

ONE HUNDRED THIRTY-FIRST LEGISLATURE
FIRST SPECIAL SESSION
25th Legislative Day
Tuesday, June 13, 2023

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

Prayer by Honorable Frank J. Murray, Bangor.
National Anthem by Abigail, Emmeline and Hadassah Beal, Cherryfield.
Pledge of Allegiance.
The Journal of yesterday was read and approved.

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

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

SPECIAL SENTIMENT CALENDAR

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

Recognizing:

the Brunswick High School Girls Tennis Team, which won the Class A State Championship. We extend our congratulations and best wishes;

(SLS 751)

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

READ.

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

Representative **ARFORD**: Thank you, Madam Speaker, and Members of the House. I rise to recognize the Brunswick High School Girls Tennis Team, who won the Class A State Championship on June 7th against the formidable Falmouth Navigators. The Team's nine young women, led by their captains Coco Meserve and Sadie Levy, and their coach, Mary Kunhardt, had an undefeated season, 17-0. They will be visiting the State House later today to receive their Sentiment. In preparing for the visit, I asked the coach what she would attribute the success of her Team to. She shared this; each of the nine players brought grit, determination, a positive attitude and joy to each match. It was a combination of players' ability, players' attitudes, coaching, parent involvement and school spirit that created this wonder Team. The Lady Dragons had many individual accomplishments within the Team as well, including Coco Meserve who won the individual State Championship and Player of the Year. Madam Speaker, please join me in congratulating this wonder Team on their hard work and success.

Subsequently, this Expression of Legislative Sentiment was **PASSED** in concurrence.

Recognizing:

Mallory Kennison, of Norway, who has earned the distinction of being named Valedictorian of the 2023 graduating class of Oxford Hills Comprehensive High School. We extend our congratulations and best wishes;

(HLS 445)

Presented by Representative JACKSON of Oxford.

Cosponsored by Senator BENNETT of Oxford, Representative MILLETT of Waterford.

On **OBJECTION** of Representative JACKSON of Oxford, was **REMOVED** from the Special Sentiment Calendar.

READ.

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

Representative **JACKSON**: Madam Speaker, Ladies and Gentlemen of this House, I am very pleased today to recognize newly-graduated senior Mallory Kennison of Norway. Mallory is the 2023 Oxford Hills Comprehensive High School Valedictorian. Mallory is a highly-motivated and engaged student. Not only does she excel academically, she was an active, involved student and member, serving as president of the Interact Club, chapter treasurer of the Olympia Snowe Leadership Institute, member of the Civil Rights Team, a Viking Mentor, and co-captain of the girls' varsity lacrosse team. Mallory will be attending Wellesley College this fall, where she will study neuroscience and has been recruited to play on the Wellesley lacrosse team. Joining Mallory is my eldest granddaughter, Lily Pierce, an honor student who is also newly graduated from Oxford Hills. Lily and Mallory have been friends and teammates since they were five years old. Lily will be attending the University of Rhode Island, studying sustainability and business. I'm so proud of you both. Congratulations to you and your family.

The SPEAKER: The Chair recognizes the Representative from Waterford, Representative Millett.

Representative **MILLETT**: Thank you, Madam Speaker, and Ladies and Gentlemen of the House. I'm pleased to also echo the words of the Good Representative from Oxford relative to Mallory Kennison. She is an impressive young lady, serving as the Valedictorian in a class of approximately 200 people, 95% of whom graduated with this class. Their principal is very complimentary to the class. I happened to be at a meeting a couple of weeks ago where the top 5% of this class were allowed to be introduced and introduce their parents.

And following Mallory's scoring as the number one student, the number two student was also in a Sentiment, Madam Speaker, which we did not object to, not knowing whether or not he could be with us in person. But I'd like to speak if I might briefly to Brendan Palmer, who is the number-two student in that class of '23 at Oxford Hills Comprehensive High School. Brendan is a unique young man. He actually came of age, I believe, this year, in his own words. He was a member of the soccer team, not necessarily known as an outstanding player but was chosen to be a captain on that team. He took to it like a duck takes to water and he became not only a leader but, I think, a person to whom other members of the team could go to and get answers for and motivation following that. Brendan is a very confident young man. He's here. I've had a chance to meet his parents. All very impressive, nice family. He's going to school next year at Villanova and will be studying economics. He sounds like a prime candidate for a legislative role because he not only will be studying economics but he's learning how to get along with people, something that we all can learn from and I think his approach to it would bode well for a future career in politics, should he choose.

So, I wanted just to offer my congratulations to both Mallory and Brendan for their outstanding performance and their great commitment to community and to the future. Thank you, Madam Speaker.

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

In Memory of:

Richard V. Bibber, of Kennebunk. Mr. Bibber was the chief executive officer of Bibber Memorial Chapels and a well-known Kennebunk funeral director. His business operated the ambulance service for the towns of Kennebunk and Kennebunkport for over 40 years before donating its equipment to Kennebunkport Emergency Medical Services in 1979. He served on the Kennebunk Budget Board and as a Selectman for the town. He was a 50 plus year member and past Master of Arundel Lodge of Masons, serving as Trustee of that Lodge and a 50 year member of the Maine Consistory 32nd Degree of all Scottish Rite Bodies Valley of Portland. He was also a member of all York Rite Bodies, a 50-year member and Past Potentate of Kora Shrine Center of Lewiston, a member and Past President of the York County Shrine Club, a founding member of the Shrine Renegade Unit, a member, Past Director Emeritus and life member of Put Stevens Court, Royal Order of Jesters, an Emeritus member of the Constable Committee of Royal Order of Jesters, a member and Past President of the Maine Funeral Directors Association and a member of the National Funeral Directors Association. He served as Director and President of Selected Independent Funeral Homes. He served for 25 years as a member of the Board of Trustees of Kennebunk Savings and served as Chairman of the Board, as well as on various committees within the bank, retiring from the board in 2015. Active in Kennebunk Rotary over 50 years, he was named a Paul Harris Fellow. He was a member of the South Congregational Church and served as a Deacon of the Church for several years. Mr. Bibber will be long remembered and sadly missed by his family and friends;

(HLS 446)

Presented by Representative SAYRE of Kennebunk.

Cosponsored by Senator RAFFERTY of York, Representative GERE of Kennebunkport.

On **OBJECTION** of Representative SAYRE of Kennebunk, was **REMOVED** from the Special Sentiment Calendar.

READ.

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

Representative **SAYRE**: Thank you, Madam Speaker. When I think of my neighbor, Dick Bibber, I do think about how we met, which was he rang my doorbell and said, I think you have built on my land. We resolved that as I think he resolved everything; amicably and with grace and charm and kindness that began a friendship.

We are called Honorable in this House because we serve our communities. I know I can speak for myself that my community service pales in comparison to him. And if there's anyone in Maine that should be referred to as Honorable, it's the late Richard Bibber. As we know, as we just heard, in addition to running his family's funeral home for decades, he also operated a volunteer ambulance service for many of those same decades. And when he was called to send the wagon, you can imagine he had to specify which one. I think of Mr. Bibber as akin to the character from "It's a Wonderful Life" because of the range of lives he has touched and the ripples that he has left in our community that will last for decades. He, himself, was a local business leader and chairman of our local savings bank, which had an influence on dozens, if not hundreds of enterprises in our community. As a leader of Rotary, he had a hand in just a constant stream of service flowing to those in need in our community. But his direct and indirect impact on leaders on our community and the creation of leaders in our community is the thing that I'll most remember him for.

I know our Chief of Police was once a troublesome high school student, not necessarily headed in the right direction, and Mr. Bibber really took him under his wing and cultivated a relationship that's led him to become just a tremendous leader in policing, the art and science and craft of policing in our community and in our State. And he credits Mr. Bibber through his experience with seeing the end of life and what causes the end of life with developing his care about the issue of recovery and substance use disorder and the needs of our community to do more. Mr. Bibber was someone who did more in every aspect of life and in every aspect of serving our community and it's an honor for me to be able to recognize him on his passing.

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

Representative **GERE**: Thank you, Madam Speaker. Madam Speaker, I had the opportunity to get to know Dick Bibber through Kennebunk Rotary and as anyone who ever met him can attest, he was a kind and caring soul who served so many in our community in so many different ways. Indeed, I would venture to say that community service was Dick's life work and legacy. He will be missed and he should and will serve as an example to us all. Thank you.

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

In Memory of:

Katherine Webb Heidinger, of Winter Harbor. Ms. Heidinger was a reporter and columnist for the Jackson Daily News in Jackson, Mississippi before moving to Maine in 1978, where she worked at the Ellsworth American as Managing Editor and was a member of the Board of Directors, a columnist for that paper and the Bangor Daily News and an instructor of Journalism at the University of Maine. She was the first woman elected to Winter Harbor's Board of Selectmen and was chair of the Budget Committee for almost two decades and also served as Town Meeting Moderator. She was Winter Harbor's long time representative on the Acadia National Park Advisory Commission, serving as secretary at the time of her death. For 15 years, she was a member of the Board of Directors of the Schoodic Institute at Acadia National Park. Her other civic involvement includes serving as a member and officer of the Acadian Community Woman's Club, a charter member of Channing Chapel Preservation Society and a member of the Advisory Board and the Board of Corporators for Maine Coast Memorial Hospital, where she also served as Mistress of Ceremonies for the Poinsettia Ball and for the hospital's annual board meetings. Ms. Heidinger will be long remembered and sadly missed by her family and friends, her community and all those whose lives she touched;

(HLS 469)

Presented by Representative FAULKINGHAM of Winter Harbor. Cosponsored by Senator MOORE of Washington.

On **OBJECTION** of Representative FAULKINGHAM of Winter Harbor, was **REMOVED** from the Special Sentiment Calendar.

READ.

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

Representative **FAULKINGHAM**: Thank you, Madam Speaker. I wanted to stand for a moment to recognize Katherine Heidinger, someone who meant a lot to me and was very influential in my life. I was very sad to hear of her passing after a long, hard-fought battle with her illness.

I think in mentioning Katherine, it wouldn't be proper to speak about her without mentioning three women together who had a big influence on my life and that was my grandmother, Margaret Faulkingham, Diana Young, and Katherine Heidinger, who were all good friends, who were all in the women's club, who all had a big influence on me as a child and growing up and had a big influence on me politically, as it would happen, because all three of those women were very strong leaders, they were very involved in their community. And, you know, the funny thing is as I stand here today in this corner, that all three of those women were Democrats. But they had a lifelong influence on me and my grandmother spent many years on the School Board and Diana and Katherine on the Select Board, as was just mentioned. And so, when it came to being Selectman, when I came into that role, it was always Katherine who I was always going to, who was extremely fiscally conservative at the town level and she was the one that I depended on to know how to navigate through town politics and town budgets and there was never a stronger leader and a stronger woman than Katherine Heidinger. She was one of the most kind, one of the most intelligent people I ever knew and, to that point, when my mother was a child and their house burned down, there was a lot of children, and Katherine and her family took my mother and her brother in after their house burned down and let them live with them. That's just an example of how kind she was and I'm going to miss her a lot and I just wanted to stand for a moment and recognize her today. Thank you, Madam Speaker.

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

The SPEAKER: The Chair recognizes the Representative from Augusta, Representative Bridgeo.

Representative **BRIDGEO**: 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 **BRIDGEO**: Thank you, Madam Speaker, and Members of this House. I noticed this morning that if you turn back to Sentiment 5-5, it says that Edna and Lynn Cayford of Hallowell who are celebrating their 50th wedding anniversary on January 9, 2023, to which we want to extend our congratulations.

Well, for those of you who may not know, this is Edna Cayford over here, our temporary page, who serves as a dedicated Clerk in HCIFS and who I have known for many years. She and her husband, Lynn, who is the doorkeeper in the Senate at this point in his life, both have enjoyed long and distinguished careers in service to the State of Maine, Lynn primarily in the field of public safety and Edna applying her wisdom and skills in various State Departments going all the way back to the State Planning Office many years ago and other offices in this building.

My wife would tell you that she and Edna, who grew up together on Northern Avenue in Farmingdale, began their friendship as preschoolers and every day through elementary school had hot dogs together. So, I think that that says that there's nothing wrong with hot dogs, given how well those two ladies have done. So, I would like, on behalf of all of us, I think, to extend our warmest congratulations on 50 years of marital bliss and 50 years of great service to the State of Maine by both of them. Thank you.

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

Representative **MOONEN**: Thank you, Madam Speaker. I rise to honor Peggy Reinsch. She should be in the gallery, although I can't see since I'm in the back row, but I hope she's up there listening. I'm getting a yes. Thank you very much.

Peggy recently retired from her job here at the State of Maine. She worked here for 37 years and by my count, although I'm not sure, I hope this is right, I think 34 of those years were as the analyst for the Joint Standing Committee on Judiciary. When I arrived here a long time ago as a Member of the State House, I was about 30 pounds lighter, full head of hair; this place does things to you; and one of the very first people I met was Peggy Reinsch. And when you're new, this place can be overwhelming. There's so much to learn about policy, about process, rules and strategy and, you know, all of it, and it can be very overwhelming. And Peggy was one of those first people that I met who just made this place feel; made it feel like maybe I belonged here and maybe I could do this job. She is so kind and so thoughtful and so welcoming to everyone regardless of where they come from, what their party is, what positions they take on various issues. I got to serve with her for six years on the Judiciary Committee. Last summer, I called her up and said hey, I'm coming back, please don't retire, what's eight more years. It didn't work. She did choose to retire. I'm trying to get over that.

Knowing that this Sentiment was coming, I asked two of our most prominent alumni of the Judiciary Committee for their thoughts. One is our Chief Executive. She served four years on the Judiciary Committee with Peggy. She said that Peggy was always smiling, so intelligent, meticulous in her work. She was patient with legislators new and old and never frazzled despite the insanely high workload of the Judiciary Committee and how demanding that job is. She never slept, she worked all night, she answered our emails in the middle of the night, it's just remarkable. She was an encyclopedia; is an encyclopedia of Maine Law. It's amazing how you ask her a question and she can say well, in 1993, we did this and, you know, she just knows it off the top of her head. The second notable alumna of the Judiciary Committee who I asked for some thoughts was you, Madam Speaker. And you said that the greatest thing about Peggy is her heart. She makes it easy for non-lawyers to ask questions and understand complicated questions of law. And, Madam Speaker, I can certainly relate to that. She treats everyone equally, she's so dedicated, so committed, steady, intelligent, balanced; an institution of her own. I still struggle to understand that Committee and this building without her. I'm really going to miss her and I have done everything I can to resist crying right now because our new analyst on Judiciary, who is absolutely incredible, tells me I have a reputation to uphold for being hard and tough and so, I hope my nearly crying doesn't ruin that. But, Madam Speaker, I hope you will join me in just thanking Peggy for her remarkable years of service. She; because Judiciary doesn't deal with one Title, we're in every Title. She has had her hands on every piece of Law there is and we are all the better for it. And, Peggy, I wish you all the best and hope to see you back here many times. Thank you, Madam Speaker.

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

Representative **POIRIER**: Thank you very much, Madam Speaker, and I'll try to be brief because, you know, for probably the first time, I completely agree with everything the Good

Representative just said and couldn't really say it better myself. Through the 130th, there were a lot of hurdles, working on Zoom and, you know, everything we had to contend with and Peggy was always there to help. To help newcomers, like myself at that time, work through the process, understand the process, say what we could or couldn't do and she always had the answers. She's just completely amazing and, besides that, when we finally did actually did get to meet in person, we had already even through Zoom formed a friendship. It was more than just a legislator and an analyst. She's a true friend. And I just want to thank her for all of her hard work. There were many days when she worked into the wee hours of the night to make sure we were prepared and she just always went above and beyond, so, I absolutely want to thank her as well. Thank you.

The SPEAKER: The Chair recognizes the Representative from South Portland, Representative Reckitt, who wishes to address the House on the record.

Representative **RECKITT**: As many have said before me, I was not intending to speak today. But I am so fond of Peggy Reinsch and because I don't have the inhibitions that my strong Chair has to not crying, I probably will. This is my seventh year on the Judiciary Committee. I spent six years with Peggy Reinsch saving my butt repeatedly because she knew the answer to everything almost before it came out; the question came out of my mouth. If they ever build a statue for the nonpartisan staff in this Legislature, then the primary person on the statue ought to be Peggy Reinsch. She was absolutely the epitome of the appropriate, the outstanding, the totally nonpartisan staff. And the work that she has done will survive her for decades, I hope, and she's just; I mean, I consider her a friend, I don't know whether she considers me one, I hope she does. And I just really, in spite of the excellence of her replacement at the Committee this year, I miss her terribly and I hope that she's having a wonderful retirement. And in a year when I start doing that for myself, maybe we can connect.

So, good luck, Peggy, and I hope that you're enjoying your retirement. And of course, you could come back and join us all if you wanted to run for office. I have no idea where you live, so. Anyway; so, hopefully it's not in the ocean end of South Portland but other than that; so, all right, I love you, Peggy, and I hope you're well and will continue to be so. Thank you.

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

ENACTORS

Emergency Measure

An Act to Amend the Laws Governing Political Action Committees Relating to Union, Business and Nonprofit Organizations

(S.P. 284) (L.D. 726)
(S. "A" S-227 to C. "A" S-186)

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. 111 voted in favor of the same and 1 against, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

Emergency Measure

An Act to Exempt Certain Boat Operators from Having to Become Maine Guides

(S.P. 538) (L.D. 1319)
(C. "A" S-215)

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 Increase Reimbursement Under the General Assistance Program

(S.P. 669) (L.D. 1664)
(C. "A" S-209)

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

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

Emergency Measure

An Act to Expand the Use of Funds to Support Land Conservation

(S.P. 803) (L.D. 1969)
(C. "A" S-233)

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

Representative TERRY of Gorham **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.

Representative **ANDREWS**: Point of Order.

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

Representative **ANDREWS**: Thank you, Madam Speaker. I'd like to know how we can request a Roll Call on something we just voted.

The SPEAKER: The Chair would read House Rule 510, yeas and nays; a call for the yeas and nays is in order at any time before a vote is made certain and declared.

On motion of Representative TERRY of Gorham, **TABLED** pending **PASSAGE TO BE ENACTED** and later today assigned. (Roll Call ordered)

Emergency Measure

Resolve, to Establish the Blue Ribbon Commission to Study the Organization of and Service Delivery by the Department of Health and Human Services

(H.P. 571) (L.D. 915)
(C. "A" H-408)

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 Resolve was **FINALLY PASSED**, signed by the Speaker and sent to the Senate.

Emergency Measure

Resolve, to Develop a So-called No Eject, No Reject Policy to Support Children Receiving Behavioral Health Services and Individuals with Intellectual Disabilities or Autism
(H.P. 639) (L.D. 1003)
(C. "A" H-407)

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. 114 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.

Emergency Measure

Resolve, to Establish the Blue Ribbon Commission to Design a Plan for Sustained Investment in Preventing Disease and Improving the Health of Maine Communities
(S.P. 685) (L.D. 1722)
(C. "A" S-229)

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. 117 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.

Emergency Measure

Resolve, to Increase Transparency and Evaluate Emergency Response Through a COVID-19 Review Commission
(S.P. 726) (L.D. 1801)
(C. "A" S-230)

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. 125 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 Protect Minors from Exploitation by Adults for Violation of Privacy
(S.P. 54) (L.D. 115)
(C. "A" S-223)

An Act to Clarify and Correct Inland Fisheries and Wildlife Laws
(S.P. 70) (L.D. 131)
(C. "A" S-216)

An Act to Reduce the Benefit Penalty Imposed on Teachers Who Retire After 35 Years of Service
(S.P. 89) (L.D. 185)
(C. "A" S-201)

An Act to Require MaineCare Assessments for Children
(H.P. 129) (L.D. 208)
(C. "A" H-427)

An Act to Require Private Insurance Coverage for Donor Breast Milk
(S.P. 126) (L.D. 267)
(C. "A" S-226)

An Act Regarding False Public Alarms or Reports and Aggravated False Public Alarms or Reports
(S.P. 186) (L.D. 405)
(C. "A" S-220)

An Act to Amend the Net Energy Billing Laws to Direct Expiring Net Energy Billing Credits to Provide Low-income Assistance
(S.P. 226) (L.D. 509)
(C. "A" S-202)

An Act to Expand the 1998 Special Retirement Plan to Include Employees Who Work for the Office of Chief Medical Examiner
(H.P. 387) (L.D. 610)
(C. "A" H-379)

An Act to Prohibit Certain Training Repayment Agreements by Employers
(S.P. 299) (L.D. 741)
(C. "A" S-200)

An Act to Provide Uniform Protections from Retaliation for Maine Workers in Connection with the Exercise of Rights Protected Under the Laws Governing Employment Practices
(S.P. 326) (L.D. 767)
(C. "A" S-149)

An Act Requiring Water Bottle Filling Stations in New and Renovated Public Schools
(H.P. 604) (L.D. 957)
(C. "A" H-410)

An Act to Expand Protections to Maine's Loons from Lead Poisoning by Prohibiting the Sale and Use of Certain Painted Lead Jigs
(H.P. 605) (L.D. 958)

An Act to Support Lower Home Energy Costs by Establishing a Home Energy Scoring System
(H.P. 696) (L.D. 1101)
(C. "A" H-370)

An Act to Provide Rural Recovery Residences for Families
(H.P. 712) (L.D. 1116)
(C. "A" H-374)

An Act to Create a Presumption Under the Maine Workers' Compensation Act of 1992 That a Cardiovascular Injury or Disease or Pulmonary Disease Suffered by Certain Law Enforcement Officers Is in the Course of Employment
(S.P. 457) (L.D. 1123)
(C. "A" S-205)

An Act to Reestablish Annual Reporting on Solid Waste in Maine
(H.P. 744) (L.D. 1172)
(C. "A" H-199)

An Act to Define Undisputed Health Insurance Claims
(H.P. 792) (L.D. 1244)
(C. "A" H-398)

An Act to Provide Alternative Methods of Payment to Health Care Providers
(H.P. 815) (L.D. 1267)
(C. "A" H-420)

An Act to Require the Technical Building Codes and Standards Board to Adopt the Canadian Standards Association Standard for Residential Mechanical Ventilation Systems as an Alternative Standard Under the Maine Uniform Building and Energy Code
(H.P. 867) (L.D. 1353)
(C. "A" H-350)

An Act to Ensure Fairness in Unemployment Benefits by Clarifying Laws Regarding Labor Organizations
(H.P. 882) (L.D. 1368)
(C. "A" H-378)

An Act to Enhance Reporting by Certain Agencies Regarding Greenhouse Gas Emissions
(H.P. 907) (L.D. 1411)
(C. "A" H-198)

An Act to Inform Fair Minimum Rates of Wages and Benefits in Bids for Public Contracts Using State and Federal Data
(H.P. 915) (L.D. 1419)

An Act to Require Standard Procedures to Protect Stalking Victims and Access to Certain Criminal Complaints
(H.P. 934) (L.D. 1438)
(C. "A" H-394)

An Act to Increase Funding for the Maine School of Science and Mathematics
(S.P. 576) (L.D. 1458)
(C. "A" S-193)

An Act to Provide Public Sector Labor Unions Reasonable Access to Information Regarding Employees
(H.P. 1033) (L.D. 1588)
(C. "A" H-377)

An Act to Require Proper Storage of Forensic Exam Evidence
(S.P. 649) (L.D. 1632)
(C. "A" S-218)

An Act to Provide Staffing for Ongoing Study Commissions During Legislative Sessions and to Support the Work of the Legislature
(H.P. 1066) (L.D. 1668)
(C. "A" H-361)

An Act to Require and Encourage Safe and Interconnected Transportation
(H.P. 1072) (L.D. 1674)
(C. "A" H-412)

An Act to Include Certain Crisis Outreach and Crisis Services Workers Under the 1998 Special Plan for Retirement
(S.P. 707) (L.D. 1760)
(C. "A" S-199)

An Act to Include Certain Mental Health Workers Under the 1998 Special Plan for Retirement
(S.P. 708) (L.D. 1761)
(C. "A" S-198)

An Act to Clarify the MaineCare Rate Determination Requirements
(H.P. 1132) (L.D. 1768)
(C. "A" H-406)

An Act to Ensure Access to Newly Born Male Infant Circumcision by Requiring MaineCare Coverage
(H.P. 1188) (L.D. 1858)
(C. "A" H-405)

An Act to Align Laws Governing Crossbow Hunting with Those Governing Archery Hunting
(H.P. 1204) (L.D. 1879)
(C. "A" H-409)

An Act to Allow Bargaining Agents for Public Sector Unions to Merge
(S.P. 784) (L.D. 1922)
(C. "A" S-197)

An Act to Clarify and Improve the Laws Relating to the Background Check Center and the Maine Certified Nursing Assistant and Direct Care Worker Registry
(H.P. 1230) (L.D. 1925)
(C. "A" H-404)

An Act to Impose a Moratorium on New Point Source Waste Discharge Licenses on the Lower Presumpscot River
(H.P. 1231) (L.D. 1926)
(C. "A" H-385)

An Act to Promote Workforce Development by Establishing a Workforce Development Program
(H.P. 1243) (L.D. 1935)
(C. "A" H-375)

An Act to Allow Certified Nurse Practitioners to Provide In-home Care Without a Home Health Care Provider License
(H.P. 1244) (L.D. 1936)
(C. "A" H-399)

An Act Regarding Marine Finfish Aquaculture
(S.P. 794) (L.D. 1951)
(C. "A" S-219)

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

Resolves

Resolve, Directing the Department of Labor to Submit a Report on the Employment of Minors
(S.P. 137) (L.D. 316)
(C. "A" S-217)

Resolve, to Review the Resource Parent Bill of Rights
(S.P. 262) (L.D. 594)
(C. "A" S-228)

Resolve, to Direct the Department of Transportation to Examine Improving Highway Connections from Interstate 95 to the St. John Valley
(H.P. 384) (L.D. 607)
(C. "A" H-411)

Resolve, to Review Telemonitoring and Certain Telehealth Services Reimbursed under MaineCare
(S.P. 315) (L.D. 757)
(C. "A" S-213)

Resolve, to Provide Legislative Approval of the Transmission Project Selected by the Public Utilities Commission Pursuant to the Northern Maine Renewable Energy Development Program
(S.P. 395) (L.D. 924)
(C. "A" S-203)

Resolve, to Create a 21st-Century Electric Grid
(H.P. 599) (L.D. 952)
(C. "A" H-369)

Resolve, Directing the Department of Inland Fisheries and Wildlife to Develop a Hunting and Fishing Software Application
(S.P. 482) (L.D. 1186)
(C. "A" S-214)

Resolve, to Study Training in Racial Issues, Racial Justice and Social Issues at the Maine Criminal Justice Academy and Study Additional Requirements for Law Enforcement Officers and Candidates
(H.P. 795) (L.D. 1247)
(C. "A" H-231)

Resolve, to Name a Bridge in the Town of Bremen the Kitty Breskin Memorial Bridge

(H.P. 1175) (L.D. 1843)

Resolve, to Remove the Prohibition Against Live Plants in State-owned Buildings

(S.P. 829) (L.D. 2008)

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

An Act to Restore the Former State of Maine Flag

(H.P. 54) (L.D. 86)

(C. "A" H-232; S. "A" S-146)

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

On motion of Representative GREENWOOD of Wales, was **SET ASIDE**.

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

Representative **GREENWOOD**: Thank you, Madam Speaker. I rise one more time in objection to enactment. For the last 114 years, we've had a flag that has truly represented the entire State of Maine in the field of blue, right behind you Madam Speaker. This is a very important decision. I hope the Body will take time and just know that history is important, Madam Speaker. I further request a Roll Call. Thank you.

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 Winter Harbor, Representative Faulkingham.

Representative **FAULKINGHAM**: Thank you, Madam Speaker. I rise in opposition to the pending enactment. Since this bill passed through as amended, I have discovered that there is a serious problem with the amendment. It has been confirmed today from the amendment's sponsor and the Secretary of State that if this amendment passed, it would go onto the November 2023 ballot. Madam Speaker, that is not enough time to properly vet this flag with the Maine people. They're just hearing about this on the news, there's not time for a proper public buy-in on this and we should vote no on the pending motion. Thank you, Madam Speaker.

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

Representative **ANDREWS**: Thank you, Madam Speaker. I'd like to note the field of blue on the flag is to represent the Union soldiers who gave their lives in the Civil War. In particular, the 20th Maine and their bravery at Little Round Top that saved our Republic. It would be devastating to have that go away. Thank you.

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

Representative **CYRWAY**: Thank you, Madam Speaker, Ladies and Gentlemen of the House. I happened to have a guest here this last Friday. They're from Houston, Texas and he was actually a CEO for Compaq that actually got bought out by Hewlett-Packard. And him and his wife was here and they come just every year to Maine. They love it. He's an artist now. And he loved the art, by the way, here at the State House. He loved the hands, all the things that Maine represented. Him and his wife came up here and they stood here and they noticed the emblem right there, that State of Maine emblem. And they said that is gorgeous.

The SPEAKER: The Member will defer. The Member just needs to direct his comments to the Chair. Thank you.

The Chair reminded Representative CYRWAY of Albion to address his comments toward the Speaker.

Representative **CYRWAY**: Loggers, we have 90% of our forestry; forest is Maine and so we have loggers that are represented on there. We have the ocean, we have the sailors, we have the pine tree that actually looks like a pine tree on there, and we also have a moose, we have the star, we have the beautiful blue that's represented, and we have a lot of history that this flag has represented. The 20th Maine, you know, I think of them, who fought.

Please think carefully when we vote for this. I think that, you know, I was just looking the power that they're trying to, you know, this vote coming out maybe on electrical power and it had the new version on it already. To me, it's just a sales tool. It's not what Maine means. A lot of people have put thought into this in 1909. So, please think carefully when you vote for this. Thank you.

