

ONE HUNDRED THIRTY-FIRST LEGISLATURE
SECOND REGULAR SESSION
33rd Legislative Day
Tuesday, April 2, 2024

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

Prayer by Honorable Meldon H. Carmichael, Greenbush.
National Anthem by Ella Beyea and Kya Douin, St. Michael School, Augusta.
Pledge of Allegiance.

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

The Journal of yesterday was read and approved.

SENATE PAPERS
Non-Concurrent Matter

Bill "An Act to Identify the Railroad Lines from Portland to Bangor as a Major Corridor and to Fund a Feasibility Study" (S.P. 357) (L.D. 860)

Majority (8) **OUGHT NOT TO PASS** Report of the Committee on **TRANSPORTATION READ** and **ACCEPTED** in the House on March 27, 2024.

Came from the Senate with that Body having **INSISTED** on its former action whereby the Minority (3) **OUGHT TO PASS AS AMENDED** Report of the Committee on **TRANSPORTATION** was **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-565) AS AMENDED BY SENATE AMENDMENT "A" (S-590)** thereto in **NON-CONCURRENCE**.

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

Representative SKOLD of Portland **REQUESTED** a roll call on the motion to **INSIST**.

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

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

Representative **SKOLD**: Madam Speaker, I do believe it's important to study the feasibility of rail expansion for Mainers all around the State, and to do so using a federal grant. I think that there's a lot of potential economic advancement and possibility that it could bring. Therefore, I will be voting against the pending motion, and I invite those who also support studying the future of rail to vote against the pending motion. Thank you.

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

Representative **ANKELES**: Thank you, Madam Speaker, Fellow Members of the House. I'm not going to redo my entire argument from last time, but I do want to summarize with a small thought experiment. Imagine if you came to me asking for help, and you said, Dan, I'm having a hard time finding food, finding a job; I don't know what's going to happen with me, can you help me? And I said, I have a better idea, and I reach into a bag and I pull out a brick and I say, how about you pay me \$20 and I will fill out this grant application you don't qualify for to see if we can do a study to see if this brick might help you with all of those things you mentioned?

I don't think you'd be super happy with me for suggesting that. And yet, here we are with this bill, LD 860, which is the exact same thing. It's not a vehicle for economic growth, economic development, economic justice, environmental justice or any of the things we truly need. In fact, it cannibalizes all of those things. And so, I respectfully ask that we support the insist motion with the green button. Thank you.

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

Representative **MADIGAN**: Thank you, Madam Speaker. With all good due respect to my good colleague from Brunswick, I would also like to engage in a thought experiment. I would like us to imagine how many people live on the corridor from, I don't know, along the coast, compared to the cities of Lewiston, Waterville and Bangor. And that's a thought experiment; I think the population wins by that interior corridor. And so, I encourage people to vote against this motion and vote for economic development for central and interior Maine. Thank you.

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

Representative **O'CONNELL**: Thank you, Madam Speaker. This bill is an economic driver, is an opportunity, it's a \$500,000 federally funded grant. As was stated before, if we don't grab it, you know darn well another state's going to grab it and do probably the same thing we're going to do with it.

It's a bill that needs to be done, it's a route that's never been studied. It would be nice just to get that shot. And if the elephant in the room is the 20-grand for Multimodal, which is designed for this; then I tell you what, I can get three other people and I'll come up with the 20-grand if need be. But I can tell you right now, this is something that we should look at, it's an opportunity. And, heaven forbid, if I saw a bill out there with somebody else in another area of the State of Maine that had this opportunity, I darn well would vote for it. Because we all deserve that chance for economic development. So, thank you very much. Please follow my light.

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

ROLL CALL NO. 445

YEA - Adams, Albert, Andrews, Ankeles, Arata, Ardell, Babin, Bagshaw, Bell, Blier, Boyer, Campbell, Carlow, Carmichael, Cloutier, Cluchey, Costain, Crafts, Cray, Davis, Dill, Drinkwater, Ducharme, Dunphy, Eaton, Faulkingham, Fay, Foster, Fredericks, Gattine, Gifford, Greenwood, Griffin, Guerrette, Hall, Henderson, Hepler, Jackson, Jauch, Kuhn, Lavigne, Lemelin, Libby, Lyman, Malon, Mason, Millett H, Morris, Murphy, Nutting, Parry, Paul, Perkins, Pluecker, Poirier, Polewarczyk, Pomerleau, Quint, Roberts, Roeder, Rudnicki, Runte, Sachs, Salisbury, Sampson, Schmersal-Burgess, Shaw, Sheehan, Simmons, Smith, Soboleski, Swallow, Terry, Theriault, Thorne, Underwood, Walker, White J, Wood, Woodsome.

NAY - Abdi, Arford, Beck, Bradstreet, Brennan, Bridgeo, Collamore, Collings, Craven, Crockett, Cyrway, Dhalac, Dodge, Doudera, Geiger, Gere, Golek, Graham, Gramlich, Hasenfus, Hobbs, Hymes, Javner, Kessler, Lajoie, Landry, LaRochelle, Lee, Lookner, Madigan, Mastraccio, Mathieson, Matlack, Meyer, Millett R, Milliken, Montell, Moonen, Moriarty, Newman, O'Connell, O'Neil, Osher, Perry A, Perry J, Pringle, Rana, Rielly, Riseman, Russell, Sargent, Sayre, Shagoury, Sinclair, Skold, Stover, Strout, Supica, Warren, White B, Worth, Zager, Zeigler, Madam Speaker.

ABSENT - Boyle, Copeland, Galletta, Haggan, Lanigan, Ness, Williams.

Yes, 80; No, 64; Absent, 7; Vacant, 0; Excused, 0.
80 having voted in the affirmative and 64 voted in the negative, with 7 being absent, and accordingly the House voted to **INSIST**.

COMMUNICATIONS

The Following Communication: (H.C. 465)

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

March 29, 2024

The 131st Legislature of the State of Maine
State House
Augusta, Maine

Dear Honorable Members of the 131st Legislature:

By the authority vested in me by Article IV, Part Third, Section 2 of the Constitution of the State of Maine, I am hereby vetoing L.D. 1496, *An Act To Prohibit Noncompete Clauses*.

In 2019, the Legislature enacted L.D. 733, *An Act to Promote Keeping Workers in Maine*. P.L. 2019, Ch. 513. That law places strict limits on the use of noncompete agreements in Maine, and bars their use with low-income workers like hairdressers and fast-food workers who stand to be the most harshly impacted by their terms. L.D. 1496 would go well beyond that by rendering most noncompete agreements unenforceable, even when they are designed to protect a former employer's confidential information from disclosure to commercial competitors.

This ignores the fact that noncompete agreements can be critical tools to prevent employees from taking unfair advantage of their former employers. Whether a technology start-up or a microbrewery, businesses must hire employees and invest heavily in their training and development in order to grow. In doing so, these employees are often entrusted with manufacturing techniques, commercial strategies, or other confidential information that is integral to the success of the business. It would be both unfair and contrary to public policy to prohibit employers from requiring a commitment from their employees not to take what they have learned and immediately put that sensitive information to work for a competitor.

The Labor and Housing Committee was presented with no evidence that the recently enacted statute is inadequate, or that noncompete agreements are being abused in Maine. To the contrary, the Department of Labor testified in opposition to the bill, explaining that they have received no complaints that suggest a need for amendments to the current law. Business interests – large and small – and healthcare providers also opposed the bill out of concern for the effect it would have on the operations of their members, and I have heard directly from Maine-based businesses echoing those concerns.

The Federal Trade Commission is expected to adopt new regulations next month governing the use of noncompete agreements. Enacting new state-level restrictions on these agreements with no demonstrated need and over the objections of Maine businesses – all just before a new federal policy will be announced – would be ill-advised.

My office approached the sponsor with an amendment to this bill that would have garnered my support. Regrettably, that offer of compromise was rejected. As a result, I am left with no choice but to return L.D. 1496 unsigned and vetoed, and urge the Legislature to sustain this veto.

Sincerely,
S/Janet T. Mills
Governor

READ and ORDERED PLACED ON FILE.

The accompanying item An Act to Restrict Noncompete Clauses

(H.P. 951) (L.D. 1496)
(C. "A" H-768)

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

Representative **WARREN**: Thank you. On Friday, a decision was made by our Chief Executive to veto this bill aimed at prohibiting noncompete agreements in our State with appropriate safeguards for legitimate business interests. This action, I firmly believe, is a step backwards for our economic freedom and innovation in this State.

Noncompete agreements, by their very nature, limit the mobility of our workforce. These clauses, often buried in employment contracts, can prevent individuals from seeking better opportunities, from advancing their careers and from contributing their skills and talents where they are most wanted. By vetoing this bill that sought to ban such agreements, the Chief Executive has inadvertently endorsed a practice that binds workers to their employers in an almost feudal manner; limiting their freedom to innovate, to grow and to seek betterment elsewhere, which is what a free economy is all about.

The rationale behind supporting noncompete agreements is often to protect businesses and their intellectual property. While this concern is valid, it overlooks the fact that there are other, less restrictive means of protecting business interests, such as confidentiality and nondisclosure agreements. These alternatives fairly safeguard a company's proprietary information without unduly restricting the movement; the free movement of talent and stifling competition in our State. Moreover, prohibiting noncompete agreements has the potential to foster a more dynamic and competitive marketplace. When workers are free to move between employers, companies are incentivized to improve working conditions, increase wages and invest in the development of their employees. That's something we all should want. This not only benefits workers, but also promotes business growth and innovation as companies strive to be employers of choice in a competitive labor market. Evidence supports this view.

The veto of this bill also fails to recognize the broader economic implications. States that have limited or banned noncompete agreements have seen an increase in entrepreneurship, a surge in innovation and the attraction of high-skilled workers seeking environments where their careers are not restricted by overly broad legal constraints. By not joining these forward-thinking states, Maine risks falling further behind, potentially missing out on opportunities to attract and retain the best talent and to foster a thriving ecosystem of innovation and growth. I say further behind because Maine has faced decades-long labor shortage challenges. With this veto, we just continue a race to the bottom with antiquated notions of what is, quote-unquote; good for business.

The Chief Executive also mentions she offered a compromise. In my understanding, a compromise is where two parties meet somewhere in the middle. Her compromise accepted no part of this bill, but proposed something distinct, to define two terms; good will and confidential information; and to add the phrase no longer in duration than necessary. Good will is a term well established in various parts of Maine's Statutes, as well as thoroughly interpreted and defined in case law in the

State of Maine. That is where these definitions have been defined. This is not an open question, and to change the definitions after this bill, with this language, had passed both Houses, to consider no part of this bill, in my view, is not a good-faith compromise, respectfully.

And so, as I said to the Chief Executive's staff, if there is no part of this bill that you can compromise on, it would make sense to veto it; and so, that is what she chose to do, and I do regret that, I genuinely regret that. I worked for two weeks in good faith with her office and the Chamber, and I do wish we could have found a compromise to materially benefit Maine people.

And with that, at this point, I agree with the Chief Executive in her veto letter, where we can look only to the federal government and their leadership for progress. But both her and I were elected by Maine people to affect the laws of this State, and as we abdicate the responsibility that comes with that power, we have failed if we have failed to act here today, and I regret that we have done that here.

In conclusion, the decision to veto the bill prohibiting noncompete agreements is a missed opportunity for Maine to affirm its commitment to economic freedom, workplace mobility and innovation. It is a decision that benefits the few at the expense of the many, and it undermines our State's potential to be a leader in creating an open and competitive economy. I speak for this bill and against the veto because I believe we ought not be bound by the past but, instead, look forward to a future of growth and progress and opportunity for all Maine people. Thank you.

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

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

ROLL CALL NO. 446V

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

NAY - Adams, Albert, Andrews, Arata, Ardell, Babin, Bagshaw, Blier, Boyer, Bradstreet, Campbell, Carmichael, Collamore, Costain, Crafts, Cray, Cyrway, Davis, Drinkwater, Ducharme, Dunphy, Faulkingham, Foster, Fredericks, Gifford, Greenwood, Griffin, Guerrette, Hall, Hasenus, Henderson, Hepler, Hymes, Jackson, Javner, Lajoie, Landry, Lemelin, Libby, Lyman, Mason, Mastraccio, Meyer, Millett H, Montell, Morris, Ness, Nutting, Parry, Paul, Perkins, Poirier, Polewarczyk, Pomerleau, Riseman, Rudnicki, Sampson, Sargent, Schmursal-Burgess, Simmons, Smith, Soboleski, Stover, Strout, Swallow, Theriault, Thorne, Underwood, Walker, White J, Wood, Woodsome.

ABSENT - Boyle, Galletta, Haggan, Lanigan, Williams.

Yes, 74; No, 72; Absent, 5; Vacant, 0; Excused, 0.
74 having voted in the affirmative and 72 voted in the negative, with 5 being absent, and accordingly the Veto was **SUSTAINED**.

The Following Communication: (S.C. 1066)

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

April 1, 2024

Honorable Rachel Talbot Ross

Speaker of the House

2 State House Station

Augusta, ME 04333-0002

Dear Speaker Talbot Ross:

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

Upon the recommendation of the Committee on Innovation, Development, Economic Advancement and Business:

- Barry T. Woods of Harpswell for appointment, to the Midcoast Regional Redevelopment Authority.

Upon the recommendation of the Committee on Veterans and Legal Affairs:

- Sarah LeClaire, Esq. of Woodland for reappointment, to the Commission on Governmental Ethics and Election Practices,
- Kelly H. Bickmore of Cape Elizabeth for appointment, to the Gambling Control Board.

Best Regards,

S/Darek M. Grant

Secretary of the Senate

READ and ORDERED PLACED ON FILE.

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

ORDERS

On motion of Representative GRAMLICH of Old Orchard Beach, the following Joint Resolution: (H.P. 1473) (Cosponsored by Senator BENNETT of Oxford and Representatives: GEIGER of Rockland, KUHN of Falmouth, MADIGAN of Waterville, MILLETT of Cape Elizabeth, SACHS of Freeport, STOVER of Boothbay, ZAGER of Portland, Senator: MOORE of Washington)

**JOINT RESOLUTION RECOGNIZING APRIL 2024
AS CHILD ABUSE PREVENTION MONTH**

WHEREAS, child abuse is a community problem, and finding solutions depends on recognizing that the effects of child abuse and neglect are felt by whole communities and that those effects need to be addressed by the entire community; and

WHEREAS, effective child abuse and neglect prevention programs succeed because partnerships are created among government agencies, policymakers, nonprofit organizations, health care providers, schools, faith communities, businesses and law enforcement agencies; and

WHEREAS, when families lack access to adequate financial resources, stable living conditions, nutritious food, affordable health care, quality child care and education, a child's development is at risk; and

WHEREAS, all Maine citizens should become more aware of child abuse and neglect and its prevention and become involved in the raising of children in a safe, secure, nurturing environment; now, therefore, be it

RESOLVED: That We, the Members of the One Hundred Thirty-first Legislature now assembled in the Second Regular Session, on behalf of the people we represent, take this opportunity to recognize April 2024 as Child Abuse Prevention Month, to recognize that we all have a role to play in strengthening families so as to ensure healthy child development and have a duty to help others recognize that role and to celebrate the positive community connections available to our families and caregivers to promote the health and well-being of Maine children and help prevent child abuse and neglect.

