

ONE HUNDRED AND THIRTIETH LEGISLATURE
FIRST SPECIAL SESSION
8th Legislative Day
Thursday, June 10, 2021

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

Prayer by Tom Goulette, Guilford.

National Anthem by Tom Goulette, Guilford.

Pledge of Allegiance.

The Journal of yesterday was read and approved.

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

SENATE PAPERS

Non-Concurrent Matter

Bill "An Act To Revise Maine's Environmental Laws"

(H.P. 119) (L.D. 163)

PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-441) in the House on June 8, 2021.

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-441) AS AMENDED BY SENATE AMENDMENT "A" (S-221)** thereto in **NON-CONCURRENCE**.

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

Non-Concurrent Matter

Bill "An Act To Clarify the Maine Food Sovereignty Act"

(H.P. 419) (L.D. 574)

Minority (5) **OUGHT TO PASS AS AMENDED** Report of the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-402)** in the House on June 7, 2021.

Came from the Senate with the Majority (8) **OUGHT NOT TO PASS** Report of the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY READ** and **ACCEPTED** in **NON-CONCURRENCE**.

The House voted to **INSIST**.

Non-Concurrent Matter

Resolve, To Establish the COVID-19 Review Commission (EMERGENCY)

(S.P. 193) (L.D. 817)

Majority (7) **OUGHT NOT TO PASS** Report of the Committee on **STATE AND LOCAL GOVERNMENT READ** and **ACCEPTED** in the House on June 8, 2021.

Came from the Senate with that Body having **INSISTED** on its former action whereby the Minority (6) **OUGHT TO PASS AS AMENDED** Report of the Committee on **STATE AND LOCAL GOVERNMENT** was **READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-176)** and **ASKED** for a Committee of Conference in **NON-CONCURRENCE**.

The House voted to **INSIST**.

COMMUNICATIONS

The Following Communication: (H.C. 172)

STATE OF MAINE

CLERK'S OFFICE

2 STATE HOUSE STATION

AUGUSTA, MAINE 04333-0002

June 9, 2021

Honorable Ryan M. Fecteau

Speaker of the House

2 State House Station

Augusta, Maine 04333

Dear Speaker Fecteau:

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

Energy, Utilities and Technology

L.D. 101 An Act To Prohibit Offshore Wind Energy Development

Sincerely,

S/Robert B. Hunt

Clerk of House

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

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

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

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.

HOUSE DIVIDED REPORT - Majority (8) **Ought to Pass as Amended by Committee Amendment "A" (H-292)** - Minority (5) **Ought Not to Pass** - Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** on Bill "An Act To Amend the Child Endangerment Laws To Include Certain Unauthorized Access to a Loaded Firearm"

(H.P. 564) (L.D. 759)

TABLED - June 3, 2021 (Till Later Today) by Representative WARREN of Hallowell.

PENDING - Motion of same Representative to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report.

Subsequently, Representative ANDREWS of Paris **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 Paris, Representative Andrews.

Representative **ANDREWS**: Thank you, Mr. Speaker. This is one of those rare bills where the ACLU and National Rifle Association are both in agreement to oppose the bill. The ACLU opposes section two of this bill because it criminalizes conduct that they already believe is covered under Maine law. Perhaps rather than passing unnecessary legislation, we should be working to get safety programs into our schools such as Eddie the Eagle. It's very simple, Mr. Speaker; stop, don't touch, leave the room, find an adult. That's the solution. Thank you.

The SPEAKER: The Chair recognizes the Representative from Dixfield, Representative Pickett.

Representative **PICKETT**: Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I rise in the opposition to the motion before us. This overly-broad and unclear bill is opposed by the Criminal Law Advisory Commission, Maine Association of Criminal Defense Lawyers and the American Civil Liberties Union. Aside from the fact that this bill addresses situations where a loaded firearm is stored or left in a place where a child is likely to gain access to the firearm and certain negative consequences ensue and current law adequately covers the kind of conduct outlined in this bill, there are numerous other problems particular to this bill. LD 759 as amended describes an individual as acting with criminal negligence if he or she leaves a loaded firearm in a place under his or her control in a manner that allows a child to gain access. But what, exactly, does that mean? Title 17-A states that a person is not guilty of a crime unless that person acted knowingly, recklessly or negligently as the law defining the law currently specifies. The bill before us fails to define what constitutes acting with criminal negligence in such a situation. Other areas of the Statute relating to the endangering the welfare of a child require that an individual will have needed to act knowingly or recklessly, both of which seemingly provide a higher bar than the simple word; negligence.

There is no objective standard for what is and is not acceptable storage of a firearm in all situations, adding even more uncertainty. Uncertainty increased by the amendment which removes any affirmative defense to prosecution under this bill. In addition, whether or not an individual is guilty of this crime is dependent entirely upon the actions of the child. No crime is committed until the unauthorized child discharges the firearm or commits some other crime with it. This is not the case for other actions defined as endangering the welfare of a child, including furnishing alcohol, ammunition or tobacco. And in those instances, an individual would need to knowingly provide those items. A person is not guilty of furnishing alcohol only if the child drinks it or cigarettes only if the child is caught smoking; mere possession is a result of knowingly furnishing these products is the standard.

This bill could seemingly make a gun owner a criminal if a teenager broke into his/her home and stole his/her firearm or if, when having friends over for a visit, a child was to sneak through a closed door, locate a firearm without your knowledge and proceed to use the firearm. Where's the responsibility here of the parent or the guardian in such situations? My fellow colleagues, this bill would place a higher bar for ensuring the safety of a child on people without children than it does for people entrusted with their care. This should never happen. Please follow my light and join the Criminal Law Advisory Commission, Maine Association of Criminal Defense Lawyers and the American Civil Liberties Union by rejecting this motion.

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

Representative **WARREN**: Thank you, Mr. Speaker. Mr. Speaker, Women and Men of the House, I'd like to share with you what the amendment of this bill does and I'd like to first say that the words quoted by the Criminal Law Advisory Commission are correct about the original bill. So, just a reminder, the Criminal Law Advisory Commission is made up by Maine's judges and prosecutors and defense attorneys and assistant attorney generals and, originally, they opposed the bill. And after the public hearing, they went to the sponsor and they said we oppose the bill because what you're attempting to change is already in Statute, so, we'll help you write an amendment.

So, this amendment that I'm going to read to you was actually drafted by the chair of the Criminal Law Advisory Commission, Mr. John Pelletier. The bill amends the Maine criminal code to provide that under certain circumstances a person is guilty of endangering the welfare of a child if the person stores or leaves a loaded firearm on premises that are under the person's control and a child gains access to the loaded firearm. This amendment amends that provision to specify that storing or leaving a loaded firearm on premises under a person's control with criminal negligence in a manner that allows a child to gain access to that firearm and the child, in fact, gains access to the loaded firearm and uses it is considered endangering the welfare of a child and is a class D, as in dog, class D misdemeanor crime.

Other examples of endangering the welfare of a child; furnish or give away to a child under 16 years of age any intoxicating liquor, tobacco product, air rifles, gunpowder, smokeless powder or ammunition for firearms. Violation of this paragraph is a class D, as in dog, misdemeanor crime. So, I just wanted to be clear that that's what this bill does. Thank you, Mr. Speaker.

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

Representative **THORNE**: Thank you, Mr. Speaker. It is great to see the Honorable Dusty Fisher back in the State House. I have somewhat of a personal connection with him, he was a schoolteacher of my first wife and he went to my first wedding. Had I known at the time, I would've invited him to my second wedding as well. And he's also a co-member of the Bangor Troop Greeters with me and he always likes to introduce me as Jim Thorne, he served 20 years in the Air Force, that's almost the same thing as military.

The SPEAKER: The Chair recognizes the Representative from Readfield, Representative Hasenfus.

Representative **HASENFUS**: Mr. Speaker, I rise in support of the pending motion. Fear. When I was young, I thought I knew what fear was; then I had children. And for the first time in my life, I know what fear is. Nothing, absolutely nothing in this world that I fear more than having my child seriously injured or worse. Every parent knows the feeling deep inside your stomach when you realize that your child is in trouble. It is simply terrifying. Though I cannot protect them from everything, I try my hardest to reduce the risks they may find. I also think it is a fair request to ask others to take reasonable precautions to reduce the risks of death or serious injury that they pose to my children and the children of Maine.

This year alone has shown what can happen when reasonable precautions in the storage of firearms are not taken as our State has witnessed multiple accidents involving young children accidentally shooting loved ones by gaining access to firearms. The fear that a child could be lost due to careless gun ownership is real because it is happening in our backyard. I have many family members and friends, and I, myself, have had firearms. I know this law if passed will never affect the rights of my family or my friends or myself to keep and bear arms because they all take reasonable steps to make sure that the children that frequent their homes or their cars, including my own, don't gain access to a loaded firearm. Some store them in a locked safe, others in a nightstand with a lock, and a few simply separate the firearm from the ammunition in a place out of reach of children.

Those who take reasonable precautions to protect children that they know or have reason to believe will enter their house are excused from any liability under this law, as they should be. This bill is narrowly tailored to eliminate the egregious violations

where a custodian is careless by leaving a gun loaded and readily available for curious hands. The bill clearly expresses that to be prosecuted, one must with criminal negligence store or leave a loaded firearm in a manner that allows the child to gain access to the loaded firearm. Criminal negligence is a high bar, as a prosecutor must prove beyond a reasonable doubt that an individual grossly deviated from the standards of conduct that a reasonable and prudent person would observe in the same situation. Mr. Speaker, I will be voting to support this motion because this bill requiring reasonable safety precautions, if it is enacted, it just might keep one parent like me from realizing their greatest fear.

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

Representative **ZAGER**: Thank you, Mr. Speaker. Mr. Speaker, Women and Men of the House, I too rise in support of this motion. When I took the Hippocratic Oath, I swore to use what I learned and experienced to reduce suffering. It's what physicians and surgeons do, whether we are trying to reduce deaths and disabilities due to cancer, COVID-19, heart attacks, accidents or anything else. And prevention is far and away the most important element in the whole package.

At the hearing on LD 759, Dr. Edward Walworth of the Maine Medical Association testified; as a surgeon who has treated gunshot wounds and who also has seen lifeless children brought to the emergency room following a firearm accident, I am in favor of this bill, the doctor wrote. Safe storage laws in other states have led to decreased rates of firearm injuries and suicide. Dr. Melissa Burch, a pediatrician in Bangor, testified about the experience that sparked her interest in safe firearm storage. Dr. Burch testified; I was called to the ER to see a 2-year-old. She and a 5-year-old brother had been left alone in a vehicle in a parking lot while the parent was gone for five minutes. The 5-year-old had picked up the loaded handgun from under the front seat of the pickup and pulled the trigger, shooting the 2-year-old girl. Dr. Burch also told of another child who survived a gunshot wound to the neck when she was four years old but will spend the rest of her life in a wheelchair. Both families will be changed forever. Both tragedies could've been avoided with safe storage.

A study in the Journal of Trauma, which is the medical journal for trauma surgeons, titled Injuries and Deaths Due to Firearms in the Home found that for every time a gun in the home was used in self-defense or a legally justifiable shooting, there were four unintentional shootings. Four unintentional shootings like what Drs. Burch and Woolworth described in a hearing. Plus, I should add, Mr. Speaker, there were 11 completed or attempted suicides for every one self-defense shooting. Mr. Speaker, are these acceptable ratios for this Body? Isn't there more we could do to make the constitutionally-granted right for adults to bear arms safer for Maine's children? I submit the answer is yes and I believe LD 759 would help the countless law-abiding, good people of this State who own firearms to understand and incorporate into their habits a healthy respect for this ratio of four accidental shootings per self-defense shooting. Finally, Mr. Speaker, before I went to medical school, I served as a combatant in the military. I qualified on several types of firearms and was around safely-stored weapons a lot. It was drilled into us at the Marine Corps base in Quantico, Virginia, how important safe storage was and how a culture of firearm safety is essential. Protecting loved ones throughout Maine by fostering a culture of safe storage is at the heart of LD 759. Thank you, Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Dixfield, Representative Pickett.

Representative **PICKETT**: Thank you, Mr. Speaker. I apologize for speaking a second time on this. Thank you very much for the opportunity. When I was young, and that was quite some time ago, I was taught by my parents to respect things. Guns were one of those things. To understand what they were, what they did, what they were used for, and to have a respect and a realization that in the hands of somebody that wants to do something wrong, they could hurt, and in the hands of somebody who knew nothing about them, they could cause an accident and kill somebody. I understand that. When I got older, had children of my own, I made sure they understood the same things that my folks told me and taught me and I took to heart. Accidents happen. A teenager going to school driving a car with not a whole lot of experience but yet they have a license and we entrust them to drive to school, have an accident and either somebody gets killed, them or someone else; that's a tragic accident, but that doesn't mean that the parents are responsible for that accident.

By closing, Mr. Speaker, if I may, I'd like to quote from or read part of the testimony of the Maine Association of Criminal Defense Lawyers in regards to this bill. MACDL opposes LD 759, the reason here is simple. If a loaded firearm is stored or left in a place where a child is likely to gain access to that firearm and bad things then happen, such conduct is already considered reckless and would be considered to be the crime of endangering the welfare of a child or reckless conduct. Like the Criminal Law Advisory Commission, MACDL believes that adding crimes that address specific conduct that is already criminalized under broader provisions of the criminal code already is unnecessary and duplicative. It also adds confusion to the already-broad Statute that further criminalizes the very conduct that this bill appears to be focused on. The last thing we need is more confusion in the criminal code, especially when Maine law makes that very conduct at issue here unquestionably criminal already. It doesn't have to be criminal negligence; if that type of thing happens, it already is reckless and can be dealt with in the law as it stands. Thank you very much, Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Oakland, Representative Perkins.

Representative **PERKINS**: Good morning, Mr. Speaker, and Ladies and Gentlemen of the House. I rise in opposition to this, being a gun owner. I've had guns in my whole house forever and ever. About every door in my house has a gun right beside it to protect my family. My little 3-year-old granddaughter walks through the house and she knows not to go near the guns. When I was born and raised in our home, we had a gun cabinet probably 15 feet long, all kinds of guns, and my parents were parents who told us to leave the guns alone. It's the responsibility of the parent. The guns are there for our safety. We don't take forks away from our children because many children have died in our years by putting a fork in an outlet. Are we going to outlaw forks? We can't do that. We've got to be parents. We've got to stand up for the rights and make sure we do the right thing and discipline our children. Thank you, Mr. Speaker.

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

Representative **DOUDERA**: Thank you, Mr. Speaker, Ladies and Gentlemen of the House. LD 759 amends the child endangerment Statute to help protect children from unintentionally accessing and using a loaded firearm resulting in injury or death. The amended bill, and this is important, the amended bill incorporates suggestions from the chair of the Criminal Law Advisory Commission, CLAC, to cover criminally

negligent acts since reckless conduct is already covered by the existing law. Criminal negligence is different than reckless conduct and this distinction gives law enforcement another important tool. Why do we need this law? Young children are getting their hands on loaded guns in their own homes and they are injuring themselves and others; that's a fact. In May 2021, just last month, a 2-year-old child grabbed his parents' loaded handgun in their West Bath home and discharged it, striking both parents, while an infant sibling lay nearby. In April, an elementary school child in Richmond brought a loaded gun to school to show off to his classmates. Parents and teachers at that school are still thinking about what could've happened. And in January, an 8-year-old in Waterville accessed a loaded, unsecured firearm in the family home and accidentally shot his toddler brother in the head. That little boy is still in critical condition.

Mr. Speaker, these are incidents that happened this year here in Maine. There's many more examples from recent years from nearly every corner of our State; New Sharon, Lewiston, Belfast, Pittston, West Paris, Portland; all towns where children have gotten their hands on loaded firearms in their own homes. We know that kids are curious creatures. Studies show that no matter how much education a kid receives on gun safety, such as what the Representative from West Paris suggested, most will be inquisitive enough to handle a firearm. In a study published in developmental and behavioral pediatrics, researchers found that when young children are unsupervised, they frequently touch and play with real guns, even after receiving clear instructions not to do so. LD 759 is supported by Maine surgeons, doctors, pediatricians, teachers, school administrators, parents, firearm owners, and law enforcement because well-established medical research shows conclusively that safe storage of loaded firearms saves children's lives. Studies show that approaches like LD 759 that motivate adults to safely store their firearms may prevent up to 32% of firearm deaths, including youth suicide.

LD 759 does not infringe on the rights and liberties of gun owners. LD 759 does not affect the right of gun owners to obtain, use or own firearms. It would not lead to unlawful or unwarranted searches or seizures. It does not require nor allow law enforcement to search a gun owner's home to check on safe storage and it contains, despite what we have heard, numerous affirmative defenses to protect gun owners who do engage in safe conduct. Mr. Speaker, we've already shown bipartisan support for safe storage in this Body. LD 759 will complement a measure that will help firearm owners purchase safe storage devices. LD 759 will also bring clarity as to what constitutes safe storage and spur education around this life and death issue. Ladies and gentlemen, Mr. Speaker, this law is not for the responsible people we've heard about who already secure their firearms safely. I repeat; it's not for the responsible gun owners among us. It's for the children of the people who are not responsible. Those children need us to make it crystal-clear that loaded guns should not be left unsecured. We owe it to them. Please follow my light. Thank you.

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

Representative **GRAMLICH**: Thank you, Mr. Speaker, Colleagues of the House. I rise in support of LD 759. I do so as a social worker, I do so as someone who has worked in the public health arena for decades and I do so as a mom. As parents, we all do everything that we can to protect our children. We have child safety locks, helmets for our children when they're riding their bicycles, cabinet locks so that our children cannot access dangerous substances like household cleaning

products, and I am sure that we all take precautions beyond these mentioned to protect our kids. Children are helpless and completely dependent on their parents and caregivers to protect them. We have laws about car seats for kids, we have laws regarding smoking in cars with children and we have laws about child abuse and neglect. LD 759 is a commonsense approach aimed at protecting children. It does what each and every one of us would do to protect our children. Please, Mr. Speaker, and Members of the House, please join me in voting to protect our children. Please join me in voting to pass LD 759. Thank you, Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Fort Fairfield, Representative McCrea.

Representative **McCREA**: Thank you, Mr. Speaker, and Ladies and Gentlemen of the House. When I was young, my dad did a great job of teaching my brothers, and my sister, for that matter, the way to safely handle and store guns. He did a great job with that long before it was fashionable. And I think that's the way it should be. We've heard numerous times today on this floor that that's the way it should be, and I agree. What strikes me, though, is the examples that we have heard in the last 10 minutes of cases where that just didn't happen. It should've happened, but it didn't and kids or adults got hurt. That if those guns had been secured, those accidents wouldn't've happened. I know they're accidents, I don't expect a 2-year-old to go around shooting up people, but I strongly feel that had those guns been put in a safe manner, a safe storage, locked, whatever, that many of those, if not all of those, would've been avoided. So, I urge support of this bill. 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. 222

YEA - Arford, Babbidge, Bailey, Bell, Berry, Blume, Brennan, Brooks, Bryant, Caiazzo, Cardone, Cloutier, Collings, Copeland, Crafts, Craven, Crockett, Cuddy, Dodge, Doore, Doudera, Evans, Geiger, Gere, Gramlich, Grohoski, Harnett, Hasenfus, Hepler, Hymanson, Kessler, Landry, Lookner, Madigan, Mathieson, Matlack, McCrea, McCreight, McDonald, Melaragno, Meyer, Millett, Morales, Moriarty, O'Connell, O'Neil, Osher, Paulhus, Pebworth, Perry A, Perry J, Pierce, Pluecker, Reckitt, Rielly, Riseman, Roberts, Roeder, Sachs, Salisbury, Sharpe, Sheehan, Stover, Supica, Sylvester, Talbot Ross, Tepler, Terry, Tucker, Tuttle, Warren, White, Williams, Wood, Zager, Zeigler, Mr. Speaker.

NAY - Alley, Andrews, Austin, Bernard, Bickford, Blier, Carlow, Carmichael, Collamore, Connor, Corey, Costain, Dillingham, Dolloff, Downes, Drinkwater, Ducharme, Dunphy, Evangelos, Faulkingham, Fay, Fecteau, Foster, Gifford, Greenwood, Griffin, Hall, Hanley, Harrington, Head, Hutchins, Johansen, Kinney, Kryzak, Lemelin, Libby, Lyford, Lyman, Martin J, Martin R, Mason, Millett, Morris, Nadeau, Newman, O'Connor, Ordway, Parry, Perkins, Pickett, Poirier, Prescott, Quint, Roche, Rudnicki, Sampson, Skolfeld, Stanley, Starns, Stetkis, Theriault, Thorne, Tuell, Underwood, Wadsworth, Warren, White.

ABSENT - Arata, Bradstreet, Cebra, Grignon, Haggan, Javner, Martin.

Yes, 77; No, 67; Absent, 7; Excused, 0.

77 having voted in the affirmative and 67 voted in the negative, with 7 being absent, and accordingly the Majority **Ought to Pass as Amended Report was ACCEPTED.**

The Bill was **READ ONCE. Committee Amendment "A" (H-292) was READ** by the Clerk and **ADOPTED.**

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

Under further suspension of the rules the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (H-292)** and sent for concurrence.

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

REPORTS OF COMMITTEE
Divided Reports

Majority Report of the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** reporting **Ought Not to Pass** on Bill "An Act To Strengthen Laws Protecting Members of Law Enforcement and Promote In-classroom Drug Use Avoidance Education"

(S.P. 472) (L.D. 1422)

Signed:

Senators:

DESCHAMBAULT of York
LAWRENCE of York

Representatives:

WARREN of Hallowell
LOOKNER of Portland
MORALES of South Portland
NEWMAN of Belgrade
PLUECKER of Warren
RECKITT of South Portland
RUDNICKI of Fairfield
SHARPE of Durham

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (S-219)** on same Bill.

Signed:

Senator:

CYRWAY of Kennebec

Representatives:

COSTAIN of Plymouth
PICKETT of Dixfield

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

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

Majority Report of the Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-211)** on Resolve, Directing the Department of Education To Implement Diversity, Equity and Inclusion Training for Educators

(S.P. 247) (L.D. 633)

Signed:

Senators:

RAFFERTY of York
DAUGHTRY of Cumberland

WOODSOME of York

Representatives:

BRENNAN of Portland
CROCKETT of Portland
DODGE of Belfast
LYMAN of Livermore Falls
McCREA of Fort Fairfield
MILLETT of Cape Elizabeth
ROCHE of Wells
SALISBURY of Westbrook
STEARNS of Guilford

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

Signed:

Representative:

SAMPSON of Alfred

Came from the Senate with the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-211)**.

READ.

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

The Resolve was **READ ONCE**. **Committee Amendment "A" (S-211)** was **READ** by the Clerk and **ADOPTED**.

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

Under further suspension of the rules the Resolve was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (S-211)** in concurrence.

Majority Report of the Committee on **LABOR AND HOUSING** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-215)** on Bill "An Act To Improve Public Sector Labor Relations by Amending the Laws Governing Arbitration under Certain Public Employees Labor Relations Laws"

(S.P. 264) (L.D. 677)

Signed:

Senators:

HICKMAN of Kennebec
MIRAMANT of Knox

Representatives:

SYLVESTER of Portland
CUDDY of Winterport
GERE of Kennebunkport
PEBORTH of Blue Hill
ROEDER of Bangor
WARREN of Scarborough

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

Signed:

Senator:

GUERIN of Penobscot

Representatives:

BRADSTREET of Vassalboro
DRINKWATER of Milford

MORRIS of Turner
PRESCOTT of Waterboro

Signed:
Senators:
DILL of Penobscot
BLACK of Franklin

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-215)**.

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

On further motion of the same Representative, **TABLED** pending his motion to **ACCEPT** the Majority **Ought to Pass as Amended** Report and later today assigned.

Representatives:
BERNARD of Caribou
GIFFORD of Lincoln
HALL of Wilton
LANDRY of Farmington
McCREA of Fort Fairfield
SKOLFIELD of Weld
UNDERWOOD of Presque Isle

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

Signed:
Senator:
MAXMIN of Lincoln

Majority Report of the Committee on **STATE AND LOCAL GOVERNMENT** reporting **Ought Not to Pass** on Bill "An Act To Create Greater Accountability in the Office of County Sheriff" (S.P. 163) (L.D. 375)

Representatives:
O'NEIL of Saco
OSHER of Orono
PLUECKER of Warren

Signed:
Senators:
CLAXTON of Androscoggin
ROSEN of Hancock

Representatives:
MATLACK of St. George
BRYANT of Windham
DOORE of Augusta
DOWNES of Bucksport
GREENWOOD of Wales
HEAD of Bethel
PAULHUS of Bath
RISEMAN of Harrison
TUELL of East Machias

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (S-175)** on same Bill.

Signed:
Senator:
BALDACCI of Penobscot

Representative:
COPELAND of Saco

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

READ.
On motion of Representative MATLACK of St. George, the Majority **Ought Not to Pass** Report was **ACCEPTED** in concurrence.

READ.
Representative O'NEIL of Saco moved that the House **ACCEPT** the Minority **Ought Not to Pass** Report.

Representative HALL of Wilton **REQUESTED** a roll call on the motion to **ACCEPT** the Minority **Ought Not to Pass** Report. More than one-fifth of the members present expressed a desire for a roll call which was ordered.

Representative KINNEY of Knox **REQUESTED** that the Clerk **READ** the Committee Report.

The Clerk **READ** the Committee Report in its entirety. The **SPEAKER**: The Chair recognizes the Representative from Weld, Representative Skolfield.

Representative **SKOLFIELD**: Thank you, Mr. Speaker, Ladies and Gentlemen of the House. For the last decade or so, the folks of the Bureau of Parks and Lands who have traditionally been enforcement people have been declined that power, that authority. As people have retired over the last decade or so, they have not been replaced with those who are authorized to enforce park rules and regulations. The current bureau directors have decided to fall back on a policy that was initiated about a decade ago and this would clarify their ability to designate people. And I'd like to point out, Mr. Speaker, that a number of the people in the field have this as part of their task and job statements. They are required to do things and they have received recently, thanks to this Body, some modicum of training in order to do those things, but the bureau needs to understand that these folks need help. And, if you would allow me, Mr. Speaker, I have a couple of paragraphs from some testimony that reflects quite accurately the feeling of the people in the field. This individual said I've worked for the Maine Bureau of Parks and Lands for the last 23 years and I've served as a supervisor, a Park Ranger and in other various capacities. State Park staff deal with thousands of visitors daily. The reality of having a high volume of interactions with the public is that there are some interactions that are not positive. When I've had to speak with park visitors because I witnessed a rule or law violation or was following up on a complaint, I employed the techniques of educate and inform, which is what they should do, turning the enforcement action into a teachable moment for the visitor. I've enforced park rules during a lot of my interactions.

Majority Report of the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-518)** on Bill "An Act To Clarify the Law Enforcement Powers of the Bureau of Parks and Lands"

(H.P. 484) (L.D. 657)

These were rarely documented as incidents because it went well. However, every interaction has the potential to escalate. I often tell Rangers in training that the public brings their personal lives and their personal problems along with them when they come into a park and you don't know that person's story when you interact with them. During my time in Parks, I've responded to domestic disputes, assaults, fights, brawls, including weapons, motor vehicle accidents, watercraft accidents, cardiac events, traumatic injuries, drug overdoses, reports of lost child and elder abuse, poaching, theft, vandalism, missing persons, drunk and disorderly conduct, psychotic episodes and public sexual acts. On multiple occasions, I and my staff have enforced rule violations and evictions only to find out that individuals were wanted on felony charges or were out on bail for charges that included assault. As law enforcement officers, Park Rangers and managers should have the ability to request identification, run criminal history checks and have the knowledge to do their job safely and properly. During the course of my work as a park manager, I have needed to direct traffic, occasionally request identification from individuals and I've asked people to stay put when I suspected they had knowledge or involvement of an incident within the park. Without a law enforcement designation, I did not have the full authority to stand in the road, control vehicles, nor were the public required to and present identification to me or to remain in the area on my request. In fact, Mr. Speaker, anyone could walk away with no repercussions.

We have an expression in Parks, says this individual, we have an expression in Parks that comes from the fact that our uniform shirts are gray and we wear a badge. We say that we live in the gray zone. We are or are we not enforcement? We are trying to do a job that we really are given certification and protections to perform. This is a perception by the public that we are law enforcement officers and we should act accordingly. We do not act and when we do not act, we should be given the training and certification commensurate with the job that we do. And this individual goes on to say that he's been part of the law enforcement training within the bureau for a number of years and I can only say, Mr. Speaker, that if we give these people the authority we ask them in their task statements and their performance standards to perform a certain job, they should be given the authority to do it. So, Mr. Speaker, I oppose the current motion and ask you to vote this measure down. Thank you very much.

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

Representative **TUELL**: Thank you, Mr. Speaker. I also rise in opposition to the pending motion and to support my good friend from Weld. Several years ago, when I was trying to get legislation passed to armor Forest Rangers, which I will, for the record right now, state, are different from Park Rangers. The Representative from Weld and I had long conversations about the park services and the stress and strain that they were under and all of the things that they see during the summer months, well, year-round, actually. And through the course of those conversations, it came to light that this time of year, in particular, some of our campgrounds and campsites are just like municipalities and you've got a limited number of people being asked to do a lot of law enforcement things that otherwise would be covered in our municipalities and counties. I can imagine that's only gotten worse with the pandemic, as more people have taken it outdoors, so to speak. So, with that, I think it's important that we oppose the pending motion and listen to our state employees and listen to veterans of the park services, like the Representative from Weld, and others who care deeply

about our conservation law community, as I do, as I know many in this Body do, and have shown throughout the years of doing. So, I would encourage you all to vote down the pending motion and move on to another. Thank you.

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

Representative **O'NEIL**: Thank you, Mr. Speaker. Mr. Speaker, I hate to be on the opposite side of an issue from my good friend from Weld. Some things that I want to share about this process. First was that staff was divided on this topic. You have a lot of folks that say that if we moved in this direction, they wouldn't want to do this job anymore. I wouldn't have wanted to do this job and work for the state park system if I would've had to be a law enforcement officer. I liked being outside, I would wear a pair of Carhartt shorts and a t-shirt and talk to people and do projects and I really, really liked that job. The department can already do this, and they do, in specific circumstances, when it's needed, at their discretion. During the, you know, during the public hearing and work session process, I didn't hear a clear need articulated and so, I requested a more methodical process that would formally survey parks, that would see who is a certain distance from a call to a law enforcement officer, and really just go through the incident reports and assess what the need is by talking to staff. Because I do want to support our staff in what they're interested in. But the gist of it is that DACF hasn't done this for 10 years, they could do it if they wanted to, but they haven't. We already can do this and the department hasn't felt it was needed and I really do think this is a recruitment and retention issue. So, thank you, Mr. Speaker.