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

Representative **PAULHUS**: Thank you, Madam Speaker. I just wanted to get up again just to speak a little bit on this. Just a reminder that there are two amendments on this bill, one for the Secretary of State to have the final decision on the design. I know we talk about multiple different designs and stuff but there's no actual final one that is being looked at at the moment unless this is passed. And in my previous remarks, I had said that the people of Maine have already really decided and this would give them the mechanism with the amendment that we receded and concurred just yesterday.

You know, we come up here, we make decisions and stuff and we have to have faith in the people to make the decision, whichever way it may go. But to say that they don't have enough time or anything like that, we put measures on ballots all the time in Session with five or six months to go. So, I think there is enough time, we've talked about this, we talked about this two years ago, we talked about this for the last several months, there have been public hearings and stuff. So, I feel that this is the time.

And, again, just a reminder, when we look at the emblem on the flag, on the chair, on the back of the Chamber, the State seal, it's not going away. The State seal is still the State seal, we'll still have it in the back of the Chambers, we'll still have it all over and on official documents. The State seal will still be used as it was designed for in 1820 under the 1st Legislature for official documents. It was not designed for flags. And, again, we didn't have a flag until 1901. I think the people have really embraced this symbol as a sense of pride in place. As I've said in my previous remarks, that I've seen the emblem of the original Maine flag in many different forms; on houses, on stickers, on many things. And I think the people of Maine have really embraced this and this would let them have the final decision. So, thank you, Madam Speaker.

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

Representative **LANIGAN**: Thank you, Madam Speaker. I stand in opposition to this bill today and the main reason is I feel like I've heard from a lot of my constituents this Session and they've expressed, you know, the needs of Mainers and the pressing issues being from health care, housing, employment shortages, having to close their businesses, minimize the amount of hours that they're able to stay open, the astronomical energy costs that we're suffering, their ability to make decisions for their children's school. I've heard also about the inflation and

how it's affecting them. I have not had one constituent contact me about our State flag. And I just really feel; this is me, personally; that our work here is to do the work of the Maine people and what they elected us to do. Granted, I appreciate the idea of this, again, I think it's a cool concept flag but I personally feel it's not the time to be debating this. I feel that we're taking time off of the floor debating real issues like opiate overdoses, outrageous housing costs, the homelessness issue, and we're putting it into a flag that we're replacing something that means so much to so many Mainers and has so much history.

And I'd just like to ask the Members of the House and you, Madam Speaker, if we could just slow down on this and maybe leave this for another day, maybe another Session. But today, I'd really like us to focus on the things that my constituents have asked me to voice their voice, and that is the pressing issues of Mainers and that we just set aside this whole flag debate and vote no today and let's bring it up in a more sensible time period where we can make better decisions and we can divert our energy to those of saving lives and getting people housing and lower costs so they can afford to live here and fly this beautiful flag over their house. Thank you so much, Madam Speaker.

The SPEAKER: The Chair recognizes the Representative from Livermore Falls, Representative Lyman.

Representative **LYMAN**: Thank you, Madam Speaker, and to the Members of the House. I've received numerous emails, text messages, questioning and criticizing the idea of taking away our present flag. Many have stated they will be purchasing more of our current flags and they will always be displayed. So, I pose a question; how many people need to speak up in order to leave our century-old-plus flag alone?

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

Representative **LIBBY**: Thank you, Madam Speaker. Madam Speaker, since we first had floor debate on this bill, I received a call from a constituent that is a life-long, quite elderly forester. And he wanted to make note that from his view, the tree on the new flag is not a pine but is a spruce. So, given the push for this new flag to represent the Pine Tree State, I would put forward the suggestion that perhaps a third amendment is in order to change the flag from a spruce to a pine if we should move it forward.

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

Representative **POIRIER**: Thank you, Madam Speaker. I rise actually just because just last night I got an email from a constituent about this bill. She hadn't heard about it until she read it in the newspaper and wanted to make sure that she got on record, so, I'm just going to read a brief little bit of her email here. Her name is Julie Swain and she owns Maine Stitching Specialties, which is located in Skowhegan. She's reaching out regarding the bill and I'll read her directly; my interest in this bill stems from being a producer of the 1901 Maine flag since 2018. We own a factory in Skowhegan and have been making and selling products with the image of the pine tree and North Star on it. What differentiates our product from the others is that our version of the pine tree actually looks like a pine tree. We've employed up to 12 people to manufacture and sell these products in our Skowhegan facility, as well as on our web sites and two retail gift stores in Rangeley and Kingfield. We sell our 1901 Maine flags direct to customer, various Maine dealers, and even to the State House. If the Legislature adopts the modern version of the flag, it will effectively tank our business.

So, Madam Speaker, this bill, it has no description of what the flag is. We're hearing from various people, including business owners, that this can have a negative impact on them. So, I do agree that we need to slow this down and actually have, you know, if it's something that we're looking to change, actually have the proposal so we know what we're voting on. It would be great and our constituents would greatly appreciate it. Thank you.

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

Representative **UNDERWOOD**: Thank you, Madam Speaker. I choose not to make any statement at this time. Thank you.

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

Representative **FOSTER**: Thank you, Madam Speaker. Madam Speaker, I stand in opposition to the pending motion. As has been mentioned in regards to the royal blue on the flag, I think it's also worth mentioning that in looking at the history of this, the reason that we now have this flag and have had for so many years was because those returning from duty in the Civil War, fighting for the freedom of all citizens in our country, got together and petitioned and were successful in looking for a flag that represented some of what they had fought for and with the color and the type of flag that they had fought under during that campaign. And I would mention that two Medal of Honor winners from that conflict, the Civil War, were from my hometown of Sangerville. One was Charles A. Clark and another was Sergeant Otis O. Roberts. Now, he later settled in Dexter and as a matter of note his son, Otis J. Roberts, Sr., served here in the House Chamber. And I'm sure he was proud to think that his father had won the Medal of Honor fighting for the Union. As a matter of fact, Madam Speaker, I now live in the house that Otis J. Roberts, his son, had in the town of Dexter. I've been there for over 40 years. So, I would ask that we respect those who, at the time, knew of the sacrifice made to free all American citizens, United States citizens, and keep this flag which does have so much history and honors all of those in the State. Thank you, Madam Speaker.

The SPEAKER: The Chair recognizes the Representative from Orrington, Representative Campbell.

Representative **CAMPBELL**: Thank you, Madam Speaker, Men and Women of the House. When I first came here long, long ago, there was a flag in the Hall of Flags. It was a flag similar to the one that's behind our great Speaker. And that flag was held together by a mat and you could see the emblem of the State of Maine on it but that was the battle flag that the 20th Maine took to Little Round Top. That's how important it was to us, the citizens of the State.

We talk in our Committees about specifics. We get right down to words like may, shall, must. Now, we're expecting one of the constitutional offices to be responsible for this flag and its design. When asked a question through the Chair, which pine tree, the spiky branch or the fluffy branch tree? Well, we don't know yet but maybe we'll know once the Secretary of State does something. We are not voting on specifics here. And oh, by the way, we've been through this fairly recently. We have a bicentennial flag; oops, I'm sorry, I didn't want to have a prop; on a light-blue field, a spiky pine tree falling off to the bottom right, and a white star with spikes and Dirigo on it. Is that what we're going to get when it comes back from the Secretary of State? I want to be voting on something that I know is specific and this is not specific. Thank you, Madam Speaker.

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

Representative **HAGGAN**: Thank you, Madam Speaker. Wouldn't it be hilarious if I said I have a 30-minute speech planned? I do appreciate the history lessons from our Good Representative from Dexter. I'll just keep mine short. I like our blue flag and I'll be hoping to keep it. Thank you.

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

Representative **RECKITT**: I have to say that the flag that we're talking about shifting to, or some manifestation of it, I actually like. It's pretty, you know, charming. But after this discussion, I'm reminded that my great-great-grandfather was killed in the Civil War and I am standing, I think, now with those who wish to keep our current flag as it is. And I'm remembering him today and the fact that his widow is who I was named after. Her name was Lois Elizabeth Rowlin Bradley. I can't remember the name of which battle he was killed in but I have the letters he sent home from the Civil War and I cannot in all good conscience not remember that today and voice my; whatever the word I'm looking for is; in favor of the current flag. And I thank those of you who have helped me see that today. Thank you.

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

Representative **PAULHUS**: Thank you, Madam Speaker. I just want to read the bill. We use the original 1901 language that says must be buff, charged with the emblem of the State, a pine tree proper, in the center, and the North Star, a mullet of five points, in blue in the upper corner. And, again, this is what we're adopting right now would go to referendum to allow the people of Maine to decide. And I think, you know, I'm talking about the 20th Maine regimental flag, that flag did not have the seal that we're talking about. It didn't look anything like the State flag currently. You may be speaking about other regimental flags but if you're talking about the 20th Maine, that is not the case.

And, again, I think the people of Maine can decide this. If you don't want to change it, then at the ballot, you can vote to keep it. But I think that at this point I think the people of Maine can decide this decision. Again, the seal that we see on the flag will still be the State Seal, it will still be in use in many forums of government, it will still be seen, it will not go away. I think that the original design of the flag, you know, people have embraced it. I think, again, that I see just on my own; I mean, other people can have different opinions and that's what we're here for; but I've seen more of that flag that the people of Maine have embraced as an emblem of pride of our State. And it's not unheard of for states to change the flag. Again, other states are currently doing that. Utah just did it. Other states are looking into it. If we want to be like every other state and not have an emblem that stands out and shows, again, as I said, we are the Pine Tree State. I think that the pine tree flag represents every person that comes here and lives here and resides here and I think it is a good emblem of pride of our State and I think we should let the people of Maine have that final decision and I think they're capable of doing that and we will have, if we pass this, I have the trust of the people of Maine to make that decision whichever way it goes. But let's let them decide on that.

We've had the debates here, you know, the Legislature decided in 1901, they had a debate, they went through the legislative process for the original design. Obviously, in 1909, they did it again. So, this is not unheard of. We have done this before. We've had other flag bills. We had three flag bills this Session that went through the process, the committee process.

Some sponsored by Republicans, some sponsored by Democrats. So, it's been a bipartisan issue to look at this issue. But this is not an unheard-of issue. I know some people like to think that it is but it's not. I mean, the same thing could be said, as I mentioned in my previous remarks, you know, if we're looking at the other flag, our American flag, that was designed in 1777, right in the middle of the American Revolution. They had a committee, they voted, they decided. You know, flags are important. I agree. They symbolize different things to different people. We have disagreements, that's fine, that's what a Republic in a democratic society does. We've gone through this process, I think that at this point we should let the people of Maine have the final decision. Thank you, Madam Speaker.

The SPEAKER: The Chair recognizes the Representative from Alfred, Representative Sampson.

Representative **SAMPSON**: Thank you, Madam Speaker, Ladies and Gentlemen of the House. I have a question I'd like to pose through the Chair.

The SPEAKER: The Member may proceed.

Representative **SAMPSON**: Thank you. As I look at the cover of this bill, we see one sponsor, the Representative from Bath. There are no other co-sponsors. And my question is; how can one individual persuade the majority of the Body to take on such a radical idea? Thank you.

The SPEAKER: The Member has posed a question to anyone who wants to answer. The Chair recognizes the Representative from Paris, Representative Andrews.

Representative **ANDREWS**: Thank you, Madam Speaker. I appreciate the latitude. The history of our State is bigger than anyone in this Chamber. I think that this is a classic case of just because you can, doesn't mean that you should. Let's keep our history and let's keep our flag. Thank you.

The SPEAKER: The Chair recognizes the Representative from Orrington, Representative Campbell.

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

The SPEAKER: The Member may proceed.

Representative **CAMPBELL**: Thank you, Madam Speaker. So, as I understand it, the bill is in a form now where it will go to the people. So, when it goes to the people, I'm assuming there will be language on it similar to this; An Act to Restore the Former State of Maine Flag. So, my question is; what are they voting on? Are they voting on a process or are they voting on a spiky tree or a fluffy tree? How are they going to know how to vote? Thank you, Madam Speaker.

The SPEAKER: The Member has posed a question to anyone who wishes to answer. The Chair recognizes the Representative from Bath, Representative Paulhus, and inquires as to why he is rising again.

Representative **PAULHUS**: Thank you, Madam Speaker. I'm rising just to answer the following question.

The SPEAKER: The Member may proceed.

Representative **PAULHUS**: Thank you, Madam Speaker. In conversation with the Secretary of State in her office, and as the bill has pointed out that the Secretary of State will have a design picked for the people to see and have so people will know what they are voting on. There will be; and from conversation, that there will be a bipartisan commission of some kind to help with that decision before the vote. But there will be an image, a design, whatever you want to call it, for people to see and look at and decide how they want. Thank you, Madam Speaker.

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

Representative **LANIGAN**: Thank you for allowing me to rise again, Madam Speaker. Reading the current Statute for our

flag, it says the flag be known as the official flag of the State shall be of blue, of the same color as the blue field in the flag of the United States. So, I would pose a question through the Chair, if I may? What color blue will the North Star be? What color green will the tree be and what color tan will the background be? Thank you.

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

Representative **PAULHUS**: Madam Speaker, I rise to answer the question. Again, I'm not a graphic designer, I don't pose to be, nothing to the sort. But I imagine with consultation with the Secretary of State, they will take that into consideration when they have a final design to pick for the State referendum for the people to look at. 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. 191

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

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

ABSENT - Adams, Boyle, Crafts, Eaton, O'Connell, Supica, Woodsome.

Yes, 72; No, 70; Absent, 7; Vacant, 1; Excused, 1.

72 having voted in the affirmative and 70 voted in the negative, 1 vacancy with 7 being absent and 1 excused, 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**.

**SENATE PAPERS
Non-Concurrent Matter**

Bill "An Act to Ensure Treatment for MaineCare Recipients with Serious Mental Illness by Prohibiting the Requirements for Prior Authorization and Step Therapy for Medications" (EMERGENCY)

(H.P. 924) (L.D. 1428)

Majority (11) **OUGHT NOT TO PASS** Report of the Committee on **HEALTH AND HUMAN SERVICES READ** and **ACCEPTED** in the House on June 8, 2023.

Came from the Senate with the Minority (2) **OUGHT TO PASS AS AMENDED** Report of the Committee on **HEALTH AND HUMAN SERVICES READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-383)** in **NON-CONCURRENCE**.

The House voted to **INSIST**.

Non-Concurrent Matter

Bill "An Act to Comprehensively and Equitably Reform Electricity Rates"

(H.P. 347) (L.D. 542)

Report "A" (6) **OUGHT TO PASS AS AMENDED** of the Committee on **ENERGY, UTILITIES AND TECHNOLOGY READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-277)** in the House on June 6, 2023.

Came from the Senate with Report "C" (3) **OUGHT NOT TO PASS** of the Committee on **ENERGY, UTILITIES AND TECHNOLOGY READ** and **ACCEPTED** in **NON-CONCURRENCE**.

On motion of Representative ZEIGLER of Montville, **TABLED** pending **FURTHER CONSIDERATION** and later today assigned.

COMMUNICATIONS

The Following Communication: (H.C. 205)

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

June 9, 2023

The Honorable Robert Hunt
Clerk of the House
3 State House Station
Augusta, Maine 04333

Dear Clerk Hunt,

Pursuant to my authority under Senate Rule 201.3, I have appointed Senator Jill Duson to the Joint Standing Committee on Judiciary, replacing Senator Donna Bailey of York County. This appointment is effective the date of this communication. Should you have any questions, please do not hesitate to contact me.

Sincerely,
S/Troy D. Jackson
President of the Senate

READ and ORDERED PLACED ON FILE.

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

**REPORTS OF COMMITTEE
Ought to Pass as Amended**

Report of the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** on Bill "An Act to Support Outdoor Education by Establishing the Outdoor School for All Maine Students Program"

(S.P. 732) (L.D. 1817)

Reporting **Ought to Pass as Amended by Committee Amendment "A" (S-192)**.

Came from the Senate with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS**

AMENDED BY COMMITTEE AMENDMENT "A" (S-192) AS AMENDED BY SENATE AMENDMENT "A" (S-261) thereto.

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

The Bill was **READ ONCE**. **Committee Amendment "A" (S-192)** was **READ** by the Clerk.

Senate Amendment "A" (S-261) to Committee Amendment "A" (S-192) was **READ** by the Clerk and **ADOPTED**.

Committee Amendment "A" (S-192) as Amended by Senate Amendment "A" (S-261) thereto was **ADOPTED**.

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

Under further suspension of the rules the Bill was **PASSED TO BE ENGROSSED** as **Amended by Committee Amendment "A" (S-192) as Amended by Senate Amendment "A" (S-261)** thereto in concurrence.

Report of the Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act Regarding Clearance for Occupancy Under the Lead Poisoning Control Act" (EMERGENCY)

(S.P. 602) (L.D. 1481)

Reporting **Ought to Pass as Amended by Committee Amendment "A" (S-249)**.

Came from the Senate with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-249) AS AMENDED BY SENATE AMENDMENT "A" (S-278)** thereto.

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

The Bill was **READ ONCE**. **Committee Amendment "A" (S-249)** was **READ** by the Clerk.

Senate Amendment "A" (S-278) to Committee Amendment "A" (S-249) was **READ** by the Clerk and **ADOPTED**.

Committee Amendment "A" (S-249) as Amended by Senate Amendment "A" (S-278) thereto was **ADOPTED**.

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

Under further suspension of the rules the Bill was **PASSED TO BE ENGROSSED** as **Amended by Committee Amendment "A" (S-249) as Amended by Senate Amendment "A" (S-278)** thereto in concurrence.

Divided Reports

Majority Report of the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** reporting **Ought Not to Pass** on Bill "An Act to End the Maine Information and Analysis Center Program"

(S.P. 527) (L.D. 1290)

Signed:

Senators:

BEEBE-CENTER of Knox
HARRINGTON of York

Representatives:

SALISBURY of Westbrook
ARDELL of Monticello
HASENFUS of Readfield
MADIGAN of Waterville
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 "A" (S-276)** on same Bill.

Signed:

Representatives:

LOOKNER of Portland
MATHIESON of Kittery
MILLIKEN of Blue Hill

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

READ.

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

Majority Report of the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-256)** on Bill "An Act to Amend the Law Governing Certain Sexual Offenses"

(S.P. 662) (L.D. 1657)

Signed:

Senators:

BEEBE-CENTER of Knox
HARRINGTON of York
LaFOUNTAIN of Kennebec

Representatives:

SALISBURY of Westbrook
HASENFUS of Readfield
LOOKNER of Portland
MADIGAN of Waterville
MATHIESON of Kittery
MILLIKEN of Blue Hill
NEWMAN of Belgrade
NUTTING of Oakland
PERKINS of Dover-Foxcroft

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

Signed:

Representative:

ARDELL of Monticello

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-256)**.

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" (S-256)** 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-256)** in concurrence.

Majority Report of the Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought Not to Pass** on Bill "An Act to Eliminate the Educational Purposes Exception to the Prohibition on the Dissemination of Obscene Matter to Minors" (S.P. 62) (L.D. 123)

Signed:

Senators:

RAFFERTY of York
PIERCE of Cumberland

Representatives:

BRENNAN of Portland
DODGE of Belfast
MILLETT of Cape Elizabeth
MURPHY of Scarborough
SARGENT of York
WORTH of Ellsworth

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (S-262)** on same Bill.

Signed:

Senator:

LIBBY of Cumberland

Representatives:

BAGSHAW of Windham
LYMAN of Livermore Falls
POLEWARCZYK of Wiscasset
SAMPSON of Alfred

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

READ.

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

Representative SAMPSON of Alfred **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 Livermore Falls, Representative Lyman.

Representative **LYMAN**: Thank you, Madam Speaker, and Members of the House. I want to thank the good Senator from District 22 who shared with us and sponsored this bill, is a current educator and also has two school-aged children. The bill clarifies an outcome of a violation by educational institutions of a longstanding standard for what is obscene. Current law includes definitions as follows. Minor means a person under 18 years of age. Some items with regard to the question what is age appropriate. For the children of our State, for its citizens and especially for our parents, let's keep that at the forefront of our consideration. Obscene matter means matter which (1) to the average individual, applying contemporary community standards, with respect to what is suitable material for minors, considered as a whole, appeals to the prurient interest; (2) depicts or describes, in a patently offensive manner, ultimate sexual acts, excretory functions, masturbation or lewd exhibition of the genitals; (3) considered as a whole, lacks serious literary, artistic, political or scientific value. A person is guilty of disseminating obscene matter to a minor if that person knowingly distributes, exhibits, or offers to distribute or exhibit to a minor any matter declared obscene. Exceptions to the existing law include any commercial distribution for purely educational purposes by library, art gallery, museum, public schools, private school or institutions of learning, nor to any commercial distribution or exhibition by any art gallery or museum. It is a

valid defense to any proceeding under current law that (1) the defendant was a parent or guardian of the minor; (2) the distribution or exhibition is exempt under existing law; or (3) for motion pictures, the minor was accompanied by his spouse, parent or legal guardian.

A very important addition to this bill is that in the case of schools, there would be no criminal prosecution or trial. Instead, within a public school, if a matter is declared obscene in a proceeding and the Attorney General or District Attorney finds that any public school is disseminating obscene matter, then a cease-and-desist order shall be issued prohibiting the public school from disseminating the obscene matter. This bill addresses the important issue of the types of content that our children are exposed to. We all care about our children. We all want them to be happy and healthy. Obscene material in our schools has been one of the most publicized problems for months now. The book "Gender Queer," part of multiple school library collections, it has become a topic of protest by so many parents. Some speak to the literary value within the text message. However, many believe the book's message is tarnished by the inclusion of some pages of obscene material as measured by the definition of obscene matter in current law.

Redacting or obscuring obscene material is an issue of morality. Morality being defined as principles concerning the distinction between right and wrong. Public expectations for reasonable moral standards exist today here in Maine. Allowing obscene matter in schools violates this. This issue is bordering on being an emergency situation. So many parents and other concerned Maine citizens are angry that basic principles of morality have been violated. The issue is divisive. Schools were subjected to Maine Freedom of Access Act requests that have cost hundreds of thousands of dollars in total. A problem that has come to the forefront of all this controversy is that school districts have no basis upon which to make decisions about what is obscene. It is critical that we act to provide school districts with guidance on this issue. The legal definition of obscene is a tool to enable school boards to act at the local level. They can review materials that come into question and then abide by a community standard. This issue can be addressed. It must be on behalf of the people of Maine. Many parents are expressing their concerns with public education as a result of concerns with curriculum materials, social and emotional agendas and intrusion on parental rights. Let's do our part in meeting responsibility decisions; sorry, in making responsible decisions about the appropriate responsibilities of our public schools. Thank you.

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

Representative **FAULKINGHAM**: Thank you, Madam Speaker. I'm not sure where this debate may go but there may be some sensitive topics and language used. We have some people in the gallery, I think they should be given the opportunity to clear the gallery. Thank you, Madam Speaker.

The SPEAKER: The Chair recognizes the Representative from Alfred, Representative Sampson.

Representative **SAMPSON**: Thank you, Madam Speaker, Ladies and Gentlemen of the House. I do oppose this measure but I have a question I'd like to ask through the Chair.

The SPEAKER: The Member may proceed.

Representative **SAMPSON**: Why is it a problem to have a system in place that would be for the purpose of safeguarding our children from seeing obscene material?

The SPEAKER: The Member has posed a question to anyone who can answer. The Chair recognizes the Representative from New Gloucester, Representative Arata.

Representative **ARATA**: Thank you, Madam Speaker. Madam Speaker and Ladies and Gentlemen of the House, the National Center for Victims of Crime says that at least 20% of girls and 5-10% of boys have been victims of sexual abuse. Therefore, we should assume that at least one student in every classroom has been a victim of sexual assault. Especially for these victims, the graphic sex and rape and some of the passages that we've read, would trigger emotional distress and we need to have compassion and concern for these children. Thank you.

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

Representative **BRENNAN**: Thank you, Madam Speaker, Men and Women of the House. This LD, when it was originally drafted, engendered widespread opposition from librarians, teachers and parents. The sponsor did amend the bill and then included the Attorney General and District Attorneys in the process of deciding and prosecuting what is obscene. I think it's important, very important, that Members of the House hear what the testimony from the Attorney General was in regards to this amended version of the bill. Current law already provides a sufficient process for the Attorney General or a District Attorney to respond to allegations that obscene material is being distributed to minors. This proposed language adds nothing to a prosecutor's ability to protect minors from material that the court determines to be obscene. This legislation is unnecessary as my office and District Attorneys already have sufficient means to address allegations that obscene material is being distributed to minors. I respectfully request the Committee vote this bill Ought Not to Pass.

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. 192

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

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

ABSENT - Adams, Boyer, Boyle, Crafts, Eaton, Matlack, O'Connell.

Yes, 77; No, 65; Absent, 7; Vacant, 1; Excused, 1.

77 having voted in the affirmative and 65 voted in the negative, 1 vacancy with 7 being absent and 1 excused, and accordingly the Majority **Ought Not to Pass** Report was **ACCEPTED** in concurrence.

The Chair laid before the House the following item which was **TABLED** earlier in today's session:

An Act to Expand the Use of Funds to Support Land Conservation (EMERGENCY)

(S.P. 803) (L.D. 1969)

(C. "A" S-233)

Which was **TABLED** by Representative TERRY of Gorham pending **PASSAGE TO BE ENACTED** (Roll Call ordered)

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

This being an emergency measure, a two-thirds vote of all the Members elected to the House being necessary, a total was taken.

ROLL CALL NO. 193

YEA - Abdi, Albert, Ankeles, Arata, Ardell, Arford, Babin, Bell, Blier, Bradstreet, Brennan, Bridgeo, Carlow, Cloutier, Cluchey, Collamore, Collings, Copeland, Costain, Craven, Cray, Crockett, Davis, Dhalac, Dill, Dodge, Doudera, Drinkwater, Ducharme, Faulkingham, Fay, Fredericks, Galletta, Gattine, Geiger, Gere, Golek, Graham, Gramlich, Greenwood, Griffin, Guerrette, Haggan, Hall, Hasenfus, Henderson, Hepler, Hobbs, Jackson, Jauch, Kessler, Kuhn, Landry, Lanigan, LaRochelle, Lee, Lemelin, Lookner, Lyman, Madigan, Malon, Mason, Mastraccio, Mathieson, Meyer, Millett H, Millett R, Milliken, Montell, Moonen, Moriarty, Morris, Murphy, Ness, Newman, Nutting, O'Neil, Osher, Parry, Paulhus, Perry A, Perry J, Pluecker, Poirier, Polewarczyk, Pringle, Rana, Reckitt, Rielly, Roberts, Roeder, Runte, Russell, Sachs, Salisbury, Sampson, Sargent, Sayre, Schmersal-Burgess, Shagoury, Shaw, Sheehan, Skold, Stover, Strout, Supica, Swallow, Terry, Theriault, Thorne, Walker, Warren, White B, Williams, Wood S, Woodsome, Worth, Zager, Zeigler, Madam Speaker.

NAY - Andrews, Bagshaw, Boyer, Carmichael, Cyrway, Dunphy, Foster, Gifford, Javner, Lavigne, Libby, Paul, Perkins, Pomerleau, Quint, Rudnicki, Smith, Soboleski, Underwood, White J.

ABSENT - Adams, Boyle, Campbell, Crafts, Eaton, Hymes, Matlack, O'Connell, Riseman.

Yes, 120; No, 20; Absent, 9; Vacant, 1; Excused, 1.

120 having voted in the affirmative and 20 voted in the negative, 1 vacancy with 9 being absent and 1 excused, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

REPORTS OF COMMITTEE

Divided Reports

Majority Report of the Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought Not to Pass** on Bill "An Act Regarding Safe Schools"

(S.P. 138) (L.D. 317)

Signed:

Senators:

RAFFERTY of York
PIERCE of Cumberland

Representatives:

BRENNAN of Portland
DODGE of Belfast
MILLETT of Cape Elizabeth
MURPHY of Scarborough
SARGENT of York
WORTH of Ellsworth

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (S-242)** on same Bill.

Signed:

Senator:

LIBBY of Cumberland

Representatives:

BAGSHAW of Windham
LYMAN of Livermore Falls
POLEWARCZYK of Wiscasset
SAMPSON of Alfred

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

READ.

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

Representative SAMPSON of Alfred **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 Alfred, Representative Sampson.

Representative **SAMPSON**: Thank you, Madam Speaker. So, the question I have is, do we want safe schools? I believe we do. So, let's consider all the options to, therefore, be able to make the most effective decisions going forward. This bill simply establishes an in-depth analysis of best practices along with a forensic audit to guide a stakeholder group in generating long-term school safety plans. We have heard many dramatic and compelling testimonies in Committee and yes, our children's safety is paramount. So, does moving an Ought Not to Pass on this bill make any sense? Thank you.

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

Representative **SMITH**: Thank you, Madam Speaker. Madam Speaker, Members of the House, I don't understand. I don't understand why we won't protect our children as they sit vulnerable to attacks in our schools. Anyone that knows me knows that my children are my whole heart. I am so proud of them and so excited about their futures. I'm certain all parents here have the same feelings. I ask why. Why don't we do everything in our power to protect our children, Maine children both young and old? Why wouldn't we let a former law enforcement officer be employed by a school to protect children? Why wouldn't we allow a simple study to seek solutions for their safety? How in the world could we be against

a study? My heart is breaking for the deaths that will, unfortunately, inevitably happen and then people will be saying we should have done something. This bill is the something. Be the protector now, save lives now. Don't wait. Change the future. Vote against the Ought Not to Pass motion now. Thank you.

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

Representative **ARDELL**: Thank you, Madam Speaker. This bill provides a mechanism for school security, making our schools safer. This bill is a smart, targeted response to school violence. It provides for experienced law enforcement officers with years of public safety skills to act as defenders of our schools and our children and allows schools to benefit from those skills to protect our children. Opposition to this bill is to continue to keep our schools as easy targets for violence. Targets that a cowardly assailant knows will have otherwise no defender. To those who oppose defenders in our schools, during my employment, I routinely carried a concealed firearm in schools and those schools were the safer for it. This is a common-sense measure. It includes a provision for stakeholder assessment. I ask this Body to support this bill. Thank you.