READ.

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

Representative **GRAMLICH**: Thank you again, Madam Speaker. Good morning, Madam Speaker, and Colleagues of the House. This month, as we observe Child Abuse Prevention Month, it is crucial to reflect on the significance of safeguarding the well-being of our youngest and our most vulnerable members of society. This month serves as a poignant reminder of our collective responsibility to protect children from harm and create safe environments where they can thrive. Child abuse in all forms; physical, emotional, neglect and sexual abuse; are profound violations of children's rights and they have long-lasting detrimental effects on their physical and mental health. It not only inflicts immediate harm, but also disrupts their development and compromises their future prospects.

Preventing child abuse requires a multifaceted approach involving awareness, education, advocacy and support. It necessitates fostering a culture of vigilance, where signs of abuse are recognized and reported promptly, and where victims are provided with the necessary care and support to heal and rebuild their lives. Parents, caregivers, educators and communities all play pivotal roles in creating safe and nurturing environments for children. By promoting positive parenting practices, teaching children about personal boundaries and safety and offering support to families in need, we can help break the cycle of abuse and create a brighter future for generations to come. And prevention, Madam Speaker, is not merely a goal, it's a moral imperative and a shared responsibility. Again, it requires vigilance, education and a steadfast commitment to creating environments where children feel safe to disclose abuse and where perpetrators are held accountable for their actions.

As many in this Chamber have heard, I come from great adversity growing up as a child, enduring significant abuse. And I knew, Madam Speaker, that I could not change my situation as a child, but I knew that when I got to be a grownup, I would work really hard to make things better for others, especially our children, and I've been doing that my whole life as a social worker and certainly here in this Body, advancing policies that protect children.

This month and every month, Madam Speaker, let us unite in our commitment in protecting children from harm, raising awareness about the prevalence and consequences of child abuse and advocating for policies and programs that prioritize the well-being of children. Together, we can make a profound difference in the lives of countless children, ensuring they grow up in environments where they feel loved, valued and safe. Thank you, Madam Speaker.

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

Representative **ROEDER**: Thank you, Madam Speaker. I wanted to rise to speak briefly to this and thank the Good Representative from Old Orchard Beach for always putting forward bills, legislation and Orders that keep our focus on child abuse.

Everybody who knows me knows that I care very deeply about the children in the foster care system, that my own sons come from State care, and we know that our foster care system is overburdened because of abuse and neglect. Mostly, though, I wanted to stand up to remind everyone that a young man in my district, Braxtyn Smith, died because of horrific abuse he suffered at the hands of his family. Too often, we hear about awful things like this, specifically awful child deaths. We mourn for a second and we pass along. I don't think my community has recovered from this and I wanted to acknowledge that.

And I wanted to also read again the first paragraph. "Child abuse is a community problem, and finding solutions depends on recognizing that the effects of child abuse and neglect are felt by whole communities and that those effects need to be addressed by the entire community." And I can say that my whole community is still feeling that. I just wanted to remind everyone, in the words of Gwendolyn Brooks, we are each other's harvest, we are each other's business, we are each other's magnitude and bond. Thank you.

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

SPECIAL SENTIMENT CALENDAR

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

Recognizing:

the Dexter Regional High School Girls Basketball Team, which won the Class C State Championship. Members of the team include Players Cally Gudroe, Annabelle Peakes, Desiree Adams, Lillian Cooley, Abilene Corson, Kallie Stone, Lily Brown, Hannah Dean, Mazie Peach, Carley Coffman, Mariyah Castigliogo, Peyton Dodge and Lily Bagley; Head Coach Jody Grant; Assistant Coaches Frank Reynolds and Mark Melvin; and Managers Avery Fogler and Amelia Greaves. We extend our congratulations and best wishes;

(HLS 904)

Presented by Representative FOSTER of Dexter.

Cosponsored by Senator GUERIN of Penobscot.

On **OBJECTION** of Representative FOSTER of Dexter, was **REMOVED** from the Special Sentiment Calendar.

READ.

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

Recognizing:

Jody Grant, of Plymouth, coach of the Dexter Regional High School girls varsity basketball team for the past 20 years, who recently coached his team to its 300th victory. His coaching record is 307-95, with 6 regional championships and 2 state championships. Mr. Grant has taught in School Administrative District 46 for 20 years. He has also coached the girls varsity soccer team for 13 years. We extend our congratulations and best wishes;

(HLS 905)

Presented by Representative FOSTER of Dexter.
Cosponsored by Senator FARRIN of Somerset, Representative COSTAIN of Plymouth.

On **OBJECTION** of Representative FOSTER of Dexter, was **REMOVED** from the Special Sentiment Calendar.

READ.

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

Representative **FOSTER**: Thank you, Madam Speaker, Ladies and Gentlemen of the House. Jody Grant has coached at the Dexter Regional High School, coaching the girls' varsity basketball team for 20 years now. This season, Coach Grant achieved a very significant milestone with his 300th win. His teams over the years won 307 games against 95 losses; that's a 76.4% success rate. During that time, he led our Lady Tigers to six Regional Championships and two State Championships. While teaching in the district for 20 years, Mr. Grant has also coached our girls' varsity soccer team for 13 years. Jody has had the good fortune of having some players over the years quite a bit taller than he. That certainly helps any coach, but the consistency of his teams over the last 20 years speaks to his hard work, dedication and capability as their leader.

Speaking of winning, after standing on this floor a few times over the last six years to tip my hat to various legislators whose teams defeated one of our Dexter Tigers sports teams in a State Championship matchup, this year, I'm much happier to recognize the Dexter Regional High School Lady Tigers; this year's Class C basketball State Champions. After winning the Northern Maine Regional Championship in 2023, these Lady Tigers went one step further this year, defeating a tough Hall-Dale team in February. Many in this group of girls grew up playing basketball together. Those of us who played, or have kids who played, know how much hard work and love of the game it takes to achieve what these girls have.

Some of the accolades they've received include four players named to the All-Tourney team; Mazie Peach, Class C North MVP; Hannah Dean, Abbi Corson and Cally Gudroe. Three seniors were named to Maine McDonald's Senior All Stars; they include Cally Gudroe, Hannah Dean and Mazie Peach. As is the case with many districts, these ladies are also active in their school and their community. They also have achieved academically, with almost everyone listed on the honor roll semester after semester. Senior Cally Gudroe was recently named the 2024 MPA Principal Award recipient for Dexter Regional High School. They have represented Dexter Regional High School and their communities very well.

We are proud of what this team's accomplished this season and look forward to successes they are sure to have in the future. Congratulations and best wishes, Lady Tigers.

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

REPORTS OF COMMITTEE

Divided Reports

Majority Report of the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-623)** on Resolve, to Require the Establishment of a Stakeholder Group to Examine and Improve the Recruitment, Retention and Wellness of Law Enforcement Officers

(S.P. 887) (L.D. 2094)

Signed:

Senators:

BEEBE-CENTER of Knox
HARRINGTON of York
LaFOUNTAIN of Kennebec

Representatives:

SALISBURY of Westbrook
ARDELL of Monticello
LAJOIE of Lewiston
NEWMAN of Belgrade
NUTTING of Oakland
PERKINS of Dover-Foxcroft

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "B" (S-624)** on same Resolve.

Signed:

Representatives:

LOOKNER of Portland
MATHIESON of Kittery
MILLIKEN of Blue Hill

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-623)**.

READ.

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

The Resolve was **READ ONCE**. **Committee Amendment "A" (S-623)** 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-623)** in concurrence.

Majority Report of the Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-626)** on Bill "An Act to Equalize Funding for the Maine Maritime Academy"

(S.P. 885) (L.D. 2092)

Signed:

Senators:

RAFFERTY of York
LIBBY of Cumberland
PIERCE of Cumberland

Representatives:

BAGSHAW of Windham
DODGE of Belfast
LYMAN of Livermore Falls
MILLETT of Cape Elizabeth
MURPHY of Scarborough
POLEWARCZYK of Wiscasset
SAMPSON of Alfred
SARGENT of York
WORTH of Ellsworth

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "B" (S-627)** on same Bill.

Signed:

Representative:

BRENNAN of Portland

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-626)**.

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" (S-626)** 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-626)** in concurrence.

Majority Report of the Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought Not to Pass** on Resolve, to Promote Access to Education and Workforce Development by Transferring Ownership of the Hutchinson Center Property in Belfast to the City of Belfast (EMERGENCY) (S.P. 956) (L.D. 2231)

Signed:

Senators:

RAFFERTY of York
LIBBY of Cumberland
PIERCE of Cumberland

Representatives:

BRENNAN of Portland
BAGSHAW of Windham
LYMAN of Livermore Falls
MILLETT of Cape Elizabeth
MURPHY of Scarborough
POLEWARCZYK of Wiscasset
SAMPSON of Alfred
SARGENT of York

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (S-620)** on same Resolve.

Signed:

Representatives:

DODGE of Belfast
WORTH of Ellsworth

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

READ.

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

Majority Report of the Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought Not to Pass** on Bill "An Act to Provide for Licensing of and Tax Collection from Remote Retail Sellers of Pipe Tobacco and Premium Cigars" (S.P. 785) (L.D. 1923)

Signed:

Senator:

INGWERSEN of York

Representatives:

MEYER of Eliot
CRAVEN of Lewiston
GRAHAM of North Yarmouth
MADIGAN of Waterville
SHAGOURY of Hallowell
ZAGER of Portland

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (S-630)** on same Bill.

Signed:

Senators:

BALDACCI of Penobscot
MOORE of Washington

Representatives:

FREDERICKS of Sanford
GRIFFIN of Levant
JAVNER of Chester
LEMELIN of Chelsea

Came from the Senate with the Minority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-630)**.

READ.

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

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

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

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

Representative **JAVNER**: Thank you, Madam Speaker. I apologize, I forgot to say that I would speak briefly to this bill.

Current Maine law allows for the sale of premium cigars online and that has been the case for 15 years. The Supreme Court ruled in the *Wayfair* decision in 2018 that states may collect sales tax from online retailers located outside of the state. Before that decision, there was no mechanism to collect these tax obligations, including on premium cigars. The problem was that there were no mechanisms in law to allow for that collection to take place. Last year, Maine Revenue Services initiated the discussions with the cigar industry to solve this problem, and immediately passed LD 1808 into law out of the Taxation Committee. The law was signed by the Chief Executive, and I'm pleased to report that these tax obligations from online sales are now being collected and remitted to the State of Maine every month. It was a success story, with the State and the industry working together to create a path to compliance for the online

sellers. The problem then became aligning the tax code with the health code, hence Health and Human Services Committee. This legislation simply makes portions of Title 22 consistent with the new law passed in Title 36 last year. The original title of this bill included a reference to pipe tobacco; that was an error and has been struck. This does not in any way expand online sales of tobacco. This simply allows for companies that sell premium cigars into the State online to be fully compliant with the tax code. Thank you.

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

Representative MEYER: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House, as amended, LD 1923; bear with me for one second here; weakens the age verification of consumers buying premium cigars sold by remote retailers online. Age verification is important to keeping Maine youth from smoking. Currently, when buying cigars online, the sellers are required to obtain a copy of a valid, government-issued document with name, address, photo and date of birth, and cross-reference the proof of age with a commercially available database derived solely from government records. This amendment includes less stringent verification, relying on a cross-reference based only on the personal data entered by the consumer during the ordering process. Additionally, it will repeal the requirement the retailer be licensed by DHHS, making it more difficult to know who's selling, as well as making it more difficult to enforce tobacco control laws and hold retailers accountable. 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. 447

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

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

ABSENT - Boyle, Copeland, Galletta, Haggan, Williams.

Yes, 81; No, 65; Absent, 5; Vacant, 0; Excused, 0.

81 having voted in the affirmative and 65 voted in the negative, with 5 being absent, and accordingly the Majority **Ought Not to Pass** Report was **ACCEPTED** in **NON-CONCURRENCE** and sent for concurrence.

Majority Report of the Committee on **JUDICIARY** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-617)** on RESOLUTION, Proposing an Amendment to the Constitution of Maine to Protect Personal Reproductive Autonomy

(S.P. 339) (L.D. 780)

Signed:

Senators:

CARNEY of Cumberland
BAILEY of York

Representatives:

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

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

Signed:

Senator:

BRAKEY of Androscoggin

Representatives:

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

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

Came from the Senate with the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the RESOLUTION **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-617)**.

READ.

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

Majority Report of the Committee on **VETERANS AND LEGAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-628)** on Bill "An Act to Amend the State's Election Laws"

(S.P. 153) (L.D. 332)

Signed:

Senators:

HICKMAN of Kennebec
BRENNER of Cumberland

Representatives:

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

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

Signed:

Senator:

TIMBERLAKE of Androscoggin

Representatives:

BOYER of Poland
HYMES of Waldo
RUDNICKI of Fairfield

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-628)**.

READ.

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

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

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

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

Representative **RUDNICKI**: Thank you, Madam Speaker. This bill started a year ago as a concept draft with nothing to it. It now does two things. It transfers \$266,000 a year to the Secretary of State for the paperwork for elections. That should be part of the budget, it should not be a separate bill to basically make a separate slush fund. The other part that it does is it forms another commission or another study. Again, to me, it's a waste of taxpayer money, and I urge you to vote this bill down.

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. 448

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

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

ABSENT - Boyle, Copeland, Galletta, Haggan, Williams.

Yes, 81; No, 65; Absent, 5; Vacant, 0; Excused, 0.

81 having voted in the affirmative and 65 voted in the negative, with 5 being absent, and accordingly the Majority **Ought to Pass as Amended** Report was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (S-628)** 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-628)** in concurrence.

Majority Report of the Committee on **VETERANS AND LEGAL AFFAIRS** reporting **Ought Not to Pass** on Bill "An Act Regarding Open Primary Elections and Ranked-choice Voting" (S.P. 795) (L.D. 1959)

Signed:

Senators:

HICKMAN of Kennebec
BRENNER of Cumberland
TIMBERLAKE of Androscoggin

Representatives:

SUPICA of Bangor
COLLINGS of Portland
HYMES of Waldo
MALON of Biddeford
MONTELL of Gardiner
RIELLY of Westbrook
RUDNICKI of Fairfield
WILLIAMS of Bar Harbor

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (S-625)** on same Bill.