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. 223

YEA - Arford, Babbidge, Bailey, Bell, Berry, Blume, Brennan, Brooks, Bryant, Caiazzo, Cloutier, Copeland, Crafts, Craven, Cuddy, Dodge, Doore, Doudera, Evangelos, Evans, Fay, Geiger, Gere, Gramlich, Grohoski, Harnett, Hasenfus, Hepler, Hymanson, Kessler, Lookner, Madigan, Mathieson, Matlack, McCrea, McCreight, McDonald, Melaragno, Meyer, Millett, Morales, Moriarty, O'Connell, O'Neil, Osher, Paulhus, Pebworth, Perry, Pierce, Pluecker, Reckitt, Rielly, Riseman, Roberts, Roeder, Sachs, Salisbury, Sharpe, Sheehan, Stover, Supica, Sylvester, Talbot Ross, Tepler, Terry, Tucker, Warren C, Warren S, White, Williams, Wood, Zager, Zeigler, Mr. Speaker.

NAY - Alley, Andrews, Austin, Bernard, Bickford, Blier, Cardone, Carlow, Carmichael, Collamore, Collings, Connor, Corey, Costain, Dillingham, Dolloff, Downes, Drinkwater, Ducharme, Dunphy, Faulkingham, Fecteau, Foster, Gifford, Greenwood, Griffin, Hall, Hanley, Harrington, Head, Hutchins, Johansen, Kinney, Kryzak, Landry, Lemelin, Libby, Lyford, Lyman, Martin J, Martin R, Mason, Millett, Morris, Nadeau, Newman, O'Connor, Ordway, Parry, Perkins, Perry, Pickett, Poirier, Prescott, Quint, Roche, Rudnicki, Sampson, Skolfield, Stanley, Stearns, Stetkis, Theriault, Thorne, Tuell, Tuttle, Underwood, Wadsworth, White.

ABSENT - Arata, Bradstreet, Cebra, Crockett, Grignon, Haggan, Javner, Martin.

Yes, 74; No, 69; Absent, 8; Excused, 0.

74 having voted in the affirmative and 69 voted in the negative, with 8 being absent, and accordingly the Minority **Ought Not to Pass** Report was **ACCEPTED** and sent for concurrence.

Majority Report of the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** reporting **Ought Not to Pass** on Bill "An Act To Establish the Maine Forest Advisory Board"

(H.P. 1154) (L.D. 1549)

Signed:

Senator:

BLACK of Franklin

Representatives:

BERNARD of Caribou

GIFFORD of Lincoln

HALL of Wilton

LANDRY of Farmington

SKOLFIELD of Weld

UNDERWOOD of Presque Isle

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-519)** on same Bill.

Signed:

Senators:

DILL of Penobscot

MAXMIN of Lincoln

Representatives:

O'NEIL of Saco

McCREA of Fort Fairfield

OSHER of Orono

PLUECKER of Warren

READ.

Representative O'NEIL of Saco moved that the House **ACCEPT** the Minority **Ought to Pass as Amended** Report.

Representative HALL of Wilton **REQUESTED** a roll call on the motion to **ACCEPT** the Minority **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 Wilton, Representative Hall.

Representative **HALL**: Mr. Speaker and Ladies and Gentlemen of the House, this bill will require establishing a new board of 18 people, an advisory board. The bill is not needed because it's only an advisory board that is aimed to micromanage the bureau that is already in place and is doing the job that the Agriculture, Conservation, and Forestry Department is directing them to do. Please follow my light and oppose this motion.

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

Representative **O'NEIL**: Thank you, Mr. Speaker. Mr. Speaker, this session our committee has spent hours facilitating public conversations that balance different points of view on issues concerning forestry. The many voices that we have heard reflect the fact that Maine forests are a vitally important resource and play many roles. Our forests support Maine's 8.5 billion forest products industry, they clean our air and our water, and they absorb 60% of Maine's annual greenhouse gas emissions and provide vital habitat for plants and animals. Our forest provides critical biodiversity and resilience in the face of climate change.

Maine forest is certainly of statewide and perhaps global importance. Its health and its future are integral to the wellbeing of Maine's people, wildlife, communities and economy. Maine forests are the heart of the largest, most intact temperate forests in North America. Its complex topography makes it especially resilient and its intact character makes it a critical ecological link in the region. Yet Maine forests face serious threats ranging from competition and changing markets for forest products to conversion of land uses to threats posed by insects and disease. Maine loses an estimated 10,000 acres of forest per year. If we want to retain the forest that defines and sustains us, we must act. That's why a diverse group of stakeholders expressed support for this concept, including Senators Jackson, Hickman, Bennett, and organizations --

The **SPEAKER**: The Member will defer. The Chair will remind the Member that you cannot refer to support or the motives of other members from the other Body.

The Chair advised Representative O'NEIL of Saco that it is inappropriate to refer to the potential action of the office of the executive or the other Body in order to influence the vote of the House.

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

Representative **O'NEIL**: Thank you, Mr. Speaker. And organizations ranging from Unlimited to AMC and NRCM. LD 1549 would create a public forum for diverse perspectives to be heard and to participate in the shaping of forest policy to ensure future forest health and the health of the many people and businesses who rely on it. The Maine Forest Advisory Board would be made up of stakeholder members, including those who derive their living from the forest, commercial and nonprofit landowners, professional logging contractors, small woodland owners, a Wabanaki member, biologists and ecologists. These members would also be joined by nonvoting representatives of state agencies.

Following stakeholder conversations, I proposed an amendment to take in what I heard from small woodland owners and from professional logging contractors. This idea is similar to other advisory committees that are created to ensure that multiple voices are engaged in the development of state-level policy, particular areas that engender strongly-held positions. It would create formal and open public meetings with agenda items and the opportunity for the public to listen and engage. Examples of other advisory committees in Maine state government include the Marine Resources Advisory Council, IF&W Wildlife Advisory Council, which would have a little more power than what I'm proposing here, and the Right to Know advisory committee. Fifteen states have similar forest advisory boards, including here in New England; Vermont, Connecticut and New Hampshire. Maine, the most forested state in the nation, should join their ranks to further promote public participation and stakeholder input to further promote the sustainable use and protection of Maine forests. Thank you, Mr. Speaker.

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

Representative **UNDERWOOD**: Thank you, Mr. Speaker and Ladies and Gentlemen of the 130th Legislature. The Department of Agriculture, Conservation and Forestry did not ask to be regulated. Vote this amendment before us down. Thank you, Mr. Speaker.

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

ROLL CALL NO. 224

YEA - Alley, Arford, Babbidge, Bailey, Bell, Berry, Blume, Brennan, Brooks, Bryant, Caiazza, Cloutier, Collings, Copeland, Crafts, Craven, Crockett, Cuddy, Dodge, Doore, Doudera, Evangelos, Evans, Geiger, Gere, Gramlich, Grohoski, Harnett, Hasenfus, Kessler, Lookner, Madigan, Mathieson, Matlack, McCrea, Melaragno, Meyer, Millett, Morales, Moriarty, O'Neil, Osher, Paulhus, Pebworth, Perry A, Perry J, Pierce, Pluecker, Reckitt, Rielly, Riseman, Roeder, Sachs, Salisbury, Sharpe, Sheehan, Stover, Supica, Sylvester, Talbot Ross, Tepler, Terry, Tuttle, Warren C, Warren S, White, Williams, Wood, Zager, Mr. Speaker.

NAY - Andrews, Austin, Bernard, Bickford, Blier, Cardone, Carlow, Carmichael, Collamore, Connor, Corey, Costain, Dillingham, Dolloff, Downes, Drinkwater, Ducharme, Dunphy, Faulkingham, Fay, Fecteau, Foster, Gifford, Greenwood, Griffin, Hall, Hanley, Harrington, Head, Hepler, Hutchins, Hymanson, Johansen, Kinney, Kryzak, Landry, Lemelin, Libby, Lyford, Lyman, Martin J, Martin R, Mason, McCreight, McDonald, Millett, Morris, Nadeau, Newman, O'Connor, Ordway, Parry, Perkins, Pickett, Poirier, Prescott, Roberts, Roche, Rudnicki, Sampson, Skolfield, Stanley, Stearns, Stetkis, Theriault, Thorne, Tucker, Tuell, Underwood, Wadsworth, White, Zeigler.

ABSENT - Arata, Bradstreet, Cebra, Grignon, Haggan, Javner, Martin, O'Connell, Quint.

Yes, 70; No, 72; Absent, 9; Excused, 0.

70 having voted in the affirmative and 72 voted in the negative, with 9 being absent, and accordingly the **Minority Ought to Pass as Amended Report was NOT ACCEPTED.**

Subsequently, on motion of Representative O'NEIL of Saco, the Majority **Ought Not to Pass Report was ACCEPTED** and sent for concurrence.

Majority Report of the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** reporting **Ought Not to Pass** on Bill "An Act To Establish A Maine Pesticide Sales and Use Registry"

(H.P. 1188) (L.D. 1599)

Signed:
Senators:

DILL of Penobscot
BLACK of Franklin

Representatives:

BERNARD of Caribou
GIFFORD of Lincoln
HALL of Wilton
LANDRY of Farmington
SKOLFIELD of Weld
UNDERWOOD of Presque Isle

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-521)** on same Bill.

Signed:
Senator:

MAXMIN of Lincoln

Representatives:

O'NEIL of Saco
McCREA of Fort Fairfield
OSHER of Orono
PLUECKER of Warren

READ.

On motion of Representative O'NEIL of Saco, **TABLED** pending **ACCEPTANCE** of either Report and later today assigned.

Majority Report of the Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-504)** on Bill "An Act To Ensure Student Success"

(H.P. 176) (L.D. 255)

Signed:
Senators:

RAFFERTY of York
DAUGHTRY of Cumberland
WOODSOME of York

Representatives:

BRENNAN of Portland
CROCKETT of Portland
DODGE of Belfast
LYMAN of Livermore Falls
McCREA of Fort Fairfield
MILLETT of Cape Elizabeth
ROCHE of Wells
SALISBURY of Westbrook
STEARNS of Guilford

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

Signed:
Representative:

SAMPSON of Alfred

READ.

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

The Bill was **READ ONCE. Committee Amendment "A" (H-504)** was **READ** by the Clerk and **ADOPTED.**

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

Under further suspension of the rules the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (H-504)** and sent for concurrence.

Majority Report of the Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-506)** on Bill "An Act To Improve Operations at the Department of Education"

(H.P. 270) (L.D. 386)

Signed:
Senators:

RAFFERTY of York
DAUGHTRY of Cumberland
WOODSOME of York

Representatives:

BRENNAN of Portland
CROCKETT of Portland
DODGE of Belfast
McCREA of Fort Fairfield
MILLETT of Cape Elizabeth
SALISBURY of Westbrook

STEARNS of Guilford

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

Signed:

Representatives:

- LYMAN of Livermore Falls
- ROCHE of Wells
- SAMPSON of Alfred

READ.

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

The Bill was **READ ONCE**. **Committee Amendment "A" (H-506)** was **READ** by the Clerk and **ADOPTED**.

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

Under further suspension of the rules the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (H-506)** and sent for concurrence.

Majority Report of the Committee on **ENERGY, UTILITIES AND TECHNOLOGY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-528)** on Bill "An Act To Promote Oversight of and Competitive Parity among Video Service Providers"

(H.P. 676) (L.D. 920)

Signed:

Senators:

- LAWRENCE of York
- VITELLI of Sagadahoc

Representatives:

- BERRY of Bowdoinham
- CUDDY of Winterport
- GROHOSKI of Ellsworth
- KESSLER of South Portland
- WOOD of Portland
- ZEIGLER of Montville

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

Signed:

Senator:

- STEWART of Aroostook

Representatives:

- CARLOW of Buxton
- FOSTER of Dexter
- WADSWORTH of Hiram

READ.

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

On further motion of the same Representative, **TABLED** pending his motion to **ACCEPT** the Majority **Ought to Pass as Amended** Report and later today assigned.

Majority Report of the Committee on **ENERGY, UTILITIES AND TECHNOLOGY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-509)** on Bill "An Act To Allow a Customer with a Net Energy Billing Arrangement To Annually Donate Any Unused Kilowatt-hour Credits"

(H.P. 763) (L.D. 1025)

Signed:

Senator:

- VITELLI of Sagadahoc

Representatives:

- BERRY of Bowdoinham
- CUDDY of Winterport
- GROHOSKI of Ellsworth
- KESSLER of South Portland
- WOOD of Portland
- ZEIGLER of Montville

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

Signed:

Senator:

- STEWART of Aroostook

Representatives:

- CARLOW of Buxton
- FOSTER of Dexter
- WADSWORTH of Hiram

READ.

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

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

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

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

Representative **FOSTER**: Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Currently, net energy billing customers can designate their credits that are left over to go to another customer's account, even multiple accounts. This could be changed each month. Any unused credits expire after 12 months on a rolling basis. So, in other words, not by a calendar year, but if you had a credit and it's left over, say, from June, the following June, that would expire if not used or if it didn't go to another customer's account that you had designated. During the hearings on this bill, both the consumer-owned utilities and the investor-owned utilities expressed concerns about managing an already complex system with this additional language. It will likely add administrative costs which will be passed on to all ratepayers. In the Public Utility Commission's neither for nor against testimony at the hearing, they also made that point. They also raised concerns about how this bill might cause conflicts in the wholesale retail energy supply markets. This bill is not needed and I ask that you follow my light. Thank you, Mr. Speaker.

The **SPEAKER**: The Chair recognizes the Representative from Bowdoinham, Representative Berry.

Representative **BERRY**: Thank you, Mr. Speaker. Mr. Speaker and Men and Women of the House, I do always appreciate the perspective of the Good Representative from Dexter and his concern about cost. He's been an incredible

member of our committee and I think his comments today reflect that yet again. We did, Mr. Speaker, hear the concerns that were expressed and simplified the bill significantly in an amendment that will be coming before us shortly if the current motion passes. 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. 225

YEA - Alley, Arford, Babbidge, Bailey, Bell, Berry, Blume, Brennan, Brooks, Bryant, Caiazzo, Cardone, Cloutier, Collings, Copeland, Corey, Crafts, Craven, Crockett, Cuddy, Dodge, Doore, Doudera, Dunphy, Evangelos, Evans, Fay, Geiger, Gere, Gramlich, Grohoski, Harnett, Hasenus, Hepler, Hymanson, Kessler, Landry, Lookner, Madigan, Martin J, Martin R, Mathieson, Matlack, McCrea, McCreight, McDonald, Melaragno, Meyer, Millett, Morales, Moriarty, O'Neil, Osher, Paulhus, Pebworth, Perry A, Perry J, Pierce, Pluecker, Reckitt, Rielly, Riseman, Roberts, Roeder, Sachs, Salisbury, Sharpe, Sheehan, Stover, Supica, Sylvester, Talbot Ross, Tepler, Terry, Tucker, Tuttle, Warren C, Warren S, White, Williams, Wood, Zager, Zeigler, Mr. Speaker.

NAY - Andrews, Austin, Bernard, Bickford, Blier, Carlow, Carmichael, Collamore, Connor, Costain, Dillingham, Dolloff, Downes, Drinkwater, Ducharme, Faulkingham, Fecteau, Foster, Gifford, Greenwood, Griffin, Hall, Hanley, Harrington, Head, Hutchins, Johansen, Kinney, Kryzak, Lemelin, Libby, Lyford, Lyman, Mason, Millett, Morris, Nadeau, Newman, O'Connor, Ordway, Parry, Perkins, Pickett, Poirier, Prescott, Quint, Roche, Rudnicki, Sampson, Skolfield, Stanley, Stearns, Stetkis, Theriault, Thorne, Tuell, Underwood, Wadsworth, White.

ABSENT - Arata, Bradstreet, Cebra, Grignon, Haggan, Javner, Martin, O'Connell.

Yes, 84; No, 59; Absent, 8; Excused, 0.

84 having voted in the affirmative and 59 voted in the negative, with 8 being absent, and accordingly the Majority **Ought to Pass as Amended** Report was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (H-509)** was **READ** by the Clerk and **ADOPTED**.

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

Under further suspension of the rules the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (H-509)** and sent for concurrence.

Majority Report of the Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought Not to Pass** on Bill "An Act To Ensure Parents' Access to Their Minor and Adult Children with Special Needs" (EMERGENCY)

(H.P. 739) (L.D. 1001)

Signed:
Senators:

CLAXTON of Androscoggin
BALDACCI of Penobscot

Representatives:

MEYER of Eliot
CRAVEN of Lewiston
MADIGAN of Waterville
MELARAGNO of Auburn
PERRY of Calais
STOVER of Boothbay

ZAGER of Portland

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-529)** on same Bill.

Signed:
Senator:

MOORE of Washington

Representatives:

CONNOR of Lewiston
GRIFFIN of Levant
JAVNER of Chester

READ.

Representative MEYER of Eliot moved that the House **ACCEPT** the Majority **Ought Not to Pass** Report.

Representative DILLINGHAM of Oxford **REQUESTED** a roll call on the motion to **ACCEPT** the 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 Chelsea, Representative Lemelin.

Representative **LEMELIN**: Thank you, Mr. Speaker. I'm hitting this like 50 times and for some reason this is the first time it's allowed me to speak, so, I think it's; should I just stand up the next time it doesn't work for me, sir?

The SPEAKER: The Chair would answer in the affirmative. The member may proceed.

Representative **LEMELIN**: Thank you. Mr. Speaker, it's going to be a little difficult for me to talk about this because it's such a serious thing and it affects my own life, but I'm going to give it my best shot. I developed this bill because last November, I witnessed on the local news a mom, Millie Coombs. She brought her daughter, Nikki, to the hospital, who has severe disabilities and is nonverbal. And because of COVID, she was told that she could not stay with her child. Her child is an adult child, 36 years old, and for 36 years her or her husband never left the side of the child any time they went to the hospital, which was hundreds of times. I can relate to this because I've gone through the same thing. In the first two years of my son's life, he had 18 operations and no matter what, I never left his side. The reason I never left his side is because he can't communicate. Because you could see the fear in his eyes if somebody wasn't there just to hold his hand. He needed to feel that love, he needed to feel safe. I cannot imagine what this woman went through all because of COVID. And as I've told this Body in the past, Mr. Speaker, it's not COVID that's the culprit, it's how we're dealing with COVID. This is the year 2020 and 2021. By now, we should know how to deal with COVID and we should be able to handle this situation.

Millie's daughter, just like my son, she was scared. She was frightened. She can't hit the call button, she can't tell anybody if she's in pain, she can't tell anybody anything and the doctors and the nurses have to guess. Why should they have to guess? Why should a child of any age have to sit in a hospital by themselves in fear? Why?

Mr. Speaker, and I said this before and I'll say it again, this is commonsense, if a nurse or a doctor can be in the room safely, then they can prepare a parent in an extreme condition like this to be safe with their child. The hospitals justified their action because they feel that it's a safety issue and that they

must follow certain unsubstantiated safety protocols set by Medicare, etcetera, which is not true.

Remember, Mr. Speaker, that the CDC said that 99.986% of anyone under 70 unless they have a condition; have only had mild-to-moderate reactions to the COVID virus. So, why would we stop a parent from being with these little children? Why? I cannot send my child to the hospital right now. No matter what happens, he's not going to the hospital. The hospital is going to have to come to my house because my house is safe. My house, you don't have to worry about all these extreme measures. My kid's not going to the hospital because I'm not going to leave him there because what's going to happen is if you try to do something to my son and he doesn't think he's safe, he's going to do what's normal, he's going to fight you because he doesn't know what you're doing or why you're doing it to him. And they're going to have to restrain my son. There is no way, Mr. Speaker, that somebody is going to restrain my son when there's no need for it. My son is the sweetest, kindest little boy you'll ever meet. To have him restrained because they won't let me in the hospital. This is beyond understanding. Imagine, okay, the Good Representative, I think from Readfield, and if I'm wrong, I apologize, he said there's nothing worse than seeing your child seriously hurt. Mr. Speaker, I'd like to correct the gentleman. There is one thing worse, and that's seeing your son or child seriously hurt, brought to the hospital and then you've got to leave him there. You have to abandon him. You have to look into their eyes and see the fear in their eyes as you walk away, abandoning your child because in the year 2021 doctors and nurses can't follow safety protocols and have you be in the room? I don't get it.

The Representative from Portland said he took an oath to prevent pain. I would like somebody here to tell me what greater pain is there than the pain of the heart when you're leaving your precious gem of a child in a hospital by themselves? It's inhuman. Mr. Speaker, the ADA and several other organizations, including hospitals, have testified that there are protocols in place. That's true, there are protocols in place. Millie Coombs tried them all. The ADA failed. She was still not able to see her child. They provided her with an attorney, the attorney talked to the hospital, that's it, done. The hospital says oh, we have protocols. Millie Coombs still couldn't see her child. So, are there really protocols in place, Mr. Speaker? The answer is no. Because if they fail over and over and over again, those aren't protocols. And, lastly, Mr. Speaker, well, two things, no, just one. Mr. Speaker, this bill is a test. Jesus is watching and this bill is a test to see who exactly has love in their hearts. Thank you, Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Penobscot, Representative Hutchins.

Representative **HUTCHINS**: Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I know exactly where the Good Representative is coming from. I had an older sister that was a special needs child that couldn't be left alone, a love of a person. And because of that, when she did have to go to a hospital, somebody had to be with her. She was very healthy most all of her life and so never had to go much, so, that was very fortunate. But the rest of us cannot be so afraid of dying that we let the rest of us stop living. And that's what's been going on, I think, for the past year. And it was understandable for a month or two because we really were terrified with this COVID and didn't know what was coming, but for quite a few months now, we've had a pretty good handle on it and we've come to discover that doctors and nurses go in and work on patients and they come back out and do the rest of their life's work. And, so, loved ones can go in and should be able to go in. I went home

the other night after our last vote on a similar bill and found out that one of my cousins, a twin, she is, was in the hospital with cancer and her twin sister can't go in and visit her. They've been together for about 65 years because they're both old maids; is it still okay to say that? I'm not sure it is, but they wouldn't mind a bit. But I don't believe they've ever been apart a day in their life. Again, you know, not being able to go in and visit, that's difficult. We need to correct this. Thank you.

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

Representative **POIRIER**: Thank you, Mr. Speaker. I rise in opposition to the pending motion and in complete support and agreement with the Good Representative from Chelsea.

I rise because my day job is actually coordinating services for adults with intellectual disabilities, so, this does directly impact the people that I work with on a daily basis. Some of the concerns that I have are people that I work with, some of which whom are deaf, have moderate-to-severe intellectual disabilities, autism who could be nonverbal. Some of the instances that would come to my mind that could cause them harm in a hospital are the inability to communicate with physicians and nursing staff as far as pain levels and what's actually going on without having a guardian or parent there with them who is the person that is with them 24/7 and knows how they communicate; how will that physician know how to treat them appropriately? Those are major concerns that this bill would help alleviate. So, I would definitely hope that people would consider that when they cast their vote. Thank you.

The SPEAKER: The Chair recognizes the Representative from Pittston, Representative Hanley.

Representative **HANLEY**: Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I can relate to this because 20 years ago I had a grandson born with double cleft palate. And I can't count the number of times I took him to the Children's Hospital in Boston. And I could not imagine leaving that child there with the surgeries he had to go through at the age that he had to suffer through this. So, he and one of his parents and I would take him to these hospital visits and operations. I can't imagine the terror and fear of a child, a baby, waking up from anesthesia and held down by all the things they had to do to protect his face from any damage but not having someone he knew and loved there with him. This is a test. Thank you, Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Stonington, Representative McDonald.

Representative **McDONALD**: Mr. Speaker, permission to address a question through the Chair.

The SPEAKER: The member may proceed.

Representative **McDONALD**: Thank you. I have a question I genuinely do not know the answer to but we have numerous members of the medical community in this Body. If a parent or a guardian followed the COVID protocols, were they permitted to stay with their child, their special needs child when they were hospitalized?

The SPEAKER: The Representative from Stonington, Representative McDonald has posed a question to any member who may care to respond. The Chair recognizes the Representative from Hodgdon, Representative Quint.

Representative **QUINT**: I'm sorry, Mr. Speaker. I didn't hear the end of the question. Can you repeat it for me, please?

The SPEAKER: Will the Member please pose her question again?

Representative **McDONALD**: Thank you. So, my question was during the COVID pandemic, if a parent or

guardian abided by the COVID protocols, were they permitted to stay with their special needs child in the event they were hospitalized or for a doctor's appointment, so on and so forth?

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

Representative **QUINT**: For my knowledge, the answer to that is no.

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

Representative **COLLAMORE**: Thank you, Mr. Speaker. I am not a medical professional, but as a parent with a special needs child, I can affirmatively say that that answer is no. I had to cancel multiple doctor's appointments because I was unable to be in with him and he cannot go by himself.

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

Representative **ROBERTS**: Thank you, Mr. Speaker. In response to the Good Representative from Stonington's question, it may vary from facility to facility, but I was a foster parent during COVID at the time and had a child that was in severe mental health crisis. I was able to, following all protocol, accompany her to the residential unit, get her settled in there, and then visit her on the weekends, socially distanced, with PPE.

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

Representative **ZAGER**: Thank you, Mr. Speaker. In response to the question that was posed to any Member of House, I would say that, a couple of thoughts. One, is that, the question was regarding COVID specifically but the bill actually does not limit itself to COVID. I've served with the Representative from Chelsea on the HHS committee and I've met few people in my life who are as devoted and passionate, which I think is a great credit to the Member. Health care professionals are frequently in this State having to weigh, at least, to many and often many difficult things. Weighing an individual's need versus another individual's needs or an individual's versus the public. It's painful. Because agony and pain is part of the human experience. And given that the bill would pertain to anything, any infectious illness, Ebola or something unnamed, and given that we, in this most recent circumstance and in any potential future circumstance, could be flying blind; not knowing what is safe. We've actually been rather lucky in this most recent pandemic that something as simple as a mask affords tremendous protection, not entirely, and neither do the vaccine, but that is my answer to the question that was posed to any Member of the House. Thank you, Mr. Speaker.

The **SPEAKER**: The Chair recognizes the Representative from Eliot, Representative Meyer.

Representative **MEYER**: Thank you, Mr. Speaker. Mr. Speaker, Esteemed Colleagues of the House, over the course of this 15-month-long pandemic, our hospitals and nursing facilities, along with parents and guardians of children and adults with disabilities requiring treatment or care in health care settings have had to develop safe, creative means by which to facilitate communication with, between, and sometimes for parents and patients. Our health care facilities have encouraged the use of virtual Facetime, Zoom, and the like, and phone contact in an effort to minimize the spread of a highly contagious disease with life-threatening consequences. The clear legislative intent of LD 1001, to require in-person visitation in all cases, under all circumstances, places our healthcare facilities, their staff and other patients at risk as well as in the

position of having to choose between violating federal guidance or breaking a state law. Visitation in health care settings during a public health emergency or disease outbreak that risks the health and lives of patient and staff must be thoughtfully and carefully managed to balance exposure to infectious disease with the important role visitors have in supporting patients. National CDC guidance provides an overarching framework for visitor policies that support the safety of staff and patients. The regulations are rigorous to protect patients but also recognize the need to allow compassionate care visits and visits under the Disability Rights Law. Our hospitals, nursing facilities and other health care settings, consider on a case-by-case basis, these difficult situations involving pediatric and disabled patients for whom a visit to the hospital is often difficult and frightening. I ask you to support Maine's health care facilities, the science used to keep all Mainers safe under all circumstance and the Ought Not to Pass motion. Thank you.

The **SPEAKER**: The Chair recognizes the Representative from Auburn, Representative Bickford.

Representative **BICKFORD**: Thank you, Mr. Speaker, may I pose a question through the Chair?

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

Representative **BICKFORD**: Do health care professionals wearing the proper PPE along with the parent of a child wearing the same PPE; do those health care professionals have some sort of superman immune system that is different than the parent? Can someone please explain that?

The **SPEAKER**: The Representative from Auburn, Representative Bickford has posed a question to any member who may care to respond. The Chair recognizes the Representative from Auburn, Representative Libby.

Representative **LIBBY**: Thank you, Mr. Speaker. I would also like to pose a question through the Chair.

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

Representative **LIBBY**: Thank you. In my 15 years at the bedside as a nurse, I can only recall a very small handful of cases that would fit this very narrow definition. I would like to read it; a person with intellectual disability or autism who is unable to communicate with anyone other than a family member or guardian. That is a very, extremely narrow category, so, my question would be can anyone answer me the percentage of patients that come in and out of our health care facilities that would fit that very precise description.

The **SPEAKER**: The Representative from Auburn, Representative Libby has posed a question to any member who may care to respond. The Chair recognizes the Representative from Carmel, Representative Thorne.

Representative **THORNE**: Thank you, Mr. Speaker. In Judiciary Committee, I let my colleagues know I'm not a lawyer, so, my questions will tend not to be as technical. And I stand in opposition of this bill. I'm not a medical professional, I don't question my colleagues that are medical professionals. However, in light of a lot of what we're seeing evidence come out now from some in the CDC, their view and stance on these are different. There are variables from within the protection criteria. If cloth masks were the absolute, these would not be authorized by the CDC. So, there are variables of what one person says is safe to wear and the other one is saying more effective to wear, but either way, they're both acceptable.

As my colleague from Hodgdon said, if somebody comes in and nurses are able to come and go, certainly a parent with a special needs child should be able to come and go as the medical professionals are able to come and go, spend time with their family, go shop, come back to the office, work with patients

and leave and do the same thing over and over again, day after day. So, this isn't about medical procedures, it just has to do within some cases, some special needs people. I was in the Air Force for 21 years. There was always a waiver for every rule. There was always an exception to policy. We here in the chamber have our rules. Occasionally, the Good Speaker will suspend the rules and allow us to take off our jackets. It's a rule. Mr. Speaker, you could also suspend the rule on wearing masks if you chose to. It's just another rule. But where it affects these peoples' lives and these special needs children, I urge you and beg you to vote no on this pending measure to help these poor people who need a little extra help in their life. Thank you, Mr. Speaker.

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

Representative **FOSTER**: Thank you, Mr. Speaker, Ladies and Gentlemen of the House. As was said by the Good Representative earlier that we need to help our medical professionals, by not passing this bill, I would recommend that we can help them by passing it. My wife, also a registered nurse, worked in the area nursing homes training students for CNA licenses and she heard from a lot of the folks that she worked with during the pandemic when they were not allowed to enter the nursing homes that a lot of cases where people were denied access to their loved ones. And it was especially hard on those who had to enforce that, who worked in those nursing homes, who knew the situations personally and who had the training to follow the proper protocols to allow that person to come in and make that visitation. And I would suggest that we can help our medical professionals by passing this bill, giving them the opportunity to, under those circumstances, follow proper protocols, safety measures, and knowing the situation personally, knowing the details of each one, allow those visitations where appropriate. Thank you, Mr. Speaker.