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

Representative **POLEWARCZYK**: Madam Speaker, during the testimony on this bill, we heard the two extremes. One extreme; this does not happen in Maine. The other extreme from police enforcement officers who said it isn't a matter of if, it is when. We also heard testimony from a number of students who were asked, do you feel safe in school. It was a pretty emotional response but basically, they said no, we don't feel safe in school. Madam Speaker, I oppose this motion. We need to take some action to make our students feel safe and be safe in school. Thank you.

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

Representative **CYRWAY**: Thank you, Madam Speaker, Ladies and Gentlemen of the House. Myself, being a DARE officer and an advanced school resource officer trained, I have come into several situations where there was a dangerous situation at a school and also here at the National Guard armory. We had the GarConDale Dance, which was Gardiner, Cony and Hall-Dale. It was a chem-free teenage dance for the high school kids and I actually got a nice letter from the Adjutant General for how I handled it. It was a situation where a student had threatened to bring a gun to the dance. We did have here at Chelsea had a parent who was high on cocaine and the wife said she wanted a divorce and he loaded his .30-06 and he said he was going to go get his kids and nobody's going to stop him and he headed to the school. I happened to be doing DARE class at that school at that time and they called me from the office and I had gotten all State police in, county, and we caught the gentleman just before he got to the school, about 200 feet from the school. Another time, we had a person that was going to bring an Uzi to Benton Elementary School and I guarded it for two weeks.

So, there are dangers out there and you can pretend it doesn't happen; and it doesn't have to be just kids going in doing a shooting, it can be a parent, it can be anything and we've had even a first-grader bring in a knife and had it up her sleeve and was going to cut another girl's head off. So, these things do happen. And so, it's really important to have security if you can. So, I think a study is worth doing. This is all it is; just a study. So, I think yes, we could save lives, we can also save children from making big mistakes and also save parents from doing big

mistakes. You know, the child that the father was on his way, we had a lockdown and she gave a letter; when she got to eighth grade; she was a first-grader then and she had actually urinated in the classroom and was very embarrassed but when she was an eighth grader, she told the whole class the story and when I was doing a junior high DARE class, and everybody was shocked, she had to talk about it, but everybody felt for her and she was --

The SPEAKER: The Member will defer. The Chair would remind the Member to direct his comments to the Chair. The Member may proceed.

The Chair reminded Representative CYRWAY of Albion to address his comments toward the Speaker.

Representative **CYRWAY**: So, I think, you know, these are situations that happen and it's always good to have somebody that understands that we don't judge the people that make the mistakes, we try to help people be safe and also to help them make it through life. And that's what it's about. The security thing is more about helping them get through life. So, just if you vote for this, it's just basically a study. So, thank you, Madam Speaker.

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

Representative **UNDERWOOD**: Thank you, Madam Speaker. It's very nice to stand up and give a spiel, particularly on this one. We got a controversy or we got one versus another, we got school security, which is this bill, and then they want to arm the Cross Building for anybody to come in and have security check you in, check you out. We want to protect these legislators, protect those bureaucrats, but we don't want to protect these schools. I just don't understand. Thank you, Madam Speaker.

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

Representative **GRAHAM**: Thank you, Madam Speaker. I'd like to pose a question through the Chair.

The SPEAKER: The Member may proceed.

Representative **GRAHAM**: Are all schools in the State locked? I want to know if anyone knows if all schools have locks. You have to have permission to enter the school building?

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

Representative **FOSTER**: Thank you, Madam Speaker. I rise to answer the question. The answer is that all schools in Maine are supposed to be locked during the time that children are in classes during the day. That may not be the case during the evening, although even during a basketball game, all but the front entrances are supposed to be locked. However, as we all know, especially those folks from the Portland area, sometimes people make mistakes. They may prop a door open, for instance, and a gentleman may end up in the girl's bathroom, wanting to hand out needles to girls, or could be someone with a gun. Thank you.

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

Representative **CYRWAY**: Thank you, Madam Speaker. All schools have certain policies and most have locks on them but it's not always locked all day long. So, there's certain times when they come in, when they go out, those type things, that they're not locked, and so, they're not totally locked down like a jail, I guess. Thank you, Madam Speaker.

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

Representative **ANDREWS**: Thank you, Madam Speaker. To answer that question, hopefully all doors would be locked but somebody armed with a firearm can shoot glass out to gain entry. I believe that happened, I think it was Tennessee, the last shooting there. By definition, criminals and homicidal maniacs do not obey the law or follow signs. They are useless. Which is why you need somebody on site to meet force with force. It's common sense. 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. 194

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

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

ABSENT - Adams, Boyle, Crafts, Eaton, Hymes, Matlack, O'Connell, Strout.

Yes, 77; No, 64; Absent, 8; Vacant, 1; Excused, 1.

77 having voted in the affirmative and 64 voted in the negative, 1 vacancy with 8 being absent and 1 excused, and accordingly the Majority **Ought Not to Pass** Report was **ACCEPTED** in concurrence.

Majority Report of the Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-264)** on Bill "An Act Regarding Undesignated Ready-to-use Glucagon Rescue Therapies in Schools"

(S.P. 364) (L.D. 867)

Signed:

Senators:

RAFFERTY of York
LIBBY of Cumberland
PIERCE of Cumberland

Representatives:

BRENNAN of Portland
DODGE of Belfast
LYMAN of Livermore Falls
MILLETT of Cape Elizabeth
MURPHY of Scarborough
SAMPSON of Alfred
SARGENT of York
WORTH of Ellsworth

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

Signed:

Representatives:

BAGSHAW of Windham
POLEWARCZYK of Wiscasset

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-264)**.

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-264)** 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-264)** in concurrence.

Majority Report of the Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Refer to the Committee on Transportation** on Bill "An Act to Allow School Activity Buses for Public Schools"

(S.P. 422) (L.D. 1053)

Signed:

Senator:

LIBBY of Cumberland

Representatives:

BAGSHAW of Windham
LYMAN of Livermore Falls
MILLETT of Cape Elizabeth
POLEWARCZYK of Wiscasset
SAMPSON of Alfred
SARGENT of York

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

Signed:

Senators:

RAFFERTY of York
PIERCE of Cumberland

Representatives:

BRENNAN of Portland
DODGE of Belfast
MURPHY of Scarborough
WORTH of Ellsworth

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

READ.

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

Majority Report of the Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-236)** on Bill "An Act to Address Student Hunger and Nutrition Through Expanded Access to Free Milk in Schools" (**EMERGENCY**)

(S.P. 465) (L.D. 1128)

Signed:

Senators:

RAFFERTY of York
LIBBY of Cumberland
PIERCE of Cumberland

Representatives:

BRENNAN of Portland
DODGE of Belfast
MILLETT of Cape Elizabeth
MURPHY of Scarborough
SARGENT of York
WORTH of Ellsworth

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "B" (S-237)** on same Bill.

Signed:

Representatives:

BAGSHAW of Windham
LYMAN of Livermore Falls
POLEWARCZYK of Wiscasset
SAMPSON of Alfred

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-236)**.

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-236)** 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-236)** in concurrence.

Majority Report of the Committee on **ENERGY, UTILITIES AND TECHNOLOGY** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-259)** on Bill "An Act to Amend the Laws Governing Consumer-owned Water Utilities"

(S.P. 660) (L.D. 1655)

Signed:

Senators:

LAWRENCE of York
GROHOSKI of Hancock
HARRINGTON of York

Representatives:

ZEIGLER of Montville
BABIN of Fort Fairfield
BOYLE of Gorham
DUNPHY of Embden
FOSTER of Dexter
GEIGER of Rockland
KESSLER of South Portland
PAUL of Winterport
RUNTE of York

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "B" (S-260)** on same Bill.

Signed:

Representative:

WARREN of Scarborough

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-259)**.

READ.

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

The Bill was **READ ONCE**. **Committee Amendment "A" (S-259)** 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-259)** in concurrence.

Majority Report of the Committee on **ENERGY, UTILITIES AND TECHNOLOGY** reporting **Ought Not to Pass** on Bill "An Act to Protect Northern Maine Standard-offer Ratepayers"

(S.P. 691) (L.D. 1727)

Signed:

Senators:

LAWRENCE of York
GROHOSKI of Hancock
HARRINGTON of York

Representatives:

ZEIGLER of Montville
BABIN of Fort Fairfield
BOYLE of Gorham
DUNPHY of Embden
GEIGER of Rockland
KESSLER of South Portland
PAUL of Winterport
RUNTE of York
WARREN of Scarborough

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

Signed:

Representative:

FOSTER of Dexter

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

READ.

On motion of Representative ZEIGLER of Montville, 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 Increase the Number of Children a Family Child Care Provider May Care for Without Having to Be Licensed by the Department of Health and Human Services"

(S.P. 430) (L.D. 1061)

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-243)** 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-243)**.

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, Men and Women of the House. This bill is very simple. During the emergency, the Chief Executive had an Executive Order that allowed family child care centers to be able to just bump from two children in their home to watching three children without being licensed and this bill mirrors that Executive Order. And I ask that we agree with our Good Colleagues from down the hall and reject this motion and pass the Minority Report. Thank you.

The **SPEAKER**: The Chair recognizes the Representative from Fort Kent, Representative Theriault.

Representative **THERIAULT**: Thank you, Madam Speaker. This was one of the bills that I did sign on to and as somebody that represents a very rural area, our needs are different than the needs of an area that has more child care centers. I understand there's a lot of Representatives on the other side of the aisle that feel like we need to invest in child care centers but all we're asking in this bill is to increase it by one. So, that will allow a grandmother or somebody to just take care of one extra kid. And I feel like if we could do this during the emergency, during COVID, then we should be able to do this now because we do have a child care emergency and anything

that we vote down that would help address it, I feel like is us not doing our job. Thank you.

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

Representative **FREDERICKS**: Thank you, Madam Speaker. I, too, want to echo some of the history in this bill coming to fruition. It's not only in the Aroostook County, there are a paucity of child care in our State, period. Child care is a need and it is harnessed in various ways. Some families leave children in the hands of the older sibling that's not well-equipped to care for that, some people are having to leave their jobs and take care of the child. And during the pandemic, it is true, our Chief Executive enacted an Executive Order which allowed for that minimum of two to be increased to three kiddos by a family child care provider. Now, these are the neighborhood local babysitters, these aren't the institutional child care settings.

There's a paucity of child care in Aroostook, in Washington County, in Waldo, in Franklin. It's not really in my area so much as it is in the rural areas. This allows more slots for our kiddos to be safely cared for by family providers that aren't licensed and that burden of licensure is something some people can't bear. There are pages of regulations for one to be a licensed caretaker, a care provider. So, I ask that you pass this and allow for more children to be safely cared for in the hands of our local babysitters. Thank you, Madam Speaker.

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

Representative **MEYER**: Thank you, Madam Speaker, Esteemed Colleagues in the House. The child care sector is facing, undoubtedly, significant challenges and a lack of accessible, affordable care and this hurts our families and our economies. There's no arguing that. I understand the desire to increase access. However, I stand in firm opposition to this measure. With every child care advocate in the State, including the Maine Children's Alliance, the Maine Association for the Education of Young Children, YMCA of Maine, the Developmental Disability Council, and this industry's own Family Child Care Association to say never at the expense of the safety of Maine children.

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

Representative **WHITE**: Thank you, Madam Speaker. And once again, I want to thank you for coming up to Piscataquis County earlier this year. When you came up on your tour, one thing you heard while you were in my neighboring Representative's district as well as mine was the same thing that I've been hearing for the last eight years while I was County Commissioner; the need for child care is growing in rural areas. The loss of jobs over the last 20 years that I've referred to a few times on this floor led to that institutionalized child care dissipating, disappearing. The people that are seeking child care now are much more likely to go to the small babysitter type environments and I've over and over heard the cry that I'm limited and just one or two more children would alleviate that.

These aren't strangers. This isn't just I saw a newspaper ad and I'm going to go drop my children off at this unknown location. This is a rural area and we have fewer people in my county than the city limits of some neighboring or some not-so-far-away cities. So, these are people that are known to the parent that's dropping them off. This burden is unnecessary. This burden being lifted off of these providers locally would help the individuals to go out and work and I just can't see why we don't allow a parent to drop off a child with a trusted adult down the street that they feel comfortable doing that with.

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

Representative **BRADSTREET**: Thank you, Madam Speaker, and Ladies and Gentlemen of the House. Over in the Labor and Housing Committee, we always seem to be trying to find ways to get people back into the workforce and the story we keep hearing is I would do that but I can't find child care. This is a modest request. This would help a lot of people to get back into the workforce and it would be benefitting to everyone. So, I hope that we can pursue that avenue. Thank you, Madam Speaker.

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

Representative **FAULKINGHAM**: Thank you, Madam Speaker. I rise against the pending motion. It's my understanding that right now a grandmother is allowed to watch three of her grandchildren but if there are four grandchildren, all of a sudden, the grandmother would be out of compliance. If that's not correct, I would love to pose that as a question but that's my understanding.

The other thing I want; two things I want to bring up is that we're looking to squeeze every penny we can out of this budget to put it where it belongs appropriately and this would create a savings in the Department of Health and Human Services if we pass this. Also, I want to remind folks that this comes on the Calendar having come from the other Body as Ought to Pass. So, I believe that we should vote down the pending motion. Thank you, Madam Speaker.

The SPEAKER: The Chair would remind the Member it's inappropriate to point out the actions of the other Body.

The Chair advised Representative FAULKINGHAM of Winter Harbor that it is inappropriate to refer to the actions of the other Body in order to influence the vote of the House.

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

Representative **CYRWAY**: Madam Speaker, I grew up on a farm. I just wanted to say that when my father worked in the mill and my mother worked at Hathaway, we went over to the neighbor's, who had seven children, and we had four. And we went over there and then they'd come over to our place and we'd just; had a great time, was always busy, always doing fun things and we still see each other after I don't know how many years. So, to me, one child to go and be able to be with friends is so much better than just putting a burden onto the families. So, I think that this is not asking much and we did it all the time back years ago. I don't even remember a daycare back when I was a kid, I'm just saying, we're putting a lot of burden on family members for this working environment and I think that this is not asking much. Thank you.

The SPEAKER: The Chair recognizes the Representative from Madawaska, Representative Albert.

Representative **ALBERT**: Yes, Madam Speaker. We were five in our family and we are currently all surviving well, had no mishaps. On my wife's side is a little different. She came from a family of 12. And, you know something? They all survived. Thank you, Madam Speaker.

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

Representative **THORNE**: Thank you, Madam Speaker. Permission to read from the Calendar?

The SPEAKER: The Member may proceed.

Representative **THORNE**: Comes 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". Thank you, Madam Speaker.

The SPEAKER: The Chair would remind the Member that it's inappropriate to comment on the actions of the other Chamber in order to influence the actions in this Chamber.

The Chair advised Representative THORNE of Carmel that it is inappropriate to refer to the actions of the other Body in order to influence the vote of the House.

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

Representative MILLETT: Thank you, Madam Speaker. I rise in support of the pending motion. As a Member who has served in the State House for nearly 11 years, many of those as the first Senate and now House Co-Chair of the Children's Caucus, I want to be very clear that there is no debate around the issues with child care in this State and we have a number of initiatives that have been before our Committees to address this.

This measure is not one that I could in good conscience support. This Law, this bill, should it be enacted, would apply to the whole State of Maine, not just the rural communities, not just the close-knit communities, but all communities in the State of Maine. We are very well aware, sadly, that there may be those individuals who outwardly seem kind and caring and yet whose actions do not reflect that. We see this, sadly, through many parts of our society. When it comes to our children, we cannot afford to risk that we are placing our children in places that have not gone through a background check. This proposal would increase the number of individuals who would not have to receive a background check in order to care for our children. It would also expand the number of places that did not have to have a fire safety inspection and the list goes on.

There are ways to address our child care crisis, because that is what we are in. We should pay our early educators a lot more than what we do, we should reimburse our child care and early care businesses more than what we do and we should support training more than what we do. I would be happy to support those. But this measure, I cannot. Thank you, Madam Speaker.

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

Representative LANIGAN: Thank you, Madam Speaker, and Members of the House. I just want to stand and share a couple facts. Live and Work in Maine named two criteria in front of our Committee this year that were the two essential deterrents of attracting good employees to our State. Number one is housing and number two is child care. Child care is an essential that we are lacking and that is taking a toll on many other things that we have going on in our State.

I understand the Representative's concerns about background checks but I might bring myself back to my comments earlier about children working more than 24 hours in a week is I think it's up to the parents. I think the parents can do the background check. I think the parents can determine where their children are safest. I have four boys and if you ever would think that I would stick my kids with someone that I didn't feel that they would be safe with, I mean, that's kind of ridiculous. I mean, nothing more matters to me than the safety of my children. More than anything. I mean, I'll walk out of this Chamber, my children mean the world, and for most parents in Maine, that's the exact same. And so, even though there's lack of maybe some oversight that they're worried about or fire safety, I think I would determine those as I was looking into that home child care. I would love to stick them into a larger facility but one of the problems that we're having, also, is now that we're offering free preschool, it's taking a lot of revenue away from these child care centers that aren't able to employ enough child care workers to work in this setting because their profit comes

in that age group because of the restrictions on small children, you know, three to 12 months old and how many child care teachers have to be available for them.

What this does is it alleviates some of the problems that we have going on in our State, it allows parents to make the determination that's best for them and, honestly, it also promotes capitalism and it promotes; that person that's doing that home child care might be the person that opens the next center but we're not giving them that opportunity because we're just hamstringing them with all these different rules and regulations that, honestly, are being vetted but they're being vetted on a more grassroots level, a more organic level, with the parent. So, I ask that those in the House follow my light and bringing more people to the State of Maine that we need for employment and vote against this. Thank you so much.

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

Representative SMITH: Thank you, Madam Speaker. I'd like to pose a question through the Chair.

The SPEAKER: The Member may proceed.

Representative SMITH: How many children died while the Chief Executive allowed providers to watch over three kids during COVID?

The SPEAKER: The Member has posed a question to anyone who can answer. The Chair recognizes the Representative from Fort Kent, Representative Theriault.

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

The SPEAKER: The Member may proceed.

Representative THERIAULT: Thank you. Madam Speaker, if it was okay for the Chief Executive to increase it by one with an Executive Order, why is it not okay now?

The SPEAKER: The Member has posed a question to anyone who can answer. The Chair recognizes the Representative from Fairfield, Representative Rudnicki.

Representative RUDNICKI: Thank you, Madam Speaker. To kind of piggyback off a question from my colleague from China; get it right there; how many children have actually died from a licensed daycare or foster care that they have background checks on everything versus just a home care?

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

Representative COLLAMORE: Thank you, Madam Speaker. I rise today in opposition of the pending motion. And I just want to address a couple of things. As a single mom during the early childhood education years of my child, I went to probably eight or 10 child care centers trying to find the right center, the right fit, the one that will take him for the horrible hours that I worked when I worked in a manufacturing facility; that is very hard when your shift starts at 4. I have to tell you, the ones that were accepting kids for those hours, which were licensed facilities, I had to pull him from three because I witnessed horrible things that I reported to DHHS and these were licensed centers. When I finally got him into one that would take him early enough, it was a family child care place, she only had the ability to take two kids in addition to her one and it was the best place for him. And then I went into another family one that was a little bit bigger, that was licensed, and that was also a great experience. But licensed does not mean safe. We want it to mean safe, it should mean safe. There's a lot of stuff that I had to go through as an early childhood educator. I am fingerprinted, I had my background check, but that doesn't equal safe. So, Madam Speaker, I ask that you please follow my light and vote down this pending measure.

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

Representative **LEMELIN**: Thank you, Madam Speaker. Madam Speaker, I'm a little confused here. I'm wondering if you could help me out a little because I need to find my way here. I'm not sure why anybody in this Chamber seems to think that if you are licensed by the Department of Health and Human Services that some magic act happens and that facility automatically becomes safe or a better facility. I don't understand that. I heard all the testimony in my Committee and nobody could explain this to me how, poof, magically something like that happens. And I also never understood, and I asked everybody I could, how, if the Chief Executive allowed three children through COVID, magically, those facilities were safe. The moment this woman says okay, I think the emergency is over, whatever emergency was going on --

The SPEAKER: The Chair requests the Member to defer. The Member is coming dangerously close to impugning the character of the Chief Executive of this State. The Member may proceed.

Representative **LEMELIN**: Thank you. Madam Speaker, I'm not talking about the integrity of any human being. I'm asking why, if a person makes a decision to allow something for that moment it makes everything safe. When that person; no matter who it is; says okay, we're going to change the rules, all of a sudden, it's unsafe. I don't understand that. I don't care who it is. It has nothing to do with the integrity of a person, ma'am. It has to do with the factors. I just don't get it. A background check on grandma? I'm sorry, I don't see it. A background check on my neighbor who I know? Okay, help me with this, Madam Speaker. I don't get it. We're not talking about facilities; we're talking about people who I trust as a parent. And keep in mind that many, if not most of the fatal child issues presented before the HHS Committee are all under State care. They're the ones protected and licensed by DHHS, who we're saying are safe. But those are the kids that are dying. It's not grandma, it's not my neighbor, it's none of the above.

So, what I'm asking from you Madam Speaker, is to explain to me; I think I'm a pretty well-educated guy; explain to me how magically something becomes more safe because DHHS has licensed these people, because I give them 40 bucks and they come to my house. In Committee, I asked about that. I asked the Director; after you go to the house and you do your little check and they have all the boxes checked, they have the form right there, they check all the boxes off, when's the next time you're going back to that home? Oh, I don't have the manpower, he says. So, I don't know, probably never. How's that safe?

So, I'm just confused. We're not asking for 15 or 20 kids; we're asking to move it from two to three and people are fighting over this? I don't get it. So, you know, Madam Speaker, after this is over, I'd love to hear your wisdom behind this. Thank you.

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

Representative **RUDNICKI**: Thank you, Madam Speaker. If I could pose a question through the Chair?

The SPEAKER: The Member may proceed.

Representative **RUDNICKI**: And I do have to apologize because I can't remember where the Representative is from that actually mentioned earlier all the different organizations that stood up against this bill. So, I do apologize for that but my question on that is how many of those that stood up against this bill are directly funded from State money or this will directly benefit them because they feel like they would lose people and lose kids where these kids could actually be in a loving home? It's only one extra child in these homes and I think that we are

getting so far off on what is good for kids. And I actually had a Representative a few years ago when I was on the Education Committee tell me that it's actually the State's job to take care of these kids and I feel that that is totally wrong. It is our jobs as parents to take care of these kids. But if that question could be answered as far as how they are financially benefiting, it would certainly go a long way. Thank you.

The SPEAKER: The Member has posed a question to anyone who can answer. The Chair recognizes the Representative from Guilford, Representative White.

Representative **WHITE**: Madam Speaker, I thank you for allowing me to rise a second time. Sitting here listening to this debate, Madam Speaker, I feel that we are dangerously close to infringing on a parent's right to association. If I don't want my child to go to the only large daycare center in the town but, instead, I want my child to go to the Good Representative down the street's grandmother with three children and my child would be the fourth or two children and my child would be the third, would I have that choice to associate with the person that I trust to nurture my child while I'm away?

You know, it was always my belief as a parent that it was my duty and my wife's duty to take care of our children. You know, the Bible says that your children should be with you when you wake in the morning, when you walk by the way, and when you lay down at night. And I took that very seriously. So, for me to be forced by the State to only seek out a State-approved persons to tend to my child when we all know that, as illustrated here, there are families that have had 12 children safely all by themselves, young parents, a hundred miles from a hospital in some cases. Why is it today that if I want my neighbor who I trust to take care of my 7-year-old when he or she gets off the bus for three hours before I get home from work that I shouldn't be allowed to make that decision as a rational citizen of this State. It is so out of line for us to dictate every moment of a parent's life, every decision that they make. Madam Speaker, when is it time for us to allow people to make some of the wrong decisions? And, with that, I'll defer.

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

Representative **PERKINS**: Thank you, Madam Speaker. I was wondering if I could as a question of the House through you?

The SPEAKER: The Member may proceed.

Representative **PERKINS**: Thank you, Madam Speaker. How does a child generally get better from more individualized care in a facility that can have a staffed child ratio of up to 1:10 set by Statute than in a home that has a ratio of 1:3? Thank you, Madam Speaker.

The SPEAKER: The Member has posed a question to anyone who can answer. The Chair recognizes the Representative from Sanford, Representative Lanigan.

Representative **LANIGAN**: Thank you, Madam Speaker, for allowing me to speak again in the House. And I just wanted to bring this point up because it just dawned on me is when we're talking about this, I think that we forget that a lot of households in Maine, only one parent can work when their children are young. I know for our house, my wife who immigrated here from Columbia put her career off for seven years to be able to take care of our children at home because we didn't have access to the larger daycare centers in our area, them always being full, and very limited access to home daycares because of the restrictions on numbers, where we have two children ourselves, at the Irish twin level where it's 11 months apart. My wife today in her career is; I call her the breadwinner of the family. She has been able to become so successful and I just really look back

and I just question myself and what she could've done even more and how further she could've furthered her career if she would've had access to more child care options and these types of options that we're talking about here. So, I just want to bring that to light that, you know, when we're talking about child care, it's not just the children. It's also the mom or the dad or the person that's putting their career off to the side because they don't have access to this child care. And I just want you to think of how fair that is as you're voting on this bill and I again ask you to follow my light and vote against this. Thank you.

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

Representative **QUINT**: Thank you, Madam Speaker. Can I just pose a question?

The SPEAKER: The Member may proceed.

Representative **QUINT**: Thank you so much. Right now, my children don't have children but they both live in the same town as myself and if they were to both have children and one were to have two and another one were to have one, is this actually stating that I would have to be licensed to take care of and love my own grandchildren?

The SPEAKER: The Member has posed a question to anyone who can answer. Seeing none, 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. 195

YEA - Abdi, Ankeles, Arford, Bell, Brennan, Bridgeo, Cloutier, Cluchey, Collings, Copeland, Craven, Crockett, Dhalac, Dodge, Doudera, Fay, Gattine, Geiger, Gere, Golek, Graham, Gramlich, Hepler, Hobbs, Jauch, Kessler, Kuhn, LaRochelle, Lee, Lookner, Madigan, Malon, Mastraccio, Mathieson, Meyer, Millett R, Montell, Moonen, Moriarty, Murphy, O'Neil, Osher, Paulhus, Perry A, Pluecker, Rana, Reckitt, Rielly, Roberts, Roeder, Runte, Sachs, Salisbury, Sargent, Sayre, Shagoury, Shaw, Sheehan, Skold, Stover, Supica, Terry, Warren, Williams, Worth, Zager, Zeigler, Madam Speaker.

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

ABSENT - Adams, Boyle, Crafts, Eaton, Hymes, Matlack, O'Connell, Riseman.

Yes, 68; No, 73; Absent, 8; Vacant, 1; Excused, 1.

68 having voted in the affirmative and 73 voted in the negative, 1 vacancy with 8 being absent and 1 excused, and accordingly the Majority **Ought Not to Pass** Report was **NOT ACCEPTED**.

Subsequently, Representative MEYER of Eliot moved that the House **ACCEPT** the Minority **Ought to Pass as Amended** Report.

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

The SPEAKER: The Chair would advise the Member this is not a Non-Concurrent matter.

Representative MILLETT of Cape Elizabeth moved that the Bill be **TABLED** until later in today's session pending the motion of Representative MEYER of Eliot to **ACCEPT** the Minority **Ought to Pass as Amended** Report.

Representative FAULKINGHAM of Winter Harbor **REQUESTED** a roll call on the motion to **TABLE** the Bill until later in today's session pending the motion of Representative MEYER of Eliot to **ACCEPT** the Minority **Ought to Pass as Amended** Report.

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

The SPEAKER: A roll call has been ordered. The pending question before the House is to Table the Bill until later in today's session pending the motion of Representative Meyer of Eliot to Accept the Minority Ought to Pass as Amended Report. All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 196

YEA - Abdi, Ankeles, Arford, Bell, Brennan, Cloutier, Cluchey, Collings, Copeland, Craven, Crockett, Dhalac, Dodge, Doudera, Fay, Gattine, Geiger, Gere, Golek, Graham, Gramlich, Hasenfus, Hobbs, Jauch, Kessler, Kuhn, LaRochelle, Lee, Lookner, Madigan, Malon, Mastraccio, Mathieson, Meyer, Millett R, Milliken, Montell, Moonen, Moriarty, Murphy, O'Neil, Osher, Paulhus, Perry A, Pluecker, Pringle, Rana, Reckitt, Rielly, Roberts, Roeder, Runte, Russell, Sachs, Salisbury, Shagoury, Sheehan, Skold, Stover, Supica, Terry, Warren, Williams, Worth, Zeigler, Madam Speaker.

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

ABSENT - Adams, Boyle, Crafts, Eaton, Hymes, Matlack, O'Connell, Riseman.

Yes, 66; No, 75; Absent, 8; Vacant, 1; Excused, 1.

66 having voted in the affirmative and 75 voted in the negative, 1 vacancy with 8 being absent and 1 excused, and accordingly the motion to **TABLE** the Bill until later in today's session pending the motion of Representative MEYER of Eliot to **ACCEPT** the Minority **Ought to Pass as Amended** Report **FAILED**.

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

The Bill was **READ ONCE**. **Committee Amendment "A" (S-243)** 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-243)** in concurrence.

Majority Report of the Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought Not to Pass** on Bill "An Act to Allow an Exception to Immunization Requirements for Health Care Workers for Vaccines Approved Under Emergency Use Authorization"

(S.P. 629) (L.D. 1598)

Signed:

Senators:

BALDACCI of Penobscot
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-270)** on same Bill.