Signed:

Representatives:

ANDREWS of Paris
BOYER of Poland

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

READ.

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

Majority Report of the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-903)** on Bill "An Act to Fund Delivery of Emergency Medical Services" (H.P. 970) (L.D. 1515)

Signed:

Senators:

BEEBE-CENTER of Knox
HARRINGTON of York
LaFOUNTAIN of Kennebec

Representatives:

SALISBURY of Westbrook
HASENFUS of Readfield
LAJOIE of Lewiston
LOOKNER of Portland
MATHIESON of Kittery
MILLIKEN of Blue Hill
NUTTING of Oakland

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

Signed:

Representatives:

ARDELL of Monticello
NEWMAN of Belgrade
PERKINS of Dover-Foxcroft

READ.

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

Representative NUTTING of Oakland **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. 449

YEA - Abdi, Adams, Ankeles, Arata, Arford, Babin, Beck, Bell, Blier, Bradstreet, Brennan, Bridgeo, Campbell, Carlow, Carmichael, Cloutier, Cluchey, Collamore, Collings, Costain, Crafts, Craven, Cray, Crockett, Cyrway, Dhalac, Dill, Dodge, Doudera, Ducharme, Eaton, Faulkingham, Fay, Fredericks, Gattine, Geiger, Gere, Gifford, Golek, Graham, Gramlich, Guerrette, Hall, Hasenfus, Henderson, Hepler, Hobbs, Jackson, Jauch, Javner, Kessler, Kuhn, Lajoie, Landry, LaRochelle, Lavigne, Lee, Lemelin, Lookner, Madigan, Malon, Mason, Mastraccio, Mathieson, Matlack, Meyer, Millett H, Millett R, Milliken, Montell, Moonen, Moriarty, Murphy, Nutting, O'Connell, O'Neil, Osher, Parry, Perry J, Pluecker, Poirier, Polewarczyk, Pomerleau, Pringle, Quint, Rana, Rielly, Riseman, Roberts, Roeder, Runte, Russell, Sachs, Salisbury, Sargent, Sayre, Schmursal-Burgess, Shagoury, Shaw, Sheehan, Simmons, Sinclair, Skold, Stover, Strout, Supica, Swallow, Terry, Theriault, Thorne, Underwood, Walker, Warren, White B, Wood, Woodsome, Worth, Zager, Zeigler, Madam Speaker.

NAY - Albert, Andrews, Ardell, Bagshaw, Boyer, Davis, Drinkwater, Dunphy, Foster, Greenwood, Griffin, Hymes, Lanigan, Libby, Lyman, Morris, Ness, Newman, Paul, Perkins, Rudnicki, Sampson, Smith, Soboleski, White J.

ABSENT - Boyle, Copeland, Galletta, Haggan, Perry A, Williams.

Yes, 120; No, 25; Absent, 6; Vacant, 0; Excused, 0.

120 having voted in the affirmative and 25 voted in the negative, with 6 being absent, and accordingly the Majority **Ought to Pass as Amended** Report was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (H-903)** 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-903)** 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-904)** on Bill "An Act to Establish a Statewide Sexual Assault Forensic Examination Kit Tracking System and Conduct an Inventory of Existing Forensic Examination Kits in the Possession of Law Enforcement" (EMERGENCY)

(H.P. 1353) (L.D. 2129)

Signed:
Senators:

BEEBE-CENTER of Knox
LaFOUNTAIN of Kennebec

Representatives:

SALISBURY of Westbrook
HASENFUS of Readfield
LAJOIE of Lewiston
LOOKNER of Portland
MATHIESON of Kittery
MILLIKEN of Blue Hill

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "B" (H-905)** on same Bill.

Signed:
Senator:

HARRINGTON of York

Representatives:

ARDELL of Monticello
NEWMAN of Belgrade
NUTTING of Oakland
PERKINS of Dover-Foxcroft

READ.

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

The Bill was **READ ONCE**. **Committee Amendment "A" (H-904)** 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-904)** 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-890)** on Bill "An Act Regarding Customer Costs and the Environmental and Health Effects of Natural Gas"

(H.P. 1336) (L.D. 2077)

Signed:
Senators:

LAWRENCE of York
GROHOSKI of Hancock

Representatives:

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

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

Signed:
Senator:

HARRINGTON of York

Representatives:

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

READ.

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

The SPEAKER: The Chair recognizes the Representative from Montville, Representative Zeigler.

Representative **ZEIGLER**: Madam Speaker and Fellow Legislators, I rise to support LD 2077, "Resolve, to Study the Role of Natural Gas in Equitable Clean Energy Transition for Maine." I am prefacing my comments by saying that at times in this Chamber, legislators have risen to speak to a bill but they are speaking to the original bill, probably by mistake, not the amended bill.

The amended bill before you, with a title change, is not the same bill put forward by the Office of the Public Advocate in January. This bill is a collaboration of stakeholders that responded to the original bill at the public hearing. Mr. Harwood, the Office of Public Advocate, offered to chair meetings of stakeholders to hear their concern. Those stakeholders consisted of the major gas utilities, the Public Utility Commission, the Office of Public Advocate, the Governor's Energy Office, environmental organizations such as the Sierra Club, the Natural Resource Council of Maine and CLF, large energy users such as mills and Maine gas utility workers. They worked over a month to change the original bill in order to reach a compromise. I truly wondered if they could, and they did. It was solidified right before the last work session. I've heard legislators complain about groups not working together. This group did. And I think as legislators, we should respect the work they did.

The original bill was introduced in order to protect ratepayers from paying the overexpansion of natural gas lines and to do a health study. Unfortunately, the CDC cannot do the health study at this time, but I assume someone will be putting a bill in next session to ask them to do that. The amended version now allows the Public Utility Commission, through existing Statutes, to evaluate expansion and report back to the Legislature to have a bill reported out in the 132nd. The gas utilities accepted this compromise, and the Governor's Energy Office is now charged with planning how natural gas fits into energy transformation the State is going through. In our Committee, we have called for forward planning on numerous occasions, so we don't continue to do a whack-a-mole process looking at the future.

We need to find an alternate source for large, industrial uses of power, but at this juncture, natural gas is serving that purpose. What the GEO is going to examine in the report are the following points: The current use of natural gas in meeting existing energy needs with residential, commercial, institutional, industrial and power generation sectors in the State; the role of natural gas in ensuring the energy security of manufacturers and large commercial customers and providing employment for residents of the State; policy and regulatory activities concerning natural gas utilities in other states and concerning the role of existing gas infrastructure in supporting the transition to low-carbon future; new and emerging technologies for the production, transportation, delivery and storage of natural gas and new and emerging technologies that may enable alternate cost effective use of existing natural gas infrastructure consistent with the requirements of the Maine Revised Statutes, Title 38, Section 578-A, and the Climate Action Plan adopted pursuant to Title 38, Section 577, including, but not limited to, renewable natural gas, clean hydrogen and district geothermal technology. The Governor's Energy Office shall encourage interested stakeholders to submit relevant information to inform the evaluation required under this section. And lastly, the third section appoints a commission to study the effect on the workforce as we move away from natural gas. This commission will consist of individuals with various backgrounds, that are

listed in the amended bill, who will decide the best approach to develop a transition for the Maine workers who are already in the field. As I stated earlier, the gas utilities want these studies, the environment groups want these studies, the large industrial groups want these studies, Maine gas utility workers want these studies and the Office of the Public Advocate wants these studies.

The people of our State need to know what our energy future looks like and, lastly, there is nothing in this bill which says the State will take away your natural gas stove or your propane gas stove. I know this, because my wife wouldn't let me leave the house unless there was not the ability to take away our gas stove. Thank you very much.

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

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

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

Representative **FOSTER**: Thank you, Madam Speaker, Ladies and Gentlemen of the House. I will try to be brief. I'll try not to speak to the previous bill, nor to any future legislation that may be pending, should any of us return here next year. Madam Speaker, my main concern with this bill is; and I applaud the same folks that got together to put this together to change what was a very bad bill to something that might be more palatable, but, in my opinion, is completely unnecessary. Madam Speaker, we are going to need to transition away from natural gas, however, we are going to need natural gas electrical generation for 10, maybe 20 more years before we are fully able to do so.

Madam Speaker, the PUC already does a lot of what this bill is asking. They look ahead as they plan and as they look at rates. Also, the Governor's Energy Office, who; I'm glad to see the Good Representative agrees with me, this is something that they should've had on their plate a long time ago. Sometimes, Madam Speaker, we cut our nose off to spite our face in this Body or in this Legislature. I'll give you one example. Quite some time ago, during a Zoom call, after it was decided that one of the natural gas companies would not run a pipeline up to Thomaston, I asked the question, did the Governor's Energy Office contact any of the stakeholders who were concerned about having that gas pipeline available for production of cement at the Thomaston plant for the offshore wind platforms that the Chief Executive had proposed at the time? The answer was no. That should've happened.

Madam Speaker, we will have to pay for this study, both ratepayers and taxpayers, as I understand the bill. It is not necessary, I ask that you follow my light and vote against this. Thank you.

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

Representative **WARREN**: I'm rising to speak in support of this legislation. However, I'm doing so holding great frustration. Because we had an opportunity to do so much more with this bill. It's still vital to pass this bill to encourage thoughtful conversation on the future of fracked gas in Maine. LD 2077 was significantly watered down from its original language, however, and we must acknowledge in the goal of purported compromise, that there was major influence from our gas utilities. There was a lack of willingness from both parties to bring this important fight in the midst of an election year, and there was a lack of political will from our Chief Executive who purports that Maine won't wait, but here we are today.

Maine's fracked natural gas infrastructure poses immediate and ongoing threats to health and the expansion in indefinite operation of Maine's gas system, which is inconsistent with our Statutory climate and clean energy goals. The future of natural gas infrastructure threatens to leave ratepayers with volatile utility costs and paying for stranded assets for 20, 30 years down the line. Meanwhile, the climate crisis is already here. It's impacting our infrastructure, our landscapes, our homes, our public health, our ecosystems and our economy. We saw devastating storms this winter and globally, we are shooting past dangerous tipping points. When will it be enough for us to act boldly, regardless of immediate or near-term political consequence? I understand that day is not today, and yet, I ask you vote in support of this bill. Thank you.

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

Representative **GEIGER**: Thank you, Madam Speaker. I rise in support of this pending motion and as someone who did take away the gas stove from my husband. A few years ago, we built a very tight, very energy efficient, small house. My husband loves his gas stove. For the first time ever, after 30 years of living in drafty old houses, we actually had an outside-venting oven hood. When COVID hit, we found ourselves spending a lot more time in the house and my husband suddenly developed a very tight, chronic cough. After months, he went to his physician, his x-rays showed expanded lung fields. He was sent to a pulmonologist, who said, oh, you have the beginnings of COPD, nothing to be done. He'd never smoked. This was a recent event. I started to do some research and discovered that gas stoves in tight buildings increase dirty air significantly, particulates significantly. I said, we need to get rid of the gas stove; he said, no way. We bought an induction oven top, he used it for the next several months, the cough disappeared. The gas stove went away. It has never returned.

This bill, as Representative Warren said, is a far, far less bill than it started out, but it is imperative that we start to look at whether it is appropriate to expand gas infrastructure; that is, hugely expensive set of pipelines that forever leak methane, that pipe into houses and therefore promise filthy air for children, for adults, for increasing amounts of asthma, COPD, it makes no sense. This study is at least the beginning of taking a look at what's appropriate going forward. 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. 450

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

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

ABSENT - Boyle, Galletta, Haggan, Williams.

Yes, 80; No, 67; Absent, 4; Vacant, 0; Excused, 0.

80 having voted in the affirmative and 67 voted in the negative, with 4 being absent, and accordingly the Majority **Ought to Pass as Amended** Report was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (H-890)** 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-890)** and sent for concurrence.

Majority Report of the Joint Select Committee on **HOUSING** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-900)** on Resolve, Authorizing the Commissioner of Administrative and Financial Services to Convey by Sale the Interests of the State in 3 Properties Located in Biddeford, Sanford and York

(H.P. 1464) (L.D. 2277)

Signed:

Senators:

PIERCE of Cumberland
POULIOT of Kennebec
VITELLI of Sagadahoc

Representatives:

GERE of Kennebunkport
BLIER of Buxton
BRADSTREET of Vassalboro
CAMPBELL of Orrington
GATTINE of Westbrook
GOLEK of Harpswell
MORRIS of Turner
RANA of Bangor
STOVER of Boothbay

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "B" (H-901)** on same Resolve.

Signed:

Representative:

LOOKNER of Portland

READ.

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

The SPEAKER: The Chair is going to ask Members, if they would like to conduct conversations, that they do so outside of this Chamber so the rest of us can conduct our business.

Subsequently, the Majority **Ought to Pass as Amended** Report was **ACCEPTED**.

The Resolve was **READ ONCE**. **Committee Amendment "A" (H-900)** 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-900)** and sent for concurrence.

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

Majority Report of the Committee on **STATE AND LOCAL GOVERNMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-889)** on Bill "An Act to Amend the Law Governing Racial Impact Statements"

(H.P. 928) (L.D. 1432)

Signed:

Senators:

NANGLE of Cumberland
BALDACCI of Penobscot
LYFORD of Penobscot

Representatives:

STOVER of Boothbay
ABDI of Lewiston
COPELAND of Saco
DHALAC of South Portland
RISEMAN of Harrison
SINCLAIR of Bath

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

Signed:

Representatives:

ADAMS of Lebanon
GREENWOOD of Wales
POMERLEAU of Standish
UNDERWOOD of Presque Isle

READ.

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

The SPEAKER: The Chair recognizes the Representative from Boothbay, Representative Stover.

Representative **STOVER**: Thank you, Madam Speaker. Madam Speaker, this amendment includes the name change of this bill to "An Act to Increase the Inclusion of Demographic Data from State Agencies in the Legislative Process". This bill would allow for data-driven decision making in creating new laws by utilizing demographic data across all populations; not just racial data, but age, rural versus urban, veteran status, income levels, education levels, et cetera. This bill gives OPLA staff the authority and necessity to collect and disseminate data to all legislative Committees. This includes the research and analysis of data collected upon committee request.

This bill also creates a limited-period position for one legislative analyst to join the nonpartisan staff in OPLA. Fifty percent of the time would be dedicated to research and data analysis and the other 50% would serve as an additional legislative analyst as needed, which we know is needed. We

know that we have shortages and there's always more work for our legislative analysts to do than the staff that they have available to do it. In fact, our own OPLA Director served as a legislative analyst this Session on the Housing Committee because of the shortages that they have in staffing.