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

Representative **EVANS**: Thank you, Mr. Speaker. I've been listening to the conversations throughout the morning and a lot of these stories are heart wrenching, they're heartbreaking. I understand that. I think that if anyone did not feel the pain that people have, then we have a separate problem altogether. I have been practicing medicine and surgery going on for nearly 40 years and I think we have to keep in mind at this point that the restrictions that are in place are because we are dealing with a novel virus; something that I have never seen in all of my years of practice. When you have situations of infectious diseases of the magnitude that has been expanded around the world, something totally new, you have to adjust your practices based on the science. As time goes by, science learns more, we make policies and we adjust to those situations. Under ordinary circumstances, patients who have disabilities and special needs will be allowed to be accompanied by a family member. Now, even under those circumstances, noninfectious or not, if a patient requires a surgery, as a surgeon, I'm going to allow that family member to accompany that patient as close to the operating room as possible. But there's a certain point beyond that you can't go. And that's not because we're trying to keep you or separate you from a family member. We understand and we will do our very best to take care of your loved person.

I've had the same situations in my household and in my family life. So, we will take that patient or I will take that patient into the operating room. I cannot have you in the operating room. If we're going to do that, then I may as well take off my gown and my gloves and my mask and I operate with my bare

hands. This is a public health issue. It's also an issue of protecting the safety and wellbeing of our fellow citizens. So, although these things have happened to people, I understand it. Everybody in my profession, we understand your concerns, we will always, always try to do the best that we can to protect your families and your loved ones. And I also want to add that it's not as easy as you think for everybody to be gowned and gloved and put in PPE. Things happen so fast. One physician may be taking care of four to six to even 10 patients. You move from one bed to the next bed, something has changed, and it's a critical situation. You don't have the time to address anything else or anybody else except that issue in that moment because the next moment there's something happening in the next bed. Throughout this whole process, we often forget that at least 3600 health care workers have lost their lives because of the pandemic. They've lost their lives to give service and try to protect the rest of us. So, I would ask you, and I would reinforce that I understand where you are coming from. It hurts everybody. It hurts me as a surgeon. I'm not going to go into another issue, but once you've been in those situations, you understand, you never forget and you never take anything for granted. So, I ask you to humbly support the Ought Not to Pass on this regulation. Thank you, Mr. Speaker.

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

Representative **GEIGER**: Thank you, Mr. Speaker. Thank you, Members of this House. This is a heartbreaking discussion. As a mom, as a nurse, I can't imagine anything more terrible than not being able to be with your child when they are ill. I understand completely the agony that people are talking about. And if this bill had a loophole, if it was not so absolute, I would be happy to support it. Because 99% of the time, I absolutely agree that we in the medical field must find a way to allow parents to be with their children. But I think we're forgetting the early days of COVID, when we didn't understand exactly how it spread, when there were high rates of spread among medical personnel, when it was sweeping through nursing homes and hospitals, when medical personnel were dying, when there was a lack of PPE available, when we saw and still see around the world lines of morgue trucks, lines of ambulances waiting to drop off family. We didn't know what we were dealing with. Now, we do. Now, we can make it safe. But this bill presumes that that will always be the case, that we won't have some new virus that shows up. So, as much as I hate to do it, I will vote against this bill because it is too absolute. Bring me back a bill that would allow me to say in another emergency, in another time when we have a virus we have never seen before, we could put different restrictions in place. But there's nothing here. Thank you.

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

Representative **LEMELIN**: Mr. Speaker, thank you for your indulgence in allowing me to speak a second time. I appreciate it. I understand what I've been hearing. The Representative who's a surgeon, I get everything he's been saying and I get the Good Representative that just spoke. But there's a tiny little piece of the puzzle that's missing and I want everybody to have that piece before they make this decision. And that is everything the Good Representative said is 100 percent true. But the situation is this; in the past, when I was with my son, holding his hand, I held his hand all the way as far as I could, just like the Representative said, and they allowed it. And then finally they said okay, it's time. Most of those times when they say it's time, my son's asleep. He no longer needs me, he's asleep and he's in the care of the physician operating.

When it was a minor surgery, though, I was still there. They didn't want me there, but I was still there.

And as far as the pandemic goes, I'll say it again; yes, the pandemic, we didn't know much about it, but we knew enough to protect the health care workers. Now, as far as my life goes, I would rather die of COVID than abandon my child; all day long. It's just like if you're watering the lawn, Mr. Speaker, and you look and your house is on fire and your babies are in there, well, you should follow safety protocol and wait for the firemen to arrive and they'll go in and get your baby. But who's going to do that, Mr. Speaker? Name one person in this chamber that's going to do that. None. They're going to run in and they're going to forget about safety protocols and they're going to go save their child. It's a little different, but it's the same. And, again, Mr. Speaker, if even at the very beginning of COVID, I don't care if they put me in a space suit, I'm safe. As long as I don't have to abandon my child in fear. I'm not sure, Mr. Speaker, why the synapses aren't firing here. Mr. Speaker, this is nonsensical. If one person can be protected, everyone can. And this bill is not as outrageous as people say. It is talking about the nonverbal, special needs people who need someone there, period. So, Mr. Speaker, even though I heard all this testimony, it makes no sense. I respect peoples' opinions but it makes no sense. I'm not talking about opinion; I'm talking about life experiences. And I'm willing to bet you that 99.9% of the people, Mr. Speaker, if they were in my position, and they're not, they would see my light. They would have to. If they don't, then, Mr. Speaker, I'm sorry, I don't mean to be rude, but they can't have a heartbeat.

The SPEAKER: The Chair would remind the Member once again, do not question the motives of other Members of this Body. The Chair advised Representative Lemelin of Chelsea that it is inappropriate to refer to the potential action of the office of the executive or the other Body in order to influence the vote of the House.

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

Representative **WARREN**: Thank you, Mr. Speaker. I rise against this motion and in support of the bill. I have a lot of respect and have been listening closely, it seems like there's very strong views on (INAUDIBLE) I'm not sure have been addressed quite yet or at least from my perspective. I feel there has been mention that we want to protect our different health care systems and, to be frank with you, I can remember some really difficult; many difficult conversations (INAUDIBLE) and then finding out ultimately that their anecdotal evidence was true that Maine Health had been giving their COVID supply in part to their board before their own health care workers and before folks in the public. I feel that when we're here to represent Maine people and to do what's in their best interest and to (INAUDIBLE) systems of the people and in our recovery perhaps trying to learn from this situation to create a better health care system. I think that this is a very difficult and complex issue and how we would go about ensuring it is difficult and in a future novel situation how that would be implemented is certainly difficult, I appreciate that. But I think of this bill sort of; actually, I'm akin to a rebuttal presumption that all else being equal, you assume that a parent or guardian has that right and that you have to work really hard to disprove or (INAUDIBLE) I think it just speaks to where our values at. And, another thing, speaking of those values and what we learned through this pandemic in trying to build better health care system going forward, I have immediate family members, my sister included, who was an essential health care worker through this period of time and I'm so proud of her, she's a hero of mine. I have so much respect. I can't imagine (INAUDIBLE) going through our

health care workers but we do have evidence and it continues to compound that it was line cook workers and other working-class people who experienced the highest rates of mortality and death. It was agricultural workers and other direct service workers. So, I just think that we have to consider who truly suffered in this period of time, who was protected, and understand that these are difficult choices, but to change these paradigms, I think it's these types of bills that (INAUDIBLE) our values and to make them true.

The SPEAKER: The Chair recognizes the Representative from Berwick, Representative O'Connor.

Representative **O'CONNOR**: Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I guess I'm rising in opposition to this motion.

It appears to me that there is often inconsistency in the way that protocol is used. This January, my father had a traumatic brain injury. We didn't think he was going to survive. None of us were allowed to see him in the hospital, at all. Daily phone calls, he became more despondent, and we decided to break him out and bring him home because that particular hospital would not let him, let any of us in to see him, we knew he would die of loneliness and heartbreak because we had abandoned him. He couldn't think. He certainly needed help and he was not getting the love and care that he needed. We brought him home and I had to take him to multiple different appointments at multiple different hospitals and services. When they saw that he was incapacitated and couldn't communicate, I was allowed in at every one of those appointments because those particular hospitals saw the necessity of love and compassion as an avenue to healing. When protocols are inhumane, they should be stopped immediately. Love is a cure.

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

Representative **ROEDER**: Thank you very much, Mr. Speaker. I want to speak a little bit to the Good Representative from Berwick's concerns. I do think that there were some protocol inconsistencies that we could fix. And to concur with the Good Representative from Rockland, bring me a bill that addresses those inconsistencies so that we can fix them. They need to be fixed. I am a mother, and like the Good Representative from Chelsea, I would move heaven and earth for my kid. I don't want to be faced with that choice. I live a couple of blocks away from St. Joseph's Hospital and I remember at the beginning of the pandemic, we were asking hairdressers and tattoo artists to donate their PPE to a hospital that didn't have enough. Back then, I would not have expected to walk into that hospital with my child, even though I would've wanted to, even though I would've torn through bricks with my hands and my teeth to get there. There wasn't enough PPE to keep me safe at that time. However, a few months later, I was asked to accompany a friend of mine who is on the spectrum when he had chest pains to the ER and I was admitted with a mask like this. Because we knew better then. I feel like this bill opens up the possibility for us not to consider the early days of a situation like COVID-19 when we didn't have the PPE, when we weren't able to keep people safe. Bring me a bill that gets rid of that open door and I will support it with my whole heart. Thank you.

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. 226

YEA - Alley, Arford, Babbidge, Bailey, Bell, Berry, Blume, Brennan, Brooks, Bryant, Caiazzo, Cardone, Cloutier, Collings, Copeland, Crafts, Craven, Crockett, Cuddy, Dodge, Doore, Doudera, Dunphy, Evans, Fay, Geiger, Gere, Gramlich, Grohoski, Harnett, Hasenfus, Hepler, Hymanson, Kessler, Landry, Lookner, Madigan, Martin J, Martin R, Mathieson, Matlack, McCreia, McCreight, Melaragno, Meyer, Millett, Morales, Moriarty, O'Neil, Osher, Paulhus, Pebworth, Perry, Pierce, Reckitt, Rielly, Roberts, Roeder, Sachs, Salisbury, Sharpe, Sheehan, Stover, Supica, Sylvester, Talbot Ross, Tepler, Terry, Tucker, Tuttle, Warren, Williams, Wood, Zager, Zeigler, Mr. Speaker.

NAY - Andrews, Austin, Bernard, Bickford, Blier, Carlow, Carmichael, Collamore, Connor, Corey, Costain, Dillingham, Dolloff, Downes, Drinkwater, Ducharme, Evangelos, Faulkingham, Fecteau, Foster, Gifford, Greenwood, Griffin, Hall, Hanley, Harrington, Head, Hutchins, Johansen, Kinney, Kryzak, Lemelin, Libby, Lyford, Lyman, Martin, Mason, Millett, Morris, Nadeau, Newman, O'Connor, Ordway, Parry, Perkins, Perry, Pickett, Pluecker, Poirier, Prescott, Quint, Riseman, Roche, Rudnicki, Sampson, Skolfield, Stanley, Stearns, Stetkis, Theriault, Thorne, Tuell, Underwood, Wadsworth, Warren, White B, White D.

ABSENT - Arata, Bradstreet, Cebra, Grignon, Haggan, Javner, McDonald, O'Connell.

Yes, 76; No, 67; Absent, 8; Excused, 0.

76 having voted in the affirmative and 67 voted in the negative, with 8 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**.

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.

HOUSE DIVIDED REPORT - Report "A" (6) **Ought to Pass** - Report "B" (6) **Ought Not to Pass** - Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** on Resolve, To Develop a Plan To Close the Long Creek Youth Development Center and Redirect Funding to Community Integration Services for Adjudicated Youth

(H.P. 1239) (L.D. 1668)

TABLED - June 7, 2021 (Till Later Today) by Representative WARREN of Hollowell.

PENDING - ACCEPTANCE OF EITHER REPORT.

Representative WARREN of Hollowell moved that the House **ACCEPT** Report "A" **Ought to Pass**.

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

Representative **WARREN**: Thank you, Mr. Speaker. One thing I want to make sure that we all know is that there will always be in the State of Maine secure confinement for youth who present a danger to themselves or a danger to our community. I want to say that again, that this bill is not about taking away secure confinement for youth that at some point present a public safety risk to themselves or to our communities;

full-stop. That is part of this plan and we recognize that sometimes youth need to be in secure confinement. Last session, many people on both sides of the aisle participated in a taskforce around juvenile justice in Maine and there are two pieces of legislation coming out of that study and this is one of them. This particular proposal basically directs the Department of Corrections to be evidence-based in the way that we look at the future of juvenile services in Maine, bring experts to the table as they have done so well, they've brought many of us to the table, we want them to continue to do that, and to develop a plan to close the current facility. The current facility was licensed for over 200 youth. The current facility has 27 youth in it. We already have appropriated for the next two years \$37 million for that facility for 27 youth and 175 staff members. For those watching at home, that means \$660,000 per year per youth. Twenty-seven youth, 175 staff members. I don't think we could find a constituent of any of ours that thinks that a good expense. This bill asks the department to develop a plan to close that particular behemoth of a facility that we no longer need and that is costing us millions of dollars. Further, there would be individual transition plans for each of the 27 youth remaining and a workforce development plan for the staff. The DOC would report back this plan to the Criminal Justice and Public Safety Committee by this December. You, every one of you will have a chance to hear from us about that plan as well. It's time to shed this behemoth facility that at its height had almost 250 youth and, as I said, now has 27 youth in it. And that's what this is about and I hope that you'll support this report that creates a plan forward that is fiscally responsible, that protects public safety, that transitions the workforce and that makes commonsense. Thank you, Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Standish, Representative Ordway.

Representative **ORDWAY**: Thank you, Mr. Speaker. Mr. Speaker, have I ever told you how wise my friend from Hollowell is? Because I fully support her position on this bill. Because much to the dismay of the people on this side of the aisle, I think, I may take some flack. But she is absolutely correct. It is time to close that facility. It's huge, it's rundown, it's horrible. There are other positions to put these children in. Children. Put them where they belong. It's time to close this facility and I'm going to take my lumps over here, but it's time. My friend from Hollowell is wise. Pass this bill.

The SPEAKER: The Chair recognizes the Representative from Dixfield, Representative Pickett.

Representative **PICKETT**: Thank you, Mr. Speaker. Mr. Speaker, I would like to preempt my space a little bit, too, and say that we heard from the Good Representative from Hollowell it's time to develop a plan using evidence-based planning and all of the things that were graciously put out here and eloquently spoken about. Well, I'm going to, in my testimony, talk about a plan that's already working, already in the process, and working to accomplish the same identical thing and already the timeline is already started. I rise, first of all, in opposition to the pending motion. This resolve directs the Department of Corrections to create a plan to close the Long Creek Youth Development Center by June 30, 2023. The current youth incarceration funds must be used for community-based integration services for youth that are not administered by the department. Not administered by the department. These services include, but are not limited to, supportive housing, jobs programs, educational programs, and health care, including mental health and substance use disorder treatment. The resolve further requires that the current facility must be repurposed for use as a community center with supportive housing.

Mr. Speaker, in February of this year, the Department of Corrections, Division of Juvenile Services, unveiled their strategic action plan detailing the strategies of the department to lessen the reliance on institutional secure confinement for the youth in their purview. These strategies included the incorporation of the recommendations of the Maine Juvenile Justice System Assessment and Reinvestment Taskforce that some of the members of my committee were members of. The focus of the action plan is to ensure the expanding of community-based programs and incentives to increase cross-system collaborations resulting in reduced use of institutional secure confinement when it is determined to be a safe alternative. The Department of Corrections recognizes that the process they are in now is fluid and that, as they move into more community-based programs, more collaborations with other entities, and as they implement the recommendations brought forth by the Center for Children Law and Policy and the Maine Juvenile Justice System Assessment and Reinvestment Taskforce, they may need to make modifications to their action plan. They have assured our Criminal Justice and Public Safety Committee that they are more than willing to modify as they go, but that does not include the closure of the Long Creek Youth Development Center prematurely. The department further advised us that what they have experienced so far is positive progress, including a significant reduction in the number of girls committed, reduction in overall commitment rates, increased diversion and two new community placements, with a third expected this month for youth requiring stepdown services before returning home. Their focus remains on monitoring and measuring outcomes which will help ensure that they will not encounter unintended consequences. Their plan has been carefully crafted to ensure that unintended consequences like juveniles going into an adult system, juveniles being placed out of state, and juveniles being returned to homes that are unsafe, do not materialize. As well intended as LD 1688 may be, if passed, it would be closing a facility prematurely and moving juvenile justice services, juvenile services, out of the Department of Corrections and to another agency serving youth. The Department of Corrections has a strategic plan in progress and they are moving forward with a commitment to see that all justice-involved youth shall experience a fair, equitable, and responsive juvenile justice system that provides each one of them with positive outcomes. When I asked the commissioner in committee if the plan involved an eventual closure of Long Creek, the answer was yes. But they are in the process in the program now. So, please follow my light and defeat this motion so that the Department of Corrections can continue with their well-planned strategic action plan already in progress. Thank you, Mr. Speaker.

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

Representative **JOHANSEN**: Thank you, Mr. Speaker. I rise in opposition to this plan. Chris Johansen is not running the Department of Corrections. If the Department of Corrections didn't absolutely need this facility, they'd be here asking us to close down and decommission that plant. They are not. We've got a very good commissioner there right now and if it was needed, he'd be here asking us to decommission that plant, and that's not the case right now. We need to keep that open until he comes here and says there's no more children and there's no need for that facility, let's close her down. Thank you.

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

Representative **KESSLER**: Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I'm from South Portland

and Long Creek is in my city. I can tell you that my constituents would like to see this happen. In a former life, when I got out of college, I worked in a nonsecure detention facility with youth and had to experience what goes on at Long Creek firsthand; restraining kids while they're crying for their parents, not understanding why they did the things they did or why they were there. And, later on in life, I had my own children and realized that so many of the behaviors that those kids were having in that facility were purely behaviors that all kids have. These kids just don't have the supports that they need and they're not getting them from Long Creek. They need supportive housing, they need integrated housing. We know what we need to do. 2023 is ample time to transition. I'd also like to emphasize, Mr. Speaker, to remind this Body that it's the Legislative Branch that makes the policy and the Executive Branch that executes the policy. I think that this absolutely must happen and I am absolutely in support of the motion. Thank you, Mr. Speaker.

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

Representative **LOOKNER**: Thank you, Mr. Speaker. I rise in support of the motion. This is a bill for, by, and of the youth of our State and I'm honored to have had the opportunity to work with them on it. With this legislation, we have the opportunity to provide for both public safety and to provide for a brighter future for the youth of Maine. I worked for a period of time with youth experiencing homelessness and substance use disorder and that experience taught me that we do not prioritize caring for youth who cannot count on their families or their support networks to care for them. That program was acutely underfunded and it was the young people who found themselves there who suffered because of it. From that experience, I also learned that most young people are not criminals, although they sometimes act out of desperation and make mistakes. What they need is understanding, support, and help from trustworthy adults, not condemnation, punishment, and a long stay in a traumatic environment while their brains are still not fully developed.

In this chamber, we often hear about the need for more affordable housing. This need is especially acute for youth living in poverty. Yet, instead of providing housing and mental health treatment and educational opportunities for these youth to put them on the path to building lives for themselves in this State, we found that it is more convenient to put them in a lockdown facility. There are currently 27 young people incarcerated at the Long Creek Youth Development Center, maybe 26, half of whom are there because they have nowhere else to go. The facility, as you've heard, has an annual operating budget of 18.5 million, which means we are spending close to \$700,000 a year on each young person locked up at Long Creek. And while we should not spare any expense in providing for the youth of our State, most of us can agree that for that amount, we can be doing a lot better for those 27 individuals and many others. This bill implements the recommendations of the Maine Juvenile Justice System Assessment and Reinvestment Taskforce which was released in early 2020 and it establishes a continuum of community-based alternatives to incarceration for Maine youth. This taskforce was made up of youth justice experts, the commissioners of various departments, legislators in this chamber and advocates from numerous organizations. They concluded that it's time for Maine to join the likes of New Hampshire, Vermont, and states all across this country in closing juvenile detention centers and this bill would accomplish that. This bill also provides that there will always in some form or another be the need for secure confinement for those youth who are a danger to themselves and others, but it can be done

so in a way that restores youth, not in a way that harms them and sets them down the path to institutionalization, recidivism and lives of crime in their adult lives. We have the opportunity before us with this bill to do something monumental today and change the way that we support our youth who fall through the cracks and end up involved in the juvenile justice system. These are minors and they deserve the same individual attention and support that we would offer to any other youth in our State and in our communities. So, please join me in supporting the motion and to provide for public safety, restorative justice and for the future of youth in Maine. Thank you.

Representative DILLINGHAM of Oxford **REQUESTED** a roll call on the motion to **ACCEPT** Report "A" **Ought to Pass.**

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 Reckitt.

Representative **RECKITT:** Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I'm the third person from South Portland who's concerned with this issue. I've lived in this city with Long Creek for 51 years. And it wasn't there in its current fashion that entire time, but I've certainly been conscious of it, as have my constituents. And every time I tell them what it costs to keep a juvenile there, everybody just wants to throw me out of office for allowing such a thing, as if I had control. My interactions with Long Creek have been both personal and in this Legislature. Personally, I was there the week of 9/11, the infamous 9/11, doing staff trainings that entire week with the staff at Long Creek. That was quite the experience, and not because of the juveniles but because of the struggle to deal with the staff that week who were not in particularly cheery shape nor, of course, was I because I think I had a broken leg at the time. But what I wanted to say is that I've also been five years now on the Criminal Justice Committee and been dealing with the issues of Long Creek in that venue and it's become clear to me that the facility is of decreasing need in the community but the juveniles need to be handled in a disparate way depending on what their individual circumstances are, some of whose primary problem is substance use disorder, some of it is mental health issues, some of it, a few, are truly dangerous individuals who need to be in a secured facility, but not that many of them.

I have watched the department do some good things around Long Creek, but I think the difference here is that they don't have a vision that's fast enough for my taste or for the taste of the committee, mostly, to get the place closed because we really don't need it. We need carefully-crafted services and, frankly, I hope not just congregated in Portland or South Portland, but in many cases, it should be in other places in the State where young people could be closer to where their family is. I can't imagine why we would have a pod of juveniles secured in South Portland when their families are in Bangor north. It doesn't make sense to me. So, I think that there's a spreading out of services, there's a diversification of them, and there's delivery of them in a caring way that is so important to juveniles. I'm thrilled that many of my cohorts on the committee have been working with the juveniles to try to craft what this facility ought to look like, ought to feel like, particular regard to a couple of the people who have already spoken, who have been doing this work, and kudos to the third member of the South Portland delegation who has really been front and center on this.

So, I urge you to pass this bill. I urge, if it does pass, that the group that begins that planning or the push for the planning does indeed work with the Department of Corrections. I, too, have a high regard for several of the higher-ups in the Department of Corrections and I believe in their promises,

probably more than some people do. But I want to make sure that we push them in the way that I think they want to go, which is to do the best that we can by the juveniles who are in that facility. And I think that not only this bill, which I think pushes us faster, and the upcoming bill on the same topic are both important bills and good things and I intend to vote for both of them as they come forward. Thank you very much.

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

Representative **LIBBY:** Thank you, Mr. Speaker. May I put a question through the Chair?

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

Representative **LIBBY:** Thank you. I appreciate the intent of this bill, but I have questions on some of the specifics. And the reference that the Good Representative made from South Portland made in reference to potentially dangerous individuals. My specific question would be; there was a case in 2018, for example, where a 15-year-old youth murdered his mother, was convicted and sentenced to 33 years in prison the following year. What would the proposed disposition be of an individual in that situation with the closure of the facility and what would that secure confinement look like for those individuals? Thank you.

The **SPEAKER:** The Representative from Auburn, Representative Libby has posed a question to any member who may care to respond. The Chair recognizes the Representative from Hallowell, Representative Warren.

Representative **WARREN:** Thank you, Mr. Speaker. I thank my friend from Auburn for the question. There will always be secure facilities for youth exactly as my friend from Auburn just referred to. Youth that provide a public safety threat to our communities, they will continue to be in secure confinement; that means locked up for as long as their sentence is. It will just be a facility that instead of being built and we're paying the bills for, a facility that's for over 200, it'll actually fit the need, which is a very small need. It will be fiscally responsible.

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

Representative **TUELL:** Thank you, Mr. Speaker. I rise in opposition to the motion.

Honestly, several years ago when I rose in support of another prison, I never thought I would be defending the work that the corrections officers and the people on the staff at each of our state prisons have to do day in and day out ever again. But, as I can well attest and I appreciate my friend from South Portland, I know this is not an easy decision for her. But, with that, you know, throughout the past six years, from when my own correctional facility was closed and is mercifully now on the road to reopening. When I spoke with Commissioner Liberty in the hall today, he said that it's on course for October 1st. I said that while I am very thankful for that, we talked about the need for all of our facilities and the need for the work because there always will be people in the State that will need these facilities and will need to be housed in these facilities. And I think it's critical, as one who has been through the fire before of seeing a facility close, it's not that easy to get a facility reopened or get a new facility built. It takes a lot of time, it takes a lot of work, there's a reason my hair is going gray and I just can't support the motion before us but I will definitely be supporting the department in this because I think it's critical that we support all of our facilities, support of both state and county, by the way. I think removing one from the system really has ripple effects in ways across the entire system that nobody can fully understand or appreciate. So, I will be opposing the pending motion and supporting the department. Thank you, Mr. Speaker.

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

Representative **MADIGAN**: Thank you, Mr. Speaker, Friends and Colleagues. I rise in support of this motion. I'm a social worker. In that time, I've worked primarily with children and families in youth diversion programs for nonviolent first-time teen offenders, in school-based mental health services, I've done community-based mental health and Section 65 home and family community treatment. And what I can tell you is that - what I've heard from many of my colleagues here is that there's a crisis in substance use disorder services and mental health services for youth. Long Creek is not the place for youth to end up. And when you hear about the kids that are down there, you hear that many of them are there because there's literally no place else for them to go. In my time working with youth and families, about 15 years ago, I had a 15-year-old boy, a client, who presented in my office at the school with withdrawal symptoms from benzodiazepines, so, he was substance use disorder and actually experiencing physical withdrawal requiring hospitalization. I was able to get him a bed for that 15 years ago. That does not exist now. There are other things we could be spending our money on; things like substance use disorder treatment for youth, things we are already saying in the Office of Child and Family Services that we need to invest more in; multisystemic family therapy, functional family. All of which have evidence-based recognized by the federal government that can help youth and families that are experiencing criminal behavior in a youth, mental health problems in a youth and substance use problems in a youth. These are the things that I want to see in a plan. There's no evidence that spending that many millions of dollars for 27 people is actually getting us anything or leading to those 27 youth to be able to become an adult and live their lives. Please pass this bill. We should be doing things that work for kids, not locking them up. Thank you.

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

Representative **MORALES**: Thank you, Mr. Speaker, Friends and Colleagues. This bill, as you've heard, is not about the end of secure confinement, it's about the right-sizing of secure confinement based on best practices, based on the work of many young people and advocates, at great savings to the taxpayer and consistent with the work of the Juvenile Justice Taskforce, which spent a year meeting once a month, sometimes two, listening to community members all over our State, really listening to Maine people. When I toured Long Creek, well, I've been there a number of times, but a few years ago, with a judge, we talked to the DOC about what could secure confinement look like if it didn't look like Long Creek. And the discussion we had was around a small number of young people who will need to have secure confinement, as has been mentioned, but that, that looks very different from an adult maximum-security prison, which is what Long Creek is; it is licensed as an adult maximum-security prison. It could look like a home, like any of the homes that we all live in, but it could be secured.

I'm really grateful to the work of the advocates, to the young people, to the prosecutors, judges, and the DOC for listening and working within community to get to the point today where we only have 26 children in Long Creek. That wasn't the case 10-15 years ago, when I started doing work around juvenile justice. That facility was filled. So, I'm grateful that we've gotten to this point, but everyone recognizes that we're not done yet. We still have work to do. And we've heard a lot of words that we will close Long Creek and it will be closed, and this bill puts that into policy and gives us the time and the planning and the

looking at the best practices that we learned about in the juvenile justice taskforce. We're an outlier here in Maine because in most states around the country, juvenile services are not under an adult corrections system. So, there's a lot of learning we can do from other jurisdictions around the country, and this bill will allow us to do that. So, I just want to say with these low numbers that we have today, which is a good thing, we all agree, I believe, Mr. Speaker, that this is a good thing for our State. All stakeholders understand that a facility like this cannot remain as is for much longer and this is why we must have a thorough plan for the next steps for this building that shows Maine taxpayers that we can and we will be fiscally responsible and we can and we will follow juvenile justice best practices in doing so. I ask all of you to support this bill. Thank you very much, Mr. Speaker.

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

Representative **HARRINGTON**: Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I rise in opposition to the pending motion. And, mainly to dispel there's only 27 inmates in the facility. Over my law enforcement career, I can tell you that the Department of Corrections through policy changes have over and over again refused to accept juvenile criminals and they are left on the streets of our communities to be arrested over and over and over and over again by our law enforcement officers. So, whether they are in a secure facility where they can't commit crimes in our community or they're in the streets and they're breaking into your car, into your house, and committing other crimes that are left up to our local communities, sheriff's offices, state police, and municipal police departments to deal with, we are paying for it either way. So, we have 27 inmates in there because of policy changes by the Department of Corrections and from this Body. Thank you.

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

Representative **LEMELIN**: Thank you, Mr. Speaker. I'm not opposed to the facility closing. My concern is the timing issue. This bill states that the facility has to be closed by 2023. My concern is where are we going to put them. I've heard different ideas, but none of them are concrete. Like my good friend from East Machias said, building a new facility takes a long time, opening up a different facility because we ran out of time, that's not going to happen, either. So, my concern is these children falling through the cracks. Keep in mind that even though these children need a lot of help and hopefully they're going to get the help they need to be able to be placed back in society, they're criminals. They're dangerous to themselves and others. And we have to keep that in mind also. So, where are we going to put them? Well, being on the Health and Human Services Committee, one thing I was told over and over and over again, basically every day, is that we're understaffed, we don't have enough facilities. So, where are you going to put these kids? Someone's going to fall through the cracks, and I'm standing up here letting everybody know that, Mr. Speaker, because I want the public to know that we as a Body knew that, we were told someone's going to fall through the cracks, so when it does, we're at fault. So, that's my concern. If we can change the timing of it, I believe the department is working on it, they have a plan. Why don't we let that plan run through? We can always in a year and a half from now take this up again and look at it and say oh, wait a minute, that plan is wrong, now we can move forward. It's not going to make a difference. Like I said, we need to close the facility but why not wait; why not let the plan go through, because I know we have no place to put these kids. It's either that or all the professionals that came before my committee were fibbing to me. For some reason, I

just don't think they are. So, as a businessman, I can't stand wasting money. I can't stand it. So, I am in full agreement that wasting money in this building needs to be addressed, but we can't just let one child out of the 27 fall through the cracks. It's better to pay the money and keep the building open while we find a place to put them and then close the facility and place these children where they need to be and get them the help that they need so that we can have them back as friends in the society. Thank you, Mr. Speaker.

