0.

73 having voted in the affirmative and 72 voted in the negative, 1 vacancy with 5 being absent, and accordingly the Majority **Ought to Pass as Amended Report was ACCEPTED.**

The Bill was **READ ONCE. Committee Amendment "A" (S-679) 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-679).**

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-679). All those in favor will vote yes, those opposed will vote no.

**ROLL CALL NO. 522**

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

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

ABSENT - Costain, Crockett, Hasenfus, Jauch.

Yes, 74; No, 72; Absent, 4; Vacant, 1; Excused, 0.

74 having voted in the affirmative and 72 voted in the negative, 1 vacancy with 4 being absent, and accordingly the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (S-679) in concurrence.**



Representative MOONEN of Portland moved that the House **RECONSIDER** its action whereby the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (S-679)**.

The same Representative **REQUESTED** a roll call on his motion to **RECONSIDER** the House's action whereby the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (S-679)**.

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 Reconsideration of the House's action whereby the Bill was Passed to be Engrossed as Amended by Committee Amendment "A" (S-679). All those in favor will vote yes, those opposed will vote no.

**ROLL CALL NO. 523**

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

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

**ABSENT** - Adams, Costain, Crockett, Hasenfus, Jauch, White B.

Yes, 66; No, 78; Absent, 6; Vacant, 1; Excused, 0.

66 having voted in the affirmative and 78 voted in the negative, 1 vacancy with 6 being absent, and accordingly the motion to **RECONSIDER** the House's action whereby the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (S-679) FAILED**.

---

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

---

Seven Members of the Committee on **JUDICIARY** report in Report "A" **Ought to Pass as Amended by Committee Amendment "A" (S-684)** on Bill "An Act to Address Gun Violence in Maine by Requiring a Waiting Period for Certain Firearm Purchases"

(S.P. 958) (L.D. 2238)

Signed:

Senators:

CARNEY of Cumberland  
BAILEY of York

Representatives:

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

Five Members of the same Committee report in Report "B" **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

One Member of the same Committee reports in Report "C" **Ought to Pass as Amended by Committee Amendment "B" (S-685)** on same Bill.

Signed:

Representative:

LEE of Auburn

Representative DANA of the Passamaquoddy Tribe - of the House - supports Report "C" **Ought to Pass as Amended by Committee Amendment "B" (S-685)**.

Came from the Senate with Report "A" **OUGHT TO PASS AS AMENDED READ and ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-684)**.

**READ.**

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

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

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

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

Representative **POIRIER**: Thank you, Madam Speaker. LD 2238 proposes a 72-hour wait period for the purchase of firearms in our State. This piece of legislation has been widely promoted as a tool to prevent suicide. Madam Speaker, there is no nonpartisan study that definitely demonstrates that a wait period, or so-called cooling-off period, lessens the likelihood of a person taking their own life. We already have laws in Maine that do, in fact, aid in the prevention of suicide. The Office of the Attorney General provided statistical data to the Judiciary Committee regarding Maine's yellow flag law. It's been utilized 238 times since being enacted, and this is as of July 1st. Of those 238 times, Madam Speaker, I carefully reviewed the data, which includes remarks on each incident; 66% of weapons restriction orders identified a threat or desire that a person commit suicide and weapons restriction orders were enacted.

Madam Speaker, we heard from Destiny Johnson. Destiny was at Schemengees Bar and Grille with three of her friends on October 25th. She states, and I quote, "these measures in front of the Legislature now go too far and they would've not have stopped Robert Card." She further states that waiting periods would place an undue burden on law-abiding Mainers who already passed background checks and it would limit self-defense. She asks, and I quote again, "when Robert Card was on the loose, armed and dangerous, do you believe it would've been fair to ask Mainers to wait 72 hours to buy a gun to protect their families?" Let's think about that.

Madam Speaker, when considering this legislation, we need to carefully weigh the benefits and the negative impacts. This bill presents great concern. This bill would essentially stop all gun shows. Mainers from near and far and even people from out of State gather at these events. They often find firearms that may not be available in their local gun shops. FFL dealers are always there and background checks are done. These events usually occur in one day or a single weekend, and a 72-hour wait period will put a halt to these events, in turn, hurting Maine business.

Madam Speaker, the Maine Professional Guides Association rarely weighs in on legislation, yet they have expressed concerns about this bill and the effect it would have on the sportsmen's industry in Maine. About 42,000 people come to Maine to hunt throughout the seasons. Madam Speaker, sportsmen cannot cross most state lines legally with a firearm unless they're permitted to carry in each of those states that they're traveling through. Very often, these hunters stop at a business in Maine like the Kittery Trading Post or another FFL dealer to purchase a firearm for their hunt. The Guides Association states that guided hunting trips are only usually five to seven days in length. Madam Speaker, a 72-hour wait period to purchase a firearm will create a significant burden on our guides.

Madam Speaker, the data in our State speaks loud and clear. We do not need this legislation. It would cause more harm than good. It will merely penalize law-abiding Maine citizens and stymie recreation offered by guides in Maine. So, I ask that you join me and support our Maine Professional Guides and oppose this pending measure. Thank you.

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

Representative **FOSTER**: Thank you, Madam Speaker. Just briefly, Ladies and Gentlemen of the House, in checking my State of Maine Constitution, I see that 'every citizen has a right to keep and bear arms and this right shall be questioned for 72 hours' is not how it reads. Thank you, Madam Speaker.

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

Representative **WHITE**: Thank you, Madam Speaker. Before, I have shared the story of a doctor who had shut one of his patients off of a prescription because of abuse and then, after he went home for the day, his office had been stormed into by that patient with a shotgun, threatening to go to his house and kill him. He didn't have 72 hours to wait to purchase a firearm, Madam Speaker. That is his right to be able to defend himself and his family.

But over my 35 years in business, I've also many, many times had hunters come in in the middle of a hunting trip, my local guides quite often will bring them in for a last-minute repair and quite often to replace a firearm that was broken or damaged in travel or during the hunting trip. One in particular; I recall a gentleman from Texas that had spent over \$20,000 to come up for a once-in-a-lifetime moose hunt. He had been entering our

moose lottery for years and was fortunate enough to do this, and he had had a mishap with his rifle and needed a new one. He passed the background check and continued his hunt and the hunt was successful. I think that making him, on a Wednesday of a once-in-a-lifetime week, be prohibited from buying a rifle, just it wouldn't be right.

Madam Speaker, most of the sales that I make, the customer has multiple firearms. And I recognize that in this provision, we're exempting people from buying private sale firearms or buying them from a family member without a waiting period. And may I recall, Madam Speaker, that we still give firearms back to prohibited people if there was a drug overdose involved. Thank you, Madam Speaker.

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

Representative **CRAVEN**: Thank you, Madam Speaker. Madam Speaker, Fellow Members of the House, I stand today in strong support of this measure, which would implement a 72-hour waiting period on the purchase of a firearm in Maine.

Madam Speaker, I first introduced a waiting period bill in 2007. I did so on behalf of my neighbor, in order to prevent further tragedies like the one that happened to her 18-year-old son by suicide, the same day that he purchased a rifle at Walmart. Her son was upset. He purchased the gun while under extreme stress. If he had had to wait a few days before he could actually obtain a weapon, there would have been time for him to cool down, there would have been time for someone to realize that he was distraught, there would have been time to help him.

In the 129th Legislature, we passed a bill requiring the Maine CDC to keep track of the incidents of injuries and deaths from firearms in the State. Here's some of what they found. In Maine, in 2021, there was 178 deaths from firearms, two of which were accidental, 17 of which were homicides, and one death was deemed "undetermined." But, shockingly, 158 were suicides. Suicide is the second-leading cause of death for people between 10 and 34, and the third-leading cause of death for Mainers 35 to 44. If these deaths were caused by just about anything besides gun violence, people would be quick to want to do something to rectify it. But sadly, the powerful gun lobby seems to have convinced people that access to guns is not the problem; but I believe that access to guns is the problem.

According to the Pew Research Center and the U.S. CDC, there were more deaths from firearms in the U.S. in 2021, the most recent year that data is available, than in any other year on record. Gun violence is an epidemic. Gun violence is a public health threat. According to the American Psychiatric Association, an overwhelming 87% of Americans agree and think gun violence is a public health threat. In 2016, the American Medical Association, our country's largest physicians' group, adopted a formal policy calling gun violence a public health crisis.

We all know that the human brain does not mature until well into our 20s. Young people, especially when experiencing despair or hopelessness, are impetuous and often don't have the ability to grasp the fatality and the consequences of their decisions. Behaviorally informed gun policy has the potential to reduce violence without imposing restrictions that compromise our law-abiding citizens' right to own a gun. Waiting periods are effective; they're also supported by the majority of Americans and roughly 50% of gun owners. Waiting periods do not restrict responsible gun ownership, but they do create a window of time in which someone in crisis could get help.

It's been proven in states that enacted waiting periods that it reduces the incidence of suicide. Eleven states have some

form of a waiting period to purchase a firearm. They are Vermont, Rhode Island, New Jersey, Maryland, Illinois, Minnesota, Washington, Colorado, California, Hawaii, Florida and the District of Columbia. Madam Speaker, I urge that we all join them in supporting this measure. Thank you.

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

Representative **PERKINS**: Thank you, Madam Speaker. I actually have the letter from the Maine Professional Guides Association and I was asked to read it, if I may.

This is from the Maine Professional Guides Association. It says: "Dear Governor Mills and Honorable Members of the Maine Legislature; On behalf of the Maine Professional Guide Association, we write to express our serious concern with LD 2238, 'An Act to Address Gun Violence in Maine by Requiring a Waiting Period for Certain Firearm Purchases.' Like all Mainers, our organization was horrified and saddened by the tragic events that took place in Lewiston on October 25, and we are mindful of the desire to discuss gun safety policies in its aftermath. Historically, the MPGA has been reluctant to weigh in on gun legislation that doesn't directly impact the guiding industry. In the case of LD 2238, we remained hopeful that the Legislature would identify some of the significant complications associated with a 72-hour waiting period for firearms purchases. As the legislation moves forward, we feel compelled to share our concerns.

"It is not uncommon for nonresident clients to purchase a firearm on their way to a guided hunting trip while traveling through Maine. It's not hard to imagine that a client from Boston who travels by vehicle through Maine, stopping at Kittery Trading Post to purchase a new shotgun on their way to Aroostook County for bird hunting, or to imagine flying in from Denver only to realize that your rifle is damaged before a bear hunt in Washington County and the need to stop at Cabela's before heading Downeast to purchase a new one. There are innumerable examples of why a client may wish or need to purchase a firearm for a hunting experience in Maine. Unfortunately, LD 2238 would add a three-day waiting period before a client would be able to pick up this new equipment, which creates a significant burden since most guided hunting trips in Maine are only five to seven days in length.

"This is but one possible example of how LD 2238 would infringe on the rights of law-abiding sportsmen and women and complicate guided hunting experiences in Maine. While we know that LD 2238 is well intentioned, we ask you to oppose this legislation for its unintended consequences and the burden it would place on responsible, law-abiding gun owners and sportsmen. Sincerely, Michael Tuminaro, Executive Deputy Director." Thank you.

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

Representative **SMITH**: Thank you, Madam Speaker. Madam Speaker, Members of the House, we have armed security throughout this building. They stand at the entrance to make sure no one is bringing in anything that can harm us. We trust them with our lives. We hand over our ability to protect ourselves to them. Why do we allow this? Because we know that when an imminent threat is near, the only thing that may stop a violent intruder on these premises is a gun.

When you feel your life is threatened, you call the police. Law enforcement is of vital importance, and I thank them for their dedication and service to our communities, but they cannot be everywhere at once. I live in a rural community. Like most of Maine, if I feel my life is threatened and call the police for help, they may be 30 minutes away. I have had people reach out to

me who have said the average time for the police to respond to their house is 45 minutes or longer. This bill would seek to force Maine citizens to wait 72 hours to protect themselves. Maine residents who have already passed a background check, have already been cleared to legally own a firearm. I cannot in good conscience tell a woman who fears for her life that she has to wait 72 hours to feel safe. I cannot tell her that she has to wait 72 hours to be able to defend her life; the lives of her children. I cannot sleep at night knowing that I had any part in removing anyone's right to defend their own life, especially knowing that they have already passed a background check. Thank you, Madam Speaker.

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

Representative **DOUDERA**: Thank you, Madam Speaker. I think I'm going to deviate from what I was going to say and sort of address a few concerns that have been raised.

This letter that we received from the Maine Professional Guides Association, I have a friend who's a professional guide and I reached out to him and I asked him about this and he said, well, you know, we'll tell our clients when they sign up that this new law is in effect. As long as they know, it's not going to be that big of a deal. It might be a small inconvenience for some people, but as long as people know, they can adjust accordingly. And then, he told me about a friend he had who committed suicide with a firearm. And he said, my guide service can adjust, it's more important that we keep more of our friends and neighbors safe from suicide.

The other thing I want to address is what was just brought up about guns and domestic abuse and; because I reached out also to our friends at the Maine Coalition to End Domestic Violence. And these are the experts in our State in this field, Madam Speaker. They're a network of 10 member organizations. They've been dedicated since 1977 to creating a world free of domestic abuse and violence and providing leadership to end abuse in Maine. They're no stranger to this issue of firearms and domestic violence, that's for sure. In their almost 50 years of protecting Maine survivors, MCDEV says the best course of action for women who fear for their safety is to remove themselves from the situation, not buy a gun. They give the following facts. Having a loaded or unlocked firearm in your house increases the risk of injury or death to all family members, including children, whether by accident or on purpose. An abused woman's purchase of a firearm increases the risk of intimate partner homicide by 50% and doubles the risk of firearm homicide by an abusive partner. Expecting a victim of abuse who shares deep ties of history, family and even love with the abusive person; and who potentially has little experience with firearms; to be ready to pull the trigger and kill that person is unrealistic. Even law enforcement officers, Madam Speaker, who are trained to use firearms in high-stress scenarios, at best hit their target slightly more than half the time. MCEDV also says when women do use guns, our system consistently fails to recognize their actions as self-defense. Gender and racial biases play a big role. At least 90% of women in prison for killing a man report having been abused by that man, and their sentences have historically been longer than men who kill their intimate partners.

Now, given all this, Maine's regional domestic violence resource centers can and do support survivors who choose to be armed. There are resources to help address safety concerns during this relatively brief time. A 72-hour waiting period does not prevent anyone from acquiring a firearm; it appropriately weighs the research on known risks with maintaining individuals' right to do so.