This bill ultimately would allow for better decision making by all Members of this Body with the inclusion of a staff person to collect and present the data as requested. Data-driven decision making has the potential for better representation of all Mainers. I ask that you vote in support of this bill. Thank you.

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

Representative **GREENWOOD**: Thank you, Madam Speaker. I rise in opposition to the pending motion and further request a Roll Call.

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: 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. 451

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

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

ABSENT - Boyle, Galletta, Haggan, Williams.

Yes, 81; No, 66; Absent, 4; Vacant, 0; Excused, 0.

81 having voted in the affirmative and 66 voted in the negative, with 4 being absent, and accordingly the Majority **Ought to Pass as Amended** Report was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (H-889)** 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-889)** and sent for concurrence.

Majority Report of the Committee on **TAXATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-897)** on Bill "An Act to Provide up to \$5,000 in Property Tax Relief to Veterans"

(H.P. 1116) (L.D. 1737)

Signed:

Senators:

GROHOSKI of Hancock
LIBBY of Cumberland

Representatives:

PERRY of Bangor
CARMICHAEL of Greenbush
CROCKETT of Portland
MATLACK of St. George
QUINT of Hodgdon
RUDNICKI of Fairfield

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

Signed:

Representative:

LIBBY of Auburn

READ.

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

The Bill was **READ ONCE**. **Committee Amendment "A" (H-897)** 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-897)** and sent for concurrence.

(H.P. 1121) (L.D. 1742) Bill "An Act to Enhance the Use of Critical Incident Stress Management Teams and to Require Peer Team Support" Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-898)**

(H.P. 1202) (L.D. 1877) Bill "An Act to Reduce the Number of Children Living in Deep Poverty by Adjusting Assistance for Low-income Families" Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-891)**

(H.P. 1337) (L.D. 2078) Bill "An Act to Increase Participation by the Department of Health and Human Services Regarding Federal Benefits for Which Children in the Custody of the Department Are Eligible" (EMERGENCY) Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-893)**

(H.P. 1384) (L.D. 2162) Bill "An Act Regarding the Homestead Property Tax Exemption and the Property Value Reassessment Process" (EMERGENCY) Committee on **TAXATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-892)**

(H.P. 1451) (L.D. 2261) Bill "An Act Designating New Motor Vehicle Emissions Rules as Major Substantive Rules" Committee on **ENVIRONMENT AND NATURAL RESOURCES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-902)**

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 Papers were **PASSED TO BE ENGROSSED as Amended** and sent for concurrence.

CONSENT CALENDAR

First Day

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

(S.P. 354) (L.D. 857) Bill "An Act to Improve Family Team Meetings in Child Welfare Cases to Ensure Better Outcomes for Children by Providing Adequate Funding" Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-632)**

(S.P. 965) (L.D. 2243) Resolve, Directing the Department of Health and Human Services to Amend MaineCare Rules Governing Certain Types of Behavioral and Mental Health Services and to Form a Stakeholder Group to Study Methods for Improving Those Services Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-631)**

(S.P. 976) (L.D. 2259) Bill "An Act to Prohibit Receiving Compensation for Assisting a Person to Obtain Veterans' Benefits Except as Permitted Under Federal Law" Committee on **VETERANS AND LEGAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-619)**

(S.P. 982) (L.D. 2264) Bill "An Act to Further Clarify the Meaning of 'Private Road' and 'Public Easement' in Certain Provisions of Maine Law" Committee on **STATE AND LOCAL GOVERNMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-622)**

ENACTORS

Emergency Measure

An Act to Fund the Delivery of Educational Services to Children with Special Needs as Required by State and Federal Law in Special Purpose Private Preschools

(H.P. 1344) (L.D. 2120)
(C. "A" H-863)

Was reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 118 voted in favor of the same and 0 against, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

Emergency Measure

An Act to Establish a Grant Program to Increase Postsecondary Educational Opportunities for Students with Intellectual or Developmental Disabilities or Autism Spectrum Disorder

(H.P. 1386) (L.D. 2166)
(C. "A" H-874)

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

Emergency Measure

Resolve, Regarding Legislative Review of Chapter 2: Medical Use of Cannabis Program Rule, a Major Substantive Rule of the Department of Administrative and Financial Services, Office of Cannabis Policy

(H.P. 1399) (L.D. 2185)
(C. "A" H-870)

Was reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 118 voted in favor of the same and 4 against, and accordingly the Resolve was **FINALLY PASSED**, signed by the Speaker and sent to the Senate.

Emergency Measure

Resolve, to Reestablish the Task Force on Accessibility to Appropriate Communication Methods for Deaf and Hard-of-hearing Patients

(H.P. 1446) (L.D. 2255)
(C. "A" H-886)

Was reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 122 voted in favor of the same and 0 against, and accordingly the Resolve was **FINALLY PASSED**, signed by the Speaker and sent to the Senate.

Acts

An Act to Correct Language Related to Medicaid Coverage for Children

(H.P. 197) (L.D. 299)
(C. "A" H-885)

An Act to Establish the Maine State Flag Commission

(H.P. 288) (L.D. 471)
(C. "A" H-872)

An Act Regarding Department of Economic and Community Development Evaluations of State Investments in Economic Development

(H.P. 492) (L.D. 803)
(C. "A" H-873)

An Act to Require a Biennial Report on the Corporate Income Tax to the Joint Standing Committee Having Jurisdiction over Taxation Matters

(H.P. 851) (L.D. 1337)
(C. "A" H-868)

An Act Regarding Recommendations for Changing Place Names in the State

(H.P. 1065) (L.D. 1667)
(C. "A" H-875)

An Act to Expand Direct Shipment Reporting and to Allow for the Use of Fulfillment Providers for the Direct Shipment of Wine

(H.P. 1372) (L.D. 2148)
(C. "A" H-884)

An Act to Clarify Licensing Criteria and Criminal History Record Check and Notification Requirements for Adult Use Cannabis Establishments

(H.P. 1379) (L.D. 2155)
(C. "A" H-878)

An Act to Strengthen Maine's Agriculture, Food System and Forest Products Infrastructure Investment

(H.P. 1419) (L.D. 2212)
(C. "A" H-876)

An Act to Establish the Wabanaki Veterans Memorial
(H.P. 1430) (L.D. 2228)
(C. "A" H-848)

An Act to Eliminate Inactive Boards and Commissions
(H.P. 1440) (L.D. 2241)
(C. "A" H-879)

An Act to Reduce the Reporting Requirements for Special Utility Districts and to Repeal the Maine Public Utility Financing Bank Act

(H.P. 1441) (L.D. 2248)
(C. "A" H-871)

An Act to Provide Greater Transparency About the Cost of Insulin and to Promote the Availability of Low-cost Insulin in the State

(S.P. 996) (L.D. 2282)

An Act to Implement Recommendations in the Department of Inland Fisheries and Wildlife's Report on Wake Boats

(H.P. 1472) (L.D. 2284)

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

An Act to Prevent Youth Involvement in the Juvenile Justice System by Establishing a Strength-based, Discretionary Juvenile Needs Assessment Program

(H.P. 1142) (L.D. 1779)
(C. "A" H-869)

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

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

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

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

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

Representative **NUTTING**: Thank you, Madam Speaker; I'm sorry. Madam Speaker and Men and Women of the House, after LD 1779 failed the majority, bipartisan vote Ought Not to Pass last week by a slim majority, we proceeded to pass the bill as amended, which you see before us again today. Now, I feel the need to rise and express some of my concerns with LD 1779; concerns that I probably should have expressed last week sometime, but didn't; so, there's always another chance and today is it. These are concerns that I share with the Maine Prosecutors Association. And since last week, I have been in contact with the Assistant District Attorney in York County, who has 34 years of service as an assistant DA, with a specialty in juvenile justice.

This bill, as it originally was, to virtually close Long Creek, was brought forward with absolutely no collaboration, I'm told, with the practitioners who handle juvenile cases and who would have been happy to discuss any improvements that the sponsor wished to see. The process outlined in this bill already exists in the Maine Juvenile Code, Title 15 in the Statutes. But the process as it currently exists is conducted by the Department of Corrections and not by the Department of Health and Human Services. This bill would place requirements in Title 15 affecting DHHS. Such requirements should really be in Title 22, which is the DHHS section of the Statutes. That's where the proposal should be.

Section 3101, in Title 15, lays out the diversionary options, up to and including no action against the juvenile whatsoever. The number of juvenile cases filed in Maine courts has significantly decreased over the past decade, and currently, 80-90% of children who find themselves in trouble with the law do not get incarcerated or detained, they are dealt with in the Department of Corrections, families are brought together, different solutions are sought and very, very few individuals end up being incarcerated. They are, I would submit, the most dangerous youths that we have, who need to be in some controlled atmosphere for their own good, their family's own good and the public of the State of Maine.

There was no testimony from defense practitioners that suggested that this bill is needed. Because this bill was originally identified as an alternative to incarceration, most of the public testimony was directed at reducing juvenile incarceration, something this amendment doesn't really address. The bill requires the Department of Health and Human Services to share the results of any assessments with law enforcement, with the Department of Corrections and with prosecutors. Under current law, DHHS records can only be shared with law enforcement after judicial review and with limited access and use. Juvenile prosecutors will tell you that referrals to DHHS rarely result in any action taking on the part of DHHS. The problem is; wait for it; lack of available services. We all know that.

This bill is drafted in the wrong place in law, seeking to institute a process which is already in law, that will involve DHHS to no avail. Please join me in defeating the current motion. Thank you, Madam Speaker.

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

Representative **HASENFUS**: Thank you, Madam Speaker. I do think that my colleague, the Good Representative from Oakland, is correct. What this bill will do is it will transition youth away from the Department of Corrections and to the Department of Health and Human Services. I make the analogy, though a poor one, of a child in school. Is the appropriate approach to call their name over the intercom, send them to the principal's office and have all their colleagues and peers say, hey, I heard you got sent to the principal's office, why was that, and then have them put that immediate shield up, or is it to subtly refer them to the counselor's office to address whatever needs that that student might be having at that time? I look at this in somewhat of a similar way.

The Good Representative from Oakland is also correct that a majority of the times that these children come in contact with officers, they are not incarcerated, they are not sent to Long Creek but they are prosecuted, they are sent in front of a judge. And what this bill does is it gives officers a tool. It is not requiring them to change anything from what they already do. It is permissive; the Statute is a "may." But what it is requiring is the State of Maine to give an opportunity to these young individuals, the communities and the officers, to make that referral to a counselor, a clinician and not a judge. Somebody who is trained in mental health services, not somebody who's trained in jurisprudence. And I feel that the Department of Health and Human Services is the appropriate State entity to assess these children and not the Department of Corrections. Yes, there is a role for a judge in the Department of Corrections, but that role comes later, that comes when your options are exhausted.

Another concern that the Good Representative had is that there would be shared records. Well, I, too, had that concern, and I wanted to make sure that the records of that clinician would not be used in any adversarial setting in a judicial proceeding. And right in the amendment, it says that those records are

excluded from evidence and may not be used in a proceeding and the judge who is determining the outcome of that case will never view those records, and so, it will not be there.

And I also agree with the Good Representative from Oakland that there is a lack of available services, but I don't think that when we have hit a wall and there's nothing else to do, that we just send a child to the court system and the Department of Corrections to deal with what should be dealt with in a health care setting through the Department of Health and Human Services. And I think that what this really is doing is it is equalizing all communities in Maine, because there are some well-resourced communities and well-resourced officers that are already doing this and that are having success with this. I believe the Good Representative from Rockland testified on the floor in the initial speech that her community has been slowly figuring out how to do this. And so, from a statewide perspective, if we can build up DHHS so that every juvenile officer in the State understands that there is a path for referral that can get meaningful and effective treatments to divert these individuals from ever being in contact with a judge, I feel that we will have far better results in the long run in this State.

And for those reasons, you know, I will be supporting this bill and I hope that this Body will as well. Thank you, Madam Speaker.

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

Representative **CYRWAY**: Thank you, Madam Speaker, Ladies and Gentlemen of the House. This, that I just heard, actually confuses more than it helps. For many years, I mean, 25 years, I worked in the schools and very rarely, a child gets charged. Most of the time, it can be dealt with just between the counselor and the principal and we may try to; maybe if there might be a program, sometimes they have the diversion programs, teen centers, whatever, and maybe they do some community service. Lots of times, they don't even get to the level of ever being charged. We all try to help the kids be successful. That's the number one thing, in law enforcement, we use discretion all the time.

So, by calling DHHS, that's going to even actually make it more harder on the child and the families. So, lots of times, this is not needed. So, this bill is just going to make it worse for a juvenile than it is going to be helpful for a juvenile. And many times, if it's serious enough, the law enforcement officer always contacts the juvenile's CCO, the juvenile probation officer, before anything is done, because we don't even charge, it's the discretion of the juvenile caseworker, who may just come and explore what's happening and then they can even not have the child charged. And then, if it even gets to the point where there's a charge, the juvenile caseworker decides and then it may go to court, but even in court, the DA is going to review it and they're going to come up with some alternatives and then just review it to the court and the court will say, we can do this and we can make the charge go away.

So many, many times, before it even gets to the point of a charge actually happening for a juvenile is very rare. The ones that are in at Long Creek have done some very serious crimes and they've had many opportunities before that and probably got off most of the time, but in these very serious crimes, they are a danger to society and they have to be there and evaluated and get education and do whatever is necessary to get them out. And usually at the age of 18, they get released and get back into community in some way or, if they are serious enough, they could be charged as an adult as an adult crime. But this bill confuses everything and it actually is not even designed properly. It should've been reviewed with the District Attorneys

and also the judicial system before making primetime. So, I really, Madam Speaker, if you could follow my light, I appreciate it. Thank you.

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

Representative **WHITE**: Thank you, Madam Speaker. This is a very concerning bill. Many times in my life, I've had the opportunity to mentor young men. Working in career and technical education, several troubled youth came through my classes. Working in scouting and even just personally, one on one, I have taken young men under my wing, so to speak. And I believe that's always the best option, to have healthy mentoring, healthy counseling. But we're dealing with other situations as well.

Just the day after we voted on this here in this House, I read an article that was posted on Facebook by Q-106.5, just a strange little news article, and the headline captured my eye here, and I'll just read the headline; "Maine police say violent, heavily armed drug ring is all teens." And as you read on, not too far from your house, Madam Speaker, in Portland, two cars were shooting at each other when the police responded to the shootout, it turned out that they were all teenagers. Later that day, with a little more work, they confiscated over 400 grams of cocaine and \$44,000 in cash, along with several handguns. Now, these teenagers were all too young to be purchasing those firearms, but that's a different story. The idea that there is a violent, heavily armed drug gang shooting at each other should be concerning to all of us and I believe that they quite possibly may be just a step beyond one-on-one counseling at that point. And certainly, at 17, I don't believe that they're ready for adult prisons, either. So, I believe that sparingly using a facility like Long Creek is an option the State really doesn't have much choice in. If you have violent gangs of teenagers shooting at each other and selling drugs and rolling around with \$44,000 worth of cash and illegal firearms and illegal drugs, we have a situation here that's just a step beyond getting them some counseling. Thank you, Madam Speaker.