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

Representative **SYLVESTER**: Thank you, Mr. Speaker. I wanted to just speak a little bit about two of the points that I've heard today, one is from my good friend from East Machias, and to express how proud I was of him when he stood up and supported those workers in his community. I thought that was a very bold move to take in tough conditions and this is a similar situation, he is correct in that. However, the difference in this is that, as I've been involved in the discussions about the closing of Long Creek, the condition and the plight of those workers were in my mind the entire time. And what has been important to me, alongside all of the things that you have heard about these children in this facility, many of whom are there because they have no other place to go, was what would happen to the workers. That's my bailiwick. And so, we have been working to make sure that in this bill there is a plan. As a part of this grander plan, of what will happen to these workers and that the money that will be saved that we keep talking about, will be used to make sure that those workers land on their feet and that they are not found in the same position as those workers in the Good Representative from East Machias' district, without a plan, without any notice, and without any resources to get to where their next position. The good Representative from Chelsea spoke correctly that the positions in DHHS are understaffed, that there are not enough facilities, that there is not enough money. And what there is not a lack of is good ideas or good research or good plans that have been instituted in other states of how to take care of juveniles at risk. What we lack are the resources. This bill is about providing the resources, about moving staff from this type of facility into a type of facility that we know takes care of kids, Mr. Speaker. So, they were not fibbing about the lack that we have in this State, but it is because we have a lack of will to take one model that does not work and put those resources into a model that can work. Thank you, Mr. Speaker.

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

Representative **SACHS**: Thank you, Mr. Speaker. I rise today in support of the motion before us, not as a licensed clinical social worker of over two decades, but as an analyst. I'm also a business data analyst and I would say that the return of investment that we are receiving from Long Creek is not a good one for any district. I am very surprised at the scope of this bill because it does set out a methodical plan to address the many steps around closing Long Creek. As the Good Representative from Dixfield said, yes, there is a plan currently going on with the Department of Corrections. The endpoint, however, is not closing of Long Creek. That is what this bill does in a very considered way, looking at the return on investment not only in financial terms but from clinical evidence-based data that these kids are not getting any better, in fact adverse outcomes for these children who are being incarcerated.

I am heartened by the report back requirements to the Legislature. I am heartened by the workforce development piece within the bill. I am heartened that each child within this

bill is stipulated that each child must have an individual transition plan. This is a good bill, Mr. Speaker, and I'd urge you to vote Ought to Pass on this motion. Thank you, sir.

Representative **PICKETT** of Dixfield **REQUESTED** that the Clerk **READ** the Committee Report.

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

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

Representative **JOHANSEN**: Thank you, Mr. Speaker. Mr. Speaker, today, we're trying to attack the result, not attack the problem. My law enforcement career goes back to 1970, and I can remember when locking youth up, arresting youth, was very, very rare. But we had both parents and we had God in the family then. If we don't stabilize the family, this is not going to go away. So, we're out here attacking result instead of taking on the hard job of stabilizing the family and I just think we're attacking this the wrong way. Thank you.

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

Representative **DRINKWATER**: Thank you, Mr. Speaker. Good debate. A lot of good points, a lot of back and forth. My question through the Chair, if I may, sir?

The SPEAKER: The Member may proceed.

Representative **DRINKWATER**: What does the department recommend? Have they made a recommendation that we ought to close the facility and seek a new building?

The SPEAKER: The Representative from Milford, Representative Drinkwater has posed a question to any member who may care to respond. The Chair recognizes the Representative from Hallowell, Representative Warren.

Representative **WARREN**: Thank you, Mr. Speaker. Currently, the Department of Corrections is doing part of exactly what this bill asks for; it's creating small, secure facilities. One is in development right now in Auburn, one is already housing youth in South Portland. So, yes, the Department of Corrections is already on its way. What the Department of Corrections is at this point unwilling to do is to let go of a facility that's licensed to serve over 200 youth that we no longer need, that taxpayers are supporting, that isn't right-sized. And we have to make the decision with our constituents in mind that it's not a fiscally commonsense solution. It's time to get away from a building that is way, way, way too large. That's what this is about. They are close to there and they need us, the policymakers, the ones who've been elected to do this job, they need us to make the fiscally responsible decision to move away from this facility. Thank you.

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

Representative **ROEDER**: Thank you, Mr. Speaker, Women and Men of the House. I do not wish to extend this debate longer than it needs to be, but I wanted to read a quote into record and also share some information that hits me at my heart, being a former foster parent.

Being in foster care too often means being institutionalized over and over again. Frequent placement changes increase the likelihood of incarceration. One study shows that more than 90% of youth in foster care with five or more moves will become involved in the juvenile justice system. Another study found that by age 17, over half of youth in foster care experienced an arrest, conviction or overnight stay in a correctional facility. This is especially acute for LGBTQ youth. We have heard over and over again that Long Creek is the only place these children have to go and that sets off alarm bells for me. That makes it sound to me like some of those kids might be in care, might be in group

homes. And this is a quote from a former resident, incarcerated person, at Long Creek; it says it's a development center, but the only thing it's developing is a posttraumatic stress disorder. Thank you.

The SPEAKER: The Chair recognizes the Representative from Dixfield, Representative Pickett.

Representative **PICKETT**: May I ask permission to speak one more time?

The SPEAKER: The Chair would advise the Member because you requested that the Committee Report be read, that is not considered rising for a third time. The Member may proceed.

Representative **PICKETT**: Thank you, Mr. Speaker. I just echo what the Good Representative from Hallowell said about the commissioner's plan to close Long Creek and they are, that is the end goal; to close Long Creek. And I would also be remiss if I didn't remind people here that the building itself, as my understanding, is owned by the State and the building is going to be repurposed into a community center, so, it's still going to be there and it's still going to be used, granted, not in the same way, but the reason the commissioner does not want, I believe, and I'm going from the conversation we heard in committee, is because he does not want to stop holding onto the building until he's sure that these other things they're doing is right, the right fit and then at that point there's a transitioning out of the building. Thank you very much, Mr. Speaker.

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

Representative **BROOKS**: Thank you, Speaker, Women and Men of the House. I've heard loud and clear from members of my community that this is a lot of peoples' number one issue. We need options for children. Sometimes there are people placed there that they're going to be institutionalized and incarcerated because there isn't appropriate community supports for them. There are many with mental health issues, including substance use disorder and poverty. We need to have a least-restrictive appropriate setting for our children and this is tearing our families apart and it's related very directly to stigmatizing and I urge people to vote Ought to Pass on this motion to help address these issues.

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

ROLL CALL NO. 227

YEA - Alley, Arford, Bailey, Bell, Berry, Blume, Brennan, Brooks, Bryant, Caiazzo, Cloutier, Collings, Copeland, Crafts, Craven, Crockett, Cuddy, Dodge, Doore, Doudera, Dunphy, Evangelos, Evans, Fay, Geiger, Gere, Gramlich, Grohoski, Harnett, Hasenfus, Hepler, Kessler, Landry, Lookner, Madigan, Martin J, Martin R, Mathieson, Matlack, McCrea, McCreight, McDonald, Melaragno, Meyer, Millett, Morales, Moriarty, Nadeau, O'Neil, Ordway, Osher, Paulhus, Pebworth, Perry A, Perry J, Pierce, Pluecker, Reckitt, Rielly, Riseman, Roberts, Roeder, Sachs, Salisbury, Sharpe, Sheehan, Stover, Supica, Sylvester, Talbot Ross, Tepler, Terry, Tucker, Tuttle, Warren C, Warren S, White, Williams, Wood, Zager, Zeigler.

NAY - Andrews, Austin, Bernard, Bickford, Blier, Cardone, Carlow, Collamore, Connor, Corey, Costain, Dillingham, Dolloff, Downes, Drinkwater, Ducharme, Faulkingham, Fecteau, Foster, Gifford, Greenwood, Hall, Hanley, Harrington, Head, Hutchins, Hymanson, Johansen, Kinney, Kryzak, Lemelin, Libby, Lyford, Lyman, Martin, Mason, Millett, Morris, Newman, O'Connor, Parry, Perkins, Pickett, Poirier, Quint, Sampson, Skolfield,

Stanley, Stearns, Stetkis, Theriault, Thorne, Tuell, Underwood, Wadsworth, White, Mr. Speaker.

ABSENT - Arata, Babbidge, Bradstreet, Carmichael, Cebra, Griffin, Grignon, Haggan, Javner, O'Connell, Prescott, Roche, Rudnicki.

Yes, 81; No, 57; Absent, 13; Excused, 0.

81 having voted in the affirmative and 57 voted in the negative, with 13 being absent, and accordingly Report "A" Ought to Pass was **ACCEPTED**.

The Resolve was **READ ONCE**.

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

The Resolve was **PASSED TO BE ENGROSSED** and sent for concurrence.

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

REPORTS OF COMMITTEE
Divided Reports

Majority Report of the Committee on **STATE AND LOCAL GOVERNMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-512)** on Bill "An Act To Update and Eliminate References in Statute to Aldermen, Selectmen and Overseers of the Poor"

(H.P. 1126) (L.D. 1522)

Signed:

Senators:

BALDACCI of Penobscot
CLAXTON of Androscoggin

Representatives:

MATLACK of St. George
BRYANT of Windham
COPELAND of Saco
DOORE of Augusta
DOWNES of Bucksport
HEAD of Bethel
PAULHUS of Bath
RISEMAN of Harrison
TUELL of East Machias

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

Signed:

Representative:

GREENWOOD of Wales

READ.

On motion of Representative MATLACK of St. George, the Majority **Ought to Pass as Amended** Report was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (H-512)** was **READ** by the Clerk and **ADOPTED**.

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

Under further suspension of the rules the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (H-512)** and sent for concurrence.

Majority Report of the Committee on **STATE AND LOCAL GOVERNMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-525)** on Resolve, To Implement Security Screenings in the State House and Capitol Area Offices (EMERGENCY)

(H.P. 1242) (L.D. 1671)

Signed:

Senators:

BALDACCI of Penobscot
CLAXTON of Androscoggin

Representatives:

MATLACK of St. George
BRYANT of Windham
COPELAND of Saco
DOORE of Augusta
PAULHUS of Bath
RISEMAN of Harrison

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

Signed:

Senator:

ROSEN of Hancock

Representatives:

DOWNES of Bucksport
GREENWOOD of Wales
HEAD of Bethel
TUELL of East Machias

READ.

On motion of Representative MATLACK of St. George, the Majority **Ought to Pass as Amended** Report was **ACCEPTED**.

The Resolve was **READ ONCE**. **Committee Amendment "A" (H-525)** was **READ** by the Clerk and **ADOPTED**.

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

Under further suspension of the rules the Resolve was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (H-525)** and sent for concurrence.

Nine Members of the Committee on **VETERANS AND LEGAL AFFAIRS** report in Report "A" **Ought to Pass as Amended by Committee Amendment "A" (H-530)** on Bill "An Act To Require Election Transparency and Audits"

(H.P. 833) (L.D. 1155)

Signed:

Senators:

LUCHINI of Hancock
HICKMAN of Kennebec

Representatives:

CAIAZZO of Scarborough
COREY of Windham
McCREIGHT of Harpswell
RIELLY of Westbrook
SUPICA of Bangor
TUTTLE of Sanford
WOOD of Portland

Two Members of the same Committee report in Report "B" **Ought to Pass as Amended by Committee Amendment "B" (H-531)** on same Bill.

Signed:

Representatives:

DOLLOFF of Milton Township
KINNEY of Knox

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

Signed:

Senator:

FARRIN of Somerset

Representative:

HARRINGTON of Sanford

READ.

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

CONSENT CALENDAR

First Day

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

(H.P. 368) (L.D. 505) Bill "An Act To Expand the Disciplinary Authority of the Board of Trustees of the Maine Criminal Justice Academy" Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-535)**

(H.P. 377) (L.D. 514) Bill "An Act To Establish and Promote a System of Safe Disposal of Expired Marine Flares" Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-539)**

(H.P. 488) (L.D. 661) Bill "An Act To Ensure Equity in Petitions for Rulemaking under the Maine Administrative Procedure Act" Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-534)**

(H.P. 523) (L.D. 710) Bill "An Act Regarding the Maine Criminal Code" Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-538)**

(H.P. 574) (L.D. 769) Bill "An Act To Increase the Availability of Mental Health Services for a Defendant Who Has Been Found Incompetent To Stand Trial" Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-537)**

(H.P. 848) (L.D. 1170) Bill "An Act Regarding Unauthorized Possession of a Firearm in a Correctional Facility" Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-533)**

(H.P. 849) (L.D. 1171) Bill "An Act To Curtail No-knock Warrants" Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-536)**

(H.P. 1175) (L.D. 1586) Bill "An Act To Strengthen Statewide Mental Health Peer Support, Crisis Intervention Mobile Response and Crisis Stabilization Unit Services and To Allow E-9-1-1 To Dispatch Using the Crisis System" Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-527)**

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

There being no objection the House Papers were **PASSED TO BE ENGROSSED as Amended** and sent for concurrence.

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

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

UNFINISHED BUSINESS

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

HOUSE DIVIDED REPORT - Majority (8) **Ought to Pass as Amended by Committee Amendment "A" (H-175)** - Minority (5) **Ought Not to Pass** - Committee on **LABOR AND HOUSING** on Bill "An Act To Strengthen the Ability of Public Employers and Unions To Negotiate"

(H.P. 325) (L.D. 449)

TABLED - May 19, 2021 (Till Later Today) by Representative SYLVESTER of Portland.

PENDING - Motion of same Representative to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report.

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

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

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

Representative **DRINKWATER**: Thank you, Mr. Speaker. This bill came before us and I'd just like to read a couple things, if I may. The summary of the bill; current law provides that the obligation of a public employer and a bargaining agent to bargain collectively includes their mutual obligation to meet within 10 days after receipt of written notice from the other party requesting a meeting for collective bargaining purposes as long as the parties have not otherwise agreed in a prior written contract. This bill removes the exception for the case in which the parties have otherwise agreed in a prior written contract. Mr. Speaker, having served on a school board and been part of negotiating teams multiple times, I can tell you that my school board was sympathetic to any issue that came before us. We had a situation where a grandparent had died and the teacher requested bereavement. Contract didn't say bereavement was allowed. My superintendent called and said what do you think? I said absolutely, grandparents are important and, furthermore, let the union know that we want to open the contract and put that in. Bingo; it was done. In closing, I'd just like to read to you, Mr. Speaker, what the Maine Superintendents Association has to say. We believe this bill introduces a very dangerous concept, which is, legislators will start to amend local contracts that are purview of the local teachers' association and the school board. Those contracts, as you know, also outline salary and benefit agreements that ultimately affect what local property taxpayers

will pay to support their local schools. We urge a unanimous Ought Not to Pass. So, in my opinion, this is not necessary. Thank you, Mr. Speaker.

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

ROLL CALL NO. 228

YEA - Alley, Arford, Bell, Berry, Blume, Brennan, Brooks, Bryant, Caiazza, Cardone, Cloutier, Collings, Copeland, Crafts, Craven, Cuddy, Dodge, Doore, Doudera, Dunphy, Evangelos, Evans, Fay, Geiger, Gere, Gramlich, Grohoski, Harnett, Hasenfus, Hepler, Hymanson, Kessler, Landry, Lookner, Madigan, Martin, Mathieson, Matlack, McCrea, McCreight, McDonald, Melaragno, Meyer, Millett, Morales, Moriarty, O'Neil, Osher, Paulhus, Pebworth, Perry A, Perry J, Pierce, Pluecker, Reckitt, Rielly, Riseman, Roberts, Roeder, Sachs, Salisbury, Sharpe, Sheehan, Stover, Supica, Sylvester, Talbot Ross, Tepler, Terry, Tucker, Tuttle, Warren C, Warren S, White, Williams, Wood, Zager, Zeigler, Mr. Speaker.

NAY - Andrews, Austin, Bernard, Bickford, Blier, Carlow, Collamore, Connor, Corey, Costain, Dillingham, Dolloff, Downes, Drinkwater, Ducharme, Faulkingham, Fecteau, Foster, Gifford, Greenwood, Hall, Hanley, Harrington, Head, Hutchins, Johansen, Kinney, Kryzak, Lemelin, Libby, Lyford, Lyman, Martin, Mason, Millett, Morris, Nadeau, Newman, O'Connor, Ordway, Parry, Perkins, Poirier, Quint, Sampson, Skolfield, Stanley, Stearns, Stetkis, Theriault, Thorne, Tuell, Underwood, Wadsworth, White.

ABSENT - Arata, Babbidge, Bailey, Bradstreet, Carmichael, Cebra, Crockett, Griffin, Grignon, Haggan, Javner, Martin, O'Connell, Pickett, Prescott, Roche, Rudnicki.

Yes, 79; No, 55; Absent, 17; Excused, 0.

79 having voted in the affirmative and 55 voted in the negative, with 17 being absent, and accordingly the Majority **Ought to Pass as Amended** Report was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (H-175)** was **READ**.

On motion of Representative McCREA of Fort Fairfield, **Committee Amendment "A" (H-175)** was **INDEFINITELY POSTPONED**.

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

Representative McCREA of Fort Fairfield **PRESENTED House Amendment "A" (H-540)**, which was **READ** by the Clerk.

The SPEAKER: The Chair recognizes the Representative from Fort Fairfield, Representative McCrea.

Representative **McCREA**: Thank you, Mr. Speaker, Ladies and Gentlemen of the House. This amendment does basically three things. It changes the title to read An Act to Strengthen the Ability of Public Employers and Teachers Unions to Negotiate. In its original version, all municipal contracts were included and that was not the intent of the bill whatsoever. The other two things are quite straightforward and quite easy. This removes the mandate clause. This will make it so that this is not a mandate and that we will send it to the table with the fiscal note and it will be on the appropriations table and they can do with it that which they would like. So, that removes the mandate and it makes it so that it is only schools and it changes the title. I thank you, Mr. Speaker.

Representative MORRIS of Turner **REQUESTED** a roll call on the motion to **ADOPT House Amendment "A" (H-540)**.

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-540). All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 229

YEA - Alley, Arford, Bailey, Bell, Berry, Blume, Brennan, Brooks, Bryant, Caiazzo, Cardone, Cloutier, Collings, Copeland, Crafts, Craven, Crockett, Cuddy, Dodge, Doore, Doudera, Dunphy, Evangelos, Evans, Fay, Geiger, Gere, Gramlich, Grohoski, Harnett, Hasenfus, Hepler, Hymanson, Kessler, Landry, Lookner, Madigan, Martin J, Martin R, Mathieson, Matlack, McCrea, McCreight, McDonald, Melaragno, Meyer, Millett, Morales, O'Neil, Osher, Paulhus, Pebworth, Perry A, Perry J, Pierce, Pluecker, Reckitt, Rielly, Riseman, Roberts, Roeder, Sachs, Salisbury, Sharpe, Sheehan, Stover, Supica, Sylvester, Talbot Ross, Tepler, Terry, Tucker, Tuttle, Warren, White, Williams, Wood, Zager, Zeigler, Mr. Speaker.

NAY - Andrews, Austin, Bernard, Bickford, Blier, Carlow, Collamore, Connor, Corey, Costain, Dillingham, Dolloff, Downes, Drinkwater, Ducharme, Faulkingham, Fecteau, Foster, Gifford, Greenwood, Hall, Hanley, Harrington, Head, Hutchins, Johansen, Kinney, Kryzak, Lemelin, Libby, Lyford, Lyman, Martin, Mason, Millett, Moriarty, Morris, Nadeau, Newman, O'Connor, Ordway, Parry, Perkins, Poirier, Quint, Sampson, Skolfield, Stanley, Stearns, Stetkis, Theriault, Thorne, Tuell, Underwood, Wadsworth, Warren, White.

ABSENT - Arata, Babbidge, Bradstreet, Carmichael, Cebra, Griffin, Grignon, Haggan, Javner, O'Connell, Pickett, Prescott, Roche, Rudnicki.

Yes, 80; No, 57; Absent, 14; Excused, 0.

80 having voted in the affirmative and 57 voted in the negative, with 14 being absent, and accordingly **House Amendment "A" (H-540)** was **ADOPTED**.

Under further suspension of the rules the Bill was **PASSED TO BE ENGROSSED as Amended by House Amendment "A" (H-540)** and sent for concurrence.

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

HOUSE DIVIDED REPORT - Majority (8) Ought Not to Pass - Minority (5) Ought to Pass as Amended by Committee Amendment "A" (H-243) - Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act To Require Instruction on the History of Genocide and the Holocaust"

(H.P. 150) (L.D. 215)

TABLED - June 2, 2021 (Till Later Today) by Representative BRENNAN of Portland.

PENDING - Motion of same Representative to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report.

Subsequently, the Majority **Ought Not to Pass** Report was **ACCEPTED** and sent for concurrence.

HOUSE REPORT - Ought to Pass as Amended by Committee Amendment "A" (H-288) - Committee on **HEALTH AND HUMAN SERVICES** on Resolve, To Change the Educational Requirements of Behavioral Health Professionals Providing Services for Children

(H.P. 1040) (L.D. 1424)

TABLED - June 3, 2021 (Till Later Today) by Representative MEYER of Eliot.

PENDING - **ACCEPTANCE OF COMMITTEE REPORT**.

Subsequently, the Unanimous Committee Report was **ACCEPTED**.

The Resolve was **READ ONCE**. **Committee Amendment "A" (H-288)** was **READ** by the Clerk.

Representative MEYER of Eliot **PRESENTED House Amendment "A" (H-532) to Committee Amendment "A" (H-288)**, which was **READ** by the Clerk and **ADOPTED**.

Committee Amendment "A" (H-288) as Amended by House Amendment "A" (H-532) thereto was **ADOPTED**.

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

Under further suspension of the rules, the Resolve was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (H-288) as Amended by House Amendment "A" (H-532)** thereto and sent for concurrence.

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

RESOLUTION, Proposing an Amendment to the Constitution of Maine To Establish a Right to Food

(H.P. 61) (L.D. 95)

(C. "A" H-124)

TABLED - June 3, 2021 (Till Later Today) by Representative DILLINGHAM of Oxford.

PENDING - **FINAL PASSAGE**.

Subsequently, Representative DILLINGHAM of Oxford **REQUESTED** a roll call on **FINAL PASSAGE**.

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

The SPEAKER: The Chair recognizes the Representative from Oxford, Representative Dillingham.

Representative **DILLINGHAM**: Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I once again want to highlight issues I see with this proposal, and please understand I'm not trying to participate in any scare tactics but rather doing my due diligence to try and ensure we put forth fully-vetted proposals. Previously, we've heard testimony providing many examples of the importance for individuals to be able to farm, to provide for themselves and their families. I couldn't agree more. But we're not talking simply about a right to farm; we are talking about a constitutional change that states a right to food. I believe the intent of this proposal would be better suited to further statutory change versus a constitutional change. The right to food is already explicitly implied both in Maine Statute and the country's action as a signatory of the U.N. Declaration of Human Rights and their international covenant on economic, social and cultural rights. Statutes protect the delivery of this obligation with flexibility to respond to new scientific information, new threats to public health and changes to animal health. Constitutional rights are not law until the courts define the right through case law. The Committee on Economic, Social and Cultural Rights defines this delivery threshold through four basic

principles; availability, accessibility, adequacy and sustainability. The right to adequate food is realized when every man, woman, and child, alone or in community with others, has physical and economic access at all times to adequate food or means for its procurement. That's from the Committee on Economic, Social and Cultural Rights, general comment number 12; right to food.

Maine Statutes protect and enhance the delivery of the state obligation with flexibility to respond to new scientific information, new threats to public health and changes to animal health and market availability. However, the amendment language proposed in LD 95 enshrines private property rights and personal choice rather than the established legal standard of adequacy of nutrition and sustainability of food resources for the future. The courts will make the final decision on a constitutional right to food regardless of legislative intent. They will interpret challenges to this constitutional right through choice and private property rights instead of the important standards in Statute currently, which accounts for dietary needs, taking into account a person's age, living conditions, health, occupation, sex, etcetera. Additionally, these Statutes help to make sure taxpayer-supported programs provide food that is safe for human consumption and free from adverse substances. As a result, school lunch programs that provide nutritional meals to students recently enhanced by the other Body through unanimous support of LD 1679, are likely to be challenged when the \$34 million a year investment fails to meet an individual's choice of food rather than nutritional adequacy. Our county jails and state prisons, who have already had litigation from inmates regarding food services, will be challenged to deliver inmate choice of food rather than nutritional needs or medically-recommended diet supporting incarcerated individuals' health at a significant expense.

The phrase other abuses of private property rights should be a concern. Again, where are the abuses enumerated? Who will decide and interpret these abuses? Again, I say we are leaving it to the courts to interpret without clear guidance. This has significant implications when applied to holders of legal patents on seeds. Such patent holders could also file a suit that their constitutional rights to their privately-owned genetic seed material belongs exclusively to them, and thus claim crops adulterated naturally by the material and grown by others for their own benefit. To date in the United States, 844 farmers have had lawsuits filed against them for growing crops that had been pollinated or grown from seed drift of patented biological seeds that belong to exclusive firms. Rather than protect Maine's farmer from this fate, which this, I think this is the intent, this amendment will have the net effect of opening up to constitutional violations when seed technology is found on a farmer's land without contract instead of the already-concerning liable for patent infringement rulings in 144 cases nationally.

Maine has a longstanding tradition of support of sporting camps that provide avid anglers and hunters the opportunity to visit our State and take a share of our wildlife, providing economic benefit to rural communities, and a measured harvest of animals on our natural lands that helps maintain a healthy and consistent herd. Such provision of licenses to nonresidents could be at risk of a constitutional challenge should the lottery system provide a license to a nonresident over a resident, reducing their choice and right to pursue the same wild game. The concern still remains; will a constitutional right supersede local ordinances that have been put in place by the citizens of a municipality for the health, safety, economic viability and wellbeing of the residents? Again, this will place municipalities in a position of having to litigate if and when challenged and

placing additional financial burdens on them. Whereas the unintended consequences of vague Statutes can be remedied the next legislative session by the people and those who they elect to the Legislature, the unintended consequences of judicial interpretation of vague constitutional language are costly to establish and difficult to correct. There is no threat to a right to food that cannot be remedied and improved upon by Maine's legislative Body. Individuals should be able to have an adequate diet without compromising another basic need such as school fees, medicines or rent. This amendment will divert available governmental resources to provide for the provision of legal services instead of food provision and protection. And I will say it again; I support the concept of this piece of legislation but believe the language needs to be more focused and that we should place this in Statute, have the ability to amend should the need arise, and then perhaps after having worked out any possible issues, have a discussion once again about whether this should be placed in constitutional change. I ask you please to not support enactment of this piece of legislation.

The SPEAKER: The Chair recognizes the Representative from Knox, Representative Kinney.

Representative KINNEY: Thank you, Mr. Speaker. May I pose a question through the Speaker?

The SPEAKER: The Member may proceed.

Representative KINNEY: Thank you, Mr. Speaker. I'm curious; what food are you prohibited from growing or producing?

The SPEAKER: The Representative from Knox, Representative Kinney has posed a question to any member who may care to respond. Seeing none, A roll call has been ordered. The pending question before the House is Final Passage. All those in favor will vote yes, those opposed will vote no.

This being a Constitutional Amendment, a two-thirds vote of the House being necessary, a total was taken.

ROLL CALL NO. 230

YEA - Andrews, Arford, Bailey, Bell, Berry, Blier, Blume, Brennan, Brooks, Bryant, Caiazzo, Cardone, Carlow, Cloutier, Collamore, Collings, Connor, Copeland, Corey, Crafts, Craven, Crockett, Cuddy, Dodge, Dolloff, Doore, Doudera, Downes, Drinkwater, Ducharme, Dunphy, Evangelos, Evans, Faulkingham, Fay, Fecteau, Geiger, Gere, Gramlich, Greenwood, Grohoski, Hanley, Harnett, Hasenfus, Head, Hepler, Hutchins, Kessler, Landry, Lemelin, Libby, Lookner, Madigan, Martin J, Martin R, Martin T, Mathieson, Matlack, McCrea, McCreight, McDonald, Melaragno, Meyer, Millett, Morales, Moriarty, O'Neil, Osher, Pebworth, Perry A, Perry J, Pierce, Pluecker, Poirier, Quint, Reckitt, Rielly, Riseman, Roberts, Roeder, Rudnicki, Sachs, Salisbury, Sampson, Sharpe, Sheehan, Skolfield, Stanley, Stetkis, Stover, Supica, Sylvester, Talbot Ross, Tepler, Terry, Thorne, Tucker, Tuttle, Warren C, Warren S, White, Williams, Wood, Zager, Zeigler, Mr. Speaker.

NAY - Alley, Austin, Bernard, Bickford, Costain, Dillingham, Foster, Gifford, Hall, Harrington, Hymanson, Johansen, Kinney, Kryzak, Lyford, Lyman, Mason, Millett, Morris, Nadeau, Newman, O'Connor, Ordway, Parry, Perkins, Stearns, Theriault, Tuell, Underwood, Wadsworth, White.

ABSENT - Arata, Babbidge, Bradstreet, Carmichael, Cebra, Griffin, Grignon, Haggan, Javner, O'Connell, Paulhus, Pickett, Prescott, Roche.

Yes, 106; No, 31; Absent, 14; Excused, 0.

106 having voted in the affirmative and 31 voted in the negative, with 14 being absent, and accordingly the Resolution 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**.

HOUSE DIVIDED REPORT - Majority (11) **Ought to Pass as Amended by Committee Amendment "A" (H-403)** - Minority (2) **Ought Not to Pass** - Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** on Bill "An Act To Amend Maine's Harness Racing Laws Regarding Race Dates and Pari-mutuel Pools" (EMERGENCY)

(H.P. 1200) (L.D. 1611)

TABLED - June 7, 2021 (Till Later Today) by Representative O'NEIL of Saco.

PENDING - **ACCEPTANCE OF EITHER REPORT**.