Signed:

Senator:

MOORE of Washington

Representatives:

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

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

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, Men and Women of the House. Once more, we have an opportunity to do what the federal government has done 33 days ago now. I will remind the Chamber that on May 1st, the federal Administration announced that they would end the COVID-19 vaccine requirements for federal employees, federal contractors and international air travelers at the end of the day on May 11th; 33 days ago. Additionally, the HHS and DHS, that they would start the process to end the vaccination requirements for Head Start educators, CMS-certified health care facilities, and certain noncitizens at the land border. It is time for Maine to follow the recommendations of the Biden-Harris Administration. 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. 197

YEA - Abdi, Ankeles, Arford, Bell, Brennan, Bridgeo, Cloutier, Cluchey, Collings, Copeland, Craven, Crockett, Dhalac, Dill, Dodge, Doudera, Gattine, Geiger, Golek, Graham, Gramlich, Hasenfus, Hepler, Hobbs, Jauch, Kessler, Kuhn, Landry, LaRochelle, Lee, Lookner, Madigan, Malon, Mastraccio, Mathieson, Meyer, Millett R, Milliken, Montell,

Moonen, Moriarty, Murphy, O'Neil, Osher, Paulhus, Perry A, Perry J, Pluecker, Pringle, Rana, Reckitt, Rielly, Roberts, Roeder, Runte, Russell, Sachs, Salisbury, Sargent, Sayre, Shagoury, Shaw, Sheehan, Skold, Stover, Supica, Terry, Warren, White B, Williams, Worth, Zager, Zeigler, Madam Speaker.

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

ABSENT - Adams, Boyle, Crafts, Eaton, Hymes, Lavigne, Matlack, O'Connell, Riseman.

Yes, 75; No, 65; Absent, 9; Vacant, 1; Excused, 1.

75 having voted in the affirmative and 65 voted in the negative, 1 vacancy with 9 being absent and 1 excused, and accordingly 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 Reduce Child Care Provider Regulation"

(S.P. 693) (L.D. 1729)

Signed:

Senators:

BALDACCI of Penobscot
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-255)** on same Bill.

Signed:

Senator:

MOORE of Washington

Representatives:

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

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

READ.

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

Majority Report of the Committee on **HEALTH COVERAGE, INSURANCE AND FINANCIAL SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-272)** on Bill "An Act to Regulate Insurance Carrier Prior Authorization Requirements for Physical and Occupational Therapy Services"

(S.P. 548) (L.D. 1383)

Signed:

Senators:

BAILEY of York
RENY of Lincoln

Representatives:

PERRY of Calais
ARFORD of Brunswick
CLUCHEY of Bowdoinham
CYRWAY of Albion
MASTRACCIO of Sanford
MATHIESON of Kittery
PRINGLE of Windham

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "B" (S-273)** on same Bill.

Signed:

Representatives:

MORRIS of Turner
NUTTING of Oakland

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-272)**.

READ.

On motion of Representative PERRY of Calais, the Majority **Ought to Pass as Amended** Report was **ACCEPTED**. The Bill was **READ ONCE**. **Committee Amendment "A" (S-272)** 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-272)** in concurrence.

Majority Report of the Committee on **INNOVATION, DEVELOPMENT, ECONOMIC ADVANCEMENT AND BUSINESS** reporting **Ought Not to Pass** on Bill "An Act to Establish a Grant Program to Provide for Statewide and Equitable Access to Experiential Science, Technology, Engineering and Mathematics Education"

(S.P. 528) (L.D. 1291)

Signed:

Senator:

GUERIN of Penobscot

Representatives:

ROBERTS of South Berwick
COLLAMORE of Pittsfield
NESS of Fryeburg
SAYRE of Kennebunk
SMITH of Palermo
WALKER of Naples
WHITE of Waterville

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (S-265)** on same Bill.

Signed:

Senators:

CURRY of Waldo
RAFFERTY of York

Representatives:

CROCKETT of Portland
LANIGAN of Sanford
LaROCHELLE of Augusta

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-265)**.

READ.

On motion of Representative ROBERTS of South Berwick, 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-275)** on Bill "An Act to Extend the Protections of the Maine Civil Rights Act to Actions That Cause Emotional Distress or Fear of Violence"

(S.P. 365) (L.D. 868)

Signed:

Senators:

CARNEY of Cumberland
BAILEY of York

Representatives:

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

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

Signed:

Representatives:

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

Representative DANA of the Passamaquoddy Tribe - of the House - supports the Majority **Ought to Pass as Amended by Committee Amendment "A" (S-275)** Report.

Came from the Senate with the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-275)**.

READ.

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

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

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

The SPEAKER: 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. 198

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

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

ABSENT - Adams, Boyle, Crafts, Eaton, Hymes, Matlack, O'Connell, Riseman.

Yes, 78; No, 63; Absent, 8; Vacant, 1; Excused, 1.

78 having voted in the affirmative and 63 voted in the negative, 1 vacancy with 8 being absent and 1 excused, and accordingly the Majority **Ought to Pass as Amended** Report was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (S-275)** 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-275)** in concurrence.

Majority Report of the Committee on **JUDICIARY** reporting **Ought Not to Pass** on RESOLUTION, Proposing an Amendment to the Constitution of Maine to Strengthen the Due Process Rights of Persons Accused by Requiring Notification of Those Rights

(S.P. 476) (L.D. 1149)

Signed:

Senators:

CARNEY of Cumberland
BAILEY of York
BRAKEY of Androscoggin

Representatives:

MOONEN of Portland
HAGGAN of Hampden
HENDERSON of Rumford
KUHN of Falmouth
LEE of Auburn
MORIARTY of Cumberland
POIRIER of Skowhegan
RECKITT of South Portland
SHEEHAN of Biddeford

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (S-277)** on same RESOLUTION.

Signed:

Representative:

ANDREWS of Paris

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

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

READ.

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

Majority Report of the Committee on **LABOR AND HOUSING** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-280)** on Bill "An Act to Ensure Consistency in Retirement Plans for Certain Law Enforcement Officers"

(S.P. 134) (L.D. 313)

Signed:

Senator:

TIPPING of Penobscot

Representatives:

ROEDER of Bangor
BRADSTREET of Vassalboro
DRINKWATER of Milford
GEIGER of Rockland
GERE of Kennebunkport
MALON of Biddeford
RUSSELL of Verona Island
SKOLD of Portland
SOBOLESKI of Phillips

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

Signed:

Senator:

POULIOT of Kennebec

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-280)**.

READ.

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

The Bill was **READ ONCE**. **Committee Amendment "A" (S-280)** 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-280)** in concurrence.

Majority Report of the Committee on **STATE AND LOCAL GOVERNMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-252)** on Bill "An Act to Increase Availability of Election Information on Local Government Websites"

(S.P. 245) (L.D. 577)

Signed:

Senators:

NANGLE of Cumberland
BALDACCI of Penobscot

Representatives:

STOVER of Boothbay
ABDI of Lewiston
COPELAND of Saco
DHALAC of South Portland
PAULHUS of Bath

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

Signed:

Senator:

LYFORD of Penobscot

Representatives:

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

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-252)**.

READ.

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

The Bill was **READ ONCE**. **Committee Amendment "A" (S-252)** 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-252)** in concurrence.

Majority Report of the Committee on **STATE AND LOCAL GOVERNMENT** reporting **Ought Not to Pass** on Bill "An Act to Restore Balanced Emergency Powers"

(S.P. 756) (L.D. 1872)

Signed:

Senators:

NANGLE of Cumberland
BALDACCI of Penobscot

Representatives:

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

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (S-250)** on same Bill.

Signed:

Senator:

LYFORD of Penobscot

Representatives:

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

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

READ.

Representative STOVER of Boothbay moved that the House **ACCEPT** the Majority **Ought Not to Pass** Report.

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. I think the Legislature needs to have a part of the emergency powers and for that reason, I would request a Roll Call.

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

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

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

Representative **STOVER**: Thank you, Madam Speaker. I wish to speak to my motion. LD 1872 narrowly defines the scope and rights of the emergency powers of the Chief Executive in an emergency and would also not allow that to be reissued without legislative approval and the Committee felt as though on the Ought Not to Pass Report that that's too narrowly defined and should be left as it is. Thank you.

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

Representative **ANDREWS**: Thank you, Madam Speaker. I believe that's the whole point. 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. 199

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

NAY - Andrews, Arata, Ardell, Babin, Bagshaw, Blier, Boyer, Bradstreet, Campbell, Carlow, Carmichael, Collamore, Costain, Cray, Cyrway, Davis, Drinkwater, Ducharme, Dunphy, Faulkingham, Foster, Fredericks, Galletta, Gifford, Greenwood, Griffin, Guerrette, Haggan, Hall, Henderson, 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, Smith, Soboleski, Strout, Swallow, Theriault, Thorne, Underwood, Walker, White J, Wood, Woodsome.

ABSENT - Adams, Albert, Boyle, Eaton, Hymes, Matlack, O'Connell, Riseman.

Yes, 77; No, 64; Absent, 8; Vacant, 1; Excused, 1.

77 having voted in the affirmative and 64 voted in the negative, 1 vacancy with 8 being absent and 1 excused, and accordingly the Majority **Ought Not to Pass** Report was **ACCEPTED** in concurrence.

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

Majority Report of the Committee on **VETERANS AND LEGAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-271)** on Bill "An Act to Require Campaign Finance Reports for State and County Candidates Other than Governor to Be Filed on the 42nd Day Before Any Election"

(S.P. 121) (L.D. 255)

Signed:

Senators:

HICKMAN of Kennebec
BRENNER of Cumberland

Representatives:

SUPICA of Bangor
COLLINGS of Portland
MALON of Biddeford
MONTELL of Gardiner
RIELLY of Westbrook
RISEMAN of Harrison

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

Signed:

Senator:

TIMBERLAKE of Androscoggin

Representatives:

ANDREWS of Paris
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-271)**.

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: 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. 200

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

NAY - Albert, Andrews, Arata, Ardell, Babin, Bagshaw, Blier, Boyer, Bradstreet, Campbell, Carmichael, Collamore, Costain, Cray, Cyrway, Davis, Drinkwater, Ducharme, Dunphy, Faulkingham, Foster, Fredericks, Galletta, Gifford, Greenwood, Griffin, Guerrette, Haggan, Hall, Henderson, 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, Smith, Soboleski, Strout, Swallow, Theriault, Thorne, Underwood, Walker, White J, Wood, Woodsome.

ABSENT - Adams, Boyle, Eaton, Hymes, Matlack, O'Connell, Riseman.

Yes, 78; No, 64; Absent, 7; Vacant, 1; Excused, 1.

78 having voted in the affirmative and 64 voted in the negative, 1 vacancy with 7 being absent and 1 excused, and accordingly the Majority **Ought to Pass as Amended** Report was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (S-271)** 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-271)** in concurrence.

Majority Report of the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-441)** on Bill "An Act to Amend the Maine Food Sovereignty Act"

(H.P. 1251) (L.D. 1947)

Signed:

Senators:

INGWERSEN of York
HICKMAN of Kennebec

Representatives:

PLUECKER of Warren
COSTAIN of Plymouth
GUERRETTE of Caribou
HALL of Wilton
HEPLER of Woolwich
JACKSON of Oxford
JAUCH of Topsham
OSHER of Orono
SHAW of Auburn

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

Signed:

Senator:

BLACK of Franklin

Representative:

CRAY of Palmyra

READ.

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

Majority Report of the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-438)** on Bill "An Act to Require a 72-hour Waiting Period After the Sale of a Firearm" (H.P. 35) (L.D. 60)

Signed:

Senators:

BEEBE-CENTER of Knox

LaFOUNTAIN of Kennebec

Representatives:

SALISBURY of Westbrook

LOOKNER of Portland

MADIGAN of Waterville

MATHIESON of Kittery

MILLIKEN of Blue Hill

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

Signed:

Senator:

HARRINGTON of York

Representatives:

ARDELL of Monticello

HASENFUS of Readfield

NEWMAN of Belgrade

NUTTING of Oakland

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

Representative **NUTTING**: Thank you, Madam Speaker, Men and Women of the House. This is an ill-conceived attempt to solve a problem that it will not solve while infringing upon our constitutional rights. But it's not a new ill-conceived attempt. It's been tried before, over and over. The last time it was tried was in 2019 in this Chamber, in the 129th Legislature.

Back in the '90s, a man named John Hinckley, Jr. shot President Reagan and Jim Brady and one of the President's security persons. From that shooting came what has become to be known as the Brady Act in 1993. The Brady Act included a five-day waiting period during which police officials needed to verify that the purchaser of the firearm was able to, for various legal reasons, purchase the firearm. In 1998, when the National

Instant Check System came into play, that five-day waiting period went away and we have since used what is commonly called the instant background check. You should put air quotes around the word instant because rarely is it instant. The last time I bought a firearm, it took me maybe 30 minutes from the time I entered the store until I left with my purchase, but sometimes it can take two or three days, maybe it can take two or three weeks. So, rarely; sometimes, but rarely is it really instant-instant.

Waiting periods were never proved to be effective at either preventing people from buying the weapons to do harm to themselves or harm to anyone else. As a matter of fact, in 2018, the Bureau of Alcohol, Tobacco and Firearms did a study that showed that the average length of time that a felon had a gun in his possession, the average length of time before he committed a felony with that gun was nine years. Not three days, not a week, not a couple of months, not two years or four years, but nine years. This is a solution that won't work and it only infringes upon our constitutional rights. Some will tell you that well, three days, come on, that's not really infringing on your constitutional right. Well, for those three days, it is. What if it were three months? Would that be an infringement? Is it a floating Second Amendment? Does it change on the whim of the Legislature? I don't think so. So, I encourage you to vote against this bill when we get done debating. Thank you, Madam Speaker.

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

Representative **CRAVEN**: Thank you, Madam Speaker. Madam Speaker, Women and Men of the House, the American Academy of Pediatrics, 67,000 doctors, confirm that guns are the suicide weapon of choice. The seven states with at least a 72-hour waiting period have 51% fewer suicides and 17% decrease in gun homicides, according to Gifford's Law Center to Prevent Gun Violence. These are the states that have waiting periods; California, 10 days; District of Columbia, 10 days; Florida, three days or the time it takes to complete a background check, whichever occurs first; Hawaii, 14 days; Illinois, 72 hours and Rhode Island, seven days.

It is not my intent to take away peoples' guns. Even if I did, the Second Amendment proponents have made it clear that I know differently. This is not about taking away anyone's guns. I believe we should be treating and talking about anyone's guns. I believe we should be taking responsible gun owners as partners to help us make sure our young people are safe and not have to worry about going to school or assembling or doing anything in their day's work. In 2007, I sponsored a similar bill. I did so at the request of a neighbor of mine in Lewiston whose son had just turned 18. One day, he walked into Walmart in Auburn, purchased a long gun and ammunition, came home and shot himself. He was a beautiful young man. He was in school, he was in the ROTC, had a job, had lots of friends and seemed to have a good life; good start in his life. All his mother could say afterwards was if only I had time to have noticed his despair. If he didn't have such a quick access, we could've surely talked to him and he would've been able to wait. He would have had some time to think about his actions or calm down. His friends would've noticed.

The tragedy of suicide among young men have increased since that time. According to the Maine CDC, there were 154 deaths by gunshot in Maine in 2022, 132 of those were suicides. That's 68% suicides. One hundred and eighteen were males between the ages of 12 and 40. This is too many. And what does that say about the society that we live in? That we value our guns more than we value our young people. I cannot imagine losing any of my young grandchildren to such a terrible

fate. My heart goes out to families who have had such events in their lives. I respect the culture and the tradition of lawful gun owners. At the same time, the Second Amendment, like all other rights, is not absolute. It was Justice Scalia who wrote, and I quote, like most rights, the right saved by the Second Amendment right is not unlimited. It is not a right to keep and carry any weapons whatever in any manner whatever and for whatever purpose.

And a few more statistics. In Maine, 89% of gun deaths are suicide and 7% are homicides. This is compared to 59% and 38% nationwide. A poll two weeks ago done by the Gun Safety Coalition of Maine and carried out by Pan Atlantic Resources found that 72% of Mainers support a 72-hour waiting period, as 72% of Mainers support background checks. Please save some lives today and vote for this initiative. Thank you, Madam Speaker.

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

Representative **WHITE**: Thank you, Madam Speaker. As most of you know; I'm sorry; Madam Speaker, I apologize for that. As you know, Madam Speaker, I have been in the gun industry for 33 years this year. I hold a manufacturing license, I've had a retail store in two states and I've sold firearms to law-abiding citizens for 33 years. Not once in that time have I had any reason to believe that any of those firearms or any of the people that purchased firearms went and committed any of these acts that we're talking about. Never to my knowledge has there ever been someone that purchased a firearm from my store and went home and committed suicide or threatened a family member or committed armed robbery. However, and I'm sure that some will ignore this as anecdotal, just a few years ago, a personal friend of mine who is a doctor, who has practiced medicine for many years, called me with a lot of concern in his voice at about 5:00 one afternoon and he asked me; I remember it vividly. It was a Wednesday afternoon and he asked me if I would be carrying a firearm at church that evening for prayer meeting. And I chuckled and said yes, God, I've carried a firearm daily for many years now. Why? What's the matter? His reply was this afternoon, my last appointment of the day, I had to shut a man off from his oxycontin prescription. The man was very angry, he tossed around some stuff in my office and he stormed out and got in his car and left the parking lot. So, a few minutes later, I packed up and told the receptionist that I was going home and talked to his nurse for a moment and then left the building. After he had left the building, about a half-hour later, before the receptionist and the nurse had left the building for the day, the man came back into his office with a firearm and threatened the people that worked there and informed them that he knew where this man lived. The man lived at the end of a dirt road, a dead-end road, in a very rural spot in our county, a place that takes the Sheriff's Department about 45 minutes to respond if necessary.

I need to back up just a touch with the story. Because I learned something about my friend at this point that evening that I didn't know. I knew that he had been a doctor for a little over 20 years at that point. I knew that he had served his residency in New York City. I knew that he had grown up in Connecticut. What I didn't know was that growing up, his father had been an avid gun collector and had actually owned a gun shop. He had grown up spending lots of time at shooting ranges and he was a very competent individual. Not that I believe that that would be necessary for this situation, however it certainly bolstered my opinion of the evening. So, he asked me if I would carry a gun to church and he then, in conversation, said I really have never once considered the need to purchase a firearm to defend my

family. My move to rural Maine was solely set on the fact that we loved being out in the woods, we loved the freedom of living in a rural community, we loved the nature aspect of it, but I never really considered how vulnerable we were as individuals. And, tonight, I'm scared to death that this man will carry out the threat that he posed to my family.

Madam Speaker, that is an incredibly difficult time for any individual. As a parent, feeling so helpless that you can't defend your child; as a husband, feeling so defenseless that you couldn't protect your wife. And I'm certain a mother and wife would feel the same way. So, in discussion, I asked him how comfortable he was with firearms and he eventually did buy a firearm but that evening, I lent him one of my private firearms. Like I said, I'd been friends with this man for years. And, fortunately, just about a mile down the road from his house, the person that was coming to threaten him was intercepted by one of our Sheriffs and the situation was settled. However, I will bring to your attention, Madam Speaker, that in Piscataquis County, there is one Sheriff on duty. There were five different roads that that gentleman or that violent man could've taken to my friend's house and it was just sheer luck, fate, the hand of God, however you'd like to attribute it that the Sheriff was able to be on the one of five roads that this guy would've taken.

Madam Speaker, the Second Amendment is there for a reason. It's not only about individual protection but in this circumstance, it certainly was, and I'm thankful for the law enforcement that was there and I'm also thankful that, God forbid, I'm ever in that situation, I don't have to go and wait to be able to exercise my God-given right. Now, Madam Speaker, this waiting period, if it were something that was effectual, I would be the first to concede. But in my 33 years, I don't see that it's at all effectual. Let me give you a couple of small examples. Last week while I was sitting here and my son was running my business, we had a regular customer come in with an AR-15 rifle and a bolt action 308 rifle, both capable of doing all kinds of mayhem in the hands of a person that's not sound. He traded in both rifles for a different hunting rifle. So, if he now has to wait seven days to pick up the rifle that he chooses to purchase, is it more safe for society; for us to say yes, when you come to pick up your lever-action rifle, you can bring back that bolt action rifle and that AR-15 for trade-in? That makes no sense, Madam Speaker.

Over 70% of the gun owners in this country own more than one firearm. And I think those numbers are not true in Maine. I mean, I've been in business for 33 years. I would say that over 90% of my customers have multiple firearms. So, for me to tell a guy that's got 10 firearms at home, or a lady that has 10 firearms at home, and I have several ladies that have more than five firearms at home, that they have to wait seven days before they can purchase this one just makes no sense. So, I ask that my colleagues will hear my statements and vote with me. Thank you.

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

Representative **ARDELL**: Thank you, Madam Speaker. This bill, which would apply a 72-hour waiting period after the agreement to sell a firearm; legally, this concept is in direct opposition to the individual civil right of the people to keep arms as clearly interpreted by the U.S. Supreme Court in several complimentary rulings. That the laws engaging the individual civil right to arms that are not deeply rooted in our nation's history and tradition violate our rights. Forced delays in firearms acquisition by adults did not exist when the Second Amendment was ratified nor in 1868 when the 14th Amendment enforced the Bill of Rights against the states. No history, no tradition.

Additionally, for those who support this measure in an attempt to restrict suicides, please keep in mind this; of the 114,090 National Instant Criminal Background Checks System, or NICS background checks conducted in Maine 2022, Committee testimony stated only one suicide was committed with an arm acquired within those 72 hours. Only one. That's 114,089 to one. To limit the civil right of 114,089 Mainers to protect one person from their own self-destruction is not good policy and doesn't represent or even protect the vast majority of our Mainers. This bill is not an appropriate course of action. This bill does nothing to provide for gun buyers who already own or have access to arms, for whom a three-day wait would be an insult and a violation of their rights. I ask this Body, with all seriousness, to oppose this bill. It disrespects the rights of our constituents and is inconsistent with our American history and tradition. Thank you.

The SPEAKER: The Chair recognizes the Representative from Winterport, Representative Paul.

Representative **PAUL**: Thank you, Madam Speaker. I rise in opposition to the pending motion. The most obvious point is that this bill should never have been submitted as it blatantly violates the Second Amendment, which we all took an oath to uphold. Shall not be infringed could not be any clearer. I would love to see many laws passed that I would never be able to vote for because of the oath that I took. I take it seriously. So, let me instead briefly speak to some facts.

First, the mechanism of the background check is not altered in the presence of a waiting period. The FBI would still run the prospective buyer's information against the same databases containing the same information they do now. Most buyers will continue to be approved instantly and those who are flagged for additional investigation will still be flagged for additional investigation. Proponents of the waiting period claim it is a cooling-off period that supposedly gives a perspective buyer time to reconsider their intentions and protect against impulsive actions. This argument has no logical basis. Two-thirds of gun owners own more than one gun. A cooling-off period for these gun owners could not possibly have an effect as they already own other firearms. Anecdotal evidence about a person who purchases a firearm and then immediately uses it to harm themselves or somebody else is just that; anecdotal. There is no scientific evidence that waiting periods have an effect on suicide, homicide or mass shootings.

During September 30, 1993 hearings on the Brady Bill before the House Judiciary Committee, Subcommittee on Crime and Criminal Justice, Assistant Attorney General Eleanor Acheson testified for the Department of Justice that there were no statistics suggesting that a large percentage of guns used in crime were used in those crimes within a few days or a week of their purchase, much less in a moment of passion. In 2003, the Center for Disease Control published the findings of the Task Force on Community Preventative Services regarding firearm laws in prevention of violence. They found insufficient evidence to determine effectiveness of waiting periods for firearm acquisition. The National Research Council conducted a similar review. This included a review of a Ludwig and Cook study that found that no significant differences in homicide and suicide rates between the treatment and control groups. The question of waiting period effectiveness has also been answered by the *Journal of the American Medical Association*, which looked at the federal waiting period in place during the 1990s and concluded it was not associated with reductions in homicide rates or overall suicide rates. Recent research from Harvard purporting to find that waiting periods reduce firearm-related death is fundamentally flawed and it also finds that background

checks increase gun homicides and that poverty is associated with a decrease in homicides. Do we believe background checks increase homicides as the study finds? Then why would we believe the rest of their study? The model is obviously flawed but the so-called findings were run across popular media anyway and were still used to this day. Such facts should be enough for those wanting to enact waiting periods. Waiting periods are arbitrary impositions with no effect on crime or suicide, introduce no additional investigative avenues, that put those needing to defend their lives in danger and only burden law-abiding gun owners without changing how or when criminals obtain firearms.

What the research actually shows is that gun control is inherently dangerous and can quite literally be the death of people. One case proving this was that of Bonnie Elmasri, who tried to obtain a gun for self-protection against an abusive husband, a spouse who had repeatedly threatened to kill her. She was subjected to a 48-hour waiting period to buy her handgun. Unfortunately, Bonnie did not get her gun in time. The next day, her abusive husband, a man well-known to the police, killed her and her two sons. I could read some more stories for hours. In contrast, we have the case of Marine Corporal Rayna Ross. She was able to purchase a gun in a state without a waiting period and was forced to use it in self-defense only two days later, killing her assailant. If Corporal Ross had been subjected to a waiting period like Bonnie was, she would have been defenseless against the man who was stalking her.

I'll end with a quote by John Adams. Facts are stubborn things and whatever may be our wishes, our inclinations, or the dictates of our passion, they cannot alter the state of facts and evidence. I urge you to vote against the pending motion. Thank you, Madam Speaker.

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

Representative **ANDREWS**: Thank you, Madam Speaker. Three quick points. The Second Amendment is a restriction upon government, not the people. I think it's important to always remember that. Secondly, you don't get to pass and enact physician-assisted suicide into law and then try and use suicide as a tool to infringe upon the gun rights of law-abiding citizens. But the last and most important point, I think, is that the biggest group impacted by LD 60 is going to be victims of domestic violence. Survivors cannot wait three days to protect themselves when their next violent assault might be their last if they can't defend themselves with a firearm. As we heard from the Good Representative from Winterport, it's happened in the past, it will happen again if we pass this bill. I would urge you to please vote down the pending motion. Thank you.

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

Representative **ZAGER**: Thank you, Madam Speaker. I really believe that there are very committed, smart people on both sides of this issue and we as a Body are working to figure out what we think is the right thing here. It seems to me that, as has been alluded to, that 88% of this issue is regarding suicide because 88% of firearm fatalities in this State, according to the most recent reporting that I can find, are suicides. Homicides are certainly very important. I don't know if I'm going to change anybody's mind but I feel compelled to rise and explain my thinking on this.

I see this as an issue of volatile combinations. Now, I wasn't the best organic chemistry student but that is one thing that I took away from is the notion of a volatile combination and a reaction of sorts. If you take A and B, it yields C. And we know this, you know, in our natural world, heat and oxygen and fuel

creates fire. There's nothing wrong with heat by itself or oxygen by itself or fuel by itself, but together, they can combust and that would be a really big explosive. Drinking and driving; another volatile combination. The principle applies in the public health arena and in public policy and I think drinking and driving is a good example. There's nothing wrong with drinking in moderation and driving is, of course, perfectly reasonable. So, as it pertains to this bill, you know, if you have a mental health crisis, which is very prevalent, and a means to commit suicide, that is a volatile combination, Madam Speaker. So, looking at A and B leading to C, do we have a significant suicide problem in this State? Indeed, we do, unfortunately. For every 100,000 Mainers, the best states; I'm sorry; for every 100,000 people, the best states and the lowest suicide rate states might experience seven or eight suicides. We have about three times that in Maine. Three times what is possible in this country, proven possible.

As a Maine veteran, I personally am horrified by the fact that the veteran suicide rate is especially high in this State. So, yes, we have a volatile reaction. So, what are the ingredients that lead to that? Mental health crisis. We unfortunately have a significant mental health problem in this State and we on the Health and Human Services Committee and many other Committees are trying to address various aspects of that. By one measure, and this is Our World in Data, where our nation as a whole is about the eighth most depressed country and the burden of mental health is particularly worrisome in Maine.

So, we have that reactant, that ingredient. So, then comes the means to commit suicide. And when it comes to this, method matters. Many people have concocted many ways to end their own lives over millennia and there are various factors. The inherent deadliness. Some cars, for instance, produce more CO, carbon monoxide, than others. There's the ease of use, the accessibility, the ability to stop mid-attempt and the acceptability. And of all these, or most of them, at least, firearms are the most risky ingredient when it comes to the means to commit suicide. So, suicide is completed at much higher rates by firearms than any other method. That's probably not a surprise to anybody in here.

So, then, the question before us is does a three-day waiting period actually work. There's been a fair amount of investigation on this. I won't go through the litany of studies. One study I think was pertinent, very pertinent, looked at 17 states with waiting periods and compared them to the others that did not have waiting periods and found that there would be 17 fewer suicides in the average state. And, mind you, Maine is not the average state, we are worse than the average state. There would also be far, far less homicide.

Now, I respect that not everyone approaches policy questions in the same way. We all have our lenses and I think there are many valid lenses. I understand that the question of the constitutionality is first on peoples' minds, and that's also hugely important. I would note that, you know, the Supreme Court has declined to hear or reconsider the constitutionality of a three-day waiting period. It still stands in other states. It's still permitted because, as with every right, and we all hold many rights dear, one right is not absolute, as the Good Representative from Lewiston explained. We have rights that bump up against each other all the time and the difficult task before us is to figure out if just a three-day waiting period, when somebody is experiencing a crisis, maybe a veteran, maybe a nonveteran; is three days really too long to help that person survive till the crisis has passed? I don't think that is too long. I don't think that is an unreasonable way to regulate the Second Amendment rights that we have sworn to protect. So, I think that

it would be perfectly reasonable to have a three-day waiting period. Thank you, Madam Speaker.