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

Representative **MADIGAN**: Thank you, Madam Speaker. I thought I'd take this opportunity to explain to folks that there is a very large intersection between juvenile justice, children's behavioral health and child welfare. One of the things I like about this bill is that it recognizes that; that many of the kids, majority of children, majority of youth, that perhaps have been accused of committing a crime most likely have some problems going on at home, perhaps some behavioral health problems, and this bill says, let's refer them to those things that work. Luckily, we've been investing in some more of those and I want to take this opportunity to tell you about a few of them.

High-fidelity wraparound is an evidence-based practice that's recognized by the federal government. That means that it's had years of evidence, years of data that says this works. High-fidelity wraparound actually helps families and puts in place some funding for things that perhaps address some of the things we're talking about. I believe it was the Good Representative from Winthrop who talked about the differences between well-resourced communities and some communities that are not so well-resourced. High-fidelity wraparound is made exactly for this kind of thing. So, if we have a youth who's gotten in trouble after school, high-fidelity wraparound can come in and identify, we need to fund something so this child doesn't get into trouble after school, maybe they even need a tutor, and that's what it addresses. They address the need in a family, in a community, for that youth and get it addressed.

Another type program that is recognized is multisystemic family therapy. Also, years and years of evidence, of data, and in fact to do it, you have to get specialized training in South Carolina, I believe it is. And we have practitioners here in the State and they have specialized tracks for families involved in child welfare and for youth who have been involved with the juvenile justice system. People get specialized training to address these very things. I'm not knocking the staff at Long Creek or the JCC COs, I've worked with a number of them in my work as a social worker, but I think our money is better spent having kids who have these difficulties helped by people who have gotten specialized training. If you need heart surgery, do you want a guy who does hernias or do you want the guy who does heart surgery? That's the kind of thing I'm talking about here.

And so, I think this bill actually puts our money where it needs to be and I think will lead to better outcomes, not just for youth involved in the juvenile justice system, but I'm going to share another secret about the data of these kind of programs is that when you actually get kids the help they need, their families do better, too. You can measure those better outcomes that happen to their siblings or to their parents as well. And so, I'm just going to be the data queen about this for a moment and say that I would rather us spend the money on this. Thank you.

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

Representative **GOLEK**: Thank you, Madam Speaker, and my apologies, I'm about to say the words that we don't always like to hear; I didn't plan on speaking, but here I find myself.

I just want to give a little bit of a voice to, you know, we hear very rarely a child gets charged. We hear very rarely a child goes to Long Creek. What we don't hear is who these children are. The majority of these children come from poverty. The majority of the youth are people of color. In 2020, black youth detained represented 23% of youth at Long Creek. We have a problem, and this bill aims to address it, and as a person of poverty, as a person who grew up and watched my loved ones get thrown in Long Creek at the age of 10 and never leave the prison system; the person stole a teabag when he was 10 years old. He ended up in State custody and at Long Creek over that teabag and lasted through the Maine prison system until his early 40s, where he became an addict and then died. I share this as one story with you all, but I could share many. So, I am asking you all to look at this bill as a chance to save those children who very rarely get charged and those children who very rarely get sent to Long Creek. We here are their hope and this is a step towards giving their hope. Please follow my light on this one. Thank you very much.

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

Representative **QUINT**: Thank you, Madam Speaker. I would like to remind the Body that a violent offender, whether they're under the age of 18 or not, is a violent offender, and it is also our responsibility to not just think of the person committing the crime but for the community at large that is greatly affected by having the crimes committed against them. And I would like to pose a question through the Chair, please?

The SPEAKER: The Member may proceed.

Representative **QUINT**: Thank you. I am just wondering how many youth have died in the care of the criminal justice system or the juvenile justice system in comparison to those in the care of DHHS. Thank you.

The SPEAKER: The Member has posed a question through the Chair to any Member who wishes to reply. The Chair recognizes the Representative from Bath, Representative Sinclair.

Representative **SINCLAIR**: Thank you, Madam Speaker. Madam Speaker, I want to start by emphasizing what is probably obvious or should be obvious to anyone in this Body, which is that not every offense rises to the level of something that should be prosecuted or dealt with in a corrections setting. In my years of doing juvenile defense, I was shocked at how frequently I would hear from my very young clients about how little contact they had with adults who would help to shape their behavior in a way that wasn't threatening so much as it was supportive. These are kids and the notion of putting them in a cage should be the absolutely last prospect we entertain.

Now, I heard mention of what do we do in the event of violent offenses. This bill doesn't take anything away in terms of options. What this bill does do is provide additional options so that, hopefully, no child ends up in a violent situation, but those who already are, Madam Speaker, could be dealt with in the way we've been dealing with all of them up until this point.

The last thing I want to note is that in my years of doing adult criminal defense, it is disheartening to hear how many of those individuals had involvement with the corrections system when they were young. I don't think that means that those were bad people, Madam Speaker. I think it means we did a poor job with them when they were kids. Thank you.

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

Representative **LOOKNER**: Thank you, Madam Speaker. Just real briefly, I wanted to respond to some of the things I've heard on the floor today.

Nothing in this amended bill has anything to do with the Department of Corrections. What this will allow for is for a process to take place before youth is charged with a crime; a petty crime, I might add; or a crime that an officer, a law enforcement officer has determined does not represent an immediate risk to public safety. These are youth who have not had their needs met and are acting out in ways that let the public know that they have not had their needs met. So, this is about providing public safety for these specific young individuals who lack public safety in their lives, who lack the ability to seek safety or seek safe environments. And we need to determine that before they end up going into the justice system because, as I've been made aware in my graduate program studies, that youth are in the midst of developing their self-image, they're in the midst of developing what they will bring to the world in adulthood, and if we are sending them before a judge, if we are sentencing them or if they're going through the criminal justice system, they are at risk of thinking of themselves that way and if they do end up in the corrections system, that is where oftentimes those behaviors escalate once they are released. So, this is creating a new avenue to public safety for this specific group that doesn't currently exist. So, DOC; what they do is they conduct risk assessments to determine how dangerous an individual is and, again, if a youth is vulnerable in the midst of trying to determine who they are in this world and they are having a risk assessment conducted on them, they might start thinking about themselves as a risk and they're going to bring that back out in the world when they get out of Long Creek. If that's the route they go.

So, Madam Speaker, what I want to accomplish here is to allow for needs to be met for public safety for this group of individuals, young individuals to be met in a way that it's not currently being met and, yeah, we have this conversation about

creating services, we all know that needs to get done, we can walk and chew bubblegum at the same time and here we are in Title 15, where interactions between law enforcement and youth are put in Statute. This is where this assessment needs to take place is in Title 15, but this bill currently has nothing to do with the Department of Corrections, it has everything to do with providing public safety for this young group of individuals, so, please join me in supporting this motion.

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

Representative **LANIGAN**: Thank you, Madam Speaker. This time, I do mean to rise. So, listening to some of this testimony, I follow the other Representative as I didn't plan to speak today, but it seems confusing on what we're talking about. We have one example, from the Good Representative of Guilford, that's talking about weaponized; it sounds like gangbangers that are terrorizing and doing very dangerous things with weapons that they shouldn't have, which he stated, and drugs and large amounts of monies and some other testimony, it sounds like we're talking about some people that might have a mental health issue that is unrecognized because of the lack of care and need in our community for more social workers and identifying those problems.

I can say standing here firsthand, my son, when he was in eighth grade; I have four boys, by the way, so they're not all, you know, dysfunctional, I guess. So, this is my youngest son, eighth grade, was put onto a thread with a bunch of kids while he was home from school and was being bullied. He made a comment on that thread, threatening himself and another student, and we had at that point, we had the resource officer come to our house, had charges pressed against him, but because of that, we were able to get him into a hospital because he was dealing with forms of depression and anxiety that led to that. Now, my son wasn't a criminal, my son had no means of committing a crime, he had no means of acting out upon his words, they were just retaliation for what he was hearing and due to his medical condition. So, that was three years ago and he's still in the criminal court system, stuck there, in rotation. Because it's a slippery slope that you send these kids down when you charge them with one crime. And we talk about poverty, we talk about race, my family; my son's Hispanic, my wife is Hispanic, nothing to do with race, nothing to do with means, nothing to do with any of that, it's just one mistake can send a child down this and everything that was held over his head is Long Creek. So, not only was it the work of him, but it's also the work of us as parents preventing that. But just one misstep, another maybe false comment or maybe acting out upon his anxiety and depression issues. So, I just wanted to caution people when you vote against this bill or for this bill, that you take into account that it's not the gangbangers that we're talking about, it's not the violent criminals that we're talking about, we're also talking about youth that get wrapped into a cycle.

Now, we all talk about mentoring, we talked about leading, if they're in that situation and they're put into that situation and they're stuck on rotation, what do you think that does for their confidence? What do you think that does propelling them forward in our society? We haven't found that prisons or jails or anything like that has done anything to really promote good behavior, and our system doesn't work here in America. So, sticking a youth in that, where that becomes their mentor and that becomes their leadership, is very, very disheartening. And getting them the services that they need versus a jail cell that they don't need is, I feel, a lot more important. And I would just ask the Body to just consider that.

I'm not going to ask you to follow my light, Madam Speaker, I'm not going to ask you to change your vote, I just want you to think about, that it's not one type of criminal that we're talking about when we're talking about youth, we're talking about different situations that are broad, not the one-offs. It seems like we always fall into this one-off category but it's the 90-95% of the kids that are stuck in the system that don't need to be in the system that could be getting, maybe, the mental health help that they need, and that's what a lot of this boils down to, are the mentorship or the leadership that they need. So, thank you so much for allowing me to speak.

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

Representative **CYRWAY**: Thank you, Madam Speaker. I just wanted to say that you do have counselors in the school, and if there is a situation, most of the time that I've ever been involved in; in fact, very few times I can remember of actually charging a juvenile, except for maybe that it had to go to the court and then the court figured it out, was a; I think the worst one that I had to deal with in the schools was probably just somebody did some criminal mischief up at the Kent's Hill and did about \$7-8,000 of damage to three buses. But, and in that case, the family took care of it and actually they got deferred disposition and they took care of that and got some help and everything took care of that.

So, in most of the cases that I know of that if a counselor feels that it is a family issue, then they get DHHS. It's not up to the law enforcement officer, usually the law enforcement officer just does the investigation and then talks to the principal, talks to the counselor, sees what's going on and sometimes, the counselor says, look, this is what's going on, and then they kind of take care of it from there.

So, we do not want to get involved in taking a juvenile out of; and putting them in jail or putting them like that, that does not fit what a law enforcement officer does. And so, I think a lot of people have this imaginary thing that we just want to put them in jail and see them go away, and that's not the case. So, I just don't quite understand when you're going to have a DHHS worker every time a charge; if somebody; I had one little girl, she wrote about somebody was harassing her and all this and the counselor couldn't figure out who was doing it, it turned out it was her writing and making up the story because she just wanted attention because she just happened to move from another state to here and she didn't have any friends, so, she was trying to get attention and that's all it was. And we got it taken care of, the counselor worked with her and took care of it, didn't have to have a DHHS worker for harassment maybe for somebody else or whatever. I think this can cause more problems than it's going to help.

Just from my experience, and I did a lot of it; I was the juvenile worker for the Kennebec County and I can see this is just going to cost more money for the State because you're going to be calling all of DHHS workers every time there's a little thing happens and you're also going to have a lot of families upset. Thank you, Madam Speaker.

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

Representative **LEMELIN**: Thank you, Madam Speaker. I had a lot to say, I'm not going to say it because it's not going to make any difference. But one thing I want to add is; being on the Health and Human Services Committee, I would like Members just to give one thing a little time to process in their minds. DHHS is understaffed, very poorly staffed, and they have a lot of issues over there. We've been covering that now for two years, with children dying. We wanted to separate that

department totally from DHHS. There's problems over there. So, before you hit a button to make a decision to have DHHS involved in this, I highly recommend you think twice about it. It's a very bad move.

I oppose children being incarcerated, it's the last thing I want to see. Let's also look at one last thing, and that is it's not like there's three, four, 500 kids in Long Creek. There's 25. That's not a lot. That's the only facility we have. Children can't be put anywhere else. Twenty-five. So, the system must be doing okay.

And one last thing, I just disagree with the Representative from Portland, coddling these kids; yes, if they were caught jaywalking, they just had a bad day, okay. If it's a drug issue, okay. But when a kid steals a car or robs a pharmacy, they need to have responsibility and they have to really realize what they did was wrong, and that's not calling a social worker. They need to be put through the system so they can see how bad a crime it is that they committed. They have to realize what they did was wrong. I'm still not saying that they need to be incarcerated, but they have to go through the system. They have to get the care that they need, the Representative from Waterville mentioned many, many resources, and they do work. The system is using them and they can keep using them, but I beg you all, don't call DHHS into this, because, wow, is that going to be a nightmare, because they can't handle what they're doing already. I know it; I've been in HHS for three, four years now. It's terrible. We have a long way to go to fix DHHS. Let us fix it first before we involve them in this situation. Thank you.

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

ROLL CALL NO. 452

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

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

ABSENT - Boyle, Galletta, Haggan, Landry, Williams.

Yes, 79; No, 67; Absent, 5; Vacant, 0; Excused, 0.

79 having voted in the affirmative and 67 voted in the negative, with 5 being absent, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

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

The following items were 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.

An Act to Adopt an Interstate Compact to Elect the President of the United States by National Popular Vote
(H.P. 1023) (L.D. 1578)
(C. "A" H-792)

TABLED - March 19, 2024 (Till Later Today) by Representative TERRY of Gorham.

PENDING - PASSAGE TO BE ENACTED.

Representative FAULKINGHAM of Winter Harbor **REQUESTED** a roll call on **PASSAGE TO BE ENACTED.**

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

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

Representative FAULKINGHAM: Thank you, Madam Speaker. I rise in opposition to the pending motion. Madam Speaker, this is a crazy idea, to give our vote away to other states.

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

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

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

Representative FAULKINGHAM: Let's see if I can keep it on track. Madam Speaker, in my opinion, this bill is unconstitutional. The Constitution outlines --

The SPEAKER: The Member will defer. The Chair is going to remind all Members not to question the motives of other Members or impugn their characters.

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

The SPEAKER: The Member may proceed.