Subsequently, on motion of Representative O'NEIL of Saco, the Majority **Ought to Pass as Amended** Report was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (H-403)** was **READ** by the Clerk.

Representative O'NEIL of Saco **PRESENTED** House **Amendment "A" (H-546)** to **Committee Amendment "A" (H-403)**, which was **READ** by the Clerk and **ADOPTED**.

Committee Amendment "A" (H-403) as Amended by House Amendment "A" (H-546) 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**.

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

Representative **O'NEIL**: Thank you, Mr. Speaker. This is a small language amendment to clarify the municipal approval provision of the bill.

The same Representative **REQUESTED** a roll call on **PASSAGE TO BE ENGROSSED as Amended by Committee Amendment "A" (H-430)** and **House Amendment "A" (H-546)** thereto.

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 "A" (H-430) as Amended by House Amendment "A" (H-546) thereto. All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 231

YEA - Alley, Andrews, Austin, Bailey, Bernard, Bickford, Blier, Bryant, Caiazzo, Cardone, Carlow, Cloutier, Collamore, Collings, Connor, Corey, Costain, Crafts, Craven, Crockett, Cuddy, Dillingham, Dolloff, Doore, Downes, Drinkwater, Ducharme, Dunphy, Evangelos, Evans, Faulkingham, Fay, Fecteau, Foster, Gifford, Greenwood, Hall, Hanley, Harnett, Harrington, Hasenus, Head, Hutchins, Johansen, Kinney, Kryzak, Lemelin, Libby, Lyman, Madigan, Martin J, Martin R, Martin T, McCrea, McDonald, Millett, Moriarty, Morris, Nadeau, Newman, O'Connor, Ordway, Parry, Peabworth, Perkins, Perry A, Perry J, Pluecker, Quint, Riseman, Roberts, Roeder, Rudnicki, Salisbury, Sampson, Sharpe, Sheehan, Skolfield, Stanley, Stearns, Stetkis, Stover, Sylvester, Terry, Theriault,

Thorne, Tuell, Tuttle, Underwood, Wadsworth, Warren, White B, White D, Mr. Speaker.

NAY - Arford, Bell, Berry, Blume, Brennan, Brooks, Copeland, Dodge, Doudera, Geiger, Gere, Gramlich, Grohoski, Hepler, Hymanson, Kessler, Lookner, Lyford, Mason, Mathieson, Matlack, McCreight, Melaragno, Meyer, Millett, Morales, O'Neil, Osher, Pierce, Reckitt, Rielly, Sachs, Supica, Talbot Ross, Tepler, Tucker, Warren, Williams, Wood, Zager, Zeigler.

ABSENT - Arata, Babbidge, Bradstreet, Carmichael, Cebra, Griffin, Grignon, Haggan, Javner, Landry, O'Connell, Paulhus, Pickett, Poirier, Prescott, Roche.

Yes, 94; No, 41; Absent, 16; Excused, 0.

94 having voted in the affirmative and 41 voted in the negative, with 16 being absent, and accordingly under further suspension of the rules, the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (H-403) as Amended by House Amendment "A" (H-546)** thereto and sent for concurrence.

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

SENATE REPORT - Ought to Pass as Amended by Committee Amendment "A" (S-196) - Committee on **VETERANS AND LEGAL AFFAIRS** on Bill "An Act To Reform Payments to Legislators by Political Action Committees"

(S.P. 514) (L.D. 1621)

- In Senate, Unanimous **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-196)**.

TABLED - June 8, 2021 (Till Later Today) by Representative DUNPHY of Old Town.

PENDING - **ACCEPTANCE OF COMMITTEE REPORT**.

Subsequently, the Unanimous Committee Report was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (S-196)** was **READ** by the Clerk.

Representative **PLUECKER** of Warren **PRESENTED** House **Amendment "A" (H-502)** to **Committee Amendment "A" (S-196)**, which was **READ** by the Clerk.

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

Representative **PLUECKER**: Thank you, Mr. Speaker. In the 129th Legislature, the term party PAC was defined by Statute and an unintended consequence of that was to exclude the unenrolled Members of this House from having access to the PACs that have that ability that is as defined by the party PACs. These abilities are such things as allowing to fund a recount election for clean elections candidates and some other things. This is a power that 146 Members of this House have, there's only five of us without it. So, this is a simple fix to a bill that passed in the 129th, making sure that everybody in this House has access to the same PACs. It's a fundamental equity that we should all share and I hope you'll follow my light or I hope you'll just follow me and let this go through so that we can all really be on equal footing when it comes to how we fund our elections and fund our recounts. Thank you.

Representative **DILLINGHAM** of Oxford **REQUESTED** a roll call on the motion to **ADOPT House Amendment "A" (H-502) to Committee Amendment "A" (S-196)**.

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 Scarborough, Representative Caiazzo.

Representative **CAIAZZO**: Thank you, Mr. Speaker. I just wanted to remind the Body that the language for this amendment is very much familiar to a previous LD that the Body disposed of earlier in the session.

The SPEAKER: A roll call has been ordered. The pending question before the House is Adoption of House Amendment "A" (H-502) to Committee Amendment "A" (S-196). All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 232

YEA - Andrews, Bailey, Brooks, Bryant, Cardone, Collings, Copeland, Crafts, Crockett, Cuddy, Dodge, Doore, Doudera, Drinkwater, Evangelos, Faulkingham, Fecteau, Geiger, Gramlich, Grohoski, Harnett, Hasenfus, Hepler, Hutchins, Kessler, Landry, Lookner, Lyford, Madigan, Mason, Mathieson, Matlack, Melaragno, Morales, Newman, O'Neil, Osher, Pebworth, Perry A, Perry J, Pluecker, Quint, Reckitt, Riseman, Roeder, Stanley, Sylvester, Talbot Ross, Thorne, Warren C, Warren S, Williams, Zager, Zeigler.

NAY - Alley, Arford, Austin, Bell, Bernard, Berry, Bickford, Blier, Blume, Brennan, Caiazzo, Carlow, Cloutier, Collamore, Connor, Corey, Costain, Craven, Dillingham, Dolloff, Downes, Ducharme, Dunphy, Evans, Fay, Foster, Gere, Gifford, Greenwood, Hall, Hanley, Harrington, Head, Hymanson, Johansen, Kinney, Kryzak, Lemelin, Libby, Lyman, Martin J, Martin R, Martin T, McCrea, McCreight, McDonald, Meyer, Millett H, Millett R, Moriarty, Morris, Nadeau, O'Connor, Ordway, Parry, Perkins, Pierce, Rielly, Roberts, Rudnicki, Sachs, Salisbury, Sampson, Sharpe, Sheehan, Skolfield, Stearns, Stetkis, Stover, Supica, Tepler, Terry, Theriault, Tucker, Tuell, Tuttle, Underwood, Wadsworth, White B, White D, Wood, Mr. Speaker.

ABSENT - Arata, Babbidge, Bradstreet, Carmichael, Cebra, Griffin, Grignon, Haggan, Javner, O'Connell, Paulhus, Pickett, Poirier, Prescott, Roche.

Yes, 54; No, 82; Absent, 15; Excused, 0.

54 having voted in the affirmative and 82 voted in the negative, with 15 being absent, and accordingly **House Amendment "A" (H-502) to Committee Amendment "A" (S-196) was NOT ADOPTED.**

Subsequently, **Committee Amendment "A" (S-196) 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-196)** in concurrence.

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

HOUSE DIVIDED REPORT - Report "A" (6) **Ought to Pass as Amended by Committee Amendment "A" (H-481)** - Report "B" (4) **Ought Not to Pass** - Report "C" (2) **Ought to Pass as Amended by Committee Amendment "B" (H-482)** - Committee on **LABOR AND HOUSING** on Bill "An Act To End At-will Employment"

(H.P. 398) (L.D. 553)

TABLED - June 9, 2021 (Till Later Today) by Representative SYLVESTER of Portland.

PENDING - Motion of same Representative to **ACCEPT Report "A" OUGHT TO PASS AS AMENDED.**

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

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

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

Representative **MORRIS**: Thank you, Mr. Speaker. I rise today in strong opposition to the pending motion. This bill is unnecessary, it's impractical and it is unenforceable. Maine businesses have had a lot to deal with within the last year with the coronavirus pandemic. Many of them have been, most of them have been very good citizens, they all have been good citizens. They've employed our people, they've done what they could to help their communities during this pandemic, including dealing with the decreased capacity and other mandates. What they deserve right now is help and they deserve predictability from their government. This bill would require small employers, even the smallest employers such as your local convenience store that may only employ 10 to 15 people to develop a policy to deal with those employees who may not always be the best employees. That is not workable for a small business. They do not have the time or the resources that a large business does. Most large businesses do have an employee handbook that lays out the consequences of actions of an employee. It's much more difficult to do that. The expectations are generally very clear in any business anybody's ever worked at, they know if they show up on time, they do what they're expected to do, then they will continue to remain employed. In fact, right now, most of the small businesses in my area are struggling to find employees, they're in a competition for employees. They can't hire enough help. Many of them have had to shut down for a day or more a week because they can't find employees. They are not looking to lay people off or fire people for spurious reasons.

This bill would expose them to new potential costly litigation. It is not clear, it would appear within the bill that there would be a private right of action available to employees if the employer did not give them what they saw to be sufficient warnings. Small employers, again, they do not have the opportunity to document at every single instance when an employee misbehaves, to correct their behavior. They cannot always put that in a written form. It's an in-the-moment thing and if you have an employee that is consistently not performing up to the standards that the business sees fit, they should have the right to terminate their employment. This policy is unfriendly to business. It sends a message that Maine is not open for business. I would say there is no need for this bill. The Department of Labor testified that this would be a very difficult bill to enforce, it would be a very difficult law, if it were to become law. They would anticipate needing additional resources to educate and to enforce this. I encourage this Body to reject this motion. There is really no need for this bill. As I have said, many businesses in my area are trying to compete for employees, they're not looking to fire people for no reason. I urge you to follow my light and vote this bill down. Thank you.

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

Representative **DRINKWATER**: Thank you, Mr. Speaker. We are celebrating 200 years, the birth of the State of Maine, when we separated from Massachusetts. For 200 years, we've had at-will employment. Now, all of a sudden, it's got to be changed. It just boggles my mind, Mr. Speaker. The testimonies we heard during this lengthy, lengthy hearing was mostly from the business community. Some of the questions that were popped was unclear how to enforce this, does the employer decide this, could lead to significant cost to State if the Department of Labor must enforce, disrupts the employer's operation or other legitimate business. Mr. Speaker, if we're going to change the rules of employment, I think we need to do more studying than just one public hearing and one work session. For years, I used a trucking company to bring cars back to the State of Maine and one day the owner of the operation called me and said Gary, is there any chance you can give my employee a ride home from Connecticut? I inquired to Mr. Scott, you know, why do you need me to transport him home. Well, Gary, he got called in for a random drug test by the insurance company. He goes in, he gets tested, it comes back positive for marijuana; which is legal. But the insurance company said we will not cover anything that that man drives. So, what's the employer to do? He can't put him in as a mechanic, the insurance company won't cover him so he can't let him drive. Well, he's only had one strike. So, I just think, Mr. Speaker, that this bill is a work in progress, it needs a lot more studying, it needs the business community's input on this, and hopefully that's where it will go, but I would encourage people to vote against the motion. Thank you, Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Penobscot, Representative Hutchins.

Representative **HUTCHINS**: Thank you, Mr. Speaker, Ladies and Gentlemen of the House. It doesn't always have to be something an employee did wrong. I've hired people before to do projects, sometimes fairly long projects, a year, maybe up to two years, and when the project is done, if you don't have another one that is that person's specialty and, you know, they may be a high-paid person that works for you, you know, you're going to let them go because you don't have something for them to do. And so, it doesn't necessarily have to be that the employee has done anything wrong at all, maybe they're being let go with the highest recommendation for the next person that needs that particular specialty.

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

Representative **BICKFORD**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House, I spent nearly 40 years managing small businesses and, in those businesses, I had employees, up to over 100 at one point. There were times that I always wanted to improve my employee performance. Not all my employees were superstars. But there were times that I had enough employees that my superstars outweighed my marginal employees. And if I had to let a marginal employee go, it may not be because they did something specifically wrong, they were just marginal, they just did not come up to the capacity that I needed in the business I managed.

Mr. Speaker, I was terminated more than once at will because I served in the Legislature, and they made sure that was not the reason I was terminated. I still supported that business after that and I still support not preventing at-will employment. At-will employment is incredibly important. If I have an employee that comes up, I'll give you an example; I

work a couple days a week in a small business now and an employee was terminated because they were caught on camera smoking pot out back. That's not a criminal offense, but it's against the store policy and the penalty for that is automatic termination. If an employee fails to card a customer that's underage for cigarettes or alcohol, it's not a criminal offense, it's an offense with the State of Maine and they have to pay a fine, but that person is automatically terminated for the sake of the business. Mr. Speaker, this at-will employment cannot be stopped, it has to stay, we would only be, I believe, and I can be corrected, I believe that would make us only the second state to not have at-will employment, and that would be a disgrace. Thank you.

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

Representative **SYLVESTER**: Thank you, Mr. Speaker. I will speak briefly. I could speak a long time on this, about how we are the only country in the world that has this concept that you can let somebody go for no reason, about the origins of this policy and the mistakes that were made in terms of generating it, but what I really want to do is clarify for businesses who might be listening what this bill actually does versus the information that they have gotten. This bill in its amended form says that you must have a handbook. It says that within that handbook, you must have a just cause policy which would mean that you'd have a progressive discipline policy of three steps, that the DOL would create this policy for anyone who didn't have one, a model policy. But the most important thing is it says you cannot fire someone for no reason. The bill defines what cause is. It's not layoff, it's not seasonal, it's not economic downturn. And I would agree that employers are, in fact, working overtime to make sure that employees are successful and this codifies that into law. But what about when they are not successful? What this bill does is rather than the other state, which is Montana, which decided that all of their cases of at-will of when somebody is fired should go to the courts and if you look up at-will employment, Montana, you'll find 500 listings for lawyers.

What this bill does is it puts the judgement into the hands of employers. And what the amendment says is several things. One, that you can put into your handbook whichever policies you want which you find to be fireable offenses. So, the example of the Good Representative from Auburn of the gentleman smoking pot in the back, if it was in a handbook that was a policy would be a fireable offense, you could move that person right to termination. But, more importantly, it states that if there are situations where there's an unsafe condition for the employer, for the employee, for the customers, if there is an incident in which the image of the company will be damaged, all of those should be moved to fireable offenses at the discretion of the employer. And there is no right to private action in this bill. The only thing that it demands is that the policies of the company are applied evenly. That seems fair to me. And the only right of action is to call the DOL and ask for an opinion about whether or not it was applied fairly. So, I would state, Mr. Speaker, that this is a policy that says you can be fired for cause but not for no reason. That seems just to me. I'm glad to have brought this idea forward. I'm glad that we had a good discussion in the State about this policy and I hope that people are able to support it. Thank you.

The SPEAKER: The Chair recognizes the Representative from Oakland, Representative Perkins.

Representative **PERKINS**: Thank you, Mr. Speaker. I rise up in opposition to the termination of at-will people. If anyone here knows and I said that wrong, I apologize if anyone here knows about being a boss, that would be you. Recently, you had to make a hardline decision to remove seven people, and that's okay. You did it and that's what you're supposed to do, that's your job. I run a company and I have 18 employees. Now, if someone steals from me, then I say, you know, you're all done, then he gets a chance to call DOL, then it ties up my time, I can't be here because I'm going to have to be on a phone conversation talking with DOL, and I got it. We can't do that, sir. We cannot take and put this burden onto our small businesses. Also, during the course of the day I run a school bus company and during the course of that time, we have to take random drug tests. And if someone comes in and fails their random drug test, we have to say goodbye and again they can say well, it wasn't me, I went to a party and someone else was smoking, now I have to tie up my time as a small business owner, as an employer, and have to justify it. And I think that, you know, the hands of the employers are really tied, are really tied up, and we need to support our small business owners because this pandemic has been a perfect example; a lot of small businesses have gone out and we can't get enough employees as it is. So, I think it would be really wrong and I wish you to follow my light, please. Thank you, Mr. Speaker.

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

Representative **SACHS**: Thank you, Mr. Speaker, and I rise with all the brimming enthusiasm of a first-year legislator to say I will be voting against this motion in the hopes that amendment C will be brought before this Body. I do so, Mr. Speaker, because of the many thoughtful conversations I have had with both committee members who worked really hard to amend this bill up until the very last day of the work session. And then also with businesses within my district who, surprisingly, to me, stated this system does need revision and does need work, but that this bill just was not the right remedy. And so, amendment C has been offered in the attempt to bring the stakeholders together.

The SPEAKER: The Member will defer. The Member must relate her comments to the pending question before us, which is Report "A". The Chair reminded Representative SACHS of Freeport to stay as close as possible to the pending question. The member may proceed.

Representative **SACHS**: Thank you so much. So, given the conversations that I am having with my businesses, who are thoughtful about this, I will be opposing this motion. Thank you, Mr. Speaker.

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

Representative **MORRIS**: Thank you, Mr. Speaker. I apologize for rising a second time, I just would like to clear up a few things or for further clarification. The issue that we have is how is the Department of Labor going to enforce this? Small businesses do not have human resources departments to be able to develop these policies. They're most small businesses that I know in my area are very straightforward about what their expectations are, they just don't have them in a handbook. And the idea that they're going to develop a policy that's going to say this is what you have to do and these are the steps and then they're going to write this all down, and you're going to expect the Department of Labor to enforce this when they don't have

the resources to do it and the amount of money it would cost the State to enforce such a thing, I believe this is very unworkable, it is unnecessary and, again, I urge this Body to reject this motion. Thank you.

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

Representative **UNDERWOOD**: Thank you, Mr. Speaker, Ladies and Gentlemen of the 130th Legislature. Good afternoon, good evening, and most of us legislators received a lot of email, probably, on this one. This is the one that I got the most email on. And I'd just like to say this is a full employment bill for lawyers. Thank you.

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

Representative **BLIER**: Thank you, Mr. Speaker. May I pose a question to the Chair?

The SPEAKER: The Member may proceed.

Representative **BLIER**: My question is how thick will a handbook have to be in order to put in all the possible possibilities of firing somebody?

The SPEAKER: The Representative from Buxton, Representative Blier has posed a question to any member who may care to respond. The Chair recognizes the Representative from Bangor, Representative Roeder.

Representative **ROEDER**: Thank you, Mr. Speaker. In reference to the question posed, having written more than one handbook for business places that I work for, we had several policies that we put in that were large enough to encompass a number of behaviors and none of our handbooks exceeded 20 pages, I believe. Thank you.

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

Representative **WARREN**: Thank you, Mr. Speaker. I hope I'm loud enough. I wish to rise in support of the motion, strong support. I hope that this will be brief. I just wanted to say I heard a lot of different perspectives from the point of view of employers and I want to find common ground always but I just want to remind this Body and I guess yourself, Mr. Speaker, that there are many more employees in the State of Maine than there are employers and I want to consider their rights. What are they entitled to? I think this is a basic fundamental human rights issue. I think most nations that we would compare ourselves to don't have a notion like this. I think it's high time that we consider this in a serious way. I'm proud that this is before us now. I hope that you'll follow my light and, again, it's not an original idea, and I understand the language of this bill, we were considering it from the point of view of an employer, but most people I know are employees and have only been employees. I hope that we'll remember them and consider what their rights are in this situation. Thank you.

The SPEAKER: The Chair recognizes the Representative from Canaan, Representative Stetkis.

Representative **STETKIS**: Thank you, Mr. Speaker, Men and Women of the House. When this bill came up for a public hearing, the hospitals came and spoke with us, retail vendors came and spoke with us, real estate, grocers, hospitality, farm equipment, even municipalities, water districts, and the forest products industry, just to name a few. These industries provide tens of thousands, if not hundreds of thousands of Maine jobs. I would hope the people in this chamber would take into account what the people who actually have to run these businesses and maintain employees are telling us. And, secondly, with the amendments, I hate to say it, but there is not nearly enough lipstick to put on this pig to make this very, very, very bad, job-

killing bill better. Let's defeat this, let's step away from this nightmare and let's get back to work and create a prosperous Maine for our citizens.

The SPEAKER: The Chair recognizes the Representative from Penobscot, Representative Hutchins.

Representative **HUTCHINS**: Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I rise a second time; thank you for allowing me to do so. Right now, we're in the process of huge numbers of unemployed people. One of the things I get comments on the most is please do away with that \$300 extra unemployment so people will come ask for jobs. But in the process of doing that, many employers are going to be hiring the wrong people because they're so desperate and it's going to take a little while to sort that out as to which employer is going to hire the right person and then end up in this job or that job. And so, there's going to be a lot of hiring and firing, I think. And this certainly would make that much more difficult. Thank you.

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

Representative **WARREN**: Thank you very much, Mr. Speaker. I just wanted to mention briefly, as a new member of the Labor Committee, I also want to remind the Body something that I'm sure many people here know more and much better than me; we have a long-term and very multisector labor shortage. So, I think it's also very important to consider how we make ourselves as attractive as possible to new employees. I think that's one element that we've been trying to really grapple with as the Labor Committee and then also I think as a Body for many years, Mr. Speaker. And so, I just want to consider that as well. There's many ways to incentivize and to get people to come to our State, to stay in our State. As a young Mainer, especially, I'm trying to think about that and I think it's not just about wages or these things, I'm sympathetic, actually, to those Members that have discussed that as it's not that simple. But one thing I think that is very important is the quality of work, how you're treated as an employee, in parity with fellow employees, and to have really that clarity. So, this is again, the way that this bill is amended, I think was very carefully and thoughtfully done with a variety of stakeholders and just says that if you're going to fire me, I want to know why. I just want a stated reason, just want that communication. Thank you very much for your consideration, Mr. Speaker.

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

Representative **THORNE**: Thank you, Mr. Speaker. Long time, fifth time; some people get that. I would like to thank the Representative from Oakland for bringing up the Augusta 7 plight and can you imagine, Mr. Speaker, if we had a union steward representative that we sent to your office to discuss the violations of our collective bargaining agreement as legislators? That being said, I stand in opposition and urge those to vote in opposition of this pending bill. Thank you.

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

Representative **LEMELIN**: Thank you, Mr. Speaker and Friends of the House. I rise in opposition. I'm a business owner. And what I'd like everybody to imagine is, first of all, I don't know that many people that are fired randomly for no reason. There's always a reason and 99 out of 100 times, it's a good reason. But my concern with this bill is even greater than that, and that is I hire a person, I own a professional business, and I hire a person, they interviewed outstandingly. I didn't know they had multiple personalities. So, they sit at the front desk of my business and they start saying things that are very unprofessional and I'm

losing business. I find this out. I find out through this new bill that I have to give them a warning. Keeping in mind, I'm losing business. A short time later, I find out they just stole \$10,000 from me. Well, geez, I'd like to turn them into the police, but that's pretty hard to do today unless you've got videos and 500 witnesses. That's going to be a rough road. But now I have to give them a written notice or a second notice. Not only that, I have to wait now for a third mistake that they're going to do to ruin my business and even then, I have to wait again because I have to, according to this policy, I just read it, I was blown away, even on the third time, I have to have them sign it and let them know that their next mistake, they're going to be terminated. Geez, my business, I'm losing tons of it because they're badmouthing me at the front desk, only because they have a dual personality, I just lost 10 grand that they stole from me, I can't even get it back, and even if I tried litigation, I can't fire them, so they go to the police or whatever, they're released the next day, remember, I can't fire them. I got to put them back at my front desk or at least pay them. Why would you ask me to do this? I don't understand it as a business owner. So, yeah, there are circumstances, I understand what the gentleman is trying to do to protect the employee, but what about the small business owner? Am I really going to lose business and then \$10,000 and on and on and don't pretend that this can't happen; it can. I've owned businesses and been a business manager for over 30 years. I've seen it happen. I've seen it where people have destroyed a business and, unfortunately, with this bill, we cannot release these people back out and save our businesses. This is just not right, Mr. Speaker. Thank you.

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

Representative **SYLVESTER**: Thank you, Mr. Speaker. I apologize for rising for a second time, but I needed to give two pieces of good news to my friends across the aisle. The first one is that almost all of the instances that they raised would be covered by the amendment and could move straight to termination. The second is if any of the Members on the other side of the aisle would like to form a legislative union, I'll be in the back later.

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. 233

YEA - Arford, Berry, Brennan, Brooks, Bryant, Caiazza, Collings, Copeland, Cuddy, Doore, Evangelos, Geiger, Gramlich, Kessler, Lookner, Madigan, Mathieson, Matlack, Melaragno, Morales, O'Neil, Osher, Peabworth, Reckitt, Rielly, Roberts, Roeder, Salisbury, Sharpe, Sylvester, Talbot Ross, Warren C, Warren S, Williams, Zager.

NAY - Alley, Andrews, Austin, Bailey, Bell, Bernard, Bickford, Blier, Blume, Cardone, Carlow, Cloutier, Collamore, Connor, Corey, Costain, Crafts, Craven, Crockett, Dillingham, Dodge, Dolloff, Doudera, Downes, Drinkwater, Ducharme, Dunphy, Evans, Faulkingham, Fay, Fecteau, Foster, Gere, Gifford, Greenwood, Grohoski, Hall, Hanley, Harnett, Harrington, Hasenfus, Head, Hepler, Hutchins, Hymanson, Johansen, Kinney, Kryzak, Landry, Lemelin, Libby, Lyford, Lyman, Martin J, Martin R, Martin T, Mason, McCrea, McCreight, McDonald, Millett H, Millett R, Moriarty, Morris, Nadeau, Newman, O'Connor, Ordway, Parry, Perkins, Perry A, Perry J, Pierce, Pluecker, Quint, Riseman, Rudnicki, Sachs, Sampson, Sheehan, Skolfield, Stanley, Stearns, Stetkis, Stover, Supica, Tepler, Terry, Theriault, Thorne, Tuell, Tuttle,

Underwood, Wadsworth, White B, White D, Wood, Zeigler, Mr. Speaker.

ABSENT - Arata, Babbidge, Bradstreet, Carmichael, Cebra, Griffin, Grignon, Haggan, Javner, Meyer, O'Connell, Paulhus, Pickett, Poirier, Prescott, Roche, Tucker.

Yes, 35; No, 99; Absent, 17; Excused, 0.

35 having voted in the affirmative and 99 voted in the negative, with 17 being absent, and accordingly Report "A" **Ought to Pass as Amended was NOT ACCEPTED.**

Subsequently, Representative SYLVESTER of Portland, moved that the House **ACCEPT** Report "C" **Ought to Pass as Amended.**

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

Representative **SYLVESTER**: Thank you, Mr. Speaker. Very simply, this is a study to look at the economic impact of ending at-will employment, and I think that would be very interesting numbers to know. Thank you, Mr. Speaker.

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

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

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

Representative **MORRIS**: Thank you, Mr. Speaker. This report is just as bad as the last report. The problem with this is that still you have a situation where you're creating unpredictability for our businesses. Our business communities deserve the predictability of knowing that something like this is not going to happen. They do not support it in any form, it is not good policy in any form. A study is not going to change that. The study is unnecessary, just as getting rid of at-will, because getting rid of at-will employment does not make sense. It is unworkable. I urge this Body to reject this bill as well. Thank you.

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

Representative **SACHS**: Thank you, Mr. Speaker. Thought I'd continue on my unbridled enthusiasm and optimism at the appropriate time. So, the reason that I am supporting this motion, Mr. Speaker, is because of the thoughtful conversations that I've had with businesses in my district who have engaged in a thoughtful examination of the bill and this study is not just a study, within this amendment is also the intent to put forward a bill. The timeframe is also short, as it comes out in January, so, there is an opportunity to bring stakeholders together and the bill that comes out of that process, Mr. Speaker, may well look very similar to the one before us today but will have been vetted with dialogue. And what I have said to the thoughtful, wonderful businesses who have contacted me is to be part of that process. Because if, indeed, Mr. Speaker, what they said to me is true, that they know there are problems with the system, I'm very excited about the opportunity to come together in a stakeholder group to make some changes and put forward legislation that hopefully this entire Body can support. Thank you, Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Penobscot, Representative Hutchins.

Representative **HUTCHINS**: Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I don't think we can pass this one for the simple reason this study, I think, drains the State of people available to serve on a study. I think we're done; I think we've served all we can. Thank you.

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

Representative **DRINKWATER**: Thank you, Mr. Speaker. Good move, good move. But, as I'm reading the Amendment C, Mr. Speaker, I'd like to see the business community involved. I don't see anywhere in here where it says they have a seat at the table. The other thing I'm missing here, Mr. Speaker, is what's the fiscal cost. It says see attached, but I'd like to pose a question through the Speaker, if I may?

The SPEAKER: The Member may proceed.

Representative **DRINKWATER**: Do we know what the cost is and does the business community have a seat at the table?

The SPEAKER: The Representative from Milford, Representative Drinkwater has posed a question to any member who may care to respond. The Chair recognizes the Representative from Freeport, Representative Sachs.

Representative **SACHS**: Thank you, Mr. Speaker. I did just want to read from the amendment that says that the Department of Labor and Department of Economic and Community Development shall convene a working group that must invite members of the business community, labor community and economists to participate in the stakeholder group. Thank you, Mr. Speaker.

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

ROLL CALL NO. 234

YEA - Alley, Arford, Bailey, Bell, Berry, Blume, Brennan, Brooks, Bryant, Caiazzo, Cardone, Cloutier, Collings, Copeland, Crafts, Craven, Cuddy, Dodge, Doore, Doudera, Dunphy, Evangelos, Evans, Geiger, Gere, Gramlich, Grohoski, Harnett, Hasenfus, Hepler, Hymanson, Kessler, Lookner, Madigan, Mathieson, Matlack, McCrea, McCreight, McDonald, Melaragno, Meyer, Millett, Morales, O'Neil, Osher, Pebworth, Perry A, Perry J, Pluecker, Reckitt, Rielly, Riseman, Roberts, Roeder, Sachs, Salisbury, Sharpe, Sheehan, Supica, Sylvester, Talbot Ross, Tepler, Terry, Warren C, Warren S, White, Williams, Wood, Zager, Zeigler, Mr. Speaker.

NAY - Andrews, Austin, Bernard, Bickford, Blier, Carlow, Collamore, Connor, Corey, Costain, Crockett, Dillingham, Dolloff, Downes, Drinkwater, Ducharme, Faulkingham, Fay, Fecteau, Foster, Gifford, Greenwood, Hall, Hanley, Harrington, Head, Hutchins, Johansen, Kryzak, Landry, Lemelin, Libby, Lyford, Lyman, Martin J, Martin R, Martin T, Mason, Millett, Moriarty, Morris, Nadeau, Newman, O'Connor, Ordway, Parry, Perkins, Pierce, Quint, Rudnicki, Sampson, Skolfield, Stanley, Stearns, Stetkis, Stover, Theriault, Thorne, Tuell, Tuttle, Underwood, Wadsworth, White.