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

Representative **PERKINS**: Thank you, Madam Speaker. I'll try to be very brief and just address a couple points. The Good Representative from Lewiston mentioned that there was a poll saying that 70% of Mainers were in support of background checks. This isn't about background checks, Madam Speaker; this is about waiting periods. We should be very careful with polls. Back in 2016, when we talked about Question 3, you know, *New York Times* said that 83% of Mainers supported Question 3, yet when we got to the polls, it was defeated with 52% opposing it. We've heard talk about rights and how rights aren't absolute. Well, I would present to you, Madam Speaker, and to the Members that, you know, our rights are not absolute but our rights should only be, you know, inscribed by when they bump up against other peoples' rights, not about what we as government thinks that those rights should be, you know, bound by. And I should remind you, Madam Speaker, and the Members that, you know, no additional background check is done during a three-day waiting period. That three-day waiting period was put in back in a time when we didn't have the technology to vet somebody when they were purchasing a firearm. Now, when we do a background check, it's instantaneous. It's instantaneous, you know, when we do it, it's instantaneous if we do it and then we wait three days. There's no longer that need for that three-day waiting period to actually check somebody out for a criminal background or to find out if there's going to be a problem. And someone asked, Madam Speaker, if three days is really too long to wait. Well, I would, you know, speculate that it is, Madam Speaker. If you're unfortunate to be the victim of domestic violence, if you have to defend your right, if you're a person that is of, you know, diminutive stature and you don't have the mass and strength and ability to defend yourself against somebody that's much bigger than you that means to do you harm and has shown in the past that they're willing to do it and capable of doing it, you've had to go to the court to get an order to protect yourself and that piece of paper doesn't mean anything to that person, and I would say that three days is too long, Madam Speaker. So, I would ask that you not support the motion. Thank you, Madam Speaker.

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

Representative **MILLETT**: Thank you, Madam Speaker. Mainers want 72-hour waiting periods. A new poll released this month shows broad support among Mainers for the Maine Legislature to pass 72-hour waiting periods. The poll was conducted by Pan Atlantic Research and it shows nearly five times as many Mainers supporting the 72-hour waiting periods. Among Republicans, gun owners, and in the most conservative districts, support for this gun safety measure is, at a minimum, twice that of opposition, and in most cases, considerably higher. Seventy-two percent of Mainers support the 72-hour waiting periods. In CD-1, 74% of Mainers; in CD-2, 70% of Mainers. Sixty-five percent of Mainers with guns in their homes support the 72-hour waiting period. In central Maine, 62%; in western Maine, 68%; in southern Maine, 77%; in mid-coast Maine, 77%; in Downeast Maine, 76%. Mainers want change and they want us to pass this bill. Thank you, Madam Speaker.

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

Representative **RECKITT**: This is one of those moments, Madam Speaker, when I sort of wish my light had not actually gone on. Most of you now associate me with efforts to end

sexual exploitation but when I first arrived in this Body, most people associated me with domestic violence and many still continue to do that. So, I feel I must speak on this bill. But first, I have to tell you why it is I care. In addition to the fact that I spent 37 years dealing with victims of domestic violence, when I was 14 years old, it was the last time I ever touched a gun to shoot it. I know you think that means I should not worry about this because I don't know really about guns, and I'll give you that, because when I was 14 and we were practicing with BB guns in the backyard of the place I was staying in Maine, there was a ricochet and the BB hit an eighth of an inch from my left eye and I lucked out and I only had a scar and I could still see. But it scared me. But it scared my mother more. Of course, she took the BB gun and dropped it in a saltwater river and that was that. But I have to say my father was pissed about it, so, I never thought much about it until later on. I was on an airplane when Reagan was shot. And so, because I had this, you know, one of those seminal memories of where you were when something happened, I remember that to this day and that's why I always remember Brady and his efforts to put reasonable controls on guns. But what I want to talk to you about today is the fact that when I was on the Maine Commission; at that time; Against Domestic Violence; it was later expanded to sexual assault; I sat next to a man named Chick Love, who was high up in the State Police. A wonderful man. We really liked each other; I really admired his work. And he talked one day about his service on the Child Death and Serious Injury Panel for the State and how difficult that was to do. But I then began to think about the fact that shouldn't we know why it is we've got domestic violence homicides in this State? And I did one of those aha moments and said for heaven sakes, can't we have a Commission to look at why we have domestic violence homicides? And so, there was a panel started that you've seen reports of over the years, many of you. But what that panel found out in general over the lifetime; been around about 20 years, I think, or more; that 50% of the homicides in the State are domestic violence related. That's no surprise to anybody in this Chamber, I'm certain. But what you may not have noted is that 90-95% of those are conducted with guns. And for the reasons that the Good Representative from Portland articulated, it's a much more effective way to kill somebody.

I, myself, am not only concerned about domestic violence and guns, I also am worried about suicides. In the last two years, I've lost two relatives to suicides, our niece who killed herself but not with a gun that was already in the home, so, that's not relevant to this particular discussion, but the other is. It was a teenage nephew who killed himself at the magnet school in Limestone. And yes, indeed, he got a gun and did that. And the family has been devastated by it, as you might gather. So, I'm concerned about suicides with guns, I'm concerned about domestic violence homicides and injury with guns. I know from the studies I've read, I couldn't quote where they came from because I've been out of the field for seven years and I can't remember things that long to give you the citation, but I know that the most dangerous thing for domestic violence victims is for having guns in the home. Whether you think it's protecting you or somebody else is just has guns in the home, either way, as long as they're there, it makes it much more dangerous for you. So, I worry about that.

And then I worry about us. Mostly, I worry about me. This has been twice since I've been in the Legislature in seven years when I felt threatened myself. Fortunately, I don't live in Piscataquis County. I'm absolutely aware of how long it takes the Sheriff to get there because my daughter lived in Piscataquis County and when she was in danger, I was on the phone trying

to get the Sheriff there and I know it took more than an hour because there was a bridge blowout and she couldn't even get there in the 25 minutes that the Good Representative from Guilford mentioned. It took even longer. So, we were frightened for her. It turned out okay, the Sheriff was terrific. Police have always been good to back us up and we here in the State House are confident about the way that the Capitol Police have helped us. But we had a judicial nomination recently in the Judiciary Committee that resulted in me getting hate mail, threatening emails, et cetera, et cetera, from somebody who was in South Portland, which scared me, even though the nominee was not in South Portland but this semi-constituent; I say that because she lived over the edge into Representative Kessler's district; sorry, I mean one of the other Representatives in South Portland. I looked it up, one mile from my house, but the South Portland Police were able to do drive-bys for three or four or five days until I felt comfortable and I'm appreciative of the police and their capacity to help and deal with these things.

But it's everything, as the Good Representative from Portland said, the volatility of these situations is terrifying in some instances. As I said, I spent 37 years running a shelter for abused women and children. I have seen and heard everything and sometimes it's just overwhelming. I know we get overwhelmed here in the State House but it's so much easier to be here, I have to say, than my previous job, which I never felt was a job, it was my calling to do that work. So, I worry about women in those situations and I want to make it better. And so, I believe, in spite of the fact that I agree in some ways with my good friend and colleague from Paris, Maine, who I know cares about domestic violence victims, we just have different ways of thinking they can be helped. And I think we do have differences of opinion and we have differences of life experience and it makes for a whole mosaic of opinions in this State. I don't dislike or; anything, really, about those who disagree with me on this issue, I just have to tell you what my reality has been and my reality has been that women, at least in the southern part of the State, have been not safe because of guns and not safe because of the quick availability of those guns. So, I urge you today to vote for this waiting period. It seems to me a small sacrifice to try to make sure that we don't lose any more domestic violence victims or anybody else to rapidly purchased guns. Thank you very much, 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. I just wanted to mention that, you know, I've been in law enforcement and in a career of 25 years and if you're going to commit suicide, one thing, we have to do a 48-hour investigation of what happened before any suicide happened. So, we have to go back in time and research everything. So, and I've gone to a lot of situations and in our profession, as you heard from the Representative that we just listened to, you can develop PTSD from it. It's probably one of the worst things to go to is suicides. I've experienced many different types of suicides; fires, hangings, suicide by cop, drugs, we've had jumping off bridges, sat right in the middle of the road and got hit; I've seen two of those; guns. And out of all the 25 years, out of all the suicides that I've had to go to, they're very serious, very horrific. I've had to deal with the families that I've known. One of them was one of my DARE students. I've had to deal with a lot. When you go to these scenes, you have to investigate and find out what happened and not once out of those 25 years was it that they tried to go buy a gun before they committed suicide. Not one of them. Because they didn't want anybody to know they wanted to commit suicide. So, the instant

background check is probably one of the best things that could happen because that way there's at least somebody to recognize there's a problem. And they don't want their family members to know, they don't want anybody to know.

I have talked three of them out of committing suicide before, including Commissioner Randall Liberty who was with me on one of them. We've had some serious situations, it's not fun, it's horrific. I will say that I think that Representative Nutting had it right. I think that you will find that out of all these investigations, I've found, many of them were stress-related. There's either because they committed a very serious crime and they wanted to just end it. I even knew a pastor that jumped off a bridge because of the serious crime he was caught up with. I can go on. It's just that the problem is that many of these, it was because they had cancer or they had heart disease or they didn't want their family members to be tortured anymore from their pain. I've had them steal guns from their own family and I've had them use drugs and if the drug didn't work then they used the gun besides. And I was one minute from getting to that home when he shot himself.

I do not feel this three-day thing is a waiting period, the person that's going to commit suicide is going to do it before that three days and, you know, if a lady or someone wanted protection and they wanted to buy it from Cabela's and you've got to wait three days, I know right now, if I went to buy a gun at Cabela's right now, I couldn't go there until next week to go pick it up because I'm here. I'm just saying that I just do not see the point in this, I really don't, from my experience, and I think I've earned that experience. Thank you, Madam Speaker.

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

Representative **KUHN**: Thank you, Madam Speaker. I rise in support of the pending motion and in light of the duration of this discussion, I'm going to try to abbreviate my remarks but I do have a couple of things I'd like to say. We've spent a lot of time this session considering the mental health crisis that is gripping our State, particularly for our young people, and the profound need for increased access to resources to help them. This bill is part of that solution because it offers a cooling-off period for individuals who may be trying to purchase a gun in a moment of extreme distress. We know that the vast majority of gun deaths in Maine are by suicide and, in fact, according to a 2023 report from the Maine CDC, there were 26 more suicides by gun in 2021 than in the prior year. I don't know how as lawmakers we look at a 20% increase in suicide and not do something to help. Creating a buffer between having a suicidal crisis and access to a gun can be the difference between life and death because it creates a window where family members, friends and health care professionals can intervene and try to avoid an impulsive decision that can have severe and irrevocable consequences.

Studies have shown, contrary to some prior testimony, that states with waiting period laws experience fewer gun-related suicides and domestic violence related deaths. This has been demonstrated in publications from the *National Academy of Sciences*, the *Economic Journal*, which is a publication of the *Oxford University Press*. I won't go through all the data but it is our responsibility to learn from these success stories and work towards implementing similar measures that can save lives here in Maine. And I would just finish by asking our colleagues to put aside sort of reflexive positions on this. This bill doesn't relate to what kind of gun someone can have, where they can take it, what they can do with it, it doesn't address background checks, it doesn't involve a seven-day waiting period as some folks were talking about. It is very simple. I really think we ought to be able

to agree on taking reasonable steps towards suicide prevention. Thank you.

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

Representative **THORNE**: Thank you, Madam Speaker. I rise in opposition to the pending motion and I am truly, truly happy to hear that everyone in this Chamber is worried about unnecessary deaths and killing. And there's so many things that kill people and I just wonder; I don't have the town that the Representative that just spoke came from, but I wonder of those 26 suicide deaths that she mentioned, how many of those used a weapon that they purchased within 72 hours. I would dare say it was significantly less.

I ran for the State Legislature on two primary concerns; gun rights and abortion rights. Those are the two things that I ran on. Those are rights and I say them because the Second Amendment right to bear arms; I'll skip the second half for brevity, the first half; but the second half says the right of the people to keep and bear arms shall not be infringed. I am what's referred to as a responsible gun owner. I have numerous shotguns ranging from .410s, 20-gauge, 12-gauge, pistols, rifles; you name it. I got a lot of them. And I just recently bought a .22 pistol. Because I have so many weapons, I don't need them all, but I wanted to see what the process was so I purchased another .22 Magnum rifle with a scope on it because the squirrels really irritate our Sheltys. So, when I purchased it, I was at a gun shop up in Lincoln and I was doing some shopping. So, I indicated I was interested in that rifle and I said I'd like to buy it. Well, he did the background check and everything right there and before I got done shopping for the hooks and sinkers and swivels and fishing line and bobbers and all that for my grandkids, he said here you go, you're all set, came back, you're approved. And I took that rifle, bought a gun case and came out with it. I was very happy. I said wow, that was; that was pretty easy.

I will not be brief and I don't apologize and I appreciate those that will listen because I am going to give the obligatory percentages, Madam Speaker, because gun rights are very important to me. Hunting in Maine accounts 11.5% of the population have hunting licenses. That's like one out of every 10 people in Maine have a hunting license; 154,580. That's a lot of people. Gross costs \$7,587,437 just in licenses. I will skip the second half for brevity. Gun sales as approximated by background checks suggested in 2020 in Maine; 13,033, approximately. Out of State moose licenses, hunters that bought them, and this is my point, \$15,800,000 is what moose hunters brought into Maine through hunting-related equipment purchases. If you think about all the hunters that come to Maine, Madam Speaker, they come from out of State. I don't know how many times I've left my phone at home or my wallet at home or my briefcase at home. Sometimes it happens that when you're packing a whole vehicle, sometimes you forget to bring your gun; shotgun, rifle, whatever it is; or sometimes you see a good deal up here on another rifle and you want to purchase it in State. An arbitrary 72-hour waiting period does nothing to help the responsible, lawful gun owners do their deal.

I am going to give a couple more statistics about how many people died in Maine; because we're worried about unnecessary deaths; that there were 177 road fatalities in Maine. So, to suggest that 177 road fatalities, maybe there ought to be a 72-hour waiting period to purchase a vehicle, just to make sure you're not going to speed and kill yourself or others. There were 1,095 total abortions in Maine. Those were deaths, unnecessary deaths, in my opinion. And in Maine, 43rd highest rate for gun violence; 43rd. We're not first, we're not second,

10th, 20th, 30th, we're 43rd out of 50 for gun violence in the United States. And to penalize all those tens, hundreds of thousands of responsible gun owners for the sake of possibly; and, again, I don't know how many of the suicides that the Good Representative from Portland, and I respect him greatly, how many of those weapons were bought within 72 hours. If you look at all the gun violence related issues that occur, you ask yourself what law could've stopped that, what law could've prevented that person from getting a hold of that, chances are you can't pass a law. We have so many on the books. And to say that we need to pass a law for a 72-hour waiting period so somebody doesn't maybe commit suicide based on how many have committed suicide after purchasing a gun within 72 hours? We don't know. I don't know. I would ask a rhetorical question, does anybody know how many people have actually purchased a gun and within 72 hours committed suicide?

When I was in Judiciary in the 130th, we had a bill in on abortion to wait 72 hours. That would've saved a life as well. So, if we're about saving lives, let's look at all causes of what we call unnecessary deaths, whether it's accidental, intentional, homicide. We can't just say 72-hour waiting period on guns and that's it because many people die from other related causes that we don't have a 72-hour waiting period on. No 72-hour waiting period on overdoses on drugs. If somebody drinks themselves to death and they die of alcoholism, we don't have; you know what, I'd like to sell you that case of beer but there's 72-hour waiting period on purchasing a case of beer or a bottle of liquor. So, Madam Speaker, I just ask if we're going to do it for guns, let's add a 72-hour waiting period on everything that causes death. Thank you.

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

Representative **WHITE**: Thank you, Madam Speaker. And I promise I won't make it a habit of standing twice, but listening this evening, I really take offense to some of the things I've been hearing and I find them quite sexist. One thing that I've experienced in my business over the last 10 years, primarily, is the increase in females that use firearms. The sport has really taken off. I know as a father of a daughter; my daughter has hunted with me and my daughter has used all sorts of firearms since she was a little girl. She was qualified as a firearms instructor before she was old enough for her driver's license. I have several friends that have high degrees of certifications and, forgive me because I don't recall the correct term, but one of those ladies just this week I noticed on Facebook had received her highest level of certification for action pistol shooting. She is one of the highest trained instructors in the country. And to go on with the precept that somehow we can arm women to be in our military, we can arm women to protect us in police uniforms, however the civilian women in this country are somehow inferior and just have no ability to defend themselves with a firearm, I find that deeply offensive, Madam Speaker. I find that offensive because my wife is quite capable of defending herself with a firearm, my daughter is quite capable of defending herself with a firearm. The Representative from Dover-Foxcroft, I'm very familiar with his family and all of the ladies in his family are quite capable of defending themselves with a firearm. And to continue this insulting message that somehow women are incapable is insulting and I'm actually quite surprised, Madam Speaker, that there hasn't been other people speaking of this. I'm certain that there are ladies in this Body that use firearms.

And one other thing that bothered me a little, Madam Speaker, is that we're not talking about BB guns, we're not talking about firearms in general being unsafe so, you know, having access is so terrible. We've heard statistics from the

National Instant Criminal Background Check System that said that very few firearms have ever been purchased and used directly after for suicide. We've heard from professionals in law enforcement that have spent their career doing the dirty job that most of us would never want, responding to a suicide, and saying that they had firsthand account that doing the 48-hour background check on the individual that had committed suicide and never once coming across one that had purchased a firearm and committed suicide. So, to belabor this point that somehow firearms are just flying off the shelves and people are shooting themselves is a farce, Madam Speaker. It's obvious in many of the testimonies here tonight that it's the firearm in itself that is offending people and that this law is designed to be used as a bludgeon for firearm owners and to inconvenience them instead of actually having some realistic real-world protection for our society. Madam Speaker, it is wrong to violate the civil rights of an individual that wants to buy something. That's all I need to say, I think, and thank you again for allowing me to speak.

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

Representative **GRAMLICH**: Thank you, Madam Speaker. Madam Speaker, Colleagues of the House, I rise in support of the pending motion. I understand and respect that everybody has a story, each and every one of us, and I'm no different. Growing up in a home which was one of severe domestic violence, I, along with my mother and my 6-year-old little sister, was held at gunpoint by my stepfather. It was a terrifying, life-changing moment for me and my family and I know, Madam Speaker, with every fiber of my being that if my mom had a gun, as many have said here tonight, to protect herself and my siblings, I know I am very likely not to be standing here before you tonight. It is no accident, Madam Speaker, that as an adult many here have heard it has been my life work to have a positive impact on the lives of others and to affect change particularly for children. I am deeply concerned about the fractured mental health system that we have in our State and as many in this Chamber know, I have worked very, very hard and tirelessly to address that issue.

The data concerning the increased rates of suicide in the State of Maine and nationwide, as we have heard, notes that Maine has the highest rates of suicide in the northeast. We've heard tonight and we know that over 85% of firearm deaths are the result of suicide. Suicide; the extreme act of impulsivity. During times of crisis, individuals will experience expected responses in the brain and body, heightened or state of crisis negatively impacts the impact to process information, control impulses, engage in problem-solving and communicate effectively, among other concerns. By requiring a 72-hour waiting period from the time that a firearm is purchased to receiving the weapon, the brain has the ability to begin to engage in critical thought and begin to return to baseline levels of functioning. Suicide is an incredibly complex public health emergency, Madam Speaker, and we know that no one single action will prevent suicide deaths in our State. However, a 72-hour waiting period will help to save the lives of individuals and provide the ability for hope.

I will conclude, Madam Speaker, that I had the opportunity to discuss this particular legislation with my father-in-law, one who is one of those responsible gun owners that we have heard about often referenced here this evening. He's an 86-year-old spry ex-Marine; although I recognize that once a Marine, always a Marine; and as my husband says, he's full of piss and vinegar. My father-in-law is an avid hunter and a gun enthusiast. He, in fact, has quite the impressive gun collection in a guest bedroom in his home that I ended up staying in one night and I'll share off

record sometime about how that made me feel, but it was very impressive. But as we were discussing this bill, Madam Speaker, he asked me why. Why would we want not to pause? Why would we not want to wait a moment and have this very sensible gun legislation implemented that might save even one life? I couldn't agree with my father-in-law more. This is a sensible piece of legislation that over 70% of Mainers support. I urge my colleagues to support the pending motion. Thank you, Madam Speaker.

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

Representative **ANDREWS**: Thank you, Madam Speaker. I just wanted to respond to the comments and statistics from the Representative from Cape Elizabeth from what seems like five hours ago. If 68% of western Maine really wanted a 72-hour waiting period, I would not be here and neither would the entire Oxford County delegation. Thank you.

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

Representative **ARFORD**: Thank you, Madam Speaker. I will take but a minute of your time this evening, yet I feel compelled to stand before you this evening and express my strong support for this bill, LD 60, and I say this not just for myself but out of respect for my colleagues who have shared such passionate stories, heartfelt stories, true stories this evening and also for my many constituents. Some, at least one, is still with us tonight in the gallery who have contacted me and asked me to speak, to be their voice to say that much good will come from this bill once it is passed, yet we need to pass it and then we will experience the way in which this will promote safer use of guns and therefore I have nothing more to say.

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

Representative **DOUDERA**: Thank you, Madam Speaker. We've heard the case, ladies and gentlemen, about suicide, an impulsive act that can never be undone, but I want to address my comments about domestic violence because the safety of women in our State and the safety of women experience violence at the hands of their intimate partners is critically important to me and I know to probably everybody here in this room. This year, this Legislature has helped me to pass two domestic violence prevention bills that I sponsored and I am so grateful for that. Nobody wants to jeopardize the safety of domestic violence victims. So, I want to talk about the facts with regards to this particular bill. It's true that in Maine, firearms are the primary method abusers use to kill their current or former intimate partners, accounting for 62% of all intimate partner violence homicides. That's between 2000 and 2019. Those statistics come from Maine's Homicide Review Panel and they have recommended that bystanders; that's family, friends; who become aware that domestic violence victims have acquired firearms should know that the presence of those firearms may lead to increased danger for victims and they should take immediate steps to connect that person with community-based advocacy organizations. Now, why is that? Firearms escalate domestic violence situations, making it five times more likely that a victim will be killed. The U.S. Supreme Court has even noted this connection. In the *United States v. Castleman* in 2014, the court observed this country witnesses more than a million acts of domestic violence and hundreds of deaths from domestic violence each year. Domestic violence often escalates in severity over time and the presence of a firearm increases the likelihood that it will escalate to homicide.

So, the question here that I've heard asked is does a waiting period for firearms put women in danger? Do women in

these situations need to be able to buy a firearm immediately to be safe? Let's listen to what the folks in our State who are dealing with this issue day in and day out have to say. The Maine Coalition to End Domestic Violence are the experts in this field, I think we'd all agree. Advocates from the Domestic Violence Resource Centers in Maine do not advise victims to obtain a firearm as part of their safety plan. This is because, as I noted earlier, statistically, the victim is more likely to have it used against them than to find it helpful in defending themselves from the person who's abusing them. Of course, if a victim has a firearm or wants to have a firearm as a --

Representative **WHITE**: Point of Order.

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

Representative **WHITE**: Is the Representative speaking to me or you, Ma'am?

On **POINT OF ORDER**, Representative WHITE of Guilford asked the Chair to remind Representative DOUDERA of Camden to address the Speaker and not turn to the rest of the House.

The SPEAKER: The Chair would remind all Members to direct their comments directly to the Chair.

The Chair reminded all Members to address their comments toward the Speaker.

The SPEAKER: The Member may proceed.

Representative **DOUDERA**: Thank you, Madam Speaker. If a victim has a firearm or wants to have a firearm as a part of their safety plan, resource centers around the State will support that, including making sure the survivor is aware of the heightened risk that comes with that choice. But, still, it's their choice to make. A waiting period would not impede efforts of survivors who see acquisition of a firearm as integral to their safety, as there are services in place that can help survivors be safe during that waiting period. For example, if a victim tells an advocate that they don't feel safe in their house without a firearm and it turns out that this bill passes and they need to wait three days to get that firearm, our State's centers can either directly shelter or arrange for lodging for them in a hotel until that person has what they need to feel safe in their home. Madam Speaker, waiting periods are cooling-off periods and they will only enhance the safety of domestic violence victims in Maine. We know what will lead to less gun violence, it's proven gun safety laws and programs, laws like LD 60. Thank you.

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

Representative **PERKINS**: Thank you, Madam Speaker. Request permission to ask a question to Members through the Chair?

The SPEAKER: The Member may proceed.

Representative **PERKINS**: Theoretically, Madam Speaker, if such a law as proposed were to work in preventing possible suicides by allowing a cooling-off period, what function of law would the Members propose to address the inevitable situation when a person with suicidal tendencies next went through their next crisis moment but already had purchased a firearm the previous time?

The SPEAKER: The Member has posed a question to anyone who can answer. The Chair recognizes the Representative from Auburn, Representative Libby.

Representative **LIBBY**: Thank you, Madam Speaker. I pose a question, I suppose, hypothetically, and that is I've been hearing a lot about suicide prevention on this bill. Is this really the best that we can do for suicide prevention? Are we assuming that all gun buyers are suicidal? That seems like a

stretch to me. The other day, I think it was yesterday, we heard a compelling argument and we were reminded about the movie *Minority Report*, where we would be perhaps assuming actions of folks in the bill regarding juveniles. Why are we assuming that gun buyers are suicidal? That seems equally "Minority Report"-ish, Madam Speaker. I would say that we should treat the root cause of mental illness instead of assuming that gun buyers are there on a mission, but that is a much harder lift, Madam Speaker, to effectively treat the mental health crisis in our State is much more difficult than passing a 72-hour waiting period. So, this piece of legislation may pass today but we will not be addressing any root causes and making a significant difference in the lives of Mainers and changing the course of history as far as Mainers intent on committing suicide.

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

Representative **GRAMLICH**: Thank you, Madam Speaker. I rise in response to the Representative from Auburn's question in terms of; is this the best we can do in terms of mental health in the State of Maine. Absolutely not. We need to put as much energy as we can into assuring that we have addressed the needs of folks who are struggling with chronic and persistent mental illness. We've discussed that suicide is an act of impulsivity and we know that this act is exasperated when one has a firearm and has access to it. This is but one tool in our toolbox to keep people safe.

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. 201

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

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

ABSENT - Adams, Boyle, Crockett, Eaton, Lemelin, Matlack, O'Connell.

Yes, 69; No, 73; Absent, 7; Vacant, 1; Excused, 1.

69 having voted in the affirmative and 73 voted in the negative, 1 vacancy with 7 being absent and 1 excused, and accordingly the Majority **Ought to Pass as Amended Report was NOT ACCEPTED.**

Subsequently, on motion of Representative SALISBURY of Westbrook, the Minority **Ought Not to Pass Report was ACCEPTED** and sent for concurrence.

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

CONSENT CALENDAR

First Day

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

(H.P. 269) (L.D. 436) Bill "An Act to Provide Career and Technical Education Students with Credit Toward High School Graduation for Work Completed in Career and Technical Education Centers and Regions" Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-498)**

(H.P. 388) (L.D. 611) Bill "An Act to Create the Whole Home Repairs Program" Joint Select Committee on **HOUSING** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-480)**

(H.P. 563) (L.D. 907) Bill "An Act to Meet the Needs of Individuals with Severe Behavioral Health Diagnoses" Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-496)**

(H.P. 635) (L.D. 999) Bill "An Act to Support Family Caregivers by Expanding Family Medical Leave" Committee on **LABOR AND HOUSING** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-481)**

(H.P. 784) (L.D. 1236) Bill "An Act to Increase the Provision of Children's Behavioral Health Services in Rural Areas and to Provide Support for Families of Children Receiving Services" Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-495)**

(H.P. 831) (L.D. 1306) Bill "An Act to Protect Homeowners from Unfair Agreements to Exclusively List Residential Real Estate for Sale" Committee on **INNOVATION, DEVELOPMENT, ECONOMIC ADVANCEMENT AND BUSINESS** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-487)**

(H.P. 935) (L.D. 1439) Bill "An Act to Promote Family-centered Interventions for Substance Use Disorder Treatment" Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-494)**

(H.P. 1131) (L.D. 1767) Bill "An Act to Develop and Provide Technical Assistance for Meat Slaughtering and Processing" Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-484)**

(H.P. 1134) (L.D. 1770) Bill "An Act to Improve Pesticides Sales and Use Data Collection and Accessibility by the State" Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-485)**

(H.P. 1169) (L.D. 1837) Bill "An Act to Increase Oral Health Services" Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-486)**

(H.P. 1262) (L.D. 1965) Bill "An Act to Authorize the Secretary of State to Provide a New General Issue of License Plates" Committee on **TRANSPORTATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-499)**

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

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

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

(S.P. 593) (L.D. 1474) Resolve, Directing the Department of Health and Human Services to Expedite Reimbursement of Nursing Facilities Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-292)**

(S.P. 641) (L.D. 1609) Bill "An Act to Prevent Student Homelessness" Joint Select Committee on **HOUSING** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-290)**

(S.P. 738) (L.D. 1822) Bill "An Act to Amend the Specialty License Plate Laws and Extend the Moratorium on Approval of Specialty License Plates and Remove the Authority of Municipalities to Issue Driver's Licenses" (EMERGENCY) Committee on **TRANSPORTATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-288)**

(H.P. 290) (L.D. 473) Resolve, to Expand the Eligibility for and Increase the Number of Hours of Applied Behavior Analysis Services Authorized by the MaineCare Program Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-501)**

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

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

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

REPORTS OF COMMITTEE
Divided Reports

Majority Report of the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** reporting **Ought Not to Pass** on Bill "An Act to Strengthen Maine Citizens' Second Amendment Rights by Allowing the Discharge of Firearms on Private Property That Is Within 500 Feet of School Property in Certain Circumstances" (H.P. 356) (L.D. 551)

Signed:

Senator:

BEEBE-CENTER of Knox

Representatives:

SALISBURY of Westbrook

HASENFUS of Readfield

LOOKNER of Portland

MADIGAN of Waterville

MATHIESON of Kittery

MILLIKEN of Blue Hill

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-463)** on same Bill.

Signed:

Senators:

HARRINGTON of York

LaFOUNTAIN of Kennebec

Representatives:

ARDELL of Monticello

NEWMAN of Belgrade

NUTTING of Oakland

PERKINS of Dover-Foxcroft

READ.