Representative FAULKINGHAM: Madam Speaker, electors are sent from the states. The State of Maine sends four electors to decide who the President is. We, the State of Maine, chooses those electors by a vote in our State that's held under our election laws that we determine. We should not be giving those electors away to New York State or California.

Madam Speaker, I did not believe that it is impugning anyone's character to say that I feel that that is not in line with the Constitution. That's how I feel. And I don't want to see a State like Maine that has, what I consider, the gold standard of choosing electors, where we give each congressional district their say and then the overall winner gets the other two electors. We should be convincing other states to do what we're doing, so that it can be more distributed to those congressional districts and closer to the people. But we shouldn't be throwing everybody in a basket and going to straight democracy rule. The Founders knew that that was not a good way to go. So, Madam Speaker, I urge Members to vote against the pending motion. Thank you.

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

Representative THORNE: Thank you, Madam Speaker. I, too, share the views of the Representative from Winter Harbor in that all along, we were conditioned; one person, one vote. The one person, one vote principle expresses equal representation in voting. The slogan is used by advocates of democracy and political equity; things we argue in this room; especially with regard to electoral reforms like universal suffrage and proportional representation. This, I pulled off Wikipedia, and when you talk about Wikipedia, you have to ask yourself, is Wikipedia slanted in this regard to looking at this issue of equal representation by one person, one vote, or electoral college where we have no say and we give away our votes? And the authors found that Wikipedia articles are more slanted towards democratic views than our *Britannica* articles, as well as more biased, particularly those focusing on civil rights, corporations and government. Entries about immigration tended toward Republican. So, even amongst those that have a more liberal view, one person, one vote stood out as the best way that this democracy had to elect its elected officials. Madam Speaker, I urge you and the Members in this House to vote with me and vote against this enactment. Thank you.

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

Representative FOSTER: Thank you, Madam Speaker, Ladies and Gentlemen of the House. I stand opposed to the pending motion. I will simply say that we're not talking about states taking away those votes from the folks mostly in my district, in the northern part, rural parts of the State; we're talking about cities doing that. There are eight; at last count, eight cities in this country that have a larger population than the State of Maine. Madam Speaker, we know that in the last few elections where that our district, District 2, has provided one electoral college vote to the presidential candidate that the majority in that district selected. The other three electoral votes went to the person who most likely had the national popular vote. Madam Speaker, this system has worked very well since its inception and I ask that we oppose this motion today. Thank you, Madam Speaker.

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

Representative BRADSTREET: Thank you, Madam Speaker, Ladies and Gentlemen of the House. I was not here when we had the first vote on this, so, I did not have a chance to express my opinion, but I will do that now, and it's really pretty simple. This is not very complicated. We have to remember that we are Members of the Maine; and I emphasize Maine; House of Representatives; and I emphasize Representatives. We represent the people who elect us, not those in any other state. Why should we ever cede what limited effectiveness we have in our national elections to other states who are more populous than us? It just doesn't make sense. They have different values than we do, and I would remind each one of us that we are representing the people in our State. So, to me, the big question on this particular vote on this bill is who are we going to represent today. Thank you, Madam Speaker.

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

Representative ANDREWS: Thank you, Madam Speaker. It's ironic that we are passing, moving a Minority Report to elect the President by majority. No one campaigned on this. Good luck explaining it on the campaign trail this summer. Thank you.

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

Representative **LIBBY**: Thank you, Madam Speaker. One nation under God. Madam Speaker, while we may be one nation, that nation is made up of 50 distinct states. When we vote for president, we are not primarily voting as citizens of the United States of America, but as citizens of our State. And the Electoral College protects the interests of that State. This State, the State of Maine that we say we're representing.

I've heard it said in this Chamber that the Electoral College is anti-democratic. Madam Speaker, we may need a civics lesson. In fact, we live in a constitutional republic and not a democracy, and the Electoral College is one key piece that maintains our republic. Madam Speaker, our Electoral College maintains our citizens' voice in this nation and a vote for this bill is a vote to diminish that voice. When I look at the districts, particularly in the Second Congressional District, where individuals' voices will be silenced with a vote; I look at Lewiston, Old Town, Auburn, Brewer, Orono, Calais, Bangor, Verona Island, Bar Harbor, Ellsworth. A vote for this motion tells the individuals in those towns, and more besides, that their voice doesn't matter. It tells those over 94,000 individuals, just in those towns that I've named, that their voice doesn't matter; that we can negate their voice. And not do it through an amendment to the Constitution, no. We don't have the buy-in to actually amend the Constitution. This is, instead, an end-run around the Constitution, because we know better than the Founding Fathers who drafted that Constitution. A simple majority passing a Minority Report knows better than the Founding Fathers and the genius behind the Constitution that we supposedly represent. A vote for this today is to disregard the Constitution.

Representative **ROBERTS**: Point of Order.

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

Representative **ROBERTS**: Thank you, Madam Speaker. Point of Order; the Member is questioning the motives of other Members and impugning their character.

On **POINT OF ORDER**, Representative **ROBERTS** of South Berwick objected to the comments of Representative **LIBBY** of Auburn because she was questioning the motives of other Members of the House.

The **SPEAKER**: The Chair will once again remind Members to not question the motives of other Members or impugn their character.

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

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

Representative **LIBBY**: Thank you, Madam Speaker. Madam Speaker, as I continue to state the facts, I would note that, again, it would be too difficult to pass an amendment to the Constitution, so, this bill advances national popular vote through a simple majority, and in doing so, it ignores the voices of Mainers, particularly Mainers in the northern half of this State, the Mainers in the Second Congressional District, not the Mainers from southern Maine. It negates theirs as well, because it ignores the fact that their voice is heard in the Electoral College. It is ironic that the majority of this Chamber would advance the Minority Report, ignoring the majority opinion of the Committee in order to advance an agenda.

Representative **ROBERTS**: Point of Order.

The **SPEAKER**: The Member may please defer. The Chair recognizes the Representative from South Berwick, Representative Roberts.

Representative **ROBERTS**: Thank you, Madam Speaker. The Member is questioning the motives of other Members and I request that she be ruled out of order.

On **POINT OF ORDER**, Representative **ROBERTS** of South Berwick objected to the comments of Representative **LIBBY** of Auburn because she was questioning the motives of other Members of the House.

The **SPEAKER**: The Member will defer. The Chair will meet the Member in front of the Chamber. The Representative has been asked not to impugn the character, question the motives of other Members in this Chamber. I would ask for the Member to take that into serious consideration.

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

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

Representative **LIBBY**: Thank you, Madam Speaker. I do understand that some folks' definition of impugning character may be different from others. I was about to --

The **SPEAKER**: The Member will defer. The Member is now questioning the motives of the Chair.

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

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

Representative **LIBBY**: I had been at the point of wrapping up, Madam Speaker, but now I have gotten a little bit lost in where I was in my speech since the Good Representative from South Berwick spoke up, so, I'll simply pick up where I remember that I was.

The voices that will be silenced in various areas of this State are many; myriad, in fact. And so, I would just highlight a few of those, Madam Speaker. The voters of Lewiston; 4,724 of them, their voices will be silenced with this bill. Another area of Lewiston, another 5,877 voices of Maine people will be silenced if we go ahead with LD 1578 as amended. Madam Speaker, there is a third area of Lewiston with 4,181 voters whose voices will be silenced today and not be allowed to be heard in the presidential election if this legislation moves forward. In Old Town, 6,222 voters will have their voices ignored in the presidential election if national popular vote advances in this Chamber today. In a further area in Lewiston, 5,756 Maine voters will not have their voices heard as we ignore the Electoral College and advance the national popular vote. In inner-city Auburn, if we can call it inner-city Auburn, 4,235 registered voters will have their voices ignored, negated, bypassed by the national popular vote. In Brewer, 5,711 voters will have their voices ignored.

Madam Speaker, we purportedly; I'll skip the word purportedly; we were elected to this Chamber to represent our constituents, to be their voice. During the presidential election, they get to have their voice heard and it directs the Electoral College in how the President of the United States should be elected. How dare we silence their voices?

Madam Speaker, in Orono, 5,309 voters will have their voices silenced. In Calais, 5,392 Maine voters will have their voices ignored in the November election as they seek to elect a President if national popular vote passes. In Bangor; in Bangor, there are so many Maine people whose voices will be ignored, 5,725. Add that to another 5,334 and 6,107, all in Bangor, Madam Speaker, along with 4,544. Over 20,000 individuals, registered voters, in Bangor alone who will have their voices negated by advancing the national popular vote rather than the Electoral College which maintains our constitutional republic. Verona Island; 6,229 voters will have their voices silenced if this bill passes today. In another area of Auburn, 5,905; 5,905 voters

who will be told that their voices don't matter. Bar Harbor; Bar Harbor is a big one; 7,283; 7,283 voters who will have their voices silenced. Ellsworth; 5,876. A vote for this motion tells those 90,000-plus Maine voters that their voice doesn't matter.

And we can sit here all day and argue about the merits of a national popular vote that says one person, one vote, but that ignores the simple fact that the Electoral College was designed as a unique system that preserves our voice rather than negating it.

The SPEAKER: The Member will defer. The Chair is going to remind all Members if they wish to have a conversation, they need to leave this Chamber. The Member may proceed.

Representative **LIBBY**: Madam Speaker, what an excellent illustration for how we would be talking over Maine people by passing this legislation today, ignoring the will of the people to advance a will that says the Electoral College is not good enough anymore because it doesn't elect the person we want. Well, Madam Speaker, the Electoral College does a pretty dang great job electing the person that Maine people want. Follow my light and vote down this unconstitutional measure.

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

Representative **POLEWARCZYK**: Madam Speaker, there have been 59 presidential elections and in 54 of them, the results from the Electoral College agreed with the popular vote. There were only five elections where that did not occur. Maine only has four votes in the Electoral College. It's less than 1% of the vote. In the case of a national popular vote, using the data from the last election, the effect that Maine has is cut in half. The real question here is; do we become subservient to the states with the most population, or do we remain the Sovereign State of Maine? Thank you, Madam Speaker.

Representative **ANDREWS** of Paris **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 Auburn, Representative Lee.

Representative **LEE**: Thank you, Madam Speaker. I'll be honest, I began a pretty significant skeptic of this bill when it first came out of Committee, in large part because I deeply admire the Founders of the Constitution. My seatmates often laugh at the fact that I pull out my copy of the *Federalist Papers* when we're having debates here. And so, *Encyclopedia Britannica* and Wikipedia certainly have their place; I don't think this is the place, and so, I consulted the Founders to determine my vote here. And on the presidency and the Electoral College system, two founders whom I deeply admire; Thomas Jefferson said of 1787 that what the presidency that been created by that Constitution was a bad version of the Polish king. Madison, my favorite founder, noted that the final arrangement of the presidency occurred in the latter stage of the session. He admitted later on in 1823 that it was not exempt from a degree of the hurrying influence produced by fatigue and impatience. The brilliance of the Founders was that they knew they weren't infallible, that their decisions were not infallible and subject to change. A historian; a constitutional historian whom I deeply respect, David Stewart, said that the delegates adopted the electoral system in 1787 because of the physical barriers to conducting a nationwide election for President. Fearing that voters would not have access to information about the candidates, they could not imagine the logistics of taking a national ballot. It's no longer a concern that we have.

The Electoral College was amended in 1803. It's something that can change. Because of the election of 1800, it was proven ineffective; things change in our society. In the first

iteration of debates that we had here, I kind of was listening to a lot of the floor debates and they sounded very familiar to me, and I couldn't quite figure out historically where I could situate them. And I figured out what it was. The 17th Amendment to the Constitution changed the way that we elect a group of our federal government. It was the U.S. Senate. Used to be elected by Legislatures, it's now elected by a popular vote. Sounds like a lot of the arguments against this bill are very similar to the ones that were made back then. In particular, George F. Hoar; his name, H-O-A-R; an eminent Senator from Massachusetts, said, I am not afraid to say to the American people that it is dangerous to trust any great power of government to their direct and inconsiderate control. More and more, American government has been democratized in the sense of voters taking power directly into their own hands. In some state governments, this has been carried to absurd lengths and entirely non-political offices are chosen by an electorate who know next to nothing of the nature of the work to be done or of the candidate's qualifications for such service. This is an indication of the demise which is certain if Senators are elected by popular vote.

Madam Speaker, since the enactment of the 17th Amendment to the United States Constitution requiring the popular election of Senators, the United States has won two World Wars, defeated the Soviets, put multiple individuals on the moon; thanks in part to the Representative from Wiscasset; made enormous strides in civil rights progress and created the internet. It looks like Senator Hoar was wrong. Please vote in favor of the motion.

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

Representative **THORNE**: Thank you, Madam Speaker. I would remind the Representative from Auburn, if you would be unwilling to remind him, that if I quote information from Wikipedia or *Britannica* in this room and I say it's relevant, it is relevant. Thank you, Madam Speaker.

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

Representative **SOBOLESKI**: Thank you, Madam Speaker, Ladies and Gentlemen of the House. I'd like to present a question to the Chair, please.

The SPEAKER: The Member may proceed.

Representative **SOBOLESKI**: Thank you, Madam Speaker. Would somebody please tell me how does adopting an interstate compact to elect the President of the United States by national popular vote benefit the people of our State?

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

Representative **QUINT**: Thank you, Madam Speaker. I believe that the constituents who I serve would say that it does not. This was one topic in which I had so many people in my district reach out. I serve 47 communities that spreads over three counties, and their number one concern was that their voice is not heard here, and it's the one thing that they asked me to do was to make sure that their voice was heard. To them, this is extremely disrespectful. They already do not feel heard, because we have larger towns and cities within Maine that overwhelms their voice. This does this on the national level, and I'm a little offended by it on behalf of my constituents.

And the Representative from Auburn; I believe Auburn, sorry if I have it wrong; brought up that, in fact, the Representatives did choose Senators at one time and then they were voted in. Notice that the President was already voted in. They still had the Electoral College at this time. They could've

changed it if they felt that there was a problem with the Electoral College when they changed over to having Senators voted in by popular vote.

I just really urge the Members of this Body to truly think about how this will affect the entire State of Maine, all of our constituents here, and remember that as a Member of the minority that I already am, I hope that the other side does not have to feel on a regular basis the same way that I have repeatedly felt in not having our voice heard here. Thank you.

The SPEAKER: The Chair recognizes the Representative from Fryeburg, Representative Ness.

Representative **NESS**: Thank you, Madam Speaker. I rise in opposition to the enactment of this bill, and hearing some of the comments of my colleagues here, I too am like the Representative from Hodgdon, Representative Quint; I have received many, many concerned citizens in my district that they're very, very concerned that this will negate their voice in any national election. And the other thing I just wanted to mention was the Good Representative from Auburn, Representative Lee, mentioned about the changing of the election process of Senators from being of the State Legislatures to having it be a majority vote of the populace. I think that process went through the right process. Congress put forward an Amendment and it went to the states for ratification. We have no such bill before us today. And Article V of the United States Constitution says that that's how things that deal with a constitutional matter of this magnitude should be determined, and I do not see that this bill meets that criteria and because of those reasons, I'll be voting against the enactment. Thank you, Madam Speaker.