ABSENT - Arata, Babbidge, Bradstreet, Carmichael, Cebra, Griffin, Grignon, Haggan, Javner, Kinney, O'Connell, Paulhus, Pickett, Poirier, Prescott, Roche, Tucker.

Yes, 71; No, 63; Absent, 17; Excused, 0.

71 having voted in the affirmative and 63 voted in the negative, with 17 being absent, and accordingly Report "C" **Ought to Pass as Amended was ACCEPTED.**

The Bill was **READ ONCE. Committee Amendment "B" (H-482) 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 "B" (H-482)** and sent for concurrence.

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

**SENATE PAPERS
Non-Concurrent Matter**

An Act Regarding the Outdoor Release or Abandonment of Balloons

(H.P. 761) (L.D. 1023)
(C. "A" H-137)

PASSED TO BE ENACTED in the House on June 3, 2021. Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-137) AS AMENDED BY SENATE AMENDMENT "B" (S-232)** thereto in **NON-CONCURRENCE**.

The House voted to **RECEDE AND CONCUR**

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

**REPORTS OF COMMITTEE
Divided Reports**

Majority Report of the Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-544)** on Bill "An Act To Help Maine Students Catch Up and Keep Up by Providing Remedial and Compensatory Assistance in Response to Education Disruption" (EMERGENCY)

(H.P. 238) (L.D. 334)

Signed:
Senators:

RAFFERTY of York
DAUGHTRY of Cumberland

Representatives:

BRENNAN of Portland
CROCKETT of Portland
DODGE of Belfast
McCREA of Fort Fairfield
MILLETT of Cape Elizabeth
SALISBURY of Westbrook

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

Signed:
Senator:

WOODSOME of York

Representatives:

LYMAN of Livermore Falls
ROCHE of Wells
SAMPSON of Alfred
STEARNS of Guilford

READ.

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

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

ROLL CALL NO. 235

YEA - Alley, Arford, Bailey, Bell, Berry, Blume, Brennan, Brooks, Bryant, Caiazzo, Cardone, Cloutier, Collings, Copeland, Crafts, Craven, Crockett, Cuddy, Dodge, Doore, Doudera, Dunphy, Evangelos, Evans, Fay, Geiger, Gere, Gramlich, Grohoski, Harnett, Hasenfus, Hepler, Hymanson, Kessler, Landry, Lookner, Madigan, Martin J, Martin R, Mathieson, Matlack, McCreia, McCreight, McDonald, Melaragno, Meyer, Millett, Morales, Moriarty, O'Neil, Osher, Peabworth, Perry A, Perry J, Pierce, Pluecker, Reckitt, Rielly, Riseman, Roberts, Roeder, Sachs, Salisbury, Sharpe, Sheehan, Stover, Supica, Sylvester, Talbot Ross, Tepler, Terry, Tuttle, Warren C, Warren S, White, Williams, Wood, Zager, Zeigler, Mr. Speaker.

NAY - Andrews, Austin, Bernard, Bickford, Blier, Carlow, Collamore, Connor, Corey, Costain, Dillingham, Dolloff, Downes, Drinkwater, Ducharme, Faulkingham, Fecteau, Foster, Gifford, Greenwood, Hall, Hanley, Harrington, Head, Hutchins, Johansen, Kryzak, Lemelin, Libby, Lyford, Lyman, Martin, Mason, Millett, Morris, Nadeau, Newman, O'Connor, Ordway, Parry, Perkins, Quint, Rudnicki, Sampson, Skolfield, Stanley, Stearns, Stetkis, Theriault, Thorne, Tuell, Underwood, Wadsworth, White.

ABSENT - Arata, Babbidge, Bradstreet, Carmichael, Cebra, Griffin, Grignon, Haggan, Javner, Kinney, O'Connell, Paulhus, Pickett, Poirier, Prescott, Roche, Tucker.

Yes, 80; No, 54; Absent, 17; Excused, 0.

80 having voted in the affirmative and 54 voted in the negative, with 17 being absent, and accordingly the Majority **Ought to Pass as Amended** Report was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (H-544)** was **READ** by the Clerk and **ADOPTED**.

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

Under further suspension of the rules the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (H-544)** and sent for concurrence.

Majority Report of the Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-545)** on Bill "An Act To Keep All Maine Students Safe by Restricting the Use of Seclusion and Restraint in Schools"

(H.P. 1007) (L.D. 1373)

Signed:
Senators:

RAFFERTY of York
DAUGHTRY of Cumberland

Representatives:

BRENNAN of Portland
CROCKETT of Portland
DODGE of Belfast
McCREA of Fort Fairfield
MILLETT of Cape Elizabeth

SALISBURY of Westbrook

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

Signed:

Senator:

WOODSOME of York

Representatives:

LYMAN of Livermore Falls

ROCHE of Wells

SAMPSON of Alfred

STEARNS of Guilford

READ.

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

On further motion of the same Representative, **TABLED** pending his motion to **ACCEPT** the Majority **Ought to Pass as Amended** Report and later today assigned.

Majority Report of the Committee on **ENERGY, UTILITIES AND TECHNOLOGY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-541)** on Bill "An Act To Require Consideration of Climate and Equity Impacts by the Public Utilities Commission"

(H.P. 1251) (L.D. 1682)

Signed:

Senators:

LAWRENCE of York

VITELLI of Sagadahoc

Representatives:

BERRY of Bowdoinham

CUDDY of Winterport

GROHOSKI of Ellsworth

KESSLER of South Portland

WOOD of Portland

ZEIGLER of Montville

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

Signed:

Senator:

STEWART of Aroostook

Representatives:

CARLOW of Buxton

FOSTER of Dexter

READ.

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

The SPEAKER: The Chair recognizes the Representative from Hiram, Representative Wadsworth.

Representative **WADSWORTH**: Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I rise to oppose the pending motion. If you love undefined catch phrases, this is the bill for you. Environmental justice populations and frontline communities are seeking to be defined. I questioned supporters of the bill in what frontline communities mean to them at the public hearing. Mr. Speaker, I did not get any answers. This is

my third Legislature as being the lead on the EUT and these catchphrases have never come up during committee. This bill is absolutely not needed. Mr. Speaker, I request a Roll Call and please follow my light.

The same Representative **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 Camden, Representative Doudera.

Representative **DOUDERA**: Thank you, Mr. Speaker. Here in Maine, we have a critically important set of goals, published six months ago, that have the potential to help us address what may be the most pressing long-term problem our State has ever faced; preparing for and mitigating the effects of climate change. Maine Won't Wait is the product of the Maine Climate Council, whose work engaged hundreds of Maine citizens, scientists, industry leaders, elected officials, students, and many others and symphonized their thoughts into a set of written goals to reduce carbon emissions and achieve carbon neutrality in Maine by 2045. It was a herculean effort and our State should be very proud of that work. The report also stipulates that future climate actions are to have a focus on protecting and supporting vulnerable communities who are most at risk from climate disruption.

I thank those of you in this chamber who participated in these important discussions of the climate council. The rest of us owe you a debt of gratitude. Now the time has come to take those goals and begin achieving them and a critical way to do that is by empowering our state agencies to emphasize climate and equity impacts, to hold these considerations in the same regard as others such as cost and adequate service. LD 1682 begins this process by focusing on the Public Utilities Commission, an agency whose future decisions are critical to achieving the goals in our climate action plan. As the regulator of 430 electric, gas, telephone, and water utilities and districts in our State, the PUC is uniquely positioned to help us advance climate impacts and make progress. LD 1682 also requires the Governor's Office of Policy Innovation & Future, in consultation with other state agencies and offices, to develop methods to incorporate equity considerations in decision-making at the Department of Environmental Protection, the Public Utilities Commission, and other state agencies and to develop definitions for terms with input from the public and stakeholders and submit a report to the Joint Standing Committees on Environment and Natural Resources and Energy, Utilities and Technology by February 15, 2022. LD 1682 is the action in our States' climate action plan and it begins the critical work of defining important environmental justice terms. I urge you to vote in support. Thank you.

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

Representative **BICKFORD**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House, what's better for the environment? Is natural gas better for the environment? Solar? Wind? What does it cost after 20 years of solar and wind when they are used up? Where are they going to put the cadmium? What are they going to do with the silver? What are they going to do with the lead in solar? Is that good for the environment? The making of our wind turbines requires a lot of carbon, as does solar. What's this going to do for the cost of our electricity? Those of us that are on Social Security and fixed

incomes? Mr. Speaker, this is a bad bill and I urge you to follow my light.

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. 236

YEA - Alley, Arford, Bailey, Bell, Berry, Blume, Brennan, Brooks, Bryant, Caiazzo, Cardone, Cloutier, Collings, Copeland, Corey, Crafts, Craven, Crockett, Cuddy, Dodge, Doore, Doudera, Dunphy, Evangelos, Evans, Fay, Geiger, Gere, Gramlich, Grohoski, Harnett, Hasenfus, Hepler, Hymanson, Kessler, Landry, Lookner, Madigan, Martin J, Martin R, Mathieson, Matlack, McCrea, McCreight, McDonald, Melaragno, Meyer, Millett, Morales, Moriarty, O'Neil, Osher, Pebworth, Perry A, Perry J, Pierce, Pluecker, Reckitt, Rielly, Riseman, Roberts, Roeder, Sachs, Salisbury, Sharpe, Sheehan, Stover, Supica, Sylvester, Talbot Ross, Tepler, Terry, Tucker, Tuttle, Warren C, Warren S, White, Williams, Wood, Zager, Zeigler, Mr. Speaker.

NAY - Andrews, Austin, Bernard, Bickford, Blier, Carlow, Collamore, Connor, Costain, Dillingham, Dolloff, Downes, Drinkwater, Ducharme, Faulkingham, Fecteau, Foster, Gifford, Greenwood, Hall, Hanley, Harrington, Head, Hutchins, Johansen, Kryzak, Lemelin, Libby, Lyford, Lyman, Martin, Mason, Millett, Morris, Nadeau, Newman, O'Connor, Ordway, Parry, Perkins, Quint, Rudnicki, Sampson, Skolfield, Stanley, Stearns, Stetkis, Theriault, Thorne, Tuell, Underwood, Wadsworth, White.

ABSENT - Arata, Babbidge, Bradstreet, Carmichael, Cebra, Griffin, Grignon, Haggan, Javner, Kinney, O'Connell, Paulhus, Pickett, Poirier, Prescott, Roche.

Yes, 82; No, 53; Absent, 16; Excused, 0.

82 having voted in the affirmative and 53 voted in the negative, with 16 being absent, and accordingly the Majority **Ought to Pass as Amended** Report was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (H-541)** was **READ** by the Clerk and **ADOPTED**.

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

Under further suspension of the rules the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (H-541)** and sent for concurrence.

Majority Report of the Committee on **INNOVATION, DEVELOPMENT, ECONOMIC ADVANCEMENT AND BUSINESS** reporting **Ought Not to Pass** on Bill "An Act To Require Crane Operators To Be Licensed"

(H.P. 145) (L.D. 210)

Signed:

Senators:

CYRWAY of Kennebec
LUCHINI of Hancock

Representatives:

ANDREWS of Paris
AUSTIN of Gray
BERNARD of Caribou
COLLAMORE of Pittsfield
DUCHARME of Madison

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-543)** on same Bill.

Signed:

Senator:

CURRY of Waldo

Representatives:

ROBERTS of South Berwick
BAILEY of Gorham
GEIGER of Rockland
HASENFUS of Readfield
PEBworth of Blue Hill

READ.

Representative ROBERTS of South Berwick moved that the House **ACCEPT** the Majority **Ought Not to Pass** Report.

On further motion of the same Representative, **TABLED** pending her motion to **ACCEPT** the Majority **Ought Not to Pass** Report and later today assigned.

Majority Report of the Committee on **INNOVATION, DEVELOPMENT, ECONOMIC ADVANCEMENT AND BUSINESS** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-542)** on Bill "An Act To Build a Child Care System by Recruiting and Retaining Maine's Early Childhood Educators Workforce"

(H.P. 1223) (L.D. 1652)

Signed:

Senators:

CURRY of Waldo
CYRWAY of Kennebec
LUCHINI of Hancock

Representatives:

ROBERTS of South Berwick
ANDREWS of Paris
BAILEY of Gorham
BERNARD of Caribou
COLLAMORE of Pittsfield
DUCHARME of Madison
GEIGER of Rockland
HASENFUS of Readfield
PEBworth of Blue Hill

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

Signed:

Representative:

AUSTIN of Gray

READ.

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

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

Majority Report of the Committee on **JUDICIARY** reporting **Ought to Pass** on Bill "An Act To Implement the Recommendations of the Right To Know Advisory Committee Concerning Fees Charged for Responding to Public Records Requests"

(H.P. 997) (L.D. 1346)

Signed:

Senators:

CARNEY of Cumberland
SANBORN of Cumberland

Representatives:

HARNETT of Gardiner
BABBIDGE of Kennebunk
EVANGELOS of Friendship
MORIARTY of Cumberland
RECKITT of South Portland
SHEEHAN of Biddeford

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

Signed:

Senator:

KEIM of Oxford

Representatives:

HAGGAN of Hampden
LIBBY of Auburn
POIRIER of Skowhegan
THORNE of Carmel

Representative NEWELL of the Passamaquoddy Tribe - of the House - supports the Majority **Ought to Pass** Report.

READ.

Representative HARNETT of Gardiner moved that the House **ACCEPT** the Majority **Ought to Pass** Report.

Representative DILLINGHAM of Oxford **REQUESTED** a roll call on the motion to **ACCEPT** the Majority **Ought to Pass** Report.

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

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

Representative **LIBBY**: Thank you, Mr. Speaker. I read the testimony of Judith Meyer, who said in her testimony, much more coherently than I ever could, the opposition I have to this bill. This bill is the culmination of several years of debate about how Maine could better manage large FOA requests, specifically requests that come from commercial data miners, for-profit companies that seek access to, for instance, public records to create databases to reach new customers. These requests are enormous, they take a lot of staff time and there is a general irritation about companies that use public records for their own profit. But this bill does not erase that problem, it probably doesn't even ease it because these companies have proven time and again that they're willing to pay and willing to pay any price. So, while this bill would certainly bring in more revenue on data mining requests, what it really does is punish Maine people whose interest in public records is personal and it punishes Maine advocates and educators who access public records for research purposes. Most of all, it punishes the poor. Let's do the math. A person of extremely limited means is bothered by a neighbor's rapidly-growing pile of junk in the dooryard and wants to know what the town has done over the

years to enact a junkyard ordinance. And that person, who may never have filed a FOA request in their lifetime, files an over-broad FOA for copies of any selectman's minutes in which the topic may have come up. The town's estimate to research and produce the documents is set at 10 hours. Currently, the total cost to this taxpayer to receive what he has asked for would be \$135, the first hour free and nine hours following at \$15 per hour. Under this proposal, the total cost would \$200, two hours free and eight hours at \$25 per hour, an increase of \$65. That might just be enough for this person to give up and just endure the junk.

There is no question that the cost of public access is a barrier to public access for all except those willing to pay any costs, like commercial requesters. Public records are created for and maintained in service to the public and the public, through its tax dollars, pays for that creation and maintenance. The public should not then bear a high cost for access to those documents. Thank you, and I ask that you follow my light and vote against the pending motion.

The **SPEAKER**: The Chair recognizes the Representative from Gardiner, Representative Harnett.

Representative **HARNETT**: Thank you, Mr. Speaker. I had the honor of chairing the Right to Know Advisory Committee during the 129th Legislature. The committee is made up of 16 stakeholders, representing various interests, some supporting transparency in government, all members of the media, members of state agencies, municipalities and educational institutions. The vote on this bill was; 15 to 1. There was one dissent, and that was Judith Meyer. Let me tell you what this bill does. Currently, when somebody files a Freedom of Access request, they get the first hour of work by the municipality or the state agency for free and then all the hours after that are billed at \$15 an hour. What this bill does is it increases the amount of free time to two hours but then raises the rate to \$25 for all hours after that. Over 90% of all Freedom of Access requests are satisfied with less than two hours of work by a state agency or a municipality. All of those will be free to anybody who requests it. It does not increase the fees paid until the amount of time exceeds four hours. That covers over 95% of all FOA requests.

This bill, which was worked out with all of the stakeholders, particularly municipalities and the MMA, found that it is costing municipalities upwards of \$35 an hour to comply with this work because of the salary of the persons paid to do it. This is a reasonable compromise. The committee looked at who should pay for large requests that take up well over four hours that are often commercial in interest and the decision was made that it should not be placed on the property taxpayer but instead should be placed on the entity requiring the information. This is a reasonable compromise, overwhelmingly supported by the advisory committee, and I ask you to support the motion before you.

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

ROLL CALL NO. 237

YEA - Alley, Arford, Bailey, Bell, Berry, Blume, Brennan, Brooks, Bryant, Caiazzo, Cardone, Carlow, Cloutier, Collings, Copeland, Corey, Crafts, Craven, Crockett, Cuddy, Dodge, Doore, Doudera, Dunphy, Evangelos, Evans, Fay, Geiger, Gere, Gramlich, Grohoski, Harnett, Hasenfus, Hepler, Hutchins, Hymanson, Kessler, Landry, Lookner, Madigan, Martin J, Martin R, Mathieson, Matlack, McCrea, McCreight, McDonald, Melaragno, Meyer, Millett, Morales, Moriarty, Newman, O'Neil, Osher, Peabworth, Perkins, Perry A, Perry J, Pierce, Pluecker,

Reckitt, Rielly, Riseman, Roberts, Roeder, Sachs, Salisbury, Sharpe, Sheehan, Stearns, Stover, Supica, Sylvester, Talbot Ross, Tepler, Terry, Tucker, Tuttle, Warren C, Warren S, White, Williams, Wood, Zager, Zeigler, Mr. Speaker.

NAY - Andrews, Austin, Bernard, Bickford, Blier, Collamore, Connor, Costain, Dillingham, Dolloff, Downes, Drinkwater, Ducharme, Faulkingham, Fecteau, Foster, Gifford, Greenwood, Hall, Hanley, Harrington, Head, Johansen, Kryzak, Lemelin, Libby, Lyford, Lyman, Martin, Mason, Millett, Morris, Nadeau, O'Connor, Ordway, Parry, Quint, Rudnicki, Sampson, Skolfield, Stanley, Stetkis, Theriault, Thorne, Tuell, Underwood, Wadsworth, White.

ABSENT - Arata, Babbidge, Bradstreet, Carmichael, Cebra, Griffin, Grignon, Haggan, Javner, Kinney, O'Connell, Paulhus, Pickett, Poirier, Prescott, Roche.

Yes, 87; No, 48; Absent, 16; Excused, 0.

87 having voted in the affirmative and 48 voted in the negative, with 16 being absent, and accordingly the Majority **Ought to Pass** Report was **ACCEPTED**.

The Bill was **READ ONCE**.

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

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

Six Members of the Committee on **JUDICIARY** report in Report "A" **Ought to Pass** on Bill "An Act To Prohibit Evictions until 90 Days after the End of the Governor's Declaration of Emergency" (EMERGENCY)

(H.P. 921) (L.D. 1255)

Signed:

Representatives:

HARNETT of Gardiner
BABBIDGE of Kennebunk
EVANGELOS of Friendship
MORIARTY of Cumberland
RECKITT of South Portland
SHEEHAN of Biddeford

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

Signed:

Senators:

CARNEY of Cumberland
KEIM of Oxford
SANBORN of Cumberland

Representatives:

HAGGAN of Hampden
LIBBY of Auburn
POIRIER of Skowhegan
THORNE of Carmel

Representative NEWELL of the Passamaquoddy Tribe - of the House - supports Report "A" **Ought to Pass**.

READ.

Representative HARNETT of Gardiner moved that the House **ACCEPT** Report "A" **Ought to Pass**.

Representative DILLINGHAM of Oxford **REQUESTED** a roll call on the motion to **ACCEPT** Report "A" **Ought to Pass**.

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 Auburn, Representative Libby.

Representative **LIBBY**: Thank you, Mr. Speaker. I rise in opposition to the pending motion for several reasons, all of which point to the fact that this bill is simply not necessary. On April 16, 2020, the Chief Executive issued Executive Order 40. This order extended 30 day notice to 60 days and 7 day notice to 30 days. And this policy will remain in place until 30 days after the termination of the State of Emergency. In addition, the Judicial Branch has a significant backlog such that eviction proceedings are delayed, often by months at this point. Given the availability of the rental relief program, this bill is redundant. The program covers unpaid rent with no monthly upper limit. There is no monthly cap on eligible rent relief. The monthly amount is determined by the rent payment agreed to in your lease. You may apply for back rent owed back to March 13, 2020 as well as up to three months of upcoming rent at one time.

The important piece of this program that I must emphasize, Mr. Speaker, is that tenants must apply and that landlords cannot apply themselves, even if they have a tenant that both refuses to pay rent and refuses to apply for rent relief. This bill would allow tenants to not pay their rent without providing verification of their ability to pay with either their own financial resources or through their ability to receive rental assistance. While this bill focuses on the tenant's right to housing, we must simultaneously consider a landlord's necessity to pay their mortgage, taxes, insurance, heating bills, electrical bills and water and sewer bills. This bill is like writing a bill that states that all critical items to support human health, such as food and medicine from your local grocery store or pharmacy, are free for the population for the duration of an emergency and for 90 days afterward. Please follow my light and vote against the pending motion. I ask that the Clerk read the Committee Report.

Representative **LIBBY** of Auburn **REQUESTED** that the Clerk **READ** the Committee Report.

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

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

Representative **BLIER**: Thank you, Mr. Speaker, Ladies and Gentlemen of the House. This is what I do for a living. You'd think I'd be passionate about it, but I'm not really because I've had such a whipping this year that this is really no different. The truth of the matter is this; Maine State Housing has done a wonderful job taking care of the poor in our State. This doesn't do that. What this does is it protects the people who make the income to pay rent but choose not to. Most of you have received a check from being a legislator, for serving here. I have not. Mine has kept families in their homes who make enough money to pay rent but don't. Now, think about this now, put yourself in my shoes. You drive by your tenant's house, they're barbecuing a filet mignon, drinking beer and smoking cigarettes on your dime. How does that make you feel? This does not protect the poor. This protects the people who you educate by telling them there's a moratorium on evictions, that they don't have to pay rent, and force me to pay their rent in place. Now, if you make \$15,000 working for the Legislature, you can buy a house. You can buy the house, you can house a tenant, and you can pay all the utilities and the mortgage and let them live there for free if you want to help the poor. That's what you're forcing people like myself to do. So, instead of putting in legislation and going out and telling people you're doing a great job to protect the poor, buy housing and let them live there for free. It's the same thing. Get credit for what you're really doing. Thank you, Mr. Speaker.

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

Representative **LOOKNER**: Thank you, Mr. Speaker. When I introduced this bill, it was the beginning of the pandemic and it was clear that the protections in place were not adequate, in my opinion. It's been shown that states that enacted broader evictions moratoria throughout the pandemic had lower death rates. A UCLA study attributed over 10,000 deaths nationally to a lack of adequate protections for tenants through the pandemic. We are still very much in the midst of a pandemic and a national and state emergency. As much as I dislike it and wish that things could just get back to normal, we're close but we're not quite there. We're also going to be facing a wave of evictions as soon as the state of emergency lifts and people are unable to access those federal benefits that they've been relying on for the last 14 or 15 months now.

So, you know, we spent a lot of time in this Body debating about, you know, how are we going to help people who are experiencing homelessness and people who can't afford their homes and, you know, the best way to prevent homelessness is to keep people in their homes. I, for one, believe that housing is a human right, the U.N. concurs. In 1948, they declared that everybody has the right to adequate housing in which they can provide for their health and wellbeing. That's really what this bill is about. It comes down on landlords, you know, most of whom have been doing their best to provide and work with their tenants and there are some federal programs in place that can help folks. But it's really, you know, this is just the step that we're going to protect human lives and provide for housing and keep people in their homes. It's not an easy thing to do and I understand it's tough on landlords but folks, you know, who choose to become landlords also assume a lot of responsibility for their tenants. That's just the reality. So, you know, that's why I introduced this bill. A couple of things that I've heard that I'd like to counter, so, there's nothing in this bill that prevents a landlord from going back to collect back rent after the fact. So, you can go back and get that rent, there is nothing preventing you from doing that. This is not about protecting bad tenants; this is about extending the federal evictions moratorium that only extended to --

The **SPEAKER**: The Member will defer. The Chair recognizes the Representative from Windham, Representative Corey, and inquires as to his Point of Order.

Representative **COREY**: Mr. Speaker, Point of Order. The Member is addressing us, the Body, and not looking forward.

On **POINT OF ORDER**, Representative **COREY** of Windham asked the Chair to remind Representative **LOOKNER** of Portland to address the Speaker and not turn to the rest of the House.

The **SPEAKER**: The Chair would advise Members I have given a great deal latitude in the course of debate today with Members, where their eyes are positioned. I would ask the Member and remind the Member to address comments to the Chair, but I have given some latitude. The Member may proceed.

The Chair reminded Representative **LOOKNER** of Portland to address his comments toward the Speaker.

Representative **LOOKNER**: Thank you, Mr. Speaker. I'll do my best to look straight ahead. So, what it comes down to here is that landlords have assumed a lot of responsibility for their tenants and I understand that and it's not easy, I get that, but we are in a state of emergency, this is about saving lives. The data is there, the studies are there, I think this is the responsible and the humane thing to do, that's why I introduced

this bill, because housing is a human right, in my mind, and, you know, we're going to get through this pandemic, this is a state of emergency, this is a historic period of history that we are going through. So, that's why, you know, I put this bill in and it may seem drastic to a lot of folks but in my mind it's what needs to be done. So, please vote with me, I'll be supporting the motion.

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

Representative **BLIER**: Thank you, Mr. Speaker. Sorry for rising a second time. I'm appreciative of the previous speaker that introduced the bill and that I'm very happy to see that he's willing to write me a check from his legislative pay to help keep people in their homes. But, having said that, he's incorrect in this statement; you can collect back rents but they have to qualify for the Maine State Housing program. This is not protecting those people. The programs are out there for people who can't pay that need to stay in their homes. This extension, the 90 days, is for people who choose not to apply for the program, who choose to take advantage of landlords' situations. This is what this bill is doing. This is not helping the poor people. This is not helping the poor. Thank you.

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

Representative **MORIARTY**: Thank you, Mr. Speaker. As a member of the Judiciary Committee who voted in favor of the motion Ought to Pass, I have a few bullet points to make and won't go on at length. First of all, this pertains only to the state of emergency declared on March 15, 2020. It has no ongoing effect whatsoever in the event that any future state of emergency should be called for any reason.

Secondly, it does not excuse the obligation of a tenant to pay rent. The obligation accrues during the period of time in which the tenant may be unable to pay rent. I don't mean to split hairs, I know it's tough going after somebody for actual income or rental obligation if they have no assets, but it doesn't say that you can, in effect, continue to stay and not accrue an obligation to pay at some point. Furthermore, all this does is prevent a court from issuing a judgment of forceable entry and detainer for two reasons; the nonpayment of rent or for the expiration of a lease in the event that there is a lease between the parties. There's nothing here that would prevent a landlord from filing a complaint with the court for forceable entry and detainer and, in effect, getting in line for an eventual hearing. That can still happen, it's just that the court can't issue a judgment until more than 90 days have passed since the expiration of the state of emergency. Thank you.

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

Representative **DRINKWATER**: Thank you, Mr. Speaker. As a former landlord myself, I've gone the small claims route of trying to collect some money. Let me tell you something right now about my experience; I never got paid. I spent money to get there, I took them through all the steps. They didn't show. I had to pay to get them to show through the sheriff's office, they showed. The judge said you're going to give Mr. Drinkwater your income tax return and you're going to pay him \$25 a week until you're paid in full. That was 1989, Mr. Speaker. I'm still waiting for my first payment. Hopefully, I'll get it soon. Mr. Speaker, I introduced the bill in Labor and Housing, heard from a lot of landlords that they wanted to apply for rent relief along with their tenant so that the landlord could get the rent. There are some tenants that absolutely refuse to sign. So, introduced the bill, had a hearing, had a workshop, the Maine State Housing said that we can't do it because of federal law, that the tenant has to

sign. So, my last part, Mr. Speaker, is just a simple question. Will the government continue to pay rent for those 90 days, through the Speaker, if somebody knew the answer, I would appreciate it, sir.

The SPEAKER: The Representative from Milford, Representative Drinkwater has posed a question to any member who may care to respond. The Chair recognizes the Representative from Canaan, Representative Stetkis.

Representative **STETKIS**: Thank you, Mr. Speaker. I'd like to ask a question through the Chair.

The SPEAKER: The Member may proceed.

Representative **STETKIS**: So, you know, a real-world situation, if a landlord, whether it's a single residence or multi residences, if they're not receiving rent from their tenants and they cannot evict them, is there something in place that protects the landlord from being foreclosed on that property which not only the landlord loses the property but also the poor person we're trying to protect, I guess, loses their place to live? Is there such a thing in place to keep this from happening?

The SPEAKER: The Representative from Canaan, Representative Stetkis has posed a question to any member who may care to respond. The Chair recognizes the Representative from Portland, Representative Sylvester.

Representative **SYLVESTER**: Thank you, Mr. Speaker. I would just mention once again the programs that I continue to mention, which is the 200 million federal dollars which will provide back rent for any COVID-related lapse in rent and bills, which, again, I would encourage the Members of this Body to let their constituents know when they reach out, whether they be landlords or tenants, and then the 165 million which is coming which we expect to be more permissive in terms of its ability to pay rent and bills and that, you know, we hope will be the start of programs that will help landlords pay those bills. I understand the frustration of landlords who might have tenants who refuse to apply for this relief. I have talked to hundreds of tenants who were very happy to find out it was there, I haven't yet talked to one that wasn't wanting to apply on it, but I can see that they might exist. And I would just say that I would encourage, as I said, all of our constituents to reach out because this relief is very important, not only to tenants but also to landlords. Thank you, Mr. Speaker.

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

Representative **SUPICA**: Thank you, Mr. Speaker. There is a direct correlation between a person's health and their housing. We know that quality affordable housing reduces negative health outcomes. The effects that evictions have on public health are clear; an eviction causes a family to lose their home and most often their possessions and it is an extremely traumatic event. Children will have to change schools, people can lose their jobs from the turbulence, and a mark is now placed against them, making it harder to rent again. It has a huge effect on peoples' mental health and wellbeing. It is also shown that it's not just a cause of poverty or is not just a condition of poverty, but a cause. And that is why I rise in support of this bill today.