One final thing I want to address, Madam Speaker, is an issue that bothered me about this concept, because I thought in terms of suicide; don't many people who contemplate suicide, possibly, they already own a firearm, how is this going to stop them? And then, the suicide happened in September, September 26th at Maine Military Supply in Holden, where a woman purchased a gun and shot herself right there at the firing range. So, not all Mainers who commit suicide by firearm already have access to a gun, and there was also some heartbreaking testimony in the public hearing about this very thing, including a woman from Old Town who said, in the fall of 2022, my sister-in-law, Emily, beloved wife, daughter, sister, niece and friend walked into a gun store and emerged minutes later owning a gun. It was the only gun she had ever owned or ever even held. She used it moments later, dying by suicide.

Madam Speaker, suicide is preventable, and a waiting period to purchase a firearm, a period of time that can provide a cooling-off period for someone in crisis can help save lives. Thank you very much.

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

Representative **HENDERSON**: Thank you, Madam Speaker, and Ladies and Gentlemen of the House. I never intended to use the term 'I never intended to stand today,' but I think there's a lot of things that we never intended to do when we became legislators.

I was in the Judiciary Committee when the representative from the Maine Coalition to End Domestic Violence came and testified before us. It was somewhat of an informal informational session. And as the minutes ticked by, my internal rage increased moment by moment as a woman stood before us and told us in very fancy words that women don't have the strength, the mental fortitude, the emotional fortitude to use a firearm in the face of their attacker. As a woman, that's incredibly offensive and misogynistic to say that I don't have the mental and emotional fortitude in a moment of high intensity to be able to use a firearm to protect myself, my children or my property, and we're casting that blanket across women in our entire State. And rather than encouraging them to not buy a gun, let's just; Maine Coalition to End Domestic Violence, as wonderful of a work as they have done, I have voted on legislation that would fund them, I've voted on legislation that would help continue their work in the State of Maine. Let's just have them not talk about guns at all. Let's have them elevate women. Madam Speaker, you're arguably the second-most powerful woman in the State of Maine. We have the ability to elevate women here and show them what their internal strength is and not turn them away from a tool that could potentially be life saving for them and their children. I'm not saying push them towards it, I'm saying let them make their own decision. And to use this as an argument that women aren't smart enough and strong enough or have the mental fortitude or they're too emotional and can't handle it, that that's the reason why we're wanting to impose a 72-hour waiting period? That's really concerning.

I stand before you hopefully speaking on behalf of women that says we are smart enough, we are strong enough. You know what, we might wear our emotions on our sleeve sometimes, like I clearly am right now, but we have the ability to control ourselves and be able to protect ourselves and our children and our property when it comes right down to it. Maine women are tough and resourceful. I grew up here with a woman who could be a lady on Sunday morning and Monday she's splitting wood and hauling brush. Let's not degrade the women in this State and say that they're not strong enough to be able to handle themselves in high intense moments. Instead, let's

elevate the women in our State and empower them and encourage them to be the women that we've seen them be. Thank you.

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

Representative **ARDELL**: Thank you, Madam Speaker. We heard a number of voices today, one of which the Good Representative from Camden, I believe, was talking about suicides; tragic events where people feel the need to end their own lives. But suicides overall; the overall number of suicides, or even the overall number of suicides by firearm, are not really the statistic that we should be looking at here. Logic and reason in the face of the verbiage of the bill asks us how many suicides are conducted by someone who purchased a gun within 72 hours. Having heard this identical bill in 2023 through the Criminal Justice Committee, we had the answer to that for 2022, and we heard testimony that one Mainer achieved their own tragic self-destruction with a firearm they had purchased within 72 hours.

Now, with a little bit of research, I was able to go in and see that there were 114,090 NICS checks; background checks where people went to a dealer to acquire a firearm conducted in 2022. That means almost one in 10 Mainers filled out the paperwork for a NICS background check to purchase a firearm in 2022; one in 10. However, of that 114,090, only one person, one single Mainer, used that firearm purchased within 72 hours as a tool for their own tragic self-destruction. I did the math, and with 114,000 Mainers, were this bill to become law, it would become 937 years and nine months of wait time for those Mainers. This is not good policy.

I've heard some other arguments made towards it, that it would reduce suicides. This is the exact means test, the exact interest balancing test that the Supreme Court has forbidden us in *New York State Rifle and Pistol Association v. Bruen* in 2022; a very, very recent case. The Supreme Court has told us that interest balancing tests in face of the people's individual civil right to arms may not be applied by government. I think, in closing; that's really all that I have to say, but I do ask the rhetorical question, not a question to the Body, but a rhetorical question; if a three-day waiting period was part of our historical tradition at the time of the founding in 1791, and I think we all know the answer to that. So, thank you for your patience, and please oppose this bill.

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

Representative **KUHN**: I wanted to just address two points. First, in response to my Good Colleague from Rumford, I wanted to address the domestic violence concern. We did hear in Committee that there are particular concerns around a survivor of domestic violence who has no experience with firearms going in, getting one right away, having no training, for example, on how to use the firearm, may well face practical and emotional barriers to using that effectively. But we also know that lots of women in Maine already have firearms and are very capable in their use. The domestic violence advocate said that while they do not recommend that survivors include a firearm, a new firearm, in their safety planning, if it is important to that person to use it, they will build it into the safety planning, so that it is used in a safe way. The data show that for every one woman who used a handgun to kill an intimate partner in self-defense, 83 women were murdered by an intimate partner with a handgun; however the firearm made its way there, whether the abuser had it or the victim.

I wanted to bring this back to the suicide prevention, because for me, that's really what this bill is about. One thing we heard a lot about in Committee is the idea that if someone is really intending to harm themselves, they will find a way and that will happen, and therefore, this waiting period is not effective. The statistics show, actually, that 90% of people who have attempted suicide and survive do not go on to die of suicide. This indicates that many of these crises are both transient and treatable, so long as there is not a lethal means readily available. According to the Maine CDC, we are losing about 150 Maine people a year to firearm suicide. I think this should be a priority for all legislators and I ask you to support the motion.

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

Representative **PERKINS**: Thank you, Madam Speaker, for allowing me to rise again. I was a firearms instructor in the Army, my wife was a firearms instructor. We have, both her and I, given instruction to victims of domestic violence. The former head of WomanCare, the director there, would actually refer people to us; victims of domestic violence when they requested training. We don't force training on anybody, we don't ask anybody that's not comfortable with a firearm to get that training, but we offered it to them freely and made it available to any victim that wanted it, so that they could provide for their own protection.

And one thing I find very interesting in all this discussion about victims and having access to firearms is that; the assumption that just because a victim doesn't have a firearm means they don't know how to use it or wouldn't be able to use it or aren't trained in it. And for those of us that have worked with victims of domestic violence, you know, we see it far too often that victims don't have control over their own toiletry products, their own underpants, their own lipstick, their own cosmetics, they don't have a vehicle and yet, they're definitely going to have access to their own firearms. So, just because they don't have a firearm when they leave a domestic violence situation doesn't mean that they don't know how to use it. And I think a 72-hour waiting period and using that as an argument well, you know, we can't trust them to use it because they don't have the training; don't make the assumption that just because they don't have it, coming from a relationship where they don't have anything that they consider their own because their abuser wouldn't allow them that right to property, then I think that's a fallacious argument and I don't think that we should deny that right to self-defense to anybody, especially to victims. Thank you, Madam Speaker.

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

Representative **THORNE**: Thank you, Madam Speaker. I will be brief, because I will be a voice for those that do not agree with this.

All the time in my Legislature, I point out the hypocrisy; I point out the inconsistencies of bills, laws. This one is addressed mass shootings and gun violence in Maine. Nowhere in the bill did I see that it addressed mental illness. I go to the Veterans Administration for a routine checkup and I do a little questionnaire before I go in, and all veterans do. And there's questions on there, do you feel helpless, do you feel like you want to take your life, you know, little questions where they reach out to you all the time, just to gut-check you, just to see if you're willing to reach out to people about the thoughts that you might be having. Nowhere in here did I see anything about reaching out to people during a background check and putting a simple question on there. Do you have a feeling of

hopelessness? Do you feel like taking your own life? Ask questions of these people that you're worried about.

We've passed many bills, abortion bills, all these things that take the lives of unborn babies, all the things that we are worried about is life and respecting life, but yet, I can't help but look at this and say we're only looking at the gun side of it. I understated in the last time I rose to speak about the last bill, which I won't speak about directly, but I love guns. Guns are a part of my life. Guns hold a fond memory for me. And when we look at all the things; I went to a gun show recently in Bangor and I purchased a double-barrel over-under 12-gauge shotgun just to see what the process was going to be like. That's what I told my wife, and if anybody talks to her, that's why I bought it. But during that process, I had no ill intentions, nor do anybody who comes up here maybe from another state to buy a memento of their trip to Maine, to maybe shoot and hunt with that.

Madam Speaker, it's important that I vocalize for my constituents that don't want to be hindered in what they're doing, and maybe there's a better way to go about addressing mental illness rather than addressing gun control. Thank you, Madam Speaker.

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

Representative **LIBBY**: Thank you, Madam Speaker. To start, I will briefly mention, Madam Speaker, that this bill should not be before the Body. We addressed very similar legislation last session and it is purely semantics to say that this bill is any different from what we addressed and thoroughly rejected last session.

I wonder how many legislators in this Chamber ran on 72-hour waiting periods, or are running on 72-hour waiting periods this year, Madam Speaker. But that's really besides the point. I have a friend; we've heard a lot about folks who survived the shooting in October; I have a friend who was at the bowling alley that night and messaged me as this and other legislation was moving forward. And this is what she had to say; and some words, I will change to maintain anonymity for people that she mentions in the message.

I plan to testify in front of the Chief Executive's committee on March 4th and I plan to discuss how no gun control could've saved us that night. They pretend it's to keep us safe, but I don't know anyone present at the bowling alley on October 25th who thinks it would change anything. That doesn't mean no one thinks that who was there, but I know for a fact, the majority of us don't, and that includes a woman who watched her husband get shot, another woman who watched her significant other get shot, and a woman who was not there but whose husband and son were killed. The majority of us are just regretful for not carrying that night. Anyway, I'm here, and if I can, I want to help stop nonsense laws designed to take our rights further away under the façade of keeping us safe. There is zero percent chance gun control could've stopped him. He asked for help, basically, and didn't get it. He wanted to kill as many people as possible. If he couldn't've gotten his ARs legally, he would've gotten them illegally or built a bomb. I don't see how they can't see this. You can't buy fentanyl off the streets legally, so, how are people still dying of it? I stared right down his gun. I am not afraid of that gun. I'm not having nightmares about that gun; I'd pick it up in target practice. I have nightmares about that man. And all of the people that could have and should have stopped him and didn't.

Madam Speaker, we have current laws on the books that could have and should have stopped that man; not that gun, that man. Madam Speaker, there's a lot we're not discussing here today. While we discuss 72-hour waiting periods, we're not

talking about kids on waiting lists for weeks and months just to talk to a counselor, in mental health crisis. We're not talking about the fact that our inpatient mental health facilities are woefully inadequate to care for Maine citizens who need them, and they have been for decades. I have stood on this floor and talked about the mental health hallways in our hospital. We are not talking about psych hallways and the patients waiting for a bed that have no place to go. Madam Speaker, there are some measures, yes; crisis facilities that are being addressed by other bills, and that is not enough. And to discuss bills like this and others while we neglect to address in meaningful ways mental health care in Maine is disrespectful to Maine people and to the people who were injured on October 25th.

Madam Speaker, we're not talking about the fact that before someone gets to the point of suicide, there are myriad points along the way where they could be impacted, and a three-day waiting period is the very least and last of those. It is disingenuous to say that there's this one magical point where we can prevent a suicide. Madam Speaker, when I was in 10th grade, my Aunt committed suicide, and I can tell you that it was a long, long time coming, with many, many, many, many attempts previously. She was finally successful after years of mental health torment and an inadequate system that failed to get to the root of the issue. No one wakes up out of the blue and says, you know what, today I think I'll buy a gun and commit suicide; life was peachy yesterday but today, man, things are really crappy. It's a long progression of suffering, Madam Speaker, during which they are not getting the treatment that they need for weeks, months and even years.

This here today is a façade, allowing folks to pat themselves on the back for a job well done, that we're doing something meaningful. Meanwhile, we are ignoring the festering wound that is mental health here in Maine. Let's not fool ourselves. This bill didn't pass last session because Maine people don't want it. And here we are, doing the same thing over again. Nothing's changed, Madam Speaker. Maine people don't want 72-hour waiting periods. Let's dispense with this bill and get to the real work, the hard work, the much harder work of addressing the mental health crisis here in Maine rather than putting a Band-Aid on it.

The SPEAKER: The Chair recognizes the Representative from Harpswell, Representative Golek.

Representative **GOLEK**: Thank you, Madam Speaker. I'll be brief. I want to put a different perspective on this. We're hearing a lot about how this bill will prevent suicide and, without a doubt, studies have shown it will. And we're also hearing that we're not discussing the mental health component of this, and I would argue that this bill actually is a mental health component of this. And I'm just going to give you all a brief story on why I see it that way.

I lost my neighbor to gun violence. Just give me a minute here. That could've been totally prevented. My neighbor had a mentally ill son who walked into Cabela's a few years back and he was so distraught that the person selling him the gun refused to sell him the gun. So, he left. During this time of crisis, he and his family were working on him getting back into his mental health services. He went back to Cabela's in 24 hours and they sold him a gun 24 hours later and gave him a box of ammunition. He went home, there was an altercation between he and his father and then another altercation; anyways, it was a long story, it was all public and on the news. He shot his mother in the head. And if we'd have had a 72-hour wait period; I can't talk about all the other things; but if we would've had a 72-hour wait period, my neighbor would still be alive, because this man had supports and was going to them within a 24-hour period of time,

was able to be refused a gun, get a gun and kill his mother, and upend the whole family situation.

So, I need people to hear that this is a suicide prevention bill, but it's also a homicide prevention bill and a mental health crisis support bill. And I will leave it there. Thank you, Madam Speaker.