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

Representative **MORIARTY**: Thank you, Madam Speaker, and good afternoon, Fellow Colleagues of the House. I want to first thank the Representative from Auburn for his historical discussion. Part of me wishes that we had more time for a deeper dive into history, but I realize that we don't and I'm not going to attempt to do any such thing.

There has been discussion that when we vote for President, we do so as citizens of this State. I disagree with that premise. I acknowledge freely that when we vote for Members of the Legislature, or for the Chief Executive, or for the U.S. Senate or for the U.S. Congress, that we vote as Mainers. People who will represent us, all of us, as a group of Mainers in their respective bodies. But when we turn our attention to the election of the President of the country, we're not voting just as Mainers, we're voting as Americans. We have that in common with the residents of all other states in the country.

In my judgment, the Electoral College is not functioning as originally intended. It should be noted that it was created at a time of existential crisis for what was to become America. By the time we had several years of experience with the Articles of Confederation, we were barely a country at all. And when the Constitutional Convention of 1787 convened, no one knew if we would be a country when it wrapped up its business. Many compromises were made, as we are well aware. The College was one of them. Looking at the long-term history of our presidential elections, what has been said previously is true; that in five cases, the declared winner was the person who lost the popular vote. The first three of those occasions occurred in the 19th century. It never happened once in the 20th century. And yet, here in the first 16 years of the current century, it has happened twice. One might ask why. My view is that we have transformed our system into an election by the battleground or the swing states. We collect the popular vote from the swing

states, a group of seven or eight states in number; it varies from one election to another, but basically seven or eight states; and from their combined popular vote, we choose the winner of the election for the presidency. The College was never intended to work that way.

My friend, the Representative from Vassalboro, acknowledged that Maine has limited effectiveness in the Electoral College system. Ask yourselves, how well is it working for us today? What influence do we have? What weight do we bring to the equation? How much attention do we generate? How much do the candidates, the nominees, really care about what's going on in Maine and what Mainers think? Answering my own questions, I'll say very, very little.

We can no longer continue to have the presidency determined by the popular vote total in a mere handful of our 50 states. I am no more willing to concede Maine's role in the election of the presidency to the voters of seven or eight states who are deemed to be battleground or swing states, than I am to dispense with the College entirely. I am much, much more comfortable and it fits with my sense of what this nation is all about, that the presidency must be determined by the vote of a majority of all citizens of this country and not by a media-selected group representing a really small fraction of the total. For those reasons, I'll be voting in support of the proposal. Thank you, Madam Speaker.

The SPEAKER: The Chair wishes to recognize the Representative from Arundel, Representative Parry.

Representative **PARRY**: Thank you, Madam Speaker, Ladies and Gentlemen of the House. I want to comment on what my Good Friend from Cumberland just said. I believe the Electoral College is working exactly how it should be working. When the country was founded, we probably wouldn't have become a country if not for the Electoral College. Those in Virginia and Pennsylvania wanted to have a popular vote because they had all the votes. And the whole reason for having the Electoral College is to give small states like Maine a voice in the presidential election.

The issue becomes today, and all that we hear all the time about how states run their own elections. We currently have a state, California, that will mail out around 40 million ballots to people. Only one problem, there's only 35 million registered voters. So, that's an extra five million ballots that they don't verify signatures on. So, I don't know how you could ever do a popular vote if you have 50 states doing 50 different elections and you don't have any standards, and that's the first step. But also, with the Electoral College; and I agree with my Good Friend from Cumberland on how we have these battleground states now, and it's five or six or eight states that both presidential candidates go to and fight over. I think what we should be advocating is what Maine has done all along and do the congressional seats, and if you did that in every state, every presidential candidate would have to go to every state, because every state vote would matter then, because like President Trump in 2016, came to Maine to try to get one electoral vote. Now, wouldn't it be an awesome system if every state did that? And every presidential candidate went to every district in the country? That would show representation. But the whole problem when this came about was because Virginia and Pennsylvania had all the people, had the vast majority of the population, and the rest of the 13 colonies, to become the first 13 states, said no, we're not going to turn everything over to you two states, all our other states need a say.

Now in this situation, and I want to thank my Good Friend from Auburn for our history lesson, I missed my history lessons from the Honorable Lance Harvell, who those who have been here for a while remember his history lessons in this Chamber, but I did learn something. I didn't realize that because of the 17th Amendment and we changed how we vote for Senators, how we were able to win two World Wars and send people to the moon, I don't know quite the correlation there, but that's something I learned today. But I really think if we're going to make changes, the first change should be; I have no issue changing the Electoral College. This bill is not changing the Electoral College itself. It's taking Maine's votes; if, say, in this next election, 70% of the people in Maine vote for President Biden, and for some odd reason, in that scenario, that President Trump won the popular vote. I imagine this bill would be brought up next session and repealed really fast, because I'm imagining that the people, the 70% of the people that voted for President Biden wouldn't want to see those four electoral votes going to President Trump. So, I think it would change really fast.

But I really think that if you want to change our system, there is a way to change it, and you amend the Constitution and you do away with the Electoral College. Or you change the Electoral College, as I said, like Maine is, and that would give every district in this country a say. If you go to strict popular vote, it's only going to give the big cities the say. And I understand that the political dynamics of big cities and the benefits for one party or another for doing that, but I think that it's really important if Maine wants a say in the presidential election, the system we have currently gives us that say. And I think every voter, no matter who you're voting for, would be happy to know that at least that's how they voted in their state and their state had their say in the national election. Thank you very much.

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

Representative **LIBBY**: Thank you, Madam Speaker. Madam Speaker, as I read the bill, I would like to note; under the Compact, all of a participating state's electoral votes are awarded to the presidential slate that receives the most popular votes in all 50 states; in all 50 states, Madam Speaker; and the District of Columbia. So, this bill says not that the popular vote in Maine will apply to the Electoral College, not that those four electors will be determined by the national popular vote, the popular vote in our State, but by the popular vote across the entire country. How is that possibly representative of the people of Maine?

I would like to also thank the Good Representative from Auburn for illustrating my point so aptly. The 17th Amendment was passed by a very specific method, and if folks in this Chamber would like to change the Constitution, then I invite them to do so. Here's how you do it. An Amendment is proposed by a two-thirds vote of both Houses of Congress, step one. Or, if two-thirds; two-thirds of the 50 states request one, a Convention called for that purpose. So, that's the first step if folks would like to chat with the congressional delegation of Maine, two-thirds vote of both Houses of Congress. That is what they did to pass the 17th Amendment, Madam Speaker. Next, that Amendment must be ratified by three-quarters of State Legislatures. Which means that the 17th Amendment first received support of two-thirds of Congress and then it was ratified by three-quarters of the states in these United States. It was not passed willy-nilly by State Legislatures that decided they knew better, it was passed deliberatively and following the constitutional process.

Now, this Body knows that there will not be a consensus of two-thirds of both Houses of Congress and three-quarters of State Legislatures. Hence this bill, disrespecting the process and making an end-run around the Constitution. If you want to change the Constitution, then do so, but do so following the process that is outlined rather than an end-run around the Constitution.

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

Representative **MORRIS**: Thank you, Madam Speaker. I also rise in opposition to the pending motion. Our system of government is based on the principle of checks and balances. The people accept and expect this as a way to secure and preserve our constitutional liberties. These checks and balances are particularly important when we are talking about our federalist system of government. The Electoral College provides a critical check by the states upon the federal government. It serves as a reminder that the states created the federal government, not the other way around.

I would encourage Members to read *Federalist 10*. In *Federalist 10*, James Madison wrote about the nature of humanity and the role faction plays in government. He states, there are two methods of curing the mischiefs of faction; the one by removing its causes, the other by controlling its effects. He states, there are two methods of removing the causes; one by destroying the liberty which is essential to its existence, the other by giving every citizen the same opinions, the same passions and the same interests. In the case of the former, Madison writes, it can never be more truly said than of the first remedy that it is worse than the disease. Liberty is to faction what air is to fire, an element without which it instantly expires. But it cannot be less folly to abolish liberty, which is essential to political life, because it nourishes faction, than it would be to wish the annihilation of air, which is essential to animal life, because it imparts to fire its destructive agency.

Passing this bill would be a folly akin to abolishing liberty. We would be subjugating our voice in national elections to people in larger states and cities that have no concern for our opinions, passions or interests. I think we can all agree with Madison the second method is as impracticable as the first. One can only look at this Body of 151 men and women to see that we all put forward different positions, passions and interests, depending on our geography, our age and our life. Of the second method of controlling faction, Madison writes, the inference to which we are brought is that the cause of faction cannot be removed and that relief is only to be sought in the means of controlling its effects. Further, Madison asks, by what means is this object attainable? Evidently, by one of two only, either the existence of the same passion or interest in a majority at the same time must be prevented, or the majority having such coexistent passion or interest must be rendered by their number and local situation unable to concert and carry into effect schemes of oppression. The Electoral College serves as a way to control faction by allowing each state with its particular interests to decide who they choose to be President. It limits large population centers from being able to carry into effect schemes of oppression. The President and presidential candidates must consider the interests, passions and opinions of all Americans.

The Electoral College is as important today as it was in James Madison's time. Faction is as much a concern now as it was in 1789. The Electoral College requires a presidential candidate to have broader national appeal; it makes it harder, as Madison argued, for men and women of factious tempers, of local prejudices or sinister design, to, by intrigue, corruption, or

other means, obtain the suffrages than portray the interests of the people. I intend to follow the words of our Founding Fathers and the ideas of James Madison today when I vote in opposition to this motion. Thank you.

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

Representative **PRINGLE**: Thank you, Madam Speaker. I'd just like to share that I've voted for a few presidents who lost and I still feel my vote was valid. I voted for Barry Goldwater; he lost. I voted for George Herbert Walker Bush when he lost to Bill Clinton, and I voted for John Kerry when he lost to George Bush. I didn't feel that my vote didn't count because I lost. I had the right to vote, I believe it got counted and I accepted the fact that I didn't win, my candidate didn't win. And I believe that's what the national popular vote is trying to make happen. That's all I wanted to share. Thank you.

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

ROLL CALL NO. 453

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

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

ABSENT - Boyle, Fay, Galletta, Haggan, Landry, Williams. Yes, 73; No, 72; Absent, 6; Vacant, 0; Excused, 0.

73 having voted in the affirmative and 72 voted in the negative, with 6 being absent, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

REPORTS OF COMMITTEE

Divided Report

Eight Members of the Committee on **JUDICIARY** report in Report "A" **Ought to Pass as Amended by Committee Amendment "A" (H-910)** on Bill "An Act to Advance Self-determination for Wabanaki Nations"

(H.P. 1287) (L.D. 2007)

Signed:

Senators:

CARNEY of Cumberland

BAILEY of York

Representatives:

MOONEN of Portland

BECK of South Portland

KUHN of Falmouth

LEE of Auburn

MORIARTY of Cumberland

SHEEHAN of Biddeford

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

Signed:

Representatives:

ANDREWS of Paris

HAGGAN of Hampden

POIRIER of Skowhegan

Two Members of the same Committee report in Report "C" **Ought to Pass as Amended by Committee Amendment "B" (H-911)** on same Bill.

Signed:

Senator:

BRAKEY of Androscoggin

Representative:

HENDERSON of Rumford

READ.

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

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

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

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

Representative **POIRIER**: Thank you, Madam Speaker. Madam Speaker and Ladies and Gentlemen of the House, LD 2007 proposes to change the Maine Implementing Act and Mi'kmaq Restoration Act by changing aspects of criminal jurisdiction, extending timeframes for certification and effective dates. On its surface, "An Act to Advance Self-determination for Wabanaki Nations" sounds simple and gives people a good feeling; an extension of an olive branch, a way to provide more sovereignty to the Tribes of Maine.

When looking closely at criminal jurisdiction portions of this bill, I urge you to consider the impacts that it will have. And let's remember that these changes will be amendments to the Implementation Act and are essentially permanent changes. LD 2007 will grant tribal courts jurisdiction over certain Class C, D and E crimes, with some exceptions. When speaking with legislative proponents and representatives of tribal government, this sounds great.

Madam Speaker, when I was elected and took the oath of office, I promised myself that I would put people over politics. I've worked on tribal bills for the past four years. In fact, I've even worked on some of them with you. I've listened to tribal government officials, I've also met and formed friendships with citizens of the tribes throughout Maine. This is where I become concerned with LD 2007. Now, I spoke with Lisa, a Penobscot who was arrested just for showing up to a Wabanaki Alliance event, the event that she received an email to attend, because she spoke out publicly about her concerns with tribal government. She was arrested and forced to leave. Lisa has great concern that the tribal courts have not even codified Indian civil rights into their tribal law. I spoke with Lana, who's been seeking assistance from tribal courts to protect her daughters from domestic abuse. She's been seeking help for nearly five months and has received nothing more than a stack of paperwork. Lana states, court officials abuse their power and if given more power, it would place more children and victims of violence and crime into further danger and trauma. Several tribal men and women have expressed grave concerns about child support and visitation agreements, citing that the outcome depends on who knows who in tribal government.

Maine authorized the tribes' utilization of VAWA, the Violence Against Women Act. When a very highly ranked Maine government official asked tribal government how it was working out, she was told that it was not, and that the tribes are not prosecuting because they would have to pay county jails to house the accused. Madam Speaker, please ask yourself if this is real justice for tribal citizens. LD 2007 allows tribal courts to prosecute C, D and E crimes. The bill effectively makes tribal courts the last stop for tribal citizens. They'll no longer be able to utilize State court systems for these such cases. Essentially, we are limiting access to justice and granting exclusive jurisdiction to the tribal courts.

This bill is a watered-down version of a 42-page amendment provided to the Judiciary Committee in its first work session. It's a concession to give tribal government something, while eliminating the larger sovereignty bill this session. Madam Speaker, we hear from many of our colleagues, tribal officials and our neighbors who voiced their want to give tribal sovereignty, but very important people, the most important people that are left out of this process, they're kept silent; and those are the everyday tribal citizens. There are two main reasons that they're silent on these issues, Madam Speaker. One is that they're just not informed. They don't know what goes on under this dome. They're kept out of the conversation and often only meet with their tribes about such issues once per year. Through my many conversations, I've found that most tribal citizens have no idea what laws are being passed at the State House, let alone how it would impact them personally. And second, many of the people that I've spoken to have become aware of initiatives, but are fearful to speak out because tribal communities are small. They're afraid of backlash if they speak out against tribal government.