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

Representative **LOOKNER**: Thank you, Mr. Speaker. I just want to address the Good Representative who was asking about foreclosures. When I considered this bill originally, I wanted to include that but was looking at the data and it's already much more difficult to foreclose on somebody who owns their property than it is to evict a tenant who is renting their

home. So, in order to foreclose, it takes months and months and months of court proceedings. If somebody wanted to start that, if they were behind on their mortgage and they couldn't pay and the bank decided to start that process, it would take months and months and I think that provides an adequate buffer. You know, but the data is showing that's not really happening right now. People who own their properties are generally doing pretty well through the pandemic and, per usual, the hardest hit are the most vulnerable among us, so, that's why I limited it and made it very simple here to just evictions and sewing up some of those loopholes that were left out by the federal evictions moratorium.

So, really, that's not happening in the State of Maine right now and, you know, this is just focused on the problem which is keeping people in their homes for the duration of the pandemic, saving lives and it's going to make their recovery much easier. Thank you.

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

Representative **COLLOMORE**: Thank you, Mr. Speaker. I do have a question of clarification because I don't see it in the bill text. Does this apply on to, I'm sorry; may I ask a question?

The SPEAKER: The Member may proceed.

Representative **COLLOMORE**: Thank you. Does this apply only to residential or does this apply to as well businesses that rent? We have commercial property and I'm curious if this affects our properties as well.

The SPEAKER: The Representative from Pittsfield, Representative Collomore has posed a question to any member who may care to respond. The Chair recognizes the Representative from Portland, Representative Lookner.

Representative **LOOKNER**: Thank you, Mr. Speaker. This is only for residential.

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

Representative **COLLINGS**: Mr. Speaker, Ladies and Gentlemen of the House. I just wanted to quickly reply to some of the questions previously asked that I don't think were answered fully. Number one, there was some SBA funding made available which landlords and property owners could've applied for, so, some consideration was done for that. Most credit unions and banks, anyway, at least I know in the State, throughout most of this pandemic were very reasonable to work with property owners, whether they were renting or just someone had a mortgage on a home. As far as the CDC national moratorium that would protect renters, they actually would've had to have signed a declaration form for that to be in effect, so, if they didn't, that wouldn't be in effect, so, that's something that would've had to have been worked out with the CDC, that declaration form, and the tenant and the landlord.

And as another legislator from Portland spoke, and I'll reiterate, there is the 200 million dollars sent to Maine of which a tenant can work with the landlord and get up to 15 months of rent and as there is some uncertainty in this pandemic, we're doing very well and I hope that continues, but if we don't, if some things may change, I think it's important to have this in effect if needed in this instance and it's an added protection in the event that this happens. And another Representative from Portland who introduced this bill is correct; there is lots of data that showed a correlation between people getting evicted throughout the country and fatalities. So, during an infectious disease, a pandemic happening, it's obviously a health risk when it's at its peak, if people are thrown out of their house and put in crowded environments where they're susceptible to getting this virus. So, that's the impetus of why the Good Representative from

Portland put this bill in. I support it. I understand the hardship of many property owners, I know it's tough, I know it's been a tough 15-16 months for people, but I do believe that the federal government and the state government has put reasonable protections in place for both property owners and tenants and with the fact that a federal, at least one level in the federal judicial process, it's kind of limbo right now about the legitimacy of the federal CDC order for the eviction moratorium. State by state now, what we're seeing are states are having some of their own protections in some instances to deal with the uncertainty of the federal government. So, I think it will be prudent that we have our policy in the case that there is something in limbo with different orders that are coming out of Washington D.C. that impact both property owners and renters in Maine. Thank you.

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

Representative **FOSTER**: Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I stand opposed to the pending motion. A lot of what I've heard reminds me of something my mother used to say to me, in regards to what is being said to the landlords, property owners, in this regard. I feel for you, but I can't quite reach. Landlords are certainly at risk during this time. Although there may be funds available, Mr. Speaker, they are a lot of them depending on their own funds in the meantime. A short time ago, I was invited and attended a Zoom coffee time with the Chief Executive. As that was wrapping up, the Chief Executive asked me; Representative Foster, what do you see as a very crucial issue at this time? And I keep thinking this as I look at the title of this bill, 90 days after the end of this emergency situation. That's three months. Right now, people are getting back to work or things are opening up and employers are begging for people to come back to work. My reply to the Chief Executive was we need to get people back to work. Landlords like the Good Representative from Buxton do owe his tenants a certain amount of responsibility, but he did not adopt them. When they are capable, when they are physically able and as things open up and safety-wise, people are able to return to work, bills such as this make it easier for them not to go out and earn a living, which is what I went to work for, so that I could pay for housing for my wife and family, so that I could provide food and I could provide health insurance and so on and so forth.

There are medical studies that show that people being evicted, worrying about housing, certainly weighs on them and can be detrimental to their health. But I know from my past life that when people are sitting at home, away from work for extended periods of time, their health can also be affected, and the longer that occurs, it's harder for them to be able to get back into that regular setting that they were in before. So, I would suggest, Mr. Speaker, that this 90-day window is actually going to be incurring more problems for the landlord and potentially more for the individuals that we're trying to help, as long as those who cannot afford it or are not capable to go back to work are taken care of. Thank you, Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Readfield, Representative Hasenfus.

Representative **HASENFUS**: Mr. Speaker, I know this Body has heard it multiple times, that I did not plan on speaking today, but, I did not enter this room for this motion knowing how I was going to vote. But this discussion has been helpful. I have represented numerous clients on both sides of this issue and the people who are in the home, they are not freeloaders who are eating filet mignon and drinking beer and cigarettes. They are families that have children, that are fighting as hard as they can to make ends meet, to pay the rent, to pay the bills and to feed

their kids. But I also understand that there are owners of these apartments, often, you know, multi-unit apartments where they themselves share. And it's hard for them to go without the money and the income that is derived from offering this service, a much-needed service. But when I look at the hardship, it occurs to me that being up against a wall, not knowing where you're going to make your next meal or put your kids to sleep is a far more serious threat than not getting a paycheck from a rent receipt. And, additionally, there's individuals who can't find a place to go even if they have that paycheck to pay and, for that reason, just because it's so important to protect peoples' residence and a place to stay, I think the balance of interest in this unique circumstance needs to lie with housing individuals because where we sleep and shelter is oftentimes more important than money and these people are not simply a blank check.

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

Representative **BLIER**: Thank you, Mr. Speaker. Just, you know, I wasn't that passionate about it but now that I've heard everyone speak, I'm trying to keep my head from blowing off. But here's where we're at. The Good Representative from Portland talking about people who don't pay their rent, is there anything in place for landlords to keep their, you know, stop from being foreclosed on, and the Good Representative from Portland said well, I don't really hear that happening. But it takes months and months and months for people to get foreclosed on, so the tenants will still have a place to live. There's no consideration there whatsoever for the landlord. What are we; chopped liver? The other Representative from Portland said you know what, we don't really need this right now but if we do, it will be in place. Yeah, but what about the damage caused in the process? Again, this is not to protect the poor, this is to protect the people that feel that they don't have to pay because you're educating them that they can stay for free. There's already programs out there from Maine State Housing that allow people who can't pay rent, pay rent, pay back rent. It's out there, there's programs out there to help those people. This does not do that. And to end with this. It's stressful for people who cannot pay rent to stay in their homes; it's equally as stressful for a landlord who has to pay bills while tenants are living for free. We have worked 20 years or 30 years to acquire these properties that are going to be taken away from us, from tenants that you are allowing to stay for free, and once they lose their home, we may lose our homes, too. Does that count for something? Thank you, Mr. Speaker. Vote this motion down.

The SPEAKER: The Chair recognizes the Representative from Berwick, Representative O'Connor.

Representative **O'CONNOR**: Thank you, Mr. Speaker, Ladies and Gentlemen of the House. So, I rise in opposition to the pending motion. This seems to me like a classic case of legalized plunder, which is exactly this; see if the law takes from one citizen what rightfully belongs to him and gives it to another citizen to whom it does not belong. See if the government does what that citizen can do without committing a crime. Then abolish this law without delay for it will invite reprisals. I was a landlord. I had little kids. If my tenants didn't pay, my kids didn't eat and I'd be outside living in the street on a cardboard box. Thank you.

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

Representative **COPELAND**: Thank you, Mr. Speaker. I rise in support of this motion. As a landlord myself, I understand when it's difficult to have tenants and I have persevered through the difficult tenants, gone through the FED process, it's horrible for everybody. Someone burned down our garage, in fact, so, I get it. I get that it's tough to be a landlord, there's things that happen that cost money. But I also have empathy and I haven't raised the rent on my tenants for five years, any of them. In fact, I lowered some of them.

So, I think that we have to consider that, you know, other people aren't as fortunate as others. You know, some people aren't as fortunate as others and whatever and I think that we need to be compassionate and lend a helping hand. This is not a permanent bill. This bill is temporary during the emergency. So, if we can all just hang tight, support one another, I think we'll get through this. And I don't feel like I'm at risk for losing my house because of my tenant. I mean, if you, I would presume, and I understand I'm being presumptuous here, that if you have tenants, that you probably have a couple of bucks in your bank to sustain you for a month or so, so, I don't see 90 days as being a horrible thing, it's very temporary, and I would, Mr. Speaker, I would ask that people consider this bill with compassion and empathy. Thank you.

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

Representative **HARNETT**: Thank you, Mr. Speaker, and I will be brief. At the outset of the COVID-19 pandemic, we were told to socially distance and shelter in place. And we learned a few things. We learned that stable housing led to more positive health outcomes. We learned that states like Maine with tenant protections have lower infection and mortality rates. And we learned that moratoriums like the one in Maine and some across the United States saved lives, stopped people from losing their lives. This bill simply extends and broadens those lifesaving measures for 90 days after the expiration of the Chief Executive's declared emergency. That's all it does. I ask you to support the Ought to Pass motion.

The SPEAKER: The Chair recognizes the Representative from Penobscot, Representative Hutchins.

Representative **HUTCHINS**: Thank you, Mr. Speaker. This is supposed to extend after the emergency. Most rural states, and I think I'm right to say most rural states, stopped being in an emergency some little time ago. Is there any thought that this might even extend the emergency so that it is more than 90 days from now? We have no way of knowing how long that's going to be. Thank you.

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

ROLL CALL NO. 238

YEA - Alley, Arford, Bailey, Bell, Berry, Blume, Brennan, Brooks, Bryant, Caiazzo, Cardone, Cloutier, Collings, Copeland, Crafts, Crockett, Dodge, Doore, Doudera, Evangelos, Evans, Geiger, Gere, Gramlich, Harnett, Hasenus, Kessler, Lookner, Madigan, Martin J, Martin R, Mathieson, Matlack, McCrea, McCreight, Melaragno, Millett, Morales, Moriarty, O'Neil, Osher, Pebworth, Pluecker, Reckitt, Rielly, Roeder, Sachs, Salisbury, Sharpe, Sheehan, Stover, Supica, Sylvester, Talbot Ross, Tepler, Terry, Tucker, Tuttle, Warren C, Warren S, Williams, Wood, Zager, Zeigler, Mr. Speaker.

NAY - Andrews, Austin, Bernard, Bickford, Blier, Carlow, Collamore, Connor, Corey, Costain, Cuddy, Dillingham, Dolloff,

Downes, Drinkwater, Ducharme, Dunphy, Faulkingham, Fay, Fecteau, Foster, Gifford, Greenwood, Grohoski, Hall, Hanley, Harrington, Head, Hepler, Hutchins, Hymanson, Johansen, Kryzak, Landry, Lemelin, Libby, Lyford, Lyman, Martin, Mason, McDonald, Meyer, Millett, Morris, Nadeau, Newman, O'Connor, Ordway, Parry, Perkins, Perry A, Perry J, Pierce, Quint, Riseman, Roberts, Rudnicki, Sampson, Skolfield, Stanley, Stearns, Stetkis, Theriault, Thorne, Tuell, Underwood, Wadsworth, White B, White D.

ABSENT - Arata, Babbidge, Bradstreet, Carmichael, Cebra, Craven, Griffin, Grignon, Haggan, Javner, Kinney, O'Connell, Paulhus, Pickett, Poirier, Prescott, Roche.

Yes, 65; No, 69; Absent, 17; Excused, 0.

65 having voted in the affirmative and 69 voted in the negative, with 17 being absent, and accordingly Report "A" **Ought to Pass** was **NOT ACCEPTED**.

Subsequently, on motion of Representative HARNETT of Gardiner, Report "B" **Ought Not to Pass** was **ACCEPTED** and sent for concurrence.

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

Majority Report of the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-548)** on Bill "An Act To Improve Information Sharing by Criminal Justice Agencies with Government Agencies Responsible for Investigating Child or Adult Abuse"

(H.P. 24) (L.D. 58)

Signed:

Senators:

DESCHAMBAULT of York
CYRWAY of Kennebec

Representatives:

WARREN of Hallowell
COSTAIN of Plymouth
LOOKNER of Portland
MORALES of South Portland
NEWMAN of Belgrade
PICKETT of Dixfield
PLUECKER of Warren
RECKITT of South Portland
RUDNICKI of Fairfield
SHARPE of Durham

Minority Report of the same Committee reporting **Ought to Pass** on same Bill.

Signed:

Senator:

LAWRENCE of York

READ.

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

The Bill was **READ ONCE**. **Committee Amendment "A" (H-548)** was **READ** by the Clerk and **ADOPTED**.

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

Under further suspension of the rules the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (H-548)** and sent for concurrence.

PLUECKER of Warren
RECKITT of South Portland
SHARPE of Durham

Majority Report of the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-549)** on Bill "An Act Concerning Records of the Employment of Law Enforcement Officers and Corrections Officers"

(H.P. 418) (L.D. 573)

Signed:
Senators:

DESCHAMBAULT of York
CYRWAY of Kennebec
LAWRENCE of York

Representatives:

WARREN of Hallowell
COSTAIN of Plymouth
LOOKNER of Portland
MORALES of South Portland
NEWMAN of Belgrade
PICKETT of Dixfield
PLUECKER of Warren
RECKITT of South Portland
SHARPE of Durham

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

Signed:
Representative:

RUDNICKI of Fairfield

READ.

On motion of Representative WARREN of Hallowell, the Majority **Ought to Pass as Amended** Report was **ACCEPTED**. The Bill was **READ ONCE. Committee Amendment "A" (H-549)** was **READ** by the Clerk and **ADOPTED**.

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

Under further suspension of the rules the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (H-549)** and sent for concurrence.

Majority Report of the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-550)** on Bill "An Act To Allow State Vehicles Assigned to Maine Emergency Management Agency Employees To Be Used for Commuting"

(H.P. 568) (L.D. 763)

Signed:
Senators:

DESCHAMBAULT of York
CYRWAY of Kennebec

Representatives:

WARREN of Hallowell
COSTAIN of Plymouth
LOOKNER of Portland
MORALES of South Portland
NEWMAN of Belgrade
PICKETT of Dixfield

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

Signed:

Representative:

RUDNICKI of Fairfield

READ.

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

The Bill was **READ ONCE. Committee Amendment "A" (H-550)** was **READ** by the Clerk and **ADOPTED**.

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

Under further suspension of the rules the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (H-550)** and sent for concurrence.

Majority Report of the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-551)** on Bill "An Act To Divert Older Youth from the Adult Criminal Justice System"

(H.P. 615) (L.D. 847)

Signed:

Senators:

DESCHAMBAULT of York
LAWRENCE of York

Representatives:

WARREN of Hallowell
LOOKNER of Portland
MORALES of South Portland
PLUECKER of Warren
RECKITT of South Portland
SHARPE of Durham

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

Signed:

Senator:

CYRWAY of Kennebec

Representatives:

COSTAIN of Plymouth
NEWMAN of Belgrade
PICKETT of Dixfield
RUDNICKI of Fairfield

READ.

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

Representative DILLINGHAM of Oxford **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: 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. 239

YEA - Alley, Arford, Bailey, Bell, Berry, Blume, Brennan, Brooks, Bryant, Caiazzo, Cardone, Cloutier, Collings, Copeland, Crafts, Crockett, Cuddy, Dodge, Doore, Doudera, Dunphy, Evangelos, Evans, Fay, Geiger, Gere, Gramlich, Grohoski, Harnett, Hasenfus, Hepler, Hymanson, Kessler, Landry, Lookner, Madigan, Martin J, Martin R, Mathieson, Matlack, McCrea, McCreight, McDonald, Melaragno, Meyer, Millett, Morales, O'Neil, Osher, Pebworth, Perry A, Perry J, Pierce, Pluecker, Reckitt, Rielly, Riseman, Roberts, Roeder, Sachs, Salisbury, Sharpe, Sheehan, Stover, Supica, Sylvester, Talbot Ross, Tepler, Terry, Tucker, Tuttle, Warren C, Warren S, White, Williams, Wood, Zager, Zeigler, Mr. Speaker.

NAY - Andrews, Austin, Bernard, Bickford, Blier, Carlow, Collamore, Connor, Corey, Costain, Dillingham, Dolloff, Downes, Drinkwater, Ducharme, Faulkingham, Fecteau, Foster, Gifford, Greenwood, Hall, Hanley, Harrington, Head, Hutchins, Johansen, Kryzak, Lemelin, Libby, Lyford, Lyman, Martin, Mason, Millett, Morris, Nadeau, Newman, O'Connor, Ordway, Parry, Perkins, Quint, Rudnicki, Sampson, Skolfield, Stanley, Stearns, Stetkis, Theriault, Thorne, Tuell, Underwood, Wadsworth, White.

ABSENT - Arata, Babbidge, Bradstreet, Carmichael, Cebra, Craven, Griffin, Grignon, Haggan, Javner, Kinney, Moriarty, O'Connell, Paulhus, Pickett, Poirier, Prescott, Roche. Yes, 79; No, 54; Absent, 18; Excused, 0.

79 having voted in the affirmative and 54 voted in the negative, with 18 being absent, and accordingly the Majority **Ought to Pass as Amended Report was ACCEPTED.**

The Bill was **READ ONCE. Committee Amendment "A" (H-551) was READ** by the Clerk and **ADOPTED.**

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

Under further suspension of the rules the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (H-551)** and sent for concurrence.

Majority Report of the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-552)** on Bill "An Act To Protect Maine Residents from Stalking by Use of an Unmanned Aerial Vehicle"

(H.P. 759) (L.D. 1021)

Signed:

Senators:

DESCHAMBAULT of York
CYRWAY of Kennebec

Representatives:

WARREN of Hallowell
LOOKNER of Portland
MORALES of South Portland
PLUECKER of Warren
RECKITT of South Portland
SHARPE of Durham

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

Signed:

Representatives:

COSTAIN of Plymouth
NEWMAN of Belgrade
PICKETT of Dixfield
RUDNICKI of Fairfield

READ.

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

The Bill was **READ ONCE. Committee Amendment "A" (H-552) was READ** by the Clerk and **ADOPTED.**

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

Under further suspension of the rules the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (H-552)** and sent for concurrence.

Majority Report of the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-553)** on Bill "An Act To Protect the Rights of Certain Incarcerated Individuals"

(H.P. 772) (L.D. 1044)

Signed:

Senators:

DESCHAMBAULT of York
CYRWAY of Kennebec
LAWRENCE of York

Representatives:

WARREN of Hallowell
COSTAIN of Plymouth
LOOKNER of Portland
MORALES of South Portland
NEWMAN of Belgrade
PICKETT of Dixfield
PLUECKER of Warren
RECKITT of South Portland
SHARPE of Durham

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

Signed:

Representative:

RUDNICKI of Fairfield

READ.

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

The Bill was **READ ONCE. Committee Amendment "A" (H-553) was READ** by the Clerk and **ADOPTED.**

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

Under further suspension of the rules the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (H-553)** and sent for concurrence.

Majority Report of the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-554)** on Resolve, To Establish the Commission To Study and Recommend Incentives for Residential Fire Sprinkler Systems

(H.P. 998) (L.D. 1364)

Signed:

Senators:

DESCHAMBAULT of York
LAWRENCE of York

Representatives:

WARREN of Hallowell
COSTAIN of Plymouth
LOOKNER of Portland
MORALES of South Portland
NEWMAN of Belgrade
PICKETT of Dixfield
PLUECKER of Warren
RECKITT of South Portland
RUDNICKI of Fairfield
SHARPE of Durham

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

Signed:

Senator:

CYRWAY of Kennebec

READ.

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

The Resolve was **READ ONCE. Committee Amendment "A" (H-554)** was **READ** by the Clerk and **ADOPTED**.

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

Under further suspension of the rules the Resolve was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (H-554)** and sent for concurrence.

Majority Report of the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-555)** on Resolve, To Convene a Working Group To Identify and Find Replacements for Certain Stigmatizing References throughout the Maine Revised Statutes and Government Publications

(H.P. 1177) (L.D. 1588)

Signed:

Senators:

DESCHAMBAULT of York
LAWRENCE of York

Representatives:

WARREN of Hallowell
COSTAIN of Plymouth
LOOKNER of Portland
MORALES of South Portland
NEWMAN of Belgrade
PICKETT of Dixfield
PLUECKER of Warren
RECKITT of South Portland
SHARPE of Durham

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

Signed:

Senator:

CYRWAY of Kennebec

Representative:

RUDNICKI of Fairfield

READ.

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

The Resolve was **READ ONCE. Committee Amendment "A" (H-555)** was **READ** by the Clerk and **ADOPTED**.

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

Under further suspension of the rules the Resolve was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (H-555)** and sent for concurrence.

Majority Report of the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-556)** on Bill "An Act To Provide Pathways to Rehabilitation, Reentry and Reintegration" (H.P. 1182) (L.D. 1593)

Signed:

Senators:

DESCHAMBAULT of York
LAWRENCE of York

Representatives:

WARREN of Hallowell
COSTAIN of Plymouth
LOOKNER of Portland
MORALES of South Portland
NEWMAN of Belgrade
PICKETT of Dixfield
PLUECKER of Warren
RECKITT of South Portland
SHARPE of Durham

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

Signed:

Senator:

CYRWAY of Kennebec

Representative:

RUDNICKI of Fairfield

READ.

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

The Bill was **READ ONCE. Committee Amendment "A" (H-556)** was **READ** by the Clerk and **ADOPTED**.

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

Under further suspension of the rules the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (H-556)** and sent for concurrence.

Eleven Members of the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** report in Report "A" **Ought to Pass as Amended by Committee Amendment "A" (H-557)** on Bill "An Act To Amend the Storage Requirements for Consumer Fireworks"

(H.P. 133) (L.D. 180)

Signed:

Senators:

DESCHAMBAULT of York
CYRWAY of Kennebec
LAWRENCE of York

Representatives:

WARREN of Hallowell
COSTAIN of Plymouth
LOOKNER of Portland
MORALES of South Portland
PICKETT of Dixfield
PLUECKER of Warren
RUDNICKI of Fairfield
SHARPE of Durham

One Member of the same Committee reports in Report "B" **Ought to Pass** on same Bill.

Signed:

Representative:

NEWMAN of Belgrade

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

Signed:

Representative:

RECKITT of South Portland

READ.

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

The Bill was **READ ONCE**. **Committee Amendment "A" (H-557)** was **READ** by the Clerk and **ADOPTED**.

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

Under further suspension of the rules the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (H-557)** and sent for concurrence.

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

Majority Report of the Committee on **ENERGY, UTILITIES AND TECHNOLOGY** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-229)** on Bill "An Act To Support the Continued Access to Solar Energy and Battery Storage by Maine Homes and Businesses"

(S.P. 361) (L.D. 1100)

Signed:

Senators:

LAWRENCE of York
VITELLI of Sagadahoc

Representatives:

BERRY of Bowdoinham
CUDDY of Winterport
GROHOSKI of Ellsworth
KESSLER of South Portland
WOOD of Portland
ZEIGLER of Montville

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

Signed:

Senator:

STEWART of Aroostook

Representatives:

CARLOW of Buxton
FOSTER of Dexter
WADSWORTH of Hiram

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-229)**.

READ.

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

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

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

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

Representative **FOSTER**: Thank you, Mr. Speaker, Ladies and Gentlemen of the House. LD 1100, An Act to Support the Continued Access to Solar Energy and Battery Storage by Maine Homes and Businesses sounds like a great bill to promote solar and battery storage in the State of Maine. However, as I will explain now in a few minutes, I believe this bill is not necessary and, in fact, may end up causing just the opposite action. First of all, I'd like to read from the PUC testimony, and they're neither for nor against testimony before the EUT committee at the bill's hearing. And I quote; the commission questions the necessity of these legislative changes at this time in light of the very similar work already being undertaken by the commission. Comprehensive interconnection rules that satisfy the requirements contained in the bill are currently in place. As a result of the substantial changes to the grid and the interconnection process resulting from significant increases in distributed generation, the commission has made periodic changes to its interconnection rules. Moreover, the commission has a pending inquiry regarding additional changes to the rule and anticipates opening a rulemaking process regarding Chapter 324, Small Generator Interconnection Procedures. This rulemaking will consider cost allocation requirements with respect to the interconnecting customers. It's good to be back to some technical issues, Mr. Speaker. Also, I would add that besides the fact that the PUC has already been charged with work that will take care of the issues that this bill wishes to have them take care of by hiring a consultant, it also has a fiscal note from other special revenue funds; \$254,693. And those funds will be assessed by the utilities on ratepayers. Thank you, Mr. Speaker, I would oppose this motion.

The **SPEAKER**: The Chair recognizes the Representative from Hiram, Representative Wadsworth.

Representative **WADSWORTH**: Thank you, Mr. Speaker. I, too, rise to oppose the pending motion. Let me read from section two of the bill, and I quote; the commission shall determine docked cost allocation methods for interconnection studies and upgrades that ensure onsite solar energy generators do not bear prohibitive cost to be interconnected to the state's distribution system. Mr. Speaker, what that really means is that the solar developers that are coming up from Wall Street, showing up in Maine, chopping down our forests, are forcing our poorest constituents to pick up the tab.

The **SPEAKER**: The Chair recognizes the Representative from Bowdoinham, Representative Berry.

Representative **BERRY**: Thank you, Mr. Speaker, and Mr. Speaker, Men and Women of the House, I rise simply to clarify somewhat the problems that this bill seeks to address which have clearly not been addressed in recent months or years. The bill was brought by the sponsor, Senator Woodsome, because of concerns that he had heard --

The **SPEAKER**: The Member will defer. The Chair would remind the Member not to refer to the motives or the actions of the other Body or members of the other Body.

The Chair advised all members that it is inappropriate to refer to the potential action of the office of the executive or the other Body in order to influence the vote of the House.

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

Representative **BERRY**: Thank you, Mr. Speaker. The sponsor was not, of course, the only person to testify in favor. We heard from the Solar Energy Association of Maine, from Vaughan Woodruff of Pittsfield, formerly the CEO of Insource Renewables, from Fortunat Mueller, one of the principles at ReVision Energy, another Maine-based business, both of those B corporations and employee owned, testimony in favor from the Chief Executive's energy office, and testimony neither for nor against from the PUC. Section two of the bill was just --

The **SPEAKER**: The Member will defer. The Chair recognizes the Representative from Auburn and inquires as to why he rises.

Representative **BICKFORD**: Point of Order, Mr. Speaker; referring to the Chief Executive by any other term is probably not permissible, I don't believe.

The **SPEAKER**: The Chair would remind the Member to refer to the Chief Executive as the Chief Executive.

The Chair reminded the Representative from Bowdoinham, Representative Berry to refer to the Chief Executive as the Chief Executive.

The **SPEAKER**: The member may proceed.

Representative **BERRY**: Thank you, Mr. Speaker. It's clearly late in the day and I do apologize and thank the Good Representative, my friend from Auburn, for that reminder.

I'm going to just briefly remind the Body, Mr. Speaker, that we experienced quite a rash of headlines, including national headlines, regarding our largest investor in utility and some notices that they sent to solar and other renewable energy developers here in Maine, principally solar developers, regarding the cost of interconnections. These businesses had made significant investments in siting, in preparation, in permitting for projects, had spent millions, in many cases, and had been told by CMP last summer that projects would cost a given amount to interconnect. They were then told a few months later, specifically in January, that the cost would be different and, in many cases, those costs were 10, 12 times as much as they had originally been quoted. That represented a major business

uncertainty, a significant challenge for these businesses and these investors, and it caused quite an uproar, Mr. Speaker. Maine made the national news over it and you can look it up yourself in U.S. News and World Report. The company then, after the headlines and after the uproar, the utility then decided that there was a different way to do, a different engineering approach, and that lower cost upgrades or the complete elimination of upgrades, to use their own words, might be possible. So, it raised some eyebrows, to say the least.

We saw, similarly, in the Versant territory, some significant issues around interconnections and I just want to read to you from testimony that was submitted to the committee with respect to this bill by the Aroostook Band of Micmacs, Mr. Speaker. They had a very tough experience with our other major utility, Versant, which has replaced Emera Maine and is owned by the City of Calgary in Canada. I am pulling up the testimony at this time and there we go. So, the Aroostook Band of Micmacs, to quote the testimony, support LD 1100. The Chief delivered the testimony, Chief Edward Peter-Paul, of the Aroostook Band of Micmacs in Presque Isle. The Aroostook band have been in limbo on a much-needed solar project to be built in Presque Isle. We have purchased the equipment and have been working with a contractor on the project but unfortunately after many months we still have yet to put a single post in the ground toward building the project. This has been a very frustrating situation for the tribe, we have lost considerable revenue as a result of not being able to build the project yet. Although we are well aware that our project requires a level two interconnection agreement, after several months the utility company in our area continued to stall our project by claiming that the rules aren't clear. Ultimately, they have been directed by the PUC to allow the interconnection, however the stalling continues. Native Americans have a strong desire to support the environment and in keeping with the Governor's climate action document issued on December 1, 2020 titled Maine Can't Wait, neither can the Aroostook Band of Micmacs. The testimony goes on, I encourage Members to read it for themselves. But, Mr. Speaker, it is quite clear that there are significant issues remaining and outstanding. These are particularly aggravating for the smaller solar installers, those who do rooftop arrays. They don't have the money, Mr. Speaker, to go to the Public Utilities Commission to litigate these cases through the very expensive and cumbersome process at the PUC. They're just trying to make a living and, you know, especially for those smaller solar installers, those Maine-based solar installers, I think we need to make rules and procedures at the PUC that are clear and friendlier to businesses of all size. Thank you.