Representative SALISBURY of Westbrook moved that the House **ACCEPT** the Majority **Ought Not to Pass** Report.

Representative NUTTING of Oakland **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 would like to recognize the Representative from Turner, Representative Morris.

Representative **MORRIS**: Thank you, Madam Speaker, Ladies and Gentlemen of the House. I rise in opposition to the pending motion. This is my bill. The reason I put it in is under current Maine law, an individual has the right to defend themselves on their home premises to defend their life. They have the right to do that by the use of force if necessary. Current State Law also states that you cannot fire a firearm within 500 feet of a school property, with only a few exceptions generally extended to members of law enforcement or a school sanctioned event. It does not make an exception for someone acting in self-defense.

This bill was brought to my attention from a constituent with this concern. While we initially reached out to some folks in the Attorney General's office, it's understandable that they would not be able to give us any clarification without an actual scenario before them. So, I sponsored this bill as a way of clarifying that individuals that live within 500 feet of a school property have the right to defend themselves and defend their property in the same way that I have the right to defend myself on my property. That's what this really is about. It's about ensuring that everybody has the same rights, whether they live next to a school or, as I do, not near a school.

With recent years, we've seen more active; more outside groups getting active in DA's races. This is about making sure that an activist DA cannot charge somebody with a violation of discharging a firearm within 500 feet of a school zone simply because they were defending themselves from an aggressor. So, I would encourage people to defeat the pending motion. I believe everybody should have the same rights to self-defense, no matter where they live in the State of Maine. And that's really what this is about; giving people that live within 500 feet of a school zone the same rights as what I have on my property, nothing more and nothing less. Thank you.

The SPEAKER: The Chair recognizes the Representative from Westbrook, Representative Salisbury.

Representative **SALISBURY**: Thank you, Madam Speaker, pardon me. I would like to read to you the testimony provided by CLAC, which is the Criminal Law Advisory Commission, if I may. LD 551 would create a law inconsistent with the Criminal Code Statutes governing the lawful use of deadly force. It would confuse juries tasked with applying the laws that authorize the use of such force in limited circumstances. It does not recognize that deadly force might be used by persons other than the residents of the property and would thus give some people more rights than others based on a circumstance unrelated to whether the person is legally authorized to use deadly force. It also does not recognize that deadly force can be used in limited circumstances to defend third parties. In addition, it is not drafted in terms of a defense or an affirmative defense and thus is not consistent with the drafting conventions of the Criminal Code. Finally, CLAC was not aware of circumstances where the existing law interfered with individuals' rights to defend themselves and thus questions the need for law to change.

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

Representative THORNE: Thank you, Madam Speaker. And taking the good advice from my Committee Member, I will be brief. Marijuana is legal in Maine but yet, marijuana may not be placed or otherwise used within 1,000 feet of the property line of a preexisting public or private school. So, I would say, Madam Speaker, if something is legal like marijuana and it can't be used within 1,000 feet of a school and you live within 1,000 feet of a school, does that mean that you could not use marijuana? 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. 202

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

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

ABSENT - Adams, Boyle, Crockett, Eaton, O'Connell, Paulhus.

Yes, 77; No, 66; Absent, 6; Vacant, 1; Excused, 1.

77 having voted in the affirmative and 66 voted in the negative, 1 vacancy with 6 being absent and 1 excused, and accordingly the Majority **Ought Not to Pass** Report was **ACCEPTED** and sent for concurrence.

Majority Report of the Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought Not to Pass** on Bill "An Act to Allow Certain School Employees to Carry Firearms on School Property"

(H.P. 27) (L.D. 52)

Signed:

Senators:

RAFFERTY of York
PIERCE of Cumberland

Representatives:

BRENNAN of Portland
DODGE of Belfast
MILLETT of Cape Elizabeth
MURPHY of Scarborough
SARGENT of York
WORTH of Ellsworth

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

Signed:

Senator:

LIBBY of Cumberland

Representatives:

BAGSHAW of Windham
LYMAN of Livermore Falls
POLEWARCZYK of Wiscasset
SAMPSON of Alfred

READ.

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

The SPEAKER: The Chair recognizes the Representative from Alfred, Representative Sampson.

Representative **SAMPSON**: Thank you, Madam Speaker. I would request a Roll Call and I also oppose this motion.

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

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

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

Representative **FOSTER**: Thank you, Madam Speaker, Ladies and Gentlemen of the House. Madam Speaker, I stand in opposition to the pending motion. Recognizing that we in this Chamber do not agree with it or other bills that have come before it regarding the same issue, I do know that we all agree on two things; that we want to protect children in our schools and that we wish we needn't discuss guns in our schools.

Madam Speaker, I brought this bill forward as a result of more than two decades of personal concern and consideration for the unprovoked and extreme violence in schools resulting from disturbed individuals with firearms or other weapons taking the lives of innocent students and school employees across the United States. As these incidents increased through the late 1980s and into the 1990s, the April 20, 1999 Colorado Columbine High School massacre brought this issue to a new consciousness for the United States. Five years ago, on February 14, 2018, a madman found his way into a Parkland, Florida high school. The first reports of this large loss of innocent life included the story of a coach and staff member who gave his life trying to shield students. On hearing this, the immediate thought I had was how different things might have been if this brave man had been armed. As further details emerged, including warning signs prior to the perpetrator's building entry and the delayed engagement of law enforcement, my first thoughts persisted; what if Coach Aaron Feis or another school employee had been armed and trained for such an incident?

On December 12, 2018, the draft report of the Florida commission studying the Parkland shooting was made public. The recommendations in that report included the following; quote, that the State consider allowing teachers who volunteer for training to carry weapons to school, unquote. Prior to closure of the 129th Legislature, I crafted and submitted a bill to do just that in Maine. For various reasons, I withdrew the bill before it was released. The final report of the Parkland Commission was published on January 1, 2019. It listed prevention directives in a resulting Marjory Stoneman Douglas High School Public Safety Act which included the Coach Aaron Feis Guardian program allowing selected and trained school employees to carry firearms in school districts that approved it in Florida.

On May 24, 2022, another crazed maniac committed a similar atrocity at an elementary school in Uvalde, Texas. With school policies in place including school hardening, blocking of access doors, active shooter and lockdown procedures, entry was still easily gained when a back door to the facility was left propped open. In spite of the Uvalde school district employing its own police force of four officers to cover nine buildings and with local police officers arriving on the scene due to a shots fired call and spotting the attacker outside before he entered the rear of that building, many innocent lives were lost. On May 25, 2022, among many local news reports on how Maine schools were reacting to the tragedy in Texas, a superintendent in southern Maine told a News Center Maine reporter; quote, it can happen in Maine and ultimately will at some point. At that point, I decided to resubmit the bill, which is now LD 52.

Among all these incidents, response time of law enforcement has been the major contributor to increased loss of life. Even with the quick response and actions on March 28th of Nashville Police officers ending that unprovoked incident 14 minutes after receiving the active shooter call, too many innocent lives were lost. In that case, the active shooter had chosen a school that was lax in security after passing by a school that had security. When we look at our Maine public and private school response times to any emergency situation, this is a major concern. As we know, having law enforcement officers dedicated to our schools is limited and becoming more so. In the past few years, districts with school resource officers have removed them from the budgets. Several rural towns have reduced or disbanded their local police departments. Many municipalities being short of officers are unable to support SRO positions in their districts. In many locations, the response times to any issues in most schools has increased, not decreased. In many towns, there's no availability of police department officers to provide an on-site presence even where a local department is maintained. I know of at least one southern Maine district that budgeted for a share of an SRO in 2022 but was told it wouldn't be possible due to the inability to employ enough officers to even cover that municipality's needs.

LD 52 is very restrictive and only would allow certain school employees to possess a firearm on school property with the following conditions; consent, voluntary, to be considered, approved by the local School Board and superintendent, must meet local concealed carry requirements and possess a concealed carry permit, they must complete training and be certified as competent per a weapons training prescribed by the Maine Criminal Justice Academy. They must regularly re-certify weapons proficiency to MCJA standards. They must complete school crisis management training, they must participate in regular school crisis management training and drills with law enforcement and the school department. They are not permitted to exercise any law enforcement powers. They will also meet any School Board policy requirements established in this regard such as they may have their identity as a program participant kept confidential from the public, they may be compensated for expenses incurred to be a participant or they may receive a stipend or other compensation for being a participant.

Madam Speaker, the time has come to consider every measure that might better protect our schools' students and staff. This bill would not allow every employee to be armed but only a very limited few. Most districts, including mine, employ retired law enforcement or former military trained personnel who could meet the bill's requirements. This would help protect those districts located miles away from the nearest law enforcement department and add another layer of protection

against the madness that all too many are now familiar with; an active shooter.

In closing, I'll leave you with this. I do understand the many concerns and emotions this bill may incite and I do not propose it without some of my own. After 25 years as a school nurse and teacher in public schools, my wife recently retired. Two of my children are teachers, a daughter-in-law and a son-in-law are teachers, and another of my children is a school principal. Four of my grandchildren attend Maine public schools in southern Maine and another, along with his cousin that's on her way, will be in a few short years. Long gone are the days, Madam Speaker, when as youth in Maine we received gun safety training from fathers, uncles, grandfathers; both sons and daughters who learned how to handle a gun safely, to prepare to go out into the fields and woods of Maine with their relatives and friends. Long gone are the days when I was in high school when a pickup truck out in the parking lot with a gun ready to go hunting after school with friends or alone in apple orchard seeking partridge was not a surprise and it was not a threat. We live in a different society today, Madam Speaker, where instead of children learning these types of things, the reality of life out in the woods and fields of Maine and how to handle these weapons properly, we have students, kids, children, young adults that sit at home and their only knowledge of guns and violence is what they see on movies or practice in video games. Madam Speaker, I believe that the time has come for us to look at this issue seriously. I ask for support from the Members in voting down this motion and then hopefully we can move on with allowing at least those school districts who so choose to try to find ways to protect their students from inside the buildings. Thank you, Madam Speaker.

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

Representative **ARDELL**: Thank you, Madam Speaker. I ask the rhetorical question, why are school shootings a thing in America but police station shootings are not? The answer is abundantly clear. This bill provides for the same protections in Paragraph D of the bill for our schoolchildren that our police stations, courthouses, and even this fine institution enjoy; armed security.

This bill provides training to the level of a Maine Criminal Justice Academy trainee and training in school crisis management for a school employee that chooses to do so, steps up and decides to take their extra responsibility to act as a protector of schoolchildren. It empowers volunteer protectors to take that additional responsibility and to do something real to protect Maine's schoolchildren from criminal violence. I ask this Body to vote against the Ought Not to Pass on this bill and let's do something real for Maine schoolchildren. Thank you for your time.

The SPEAKER: The Chair recognizes the Representative from York, Representative Sargent.

Representative **SARGENT**: Thank you, Madam Speaker. This is a tremendously serious issue. I'm a new Member of the Education and Cultural Affairs Committee. I sat with my Fellow Members, Members from both sides of the aisle, and listened to concerns and stories being raised. I immediately went home to my own town of York and I spoke to our Police Chief, I spoke to our superintendent and I spoke to members of the Select Board. I learned that our SRO, a member of the York Police Department actively serving, is armed and serves every day in the York schools at York High School. I spoke to teachers and students at York High School about how they felt about it and, I'll be honest, I was quite surprised. All of them said they were more confident and felt safer because they knew that their friend, the

police officer, was armed. I came back to the Committee, I learned that my Fellow Member, the Good Representative from Scarborough, also had a high school where there was an armed SRO member, a member of the Scarborough Police Department. However, I spoke to my Chairman, the Good Representative from Portland, to learn that Portland had voted that they did not want their SROs to be armed. This again made me think about the importance of the connection to the community. We say we learn about local control and then it raises its head in strange places. This is a critical issue. It needs to be left to the authority of the local entities and there needs to be absolute connection of the person who is going to be armed in our schools with our police departments. They need to be active, they need to be sharp, they need to be connected to what's happening in the latest in law enforcement. Thank you, Madam Speaker.

The SPEAKER: The Chair recognizes the Representative from Orrington, Representative Campbell.

Representative **CAMPBELL**: Thank you, Madam Speaker, Men and Women of the House. I have a constituent who was trained in the Army, in the Guard, and was a teacher at the Garland Street or the Cohen School in Bangor. It's a middle school and as he watched all these school shootings in distances far away, he was extremely frustrated because he was well trained in arms, very open to and encouraging of those who might be armed within the school system, like himself, that has specialty training for schools. The new schools that are designed are designed with a door and classroom where the teacher can hide the kids well away from the opening but those people with weapons that are coming in to shoot them up are going to get through that door. And the only way you stop a bullet is to have a bullet to throw back in that direction to get the bad guy. So, even though the schools are being designed well, there's only two ways to stop these school shootings. One is to arm adults within the system and two is to remove the gun-free zone signs at the curb. Thank you, Madam Speaker.

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

Representative **HAGGAN**: Thank you, Madam Speaker. As you know, I am a teacher, I'm a middle school teacher, for those of you who I haven't met yet. I'll describe my school for you. At our middle school, we've got big windows on the way into the school. They're a little bit thick but with any kind of a rifle or gun butt or whatever, you could easily smash through or just shoot through them and the glass would shatter. On our floor, we have many, many classes that are at the ground level and the windows in my class are this high to me when I walk outside. The windows are also this big, they're huge. Easily smashed and destroyed for quick entry. I did call at the behest of the superintendent, the former superintendent, many bulletproof glass; I'm not saying that three times fast; bulletproof glass companies, the cheapest I found was Minnesota for \$70 a square foot. That's not possible in the State of Maine. I did talk to a bunch of chemical companies and I decided on 3M, they had a cellophane that I thought; I took some discontinued window panes from the mudroom, we call it, it's where the storage area is, and with permission, of course, of administration, I brought them out to one my favorite gravel pits, put some tarp under them. I put the stuff on it, and I thought I wonder if I could at least slow somebody down in order for; we do have an SRO at the Academy but we have three other schools right around Hampden Academy, so; and we have a pretty good-sized police force plus Bangor has SWAT, you know, we've got everything and everything is pretty close. So, we're lucky in that area that I think first responders would be able

to come quick, what if we hardened our target by doing this. So, I took my .300 Win Mag deer hunting rifle and my wife's .30-06 and I shot both windows. The windows; and I videotaped it so that I could bring it to the School Board if that was something they'd like to do. The windows shattered instantly, so, I went over and I tried to kick them in. I wanted to see if I could make these windows like a windshield of a vehicle. And it took me about 45 seconds to kick the windows in. And I'm kind of a heavysset guy but I'm fairly strong. That's better than nothing.

The doors in all of the classrooms at my school are locked from the outside, and that is our policy, but they never lock from the inside. And we have a little, teeny, rectangular window right above the door handle. Ping-ping-smash, let yourself in. When we do lockdown, you know, we have a mandatory; somebody in here voted to give us the mandatory 10 fire drills and lockdown procedures, shelter in place, things that we practice throughout the year. With middle school kids, they don't take it serious and the teachers, one of the big aggravations is you can't make a sound because an active shooter, if they can't get in the room but they hear noises, they'll shoot at a noise. But if they can't get in the room and they don't hear a noise, they'll go on to the next room. It's almost impossible to get scared kids or giggly kids to not be loud and they're supposed to crouch under the heater and the window is right there.

So, I've been around guns my whole life, I've taken the NRA concealed carry classes, I have a concealed weapons permit that I did let lapse, so, I've got to go renew that. I've got; we've got to; I would be very willing, extremely; I have the summer off. As soon as we're done here, I'm doing nothing for at least two months. And my wife's doing that right now although she had to mow the lawn, which is great. I don't have to do it. But I would be more than giddy to take that class. I would go to Police Academy, I would stay there for unlimited weeks. I get about 70 days off in the school year, I would take unpaid leave, which I do to be here, in September to finish the course if it took that. So, there are people like me that are willing to do these things. I care about our kids, I love our kids. They're so wonderful. And to give them any chance and every chance to not be the victim in one of these horrific, horrible things, I would be willing to spend all my time. The Hampden Rifle and Pistol Club is three miles from my house, I'm a member in good standing, I hang out with the cops over there, I shoot with them every now and again. I would be so willing to do that and I know there are other people like me in probably every community or many communities that could be very helpful to the safety of our children in our great State of Maine. Thank you very much.

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

Representative **GEIGER**: Thank you, Madam Speaker. I'd like to review Uvalde. One shooter, 376 fully armed and trained officers, 77 minutes before they actually breached the classroom. It turns out that even fully-trained policemen are as afraid of one shooter with an AR-15 as everyone else is. As the Good Representative of York states, it is already possible for each local school district to work with their local police department and decide if they would like an armed policeman at their school on a regular basis. That is a matter for them, their trust level with their officers, but frankly, armed volunteer Rambo wannabes are not likely to perform any better than those --

Representative **WHITE**: Point of Order.

The SPEAKER: The Member will defer. The Member will defer. The Chair recognizes the Representative from Guilford, Representative White, and inquires to why he rises.

Representative **WHITE**: Thank you, Madam Speaker. Madam Speaker, it is apparent by the noise in the House just a

moment ago that that was one Representative impugning another. Would you be so kind as to take care of this for us?

On **POINT OF ORDER**, Representative **WHITE** of Guilford objected to the comments of Representative **GEIGER** of Rockland because she was questioning the motives of other Members of the House.

The **SPEAKER**: The Chair would remind Members it is against decorum to impugn the character of any other Member. The Chair would also remind each Member that I have been extremely generous. I've given each one of you as much latitude as I possibly can. There's been a lot that has been said, not just today but over the course of several days, that becomes dangerously close to impugning the character of each Member. This is not about one side or the other. It is happening throughout this Chamber. So, the Chair would respectfully remind each and every one of you to please keep your comments germane to the bill and to not impugn the character of your colleagues. The Member may proceed.

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

Representative **GEIGER**: Thank you, Madam Speaker, and I meant no disrespect to my colleagues. I don't know them. I was speaking of untrained people that we are looking to give; the question is whether we should give them the opportunity to arrive at our schools armed. I want to speak in support of the bill of Ought Not to Pass. Thank you.

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

Representative **DRINKWATER**: Thank you, Madam Speaker. You know, in this House, there's a lot of veterans, and they don't talk about their service. In fact, I have some friends here that we were in the Air Force together and I personally, along with my fellow Air Force veteran, were security specialists guarding hundred-million-dollar aircraft and nuclear weapons, also. And, you know, one thing we were taught was speed is everything. And that's what we practiced. And when you have a shooting at a school, speed is important. And to have somebody inside that building is critical.

And can we all agree on one thing, Madam Speaker? The teachers. The teachers laid their lives down for their students and there are teachers in here that would do the same thing. The Bible says that true love is somebody that gives up their life for their friend. And we've seen teachers give their lives up protecting those students. Can you imagine what would happen if somebody inside that school could just slow the shooter down? Yes, we heard about the incident where they were slow to respond. If I may just take a second and read you what happens when somebody inside has a gun. This is the West Freeway Church of Christ shooting. I think a lot of us remember that. It took place on December the 29th, 2019, in White Settlement, Texas. The perpetrator shot and killed two members of the church before he was fatally shot by Jack Wilson, the head of the Church's armed security department. He ended the attack in six seconds.

So, let's just review. Teachers would give their lives for their students, as they have. Let's give them a choice if they would like to go through the training. And speed is everything and this incident, in six seconds it was over. That latest incident in Tennessee, it only took, what, a couple of minutes for a police department that had proper training to show up and don't wait for a hundred other officers to show up, they became active and went inside that building and ended the threat. Sorry to speak but thank you, Madam Speaker.

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

Representative **QUINT**: Thank you, Madam Speaker. I would like to thank the Representative from York for telling some of the information about her town and that there is a police department to work with. I serve 47 communities in Washington, Aroostook and Penobscot Counties. Madam Speaker, I have no police departments in my district. We must wait for a Sheriff's Deputy or State Police to show up in a very vast, broad area. I have been asked by people within my school districts, in which I have many, that this bill be allowed to pass. I can tell you that the people that ask me to allow this to pass were local people who would give their lives for their friends and neighbors. I personally know them and I would trust them with my life. I think that if they want to go to proper training to be able to do this within their school and to be able to respond in a much more efficient manner than what a State Trooper having to come 45 minutes to get to this location could do, I think that should be something that is available. Once again, I understand for those in the city, it is the local judgment and they can do that. But for our people in our schools, we need legislative approval for them to be able to do this. So, I ask you to vote down the pending motion and to allow my communities to keep their children safe and have the same opportunities that these other communities have with full police departments. Thank you.

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

Representative **WHITE**: Thank you, Madam Speaker. This year marks 25 years since the school shooting in Jonesboro, Arkansas;1998. Two 12-year-old boys, after one boy's grandfather went to work, broke into his safe without the key, after they broke into his house without the key. One of the boys with a hunting rifle, not a scary AR-15, planted himself a hundred yards from the back door of the school where the students had continually done fire drills. The back of the school was in an L-shaped configuration, a brick building. As the second boy went down to the school and pulled the fire alarm and then ran out the side door and around through the woods to be with his friend, he handed ammunition to the 12-year-old boy who laid on the ground under cover and fired into the crowd after they had waited for the whole school to evacuate and the steel door to lock behind them.

We've seen horrific things happen ever since. Just about eight years ago, when I went to work for the public school system for a short time, the first thing that shocked me about what we have learned from this scenario was that we've learned nothing. Because the day after our first lockdown drill, we did a fire drill. Madam Speaker, the school evacuated to the corner of a parking lot with a 10-foot-tall chain-link fence shaped in an L. The only difference was we were in a parking lot with cars all around us. Maybe that doesn't sound like anything unusual but for those of us that have been in the military and paid attention to what those folks that had been in the military over the last 20-some years experienced in Afghanistan and in Iraq, those are prime IED situations. We've seen from the time of Columbine that laying other traps has been an ongoing occurrence in these school shooting situations. And as I brought it to the attention of the administration that none of us could remember the last time in the middle of the day a school burned and children burned because everything in the school is fireproof, basically, we hardly even use paper anymore. The answer was that those are the regulations, just as the Representative sitting beside me mentioned that they do their 10 fire drills a year.

Are we going to continue with this absurdity, Madam Speaker, and ignore the facts? We all enjoy armed security in this building. Do we really want to leave our kids unprotected so that we can have some sick political victory and say gee, I won?

Representative **SAYRE**: Point of Order.

The **SPEAKER**: The Member will defer. The Chair recognizes the Representative from Kennebunk, Representative Sayre.

Representative **SAYRE**: I believe referring to the; I believe the speaker was impugning the motives of Members of this House.

On **POINT OF ORDER**, Representative **SAYRE** of Kennebunk objected to the comments of Representative **WHITE** of Guilford because he was questioning the motives of other Members of the House.

The **SPEAKER**: The Chair will once again remind the Members not to impugn the character or question the motives of other Members in this Chamber. The Member may proceed.

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

Representative **WHITE**: And I do sincerely apologize, Madam Speaker. Madam Speaker, do we get so caught up that we miss the point? Do we not see the forest for the trees? I've heard no one here tonight say that we desire to have untrained individuals performing security. What I have heard is a solid plan to do something about what this country has been experiencing for 25 years. I've heard individuals stand and volunteer. I've heard individuals speak of the time that they have served in such a capacity. And, Madam Speaker, it's time we do something. Thank you.

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

Representative **LANIGAN**: Thank you, Madam Speaker. I don't know on what side I stand on. I'm going to pose a couple questions, if I may, through the Chair and also make a couple comments if I could. And just a little background. Sanford, Maine, last fall; fortunately, it was a hoax; but went through as real of a scenario of a school shooting as any school in Maine has ever gone through. When you receive a text message from your son who's locked into a room, thinking that there's someone out in the yard shooting people, being told that there's already three dead, many injured, and is entering the school, your heart folds. Madam Speaker, this is what happened to us recently as a community and when I read this bill, it makes me think we were very fortunate in Sanford. Our response of our EMS, our special response team, and the fact that we have an SRO on scene allowed that situation to be controlled within minutes. Now, as parents, for hours, we did not know. I mean, I remember standing outside of the VIP, the entrance of our high school, and almost being run over by parents trying to blow through the cops and myself. I remember going to Memorial Gym where all the students were bussed to and Representative, then Mayor, Mastraccio and myself calling out every single child's name over a loudspeaker so they could be reunited with their parents. That shakes you to the core and maybe gives you a little different perspective. Now, fortunately, we have; like I said, we have those services in our community and I don't live in the rural communities that some of the other Representatives represent and don't have access to that type of capacity.

However, I do want to ask these questions because I feel that they're very important because I could see how something that happened in Sanford that day, Madam Speaker, could go awry if the training wasn't right. How does the SWAT or the cops know that the teacher is armed when they actually do arrive? They don't have the same communication devices that they're

operating on, the same channels of communication, so when they arrive on scene, on that day, if that Sanford teacher was that one that was armed and was out in the hallways, they would've been considered the school shooter. Why wouldn't they have been? Does that teacher leave the students to hunt down the student? So, do they leave my son in that room and say here, Simon, you look over all the kids, don't worry, I'm going to go out and get them? And now you have a classroom full of students empty, by themselves, scared to death, when really, the only person that held them together emotionally was that teacher. Does that person have the psychological capacity to actually perform when asked to perform? We all talk about defending ourselves and we all talk about gun rights and everything but I can't tell you that I would be able to shoot someone myself if I was put in that; possibly could, possibly couldn't. I haven't been put into that situation, Madam Speaker.

So, I just ask these questions just so that people can address them, that would be amazing and maybe would help me form my opinion and my; and be able to vote a certain way today. I leave you with these other questions; is what about the collateral damage? Our police officers; I've met with our special response teams and I've actually gone through some training with them in our town. They train. They train hard. They not only work their job 40 hours, 60 hours a week doing this type of work but they also put in multiple hours training on the side. It's a full-time job to be good at that. And then who covers the insurance? Are the schools liable? Are they able to cover it? And who is selected to carry? So, I know there's a lot of questions there, Madam Speaker, but if anybody could address them for me, they would help me form my opinion and be able to vote either yea or nay tonight. So, thank you so much for your time.

The **SPEAKER**: The Member has posed a question to anyone who cares to answer. The Chair recognizes the Representative from Presque Isle, Representative Underwood.

Representative **UNDERWOOD**: Thank you, Madam Speaker. I just wanted to compliment the Representative from York in what she gave for a presentation earlier. Thank you.

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

Representative **FOSTER**: Thank you, Madam Speaker. In answer to the many questions and obvious concern of the time of the night, I will simply say this. First of all, during Committee hearings, a couple of current or past law enforcement officers answered many of these questions, including how to identify the person that may be in the building that is trained and armed to protect those students, and that person would participate in these drills on a regular basis and at least the local P.D. would know who they are, if there is a local P.D. No different than when a local P.D. goes into a Walmart and there's a situation and a person carrying a concealed weapon is taking that situation under control, as has happened. Officers are trained to anticipate good shooter/bad shooter as well.

I have in my notes; as long as my speech was, I didn't read everything; but I will just simply say there are many school districts, many states, that already have something like this in place. This is not something we have to make up on our own. This is something that the local school districts would decide. Many of the rural school districts do not have the options that Bangor, Portland and other communities like Sanford have. This is not reinventing the wheel. So, there are many answers to those questions that have already been dealt with elsewhere, I won't go into them tonight. Thank you, Madam Speaker.

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

Representative **ROEDER**: Thank you, Madam Speaker. I have some information by way of hopefully answering some of the questions of the Good Representative from Sanford. I do appreciate his comments very much. I found information from an FBI study in 2014 that examined 160 active shooter incidents that took place between 2000 and 2013. The report found that in five of those incidents, armed individuals who are not members of law enforcement exchanged gunfire with a shooter, leading to either the shooter being killed, wounded or taking his own life. But, by contrast, 21 of 160 incidents ended after unarmed citizens safely and successfully restrained the shooter. Later on, in this particular article, they spoke with David Chipman, who served as a special agent for the Bureau of Alcohol, Tobacco and Firearms for 25 years before becoming a senior policy advisor and said that there's insufficient training for many armed civilians. He says, I was a good guy with a gun. I was a member of ATF's version of SWAT and I know what it takes and the training that is required to perform during a critical incident when rounds are being fired at you. I can imagine scenarios where, in trained hands, a gun could be used in self-defense of one's self. It's a whole other thing to imagine how a gun in untrained hands could somehow result in winning a gun battle. And my belief is that this 'good guy with a gun' messaging really is a sales technique.

My mom was a public-school teacher and I know that even before the days of Columbine, she feared for the safety of her children, the children in her care. I know that the aftermath of a school shooting is devastating for a family. My friend's daughter was late to school in 2019 at Saugus High School in California. If she hadn't been, she would've been in the quad, directly in the line of fire, and it is not my belief that a good guy with a gun could've made a difference in that because I share the concerns of the Good Representative from Sanford. How do we tell? How does law enforcement tell in those scenarios who the good guy with the gun is? How are they trained? How do they communicate? Who's watching the kids? I share those same concerns. Thank you so much.

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

Representative **THORNE**: Thank you, Madam Speaker, and I certainly appreciate and learn a lot from these exchanges. And, again, I would just say the Good Representative from Bangor, we're not talking about untrained, we're talking about trained. And that's the condition of this. I found out there's 32 states that allow non-officers to carry firearms within schools. And then for the last 15 minutes, I've been trying to find out if as a result of that, there have been any accidental shootings because somebody was carrying a concealed weapon other than a school resource officer or security guard within a school, and there were none. I could find none. And my concern is it's not so much us trying to prove each other wrong tonight or share statistics, the point is that we're talking about schoolchildren and how do we keep them safe aside from doing nothing. And the point that I made yesterday, the only thing that stops a bad person with a weapon is a good person with a weapon. Thank you, Madam Speaker.