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

Representative **CYRWAY**: Thank you, Madam Speaker, Ladies and Gentlemen of the House. Now, in my career in law enforcement, I have seen suicides, I have seen a lot of deaths, and very tragic. But most of the ones that I went to was; there wasn't a 72-hour waiting period; it was drug overdoses, it was reckless conduct of what they did, sometimes it's a lot of different things that happen in life. Drug overdoses have increased tremendously since; just in the last three to five years. Tremendously. Much more than the deaths with firearms, and percentage-wise. We don't have a 72-hour waiting period on those. Motorcycle deaths; there's 25 times the chance of getting in a serious accident with a motorcycle as a vehicle. We don't have a 72-hour waiting period for purchasing a motorcycle. Airplanes; I've had a situation that happened right here in Augusta where a lady didn't defrost her wing, she wanted to get out of here quick, she was a multimillionaire, had a child with her and just didn't defrost the wings and crashed right in West Gardiner here. Very serious accident, I had to stay out in a storm and wait for FFA for a couple days. I was sick for a month because I had to deal with the exhaust fumes from the plane, from the jet plane and the weather.

I'm just saying that this 72-hour waiting period, yeah, it may prevent a few from suicide, but overall, it's been working; what we've been doing; pretty well considering of all these other deaths of other things that have been taking place. All of a sudden, we're looking at gun violence, when this issue that happened in Lewiston, if you really listened, it was because the box wasn't checked off on the yellow law, the yellow flag law, and also we don't have mental health facilities that we've gotten rid of. We've gotten rid of Jackson Brook, AMHI, BAMHI, I can go through a whole list of them; Seton Hospital, Halcyon House, New Directions had facilities that they could go to, Hope House; I'm just going through a whole list that we've failed, our society, and this person that was in Lewiston should've been in a mental health facility and they let him out and didn't check the box.

So, here we are, trying to do something to prevent this from happening, when we really should be looking at how we can fix what we have. That's what we have to do. So, Madam Speaker, I don't believe that this is helping, not in what we have today to help protect people, to help in sports, you know, we all have families, we all have recreational things we do, and I just don't see where this is really going to help. And thank you, Madam Speaker, for listening.

The SPEAKER: The Chair recognizes the Representative from Paris, Representative Andrews.

Representative **ANDREWS**: Thank you, Madam Speaker. Personal tragedy does not trump constitutional rights. It's that simple. Thank you.

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

**ROLL CALL NO. 524**

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

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

ABSENT - Crockett, Hasenfus, Jauch.

Yes, 74; No, 73; Absent, 3; Vacant, 1; Excused, 0.

74 having voted in the affirmative and 73 voted in the negative, 1 vacancy with 3 being absent, and accordingly Report "A" Ought to Pass as Amended was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (S-684)** 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-684)** in concurrence.

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

Representative **COLLAMORE**: Madam Speaker, thank you so much. We have been waiting so long to be able to do this; a couple of hours now.

I would like to take a moment to recognize the UMaine Men's Hockey Team for their incredible season this year. As you know, I have been excitedly watching this team play this year, as have other Members of this Body; the Good Representatives from Orrington and Old Town have attended more games than I did. The Black Bears ended their season with 23 wins, 12 losses and three ties. This year was their first NCAA Tournament appearance since 2012. They finished third in Hockey East behind Boston College and Boston University, who went to the final; the Frozen Four. UMaine's hockey team led the league in sellouts, with 10 games selling out this season, making me very glad that I bought my tickets at the beginning of the season.

I'd also like to take a moment to recognize Bradly Nadeau; he is a freshman forward that scored 46 points, the first time a UMaine rookie has eclipsed the 40-point mark since the '06/'07 season. Nadeau was named a Hockey East Second Team All Star and has signed an entry-level deal with the NHL's Carolina Hurricanes. Josh Nadeau, his brother, was named a Hockey East Third All Star Team. Bradly and Josh are the first freshmen to earn spots on the Hockey East All Star Team since the '94/'95 season.

I've also been asked, Madam Speaker, to relay a message from the team: To everyone that supports us, to everyone who believed in us, to everyone that traveled with us, to everyone who knows this is only the beginning; thank you. Madam Speaker, go blue.

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

Representative **CAMPBELL**: Thank you, Madam Speaker, Men and Women of the House. As the previous speaker mentioned, I do attend many of the games, and have since the expansion of the arena. I happen to have four tickets directly behind the Maine box on the red line. But for years, the UMaine hockey team has made us all proud. There are two national championships hanging from the rafters. And this team really did well this year. A bit disappointing, but it's a young team and next year, we'll show them. Thank you.

**REPORTS OF COMMITTEE**

**Divided Reports**

Majority Report of the Committee on **JUDICIARY** reporting **Ought Not to Pass** on Bill "An Act to Automatically Seal Criminal History Record Information for Class D and Class E Crimes Relating to Marijuana Possession and Cultivation"

(H.P. 1459) (L.D. 2269)

Signed:

Senator:

CARNEY of Cumberland

Representatives:

MOONEN of Portland

ANDREWS of Paris

HAGGAN of Hampden

HENDERSON of Rumford

KUHN of Falmouth

LEE of Auburn

MORIARTY of Cumberland

SHEEHAN of Biddeford

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-972)** on same Bill.

Signed:

Senators:

BAILEY of York

BRAKEY of Androscoggin

Representatives:

BECK of South Portland

POIRIER of Skowhegan

Representative DANA of the Passamaquoddy Tribe - of the House - supports the Majority **Ought Not to Pass** Report.

**READ.**

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

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

Representative **BOYER**: Thank you, Madam Speaker, Colleagues in the House. I rise against the pending motion, because what we did the other day is not enough. We moved affirmatively to allow for the petition of these cannabis possession and cultivation crimes from before it was legal, but it's not enough. Nobody's going to do it. The people that are going to do it are the people that have lawyers, that read the newspaper, they know about what's going on. But the folks that need it the most won't even probably know it's an option.

When I was part of the Criminal Records Commission, we heard about what's going on, the issues around it, the form to have the petition, and on the form for the petition, Madam Speaker, it asks for your defense attorney. As you remember, I asked folks, do you need an attorney to fill out this petition form? They said no. I asked; that's a deterrent in and of itself. Somebody sees that and says oh, I've got to hire an attorney just to get this scrubbed; oh, it's pot, forget it, you know, I'm not going to bother. So, I asked if we could remove that and say that it's optional, so that folks don't get deterred in that regard, Madam Speaker, but, you know, this would allow for the automatic sealing of things that are legal today; 2.5 ounces, six plants, all right? So, you know, we know that this doesn't bump up against the Chief Executive's powers of pardoning; we know that we can seal these and they're different and we're not encroaching in the Chief Executive's power.

Look at our neighbors; well, one state over, in Massachusetts, the Chief Executive there is working on pardoning and automatic pardoning and sealing of these exact same crimes that we're dealing with here today in Maine. So, I'm not sure why we're taking such a different course. And we know that these cannabis laws disproportionately affect people of color, four or five times as much as white people. So, the automatic sealing is going to help those people overwhelmingly more than white people. So, and we know that usage rates were about the same, so, we know that there was, you know, disproportionate effect when this was criminalized.

So, Madam Speaker, I ask; if not now, when? This issue has come up the last session, the session before that and the session before that. It costs a little money, maybe. What's the price of justice worth? I don't know, Madam Speaker. I ask for a Roll Call. Thank you.

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

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

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

Representative **BECK**: Thank you, Madam Speaker. I also rise to oppose the motion on the floor. While I respect the challenges and expense of automatically sealing the criminal records of thousands of people for marijuana offenses that are no longer a crime, I haven't a doubt in my mind that it's the right thing to do. People on the lower end of the socioeconomic spectrum, people with mental health or substance use disorder challenges, people who are struggling just to get by are unlikely to have the resources or knowledge or time to go to court and appear before a judge to have their record sealed. These victims of the War on Drugs deserve to have their names cleared now, today, and it shouldn't be up to them to go to court to get it done. Thank you, Madam Speaker.

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

Representative **CYRWAY**: Thank you, Madam Speaker, Ladies and Gentlemen of the House. It's just getting to the point where it's never enough. We legalize medicinal marijuana and then, we needed to get recreational marijuana and then, we wanted the laws to be really weak, so, we didn't even have laws anymore, hardly, to protect the public. The odor is just atrocious, but we listened; we put up with that. But this is getting to the point where no accountability and then, we wonder why we have suicidal situations and we have to do the 72-hour thing and we also have to; it just goes on and on.

Representative **MALON**: Point of Order.

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

Representative **MALON**: Thank you, Madam Speaker. The Representative's comments are not germane to the matter before us.

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

The **SPEAKER**: The Chair would just advise the Member to limit comments to this current bill.

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

The **SPEAKER**: The Member may proceed.

Representative **CYRWAY**: Thank you, Madam Speaker. Just; I've seen where, through the years where it wasn't an issue for safety when I was growing up. We didn't have to lock our doors, we didn't have to lock our cars, we could have our kids ride down the streets with no problem, to work, we didn't have to have a lot of things that we do now. And we've seen the suicidal deaths rise and the drug overdoses rise, mental illness rise. And so, now, if we go and take these class crimes away, there's no accountability for understanding what they have done and where they're at and what we're going to do to help them. This takes away anything we can do to help an individual. Every time we do this.

So, I support the motion that we currently have, and I think that we have to start looking at how we can help the individuals of these addictive behaviors, and it is addictive. We've seen it happen more and more. I've seen it where this wouldn't even be discussed a few years ago and now, let's try to get rid of these crimes. Well, a crime, it takes a lot to get to a crime. The courts have deferred dispositions, they do it all the time, and they also try to help individuals that have addictive behaviors. But we do have to work on more substance abuse programs and mental health programs and places they can go. I think this is where we're failing our people. So, thank you, Madam Speaker, I hope that we continue to go in the direction with what the motion is at hand. Thank you.

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

Representative **MOONEN**: Thank you, Madam Speaker. Madam Speaker, Colleagues of the House, I don't disagree with most of what was said by the Representative from Poland and the Representative from South Portland. I think their hearts are in the right place and it's also where my heart is, as well. But there's just some logistical challenges to this bill at this time.

I believe the members of the Criminal Records Review Committee were under the misimpression that all of these records are digitized when, in fact, they are not. According to the Judicial Branch, the current system that they use, MEJIS; which it's called MEJIS; tracks parties, events, hearings, orders,



notices *et cetera*, but it is not a digitized records system and, in fact, all of these records are still on paper. So, when we were discussing this bill, the Judicial Branch made clear that tracking down all of these records would be complicated, because they would have to track down actual paper records of all of these potential cases for approximately 20 years' worth of cases in various courthouses across the State. And a major logistical problem that they pointed out is that most of the cases in the MEJIS system are titled by the schedule of the drug rather than the specific drug. So, they would actually have to pull the paper records of everything that has that schedule of drug and then dig into all of those files to figure out if marijuana was actually what was implicated in the case or not. There's a substantial fiscal note on the bill for the in-person staff resources that would be needed to go through all of these paper files by hand.

Again, I agree with the values articulated by the Representative from Poland and the Representative from South Portland. I would just say that we are currently in the process of updating the system for the Judicial Branch from the old system, called MEJIS, to the new system that's called Odyssey. When that upgrade is complete, records will be digitized and that would make it way easier and way less expensive to go through all of these records, find the ones that we're talking about and make this happen. So, if that's your interest, I think a little bit of patience would make this a lot less expensive and a lot more accessible for more people.

There was one other concern that was raised by the Maine Press Association about whether or not this would conflict with the public's right to know. They have successfully challenged automatic sealing in the past; I do think that is a real concern here, but for those who are interested in this, I think there's an easier and less expensive way forward in the not-too-distant future.

So, for those reasons, at this time, I support the Ought Not to Pass. Thank you, Madam Speaker.

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

Representative **POIRIER**: Thank you very much, Madam Speaker. I couldn't resist the opportunity to rise once just to let everybody and yourself know that I completely, 100% agree with what the Good Representative, my friend from Portland, just said. And I hope that you, Madam Speaker, and everybody here in this Body, will join us and support the pending motion. Thank you.

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

Representative **BOYER**: Thank you, Madam Speaker, Colleagues of the House. If we're going to this digitization effort, let's pass this law and do it at the same time. If they're going to have to look at the paper to digitize it, get two birds stoned at once, right, like; but Madam Speaker, in all seriousness; Madam Speaker, what's too complicated is having a father that goes to jail for using a plant, what's too complicated is losing your license, not being able to get housing because you have to check a box. That's too complicated. Doing this is small potatoes for that, Madam Speaker.

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

**ROLL CALL NO. 525**

YEA - Adams, Albert, Andrews, Arata, Ardell, Babin, Bagshaw, Bell, Blier, Boyle, Bradstreet, Brennan, Bridgeo, Campbell, Carlow, Carmichael, Cloutier, Cluchey, Collamore, Costain, Craven, Cray, Cyrway, Davis, Dill, Dodge, Doudera, Drinkwater, Ducharme, Dunphy, Eaton, Fay, Foster, Fredericks, Galletta, Gattine, Gere, Gifford, Graham, Greenwood, Griffin, Guerrette, Haggan, Hall, Henderson, Hepler, Hobbs, Hymes, Javner, Kuhn, Lajoie, LaRochelle, Lavigne, Lee, Lemelin, Lyman, Madigan, Malon, Mason, Mastraccio, Matlack, Meyer, Millett H, Millett R, Montell, Moonen, Moriarty, Morris, Murphy, Ness, Newman, Nutting, Parry, Paul, Perkins, Perry A, Perry J, Poirier, Polewarczyk, Pomerleau, Pringle, Quint, Rielly, Roberts, Rudnicki, Runte, Sachs, Salisbury, Sampson, Sargent, Sayre, Schmersal-Burgess, Shagoury, Shaw, Sheehan, Simmons, Smith, Soboleski, Strout, Supica, Swallow, Terry, Theriault, Thorne, Underwood, Walker, White J, Wood, Woodsome, Worth, Zager, Zeigler.

NAY - Abdi, Ankeles, Arford, Beck, Boyer, Collings, Copeland, Dhalac, Faulkingham, Geiger, Golek, Gramlich, Jackson, Kessler, Landry, Lanigan, Libby, Lookner, Mathieson, Milliken, O'Neil, Osher, Pluecker, Rana, Riseman, Roeder, Russell, Sinclair, Skold, Stover, Warren, Madam Speaker.

ABSENT - Crafts, Crockett, Hasenfus, Jauch, O'Connell, White B.

Yes, 112; No, 32; Absent, 6; Vacant, 1; Excused, 0.

112 having voted in the affirmative and 32 voted in the negative, 1 vacancy with 6 being absent, and accordingly the Majority **Ought Not to Pass** Report was **ACCEPTED** and sent for concurrence.

---

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

---

**BILLS HELD**

SENATE DIVIDED REPORT - Majority (8) **Ought to Pass as Amended by Committee Amendment "A" (S-704)** - Minority (5) **Ought Not to Pass** - Committee on **TAXATION** 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)

- In Senate, Senate **Majority (8) OUGHT TO PASS AS AMENDED** Report of the Committee on **TAXATION** was **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-704)**.