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

Representative **FOSTER**: Thank you, Mr. Speaker. I would just like to and I know that for most of us here, this may be pretty dry and when we're talking about Statute, PUC, and these technical matters, a little bit hard or even not something we really want to understand. But I would like to make a little bit clearer a couple of things. First of all, one of the issues that I've raised many times at committee and when I've had the opportunity to meet through Zoom with some of the representatives from the Chief Executive's energy office, PUC, and others, one of the frailties, if you will, of the Maine Won't Wait plan is we got a little ahead of ourselves. And one of the things that, for instance, net energy billing, the large Dow Solar Bill, brought to us is the knowledge that we weren't ready with our grid to be set up to just drop solar sites anywhere in the State of Maine that a developer was able to buy land in and wanted to do it. The grid needs to be able to support that. Things like the

voltage regulation have to be considered and we're talking about some pretty significant large equipment that with a, say, 500-acre solar farm that's in full output on a nice sunny day, blue skies and a few puffy clouds, if those clouds go over that solar array in a matter of minutes, there's a large voltage change, the power has to come from somewhere else, the voltage has to be regulated. There's a lot more to it than just buying a solar panel, sticking it in a field, hooking it up, and making power.

With that in mind, the PUC has undertaken an inquiry and, as the Good Representative from Bowdoinham says, about issues that were found when some of those solar farms that want to locate in regions, that getting them connected up was going to take more equipment, more time, and more money to do, they are looking at our grid now and they will, once those findings are arrived at, come out with a report to the committee. That is a necessary item. This bill actually duplicates that effort. Now, during my time on EUT, one of the things that I have also heard from others, especially the director of Efficiency Maine, is that every time, as we try to convert from carbon-based energy to renewable energy, every time we raise the electric rates even a penny, we are making the transition for especially our middle- and lower-income folks, you know, those on set, Social Security, more difficult. Why would I want to pay more for my electric bill to go use more electricity when you keep raising the rates? And this bill potentially would do that in a very significant way and I will explain if you'll bear with me.

Currently, in Statute, the net energy billing, the Dow Solar Bill, all of those megawatts of energy that solar developers would like to put in place, in Statute, they are required to pay for the interconnection fees. In other words, the equipment they need to hook up a 500-acre solar farm or a 1-acre solar farm, they are required to submit for a study and also if once the study has proven that it can be done where they want to do it, they are required to pay for the connection. This bill, and to expand on the section two language, this bill says that the PUC, that they will study it and that those fees for the study and for the interconnection will be charged to the utilities.

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

Representative **BERRY**: Thank you, Mr. Speaker. Just on a Point of Order, this is the second speaker who's been really debating the committee amendment. I just want to inquire as to whether we're debating the committee amendment at this time.

On **POINT OF ORDER**, Representative **BERRY** of Bowdoinham asked the Chair if the remarks of Representative **FOSTER** of Dexter were germane to the pending question.

The SPEAKER: The Chair would advise the Member that, generally speaking, when the question before the House is the Ought to Pass as Amended Report, the underlying amendment, even though not currently before us for adoption, generally speaking, the Chair has provided the latitude for Members to discuss the amendment that's before us.

The Chair reminded Representative **FOSTER** of Dexter to stay as close as possible to the pending question.

The SPEAKER: The member may proceed.

Representative **FOSTER**: Thank you, Mr. Speaker, and I held off in my earlier comments on that for that reason, but when I heard the Good Representative from Bowdoinham mention section two, I felt that's where we were. So, again, I would just reiterate; we are looking at a 250-plus-thousand-dollar bill for the ratepayers to do the study and then we are also looking at a very large amount of money that could be shifted from the developers to the ratepayers for not only the different study that's required

for the site, location, and the hookup of the array, but also for the interconnection costs, which currently in Statute they will fund. Thank you, Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Pittston, Representative Hanley.

Representative **HANLEY**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House, earlier this session I spoke to you about a man that knocks on your door trying to sell you a product that you don't want to buy. Well, if you listen carefully, he's knocking again. He's back. He's back because he made a bad business decision and he wants you to buy a product that you don't want to buy and you don't want to buy it so he's hired his lobbyists, they're back, and they have convinced lawmakers to make a law to force you to buy something you would never buy. This is only going to cause rates to raise, this is going to affect the people, think of the low income, the fixed income, the retired, the disabled, the family with three children. Everything costs money. Have you been to a gas pump lately? You're just putting another brick in the load on the back of citizens in this State. Follow my light, defeat this motion, and slam the door on the guy knocking. Thank you.

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

Representative **BERRY**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House, I'm going to be very brief because the sun is going down and we will no longer be generating any solar energy shortly. But I just encourage folks again to read section two, the committee amendment, even though it isn't technically before us, and see how many times the word customer pops up in that. To ensure that the timelines and requirements for interconnection do not unduly limit the ability of residential and nonresidential customers to install onsite solar energy generation and battery storage system, to offset a customer's electrical consumption, and that interconnection costs for these customers are limited to interconnection facility upgrades and do not include the cost of distribution upgrades. Improving transparency, which is a huge issue right now before the PUC, is very difficult, especially for small businesses and residential customers to even understand what goes on at the PUC, never mind to get data from the utilities themselves. To ensure that there's a dispute resolution process for both residential and nonresidential interconnection customers that is fair and efficient. You know, these are customer oriented and, yes, environment oriented and business-oriented eliminations of red tape, Mr. Speaker. That is all that this bill tries to do. There is no incentive here, there is no subsidy, and I think any intimations to the contrary need to be checked against the actual language of the bill. 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. 240

YEA - Alley, Arford, Bailey, Bell, Berry, Blume, Brennan, Brooks, Bryant, Caiazza, Cardone, Cloutier, Collamore, Collings, Copeland, Corey, Crafts, Crockett, Cuddy, Dodge, Doore, Doudera, Dunphy, Evans, Fay, Geiger, Gere, Gramlich, Grohoski, Harnett, Hasenfus, Hepler, Hymanson, Kessler, Landry, Lookner, Madigan, Martin J, Martin R, Mathieson, Matlack, McCrea, McCreight, McDonald, Melaragno, Meyer, Morales, Moriarty, O'Neil, Osher, Pebworth, Perry A, Perry J, Pierce, Pluecker, Reckitt, Rielly, Roberts, Roeder, Sachs, Salisbury, Sharpe, Sheehan, Stover, Supica, Sylvester, Talbot Ross, Tepler, Terry, Tucker, Tuttle, Warren C, Warren S, White, Williams, Wood, Zager, Zeigler, Mr. Speaker.

NAY - Andrews, Austin, Bernard, Bickford, Blier, Carlow, Connor, Costain, Dillingham, Dolloff, Downes, Drinkwater, Ducharme, Faulkingham, Fecteau, Foster, Gifford, Greenwood, Hall, Hanley, Harrington, Head, Hutchins, Johansen, Kryzak, Lemelin, Libby, Lyford, Lyman, Martin, Mason, Millett, Morris, Nadeau, Newman, O'Connor, Ordway, Parry, Perkins, Quint, Rudnicki, Sampson, Skolfield, Stanley, Stearns, Stetkis, Theriault, Thorne, Tuell, Underwood, Wadsworth, White.

ABSENT - Arata, Babbidge, Bradstreet, Carmichael, Cebra, Craven, Evangelos, Griffin, Grignon, Haggan, Javner, Kinney, Millett, O'Connell, Paulhus, Pickett, Poirier, Prescott, Riseman, Roche.

Yes, 79; No, 52; Absent, 20; Excused, 0.

79 having voted in the affirmative and 52 voted in the negative, with 20 being absent, and accordingly the Majority **Ought to Pass as Amended** Report was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (S-229)** 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-229)** in concurrence.

Majority Report of the Committee on **HEALTH COVERAGE, INSURANCE AND FINANCIAL SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-239)** on Bill "An Act To Improve Access to HIV Prevention Medications"

(S.P. 378) (L.D. 1115)

Signed:

Senators:

SANBORN of Cumberland
BRENNER of Cumberland

Representatives:

TEPLER of Topsham
ARFORD of Brunswick
BROOKS of Lewiston
EVANS of Dover-Foxcroft
MATHIESON of Kittery
MELARAGNO of Auburn

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "B" (S-240)** on same Bill.

Signed:

Senator:

STEWART of Aroostook

Representatives:

BLIER of Buxton
CONNOR of Lewiston
MORRIS of Turner
QUINT of Hodgdon

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-239)**.
READ.

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

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

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

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

Representative **MORRIS**: Thank you, Mr. Speaker. Mr. Speaker, there is broad agreement on the committee that the ideas contained within this bill are good ideas and something that we all support. We absolutely support the idea of making these drugs more; these HIV PrEP drugs more widely available to people. Each of the last two federal administrations has worked to ensure this, to ensure that these HIV prevention drugs are available to the public as a way, as a means to limit the spread of HIV. We certainly are in full agreement on the section that deals with dispensing through the pharmacist to people without a prescription and trying to help them get a primary care doctor. These are all things that we agree on.

The difference of opinion comes on the issue of adding new mandates into our insurance code. We can only regulate about 25% of the market in Maine. We cannot do any, the rest of the 75% is federally regulated. If it's an ERISA plan, Walmart, we can't do anything about those plans. We have added new mandates into this bill for insurance companies that will be passed on to consumers in the individual and small group markets that will be added to their cost and to their premiums in future years. We really should, when we're going to do something like that, it should go out to a mandate study as the law suggests and this we exempted from a mandate study, has been exempted from the mandate study. I believe we should follow what the federal guidelines are on HIV, with the HIV drugs, the same way we do with all other diseases that are unfortunate. We would prefer not to add new mandates. The thing that really concerned me and some of my colleagues on the committee dealt with the phrasing in the bill of methods of administration, that I think the concern is that as these drugs, as new methods of administration come onto the market, there is some talk of a long-acting injectable, if that is exempt from a prior authorization requirement or a step therapy requirement, if that costs \$10,000, potentially, that is a cost that's going to have to be absorbed by other premium payers in the small group and individual market that we only regulate 25% of. And so, those folks that are not on a state-insured plan would not have access to these, they would still have to go through whatever the federal ACA regulations are. So, for those reasons, we oppose this report and I would urge this Body to follow my light and reject this motion. Thank you.

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

Representative **BAILEY**: Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I rise in support of the pending motion. According to the Centers for Disease Control and Prevention, the CDC, there are more than 1.2 million Americans currently living with HIV. Nearly 37,000 Americans are diagnosed every year with HIV. Here in Maine, the highest HIV infection rates are in Piscataquis, Androscoggin, Franklin and Knox Counties. Recent advances in HIV prevention and treatment have decreased new HIV infections. Pre-exposure prophylaxis, or PrEP, is a once-daily pill that effectively prevents transmission of HIV virus when taken as prescribed. The cost

of this critical medication can be as high as \$20,000 per year, not including co-pays and lab fees for quarterly blood work that can impede a patient's access to this preventative medication.

When I was first prescribed PrEP a decade ago, I went to my local Hannaford pharmacy to pick up a prescription. I was told by the pharmacy technician that my insurance didn't cover this preventative drug. After the helpful technician applied special discount cards, I was told that the one-year prescription for PrEP would cost me \$2400. As a young man in my 20s from a working family who was on my own financially, that was a lot of money. It's still a lot of money, Mr. Speaker. Too much money for me and so many to pay out of pocket for this preventative drug that I needed to be on and others do too. My story isn't unique. A decade later, thousands of Mainers who need to be on PrEP aren't on it because they can't get it, they can't afford it, and there is stigma about talking about with their primary care physicians about the need to get it. We have the power to fix this and stop new HIV infections, to improve lives, generate better public health outcomes, and save taxpayer dollars in the long run on public health, housing and social services. I urge my colleagues to support the current motion and prevent the spread of HIV in Maine and I appreciate the colleague who speaking in support of making PrEP more available, but this is the right motion, Mr. Speaker, to support to make it most widely available to the people of Maine.

The SPEAKER: The Chair recognizes the Representative from Topsham, Representative Tepler.

Representative **TEPLER**: Thank you, Mr. Speaker. Mr. Speaker, I agree with my Good Colleague of Gorham. This is definitely the right motion and it's also the motion that may lead eventually to an eradication of this disease that has been a scourge not only in the LGBTQ community but also among heterosexual sexually active individuals. And PrEP and PEP have the possibility to eradicate this disease, particularly when the long-acting form of these come out. So, we did not mandate that insurance companies cover all types of each of these medications but rather that they cover one type of each of these medications. And that allows the insurers to choose the less expensive of the types of medication. PrEP has been out long enough that it is now really in a generic form. So, thank you, Mr. Speaker, and I strongly look forward to the day that no one has to fear HIV infection.

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. 241

YEA - Alley, Arford, Bailey, Bell, Berry, Blume, Brennan, Brooks, Bryant, Caiazzo, Cardone, Carlow, Cloutier, Collings, Copeland, Corey, Crafts, Crockett, Cuddy, Dodge, Doore, Doudera, Dunphy, Evans, Fay, Geiger, Gere, Gramlich, Grohoski, Harnett, Hasenfus, Hepler, Hymanson, Kessler, Landry, Lookner, Madigan, Martin J, Martin R, Mathieson, Matlack, McCreia, McCreight, McDonald, Melaragno, Meyer, Millett, Morales, Moriarty, Nadeau, Newman, O'Neil, Ordway, Osher, Pebworth, Perry A, Perry J, Pierce, Pluecker, Reckitt, Rielly, Roberts, Roeder, Sachs, Salisbury, Sharpe, Sheehan, Stover, Supica, Sylvester, Talbot Ross, Tepler, Terry, Tucker, Tuttle, Warren C, Warren S, White, Williams, Wood, Zager, Zeigler, Mr. Speaker.

NAY - Andrews, Austin, Bernard, Bickford, Blier, Collamore, Connor, Costain, Dillingham, Dolloff, Downes, Drinkwater, Ducharme, Faulkingham, Fecteau, Foster, Gifford, Greenwood, Hall, Hanley, Harrington, Head, Hutchins, Johansen, Kryzak, Lemelin, Libby, Lyford, Lyman, Martin,

Mason, Millett, Morris, O'Connor, Parry, Perkins, Quint, Rudnicki, Sampson, Skolfield, Stanley, Stearns, Stetkis, Theriault, Thorne, Tuell, Underwood, Wadsworth, White.

ABSENT - Arata, Babbidge, Bradstreet, Carmichael, Cebra, Craven, Evangelos, Griffin, Grignon, Haggan, Javner, Kinney, O'Connell, Paulhus, Pickett, Poirier, Prescott, Riseman, Roche.

Yes, 83; No, 49; Absent, 19; Excused, 0.

83 having voted in the affirmative and 49 voted in the negative, with 19 being absent, and accordingly the Majority **Ought to Pass as Amended Report was ACCEPTED.**

The Bill was **READ ONCE. Committee Amendment "A" (S-239) 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-239)** in concurrence.

Majority Report of the Committee on **TAXATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-235)** on Bill "An Act To Reduce Property Taxes for Maine Residents"

(S.P. 339) (L.D. 1071)

Signed:

Senators:

CHIPMAN of Cumberland
LIBBY of Androscoggin
POULIOT of Kennebec

Representatives:

TERRY of Gorham
BICKFORD of Auburn
CARMICHAEL of Greenbush
COLLINGS of Portland
GRAMLICH of Old Orchard Beach
KRYZAK of Acton
MATLACK of St. George
SACHS of Freeport

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "B" (S-236)** on same Bill.

Signed:

Representative:

PERRY of Bangor

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-235).**

READ.

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

Representative **PERRY** of Bangor **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 Bangor, Representative Perry.

Representative **PERRY**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House, it's not often I'm the one on a 12 to one report, but this is an issue I feel strongly about. My caucus got the long version earlier today, I'll give you the short version this time of night. This bill seeks to fully fund the homestead exemption. The homestead exemption back in 2004 is part of the bill that implemented 55% school funding. It was during that process that we switched from 100% funding on the homestead to 50% funding. And the rationale was there was hundreds of millions of dollars of new funding going into education which was going to lower property taxes for everyone. At the same time, the situation was very much like it is today where home values were rising in value far faster than other forms of property, such as business. And we were able to double the amount of the homestead exemption by half-funding it. Everyone got lower property tax rates because of the school funding and the homestead went up.

What it does is it makes a homestead, it makes it progressive, that lower-valued homes get more of a break than higher-valued homes. And the argument against and at a time right now where for the first time ever we're going to hit 55% school funding in this budget and we're going to get back to 5% revenue sharing. We're already sending a lot of new money to municipalities and when you talk to your city manager, your town manager or your city manager, they would far prefer choosing the 5% revenue sharing over fully funding the homestead exemption. I'll just give you one example. In the city of Portland, the shift by half-funding the homestead exemption equals 14 cents on their mill rate. And the argument in committee against was this is shifting more taxes onto businesses. Now, let's take a business in Portland that has a \$10 million valuation. Their property tax will go up \$1400 a year. But, at the same time as we switch the funding for homestead, we exempted the personal property tax on business equipment. That cost the State \$54 million a year in this budget. And for that exemption, we're only reimbursing municipalities at 50 cents on the dollar and there's no talk of bringing it up. So, a business in Portland that maybe has \$10 million of real property likely has another \$10 million in personal property. So, they're getting a \$1400 increase on their property and they're getting a \$200,000 decrease on their personal property. So, it was part of a bigger package and at this time, with home values increasing so rapidly, it makes a lot of sense to me to maximize the amount of the homestead exemption by keeping it, right now, it's at 70%. This would phase it up 3% per year for 10 years. So, in Portland that 14-cent shift will come down at 1.4 cents per year for the next 10 years. I think it makes sense to leave it the way it is. By the way, I don't have it in front of me, but I think the fiscal note on this bill is around \$35 million. Thank you, Mr. Speaker.

The **SPEAKER**: The Chair recognizes the Representative from Auburn, Representative Bickford.

Representative **BICKFORD**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House, the report before us as amended with committee amendment A changes the homestead exemption to \$30,000 for all properties for property tax years beginning on or after April 1, 2022, and it increases the percentage of state reimbursement of taxes lost because of the homestead exemption to municipalities, it increases it by 3% per year until it hits 100%. Mr. Speaker, we're at 70% now, which is a lot higher than the original 50% was, and increasing that by 3% per year certainly helps the communities and, more importantly, it helps all property owners. Please support the pending 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. 242

YEA - Alley, Andrews, Arford, Austin, Bailey, Bell, Bernard, Berry, Bickford, Blier, Blume, Brennan, Brooks, Bryant, Caiazzo, Cardone, Carlow, Cloutier, Collamore, Collings, Connor, Copeland, Corey, Costain, Crafts, Crockett, Dillingham, Dodge, Dolloff, Doore, Doudera, Downes, Drinkwater, Ducharme, Dunphy, Evans, Faulkingham, Fay, Fecteau, Foster, Geiger, Gere, Gifford, Greenwood, Grohoski, Hall, Hanley, Harnett, Harrington, Hasenus, Head, Hepler, Hutchins, Hymanson, Johansen, Kessler, Kryzak, Landry, Lemelin, Libby, Lookner, Lyford, Lyman, Madigan, Martin R, Martin T, Mason, Mathieson, Matlack, McCreia, McCreight, McDonald, Melaragno, Meyer, Millett H, Millett R, Morales, Moriarty, Morris, Nadeau, Newman, O'Connor, O'Neil, Ordway, Osher, Parry, Pebworth, Perkins, Perry, Pierce, Pluecker, Quint, Reckitt, Rielly, Roberts, Roeder, Rudnicki, Sachs, Salisbury, Sampson, Sharpe, Sheehan, Skolfield, Stanley, Stearns, Stetkis, Stover, Sylvester, Talbot Ross, Tepler, Terry, Theriault, Thorne, Tucker, Tuell, Underwood, Wadsworth, Warren C, Warren S, White B, White D, Williams, Wood, Zager, Zeigler, Mr. Speaker.

NAY - Cuddy, Gramlich, Martin, Perry, Supica, Tuttle.

ABSENT - Arata, Babbidge, Bradstreet, Carmichael, Cebra, Craven, Evangelos, Griffin, Grignon, Haggan, Javner, Kinney, O'Connell, Paulhus, Pickett, Poirier, Prescott, Riseman, Roche.

Yes, 126; No, 6; Absent, 19; Excused, 0.

126 having voted in the affirmative and 6 voted in the negative, with 19 being absent, and accordingly the Majority **Ought to Pass as Amended Report was ACCEPTED.**

The Bill was **READ ONCE. Committee Amendment "A" (S-235) 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-235)** in concurrence.

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

Majority Report of the Committee on **INNOVATION, DEVELOPMENT, ECONOMIC ADVANCEMENT AND BUSINESS** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-561)** on Resolve, Directing the Department of Economic and Community Development To Create and Administer a Fund for Live Entertainment Venue, Performer and Worker and Public Art Recovery Grants (EMERGENCY)

(H.P. 1163) (L.D. 1566)

Signed:

Senators:

CURRY of Waldo
LUCHINI of Hancock

Representatives:

ROBERTS of South Berwick
BAILEY of Gorham
GEIGER of Rockland

HASENFUS of Readfield
PEBWORTH of Blue Hill

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

Signed:
Senator:

CYRWAY of Kennebec

Representatives:

ANDREWS of Paris
AUSTIN of Gray
BERNARD of Caribou
DUCHARME of Madison

READ.

On motion of Representative ROBERTS of South Berwick, the Majority **Ought to Pass as Amended** Report was **ACCEPTED.**

The Resolve was **READ ONCE. Committee Amendment "A" (H-561)** was **READ** by the Clerk and **ADOPTED.**

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

Under further suspension of the rules the Resolve was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (H-561)** and sent for concurrence.

Majority Report of the Committee on **TAXATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-560)** on Resolve, Establishing the Commission To Study Fair, Equitable and Competitive Tax Policy for Maine's Working Families and Small Businesses (EMERGENCY)

(H.P. 712) (L.D. 966)

Signed:
Senators:

CHIPMAN of Cumberland
LIBBY of Androscoggin

Representatives:

TERRY of Gorham
GRAMLICH of Old Orchard Beach
MATLACK of St. George
PERRY of Bangor
SACHS of Freeport

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

Signed:
Senator:

POULIOT of Kennebec

Representatives:

BICKFORD of Auburn
KRYZAK of Acton

READ.

On motion of Representative ROBERTS of South Berwick, the Majority **Ought to Pass as Amended** Report was **ACCEPTED.**

The Resolve was **READ ONCE. Committee Amendment "A" (H-560)** was **READ** by the Clerk and **ADOPTED.**

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

Under further suspension of the rules the Resolve was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (H-560)** and sent for concurrence.

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

Majority Report of the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-217)** on Bill "An Act To Clarify the Funding for the University of Maine Cooperative Extension Diagnostic and Research Laboratory" (S.P. 141) (L.D. 808)

Signed:

Senators:

BLACK of Franklin
MAXMIN of Lincoln

Representatives:

O'NEIL of Saco
BERNARD of Caribou
GIFFORD of Lincoln
McCREA of Fort Fairfield
OSHER of Orono
PLUECKER of Warren
SKOLFIELD of Weld
UNDERWOOD of Presque Isle

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "B" (S-218)** on same Bill.

Signed:

Representatives:

HALL of Wilton
LANDRY of Farmington

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-217).**

READ.

On motion of Representative O'NEIL of Saco, the Majority **Ought to Pass as Amended** Report was **ACCEPTED.**

The Bill was **READ ONCE. Committee Amendment "A" (S-217)** 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-217)** in concurrence.

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

CONSENT CALENDAR

First Day

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

(S.P. 102) (L.D. 241) Bill "An Act To Support the Trades through a Tax Credit for Apprenticeship Programs" Committee on **TAXATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-238)**

(S.P. 109) (L.D. 801) Bill "An Act Regarding Sentencing Options for a Person Convicted of a Crime Committed While Serving a Term of Imprisonment" Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-242)**

(S.P. 305) (L.D. 953) Bill "An Act To Improve Affordable Housing Options and Services To Address Homelessness" Committee on **TAXATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-237)**

(H.P. 188) (L.D. 272) Bill "An Act To Establish Separate Prosecutorial Districts in Downeast Maine" (EMERGENCY) Committee on **JUDICIARY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-547)**

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

There being no objection, the Senate Papers were **PASSED TO BE ENGROSSED as Amended** in concurrence and the House Paper was **PASSED TO BE ENGROSSED as Amended** and sent for concurrence.

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

ENACTORS

Emergency Measure

An Act To Prohibit Contributions, Expenditures and Participation by Foreign Government-owned Entities To Influence Referenda

(S.P. 82) (L.D. 194)
(C. "A" S-125)

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

On motion of Representative DUNPHY of Old Town, **TABLED** pending **PASSAGE TO BE ENACTED** and later today assigned.

Emergency Measure

An Act To Make Technical Changes to the Maine Medical Use of Marijuana Act

(S.P. 295) (L.D. 881)
(C. "A" S-231)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 108 voted in favor of the same and 1 against, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

Acts

An Act To Prohibit the Aerial Spraying of Glyphosate and Other Synthetic Herbicides for the Purpose of Silviculture

(S.P. 58) (L.D. 125)
(C. "B" S-185)

An Act To Amend the Laws Governing Proof of Financial Responsibility with Respect to Motor Vehicles

(S.P. 151) (L.D. 368)
(C. "A" S-208)

An Act To Protect Consumers against Predatory Lending Practices

(S.P. 205) (L.D. 522)
(C. "A" S-65)

An Act Regarding Violation of a Protective Order

(S.P. 117) (L.D. 803)
(C. "A" S-204)

An Act To Reduce Lung Cancer Rates in Maine by Creating a Voluntary Radon Testing and Mitigation Program for Landlords, Homeowners and Home Builders

(S.P. 203) (L.D. 819)
(C. "A" S-228)

An Act To Promote Public Safety by Allowing Lighted Signs on Certain Vehicles

(S.P. 385) (L.D. 1122)
(C. "A" S-214)

An Act To Authorize Remote Participation in Maine State Cultural Affairs Council Meetings

(S.P. 397) (L.D. 1224)

An Act To Improve Access to Certain Injectable Medications Approved by the Federal Food and Drug Administration

(S.P. 413) (L.D. 1293)
(C. "A" S-220)

An Act To Regulate Insurance Carrier Practice or Facility-wide Prepayment Review

(S.P. 423) (L.D. 1317)
(C. "A" S-207)

An Act To Amend the Laws Governing Elections

(S.P. 450) (L.D. 1363)
(C. "A" S-209)

An Act To Improve the Disability Retirement Program of the Maine Public Employees Retirement System

(S.P. 529) (L.D. 1644)
(C. "A" S-216)

An Act To Amend the Occupational Therapy Licensing Statutes

(S.P. 531) (L.D. 1646)
(C. "A" S-206)

An Act To Amend Legislative Expenses Reimbursement and Allowances

(S.P. 541) (L.D. 1680)
(C. "A" S-230)

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

Resolves

Resolve, To Direct the Office of Marijuana Policy To Convene Stakeholder Meetings Regarding the Maine Medical Use of Marijuana Program

(S.P. 296) (L.D. 882)
(C. "A" S-213)

Resolve, Directing the Department of Health and Human Services To Conduct a Review of Rules Governing In-home Personal Care Assistance Services

(S.P. 310) (L.D. 958)
(C. "A" S-227)

Resolve, To Classify Employee Health Insurance as a Fixed Cost for MaineCare Reimbursement in Nursing Homes

(S.P. 374) (L.D. 1112)
(C. "A" S-226)

Resolve, To Direct the Permanent Commission on the Status of Racial, Indigenous and Maine Tribal Populations To Study and Propose Solutions to Disparities in Access to Prenatal Care in the State

(S.P. 376) (L.D. 1113)
(S. "A" S-159 to C. "A" S-116)

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

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

ENACTORS

Emergency Measure

An Act Concerning the Regulation of Air Emissions at Petroleum Storage Facilities

(H.P. 119) (L.D. 163)
(S. "A" S-221 to C. "A" H-441)

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

Representative DILLINGHAM of Oxford **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.

On motion of Representative DUNPHY of Old Town, **TABLED** pending **PASSAGE TO BE ENACTED** and later today assigned. (Roll Call Ordered)

Acts

An Act To Create the Maine Rental Assistance and Guarantee Program

(H.P. 347) (L.D. 473)
(C. "A" H-488)

An Act To Support Farms and Address Food Insecurity

(H.P. 503) (L.D. 691)
(C. "A" H-487)

An Act To Support Maine's Medical Marijuana Program and Ensure Patient Access

(H.P. 695) (L.D. 939)
(C. "A" H-468)

An Act To Protect State Workers from Exposure to Harmful Substances

(H.P. 770) (L.D. 1042)

An Act To Update the Voter Registration Process

(H.P. 804) (L.D. 1126)
(C. "A" H-461)

An Act To Preserve Fair Housing in Maine

(H.P. 929) (L.D. 1269)
(C. "A" H-476)

An Act Directing the Maine Center for Disease Control and Prevention To Release Annually Public Health Data Regarding Certain Fatalities and Hospitalizations

(H.P. 1026) (L.D. 1392)
(C. "A" H-477)

An Act Regarding the Waiting Period for Compensation for Incapacity To Work under the Maine Workers' Compensation Act of 1992

(H.P. 1046) (L.D. 1430)
(C. "A" H-478)

An Act To Promote Energy-efficient Affordable Housing

(H.P. 1227) (L.D. 1656)
(C. "A" H-479)

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

Resolves

Resolve, Directing the Department of Education To Review Diversity, Equity and Inclusion Training and Other Professional Development for School Staff

(S.P. 247) (L.D. 633)
(C. "A" S-211)

Resolve, To Study Best Practices and Different Area Needs for Development of Affordable Homes and Expanding Home Ownership in Maine Communities

(H.P. 912) (L.D. 1246)
(C. "A" H-475)

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

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

CONSENT CALENDAR

Second Day

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

(H.P. 1084) (L.D. 1468) Bill "An Act To Support All-terrain Vehicle Trail Improvement" Committee on **TAXATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-559)**

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

There being no objection, the House Paper was or **PASSED TO BE ENGROSSED as Amended** and sent for concurrence.

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

ENACTORS

Acts

An Act To Reform Payments to Legislators by Political Action Committees and Ballot Question Committees

(S.P. 514) (L.D. 1621)

(C. "A" S-196)

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

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

An Act Regarding the Outdoor Release or Abandonment of Balloons

(H.P. 761) (L.D. 1023)

(S. "B" S-232 to C. "A" H-137)

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

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

SENATE PAPER

The following Joint Order: (S.P. 579)

ORDERED, the House concurring, that when the Senate and House adjourn, they do so until the call of the President of the Senate and the Speaker of the House, respectively.

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

READ and **PASSED** in concurrence.

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

On motion of Representative GROHOSKI of Ellsworth, the House adjourned at 8:15 p.m., until the call of the President of the Senate and the Speaker of the House, respectively, pursuant to the Joint Order (S.P. 579) and in honor and lasting tribute to Kelton Muise of Trenton.