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

Representative **ARDELL**: Thank you, Madam Speaker. Regarding the questions posed by the Representative from Sanford, not only have I received this training in my 25 years as a federal criminal investigator with Homeland Security investigations, I also taught and provided the training. In

response to the question about identifying sort of a who's who in sort of rapidly evolving tactical situations, typically colored sashes or armbands are used, sometimes those sashes can be rotated for security reasons. So, for example, there would be a color of the day, whether it was yellow or green or blue. Police training commonly uses scenario-based training to walk through and train in certain situations. Often, those situations have marking guns that are identical to actual functioning firearms but they fire soap pellets or paintballs instead. It is very, very effective training because it teaches a student, the student who is learning to defend other people, what it's like to act with a firearm in a rapidly evolving situation in which they are, you know, shot at in a safe way. This training incorporates target and collateral damage backstop considerations. So, there's a shoot/don't shoot scenario in which accuracy and speed is trained with appropriate backstop scenarios, when there would be times to take a shot or times when collateral damage would be a consideration; for example, other people who aren't active threats. And, finally, the Maine Criminal Justice training as outlined in the bill would provide all this training and more. So, thank you for your time.

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

Representative **PERKINS**: Thank you, Madam Speaker. I'd like to thank the Members that have spoken about the need for training, as this bill specifically does require training and especially the Members that spoke about rural areas, as I live in one. I have towns that have schools but no police departments. I have police departments that can't fill their slots because there aren't enough qualified law enforcement officers in the State of Maine, and I have schools that can't afford SROs. And so, this bill is extremely important.

I'm a CRASE instructor. That's Civilian Response to Active Shooter Events. I teach that in health care facilities, schools, businesses, factories, anyplace that wants it. As a law enforcement officer, I have to provide that training for free. And one thing we've learned is that you cannot rely simply on physical security. You can lock all the doors you want but human error will eventually step in and sometimes you're going to have a door left open, like we saw in Uvalde. Another thing that we teach when we teach that course is that things; these incidents happen in seconds or minutes and then they're over in minutes or seconds. In my area, police response could be 15 to 20 minutes away, easily, depending on where you are. And an incident is over in that time. And then the last thing I tell people is the old way we did things where it was run and hide is turning into run, hide and die. And so, we teach people when we teach that course is as a last resort, if you can't avoid that situation, you have to fight back because the only alternative is that gunman is going to get you. And it's a hard thing to tell people, especially in some of these places where they're not going to have firearms. But we're going to teach them, you're going to fight back, you're going to fight back with a stapler, you're going to fight back with anything you have at hand, even if it's your bare hands, a chair, anything, but you're going to fight back because not fighting back is just ultimately going to lead to your death. So, with something like this, Madam Speaker, I think it's much better in order to protect our children, to diminish the amount of casualties we have at that school and to protect lives of both our children and our teachers is if we give them something that they're trained with and it's effective to fight back with other than a stapler. Thank you, Madam Speaker.

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

Representative **QUINT**: Thank you, Madam Speaker. I once again rise to ask again this Body to allow my community to have the same access to protect our children that larger communities have because they have police departments. Once again, these are people within the schools who have asked me to bring forward the concern, they are willing to do the training and they are willing to risk their lives to keep their students safe. 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. 203

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

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

ABSENT - Adams, Boyle, Crockett, Eaton, O'Connell, Paulhus.

Yes, 76; No, 67; Absent, 6; Vacant, 1; Excused, 1.

76 having voted in the affirmative and 67 voted in the negative, 1 vacancy with 6 being absent and 1 excused, and accordingly the Majority **Ought Not to Pass** Report was **ACCEPTED** and sent for concurrence.

Majority Report of the Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-449)** on Bill "An Act to Make Menstrual Products Available in Certain Schools"

(H.P. 222) (L.D. 348)

Signed:

Senators:

RAFFERTY of York
LIBBY of Cumberland
PIERCE of Cumberland

Representatives:

BRENNAN of Portland
DODGE of Belfast
MILLETT of Cape Elizabeth
MURPHY of Scarborough
SARGENT of York
WORTH of Ellsworth

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

Signed:

Representatives:

BAGSHAW of Windham
LYMAN of Livermore Falls
POLEWARCZYK of Wiscasset
SAMPSON of Alfred

READ.

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

Representative SAMPSON of Alfred **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 Livermore Falls, Representative Lyman.

Representative **LYMAN**: Thank you, Madam Speaker, and Members of the House. This bill is a product of one bad legislative bill after another that is creating a very emotional and social disruptive educational world for our children. By imposing developmentally inappropriate social agendas on our public schools, the consequences have been devastating. I listened to a minor give public testimony and claim the need for menstrual products in the boys' bathroom because he menstruates. We all know that a male does not menstruate. Public school social-emotional curricula is exposing our minors to considerations and positions that many parents want removed from public schools. It is not the job of public education to push specific and controversial gender information, sexuality considerations and opportunities to indoctrinate all children. Parents have the right to encourage and embrace their family's moral structure and spiritual beliefs.

Could we please open our eyes to the impact this inappropriate and developmentally inappropriate social curricula is having on our youngest learners? Some want to claim that we are creating safe and inclusive schools. Actually, we have created confusion and have alienated a great deal of support for public education. My daughter has told me, Mom, I think it so sad to hear you say that if I was a young girl today, you wouldn't have me in the public school system. You have always been passionate about teaching and in your beliefs about the positive experiences within public schools. So, there it is. Thirty-six years as a classroom teacher and instructional leader had me advocate for public education locally throughout Maine and across the country. This field is my passion, along with all the amazing teachers that make up this profession. I believe our public schools can absolutely offer quality education that can leave parenting to parents. Let's protect our young, impressionable children from inappropriate social curriculum. Thank you.

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

Representative **CLOUTIER**: Thank you, Madam Speaker. Madam Speaker and Members of the House, menstruation is expensive. As of 2022, a box of 45 tampons or 48 maxi pads now costs \$10.47, a 10% increase over 2021, and these costs will likely only continue to rise. As a result, lower income and unhoused Mainers who menstruate often struggle with what is known as period poverty; the inability to afford sufficient menstrual products. Unfortunately, period poverty is a very real and very common problem in our State. Mainers in lower-

income households often have to ration the number of pads or tampons they have on hand. For young teens who are menstruating, this can be incredibly stigmatizing, shameful and embarrassing. Imagine a student who has only just begun menstruating whose family cannot afford enough of the products they need. They could only be rationed two pads or tampons to use for the entire day, which for them is not enough. They could request a hall pass and risk the embarrassment of telling their teacher why they need to go to the nurse's office, or they could risk bleeding through their clothing and suffering the social consequences from their peers. A young Mainer using a tampon for longer than intended also risk contracting toxic shock syndrome, a rare, life-threatening complication caused by using a tampon for more than the recommended four to eight hours. Given these difficult options, some students choose not to attend school at all when they are menstruating, resulting in a system where a lack of access to menstrual products presents a lack of access to educational opportunities. We can and we must do better. Young people should not be ashamed of normal bodily functions that they have no control over. They should not be forced to miss school because they do not have enough money to buy the products they need. They should not be forced into life-threatening situations due to a lack of menstrual products. Please join me in support of LD 348. Thank you, Madam Speaker.

The SPEAKER: The Chair recognizes the Representative from Alfred, Representative Sampson.

Representative **SAMPSON**: Thank you, Madam Speaker, Ladies and Gentlemen of the House. Honestly, we do not need a law to implement common-sense policies. This is a local control issue, local administrators and school systems understand this, it's not like they are living under a rock, and they're able to attend to the needs of young women.

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. 204

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

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

ABSENT - Adams, Boyle, Craven, Crockett, Eaton, O'Connell, Paulhus, Zeigler.

Yes, 75; No, 66; Absent, 8; Vacant, 1; Excused, 1.

75 having voted in the affirmative and 66 voted in the negative, 1 vacancy with 8 being absent and 1 vacancy, and accordingly the Majority **Ought to Pass as Amended** Report was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (H-449)** 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-449)** and sent for concurrence.

Majority Report of the Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-477)** on Bill "An Act to Require a Lunch Period of at Least 30 Minutes for Students and Reduce Food Waste"

(H.P. 638) (L.D. 1002)

Signed:

Senators:

RAFFERTY of York
LIBBY of Cumberland
PIERCE of Cumberland

Representatives:

BRENNAN of Portland
DODGE of Belfast
LYMAN of Livermore Falls
MILLETT of Cape Elizabeth
MURPHY of Scarborough
SAMPSON of Alfred
SARGENT of York
WORTH of Ellsworth

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

Signed:

Representatives:

BAGSHAW of Windham
POLEWARCZYK of Wiscasset

READ.

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

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

Representative **POLEWARCZYK**: Madam Speaker, this bill that we're about to vote on started off as three separate bills. The first one dealt with mandatory recess. That was a great bill, it was a great public hearing, because we had about a dozen sixth and seventh graders come in and testify before us. And it was no surprise that they were all in favor of mandatory recess. That was one of the bills. The second bill dealt with high school start times and we were told that in order for our high school students to get sufficient sleep, we should start that school day later. The third issue dealt with lunch periods. We should make it mandatory that there is a 30-minute lunch period. The last few days, I've heard a lot of comments here about local control. And here we are at the State level trying to decide on mandatory recesses, mandatory lunch periods and late start dates. These are all local issues.

Now, all of those three bills ended up into this bill and it's now a study. I believe this belongs with the local schools, they each have different situations, they each have different organizations, different number of pupils, it's an individual thing that needs to be made at that level. So, here we are, we're going to go off and study this thing for another year or so and I'd sure like to think that we end up with these decisions being made at the local schools. I am opposed to the motion. Thank you, Madam Speaker.

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

The Bill was **READ ONCE**. **Committee Amendment "A" (H-447)** 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-447)** and sent for concurrence.

Majority Report of the Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-476)** on Bill "An Act to Expand Access to School Construction Funding" (H.P. 911) (L.D. 1415)

Signed:

Senators:

RAFFERTY of York
LIBBY of Cumberland
PIERCE of Cumberland

Representatives:

BRENNAN of Portland
DODGE of Belfast
MILLETT of Cape Elizabeth
MURPHY of Scarborough
SARGENT of York
WORTH of Ellsworth

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

Signed:

Representatives:

BAGSHAW of Windham
LYMAN of Livermore Falls
POLEWARCZYK of Wiscasset
SAMPSON of Alfred

READ.

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

The Bill was **READ ONCE**. **Committee Amendment "A" (H-476)** 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-476)** and sent for concurrence.

Majority Report of the Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-440)** on Bill "An Act to Fund Free Health Clinics"

(H.P. 733) (L.D. 1161)

Signed:

Senators:

BALDACCI of Penobscot
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 Not to Pass** on same Bill.

Signed:

Senator:

MOORE of Washington

Representatives:

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

READ.

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

Representative JAVNER of Chester **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 Chester, Representative Javner.

Representative **JAVNER**: Thank you, Madam Speaker, Men and Women of the House. This bill has a fiscal note of \$250,000. The Maine CDC actually testified in opposition to this bill. There are no real parameters or direction, it's very ambiguous on exactly how these funds are to be metered out to five different clinics that it is supposed to go to. Thank you.

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

Representative **ROEDER**: Thank you, Madam Speaker. Madam Speaker, Members of the House, I stand in support of LD 1161. This legislation provides incredibly modest funding for the State's six free health clinics that provide medical care to hundreds of Mainers each year. This includes providing physician exams, lab testing, x-rays, routine health care, dental services and social and behavioral health services to eligible individuals Statewide. Without free health clinics, those who do not have health insurance, either because they cannot afford it or are not offered it through their jobs or a combination thereof, would be left without the care they need to maintain their health. These are Mainers who work in crucial industries that support our State and our way of life, including our fishing, farming and tourism industries.

And, Madam Speaker, I got to know one of these clinics, the Knox County Clinic, as a volunteer. The clinic serves 20 municipalities and provides around 1300 dental visits, 400 medical visits, and 450 mental health and wellness visits at low or no cost yearly, as well as \$1.8 million in free medication to the community they serve every year. Madam Speaker, I got to see

firsthand what kind of deeply good work clinics like these do in a community. Though Rockland isn't my home, I am grateful that the communities that the Knox Clinic serves have such a resource. If everyone in this Body could see the care, the kindness and the respect afforded every patient, if we could all see the incredible difference even one of those medical, dental or mental health visits can make in a person's life, I believe this bill would pass unanimously. I'm afraid that my poor words cannot and do not adequately sum up what is in my heart. This clinic is vital. All the clinics represented in this bill are vital. These clinics serve people who have nowhere else to go for care. I know just how vital this care is. I vividly remember checking in a person who was struggling with substance use disorder and hadn't accessed care for years. Medical providers at the Knox County Clinic helped this person obtain medication to treat his depression, which was the underlying cause for the substance use disorder, set up an appointment for dental care and put him in touch with recovery resources after a mental health screening. What struck me most is how those at the clinic treated him; with love, with compassion. They cared broadly and deeply and affirmed his humanity with every action. He left knowing he was valued and cared for.

Right now, our free clinics, which provide critical care and help deter people from our emergency departments, are running on shoestring budgets that are not suitable for helping to serve the people who need it most. They are run by volunteer medical professionals, from physicians to nurse practitioners to physical therapists. It's time to come together as a Body to support health care for Mainers. Please don't leave them out in the cold. Thank you, Madam Speaker.

The SPEAKER: The Chair is pleased to recognize the Representative from Madawaska, Representative Albert.

Representative **ALBERT**: Yes, Madam Speaker. May I ask a question?

The SPEAKER: The Member may proceed.

Representative **ALBERT**: Has any thought been given to how the designations of these clinics is decided and by whom? I know that in our rural areas up in northern Maine, elderly need to travel. We have no bus service, we have issues with the traveling. So, just a thought as to where and who decides where these clinics would be. Thank you, Madam Speaker.

The SPEAKER: The Member has posed a question to any Member who cares to answer. The Chair recognizes the Representative from Bangor, Representative Roeder.

Representative **ROEDER**: The funding is for clinics that already do exist, though I would like to say to the Member that I hope his area also gets one. Thank you.

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

Representative **LEMELIN**: Thank you, Madam Speaker. I just want to bring to everybody's attention that the Republicans in this Committee, we didn't vote Ought Not to Pass because we disagree with anything the Representative from Bangor said. We're in full agreement. We're in full agreement that the love and care they have there, we're in full agreement with the tremendous work they're doing and we're in full agreement with how necessary they are. As a matter of fact, we don't mind if you add another hundred of them throughout the State.

The problem is free clinics have been and should continue to be funded from outside sources and not taxpayer money. If we have campaign candidates that run for our U.S. Senate, if they can gather \$70 million to run for office, you're telling me that the hearts of people in Maine and elsewhere aren't willing to give money to help these free clinics? Oh, I think they can. So, our point in Committee wasn't the fact that we don't support free

clinics, we just don't agree with where the funding is coming from. So, all we're asking everybody is to give that some thought. I can gather the money up, I don't know why anybody else on the House floor can't do it. So, instead, why don't we just get the public to put the money in, let them put some skin in the game. I don't; I don't think that it has to come out of our tax dollars. That's all. I think it should be voluntary. 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. 205

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

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

ABSENT - Adams, Boyle, Craven, Crockett, Eaton, O'Connell, Paulhus, Zeigler.

Yes, 81; No, 60; Absent, 8; Vacant, 1; Excused, 1.

81 having voted in the affirmative and 60 voted in the negative, 1 vacancy with 8 being absent and 1 excused, and accordingly the Majority **Ought to Pass as Amended Report was ACCEPTED.**

The Bill was **READ ONCE. Committee Amendment "A" (H-440) 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-440)** and sent for concurrence.

Majority Report of the Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought Not to Pass** on Bill "An Act Requiring Training Regarding and Screening for Adverse Childhood Experiences"

(H.P. 874) (L.D. 1360)

Signed:

Senators:

BALDACCI of Penobscot
MOORE of Washington

Representatives:

MEYER of Eliot
CRAVEN of Lewiston
FREDERICKS of Sanford
GRAHAM of North Yarmouth
GRIFFIN of Levant
JAVNER of Chester
LEMELIN of Chelsea
SHAGOURY of Hallowell
ZAGER of Portland

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-462)** on same Bill.

Signed:

Senator:

INGWERSEN of York

Representative:

MADIGAN of Waterville

READ.

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

Majority Report of the Committee on **HEALTH COVERAGE, INSURANCE AND FINANCIAL SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-433)** on Bill "An Act to Provide Insurance Coverage for a Second Opinion If a Health Care Provider Recommends an Abortion for Health or Safety Reasons" (H.P. 630) (L.D. 995)

Signed:

Senators:

BAILEY of York
RENY of Lincoln

Representatives:

PERRY of Calais
ARFORD of Brunswick
CLUCHEY of Bowdoinham
MASTRACCIO of Sanford
MATHIESON of Kittery
PRINGLE of Windham

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "B" (H-434)** on same Bill.

Signed:

Senator:

BRAKEY of Androscoggin

Representatives:

CYRWAY of Albion
MORRIS of Turner
NUTTING of Oakland

READ.

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

Majority Report of the Committee on **INNOVATION, DEVELOPMENT, ECONOMIC ADVANCEMENT AND BUSINESS** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-470)** on Bill "An Act to Ensure That Businesses Do Not Refuse Payment in Person with Cash" (H.P. 398) (L.D. 621)

Signed:

Senator:

GUERIN of Penobscot

Representatives:

COLLAMORE of Pittsfield
LANIGAN of Sanford
LaROCHELLE of Augusta
NESS of Fryeburg
SAYRE of Kennebunk
SMITH of Palermo
WALKER of Naples

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

Signed:

Senators:

CURRY of Waldo
RAFFERTY of York

Representatives:

ROBERTS of South Berwick
CROCKETT of Portland
WHITE of Waterville

READ.

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

Representative COLLAMORE of Pittsfield **REQUESTED** a roll call on the motion to **ACCEPT** the Minority **Ought Not to Pass** Report.

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

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

Representative **COLLAMORE**: Thank you, Madam Speaker. Madam Speaker, this bill is pretty simple. What it requires is that stores that accept SNAP benefits and TANF cash benefits are also required to accept cash. So, let me tell you what that does. The gentleman in my town who walks every single day up and down the street to collect bottles and bring them to our local redemption center to get cash so that he can then go to the store and buy food, this is helping that person. The 50,000 homes in the State of Maine that are unbanked, who have no form of electronic payment, this is helping them. This is a bill to help our low-income and unbanked Mainers. Thank you, Madam Speaker.

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

Representative **ROBERTS**: Thank you, Madam Speaker. I rise in support of the pending motion. This amendment strikes and replaces the bill. It changes the scope, as the Good Representative from Pittsfield said, and requires that a business accept a method of payment in cash if they accept TANF or SNAP and they may not refuse payment in the form of cash for goods or services or require payment by only electronic method.

Besides the fact that this affects a group of stakeholders that were not aware of this new language so could not weigh in, the amendment itself is problematic, at least. While I appreciate the spirit of the amendment, keeping the unbanked and underbanked population in mind, it is simply not the solution. According to the FDIC in 2021, Maine's underbanked population was roughly 2% of our total population. A sweeping mandate on a section of businesses large and small that we do not have a count on seems drastic, without any reference or consideration to the FDIC study's findings or what contributes to the unbanked and suggested remedies.

Aside from an overall policy issue, there are multiple major flaws in the amendment. The defining clause for a business to have this mandate is a federal contract they enter into, not a State one, so, we have no scope of how many small to large businesses this will affect or how we are able to have a current list of applicable businesses. There is no limit to the amount of cash or currency denomination the businesses must accept. These businesses would now have to accept potentially thousands of dollars in cash, a retailer such as Walmart, or more, or an unlimited amount of coins, neither of which would they have the security or the capacity to accept, especially in a small business.

There is no exception to this law. For instance, when there may be a malfunction in their drawer or system or they may not be able to make change for the payment being rendered; in both cases, they would be in violation of the law that this amendment creates. Also, as written, there is no enforcement method outlined, agency or department that would enforce or penalty of the law if it was broken.

In short, with this amendment, we would be putting another law on the books that is incomplete at best. If the Legislature wishes to address the unbanked or underbanked, then we may want to look at legislation in other states that have enacted topics in this matter. As it is written, the amended bill, opposed by all associations that represent our businesses that is before us that is just another mandate, a regulation for businesses that I hear us speak so often in this Chamber that we are trying to protect. Thank you, Madam Speaker.

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

Representative **SAYRE**: Thank you, Madam Speaker. You may notice that I am listed on the Majority Report on this bill. However, I will be joining Chair Roberts on the motion that she has moved as she has abundantly articulated there are numerous issues with the implementation of this bill and so, much as I empathize with the needs of the unbanked in this State, making this mandate on businesses in the State of Maine at this time is unwise and I believe counterproductive. Thank you.

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

Representative **RUDNICKI**: Thank you, Madam Speaker. I'd like to pose a question.

The SPEAKER: The Member may proceed.

Representative **RUDNICKI**: Why did we bother for months to sit in Committee and work our butts off in some cases, some of us more than one Committee, only to have the Minority Report put forward because the Chair of the Committee is on the Minority Report? If we're going to respect the Committee work, let's respect the Committee work and do what we're supposed to do. Thank you.

The SPEAKER: The Member has posed a question to anyone who chooses to answer. Seeing none, a roll call has been ordered. The pending question before the House is Acceptance of the Minority Ought Not to Pass Report. All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 206

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

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

ABSENT - Adams, Boyle, Craven, Crockett, Eaton, O'Connell, Paulhus, Zeigler.

Yes, 76; No, 65; Absent, 8; Vacant, 1; Excused, 1.

76 having voted in the affirmative and 65 voted in the negative, 1 vacancy with 8 being absent and 1 excused, and accordingly the Minority **Ought Not to Pass** Report was **ACCEPTED** and sent for concurrence.

Majority Report of the Committee on **INNOVATION, DEVELOPMENT, ECONOMIC ADVANCEMENT AND BUSINESS** reporting **Ought Not to Pass** on RESOLUTION, Proposing an Amendment to the Constitution of Maine to Eliminate the Diversion of Revenue from Professional and Occupational Licensing Fees

(H.P. 1024) (L.D. 1579)

Signed:

Senators:

CURRY of Waldo
RAFFERTY of York

Representatives:

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

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-453)** on same RESOLUTION.

Signed:

Senator:

GUERIN of Penobscot

Representatives:

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

READ.

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

Representative COLLAMORE of Pittsfield **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 Pittsfield, Representative Collamore.

Representative **COLLAMORE**: Thank you, Madam Speaker. This is another simple bill to help ensure that the license fees that we pay to agencies stay within the agencies. We have license fees that we pay for electricians, for plumbers, for real estate agents and so on. And their licensing fees often like to get swept into other accounts instead of staying with the boards that they should stay with to fund their positions and their needs. So, I ask that you please defeat the current motion and allow us to ensure that these fees stay with the boards that they need to stay with. Thank you.

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

Representative **BRADSTREET**: Thank you, Madam Speaker, Ladies and Gentlemen of the House. I oppose the pending motion. I don't know how many people realize it, but millions of dollars can be swept away a year from funds that are intended for specific purposes, licensing fees, primarily, that are designed for that. When I was in business, if I took money and held it in trust for someone and I spent it on something other than what it was intended for, I think I'd be hauled before whoever. Anyway, and why should the State be any different? If we give our money for that, it should remain in that. If there's too much money in there, then the fees should be reduced appropriately. Thank you, Madam Speaker.

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

Representative **MORRIS**: Thank you, Madam Speaker, Ladies and Gentlemen of the House. I rise in opposition to the pending motion. This was my bill. The reason for it is I am a licensed Realtor, and I can tell you as a licensed Realtor, there is a requirement for real estate companies to have separate accounts for their escrow and their general operating fund. If those funds are ever co-mingled, the Department of Professional and Financial Regulation will come down hard on that business and it can include the loss of their license, which can impact the Realtors within that business's ability to operate. Why should the State be any different, to echo what the Good Representative from Vassalboro just said; if we're going to come down on the businesses for doing this, then we should also ask the State to be held to that same standard. If the money is sent as dedicated revenue to run those licensing boards, that's what it should be used for, not be swept into the general fund for other purposes. A similar constitutional amendment was passed not too long ago for the Maine Retirement System that says simply that that money cannot be used for anything other than State employees' retirement because of some issues when we took money out of it many years ago. So, that's why I brought this bill forward, to protect the money that licensees spend so we don't have to raise fees in the future and we can continue to

enforce those laws. So, I would ask that we vote against this pending motion and support the bill. Thank you.

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

Representative **ROBERTS**: Thank you, Madam Speaker. While I agree with some of the Members who have gotten up and spoken before me, I do have to disagree with the Good Representative from Pittsfield. This is not a simple bill. It proposes to amend the Constitution of Maine to provide that revenue derived from professional and occupational licensing fees must be expended solely for the cost of administering and enforcing the laws governing professional and occupational licensing and may not be derived for any other purpose. Picture that on a ballot, Madam Speaker.

It appears as though during the budgeting process over the years, it's become practice to sweep DPFR funds for other budgetary needs. The Department operates off other special revenue funds, meaning the funds are derived from licensing fees and they do not receive General Fund money. While I believe the Committee understood the frustration of the situation, these are decisions that happen in the budgeting process, when they do happen. This could potentially be addressed in legislation, flat out, or even a concern heard by legislators in the Budget Committee. But I fear that the wide breadth of Constitutional Amendments that we are seeing before us, I'm worried about being haphazard with changing our Constitution, something that many of us hold in such high regard, not to mention the fact that explaining this specific scenario would seemingly be impossible for voters to understand. To quote the DPFR Commissioner; while I cannot stress strongly enough how much the Department appreciates the intent, in the Department's opinion, this may not arise to the level of a Constitutional Amendment. So, the Department that this affects does not think this Resolution and the bill and I suggest we find another way to address these concerns.

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

Representative **SMITH**: Thank you, Madam Speaker. I do sit on this Committee as well and I must say that I do believe that the voters have the ability to understand even complex issues that would be posed to them on a ballot.

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. 207

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

NAY - Albert, Andrews, Arata, Ardell, Babin, Bagshaw, Blier, Boyer, Bradstreet, Campbell, Carlow, Carmichael, Collamore, Costain, Cray, Cyrway, Davis, Ducharme, Dunphy, Duffingham, Foster, Fredericks, Galletta, Gifford, Greenwood, Griffin, Guerrette, Haggan, Hall, Henderson, Hymes, Jackson, Javner, Lanigan, Lavigne, Lemelin, Libby, Lyman, Mason, Millett H, Morris, Ness, Newman, Nutting, Parry, Paul, Perkins, Poirier, Polewarczyk, Pomerleau, Quint, Rudnicki, Sampson,

Schmersal-Burgess, Smith, Soboleski, Strout, Swallow, Theriault, Thorne, Underwood, Walker, White J, Wood, Woodsome.

ABSENT - Adams, Boyle, Craven, Crockett, Eaton, O'Connell, Paulhus, Zeigler.

Yes, 76; No, 65; Absent, 8; Vacant, 1; Excused, 1.

76 having voted in the affirmative and 65 voted in the negative, 1 vacancy with 8 being absent and 1 excused, and accordingly the Majority **Ought Not to Pass** Report was **ACCEPTED** and sent for concurrence.

Majority Report of the Committee on **INNOVATION, DEVELOPMENT, ECONOMIC ADVANCEMENT AND BUSINESS** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-450)** on Bill "An Act to Encourage Participation in Maine's Essential Support Workforce Through Access to Higher Education" (EMERGENCY) (H.P. 1107) (L.D. 1718)

Signed:

Senators:

CURRY of Waldo
RAFFERTY of York

Representatives:

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

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

Signed:

Senator:

GUERIN of Penobscot

Representatives:

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

READ.

Representative ROBERTS of South Berwick moved that the House **ACCEPT** the Majority **Ought to Pass as Amended** Report.

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

Representative **LANIGAN**: Thank you, Madam Speaker. I just want to rise to correct the record. The Committee Report has me on the Ought Not to Pass side and I actually voted on the Ought to Pass side, so, I just wanted to correct the record for that. Thank you.

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

The Bill was **READ ONCE**. **Committee Amendment "A" (H-450)** 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-450)** and sent for concurrence.

Majority Report of the Committee on **JUDICIARY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-467)** on Bill "An Act to Protect Against Discrimination by Public Entities"

(H.P. 177) (L.D. 279)

Signed:

Senators:

CARNEY of Cumberland
BAILEY of York

Representatives:

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

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

Signed:

Senator:

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 Majority **Ought to Pass as Amended by Committee Amendment "A" (H-467)** Report.

READ.

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

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

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

The SPEAKER: 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. 208

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

NAY - Albert, Andrews, Arata, Ardell, Babin, Bagshaw, Blier, Boyer, Bradstreet, Campbell, Carlow, Carmichael, Collamore, Costain, Cray, Cyrway, Davis, Drinkwater, Ducharme, Dunphy, Faulkingham, Foster, Fredericks, Galletta, Gifford, Greenwood, Griffin, Guerrette, Haggan, Hall, Henderson, Hymes, Jackson, Javner, Lavigne, Lemelin, Libby, Lyman, Mason, Millett H, Morris, Ness, Newman, Nutting, Parry, Paul, Perkins, Poirier, Polewarczyk, Pomerleau, Quint, Rudnicki, Sampson, Schmersal-Burgess, Smith, Soboleski,

Strout, Swallow, Theriault, Thorne, Underwood, Walker, White J, Wood.

ABSENT - Adams, Boyle, Craven, Crockett, Eaton, O'Connell, Paulhus, Zeigler.

Yes, 77; No, 64; Absent, 8; Vacant, 1; Excused, 1.

77 having voted in the affirmative and 64 voted in the negative, 1 vacancy with 8 being absent and 1 excused, and accordingly the Majority **Ought to Pass as Amended** Report was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (H-467)** 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-467)** and sent for concurrence.

Majority Report of the Committee on **JUDICIARY** reporting **Ought Not to Pass** on Bill "An Act to Hold School Employees Civilly Liable for Failure to Notify Parents Regarding Medical Issues of Students Under 18 Years of Age"

(H.P. 906) (L.D. 1410)

Signed:

Senators:

CARNEY of Cumberland
BAILEY of York

Representatives:

MOONEN of Portland
KUHN of Falmouth
LEE of Auburn
MORIARTY of Cumberland
POIRIER of Skowhegan
RECKITT of South Portland
SHEEHAN of Biddeford

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-464)** on same Bill.