- In House, Minority (5) **OUGHT NOT TO PASS** Report of the Committee on **TAXATION** **READ** and **ACCEPTED** in **NON-CONCURRENCE**.

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

Subsequently, Representative FAULKINGHAM of Winter Harbor moved that the House **RECONSIDER** its action whereby the Minority **Ought Not to Pass** Report was **ACCEPTED**.

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

Representative **FAULKINGHAM**: Thank you, Madam Speaker. I would like to Reconsider this motion because the Sea Dogs are not just Portland's team, they're Maine's team. And in a couple weeks from now, my family will be making a trip down there and they're going to have a meet and greet and we're looking forward to meeting Blaze Jordan while we're down there. And who is Blaze Jordan and why do I know his name? Well, it's because I have a 10-year-old son who absolutely lives for baseball and Blaze Jordan is one of his YouTube heroes that's a Minor League Baseball star for the Portland Sea Dogs. And someday, hopefully everybody will know the name Blaze Jordan like they know the name Josh Beckett, Jacoby Ellsbury, Jon Lester, Kevin Millar, Jonathan Papelbon, Dustin Pedroia, Kevin Youkilis and many others.

Because we have a rare opportunity here in Maine. We have a Minor League Baseball team that's a farm team for the Red Sox and stars are developed there. People that go on to become big names get to play there and you get to get up close to these players, you get to go meet them, get balls signed by them. We have a team in Portland, Maine, that has the highest attendance in Minor League Baseball for a city with the smallest population. That's indicative of how many people come from all corners of the State to watch this team. A team does not have that kind of support in a city the size of Portland without it coming from all corners of the State.

The tax rebate that they're going to get on this is 1.4% of the project cost, and I just want to say it's not the team, the team has not threatened to leave the State of Maine. As a matter of fact, the team is committed to staying in Maine. But the team does not have that choice if Major League Baseball removes them, because they don't have the facilities that meet the standards needed to stay there. And the amount of money that they bring into the economy of the State is astronomical. So, although I'm not real big on giving tax incentives to, you know, particular groups or anything like that, when you take all that revenue and economic driver that comes into the State of Maine because of them, if they leave, it's all gone with them. So, all the revenue, all the jobs, everything there is gone with them, and that should be the important factor here, how much money they bring into the State of Maine.

But for me, personally, having that Minor League Baseball team in Maine, it would be a tragedy if we lost it, Madam Speaker, and today, I'm voting to keep Minor League Baseball in the State of Maine. Thank you, Madam Speaker.

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, I also rise to ask folks if they will vote in favor of Reconsideration and at that point, I brought some additional information that I didn't cover yesterday I'd like to tell you about. Thank you.

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

Representative **GRAHAM**: Thank you, Madam Speaker, Ladies and Gentlemen of the House. For me, the Sea Dogs aren't just a baseball team, they are community. This organization has given back more to Portland than many other organizations. I speak from my experience working for the American Cancer Society. When I had an individual who was a survivor of melanoma; it may have seemed very simple, but she was honored by throwing out the first pitch.

And then, I have to say that I just looked at how many people testified in support of this; support for the Portland Sea Dogs; and I believe there was no one in opposition, and the majority of the people that spoke were individual organizations, nonprofits that said thank you, thank you, thank you for being here.

Madam Speaker, I have four brothers and no sisters; I have three sons and no daughters. I better darn well know my baseball, my football, my soccer, my hockey. I was a bat girl at Bangor High School. But my point is, is that this organization is an integral part of not only, as the good gentleman from Winter Harbor said, they are part of Maine and we need to remember that. And one last point, my brother who I honored so thankfully to this Chamber for honoring him, he works there in his retirement.

So, Madam Speaker, and Ladies and Gentlemen of the House, please, I would ask that you Reconsider and vote in support of the Portland Sea Dogs. Thank you, Madam Speaker.

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

Representative **DRINKWATER**: Thank you, Madam Speaker. Apple pie, Chevrolet, the American Dream, with baseball. Madam Speaker, when I think of baseball, I'm going back to the '60s now, and my dad took me down to see the Red Sox. I've got to tell you, I've never forgotten it. Carl Yastrzemski, you know, just seeing those ballplayers, taking your glove, hoping to catch a foul ball or a home run.

What we want to do for the Sea Dogs, Madam Speaker, is we've done a lot of things for a lot of companies also. It's going to cost us about \$133,000 a year. And you know, Madam Speaker, Pawtucket had a team and they needed to make updates, and Pawtucket said no, the state said no. They're now in Worcester, Massachusetts, with a brand-new stadium. Let's not lose our team.

You know, going, taking my grandsons down to the game and seeing the excitement on all those little kids' faces and the boys and the girls and wanting to get autographs and you know, someday we're going to see these kids as major league ballplayers, as we've seen some from Maine already. Let's keep that dream alive and support the Sea Dogs. Thank you, Madam Speaker.

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

Representative **CARMICHAEL**: Thank you, Madam Speaker, Men and Women of the House. The previous speaker, my friend from Milford, had me up until the Chevrolet part. There's many things in this Body, as we've seen, that divide us, but there's few things in our community that unite us. And I think holding on to them things that unite us is very important, Madam Speaker, so, I'm going to be supporting this motion. Thank you.

Representative RANA of Bangor **REQUESTED** a roll call on the motion to **RECONSIDER** whereby the Minority **Ought Not to Pass** Report was **ACCEPTED**.

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

The SPEAKER: The Chair recognizes the Representative from Kennebunkport, Representative Gere.

Representative **GERE**: Thank you, Madam Speaker. Madam Speaker, following on from the comments of the Good Representative from Milford, I wanted to just add a little bit to the math. If you take that \$133,000 per year in tax credit and divide that by the 485 municipalities in Maine, that's about \$275 per municipality per year. I then took the University of Maine report and looked at all of the follow-on spending that attendees at the Sea Dogs do while in Portland. They go to restaurants, they

spend on lodging, they go to a lot of other recreational activities in addition to the tickets and the things they do while they're in the stadium. And if you take all of that follow-on revenue, in addition to the taxes that people working pay on their income, you get to about \$580,000 in tax revenue to Maine. Which, of course, as we know, goes into the revenue sharing process. And I just took; for the fun of it, took Presque Isle's revenue sharing calculation number of 0.04; you know, the number goes on for a long time; and applied that and it showed that Presque Isle will receive approximately \$27,000 a year from the Sea Dogs activities. And so, when I look at an investment of \$275 and know I'm going to get a \$27,000 from it, I think that's a pretty good investment, and so, the Sea Dogs, I think, are a good investment. I ask folks to support the pending motion.

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

Representative **O'CONNELL**: Thank you, Madam Speaker. I've been to several games down at the Sea Dogs; I've been to several games at Fenway. For those of us that can't swing a Fenway trip, because the beers are expensive, to go to a Sea Dogs game, it's a *Field of Dreams* experience. It's a great family experience. You can't beat the loaded sausages. I, for one, support the Sea Dogs, and I would also like to say at some point in time, maybe, just maybe, I can take a train from Brewer to go to the game.

The SPEAKER: The Chair recognizes the Representative from Verona Island, Representative Russell.

Representative **RUSSELL**: Thank you, Madam Speaker. I would like to see this bill pass for a personal reason. Our oldest son and his wife and his son live in Portland. His wife is confined to a wheelchair. And this bill, from what we heard, is about accessibility. And Jessica, that's her name, she works for Alpha One for the disabled community, and this investment, to me; I like baseball, too; but is in a facility in Portland that's owned by the City of Portland, to make it more accessible. And for that reason, I'll be supporting this motion.

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

Representative **THORNE**: Thank you, Madam Speaker. Madam Speaker, I know Carmel. I also know Portland. Portland's a friend of mine. You, Madam Speaker, are from Portland. At first, I looked at this bill and I said this is probably not how I want to vote for something like this for my constituents up in Carmel, but I had someone reach out to me and express to me that, in fact, yes, they do take trips down to Hadlock Field; they have families that go down.

It's an investment. Sometimes, we need to make an investment. I've voted on a lot of bills that I didn't have any say in that cost Maine taxpayers money. If I can vote on something that's an investment and will come back and make Maine a better place by being friendly, by being sports-friendly, by being family-friendly, I can feel good about that. So, I will be voting in opposition to the pending motion. Thank you, Madam Speaker.

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

Representative **RUDNICKI**: Thank you, Madam Speaker, I'll be really quick. I just want to remind everybody that Hadlock Field is owned by the City of Portland. The City of Portland has not stepped up and offered anything to go with this. Why should the rest of us in the State of Maine pay for something that the City of Portland owns? Let the City of Portland do this. Thank you.

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

Representative **THORNE**: Madam Speaker, in a moment of passion, I looked at the board. I will be voting to Reconsider this.

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

**ROLL CALL NO. 526**

YEA - Albert, Ardell, Arford, Babin, Bagshaw, Beck, Bell, Blier, Boyle, Bradstreet, Brennan, Bridgeo, Campbell, Carlow, Carmichael, Cloutier, Cluchey, Collamore, Collings, Copeland, Costain, Crafts, Craven, Cray, Cyrway, Dill, Doudera, Drinkwater, Ducharme, Eaton, Faulkingham, Fay, Fredericks, Galletta, Gere, Gifford, Graham, Gramlich, Greenwood, Griffin, Guerrette, Haggan, Hall, Henderson, Hepler, Hobbs, Hymes, Jackson, Kuhn, Lajoie, Landry, LaRochelle, Lavigne, Lee, Lemelin, Libby, Lyman, Madigan, Mason, Mastraccio, Matlack, Meyer, Millett H, Millett R, Montell, Moonen, Moriarty, Morris, Murphy, Ness, Newman, Nutting, O'Connell, Parry, Perry A, Perry J, Poirier, Polewarczyk, Pomerleau, Pringle, Rielly, Roberts, Runte, Russell, Sampson, Sargent, Sayre, Schmersal-Burgess, Shagoury, Shaw, Simmons, Skold, Soboleski, Stover, Terry, Theriault, Thorne, Walker, White B, White J, Wood, Woodsome, Worth, Zeigler, Madam Speaker.

NAY - Abdi, Adams, Andrews, Ankeles, Arata, Boyer, Davis, Dhalac, Dodge, Dunphy, Foster, Gattine, Geiger, Golek, Javner, Kessler, Lookner, Malon, Mathieson, Milliken, O'Neil, Osher, Paul, Perkins, Pluecker, Quint, Rana, Riseman, Roeder, Rudnicki, Sachs, Salisbury, Sheehan, Sinclair, Smith, Strout, Supica, Swallow, Underwood, Warren, Zager.

ABSENT - Crockett, Hasenfus, Jauch, Lanigan.

Yes, 105; No, 41; Absent, 4; Vacant, 1; Excused, 0.

105 having voted in the affirmative and 41 voted in the negative, 1 vacancy with 4 being absent, and accordingly the House **RECONSIDERED** whereby the Minority **Ought Not to Pass Report was ACCEPTED**.

Subsequently, Representative RANA of Bangor **REQUESTED** a roll call on the motion to **ACCEPT** the Minority Ought Not to Pass Report.

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

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

Representative **RANA**: Thank you, Madam Speaker. I just want to make some clarifications about what this bill does and the impact that it will have. I think that it's clear that we all love baseball and we all love the Sea Dogs and we all really appreciate the economic development that it brings, not only to Portland but to our entire State.

This bill is a tax break to a private equity firm with a bottom line of \$100 billion, under the guise of being a bill to support the Sea Dogs. There are other ways that we can support the Sea Dogs, and I'm happy to talk about that with my colleagues in the future. The stadium renovations that were referred to on the floor earlier are really important. They are in an attempt to make the stadium more accessible, which is something that I really value, especially as someone that's been an advocate for accessibility my entire life. Those renovations are due by April of 2025 in order for the Sea Dogs to maintain their standing and MLB certification. This money would not get to them until at least 2026 at the soonest. Their obligation to make those changes to the stadium need to happen sooner than that. They have a plan, they have the money, it is happening. And I also

believe that this money is a drop in the bucket to a private equity firm that is valued at that amount of money. However, \$144-200,000 a year makes a huge difference to the State of Maine, but it is just a drop in the bucket to, again, a private equity firm that is valued at \$100 billion. Thank you.

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

Representative **QUINT**: Thank you, Madam Speaker. I believe that the Good Representative from Bangor, Representative Rana, spoke eloquently to the bill yesterday, which is the speech in total, I support.

Once again, this is property owned by the City of Portland. The amount of money that they are asking for, this is something that Portland should be looking at in order to upgrade their facility if they are wanting to keep that facility there. As it keeps being brought to us that this is so emergent; remember, this came into the Tax Committee as an emergency bill just a few days before we were done and we needed to vote on it immediately in order for this horrible thing that was going to happen could happen. And as Representative Rana spoke about it, this will have to be done before the payments are even made. Thank you very much.

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

Representative **ROEDER**: Thank you, Madam Speaker. I weighed whether or not I wanted to weigh in on this bill at all, and was gratified to hear from the Good Representative from Hodgdon, the Good Representative from Bangor before me, who made excellent points.

There is an analogous situation in my own community and we have heard a number of people in the public weigh in. We've heard comments like, have you thought about changing the offering, seems like a management problem, a gala should cover the funding, have you applied for a grant, have you encouraged the supporters to write in the team for Bangor Savings Bank's community grants, have you looked at what other sports teams do, partner with other sports teams to defray the costs, in an economy like this, how can we justify spending this money on entertainment? Those comments were actually made about a theater that is currently facing a budget deficit. There is no venture capitalist behind that community organization, which, as of a study 12 years ago, contributes \$3 million to the local economy. There's no venture capitalist group that has \$100 billion in their bottom line behind that theater. It's just that theater.

And so, when I look at this, I want to support it. I want to support an organization that gives back to the State of Maine and the community that it's in, but knowing that behind that organization is a checkbook that fat, I can't justify it. Thank you.

The SPEAKER: The Chair recognizes the Representative from Gardiner, Representative Montell.

Representative **MONTPELL**: Thank you, Madam Speaker, Colleagues of the House. I'm surprised myself that I've chosen to rise, I don't speak on the floor very often, but this is an important thing to me.

So, often we hear that Maine is not a business-friendly State. I know of many filmmakers that have been turned away from this State because they couldn't get tax exemptions. Too often, we're penny-wise and pound-foolish and we can't get out of our own way. We don't often appreciate what we have in this State until it's gone. We often say there's no place for kids or families to go and we spend too much time on tech. I will be supporting the Sea Dogs today. Thank you, Madam Speaker.