Madam Speaker, I stand here today not to promote government but to speak for those who have not had a voice in this conversation. I will not support expanding government authority when tribal citizens will not benefit. For these reasons, I ask you to pause and don't just pass a bill because it feels good and empowers government; think of how this is actually going to impact a real person, somebody that hasn't had a voice in this conversation. Thank you, Madam Speaker.

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

Representative **MOONEN**: Thank you, Madam Speaker. Madam Speaker, Colleagues of the House, the amendment that is before us in the Majority Amendment is substantially narrower than the original bill. As my colleague mentioned, it was a long, comprehensive bill dealing with tribal self-determination. The amendment before us is narrower in that it deals with criminal jurisdiction of tribal courts and adopts most of federal Indian law with respect to the criminal jurisdiction of Maine's tribal courts. It is the product of a lengthy collaborative process that involved you, Madam Speaker, your team, the tribal Chiefs, their ambassadors, their attorneys, the Attorney General's office, the Office of the Chief Executive and, of course, legislators on the Judiciary Committee and beyond. It's a remarkable product that came together on a pretty short timetable. It's something I'm proud of, I hope you are as well, Madam Speaker.

Because it is amending an original bill, I just want to say on the original bill, you know, there's a larger conversation to be had here. We are constantly called on to reevaluate all of our laws every time we come into session; reevaluate our history, reevaluate how we act and respond to past experiences and present needs. And I view this amendment as one more step along that path. It's a path that's not over, but it's a really good step, and I hope everyone can support it. Thank you, Madam Speaker.

The SPEAKER: The Chair recognizes the Representative from the Passamaquoddy Tribe, Representative Dana.

Representative **DANA**: Thank you, Madam Speaker, and thank you to all that's been participating and put in the hard work. Before I lead off, I just want to make mention; or address that when it comes to tribal bills, that people are in fear that it's going to be a permanent process; but as I witness on an everyday basis here, nothing is a permanent process and nothing is put into stone. We make changes every day here, and I don't see why the tribes would be exempt from any of those changes.

We are moving forward, most definitely, you know, in a good way, and I know that it's not in its entirety from our initial goal, but we are taking those necessary steps and moving forward to build that healing relationship between the Wabanaki Nations and the State. It's a relationship that needs some mending, some education and some understanding.

I stand here today in favor of 2007 and ask that others follow along in my liking. And I look as a good-faith effort, that we will one day honor the ancient treaties and the promises that were made to allow the Wabanaki to live as sovereign and equal nations within the State of Maine. We have overcome so many obstacles between the Wabanaki Nations and the State, and I am convinced our relationship can only get better, Madam Speaker. I look forward to the future in hopes that we may be able to keep working together in truth and honesty. *Eci koluskuwinuwok, ehqi kolusk, nit leyic-Tahu*; you know, and I thank everybody, you know, for coming together and putting in the hard work for this and, you know; and again, I ask for everybody follow in my liking. *Woliwon*.

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. 454

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

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

ABSENT - Boyle, Fay, Galletta, Haggan, Landry, Lanigan, Williams.

Yes, 82; No, 62; Absent, 7; Vacant, 0; Excused, 0.

82 having voted in the affirmative and 62 voted in the negative, with 7 being absent, and accordingly Report "A" **Ought to Pass as Amended** was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (H-910)** 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-910)** and sent for concurrence.

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" (7) **Ought to Pass as Amended by Committee Amendment "A" (H-834)** - Report "B" (2) **Ought to Pass as Amended by Committee Amendment "B" (H-835)** - Report "C" (2) **Ought Not to Pass** - Committee on **TAXATION** on Bill "An Act to Change How Adult Use Cannabis Excise Tax Is Calculated"

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

TABLED - March 20, 2024 (Till Later Today) by Representative HASENFUS of Readfield.

PENDING - **ACCEPTANCE OF ANY REPORT**.

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

Representative ARATA of New Gloucester **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 Poland, Representative Boyer.

Representative **BOYER**: Thank you, Madam Speaker, Colleagues of the House. Hello, it's weed again. And it brings people together after that interesting discussion we had.

I'm here today in support of our nascent cannabis industry. They are asking for help again. Yesterday, we were able to help them with policy and regulations, and this is a different kind of policy, but we know that right now, our cannabis tax is out of whack. It's not just whack, it's out of whack. The MLI Committee in 2018 determined that a 20% tax would be ideal for our State; not too low to not bring in revenue and pay for the implementation of this adult use industry --

The SPEAKER: The Member will defer. It's very difficult to hear a Member speaking on a microphone at this point. The Member may proceed.

Representative **BOYER**: Thank you, Madam Speaker. Twenty percent; not too low that we wouldn't have money to pay for it and bring in tax revenue, and not too high to encourage the illicit market that is not taxed at all. In 2018, it was determined that \$335 per pound of flower would be about 10% of the cost of a pound in 2018. But, as competition happens and we legalized it, the price of a pound is closer to \$1,200 now; \$1,500, okay? So, now, that \$335 excise tax per pound is closer to 20, 22%. And you tie in the sales tax and the fees to participate in this industry and we're looking at a 43% tax, direct tax, and then if you put on top of 280-E, the federal tax, that these businesses can't deduct the cost of goods, we're looking at 60% effective tax rate for this industry.

So, what we're asking for this half-billion-dollar industry to be able to continue is to cut the excise tax to \$150 for two years, when that'll give Maine Revenue Services and OCP time to set up a program to take 10% of the wholesale price. So, that's kind of what got hammered out in Tax Committee. We understand that we'll have to make our case to the Appropriations Table as well, but we know that inaction is not acceptable at this point. We have craft small cultivators here today. They are in payment plans with Maine Revenue Services. They can't get off the hamster wheel and it's not sustainable. So, if we want to protect these workers and these businesses and jobs, over 7,500 of which are direct workers in either medical or adult use cannabis industry, then we need to make sure that they have a sustainable industry to continue along and to serve. And it is expanding, so, you're going to see revenues go up even if, I believe, we do make this change. Some of these businesses are paying more to the State and to the federal government in taxes than they are even bringing in as profit.

So, we need to change something and, you know, looking at other states, hardly any other states have an excise tax, Maine is the only State that has a flat fee for the excise tax. Out of the 21 states with legal adult use cannabis programs, only four impose an excise tax at the wholesale level. Generally, things like dairy, blueberries; the excise tax goes back into the industry, but that's not been the case. I mean, historically, the medical marijuana, adult use cannabis; all this revenue's been for other things and, by and large, the cannabis operators are okay with that, they get that; but it's gotten to a point where some of these operators are actually transitioning back to the medical market because it just does not work unless you're a super large grow and you have that economy at scale. So, if we want to incentivize local small craft businesses, we need to take a look at this tax. Thank you, Madam Speaker.

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

Representative **ARATA**: Thank you, Madam Speaker, Ladies and Gentlemen of the House. The flat fee or the tax structure that exists is what was agreed to by growers when they decided to get into this business. The cost of enforcement doesn't change with the tax revenue, it costs the same regardless of the amount of tax collected. We have a problem in this State with illegal grows; there are hundreds of them, there's some evidence of possible slave labor in those grows. So, we have an enforcement problem. We need to enforce the existing laws and we need this tax revenue in order to enforce those laws. So, please vote in opposition to this motion. Thank you.

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

Representative **RUDNICKI**: Thank you, Madam Speaker. Like many others have said today, I didn't intend to rise on anything. However, I had the unique opportunity these last two years to serve on both Veterans and Legal Affairs and Taxation. So, believe, I've learned more about cannabis in the last two years than I ever wanted to know. If you had known me 10 years ago, I would be an absolute H no on this bill, because grew up in the mindset of, you know, cannabis, you know; actually, it was marijuana; was bad and that whole thing. However, the last two years, I've actually learned a lot, both from my children, who are adults themselves, and from the Committees I've been on. And the one thing I will say about this now is cannabis is legal in the State of Maine. The businesses, the small businesses, should be treated fairly, and I don't believe this excise tax as it currently stands is fair to the businesses. They are actually charged before they even sell or make a profit on their product. So, it is an excessive amount that is being charged to our cannabis growers. So, I would actually like folks to realize that and that we do need to pass this to give some relief to our small businesses in the State of Maine. Thank you, Madam Speaker.

The SPEAKER: The Chair recognizes the Representative from St. George, Representative Matlack.

Representative **MATLACK**: Thank you, Madam Speaker. Madam Speaker, I am a Member of the Taxation Committee and we wrestled with this topic for quite a while on how to alleviate the burden of the excise tax and also allow for the collection of sales tax on cannabis. The option we have before us right now is very heavy-handed and very complicated. It may eventually do what it needs to do, but it gets at it in a very complicated way, where the price of flower and other things are calculated and I think it's too complicated the way it is. I will not be supporting option "A." I believe there is a less constrictive, more even-handed way to accomplish what it is that the Taxation Committee would like to accomplish. Thank you.

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

Representative **CARMICHAEL**: Thank you, Madam Speaker. And, hey, I get to say I didn't plan on speaking on this, because I didn't. But as a small business person, before I expanded my business each time, I always had a business plan. I looked at cost, I looked at income and I see whether it was feasible or not. And I feel like when these growers went into business, they knew exactly what it was going to cost them. They agreed to it. And so, they should've had a business plan that could be successful at them prices. Madam Speaker, I think they went in knowing. There's cost to the State for enforcing this, so, I won't be supporting this because I think that we need to protect the State of Maine and the enforcement industry. Thank you.

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

Representative **BOYER**: Thank you, Madam Speaker. Just wanted to briefly rise to address a couple of those points.

Cannabis growers weren't in the Legislature in 2018. They weren't a member of the MLI Committee. They had their voices heard, but ultimately, they had a gun to their head and this was the deal that they got or didn't get, some of which were holding real estate, some of which have their whole life savings built into it up and to this point, and they agreed to it, at that point they agreed to an effective 20% tax rate. We don't have an effective tax rate of 20% in this industry, we have 44, up to 60 if you take in the federal deductions that they're not allowed to take that every other business is allowed to. They have to deal with banks that are charging points on every deposit, like, these are gangsters, like, it's crazy.

So, and regarding the Good Representative from St. George, I appreciate her comments. I would just say that this policy was worked out with folks from DAFS and we worked with them on that policy, the two years to give them time to build to that 10% wholesale cost, so, I think it's workable. I understand a revenue-neutral option is preferable for politicians, but it won't cut it and it won't get people from going under and going back to medical or going back to the illicit market. I'm not saying that there's not room on this proposal *per se*, something needs to be done. Thank you, Madam Speaker.

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

Representative **CARMICHAEL**: Thank you, Madam Speaker. Thank you for allowing me to rise again. I just want to remind everybody that the reason why they can't take tax deductions is because this is still federally illegal. So, it's still against federal law, so, they can't treat it as a regular business. That does put them at a disadvantage but I don't think it puts Maine in a place where we ought to be making that up, either, financially. Thank you.

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

ROLL CALL NO. 455

YEA - Abdi, Albert, Andrews, Ankeles, Ardell, Arford, Babin, Bagshaw, Beck, Bell, Blier, Boyer, Brennan, Bridgeo, Cloutier, Cluchey, Collamore, Collings, Copeland, Costain, Crafts, Craven, Crockett, Dhalac, Dill, Dodge, Doudera, Eaton, Faulkingham, Fredericks, Gattine, Geiger, Gere, Gifford, Golek, Guerrette, Hall, Hasenfus, Henderson, Hepler, Hobbs, Hymes, Jackson, Jauch, Javner, Kessler, Kuhn, Lajoie, Lanigan, LaRochelle, Lavigne, Lee, Libby, Lookner, Madigan, Mathieson, Meyer, Milliken, Montell, Moonen, Moriarty, Murphy, O'Connell, O'Neil, Osher, Perry J, Pluecker, Poirier, Pringle, Rana, Riseman, Roberts, Roeder, Rudnicki, Runte, Russell, Sachs, Salisbury, Sampson, Sargent, Schmursal-Burgess, Shagoury, Shaw, Sheehan, Simmons, Sinclair, Stover, Strout, Supica, Swallow, Terry, Theriault, Underwood, Walker, Warren, White B, Wood, Woodsome, Worth, Zeigler, Madam Speaker.

NAY - Adams, Arata, Bradstreet, Campbell, Carlow, Carmichael, Cray, Cyrway, Davis, Drinkwater, Ducharme, Dunphy, Foster, Graham, Greenwood, Griffin, Lemelin, Lyman, Mason, Mastraccio, Matlack, Millett H, Millett R, Morris, Ness, Newman, Nutting, Parry, Paul, Perkins, Perry A, Polewarczyk, Pomerleau, Quint, Sayre, Skold, Smith, Soboleski, Thorne, White J, Zager.

ABSENT - Boyle, Fay, Galletta, Gramlich, Haggan, Landry, Malon, Rielly, Williams.

Yes, 101; No, 41; Absent, 9; Vacant, 0; Excused, 0.

101 having voted in the affirmative and 41 voted in the negative, with 9 being absent, and accordingly Report "A" **Ought to Pass as Amended** was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (H-834)** 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-834)** and sent for concurrence.

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

Representative **LIBBY**: Thank you, Madam Speaker, permission to speak on the record?

The SPEAKER: The Representative has requested unanimous consent to address the House on the record. Hearing no objection, the Representative may proceed on the record.

Representative **LIBBY**: Thank you, Madam Speaker. Madam Speaker, earlier today, we voted on a bill, LD 1779, "An Act to Prevent Youth Involvement in the Juvenile Justice System by Establishing a Strength-Based Discretionary Juvenile Needs Assessment Program". During the floor debate on that vote, I ventured downstairs and, while I was down there, was jokingly asked by a colleague on the Republican side of the aisle if I was going to take a walk on that vote. To which I replied, of course not. Why would I take a walk on a vote when I had the opportunity to represent my district to vote on behalf of them? Every vote that I take in this Chamber is based not upon my party or my leadership, it's based upon the district that I represent and representing their voice as well. Taking a walk, Madam Speaker, is the ultimate disrespect to the people of my district. So, I voted on 1779, and I would encourage every Representative to represent their district well, by voting on every bill honestly. Thank you, Madam Speaker.

The SPEAKER: The Chair will just remind Members that we'll still be keeping an eye on the weather for this week. Hearing all of the different reports, suggests that we are in for quite the storm over a several-day period of time. So, please watch the text messaging system, the email system, and we will continue to try to keep you apprised of our schedule here in a very timely manner, knowing that many of you have great distances in which to travel to get here.

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

On motion of Representative **CARMICHAEL** of Greenbush, the House adjourned at 3:01 p.m., until 10:00 a.m., Wednesday, April 3, 2024.