Signed:

Senator:

BRAKEY of Androscoggin

Representatives:

ANDREWS of Paris
HAGGAN of Hampden
HENDERSON of Rumford

Representative DANA of the Passamaquoddy Tribe - of the House - supports the Minority **Ought to Pass as Amended by Committee Amendment "A" (H-464)** Report.

READ.

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

Representative POIRIER of Skowhegan **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 Skowhegan, Representative Poirier.

Representative **POIRIER**: Thank you, Madam Speaker. Madam Speaker, this bill aims to prohibit schools from providing prescription and nonprescription drugs and medical devices without the consent of a parent. It also states that parents must consent when a school refers their children to medical or mental

health professionals. I want to emphasize that this bill does not apply to emergency situations. Parents are their children's first and strongest advocate. So, I have to ask; why do we feel the need to keep them in the dark? Thank you.

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

Representative **MOONEN**: Thank you, Madam Speaker. The original bill that's before us called for allowing parents to sue school employees for a range of reasons that were highly problematic. My colleague from Skowhegan was describing the amendment. But the amendment is still quite problematic. She mentioned prescription drugs but it also applies to nonprescription drugs and, most problematic, is referring a minor to a health care professional including a mental health professional. This would directly conflict with existing Maine Law that already allows minors to consent to mental health care on their own. That is a Law that has been in place for many, many years. It's a Law that maybe some of us took advantage when we were minors and we should not take it away from minors now. They have the ability to consent to mental health care, let's not interfere with that. Thank you, Madam Speaker.

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

Representative **POIRIER**: Thank you, Madam Speaker. I just want everybody to think of a scenario. A school counselor says a child needs to go to counseling because perhaps they've confided in the counselor that they're perhaps suicidal. Isn't it the right thing for the parent to know so that when that child comes home, they can watch over them and ensure their safety? That's what parents do and that's why we need this transparency with parents so they can adequately care for their children that they love so deeply. 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. 209

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

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

ABSENT - Adams, Boyle, Craven, Crockett, Eaton, O'Connell, Paulhus, Zeigler.

Yes, 77; No, 64; Absent, 8; Vacant, 1; Excused, 1.

77 having voted in the affirmative and 64 voted in the negative, 1 vacancy with 8 being absent and 1 excused, and accordingly the Majority **Ought Not to Pass** Report was **ACCEPTED** and sent for concurrence.

Majority Report of the Committee on **JUDICIARY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-468)** on Bill "An Act to Require Restitution for a Child Whose Parent Is Killed by a Drunk Driver"

(H.P. 967) (L.D. 1512)

Signed:

Senators:

CARNEY of Cumberland
BRAKEY of Androscoggin

Representatives:

MOONEN of Portland
HENDERSON of Rumford
KUHN of Falmouth
LEE of Auburn
MORIARTY of Cumberland
RECKITT of South Portland
SHEEHAN of Biddeford

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

Signed:

Senator:

BAILEY of York

Representatives:

ANDREWS of Paris
HAGGAN of Hampden
POIRIER of Skowhegan

Representative DANA of the Passamaquoddy Tribe - of the House - supports the Majority **Ought to Pass as Amended by Committee Amendment "A" (H-468)** Report.

READ.

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

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

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

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

Representative **POIRIER**: Thank you, Madam Speaker. This bill allows financial restitution to be ordered in a criminal case to a dependent whose parent is killed by a drunk driver based on the economic hardship on the dependent. Julia Finn, on behalf of the Judicial Branch, stated that restitution is paid to prosecuting attorneys through the Department of Corrections and that the Judicial Branch is not set up to disburse such restitution. It's important to note that such a judgment in a criminal case will not preclude civil action. In fact, testimony from the Criminal Law Advisory Committee points out that such judgments as these are better left in the hands of civil courts. Thank you.

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

Representative **MOONEN**: Thank you, Madam Speaker. Madam Speaker and Colleagues of the House, the amendment to the bill before you is pretty simple. It just says that in a

criminal case in which the defendant is convicted of an offense that resulted in the death of someone who is the parent of a minor and when restitution is not ordered; which the court already has the power to order restitution, Madam Speaker; but if they don't, the court must specifically address the economic hardship to the minor due to the loss of their parents and they must specify their reasons for not imposing restitution to help make sure that that minor is taken care of. It's a very simple amendment, the majority of the Committee found it very reasonable. I ask you to support it. Thank you, Madam Speaker.

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

Representative **CYRWAY**: Thank you, Madam Speaker. I support this bill. I think that it's very important. I had a situation one time, a lady that actually worked for DHHS, single parent, she got killed from a drunk driver and there was three children and I still remember it from this day and I do believe that there should be some restitution given to the child. 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. 210

YEA - Abdi, Albert, Andrews, Ankeles, Arford, Babin, Bell, Blier, Boyer, Bradstreet, Brennan, Bridgeo, Carlow, Cloutier, Cluchey, Collings, Copeland, Costain, Crafts, Cray, Cyrway, Davis, Dhalac, Dill, Dodge, Doudera, Drinkwater, Fay, Foster, Fredericks, Gattine, Geiger, Gere, Golek, Graham, Gramlich, Guerrette, Hall, Hasenfus, Henderson, Hepler, Hobbs, Jackson, Jauch, Kessler, Kuhn, Landry, Lanigan, LaRochelle, Lee, Lookner, Madigan, Malon, Mastraccio, Mathieson, Matlack, Meyer, Millett H, Millett R, Milliken, Montell, Moonen, Moriarty, Murphy, O'Neil, Osher, Perry A, Perry J, Pluecker, Pringle, Quint, Rana, Reckitt, Rielly, Riseman, Roberts, Roeder, Runte, Russell, Sachs, Salisbury, Sargent, Sayre, Shagoury, Shaw, Sheehan, Skold, Stover, Supica, Terry, Theriault, Warren, White B, Williams, Woodsome, Worth, Zager, Madam Speaker.

NAY - Arata, Ardell, Bagshaw, Campbell, Carmichael, Collamore, Ducharme, Dunphy, Faulkingham, Galletta, Gifford, Greenwood, Griffin, Haggan, Hymes, Javner, Lavigne, Lemelin, Libby, Lyman, Mason, Morris, Ness, Newman, Nutting, Parry, Paul, Perkins, Poirier, Polewarczyk, Pomerleau, Rudnicki, Sampson, Schmearsal-Burgess, Smith, Soboleski, Strout, Swallow, Thorne, Underwood, Walker, White J, Wood.

ABSENT - Adams, Boyle, Craven, Crockett, Eaton, O'Connell, Paulhus, Zeigler.

Yes, 98; No, 43; Absent, 8; Vacant, 1; Excused, 1.

98 having voted in the affirmative and 43 voted in the negative, 1 vacancy with 8 being absent and 1 excused, and accordingly the Majority **Ought to Pass as Amended** Report was **ACCEPTED**.

The Bill was **READ ONCE. Committee Amendment "A" (H-468)** 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-468)** and sent for concurrence.

Majority Report of the Committee on **STATE AND LOCAL GOVERNMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-443)** on Bill "An Act to Restore Legislative Oversight of Rulemaking"

(H.P. 234) (L.D. 383)

Signed:

Senators:

BALDACCI of Penobscot
LYFORD of Penobscot

Representatives:

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

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

Signed:

Senator:

NANGLE of Cumberland

Representatives:

STOVER of Boothbay
COPELAND of Saco
DHALAC of South Portland
RISEMAN of Harrison

READ.

Representative STOVER of Boothbay moved that the House **ACCEPT** the Minority **Ought Not to Pass** Report.

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

Representative **STOVER**: Madam Speaker, this bill requires that all rulemaking be major substantive and it would represent significant administrative cost to the State. That is why I urge to vote to the Ought Not to Pass Report.

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

Representative **GREENWOOD**: Thank you, Madam Speaker. I am opposed to the pending motion. We worked this bill, we had a bipartisan report, and for that reason, I request a Roll Call.

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

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

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

Representative **ANDREWS**: Thank you, Madam Speaker. This is yet another example of a Minority Report being moved tonight.

I believe in a separation of powers. I believe that the Executive, Judicial, and Legislative are all coequal branches working for the good of the people of Maine. These branches are accountable to the people. The people have a First Amendment right to a redress of grievances with these parts that make up our government and to vote every two years on every Legislative seat in the State. What I do not believe in is the fourth branch of government that no one ever talks about; the administrative State. The administrative State is made up of bureaucrats who never face election or reelection, working in government agencies and offices. Often, these jobs are filled by the same person for decades. This is dangerous because it takes away oversight and the peoples' voice. The administrative State is not accountable to the people. They are faceless, nameless and have the power to run your life or rein in your business through routine technical rulemaking while never being

elected to make laws. There's nothing routine or technical about this type of rulemaking. It takes the power and often ties the hands of Representatives and Senators who are elected by their communities to serve. It is extremely dangerous to let the State, capital S, make its own rules and call it routine. It is time that we as legislators took our power back and reaffirmed our commitment to the separation of powers of the three legitimate branches of government that face reelection every two years. It is beyond time that we reined in the administrative State and provided oversight of the rulemaking process in its entirety. Today, we have an opportunity and a simple yet impactful solution to this problem facing us. We can pass LD 383, which would make every rule under the Administrative Procedures Act major substantive, which would require legislative oversight. This is the way it should be. We owe it to our constituents and businesses to be their eyes and ears under the dome and LD 383 would help us do that. The bill has co-sponsors that are Republican, Democrat and unenrolled. It is a nonpartisan bill but it is a necessary bill for best practices in governance. I ask for your support in voting LD 383 Ought to Pass and voting down the pending motion. Thank you.

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

ROLL CALL NO. 211

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

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

ABSENT - Adams, Boyle, Craven, Crockett, Eaton, O'Connell, Paulhus, Zeigler.

Yes, 76; No, 65; Absent, 8; Vacant, 1; Excused, 1.

76 having voted in the affirmative and 65 voted in the negative, 1 vacancy with 8 being absent and 1 excused, and accordingly the Minority **Ought Not to Pass** Report was **ACCEPTED** and sent for concurrence.

Majority Report of the Committee on **STATE AND LOCAL GOVERNMENT** reporting **Ought Not to Pass** on Bill "An Act to Prohibit Municipal Flavored Tobacco Product Bans on State-licensed Tobacco Retailers"

(H.P. 431) (L.D. 662)

Signed:

Senators:

NANGLE of Cumberland
BALDACCI of Penobscot
LYFORD of Penobscot

Representatives:

STOVER of Boothbay
COPELAND of Saco
DHALAC of South Portland
PAULHUS of Bath
RISEMAN of Harrison

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

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

Representative **GREENWOOD**: Thank you, Madam Speaker. No matter what you read in the title of the bill, the one thing you should take away tonight is this is not a flavored tobacco bill. This is a bill about putting municipality against municipality and, for that reason, I request a Roll Call.

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

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

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

Representative **PERRY**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House, I am the sponsor of this bill. I had a rather lengthy comprehensive, let's say, speech I wanted to give you about the big picture of this. I'll get right to the point. It's been an effort to prohibit flavored tobaccos and menthol flavors Statewide. That same effort is going on federally. If the federal government was to impose this ban as far as a business owner in Maine or a State Representative, I would have very little concern with a federal ban, particularly if this does, to some extent, help keep people to not start smoking or eventually quit smoking. As a business owner in Bangor, Maine, if we do it Statewide, I would have no concern for myself, my employees or my customers, other than the people who maybe want to buy this stuff and can't get it, particularly if doing it Statewide could help some people avoid starting if these flavors of menthol help people get hooked. But as a State Representative, balancing what I'm told today is a \$24-million-a-year fiscal note to do it Statewide, in my view, largely giving that money to New Hampshire, to do it Statewide, I question is that worth it versus the other issues we face such as homelessness, drug addiction, affordable housing and so on. That's a question we'll have to answer later.

What I'm adamantly opposed to is any local ordinance banning flavored tobaccos. I've been in this business more than

30 years. I know my customers, I know what they do, I know their habits. This does absolutely nothing to address the problem of tobacco use. What I see is my poorest customers at the first of the month; a lot of my customers are on public assistance; spending a lot of money, 20-30 bucks to take an Uber to Brewer and do their shopping there. I see the guy in my neighborhood who used to come to my store every day, he works in Brewer, instead of stopping at my store when he gets home to Bangor, he stops after work in Brewer. All it does is change peoples' buying habits. No one's making two stops, one for their tobacco product here and the other one at my store. So, Veazie, Brewer, Hermon, Holden, Glenburn, Orono, they all border Bangor, they all have stores on the border, they all have lower mill rates, it's cheaper to do business in those towns. They are getting an enormous windfall from the customers of Bangor.

Now, Portland did this and then South Portland did it. The folks in South Portland tried doing a referendum to overturn it and these are just business people trying to do business and survive and pay their bills and what have you. They gathered the signatures, they gathered enough signatures to get this thing on the ballot to try and get it repealed and it turns out, not knowing the process like we do, a third of the signatures in South Portland were disqualified because they were Portland customers. You just cause people to shop in other towns. It does nothing to address the problem. The shame of it is, there's things that could be done locally that would possibly be successful in keeping tobacco out of the hands of minors and the view on this has been so myopic, it's this or nothing, and no real serious efforts, at least in Bangor or any other town that has done this that I've seen, have taken on this issue with something that might work locally.

I will just tell you what it's meant in my store. Before minimum wage went up in January, it was \$12 and something, my employees all made \$15 or more per hour. When minimum wage went up \$1 an hour, none of my employees got raises. I serve a food desert; my poorest customers who cannot get to the grocery store, who depend on me, are paying about a dollar more for every grocery item in my store to make up for the losses. And a lot of these poor people are already victims of Big Tobacco. So, this decision was made locally in Bangor where they allowed store owners; first, they tried to sneak it by us. They got caught. They had to do it all over. They allowed us two minutes to try and make our case. There was no interest in hearing what the store owners had to say. It was a done deal before it started. And it's just a shame; oh, that was the other thing I wanted to get at. I put a bill in for a Statewide ban. The one we have coming may get funded, it may not. The one I put in was paid for through revenue sharing. This has been driven by municipalities. If they're serious about this, why not take it Statewide where it might do some good. And if they're serious about it, why don't they have a little skin in the game? Pay for it through revenue sharing. There was no support in any municipality to pay for this through revenue sharing. They are perfectly content to have the private businesses, our employees and our poorest customers who can't get to the grocery store paying the entire tab for a policy that is totally ineffective on the local level. That's why I brought this bill forward and I would appreciate all the support I can find in this Chamber. Thank you.

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

Representative **STOVER**: Thank you, Madam Speaker. Madam Speaker, LD 662 is preemptive legislation that prohibits a municipality from adopting an ordinance that would ban flavored tobacco product sales by a licensed tobacco agent. This action would not stop or prevent tobacco use. It is not good

public health policy. It would allow a municipality to adopt rules to prohibit sales but, in all likelihood, would only force customers to drive to another town to purchase flavored tobacco products. Madam Speaker, the best public health approach would be a Statewide ban. LD 662 falls short of that. I urge Members to vote Ought Not to Pass on this bill.

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. 212

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

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

ABSENT - Adams, Boyle, Craven, Crockett, Eaton, Lavigne, O'Connell, Paulhus, Zeigler.

Yes, 69; No, 71; Absent, 9; Vacant, 1; Excused, 1.

69 having voted in the affirmative and 71 voted in the negative, 1 vacancy with 9 being absent and 1 excused, and accordingly the Majority **Ought Not to Pass** Report was **NOT ACCEPTED**.

Subsequently, on motion of Representative STOVER of Boothbay, the Minority **Ought to Pass** Report was **ACCEPTED**.

The Bill was **READ ONCE**.

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

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

Majority Report of the Committee on **STATE AND LOCAL GOVERNMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-448)** on Resolve, to Modify Security Screenings in the State House and Implement Security Screenings in the Burton M. Cross Building
(H.P. 695) (L.D. 1100)

Signed:

Senators:

NANGLE of Cumberland
BALDACCI of Penobscot

Representatives:

STOVER of Boothbay
ABDI of Lewiston
COPELAND of Saco
DHALAC of South Portland
PAULHUS of Bath

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

Signed:

Senator:

LYFORD of Penobscot

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.

Representative GREENWOOD of Wales **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 Wales, Representative Greenwood.

Representative **GREENWOOD**: Thank you, Madam Speaker. Madam Speaker, the bill before us proposes to and protect us in the Burton M. Cross Building by putting in screening and security, yet just moments ago, we voted not to protect our children by allowing armed guards in schools. Madam Speaker, I just can't support this motion. I'm just saddened that we're at a point where we feel we need armed guard protection, which we have and I'm thankful we do, but we can't extend that same courtesy to our children. Thank you.

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

Representative **UNDERWOOD**: Thank you, Madam Speaker. I had concerns regarding the citizens of this State being able to address their government and freely be able to move in and out of the Cross Building to address; that's where all the bureaucrats; the fourth part of government; unelected. And I think we should accept the Majority **Ought to Pass as Amended** Report. We should not arm and cut down on the street and cut down on the entrances to the bureaucratic State so that citizens of this State can address their government. Thank you, Madam Speaker.

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

Representative **STOVER**: Thank you, Madam Speaker. The security that we are assured in this building is an added safety for us every day when we come to work. In the building opposite of this one, the Cross Office Building, it isn't just a place where we have Committee rooms, it is also a place where State employees work. On the upper floors, there are lots of Departments and lots of employees, yet there is no security screening. A workplace should be secure from any risk. If there were friable wires hanging over someone's desk creating a fire hazard, someone would take care of it like that. But in this other building, in the Cross Office Building, we do have safety risks. As someone who worked in State government and worked in domestic violence, I used to work with Capitol Police in developing safety plans for employees who were at risk because of domestic violence and we had multiple incidents in that building where people were able to get access between the floors using the stairwell or the elevator and there was no way to secure that building in an event of a high-risk case. So, I think that it is incredibly important that we have an opportunity to pass this bill and add security screenings in the other building. It is a place where the public resides, it is also a place where employees must come to work every day. So, I ask that you join me in voting for the Ought to Pass as Amended Report.

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

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

The SPEAKER: The Member may proceed.

Representative **RUDNICKI**: Does anyone else find this as hypocritical as I do?

The SPEAKER: The Member has posed a question to anyone who can answer. The Chair recognizes the Representative from Paris, Representative Andrews.

Representative **ANDREWS**: Thank you, Madam Speaker. Anybody voting for this is basically saying that their safety is more important than our schoolchildren's. Your vote will reflect it.

The SPEAKER: 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 would like to inquire if the Member would still like to speak. The Chair recognizes the Representative from Paris, Representative Andrews.

Representative **ANDREWS**: Thank you, Madam Speaker. I didn't impugn anybody's character. I stated facts. A couple hours ago, we voted down school security bills and now we are voting for our own safety.

Representative **MALON**: Point of Order.

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

Representative **MALON**: Thank you, Madam Speaker. By suggesting that a vote for this bill means that we do not care about the safety of children, the Member is clearly questioning our motives. Thank you.

On **POINT OF ORDER**, Representative MALON of Biddeford objected to the comments of Representative ANDREWS of Paris because they was questioning the motives of other Members of the House.

The SPEAKER: The Chair will remind Members to limit their comments to the merits of the bill.

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 **ANDREWS**: Thank you, Madam Speaker. I think the record will reflect what we've voted on previously and what we're voting on now. Facts are stubborn things. Thank you.

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

Representative **UNDERWOOD**: Thank you, Madam Speaker. I got it right this time. There are risks all of us when we leave here at night and we go out on the street, we look both ways if we're going to walk across the street because if you don't, you might get hit. There are risks of all kinds and the jobs that I've worked all my life, there are risks of getting hurt. There are risks of this job of, yes, of terrorism, et cetera and so forth. But it's a worthwhile risk and if the law enforcement, Capitol Police, want to increase the security in the building, there's no harm in putting other officers in there, hiring more officers and/or cameras or dogs and; there are probably a lot of other avenues of approaches that are a major risk. But please don't impede the flow of the citizens to be able to go in and address their government and that is a good place to address your government. Thank you.

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

Representative **CARLOW**: Thank you, Madam Speaker. I wasn't planning on speaking tonight but in light of previous comments that have been made, I just simply want to say I voted in support of LD 52 and I'll be voting in support of this motion as well. Thank you, Madam Speaker.

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

Representative **FOSTER**: Thank you, Madam Speaker. I stand in opposition to the pending motion. This bill has a fiscal note, \$693,000 in one year, \$628,000 the second year. I will say that when I am in the Cross Building, I feel much safer knowing that even if a security person is not in the building, one is only 30 seconds, a minute, two minutes away. And I feel much safer than I do in many public buildings that I frequent in other parts of the State.

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

Representative **LANIGAN**: Thank you, Madam Speaker. I just wanted to pose a question through the Chair, if I may, to a Member that may be able to answer.

The SPEAKER: The Member may proceed.

Representative **LANIGAN**: Okay, thank you, sorry. Is the Cross Building a building that you're allowed to concealed carry in and that would just help me understand the security, reasons for not having screening there, so, thank you.

After Midnight

The SPEAKER: The Member has posed a question to anyone who can answer. The Chair recognizes the Representative from Carmel, Representative Thorne.

Representative **THORNE**: Thank you, Madam Speaker. And I was really hoping that there was going to be an answer to that question so we would all know. But, again, I'd like to pose a question to the Chair, if I may.

The SPEAKER: The Member may proceed.

Representative **THORNE**: To anyone that could answer; has there been any endangerment of anyone's life in the Cross Building that I'm not aware of since it's been established? Thank you.

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

Representative **ROBERTS**: Thank you, Madam Speaker. I'm tired, but to answer a couple questions, I believe the same stickers are on the door that are on the State House that have the circle with the line through it with the gun. For folks who were here in the 129th and I think maybe even some Committee members on the Ag Committee didn't realize, we had a very contentious bill regarding aquaculture and I was alerted by email the Representative that someone in the community who was very loud and boisterous was in their Committee and often concealed carried. So, I notified Capitol Police and they did, in fact, come in and he did, in fact, have a weapon on him despite the sign on the door. So, didn't work.

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. I just rise to say that because you voted for one bill doesn't mean that you have to vote for another or because you voted against another doesn't mean you have to vote for this one. Madam Speaker, I rise to say that when I'm in the Cross Building, I feel safe from the police officers, the Capitol Police officers that are there. But putting in and implementing machines and making people take their belts off and empty their pockets seems like an inconvenience, not a safety feature to me. I think we shouldn't stop the free flow of citizens to speak to their legislators and it's just an inconvenience, Madam Speaker. I would urge the Members to vote no against the pending motion.

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

Representative **COPELAND**: Thank you, Madam Speaker. I rise because I am on this Committee and we talked about a lot of things and one of the things we talked about was that there were --

The SPEAKER: The Member will defer. The Member may proceed.

Representative **COPELAND**: Thank you. My apologies. We talked about in Committee was there were four of us in that Committee, all women, who have received death threats. And we don't always feel safe in that room and some of the arguments that we heard were about not being able to get in and get out and redress the community. And redressing the community is very important and that's, you know, part of what we do. But we've heard from Chief Sauschuck that there is no real obstruction of anyone entering the building, it's simply a screening, kind of like what we do here. It would be one machine and then the other entrances would be locked but we

could use our pass cards to get through. That's all we're asking. Thank you.

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

Representative **CYRWAY**: Thank you, Madam Speaker, and Ladies and Gentlemen of the House. I've been here 10 years; well, nine years, I guess. I know the security guys, I know the Chief and I think; and I know the Commissioner pretty well. I think that they really do a great job. We all got constituents that come here to go to the Attorney General's office or the Department of Education or whatever in the Cross Center and it's really useful to the State. And to put a security type system in place when it's really used for the people, I think we have our Committees, when we have an issue, we let the security know and they're there. And for us to go through two times, we have to go; when we go to the Cross Center for our Committee meetings, we'd have to go through security, then we go back and go through security again and then back; I've seen like Judiciary, how many times did they have to go when they have to go upstairs just to vote and listen to their Committee. So, now we're going to have Finance and Insurance to go over there and go through a system and come back and go through the system and go back.

I'm just saying that sometimes we have overkill and this is what it would be. And I think that, you know, there's pharmacies, there's banks, there's all kinds of places where yeah, there are security issues and they don't have those things there, either. They don't have the security like we do right through the State House here. I do believe that we have a good system and I think that if we really needed to have double security there then I think that that should be discussed with the Chief and see what our needs really are before we go and make a legislative decision without that. So, I think, myself, I think that we are putting the cart before the horse and I think we're making more of a situation than what is really needed at this point. So, I think that if we can vote this down for now and then if we really do need it, we should talk to the Chief of Security here and see what really is the issues. If there really has been really serious issues that we do this because I'm sure the Attorney General, who is the top security for the State, would say we need that now, and it would be done. So, I think that that's where we really should be looking at and let them make those decisions, not us. Thank you, Madam Speaker.

The SPEAKER: The Chair recognizes the Representative from Harrison, Representative Riseman.

Representative **RISEMAN**: Thank you, Madam Speaker. I'm rising in support of the motion on the floor. I happen to be a Committee member of a Committee that meets in the Cross Building and I'm also a member of a Committee that meets in this building and I think it is more than fair to expect that the members of Committees in either building have an appropriate level of security for Committee members so they don't feel threatened. I happened to be involved in a vote where there was a public person there who was making; I won't call it direct threats but indirect threats towards some of the folks on the Committee. That is extremely unsettling and it should be worth any amount of money to make sure that our people who serve on these Committees have enough security so that they can do their jobs without fear of reparation from outside forces. Thank you.

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

Representative **GRAHAM**: Thank you, Madam Speaker. Madam Speaker and Good Colleagues of the House, I rise in support of the pending motion on LD 1100. On April 18th, as we

worked in this Chamber, a ripple went across the aisles. There's been a shooting in Bowdoinham, and another on Route 295 in Yarmouth. We were all stunned and such violence had occurred so close to our homes and families. In fact, my husband was on 295 right there. That was the day I testified in support of LD 1100, a bill co-sponsored by the Good Representative from Boothbay to improve the security of the Cross Office Building. This is the Peoples' House. It is imperative that we take all the necessary measures to ensure the safety and security of everyone who comes here, including our fellow elected officials, staff and members of the public who travel from across the State to make their voices here in the peoples' house.

Quote, I brought one bullet, I should've brought two. That was heard by the clerk and analyst after a heated public hearing in the State and Local Government Committee during the 126th Legislature in 2012. It was about road rights and I was the Chair of the Committee at the time. They; my clerk and analyst; were understandably terrified. I asked the presiding officer if we could move the subsequent work session to the State House, where individuals would be screened and a Capitol Police officer would attend. In hindsight, the situation could have been avoided if we had adequate security in the Cross Office Building.

I now serve on the Health and Human Services Committee, where we often hear emotionally charged testimony, particularly in this post-pandemic era. In my opinion, all the legislative Committees working in the Cross Building will or have already covered controversial and highly contentious material. State capitol buildings have been targeted in the past when difficult subjects are raised. We must take proactive measures to prevent such incidents from occurring here. It is time we move forward and implement stronger security screenings in the Cross Building so that our citizen Legislature and the staff who support them can continue to do the people's work. I want to assure you Chief Clancy is totally on board. I worked with him and he strongly supports increasing security in the Cross Office Building. It's interesting to note that this past May was one of the busiest that Chief Clancy has ever seen and the State House screening, total individuals screened 11,503 individuals, 156 items were seized. Of those were 84 knives, 28 scissors, and 13 multi-tools. The Department of Administrative and Financial Services also supports this measure and is currently working on a plan to address security in the Cross Office Building and, from what I understand, it's in the budget. I want to thank the Good Representative from Old Orchard Beach for working on this issue tirelessly in a previous Legislature and not being able to get it forward. Let's keep the momentum going and ensure that all the people who visit and work in our People's House are safe. I thank you, Madam Speaker. I, please, ask you all vote Ought to Pass.

The SPEAKER: The Chair recognizes the Representative from Orrington, Representative Campbell.

Representative **CAMPBELL**: Thank you, Madam Speaker, Men and Women of the House. I'll try and be brief. I'm on two Committees, both in the same room, ENR and Housing, over in the Cross. One thing that we may not all know about is security's headquarters is in that building. The office is there, all the officers come and go from there. Sometimes, members of my Committee are a little naughty. If you realize; there are two doors into at least that Committee and I think every Committee. One, you can go out but can't come in, the other is a two-way entrance. So, sometimes, those naughty members put a rock in the door so they can go out and then come back in. Security has come by several times and said you've got to remove the rock. They're constantly circulating through the building, I don't know about the upper levels but in the public spaces. So, they're

there and the final thing is where would you put a detector? You've got four or three entrances to this building on the grade level, you've got two on the main level, and the two are separated by the kiosk. So, where would you put only one detector? You'll have to have more than one detector to go into that building. But back to my first point. Security's office is in that building. They're in and out of it all the time. If you have a problem, as was mentioned earlier, talk to security, they will be there. All the time. Thank you, Madam Speaker.

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

ROLL CALL NO. 213

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

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

ABSENT - Adams, Boyle, Craven, Crockett, Eaton, Lavigne, O'Connell, Paulhus, Woodsome, Zeigler.

Yes, 83; No, 56; Absent, 10; Vacant, 1; Excused, 1.

83 having voted in the affirmative and 56 voted in the negative, 1 vacancy with 10 being absent and 1 excused, and accordingly the Majority **Ought to Pass as Amended Report was ACCEPTED.**

The Resolve was **READ ONCE. Committee Amendment "A" (H-448) 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-448)** and sent for concurrence.

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

On motion of Representative BRADSTREET of Vassalboro, the House adjourned at 12:26 a.m., until 2:00 p.m., Wednesday, June 14, 2023, in honor and lasting tribute to Katherine Webb Heiding of Winter Harbor and Richard V. Bibber of Kennebunk.