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

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

The SPEAKER: The Member may proceed.

Representative **GRAHAM**: Can anyone tell me and the Chamber; is the Sea Dogs team at risk of leaving Portland, of leaving the State of Maine if this bill does not pass?

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

Representative **RANA**: Through the Committee process and through asking questions, I believe that we were able to understand that there was not a risk, especially given the timeline of when these renovations are needed to be done by. There's not a risk of losing the Sea Dogs. It is extremely expensive to move a baseball team from one state to another. They are not at risk.

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

Representative **LANIGAN**: Thank you, Madam Speaker, and Members of the House. I stand neither for nor against, I guess. I wish I had that button at this time.

It's a tough one. We have our emotional side and we have our factual side, and I just wanted to; we're talking a lot of emotions and feelings and sometimes we've got to, as lawmakers, make it based on facts. And the facts of this matter are a \$101 billion venture capitalist company owns this organization. Let me say that again; \$101 billion. That's a lot. I think it's more than our State budget; maybe, I don't know this year.

The other part of that is the Sea Dogs decided that they wanted to take a company; little company; ice cream company that's in my hometown, Shain's of Maine, and that used to provide biscuits for them and was a big part of their economy, which they're not close to this company and based on some news article, eliminate that, so, boycott them, and they lost all of that business, so, that's another fact. So, the strong arm of them, you know, affected a local business of where my resident lives and people like to frequent.

Things that are great are, you know, we have a lot of Mainers that are already paying a lot in taxes that go to those games and already support them. That's a fact. So, when I buy my \$7 ticket, I've already paid a lot in taxes, Madam Speaker, to get that \$7 to go there. My gas is more expensive here than other states that I; so, it costs me money, and I'm supporting them in that fashion. Another fact is, is that Portland has made decisions that have affected a lot of our communities around Maine with the asylum seekers. Now, there's nothing wrong, as many know, that I'm very supportive of them, but when they overflow their city and ship them to our cities, our towns, our small towns that don't have the subsidies or the revenue that Portland has and we have to pay for them out of our GA funds, that costs our taxpayers local tax money. So, the taxpayers of Maine are really supporting Portland in many ways and I ask you just to think about those few things when you make this your decision.

Is it about how we feel about a baseball team that's not going to go anywhere because, honestly, it would cost them more to pack up a U-Haul than it is that we're giving them? Or is it really about thinking that these Mainers, as Mainers, we're already supporting them very greatly. And if Portland feels that they deserve to have that team, maybe it's Portland's decision and not the whole State of Maine. Thank you, Madam Speaker.

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, I just want to share a little additional information; I'm not so confident that we're not at risk of losing the Sea Dogs. They are certainly committed to staying in Maine, they want to stay in Maine, but as we heard earlier, you don't know what you have till it's gone.

Well, I can tell you; Reading, Pennsylvania, and Trenton, New Jersey, know what it's like to have something gone, because they've lost their teams. And the State of Pennsylvania has authorized Reading, Pennsylvania, \$30 million unrestricted to try and attract teams such as the Sea Dogs to their town, because they had it and they lost it. And so, we don't have to worry about the cost the Sea Dogs would bear to move to another location, because they're more than willing to put up the \$30 million. Same with Trenton, New Jersey; \$30 million to try and attract one of these teams.

They've eliminated a lot of these teams and what's left, they've elevated. MLB is the ones who have put the standards onto the Sea Dogs, what they have to do to that stadium to keep the franchise here in the State of Maine. And I hate to say it, if it was still a small, locally owned franchise, they may not have had the wherewithal to come up with the \$10-plus million to invest in the stadium that Portland owns. A business can't borrow money to invest in a piece of property they don't own. So, it's the deep pockets of the big company that owns them that is putting the \$10 million into the State of Maine and investing in Portland's property for the Sea Dogs to stay. MLB; it's very important to them to see commitment from the fan base, the municipality and the State where these places are located.

All my life, we had the triple-A Red Sox in Rhode Island; Pawtucket Red Sox. Never knew much about them. They're now the WooSox; Worcester has them. And what I've noticed is I know a lot about the Worcester Red Sox, I want to go to a game there this summer because I know a lot about them. The way I know it is by watching the Red Sox. We hear all the time about the Worcester team, Polar Park, the things they do there. We hear the same; this is the intangible of the in kind that we get by having the Sea Dogs in Portland. On these national broadcasts or regional broadcasts, they talk all the time about the City of Portland, Hadlock Field, what a beautiful field it is, what a great experience it is, how people should attend a Sea Dogs game, and we draw people from all over. So, that's value added on top of what we already heard for numbers.

We're looking at \$133,000 per year for 15 years; it's going to take about 20 years to pay it out. We heard the timeline for the upgrades, but this is part of the financing package. If that financing is in place, that won't slow down the work that needs to be done, and when you look at the list of the charities they support; the Maine Children's Cancer program, \$50,000 to the Barbara Bush Hospital, the way they do fundraising events for Little Leagues and other nonprofits all the time; I mean, I can't think of something, one, that feels better to support, because what else do we do nowadays that keeps families together, gets us outside, and meeting; I've never been to a ballpark where I didn't meet my neighbors who are sitting next to me in the stands, it's just a great experience. Let alone the payback. We heard the numbers what we're collecting in taxes from this economic activity, far in excess of what we're offering to show our support and keep them here.

So, I was really encouraged by the strong, strong vote to Reconsider and I hope we see that when we defeat this motion to go on and move the Majority Report. Thank you.

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

Representative **SOBOLESKI**: Thank you, Madam Speaker, ladies and gentlemen. The Sea Dogs are asking for 20%, up to \$10 million in tax credit over 15 years, which is \$133,000 a year. Without it, Major League Baseball, not the Sea Dogs, will look to move the club to another city. We aren't the only city to go through this, and there are many facilities in New England and the East Coast that have been begging Major League Baseball for the Sea Dogs and certainly watching what we do here today. Other states and local municipalities have given straight appropriations of up to \$100 million to build or renovate stadiums to keep their teams or entice new ones to come. They're asking for \$133,000; \$10 million over 15 years. If we don't, the Sea Dogs don't get to decide if they stay here or even if we want them to.

Sea Dogs will bring in \$450 million through State sales tax in those 15 years. In addition, they either give or fundraise over \$400,000 a year in charitable giving. Look at the testimony from Barbara Bush Hospital or Slugger Kids and many others. The investment ensures the Sea Dogs stay at Hadlock Field for 15 years and beyond, and that is why they simultaneously are signing a 15-year lease agreement if this passes. This ensures that Hadlock Field remains the home of the Sea Dogs and not going somewhere else. Thank you.

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

Representative **COPELAND**: Thank you, Madam Speaker. I think we've heard; first of all, big corporations that have that kind of money, it really does piss me off, I don't like that. But I want to say that the Representative from Kennebec, Representative Gere, talked about some statistics and talked about how much money each municipality would get, and I think that; and, you know, you go there and there's ads for local companies and it's just a; I think it's priceless, quite frankly. We're going to make money on it, they're going to make money on it and I'll have to turn a blind eye, but this is about our communities coming together. There's, you know, groups and special, like, Girl Scouts and so forth having luncheons there and learning about baseball and coming together as their own Troop. There's corporate, you know, like my firm, we go there often for summer picnics. There's a lot of things that go on down there. There's fireworks at night, it's just a really great family experience, it's a great community experience, and it benefits Maine. So, I vote for a sense of community, where people could come outdoors and enjoy themselves.

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

Representative **LIBBY**: Thank you, Madam Speaker. You know, I was thinking as I heard the story that the Representative from Winter Harbor shared about family and the Sea Dogs. Actually, it got me thinking about my own family and our trips to the Sea Dogs. And I will say, like any family outing; I don't know if others in the Chamber will identify with this; you go into these family outings thinking it's going to be great fun and then it may be great fun or it can be a complete disaster. And I'm pleased to say that our trips to the Sea Dogs have always been great fun and not fallen into the terribly disastrous, expectations dashed family trips.

And I was thinking of one trip in particular. It was shortly after we adopted our oldest child and we went all together to the Sea Dogs. And it was their Pirates and Princesses Day. And so, all of my children decided to dress up as pirates and I don't believe that I was either a pirate or a princess, I think I just stayed me, and so did my husband, but we had such a fun day, you

know, we got the Sea Dog biscuits and I'm fairly sure the team lost, but that's okay, we still had a blast. And we have a family picture that remains my absolutely very favorite family picture of us. Nobody's looking at the camera, everybody is laughing or yelling or something, and someone else took it in a moment that none of us were aware that there was a photo of our family being taken. And so, that photo has a prized place in our home and I remember that day very, very fondly.

But Madam Speaker, we are not here to talk about whether the Sea Dogs are wonderful or not, as the Good Representative from Bangor pointed out. If this were only about peanuts and Cracker Jacks, Madam Speaker, it would be a really easy call, right? But in fact, the Representative from Bangor did a really good job outlining what this bill actually is. And Madam Speaker, this is corporate welfare.

Now, there are many ways that this issue could be addressed, and the Good Representative from Bangor, the other one, did a great job of outlining many of those, from a capital campaign, various fundraising endeavors, there are many ways in which this money could be raised. It should not be raised on the backs of Maine taxpayers. I would invite my colleagues in the Chamber, you know, if we want to support the Sea Dogs, and I think we all do, let's buy season tickets. But let's not ask the constituents in our districts to pay for this corporate welfare.

The SPEAKER: The Chair recognizes the Representative from Harpswell, Representative Golek.

Representative **GOLEK**: Thank you, Madam Speaker. I'll be quick, but I just want to say that, you know, like everybody else we've heard in this room, I love the Sea Dogs, my family loves the Sea Dogs, and I could stand here and tell you stories and stories, as some that we've heard, of the fun times and the memories that we've built at the Sea Dogs stadium.

But I'm standing here completely dumbfounded that we are debating giving a billion-dollar company money, when we have so much need in our State. I mean, my understanding is that the Sea Dogs are owned by a company called Diamond Baseball Holdings, which owns 28 other teams and has enough assets to fund our entire State for two years, but they don't have enough money to build a clubhouse? I'm just struggling with that. And I've heard the number \$10 million thrown around and all I can think of standing here is, my God, how long could we keep our shelters open for \$10 million? How long could we increase food supply to those in need with \$10 million? How many people could we house that are homeless with \$10 million? I mean, there's just so much that we could do better with this money. And this is a billion-dollar company. So, we give them this tax break; I think we all agree we love them, I think we all agree that we don't want them to go anywhere; I don't see that there's a threat for them to go anywhere. They do give back to the community. I would assume that they also get tax write-offs for giving back to the community.

So, anyways, I just see this as a big handout to a billion-dollar company that has the means to do what they need to do. Thank you, Madam Speaker.

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

Representative **LAVIGNE**: Thank you, Madam Speaker. I support this investment for the Sea Dogs. I come at it from a development perspective. If this was a team coming into one of our major cities, this discussion wouldn't take as long. I would say I think the Sea Dogs poison the conversation by saying if we don't get this, we may leave. That's never a good start to negotiations, but they did.

Secondly, yes, they are owned by a billion-dollar hedge fund, but the General Manager testified in the public hearing that they are each responsible as a freestanding business within that fund. So, ultimately, I look at it as an investment for the community; they give lots of retirees part-time jobs. Certainly, the businesses around Hadlock Field benefit from it, as well as just the fun of walking up and seeing the field. To me, it's worth it. Thank you, Madam Speaker.

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

Representative **RUDNICKI**: Thank you, Madam Speaker. I just would like to pose a question to and through the Chair.

The SPEAKER: The Member may proceed.

Representative **RUDNICKI**: So, has the City of Portland; I'm directing this towards our Representatives from the Portland area, there are a few of you; has the City of Portland even taken this up as an; to fund it themselves rather than coming directly to the rest of the State of Maine to fund things that they may want, so, that would be my question. Have they even taken it up?

The SPEAKER: The Member has posed a question through the Chair to any Member who chooses to respond. The Chair recognizes the Representative from Bangor, Representative Rana.

Representative **RANA**: Thank you, Madam Speaker. I'm not rising to answer the question, but I am rising to speak a second time. But I can clarify regarding the City of Portland, that they have already negotiated the 15-year contract and that is already in the works and the Sea Dogs are here to stay.

Again, there is no denying how beloved the Sea Dogs sports team is and how they support our State and support our economy. But this bill, again, does not support the Sea Dogs. It is a tax break to a large, wealthy corporation, and it is corporate welfare. They are just trying to pad their bottom line.

I do also want to highlight, because of how beloved the Sea Dogs are, I want to highlight how successful they are. As we've heard many times on the floor and through countless submissions of testimony during the public hearing, they are extremely successful and they are well attended. When it comes to well attended and successful sport teams, high attendance is the biggest factor when it comes to whether or not a sports team leaves. Only unsuccessful sports teams leave cities. So, that is not a risk here.

I just want you to imagine a corporation in our State not paying \$200,000 in taxes. It's unfathomable to me. These corporations are going from state to state asking for tax breaks. That's what's happening here. This is a consorted effort that is happening all across our country. It is not about the Sea Dogs; it is about a private equity firm getting a tax break, because that's who this goes to. I want us to all think critically and see through the fog here.

And I really do appreciate my colleagues referring to the economic impact that this would have. I really appreciate my good colleague, the Good Representative from Kennebunk, who referred to this only being \$275 per municipality. What I see that as is \$275 in each municipality, in my municipality that would be rent relief for someone to be able to stay in their home and avoid homelessness. Thank you, Madam Speaker.

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

Representative **SOBOLESKI**: Thank you, Madam Speaker, Ladies and Gentlemen of the House. The Sea Dogs have not signed a lease on that property yet. They're waiting for the outcome of what we do here. And Diamond Sports Holdings, I've heard about a billion-dollar corporation over and over again

today, and I can equate that to McDonalds; definitely a billion-dollar corporation. I have a friend of mine that has a handful of McDonalds restaurants. If one of his restaurants fails and doesn't go well, McDonalds does not step in and pay off his bills and do what's necessary to keep him afloat. The restaurants stand on their own. It's the same with baseball teams. Thank you.

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

**ROLL CALL NO. 527**

YEA - Abdi, Adams, Albert, Andrews, Ankeles, Arata, Ardell, Arford, Boyer, Carlow, Cluchey, Davis, Dhalac, Dodge, Dunphy, Fay, Foster, Fredericks, Gattine, Geiger, Gifford, Golek, Gramlich, Griffin, Hymes, Javner, Kessler, Libby, Lookner, Malon, Mathieson, Milliken, O'Neil, Osher, Paul, Perkins, Pluecker, Quint, Rana, Riseman, Roeder, Rudnicki, Sachs, Salisbury, Sheehan, Sinclair, Smith, Strout, Supica, Swallow, Theriault, Warren, White J, Woodsome, Zager, Madam Speaker.

NAY - Babin, Bagshaw, Beck, Bell, Blier, Boyle, Bradstreet, Brennan, Bridgeo, Campbell, Carmichael, Cloutier, Collamore, Collings, Copeland, Costain, Crafts, Craven, Cray, Cyrway, Dill, Doudera, Drinkwater, Ducharme, Eaton, Faulkingham, Galletta, Gere, Graham, Greenwood, Guerrette, Haggan, Hall, Henderson, Hepler, Hobbs, Jackson, Kuhn, Lajoie, Landry, LaRochelle, Lavigne, Lee, Lemelin, Lyman, Madigan, Mason, Mastraccio, Matlack, Meyer, Millett H, Millett R, Montell, Moonen, Moriarty, Morris, Murphy, Ness, Newman, Nutting, O'Connell, Parry, Perry A, Perry J, Poirier, Polewarczyk, Pomerleau, Pringle, Rielly, Roberts, Runte, Russell, Sampson, Sargent, Sayre, Schmersal-Burgess, Shagoury, Shaw, Simmons, Skold, Soboleski, Stover, Terry, Thorne, Underwood, Walker, White B, Wood, Worth, Zeigler.

ABSENT - Crockett, Hasenfus, Jauch, Lanigan.

Yes, 56; No, 90; Absent, 4; Vacant, 1; Excused, 0.

56 having voted in the affirmative and 90 voted in the negative, 1 vacancy with 4 being absent, and accordingly the Minority **Ought Not to Pass** Report was **NOT ACCEPTED**.

Subsequently, 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" (S-704)** 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-704)** in concurrence.

---

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

---

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

**SENATE PAPERS  
Non-Concurrent Matter**

Bill "An Act to Provide Funding to Rebuild Infrastructure Affected by Extreme Inland and Coastal Weather Events" (EMERGENCY)

(H.P. 1426) (L.D. 2225)

**PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-894)** in the House on April 1, 2024.

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-894) AS AMENDED BY SENATE AMENDMENT "B" (S-710)** thereto in **NON-CONCURRENCE**.

Representative TERRY of Gorham moved that the House **RECEDE**.

Representative FAULKINGHAM of Winter Harbor moved that the House **RECEDE AND CONCUR**.

The SPEAKER: The Chair would advise the Member that motion is out of order; Recede is a higher motion than Recede and Concur.

Subsequently, the Chair **RULED** that the motion was **OUT OF ORDER**.

Subsequently, the House voted to **RECEDE**.

Representative TERRY of Gorham **PRESENTED House Amendment "A" (H-980) to Committee Amendment "A" (H-894)**, which was **READ** by the Clerk.

The SPEAKER: The Chair recognizes the Representative from Winter Harbor, Representative Faulkingham, and asks as to why he rises without his button having been pushed before the Chair ruled it was a vote.

Representative **FAULKINGHAM**: Madam Speaker, we haven't seen the amendment.

The SPEAKER: The Chair would advise the amendment is online and through the Chamber paperless system.

Representative FAULKINGHAM of Winter Harbor **REQUESTED** a roll call on the motion to **ADOPT House Amendment "A" (H-980) to Committee Amendment "A" (H-894)**.

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

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

Representative **FAULKINGHAM**: Just to be clear, I'll ask a question first. The Roll Call is on Acceptance of House Amendment before us, correct?

The SPEAKER: The Chair would answer in the affirmative. It is to Adopt House Amendment "A."

Representative **FAULKINGHAM**: Okay. Madam Speaker, it's very easy to make a decision on this. As I look at the summary, it's very simple; one sentence long. This amendment amends Committee Amendment "A" to remove the emergency preamble and emergency clause from this bill and delay the transfers from the Maine Budget Stabilization Fund and allocations for the grants for fiscal year '24-'25.

Madam Speaker, the people of Maine need this money to go out faster. The bill before us today was an emergency bill that would get the money out and I think it's disappointing that we couldn't come to an agreement, so, to get this money out to the people that need it. This bill has already sat way too long; it's already sat for four weeks or longer, since the storms wrecked the wharfs on the coast of Maine, and I'm disappointed that we couldn't work out a bill that would get that money out immediately. It's something we've worked for this whole entire

time and they need that money and this is a disappointment, Madam Speaker, to see that the emergency has been taken off, which will further delay the amount of time that this money gets out to the people that need it. I'll be voting no on the pending motion. Thank you, Madam Speaker.

The SPEAKER: A roll call has been ordered. The pending question before the House is Adoption of House Amendment "A" (H-980) to Committee Amendment "A" (H-894). All those in favor will vote yes, those opposed will vote no.

**ROLL CALL NO. 528**

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

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

ABSENT - Crockett, Hasenpus, Jauch, Riseman, Roberts. Yes, 76; No, 69; Absent, 5; Vacant, 1; Excused, 0.

76 having voted in the affirmative and 69 voted in the negative, 1 vacancy with 5 being absent, and accordingly **House Amendment "A" (H-980) to Committee Amendment "A" (H-894) was ADOPTED.**

**Committee Amendment "A" (H-894) as Amended by House Amendment "A" (H-980) thereto was ADOPTED.**

Subsequently, the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (H-894) as Amended by House Amendment "A" (H-980) thereto 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.

**Non-Concurrent Matter**

Bill "An Act to Create Economic Opportunity for Wabanaki Nations Through Internet Gaming"

(H.P. 1140) (L.D. 1777)

Minority (6) **OUGHT NOT TO PASS** Report of the Committee on **VETERANS AND LEGAL AFFAIRS READ and ACCEPTED** in the House on April 9, 2024.

Came from the Senate with the Majority (7) **OUGHT TO PASS AS AMENDED** Report of the Committee on **VETERANS AND LEGAL AFFAIRS READ and ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-932) in NON-CONCURRENCE.**

Speaker TALBOT ROSS of Portland moved that the House **RECEDE AND CONCUR.**

Representative FAULKINGHAM of Winter Harbor **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: 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. 529**

YEA - Abdi, Ankeles, Arford, Beck, Bell, Boyle, Brennan, Cloutier, Cluchey, Collings, Copeland, Crafts, Craven, Dhalac, Dill, Dodge, Doudera, Eaton, Fay, Gattine, Geiger, Gere, Golek, Graham, Gramlich, Hepler, Hobbs, Kessler, Kuhn, LaRochelle, Lee, Lookner, Madigan, Malon, Mathieson, Matlack, Meyer, Milliken, Montell, Moonen, Murphy, O'Connell, O'Neil, Osher, Perry A, Pluecker, Pringle, Rana, Rielly, Roeder, Runte, Russell, Sachs, Salisbury, Sargent, Sayre, Shagoury, Shaw, Sheehan, Sinclair, Skold, Stover, Supica, Terry, Warren, Woodsome, Worth, Zager, Zeigler, Madam Speaker.

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

ABSENT - Crockett, Hasenpus, Jauch, Riseman, Roberts. Yes, 70; No, 75; Absent, 5; Vacant, 1; Excused, 0.

70 having voted in the affirmative and 75 voted in the negative, 1 vacancy with 5 being absent, and accordingly the motion to **RECEDE AND CONCUR FAILED.**

Subsequently, 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.

**REPORTS OF COMMITTEE**

**Ought to Pass as Amended**

Report of the Committee on **TRANSPORTATION** on Bill "An Act to Change Maine's Transportation Laws"

(S.P. 183) (L.D. 402)

Reporting **Ought to Pass as Amended by Committee Amendment "A" (S-698).**

Came from the Senate with the Report **READ and ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-698) AS AMENDED BY SENATE AMENDMENT "A" (S-705) thereto.**

The Report was **READ and ACCEPTED.**

The Bill was **READ ONCE. Committee Amendment "A" (S-698) READ** by the Clerk.

**Senate Amendment "A" (S-705) to Committee Amendment "A" (S-698) was READ** by the Clerk and **ADOPTED.**

**Committee Amendment "A" (S-698) as Amended by Senate Amendment "A" (S-705) thereto was ADOPTED.**



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

Under further suspension of the rules the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (S-698) as Amended by Senate Amendment "A" (S-705)** thereto in concurrence.

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

#### Divided Reports

Majority Report of the Committee on **JUDICIARY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-975)** on Bill "An Act to Create the Data Privacy and Protection Act"

(H.P. 1270) (L.D. 1977)

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.

#### 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 Falmouth, Representative Kuhn.

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

We live in a time when we are almost constantly online and every move we make is tracked, measured and monetized. Whether we are tracking our steps, paying our bills, or looking for a date, technology has made our lives easier in so many ways. Amazon even offers Whole Foods shoppers now the ability to pay with their palm print. But with increases in convenience, Maine citizens are paying an enormous price, usually without even knowing it.

As we pursue these activities, trackers are following us across websites and across time, constructing a complex and deeply revealing profile. This has created new frontiers for violations of our civil rights and our right to privacy. Here are some of the violations we heard about in Committee testimony: Dating apps that sold people's HIV status to other companies; mortgage brokers who used cookies to offer higher interest rates to African Americans and Latinos based on data collected on user behavior and location; a data scraping company that sold the information of over 600 women who visited Planned Parenthood; social media companies that block women, older men and people of color from viewing certain job listings. These are documented instances that threaten our rights to privacy and equality under law and that are undermining our political systems.

Right now, there are no comprehensive federal privacy laws in place, so, it is up to us as State legislators to develop the right strategies to protect Maine consumers. Sixteen other states have enacted their own privacy laws and, despite what you may have heard, every state has enacted different laws with different contours and different levels of protection. For example, many states modeled their laws after industry-sponsored laws in Virginia and Connecticut. California, a state with the largest economy in the United States and fifth-largest in the world, has a privacy law that is different from Virginia and Connecticut. Maryland recently passed a law that is similar to the bill before you. That law, like this one, uses data minimization provisions to protect consumers. In legislating for Maine, we must decide what is best for Maine people, not Connecticut or Virginia.

I believe LD 1977 does what is best for Maine consumers. It attempts to regulate those companies that are in the position to do the most harm; companies that have the personal data of more than 100,000 Maine residents and that are not also regulated by other already existing privacy laws. It allows businesses to continue to market to us, to sell their products and make money. It even allows businesses to collect our data, but only so far as that data is related to the service they are providing. Finally, it protects the data of children to help prevent many of the known harms targeted advertising can cause to young people. It does not allow the unfettered tracking of each of us and the selling of our data without our consent and it does not allow businesses to discriminate. It strikes the right balance for the people of Maine.

Briefly, I just wanted to mention enforcement. Unlike its original draft, this bill has no private right of action. Only the Attorney General can enforce its provisions. It exempts small businesses, nonprofits, schools, hospitals and banks, among others whose data is in some way already regulated by State and federal law. In this way, it protects both Maine consumers and Maine businesses, and it is an important step forward in protecting our constituents' rights. Madam Speaker and Members of the House, I urge you to vote in support of the pending motion.

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

Representative **HENDERSON**: Thank you, Madam Speaker, Ladies and Gentlemen of the House. The Good Representative from Falmouth just laid out pretty clearly the necessity for Maine to have a comprehensive data privacy bill, and the points that she made were 100% spot on and I couldn't agree more with the necessity of a privacy bill. The challenge that I think lays before us is that the Judiciary Committee has been working on this piece of legislation since, I believe, either last September or October. Our Committee Clerk said that she'd

counted a total of 16 work sessions that we had put into these privacy bills. And it's impossible for me to stand here at 10:00 at night, I think, and to keep your attention in general about data privacy, but to also keep your attention and to be able to give a comprehensive outline of what this bill does in comparison to its mother bill.

So, we as a State, we do want a data privacy bill, and we need one. There were two privacy bills that were brought before us; technically four, but two large ones that were intended to address the lack of a data privacy bill or law here in the State of Maine. One by the Representative from; a town here in the State of Maine; guaranteed, she's from a town here in the State of Maine; Representative O'Neil, and it's a little embarrassing, she's probably said it 16 times in front of me over the last few months. Saco; see, my colleagues knew. If I could look at her, I'd probably apologize. And one by the Senator from Oxford, Senator Keim. Both bills sought to address the consumer privacy issue, but both bills took a very different approach. LD 1977, which we do have in front of us here, which is from the Good Representative from Saco, had modeled her bill originally after a piece of federal legislation that had stalled in Congress, whereas LD 1973 sought to model that bill after the Connecticut framework, which seemed to be what the Judiciary had more interest in adopting, was that Connecticut framework. And that is a framework that has already been implemented in 11 other states. The bill before us is a rewrite of 1973. In fact, both privacy bills were worked in their final stages as a red-lined version of 1973, but to remain germane to the bill that we have in front of us, I will now furthermore refer to it as 1977.

I have some key concerns with the piece of legislation before us. This bill would prevent small businesses from being able to find new customers online, and that is a lifeblood for Maine's businesses. And I seem to have lost an entire page of my bill speech here; the Representative from Skowhegan found it for me. I know where she's from. So, it keeps our small businesses in the State of Maine from being able to find new business online, which is the lifeblood for our economy, with the new definition of targeted advertising, which that new definition just came out last Friday. This new definition has forced a number of Maine associations to come out in strong opposition to the bill. And, again, up until Friday, there was still an overarching idea of optimism around 1977 and potentially its ability to be the privacy bill that we needed. But since that language change, the organizations that have come out against this bill include the Maine Tourism Association, Maine State Chamber of Commerce, Retail Association of Maine and Hospitality Maine. These are not big tech companies, but rather organizations that represent the very heart and soul of Maine businesses. In addition, a Maine-based company that's been with the Judiciary Committee since day one and been very helpful in helping us craft this legislation, has also come out in opposition to this bill, but not out of desire, rather, out of necessity. And that business is L.L. Bean.

This bill does not protect, but rather it allows consumers to be tracked across websites. LD 1977 is not only different, but opposite in key ways from all other privacy frameworks in the entire world. Maine does not need to isolate its consumers and businesses in order to provide strong privacy protections, but that's what this bill would do. If we all agree that there should be a federal standard, and that's one of the reasons why we have this piece of legislation before us is the conversation started at a federal level and stalled, so, now states are beginning to implement their own privacy laws. If we agree that there should be a federal standard, doesn't it make sense that states should at least have interoperable standards? This bill

would be alone in the entire world in a privacy bill that would still allow individuals to be tracked across third-party websites. I don't think that we want to be an outlier.

And I want to be very clear that my objections and cautions came in the early drafting stages of this bill, when I found myself concerned with what was being created, and I think it was actually referred to as a 'Frankenstein bill.' But please don't let the Majority Report fool you. Data privacy is not an inherently partisan issue. We need a privacy law in Maine right now. We have nothing. There is currently no data protection. Everything from your iris to your email address are subject for collecting, storing, processing and even selling. But the truth of the matter is our time, the individuals in this room, that information has already been collected. Now, there's just no going back to that, all we can do now is regulate how businesses use it. But it is our children that's a completely different story and this brings us to the exemption part of this, of my testimony.

One of the questions that we faced in the Judiciary Committee is how do we craft a bill that strikes a really solid balance between consumer privacy and businesses, right? We know that the State of Maine operates off of Her businesses. Did we want to approach this on a data level exemption, meaning just the information that's processed, or did we want to exempt entities altogether? And this is really where it draws in how we can protect our children in the next generation with this consumer privacy; 1977 is not the way. We should make every effort to protect child and student privacy and build in safety and security right now. The Common Sense Media evaluates privacy policies, so that parents and teachers can make smart choices about the learning tools they use with their children and students. In 2021, the State of Kids' Privacy Report shows that most apps and platforms mislead kids and their caregivers about how they sell and share personal data. Their personal information is shared for third-party marketing, personalized advertising is displayed, data is collected by third parties for their own purposes, users' information is used to track and target advertisements and other third-party websites. Well, you may say all these statements are great, Henderson, but we have a privacy policy in front of us that will protect our children. I say, not even remotely. There are concerning exemptions that build gaping holes in this privacy fence.

The exemption of the greatest concern is the nonprofit exemption. There are currently 10,749 nonprofit organizations in the State of Maine, give or take a few since this data has been run in January. Combined, these Mainer nonprofits employ almost 150,000 people and earn more than \$19 billion in revenue each year and have assets of \$36 billion. Nonprofit status does not grant a halo; it is not a sainthood. Some examples of those nonprofits are the College Board, Committee for Children and Summit Learning, which I'll get back to here in just a moment. It should be very concerning, however, that two nonprofits are the biggest advocates of this bill and also had the biggest hand in writing this bill; EPIC, which is a trial-lawyer-funded organization that is simply trying to stop states from being interoperable in a desperate way to move the needle on federal legislation, and the ACLU. They'll tell us it's great because it exempts them.

I do want to talk about here really quickly is; and you will have this, each of you will have this on your tablets in front of you, you can view it; two of the nonprofits that I had mentioned earlier. The first is the Committee for Children. The Committee for Children is a nonprofit organization that reaches thousands of schools and more than 26.9 million children worldwide. It's unclear right now whether children's personal information is sold or rented to third parties, however, personal information is

shared in third-party marketing. Data is collected by third parties for their own purposes. We'll move on to Summit Learning. Summit Learning Program is also a nonprofit organization led by educators. They support over 75,000 students, 4,000 educators and 300 schools across the U.S. This is a Zuckerberg-funded K-12 learning platform. This Summit platform collects a huge amount of personal student data. These are the organizations that are exempt from collecting children's data through this privacy bill.

Finally, I'll end, and most of you can have a big, huge sigh of relief, I am almost done. I'll end with saying in kind of one of the more nuanced and more challenging parts of this bill to describe on a platform such as this is the data minimization standard, which I will reiterate, we will be the only State in the nation and the only place in the world where these data minimization standards have been adopted in this manner. No other state is using this model. It imposes higher standards on Maine businesses than any other state. And I do want to briefly read a report from April of this year that Maine Jobs Council put out, ranking Maine against other states in a myriad of different topics from economy, investment, business climate, job market, health care cost, energy cost. But I do want to focus on business climate. What LD 1977 is going to do is, it's going to impose impossible standards on our businesses that's going to drive cost and, in some ways, drive businesses right out of the State of Maine. But currently, before this bill is in place, this is a report given to us. So, Maine's regulatory environment currently ranks the third-worst in the nation; we're number 48. Maine's business environment ranks the eighth-worst in the nation at number 43. Maine ranks 40th in the nation for cost of doing business; that's the 11th-worst. Maine ranks 45th in the nation for the best state to start a new business; that's the sixth-worst in the nation. And finally, Maine ranks 39th, or the 12th-worst, for the top states for doing business. This would impose restrictions that are just not doable on our businesses and, you know, in the State of Maine, we go by the statement *Dirigo*; or 'di-raj-go,' however you prefer to pronounce it; and my concern is, is that we're leading in the wrong direction and we will effectively be leading businesses right out of the State of Maine. Thank you.

The SPEAKER: The Chair recognizes the Representative from Saco, Representative O'Neil.

Representative O'NEIL: Thank you, Madam Speaker. Madam Speaker, Mainers are constantly tracked in harmful and unexpected ways online, and right now, there are no rules. We have two options tonight. The first is one that tech companies submitted to protect their existing practices, and the second, before us now, is a compromise bill that protects Mainers, that consumer advocates and the Attorney General both support and it focuses on the biggest companies, not the small companies that the Representative from Rumford referenced.

Mainers don't want a bill championed by tech companies. Mainers value privacy. We want our personal information to be protected. We want control over who has our personal information, who it gets shared with and how it gets used, and that's what this bill does. It's going to reduce breaches by data thieves and hackers, it will reduce unexpected uses of our data and it will reduce online discrimination, while still allowing advertising to continue for businesses, because that's been something very important throughout the process to protect. Right now, there are no rules, but this will regain some balance and put us back in control of our data.

The Representative from Falmouth talked about some examples of discrimination, and I'm going to give some examples of unexpected personal uses of data that this will stop. Examples include health apps, such as a Fitbit, the watch that

you wear, that can sell your exercise, sleep and heart rate data to an insurance company to price life insurance; Life360, which is an app that sells families' location data to data brokers; Facebook tracks you on other websites that aren't Facebook, so, if you hop onto WebMD completely outside of Facebook and you look up 'am I having a heart attack' or if you're filing your taxes online or if you're on a suicide hotline, you're in crisis and trying to reach out to somebody, Facebook has trackers outside of Facebook that measure that and then put that back into the profile about you. And I think most consumers on Facebook don't want that and don't expect it, and that's what this bill stops by default, because it's just invasive and it does not contribute to businesses placing ads on Facebook, you know, Maine businesses that want to put an ad on Facebook and connect with us about their goods and services. Consumer Reports recently did a study that found that the average Facebook user is tracked by more than 2,000 different companies.

I want to emphasize that the sky isn't going to fall. What this bill will do is it will stop unexpected uses of data and ads will be able to continue, and here's why; small businesses are completely exempt from the bill. We focused on businesses that make a living off of selling or monetizing data and we focus on businesses that handle the data of a lot of different consumers. And we even make an exemption for financial transactions. So, if you're a coffee shop or a restaurant, somebody that's just cashing people out, those interactions don't count towards the number, so, the exemption's even bigger than it looks on paper.

I want to underscore that businesses will still be able to advertise, and this was a huge focus of the Committee throughout the process; a huge focus. It was my focus when I put the bill in that businesses will still be able to advertise, it was drafted to do that and, as we went through the process, we maintained that, because it's crucial to us that our Maine businesses can still connect with customers. This bill focuses on big tech. In this bill, what we did is we make it so that businesses can still place ads on Facebook like they do now. I don't know if anyone's ever done ads for a business or campaign; I've done my own ads; businesses will still be able to go on Facebook, log in and punch in what they want to target, put in their budget and send out a targeted ad. That's still possible with this bill, and they'll still be able to send mail, email or text. Those things are completely exempt from this bill as first-party advertising. So, if you go to a website and put something in your shopping cart, they can send you that email still that reminds you that says, hey, do you still want to buy this? That activity is still completely protected and we spent a lot of time meeting on mic and off mic to ensure that was possible. The only difference is that to serve us an ad online, tech companies won't be able to track us in the invasive ways that I discussed. Facebook will be able to track everything that we do within the app, so, that's things you like, things you're interested in, you know, your friends, conversations with your friends, how long you hover on an ad, what you click on for an article to read, how long do you look at something; they can keep track of all of that and direct ads based on that activity, but they won't be able to track you when you go outside of the app and Google 'am I having a heart attack' and then add that into your profile for advertising. And I think that's something that most Mainers would expect.

And there's another way, another example I can provide for this concept of data minimization and how your information will be able to be used out of context. If I'm using a maps app and I'm going to a cancer specialist appointment and I type that location in to get directions, I would expect that that's getting used to get to my appointment, not to, you know, sell that

information to target me for drugs or to add to my profile that I have cancer. Likewise, if I'm going to some kind of a religious meeting and I type that location in, I don't want Google to infer that and then use that to influence my views on religion or politics or something like that. That is sensitive information and that's something that we want to shield with this bill is those out-of-context uses that we don't expect.

Tech companies and data brokers want business as usual. That's why they put their own competing bill in, to protect their practices. They want to be able to bury something in a privacy policy, that long document that no one ever reads; and, you know, you could scroll through it forever; and say, you know, we will sell your first child and you click okay, I accept. That's what they want to be able to do. If they put it in a privacy policy, they can do whatever they want, because it means they can keep doing what they're doing, and that is what they are offering for protections for data minimization.

And next, I want to say that these are popular protections. People across the aisle want these protections. Eighty-one percent of Americans are concerned about how their data is used and they want action, and that's from a Pew research study in 2023.

Regarding whether Maine would be the only State in the nation, whether we'd be all out on our own, Maine will not be alone. Maryland just passed a very similar bill to Maine's, sent it to the Governor. The Vermont House unanimously passed a bill similar to Maine's. Already in law, California and the EU limit what data companies can collect and how they can use it. That's that same data minimization idea. And the EU has strong enforcement, by the way, much stronger than what Maine would have. An example is a \$1.2 billion fine on Facebook. So, if companies are able to comply in the EU, it will make it possible to comply and be on track to comply in Maine, because the data minimization is comparable. And I want to say that even if these other jurisdictions didn't already have this, that Maine has led before. We've led the country in passing our internet privacy law and our government facial recognition ban and in making warrant requirements for data already. The sky didn't fall then, and it won't fall now. Please support the motion and allow Mainers to take back control of how their information is used. Thank you.

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

Representative **CYRWAY**: Thank you, Madam Speaker, Ladies and Gentlemen of the House. This bill goes after the for-profit and not for the nonprofit. I do not believe this works on an even playing field and it attacks the ones that pay taxes and it doesn't for the ones that don't. I feel this is unfair and I am against this bill. Thank you, Madam Speaker.

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

Representative **MORIARTY**: Thank you, Madam Speaker. I would just thank my Judiciary seatmate, the Good Representative from Rumford, for her comments, but would just touch up on the history a little bit and share with the Members that, in fact, Judiciary's long experience with this bill and this issue began last May. We've been at it for nearly 11 months. The event in May was a public hearing on the somewhat similar bill, previously referred to as the one sponsored by the Representative from Oxford. Then, in the offseason, we had a public hearing on the pending matter, 1977, together with our first four work sessions, which have now extended into the middle teens.

I just want to respond really briefly to the point that this would hurt Maine business, Maine small business. As written, it does not apply to businesses in Maine which control or process the data of under 100,000 consumers. And 'consumers' is defined in terms of residents of Maine, so that, if a small business in this State processes and handles the data of fewer than 100,000 Mainers, the law would not apply at all. Therefore, I would disagree that this is a bill that in its impact would adversely affect small business.

Ideally, this is a matter that we would want to have seen taken up by Congress, but Congress could not get it out of committee and I have no hope whatsoever in the foreseeable future that Congress will ever attempt to take this up again. And so, states have acted on their own and there are different results in different states. But as the Representative from Saco has just indicated, both in Vermont and Maryland, in legislation enacted this year, they have adopted statutes which would much more closely track LD 1977, as opposed to some of the earlier iterations of data privacy legislation. I understand that those matters are sitting on the respective Chief Executives' desks at this time, and so, I can't be more final than that. But I would urge us to move forward, trust the process and the incredible number of hours put into this by the Judiciary Committee and its analyst, and being the steps necessary to protect the privacy of Maine consumers and residents. Thank you.

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

Representative **HENDERSON**: Thank you, Madam Speaker, for allowing me to rise a second time. I will say that my seatmate and colleague from Cumberland, that his memory is rivaled by none and that I do regret that we don't have more days in Judiciary together. Yes, we did start our work on this last May, and I would agree with the Representative from Saco that the sky isn't going to fall, but our economic growth will. Our business value in the State of Maine will.

So, there were statements made by the Representative from Saco that Maine businesses would be able to continue to do advertising in the State of Maine just like they've always done. And again, I'll revert back to the amendment, or during the language review on Friday, there was a change to the term 'targeted advertising' that actually changed the definition of targeted advertising. And as recent as dinnertime, and I know, because I spoke to some of the representatives while they were eating their dinner; representatives from the businesses; spoke to them this afternoon and they told us that they, in fact, emphatically will not be able to advertise in the same manner. And these are representatives from places such as the Maine Chamber of Commerce, Retail Association of Maine and a representative from L.L. Bean. So, the premise that it will be business as usual for them, they'll be able to advertise in the same way, just simply isn't accurate based on the language change from Friday.

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. 530**

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

NAY - Adams, Albert, Andrews, Arata, Ardell, Babin, Bagshaw, Blier, Bradstreet, Campbell, Carmichael, Collamore, Costain, Cray, Cyrway, Davis, Dill, Drinkwater, Ducharme, Dunphy, Faulkingham, Foster, Fredericks, Galletta, Gifford, Graham, 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, Schmearsal-Burgess, Simmons, Smith, Soboleski, Stover, Strout, Swallow, Theriault, Thorne, Underwood, Walker, White B, White J, Wood, Woodsome.

ABSENT - Crockett, Hasenfus, Jauch, Riseman, Roberts.  
Yes, 75; No, 70; Absent, 5; Vacant, 1; Excused, 0.

75 having voted in the affirmative and 70 voted in the negative, 1 vacancy with 5 being absent, and accordingly the Majority **Ought to Pass as Amended Report was ACCEPTED.**

The Bill was **READ ONCE. Committee Amendment "A" (H-975) was READ** by the Clerk

Representative MOONEN of Portland **PRESENTED House Amendment "A" (H-984) to Committee Amendment "A" (H-975), which was READ** by the Clerk.

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

Representative **MOONEN**: Thank you, Madam Speaker. This amendment simply makes a one-word fix to a definition. As you can imagine with a lengthy bill, we might've missed something and we caught this one and just need to fix it. Thank you, Madam Speaker.

Representative POIRIER of Skowhegan **REQUESTED** a roll call on the motion to **ADOPT House Amendment "A" (H-984) to Committee Amendment "A" (H-975).**

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

The SPEAKER: A roll call has been ordered. The pending question before the House is Adoption of House Amendment "A" (H-984) to Committee Amendment "A" (H-975). All those in favor will vote yes, those opposed will vote no.

**ROLL CALL NO. 531**

YEA - Abdi, Ankeles, Arford, Beck, Bell, Boyer, Boyle, Brennan, Bridgeo, Carlow, Cloutier, Cluchey, Collings, Copeland, Crafts, Craven, Dhalac, Dill, Dodge, Doudera, Eaton, Fay, Gattine, Geiger, Gere, Golek, Graham, Gramlich, Hepler, Hobbs, Kessler, Kuhn, Lajoie, Landry, LaRochelle, Lee, Lookner, Madigan, Malon, Mastraccio, Mathieson, Matlack, Meyer, Millett R, Milliken, Montell, Moonen, Moriarty, Murphy, O'Connell, O'Neil, Osher, Perry A, Perry J, Pluecker, Pringle, Rana, Rielly, Roeder, Runte, Russell, Sachs, Salisbury,

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

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

ABSENT - Crockett, Hasenfus, Jauch, Lanigan, Riseman, Roberts.

Yes, 77; No, 67; Absent, 6; Vacant, 1; Excused, 0.

77 having voted in the affirmative and 67 voted in the negative, 1 vacancy with 6 being absent, and accordingly **House Amendment "A" (H-984) to Committee Amendment "A" (H-975) was ADOPTED.**

**Committee Amendment "A" (H-975) as Amended by House Amendment "A" (H-984) thereto was ADOPTED.**

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

Under further suspension of the rules the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (H-975) as Amended by House Amendment "A" (H-984) thereto and sent for concurrence.**

---

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

---

Majority Report of the Committee on **LABOR AND HOUSING** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-688)** on Bill "An Act to Increase Enforcement and Accountability for Wage and Hour Violations" (S.P. 179) (L.D. 372)

Signed:

Senator:

TIPPING of Penobscot

Representatives:

ROEDER of Bangor

GEIGER of Rockland

GERE of Kennebunkport

MALON of Biddeford

RUSSELL of Verona Island

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "B" (S-689)** on same Bill.

Signed:

Representatives:

BRADSTREET of Vassalboro

DRINKWATER of Milford

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-688).**

**READ.**

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

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

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

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

Representative **BRADSTREET**: Thank you, Madam Speaker, Members of the House. I object to the pending motion. This bill is being promulgated even in the face of the fact that there have been relatively few wage violations discovered by the Department of Labor over the past several years. The push for the bill has been justified by analysis of data coming from organizations that have a predisposition to criticize pretty much everything employers.

The bill itself includes a private right of action. Why would this be needed? The Department of Labor is well-positioned to handle violations, especially with the increased investigatory staff that the Department has determined to undertake. Also, the Attorney General's Office is empowered to follow up and initiate legal action against any scofflaws if necessary. Shouldn't the preferable method of ensuring wage law compliance be focused on education and cooperation, rather than what appears to be over-aggressiveness against often unintentional violations? We should be able to do better.

Right now, small businesses are feeling under siege by this bill and the many more that adversely affect their ability to do business in the State of Maine, to provide good paying jobs and careers. Madam Speaker, it seems like, you know, we might as well get rid of our claw hammers, because everything that comes before business now is a violation; it looks like they're coming after them with a sledgehammer, Madam Speaker, and that's not the way to go. We heard the Good Representative from Rumford a few moments ago speak about how Maine has a very undesirable economic environment as far as job creation is concerned, and I think we need to take that very seriously. It's what those people think about what Maine offers for them for opportunities, rather than what we think they should think. So, Madam Speaker, I hope you join me in voting against this bill. Thank you.

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

Representative **MORRIS**: Thank you, Madam Speaker. I rise in opposition to the pending motion. This bill is not ready for primetime. LD 372 would allow the Department of Labor to collect unpaid wages determined to be due to an employee. None of the stakeholders disagree with this. In fact, the business community agrees that all employees should be paid for the wages they are owed. However, this is not all this bill does. It goes too far.

The public hearing for this bill was alarming and made many businesses in my district nervous about what the Department of Labor's role will be moving forward. This bill treats employers making clerical errors the same as those employers that are intentionally abusive towards their employees. Let this sink in for a moment. In other words, the bill proposes to issue penalties, damages, interest and more on the small mom-and-pop shop making an honest mistake, the same as an employer that is intentionally and willfully withholding wages from their employees. We are potentially talking about thousands and 10s of thousands of dollars here for

a small business. What message does this send to the greater business community?

The Chief Executive released Maine's Jobs and Recovery Plan, stating the dire need to attract businesses to Maine. The bill will do nothing to accomplish this, and will likely incentivize prospective businesses to look elsewhere. The bill also includes individual liability provisions that would allow the Maine Department of Labor to go after payroll companies, shift supervisors, managers, employees signing checks or any other person that determines it can collect the wages from. This wide and far-reaching authority would be unprecedented and put people with no control over wage payments to employees on the hook for payments of these wages.

It would be one thing if the Maine Department of Labor had data that said employers are willfully and intentionally withholding wages from employees, but they have nothing to support this claim. We shouldn't let hunches or anecdotes dictate major policy decisions. In fact, in 2023, the Maine Department of Labor received a total of 6,934 contacts. Of those contacts, 286 were complaints. That's 286 out of a State of 1.3 million people. Of these 286 complaints, 247 were resolved. Of that, the Department issued penalties to six companies. Their own data does not support the notion that that neglect and abuse is so widespread that it is easier to assume guilt and charge companies making good faith errors the same as the one-off bad employer. It shows we should do the opposite, in fact.

This bill needs to be fixed. It will inadvertently attack employers making simple mistakes and potentially hold folks with no control of the employer's purse liable for wages determined to be owed. This bill should not pass as is. Let's punish the bad actors without putting the good employers out of business. Thank you, Madam Speaker.

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

Representative **MALON**: Thank you, Madam Speaker. LD 372 rests on a basic premise that was, in some ways, articulated by my good colleague from Turner; that workers should be paid for what they are owed, and when they are not, there should be appropriate sanctions under law. Right now, the Department of Labor can fine an employer for wage theft, but cannot order that employer to pay the worker the wages that are owed or liquidated damages. The Department has to go to court in order to do this and get an order from a judge for the worker to get their money. This means that in practice, that workers are not routinely getting the monies they are owed, even when the employer is cited for violations and it's, quite frankly, a cumbersome process for all parties involved; the worker and the employer alike.

What LD 372 would do, and it's important to note what it would do, would give the Department of Labor broadly comparable powers to the courts to order the payment of these back wages, liquidated damages and interest. This means that workers who are owed wages will get their money quicker and it also means there will be less litigation, which can be incredibly costly for both the State, the employers and potentially the employees if they retain counsel.

It's important to note as well that the Majority Report also calls for major substantive rulemaking on fines and penalties, which will, you know, through a public process, include all stakeholders, including Maine employers, will have the opportunity to provide public comment, and the ability to make their case on what is most fair in terms of these penalties, which historically have been quite low, with the exception of the most extreme cases.

I think it's also important to note, Madam Speaker, that throughout the process of working this bill, the Maine Department of Labor has worked hard and collaboratively to address concerns raised by the Maine Chamber and other individuals and interest groups that testified before our Committee. This process made the bill better. While total consensus was certainly not achieved, representatives from the Chamber expressed their appreciation on mic in Committee for the work the Department did and the Committee did to listen to their concerns and take them seriously. And, indeed, it was made clear in Committee that the Department's top priority when it comes to wage and hour is education and working towards compliance, working collaboratively towards compliance, while recognizing fully that honest mistakes can be made. That happens. There's no question about it and it doesn't mean that someone's a bad actor or acting in bad faith in any way. But even when mistakes are honest and unintentional, you still have a worker that needs to be made whole, because workers need to be paid what they are owed.

Passing LD 372 will better enable flexibility and collaboration between stakeholders to allow for a more educational process, while still enabling the worker to be paid what they are owed and, in many ways, will help all actors involved avoid litigation. This presents a middle ground between the untenable binary of either going to court or, at times, doing nothing. And this is why I urge my colleagues to support the pending motion and support LD 372. Thank you.

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

Representative **ROEDER**: Thank you, Madam Speaker. This bill in particular, if you look at your screen, it has three amendments; I moved Committee Amendment "A." There is very little difference between the amendments. We got that close because of what the Representative from Biddeford spoke to; a collaborative process where all members came together and tried to hammer out a solution that worked for everyone. We came so close.

The change; the only difference is that the amendment before us does not have the word 'willful' in it. There was concern that folks would be caught up in investigations for honest mistakes. Given the fact that, in 2023, an employer in the State of Maine could expect to be inspected by the Wage and Hour Division once every 269 years, I don't think the Department is necessarily looking at those mistakes and trying to punish them. And as to the intent of the employer that may have had a wage and hour violation, the wage and hour laws currently have no language to separate out honest mistakes from egregious violations. And why is that? Because intent is almost impossible to prove. The language is discretionary, and that means the Department of Labor can discern between honest mistakes and egregious neglect and enforce accordingly. They have very limited resources. They want to pursue bad actors, not a small company who made an honest mistake in payroll. And I am somebody who is in charge of payroll at my day job. I was given very little training, as there was a quick turnover there. I know I have probably made a mistake on wage and hour, and I know that I will have the opportunity to correct it, because honest mistakes happen. I know there are a lot of businesses out there in the same position that could be making an honest mistake. I believe that trusting that the Department will use their discretion and not waste resources is the best course of action.

But I would like to say that it was refreshing to have three amendments that were so very close. 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. 532**

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

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

ABSENT - Crockett, Hasenfus, Jauch, Riseman, Roberts. Yes, 74; No, 71; Absent, 5; Vacant, 1; Excused, 0.

74 having voted in the affirmative and 71 voted in the negative, 1 vacancy with 5 being absent, and accordingly the Majority **Ought to Pass as Amended Report was ACCEPTED.**

The Bill was **READ ONCE. Committee Amendment "A" (S-688) was READ** by the Clerk.

Representative MORRIS of Turner **PRESENTED House Amendment "A" (H-966) to Committee Amendment "A" (S-688)**, which was **READ** by the Clerk.

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

Representative **MORRIS**: Thank you, Madam Speaker. What this amendment does is it allows the Maine Department of Labor to order wages determined to be due to be paid to employees. It allows legitimately bad actors to be ordered to pay liquidated damages and interest to employees. It also allows employers that are acting in good faith to not be treated in the same manner as the legitimate bad actors. This protects the one-off mistakes, one-stop HR stops for small businesses and it protects good-faith actors. It removes the individual liability from the bill language to protect employees and others not responsible for the payment of wages.

I think this is a very reasonable compromise. We're going after the bad actors while allowing those who make an honest mistake to be, you know, required to certainly still pay any back wages, but not requiring excessive penalties and fines and hopefully stopping the Department from unnecessary fishing expeditions. So, I hope the Body will support this amendment. Thank you.

Representative **ROEDER** of Bangor **REQUESTED** a roll call on the motion to **ADOPT House Amendment "A" (H-966) to Committee Amendment "A" (S-688).**

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 Roeder.

Representative **ROEDER**: Thank you, Madam Speaker. Madam Speaker, as I said earlier, there were three amendments to this bill. This current amendment is essentially the Minority Report and includes that word 'willful,' that impossible-to-prove word, willful, and it also does nothing to prevent an employee from collecting damages more than once, a double-dipping concern that we heard from the Chamber in their initial testimony as a concern. The original amendment that was moved, Committee Amendment "A," does remove that double-dipping. Thank you.

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

Representative **BRADSTREET**: Thank you once again, Madam Speaker. This amendment does not enable violators to escape consequences, what it does is it requires an employer to pay unpaid wages plus an additional amount equal to the unpaid wages as liquidated damages and a reasonable rate of interest, only if the Director of Labor Standards within the Department of Labor finds that the violation was willful. It also clarifies an employee may not recover the same wages more than once, which is the same as the Majority Report.

Willingness; it is defined as it must be substantial evidence that the employer knew it was a violation or acted with reckless disregard for the law. It seems like this, you know, the type of compromise that we've been looking for for a long time, isn't this what we really want to do? Find some type of compromise which addresses the problem, yet does not overreact to what we have? We do want violators to be held accountable. And yet, I think this is a much more reasonable way to do it and I applaud the amendment by the Representative from Turner. Thank you, Madam Speaker.

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

Representative **MALON**: Thank you, Madam Speaker. I rise in opposition to the amendment. And with respect to my good friends from Vassalboro and Turner, I want to note that the Department already has leeway in the penalty assessment and they've told us repeatedly that that kind of leeway is something that they do as a matter of common sense as they go about the process of figuring out a fair solution to a problem of, again, a worker not getting paid what they are owed. And, again, that's what this bill, that is what the Report we just passed on LD 372 is about, making sure that workers can be paid what they are owed. I respect the people who put this amendment forward, but I do believe it would frustrate the purposes of this bill and I would urge my fellow legislators to vote against it.

The SPEAKER: A roll call has been ordered. The pending question before the House is Adoption of House Amendment "A" (H-966) to Committee Amendment "A" (S-688). All those in favor will vote yes, those opposed will vote no.

**ROLL CALL NO. 533**

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

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

ABSENT - Crockett, Hasenfus, Jauch, Riseman, Roberts. Yes, 71; No, 74; Absent, 5; Vacant, 1; Excused, 0.

71 having voted in the affirmative and 74 voted in the negative, 1 vacancy with 5 being absent, and accordingly **House Amendment "A" (H-966) to Committee Amendment "A" (S-688) was NOT ADOPTED.**

Subsequently, **Committee Amendment "A" (S-688) was ADOPTED.**

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

Under further suspension of the rules the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (S-688)** in concurrence.

---

The SPEAKER: In light of events this evening, one member of our staff has been transported to the hospital. I want to thank the Members who assisted in her care while she was here; Representative Libby, Representative Fredericks, Representative Quint, Representative Pringle and Representative Zager. We are indebted to you. Thank you.

---

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

---

On motion of Representative LIBBY of Auburn, the House adjourned at 11:28 p.m., until 10:00 a.m., Wednesday, April 17, 2024, in honor and lasting tribute to Sharon Barker of Bangor.